

Invitation to Comment on the Draft Environmental Assessment Report and Draft Potential Conditions

IAAC is seeking Indigenous Services Canada’s comments on whether IAAC has:

1. accurately and adequately characterized the potential environmental effects within federal jurisdiction (as relates to your department’s mandate) and identified key mitigation measures, monitoring, and follow-up programs; and
2. accurately and adequately summarized any comments and views from your department.

Comment ID	Document Reference	Comment (Question 1)	Comment (Question 2)
Comment identifier by organization and comment number	Section of the document (e.g. title, section, subheading, page number)	Comment on accuracy and adequacy of characterization of potential environmental effects within ISC’s mandate and identified key mitigation measures, monitoring, and follow-up programs	Comment on accuracy and adequacy of ISC comments
ISC-01	Draft Environmental Assessment Report 2.3.1 Waste Management and Containment Cell Page 3	<p>The EA Report references one of Pictou Landing First Nation’s proposed alternative to the containment cell as not being feasible as it didn’t meet minimum distance from waterbodies, groundwater, and residential and commercial buildings (pg 15). However, the containment cell will be located between two reserve parcels and the feasibility of the proposed placement of the containment cell adjacent to PLFN reserve parcels does not address whether this placement of the containment cell would impact future development on those reserve lands by the PLFN.</p> <p>Recommend including an assessment of impacts of the proposed placement of the containment cell to the two reserve parcels and any future use of those parcels by Pictou Landing First Nation.</p>	ISC has not submitted any previous technical review comments on this project.
ISC-02	Draft Environmental Assessment Report Effects to Physical Health Pages 49-52	During the technical review of the Environmental Impact Statement Pictou Landing First Nation expressed concerns with soil contamination (comment number 27, page 10), specifically site wide metal, VOC, and General Chemistry exceedances in soils. However, there is no reference in the EA Report to PLFN's concerns. The EA Report should discuss whether soil contamination may impede PLFN’s use and enjoyment of the lands and/or result in impacts	

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		<p>on the health, social, and economic conditions of PLFN.</p>	
ISC-FNIHB-03	<p>Draft Environmental Assessment Report Effects to Physical Health Pages 49-52</p>	<p>In addition to ISC-02, there is no mention of the impacts that soil contamination, ostensibly from the induced historical flooding of the lands with contaminated water, has had on the food insecurity issues noted in the 2019 Well-being baseline study. According to the baseline study and affirmed in the EA, the site study area was traditionally used by the Mi'kmaq of Nova Scotia for fishing, hunting, and gathering. However, currently, country foods are generally not consumed from the area as a result of perceived contamination (i.e., reports of lumps on snared rabbits in the early 1980s).</p> <p>To address the PLFN's concerns with existing soil contamination and food insecurity, the proponent should identify and delineate the extent of contamination and work with the PLFN community to determine soil remediation objectives and achieve said objectives during site remediation. Improved soil quality in the SSA could result in improved food security issues for community members. Potential conditions could also include a follow-up and monitoring program on the potential changes to food insecurity issues noted in the well-being baseline study.</p>	
ISC-04	<p>Draft Environmental Assessment Report 5.3.2 IAAC Analysis and Conclusion, Analysis of the Effects, Physical Health Page 55</p>	<p>IAAC states that groundwater is not currently consumed from the SSA, and potable wells are unlikely to be installed at the SSA in the future. However, PLFN's indicated in their comments on preliminary draft sections of the report that they may have a desire to expand drinking water sources into this area. This comment was incorporated on page 52, but is not reflected in the analysis section on page 55. PFLN's comment should be addressed.</p>	
ISC-05	<p>Draft Environmental Assessment Report 2.3.3 Infrastructure Decommissioning -Causeway</p>	<p>Potential Disruptions to Drinking Water services and future potable wells:</p> <p>The report notes a temporary water main would be constructed adjacent to the new bridge location to ensure PLFN does not lose access to their water supply during remediation activities. The report also notes a potential requirement to implement a</p>	

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	<p>at Highway 348 page 9</p> <p>5.3.1 Groundwater page. 52</p>	<p>potable water exclusion zone, which would restrict future installation of potable wells and could have implications to PLFN should they have a desire to expand.</p> <p>The Atlantic First Nation Water Authority is responsible for the operation, maintenance and capital upgrades of PLFN’s water and wastewater assets and should be consulted.</p> <p>Recommend referencing and including the Atlantic First Nation Water Authority in discussions related to PLFN’s drinking water system.</p>	
ISC-FNIHB-06	<p>Draft Environmental Assessment Report 5.3.2 IAA Analysis and Conclusion, Key Mitigation Measures, pages 57 - 59</p>	<p>Detrimental effects to Mental Health and Well-being of PLFN have been attributed to the presence of the hazardous waste containment cell on the Boat Harbour Landfill site. However, key mitigation measures focus on the impacts to physical health by proposing measures to reduce the exposure to contaminants and nuisances (i.e., noise and odours).</p> <p>The EA Report should include a discussion on how the short and long-term adverse impacts to mental health and well-being will be addressed, considering the primary cause, as stated by the PLFN, is the proposed project location and the everlasting presence of the containment cell.</p>	
ISC-07	<p>Draft Environmental Assessment Report Changes to Quality and Availability of Resources Page 70</p>	<p>The Proponent indicated that prior to the commencement of dredging activities, fish in Boat Harbour would be euthanized. PLFN expressed concern about the psychological trauma euthanizing fish may cause the community. The Proponent indicates that although they will do their best to remove contaminated fish from Boat Harbour and surrounding wetlands, some fish exposed to contamination may remain in nearby watercourses.</p> <p>Greater clarity in the EA Report around the euthanization and removal of contaminated fish is recommended. ISC suggests adding information describing the presence of contaminated fish and the cause of the contamination (i.e., existing conditions, planned remediation activities, or both), measures preventing future access to contaminated fish, as well as information on the science and health related justifications underpinning the necessity of</p>	

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		<p>contaminated fish removal. There is also no indication that ongoing engagement will take place between the proponent and community members throughout the process of fish removal.</p> <p>The Draft EA Report also notes that habitat loss and fragmentation would potentially occur due to the construction or upgrade of the access roads, which would result in the permanent loss of portions of the wetlands.</p> <p>The Draft EA Report does not fully address the potential for psychological trauma in the community as a result of euthanizing fish and permanent loss of a portion of wetlands. Given the unique relationship Mi'kmaw people have to fish and wildlife in their territories, the EA Report should present proposed mitigation measures associated with reducing psychological harm, or indicate if none are proposed.</p>	
ISC-08	<p>Draft Environmental Assessment Report 5.1.1 Proponents Assessment and Views Expressed – pg. 36 and 31</p>	<p>The Proponent notes that approval from PLFN and Indigenous Services Canada is required before any disturbance to reserve land.</p> <p>ISC recommends the proponent work with PLFN and Canada to ensure Access Permits are in place for any areas of reserve lands where remediation works will take place.</p>	
ISC-09	<p>Draft Environmental Assessment Report 2.3.3 Infrastructure Decommissioning -Causeway at Highway 348 page 9 5.3.1 Groundwater page. 52</p>	<p>Potential Disruptions to Drinking Water services and future potable wells:</p> <p>The report notes a temporary water main would be constructed adjacent to the new bridge location to ensure that PLFN does not lose access to their water supply during remediation activities. The report also notes a potential requirement to implement a potable water exclusion zone which would restrict future installation of potable wells and could have implications to PLFN should they have a desire to expand.</p>	

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		<p>The Atlantic First Nation Water Authority is responsible for the operation, maintenance and capital upgrades of PLFN’s water and wastewater assets and should be consulted.</p> <p>Recommend referencing and including the Atlantic First Nation Water Authority in discussions related to PLFN’s drinking water system.</p>	
ISC-10	Potential conditions under the Canadian Environmental Assessment Act, 2012 2.9.1 page 7	Recommend indicating that adjustments may be required to the follow-up program as new information becomes available.	
ISC-FNIHB-11	General comment related to Key Mitigation Measures and Follow-up and Monitoring sections within the Draft EA and supplemental Potential Conditions document	<p>Reviewing the proposed Key Mitigation Measures and Follow-up and Monitoring sections within the Draft EA and supplemental Potential Conditions document associated with the proposed project, it is noted that many conditions include consulting with the Mi’kmaq of Nova Scotia (via PLFN) on a variety of issues prior to site preparation. Indigenous Services Canada notes that it may be very challenging to satisfy the consultation conditions knowing PLFN’s strong opposition to fundamental aspects of the proposed project (i.e., chosen project location, project proceeding without obtaining the community’s free, prior, and informed consent, continued infringement on Aboriginal and treaty rights, continued deterioration of community’s health and well-being, etc.).</p> <p>Recommend the EA report add a section to acknowledge the critical importance of working with the PLFN in this context and to obtain consent from the community. It is also recommended that a section be included on potential approaches the Proponent might take.</p>	