

10 STEP GUIDE

To writing a fact-based response to Northern Pulp's Focus Report for a proposed Replacement Effluent Treatment Facility.



FRIENDSOFTHENORTHUMBERLANDSTRAIT.CA

WITH ASSISTANCE FROM **ecojustice**

PART 1

HOW THIS STEP OF THE EA PROCESS WORKS



30 DAYS

The public has 30 days, until **Friday
November 8, 2019, 11:59pm** to submit
comments on Northern Pulp's Focus Report.



TOR

Terms of Reference

Northern Pulp's Focus Report is supposed to answer the questions set out in the Terms of Reference (TOR) by the Minister of Environment.

We suggest you download the TOR, read them and keep them available. When you decide which topics to write about, look at which terms of reference apply to those topics.



Or, pick one of the terms of reference, and see if the Focus Report provides the required information.





Can I only write about the TOR?

No, you can write about any issue. The TOR includes two broad requirements that Northern Pulp must answer:

- *Within the Focus Report, all impact assessment, mitigation and impact conclusions outlined in the Environmental Assessment Registration Document must be updated based upon the information requirements outlined below.*
- *Provide a response (via a concordance table) to questions and comments raised by the public, Mi'kmaq and government departments, and incorporate these comments in the Focus Report where applicable.*

So, you are not restricted to the specific points in the TOR.

You may want to go back to your original submission, and see if Northern Pulp has provided science and fact-based answers to the issues you raised.



What about the submission I made last March? Do I have to write it all again?

If you made a submission before, you do not have to rewrite it.

- You can refer back to your old submission. Have the issues you raised before been answered in a satisfactory way?
- You might want to include sections from your old submission in what you write this time.
- You can also write about different issues this time.

e.g. *As I said in my earlier submission, I fish lobster in the area of the diffuser, but Northern Pulp's chart on page 170 of the Focus report shows no lobster traps in the area. That gives an incorrect picture of lobster fishing in the area of the diffuser.*





What about the information in Northern Pulp's EA registration documents, submitted on January 29, 2019?

This information is still part of Northern Pulp's project proposal, unless there is new information in the Focus Report documents that supercedes it. You can refer to what is written in both the old and new documents.

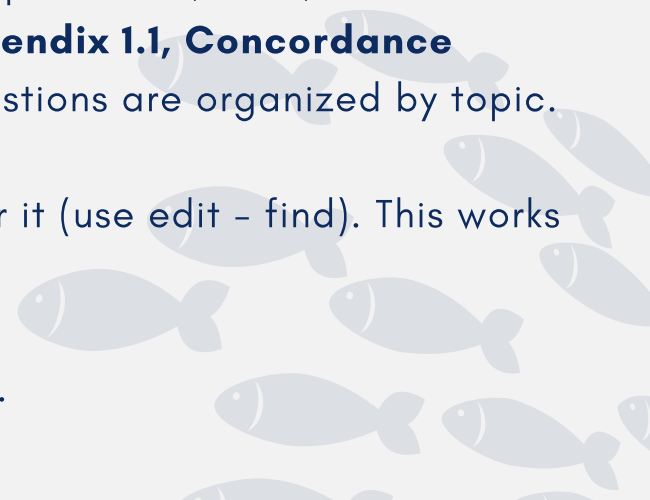




Where can I find it? Useful tips.

You may have to look in several places to find the information you want.

- Start with the Focus Report. Look for the subject you want in the Table of Contents, starting on p 8 of the file.
- Read parts of the appendix that relate to your subject. The easiest way to find an appendix is on the **Nova Scotia Environment website**. You can download each appendix separately.
- Go back to the original EA Registration Documents, to see what was said then. The Registration Documents are on the **Nova Scotia Environment website**.
- You may find information you need in **Appendix 0, Impacts and Mitigation**.
- You will find a list of questions asked by government departments, PFLN, and the public, including organizations and individuals, in **Appendix 1.1, Concordance Table**. Questions from the public start on page 41. Questions are organized by topic.
- You can find a word in a big document by searching for it (use edit – find). This works on most documents, but not all.
- Remember, you don't have to read the whole document.



THE ACT

The Minister must make his decision on factors set out in the **Environment Act**. Make sure to tie your comments back to one or more of these points.

The Minister must decide if the project:

- will cause **adverse** (negative) effects or **significant** environmental effects
- if so, can those effects be **mitigated** (eliminated, reduced or controlled.).

DEFINITIONS:

Adverse effect

- an effect that impairs or damages the environment or changes the environment in a manner that negatively affects ... human health

Environmental effect

- any effect on socio-economic conditions
- environmental health
- other effects including on physical and cultural heritage

A significant effect considers:

- magnitude
- geographic extent
- duration
- frequency
- degree of reversibility
- possibility of effect occurring

Mitigate means to eliminate, reduce, or control the adverse effects or the significant environmental effects of an undertaking. Mitigation can include restitution through replacement, restoration, compensation or any other means.

[Click here for the complete wording and definitions from NS Environment Act.](#)

What issues must the Minister consider?

- the location of the proposed undertaking and the nature and sensitivity of the surrounding area
- concerns expressed by the public and aboriginal people about the adverse effects or the environmental effects of the proposed undertaking
- steps taken by the proponent to address environmental concerns expressed by the public and aboriginal people
- whether environmental baseline information submitted is sufficient for predicting adverse effects or environmental effects related to the undertaking
- potential and known adverse effects or environmental effects of the proposed undertaking, including identifying any effects on species at risk, species of conservation concern and their habitats
- planned or existing land use in the area of the undertaking
- other undertakings in the area
- whether compliance with licences, certificates, permits, approvals or other documents of authorization required by law will mitigate the environmental effects
- Other: See the full text of Section 12 of the Environmental Assessment Regulations **here**.

Think about these points when you write your submission.

COURT HEARING

It is important to get all facts and arguments submitted in this 30-day period. Any information submitted in this 30-day public comment period, and the earlier one, can be used as evidence if any party decides to challenge the Minister's decision in court.

New information cannot be raised in a judicial review.

The court will only look at information put forward during the Environmental Assessment process. That's why it is important to submit all the facts, arguments, and supporting documents now.

PART 2

WHAT TO INCLUDE IN YOUR SUBMISSION



DON'T BE INTIMIDATED!

Everyone has something
of value to add.



Local Knowledge is important!

You know details about the land and the sea that experts and consultants often don't know.

You may have fished this area for 20 years, have had a cottage on Caribou Island, walked the beaches around Munroe's Island, have sailed the waters of the Northumberland Strait and in the area of the proposed outfall. All of these experiences, have made you an expert on this area.

STEP 1

State that you are writing in relation to the **Focus Report on Northern Pulp's Proposed Replacement Effluent Treatment Facility Project.**



STEP 2

Provide information about yourself.

You may want to include how Northern Pulp's proposal affects you.

Name & address

Background relating to this submission - formal or informal.

Local knowledge is considered. Local knowledge comes from your experience and knowledge of the area.

Formal credentials: Education, trades tickets, employment experience or experience in groups or committees dealing with related subjects.

STEP 3

Decide what issues you will cover in your submission.

- Don't try to cover everything.
- Pick a few subjects that you know and care about. Focus your submission on providing fact-based information on these points.
- State what you are going to focus on towards the beginning.

eg: *"I would like to address these three points..."*

TIP: Don't try to address everything. Other people will write about other issues. We have experts working on this too. Your comments will support or supplement what others will submit.



STEP 4

Address Northern Pulp's EA and Focus Report documents, or the Terms of Reference, directly for each of your points.

eg: *"In paragraph 9.1 at page 489, NP states..."*

eg: *"The Terms of Reference say that Northern Pulp should _____ ..."*

STEP 5A

Explain any errors or problems in the information presented by Northern Pulp.

eg: *"this is inaccurate because..."*

Is Northern Pulp's information:

- accurate?
- missing important facts?
- based on reliable information? **eg:** Are the studies recent? Is the data they refer to available in the Focus Report or the EA documents?

STEP 5B

Northern Pulp concludes that there will be no significant residual harm that is not reversible or cannot be mitigated.

Does Northern Pulp's submission:

- underestimate risks?
- draw conclusions without facts to support them?
- make comparisons which are not valid, leading to invalid conclusions?

STEP 6

Prove your Point.

Provide information that points to a different conclusion or demonstrates greater risk.

eg 1: *"According to a study by...."*

eg 2: *"Based on my observations fishing in the area of the outfall ..."*

If your information comes from a published scientific study or report, include the full name and author of the report in a footnote or in the text of your submission.

If the information comes from your own experience, say so. Describe what you have seen and observed.

Last opportunity for public comment

This is probably the last time the public will be able to comment on this project.

It is very important to include any evidence that the project is likely to cause:

- adverse effects that cannot be mitigated, or
- environmental effects that cannot be mitigated

If you believe important information is missing:

1. point out what is missing.
2. explain why it is important.
3. explain why this information is needed to evaluate the risks and potential adverse and environmental effects of the project.

STEP 7

Draw your conclusions – a brief summary of your arguments.

eg: *“Based on the information provided above, I believe it is likely that the impact on lobster be will significant and long lasting ...”*

Remember to **relate your conclusions to the points on which the Minister will make his decision** (click **here** for more info).

Will there be adverse or significant effects? Can they be mitigated enough? Is there enough information provided to know? Has Northern Pulp met the requirements of the Terms of Reference?

STEP 8

What action do you want the Minister to take?

The three most likely options for the Minister to take, as outlined in the Terms of Reference, are:

- Approve with conditions
- Order a full Environmental Assessment Report
- Reject

Let the Minister know what decision you think he should make.

Although the Minister has the legal option to order a full Environmental Assessment Report, the most likely options are that he will accept the project with conditions, or reject the project.

STEP 8

continued

Be clear what you want the minister to do, and why.

If you think Northern Pulp has not provided enough information to prove that the project will not harm the environment, including fish and fish habitat, or have adverse effects on human health,

Or, if you think there is enough evidence to show a likelihood that the project will cause adverse effects or environmental effects that cannot be mitigated.

You can:

- Ask the Minister to reject the proposed project.
- Ask the Minister to order a full environmental Assessment report, if he is not prepared to reject the project.

Although the Minister has the legal option to order a full Environmental Assessment Report at this stage, this seldom happens.

What else can you can say in your conclusion?

- You can ask the Minister to reject the proposal because:
 - the information provided does prove there will be no adverse effects or environmental effects that cannot be mitigated.
 - there is a likelihood it will cause adverse effects or environmental effects that cannot be mitigated.
- You can comment on whether there been fair consultation. Has the public consultation process has been fair and unbiased?
- You can ask the Minister to step aside because of conflict of interest and hand over the environmental assessment to the federal Impact Assessment Agency (the new name for CEAA.)

STEP 9

Send your
submission on or
before:

**Friday November 8,
2019, 11:59pm**

Email to ea@novascotia.ca

Fax to 902 424 6925

**Mail to Environmental Assessment Branch,
Nova Scotia Environment**

PO Box 442, Halifax, Nova Scotia B3J2P8

**Brief comments can be submitted
via online consultation form at**

<https://www.novascotia.ca/nse/ea/comments.asp>

**Northern Pulp's complete project
documents are available at**

https://www.novascotia.ca/nse/ea/Replacement_Effluent_Treatment_Facility_Project/

STEP 10

Optional: If you would like Friends of the Northumberland Strait to post your submission on our website so that others can read it, email to **info@friendsofthenorthumberlandstrait.ca**

You can find some responses to Northern Pulp's original EA documents **here**, including the submissions from Ecojustice (FONS' lawyers), the Fishermen's Working Group, and the Town of Pictou.



TIP 1

When possible, use documents submitted by Northern Pulp or their consultants to prove your point.

- **Quote directly from the documents, then make your point in your own words.**
- **If Northern Pulp's documents say one thing in one place, and something different in another place, point that out, including the page numbers.**

TIP 2

Keep your submission factual, based on first-hand knowledge or credible scientific sources, rather than opinions.

- **Document your local knowledge. What have you observed? When? How often? Be factual. Be accurate.**
- **If you have an opinion, keep it brief and use it to introduce or end your comments, but make sure you provide a solid factual basis for the opinion.**



TIP 3

If you are referring to scientific studies, papers, reports or government documents, include the title, author, date of publication and where it was published.

If it is not easily available, you can attach it to your submission.



TIP 4

If there is a document or long quote that provides information you think is important, you can include it as a footnote or an appendix at the end of your submission for the Minister to refer to for additional information.

It could be useful in case the decision is challenged in court.

TIP 5

Photos are a great way to make a point.

- **Write a caption to explain what the photo shows.**
People who do not know the area or much about the ocean might not understand what the picture shows, even if it is obvious to you.
- **Be choosy: A few good photos with brief explanations are more effective than many.**
- **Include the date and location, and the name of the person who took the photo if you know it.**



TIP 6

If you refer to papers or reports, make sure they are not out of date.

For example, pulp and paper effluent has been regulated in Canada since 1992 so documents about effluent quality from before that date will not necessarily prove your point.



TIP 7

Last opportunity for public comment.

This is probably the last time the public will be able to comment on this project. It is very important to include any evidence that the project is likely to cause:

- **adverse effects that cannot be mitigated, or**
- **environmental effects that cannot be mitigated**

Important Links

- How does the Minister decide?
- What information must the Minister consider?
- All documents relating to this project including:
 - Northern Pulp's Focus Report, October, 2019
 - Northern Pulp's Environmental Assessment document, Jan 2019
 - Public submissions to the EA, March 2019
 - Minister of Environment's decision, April 2019
 - NS Environment's Terms of Reference for Northern Pulp's Focus Report, April 2019

THANK YOU!

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