

A'Se'K' News

A Boat Harbour Update from Chief and Council

Issue No. 3

February, 2009

Chief and Council Message:

The Province of Nova Scotia has recently agreed to relocate the Boat Harbour effluent treatment facility, clean up the site and return Boat Harbour to a tidal estuary. Please read the December 4, 2008 letter from the Province attached. Previous plans only called for returning Boat Harbour to tidal but leaving the treatment facility to operate where it was.

The move came after two recent meetings with three Cabinet Ministers. The first took place at Boat Harbour at which Chief Ann Francis-Muise told the Ministers that our community wanted the entire treatment facility removed. She explained the negative impacts on the community over the years and pointed out

No agreement with the mill owner

When the treatment facility will actually close has yet to be worked out. A recent Cabinet shuffle and a conflict of interest on the part of one of the proposed Provincial negotiators has delayed the start of negotiations.

On December 31, 2008 the 2001 MOU with the mill owner terminated after a three year extension expired. Before it expired on December 31, 2008, the mill owner asked us to extend the MOU again but we refused.

Instead we proposed not to interfere with the treatment facility for 30 days while we negotiated a time frame for its closure with the Province. The terms we proposed were stricter than the mill

how close the facility was to our homes. The next meeting took place in Halifax at which the Ministers promised to remove the treatment facility and agreed to set up a committee to negotiate with us on a time frame for closure and cleanup. They also agreed that one of the Ministers would meet regularly with our Chief to oversee the process and keep it on track.

We will seek a short time line for the relocation and strict terms for continued operation of the facility in the meantime. Past plans have come and gone. This time we will negotiate steep penalties for failure to meet deadlines which we could then enforce in court if needed. We will keep you up to date on the Province's position and we welcome your input.

owner was used to and no agreement was reached. Since December 31, 2008 we have not consented to the discharge of effluent into Boat Harbour with the support of the community and the Assembly of Nova Scotia Mi'kmaq Chiefs.

However, the mill owner continues to discharge effluent into Boat Harbour with permission from the Province as given in a letter of March 18, 2008. The Province can revoke its permission on 30 days notice if it chooses.

Chief and Council have notified the Province that any discharge of effluent into Boat Harbour without the consent of the Pictou Landing First Nation

constitutes a violation of our collective constitutional rights. We have asked the Province to take whatever steps needed to meet its commitment to us. To date, the Province has not revoked the discharge permit.

Chief and Council will fight to protect our collective right to be free from the Boat Harbour treatment facility. The legal issues are complex. The negotiation process will not be smooth and will take time. However, our position is strong and we have the support of the Assembly of Nova Scotia Mi'kmaq Chiefs. We will keep you informed of our progress in a timely manner in further issues of A'Se'K' News or by other means.

Health and Environmental Monitoring – Independent Review

Independent consultants hired. On February 5, 2009, JEHMC awarded a contract to Dillon Consultants of Halifax to make recommendations for future monitoring of the health and environmental impacts of Boat Harbour. The tender process had been ongoing since last Spring. We will work to ensure any useful recommendations from the consultants are put in place by the

Federal Government following this review process. It is important that the consultants hear directly from you – your concerns, your health, your day to day lives – in order to determine how pollution from the effluent treatment facility may have affected our community. Chief and Council along with community health representatives will meet with the consultants soon to

plan a community consultation process to gather this information from you. We want to be sure that the consultation process is open, respectful and confidential. We want to ensure that the consultants have the information they need about our community to deliver recommendations which respond directly to **your** concerns. It is very important for members to participate.





Transportation and Infrastructure Renewal
Office of the Minister

PO Box 186, Halifax, Nova Scotia, Canada B3J 2N2

December 4, 2008

Chief Anne Francis-Muise
Pictou Landing Band Council
RR #2, Site 6 Box 55
TRENTON, NS B0K 1X0

Dear Chief Anne Francis-Muise:

Re: Boat Harbour Effluent Treatment Facility

Thank you for coming to Halifax on December 2, 2008, to meet Ministers Morse, Baker and myself, with members of our staff, to discuss returning Boat Harbour to a tidal state and closing the Boat Harbour Treatment Facility.

We welcomed the opportunity to confirm, in a face to face meeting, among the leaders of both governments the Province's intention to end negative impacts on your community caused by the Boat Harbour Effluent Treatment Facility.

As Minister Baker so graphically stated: "To say that the Band has been long suffering would be a masterful understatement of the obvious." It is our unwavering intention to end that suffering as quickly as possible. It should have been done long ago.

Our first step will be to find another discharge location for mill effluent that does not involve Boat Harbour. We will then clean the harbour and return it to a tidal state.

Achieving our mutual goal of relocating the Boat Harbour Effluent Treatment Facility will take time to complete as there is a massive amount of work involved. The band has been incredibly patient with time expended on attempts so far.

In grateful response to the band's cooperative spirit we wish to make a contribution to the community recognizing the negative impact of delay in closing the facility from the intended completion date of December 31, 2008, to the final completion of this major task.

We have agreed that a committee consisting of the Chief of the Band and a Minister of the Province shall be created, with a first meeting in early January and to oversee the work necessary to achieve our mutual objective. You have expressed a willingness to consider what form this contribution might take before our first meeting.


Chief Anne Francis-Muise
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Prior to that meeting, our respective staff will work together to draft a Memorandum of Understanding (MOU) to lay out the objectives and terms of this plan. I propose that we also address the issue of timing in the MOU.

Let me make our government's position perfectly clear. We believe your community has suffered from the negative effects of the Boat Harbour Treatment Facility for far too long. We are fully committed to ending that suffering as quickly as it is practical to do so.

Your patience and cooperation in achieving this common goal are truly appreciated.

Sincerely,



Murray K. Scott
Minister

cc: Honourable David Morse, Minister of Natural Resources
Honourable Michael Baker, Minister of Aboriginal Affairs
Twila Gaudet, Consultation Liason Officer
Kwilmu'kw Maw'klusaqun, Mi'kmaq Rights Initiative
Northern Pulp Nova Scotia Corporation
Department of Indian and Northern Affairs, Canada