

Nova Scotia

# Appeal Court sides with Pictou Landing First Nation in Boat Harbour dispute



Province must consult with First Nation before treatment plant funding provided

[Blair Rhodes](#) · CBC News · Posted: Sep 17, 2019 5:56 PM AT | Last Updated: September 17



The Northern Pulp Nova Scotia Corporation mill is seen in Abercrombie, N.S., on Wednesday, Oct. 11, 2017. (The Canadian Press)

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The Pictou Landing First Nation has won another legal battle with the Nova Scotia government over consultations for the Northern Pulp Mill.

In a decision released Tuesday, the Nova Scotia Court of Appeal refused to overturn [a lower court ruling that the province must consult the First Nation before providing funds to the pulp mill to construct a new treatment facility](#).

This ruling deals with air pollution from the Abercombie mill. Much of the attention in this ongoing legal battle has focused on how the mill treats its effluent, which has been deposited in lagoons for generations.

[The province has ordered the facility closed by January of next year.](#)

[Northern Pulp is proposing an alternate treatment facility that would pump treated effluent through a pipe into the Northumberland Strait.](#) The province had proposed spending up to \$8 million to help fund the design of the new treatment facility.

## Treatment plant opposition

The Pictou Landing First Nation, fishermen and other neighbours of the pulp mill are opposed to this alternate treatment plan, which is still awaiting environmental approval. The mill had requested an extension to the use of Boat Harbour, but the province has refused.

A lawyer for the First Nation said even if the alternate treatment facility is approved, it won't address air pollution produced by the mill. Brian Hebert said the Court of Appeal decision means the province must expand consultations to include air pollution.

A spokesperson for Premier Stephen McNeil, David Jackson, said the province is still studying the court decision. The government has the option of taking this case to the Supreme Court of Canada.

Nova Scotia New Democrat MLA Susan Leblanc said the Court of Appeal ruling shows the government is failing to honour its commitment to consult Mi'kmaw communities. Instead, Leblanc said the government has repeatedly chosen to take these communities to court.

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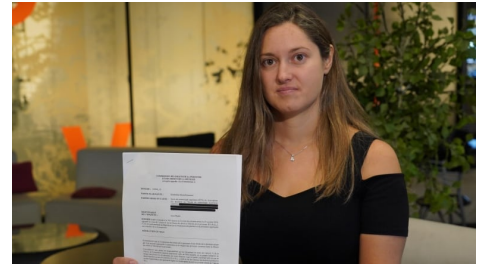
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