

MONTHLY ENGAGEMENT NEWSLETTER: TOBIQUE FIRST NATION



COMMUNITY EVENTS

1. There will be a community meeting on January 16th from 5 pm to 7 pm at the Paul Pyres Community Building (Energy East Project).

The session will include members of MSES who have been hired to help the 6 Wolastoyik communities work on technical reviews of the Energy East Pipeline application.

MSES will be presenting on:

- The Maliseet Nation Traditional Land and Resource Use Impact Assessment
- The Regional Landscape Analysis for the Maliseet, and
- The Technical Review of the Energy East Pipeline Environmental and Socioeconomic Assessment.

2. There will be a community meeting on January 18th from 5 pm to 7 pm at the Paul Pyres Community Building (Sisson Project).

The presenter will be Dominique Nouvet (legal for the Maliseet) who will discuss the Sisson accommodation package. The Maliseet soon have to make a decision on whether or not they will accept the province's accommodation package regarding the proposed Sisson Mine.

Accommodation measures include: a training and employment strategy, a mining accident/malfunction compensation fund, revenue-sharing on mine profits and the protection of other lands in Maliseet Territory from future development.

Members are encouraged to attend the meeting, so they can provide input to C&C.



Supper will be provided, as well as door prizes.

Hope to see you there!

For more information on the proposed projects please visit the website:
<http://www.tobiquefirstnation.ca/communityEngagement.html>

Or contact Deana Sappier at:
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THE MACTAQUAC PROJECT

On December 20, 2016, the New Brunswick Power Corporation (NB Power) publicly announced that their recommended preferred option for the future of the Mactaquac Generating Station is Option 4 (Life Achievement). The dam is located adjacent to the Maliseet community of Kingsclear and sits on the Welastekw river. It generates approximately 660 MW of power, which is equivalent to approximately 12% of the total power generated in NB. Option 4 will extend the life of the existing concrete facilities through maintenance and replacing equipment over time, which will allow the dam to survive until approximately 2068.

This is a disappointing recommendation for the Maliseet as our preferred option was Option 3 (Restore the River). The dam has and continues to cause grief to the Maliseet communities, as discussed in the Mactaquac "Maliseet Nation Traditional Land and Resource Use Study", which was shared with NB Power (members can email Deana.Sappier@tobiquefirstnation.ca for a copy of the report). One participant recounted harvesting activities before the Mactaquac dam was built:

"we would pick them all the way from Keswick Island to Sugar Island to...First Island...fiddleheads were harvested on all those islands. And on occasion before the dam was built we used to go up to Snowshoe Islands,...and pick them but when the dam was built they...went underwater, Snowshoe Islands...and [Bear] Islands. They were all under water".

With the recommendation of Option 4, we are aware that there will be continued impacts to our Aboriginal and treaty rights.

NB Power will now have to submit its case to the Energy and Utility Board. It will also have to undergo environmental permits for items such as a fish passageway. It is unclear how the environmental regulatory process will look for the project at this point. However, NB Power has committed \$100 M for multi-species fish passage for the current structure. The Maliseet have expressed to NB Power that they will need to be a key component in exploring fish passage options. We will also be assessing what the Maliseet can do in terms of the environmental process (e.g., assess the need for an Environmental Impact Assessment).

Dominique Nouvet from Woodward & Company LLP (Woodward & Co. LLP) is legal counsel on the file. Woodward & Co. LLP is a law firm that represent First Nations regarding Aboriginal and treaty rights. The Maliseet will be seeking legal advice on how to proceed in regards to NB Power's recommendation. Kingsclear is the consultation lead on the Mactaquac Generating Station and will be engaging with the other Maliseet communities and legal counsel to determine next steps that best protect the rights and interest of Kingsclear and the Maliseet Nation. Chief Gabriel Atwin (Kingsclear) released a statement, which included the following:

"The Maliseet, or Welastekwiyik, are named after the Welastekw. It is the backbone of our Territory and way of life. For too long, this Dam has damaged our Territory and resources and has compromised our way of life. It has eroded our river bank here at Kingsclear, and has made our shoreline hazardous. The River is not what it used to be. The Maliseet never consented to this Dam being built, to losing our islands, shoreline, our harvesting opportunities. To this day Maliseet members grieve the existence of this Dam. The Chiefs of all six Maliseet communities called on NB Power to deal with the Dam's upcoming end of life by finally removing it. We are extremely disappointed that NB Power rejected this option and will instead seek to keep the Dam operational."

Chief Atwin is also very concerned about what the repair work will mean for its members: "NB Power only tabled the idea of repairing the Dam with us last March, long after it had proposed the other three options. It still does not have specific construction plans. So my community is in the dark as to how disruptive the repair work would be for our day to day lives, and how risky it would be for the environment."

The Proposed Energy East Project—Update



Figure taken from Energy East Pipeline website (not a finalized version)
Green routes indicate proposed new construction

In December 2016, the federal government announced new panel members to the National Energy Board (NEB) to review the Energy East Pipeline (EEP) project (the NEB represents the Crown in the process). The members include: Don Ferguson (a former top bureaucrat in NB), Carole Malo (an accountant and consultant from Ontario) and Marc Paquin (a lawyer and professor from Quebec). The previous 3 members stepped down in September 2016 after complaints that two met with a consultant for TransCanada. At this point it is unsure how long the NEB process will be delayed.

The Proposed Scotian Basin Project—Update

British Petroleum (BP) Canada Energy Group is proposing to carry out exploration drilling off the shore of Nova Scotia. The company has submitted an Environmental Impact Statement (EIS) to the Canadian Environmental Assessment Agency (CEAA) which is now under review. The Maliseet submitted comments on the EIS (Tobique has commercial fisheries in the larger regional study area). Maliseet concerns included:

- The lack of project information in the EIS including: well design and locations, well abandonment program, chemicals to be used during drilling, Incident Management Plan, Spill Response Plan and Fisheries Communication Plan.
- The lack of information on the Maliseet Nation and the impacts of the project on our Aboriginal and treaty rights. This was because only two of the Maliseet communities were asked to participate in the Traditional Use Study (St. Mary's and Woodstock—due to their deep sea fishing licenses).

Members who wish to obtain a copy of the Maliseet comments on the project can email Deana.Sappier@tobiquefirstnation.ca or call 273-5544.

THE PROPOSED SISSON PROJECT—UPDATE



The Sisson Partnership is proposing to construct and operate an open pit tungsten and molybdenum mine near the community of Napadogan, NB. Site facilities would include: the open pit (approx. 145 ha and up to 370 m deep), mineral processing facilities, a water treatment plant, water management ponds, a tailings storage facility (approx. 750 ha), a new transmission line and miscellaneous buildings such as offices and warehouses. The project area would cover approx. 1200 ha. The proposed mine would operate for up to 30 years and would be followed by decades for the reclamation and closure process.

Some key concerns related to the project include:

- Impact to Aboriginal and treaty rights (additional loss to Maliseet land base, loss of harvesting areas, etc).
- Discharge water from the water treatment plant to Sisson Brook may still have several contaminants that will exceed water quality guidelines for drinking water and aquatic health.
- There will be seepage from the Tailings Storage Facility into groundwater. The seepage would equal a 22% loss during operations and 33% loss during closure. The company will gather seepage through pump-back wells.
- There will be a direct loss of fish habitat for Bird Brook, Sisson Brook, McBean Brook and a tributary of the West Branch of Napadogan Brook (a Fish Habitat Offset Plan would have to be developed).
- The mine will result in an altered landscape and the tailings will need to be stored underwater to reduce the risk of acid and metals leaching.

The province of New Brunswick has already given conditional approval of the Mine (in December 2015), this approval is subject to 40 Environmental Assessment (EA) conditions:

- 10% of the 40 EA Approval Conditions specifically mention First Nation involvement, e.g., Condition 29 (j) "Adaptive monitoring programs must be developed that compare monitoring results to predicted values, as well track changes in data over time. These programs are to be developed in consultation with First Nations, stakeholders and appropriate regulatory agencies."

The federal government has not made a decision on Sisson, they are awaiting the outcome of accommodation discussions (see page 1 for more details). Additionally, in the last community meeting (September 2016), a potential Cooperation Agreement with the company was discussed. Tobique is in the early exploratory stage of this process.