

MONTHLY ENGAGEMENT NEWSLETTER: TOBIQUE FIRST NATION



THE SISSON PROJECT—UPDATE



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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.

On January 27, 2017, Tobique Chief & Council joined the other 5 Maliseet communities in New Brunswick by passing a Band Council Resolution (BCR) approving the *Sisson Agreement* and the *Joint Table Agreement*. Tobique also passed the *Agreement on the Collection of Provincial Tobacco Tax, Gasoline & Motive Fuel tax, and Harmonized Sales Tax*. On January 31, 2017, Chief Ross signed the *Sisson Agreement* with the Chiefs from the 5 other communities and a statement was released by the Maliseet:

"Most of the Maliseet Chiefs strongly urged New Brunswick to reject the Sisson Mine out of concern for the major environmental impacts and risks associated with the project, and the resulting infringements on Maliseet Treaty rights, Aboriginal Rights and Aboriginal title. However, New Brunswick consistently signalled its eagerness for the Sisson Mine, and it gave its main approval for the project over a year ago, in December 2015. Given this reality, the Maliseet Chiefs spent over a year in negotiations with senior New Brunswick officials exploring potential measures to address Maliseet concerns with the project and renegotiating the existing tax agreements."

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 Sisson Project —Update (cont'd)



What is in the Sisson Agreement?

- **Revenue Sharing:** the province is providing \$3 million up front to the Maliseet (to be divided by the communities). Additionally, revenue sharing on Sisson would be as follows (per year): 35% of the first \$2M of revenues received by the Crown and 3.5% of any additional revenues beyond the first \$2M. Again, divided by all 6 communities.
- **Training and Employment:** the proponent will develop an Aboriginal employment and business plan to maximize opportunities to the Maliseet. The Maliseet will have input into this plan to make sure it creates measurable commitments.
- **Crown land:** the province will buy private forestry land equal to the Sisson lease area and make them Crown lands. The province and Maliseet reps will work together to identify such land.
- **Compensation in event of accident or malfunction:** the province will compensate the Maliseet if the Sisson Project produces an accident or malfunction that interferes with Maliseet rights.
- **Strategic Rights Plan:** the province will fund a \$600K study for the Maliseet to assess the state of Maliseet harvesting rights. This study would involve interviews by Maliseet researchers with harvesters and document the challenges that the Maliseet face in terms of cumulative impacts to Maliseet territory. This study will help define the discussions of the Joint Table (Joint Table Agreement) between the Maliseet and the province on land management.
- **Maliseet Indigenous Knowledge Centre:** this building would be built near King's Landing on Crown land that Tobique intends to secure as new reserve land through the Additions to Reserve process. Services available would include: Aboriginal and Treaty Rights research, historical database, cultural heritage research, culture and language education, archaeological support services, public interpretation, etc.
- **Renegotiations of Tax Agreements:** the 90 day termination clause of the tax agreements have been removed, so that the agreements can only be revisited after a minimum of 5 years.

The Proposed Energy East Project

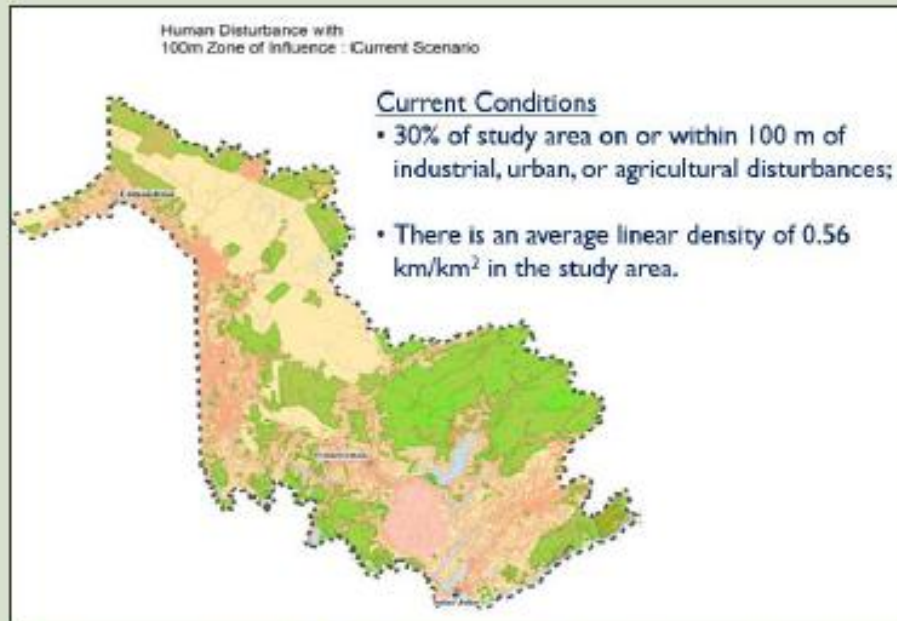


Figure taken from Maliseet Technical Review completed by MSES, figure shows fragmentation of lands in Maliseet territory, where green is crown lands.

The proposed Energy East Pipeline (EEP) would be a 4,600 km pipeline that would transport 1.1 million barrels of oil a day from Alberta and Saskatchewan to refineries in the east and would also include a new marine terminal in Saint John, NB.

On January 16, 2017, the Maliseet's scientific advisors MSES, represented by Dr. Ave Dersch and Dr. Brian Kopach were in Tobique to give a summary of the Maliseet EEP technical review. The bulletin created for the Maliseet will be posted to tobiquefirstnation.ca, hard copies are also available from Doreen Sappier (Training Centre).

Some key points from the presentation included:

- We currently have a linear disturbance density of 0.56 km/km². This means that roads, transmission lines, etc., are fragmenting the lands in our territory. Moose will alter their behaviour in densities as low as 0.2-0.4 km/km² (so we have already crossed that threshold). Additionally, increasing road densities affect large mammals such as moose, black bear, wolf and white-tailed deer. If we add the Sisson project and EEP to this model, the fragmentation will increase to 0.74 km/km².
- Moose have increased in 6 of 9 wildlife management areas, but near Tobique, moose have decreased by 14%. Deer area also decreasing in the areas around Tobique (at different levels, between -5% to -30%).
- 292 of the 408 stream crossings have the potential for fish and fish habitat. Almost all the waterbodies in the study area are above a cumulative effects threshold for erosion which could affect aquatic organisms. (Where cumulative effects means: changes to the environment that are caused by an action (e.g., forestry, agriculture, etc) in combination with other past, present and future human actions (e.g., pipelines)).

The Proposed Energy East Project—Update (cont'd)

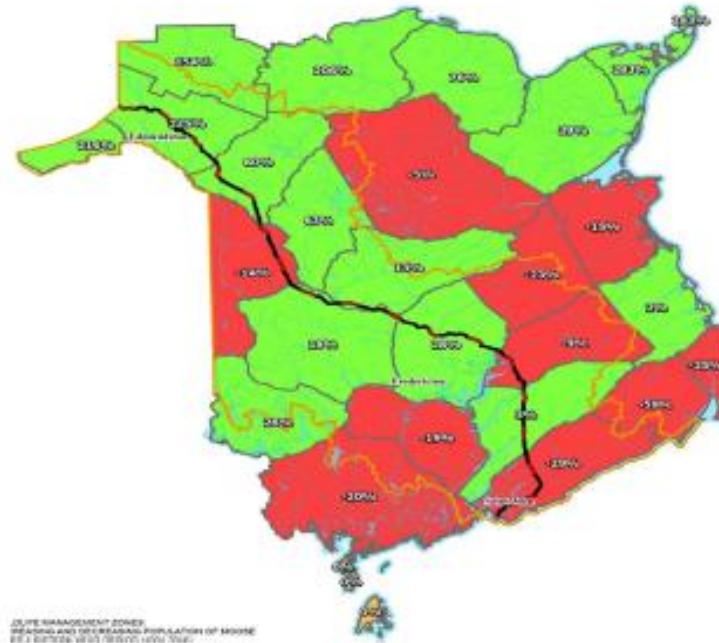


Figure taken from Maliseet Technical Review completed by MSES, figure shows moose populations in wildlife management zones, where red shows decreases (-14% in Tobique area).

- The Odell area has been identified as an area that is frequently used for hunting. The pipeline is proposed to go through this area.
- To date Energy East has provided very few details on their proposed monitoring plans.
- This risk to the Edmundston municipal drinking water wells would be very low.
- TransCanada did an analysis on a potential Tobique River Spill, but they only looked at crude oil in the spill analysis, and not bitumen. Bitumen is heavier and is more likely to sink to the bottom, which may make it harder to clean.

What is going on with the National Energy Board (NEB) process?

The NEB Panel for the Energy East Pipeline project has decided that the review process should start from scratch. This does not mean that TransCanada has to re-file their application, but the NEB Panel has removed the List of Issues, the completeness determination, the factors and scope of the Environmental assessment, requests for confidential filings and the original timelines that were set out.