

MONTHLY ENGAGEMENT NEWSLETTER: TOBIQUE FIRST NATION



COMMUNITY EVENTS

1. Maliseet Nation Consultation and Unity Summit

When: March 15 & 16, 2017

Time: 9 am—5 pm (1st day), 9 am—12 pm (2nd day)

Where: Delta Hotel in Fredericton

Topics will include: Crown's Duty to Consult, Treaties, Consultation Case Law, Consultation protocols, Traditional Land Use Studies, Language & History, Unity and feedback from participants on "what meaningful consultation should look like."

Free registration to first 150 Maliseet community members (including meals).

To register please contact Deana Sappier or Doreen Paul-Sappier at the Training Centre (506-273-5544). Registration forms are also available at the Chief's office & Training Centre.

The summit will be webcast for those who can not attend in person, please email deana.sappier@tobiquefirstnation.ca for webcast information

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2. Community Information Session—TransCanada's Proposed Energy East Pipeline Project

When: March 22, 2017

Time: 530 pm—730 pm

Where: Paul Pyres Community Centre

The proposed Energy East Pipeline is a 4600 km pipeline to transport 1.1 million barrels of crude oil per day from Alberta and Saskatchewan to refineries in the east and a new marine terminal in Saint John, NB. The pipeline would be all new build (approx. 400 km) in NB, which would go through traditional Maliseet territory.

Dinner and door prizes available.

Any member not able to attend in person can email deana.sappier@tobiquefirstnation.ca for a webex invitation to join the meeting online. You must email by 9am the morning of the meeting in order to receive the invitation to join. Your computer must be equipped with speakers in order to hear the presentation.

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

Or contact Deana Sappier at:
Deana.Sappier@tobiquefirstnation.ca
Office: 506-273-5544



Think Green: please reuse and recycle this newsletter.

NB Power—Point Lepreau Generating Station



New Brunswick Power is applying for a licence renewal for the Point Lepreau Nuclear Generating Station. The Maliseet communities have applied for Participant Funding from the Canadian Nuclear Safety Commission (CNSC) to submit comments on the renewal process. The Maliseet will be reviewing information related to rights and interests in the Point Lepreau area. Any members who can respond to the questions below are encouraged to provide additional feedback to the Resource Development Consultation Coordinator or the Maliseet's Land Use Expert.

1. Do you harvest resources like moose, fish, seafood, fiddleheads, berries, or sweet grass near the Point Lepreau Nuclear Generating Station?
2. Do you camp, have trails, hold ceremonies, or know of other special places near the Point Lepreau Nuclear Generating Station?
3. Do you have concerns about how the Point Lepreau Nuclear Generating Station impacts your traditional land and resource use?
4. Do you have concerns about contamination of traditional resources as a result of the Point Lepreau Nuclear Generating Station?

If so please contact Deana Sappier (506-273-5544) or deana.sappier@tobiquefirstnation.ca or Ave Dersch (780-700-4465) or ave.dersch@moccasinflower.ca to share your concerns.

These concerns will be documented in a submission by the Maliseet to the Canadian Nuclear Safety Commission regarding the renewal of the license for NB Power's Point Lepreau Nuclear Generating Station.

We need your comments by March 17, 2017 because the Maliseet need to communicate any concerns with Point Lepreau by March 27, 2017.



The Proposed Energy East Project

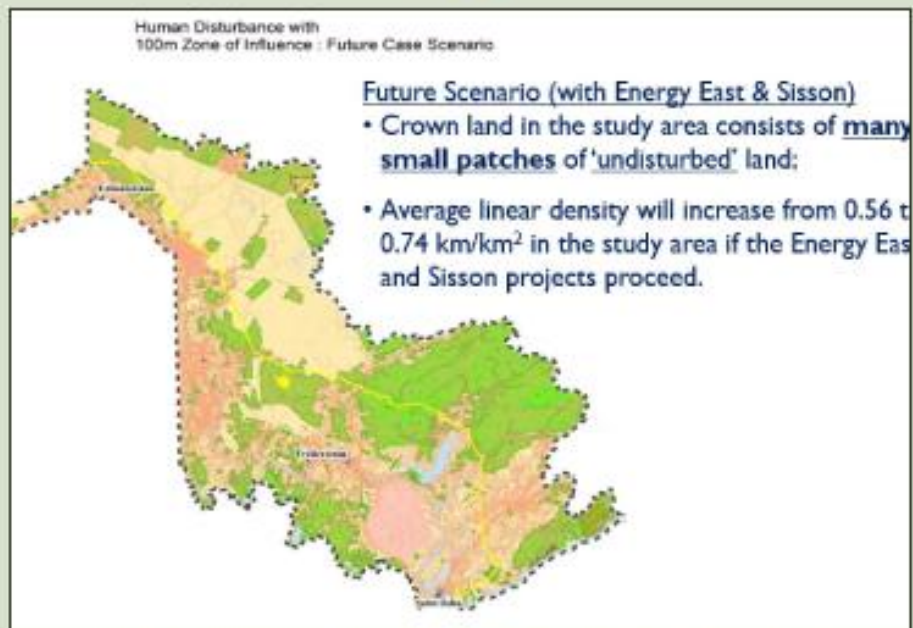


Figure taken from Maliseet Technical Review completed by MSES, figure shows **future** fragmentation of lands in Maliseet territory, where green is crown lands.

Representatives from TransCanada will be in Tobique on March 22, 2017 to discuss the proposed Energy East Pipeline project (see page 1 for more details).

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 (called *MSES Bulletin Energy East Pipeline*) created for the Maliseet is posted to our website <http://www.tobiquefirstnation.ca/communityEngagement.html> (hard copies are also available from Doreen Sappier at the Training Centre). Copies of the reports called *MSES Technical Review of the Energy East ESA* and *Maliseet Energy East Community Impact Assessment* will also be posted on the website in the coming days. The reports state conditions, such as a current 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.

Proposed Approach to Crown Consultation

The Maliseet have submitted comments on the "proposed approach to Crown consultation," (will be posted on our website as *NB Maliseet Comments on Proposed Approach to Crown Consultation for EE Pipeline*). One comment put forward includes the prematurity of the proposed approach: "The Proposed Approach is being put forward before the process steps of the National Energy Board ("NEB") environmental assessment ("EA") for Energy East are known and before the review of the Expert Panel on EA processes is completed."

The Proposed Sisson Project

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*. Details about the Sisson Agreement are found in newsletter issue 16 on our website <http://www.tobiquefirstnation.ca/communityEngagement.html>. Additionally members can request a copy of the *Sisson Agreement and Joint Table Agreement* by emailing deana.sappier@tobiquefirstnation.ca.

The province gave approval of the project, subject to 40 conditions in December 2015. However, the federal government has still not approved the project. The project requires both approvals to go forward. Additionally, the company will have to obtain permits for blasting, fisheries offset and meet the provincial conditions (e.g., the proponent must obtain a Water Quality Approval to Operate under the Clean Water Act) before it can operate.

Environmental Assessment Review Submissions

The Maliseet communities in NB have submitted comments regarding the Environmental Assessment (EA) review, the review of the Navigation Act and the review of the Fisheries Act. The submissions can be found on Tobique's website (under "General") at: <http://www.tobiquefirstnation.ca/communityEngagement.html>.

Comments on the review of the Canadian Environmental Assessment Act (CEAA) included:

- The Act needs to explicitly require the consideration and protection of Aboriginal and treaty rights as an overall purpose of the Act.
- We recommend that the Act be amended to provide for co-management and collaborative decision-making with Aboriginal people. Both the federal Minister and affected Aboriginal nations must have an opportunity to approve and consent to any project affecting Maliseet lands, waters, resources, economy, traditional use ("TU"), health, society and culture.

Comments on the review of the Fisheries Act included:

- The Act needs to explicitly require the consideration and protection of Aboriginal and treaty rights as an overall purpose of the Act as well as require the consideration of traditional knowledge.
- Cumulative effects to fish and fish habitat should be managed in an effective way under the Act. For example, one method could be to require that a federal environmental assessment that addresses cumulative impacts is triggered when HADD [the harmful alteration, disruption or destruction of fish habitat] is likely to occur.

A comment on the review of the Navigation Act included:

- We recommend that all water bodies, including those upstream of the Mactaquac Dam, large enough to allow the navigation of canoes be declared navigable waters.