

MONTHLY ENGAGEMENT NEWSLETTER:  
TOBIQUE FIRST NATION



CONSULTATION AND UNITY SUMMIT

The Maliseet Consultation and Unity Summit was held on March 15&16, 2017 at the Delta in Fredericton.

The first day was open to the public and included:

- Keynote speaker Hon. Graydon Nicholas on the 94 Calls to Action
- Gillian Paul (OKT) on the United Nations Declaration on the Rights of Indigenous People and Free, Prior and Informed Consent
- Professor Andrea Bear Nicholas on the Crown and Maliseet Relationships
- An Inter-governmental Panel on the Consultation Process (federal and provincial representatives)
- An overview of Traditional Land Use Studies by Shyla O'Donnell and Zeke Croft-MacDonald ; and
- Tom Mann on First Nation, Industry and Government Relationships.

The second day was only open to First Nation members and focused on discussions with the 6 consultation coordinators as well as a Chiefs panel, which allowed for discussion with members.

A report is currently being written by our facilitators that will be available for members.

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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

## 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](mailto: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. We are expecting the Minister of Environment and Climate Change to make a decision by end of April 2017. 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.

## The Proposed Energy East Project

Representatives from TransCanada were in Tobique on March 22, 2017 to discuss the proposed Energy East Pipeline project. Approximately 25 members were in attendance to voice their concerns regarding the proposed project (additionally 2 members joined the meeting online via webex). The proposed Energy East Pipeline is a 4,500 km project that would carry approximately 1.1 million barrels of crude oil per day from Alberta and Saskatchewan to refineries in Eastern Canada.

Many concerns were focused on potential contamination of groundwater and surface water, further fragmentation of Crown lands and additional loss of species such as black ash.

The picture on the right shows an example of a trenched isolated watercourse crossing. This is where a culvert is used to direct water flow past an excavation. In the case of the Tobique River, the crossing would occur underneath the river (in the bedrock) using the Horizontal Directional Drilling (HDD) method, which is a "trenchless" method. The HDD method requires a drill rig.

The Energy East Project would add another 408 stream crossings in NB (includes both pipeline and road crossings). A total of 292 stream crossings have fish and fish habitat potential.



## Provincial Climate Change Review

The Maliseet communities have contracted a First Nation company from Ontario called Anwaatin to review the New Brunswick Provincial Climate Action Plan. This included a comparison of provincial and territorial climate change action plans throughout Canada and determining where the Government of New Brunswick (GNB) compared in incorporating First Nations into their plan (e.g., Nunavut incorporates Traditional Knowledge and inclusion of Indigenous people but does not mention Aboriginal and treaty rights).

The document is still being worked on, but some draft conclusions include:

- First Nations need to be front and center in decision making. This requires them to have a place at the table in decision making and collaboration; be the leaders of a First Nations working group on climate change; and, that the GNB clearly defines the legal and financial imperatives for future First Nations engagement, acknowledging its importance in reaching the GHG reduction targets.
- The unique impact of climate change on Indigenous people must be explained and acknowledged in the new plan. Further, the unique contribution of the TK that Indigenous people hold must be collected, integrated, shared and utilized in developing strategies and policies for climate change monitoring, mitigation and adaptation.
- First Nations people must be financial beneficiaries and partners of the opportunities that arise from energy efficiency initiatives, and carbon pricing.
- Knowledge sharing in the form of an Indigenous Knowledge Centre; transparency and information sharing during implementation of the plan; and education and training, must be central to the on-going commitment of the GNB.
- First Nations in New Brunswick assert title to their traditional territories. Unresolved issues surrounding Aboriginal rights and jurisdiction must be resolved expediently in a defined process. The GNB needs to state publicly its commitment to adhering to Aboriginal rights.
- The New Brunswick forestry plans should be adjusted to protect forests from climate change. The jurisdictional control over forestry assets must have First Nations communities as central decision making partners and beneficiaries.
- The GNB must centrally include renewable energy projects in its revised climate action plan.
- Support must be given to allow all Indigenous communities in New Brunswick to create individual Community Action Plans.
- The New Brunswick government should establish a separate fund for addressing all aspects of climate change in First Nations communities.
- Indigenous youth should be encouraged to be engaged in stewardship activities and there should be identified funding to support this.

## Penobsquis Mine Decommissioning



PotashCorp began operating the Penobsquis mine and milling facility in 1993, after the Potash Company of America initially developed the deposit in 1981. The mine is located near the community of Sussex. In 1998, after a water inflow was discovered, PotashCorp continued to mine the site. The inflow was managed by grouting “cracks” in the mine, hauling brine to Cassidy Lake and the Port of Saint John.

In May 2016, PotashCorp applied to the New Brunswick provincial government for permission to allow the Penobsquis mine to flood. That request was granted on January 11, 2017. It is estimated that it will take approximately 2 years for the mine to fill.

The key components of decommissioning the Penobsquis mine include: removing materials and equipment from underground, shaft capping and plugging, and removing surface infrastructure that will not be required for future operation of the Picadilly mine. Grouting operations ended in May 2016 and pumping brine from underground ended in January 2017.

A long-term monitoring plan (including groundwater, surface water, ground settling and microseismic) will have to be submitted to the Department of Environment and Local Government.

Shaft decommissioning is expected to be completed in June 2017. The first phase of surface infrastructure demolition is planned to begin mid-2017 (subject to approvals) and take approximately 1 year to complete.

Should you wish to contact PotashCorp with any questions regarding the decommissioning of the mine, you can call the Penobsquis office at 1-506-432-8400 or email [penobsquiscomments@potashcorp.com](mailto:penobsquiscomments@potashcorp.com)



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