

# Resource Development Newsletter

**Kingsclear First Nation**

## Upcoming community meetings/events

Live streaming for community meetings/events. We are currently working on getting started. I will be sending out a notice, posting on social media and on [www.Kingsclear.ca](http://www.Kingsclear.ca) for updates on this process. In the meantime, if you would like to access information on any event or projects, please contact Sydney Paul (consultation coordinator) at

[sydney paul@kingsclear.ca](mailto:sydney paul@kingsclear.ca), 478-0136 or in person at the band office.

\*\*\*Please note I will be on vacation July 26, 2016 to August 5<sup>th</sup>, 2016. For immediate assistance, please contact Gordon Grey at [gordongrey@kingsclear.ca](mailto:gordongrey@kingsclear.ca) 259-6163 or in person at the band office\*\*\*

Please note that if you would like your concerns to be heard regarding any projects, you can submit

to Sydney Paul

### Upcoming community meetings

Monday August 29, 2016 will have an engagement meeting on Mactaquac Dam at 1pm and 6pm at Wulastukw Elementary School Gym.

In late August 2016, the verification meetings will take place for the Mactaquac TLUS.

July 2016  
Issue 8

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## Department of Fisheries & Ocean Canada: Marine Protected Areas

### What is a Marine protected area (MPA)?

A marine protected area (MPA) is a part of the ocean that is managed to achieve its long term conservation" (DFO, 2016).

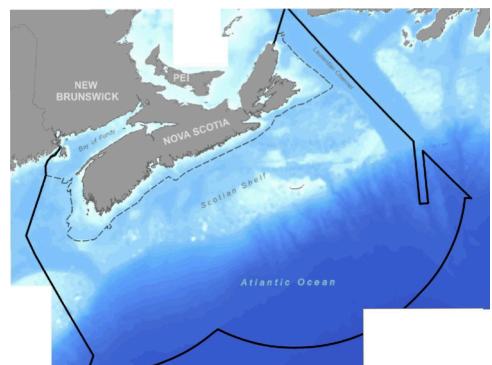
DFO is to increase the proportion of Canada's marine and coastal areas that are protected – to **five percent by 2017, and ten percent by 2020**.

**A working paper was released by DFO to work on a regional MPA networking plan.** The MPA network planning area and study area for this paper is the DFO

Maritimes Region, which includes the waters of Scotian Shelf and Slope, the Bay of Fundy, the Canadian portion of Georges Bank and the Gulf of Maine, and the deep-water area out to the extent of the Canadian Exclusive Economic Zone.

A meeting took place on July 6-7 for the first phase of discussions on the working papers. The meeting included such topics as: 1) a review of the proposed approach for setting targets for Conservation Priorities identified in the coastal and offshore planning areas; 2) a review of proposed design strategies and associated targets for each of the Conservation Priorities in the

coastal and offshore planning areas. For the offshore planning area, exploratory Marxan outputs using the proposed design strategies and associated targets will be considered; 3) development of the work plan and Terms of Reference for Part 2 of the process (to be held in Fall 2016).



# NB Power: Mactaquac Dam Proposed Project

## Mactaquac Traditional Land Use Study (TLUS)

Six Maliseet co-researchers completed approximately 100 interview mapping sessions with members from the six Maliseet communities from late May to the end of June 2016. Dr. Ave Deursch and Natasha Sacobie submitted an interim report to NB Power on June 30, 2016.

Interviews focused on Maliseet land use along the St. John River from Woodstock to Oromocto. Verification workshops are planned for the later part of August to go over study results with participants. The final report is due September 15, 2016. Natasha Sacobie from Kingsclear is serving as a project manager on this study with support from a TLUS consultant.

## Maliseet Nation Meeting

The recent Maliseet Nation Meeting held July 17<sup>th</sup>, 2016 at the Wulastukw Elementary School (WES) in Kingsclear First Nation included representatives from the six Maliseet communities. The purpose of the meeting was to

bring the nation together and discuss the

The attendees include several others varying interests and organizations like, NB Power (proponent), Woodward & Co. LLP (our lawyers), MSES (our technical experts), HMA (our facilitators), and MNCC (Maliseet interest group).

Upwards of 100 people attended. 8 door prizes were made available, and this is a list of the winners: Shelly Sabattis (KFN), Nigel Sabattis (KFN), Trenton Sabattis (KFN), David Young (KFN), Tony Bear (TFN), Ed Perley (TFN), Sylvia Craft (TFN) and Walter Paul (SMFN). Congratulations to the winners, and a big thanks to all who came out and attended the event.

## Technical

MSES (Management and Solutions in Environmental Science) reviewed the draft CER that was done by stantec for NB Power. The review consisted of 1)

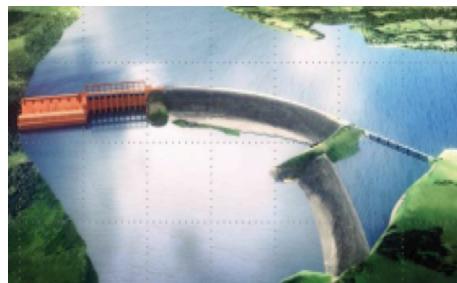
to adequately assess Options, more information is needed on current conditions, 2) the impact assessment in the CER is too general to make informed decisions, and 3) there is some uncertainty about what the actual impacts would be from each option. The main issues that were brought up were: water and fish, wildlife and plant, and air and noise.

## Field Monitor

The consultations Coordinators receive bi-weekly updates from Austin Paul with his work with NB Power and Canadian Rivers Institute (CRI).

## Consultation

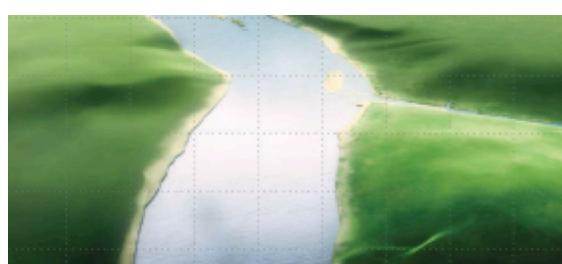
Formal consultation started on Monday July 18, 2016 with NB Power and the Maliseet Nation. The Maliseet Nation legal on the Mactaquac file is Dominique Nouvet from Woodward & Company LLP out of British Columbia. Dominique represents Kingsclear on Sisson Proposed project.



Option 1: Repower



Option 2: Retain the Headpond



Option 3: Restore the River



Option 4: Life Achievement

# TransCanada: Energy East Proposed Pipeline

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The NEB declared the consolidated application of the Energy East Project complete on June 16<sup>th</sup>, this initiates a 21-month panel review session in which time the NEB deems the project either in the interest of Canada or not in the interest of Canada. At this point if the NEB goes against the project it is over, however should they opt in favor of the project it then goes to the Cabinet of Ministers where it will be approved or rejected. In that time the NEB will be hosting a number of "Panel sessions" where they will consider evidence presented to them from interveners along the corridor. As Aboriginal Interveners

we will be partaking in the panel sessions slated for the Fredericton area, August 15-19<sup>th</sup> of this year, where we will be asked to give a brief spoken summary of our primary concerns and oral traditional evidence. Eventually we will submit final comments in writing and orally. It is worth noting that we recently filed a letter with the Minister of the Environment, TransCanada and the NEB asking for a postponement of these panel sessions so we can better prepare our statements and have a more complete picture of the environmental and socio-economic assessment (particularly the archaeological heritage resources)

along the corridor. We've also recently written the Minister of the Environment to hurry Canadian engagement with our communities. It appears to have worked, as we are waiting on meeting dates with Natural Resources representative Luc Desroches within the next couple of weeks.

If you have any questions or concerns regarding this consultation or about the project, contact Gordon Grey, at the band hall during regular operating hours (Mon-Thurs 9am-4:30pm) via, phone (363-3028 ext 162), email [greywag@hotmail.com](mailto:greywag@hotmail.com)

## Area Response Planning Initiative (APRI)

### Area Response Planning Initiative (APRI) – Bay of Fundy oil spills

On July 5<sup>th</sup>, your councilor (Patrick Polchies) and myself (Gordon Grey) attended a workshop/information session in Saint John concerning oil spill preparedness in the Bay of Fundy. Dillon consulting was the host (they are also in charge of our riverbank restoration project), and they focused on modeling Area Risk Assessment (ARA). What they did was consider the probability of an oil spill and its consequences in the Bay of Fundy. Combining these 2 elements they produced a risk score for a given area within the Bay. What this allows for is added preventive measures and increased response capacity should an accident happen. They modeled the risk score using:

1. Ship traffic database (automated identification system – AIS)
2. Local conditions (winds and currents, hydrographic charts)
3. Preventative safety measures in place
4. Type and volume of oil being transported

In the areas of higher risk they ran spill projections that were estimated where oil would go with various spill volumes/types and dates (tides and spills would act differently during different times of the year). The areas they found most vulnerable were

Saint John harbour, areas around Grand Manan island, and the tanker shipping lanes in the Bay itself. These are merely probabilities. While they don't mean something will happen, they are useful in that they prepare all for worse case scenarios.

### **Should a spill occur?**

While on average the number of spills has been decreasing steadily since the 1970s (nearly 24.5 spills per year) they do still happen (roughly 1.8 spills per year in this decade). The *Canadian Shipping Act (2001)* is the primary federal legislation governing shipping safety. Under this act all vessels over 1000 gross tonnes must carry insurance for their own liability for oil pollution (*Marine Liability Act*). This means that the polluter pays the principle costs of all cleanup (up to \$157 million dollars). Beyond the principle covered by insurance should their be need for more money the International Oil Pollution Compensation fund takes over (up to \$947 million). In the event this again is exceeded finally the Canada's Ship-Oil Pollution Fund covers additionally \$165 million more. This totals an impressive but wholly inadequate amount \$1.48 billion in cleanup and claims. While it seems like a lot of money, with the amount of commercial fisheries in the Bay, the number of communities that depend on tourism and the

magnitude of marine life there, any major accident would be astronomically tragic.

### **Clean up and Response**

For Canada the parties responsible for action are the Canadian Coast Guard (CCG), Transport Canada (TC), Fisheries and Oceans Canada (DFO) and Environment and Climate Change Canada (ECCC). In NB those tasked regionally for oil spills are the NB Department of Environment and Local Government (DELG) and Atlantic Environment Response Team (ALERT).

ALERT is certified for spills up to 10,000 tonnes (~10,000,000 liters of oil). To put this in perspective, there is approximately 1/10<sup>th</sup> the size of the 3<sup>rd</sup> largest tanker in the Bay of Fundy (The largest is about 3 times as large). While this is a scary realization, there has yet to be a significant oil spill in the Bay, and the large tankers have double hulls and chambered hulls to protect from spilling their load all at once.

For any further questions/concerns contact Gordon Grey at during regular band hall hours (Monday – Thursday 9am-4:30pm) at his office (rm 113), by phone (363-3028 ext 162), or via email ([gordongrey@kingsclear.ca](mailto:gordongrey@kingsclear.ca) or [greywag@hotmail.com](mailto:greywag@hotmail.com))

## Mount Carleton Update: Bridges

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**Kingsclear First Nation**



Moose Brook Bridge location



Bathurst Lake Bridge location

## Mt. Carleton Update

On June 28, 2016- Department of Transportation and Infrastructure issued two tenders for construction on two bridges on Bathurst Lake Bridge. The other tender was released the week of July 4, 2016 for Moose Brook Bridge. With that work, will be to create a 900m of new trail from Route 385 and repair the old fire tower access road.

THC (Tourism, Heritage and Culture) and Department of Transportation and Infrastructure (DTI) are working together to release these tenders.

To move forward with the bridge

construction, the Maliseet are currently working on a screening process for the bridges location for any spiritual/burial significant areas.

The Process that has been developed was to utilize the co researchers from the six Maliseet communities by applying lessons learned from the variety of TLU studies we worked on. With these are: the value of cooperation and confidentiality, to ensure and maintain the trust of the knowledge holders is of importance and with that be protected and owned collectively.

This is worked through a shared management as the Maliseet work towards unity. This is not a traditional Land use study but only a screening process focused on specific geographical areas where bridges will be replaced and trail cut. The screening is broken down to 30 interviews: (MMFN 3-4), (TFN 10), (WFN 5), (KFN 5), (SMFN 4- 5), (OFN 2). Jamie Gorman from TFN and Dr. Ave Deursch developed a short questionnaire. This work is looking to wrap up on Monday August 1, 2016. Jamie Gorman will then do up a report with oversight from Dr. Ave Deursch.