

Resource Development Newsletter

Kingsclear First Nation

NB Power: Mactaquac

NB Power has not made an official decision on what option will be chosen for the future of the Mactaquac Dam. They are looking to announce the decision next week to the public. Kingsclear will be sending out a notice once the decision is made, posted on Kingsclear website.

To refresh memories, here are the four options that NB Power are proposing for the Mactaquac:

- Option 1: Repower and Rebuild
- Option 2: Retain the Headpond with no power generating

- Option 3: Restore the River
- Option 4 Life Achievement

If membership have any concerns or questions, please contact Sydney Paul at sydneypaul@kingsclear.ca or 506-478-0136 (cell).

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Inside this issue:

Mactaquac	1
Climate Change	1
Provincial EIA	2
Scotian Basin	2
Federal reviews	2
Pipeline news	3
TransCanada EEP	4
NB Power Projects	4

Climate Change Vulnerability Assessment and Adaptation Plan: KFN

Kingsclear First Nation is completing a "Climate Change Vulnerability Assessment and Adaptation Plan" through the Province of New Brunswick's Environmental Trust Fund. We have partnered with Dillon Consulting Limited to develop and implement the assessment and plan. Recently we attended 2 day workshop to adjust components of the risk assessment, and set up targets and timelines for implementation.

On day 1 we were given a general overview of the risk assessment plan, where risk = probability x severity. The

probability was assigned a score based on a 30 year average (ranging from 1 negligible to 5 often occurrence), were in the future the score will be adjusted based on weather prediction models for likely climate change conditions (ex. In 2050 we can expect many more days of weather where temperature is over 35 degrees Celsius). The severity score (ranging from 0 negligible to 4 loss of function/asset) were based on perceptions of our staff and their engineers. These were combined to ID areas of current risk and future risk for each service and infrastructure piece in the community. We ended the

day by going over some traditional resources that were identified through interviews with community members that are still used today.

On day 2 we looked at the values associated with high and moderate risk and broke them into an adaptation plan with physical activities and policy activities. We then assigned a team and timeline to each associated activity. Many of the physical activities are still dependent on funding, but this adaptation plan will hopefully aid us in securing it.

For more information, please contact Stephen Stone at 506-633-5000 or ssstone@dillon.ca

Provincial Environmental Impact Assessments

Department of Environment and Local Government (DELG)

DELG mandate is to “provide integrated stewardship through planning and management of land use, zoning development and waste management issues. Ensure effective enforcement of, and compliance with, environmental legislation and regulations. Provide effective consultation and liaison with municipal governments and Local Services Districts (LSDs) on governance issues”.

http://www2.gnb.ca/content/gnb/en/contact/dept_renderer.139.html#mandates

DELG's Environmental Impact Assessments (EIA)

An Environmental Impact Assessment is a process that is taken for environmental impacts from a proposed project. These impacts are identified and assessed early. EIA establishes steps to taken to

avoid negative environmental impacts or reduce the levels before they occur. The Projects EIA is made viewable by the public and posted to the DELG's website (http://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment/registerations.html)

This process will usually last for the length of an EIA is 90-120 days, but may stretch longer depending on the proponent's ability to address issues, concerns, and questions.

For all projects facing an EIA there are three steps GNB goes through when approving a project, a Technical Review Committee (TRC) that is made up of field experts such as biologists, engineers, hydrologists, etc. employed typically by government departments such as DELG. These are the experts which decide what is necessary to change in the project and establish

conditions to which the project must adhere to mitigate potential damages. The next step is the project manager who attempts to resolve issues by deciding which field of experts are consulted, and which issues have priority. The TRC and project manager attempt to reach consensus through science. If the TRC and project manager cannot resolve an issue internally, the project manager then takes the issue to the Minister of DELG who makes the determination, approval or dismissal of the project.

Currently the Maliseet are meeting with DELG to try to address the apparent shortcomings of this process. As stated, the TRC has the say and yet Aboriginal worldview is left at the comment stage with possibility of accommodation. Science often protects the environment; it does not always protect our explicit interests.

Scotian Basin Exploratory Project

On October 21, 2016 British Petroleum (BP) Canada Energy Group submitted their Environmental Impact Statement (EIS) to the Canadian Environmental Assessment Agency (CEAA) on the Scotian Basin Exploratory Drilling project off the coast of Nova Scotia.

On November 9, 2016, the EIS opened for comments from the public, rights holders, and stakeholders. To the right, it shows the general study area. The reason for consultation is because Kingsclear has fishing licenses in the general area (Bay of Fundy). The comments closed on December 9, 2016. The Maliseet comments were of the lack of Maliseet concerns be addressed in the EIS.

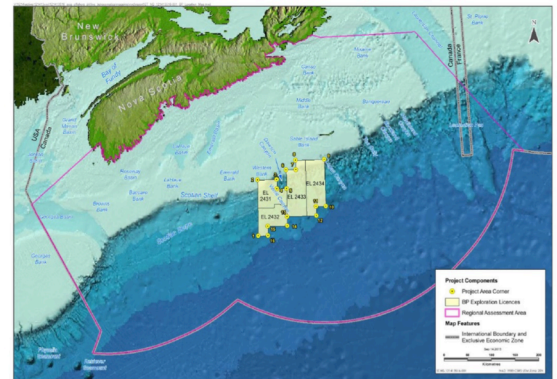


Figure 2.2.1 Project Area and Regional Assessment Area

Federal Regulatory Reviews

The federal government is undertaking a review of environmental and regulatory processes. The review will focus on the four following:

- Reviewing federal environmental assessment processes (CEAA)
- Modernizing the National Energy Board ("NEB")
- Restoring lost protections

and introducing modern safeguards to the *Fisheries Act* and the *Navigation Protection Act*

The reviews are an opportunity for the Maliseet to have a say in how the federal environmental and regulatory processes can be changed to better respect Maliseet rights, perspectives and input. We are currently seeking input from

members on the federal processes. Kingsclear is the lead on this file on behalf of the Maliseet Nation.

If you want to share any information, or questions regarding any of these Federal reviews contact Sydney Paul at the band hall, in person, or via email at sydneypaul@kingsclear.ca or 506-478-0136 (cell)

Pipelines and Politics

The Federal Government: Justin Trudeau's government announced Thursday November 3rd, that it doesn't plan to include "consent" as part of the consultation approach with First Nations. Obviously, this conflicts with UNDRIP and rubs people like Kanasatake Grand Chief Serge Simon the wrong way. Natural resource Minister Jim Carr announced that the government only needs to accommodate and consult with First Nations and not receive "free prior and informed consent" on industrial projects.

The following Monday Trudeau committed to investing 1.5 billion over 5 years towards improved oil spill response capacity. While some believed that this was in response to the oil spill in Bella Bella BC on October 13th, others thought the government was gearing up towards approving one or more of the coastward pipeline projects currently in the application stage.

Trans Mountain pipeline:

November 29th the approval came through for Trans Mountain pipeline which will transport an additional 590,000 barrels of tar-sand's crude per day from Alberta to the Vancouver area West coast. This will roughly double the current production of the existing line in place currently.

Line 3-replacement pipeline: At the same time Trudeau also approved this pipeline. This project aims to improve an existing pipelines infrastructure with state of the art technology and infrastructure. It currently runs from Alberta to Wisconsin, and will keep its course, but will nearly double its output to 760,000 barrels per day.

Northern gateway pipeline

(NGP): During the same news conference Trudeau finally denied the highly contentious NGP, which was set to move Alberta oil to the

west coast in Northern BC, which is renowned for its treacherous nature and numerous shipwrecks.

Dakota Access Pipeline (DAPL):

Moir Kelley, a spokeswoman for U.S. Army Corps of Engineers, a federal agency, said in a news release Sunday that the administration will not allow the four-state (North Dakota through Illinois), \$3.8-billion pipeline to be built under Lake Oahe, a Missouri River reservoir near the Standing Rock Sioux Reservation. Energy Transfers Partners (ETP), the corporation building the DAPL, thinks the decision of the US Corps of Engineers is a purely political move by President Obama. With the open support of Trump to the pipeline the victory of the water protectors at Standing Rock may be short lived, although Trump's camp has remained silent about what it will do. Trump's inauguration is set to take place Jan 20, 2017.

Keystone XL Pipeline (KXL):

KXL also revived after nearly a year of being declared dead, by a Presidential rejection by Obama. With President elect Donald Trump's outspoken support of pipelines, and specifically his support of KXL if it can provide the US with enough money and jobs that he would give the Presidential nod. It is estimated that it would produce 3 billion to the US economy, make 42k jobs and offer 10s of millions of dollars in land taxes. KXL would transport 890,000 barrels per day. TransCanada, the corporation behind KXL, also updated its description of the pipeline removing past tense words and a paragraph explaining its rejection. The company insists that the changes were made through routine maintenance of the site.

Assembly of First Nations

(AFN): AFN met the week of

December 5th, 2016. On the table is pipeline and pipeline approvals. AFN Chief Perry Bellegarde says that pipeline discussion is going to be divisive, because it is a divisive topic. Canadians are torn about pipelines, and so are we. He feels that those Natives that support/benefit from pipelines are often afraid to speak up as support for pipelines is a non-indigenous type of thinking.

Chief Serge Simon of the Kanesatake is vehemently opposed and is prepared to argue the point with any Chief who will stand in support. Chief Simon wants to keep the oil in the ground, and that resource development is good, except for bitumen extraction and transportation. He views Trudeau's approval of Trans Mountain and Line 3 as a betrayal to the many Indigenous who supported him.

AFN members were also ruffled by a statement by NR Minister Jim Carr, who stated recently, "If people choose for their own reasons not to be peaceful, then the government of Canada, through its defence forces, through its police forces, will ensure that people will be kept safe". He was speaking of protests, and many felt that it resounded of lingering threat of military and police occupation, much like what was seen in the 1990 Oka crisis.

"Consultation is a spectrum, it hangs on the facts and the law. It might be minimal consultation in some cases...but at the other end of the spectrum, the Supreme Court said in the Haida case, that on very serious issues it would require the full consent of the Aboriginal nation" - International human rights lawyer

TransCanada's Energy East

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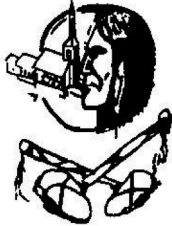
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Kingsclear First Nation



With all the action surrounding North American pipelines, Energy East remains an enigma.

"One way to potentially interpret this is that the Trudeau government has shown that they're willing to approve projects that will get our resources to market," current Premiere of NB Brian Gallant

"This one actually feeds a domestic Canadian market that's currently starved of domestic oil supply. We have 700,000 barrels a day, something like \$17 billion of oil coming in from foreign countries to Eastern Canada." Frank McKenna, former premiere of NB and deputy chair of TD bank

It opens avenues to markets such as India, Europe, and is another way to reach the gulf coast.

Currently Canada's oilsands produce roughly 2.5 million BBL/day, but by 2035 it is estimated this number could rise to as much as 4.3.

KXL would potentially add 830,000 bbl/day, it requires a Presidential permit, but faces legal challenges in Nebraska and like all other pipelines opposition from some environmental and indigenous groups

Trans Mountain would potentially add 590,000 bbl/day. The Line 3 would add an additional 350,000 bbl/day

Between KXL, Trans Mountain and Line 3 which are all expected to be approved we see an additional 1,770,000 barrels per day.

Energy East is the largest and likely the last in the queue. It would transport 1.1 million bbl/day. Despite delays in the regulatory process, opposition in Quebec, Ontario, and from Indigenous groups TransCanada plans to go ahead with EEP even if KXL is approved, because they have shipping commitments in hand.

If approved this would bump transport capacity to nearly 3 million bbl/day which surpasses current oil-sand's production

NB Power Projects

Grand Falls expansion: On November 1, 2016, the Maliseet received a letter from NB Power that they will develop a new hydroelectric generating station with a capacity of 100-120 MW adjacent to the already existing 66MW station. Tobique is the lead on this file; with secondary lead is Madawaska Maliseet First Nations.

Transmission Lines Project:

NB Power is working on a variety of projects for new transmission lines and updating existing lines. Below are the three proposed lines the Maliseet are currently consulting on. The three big proposed transmission lines are:

Fundy Isles Submarine Cables: NB Power owns and operates the already existing 20MW, 69 kV AC three core submarine cable. Life design of this cable line is for 40 years. First one is from Chocolate Cove (Deer Island) to Wilsons Beach (Campobello Island) 3.5km. Second one is from Little Whale Cove (Campobello Island) to Long Eddy (Grand Manan) 16.3km.

Kedgwick Transmission Line: The already existing transmission line (known as the transmission line 0028) is approximately 73km in length and runs from St. Leonard, NB to Kedgwick, NB. For poor reliability, NB Power is proposing a new construction of 5.2km higher voltage 138kV transmission line adjacent to the current line.

Houlton Water Company Transmission Line: NB Power has entered into an agreement with the Houlton Waters Company for the construction of a 15km, 69 kV transmission line from Woodstock, NB to Houlton, Maine. Of the 15km transmission line, 14km will be in Canada.

NB Power & DFO Protocol Agreement:

Next 5 year Action Plan (2017-2022) applies to the management of effects on fish and fish habitat. The roles of the parties are below:

NB Power: the implementation and management of agreed upon priorities identified in any Approved Action Plan
DFO: provide guidance and scientific advice with respect to: legislated responsibilities, the developing of project Terms of Reference, and/or Peer Reviews of Project Studies