

Consultation Newsletter Maliseet Nation

June 2017
Issue 1



Maliseet Nation in New Brunswick

In April 2017, the Maliseet Nation in New Brunswick (MNNB) was formed, which consists of Madawaska Maliseet, Tobique, Kingsclear, St. Mary's and Oromocto First Nation. MNNB also works closely with Woodstock First Nation on consultation related projects.

Currently, MNNB consists of:

- A Consultation Director: Shyla O'Donnell (Shyla.Odonnell@wtci-nb.ca)
- A Forestry Advisor: Angie Paul (Angie.Paul@wtci-nb.ca)
- An Environmental Impact Assessment (EIA) Coordinator: Deana Sappier (Deana.Sappier@wtci-nb.ca)
- A Fisheries Biologist: Dr. Colin Curry (Colin.Curry@wtci-nb.ca)

MNNB is currently in the process of hiring a GIS technician and an Ethnohistorian.

MNNB also works closely with the community Resource Development Consultation Coordinators, who are file leads on consultation projects:

- Madawaska: Russ Letica (leticaruss@yahoo.com)
- Tobique: Jamie Gorman (matewas@gmail.com)
- Woodstock: Amanda McIntosh (amanda3mcintosh@gmail.com)
- Kingsclear: Keyaira Gruben (keyairagruben@kingsclear.ca)
- St. Mary's: Timothy Plant (timothyplant@smfn.ca)
- Oromocto: Fred Sabattis (tamagun@rogers.com)

Maliseet Strategic Rights Plan

Beginning in May 2017, the Maliseet communities have started to work on the pre-planning stages of the Strategic Rights Plan.

The objectives of the study include:

- To further identify Maliseet traditional uses;
- Identify lands, traditional resources and cultural places that remain available to exercise Aboriginal and treaty rights;
- Identify restrictions to exercising Aboriginal and treaty rights;
- Determine the amount and type of land required for current and future exercise of Aboriginal and treaty rights; and
- Recommend short and long term measures to protect, restore and/or manage lands and natural resources, so as to better support (or in some cases restore) the ability of the Maliseet to exercise meaningful harvesting rights (e.g., restoration of particular streams to improve fish habitat; protection of key harvesting areas from industrial development; improved conservation measures for a declining wildlife population).

The study will occur from May 2017 – October 2018. The Maliseet study team consists of:

- Project Coordinator – Dr. Ave Dersch (Moccasin Flower Consulting). Dr. Dersch has worked with the Maliseet on a number of Traditional Land Use studies including: the Sisson Project, the Energy East Project and the Mactaquac Project. She holds a Ph.D in Archaeology and Biological Sciences from the University of Calgary.

Inside this issue:

MNNB	1
Strategic Rights.....	1
Strategic Rights.....	2
Point Lepreau.....	3
Grand Falls Dam.....	3
TFN Fish Passage.....	3
Mactaquac.....	3
Sisson Project.....	4
Energy East.....	4
Field Monitoring.....	4

Maliseet Strategic Rights Plan – Cont'd

- Project Coordinator – Deana Sappier (MNNB). Deana is from Tobique and worked in environmental consulting before taking a position as RDCC of Tobique. She has recently transitioned to EIA coordinator with MNNB. She has a BSc. in Environmental Science from the University of Calgary and is a certified Environmental Professional. Deana also sits at the Joint Table.
- Technical Team - Barry Hunter (Watertight Solutions). Barry obtained his forestry degree from the University of New Brunswick, currently holds a Masters degree in Development Studies and is working on a Ph.D in Human Geography. He has worked with many Aboriginal groups and is a development specialist with over 25 years of experience. Barry will be collecting western science for the Maliseet.
- Technical Team – Patricia Larcombe (Symbion Consultants). Patt has a Masters degree in Geography from the University of North Dakota. She has worked with a number of western First Nation communities including the Tsilhqot'in where she conducted a gap analysis of their existing traditional land use and provided professional opinion on the likely impact a proposed mine would have on traditional use and cultural values to the Federal Panel. Patt will collect Maliseet knowledge along with Maliseet co-researchers to inform the study.

The Maliseet will also bring in additional technical support as required. The Strategic Rights Plan team will work closely with the community RDCCs to form Maliseet Working Groups for each community. The Working Groups will have meetings after each phase of the project and will be asked to provide critical feedback at each phase of the study. The Maliseet co-researchers (who worked on previous Traditional Land Use studies) will be working with researcher Patt Larcombe to collect Maliseet knowledge.

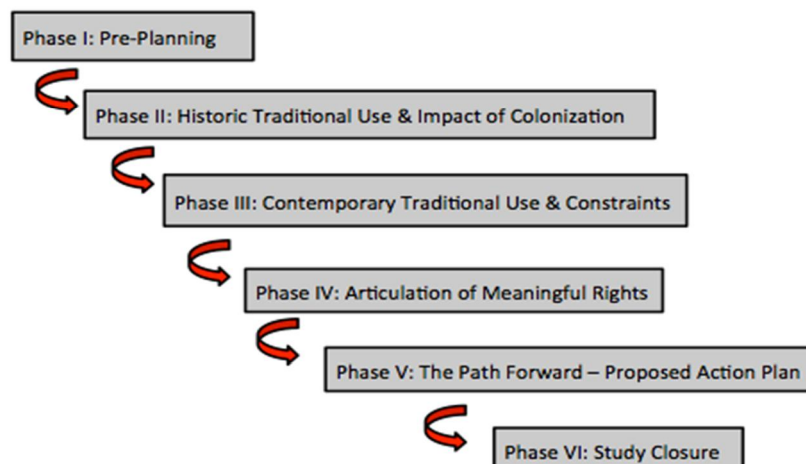
While the Strategic Rights Plan is ongoing, there will also be a Land and Resources Strategic Planning Table ("Joint Table"). The objective of the Joint Table is to develop **priority measures to support the exercise of Maliseet harvesting rights**, including land and resource protection measures. The Joint Table will recommend priority measures for Maliseet and Provincial government's approval and adoption. The Joint Table will be heavily informed by the Strategic Rights Plan study. Its work is expected to take 2.5 years. Under the Joint Table Agreement, the Maliseet and Province agree to strive to consider and make decisions about the Joint Table's recommendations within 6 months of receiving them. Legal Dominique Nouvet will be advising the Maliseet communities during the Joint Table process.

The Maliseet representatives include:

- Shyla O'Donnell – Consultation Director, MNNB.
- Deana Sappier – EIA Coordinator, MNNB.
- Amanda McIntosh – RDCC, WFN.

The Province of New Brunswick representatives include:

- Martha O'Sullivan – Chief Engagement Officer, Department of Energy and Resource Development (DERD).
- Brenda Parks – Negotiations Advisor, DERD.
- Kim Allen – Engagement and Consultation, Aboriginal Affairs Secretariat



NB Power – Point Lepreau Update

The Maliseet Nation was an intervenor in the Point Lepreau Nuclear Generating Station (NGS) licence renewal. Hearings were held in Saint John, NB on May 9, 2017. Russ Letica, RDCC from Madawaska delivered a presentation to the Canadian Nuclear Safety Commission (CNSC) on behalf of the 6 Maliseet communities in NB.

Letica stated that the Maliseet were not consulted prior to construction and expect major engagement if there are major decisions (e.g., expansions) for this facility.

The Maliseet also proposed the following recommendations:



Image obtained from: <http://talknuclear.ca/tag/point-lepreau/>

- CNSC/NB Power should fund a Maliseet community-based monitoring program for environmental radiation. Funding should also be available for Maliseet fish impingement and entrainment studies.
- The facility should fund a study to document impacts of the NGS on the Maliseet communal commercial fishery.
- Funding should be available for a more comprehensive study of Aboriginal historical and contemporary land use in the Lepreau area.

NB Power – Grand Falls Generating Station

NB Power is proposing to expand the Grand Falls Generating Station. This would include:

- A new hydroelectric generating station (approx. 100 MW) adjacent to the existing 66 MW station.
- Construction of a new intake structure on the existing headpond.
- Construction of a new tunnel to convey water from the headpond, beneath the town, to the new powerhouse.

Excess water is that is currently being spilled will be diverted through the new station for generating power.

NB Power – Tobique Downstream Fish Passage

Fish passage at the Tobique Generating Station has been an issue due to small and fast turbines that have affected survival rates of Atlantic salmon. Starting in 2016, work began on a new system for fish passage which will include: a floating guidance boom (which will guide fish to spillway 5); fish will then be passed over the gate into a screen that will direct them into a pipe for passage to a sorting facility.

On May 20, 2017, Gate 5 was removed. Stop logs are now in place and a new modified gate will be installed this summer that will enable the new fish passage pipe to fit.

NB Power – Mactaquac Project Update

NB Power and the Canadian Rivers Institute (CRI) have been working on potential fish passage options for the Mactaquac Generating Station. CRI has categorized fish species as common species and those with the highest probability of need (e.g., Atlantic Salmon, American Eel), species with unknown information (e.g., Lake Whitefish) and common species that have a low need for fish passage as the species is likely to survive without it, or can use another species fish passage (e.g., Blacknose Dace).

The Maliseet are in the process of hiring a fisheries biologist to help them review the technical fish passage information and obtain and review community information (e.g., the Mactaquac Traditional Use Study) to provide input to NB Power and CRI.

The Proposed Sisson Project – Update

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 other buildings such as offices. The project would cover approximately 1200 ha of Maliseet territory. The proposed mine would operate for up to 30 years and be followed by decades of reclamation and closure processes.

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 provincial and federal approval. Additionally, the company will have to obtain permits for blasting, fisheries offset and meet the provincial approvals before it can operate.

The Proposed Energy East Pipeline Project – Update

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, including the Irving refinery in Saint John, NB.

On May 10, 2017, the National Energy Board (NEB) panel released the Draft List of Issues and Environmental Assessment (EA) Factors Scoping documents. The List of Issues identify the topics the hearing panel will consider during the hearing for the proposed Energy East Pipeline project. The Maliseet submitted comments on the draft list of issues on May 31, 2017.

Interested in Environmental Field Monitoring?

The Maliseet Nation is looking to create a database of potential environmental field monitors, archaeological field monitors and persons interested in working in either field.

If you would like your resume to be included in the database, please send a copy of your resume to your community RDCC (see below for names). Please indicate in a general cover letter your level of experience and if you are willing to work throughout New Brunswick (or if you would like to stay within a certain region).

Contact Information:

If you have any questions about the content of this newsletter and would like more information, please contact your community RDCC.

- Madawaska – Russ Letica (506-735-1744) email: leticaruss@yahoo.com
- Tobique – Jamie Gorman (506-273-5544) email: matewas@gmail.com
- Woodstock – Amanda McIntosh (506-325-3570) email: amanda3mcintosh@gmail.com
- Kingsclear – Keyaira Gruben (506-363-3028 ext. 143) email: keyairagruben@kingsclear.ca
- St. Mary's – Timothy Plant (506-459-2200 ext. 126) email: timothyplant@smfn.ca
- Oromocto – Fred Sabattis (506-478-4929) email: tamagun@rogers.com

