

Consultation Newsletter Wolastoqey Nation

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Issue 9



WNNB Office

The Wolastoqey Nation in New Brunswick (WNNB) provides technical advice to Wolastoqey leadership and Resource Development Consultation Coordinators (RDCC's) in resource development consultation matters that relate to the implementation and exercise of Wolastoqey constitutionally protected rights. WNNB also acts to protect and promote traditional lands, ceremony, cultural practices, and language. WNNB consists of:

- Consultation Director: Shyla O'Donnell (Shyla.Odonnell@wtci-nb.ca)
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WNNB is currently in the process of hiring an archaeologist, an ecologist and an environmental monitor.

Offshore Newfoundland Drilling Projects

There are currently 5 proposed projects that are registered with the Canadian Environmental Assessment Agency to drill offshore of Newfoundland including:

- Flemish Pass Exploration Drilling Project;
- Eastern Newfoundland Offshore Exploration Drilling Project;
- Husky Energy Exploration Drilling Project;
- Nexen Energy ULC Flemish Pass Exploration Drilling Project; and
- Orphan Basin Exploration Drilling Project.

These projects are of concern to the Wolastoqey as Atlantic Salmon migrate through the proposed drilling areas. At the request of WNNB, the Canadian Rivers Institute completed a technical review of potential impacts to Atlantic Salmon, which determined that Atlantic Salmon spend more time in the area than originally expected by the proponents, and the area is likely an important feeding ground for both one sea and multi-sea winter Atlantic Salmon from the Outer Bay of Fundy Designatable Unit.

Any members who want a copy of the technical review can contact their Resource Development Consultation Coordinator (see page 4 for contact details).



The Sisson Project: Federal Permits

In March 2018, WNNB submitted two reports to Environment Canada and Climate Change (ECCC) regarding the Sisson Project federal permits, including a technical review of the Sisson Mine Project Draft Fish Habitat Offsetting Plan and a technical review of the Sisson Mine Project Assessment of Tailings Management Alternatives.

Comments on the draft fish offset report included:

- The habitat loss assessment in the report is incomplete and appears to minimize impacts to fish habitat.
- The proposed offset (removal of a partial barrier at Nashwaak Lake) is not sufficient nor appropriate, as it appears to be owned by New Brunswick. Additionally, the cost of the offset is estimated at \$185K which appears to be a significant underestimation of the offset, which is estimated at \$1.2-1.4M by our experts.
- The offset is aimed to increase Alewife survival, however, there is no data to indicate that Alewife are currently able to reach the barrier or that they have occupied Nashwaak Lake.



Nashwaak Lake



View of barrier at Nashwaak Lake

Regarding the Assessment of Tailings Management Alternatives (ATMA), comments included:

- The company removes valid and feasible tailings management approaches in its pre-screening steps leaving essentially only a comparison of two options that exhibit only minor differences beyond location (both would use conventional slurry disposal, both store most of the waste rock in the tailings and both use active water treatments).
- The company did not explain why it failed to consider different tailings disposal methods such as increased back-filling of the pit or water treatment options.

The federal permits are now undergoing their consultation phase which takes 1.5 – 2 years and are being led by Environment and Climate Change Canada (ECCC). The Sisson Project would have to be added to the Metal Mining Effluent Regulation (MMER) Schedule 2 as they would be removing fish-bearing streams to make a tailings pond.

Any members who want a copy of the reports can contact their Resource Development Consultation Coordinator (see page 4 for contact details).

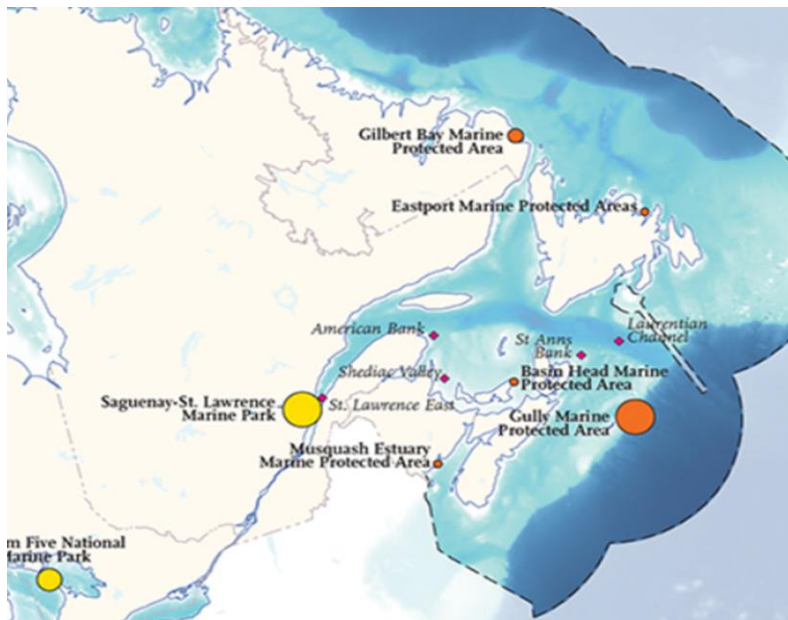
Mactaquac Project

WNNB is working toward finalizing recommendations regarding what fish should be considered for passage at the Mactaquac Generating Station. Through our working group, which includes members of Kingsclear (lead community on the project), we have identified a list of 18 species that should be passed upstream and downstream of Mactaquac – currently only 3 species are passed, including Atlantic Salmon, Alewife and Blueback Herring.

Marine Protected Areas

The Department of Fisheries and Oceans Canada (DFO) recently announced two new Areas of Interest to help meet its 2020 marine conservation targets. Both areas- The Eastern Shore Islands and Fundian Channel – Browns Bank are closer to Nova Scotia, however DFO has ambitious plans to create a network of marine conservation areas in both the Bay of Fundy and the Gulf of St. Lawrence.

WNNB is working to ensure that any Marine Protected Areas respect Wolastoqey fishing rights, and to ensure that Wolastoqey priorities such as Atlantic Salmon are reflected in any new protected area, from 2020 and beyond.



On the left: view of Canada's current Marine Protected Areas in the east coast.

Retrieved from:

<http://maps.canadiangeographic.ca/marine-protected-areas/>

Mactaquac Migration Channel

WNNB along with Kingsclear First Nation and St. Mary's First Nation have been in consultation with DFO regarding the future management of the Mactaquac Migration Channel. We can report that the variation order that established the fishing closure will not be renewed for 2018 – however, a smaller closure in the area regulated by the *Fisheries Act* remains in place. Through further discussion we are hoping to reduce the size and time frame of the closure and to ensure protections are in place to mitigate risks to Atlantic Salmon.

For more information on Mactaquac or Marine Protected Areas, please contact our fisheries biologist Colin Curry at Colin.Curry@wtci-nb.ca or 506-459-6341.

Pulp and Paper Effluent Regulations

Environment and Climate Change Canada (ECCC) is proposing to modernize their Pulp and Paper Effluent Regulations (PPER). The PPER was first developed in 1971 and effluent quality standards came into force in 1992.

Among other items, ECCC is proposing to review the current regulatory limits for deleterious substances and to see if new chemicals should be added to the list. This includes things such as: reducing Biological Oxygen Demand and Suspended Solids discharge limits, limiting temperature of effluents, etc.

The WNNB forestry advisor (Angie Paul), is gathering data through Access to Information and Privacy Act (ATIP) in order to properly respond to the proposed modernization. She has requested data from the pulp and paper mills along the Wolastoq/ Wəlasatekw Watershed, including AV Nackawic, Twin Rivers Madawaska, JDI Lake Utopia and Irving Pulp and Paper Ltd.

Contact Information:

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

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