

Kingsclear First Nation



Kingsclear First Nation
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December 8, 2015

Dear Community Members,

On Thursday December 3rd, 2015, the Government of New Brunswick's Minister of Environment, Brian Kelly announced the Provincial's approval of the Sisson Brook open-pit mine ("Mine") proposed by Northcliff Resources Ltd (the Environmental Impact Assessment, or "EIA" decision).

The Mine has to be approved by both the Provincial and the federal governments. The Provincial Government has now given its main approval, the EIA decision. It will need to issue Northcliff further permits for the Mine to be built, so the Mine cannot be built yet, but we can expect that the Province will issue all required permits.

At the federal level, it is the Canadian Environmental Assessment Agency, or "CEAA" that reviews the Mine and prepares a "Comprehensive Study Report" to advise on whether the Mine should be approved and if so, under what conditions. The federal approval will likely come in the first half of 2016.

Since June 2015, Kingsclear First Nation has been participating in accommodations discussions with the Province and the 5 other Maliseet Chiefs, to explore what GNB is willing to do to accommodate Maliseet rights and address the negative impacts of the Mine on our rights. GNB's approval of the Mine last week was unexpected because the accommodation discussions are not complete. The approval is forcing the Maliseet to consider all of their legal options going forward.

Kingsclear First Nation is currently represented by Woodward & Company LLP on the Mine. Woodward & Co. LLP is a First Nations' law firm out of British Columbia that only works for First Nation governments and organizations. Woodward & Co. LLP represented the Tsilhqot'in Nation of British Columbia in their successful Aboriginal title claim, so far the only successful title claim in Canada. The lawyer who represents Kingsclear and the 5 remaining Maliseet communities is Dominique Nouvet. Dominique will be in Kingsclear on **Thursday December 17th, 2015 @ 5pm located at the school.** We will be holding a community dinner and learning session about Sisson discussions and project. Dominique will be updating the membership on the accommodation discussions and Kingsclear's legal options to

deal with the recent approval of the Mine, and she will be available to answer any legal questions.

The legal update from Dominique is open only to members and their spouses as she will be providing confidential legal advice.

Any questions, please don't hesitate to contact Chief Gabriel Atwin. Attached you will find the press release that was on behalf of the Maliseet Chiefs.

Woliwon,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Chief and Council

**Press Release
Maliseet Nation
December 3 2015**

The Maliseet Nation is dismayed by the Government of New Brunswick's approval of the Sisson Mine. The Mine would sit in the heart of Maliseet Territory, taking up over 12.5 km², with effects reaching well beyond the mine footprint. At this time, none of the Maliseet communities support the Sisson Mine, and several Chiefs explicitly oppose it.

Maliseet Aboriginal and Treaty rights are already seriously compromised in New Brunswick due to centuries of colonization, including overharvesting of key Maliseet resources and extensive development and privatization of provincial Crown land. The Mine would further erode the Maliseet's already compromised constitutional rights and seriously infringe on Maliseet Aboriginal title and established Treaty harvesting rights.

Chief Candice Paul; "Our members will be heartbroken about this approval. One of our members have a camp in the area and multiple members from various Maliseet communities use this camp and the surrounding land. It is one of the last remaining pieces of Crown land in our territory"

The elected Chiefs of the six Maliseet communities are angered by the Government of New Brunswick's rushed approval of the Sisson Mine. The Government committed to the Chiefs that consultation and accommodation discussions would be concluded prior to making its approval decision. Since June 2015, the Maliseet Chiefs have been participating in accommodation discussions with the Government in good faith, moving the dialogue forward as quickly as possible. By issuing the approval for the Sisson Mine in the middle of the Crown-Maliseet engagement process, prior to accommodations being fully developed and before the Chiefs could consult with their membership about the proposed accommodations, the Government has demonstrated their disregard for the positive relationship that was finally starting to build with the Maliseet Nations.

Chief Patricia Bernard; "As a Maliseet Chief with a legal background, this sudden approval makes me question how serious PNB is about the steady erosion of Maliseet rights and how they plan to protect our rights into the future"

Chief Gabriel Atwin; "We have tried to work with the government in good faith. This sudden approval leaves me wondering how serious the government is about addressing Maliseet concerns."

The Maliseet will be examining all their legal options in light of the Government's decision to issue the main approval for Sisson prior to completion of the accommodation discussions.