

# Resource Development Newsletter

**Kingsclear First Nation**

## Climate Change: Selection Committee

September 2016  
Issue 10

### What is this?

In April 2016, the Department of Environment Local Government Minister Brian Kenny announced a selection committee on Climate Change. The committee is to engage with citizens of New Brunswick on issues surrounding climate change, then the committee reports to the legislature on recommendations. (Discussion Guide, May 2016)

On September 13, 2016, the Climate change committee was in Tobique First Nation. Kingsclear had two representatives (Councillor Patrick Polchies & Sydney Paul) present questions and concerns to the committee.

Canada made several action plans including:

- Increase the level of ambition – meet or exceed Canada's GHG emissions

target (currently around 750 mega-tonnes of Carbon released per year the target being 524 or roughly %30 lower than today's emissions.

- Promote clean economic growth to create jobs – foster investment, competitiveness and benefits to Canadians
- Deliver Mitigation Actions – broad range of domestic measures, including carbon-pricing measures.
- Increase action on adaptation and climate resilience – address climate risks to our populations, infrastructures, economies and ecosystems in particular Canada's northern regions.
- Enhance Cooperation – engagement with the public and Indigenous populations.

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## Environmental Assessment (EA) Review Process

As stated in the August 2016 newsletter, The Maliseet have applied for funding to participate in an engagement process for the following topics:

- Review of the Environmental Assessment Act
- Modernization of the National Energy Board
- Restoring lost protections and introducing modern safeguards to the

Fisheries Act and Navigations Protections Act

For the Review and regulatory process, the Maliseet are using Olthuis, Kleeer, Townshend (OKT), Gillian Paul as legal, Management and Solutions in Environmental Science (MSES) for Technical scientific support, Peter Armitage from Wolverine and Associates to be our Traditional Land and Resource Use expert and Andrea Bear-Nicholas as our historian and oral expert for the National Energy Board process.

The Maliseet have been granted the funds for Review of the Environmental Assessment process. The panel session for the federal Environmental Assessment process will be held in Fredericton, NB on October 12, 2016. This will be an Indigenous open Dialogue for communities, organizations where they will have ten minutes to present to the panel. Below is the link to register to present:

<http://eareview-examenee.ca>

# NB Power: Mactaquac Dam Project Update

## Kingsclear lead

As stated in previous newsletters, Kingsclear First Nation is the consultation lead on the Mactaquac Dam Project and is the point of contact.

## Consultation Meetings

On September 21, 2016, the Maliseet met with CEO of New Brunswick Power, Gaeton Thomas to present our concerns and preferred option. The Maliseet had stated that given the information provided by NB Power, how could NB Power make a decision when there are so many uncertainties. The Maliseet have preferred option 3. Councillor Patrick Polchies stated in the meeting that removing the Dam would be the single greatest cultural event for the Maliseet in our memories, and that it would go a long way towards

achieving reconciliation with the Maliseet. Another thing that was brought up was true meaningful partnerships between NB Power and the Maliseet.

## Mactaquac Traditional Land Use Study (TLUS)

Dr. Ave Dersch was the lead project manager on this study, with help from Natasha Sacobie from Kingsclear. The Maliseet finalized and submitted a final report to NB Power on September 16, 2016. Dr. Dersch provided recommendations in the report to NB Power. The Chiefs has stated that it's too early to endorse these recommendations because of the lack of information.

## Nation Meeting

On July 17, 2016, Kingsclear hosted the Nation meeting with all six Maliseet communities. Kingsclear

received the final report on Friday September 23, 2016. This report will be posted on Kingsclear.ca website and a hard copy can be accessed by seeing Sydney Paul at the bandhall.

Kingsclear Survey report is now completed and can be accessed by hard copy at the Bandoffice.

## Field Monitor Reports

The Maliseet still receive monitor reports from Austin Paul at NB Power. Last report we received was for September 23, 2016. Austin participates in some of Canadian Rivers Institute (CRI) Mactaquac Aquatic Ecosystem Study (MAES) like American Eel and fish studies.

If any community members want to add feedback on the Mactaquac Dam Project, please contact Sydney Paul at [sydneypaul@kingsclear.ca](mailto:sydneypaul@kingsclear.ca) or 506-478-0136.



Option 1



Option 2



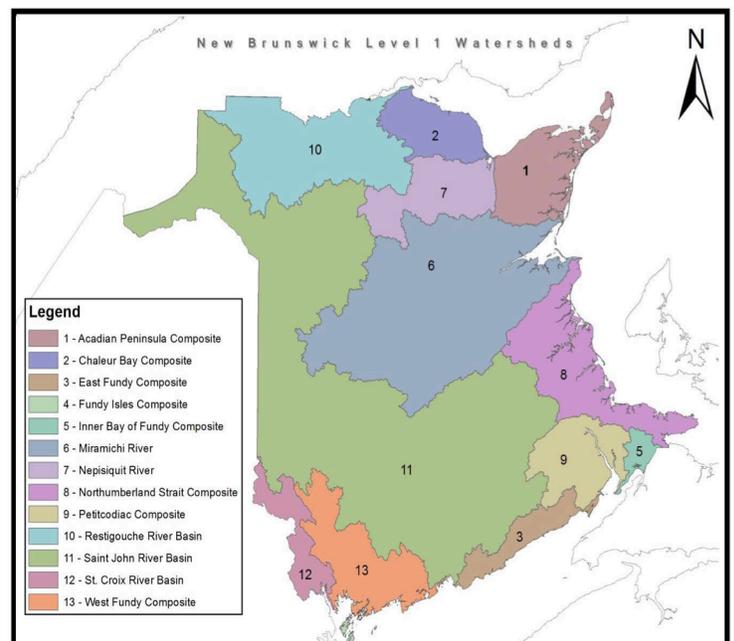
Option 3



Option 4

## DELG: Water Strategy Initiative

KFN has also been meeting fairly regularly with Department of Environment and Local Government (DELG) concerning water strategy. There have been 5 meetings over about 6 months of talks and information exchange. Currently KFN has a survey that will likely be going out to the community in the next few weeks via outreach regarding the water strategy initiative.



# TransCanada: Energy East Proposed Pipeline

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## TransCanada's Energy East Pipeline (EEP): Communication and Engagement Funding Agreement (CEFA)

EEP is proposed 4600km pipeline which will convert roughly 3000 km of natural gas pipeline too carry Alberta and Saskatchewan oilsand bitumen. The other 1600 km would be new build. This runs roughly through Quebec and New Brunswick. The 412 km that runs though New Brunswick crosses Maliseet un-ceded traditional lands, including approximately 327 waterways. It has the potential to negatively impact our aboriginal rights possibly including our Aboriginal title, therefore triggers the

Duty to Consult and Accommodate. Kingsclear First Nation (KFN) along with the other Maliseet First Nations entered into a CEFA with TransCanada as part of the engagement process that EEP requires. What this agreement allows is for the hiring of the liaison position (Gordon Grey) as well as a legal team (Olthuis Kleer and Townshend (OKT)), and various experts (Wolverine and associates, MSES). Further the CEFA allowed for the hiring of our outreach team which you all should have had the chance to talk to (included Summer and Darren Saulis, Keyaira Gruben, Richard Francis Jr, Ben Solomon, and Rebecca Sirois). While the CEFA allows for funding, it is not to be interpreted as any form of acceptance of the project. Currently

KFN is waiting on the deliverables associated with our expert reviews, they are expected no later than the end of October, and we are currently processing the EP interviews that the outreach team has brought in. This would conclude this last year CEFA agreement and allow for the re-negotiation of another to allow for further community meetings, events, notices, and perhaps more jobs.

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)

## TransCanada EEP Leadership Meeting

September 26<sup>th</sup> several members of the bands elected council attended a TransCanada hosted event where Irving Oil was present. The meeting included talks concerning:

1. Marine Terminal Complex (MTC) – included a tour of the Irving crude oil facility at Canaport. The proposed facility would include twenty-two eighty-foot silos, which would be responsible for storage of nearly 13.2 million barrels of crude oil.
2. *the Pilotage act* – Talked with a man concerning current berthing and mooring policies
3. the TERMPOL study – the risk assessment review of operations, which acts much like the NEB process and deems whether a project is fit for service or not. EEP triggered 18 out of the 21 associated studies, generally these cover 5 categories; 1) introduction and engineering, 2) navigation, berthing and mooring, 3) maritime traffic and fishing resource impacts, 4) risk and casualty analyses, and 5) operations manual.
4. *Canadian Shipping Act* – the primary federal legislation concerning marine safety. Its primary goals include protect human health, promote safety in marine transport, protect the environment from damage due to shipping activities, and establish an effective inspection and enforcement program for marine transport.
5. *Marine Liability Act* - The “polluter pays” principle, whereby the tanker owners are held responsible for any release of oil. Upwards of 1.3 billion dollars in liability protection from the vessel owner (\$140 million), IOPC international fund (\$830 million), SOPF Canadian fund (\$160 million). The IOPC and SOPF funds are used as a liquidity solution, the “polluter pays”, but for the quickest response that money is made available for cleanup immediately.
6. response and cleanup (ALERT) – Atlantic Environment Response Team is the response team responsible for cleanup operations in the Bay of Fundy should an accidental release occur. They are certified for spills of 60,000 barrels of oil which means they can clean ~10 million liters of oil within 10 hours of a spill.

The polluter pays principle is important. Should a spill occur along the pipeline liability falls on the shoulders of TransCanada, should a spill occur at the MTC the liability shifts at the loading arm interface between the TransCanada and Irving Oil, despite being in a partnership with TransCanada only will be held responsible should they spill any of their 50,000 barrels per day that they have committed to purchase as a minimum contract from TransCanada.

# House of Commons' Standing Committee on Fisheries and Oceans

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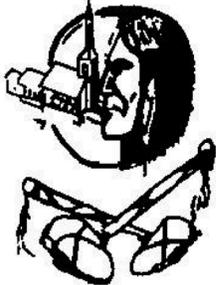
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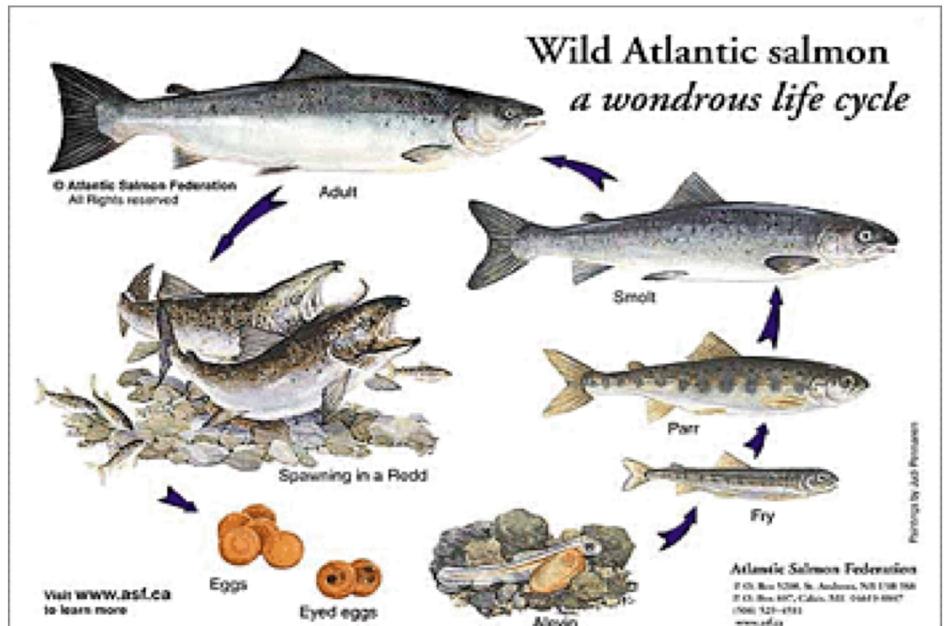
**Kingsclear First Nation**



In December of 2014, DFO Fisheries Minister Gail Shea announced that she would create a Ministerial Advisory Committee, which would be instructed to review critical aspects of the salmon resource and fisheries, and to recommend a course of action. The mandate areas that the committee was asked to focus on included conservation, enforcement, predation, science and strategies to address international fisheries that target wild Atlantic salmon of Canadian origin.

On September 29<sup>th</sup>, 2016, the Maliseet presented to the standing committee on Wild Atlantic Salmon in Miramichi, NB. We stated we can no longer harvest Salmon in our local area. The Sparrow Decisions (1990) states that Aboriginal people of Canada have an inherent right to fish for food, social and ceremonial purposes this right supersedes recreational fisheries.

(Image from Atlantic Salmon Federation)



## Mt. Carleton Project Update

Tourism, Heritage and Culture (THC), New Brunswick Federation of Snowmobile Clubs and the Town of Saint-Quentin are proposing a snowmobile grooming hub in Mt. Carleton. An Environmental Assessment has been registered with Department of Environment and Local Government (DELG) in September 2016. Roy Consultants Engineering Services did the EA for the project.

The screening analysis report was completed by Jamie Gorman and reviewed by Dr. Ave Dersch and submitted to

Arc Geobac on September 27, 2016.

The Maliseet receive weekly reports from Archeological Services on the archeological work being conducted where the bridgework is taking place. On September 26, Moose Brook south excavation was completed.

There are one Maliseet and one Mi'kmaq Environmental Monitor on site for the construction of Bathurst Lake and Moose Brook bridges. We receive reports on from the Maliseet environmental monitor.

Proposed trails and distance within park boundary (found in the Environmental Assessment by Roy Consultants, 2016)

