

Resource Development Newsletter

Kingsclear First Nation

Update on Proposed Projects in Maliseet Territory

November 2015
Issue 1

The purpose of the monthly newsletter will be to inform, educate, and be as transparent as possible to as it relates to Resource development in Maliseet Territory and Kingsclear's engagement with the Crown and proponents. With the Resource Development Consultation Coordinator being a new position, Kingsclear is working towards providing direct information straight to the community members. This position was created to provide information on any resource development within the Maliseet territory. This will include aid to community members, Chief and our

Council, and Government officials to protect the integrity of our Territory, respond and tracking all industry activities in the territory and receiving comments/questions/concerns from community members in regards to any resource development.

Where is Kingsclear at with engagement?

Kingsclear First Nation passed a Band Council Resolution (BCR) in September 2015 to opt out of the "Assembly of First Nations Chiefs of New Brunswick". Where Kingsclear is currently moving towards Maliseet unity with Saint Mary's First Nation, Tobique First

Nation, Woodstock First Nation, Oromocto First Nation, and Madawaska First Nation.

What is Maliseet Unity?

The Maliseet Chiefs are forming unity to work together. As a result of this unity, GNB provided funding for the six Maliseet Resource Development Consultation Coordinator's positions in (Kingsclear, Tobique, Woodstock, Oromocto, St. Marys, and Madawaska Maliseet).

All the Maliseet Chiefs first met on June 8th, 2015 in Saint Marys First Nation, NB. There has currently been 5 meetings.

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What is the Duty to Consult?

The duty to consult was recognized as a legal requirement pursuant to section 35 of the *Constitution Act, 1982* as early as 1990 in *R. v. Sparrow* and has been affirmed and developed by the Supreme Court of Canada in several cases since. The goal of consultation and accommodation is to provide protection for Aboriginal and

treaty rights and to minimize or eliminate the impacts on such rights.
<http://www.oktlaw.com/wp-content/uploads/2013/10/gpPrimer.pdf>

The Government of New Brunswick will consult with First Nations before an action or decision is taken that may adversely impact Aboriginal and

treaty rights; trapping, fishing, hunting, gathering, or other traditional land use.
<http://www2.gnb.ca/content/dam/gnb/Departments/aas-saa/pdf/en/DutytoConsultPolicy.pdf>

Treaty Education workshop will take place on Tuesday December 8th, 2015 @ 6pm at the Band hall Culture rm light refreshments & door prizes

Sisson Mine Proposed Project

Sisson Mine is a proposed open pit mine to produce mineral of tungsten and molybdenum concentrates, and ammonium paratungstate (ATP) 100km northwest from Fredericton, NB which is located on Crown land. The duration of the mine is expected to be 27 years. The size of the open pit mine would be 145 ha and 300-370 ha deep with a tailing storage facility the size of 751 ha.

http://www.sissonpartnership.com/i/seiar/1-Final-EIA-Report/e/1/Sisson_Final_EIA_Feb2015_Section_3
[0 Project Description.pdf](#)

The Maliseet Chiefs also worked with New Brunswick to secure a new archeology program at the Sisson Site. This program is being overseen by the Government of New Brunswick. Many Maliseet members have been hired to participate in the fieldwork and on-site Maliseet observers are reporting back to their respective community on the progress of the fieldwork. It is a shared objective of New Brunswick and the Maliseet

Maliseet and Crown Sisson Accommodations

NB has been consulting with the Maliseet since June 2015 about how to accommodate Maliseet Aboriginal and treaty rights if the Province approves the Sisson Mine. If NB approves the Mine, it will have legal duty to consult to "accommodate" Maliseet Aboriginal and Treaty rights. This means NB will need to ensure that the environmental impacts of the Mine are minimized and adopt a strategy to address the unavoidable harms from the Mine to the Maliseet Rights. The Maliseet Chiefs are

exploring with the Crown what that accommodation strategy would involve, and include, for ex: the protection of other lands in Maliseet Territory from future development, to ensure their availability traditional land uses; revenue-sharing on Mine profits; and a mining accident/malfunction compensation fund that would compensate the Maliseet for any harms to their Treaty and Aboriginal rights; and a training and employment strategy.
Community engagement on Sisson Mine project will take place on Thursday December 17th, 2015 at 5pm. (More information on back page)

Sisson Archeological Work

Nation to ensure that the archeological work at the Sisson Site is done thoroughly.

The recruitment for the

"The Maliseet Chiefs also worked with NB to secure a new archeological program at Sisson site"

archeological work started on the week of August 24-28th, 2015, where over 70 Maliseet workers were hired. The field work started on September 8th, 2015. The duration of the field work is for 12 weeks. The field work has completed a total of 4,100 test pits.

The work will be wrapping up late November 2015-early December 2015.

TransCanada Energy East Pipeline (EEP) Proposed Project

TransCanada is a 4,600km proposed pipeline from Alberta to New Brunswick to transport crude oil. 3,000km of the pipeline will be converting natural gas oil line to crude oil. 1,600km will be new construction of the pipeline from Ontario to New Brunswick. The pipeline is proposed to go through Maliseet Traditional territory in New Brunswick to St. John, NB where there is a proposed a new marine terminal. The pipeline will transport 1.1 million barrels of crude oil aday.

www.energyeastpipeline.com

What is the Communications and Engagement Funding Agreement

A process agreement with TransCanada that sets out how

"TransCanada Energy East is a 4,600km proposed pipeline from Alberta to New Brunswick"

engagement with TransCanada will take place and provides the funding for that engagement. Entering in this agreement does not mean you agree to the pipeline, but more along the lines of communities to learn about the project and share concerns.

Kingsclear is currently entering into community engagement with TransCanada. Community meetings will happen on Monday November 23rd, 2015 at 6pm at the Wulastukw Elementry School. Door Prizes & light refreshments.

TransCanada Traditional Use (TU) Study

All Six Maliseet Communities are doing a Traditional Use study concerning where Maliseet people have been camping, hunting, trapping, fishing, collecting berries, medicinal plants, wood and using the land in others ways as far back as they can remember. This study is being done to help the Maliseet Nation understand the potential impacts that the proposed Energy East pipeline project may have on Maliseet traditional land use. However, the information from the study will also help Maliseet people in a number of other ways in the future.

Kingsclear is currently with Peter Armitage from Wolverine & associates to interview band members on their land use. Peter will be the main researcher for Kingsclear on this project.

<http://www.kuekuatsheu.ca/wolverineinfo.htm>

Kingsclear has hired a co-researcher, Natasha Sacobie who will be working with Peter on conducting 60 interviews. Kingsclear has agreed to participate on the Traditional Use Study in October 2015 to join the five Maliseet communities. Kingsclear had a research

planning meeting on October 24th, 2015 with Peter, Natasha and 3 land users to go through the questionnaire and maps. The interviews are agreed to start in the week of November 16th, 2015 and will continue till mid December 2015. All information and data collected will be confidential and at the property of the Maliseet Nation.

Community meetings will be happening on Monday November 23rd, 2015 regarding more info about the TK Study! Door Prizes and Light refreshments.

TransCanada Archeological Field Work

TransCanada Energy East Archeological field work started on October 6th, 2015 after obtaining a archeological permit from GNB. The current work is at the Saint John area near the proposed marine port terminal. TransCanada Energy East is in partnership with Green Eagle services for aboriginal participation, and Stantec Consultants to oversee the field work.

The percentage of the First Nation workers make up 53-59% of the staff. There has been 10 archeological field workers hired

"Approx. 763 test pits have been done in the Saint John Tank terminal area and 49 in the Youngs Cove area"

from First Nation in NB. 1 first nation archeologist to oversee the field work, 6 first nation observers to report back to the FN communities on the field work. Approx. 763 test pits have been done in the Saint John Tank terminal area and 49 in the Youngs Cove area

The work is antipated to wrap up at the end of November 2015 depending on weather.

NB Power Mactaquac Dam Proposed Project

NB Power exploring three options for the current Mactaquac Dam. The three options are: 1. Repowering station. 2. Retain the Head pond. and 3. River restoration. The service life for the Mactaquac Dam is to 2030.

NB Power is currently looking at making a decision in 2016.

<http://www.mactaquac.ca/project-description/>

The Canada River Institute (CRI)

was awarded \$2.8 million to conduct an aquatic ecosystem study on the St. John River to support NB Power's future decision on the Mactaquac Generating Station.

<https://www.nbpower.com/en/about-us/news-media-centre/news/2015/28-million-nserc-grant-allows-canadian-rivers-institute-to-study-the-health-of-the-st-john-river/>

Kingsclear Engagement:

One open house was done on August 4th, 2015 in Kingsclear First Nation presenting the three options to community members to provide feedback and ask questions. Kingsclear currently receives bi-weekly updates from the First Nation Liaison field monitor working with NB Power. Updates vary from artifact findings, collecting of sediment, site visits, etc.

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**COMMUNITY ENGAGEMENT: SISSON MINE
PROPOSED PROJECT**

On Thursday December 17th, 2015 @ 5pm,
Kingsclear will be hosting a community meeting regarding the Sisson Mine Project at the Wulastukw Elementary School gym. Along with this meeting, there will be a community Christmas dinner. The purpose of the meeting is for members to hear about the Maliseet's legal options for dealing with the proposed Sisson Mine and the progress of the Maliseet - Government of New Brunswick Sisson Accommodation negotiations. Members will hear from the Maliseet's legal counsel and have the opportunity to ask questions and share their thoughts on the issues for Council's consideration.

We're on the Web!

www.kingsclear.ca

Community Engagement Committee

Kingsclear First Nation is currently working towards becoming more efficient at delivering the accurate information as it relates to our Wolastoqiyik territory to community members. We have Treaties and Aboriginal Rights that have been recognized by the highest courts in Canada. The courts have stated that First Nations people must participate in the avenues that exist and have dialogue with the government on anything that has potential to impact Aboriginal Rights. Protocols need to be developed by the community members who hold the collective rights on how

information should be shared with the community. Therefore, Chief and Council along with the Consultation Coordinator have decided to create the Kingsclear Community Engagement Committee. On November 2015 the Chief and Council along with the consultation coordinator screened the applicants and picked 5 community members which are comprised of active land users, youth, elder, and concerned member's.

The purpose of the Community Engagement Committee is to create, implement and inform Kingsclear members on any resource development. The

committee will do this by hosting open houses, information sessions, questionnaires, visiting house to house, and identify what the community wants when receiving project information. All information regarding the committee information will be posted on Kingsclear.ca under "News & Events" than "Community newsletter" than "Resource Development Coordinator newsletter".
