

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGISTRATION FOR THE INTERNATIONAL POWER LINE PROJECT: WOODSTOCK TO HOULTON, MAINE (TRANSMISSION LINE 0155)

Aboriginal Engagement
July 26, 2017

8.0 ABORIGINAL ENGAGEMENT

NB Power initiated Aboriginal engagement activities to inform First Nations communities and groups about the Project. Aboriginal engagement used a multi-faceted approach to ensure that Project information reached as many First nation persons as possible. The approach includes maintaining a Project mailing list, distributing printed information, placing information on the website, meeting with Aboriginal groups, and providing presentations or briefings.

8.1 OBJECTIVES

As with the Public Involvement Program, the objectives of Aboriginal engagement activities are as follows:

- Provide information directly to First Nations communities
- Address issues and concerns raised during this process
- Identify measures that will mitigate or resolve First Nations issues or concerns proposed during future consultation initiatives.

8.2 ABORIGINAL ENGAGEMENT ELEMENTS

NB Power is committed to sharing information with First Nations communities and organizations throughout the regulatory, construction and operation and maintenance phases of the Project. The following section describes elements of NB Power's Aboriginal Engagement as they relate to the Project.

8.2.1 Communication Methods

The methods employed to communicate with First Nations communities and groups are described below:

- **Information Package** – Letters were sent to all First Nations Communities in New Brunswick to provide basic information about the Project. The letter included fact sheets on the proposed undertaking (Appendix F).
First Nations Open House – To date, one Open House session has been conducted on May 24, 2017 at the Woodstock First Nation to discuss aspects of the Project. Further Open Houses may be considered during the EIA review period, if required.
- **Web Postings** – The NB Power website (www.nbpower.com) will serve as an electronic method for members of the public to access Project documents, view maps, and send comments.
- **Viewing of the EIA Registration** – A paper copy of the EIA Registration document will be made available for viewing during the review period at the following locations:
 - Town of Woodstock municipal office

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- o New Brunswick Department of Environment and Local Government, Project and Approvals Branch (Fredericton)

In addition, an electronic or paper copy of the EIA Registration document will be provided to the Maliseet Nation in New Brunswick (MNNB) for their review and comment in accordance with the Capacity and Funding Agreement signed April 25, 2017.

A brief summary report on the First Nations engagement initiatives carried out, and the key issues raised during the EIA review, will be provided to NBDELG within 60 days following registration. In addition once MNNB completes its review of the EIA Registration document, NB Power will provide NBDELG with any specifics in this regard.

- **Project Telephone Number** – A toll-free Project Information Line (1-866-754-7727) will appear on all communications and will provide an easy-to-access mean of contacting Project personnel without requiring computer capability, subscription to a newspaper, or attendance at an Open House.

A list of First Nations communities and groups that were engaged as part of the Project is presented in Table 8.1 below.

Table 8.1 List of First Nation Communities and Groups

<p>Bouctouche First Nation Chief: Ann Mary Steele 9 Reserve Road Bouctouche Reserve, NB E4S 4G2 Tel.: (506) 743-2520</p>	<p>Eel Ground First Nation Chief: George Ginnish 47 Church Road Eel Ground, NB E1V 4E6 Tel.: (506) 627-4600</p>
<p>Eel River Bar First Nation Chief: Thomas (Everett) Martin 11 Main Street, Unit 201 Eel River Bar, NB E8C 1A1 Tel.: (506) 684-6277</p>	<p>Elsipogtog First Nation Chief: Arren Sock 373 Big Cove Road Elsipogtog First Nation, NB E4W 2S3 Tel.: (506) 523-8200</p>
<p>Esgenoôpetitj First Nation Chief: Alvery Paul 620 Bayview Dr. Burnt Church, NB E9G 2A8 Tel.: (506) 776-1200</p>	<p>Fort Folly First Nation Chief: Rebecca Knockwood PO Box 1007 Dorchester, NB E4K 3V5 Tel.: (506) 379-3400</p>
<p>Indian Island Chief: Kenneth Barlow 61 Indian Island Drive Indian Island, NB E4W 1S9 Tel.: (506) 523-8110</p>	<p>Kingsclear First Nation Chief: Gabriel Atwin 77 French Village Road Kingsclear First Nation, NB E3E 1K3 Tel.: (506) 363-3028</p>

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Table 8.1 List of First Nation Communities and Groups

<p>Madawaska Maliseet First Nation Chief: Patricia Bernard 1771 Main Street Madawaska Maliseet First Nation, NB E7C 1W9 Tel.: (506) 739-9765</p>	<p>Metepenagiag Mi'kmaq Nation Chief: William (Bill) Ward PO Box 293 Metepenagiag Mi'kmaq Nation, NB E9E 2P2 Tel.: (506) 836-6111</p>
<p>Oromocto First Nation Chief: Shelley Sabattis PO Box 417 Oromocto, NB E2V 2J2 Tel.: (506) 357-2083</p>	<p>Pabineau First Nation Chief: David Peter-Paul 1290 Pabineau Falls Road Pabineau First Nation, NB E2A 7M3 Tel.: (506) 548-9211</p>
<p>St. Mary's First Nation Chief: Candice Paul 150 Cliffe Street Fredericton, NB E3A 0A1 Tel.: (506) 458-9511</p>	<p>Tobique First Nation Chief: Ross Perley 13156 Route 105 Tobique First Nation, NB E7H 5M7 Tel.: (506) 273-8439</p>
<p>Woodstock First Nation Chief: Timothy (Tim) Paul 3 Wulastook Court Woodstock, NB E7M 4K6 Tel.: (506) 328-3303</p>	<p>Mi'gmawe'l Tplu'taqnn Incorporated (MTI) Jesse Simon, Executive Director 40 Micmac Road Eel Ground, NB E1V 4B1 Tel.: (506) 455-1881 or (506) 627-4696</p>
<p>Passamaquoddy Nation (now known as Peskotomuhkati Nation at Skutik) Chief: Hugh Akagi 3 Prince of Wales Street St. Andrews, NB E5B 3W9 Tel.: (506) 529-4657</p>	<p>Maliseet Nation in New Brunswick (MNNB) Executive Director of Consultation: Shyla O'Donnell 150 Cliffe Street, 2nd Floor, Box 14 Kchikhusis Commercial Centre St. Mary's First Nation, NB E3A 0A1 Tel.: (506)-459-6341</p>
<p>Houlton Band of Maliseet Indians Chief: Clarissa Sabattis 88 Bell Rd#1 Littleton, ME 04730 Tel.: (207) 532-4273</p>	

Members of First Nations communities and groups will be encouraged to forward comments and concerns to Project personnel.

8.2.2 Issues Tracking and Reporting

NB Power will maintain a log that is used to track issues and concerns raised during the Aboriginal engagement process. The log will provide Project staff with the ability to conduct queries, print specific reports, and review the status of all issues, concerns or commitments.

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Issues or concerns raised by, or commitments made to, Aboriginal groups will be entered into the log and monitored regularly during Project meetings until appropriate actions have been taken to address them. During the meetings, outstanding items will be reviewed and updates provided to the Project Team. Upon completion of each outstanding item, the necessary information will be forwarded to administrative support personnel in order to identify the item as “complete”. Results of the Aboriginal engagement activities conducted will be reported to the NBDELG along with the public engagement summary report, mentioned in Section 6.0 above.

8.3 RESULTS OF ABORIGINAL ENGAGEMENT TO DATE

8.3.1 Initiation of Aboriginal Engagement

Consultation began with the identification of First Nations communities potentially affected by the Project. A meeting was held in May 2016 with representatives of the Aboriginal Affairs Secretariat (AAS) to discuss the scope of the Project and obtain guidance and direction on how to consult with First Nation communities. The AAS works with legal counsel, technical advisors, regulatory authorities, departments, industry, First Nations, and other parties to assess the risk of infringement, define the scope of the consultation process, and determine whether the duty to consult (GNB 2011b) has been fulfilled.

Given the nature and location of the Project, it was suggested that formal consultation be initiated with the Maliseet communities, and that Mi'gmawe'l Tplu'taqnn Incorporated (MTI)—representing Mi'kmaq communities, Elsipogtog First Nation, and the Passamaquoddy Nation—be informed of the Project. Although the Passamaquoddy is not recognized by the Canadian government as constituting a First Nation, progress is being made to obtain formal recognition. As such, it was recommended by AAS that the Passamaquoddy Chief be informed of the Project. It was also suggested that since NB Power had two other planned transmission line Projects underway, that all three projects (i.e., Kedgwick Transmission Line Project, Houlton Water Company Transmission Line Project, and Fundy Isles Submarine Cable Replacement Project) be combined into one letter to avoid multiple correspondences. Additionally, the inclusion of all three transmission projects in a single letter was intended to provide greater clarity to First Nations communities about pending NB Power transmission projects, and to achieve efficiencies in soliciting early responses and direction on these projects from First nations representatives.

Formal letters were sent on June 13, 2016 to the Maliseet First Nation communities and copied to their Consultation Coordinators notifying the Chiefs of the proposed Projects and providing an opportunity for comments (Appendix F). A letter was also sent to MTI and Elsipogtog First Nation on June 13, 2016, and to the Passamaquoddy Nation on June 21, 2016. The letters provided First Nations communities with a brief description about the proposed Projects, and invited the sharing of information on the identification of current use of lands and resources for traditional purposes by First Nations persons within each Project area. The letters also offered meetings to discuss each Project in greater details.

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8.3.2 Summary of Aboriginal Engagement

8.3.2.1 Consultation Log

Communication with First Nations communities potentially affected by the Project began in June 2016, with preliminary information being provided on the scope of the Project. This initial contact eventually led to meetings with the Maliseet and MTI Consultation Coordinators on July 19, 2016 and September 26, 2016, respectively. During these meetings, more detailed information was provided on the need for the Project, regulatory framework, and schedule. The purpose of these meetings was to better understand how the proposed Project may potentially affect past or current Aboriginal practices, traditions and customs, and how measures could be incorporated into the Project to avoid, mitigate or otherwise address those potential effects. Several issues and concerns were raised during meetings with both the Maliseet and MTI's Consultation Coordinators, including most notably the need for capacity funding to perform Traditional Land Use (TLU) Studies and technical review of Project related documents. Additional details on key issues and concerns raised by Maliseet First Nations, MTI, and Passamaquoddy First Nation, and how these were addressed, are described in the Consultation Log (Appendix F). This record of consultation will be updated as the EIA process progresses.

8.3.2.2 First Nation Open House

Throughout the discussions held with both the Maliseet Consultation Coordinators and MTI representatives, NB Power offered to host Open Houses for those communities interested in learning more about the various transmission line projects. On April 27, 2017 the Woodstock Consultation Coordinator expressed an interest in hosting an Open House for their members. A notice of the Open House was circulated within the community by the Consultation Coordinator a few weeks in advance. The notice provided information on the location, time, date and details about each project. It was also noted that a meal would be served by members of the community during the session.

On May 24, 2017 an Open House was held in the gymnasium at the Band Hall located at 3 Wulastook Court, Woodstock First Nation from 4:00 pm until 6:00 pm. A NB Power representative greeted members of the community and asked them to sign-in (Appendix F). Three separate displays of story boards (one for each transmission line project: Houlton Water Company, Kedgwick, and Fundy Isles) were set up around the room. Tables were also set up so people could sit down to eat their meal. NB Power representatives were available to provide specific information about each individual Project and answer any questions. An Exit Questionnaire was prepared to further elicit comments and community members were encouraged to fill one out (Appendix F). In addition, to the displays, a number of documents were made available. These documents included the NEB Landowner Guide (NEB 2016), the Guide to Environmental Impact Assessment in New Brunswick (April 2012) and handouts of the story boards displayed around the room.

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Approximately ten (10) people attended the Open House. Not everyone who attended the session signed the sign-in sheet. Most of the discussions arising from the Open House focused on the Houlton Water Company International Power Line Project since this Project is the closest to the Woodstock First Nation community. The table below (Table 8.2) summarizes the topics raised and addressed by NB Power representatives. In addition, two Exit Questionnaires were completed. Respondents noted that they were satisfied with the information provided.

Table 8.2 Summary of Key Comments Received as part of the Woodstock First Nation Open House, May 24, 2017

General Topic of Interest	Details of Concern (s)	Response Provided
Hunting and Fishing	It was noted that hunting occurred near the border on the north side of the proposed transmission line alignment and that members use to fish Morrison Lake.	The proposed transmission line will not prevent hunting and fishing activities. Any project activities in the area will be temporary and of short duration.
Increased Access	Access to the area will increase as a result of the new transmission line.	Most of the alignment for the transmission line is located within an existing easement thereby taking advantage of an existing corridor. Existing access will be used to the extent possible. An access plan is currently being developed to identify any new access requirements.
Wetland Damage	Project activities will result in wetland damage where the RoW crosses wetlands.	A number of mitigation measures can be implemented to reduce impacts to wetlands. These measures include, winter construction, swamp mats, corduroy roads, etc.
Archaeological Work	Any additional archaeological work should involve Maliseet members.	It was noted that the NB Power First Nations field monitor (a member of the Kingsclear First Nation) will be made available if additional archaeological work takes place.
Review of EIA Registration document	An independent review of the EIA Registration document should be completed by the Woodstock First Nation	It was noted that under the Capacity Funding Agreement, funds have been designated to hire a full-time EIA Reviewer. The Registration document will be reviewed by the Maliseet Organization as outlined in the Agreement.

8.3.2.3 First Nation Consultation and Capacity Funding Agreement

Since the first two initial meetings, reoccurring meetings have been held with both the Maliseet Consultation Coordinator and the MTI organization over the last to provide regular updates on the transmission line projects as well as other NB Power projects and initiatives. These meetings led to

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discussions with both the Maliseet and the Mi'kmaq organizations to develop long-term funding Agreements to support consultation and provision of capacity for a number of NB Power Projects.

The purpose of these Agreements is to foster a long-term meaningful relationship between the organizations and NB Power and provide funding to promote an effective approach to consultation, and build sustained in-house capacity for each organization so as to foster meaningful and cost effective consultation between the Parties about Projects.

The Agreement between NB Power and five Maliseet communities was signed on April 25, 2017. The Woodstock First Nation decided not to sign the Agreement. Since then discussions have been held to establish processes to initiate review of EIA Registration documents and to conduct traditional land use studies in accordance with Schedule B of the Agreement. A traditional land and resource use (TLRU) study for the Project is expected to be completed in September 2017. The study will be reviewed and any findings will be incorporated into the EIA Registration document. If there is current use in the area by the Wolastoqiyik, potential interactions between this use and the activities of the Project will be taken into consideration and additional mitigation will be implemented as applicable. The Agreement with Mi'gmawe'l Tplu'taqnn's (MTI) is expected to be finalized in 2017.

NB Power will also continue to work with both organizations to actively engage those communities that hold traditional land use information about the Project area. This information will be important to identify current use of resources for traditional purposes and to mitigate and/or avoid potential effects that arise from routing, construction and operations.

8.4 FUTURE ENGAGEMENT

NB Power will continue to engage First Nations communities regarding the Project. Concerns identified during engagement with First Nations, particularly those in relation to the practice of traditional activities in the PDA, will be documented and appropriate mitigation measures will be implemented as necessary to minimize any interactions of the Project with the practice of traditional activities.

NB Power will meet regularly and engage the First Nations during the regulatory review of the Project. The purpose of this engagement will be to:

- Maintain on-going engagement with First Nations regarding the Project
- Review the results of environmental studies
- Invite feedback and to identify opportunities to reduce, mitigate, or otherwise accommodate potential adverse effects to First Nations' treaty rights and other interests
- Identify long-term interests in capacity-building opportunities including economic, business, employment, education, and training