

Appendix C

Indigenous Consultation Package



Énergie NB Power

January 28th, 2020

BY ELECTRONIC MAIL

Chief Hugh Akagi, Peskotomuhkati Nation
sakom@gonaskamkuk.com

Dear Chief Akagi:

Further to the letter dated October 23rd, 2019 (attached) you received advising of the proposed project to decommission the Milltown Generating Station (MTGS), we wish to confirm our planned approach to engagement and consultation.

Because Milltown Generating Station is in traditional Peskotomuhkati territory, our engagement and consultation with you and/or your representatives is deep for this particular project. We look forward to our continued dialogue on a regular basis.

The benefits associated with the removal of the station are significant. By removing the MTGS, approximately 16 kms representing 5 million square meters of productive habitat will become accessible to several sea-run fish species, creating positive impacts in the St. Croix River and Passamaquoddy Bay. Our proposal to remove MTGS has been welcomed by your representative(s).

For NB Power, the removal of the station and resulting positive environmental impacts provide required compensation for Fisheries Act Authorizations (FAA) associated with generating facilities at Point Lepreau, Coleson Cove, Bayside and Belledune. The FAA's may only be issued following a positive Environmental Impact Assessment (EIA) determination. It is the intention of NB Power to submit the MTGS decommissioning project for EIA registration in the coming weeks. As per our usual practice, we will continue to engage and consult throughout that process, the project and after.

The attached table illustrates how our team is engaging and consulting with your representatives for both the EIA required for the Milltown Generating Station Decommissioning as well as the FAA's for each of the four generating stations mentioned above.

We look forward to continued dialogue on this project as well as FAA's. Accordingly, we have also attached four (4) letters from DFO. From DFO's perspective, our applications are considered complete and meet the standard for providing compensation to support the requested FAA's.

Please note that the Department of Aboriginal Affairs is copied on this letter. As such we expect an initial assessment being issued that informs the scope and depth of the consultative process requirements though that may only be after the project is registered with the Department of Environment and Local Government for EIA.

In the meantime, should you have any questions please don't hesitate to call Tessa Francis, First Nations Liaison at 458-3079.

Yours truly,

NEW BRUNSWICK POWER CORPORATION



R. Anthony Bielecki
Senior Specialist, Environmental Assessment and Operations

Cc:

Michelle Daigle, Dept. of Aboriginal Affairs
Paulette Hall, Dept. of Fisheries and Oceans
A. Allen, NB Power
T. Francis, NB Power
John Ames, Peskotomuhkati Nation

Proposed Consultation Matrix

Milltown and Fisheries Act Authorizations	
Consultative Body	EIA on Milltown (Provincial)
MTI Kopit Lodge	Low
WNNB	Consult - Moderate
Peskotomuhkati	Consult - High
Nova Scotia FN's	N/A

Fisheries Act Authorizations (Federal)
CC/PLGS/CB - Consult Low BD - Complimentary Measures (Requested clarification from MTI)
BD - Consult Low CC/PLGS/CB - Consult Moderate
BD - inform PLGS - Consult High CC/CB - Consult Moderate
PLGS - Consult Low - Interveners

CC - Coleson Cove
 PLGS - Point Lepreau
 CB - Courtenay Bay
 BD - Belledune



Fisheries and Oceans Pêches et Océans
Canada Canada

Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file

19-HGLF-00169

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Point Lepreau Nuclear Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

If your plans have changed during the review of your application, you should contact this office to avoid any delays in the review of your application.



Fisheries and Oceans Pêches et Océans
Canada Canada

If you have any questions, please contact Mr. George Brown at our Moncton office at 506-851-6501, or by email at George.Brown@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'G. Brown', written over a light blue horizontal line.

George Brown
Team Leader Triage, Regulatory Reviews
Fish and Fish Habitat Protection Program

Cc. **Andrea McGathey (NB Power)**



Fisheries and Oceans Pêches et Océans
Canada Canada

Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file
19-HGLF-00168

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Coleson Cove Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

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Canada Canada

If you have any questions, please contact Angeline LeBlanc at our Moncton office at 506-851-2913, or by email at Angeline.LeBlanc@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in blue ink that reads "François Plante".

François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file

19-HGLF-00170

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Belledune Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

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Canada

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Yours sincerely,

A handwritten signature in blue ink, appearing to read "François Plante".

François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Fisheries and Oceans Pêches et Océans
Canada Canada

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DEC 16 2019

Our file
19-HGLF-00171

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for New Brunswick Power Bayside/Courtney Bay Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

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Yours sincerely,

A handwritten signature in blue ink that reads "François Plante". The signature is fluid and cursive.

François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Énergie NB Power

October 23rd, 2019

BY ELECTRONIC MAIL

Chief Hugh Akagi, Peskotomukati Nation
sakom@gonaskamkuk.com

Dear Chief Akagi:

As you are aware, NB Power is proposing to decommission the Milltown Generating Station and restore Salmon Falls. The project will free 16 km of the St. Croix River and make available five million square meters of fish habitat in the St. Croix and its tributaries on the Canadian side of the border. The engineering and environmental specifics to support the project are currently underway. For your reference, I have attached a photo of the Milltown generating station as it exists today.

Options for the project range from a full removal of all structures to leaving parts of the structures in place. The preferred option will be selected following consultation with Rights Holders, Stakeholders, and the public and must allow for volitional fish passage. The detailed plans of the project will be made available for review as part of the EIA Registration document in the coming months. The intended project timeline is to restore volitional fish passage at Salmon Falls by spring 2022.

The project requires approval under the New Brunswick Clean Environment Act, Regulation 87-83: Environmental Impact Assessment (EIA). NB Power is undertaking a detailed engineering evaluation of the St. Croix River and existing infrastructure, as well as review of historical records, to determine the original location of Salmon Falls and most effective method of infrastructure removal that will allow for the provision of volitional fish passage past the falls. The intent is to remove all required existing infrastructure so that fish passage is not impeded.

NB Power is also proposing to leverage the project to support Fisheries Act Authorizations for its Point Leperau, Coleson Cove, Bayside and Belledune generating stations. Information regarding our applications to the Department of Fisheries and Ocean will be provided to your technical staff as part of the consultative process. Department of Fisheries and Ocean have indicated that Fisheries Act Authorizations cannot be issued to NB Power until the Environmental Assessment for the project is completed.

Please note that the Department of Aboriginal Affairs is copied on this letter. As such we expect an initial assessment being issued that informs the scope and depth of the consultative process requirements.



Énergie NB Power

In the meantime, should you have any questions please don't hesitate to call Tessa Francis, First Nations Liaison at 458-3079.

Yours truly,

NEW BRUNSWICK POWER CORPORATION


R. Anthony Bielecki
Senior Specialist, Environmental Assessment and Operations

Cc:

Michelle Daigle, Dept. of Aboriginal Affairs
Paulette Hall, Dept. of Fisheries and Oceans
A. Allen, NB Power
T. Francis, NB Power
John Ames, Peskotomuhkati Nation





Énergie NB Power

January 28th, 2020

BY ELECTRONIC MAIL

Chief Ross Perley, Tobique First Nation
rossperley@hotmail.com

Chief Allen Polchies Jr., Saint Mary's First Nation
Sakomalanpolchiesjr@smfn.ca

Chief Gabriel Atwin, Kingsclear First Nation
gabrielatwin@kingsclear.ca

Chief Shelley Sabattis, Oromocto First Nation
shelley.sabattis@ofnb.com

Chief Patricia Bernard, Madawaska Maliseet First Nation
patriciabernard@madawaskamaliseet.com

Chief Timothy Paul, Woodstock First Nation
tim.paul@nb.aibn.com

Dear Chiefs:

Further to the letter dated October 21st, 2019 (attached) you received advising of the proposed project to decommission the Milltown Generating Station (MTGS), we wish to confirm our planned approach to engagement and consultation.

As you know, we meet monthly with representatives for your communities and the Wolastoqey of New Brunswick (WNNB). During those meetings, we will continue to discuss progress on the proposed project and invite input and feedback. Because Milltown Generating Station is in traditional Peskotomuhkati territory, our engagement and consultation with Chief Hugh Akagi and staff is deep for this particular project.

The benefits associated with the removal of the station are significant. By removing the MTGS, approximately 16 kms representing 5 million square meters of productive habitat will become accessible to several sea-run fish species, creating positive impacts in the St. Croix River and Passamaquoddy Bay. Our proposal to remove MTGS has been welcomed by your representative(s).

For NB Power, the removal of the station and resulting positive environmental impacts provide required compensation for Fisheries Act Authorizations (FAA) associated with generating facilities at Point Lepreau, Coleson Cove, Bayside and Belledune. The FAA's may only be issued following a positive Environmental Impact Assessment (EIA) determination. It is the intention of NB Power to submit the MTGS decommissioning project for EIA registration in the coming weeks. As per our usual practice, we will continue to engage and consult throughout that process, the project and after.

The attached table illustrates how our team is engaging and consulting with your representatives for both the EIA required for the Milltown Generating Station Decommissioning as well as the FAA's for each of the four generating stations mentioned above.

We look forward to continued dialogue on this project as well as FAA's. Accordingly, we have also attached four (4) letters from DFO. From DFO's perspective, our applications are considered complete and meet the standard for providing compensation to support the requested FAA's.

Please note that the Department of Aboriginal Affairs is copied on this letter. As such we expect an initial assessment being issued that informs the scope and depth of the consultative process requirements though that may only be after the project is registered with the Department of Environment and Local Government for EIA.

In the meantime, should you have any questions please don't hesitate to call Tessa Francis, First Nations Liaison at 458-3079.

Yours truly,

NEW BRUNSWICK POWER CORPORATION



R. Anthony Bielecki,
Senior Specialist, Environmental Assessment and Operations

Cc:

Michelle Daigle, Dept. of Aboriginal Affairs

Paulette Hall, Dept. of Fisheries and Oceans

A. Allen, NB Power

T. Francis, NB Power

RDCC's: R. Letica, J. Gorman, K. Gruben, T. Plant, F. Sabattis, Amanda McIntosh

S. O'Donnell, Executive Director, WNNB

Gordon Grey, WNNB

Proposed Consultation Matrix

Milkton and Fisheries Act Authorizations	
Consultative Body	EIA on Milltown (Provincial)
MTI Kopit Lodge	Low
WNNB	Consult - Moderate
Peskotomuhkati	Consult - High
Nova Scotia FN's	N/A

Fisheries Act Authorizations (Federal)
CC/PLGS/CB - Consult Low BD - Complimentary Measures (Requested clarification from MTI)
BD - Consult Low CC/PLGS/CB - Consult Moderate
BD - inform PLGS - Consult High CC/CB - Consult Moderate
PLGS - Consult Low - Interveners

CC - Coleson Cove
 PLGS - Point Lepreau
 CB - Courtenay Bay
 BD - Belledune



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Canada Canada

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E1C 9B6

DEC 16 2019

Our file

19-HGLF-00169

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Point Lepreau Nuclear Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

If your plans have changed during the review of your application, you should contact this office to avoid any delays in the review of your application.



Fisheries and Oceans Pêches et Océans
Canada Canada

If you have any questions, please contact Mr. George Brown at our Moncton office at 506-851-6501, or by email at George.Brown@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

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George Brown
Team Leader Triage, Regulatory Reviews
Fish and Fish Habitat Protection Program

Cc. **Andrea McGathey (NB Power)**



Fisheries and Oceans Pêches et Océans
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DEC 16 2019

Our file

19-HGLF-00168

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Coleson Cove Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

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Yours sincerely,

A handwritten signature in blue ink that reads "François Plante". The signature is fluid and cursive.

François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file

19-HGLF-00170

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Belledune Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

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If you have any questions, please contact Angeline LeBlanc at our Moncton office at 506-851-2913, or by email at Angeline.LeBlanc@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

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François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Fisheries and Oceans Pêches et Océans
Canada Canada

Fish and Fish Habitat Protection Program
343 Université Avenue
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Moncton, New Brunswick
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DEC 16 2019

Our file

19-HGLF-00171

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for New Brunswick Power Bayside/Courtney Bay Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

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Fisheries and Oceans
Canada

Pêches et Océans
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Yours sincerely,

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François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Énergie NB Power

October 21st, 2019

BY ELECTRONIC MAIL

Chief Ross Perley, Tobique First Nation
rossperley@hotmail.com

Chief Allen Polchies Jr., Saint Mary's First Nation
Sakomalanpolchiesjr@smfn.ca

Chief Gabriel Atwin, Kingsclear First Nation
gabrielatwin@kingsclear.ca

Chief Shelley Sabattis, Oromocto First Nation
shelley.sabattis@ofnb.com

Chief Patricia Bernard, Madawaska Maliseet First Nation
patriciabernard@madawaskamaliseet.com

Chief Timothy Paul, Woodstock First Nation
tim.paul@nb.aibn.com

Dear Chiefs:

As you are aware, NB Power is proposing to decommission the Milltown Generating Station and restore Salmon Falls. The project will free 16 km of the St. Croix River and make available five million square meters of fish habitat in the St. Croix and its tributaries on the Canadian side of the border. The engineering and environmental specifics to support the project are currently underway. For your reference, I have attached a photo of the Milltown generating station as it exists today.

Options for the project range from a full removal of all structures to leaving parts of the structures in place. The preferred option will be selected following consultation with Rights Holders, Stakeholders, and the public and must allow for volitional fish passage. The detailed plans of the project will be made available for review as part of the EIA Registration document in the coming months. The intended project timeline is to restore volitional fish passage at Salmon Falls by spring 2022.

The project requires approval under the New Brunswick Clean Environment Act, Regulation 87-83: Environmental Impact Assessment (EIA). NB Power is undertaking a detailed engineering evaluation of the St. Croix River and existing infrastructure, as well as review of historical records, to determine the original location of Salmon Falls and most effective method of infrastructure removal that will allow for the provision of volitional fish passage past the falls. The intent is to remove all required existing infrastructure so that fish passage is not impeded.

NB Power is also proposing to leverage the project to support Fisheries Act Authorizations for its Point Leperau, Coleson Cove, Bayside and Belledune generating stations. Information regarding our applications to the Department of Fisheries and Ocean will be provided to your technical staff as part of the consultative process. Department of Fisheries and Ocean have indicated that Fisheries Act Authorizations cannot be issued to NB Power until the Environmental Assessment for the project is completed.



Énergie NB Power

As you know, NB Power meets monthly with the Resource Development Consultation Coordinators and technical staff of Wolatogey Nation in New Brunswick. Unless you indicate otherwise, we will continue to provide project information as it becomes available to this group to provide updates to you and your communities as required.

Please note that the Department of Aboriginal Affairs is copied on this letter. As such we expect an initial assessment being issued that informs the scope and depth of the consultative process requirements.

In the meantime, should you have any questions please don't hesitate to call Tessa Francis, First Nations Liaison at 458-3079.

Yours truly,

NEW BRUNSWICK POWER CORPORATION

R. Anthony Bielecki,
Senior Specialist, Environmental Assessment and Operations

Cc:

Michelle Dalgie, Dept. of Aboriginal Affairs
Paulette Hall, Dept. of Fisheries and Oceans

A. Allen, NB Power

T. Francis, NB Power

RDCC's: R. Letica, J. Gorman, K. Gruben, T. Plant, F. Sabattis, Amanda McIntosh

S. O'Donnell, Executive Director, WNNB





Énergie NB Power

January 28th. 2020

BY ELECTRONIC MAIL

Chief Aaren Sock

Elsipogtog First Nation

chief@efnbo.ca

Dear Chief Sock:

Further to the letter dated October 23rd, 2019 (attached) you received advising of the proposed project to decommission the Milltown Generating Station (MTGS), we wish to confirm our planned approach to engagement and consultation.

As you know, we routinely meet with representatives for Kopit Lodge. During those meetings, we will continue to discuss progress on the proposed project and invite input and feedback. Because Milltown Generating Station is in traditional Peskotomuhkati territory, our engagement and consultation with Chief Hugh Akagi and staff is deep for this particular project.

The benefits associated with the removal of the station are significant. By removing the MTGS, approximately 16 kms representing 5 million square meters of productive habitat will become accessible to several sea-run fish species, creating positive impacts in the St. Croix River and Passamaquoddy Bay. Our proposal to remove MTGS has been welcomed by your representative(s).

For NB Power, the removal of the station and resulting positive environmental impacts provide required compensation for Fisheries Act Authorizations (FAA) associated with generating facilities at Point Lepreau, Coleson Cove, Bayside and Belledune. The FAA's may only be issued following a positive Environmental Impact Assessment (EIA) determination. It is the intention of NB Power to submit the MTGS decommissioning project for EIA registration in the coming weeks. As per our usual practice, we will continue to engage and consult throughout that process, the project and after.

The attached table illustrates how our team is engaging and consulting with your representatives for both the EIA required for the Milltown Generating Station Decommissioning as well as the FAA's for each of the four generating stations mentioned above.

We look forward to continued dialogue on this project as well as FAA's. Accordingly, we have also attached four (4) letters from DFO. From DFO's perspective, our applications are considered complete and meet the standard for providing compensation to support the requested FAA's.

Please note that the Department of Aboriginal Affairs is copied on this letter. As such we expect an initial assessment being issued that informs the scope and depth of the consultative process requirements though that may only be after the project is registered with the Department of Environment and Local Government for EIA.

In the meantime, should you have any questions please don't hesitate to call Tessa Francis, First Nations Liaison at 458-3079.

Yours truly,

NEW BRUNSWICK POWER CORPORATION



R. Anthony Bielecki,
Senior Specialist, Environmental Assessment and Operations

Cc:

Michelle Daigle, Dept. of Aboriginal Affairs
Paulette Hall, Dept. of Fisheries and Oceans

A. Allen, NB Power
T. Francis, NB Power

Kopit Lodge
Austin Simon

Proposed Consultation Matrix

Milltown and Fisheries Act Authorizations	
Consultative Body	EIA on Milltown (Provincial)
MTI Kopit Lodge	Low
WNNB	Consult - Moderate
Peskotomuhkati	Consult - High
Nova Scotia FN's	N/A

Fisheries Act Authorizations (Federal)
CC/PLGS/CB - Consult Low BD - Complimentary Measures (Requested clarification from MTI)
BD - Consult Low CC/PLGS/CB - Consult Moderate
BD - inform PLGS - Consult High CC/CB - Consult Moderate
PLGS - Consult Low - Interveners

CC - Coleson Cove
 PLGS - Point Lepreau
 CB - Courtenay Bay
 BD - Belledune



Fisheries and Oceans Pêches et Océans
Canada Canada

Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file

19-HGLF-00169

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Point Lepreau Nuclear Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

If your plans have changed during the review of your application, you should contact this office to avoid any delays in the review of your application.



Fisheries and Oceans Pêches et Océans
Canada Canada

If you have any questions, please contact Mr. George Brown at our Moncton office at 506-851-6501, or by email at George.Brown@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'G. Brown', written over a light blue horizontal line.

George Brown
Team Leader Triage, Regulatory Reviews
Fish and Fish Habitat Protection Program

Cc. Andrea McGathey (NB Power)



Fisheries and Oceans Pêches et Océans
Canada Canada

Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file
19-HGLF-00168

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Coleson Cove Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

If your plans have changed during the review of your application, you should contact this office to avoid any delays in the review of your application.



Fisheries and Oceans Pêches et Océans
Canada Canada

If you have any questions, please contact Angeline LeBlanc at our Moncton office at 506-851-2913, or by email at Angeline.LeBlanc@dfp-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in blue ink that reads "François Plante". The signature is written in a cursive, flowing style.

François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file
19-HGLF-00170

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Belledune Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

If your plans have changed during the review of your application, you should contact this office to avoid any delays in the review of your application.



Fisheries and Oceans
Canada

Pêches et Océans
Canada

If you have any questions, please contact Angeline LeBlanc at our Moncton office at 506-851-2913, or by email at Angeline.LeBlanc@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in blue ink that reads "François Plante".

François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Fisheries and Oceans Pêches et Océans
Canada Canada

Fish and Fish Habitat Protection Program
343 Université Avenue
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Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file

19-HGLF-00171

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for New Brunswick Power Bayside/Courtney Bay Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the *Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations*, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the *Fisheries Act*.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

If your plans have changed during the review of your application, you should contact this office to avoid any delays in the review of your application.



Fisheries and Oceans
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Canada

If you have any questions, please contact Angeline LeBlanc at our Moncton office at 506-851-2913, or by email at Angeline.LeBlanc@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in blue ink that reads "François Plante".

François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Énergie NB Power

October 23rd, 2019

BY ELECTRONIC MAIL

Chief Aaren Sock

Elsipogtog First Nation

chief@efnbo.ca

Dear Chief Sock:

As you are aware, NB Power is proposing to decommission the Milltown Generating Station and restore Salmon Falls. The project will free 16 km of the St. Croix River and make available five million square meters of fish habitat in the St. Croix and its tributaries on the Canadian side of the border. The engineering and environmental specifics to support the project are currently underway. For your reference, I have attached a photo of the Milltown generating station as it exists today.

Options for the project range from a full removal of all structures to leaving parts of the structures in place. The preferred option will be selected following consultation with Rights Holders, Stakeholders, and the public and must allow for volitional fish passage. The detailed plans of the project will be made available for review as part of the EIA Registration document in the coming months. The intended project timeline is to restore volitional fish passage at Salmon Falls by spring 2022.

The project requires approval under the New Brunswick Clean Environment Act, Regulation 87-83: Environmental Impact Assessment (EIA). NB Power is undertaking a detailed engineering evaluation of the St. Croix River and existing infrastructure, as well as review of historical records, to determine the original location of Salmon Falls and most effective method of infrastructure removal that will allow for the provision of volitional fish passage past the falls. The intent is to remove all required existing infrastructure so that fish passage is not impeded.

NB Power is also proposing to leverage the project to support Fisheries Act Authorizations for its Point Leperau, Coleson Cove, Bayside and Belledune generating stations. Information regarding our applications to the Department of Fisheries and Ocean will be provided to your technical staff as part of the consultative process. Department of Fisheries and Ocean have indicated that Fisheries Act Authorizations cannot be issued to NB Power until the Environmental Assessment for the project is completed.

Please note that the Department of Aboriginal Affairs is copied on this letter. As such we expect an initial assessment being issued that informs the scope and depth of the consultative process requirements.



Énergie NB Power

NB Power understands that Kopit Lodge is authorized to enter into consultation and engagement with proponents on your behalf. Unless you indicate otherwise, we will continue to provide project information to Kopit Lodge as it becomes available.

In the meantime, should you have any questions please don't hesitate to call Tessa Francis, First Nations Liaison at 458-3079.

Yours truly,

NEW BRUNSWICK POWER CORPORATION



R. Anthony Bielecki,
Senior Specialist, Environmental Assessment and Operations

Cc:

Michelle Daigle, Dept. of Aboriginal Affairs
Paulette Hall, Dept. of Fisheries and Oceans
A. Allen, NB Power
T. Francis, NB Power
Kenneth Francis, Kopit Lodge



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Énergie NB Power

January 28th, 2020

BY ELECTRONIC MAIL

Chief Kenneth Barlow, Indian Island First Nation
chief@ifn.ca

Chief Sacha Labillois, Eel River Bar First Nation
sacha.labillois@eelriverbar.ca

Chief David Peter Paul, Pabineau First Nation
Davidpeter-paul@hotmail.com

Chief Alvery Paul, Esgenoôpetitj First Nation
alverypaul@hotmail.com

Chief George Ginnish, Eel Ground First Nation
chiefghginnish@gmail.com

Chief Bill Ward, Metepenagiag First Nation
bill_ward86@hotmail.com

Chief Rebecca Knockwood, Fort Folly First Nation
fortfolly@rrogers.com

Chief Ann Mary Steele, Bouctouche First Nation
annmarysteele@nb.aibn.com

Dear Chiefs:

Further to the letter dated October 23rd, 2019 (attached) you received advising of the proposed project to decommission the Milltown Generating Station (MTGS), we wish to confirm our planned approach to engagement and consultation.

As you know, we meet monthly with Mi'gmawe'l Tplu'taqnn Incorporated (MTI). During those meetings, we will continue to discuss progress on the proposed project and invite input and feedback. Because Milltown Generating Station is in traditional Peskotomuhkati territory, our engagement and consultation with Chief Hugh Akagi and staff is deep for this particular project.

The benefits associated with the removal of the station are significant. By removing the MTGS, approximately 16 kms representing 5 million square meters of productive habitat will become accessible to several sea-run fish species, creating positive impacts in the St. Croix River and Passamaquoddy Bay. Our proposal to remove MTGS has been welcomed by your representative(s).

For NB Power, the removal of the station and resulting positive environmental impacts provide required compensation for Fisheries Act Authorizations (FAA) associated with generating facilities at Point Lepreau, Coleson Cove, Bayside and Belledune. The FAA's may only be issued following a positive Environmental Impact Assessment (EIA) determination. It is the intention of NB Power to submit the MTGS decommissioning project for EIA registration in the coming weeks. As per our usual practice, we will continue to engage and consult throughout that process, the project and after.

The attached table illustrates how our team is engaging and consulting with your representatives for both the EIA required for the Milltown Generating Station Decommissioning as well as the FAA's for each of the four generating stations mentioned above.

We look forward to continued dialogue on this project as well as FAA's. Accordingly, we have also attached four (4) letters from DFO. From DFO's perspective, our applications are considered complete and meet the standard for providing compensation to support the requested FAA's.

Please note that the Department of Aboriginal Affairs is copied on this letter. As such we expect an initial assessment being issued that informs the scope and depth of the consultative process requirements though that may only be after the project is registered with the Department of Environment and Local Government for EIA.

In the meantime, should you have any questions please don't hesitate to call Tessa Francis, First Nations Liaison at 458-3079.

Yours truly,

NEW BRUNSWICK POWER CORPORATION



R. Anthony Bielecki,
Senior Specialist, Environmental Assessment and Operations

Cc:

Michelle Daigle, Dept. of Aboriginal Affairs

Paulette Hall, Dept. of Fisheries and Oceans

A. Allen, NB Power

T. Francis, NB Power

Kristie Halka-Glazier, MTI

Dean Vicaire, MTI

Jennifer Coleman, MTI

Tanya McGraw, MTI

Tracy Cloud, MTI

Derek Simon, MTI

Proposed Consultation Matrix

Milltown and Fisheries Act Authorizations	
Consultative Body	EIA on Milltown (Provincial)
MTI Kopit Lodge	Low
WNNB	Consult - Moderate
Peskotomuhikati	Consult - High
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Fisheries Act Authorizations (Federal)
CC/PLGS/CB - Consult Low BD - Complimentary Measures (Requested clarification from MTI)
BD - Consult Low CC/PLGS/CB - Consult Moderate
BD - inform PLGS - Consult High CC/CB - Consult Moderate
PLGS - Consult Low - Interveners

CC - Coleson Cove
 PLGS - Point Lepreau
 CB - Courtenay Bay
 BD - Belledune



Fisheries and Oceans Pêches et Océans
Canada Canada

Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file

19-HGLF-00169

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Point Lepreau Nuclear Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

If your plans have changed during the review of your application, you should contact this office to avoid any delays in the review of your application.



Fisheries and Oceans Pêches et Océans
Canada Canada

If you have any questions, please contact Mr. George Brown at our Moncton office at 506-851-6501, or by email at George.Brown@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'G. Brown', written over a light blue horizontal line.

George Brown
Team Leader Triage, Regulatory Reviews
Fish and Fish Habitat Protection Program

Cc. **Andrea McGathey (NB Power)**



Fisheries and Oceans Pêches et Océans
Canada Canada

Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file

19-HGLF-00168

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Coleson Cove Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

If your plans have changed during the review of your application, you should contact this office to avoid any delays in the review of your application.



Fisheries and Oceans Pêches et Océans
Canada Canada

If you have any questions, please contact Angeline LeBlanc at our Moncton office at 506-851-2913, or by email at Angeline.LeBlanc@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in blue ink that reads "François Plante". The signature is fluid and cursive.

François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file
19-HGLF-00170

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for the New Brunswick Power Belledune Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

If your plans have changed during the review of your application, you should contact this office to avoid any delays in the review of your application.



Fisheries and Oceans Pêches et Océans
Canada Canada

If you have any questions, please contact Angeline LeBlanc at our Moncton office at 506-851-2913, or by email at Angeline.LeBlanc@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in blue ink that reads "François Plante".

François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Fisheries and Oceans Pêches et Océans
Canada Canada

Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

DEC 16 2019

Our file

19-HGLF-00171

Mr. Anthony Bielecki
Senior Specialist
Environmental Assessment and Operations
NB Power
515 King Street
Fredericton, New Brunswick
E3B 4X1

Dear Mr. Bielecki:

Subject: Application for a Paragraph 35(2)(b) *Fisheries Act* Authorization is Complete – Time Limit Not Yet Initiated

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) has reviewed the content of your application for a Paragraph 35(2)(b) *Fisheries Act* authorization for New Brunswick Power Bayside/Courtney Bay Thermal Generating Station and is notifying you that your application is complete as of December 16, 2019.

However, we are notifying you that the 90-day time limit within which a decision with respect to your application must be made has ceased to apply for the following reason(s):

As per paragraph 8 (1) (d) of the Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations, consultation is required with Indigenous groups potentially impacted by the issuance of an authorization under paragraph 35(2)(b) the Fisheries Act.

The Program will notify you in writing of the next steps once the above-noted requirements are addressed.

If your plans have changed during the review of your application, you should contact this office to avoid any delays in the review of your application.



Fisheries and Oceans
Canada

Pêches et Océans
Canada

If you have any questions, please contact Angeline LeBlanc at our Moncton office at 506-851-2913, or by email at Angeline.LeBlanc@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in blue ink that reads "François Plante".

François Plante
Regional Manager, Regulatory Reviews
Fish and Fish Habitat Program

Cc. Andrea McGathey (NB Power)



Énergie NB Power

October 23rd, 2019

BY ELECTRONIC MAIL

Chief Kenneth Barlow, Indian Island First Nation
chief@ifn.ca

Chief Sacha Labillois, Eel River Bar First Nation
sacha.labillois@eelriverbar.ca

Chief David Peter Paul, Pabineau First Nation
Davidpeter-paul@hotmail.com

Chief Alvery Paul, Esgenoôpetitj First Nation
alverypaul@hotmail.com

Chief George Ginnish, Eel Ground First Nation
chiefghginnish@gmail.com

Chief Bill Ward, Metepenagiag First Nation
bill_ward86@hotmail.com

Chief Rebecca Knockwood, Fort Folly First Nation
fortfolly@rogers.com

Chief Ann Mary Steele, Bouctouche First Nation
annmarysteele@nb.aibn.com

Dear Chiefs:

As you are aware, NB Power is proposing to decommission the Milltown Generating Station and restore Salmon Falls. The project will free 16 km of the St. Croix River and make available five million square meters of fish habitat in the St. Croix and its tributaries on the Canadian side of the border. The engineering and environmental specifics to support the project are currently underway. For your reference, I have attached a photo of the Milltown generating station as it exists today.

Options for the project range from a full removal of all structures to leaving parts of the structures in place. The preferred option will be selected following consultation with Rights Holders, Stakeholders, and the public and must allow for volitional fish passage. The detailed plans of the project will be made available for review as part of the EIA Registration document in the coming months. The intended project timeline is to restore volitional fish passage at Salmon Falls by spring 2022.

The project requires approval under the New Brunswick Clean Environment Act, Regulation 87-83: Environmental Impact Assessment (EIA). NB Power is undertaking a detailed engineering evaluation of the St. Croix River and existing infrastructure, as well as review of historical records, to determine the original location of Salmon Falls and most effective method of infrastructure removal that will allow for the provision of volitional fish passage past the falls. The intent is to remove all required existing infrastructure so that fish passage is not impeded.

NB Power is also proposing to leverage the project to support Fisheries Act Authorizations for its Point Leperau, Coleson Cove, Bayside and Belledune generating stations. Information regarding our applications to the Department of Fisheries and Ocean will be provided to your technical staff as part of the consultative process. Department of Fisheries and Ocean have indicated that Fisheries Act Authorizations cannot be issued to NB Power until the Environmental Assessment for the project is completed.



Énergie NB Power

NB Power understands that Mi'gma'we'I Tplu'taqnn Inc. is authorized to enter into consultation and engagement with proponents on your behalf. NB Power holds regular meetings with MTI staff to discuss projects, and is planning information sessions for your community. Unless you indicate otherwise, we will continue to provide project information to MTI as it becomes available, and MTI can provide updates through your community liaison or community sessions as required.

Please note that the Department of Aboriginal Affairs is copied on this letter. As such we expect an initial assessment being issued that informs the scope and depth of the consultative process requirements.

In the meantime, should you have any questions please don't hesitate to call Tessa Francis, First Nations Liaison at 458-3079.

Yours truly,

NEW BRUNSWICK POWER CORPORATION



R. Anthony Bielecki,
Senior Specialist, Environmental Assessment and Operations

Cc:

Michelle Dalgie, Dept. of Aboriginal Affairs
Paulette Hall, Dept. of Fisheries and Oceans
A. Allen, NB Power
T. Francis, NB Power
Kristie Halka-Glazier, MTI



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