As discussed in our previous issues of the Consultation News, our role in the KMKNO Consultation Department is to coordinate the many consultation requests that we receive from the Federal and Provincial governments.

We currently have over 300 active consultations and our consultation is growing. We have recently added two new Junior Consultation Researchers, an Energy Advisor and another member to our Archaeology team at KMKNO. These new team members, have already jumped into their respective files and have begun their work to help us push governments and proponents to look at concerns of the Mi'kmaq of Nova Scotia before work happens on our lands and waters. These new team members are introduced on page two of this newsletter and we are happy to have them all as part of your Consultation Team.

As always, if you would like more information on what the Consultation Department is doing, please visit our website, or feel free to contact our office!

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**Strategic Planning Workshop**

We have never surrendered, ceded or sold the Aboriginal Title to any lands and resources in Nova Scotia. The lands, waters and resources are tied to who we are. Our Treaties have continued to affirm and protect the Mi'kmaq way of life and we are clear on the protection of our Rights; with that, the protection of our lands, waters and resources. We are incredibly passionate about what happens in our traditional territory and this is why Consultation is so important.

In the 1990's, we saw the need to lay out a step-by-step process for consultation with the Mi'kmaq. At that point in time, consultation would occur wherever or whenever government departments deemed fit. We knew that we needed rules in place. We wanted to ensure that we had a collective and an official voice in consultation with the Mi'kmaq Nation.

After much discussion, agreements and work, on August 31, 2010, after a 3 year trial period, the *Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process* was formally ratified. This agreement solidified what the Assembly had been calling on for years - how Consultation would occur and the formalities behind it. There were certainly positive aspects to this new process and eight years later, we have seen much progress, yet we still have some challenges.

We all want a consultation process that is effective and efficient. Our community members want to be informed of projects that are happening on our lands and waters.

On October 10 & 11, 2018, Chiefs, Councillors and Grand Council members will gather to discuss just that. They will be meeting at the Strategic Planning Workshop to discuss how to improve communication to community members to ensure that the Mi'kmaq of Nova Scotia are informed and aware of projects that are happening on our lands and waters. Much work is being done by the Chiefs, through the Kwilmu'kw Maw-klusuaqn Negotiation Office, to ensure that our lands, waters and resources are protected, but it is important that our people are also informed. Consultation may be with the Crown, but informing and engaging our community members is equally as important.

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New Consultation Team Members!

Kaitlin MacLean - Staff Archaeologist
Kait joined the KMKNO in summer 2016 as the Assistant Archaeologist. After receiving her BA in Anthropology (Minor in Biology) from St. Mary's University, Kait worked on excavations in Debert and Raços, Romania. She then moved to Denmark where she completed her Master's Degree in Maritime (Underwater) Archaeology at the University of Southern Denmark and after becoming a commercial SCUBA diver, Kait worked on an underwater site in Schleswig, Germany. Kait is a Millbrook Band Member and enjoys playing rugby and hockey, and hopes to one day continuing her travels, as she has visited 19 countries so far.

Derek Peters - Energy Advisor
Derek joined KMKNO in May 2018 as Mi'kmaq Energy Advisor. Before this, he spent 4 years working with Clean Foundation as Program Coordinator of a number of renewable energy and energy efficiency initiatives, including with several Mi’kmaq communities in Nova Scotia. Derek holds a Joint Major in Biology and Business from St. FX and a Masters in Resource Management from Simon Fraser University. He was born and raised in Dunvegan, Cape Breton and spent several years exploring the world after his undergraduate degree. In his spare time Derek enjoys visiting family, breaking a sweat on the squash court, catching up on the latest flick, and getting out for a hike or a paddle.

Alyson Vandergrift - Jr. Consultation Researcher
Alyson Vandergrift (Aly), MES., was a new addition to KMKNO at the start of September. She is a graduate of the Nova Scotia Agricultural College (now Dalhousie Agricultural Campus), and University of Guelph with a Masters in Environmental Sciences. She has studied multiple fields including ecology, environmental impacts, entomology, pest management, biological controls, sustainability and conservation models, as well as organic and local safe food production systems. Aly is currently involved in transportation, quarries, and species at risk files for consultation at KMKNO and is looking forward to being part of the team. She lives in Truro with her husband and loves going to the Truro Farmers Market on Saturdays, spending time with her family at their cottage, hiking, yoga and playing guitar.

Tamara Young - Jr. Consultation Researcher
Tamara is from Pictou Landing First Nation and graduated from CBU in 2013 with a BA in Mi’kmaq Studies. From there she continued on with her education and graduated in 2016 with a MBA in CED. Tamara has worked as a researcher on a collaborative project between the Purdy Crawford Chair in Aboriginal Business Studies, Membertou First Nation, and the Native Nations Institute of Arizona, where she was responsible for researching land management practices in First Nation communities across Canada. Tamara has also written a few case studies for the Purdy Crawford Chair which were applied to the textbook 'Indigenous Business in Canada: Principles & Practices'. She currently lives in Pictou Landing with her husband, Alfred, and their three daughters; Katerra, Katalina & Kitpu.
Portfolio Updates

Mining — Lead: Chief Terrance Paul

**Goldboro** - An existing mine site located near Goldboro, NS will be underway of developing and operating an open pit mine by Anaconda Mining Inc. The company will barge to their site in Newfoundland to be processed. Discussions under the *Terms of Reference for the Mi’kmaq-Nova Scotia-Canada Consultation Process* (ToR) has not been initiated. KMKNO was notified on Anaconda’s proposal to collect bulk sample and responded with potential concerns to the environment from exploration activities. A Mi’kmaq Ecological Knowledge Study (MEKS) was completed in November 2017 and was stated that deer hunting and trout fishing were found to be the most common activity in the project area. KMKNO will have a Mi’kmaq representative on the Community Liaison Committee, we will send a letter to the Crown initiating consultation under the ToR and develop a MOU and Benefits Agreement with Anaconda to further this project.

**Donkin** - The Donkin Export Coking Coal Project entails the construction, operation and decommissioning of an underground coal mine facility. Since 2017, Kameron Coal has been hauling coal by truck to ocean-going vessels from the Mine to the Port of Sydney. They are proposing to build a barge loading facility at the mine to barge the coal to the ocean-going vessels in Sydney instead of trucking it. In 2009 and again in 2012 a MEKS was completed where the project was identified to affect Mi’kmaq traditional use. The project received their federal environmental assessment approval in July 2013 and provincial approval in July 2013. Kameron Coal needs to conduct a benthic survey and geotechnical assessment to design the wharfing facility. To date Kameron Coal has not been able to complete the geotechnical assessment due to protesting from local fishermen.

**Black Point Quarry** - Vulcan Materials Company proposes the construction, operation, decommissioning, and abandonment of a granite quarry at Black Point in Guysborough County, Nova Scotia, and the construction and operation of a 200 metre-long marine terminal and load-out facility, adjacent to the quarry, in Chedabucto Bay. The quarry is expected to have a production capacity of up to 7.5 million tonnes of granite per year, and a mine life of approximately 50 years. KMKNO has voiced environmental and fisheries concerns. MEKS was completed for the project in January 2013 and a Mi’kmaq Fisheries Study was completed in April 2016. KMKNO hired GHD, formerly Conestoga-Rovers and Assoc., to review the Environmental Impact Statement (EIS) and EA. KMKNO worked with the proponent and Canadian Environmental Assessment Agency (CEAA) to address the comments, concerns and recommendations brought forward in GHD’s research. NSE and CEAA approved this project in April 2016. The terms and conditions of approval from the Black Point Quarry Project included items that the Mi’kmaq wanted to see addressed.

**Atlantic Gold** - Atlantic Gold has been operating the Touquoy Gold Mine in Moose River, NS since October 2017. In addition to Touquoy, Atlantic Gold is in the planning stages for three other nearby and associated goldmines: Fifteen Mile Stream, Beaver Dam, and Cochrane Hill. All of these mines are intended to be open pit gold mines and each will be subject to a joint Federal/Provincial Environmental Assessment. Fifteen Mile Stream is currently in the process of completing its Environmental Impact Statement. Beaver Dam is currently preparing responses to Information Requests from CEAA about its Environmental Impact Statement. Cochrane Hill is undergoing mineral testing and has yet to submit a project description.
BP Canada - On June 22nd, 2018 BP’s West Aquarius drilling platform was halted to investigate the spill of 136,000 litres of drilling mud. As soon as the Assembly was notified, a Press Release was issued calling on BP Canada to provide answers and information on the associated environmental risks. On July 22nd the Canada-Nova Scotia Offshore Petroleum Board (CNSOPB) approved BP to recommence drilling, stating that the spill was caused by a leaking mud booster line. We have since been informed that the booster line has been replaced, the other booster lines have been inspected, and BP now has a more rigorous inspection regime. The second phase of the investigation is still ongoing and will determine if there were regulatory compliance issues and what the extent of the environmental impact is. KMKNO met with CNSOPB on Sept 10th to discuss strengthening communication during this, and in any future investigations. As soon as this investigation is complete CNSOPB will set a meeting with KMKNO. KMKNO also met with BP on Sept 12th to discuss the cause and extent of the drilling mud spill. BP’s drilling should be completed at this exploratory well in October. BP will schedule a meeting with KMKNO to discuss the results of the exploratory well once drilling is complete.

Cape Sharp Tidal - Cape Sharp Tidal deployed a tidal turbine on July 25th, 2018 and two days later went into receivership. The turbine was subsequently disconnected from the power grid for safety issues, and the onboard monitoring equipment was no longer operational. On Sept 2nd the Cape Sharp Tidal turbine was reconnected to the grid and it was discovered the turbine had not been spinning due to a mechanical failure. Cape Sharp Tidal confirmed that the structure has not moved from its position on the seafloor and the blades are intact. With power re-connected to the turbine, all monitoring devices, aside from one hydrophone, are operational. Cape Sharp Tidal is discussing next steps with the regulators and will keep KMKNO updated.

DP Energy - DP Energy has recently been awarded a $30 million grant by Natural Resources Canada through the Emerging Renewable Power Program for two separate tidal technologies that they intend to deploy at their FORCE sites. DP Energy intends to deploy three turbines (18-meter diameter) which will sit on the ocean floor, as well as a 74-meter-long and 4-meter-wide floating, cylindrical platform with two turbines mounted underneath. DP Energy says that their goal is to have the tidal devices deployed in 2020. The next regulatory step for DP Energy is to create an Environmental Management Plan (EMP) for the project. Once the EMP is submitted, DP Energy will require necessary permits and authorizations, which will depend on the project description.

Black Rock Tidal - Black Rock Tidal (BRT), one of the FORCE berth holders, wants to learn more about how to monitor within the Bay of Fundy before deploying at the FORCE berth. To do so, BRT is deploying a smaller, 280 kW turbine platform for a 3-month period this Fall in Grand Passage. The tidal platform floats on the surface, is anchored to the sea floor, and will not be connected to the electricity grid while in Grand Passage. The monitoring on the tidal platform will focus on movement of fish, turtles, and whales in vicinity of device, seabird interactions with the device, and assessing noise in vicinity of device. BRT has hired a Mi’kmaq Research and Testing Assistant to work with the BRT team this fall. BRT will arrange a meeting with KMKNO once this project has collected its data.

Solar for Community Buildings - Eleven Mi’kmaw communities applied to Nova Scotia’s Solar for Community Buildings program. These applications were completed in collaboration with Beaubassin and Natural Forces. There will be opportunity for additional communities to apply for solar projects during next year’s funding round. We are still waiting to hear how this application process went.

First Nations Energy Efficiency Pilot - Efficiency Nova Scotia is currently delivering the First Nations Energy Efficiency Pilot. This pilot is assessing and retrofitting 100 homes across the Nova Scotia Mi’kmaw communities. The goal of this pilot is to guide the way for a larger scale program that addresses energy efficiency in all homes throughout the thirteen Mi’kmaw communities in Nova Scotia.
KMKNO Consultation News

Energy (continued)

Goldboro LNG - Pieridae Energy Limited is proposing to construct a liquified natural gas (LNG) facility and marine terminal in Goldboro, Nova Scotia. Goldboro went through a class two provincial environmental assessment and on March 21st, 2014 the Minister of Environment approved the project subject to conditions. The Nova Scotia Utility and Review Board (UARB) is currently reviewing a construction application for Goldboro LNG. During this review, Sipekne'katik First Nation has expressed concerns of inadequate consultation. The UARB has scheduled a hearing for Oct. 15 to consider whether the Crown fulfilled its duty to consult with the Mi'kmaq. There is a continuing consultation meeting with KMKNO scheduled with Goldboro LNG on October 19th. Goldboro LNG is also working with KMKNO’s Benefits Department to look at Mi'kmaq benefits.

Bear Head LNG - Bear Head LNG plans construct a liquified natural gas (LNG) facility in Point Tupper, Nova Scotia. Bear Head went through a class one provincial environmental assessment and on May 15th, 2015 the Minister of Environment approved the project subject to conditions. Currently, Bear Head LNG is currently working with the Benefits Department to look at Mi'kmaq benefits. In association with the Bear Head LNG, Bear Paw Pipeline intends to construct a 62.5 km natural gas pipeline from the Maritime & Northeast Pipeline mainline in Goldboro to the future LNG plant in Point Tupper. The Minister of Environment approved the Bear Paw Pipeline Project with conditions on December 22nd, 2016. KMKNO will continue Crown Consultation on the permits and approvals needed for his project.

Tusket Dam - The project remains on hold. The Utilities and Review Board (UARB) released its preliminary decision on consultation in the matter of Nova Scotia Power Inc.’s (NSPI) request for authority to spend more than $18 million to refurbish the Tusket River Main Dam. The UARB has found that consultation with the Mi’kmaq on this project was inadequate. The Mi’kmaq, NSPI, and Nova Scotia have three months to address and hopefully resolve the consultation inadequacies, at which time the parties will report back to the UARB. The permits already issued are the Heritage Research Permit, the Watercourse Alteration Permit and the Ministerial Authority under the Fisheries Act are not cancelled; and the UARB will not decide whether or not to approve the Tusket Dam refurbishment until the consultation issues are resolved.

Over the next three months it is hoped that the substance of what the Mi’kmaq see as rights-impact issues that could be avoided or minimized, that is, accommodated. It is also perhaps an opportunity to ‘fine tune’ the consultation process going forward so that problems such as those that developed over the Tusket Dam refurbishment can be avoided.

If the Province agrees that, in future, they will consult before issuing Heritage Research Permits and Watercourse Alteration Permits, and Canada agrees it will consult before granting Ministerial Authorizations for HADD, then many difficulties over what constitutes proper consultation will be resolved. If not, then the only remedies are court proceedings against Canada re DFO, and against NS re heritage and water course alterations.
Fisheries - Lead: Chief Terrance Paul

Canada’s Open Protection Plan - In November 2016, the Government of Canada announced its national plan to improve marine safety and responsible shipping, protection of Canada’s marine environment and help advance indigenous reconciliation. The Government of Canada has committed $1.5 billion over 5 years to Canada’s Ocean Protection Plan (OPP). The OPP will improve marine safety and responsible shipping; protect Canada’s marine environment; strengthen partnerships with Indigenous communities; and invest in science for evidence-based decision-making. Engagement sessions will be held from 2017-2022.

Marine Protected Areas: While we are currently in consultation with DFO on Marine Protected Areas (MPA), and generally support marine conservation, we also want to ensure that DFO carefully considers all impacts that MPA designations will have on Mi’kmaq Rights. The MPA network design must accommodate the Aboriginal and Treaty Rights of the Mi’kmaq of Nova Scotia, and our ability to fish for a moderate livelihood, as well as other Mi’kmaq fishing activities. A second contribution agreement is being explored to build on previous work of UINR and MCG. Both organizations have identified mutual value in building on the previous work completed. Media requested a statement on September 14th regarding MPA’s. CBC ran an article September 17th, 2018 quoting portions of the MPA submission made to the National Advisory Panel on August 1st, 2018.

MFAC - The Mi’kmaq Fisheries Advisory Committee (MFAC) has continued to meet with discussions focused on Food, Social and Ceremonial Fisheries, Moderate Livelihood Fishery, as well as MPAs, Ocean Protection Act, etc.

Alton Natural Gas Storage Project - Stripped Bass toxicity testing has taken place and KMKNO wants to identify the gaps and recommendations on the research conducted on the brine effluent and striped bass in the Shubenacadie River. Alta suggested developing an underground hydrocarbon storage facility in a series of engineered salt caverns at depths of over 700 m as a solution to the mining process. The process will be carried between Shubenacadie Estuary and the facility near Alton of buried pipelines. Over the span of 18-24 months depending on future market demand there will be four caverns formed subject to possible change at a later date. The Assembly passed resolution to review all documents and data associated with the project, for potential environmental risks. As a result, the project design and operations were changed to avoid any impact or damage. KMKNO met with MCG this summer where all monitoring plans were reviewed. The team also plans to identify the next steps to involve Mi’kmaq participation in environmental monitoring and purpose to meet to discuss the research conducted to date.
Transportation Updates:

Highway 104 - Sutherlands River to Antigonish - Consultation began with Nova Scotia Transportation and Infrastructure Renewal (NSTIR) in January 2018. The Project is divided into 3 main sections: The twinning and upgrading the section between Sutherlands River to Barneys River; a newly aligned four-lane section between Barneys River to James River; and Twinning and upgrading the existing two-lane highway from James River to the existing twinned highway at Antigonish. The total Project consists of twinning and upgrading of 25.5km of existing highway, an entirely new section of 12.5km of four-lane 100 series freeway for a total of approximately 38km. The Project triggered a provincial Class I Environmental Assessment and will likely require Wetland Alteration Approval from NSE. The Project may also trigger Provincial and Federal approvals under DFO, Species at Risk, NS Environment, NS Department of Natural Resources, etc.

Highway 103 Exit 5 at Upper Tantallon to Exit 6 at Hubbards - A MEKS was completed for this project in November 2010 and an Environmental Assessment was completed in September 2012. The next phase of the project is the twinning of the highway between Exit 5 (Tantallon) and 5a (Ingramport) with final paving and opening expected in 2020. NSTIR received a Wetlands Alteration Approval from NSE in June of 2017, however after review from DFO, it was determined that the project will cause serious harm to fish. NSTIR is preparing another application to DFO. KMKNO received a letter in April from DFO which confirmed they are proceeding with issuing authorizations to conduct wetland alterations and construct new bridges at Little Indian Lake and Mill lake.

Highway 102 Lantz Interchange and Connector - This project includes new construction of four ramps that form a 'diamond' interchange, roundabouts at each intersection of on/off ramps, a 1km long controlled access road from highway 102 and Trunk 2 and widening of east and westbound lanes. This will require replacement of the existing Nine Mile River structures. An ARIA (Archaeological Resource Impact Assessment) was completed this past summer and a MEKS, environmental studies, and engineering designs are still to be completed in 2018. The Project will also require a Wetlands Alterations Approval from NSE, and likely will require authorizations under DFO and SARA.

Highway 101 Twinning, Three Mile Plains to Falmouth - In August of this year, local fisherman, in partnership with Acadia as part of a Windsor causeway study, discovers an inner Bay of Fundy salmon on July 24th, 2018 (which was confirmed by DFO). The inner Bay of Fundy salmon (iBoF) are an endangered species under SARA. KMKNO has a meeting booked with CBCL, and TIR to discuss design options of the causeway twinning on October 9th, 2018.

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Kwilmu'kw Maw-klusuaqn Negotiation Office works on behalf of the Assembly of NS Mi'kmaq Chiefs in the negotiations and consultations between the Mi'kmaq of Nova Scotia, the Province of Nova Scotia and the Government of Canada.

KMKNO was developed by the Mi'kmaq, for the Mi'kmaq.

The purpose of these negotiations and consultations is to implement our Aboriginal and Treaty rights from the Treaties signed by our ancestors in the 1700’s.