

*FINAL REPORT*

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### **3.0 CONSULTATION AND ENGAGEMENT WITH FIRST NATIONS**

#### **3.1 PROGRAM OBJECTIVES**

A consultation program has been developed and implemented by MITI with the following key objectives:

- To identify issues and concerns of the affected communities, stakeholder groups, and individuals;
- Assist in judging the intensity of project benefits or impacts;
- Solicit local information or expert opinions; and
- Fulfill regulatory requirements and the expectations of the Environmental Assessment Information Requirements Document.

##### **3.1.1 Regulatory Context**

Nova Scotia allows the proponent to decide if and how the public should be involved. As a minimum, public consultation during the assessment process involves public review of the Registration Document and, upon completion, of the EIS report. These two activities are undertaken by NSE. In accordance with Section 12 of the NS Environmental Assessment Regulations, the Minister of the Environment will take concerns expressed by the public into consideration when making a decision on the project.

At the federal level, requirements for public consultation in the context of a screening level environmental assessment are determined by the Responsible Authorities (RAs), i.e., DFO and TC for the MIT Project. No explicit consultation requirements have been formulated by the RAs in the Environmental Assessment Information Requirements Document (January 29, 2008). However, similar to the provincial requirements, the RAs will take public concerns into account in all decision making (Section 20 (1) c iii).

Consequently, MITI has chosen to implement a public consultation program and commenced with the involvement of the public very early in the planning process, i.e. before the submission of a registration document to NSE and the submission of a Project Description to CEAA.. Further activities were developed and implemented in compliance with the issued Information Requirements Document (Appendix 1.0-A).

##### **3.1.2 Program Components**

Components and techniques applied in the public consultation program implemented by MITI have included:

- Notifications;
- Public meetings/open houses;
- Stakeholder meetings;
- Meetings with government agencies; and
- Telephone/fax/email-based consultation.

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These approaches were applied in particular for public consultation on the

- Introduction of the Project; and
- EIS.

The Environmental Assessment Information Requirements Document (Appendix 1.0-A) was developed in close consultation with CEAA, DFO, TC and NSE representatives. This also included the discussion of the scope of the assessment and the scope of factors to be evaluated (project and environmental components, issues, and concerns).

### **3.1.3 Public Consultation**

#### ***Notifications***

Notifications in electronic form on the internet (CEAA registry and NSE web site) and in the form of advertisements in local print media were used to notify the public of the commencement of the Project and of the various consultation activities, in particular opportunities for document reviews and Open House meetings. Key Notices issued have included:

- Notice of Public Meeting held in March 2007: Municipal notice in local newspapers and letter mail out by local municipality;
- Notice of Public Meeting held in May 2007: MITI notice in local newspapers plus advisory to 40+ media contacts;
- Notice of Open House event held on February 21, 2008: MITI Notices published in Published in 4 local newspapers (The Inverness Oran, The Port Hawkesbury Reporter, The Guysborough Journal, and The Antigonish Casket; Publication dates February 12th, 13th, 19th, and 20<sup>th</sup>, 2008;
- Notice of Commencement under CEAA: posted on 7 March 2008 on the CEAA Registry; and
- Notice under NWPA: published in Canada Gazette March 8, 2008 edition; The Guysborough Journal March 5, 2008, weekly edition, The Port Hawkesbury Reporter March 5, 2008 weekly edition.

Notifications of the public with respect to the completion of the EIS and opportunities for its reviews will be issued upon completion and submission of this report to NSE and the Canadian Environmental Assessment Agency. A Notice of Project registration under the NSEA will be published in two newspapers (one local and one province wide) and on the NSE website, upon submission of the Registration Document.

#### ***Public Meetings/Open Houses***

To date there have been 3 public meetings (Table 3.1-1). Two initial meetings were held prior to the formal commencement of the assessment process (i.e., prior to Project registration with NSE and the submission of the Project Description to the Canadian Environmental Assessment Agency).

Both of the initial two meetings were received exceptionally well by the public. The first of these, on March 8, 2007, was coordinated by the Council of the Municipality of the District of

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Guysborough and the Guysborough County Regional Development Authority. It addressed the new Municipal Planning Strategy and the revised Land Use Bylaw for the North eastern Guysborough Planning Area, which includes the site for the proposed Project. This consultation was attended by approximately 60 residents from the local area.

The second initial meeting included the public announcement by MITI of the Project on May 29, 2007, and was attended by between 300 and 350 individuals. The formal announcement and presentation of the project by MITI representatives was greeted with a standing ovation by those present. The project was endorsed by a number of local, provincial and federal organizations, as well as by politicians in attendance.

The third public meeting was held in form of an Open House event. This meeting took place at the Seven Communities Volunteer Fire Department Hall in Hadleyville, on February 21, 2008. The meeting was organized by MITI. The purpose was to provide the public with an update on the Project, introduce the assessment process, and to solicit input from the public with respect to the scope of the assessment, issues and concerns.

MITI presented information on display boards addressing such topics as:

- Project (location, components, schedule, site lay-out, etc.);
- Assessment Process;;
- Provincial and Federal requirements;
- Natural environment and land use features;
- Draft list of VECs; and
- Contact information.

In addition to the displayed information, a comment sheet was handed out to participants soliciting written comments on the project, concerns, and suggestions for environmental management/mitigation.

The meeting was attended by approximately 200 people. Overall, the public reaction was largely positive and comments focused on the employment opportunities and positive economic impacts the MIT would create locally and provincially. Key concerns raised included the potential adverse impacts the terminal construction and operation would have on waterways, wetlands, drinking water, traffic, noise, fisheries, and fish habitat. A complete list of issues is presented in Table 3.1-2 together with study team responses.

**Table 3.1-1: Public and Agency Consultation**

<b>Date</b>	<b>Type of Meeting</b>	<b>Location</b>	<b>Purpose/Issues</b>
22 February 2008	Formal presentation followed by Q&A	Chamber of Commerce – Strait of Canso	<ul style="list-style-type: none"> <li>• Project overview and up-date</li> </ul>
21 February 2008	Public Meeting / Open House by MITI	Seven Communities Volunteer Fire Department Hall, Hadleyville	<ul style="list-style-type: none"> <li>• Project up-date;</li> <li>• Scoping: assessment process, assessment scope (Project and environmental components);</li> <li>• Solicit information on public issues and concerns</li> </ul>

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**Table 3.1-1: Public and Agency Consultation**

<b>Date</b>	<b>Type of Meeting</b>	<b>Location</b>	<b>Purpose/Issues</b>
13 February 2008	Meeting with Stakeholder Group <ul style="list-style-type: none"> <li>• local fishermen</li> </ul>	St. Lukes Church basement, Melford	<ul style="list-style-type: none"> <li>• Project overview and up-date</li> <li>• Solicit fishermen's issues and concerns</li> <li>• Fish habitat compensation</li> <li>• Discuss next steps</li> </ul>
20 September 2007	Consultation with <ul style="list-style-type: none"> <li>• DFO</li> </ul>	Truro	<ul style="list-style-type: none"> <li>• Introduction of proposed MIT</li> <li>• Federal approval processes and requirements with respect to federal <i>Fisheries Act</i></li> <li>• Concerns related to stream crossings</li> </ul>
08 June 2007	Consultation with <ul style="list-style-type: none"> <li>• NSE</li> </ul>	Halifax	<ul style="list-style-type: none"> <li>• Update on MIT proposal</li> <li>• Draft Project Description</li> <li>• Provincial approval process and requirements</li> </ul>
29 May 2007	Public Announcement (Meeting) by MITI	Chedabucto Place Performance Center, Guysborough	<ul style="list-style-type: none"> <li>• Public announcement of and introduction of MIT Project</li> </ul>
11 May 2007	Consultation with <ul style="list-style-type: none"> <li>• TC Navigable Waters Protection</li> </ul>	Halifax	<ul style="list-style-type: none"> <li>• Introduction of proposed MIT</li> <li>• Federal approval processes and requirements with respect to federal NWPA</li> </ul>
08 March 2007	Public Meeting held by: <ul style="list-style-type: none"> <li>• Council of the Municipality of the District of Guysborough</li> <li>• Guysborough County Regional Development Authority</li> <li>• MITI</li> </ul>	Seven Communities Volunteer Fire Department Hall, Hadleyville	<ul style="list-style-type: none"> <li>• Presentation and discussion of new Municipal Planning Strategy and the revised Land Use Bylaw for the North eastern Guysborough Planning Area</li> <li>• Introduction of MIT Project</li> </ul>
12 January 2007	Consultation with <ul style="list-style-type: none"> <li>• Canadian Environmental Assessment Agency</li> <li>• NSE</li> </ul>	Halifax	<ul style="list-style-type: none"> <li>• Update on MIT proposal</li> <li>• Federal and provincial approval processes and requirements</li> </ul>
20 October 2006	Consultation with <ul style="list-style-type: none"> <li>• Canadian Environmental Assessment Agency</li> <li>• NSE</li> </ul>	Halifax	<ul style="list-style-type: none"> <li>• Introduction of proposed MIT</li> <li>• Federal and provincial approval processes and requirements</li> </ul>

**Table 3.1-2: Key Issues and Concerns Raised**

Main Subject	Issue/Concern	Study Team Responses/Reference to Section in EIS Report that Discusses Issues
Noise	<ul style="list-style-type: none"> <li>• Rail transport</li> <li>• Road transport</li> <li>• Construction activities</li> <li>• Proposed 104 interconnection location</li> </ul>	EIS, Section 6.3
Transportation	<ul style="list-style-type: none"> <li>• Marine transportation/ safety</li> <li>• Road safety</li> <li>• New road – by pass of Mulgrave</li> <li>• Only road used by locals to get to Mulgrave</li> <li>• Traffic impacts</li> </ul>	A traffic impact study has been undertaken (Ken O'Brien 2008) and its findings and recommendation have been incorporated with the EIS report
Economy	<ul style="list-style-type: none"> <li>• Employment opportunities</li> <li>• Effects on tourism</li> <li>• Set up local training program</li> <li>• Local business contracting agreement in all aspects of project</li> <li>• Local hiring first policy</li> </ul>	EIS, Section 7 and associated mitigation and enhancement programs
Property values	<ul style="list-style-type: none"> <li>• Visual effects of facility</li> <li>• Night lighting</li> <li>• How will this affect residents of Sandpoint?</li> </ul>	EIS, Section 7 and associated mitigation and enhancement programs
Fisheries	<ul style="list-style-type: none"> <li>• Compensation for loss of lobster trap/ fishing gear</li> <li>• Impact on lobster fishing industry (relocation of lobster grounds possible?)</li> <li>• Impact on local fish populations</li> <li>• Proactive consultation with fishermen</li> </ul>	EIS, Section 6.8 deals with effects on marine environment including fish and fish habitat; Section 7 addresses the effects on fisheries from a commercial point of view. Both sections include mitigation measures to avoid and/or mitigate effects. MITI's commitment to compensation of effects on marine fish habitat are outlined in a Fish Habitat Compensation Plan (Section 6.8). This Plan is subject to approval by DFO.
Wildlife and Habitat	<ul style="list-style-type: none"> <li>• Habitat conservation</li> <li>• Natural Growth</li> </ul>	EIS, Section 6.9
Land Use	<ul style="list-style-type: none"> <li>• Will construction happen south of Melford? (Landowner concern - E.M. England)</li> </ul>	MIT is located within a large track of lands designated as Mulgrave Industrial Reserve. These lands extend south of the MIT site and zoned by the municipality for industrial / commercial uses. The land use planning and approval for these lands is beyond the control/influence of MITI.
Waterways	<ul style="list-style-type: none"> <li>• Marshes</li> <li>• Wetlands</li> <li>• Vegetation</li> </ul>	Potential effects on wetlands have been assessed as part of the effects assessment for the terrestrial environment Section 6.10. It is of note, that the effects assessment identified the need for compensation of any unavoidable loss of wetland habitat (including marsh habitat) based on the provincial Wetland Policy.
Water resources	<ul style="list-style-type: none"> <li>• Rail close to Town of Mulgrave's water supply [i.e., Town of Mulgrave water supply]</li> <li>• Water protection (berms) when near watershed areas</li> </ul>	MITI is aware of the use of Grant Lake as a reservoir for Mulgrave's water supply. Potential adverse effects relate to accidental spills along the rail track either during construction activities or in context of a rail accident during operation. Any such spill must be considered an extremely rare event. See discussion in Section 8 Malfunctions and Accidents.

**Table 3.1-2: Key Issues and Concerns Raised**

Main Subject	Issue/Concern	Study Team Responses/Reference to Section in EIS Report that Discusses Issues
First Nations	<ul style="list-style-type: none"> <li>• TEK is not a consultation</li> <li>• Ensure consultation is handled correctly</li> </ul>	MITI is committed to an on-going dialogue with First Nation Communities during the Project development stages and beyond (i.e., during implementation and operation). A Mi'kmaq Knowledge Study (MKS, similar to a TEK) has been commissioned by MITI, and has been completed. Results of the MKS are being incorporated in the project planning. MITI is open to suggestion from the First Nations communities on effective and meaningful dialogue and cooperation.
Process	<ul style="list-style-type: none"> <li>• Fair process</li> <li>• Integrity of assessment</li> <li>• LEK in addition to TEK</li> <li>• Listen to local communities concerns</li> </ul>	The process is being conducted in compliance with the provincial and federal regulations. Content and approach to the assessment has been discussed with provincial and federal regulators and have been document in a Memorandum of Understanding and an Information Requirement Document. Further, comprehensive consultation with local communities, stakeholder groups, agencies and engagement of First Nation communities has been initiated to ensure a fair and open planning process. Local ecological knowledge is being solicited as part of the consultation program.

**Stakeholder meetings**

On February 13, 2008, MITI representatives met with a group of fishermen in Melford (St. Lukes Church basement). Representatives of the fishermen included core fishermen, part time fishermen and helpers. MITI representative presented the Project and subsequently discussed issues and concerns raised by the fishermen. Minutes of the meeting were prepared by MITI and added to the Project file.

A number of fishermen in attendance at the meeting of 13th February also attended MITI's Open House event of 21 February. Following the Open House, the Melford Area Fishermen and Guysborough County Inshore Fishermen's Association (GCIFA) submitted a document to MITI dated 28<sup>th</sup> February 2008 and entitled *Melford International Cargo Terminal – Melford, Guysborough County, Project Issues and Concerns to be Addressed*. The document was presented by the authors as a draft document not intended as a final or complete list of concerns or issues. Instead, it is considered by the authors as an attempt "to identify some of the immediate concerns of the inshore fishermen of the area as well as proposing possible responses" (Melford Area Fishermen and Guysborough County Inshore Fishermen's Association, 2008. p2). Key issues and concerns raised in this document are summarized in Table 3.1.3. This table also provides a good representation of the issues raised and discussed during the meeting of 13<sup>th</sup> February.

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**Table 3.1-3: Issues and Concerns Raised By Local Fishermen**

	<b>Issues and Concerns*</b>	<b>Study Team Responses/Reference to Section in EIS Report that Discusses Issues</b>
<b>1</b>	<b><i>Marine Space and Access</i></b>	
1.1	<i>All the water lots in the immediate area, from Bear Head to the Canso Causeway, have already been granted to marine developers, as have all of the adjacent water lots – so what habitat has been left for the fishing industry who have ALWAYS been the primary users of these spaces and under NO circumstances would ever be granted a water lot for their industry development?</i>	This is beyond the scope of the assessment and out of MITI's control.
1.2	<i>This infilling will consist of what type of rock or fill and from where?</i>	Section 2 Project Description; This will be determined as part of the detailed engineering phase
1.3	<i>Will it be cleaned before dumped into our ecosystem?</i>	Section 6.8 Marine Environment, Mitigation
1.4	<i>What will be used to hold the fill in place?</i>	This will likely be a cribbing system, but final design will be determined during the detailed engineering phase
1.5	<i>Will a solid wall (Armour stone) be used and how will this affect our currents and tides in the area.</i>	This will be determined during the detailed engineering phase; for a discussion of effects on oceanography and proposed mitigation measures refer to Section 6.5
1.6	<i>How will the drilling of test holes and the drilling if piles are put in place affect the marine environment?</i>	This will be determined during the detailed engineering phase; for a discussion of effects on the marine environment and proposed mitigation measures refer to Section 6.8
1.7	<i>Will this wall cause silting in the surrounding areas?</i>	Effects on Oceanography are discussed in Section 6.5, effects on Marine Environment in Section 6.8
1.8	<i>Will construction noise and disruption cause a change in the marine species activity in the area and how long before this subsides?</i>	Section 6.8 Marine Environment
1.9	<i>What will happen to the marine species in the immediate area such as lobster, crab, sea urchins, and scallops?</i>	Section 6.8 Marine Environment
1.10	<i>How much runoff of storm water will accumulate in the area from the development and will this run into the marine environment directly or will a drain system be installed and if so what will this consist of?</i>	This will be determined during the detailed engineering phase; for a discussion of effects on the marine environment and proposed mitigation measures refer to Section 6.8
1.11	<i>Will this runoff be contaminated with site materials i.e. oils or chemicals?</i>	MIT will operate an on-site storm water and waste water collection and treatment system; all effluents discharged to the environment will meet applicable regulatory standards; Section 2 Project Description Section 6.9 Freshwater Aquatic
1.12	<i>Is anyone looking at the accumulative ecosystem effects of more marine development in the Strait of Canso and how this will affect our fisheries in Chedabucto Bay?</i>	Section 10 Cumulative Effects
1.13	<i>Where will this footprint be replaced and how will it compensate these fishermen in this area?</i>	Section 6.8 Marine Environment - Fish Habitat Compensation; see also Section 7 for socio-economic effects and mitigation/compensation policies
<b>2</b>	<b><i>Gentlemen's Agreement, Loss of Income and Fishing Grounds</i></b>	
2.1	<i>The Melford Terminal will take valuable lobster, rock crab, scallop and pelagic species bottom and access space thus affecting fishing income from fishermen in the immediate area.</i>	Section 6.8 Marine Environment - Fish Habitat Compensation; potential effects on income and mitigation/compensation is addressed in Section 7

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**Table 3.1-3: Issues and Concerns Raised By Local Fishermen**

	<b>Issues and Concerns*</b>	<b>Study Team Responses/Reference to Section in EIS Report that Discusses Issues</b>
2.2	<i>As well the increased ship traffic will interfere with a lucrative shrimp trap fishery that is currently conducted in the Chedabucto Bay shipping lane area, a Bluefin Tuna and Snow Crab fishery conducted in Chedabucto Bay.</i>	Section 7 Socio-Economic Effects Section 10 Cumulative Effects
2.3	<i>Chedabucto Bay has been proven to be a nursery and juvenile area for lobster, snow crab, herring and mackerel. We are very concerned as to the affect of the proposed activity on this very important aspect of our resource.</i>	Section 6.8 Marine Environment
2.4	<i>How (and who) will the local lobstermen, crab and scallop, herring and mackerel fishermen be compensated for the loss of the fishing grounds due to the terminal construction and its continued operations?</i>	Section 6.8 Marine Environment Section 7 Socio-Economic Effects
2.5	<i>How (and who) will the fishermen be compensated for fishing in other areas with increased steam time and interloping on another fisherman's grounds?</i>	Section 6.8 Marine Environment Section 7 Socio-Economic Effects
2.6	<i>Who will coordinate a new arrangement for access to an area not previously fished by the fishermen who are put out of the Melford area?</i>	Section 6.8 Marine Environment Section 7 Socio-Economic Effects
2.7	<i>Will the new tides and currents seed and feed this area with larvae and spat as it did before and if not then what do these fishermen do for sustainability and rejuvenation?</i>	Section 6.8 Marine Environment
2.8	<i>Where will the shrimp trap, rock crab and snow crab fisherman place their gear as to not be in gear conflict with the ship traffic in Chedabucto Bay and will the new location be as lucrative and accessible? Who will compensate them if it is not?</i>	Section 6.8 Marine Environment Section 7 Socio-Economic Effects
2.9	<i>Will the marine species remain in the area with all of this activity ongoing and how will this affect our lucrative spawning areas of Chedabucto Bay?</i>	Section 6.8 Marine Environment
2.10	<i>How will this traffic affect the permanent and transient Bluefin Tuna Fleet who fish in the shipping lanes and throughout Chedabucto Bay?</i>	Section 7 Socio-Economic Effects
2.11	<i>Where will the mackerel, herring and squid traps be relocated and at what loss to the fishermen?</i>	Section 6.8 Marine Environment Section 7 Socio-Economic Effects
<b>3</b>	<b>Container Port Development and Long-term Affects to the Ecosystem</b>	
3.1	<i>The terminal will bring ships from all over the global shipping industry with the threat of invasive species, security concerns, and ballasts and waste removal monitoring.</i>	Section 8 Malfunctions and Accidents
3.2	<i>Who will be monitoring all of this activity to ensure compliance and diligence?</i>	Proposed monitoring by MITI is summarized in Section 11; in addition regulators will continue with monitoring of compliance with the respective legislation and regulations (e.g., TC and Canadian Ballast Water Control and Management Regulations under the <i>Canada Shipping Act</i> )
3.3	<i>Is the shipping Navigational system, that has been recently initiated by navigable waters, adequate for the expected increase in traffic (the new two lane system without the range lights at Durell's Island)?</i>	This will need to be determined by TC. MITI will develop the terminal in consultation with TC and will comply will all navigational requirements as directed by the regulator.
3.4	<i>How will the terminal and all of its spin off development ensure that this work and excellent management practice continues to pay off for the fishing industry?</i>	Section 7 Socio-Economic Effects

**Table 3.1-3: Issues and Concerns Raised By Local Fishermen**

	<b>Issues and Concerns*</b>	<b>Study Team Responses/Reference to Section in EIS Report that Discusses Issues</b>
3.5	<i>Who will be monitoring invasive species and their effects on our ecosystem?</i>	With respect to the potential for ballast water discharges and with it the introduction of invasive marine species refer to Section 6.8 Marine Environment and 8.0 Malfunctions and Accidents; the likelihood of ballast water discharge near or at the terminal is low; a need for monitoring of invasive species has not been identified.
3.6	<i>If a spill or other accident occurs what is the clean up, recovery and compensation plan to the fishing industry?</i>	Section 8.0 Malfunctions and Accidents See also Section 2.9 for MITI approach to environmental management and emergency response planning and coordination
3.7	<i>Will the security issues surrounding a global container port affect the day-to-day operations of the fishing fleet?</i>	No. Security surveys will be conducted on-shore. There will be no safety set-back zones on the marine side of the terminal.
3.8	<i>What is the communication plan with the community of fishermen on port and terminal development?</i>	Section 3.3 Consultation During Project Implementation; Section 7 Socio-Economic Effects
3.9	<i>Request of the Fishing Fleet of Melford and GCIFA</i>	Comment noted.
3.10	<i>A full environmental assessment to determine the exact extent of the proposed project If NOT then:</i> <ul style="list-style-type: none"> <li>• <i>A communication forum and meeting agenda to inform the fishing industry of the proposed development and port developments</i></li> <li>• <i>A meeting with the Navigable Waters department to better inform the fishing industry of the new shipping and navigation lanes</i></li> <li>• <i>A fishing community forum set up to discuss and have input on the proposed project and work to develop a compensation package for local fishermen</i></li> <li>• <i>A committee formed to answer the questions and concerns currently stated and as they develop.</i></li> <li>• <i>What are the rights of the fishermen as to water access and gear conflict? – A meeting with DFO and NSFAC to discuss these issues.</i></li> </ul>	The decision on which level of environmental assessment is required is beyond the influence of the proponent. See Section 3.3 Consultation During Project Implementation on the proposed approach to future communication.

\*Source: Melford Area Fishermen and Guysborough County Inshore Fishermen’s Association, 2008. Italic print indicates verbatim quotation.

### **Agency Consultation**

MITI has also held discussions with various federal, provincial and municipal agencies, including:

- Guysborough County Regional Development Authority;
- NSE;
- TC; and
- DFO.

Meetings were held in order to establish contacts, introduce the Project, and discuss potential regulatory procedures. In all cases follow up meetings were held in order to provide updates on the Project and discuss further details on approval process and information requirements.

## 3.2 ENGAGEMENT WITH FIRST NATIONS

### 3.2.1 Communication, Meetings

MITI has engaged First Nations in its planning process through initial verbal and written contacts with representatives of the Millbrook First Nation and of the CMM. MITI's objective was to inform First Nations about its proposal, solicit information on the First Nation's issues and concerns with respect to the proposed terminal, and to identify ways and means for First Nation engagement in the planning process. These discussions resulted in an investment in the project by the Millbrook Economic Development Corporation in September 2007. Millbrook has also entered into a consulting agreement dated September 28, 2007, whereby Millbrook First Nations has acted as a consultant to MITI to provide advice to MITI in respect of First Nations matters. These consultations with Millbrook First Nations remain ongoing. Formal information sessions have been held with Paq'tnkek First Nations (May 1, 2008) and with Chapel Island First Nations (May 13, 2008). In both cases MITI will be following up when job descriptions are available at end of July 2008. MITI has also had a request into the Kwilmukw Maw-klusuaqn (KMK), which represents the Nova Scotia Mi'kmaq Chiefs Assembly for a formal information session, but a date has not yet been set.

### 3.2.2 Mi'kmaq Knowledge Study (MKS)

In response to MITI's initial contacts (see above) the Millbrook First Nation on September 24, 2007 requested the CMM to submit a proposal to MITI for the preparation of an MKS for the MIT Project.

The purpose of the MKS is to support the integration of Mi'kmaq knowledge of use and occupation of Mi'kmaq (traditional Mi'kmaq territory) into development decisions via the environmental assessment process. To facilitate the objectives, the MKS includes:

- a study of historic and current Mi'kmaq land and resource use;
- an evaluation of the potential impacts of the Project on Mi'kmaq use and occupation and constitutionally based rights;
- an evaluation of the significance of the potential impacts of the Project on Mi'kmaq use and occupation; and
- recommendations to proponents and regulators that may include recommendations for mitigation measures, further study, or consultation with Mi'kmaq.

The final MKS report is presented in Appendix 3.2-A. The *interim* findings and recommendations (from the interim report submitted in early 2008) have already been taken into consideration in the completion of the EIS as noted in the table below (Table 3.2-1).

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**Table 3.2-1: MKS Recommendations and MITI Responses**

Main Subject	Issue/Concern/Recommendation	Study Team Responses or Reference to Section in EIS Report that Discusses the Issue
Archaeological Resources	The study indicated that there was considerable Mi'kmaq use and occupation in the study area, and potentially the project area. Archaeological resources are considered to irreplaceable, and any disturbance of Mi'kmaq archaeological resources is considered significant. The study recommends that in the event that Mi'kmaq archaeological resources are encountered during construction or operation of the Project, all work should be halted and immediate contact should be made with David Christianson at the Nova Scotia Museum and with Don Julien at CMM	Recommendation adopted as part of the mitigation measures for the construction phase.
Plants of significance	Plants of significance to Mi'kmaq in the study area are divided into three categories, medicinal, food and beverage, and craft and art. The fall 2007 survey has indicated that there are 28, 15 and 10 plants in these respective categories within the current use study area, defined as a five kilometer radius surrounding the proposed project site. The spring 2008 survey found 62, 21 and 10 plants in these respective categories.. The study concluded that while some individual plants may be permanently lost as a result of project development, such loss does not pose a threat to the Mi'kmaq use of the species, and is not likely significant.	Effects on vegetation will be kept to a minimum. Upon completion of the construction work, work sites will be rehabilitated where applicable. Any site rehabilitation will use bioengineering methods and native plant material where appropriate. Further information to be provided by the MKS to MITI will be incorporated with the EMP, where appropriate.
Reserve lands	There are no Indian Reserves located within or in close proximity to the current use study area; there are two reserves located within approximately 50 kilometres of the project area. Also, the study indicates that there are no land claims registered within the Guysborough County area by Nova Scotia Mi'kmaq communities, but cautions that this does not suggest that other Mi'kmaq claimants for this area may not submit land claims in the future.	Comment noted
Historical uses	A number of current and historical uses have been identified within a five km radius of the site including food and commercial fishing.	No potential for significant adverse effects of the Project on country foods has been identified. Further information to be provided to MITI in the Final MKS Report expected in May 2008 will be incorporated with the EMP, where appropriate.
Project site	There have been no issues of significant concern identified in relation to the subject property nor within the five-km radius of the MKS study area.	Comment noted
Further consultations	The final report recommended that the Paqtnlel 1 <sup>st</sup> Nation would like to follow-up the initial meeting with MITI to explore socio-economic opportunities within the Project	MITI has carried through with these consultations, and has committed to advise the 1 <sup>st</sup> Nations once the various project-related job categories have been identified so that employment opportunities can be explored.

**3.3 CONSULTATION DURING PROJECT IMPLEMENTATION**

MITI is committed to an on-going consultation process that extends beyond the approval stage and continues throughout Project implementation. The format and extent of the future consultation activities will be developed in response to public and stakeholder interest.

Future consultation activities are envisaged to range from documentation of Project information on MITI's web site ([www.melford-terminal.com](http://www.melford-terminal.com)) to community meetings on Project updates and

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on specific issues. Sufficient interest provided, MITI is committed to initiate and support a CLC. If implemented, the CLC will meet regularly to meet with MITI to discuss issues and concerns that arise such as safety, environmental concerns, employment, etc.

In addition, MITI will remain in contact with the Guysborough County Regional Development Authority and the Guysborough Journal as a means of communicating any information. Further, MITI will also liaise actively with local emergency service providers, such as RCMP, fire and emergency health response.

Similarly, MITI is committed to continuous engagement with First Nation communities and will approach First Nations to investigate and implement opportunities for meaningful on-going dialogue. To this end, through Millbrook MITI is arranging meetings with Chapel Island First Nation residents and Paq'tnkek First Nation residents in each of those communities to discuss the project, employment opportunities, and the economic benefits that the project will create.

### **3.4 REFERENCES**

Melford Area Fishermen and Guysborough County Inshore Fishermen's Association, 2008. Melford International Cargo Terminal – Melford, Guysborough County, Project Issues and Concerns to be Addressed. Unpublished attachment to e-mail of 3 March 2008 from Charlie Warner to Richie Mann, MITI.

Ken O'Brien 2008. Traffic Impact Study, Proposed Container Terminal, Melford, Guysborough Co., NS. Report prepared for MITI, Atlantic Road & Traffic Management. March 2008.

