

National Energy
Board



Office national
de l'énergie

Application to Participate([A67655](#))

Filing Date: 2015-03-02

Hearing Information

Project Name: Energy East Project and Asset Transfer

Company: Energy East Pipeline Ltd.

File Number: OF-Fac-Oil-E266-2014-01 02

I am Applying as:

- ☐ An Individual
- ☐ Authorized Representative on Behalf of an Individual
- ☒ A Group

Select which one best describes your group:

- ☐ Company
- ☐ Association (Special Interest Group)
- ☒ Aboriginal
- ☐ Federal Government
- ☐ Provincial Government
- ☐ Territorial Government
- ☐ Municipal Government
- ☐ Others

- ☒ My group is an organization that will represent its own interests
- ☐ My group is a collection of individuals with common interest

Contact Information:

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1-800-899-1265

- If you apply as individual, the contact information is for the Person Applying to Participate.
- If you apply as Authorized Representative, the contact information is for the Individual you are representing.
- If you apply as Group, the contact information is for the Group's main contact.

Salutation: Chief

Last Name: Bernard

First Name: Patricia

Title: Chief

Organization: Madawaska Maliseet First Nation

Telephone: 506-739-9765

Facsimile:

Email Address:

madawaskamaliseet@bellaliant.com

Address:

1771 Main Street

Madawaska Maliseet First Nation, New Brunswick E7C 1W9

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Authorized Representative(s) Information:

If you do not have an authorized representative this section will be blank.

Salutation: Legal Counsel

Last Name: Paul

First Name: Gillian

Title: Lawyer

Organization: Olthuis, Kleer, Townshend LLP

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Canada

Salutation: Legal Counsel

Last Name: Pelletier

First Name: Renee

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Salutation: Chief	
Last Name: Bernard	
First Name: Patricia	
Title: Chief	Address: 1771 Main Street Madawaska Maliseet First Nation, New Brunswick E7C 1W9 Canada
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Salutation: Mr.	
Last Name: Letica	
First Name: Russ	
Title: Land Management Manager	Address: 1771 Main Street Madawaska Maliseet First Nation, New Brunswick E7C 1W9 Canada
Organization: Madawaska Maliseet First Nation	
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Method of Participation

<p>I wish to participate as a:</p> <p><input type="radio"/> Commenter</p> <p><input checked="" type="radio"/> Intervenor</p>

Interest or Expertise

<p><input checked="" type="checkbox"/> The Group I am representing is directly affected by the proposed Project</p> <p><input checked="" type="checkbox"/> The Group I am representing has relevant information or expertise</p>

Connection to Project Issues

7. The potential environmental and socio-economic effects of the Project, including the environmental effects of accidents or malfunctions that may occur in connection with the project, and any cumulative effects that are likely to result from the Project, as considered under the *Canadian Environmental Assessment Act, 2012*
9. The appropriateness of the general route and land requirements for the Project
11. Potential impacts of the Project on Aboriginal interests
13. Safety and security associated with the construction and operation of the Project, including emergency response planning and third-party damage prevention
14. Contingency planning for spills, accidents, or malfunctions during construction and operations of the Project
16. The terms and conditions to be included in any recommendation or approval the Board may issue for the Project

Madawaska Maliseet First Nation ("MMFN") is a signatory to Peace and Friendship Treaties which did not involve the surrendering of rights to lands and resources, a fact which has been recognized by the Supreme Court of Canada. As such, MMFN never gave up their legal rights to their lands, waters or resources. The members of MMFN have a deep spiritual connection to their territory and claim rights to hunt, trap, fish, and engage in other harvesting and traditional practices in their traditional territory. These rights are constitutionally guaranteed.

Energy East Pipeline Ltd. ("Energy East") proposes to construct and operate its pipeline and related components ("Project") through the territory of MMFN. MMFN is within approximately 10km of the Project. Thus, the Project, if approved, will go through the unceded territory of MMFN, over which they continue to exercise and claim constitutionally protected Aboriginal and treaty rights, including Aboriginal title. Additionally, such Project has the potential to cause significant socio-economic, health and environmental effects and also potentially impact the treaty and Aboriginal rights, including Aboriginal title, of MMFN.

Members of MMFN have been using the land in the Project area for generations. As such, they have traditional knowledge about the resources on the land, how such resources have been impacted in the past, and how these resources can and should be sustained for future generations. In particular, Elders and Land Users have expertise regarding the traditional use of the land and waterways in their territory and also have expertise on the location of sacred and other cultural sites in the vicinity of the Project. MMFN's submissions to the National Energy Board ("NEB"), including the evidence of the Elders and Land Users, will inform the NEB of the potential impacts the Project will have on: MMFN rights and interests, the ability of MMFN members to practice traditional lifestyles, and the environment in MMFN territory. MMFN also intends to file evidence from environmental technical experts to elaborate on MMFN specific concerns and potential mitigation measures. Finally, in addition to the evidence/submissions that MMFN will be making with respect to its rights and interests and associated environmental and socio-economic concerns, MMFN is collaborating with various other First Nation participants to jointly retain experts relating to areas such as the behavior of diluted bitumen in waterways to advise and file evidence on the potential impacts of a spill on MMFN's traditional territory.

Access, Notification and Service

Which official language do you wish to use in correspondence with the Board and at the public hearing?

English ☒ French ☐

Documents submitted electronically are available on the Board's electronic document repository, (Click 'View' under 'Regulatory Documents' at www.neb-one.gc.ca). If you have the capability to access the repository, the Board and other Participants in this proceeding may serve you by notifying you that a document has been filed and is available in the repository, instead of serving you with a hard copy of the document.

Are you able to access the Board's electronic document repository?

Yes ☒ No ☐

Notification by email advising that a document has been filed will be sent to the following email addresses:

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