

# A COMFIT Entity's Guide to Consultation with the Mi'kmaq

## Overview

In accordance with Section 24(f) of the *Renewable Electricity Regulations*, COMFIT proponents are expected to engage with the Mi'kmaq community in Nova Scotia as part of their project's preparation.

This document serves as a guide for COMFIT applicants regarding how to properly engage the Mi'kmaq communities surrounding and affected by their project(s). For information on engaging the Mi'kmaq, particularly on larger scale projects, see the [Proponent's Guide: Engagement with the Mi'kmaq of Nova Scotia](#).

It is the applicant's responsibility to engage with the Mi'kmaq—Section 8 of the COMFIT Application requires evidence of this engagement. At the time of application, a letter demonstrating that contact with the Mi'kmaq has been initiated should be provided to the Department of Energy. Feed-In Tariff Approval will be granted conditional to following up appropriately with the feedback received during the engagement process—the Department of Energy will monitor this progress. Although the Mi'kmaq will provide a response in a reasonable and timely manner, conditional approvals will prevent applications from being “tied-up” at the application stage. A report providing all information pertaining to the engagement process between the project proponent and the Mi'kmaq of Nova Scotia should be provided to the Department of Energy and copied to the Kwilmu'kw Maw-klusuaqn Negotiation Office for records' purposes.

## Principles of Engagement

1. Mutual Respect: *take differences into account*
2. Early Engagement: *provide clear, reasonable, and appropriate timelines*
3. Openness and Transparency: *provide timely, accurate, objective information*
4. Adequate Time to Review/Respond: *expect appropriate and proportionate timeframes*

--*Proponent's Guide: Engagement with the Mi'kmaq of Nova Scotia, p. 4*

## Scenarios

	≤ 35 kms away from an established Mi'kmaq community	> 35 kms away from an established Mi'kmaq community
> 50 kW project	Scenario A	Scenario B

*Scenario A*

For projects larger than 50 kW that are located less than or equal to 35 km from an established Mi'kmaq community, proponents must provide a notification letter to the Kwilmu'kw Maw-Klusuaqn Negotiation Office containing:

- ✓ Name of the COMFIT applicant (entity name);
- ✓ Project information: technology and size;
- ✓ Project location;<sup>1</sup>
- ✓ Proximity to Mi'kmaq communities and/or areas of significance to the Mi'kmaq of Nova Scotia;
- ✓ Relevant summary of data, reports, studies, or reviews, including environmental considerations (see Environmental Checklist);
- ✓ Any opportunities for Mi'kmaq involvement in the project (as owners, partners, and/or suppliers); and
- ✓ Contact Information.

#### *Scenario B*

For projects larger than 50 kW that are located more than 35 km from an established Mi'kmaq community, proponents must provide a notification letter to the Kwilmu'kw Maw-klusuaqn Negotiation Office. This letter will contain:

- ✓ Name of the COMFIT applicant (entity name) and its representatives;
- ✓ Project information: technology and size;
- ✓ Proximity to Mi'kmaq Community(s); and
- ✓ Project location.

#### *Tidal Projects*

Because tidal projects will require the use of Crown Land and may impact asserted Aboriginal and/or Treaty rights, it is important that the Mi'kmaq be engaged by proponents.

All letters can be sent to:

Kwilmu'kw Maw-Klusuaqn Negotiation Office  
Attn: Consultation Liaison Officer  
851 Willow St  
Truro, NS B2N 6N8

Further engagement with the Mi'kmaq may include discussions such as:

- ✓ Identifying strategies to avoid or minimize the project's potential impacts on the Mi'kmaq;

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<sup>1</sup> The Department of Energy recommends that proponents provide GPS coordinates; however, the town/municipality in which the project is located is sufficient at this point in the engagement process. Also, the proponent should advise whether or not the project or its distribution connection will be on Crown Land.

- ✓ Developing mutually beneficial solutions; and
- ✓ Identifying possible areas where the Mi'kmaq could contribute to the project.

### **Mi'kmaq Ecological Knowledge Study (MEKS)**

Larger projects of 1 MW or more, or those located on Crown Land, may require a Mi'kmaq Ecological Knowledge Study (MEKS) after receiving FIT Approval:

*There are sites in Nova Scotia that have particular cultural significance for the Mi'kmaq of Nova Scotia, who may utilize them to support traditional or current practices for food, social or ceremonial purposes. A MEKS can identify areas of historical and current use in the project area pertaining to lands and natural resources.*

*--Proponent's Guide: Engagement with the Mi'kmaq of Nova Scotia, p. 6*

To learn more about MEKS Protocol, please see <http://www.aboriginalsustainabilitynetwork.org/wp-content/uploads/2009/01/mikmaq-ecological-knowldege-study-protocol.pdf>.

**Note:** The Province will assess proponent-led engagement activities by reviewing the information submitted by the project proponents, by verifying information with the Mi'kmaq, and by seeking advice from internal government personnel. Please note that the Minister reserves the right to revoke a FIT Approval if conditions subject to the approval have not been met (Section 30 of the *Renewable Electricity Regulations*).

### **Contact Information**

Kwilmu'kw Maw-Klusuaqn Negotiation Office  
Attn: Consultation Liaison Officer  
851 Willow St  
Truro, NS B2N 6N8

Department of Energy  
Attn: Krystal Therien, COMFIT Administrator  
[comfit@gov.ns.ca](mailto:comfit@gov.ns.ca)  
(902) 424-8803 (w)