

WOLASTOQEQY NATION IN NEW BRUNSWICK

REPORT
TO THE
NATION

2022





TABLE OF CONTENTS

ABOUT THE WOLASTOQEY NATION IN NEW BRUNSWICK	3
A MESSAGE FROM THE BOARD OF DIRECTORS	4
A MESSAGE FROM THE NIIHKANATPAT	5
OUR SIX COMMUNITIES	8
OUR STAFF & RDCCS	9
ORGANIZATIONAL CHART	10
FUNDING BREAKDOWN	11
OPERATIONAL FLOW	12
CONSULTATION FILE UPDATES	13
THE BROTHERS No. 18:	13
CANADA NATURE FUND (NB's Nature Legacy):	14
SISSON BROOK MINE:	14
PROVINCIAL CROWN LAND TRANSACTIONS:	16
FORESTRY:	16
MIRAMICHI LAKE:	18
PORT OF ST. JOHN MODERNIZATION:	19
RIGHTS IMPLEMENTATION UPDATES	20
FOOD, SOCIAL AND CEREMONIAL NEGOTIATIONS:	20
MACTAQUAC DAM:	20
RESEARCH AND STUDIES:	21
LAND AND RESOURCE USE STUDIES:	21
CUMULATIVE EFFECTS RESEARCH:	21
BLUE MUSSEL CONTAMINANT BASELINE:	22
FISH PASSAGE BARRIER ANALYSIS:	22
ADDITIONAL INFORMATION:	23
CONTACT US	24
Resource Development Consultation Coordinators	24

ABOUT THE WOLASTOQEY NATION IN NEW BRUNSWICK

The Wolastoqey Nation in New Brunswick is a not-for-profit organization that was formed in 2017 to represent the six Wolastoqey communities in New Brunswick: Matawaskiye (Madawaska), Neqotkuk (Tobique), Bilijk (Kingsclear), Sitansisk (Saint Mary's), Welamukotuk (Oromocto) and Wotstak (Woodstock).

Our role is to provide technical support and advice to the Wolastoqey communities in New Brunswick on matters relating to our constitutionally-protected Aboriginal and Treaty Rights.

The Wolastoqey Nation in New Brunswick is not the rights holder, nor the body to which the duty to consult is owed.



A MESSAGE FROM THE BOARD OF DIRECTORS

Since 2017, the Wolastoqey Nation in New Brunswick organization has provided key technical knowledge to the leadership of the six communities along the Wolastoq: Matawaskiye (Madawaska); Neqotkuk (Tobique); Bilijk (Kingsclear); Sitansisk (Saint Mary's); Welamukotuk (Oromocto) and Wotstak (Woodstock).



With the help of WNNB's technical staff, the Wolastoqey Chiefs have been able to stand their ground on a number of rights-based issues and affirm the application of Indigenous knowledge to the land and water we've protected since time immemorial.

Now more than ever, New Brunswickers are looking to our organization for input and consultation on a variety of matters. It is important that our communities have the ability to respond in a timely, informed manner to these matters.

In 2022, systemic racism against Indigenous people was again a key area of focus for WNNB.

This advocacy, in the face of unsuitable half-measures advanced by the provincial government, improved awareness and allyship among New Brunswickers who support substantive improvements within government.

Our organization will continue to push institutions like the provincial government to improve the education, healthcare and justice systems that are supposed to support us.

This work fosters more discussion and familiarity with how our Aboriginal and Treaty rights should affect our members' interactions with these institutions.

Throughout the pandemic, our WNNB staff continued to work hard to keep our communities connected and informed through newsletters, social media and virtual summits.

With the gradual lifting of COVID-19 restrictions, we provided opportunities for our Wolastoqiyik communities to gather in person and strengthen our nationhood.

Internally, the last year saw an organizational changeover at WNNB.

In 2022 WNNB underwent a change in leadership with the resignation of Ms. Shyla O'Donnell of Sitansisk who had been with us as the Director since inception. We thank Shyla for her vision and years of dedicated leadership and wish her the best in her new endeavours. We also take this time to extend appreciation to Ms. Gillian Paul of Negotkuk, who held the Interim role of Nihkantapat/Executive Director (N/ED) during the transition and recruitment of a new N/ED, and welcome Mrs. Darrah Beaver to the role.

Darrah began her role on November 21st and we are excited to watch her leadership and wisdom guide the WNNB team on a host of important issues.

This report contains updates on the various files from our technical team. We encourage you to reach out to your community Resource Development Consultation Coordinator (RDCC) to connect you with the WNNB organization for further information.

Woliwon / Wəliwən,



Chief Ross Perley



Chief Shelly Sabattis



Chief Patricia Bernard



Chief Tim Paul



Chief Gabriel Atwin



Chief Alan Polchies

A MESSAGE FROM THE NIIHKANATPAT

Kwey/Qey,

Many of the people who will be reading this know me, but I am Wolastoqey from Neqotkuk (Tobique) First Nation. I'm a proud mother of two and wife of fellow Neqotkuk member, Shane Perley-Dutcher.

I'm honoured to be writing this in my first few months as Nihkanatpat, or Executive Director, of the Wolastoqey Nation in New Brunswick.

I'm new to this position, but I bring more than twenty years of experience in project management, conflict resolution, land claim negotiations, public engagement and educational program development at the community, regional, and national levels, for both public and private sectors.



I hold a Master of Arts in Conflict Studies from Saint Paul University and the University of Ottawa; a Master's Certificate in Project Management from the Schulich School of Business through the University of New Brunswick; Bachelor of Arts degrees in Interdisciplinary Studies and Canadian Studies from Carleton University, and an Indigenous Studies Diploma from Algonquin College.

I am also currently completing my Ph.D. at the University of New Brunswick (Education), where I study Wolastoqey language revitalization. My work and educational experience has prepared me to hit the ground running and serve our nation through the important work of WNNB.

As you flip through the pages of this report, I hope you'll feel the same way I did as I've been briefed on the many files WNNB is working on, and the challenges and opportunities our Nation faces.

More than any other emotion, I've felt hope as I've learned from our talented staff about their work. This organization is rich in Indigenous knowledge and talent in science, law and in many other fields.



On every topic noted in this document, and in others, our people are becoming respected as authorities on the responsible stewardship of our resources and our future generations.

In the past years, under the excellent leadership of both Shyla O'Donnell and Gillian Paul, the Wolastoqey Nation in New Brunswick has made great strides.

Within and beyond our Nation, people are watching the Wolastoqey Nation's fight for Aboriginal title, for language reclamation, for fishing and forestry rights, and for truth and justice.

Leadership isn't as easy as writing about it, and the progress our Nation has made was not by accident. It is an honour to assist our six chiefs, who have entrusted the stewardship of this organization to me.

I am determined to keep growing WNNB into the organization our chiefs envisioned when it was created seven years ago. I'm honoured by their patience, wisdom and leadership.

Woliwon,



Darrah (Pine) Beaver

OUR SIX COMMUNITIES



Sitansisk

St. Mary's First Nation
Chief Allan Polchies Jr.



Bilijk

Kingsclear First Nation
Chief Gabriel Atwin



Welamukotuk

Oromocto First Nation
Chief Shelley Sabbatis



Matawaskiye

Madawaska First Nation
Chief Patricia Bernard



Neqotkuk

Tobique First Nation
Chief Ross Perley



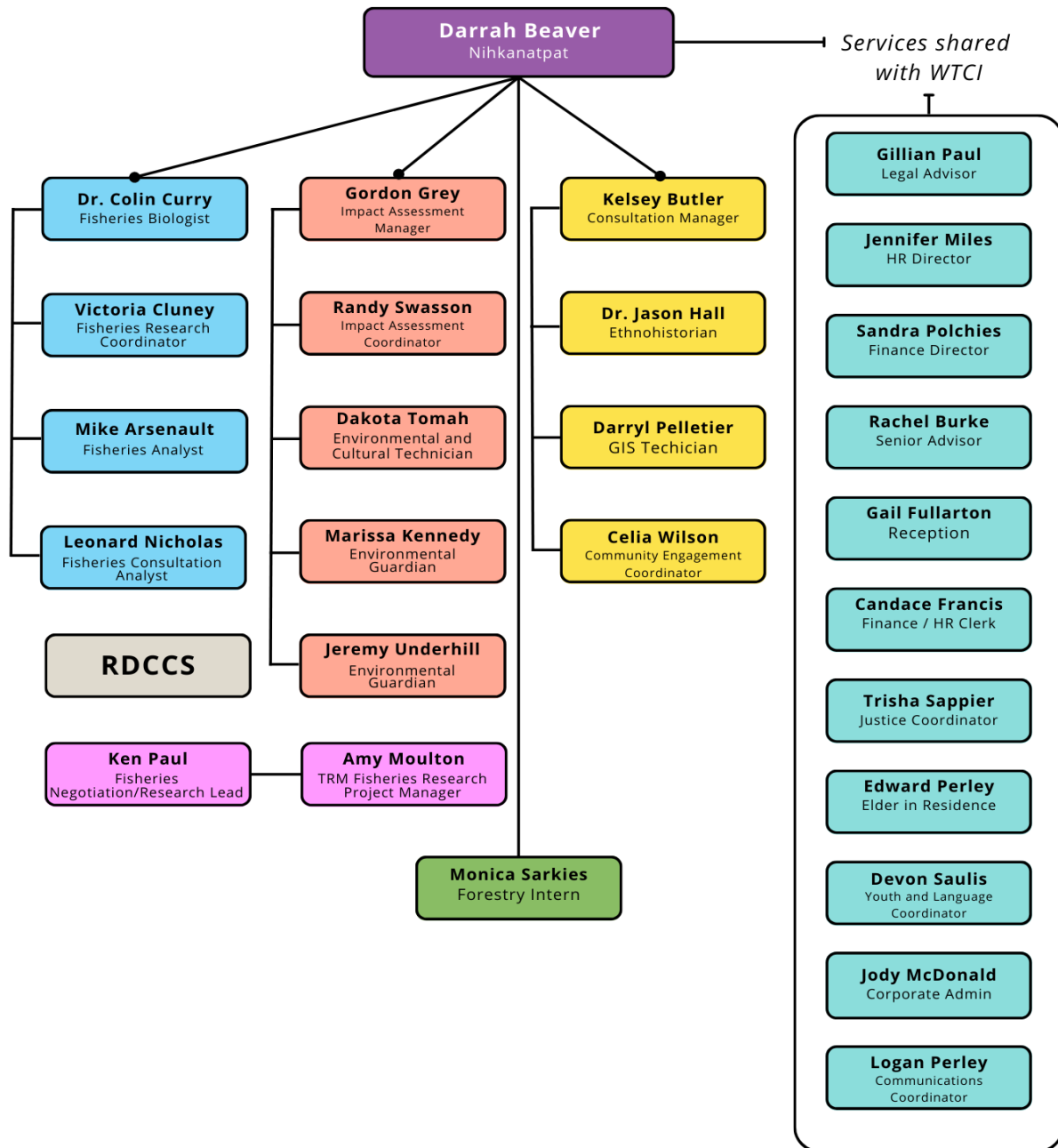
Wotstak

Woodstock First Nation
Chief Tim Paul

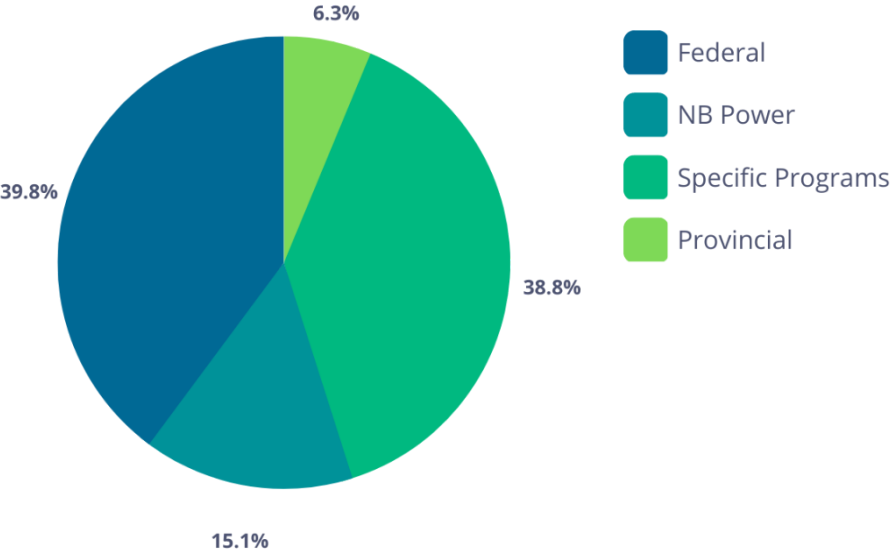
OUR STAFF & RDCCS

Darrah (Pine) Beaver	Nihkanatpat/Executive Director
Gillian Paul	Legal and Governance Advisor
Dr. Collin Curry	Fisheries Biologist
Victoria Cluney	Fisheries Research Coordinator
Leonard Nicholas	Fisheries Consultation Analyst
Sandra Polchies	Director of Finance
Dr. Jason Hall	Ethnohistorian
Darryl Pelletier	GIS Technician
Gail Fullarton	Administrative Assistant
Gordon Grey	Impact Assessment Manager
Dakota Tomah	Ecology and Culture Technician
Michael Arsenault	Fisheries Analyst
Jennifer Miles	Director of Human Resources
Edward Perley	Elder-in-Residence
Kelsey Butler	Consultation Manager
Celia Wilson	Community Engagement Coordinator
Rachel Burke	Senior Advisor
Logan Perley	Communications Coordinator
Marissa Kennedy	Environmental Guardian
Jeremy Underhill	Environmental Guardian
Randy Swasson	Impact Assessment Coordinator
Jody McDonald	Corporate Administrator
Devon Saulis	Youth and Language Coordinator
Monica Sarkies	Forestry Intern
Trisha Sappier	Justice Coordinator
Candace Francis	HR and Finance Clerk
Richard Francis	RDCC – Kingsclear First Nation
Russ Letica	RDCC – Madawaska First Nation
Jamie Gorman	RDCC – Tobique First Nation
Tim Plant	RDCC – St. Mary's First Nation
Fred Sabattis	RDCC – Oromocto First Nation
Mike Bartlett	RDCC – Woodstock First Nation

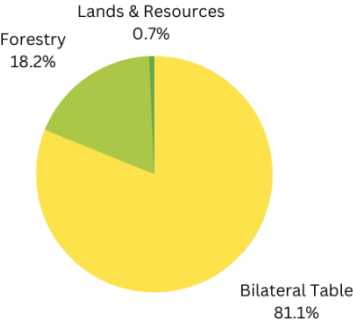
ORGANIZATIONAL CHART



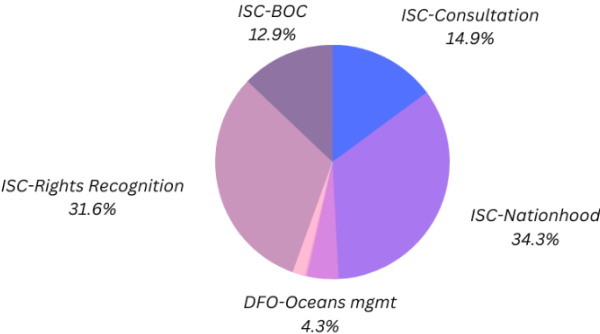
FUNDING BREAKDOWN



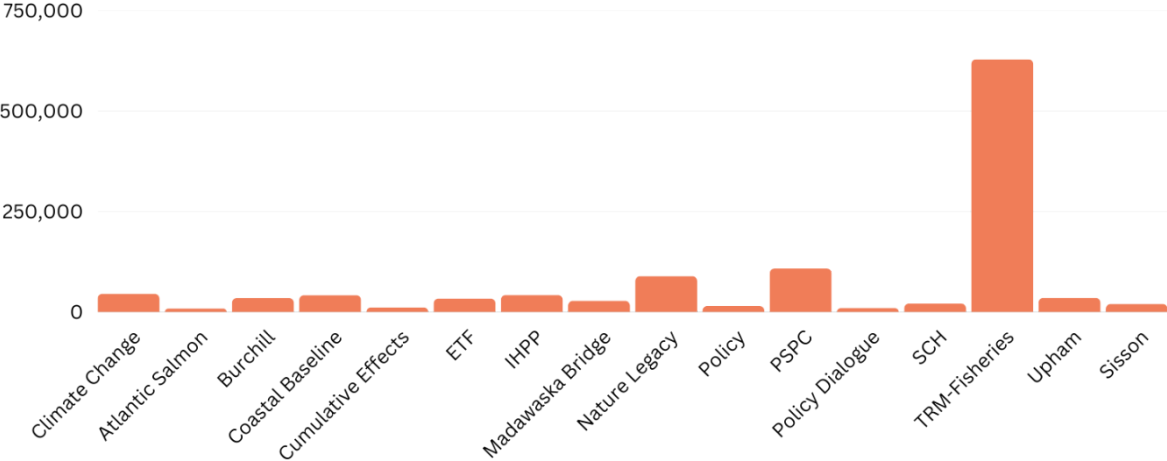
What the Government of New Brunswick funds:



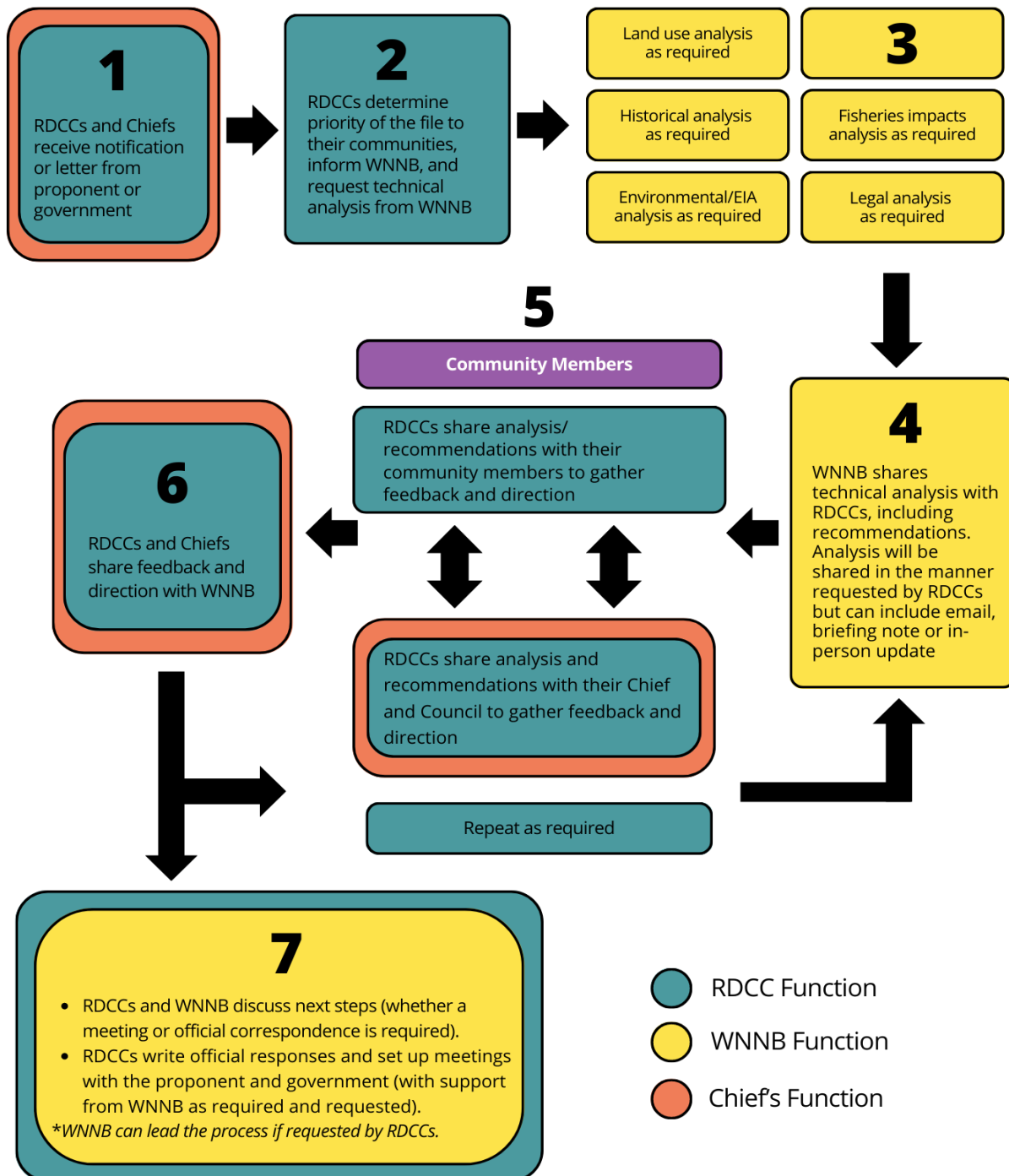
What the Government of Canada funds:



Program specific funding:



OPERATIONAL FLOW



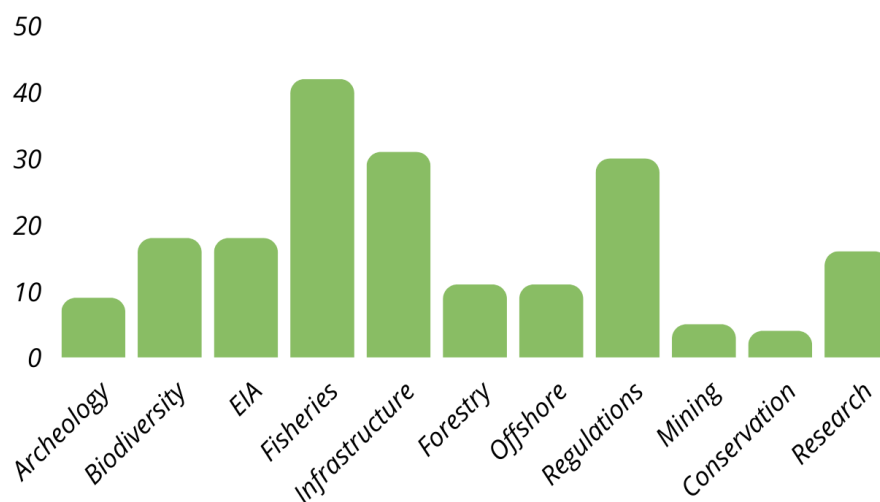
CONSULTATION FILE UPDATES

THE BROTHERS No. 18:

The Brothers Indian Reserve 18 is a Wolastoqey/Wəlastəkwey reserve in the mouth of the Kennebecasis River inside the City of Saint John. When the reserve was first set aside for the Wolastoqey/Wəlastəkwey Nation in 1838, it was composed of three small islands: Indian Island, Goat Island, and Burnt Island.

However, due to an oversight, Burnt Island was removed from the reserve in the mid-20th century by the Canadian government. Also, because the governments of New Brunswick and Canada did not officially

Consultation files by topic



recognize Oromocto and St. Mary's as bands when the three islands first became reserve lands, those communities have not been listed in government records as being co-owners of this reserve along with the other 4 Wolastoqey/Wəlastəkwey communities in New Brunswick.

Our Ethnohistorian has prepared a report to help prove that the reserve should consist of all three islands rather than two, and to have St. Mary's and Oromocto officially included in its shared ownership. WNNB is working with Indigenous Services Canada (ISC) on this file.

CANADA NATURE FUND (NB's Nature Legacy):

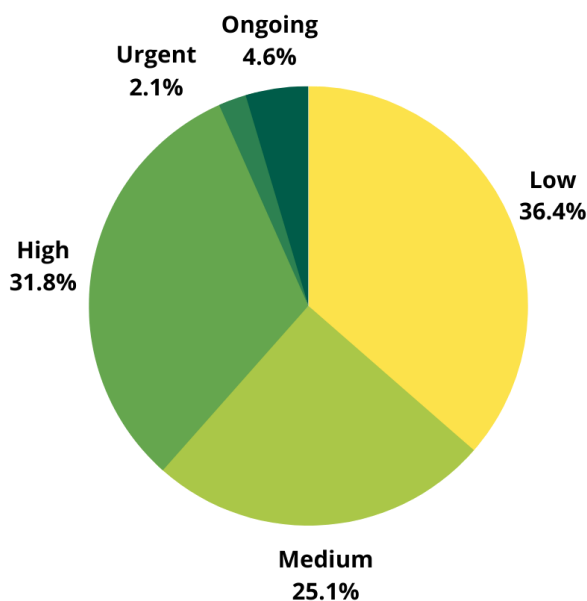
The Canada Nature Fund is a Canada-wide program that has dedicated \$1.35 billion to the protecting country's nature and wildlife. Canada had targeted the protection of 17 percent of all land and 10 percent of oceans by 2020, and is now focusing on 25 percent by 2025 and 30 percent by 2030. The Wolastoqey communities, in partnership with WNNB, are being consulted on the "Pathway to Target 1" project.

The provincial government's project, called New Brunswick's Nature Legacy, seeks to identify Crown and private land to meet their target of protecting 10 percent of the province's land and freshwater - an increase from approximately 4.6 percent. On December 13th, 2022 the Minister of Natural Resources announced this target was accomplished.

This project could impact the Aboriginal and Treaty rights held by the Wolastoqey. If the Province protects lands as Protected Natural Areas, without updating the Protected Natural Areas Act, this will impact rights. Wolastoqey community members are unable to camp, collect medicines, perform ceremonies or build on Protected Natural Areas.

WNNB staff are developing a conservation tool that will allow for the practice of Aboriginal and Treaty rights. In addition, WNNB is ensuring the Wolastoqey are consulted on any lands that the Province may try to protect as conservation sites.

Consultation files, by priority



SISSON BROOK MINE:

The Sisson Brook mine is a tungsten and molybdenum mine proposed for development in the heart of Wolastoqey territory. Some of the key features include:

- 145 ha mine, 370m deep, 751 ha tailings, total Project Development Area (PDA) of ~1400 ha;
- Project feasibility Jan 2013. The Government of New Brunswick (GNB) Comprehensive Environmental Impact Assessment (EIA) began in June 2013, with a determination in 2015;
- Received approval under the Metal and Diamond Mining Effluent Regulations (MDMER) in 2019. Received its Fisheries Act Authorization (under the Fisheries Act 2012) in 2021.

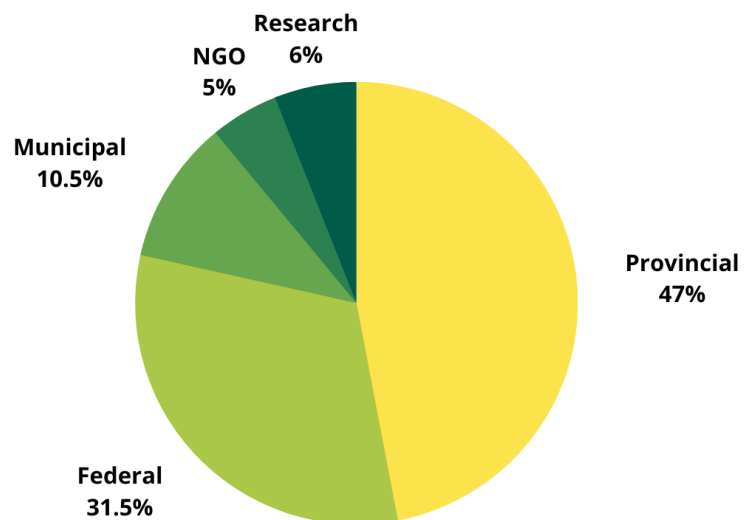
Sisson remains a potential project in our area despite Condition 2 in the EIA Certificate Of Determination (COD), which notes that commencement of the project must begin within five years of the issuance of the COD or the proponent must reapply under the EIA process.

However, the condition also states that the Department of Environment and Local Government (DELG) Minister also can grant extensions. We saw one granted despite our opposition in 2020, where a 2-year extension was offered by GNB, and another extension was granted in December of 2022 for an additional 3 years.

Currently the proponent, Sisson Partnership, has an active Work authorization (through the Department of Natural Resources and Energy Development's mining division) for a drill testing program, which was granted in the fall of 2022.

However, during the access road construction, there was an incident involving a Wolastoqey community member. All work in the area was stopped once we highlighted the incident to the Sisson Partnership in a meeting on Oct 5, 2022.

Files, ranked by source



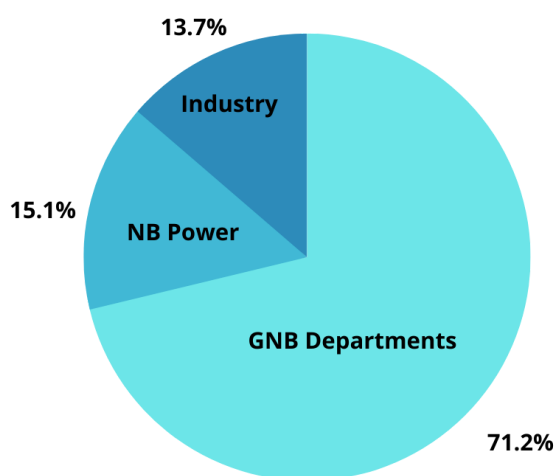
PROVINCIAL CROWN LAND TRANSACTIONS:

The Government of New Brunswick's Department of Natural Resources and Energy Development (DNRED) oversees land transactions relating to Crown land in the province.

As of 2018, DNRED sends notifications of transactions to WNNB and the Wolastoqey communities for comment on how they may impact Wolastoqey Aboriginal and Treaty rights.

WNNB takes all Crown land transactions seriously, as we are asserting Aboriginal title over our traditional territory within New Brunswick and opposing the loss of Crown land. We assess each transaction on a case-by-case basis and examine how they impact historical, archaeological, environmental or technical concerns using studies conducted on land-use impacts as reference.

Provincial consultation files, by source

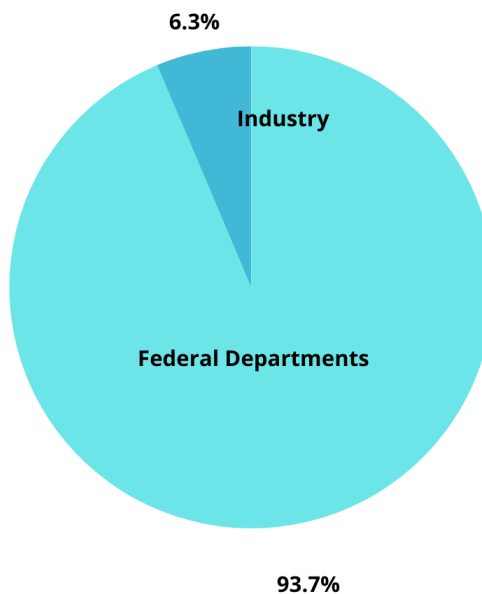


FORESTRY:

Industrial forestry is the largest-scale resource development activity in Wolastoqey Territory. WNNB and the RDCCs have educated the DNRED on how seriously forestry interferes with our rights.

WNNB has made extensive proposals for how DNRED should factor Wolastoqey rights into forestry management and decision-making in order to prevent and minimize these impacts. Discussions with DNRED continue.

Federal consultation files, by source





On December 7, 2020, the six Wolastoqey communities filed an aboriginal title claim in court in response to the significant infringements on Wolastoqey rights imposed by industrial forestry operations. . The claim is being watched closely by legal and Indigenous experts across Canada and beyond.

Our work to assert ownership through the ongoing Aboriginal Title claim is a necessary step in ensuring that the Wolastoqey Nation has the right to manage projects being done on our land.

The Wolastoqey must be properly consulted on all projects on our territory and are actively involved in discussions with the provincial government.

Invaluable partnerships have been established with industry and non-governmental organizations to establish co-management plans for properties located in Wolastoqey territory.

These co-management plans will solicit feedback, encourage community member involvement, and provide economic and training opportunities for our nations.

NB POWER THERMAL GENERATING STATIONS AND MILLTOWN DAM REMOVAL:

NB Power operates four thermal generating stations (Point Lepreau, Coleson Cove, Courtney Bay and Belledune) that use seawater for cooling. When that seawater is brought into their facilities, fish and fish eggs/larvae can become trapped.

Because of this, the Department of Fisheries and Oceans (DFO) required NB Power to obtain authorization under the Fisheries Act.

To get their authorization, NB Power must offset the death of fish caused by their facilities. They chose to decommission the Milltown Dam on the St. Croix River. This dam was old, in need of major upgrades, and no longer profitable for NB Power. By removing the dam and restoring the area to ensure fish could move up and downstream, DFO felt that NB Power would offset the harm caused by their thermal stations.

While WNNB generally supports the removal of dams, we raised several issues with this project:

- 
- First, NB Power would likely have removed Milltown Dam anyway. Had they chosen to refurbish it, it would have required its own Fisheries Act authorization.
 - Second, the dam itself prevented fish passage, and members expressed that they should not receive credit for removing it.
 - Finally, we have raised several concerns about how the impact of their cooling water systems is calculated, and the fact that fish species benefiting from the removal of Milltown Dam differ from the ones impacted by the thermal generating stations.

NB Power has received its authorization from DFO, and is currently working to clear some regulatory hurdles in the United States before proceeding with the decommissioning of Milltown later this year.

MIRAMICHI LAKE:

In 2008, Smallmouth bass were discovered in Miramichi Lake. Since then, DFO has used physical barriers and electrofishing to try to reduce the spread of the species, which could be a predator to Atlantic salmon. The species has been in the Wolastoq watershed for 100 years, and provincial policy has been to keep it contained from bodies it is not present. However, in 2019 Smallmouth bass were found to have spread into the Southwest Miramichi River.

Changes to the Fisheries Act in 2012 allowed for the use of pesticides to eliminate invasive fish species in lakes and rivers. Based on this, a group of New Brunswick salmon organizations proposed the use of rotenone to eradicate the Smallmouth bass from the Miramichi Lake and a 15 km section of the Southwest Miramichi River. The proliferation of the invasive Smallmouth bass throughout the Miramichi River poses a threat to Atlantic salmon and trout.

The project was approved and attempted in the summer of 2021, but was delayed a year due to significant Wolastoqey pushback.

The project was re-launched in August of 2022 but only one treatment was applied to the Lake Brook/Southwest Miramichi section of the project. Miramichi Lake was not treated.

WNNB has requested monitoring data from this treatment but has yet to receive it. The North Shore Micmac District Council has withdrawn as the project proponent and is not aware of another proponent stepping forward. DFO has indicated that with a new



proponent, a new authorization process under federal Aquatic Invasive Species Regulations would be required.

WNNB does not anticipate that the project will move forward in the coming year, however, we continue to monitor developments.

PORT OF ST. JOHN MODERNIZATION:

The Saint John Port Authority (Port Saint John) has expanded the West Side Terminal to accommodate more and larger vessels and handling facilities. The construction will widen and deepen the shipping channel which may result in the death or loss of fish habitats in the 287.2 square-km area. Hazen Creek Enhancement was chosen as a viable offset for 30,000 square meters, leaving 160,000 square meters to offset. DFO has accepted Goose Creek restoration as the location for a new nature-like fishway, opening 1.8 million square meters of habitat. Baseline data and post-project monitoring will be conducted to measure the effectiveness of the rehabilitation. DFO issued authorization in 2020.

WNNB is working to ensure that the offsetting projects agreed upon by SJPA are being maintained and monitored well. If they fail to show positive results, we will be pursuing additional compensation. The port will also be improving Long Wharf, which is an important fishing location for Oromocto and St. Mary's commercial fishing operations.



RIGHTS IMPLEMENTATION UPDATES

FOOD, SOCIAL AND CEREMONIAL NEGOTIATIONS:

Wolastoqey leadership does not believe that the Department of Fisheries and Oceans' Aboriginal Fisheries Strategy (AFS) agreements or Food, Social and Ceremonial fishing licenses set out following the 1990 Sparrow Decision adequately account for Wolastoqey Aboriginal and Treaty Rights.

Wolastoqey leadership is working to move away from limiting AFS agreements and towards improving access for all Wolastoqey.

MACTAQUAC DAM:

The Mactaquac Dam Hydroelectric Facility, completed in 1968, is in need of repairs due to the expansion of the concrete that the dam is made of.

Rather than remove (which was the preference given by the Wolastoqey communities) or rebuild the dam, NB Power has opted to pursue "Life Achievement" which proposes substantial work to allow the dam to operate for the 100 years it was originally intended to.

Though the Wolastoqey Nation continues to support the removal of the dams in the Wolastoq, we are working with NB Power to design a safer passage for fish through the dam.

WNNB is working with Wolastoqey fisheries experts to advocate for the expansion of the fish passage from 3 to 18 species by providing science and technical information to NB Power. We hope that these new designs will be adapted to other dams in the Wolastoq.

The EIA for the Mactaquac "Life Achievement" project is expected to be filed in the coming months, and we are evaluating design options that NB Power has put forward from the up and downstream passage.

Limited fish passage affects the wildlife ecosystem of the Wolastoq. To rectify this, NB Power has committed to expanding the fish passageway to allow more species (in addition to Atlantic salmon and Gaspereau) to move upstream safely.



RESEARCH AND STUDIES:

LAND AND RESOURCE USE STUDIES:

Several Land and Resource Use Studies (LRUS) have been conducted to gauge the impact of proposed projects on Wolastoqey territory.

Past studies have examined the Sisson Mine (2012), the Energy East Pipeline (2015), the Mactaquac Dam Renewal (2016), the Houlton Water Company Transmission Line (2017), the Kedgwick Transmission Line (2017), the Mount Carleton Grooming Hub and Discovery Centre (2017), the Atlantic Link and Fundy Isles (2018), the Restigouche Wilderness Waterway (2019), the Rainsford Transmission Line (2020), Kings County Wocawson Wind Farm (2020) and the Kings County Upham Gypsum Mine (2020).

WNNB is currently working on LRUS for Point Lepreau, Woodward's Cove and Black Point. The LRUS for Point Lepreau is being conducted in anticipation of SMRs (Small Modular Reactors) being explored at the site.

The main objective of these LRUS is to provide a brief overview of historic and current Wolastoqey Land and Resource Use in the affected areas of the proposed projects, as well as to identify barriers to access, potential impacts to access and use, and how to mitigate those impacts.

CUMULATIVE EFFECTS RESEARCH:

WNNB's Cumulative Effects Project uses multiple lines of evidence to co-produce knowledge about pre-industrial baseline populations of two cultural keystone species to the Wolastoqiyik/Wəlastəkwiyyik - Atlantic salmon (polam/pəlam) and black ash (wikp).

Historic and ethnohistoric documents, Wolastoqey/Wəlastəkwey Indigenous Knowledge (IK), and Western scientific data in the form of environmental DNA (eDNA) that is collected from the recent past in river cores will be braided together to characterize pre-industrial baseline populations of these critically important, but now endangered or threatened species.

In addition to establishing a pre-industrial baseline for the Atlantic salmon and black ash, this project seeks to establish a population or habitat threshold for the species, as required for the meaningful exercise of Aboriginal and Treaty Rights and for a moderate livelihood. This passing of this threshold signifies that an Impact to Rights has occurred.



Wolastoqey/Wəlastəkwey communities will be able to use the information generated in this project to advocate for increased protection for salmon and black ash, as well as greater respect for Wolastoqey/Wəlastəkwey access to these vitally important species.

BLUE MUSSEL CONTAMINANT BASELINE:

Under the Department of Fisheries and Oceans' Coastal Environmental Baseline Program, WNNB has been measuring the response of blue mussels to water quality in Saint John Harbour.

Blue mussels are often used to study the environment in coastal areas because their growth is related to water quality and they accumulate contaminants like mercury and other heavy metals. The mussels are left in the water for three months, which gives insight into conditions over a longer time frame (as opposed to a water sample which only provides a "snapshot"). Mussels also stay in one place, allowing them to more accurately measure local conditions compared to species that move around frequently.

We have established what blue mussel growth and contaminant levels are under current conditions, which gives us a baseline to measure changes in Saint John Harbour caused by new industrial development, increased shipping activity, or climate change.

Saint John Harbour is an important area for Wolastoqey fisheries and our communities have the right to harvest lobster, scallops and other species there. Understanding how industry affects water quality in the harbour will help WNNB protect those rights.

In the coming years, we plan to expand this program into other parts of the Bay of Fundy.

FISH PASSAGE BARRIER ANALYSIS:

Culverts, the structures that allow water to pass under obstacles like a road, are often inadequately maintained and can become barriers to fish passage, affecting the health of the ecosystem and the fish that inhabit it. There is little to no information on the location and condition of these culverts and how the structures could be impacting fish moving up or downstream.

WNNB obtained funding from the Atlantic Salmon Conservation Foundation (ASCF) to use publicly-available mapping technology to locate, identify, and analyze crossings remotely.

WNNB identified approximately 900 barriers, which blocked approximately 2,400 kilometers of stream.

WNNB will present these projects as options for environmental offsets from authorizations like the Fisheries Act authorizations. One of the most important aspects of the project is putting the power of choice and planning back into the First Nations' hands.

In identifying these barriers and prioritizing them for restoration, the First Nations gain the opportunity to choose the projects they find most worthwhile.

We will see more restoration projects that will provide a net benefit to fish and fish habitat and, by extension, Aboriginal and Treaty Rights.

ADDITIONAL INFORMATION:

If you wish to receive any additional information on these projects, would like to know how you can get involved and share your information on these projects, or have any ideas on restoration projects, contact your local Resource Development Consultation Coordinator.



CONTACT US

If you have questions, comments, or you'd like to be involved with any of these projects, reach out to the Wolastoqey Nation in New Brunswick offices in Fredericton or to the RDCC in your community for help. We'd love to point you in the right direction.



Wolastoqey Nation in New Brunswick

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