

From: Hickman, Leslie C
Sent: September 11, 2019 11:29 AM
To: Steele, Cynthia
Subject: FW: Owls Head- [REDACTED]

17(1)

From: Towers, Julie K <Julie.Towers@novascotia.ca>
Sent: Wednesday, September 11, 2019 11:27 AM
To: Hickman, Leslie C <Leslie.Hickman@novascotia.ca>
Subject: Re: Owls Head- [REDACTED]

No, we cannot and will not delay consultation in good faith and under the terms of reference. Send an initial letter and we will have to provide more details on the project when received. Thanks

Julie Towers
Deputy Minister, NS Lands & Forestry
Sent from my iPhone

On Sep 11, 2019, at 11:25 AM, Hickman, Leslie C <Leslie.Hickman@novascotia.ca> wrote:

FYI- highlighted section

From: Glover, Sean (Halifax) [REDACTED] <[REDACTED]@coxandpalmer.com>
Sent: Wednesday, September 11, 2019 11:17 AM
To: Hickman, Leslie C <Leslie.Hickman@novascotia.ca>; Rooney, Sean P <Sean.Rooney@novascotia.ca>
Cc: Steele, Cynthia <Cynthia.Steele@novascotia.ca>; Samson, Michel (Halifax) [REDACTED] <[REDACTED]@coxandpalmer.com>
Subject: RE: Owls Head- [REDACTED] 17(1)

Good morning, Cynthia/Sean, do you have an eta for completion of the first draft agreement (for the purchase of the current provincial lands)?

Leslie, I spoke with Beck yesterday, and he's requested that you hold off on the First Nations consultation until there is a signed agreement. Can you confirm this can be managed?

Thank you both,

Sean M. Glover | Cox & Palmer | Partner | Lawyer
Direct [REDACTED] Cell [REDACTED] Fax 902 421 3130 Web coxandpalmerlaw.com
Address Purdy's Wharf Tower I, 1100-1959 Upper Water Street Halifax NS B3J 3N2

From: Glover, Sean (Halifax)
Sent: September 9, 2019 4:03 PM
To: 'Hickman, Leslie C' <Leslie.Hickman@novascotia.ca>; Rooney, Sean P <Sean.Rooney@novascotia.ca>
Cc: Steele, Cynthia <Cynthia.Steele@novascotia.ca>; Samson, Michel (Halifax) [REDACTED] <[REDACTED]@coxandpalmer.com>
Subject: RE: Owls Head- [REDACTED] 20(1)

Hickman, Leslie C

From: Hickman, Leslie C
Sent: September 12, 2019 1:43 PM
To: Towers, Julie K
Subject: FW: Owls Head- [REDACTED]

fyi

20(1)

From: Steele, Cynthia <Cynthia.Steele@novascotia.ca>
Sent: Thursday, September 12, 2019 1:21 PM
To: Glover, Sean (Halifax) [REDACTED]@coxandpalmer.com>; Hickman, Leslie C <Leslie.Hickman@novascotia.ca>; Rooney, Sean P <Sean.Rooney@novascotia.ca>
Cc: Samson, Michel (Halifax) [REDACTED]@coxandpalmer.com>
Subject: RE: Owls Head- [REDACTED]

17(1)

Hi Sean,

As I am sure you are aware, the duty to consult under Canadian law requires the provincial government to consult with the Mi'kmaq of Nova Scotia when contemplating decisions or actions that might adversely affect their established or potential Aboriginal rights and treaty rights. Principles include the honour of the Crown, early engagement, openness and transparency. The application on behalf of your client was received on September 23, 2016. Initial reviews and meetings have taken place since that time to gather information on the proposed project.

The trigger to initiate consultation is not the signing of a letter of offer, or determined by a proponent. The Department is at the stage that an initial letter regarding consultation needs to be sent to the Mi'kmaq of Nova Scotia to respect the province's duty to consult under the *2010 Terms of Reference for a Mi'kmaq- Nova Scotia- Canada Consultation Process*.

Cindy

From: Glover, Sean (Halifax) [REDACTED]@coxandpalmer.com>
Sent: September 11, 2019 11:50 AM
To: Steele, Cynthia <Cynthia.Steele@novascotia.ca>; Hickman, Leslie C <Leslie.Hickman@novascotia.ca>; Rooney, Sean P <Sean.Rooney@novascotia.ca>
Cc: Samson, Michel (Halifax) <msamson@coxandpalmer.com>
Subject: RE: Owls Head- [REDACTED]

It's not a matter of updating the information as requested by First Nations. Beck understands the requirement for the First Nations consultation and agrees that the agreement is to be fully conditional on their sign off, but he would like the consultation to begin once he the agreement is signed, not before. With it being fully conditional, would this violate any TOR? Absent that, I don't think waiting would be bad faith, given the purchaser's expressed request. I await your comment.

20(1)

Sean M. Glover | Cox & Palmer | Partner | Lawyer
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From: Steele, Cynthia [<mailto:Cynthia.Steele@novascotia.ca>]
Sent: September 11, 2019 11:35 AM

20(1)

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To: Glover, Sean (Halifax) [REDACTED] <[\[REDACTED\]@coxandpalmer.com](mailto:[REDACTED]@coxandpalmer.com)>; Hickman, Leslie C <Leslie.Hickman@novascotia.ca>; Rooney, Sean P <Sean.Rooney@novascotia.ca>
Cc: Samson, Michel (Halifax) [REDACTED] <[\[REDACTED\]@coxandpalmer.com](mailto:[REDACTED]@coxandpalmer.com)>
Subject: RE: Owls Head- [REDACTED] 17(1)

Hi Sean,

17(1)

We will have the draft prepared by next week when Sean R. returns from vacation. [REDACTED]. With regards to consultation under the provinces duty to consult it is essential that we consult in good faith and under the Terms of Reference (TOR). The initial letter will be sent and can be updated as more project details are received.

Cindy Steele

From: Glover, Sean (Halifax) [REDACTED] <[\[REDACTED\]@coxandpalmer.com](mailto:[REDACTED]@coxandpalmer.com)>
Sent: September 11, 2019 11:17 AM
To: Hickman, Leslie C <Leslie.Hickman@novascotia.ca>; Rooney, Sean P <Sean.Rooney@novascotia.ca>
Cc: Steele, Cynthia <Cynthia.Steele@novascotia.ca>; Samson, Michel (Halifax) [REDACTED] <[\[REDACTED\]@coxandpalmer.com](mailto:[REDACTED]@coxandpalmer.com)>
Subject: RE: Owls Head- [REDACTED]

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To: 'Hickman, Leslie C' <Leslie.Hickman@novascotia.ca>; Rooney, Sean P <Sean.Rooney@novascotia.ca>
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Subject: RE: Owls Head- [REDACTED] 17(1)

Attached, as discussed, is the revised appraisal.

We look forward to a draft Letter of Offer for the provincial portion at your earliest opportunity.

Thank you,

20(1)

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Address Purdy's Wharf Tower I, 1100-1959 Upper Water Street Halifax NS B3J 3N2

From: Hickman, Leslie C [<mailto:Leslie.Hickman@novascotia.ca>]
Sent: September 9, 2019 4:01 PM