



Maw-lukutijik **Saqmaq**
Assembly of Nova Scotia
Mi'kmaw Chiefs

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May 27, 2022

**NOVA SCOTIA UTILITY AND REVIEW BOARD
IN THE MATTER OF THE PUBLIC UTILITIES ACT**

- AND -

IN THE MATTER OF

EfficiencyOne (E1) application for Approval of a
Supply Agreement for Electricity Efficiency and
Conservation Activities between EfficiencyOne
and Nova Scotia Power Inc. (2023-2025)

Statement of the
Assembly of Nova Scotia Mi'kmaw Chiefs
AND
Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO)/Mi'kmaq Rights Initiative

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We, Chief Andrea Paul of Pictou Landing Mi'kmaw Nation and Chief Carol Potter of Bear River First Nation, are the Portfolio Co-Lead Chiefs for Environment, Energy and Mines for the Maw-lukutijik Saqmaq. Maw-lukutijik Saqmaq (ANSMC) is comprised of 11 of the 13 Chiefs in Nova Scotia. It is the highest level of decision making in the Made-in-Nova Scotia negotiation process reconciling and implementing Mi'kmaw title and rights in Nova Scotia.

Under the direction of the ANSMC, the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) provides support for the Mi'kmaw Negotiating Team in the Mi'kmaq-Nova Scotia-Canada Framework Agreement (Made-in-Nova Scotia Process). KMKNO coordinates and facilitates consultation efforts on behalf for 10 of the 13 Mi'kmaw communities in Nova Scotia.

On behalf of all 13 Mi'kmaw communities, the KMKNO also provides the ANSMC with support and coordination of energy projects and programmes, including sustainable energy projects and energy efficiency programmes through the office of the Mi'kmaw Energy and Mines Advisor. The Energy and Mines Advisor has been working with E1 to design and deliver culturally appropriate, relevant, and cost-effective programmes to improve on-reserve energy efficiency.

The Mi'kmaw Nation in Nova Scotia has a general interest in all lands and resources in Nova Scotia as the Mi'kmaq of Nova Scotia have never surrendered, ceded, or sold the Aboriginal title to any of its lands in Nova Scotia. The Mi'kmaq have a title claim to all of Nova Scotia and are co-owners of the lands, waters and resources of the province. Nova Scotia and Canada are aware of and acknowledge the title and rights claims of the Mi'kmaq and that any potential impacts to rights and title are subject to the duty to consult.

Demand Side Management

Mi'kmaw households in Nova Scotia tend to experience higher than average energy bills and problematic indoor air quality due to issues such as low-quality housing, overcrowding, and obstacles to individual home ownership on reserve. With the help of Demand Side Management continued funding the Mi'kmaq of Nova Scotia will be able to strengthen energy efficiency and conservation in hundreds of households throughout the province, increase comfort and indoor air quality in homes, reduce GHG emissions, create local employment, and lower energy costs.

The ANSMC and KMKNO support the commitment by Efficiency One in the proposed supply agreement and with the amount of DSM allocated for First Nations in the 2023-2025 DSM plan. We note that the amount set out for the Mi'kmaw of Nova Scotia in the Preferred Plan is \$3.7 million for three years. This funding commitment has been carried forward and included in the proposed Settlement Plan. This funding is intended to build on the 2018/19 pilot project and 2020-2022 DSM plan assessing Mi'kmaw homes on-reserve and installing recommended energy efficiency upgrades such as insulation and more efficient space heating at no cost to participants.

The Demand Side Management Advisory Group (DMSAG) is intended to keep stakeholders engaged on key DSM issues and development of future DSM plans. KMKNO will continue to support the DSMAG to ensure the Mi'kmaq of Nova Scotia participate in discussions about key DSM issues and future DSM plans.

The E1 Proposal

The ANSMC and KMKNO support the E1 proposal to increase the DSM funding allocated to Mi'kmaw Home Energy Efficiency project to \$3.7 million over three years (2022-2025 plan). This funding is intended to build on the 2018/19 pilot project and subsequent 2020-2022 DSM plan assessing Mi'kmaw homes on-reserve and installing recommended energy efficiency upgrades such as insulation and more efficient space heating at no cost to participants. As initially noted by Theodore Love, on behalf of the Consumer Advocate, the proposed First Nation Home Energy Efficiency program component specifically supports our Mi'kmaw communities by increasing both efficiency and investment in new jobs in this community by using qualified Mi'kmaw contractors wherever possible.¹ This established program has brought many benefits to the Mi'kmaw Communities of Nova Scotia. KMKNO urges the UARB to continue support of this program.

Mi'kmaw Home Energy Efficiency Project

As of 2017, 59.9% of Nova Scotian Mi'kmaq live on-reserve.² From the 2016 census, the on-reserve unemployment rate was 22.2%. The on-reserve median government transfer was \$3,690, with an average government transfer of \$7,119. Government transfers accounted for 31.3% of on-reserve household incomes.³

Mi'kmaw households tend to experience higher than average energy bills and problematic indoor air quality due to issues such as low-quality housing, overcrowding, and obstacles to individual home ownership on reserve. Based on a 25% sample in the 2016 census, of 3,345 occupied private dwellings on-reserve in Nova Scotia, 950 are in need of major repairs.⁴ This is a continuing trend. In 2011, 23% of First Nations people, 15% of Métis and 18% of Inuit lived in homes in need of major repairs. 34.1% of Mi'kmaq on-reserve were living in homes in need of major repairs.⁵

¹ Document E-32, Evidence of Theodore Love on behalf of the Consumer Advocate, p.7.

² Statistics Canada. 2017. Focus on Geography Series, 2016 Census. Statistics Canada Catalogue no. 98-404-X2016001. Ottawa, Ontario. Data products, 2016 Census.

<https://www12.statcan.gc.ca/census-recensement/2016/as-sa/fogs-spg/Facts-PR-Eng.cfm?TOPIC=9&LANG=Eng&GK=PR&GC=12>

³ Statistics Canada. 2018. Nova Scotia (on reserve) [Historic treaty area], Nova Scotia (table). Aboriginal Population Profile. 2016 Census. Statistics Canada Catalogue no. 98-510-X2016001. Ottawa. Released July 18, 2018. <http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/abpopprof/index.cfm?Lang=E> (accessed May 23, 2019)

⁴ *Ibid.*

⁵ Shirley Li, Aboriginal peoples: Fact sheet for Nova Scotia, Release date: March 14, 2016, (Ottawa: Statistics Canada, 2016), Catalogue no. 89-656-X2016004, p4, Table 2.

In the 2011 COMFIT hearings, the Mi'kmaq of Nova Scotia presented information to the Board on Mi'kmaw electrical energy use and the cost of electricity. An electricity use in Mi'kmaw communities study was undertaken in 2009 and 2010 which determined that residential electrical energy use was significantly higher in First Nation communities than in non-Mi'kmaw communities, at 1.6 to 2.3 times higher in Mi'kmaw communities. Average overall use of electricity on all First Nation communities combined is 1.9 times more than the average Nova Scotian home.⁶ While we have not had the funds to undertake a study to compare present use with that of almost a decade ago, we submit there is likely to be little difference in Mi'kmaw on-reserve residential electrical use.

The 2017 Nova Scotia provincial report card on child poverty, disclosed that 6 of the 10 highest child poverty rates by postal route were Mi'kmaw communities.⁷ Statistics Canada advised in 2016 that among First Nations people in Nova Scotia, the median total income for those aged 25 to 64 ranged from \$12,000 for those without a diploma, certificate or degree to \$29,000 for those with post-secondary degrees.⁸ In the 2016 census, the all Nova Scotian median income was \$31,813 while it was only \$15,498 in Mi'kmaw on-reserve communities.⁹

Higher electrical usage when coupled with other determinants such as the cost of electricity and other economic factors, is truly concerning. Mi'kmaw communities are the hardest hit by rising energy costs and least able to respond to new opportunities in energy efficiency and conservation. With the help of this continued DSM funding Mi'kmaq will be able to strengthen energy efficiency and conservation in hundreds of Mi'kmaw households throughout Nova Scotia, increase comfort and indoor air quality in homes, reduce GHG emissions, create local employment, and lower energy costs. Philip Mosenthal, on behalf of Ecology Action, said it best when he stated, "Nova Scotia has the highest market-based poverty rate in the country, and we appreciate NSP's commitment to "assist under-served communities in Nova Scotia such as low-income and First Nations customers." However, it is clear that the more effective way to do this is to increase efficiency budgets for the sector, instead of disproportionately cutting them."¹⁰

EfficiencyOne's Mi'kmaw Home Energy Project (MHEEP) has been successful and has been met with positive reception from communities since it's launch in 2018. Several aspects of the program that could be improved upon include more regular reporting from E1 to Maw-lukutijik Saqmaq (Either through the Assembly of Nova Scotia Mi'kmaw Chiefs meetings or through the Benefits Committee), more training for community members for long term maintenance of the upgrades and more direct communication between EfficiencyOne and individual Band Housing Departments.

⁶ See In the Matter of BRD-E-R-10 Renewable Energy Community Feed-in Tariffs (COMFIT) No.M03632, Document B-9, Evidence filed by Kwilmu'kw Maw-klusuaqn (KMKNO), p.7.

⁷ Lesley Frank and Christine Saulnier, 2017 Report Card on Child and Family Poverty in Nova Scotia, (Halifax: Canadian Centre for Policy Alternatives/Nova Scotia, Nov. 2017), Table 1, p.13, <https://www.policyalternatives.ca/publications/reports/2017-report-card-child-and-family-poverty-nova-scotia>.

⁸ Li, Aboriginal Peoples, supra, p.6.

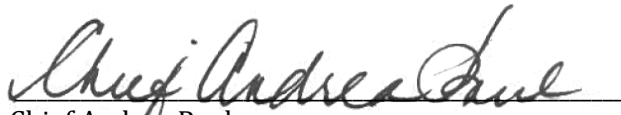
⁹ Statistics Canada. 2017. Nova Scotia [Province] and Canada [Country] (table). Census Profile. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released November 29, 2017, <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E> (accessed

¹⁰ Document E-35, Evidence of Philip Mosenthal on behalf of the Ecology Action Centre, p.10.

Conclusion

Call to Action 92 of the Truth and Reconciliation Commission calls upon Canada's corporate sector to adopt the philosophy of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* as a reconciliation framework.¹¹ We believe the Mi'kmaw Home Energy Efficiency project is a positive step of reconciliation, demonstrating NSPI's commitment to reconciliation and relationship-building with the Mi'kmaq of Nova Scotia. We believe the proposed \$3.7 million over three years (2022-2025) for the project is a reasonable commitment to ensure that the Mi'kmaw people of Nova Scotia benefit from the use of their lands and waters to generate electricity.¹²

KMKNO encourages this Honourable Board to ensure that sufficient funding is committed to the DSM to permit the Mi'kmaw Home Energy Efficiency programme to continue at the proposed funding level of \$3.7 million for 2023 -2025 period.



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¹¹ Truth and Reconciliation Commission of Canada, Calls to Action, (Winnipeg: TRCC, 2015), p.10, <http://nctr.ca/reports2.php> and United Nations Declaration on the Rights of Indigenous Peoples, <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>. In 2016, Canada committed to full support of the Declaration, <https://www.aadnc-aandc.gc.ca/eng/1309374407406/1309374458958>.

¹² In 2016, NSPI estimated that in 2020, 22% of its power will come from hydro and tidal and 7% from biomass. See: NSPI, "Nova Scotia Power Sets Renewable Energy Record," 2016-01-26, <https://www.nspower.ca/en/home/newsroom/news-releases/nova-scotia-power-sets-renewable-energy-record.aspx>