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August 29, 2017

BY EMAIL: timothy.gardiner@canada.ca

Mr. Tim Gardiner
Senior Director
Offshore Petroleum Management Division
Natural Resources Canada
580 Booth Street, 17th Floor
Ottawa, Ontario K1A 0E4

Re: Electromagnetic Geoservices Canada, Inc., Eastern Gulf of St. Lawrence Controlled Source Electromagnetic Survey, 2017 – Environmental assessment; our file 7550-013

Dear Sir,

I. Introduction

This is further to your letter of July 19, 2017, addressed to Chief Jean-Charles Piétacho of the Conseil des Innu de Ekuanitshit concerning the above-mentioned environmental assessment by the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB).

We note that your correspondence and the other documents refer to the project's location as the "Western Newfoundland Offshore Area," even though such an area is unknown to Canadian law. (We do however note an improvement over earlier references to a "Western Newfoundland and Labrador Offshore," considering that Labrador has no west coast.) The offshore area described in the *Canada–Newfoundland and Labrador Atlantic Accord Implementation Act*¹ is not a "Newfoundland offshore," nor is it divided into eastern and western areas.

The province of Newfoundland does not extend beyond the low water mark and the Gulf of St. Lawrence from Anticosti Island east is part of the territorial sea of Canada and under exclusive federal jurisdiction.² In fact, the project area for the proposed electromagnetic survey is in the eastern Gulf of St. Lawrence and is almost as close to the Magdalen Islands that are part of

¹ SC 1987, c 3, s 2.

² *Oceans Act*, SC 1996, c 31, ss 7 and 8(1).

Québec as to the western shores of the Island of Newfoundland, and only slightly further from Cape Breton in Nova Scotia.

This is not an academic point: the Gulf of St. Lawrence is a semi-enclosed sea that is bordered by five provinces, not one. The Conference of the Parties to the *Convention on Biological Diversity* has asked governments “to take into account the special characteristics of enclosed and semi-enclosed seas, which are affected by multiple direct and indirect anthropogenic influences originating from the watershed area, and where the biodiversity issues require an integrated holistic approach aiming to improve the water quality and restore the health and functioning of marine and coastal ecosystems to ensure the provision of ecosystem services that are provided by these ecosystems.”³

It is important to refer to the project area as what it is, namely, the eastern Gulf of St. Lawrence so that all parties recall what is truly at stake: preserving a unique semi-enclosed sea.

On a different topic, please note that we are writing to you in English, the language in which the majority of the documents concerning this environmental assessment (EA) have been prepared. We are also doing so in order to facilitate communication with the Mi’gmawei Mawiomí Secretariat (MMS). A French version will be provided to you and to our client in due course.

II. Project description and assessment

A. The project

Electromagnetic Geoservices Canada, Inc. (EMGS) proposed conducting a controlled source electromagnetic survey (CSEM) survey in the eastern Gulf of St. Lawrence. A grid of receivers would be placed two kilometers apart on the seabed and a survey vessel will then tow an electromagnetic source 30 meters over the receivers. Low-frequency electromagnetic signals would be transmitted into the subsurface to map resistive bodies such as commercial-scale hydrocarbon reservoirs on the seabed.

The proposed survey is expected to take five to 15 days, most likely less than ten with good weather, and is currently planned for the last week September or first week of October.⁴ Moreover, it is dependent on the ongoing East Canada CSEM survey initiated by EMGS in the Atlantic offshore east of Newfoundland in 2014, “although on a much smaller temporal and spatial scale,” since “the west coast survey will only be conducted if the east coast survey goes ahead.”⁵

³ COP 10 Decision X/29, Marine and coastal biodiversity (2010), para. 71 <http://www.cbd.int/decision/cop/?id=12295>

⁴ EA Report, 1.1, Table 3.1.

⁵ EA Report, 2.0, Table 3.1

Significantly, the project was proposed by EMGS on November 10, 2016, without mentioning its client Corridor Resources Inc. and Exploration Licence (EL) 1105, which was due to expire on January 14, 2017, as if the survey had any purpose without them.

However, once EL 1105 had been exchanged for EL 1153 in 2017, Corridor Resources Inc. informed the CNLOPB that not only is Corridor “planning to purchase a licensed copy of a CSEM survey scheduled to be conducted at the Old Harry site in the late summer or early fall of 2017,” but explained that the company expects to withdraw its application to drill a well if the survey results are “discouraging.”⁶ In the EA Report filed on June 8, 2017, that EMGS finally stated explicitly that “[t]he Project Area is primarily over Exploration Licence 1153.”⁷

The CNLOPB and your Department have offered no explanation why this environmental assessment proceeded as if the project concerned anything other than EL 1105’s viability.

B. The EA Report

1. Mischaracterization of Aboriginal fisheries

The entire consideration of the project’s effects on Aboriginal rights in the EA Report is contained in the following single sentence: “Aboriginal fisheries normally occur near shore and are not expected to interact with the Project.”⁸

This analysis is incorrect because the Gulf of St. Lawrence is a semi-enclosed sea where environmental impacts must be considered using an integrated approach.⁹ To use the simplest example, out of all the resources the Gulf of St. Lawrence has given the Innu, Malécite and Mi’gmaq, the one that has sustained them the most is the salmon, which they harvest and rely upon for food to this day. Out of the 114 salmon rivers in Québec, the salmon in 111 of those rivers use the Gulf of St. Lawrence as a migration route.¹⁰ EMGS acknowledges: “Juveniles migrating from freshwaters streams to the North Atlantic may pass through the Project Area.”¹¹

⁶ Letter from Steve Moran, Corridor Resources Inc., to the Chair of the CNLOPB, 15 March 2017

<http://www.cnlopb.ca/pdfs/corridorresinc/corridorreqdelaywv.pdf?lbisphpreq=1>

⁷ EA Report, Table 3.1.

⁸ EA Report, 5.3.1.3.

⁹ C-NLOPB, *Western Newfoundland and Labrador Offshore Area Strategic Environmental Assessment Update - Final Report*, section 4.1.4; Conference of the Parties to the *Convention on Biological Diversity*, COP 10 Decision X/29, Marine and coastal biodiversity (2010), para. 71.

¹⁰ GENIVAR inc., *Évaluation environnementale stratégique sur la mise en valeur des hydrocarbures dans les bassins d’Anticosti, de Madeleine et de la baie des Chaleurs (EES2)*, présentée au Ministère des Ressources naturelles, septembre 2013, p. 207 and Carte 3.5 http://mern.gouv.qc.ca/publications/energie/ees/EES2_Rapport_final.pdf

¹¹ EA Report, Table 5.11.

The analysis is also incorrect because it treats commercial fishing by Aboriginal communities as if they were distinct from “Aboriginal fisheries,” a view that the Innu, Malécite and Mi’gmaq do not accept and that is contrary to the Supreme Court of Canada’s judgment on Mi’gmaq treaty rights.¹²

2. Omission of Aboriginal commercial fishing licences held by Québec communities

The Report compounds its analytical errors with factual errors when it describes only Aboriginal fishing licenses held by entities on the Island of Newfoundland, listing one license in NAFO Division 4R, as well as groundfish, lobster, crab, snowcrab and pelagic fixed gear licences held by Newfoundland communities.¹³

The EA Report states that the Gulf of St. Lawrence falls within the four NAFO unit areas of 4Rd, 4Ss, 4Tf and 4VN, but ignores what Corridor Resources Inc.’s revised EA report of 2013 for its proposed exploration acknowledged: Aboriginal communities hold commercial fishing licenses in the 4Ss unit area south of Anticosti Island and in the 4Tf unit area around the Magdalen Islands.¹⁴

Moreover, as pointed out in a joint letter from Ekuanitshit and MMS to the CNLOPB, dated July 7, 2014, and copied to the Minister of NRCan,¹⁵ licenses that are valid in any one of the 4R, 4S or 4T unit areas, are actually valid in all of them. The licenses in those unit areas held by Innu and Mi’gmaq communities whose reserves are in Québec include those for:

- groundfish, held by Agence Mamu Innu Kaikusseht (AMIK)¹⁶ and by Essipit, Innu Takuaikan Uashat mak Mani-Utenam, Nutashkuan and Pessamit among the Innu;
- cod and turbot, held by Innu Takuaikan Uashat mak Mani-Utenam among the Innu and by Gesgapegiag, Gespeg and Listuguj among the Mi’gmaq;
- halibut, held by Gesgapegiag, Gespeg and Listuguj among the Mi’gmaq;
- winter flounder, held by Gesgapegiag among the Mi’gmaq.

Finally, in the fishing zones designated for each species by DFO and that adjoin the Project Area for EL 1105,¹⁷ at least a dozen Communal Commercial Fishing Licenses are held by Aboriginal communities whose reserves are in Québec. These include licenses for:

- snow crab in Zone 12B, held by Listuguj and Unamen Shipu;

¹² *R. v. Marshall*, [1999] 3 SCR 456.

¹³ EA Report, section 5.3.1.3.

¹⁴ *Corridor Resources Inc. Drilling of an exploration well on the Old Harry prospect – EL 1105*, CEAR No. 11-01-60633, section 5.8.2 <http://www.cnlopb.ca/pdfs/corridorresinc/eaen2.pdf?lbisphreq=1>

¹⁵ <http://www.cnlopb.ca/pdfs/corridorresinc/ealet.pdf?lbisphreq=1>

¹⁶ Ekuanitshit, Essipit, Nutashkuan, Pakua Shipu, Pessamit, Uashat mak Mani-Utenam, Unamen Shipu

¹⁷ CEAR No. 11-01-60633, section 6.3.1.

- lobster in Zone 17B, held by Gespeg and Innu Takuaikan Uashat mak Mani-Utenam;
- mackerel in Zone 16, held by Gespeg, Gesgapegiag, Pessamit, and Innu Takuaikan Uashat mak Mani-Utenam;
- mackerel in Zones 13 and 15, held by Innu Takuaikan Uashat mak Mani-Utenam;
- herring in Zone 15, held by Ekuanitshit, Pakua-Shipi, Innu Takuaikan Uashat mak Mani-Utenam, Nutashkuan, and Unamen Shipu;
- shrimp in Zone 9, held by Innu Takuaikan Uashat mak Mani-Utenam, Gespeg, and Gesgapegiag.

In short, despite ample documentation in the EA registry maintained by the CNLOPB, the EA Report for this project ignored the significant role of the Aboriginal commercial fishery carried out in the project area by Innu, Malécite and Mi'gmaq whose reserves are in Québec.

3. Failure to consider cumulative effects properly

The word “noise” does not appear in Section 9.0, “Cumulative Environmental Effects.” The EA Report admits that “[m]arine traffic will generate underwater sound emissions” and “is therefore likely to result in potential adverse environmental effects” on species and Sensitive Areas that “could potentially cumulatively interact with predicted residual environmental effects of the Project.”¹⁸ However, beyond this bare statement, neither cumulative noise nor the cumulative effect of noise in combination with other factors is actually addressed in the EA Report.

This is directly contrary to the advice of the Conference of the Parties to the *Convention on Biological Diversity* (CBD), which concluded “[i]t is possible to model and calculate cumulative sound exposure” and recommended: “The cumulative and synergistic impacts of multiple noise sources and other stressors (e.g., habitat loss, pollution, bycatch, illegal, unregulated, and unreported fishing, ocean acidification) on marine animals in a given area need to be considered.”¹⁹

4. Failure to apply current norms

The Conference of the Parties to the CBD also suggested in 2014 that the guidelines for mitigation approaches developed by the Noise Working Group of the parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) could serve as a model on how to mitigate sound, not only for marine

¹⁸ EA Report, 9.1.

¹⁹Conference of the Parties to the *Convention on Biological Diversity*, Progress Report on Addressing Impacts of Underwater Noise and Marine Debris on Marine and Coastal Biodiversity, UNEP/CBD/SBSTTA/18/5, 1 May 2014, Annex, “Key conclusions of the expert workshop on underwater noise and its impacts on marine and coastal biodiversity,” Part I, para. 14 <https://www.cbd.int/doc/meetings/sbstta/sbstta-18/official/sbstta-18-05-en.doc>

mammals, but also for fishes, turtles, and invertebrates.²⁰

The ACCOBAMS Guidelines include 23 general guidelines, as well as specific guidelines for certain forms of noise.²¹ Some of the general guidelines are echoed in the mitigation program for marine mammals proposed by EMGS, such as ramp-up and shutdown procedures for the CSEM source, use of a seabird and marine mammal observer on board to record shark, marine mammal and sea turtle observations and oversee ramp-up procedures, and reporting any dead or distressed marine mammals or sea turtles and SARA-listed species.²²

However, most of the analytical framework of the ACCOBAMS Guidelines is missing from EMGS's plans, such as:

- a) Consult databases of cetacean spatial and seasonal distribution and habitat databases so that activities can be planned and conducted to avoid critical habitats and when and where animals are unlikely to be encountered
- b) Collect information and, if required, organize surveys (shipboard and/or aerial) or monitoring with fixed detectors (buoys, bottom recorders, etc.) to assess the population density in the areas chosen for operation
- c) Avoid cetaceans' key habitats and marine protected areas, define appropriate buffer zones around them; consider the possible impact of long-range propagation
- d) Closed areas should be avoided and surrounded by appropriate buffer zones
- e) Consider cumulative impacts not just of noise but of all anthropogenic threats over time; consider effects modelling; include consideration of seasonal and historical impacts from other activities (shipping, military, industrial, other seismic) in the specific survey area and nearby region. For these purposes, databases/GIS that track the history of sonar/seismic and other industrial activities and anthropogenic threats should be developed
- f) Model the generated sound field in relation with oceanographic features (depth/temperature profile, sound channels, water depth, seafloor characteristics) to assess the area possibly affected by relevant impacts
- g) Determine safe / harmful exposure levels for various species, age classes, contexts, etc. This must be precautionary enough to handle large levels of uncertainty. When making extrapolations from other species, measures of uncertainty should quantify the chances of coming up with a wrong, and dangerous conclusion
- h) There should be a scientific and precautionary basis for the exclusion zone (EZ) rather than an arbitrary and/or static designation; exclusion zones should be dynamically modelled based on the characteristic of the source (power and directionality), on the expected species, and on the local propagation features (cylindrical vs spherical spreading, depth and type of sea bottom, local propagation paths related to thermal stratification). These EZ

²⁰ UNEP/CBD/SBSTTA/18/5, 1 May 2014, Annex, Part II, para. 16.

²¹ ACCOBAMS Resolution 4.17, "Guidelines to address the impact of anthropogenic noise on cetaceans in the ACCOBAMS area," 2010

http://accobams.org/images/stories/MOP/MOP4/Resolutions/res%204.17_guidelines%20to%20address%20the%20impact%20of%20anthropogenic%20noise%20on%20cetaceans%20in%20the%20accobams%20area.pdf

²² EA Report, 6.3.3.

should be verified in the field

- i) In the case of multiple EZ choices, the safest, most precautionary option should be adopted

Without most of the information corresponding to these guidelines, it is difficult to determine the adequacy of the mitigation measures. However, it seems clear that the EA Report failed to “[c]onsider cumulative impacts not just of noise but of all anthropogenic threats over time,” as recommended.

III. The steps taken so far towards consultation and accommodation

A. The CNLOPB’s process does not include Aboriginal communities

The CNLOPB itself excludes consultation of Aboriginal peoples from the seven steps leading to its determination of the likelihood of a project’s significant adverse environmental effects. Such consultation is instead described by the CNLOPB as something optional, that “may be integrated into the process at the request of governments.”²³

The position of the CNLOPB is that the constitutional duty to consult Aboriginal peoples “rests with Governments,” though the CNLOPB “may assist governments in the discharge of this duty if requested.”²⁴

We assume that your Department was aware of the CNLOPB’s position, since your Minister is responsible for its enabling statute.²⁵ Nevertheless and without any explanation, your undated January 18, 2017 letter to la Nation Innue concerning the replacement of Corridor Resources Inc.’s Exploration Licence (EL) 1105 with EL 1153 stated that the federal government would use the CNLOPB’s process to respect its duty to consult.

B. Chronology

Your Department took over a year to contact our client about the project, even though the EA Report stated that the project is to be undertaken in the last week of September or the first week of October,²⁶ only two months after your letter. We have set out the full chronology in order to place your insistence that we reply by yesterday’s date in its proper context.

We would add that your Department has been aware of our client’s interest in this issue

²³ CNLOPB, “Environmental Assessment (EA) Process under the Atlantic Accord Acts,” undated <http://www.cnlopb.ca/pdfs/eaaccordacts.pdf>

²⁴ CNLOPB, Scott Tessier, Chair and Chief Executive Officer, “Environmental Assessment – A Key Tool In Our Environmental Protection Mandate; Atlantic Accord Act Environmental Assessments,” submission to the Expert Panel on Environmental Assessment Processes, 26 October 2016 http://eareview-examenee.ca/wp-content/uploads/uploaded_files/c-nlopb-federal-ea-review-submission.pdf

²⁵ *Canada–Newfoundland and Labrador Atlantic Accord Implementation Act*, SC 1987, c 3, s 2.

²⁶ EA Report, Table 3.1.

and that of the MMS at least since our July 7, 2014 letter to the Chair of the CNLOPB concerning the environmental assessment of the project by Corridor Resources Inc. to drill an exploration well on the Old Harry prospect under Exploration Licence (EL) 1105.²⁷

8 July 2016: EMGS filed a Project Description with the CNLOPB for a proposed CSEM survey in the eastern Gulf of St. Lawrence described as “Western Newfoundland offshore waters.”

10 November 2016: the CNLOPB issued a draft scoping document that it distributed to fishing interest organizations in Newfoundland and Nova Scotia, as well as to federal and Newfoundland agencies. No copy was provided to the Innu of Ekuanitshit, nor is there any indication it was provided to any Aboriginal community.

10 November to 5 December 2016: letters in opposition to the CNLOPB’s proposed exchange of Corridor Resources Inc.’s EL 1105 for a new licence were sent:

- to the Prime Minister and to the Director General of NRCan’s Petroleum Resources Branch by MMS for the three Mi’gmaq communities in Québec (10 November);
- to the Director General of NRCan’s Petroleum Resources Branch by Mi’gmawé’l Tplu’taqnn for the nine Mi’gmaq communities in New Brunswick (21 November), by the Assembly of Nova Scotia Mi’kmaq Chiefs (22 November) and by the Mi’kmaq Confederacy of Prince Edward Island (23 November);
- to the Minister of NRCan by la Nation Innue on behalf of eight of the nine Innu communities in Québec (5 December).

8 December 2016: representatives of MMS and la Nation Innue met with the Minister of NRCan’s staff to discuss their opposition to the CNLOPB’s proposed exchange of EL 1105.

14 December 2016: the CNLOPB transmitted the Final Scoping Document and Consolidated Comments on Project to EMGS.

14 January 2017: EL 1105 expired.

15 January 2017 the CNLOPB issued EL 1153 to Corridor Resources Inc.

18 January 2017: you wrote to la Nation Innue and stated that Canada was committed to engaging in broad (“vastes”) consultations with Aboriginal groups concerning Corridor’s proposed oil and gas exploration in the Gulf of St. Lawrence.

15 March 2017: Corridor Resources Inc. informed the CNLOPB that it “is planning to purchase a licensed copy of a CSEM survey scheduled to be conducted at the Old Harry site in the late

²⁷ <http://www.cnlopb.ca/pdfs/corridorresinc/ealet.pdf?lbisphreq=1>

summer or early fall of 2017” and use them “to assess the chance of success if an exploration well were to be drilled in that part of the Gulf of St Lawrence.” As a result, Corridor requested an extension of the deadlines for completion of both the EA for its Old Harry Drilling Project, and for the consultation process directed by the federal Minister of Environment Canada in 2011.

7 April 2017: the CNLOPB granted the extension requested by Corridor.

15 May 2017: the David Suzuki Foundation and four other non-governmental organizations filed an application in the Supreme Court of Newfoundland to quash EL 1153.

8 June 2017: EMGS filed the EA report with the CNLOPB and admitted that “[t]he Project Area is primarily over Exploration Licence 1153.”

14 June 2017: the CNLOPB transmitted the EA Report to the non-governmental organizations that had commented on the Draft Scoping Document (Save Our Seas and Shores, St. Lawrence Coalition), requested comments from fishing interest organizations in Newfoundland and Nova Scotia, as well as from federal and Newfoundland agencies.

19 July 2017: the Director General of the Petroleum Resources Branch at Natural Resources Canada sent the Conseil des Innu de Ekuanitshit a letter in English only (at 7:31 p.m.), requesting the community’s “views on the proposed CSEM survey EA... before [Saturday,] August 19, 2017.”

20 July 2017: at our request, you sent the same letter in French (at 5:12 p.m.).

2 August 2017: the Director of Ango’tmeq Nm’tginen at the Mi’gmawei Mawiomi Secretariat (MMS) advised us that MMS had received no information about this project, though you have since advised to the contrary, without further explanation, and MMS has since confirmed to you that it had received no information.

3 August 2017: I wrote to you to advise that the August 19th was not realistic for our client and to note that no funding or other capacity was being provided by NRCan, nor had it been offered by the proponent or the regulatory agency, but you did not respond to our request to discuss this matter. We also advised that Ekuanitshit’s works on issues concerning oil and gas development in the Gulf of St. Lawrence in the Innu-Maliseet-Mi’gmaq Alliance for the Protection of the Gulf with the Malécite of Viger and the Mi’gmaq of Gespe’gewa’gi.

14 August 2017: you offered to arrange a meeting for Ekuanitshit “with the proponent in order to describe and answer questions on the project and any potential effects” and offered to extend the invitation to the Malécite of Viger and the Mi’gmaq of Gespe’gewa’gi, but provided no further information and offered no funding.

25 August 2017: you sent a first email to assert “that the deadline for comment is past due (August 19, 2017),” presumably meaning that the deadline had passed and the submissions were past due. You added: “The CNLOPB will be directing any outstanding issues to the proponent on Monday August 28, 2017.”

In response to my own email, you sent a subsequent email advising that in response to our request for an extension and funding, you had “offered to set up a meeting with the proponent to present the project, potential effects, planned mitigation, and to answer any questions your client might have.” You mentioned the possibility that it “could also be set up as a conference call,” without describing any facilities for simultaneous translation.

You also stated that since “[t]he proposed survey is scheduled to commence in early October,” you had intended “to communicate to the CNLOPB all feedback received from Indigenous groups during the comment period ending August 19,” but seemed to offer to communicate “comments or concerns beyond those you have shared to-date,” if received by August 28th.

IV. Conclusion

The comments below are provided under reserve of other issues that could have been addressed with a reasonable amount of time and funding. In particular, our client was given neither a budget nor sufficient time to hire scientific experts to review the EA file and test the data with respect to the Innu’s concerns. As legal counsel, our comments are necessarily related more to process.

The project was filed by the proponent EMGS in 2016 without mentioning its only possible client and purpose: Corridor Resources Inc. and its Exploration Licence (EL) 1105, then about to expire. Neither the CNLOPB nor your Department has explained why it tolerated such a charade, but both subsequently agreed to a replacement of EL 1105 by EL 1153, whose legality is now before the court.

The entire consideration of the project’s effects on Aboriginal rights in the EA Report is contained in the sentence: “Aboriginal fisheries normally occur near shore and are not expected to interact with the Project.” This analysis fails to consider the Gulf of St. Lawrence as a semi-enclosed sea where the Atlantic salmon that the Innu, Malécite and Mi’gmaq depend on for food spawn in salmon rivers in Québec and then migrate through the Gulf of St. Lawrence to the North Atlantic, passing through the Project Area.

The analysis is also incorrectly treats commercial fishing by Aboriginal communities as if they were distinct from “Aboriginal fisheries,” in direct contradiction to to the Supreme Court of Canada’s judgment on Mi’gmaq treaty rights in *R. v. Marshall*.



Mr. Tim Gardiner
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August 29, 2017
Page 11

Despite ample documentation in the EA registry maintained by the CNLOPB, the EA Report for this project also ignored the significant role of the Aboriginal commercial fishery carried out in the project area by Innu, Malécite and Mi'gmaq whose reserves are in Québec.

Neither cumulative noise nor the cumulative effect of noise in combination with other factors is actually addressed in the EA Report, which is directly contrary to the advice of the Convention on Biological Diversity (CBD).

The CBD's recommended guidelines for mitigation approaches were at best followed only in part, with the required analysis omitted so that it is difficult if not impossible to determine the adequacy of the mitigation measures.

Once the EA Report was filed, over a year after this project was filed with the CNLOPB, your Department asked our client in mid-summer to provide its comments within 30 days, without offering any capacity. You subsequently extended your deadline by nine days.

In short, the consultation and accommodation efforts in this case were inadequate: limited opportunities for participation and consultation were made available; there were no oral hearings and there was no participant funding. The consultative inquiry has not inquired into the impact of the proposed testing on the rights of the Innu, Malécite and Mi'gmaq.

At this point, the project cannot go ahead because if a decision affecting Aboriginal or treaty rights is made on the basis of inadequate consultation, the decision-maker must withhold project approval.

Yours,

DIONNE SCHULZE



David Schulze



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August 29, 2017
Page 12

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