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Listuguj, October 31, 2012

The Honourable Peter Kent
Minister of the Environment



Object: Consultation for the Western Newfoundland offshore area

Minister Kent:

As you know, an update to the Strategic Environmental Assessment (SEA) taking place in the Western Newfoundland offshore area of the Gulf began as of September 2012. Following your refusal, in August 2011, to establish a review panel evaluating the dangers of oil and gas exploration and drilling in the Gulf of St-Lawrence, you requested that the Canada-Newfoundland and Labrador offshore petroleum Board (the Board) update the Western Newfoundland SEA and conduct a "thorough public consultation".

However, the Board has completely failed to fulfill its important duty and obligations. The current consultations in the five Gulf provinces are not detailed in the least, and in no way answer to coastal communities' expectations and demands nor does it in any way respond to the legal obligations owed to the Mi'gmaq by the Crown.

Yet, the Board is faced with a considerable task: it must establish whether or not the oil and gas exploration in the Western Newfoundland offshore area could occur without harming the fish habitat, the livelihoods' of those who rely on the Gulf and the way of life of the Mi'gmaq. The Mi'gmaq communities risk heavy consequences as a result of the Board's conclusions, namely enormous environmental impacts. We take this threat of exploration in the Gulf as a life and death struggle as Canada callously appears to move to fill its insatiable appetite for oil.

The magnitude of criticism stemming from the consultation process is remarkable. Providing a notice of a mere 5 working days, sometimes fewer, demonstrates disrespect toward the communities at stake and inevitably restrains citizen involvement in the process. Displaying a half-dozen posters containing preliminary information about the SEA, a format recommended by AMEC (the firm responsible for conducting the consultation sessions) and entirely endorsed by the Board, offers an insignificant amount of detail designed to keep the participants in a state of ignorance. Sessions where stakeholders are simply invited to speak to a representative without so much as recording or taking notes of the discussion are not worthy of a complete, and rigorous consultation process. Yet again, a questionnaire comprising of four questions demonstrates the superficial nature of these sessions. The Mi'gmaq go on the record that "The consultation process set out to date, from the CNLOPB, is a complete and utter failure."

To summarize, the review panel, requested by the Mi'gmaq and many groups from all five provinces, was traded for an uninformative, barely consultative process, one that was also ill executed and devoid of any significance. We consider this to be a profound disrespect for legitimate public consultation processes and, as a result, to be a blatant disregard of Mi'gmaq Treaty rights in and around the waters of Gespe'gewa'gi.

As mentioned in our previous correspondence to your attention, the Mi'gmaq have a unique relationship with Gespe'gewa'gi, which makes us caretakers of our traditional lands and waters for all future generations. (attached you will find our *Statement of Claim* for you to fully inform yourself of the Mi'gmaq assertions)

In order to fulfill the rights as caretakers, the obligations and the sacred instructions of our ancestors, we again reiterate our demands for you to uphold the honour of the Crown. Accordingly, we demand a legitimate consultation and accommodation process, one that is led by an independent and competent Joint Review Panel that indeed evaluates the true impacts of oil and gas exploration and drilling in the Gulf as a whole. We assert that this constitutes the only means of accurately comprehending the concerns of the Mi'gmaq in relation to the risks associated with an oil and gas tragedy in the Gulf that would undoubtedly provoke devastating repercussions on our medicinal plants and the salmon that is essential to a Mi'gmaq way of life.

By delegating your fiduciary duty to the CNLOPB, it appears you do not fully understand the significance of this fiduciary duty to protect the rights and interests of the Mi'gmaq. We insist that it is more obvious now that a Joint Review Panel, one with unbiased experts, is the only way to meet your legal fiduciary obligations owed to the Mi'gmaq.

We urge you, Minister Kent, to act honourably and to uphold Canada's fiduciary obligations towards Mi'gmaq constitutionally recognized rights and interests in the Gulf of St-Lawrence and all the shores depicted in our *Statement of Claim*.

Therefore, we expect you to rectify this faulty process by establishing a thorough and meaningful consultation and accommodation procedure that will allow for the sharing of all necessary information, giving the Mi'gmaq the opportunity to respond to that information, listen and document Mi'gmaq concerns and dutifully responding to those concerns when taking a decision or course of action according to the potential infringement on Mi'gmaq rights.

Cordially yours,



Troy Jerome
Executive Director, Nutewistog

cc: Minister John Duncan
Minister Joe Oliver
Minister Jerome Kennedy
John G. Paul, Atlantic Policy Congress
Chief Jean-Charles Pietacho
St. Lawrence Coalition

Attach. Statement of Claim

