



March 25, 2020

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Re: Review of the West Flemish Pass Exploration Drilling Project Environmental Impact Statement

Ms. Boychuk,

Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) has reviewed the Draft Environmental Impact Statement for the West Flemish Pass Exploration Drilling Project. I wish to provide you with our comments, concerns and recommendations. KMKNO has asked AECOM to conduct a review of the draft EIS and we have submitted the AECOM review to the Impact Assessment Agency of Canada (IAAC).

The Mi'kmaq are the holders of constitutionally protected Aboriginal and Treaty rights, which include the Aboriginal right to fish for food and the Treaty right to fish for a moderate livelihood. Any impacts to fish and fish habitat are impacts to Mi'kmaw rights. Therefore, it is our expectation that the Proponent and regulators will take mitigative measures to reduce potential adverse impacts to Mi'kmaw rights, practice the precautionary principle to address scientific unknowns, and compensate the Mi'kmaq for any infringement on fishing rights.

We wish to reiterate our concern that this exploration project, as well as the other concurrent offshore oil and gas developments in Newfoundland, may impact both Atlantic salmon and American eel. The timing and design of the project activities will be important to reduce potential impact to migrating fish as well as those overwintering. The Mi'kmaw culture is

dependent on the relationship of the Mi'kmaq to many species, such as Atlantic salmon and the American eel, where the availability of such species is tied to the Mi'kmaq identity.

As detailed within the AECOM review, we ask that regulators and the Proponent provide specific additional information to support comments made about project risk and expand participation of Indigenous peoples in the co-development of mitigation and monitoring practices. We also recommend Chevron and other proponents working in the offshore acknowledge the current research that showing Atlantic salmon use and migration in the project area and implement temporal and adaptive management strategies to reduce risk to Atlantic salmon and other fish and wildlife species.

Our concerns referred to above are magnified when considering the number of exploration drilling projects being proposed in the offshore Newfoundland. This intensified development in the offshore makes it even more important that a two-eyed seeing perspective be adopted in a way that values Mi'kmaq relationships to culturally significant species, prevents harm and waste, protects habitats, embraces the precautionary principle, acknowledges the inherent values within Western science, and considers the power dynamics that limit the participation and guidance of the Mi'kmaq in managing offshore development.

We look forward to further consultation on this matter.

Yours in recognition of Mi'kmaq Rights and Title,

<Original signed by>

Twila Gaudet, BA, LL.B.
Director of Consultation

cc:

Joanna Tombs, CEAA

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