



July 5, 2023

VIAEMAIL: tiltcove@iaac-aeic.gc.ca

Impact Agency of Canada
200 – 1801 Hollis Street
Halifax NS B3J 3N4

Dear Sir/Madam,

Re: Technical Review & Assessment of the Summary of the Environmental Impact Statement for Tilt Cove Exploration Drilling Project

On behalf of Mi'gmaw'e'l Tplu'taqnn Inc., please accept our technical review of the Environmental Impact Statement Summary for the Suncor Tilt Cove Exploration Drilling Project.

As a L'nuey leadership body with the inherent responsibilities to protect our member First Nations—Amlamgog (Fort Folly) First Nation, Natoaganeg (Eel Ground) First Nation, Elsipogtog First Nation (Big Cove), Oinpegitjoig (Pabineau) First Nation, Esgenoôpetitj (Burnt Church) First Nation, Tjipôgtôtjg (Buctouche) First Nation, L'nui Menikuk (Indian Island) First Nation, Ugpi'ganjig (Eel River Bar) First Nation and Metepenagiag Mi'kmaq Nation— by asserting and implementing our inherent Aboriginal and Treaty Rights throughout Mi'gma'gi, we have undertaken a thorough analysis of the Environmental Impact Statement Summary, identifying several significant issues pertaining to the proposed project's potential impacts.

Our technical review of the Environmental Impact Statement Summary highlights the following key issues that warrant immediate attention:

- **Assessment Scope and Methods:** Suncor has failed to meet expectations through all aspects of the assessment process. The technical review demonstrates that Suncor has failed to meaningfully characterize the existing environment, providing only general overview of baseline conditions that are left largely unsupported by evidence and existing or novel study. Further, the assessment of no significant effects in many instances leads to Suncor limiting mitigation measure to only those required by regulation, and no proposed follow-up monitoring. Consequently, Suncor provides insufficient safeguards in place to minimize environmental effects, and inadequate monitoring and response measures identified to actively assess predictions and intervene if predictions are false.
- **Engagement and Consultation:** Suncor has not made a meaningful attempt to engage Mi'gmaw'e'l Tplu'taqnn Inc. and the Mi'gmaq First Nations it represents. As a result, there is a lack of direct engagement with our Mi'gmaq members to hear direct concerns from

individuals affected by the project. Instead, Suncor has promoted a pan-Indigenous approach to identifying concerns demonstrates a lack of understanding of the unique perspectives, values, and concerns offered by each community. Suncor has failed to meet the direction set out by the EIS Guidelines in the establishment of an agreed upon engagement approach. While we do not deny that engagement has occurred, we do not believe that has been fruitful, nor has established a pathway for MTI to understand the potential impacts of the project on rights and interests of Mi'gmaq members and participate appropriately in the assessment process.

- **Incorporation of Indigenous Knowledge:** Suncor was obligated to make reasonable efforts to integrate Indigenous knowledge into the environmental effects assessment. However, Suncor has not engaged with MTI to understand Indigenous knowledge relevant to this project. In fact, Suncor has attempted to reuse Indigenous Knowledge studies from other projects to transpose and transfer that knowledge to the project footprint.
- **Characterization of the Environment:** Much of the project assessment focuses on understanding and appropriately characterizing the existing environment and the potential interaction with project activities. However, there are clear deficiencies in the baseline evidence. Stemming from the inadequate baseline is a snowballing effect of uncertainty regarding the project's potential effects. As a result, Suncor concludes that they maintain strong confidence in their predictions and that those predictions indicate minimal effects and resultant impacts. The outcome of this assessment is that few follow-up monitoring efforts and specific mitigations are proposed.
- **Draft Guidance for Best-in-Class GHG Emissions Performance by Oil and Gas Projects:** New oil and gas projects that are subject to a federal impact assessment under the *Impact Assessment Act* should meet the standard for “best-in-class” greenhouse gas emissions performance throughout their lifetime. While as of the issuance of the EIS by Suncor, the Government of Canada has yet to release the final version of the guidelines, it is our expectation that Suncor must be able to comply with these guidelines as an applicable best practice and demonstrate that they would be prepared to meet a federal condition of “best-in-class” if this project is to be approved.

Based on the outcomes of our technical review of the Environmental Impact Statement Summary, we recommend the following recommendations:

1. **Project Specific Indigenous Knowledge Study:** A focused and integrated Indigenous Knowledge and Science Study with respect to potential interactions between the Project Area and including salmon, swordfish, bluefin tuna, Atlantic right whales, and migratory birds. This should happen before any project approvals. This will require proponent funding, which to date, has not been negotiated.
2. **Engagement Forum:** Establish a forum and process where Mi'gmawe'l Tplu'taqnn Inc. can meet with Suncor and the Government of Canada, whereby issues and follow-up program decision making regarding the Projects can be brought forward, discussed, and addressed throughout the life of the Project.
3. **Consultation Process and Due Diligence:** The Proponents and the Crown must engage in direct, meaningful consultation with all Mi'gmaq First Nations of New Brunswick to ensure

that its legitimate concerns are understood and reflected in the Project EA and all Follow-up Monitoring Programs.

4. **Community Planning Measures:** Involvement of Mi'gmawe'l Tplu'taqnn Inc. communities in environmental, socio-economic, and cultural monitoring, and emergency preparedness planning.

Mi'gmawe'l Tplu'taqnn Inc. urges the Impact Assessment Agency of Canada and Suncor to thoroughly consider our technical review of the Environmental Impact Assessment Statement, its findings, and recommendations.

Mi'gmawe'l Tplu'taqnn Inc. remains committed to collaboration and cooperation with all parties to development sustainable solutions that respect our inherent Aboriginal and Treaty Rights, protect our ancestral territory, and preserve our cultural heritage.



All of which is respectfully submitted.

Yours in Peace and Friendship,

<Original signed by>

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