

Maritime Aboriginal Peoples Council



The Maritime Regional Aboriginal Leaders
Intergovernmental Council of Aboriginal Peoples
Continuing to Reside on Traditional Ancestral Homelands

Forums

- ☐ Leaders Congress
- ☐ MAPC Commissions/Projects
- ☒ MAARS Secretariate
- ☐ MAPC Administration

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June 10th, 2026

Attn: Regional Assessment of Exploratory Oil and Gas Drilling in
the Offshore Area of Nova Scotia
Impact Assessment Agency of Canada
Sent via email to: NSOffshoreDrilling-NEForageEnMer@iaac-aeic.gc.ca

RE: Regional Assessment of Oil and Gas Exploratory Drilling in the Canada–Nova Scotia Offshore Area

Dear Regional Assessment Team,

On behalf of the Maritime Aboriginal Aquatic Resources Secretariate (MAARS), the Aboriginal Aquatic Resources and Oceans Management (AAROM) body for the four Councils of the Maritime Aboriginal Peoples Council (MAPC) which includes the Native Council of Nova Scotia (NCNS), the Native Council of PEI, New Brunswick Aboriginal Peoples Council, and the Newfoundland Indigenous Peoples Alliance, we'd like to thank you for meeting with us at our office to discuss the proposed *Terms of Reference for the Regional Assessment of Oil and Gas Exploratory Drilling in the Canada–Nova Scotia Offshore Area*. (ToRs). All four of MAPC's partner Councils are representative organizations for a vast population of Indigenous Peoples, including Mi'kmaq People, who continue to reside on their traditional ancestral homelands not displaced to Indian Act reserves (more commonly described as First Nations today). MAARS will be providing comments on the proposed ToRs on behalf of the NCNS.

As discussed extensively within our meeting, we wish to reiterate our comments regarding the language specifying *the Mi'kmaq of Nova Scotia*. While we can appreciate the Impact Assessment Agency of Canada's (IAAC's) view that this terminology was inclusive of the NCNS membership, it is not. In fact, the *Mi'kmaq of Nova Scotia* is an explicit reference to [Mi'kmaq – Nova Scotia – Canada Framework Agreement](#) where it describes that the "*Mi'kmaq of Nova Scotia include all persons who are members of the thirteen (13) Mi'kmaq First Nations (Bands) in Nova Scotia whether they reside on or off reserve and other persons of*

Mi'kmaq heritage who are beneficiaries of Mi'kmaq rights and title applicable in Nova Scotia.” Again, while this language appears to be inclusive, we raise that members of the NCNS who may or may not be members of one of the Nova Scotia 13 bands have elected to be represented by the NCNS and not the bands, which results in an exclusionary process.

We encourage you to review and apply the United Nations Declaration on the Rights of Indigenous Peoples ([UNDRIP](#)) within the ToRs – as it stands, UNDRIP is omitted. UNDRIP describes several fundamental rights for Indigenous Peoples, including the right to self-determination and self-governance, which the MAPC partner Councils have been exercising for over 40 years. More specifically, as it relates to economic development, UNDRIP lays out the foundation of free, prior, and informed consent (FPIC) – a necessary component of appropriate inclusion throughout the development process. Briefly, FPIC affirms that Indigenous Peoples have the right to make informed decisions, free from pressure, before any activity or decision affecting their rights, lands, or communities proceeds.

As part of this, the ToRs describe that IAAC will develop and implement an Indigenous Engagement and Participation Plan (IEPP) in collaboration with the *Mi'kmaq of Nova Scotia*, and “with opportunities for input from other Indigenous Peoples identified as having potential interests in the area”. Our previous comments stand with respect to the *Mi'kmaq of Nova Scotia*; however, we would like to raise, and recommend, that the development of this tool is one that should include the NCNS in collaborative development rather than simply providing an opportunity for input after the work has been completed. Members of the NCNS should not be penalized for exercising their right to choose their own representative and must be afforded the same right to be involved in matters impacting them.

We are of the opinion that detailed descriptions of known and potential impacts will be easier to assess on a project-specific basis. We acknowledge that IAAC has recognized in Section 6.0(e) that additional consultation may be required for project-specific impact assessments, in addition to future regulatory development. We would suggest a friendly amendment to this section which would detail that additional consultation will be required as we cannot foresee any instance where this would not be necessary.

We understand that the Province of Nova Scotia has ensured that an exclusionary regulation would be considered. Let us reiterate that we cannot support a blanket exclusion. Quite frankly, the risk is too high and the study area includes areas beyond the Scotian Shelf which are not as well studied or understood. Similarly, there are a number of important and/or sensitive marine habitats within the shelf portion of the study area, including the Western and Emerald Banks Marine Refuge (important spawning and nursery grounds for haddock (*Melanogrammus aeglefinus*)), Emerald Basin and Sambro Bank Marine Refuge (high concentration of structure forming glass sponge *Vazella pourtalesi*), Northeast Channel Marine Refuge (high density of structure forming cold water corals), and the Eastern Canyons Marine Refuge (cold water coral protection and the only known living *Lophelia pertusa* coral reef in Canada's Atlantic waters). Additionally, there is also the Fundian Channel/Brown's Bank Marine Protected Area - Area of Interest which is understood to be an area of high biodiversity.

Understanding that the above-described marine refuges demonstrate a need to protect certain qualities, there are secondary protections that come into play for the other species that use those areas or co-exist with the organism(s) directly benefitting from active protection. For example, it is understood that redfish, an economically-valuable groundfish, are often seen using *Lophelia* corals for protection. As such, there is economic value in applying protections beyond those applicable within a marine refuge for which authorities only encompass fishing activities.

With certainty, we can say that the NCNS's communal commercial fishing activities occur up to approximately 125km offshore with a keen interest in snow crab in the area extending approximately from the Guysborough County line (bounding Halifax) through Cape Breton (see appended map). In the past, there have been revolving activities near Sable Bank for Atlantic herring and we expect these to occur again in the near future as these relate to the annual herring surveys collaboratively conducted among industry members. There has been a [documented shift in distribution](#) of American lobster (*Homarus americanus*) moving north eastward – a factor which has resulted in higher yield within Canadian waters. Similarly, we have been observing higher numbers of tropical groundfish and pelagic species in recent years – just last year, there was an increased number of menhaden observed in southwest Nova Scotia waters. The crux of this is that today's fisheries structure will change, not to mention, the rapid advancement of technology also indicates that the mechanism of fishing may not always remain the same, meaning that the predictability of potential future impacts is a significant challenge.

We would like to draw attention to the Section 3.2: Objectives, sub-sections g and h. Objective 3.2(g) describes identifying regionally appropriate mitigation measures – we refer back to our previous comments around the high level of biodiversity throughout the study area and recommend ecologically sound mitigation measures be developed at a smaller scale throughout the study area. One suggestion may be to develop mitigation measures at the scale of the licence areas taking into consideration the ecological data alongside the use information. Secondary to this, as we raised in our meeting, DFO has used the concept of 'Codes of Practice' and 'Standards' for projects in known habitats where the risks are well-understood – this type of tool could be used, prioritizing precaution, to address proposed activities in/near certain habitat characteristics (e.g., corals and sponges).

Objective 3.2(h) describes identifying information and knowledge gaps and potential opportunities to address them. Again, we raise that with the study area being so large, it is challenging to be specific and recommend that IAAC ensures project-specific consultation occurs to address these gaps fully. We have concerns that some fisheries, primarily those which are considered secondary species, exploratory, or experimental may not be appropriately encompassed within the fisheries information received from DFO. These types of fisheries have limited data sets, most, if not all, of which are dependent on the harvesters for data collection and assessments, a process that varies from the typical resource management and science assessment process. As an example, we are familiar with exploratory/experimental licences for whelk, proposed offshore urchin, and hagfish which all occur in the study area.

For contextual purposes

We would like to provide you with a brief history of MAARS and our partner Councils. For over forty years, the four Native Council partners of MAPC (Native Council Nova Scotia, Native Council Prince Edward Island, New Brunswick Aboriginal Peoples Council, and Newfoundland Indigenous Peoples Alliance) have continued to be the Aboriginal Peoples Representative Organizations representing and advocating for the Rights and issues of the Mi'kmaq/Wolastoqiyik/Peskotomuhkati/Section 91 (24) Indians, both Status and non-Status, continuing to reside on their unceded Traditional Ancestral Homelands. In the early 1970s, the communities recognized the need for representation and advocacy for the Rights and Interests of the "off-Reserve community of Aboriginal Peoples, "the forgotten Indian". Women and men self-organized themselves to be the "voice to the councils of government" for tens of thousands of community members left unrepresented by Indian Act-created Band Councils and Chiefs. Based on the Aboriginal Identity question, Statistics Canada (2021 Census - 25% sample) enumerate 25,415 off-Reserve Aboriginal Persons in New Brunswick, 42,580 in Nova Scotia, and 2,865 in Prince Edward Island.

Each Native Council in their respective province asserts Treaty Rights, and Aboriginal Rights, with Interest in Other Rights confirmed in court decisions, recognized as existing Aboriginal and Treaty Rights of the Aboriginal Peoples of Canada in Part II of the Constitution Act of Canada, 1982. Each Native Council has established and maintains Natural Harvesting Regimes, and each have a co-management arrangement with DFO for Food, Social, and Ceremonial use of aquatic species, through the: Najiwsgetaq Nomehs (NBAPC), the Netukulimkewe'l Commission (NCNS), and the Kelewatl Commission (NCPEI).

The perspectives provided by MAPC-MAARS and our partner Native Councils are derived from a combination of domestic and international experience, scientific understanding, and hinge upon an Aboriginal eco-centric worldview.

We would like to take this opportunity to reiterate that it is important for all proponents of projects to understand that the Off-Reserve Aboriginal Community represented by MAARS are included within the definition of the word "Indian" of Section 91(24) of the Constitution Act, 1982. The Supreme Court of Canada in a landmark decision in *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12. declared that "the exclusive Legislative Authority of the Parliament of Canada extends to all Indians, and Lands reserved for the Indians" and that the word "Indians" in s.91(24) includes the Métis and non-Status Indians.

We assert that the Off-Reserve Aboriginal Communities, as 91(24) Indians, are undeniably heirs to Treaty Rights and beneficiaries of Aboriginal Rights as substantiated by Canada's own Supreme Court jurisprudence. As such, there is absolutely an obligation to consult with the Off-Reserve Community through their elected representative body of the NCNS. The Crown's duty is to consult with all Indians, not only the Indian Act Bands.

Again, we thank IAAC for attending our offices to meet with us and encourage you to continue this productive relationship as specific projects come forward. We urge you to consider our recommendations for including the NCNS in the collaborative development of Indigenous engagement processes. We look forward to advancing the relationship between IAAC and NCNS and MAARS as offshore development continues to move forward.

Advancing Aboriginal Fisheries and Oceans Entities
Best Practices, Management, and Decision-making

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