



November 29th, 2022

Dena Murphy
Director, Operations/Health, Safety & Environment
Canada-Nova Scotia Offshore Petroleum Board
E-mail: kburns@cnsopb.ns.ca

Re: Notification of the Canada-Nova Scotia Offshore Petroleum Board Call for Bids NS22-1

Mrs. Murphy,

I write to acknowledge receipt of your letter dated October 14th, 2022, with respect to the *Terms of Reference for a Mi'kmaq - Nova Scotia – Canada Consultation Process (TOR)* as ratified on August 31, 2010, on the above noted project.

The Mi'kmaq of Nova Scotia depend on the lands, waters, and resources in Nova Scotia and the Mi'kmaq Nation has never surrendered, ceded, or sold title to any of its lands and waters in Nova Scotia. The Mi'kmaq have a title claim to all of Nova Scotia and as co-owners of the land, waters, and its resources it is expected that any potential impacts to rights and title shall be addressed. Clearly any development in the proposed area will impact traditional and current use fishing activities.

Kwilmu'kw Maw-Klusuaqn Negotiation Office (KMKNO) is of the opinion that the Call for Bids for NS22-1 should remain in Crown Land Holdings. This will give The Mi'kmaq future opportunities such as utilizing these unceded waters for offshore fishing and earning a moderate livelihood. These parcels overlap with the habitat of known Species at Risk Act (SARA) listed species such as the bottlenose whale, loggerhead and leatherback sea turtles and spotted wolffish. The Mi'kmaq practice Netukulimk, a respectful way of harvesting with conservation at the heart of the principal. If any exploration licenses are approved, the effects from seismic activity will directly interfere with a Mi'kmaq world view.

Research on the Mid-Atlantic ridge found that a single seismic blast can be heard as far as 4000km from the source, that's over 10 times as large as all 8 parcels combined¹. The seismic blasts alone pose serious threats to marine mammals at a population level and direct threats to sessile organisms such as corals and sponges by increasing turbidity². There are also identified threats from invasives, spills, vessel traffic/noise and direct disruptions.

KMKNO is working to conserve our marine environment through partnerships around the governance and management of Marine Protected Areas (MPA) and Marine Refuges. The proximity of these parcels to both the Gully MPA and Eastern Canyons Marine Refuge directly minimize the intent of these areas to protect and conserve both cetacean and

deep-water coral populations^{3,4}. Consultation is expected with the Mi'kmaw of Nova Scotia on any future proposed developments prior to the Canada-Nova Scotia Petroleum Board making any final decisions.

KMKNO does not represent the communities of Membertou, Millbrook or Sipekne'katik First Nations.

Please contact Patrick Butler, Senior Mi'kmaw Energy and Mines Advisor at KMKNO for any further questions.

Yours in Recognition of Mi'kmaw Rights and Title,

Original Letter signed

Twila Gaudet, B.A., LL.B.
Director of Consultation
Kwilmu'kw Maw-Klusuaqn Negotiation Office

c.c.:

Patrick Butler, Kwilmu'kw Maw-klusuaqn Negotiation Office
Janel Hayward, Department of Natural Resources and Renewables
Annette Tobin, Natural Resources Canada

References:

1. Weilgart, L. (2013). "A review of the impacts of seismic airgun surveys on marine life." Submitted to the CBD Expert Workshop on Underwater Noise and its Impacts on Marine and Coastal Biodiversity, 25-27 February 2014, London, UK. Available at: <http://www.cbd.int/doc/?meeting=MCBEM-2014-01>
2. Oak, T.G. 2020. Oil and gas exploration and production activities in areas with defined benthic conservation objectives: A review of potential impacts and mitigation measures. DFO Can. Sci. Advis. Sec. Res. Doc. 2020/040. vi + 55 p.
3. <https://www.dfo-mpo.gc.ca/oceans/mpa-zpm/gully/index-eng.html>
4. <https://www.dfo-mpo.gc.ca/oceans/oecm-amcepz/refuges/eastern-canyons-est-eng.html>