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**Comments on the  
Draft Terms of Reference for the Regional Assessment of Offshore  
Exploratory Drilling East of Newfoundland and Labrador  
Follow-up Program**

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**By the NunatuKavut Community Council**

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## I. INTRODUCTION

The NunatuKavut Community Council (“NCC”) is pleased to present its comments to the Impact Assessment Agency of Canada (“IAAC” or “Agency”) on the Draft Terms of Reference (“Draft TOR”) for the Regional Assessment of Offshore Exploratory Drilling East of Newfoundland and Labrador Follow-up Program (“NL RA Follow-up Program”).

NunatuKavut means "Our Ancient Land." It is the territory of the Inuit of NunatuKavut, the Inuit residing primarily in southern and central Labrador. Our people lived in Labrador long before Europeans set foot on North American soil. As it was in times of old, and still today, we are deeply connected to the land, sea and ice that make up NunatuKavut, our home. Today, our people continue to hunt and fish to harvest country food that is important for health and well-being and which connects us to our culture and traditions of the past. Atlantic salmon, thick-billed murre (known locally as “turrs”) and eider ducks are among the species that we harvest for these purposes and that may potentially be affected by oil and gas drilling projects offshore Eastern Newfoundland, whether aimed at exploration or production. Additionally, NCC’s communal commercial fisheries play an important role in the life and economy of NunatuKavut communities and are a leading source of employment for our people.

NCC serves as the representative governing body for the Inuit of south and central Labrador. A council elected by our membership and comprised of members representing each of the six regions of our territory and led by a President and Vice-President governs the NCC, whose primary function is to ensure the land, ice and water rights and titles of its people are recognized and respected. We are also fully present at the grassroots level in our communities, which are many and remote, the vast majority of which are located along Labrador’s coast south of Hamilton Inlet. NCC provides a variety of services to NunatuKavut residents living in over 20 communities<sup>1</sup> in Labrador.

## II. CONTEXT FOR NCC’S COMMENTS ON THE DRAFT TOR FOR THE RA FOLLOW-UP PROGRAM

The NCC was highly engaged in the process for the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador (“NL RA”). As we have stated on previous occasions in relation to the NL RA, a key aspect of the context for our comments relates to developments in our relationship with the Government of Canada. On September 4, 2019 the Government of Canada signed a *Memorandum of Understanding* (MOU) on self-determination with NCC, representing a significant step forward in our relationship with Canada on the recognition of our Inuit rights and self-determination. Through the MOU, NCC looks forward to finding shared and balanced solutions to a wide variety of issues – including impact assessments, regional assessments and strategic environmental assessments – that advance reconciliation in a way that respects the interests of the people of NunatuKavut and all Canadians. The MOU, which represents the culmination of formal talks that began in July 2018, further heightens our interest in Nation-to-Nation dealings with Canada in relation to Canada’s impact assessment regime and the regional assessment of offshore oil and gas development.

As the traditional stewards and guardians of our territory of NunatuKavut, our people are in the best position to provide relevant knowledge, and to make decisions, monitor and enforce protections with respect to projects that may affect the natural resources on which we depend, and thus our rights in relation to those resources. NCC asserts its Indigenous and treaty rights to lands and resources within

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<sup>1</sup> For the locations of these communities, please see <https://nunatukavut.ca/about/our-communities/>.

Labrador and also along the Labrador coast, including the rights to hunt, fish and gather. These facts have been referenced in the EIS documents for several exploration projects in NL offshore area.<sup>2</sup>

### III. BRIEF COMMENTS

Overall, NCC finds the Draft TOR to be reasonable and complete. That said, we offer several suggestions, as detailed below.

Under "Objectives" (p. 6), the RA Follow-up Program should regularly review not only "past, on-going and planned exploratory drilling activities", but also offshore oil and gas production projects. For a proper assessment of cumulative impacts of exploratory drilling projects, it is essential to include any past, on-going and planned production projects located within the Study Area. While the terms "other projects and activities" may be understood as including production projects, it is preferable to specify that production projects are accounted for in any examination of cumulative impacts that the RA undertakes. This would seem to be consistent with the original approach of the NL RA.

Under "RA Follow-up Advisory Committee" (pp. 7-8), can it be presumed that this Committee would also review the Draft RA Ministerial Response Progress Report? If so, this should be specified within the bullet points in this sub-section.

Under "Engagement Methods" (p. 12), please update/modify the phrase "Outreach with Chief and Council" to respect the fact that the heads of Inuit organizations and governments are not "Chiefs". Some suggested wording to rectify this problem would be "Outreach with Chief/President and Council....", although we recommend that IAAC perhaps verify this with other Inuit groups involved in the RA.

Under "Engagement Methods" (p. 12) add language to the item "In-community visits" to reflect that visits to local communities must be made with the permission and guidance of the Indigenous organization/government overseeing those communities.

Under "Timing of Activities" (pp. 12-13), please articulate whether the two Reports mentioned on page 12, and their projected timeframes refer to drafts or final products. Additionally, NCC wishes to underscore that, in order to ensure effective engagement by Indigenous Groups and Indigenous members of the Advisory Council, it is essential that timeframes for the review and comment on documents be both reasonable and flexible. Anything less than 30 days for comment on draft documents is not workable for NCC nor, we imagine, for most other Indigenous groups, and longer comment periods are strongly advised.

NCC thanks the Agency for the opportunity to comment on the Draft TOR for the NL RA Follow-up Program, and looks forward to continuing the conversation about offshore projects and their potential impacts on the people and communities of NunatuKavut, the ocean and the environment in general.

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<sup>2</sup> See e.g., BP, Newfoundland Orphan Basin Exploration Drilling Program, Environmental Impact Statement, September 2018, Chapter 3, Consultation and Engagement, <https://iaac-aeic.gc.ca/050/documents/p80147/125905E.pdf>, p. 3.6.