



November 14, 2018

VIA EMAIL

Canadian Environmental Assessment Agency
Atlantic Office
200-1801 Hollis Street
Halifax, NS B3J 3N4

Attention: Luc S. Desroches, Senior Advisor, Indigenous Affairs, Atlantic Region
(luc.desroches@canada.ca)

Dear Mr. Desroches:

**Re: Draft Agreement to Conduct a Regional Assessment of Offshore Oil and Gas
Exploratory Drilling East of Newfoundland and Labrador (the “Regional
Assessment Agreement”)**

We have had an opportunity to review the proposed draft Regional Assessment Agreement between Canada and the Province of Newfoundland and Labrador and write on behalf of Elsipogtog First Nation to provide our comments on the draft Agreement.

In principle, Elsipogtog is supportive of the proposal to conduct a regional assessment of the various oil and gas exploratory drilling projects being proposed for the Newfoundland and Labrador offshore area. As we have expressed to CEAA as part of our review of the various projects currently within the federal environmental assessment process, Elsipogtog is very concerned about the potential impacts that the numerous oil exploration programs being proposed for this area will have on our Aboriginal title, rights and treaty rights. Regional assessments have the potential to play an important role in evaluating and managing the cumulative effects of these projects.

However, in reviewing the draft Regional Assessment Agreement, the lack of provision for Indigenous involvement on the Committee responsible for undertaking the assessment is a glaring omission. In its Final Report for the Review of Environmental Assessment Processes, the Expert Panel recommended that Indigenous groups be involved in the planning phase of regional assessments, noting the importance of Indigenous laws, customs and jurisdiction being built into the regional assessment process. As well, as part of the federal government’s proposal for developing a new impact assessment process under Bill C-69, Canada has committed to working in partnership with Indigenous peoples on project reviews, and ensuring Indigenous representation on key committees.

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There needs to be Indigenous representation on the Committee struck to undertake a regional assessment of oil exploration projects that have the potential to impact the rights of numerous Indigenous groups. Indigenous representation is necessary to ensure that Indigenous perspectives and knowledge are properly incorporated into the regional assessment process. The draft Regional Assessment Agreement must be amended to provide for Indigenous representation on the regional assessment committee. Such amendment is necessary to fulfill Canada's commitments as part of Bill C-69.

Furthermore, it is unclear how the proposed regional assessment process will influence and support the existing individual environmental assessment processes currently underway for the various oil exploration projects proposed for the Newfoundland offshore area.

The existing individual environmental assessment processes should be put on hold while the regional assessment process proceeds so that the information obtained as part of the regional process can inform the individual assessments. This is consistent with the Terms of Reference attached to the Regional Assessment Agreement, which requires the Committee to prepare a report describing how the results of the regional assessment could be used to guide and inform future environmental assessments related to the proposed offshore exploration drilling in the region.

We appreciate the opportunity to comment on the draft Regional Assessment Agreement and look forward to receiving your response.

Yours truly,

Kenneth Francis,
Speaker, Kopit Lodge

cc: Chief Arren Sock, Elsipogtog First Nation
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