



Our Rights. Our Future.

December 16, 2021

Dena Murphy, M.Sc., MMM, CRSP
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Re: Comments on Draft Scoping Document for the Middle and Eastern Scotian Slope and Sable Island Bank Areas Strategic Environment Assessment (SEA).

Ms. Murphy,

I write in response to your e-mail dated November 16, 2021, under 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.

After reviewing the Draft Scoping Document for the Middle and Eastern Scotian Slope and Sable Island Bank Areas Strategic Environment Assessment (SEA), our office has determined that future projects could impact future moderate livelihood fishing opportunities and current communal commercial fishing access in LFA 41. In November of 2021, a number of our Mi'kmaw communities partnered on the purchase of Clearwater Seafoods. Any projects offshore in LFA 41 could certainly impact this commercial acquisition, and future access to offshore lobster and other species.

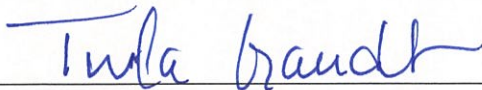
Kwilmu'kw Maw-klusuaqn Negotiation Office's (KMKNO) Archaeological Research Division (ARD) has reviewed the proposed footprint for the Middle and Eastern Scotian Slope and Sable Island Bank Areas and while most of the area is in very deep waters; we must re-iterate that The Assembly of Nova Scotia Mi'kmaw Chiefs, KMKNO and the Mi'kmaw Nation in Nova Scotia expect a high level of archaeological investigative diligence and cultural attention when archaeological research is conducted. There is some possibility for archaeological sites or artifacts in the northern portion of this study area, near Sable Island and the Sable Island Bank. Paleo-climatic modelling shows that much of this area would have at one point been a large swath of dry land, which slowly shrank over thousands of years to the current extent of Sable Island. Some of the waters on the Sable Island Bank are still quite deep, and would prevent a diver-based survey, but other methodologies are available. To this end, we highlight the need for evidence-based decisions rooted in subsurface testing to demonstrate presence, absence, distribution, and characterization of archaeological remnants from L'nu'k ancestors, particularly in the early phases of research such as reconnaissance and survey. We have consistently recommended that in areas with suspected disturbances, which are subsequently deemed low potential due to those disturbances, that subsurface testing should be undertaken to confirm the

nature of these disturbances. Additionally, those areas should have detailed paleo-climatic modelling to determine the past nature of the area.

KMKNO does not represent the communities of Millbrook, Sipekne'katik, Membertou or We'koma'q First Nations. We do however encourage further consultation with these communities as they may have interest in the proposed project area. Particularly any rights-based issues relating to loss of access to traditional use would require more in-depth consultation with the local Mi'kmaw Communities.

We kindly request that all information and continued correspondence be forwarded to KMKNO to facilitate the flow of the process and communication. We look forward to further consultation on this project and please contact Patrick Butler, Mi'kmaw Energy and Mines Advisor at KMKNO for any further questions.

Yours in Recognition of Mi'kmaw Rights and Title,



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c.c.:

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Patrick Butler, Kwilmu'kw Maw-klusuaqn Negotiation Office