



Maritime Aboriginal Peoples Council

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

Forums

September 26, 2013

- Leaders Congress
- MAPC Commissions
- MAARS Secretariate
- SARA IKANAWTIKET
- MAPC Administration

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Ms Christine Bonnell-Eisnor
Legal / Regulatory Policy / Rights Management
Canada - Nova Scotia Offshore Petroleum Board
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RE: CNSOPB CALL FOR BIDS ON: NS13-1 PARCELS

Dear Ms. Bonnell-Eisnor:

At the September 25, Fisheries Advisory Committee meeting of the CNSOPB-FAC, Nichole Bush with the CNSOPB, informed the Committee about the call for bids, noted. With that information and presentation, the Committee was invited to make or submit appropriate comments to the Rights Management Office of the CNSOPB.

As noted at the meeting and later to the FAC Chair, the greatest majority of the "snow crab fishery" is conducted by Aboriginal Communities. Also, the Aboriginal Snow Crab Fishery is sort of speak; "smack dab in the regions of Parcel #1 and #2, and in the upper regions of parcels #2, #3, #4, #5 and #6.

Trite but worthy of repeat, the Aboriginal Communal Commercial Fisheries as communal fisheries, are distinct from the non-aboriginal individual fishery. The Supreme Court of Canada in many decisions and notably the Sparrow and Marshall decisions, informed "Decision Makers" that adjudicated Aboriginal Peoples Rights to resources are Constitutional Rights guaranteed the Aboriginal Peoples.

On the matter of access to a share of the fishery resources for the moderate livelihood of Aboriginal Peoples, the Court noted: "The Minister (DFO) has ample tools in the form of; licenses, leases, permits and quotas to accommodate the entry of Aboriginal Peoples into the modern fishery". Such entry is in keeping with the goals of the Constitutional protections and guarantees - reconciliation.

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Since 1993 and post Marshal, 1999, the Minister of Fisheries and Oceans Canada, issues "Communal Commercial Fishery Licenses, leases, permits or quotas" to Aboriginal Communities for Community Benefit.

These Aboriginal Communal Commercial Licenses (leases, permit, quotas) are unique and confer community access to fishery resources which are Constitutionally Paramount to any other leases, licenses, permits or quotas issued by any other single or joint authority for any like or other resources.

Where the Aboriginal Communities have Communal Commercial Fishery Resources Licenses to the snow crab fishery for direct community benefit, and where the annual snow crab collectively harvested in the parcel bid areas represents an Aboriginal Harvest Benefit of over one hundred and fifty million dollars, I urge the CNSOPB to both consider this reality and make it known to prospective bidders

Let us not assume that bidders should learn about the Aboriginal Snow Crab Fishery on their own, The CNSOPB should let bidders know this reality in the bid documents. We should also not assume that the fishery and oil and gas exploration and development cannot co-exist in harmony.

There is an opportunity for both Councils and Oil/Gas Companies to meet and work out arrangements for works, activities, projects and developments, where mutual interests, understanding and benefits are realized co-operatively. With the full and effective participation of the Aboriginal Communities concerned, issues such as manner of works, time of activities, area of use and mitigation of impacts to the living snow crab can be worked out to realize harmony.

A note of caution, it would be foolish and counterproductive for any bidder to advance their planning for any activity on those parcels, without the full and effective participation of either the Native or Band Councils concerned. These six parcels and their snow crab resources change the business model.

I remain expecting your highest deliberations and fairest determination for all interests sharing the waters and resources of the Canada - Nova Scotia Off-shore, in and around the near and far shore waters of the Mi'kmaq Peoples of this Region.

Advancing, Promoting and Advocating the Reality of the
Maritime Off-Reserve Community of Aboriginal Peoples



Roger J. Hunka
Director of Intergovernmental Affairs

RJH;jh

CC NCNS, Chief Grace Conrad
Netukulimkewe'l Commissioner, Tim Martin
MAARS, Director Roger Hunka
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FAC Chair, Eric Theriault