

MEDIA RELEASE

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Maw-lukutijik **Saqmaq**
Assembly of Nova Scotia
Mi'kmaw Chiefs

Assembly Demands Accountability on Highway 101 Project

Mi'kma'ki – Maw-lukutijik Saqmaq (Assembly) is calling for meaningful consultation and immediate action on the Highway 101 Twinning Project.

Since the Province declared a state of emergency on June 1, 2023, and closed the Avon Causeway gates to create an artificial reservoir, the Assembly has repeatedly urged the use of avoidance and mitigation measures to uphold Mi'kmaw Treaty Rights, protected under Section 35 of the *Constitution Act*, and to ensure that fish passage is free and unimpeded.

“Although Nova Scotia has publicly said they are open to conversations with stakeholders, they continue to overlook the Rights holders,” said Chief Sidney Peters, Co-Chair of the Assembly. “Our concerns remain, and despite trying to communicate that to the provincial and federal governments, they seem to be ignoring us completely.”

Recently, Strum Consulting conducted an independent review of water resources in the Pisiquid area (Avon River) and reported that alternative water sources do exist for wildfire suppression, despite what Nova Scotia continues to allude by their ongoing state of emergency. While Nova Scotia was made aware of many of these alternative sources in letters sent by the Assembly throughout this state of emergency, they have yet to be substantively discussed with the Mi'kmaq.

“We recognize that true emergencies require immediate solutions,” continued Chief Peters. “We communicated that to the Province and respected the emergency order being temporarily put in place in 2023. But this has become a long-term solution that is clearly not working. Their controversial infrastructure with no clear timeline, without adequate consultation is now dishonouring the law, our Treaties and the environment.”

Various levels of government have previously invested over \$2 million in mitigation efforts for non-emergency issues, such as dust control, the relocation of the Pisiquid Canoe Club and support for Ski Martock. Yet, no similar urgency or investments have been made to protect Mi'kmaw Rights or restore the tidal ecosystem. Most recently, the West Hants Regional Municipality has committed over \$360,000.00 to pump water from the Avon River to top up a municipal drinking water supply in Mill Lake. The municipality has touted benefits that include potential for “permanent additional water supply for long-term needs of water demand for future development” and being critical for “long-term resilience and regional water security”.

In response to the project, the Department of Fisheries and Oceans (DFO) issued an Emergency *Fisheries Act* Authorization and agreed to allow the Avon causeway gates to be completely closed to eliminate the limited saltwater entry that has been occurring to provide minimal fish passage since the Province declared their emergency in 2023.

“This all comes as a surprise to us,” continued Chief Peters. “Emergency *Fisheries Act* Authorizations circumvent the consultation process with the Mi’kmaq of Nova Scotia as they do not require environmental offsetting. This is deeply disturbing to our needs and perspectives.”

The Assembly is currently reviewing the Province’s application for a new gated structure and brackish lake operating scenario, which with the emergency authorization now seems to be once again shifted back to a freshwater scenario, despite this being previously rejected by DFO due to the lack of fish passage it would provide.

“Nova Scotia and Canada must end the misuse of emergencies and emergency authorizations, respect our Treaty Rights, and consult in good faith. We are also calling on Nova Scotia to ensure that the proposed new highway bridges crossing the Avon are built to serve as stand-alone bridges to avoid the opportunity to play emergency trump cards in the future, if their proposed new gated structure were to not pass fish as intended. The gates proposed must be able to provide free passage of fish before an untested and unproven design can be entertained,” said Chief Peters.

The Assembly expects full participation in all future decisions and that the natural flow of the Avon River to be restored. It is time for Nova Scotia to see that meaningful consultation on Mi’kmaw Rights, public safety and the environment is required.

Quick Facts:

Key findings and recommendations from the report include:

- There is sufficient discharge from the Avon River system to provide adequate water flows for fire-resourcing in the Pisiquid area without the need to impound water above the Avon Causeway.
- Strum found that the following can be utilized to further bolster available firefighting resources:
 - 39 viable water sources (lakes and ponds) within 5 km of the site to support aerial firefighting.
 - Utilization of the recently extended Falmouth boat ramp
 - A new water storage tank in Three Mile Plains is said to be operational by Fall 2025.
 - Two engineered storage ponds could be constructed for just \$208,000 (plus land costs).

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