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March 26, 2026

Terry Hubbard, President of Impact Assessment Agency of Canada
Impact Assessment Agency of Canada
22nd Floor, Place Bell, 160 Elgin Street
Ottawa, ON K1A 0H3
Sent via Email

**Re: East Coast Environmental Law’s Early Comments on the Regional Assessment of
Exploratory Oil and Gas Drilling in the Offshore Area of Nova Scotia**

Dear Mr. Hubbard,

As we continue to grapple with the realities of anthropogenic climate change, one thing is clear: the world, Canada, and Nova Scotia must transition away from using fossil fuels to generate energy. Today, the Government of Canada and Government of Nova Scotia are laying the foundations for an offshore wind industry that has the potential to build sustainable prosperity for Nova Scotians and contribute to Canada’s clean energy future. Offshore wind developments and other clean and renewable energy projects are not only the way of the future—they are the projects that offer generational opportunities to improve Canada’s energy security, local economies, and climate resilience today. These are the projects that can “build Canada strong” while creating good jobs, spurring technological innovation, and lowering carbon emissions.

By contrast, offshore oil and gas development is now a legacy industry in Nova Scotia. Currently, there are no active offshore oil or gas developments in the ocean around Nova Scotia—in fact, it has been nearly a decade since offshore oil or gas were produced in these waters. Government interest in reviving this legacy industry is out of touch with the reality of the climate crisis, and it is also out of step with the admirable efforts that are being made to support the development of clean, renewable, and sustainable energy sources in the offshore. Now is the time for Nova Scotians to bring their maritime skills and expertise to offshore industries that can offer sustainable development and sustainable prosperity for Nova Scotia. It is not the time to try to breathe new life into an offshore oil and gas industry whose time has already passed.

As an organization that supports an equitable energy transition away from fossil fuels and toward clean, renewable, and sustainable energy sources like offshore wind, East Coast

Environmental Law (“ECEL”) opposes new oil and gas exploration and development in Nova Scotia’s offshore.

On December 1, 2025, the Premier of Nova Scotia, Tim Houston, sent a letter to the Minister of Environment and Climate Change Canada, Julie Dabrusin (the “**Minister**”), requesting a Regional Assessment (“**RA**”) of exploratory oil and gas drilling in Nova Scotia’s offshore.¹ The Premier sought an “expedited” RA like the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador (the “**NFLD Oil and Gas RA**”) as a “faster path to petroleum exploration”.² The Premier complained about the lack of a comparable RA for Nova Scotia and called for the proposed RA to be completed within six months. The Premier’s stated need for a quick turnaround is that the industry is “well-understood” and has operated in Nova Scotia for decades.³ On February 11, 2026, the Minister responded to Premier Houston’s letter, informing him that she had authorized the Impact Assessment Agency of Canada (the “**Agency**”) to work in collaboration with the Government of Nova Scotia to conduct a Regional Assessment of Exploratory Oil and Gas Drilling in the Offshore Area of Nova Scotia (the “**proposed RA**”).⁴ The Minister has indicated that the proposed RA “would be expected to be completed in Fall 2026”.⁵

ECEL has been involved in every RA proposed, being conducted, or completed under the *Impact Assessment Act*. We have an interest in environmental impact assessments (“**EIAs**”) as legal processes; we regularly engage with members of the public, governments, and community, environmental, and Indigenous-led organizations across Canada on EIA topics; and, we participate regularly in project-level EIAs as well as RAs. ECEL is a member of the Canadian Environmental Network’s Environmental Planning and Assessment Caucus, which regularly provides submissions and advice to the Agency.

RAs conducted under the *Impact Assessment Act* are intended to address regional impacts—both negative and positive—of industries and activities, to assess the cumulative and interacting effects of those industries and activities, and to identify how projects can contribute to regional sustainability. RAs must be considered within a tiered structure of regional assessment, strategic assessment, impact assessment, and other decision-making processes, where the broad analysis conducted in an RA contributes to effective and efficient project-level evaluation. We have grave concerns that the motivation for the proposed RA is not intended to meet those core assessment goals but rather to expedite oil and gas development and avoid critical project assessments that exist to protect Canadians, the environment, and the economy.

Any new RA in Nova Scotia must contribute to our understanding of how projects and human activity contribute to long-term sustainability in the region. A new RA in the offshore is an opportunity to apply lessons learned from other RAs and to conduct and apply a cumulative

¹ Premier Tim Houston, “[Regional Assessment for Petroleum Offshore Nova Scotia](#)” (December 1, 2025) [“**Premier’s Letter**”].

² *Ibid* at page 1.

³ *Ibid* at page 2.

⁴ Minister of Environment and Climate Change Canada, “[Minister’s Response](#)” (February 11, 2026) [“**Minister’s Response**”].

⁵ *Ibid*.

effects assessment in the region. Used in this way, an RA can provide a better understanding of Nova Scotia’s offshore and contribute to more effective and efficient impact assessment and decisions for future development.

The proposed RA ignores the difficult lessons already learned about how to conduct an RA.

Minister Dabrusin has stated that the proposed RA would “incorporate any relevant learning” from the NFLD Oil and Gas RA. Respectfully, if the Minister expects the proposed RA to be complete by the autumn of 2026, those lessons have not been learned.

The shortcomings of the NFLD Oil and Gas RA have been well documented, and its short duration (less than one year) contributed mightily to its poor reception and limited influence.⁶ The NFLD Oil and Gas RA Committee acknowledged in its final report to the Minister that assessing and evaluating the risk of offshore oil and gas drilling was beyond its ability because of limited time and resources. The Committee highlighted significant gaps in the collective understanding about the risks posed by oil and gas drilling for marine mammals, benthic species, corals, and sponges.⁷ The short timeline also raised serious issues about the ability of participants to meaningfully engage in the RA. Participants were frequently given materials and information with little time to prepare and contribute feedback. Notoriously, the geographic information system created during the RA, which the Committee heavily referenced and cited throughout its draft and final reports, was only completed months after the Committee provided the Minister with its final report.⁸

Conversely, the Regional Assessment of Offshore Wind Development in Nova Scotia (“**NS OSW RA**”) and the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador (“**NL OSW RA**”) were received relatively positively. Although the respective RA Committees were given more time than that which was dedicated to the NFLD Oil and Gas RA and still identified significant information and knowledge gaps about the offshore areas—gaps that will need to be addressed to assess impacts of any development in the offshore—they provided concrete recommendations to support how those gaps could be addressed. The Committees also conducted extensive public engagement and provided opportunities for advisory groups, participants, and the public to influence decisions made throughout the RAs, including influencing constraints analyses which guided subsequent evaluations and outcomes. One of the keys to success was ongoing engagement, and multiple opportunities for that engagement that accommodated participants’ abilities, capacities, and time.

Based on years of experience participating in RAs, engaging on EIA matters and in project-level assessments, and working with EIA experts and expert organizations, we recommend that the Agency pause planning of the proposed RA and engage with experts to determine an appropriate path forward for any future RA process in Nova Scotia’s offshore. An RA is a

⁶ For example, see East Coast Environmental Law, “[Narrative Report: Newfoundland and Labrador Regional Assessment of Offshore Exploratory Oil and Gas Drilling](#)” (January 2024).

⁷ *Ibid* at page 17.

⁸ *Ibid*. See also [Ecology Action Centre v Canada \(Environment and Climate Change\), 2021 FC 1367](#) at paragraph 50.

regional-level planning and assessment process within a tiered assessment and decision-making framework that is intended to address cumulative effects and sustainability, and the proposed RA must address those issues. A six-month RA intended to exempt offshore exploratory oil and gas drilling projects from future impact assessment is an inappropriate use of time and resources and far removed from the intended purpose of RA as a sustainable development planning tool.

Fast RAs are not effective or efficient.

We would like to point to the following comments by the NFLD Oil and Gas RA Committee to the Minister of Environment and Climate Change Canada, provided in the Committee's final report (our underlining):

Completing the Regional Assessment did present some challenges. One was the abbreviated time given to the Committee to fulfil its task. This not only limited the Committee's ability in preparing the Report but also reduced public confidence in the Committee's work and the opportunities for others to contribute. Another was gaining the support of all the parties who should have been available to facilitate our work resulting in significant, additional effort to access important expertise. Nevertheless, the Committee was well supported by the Agency and those willing to participate, and our final product is one the Committee is proud of.⁹

Timelines have been an issue in every RA started or completed under the *Impact Assessment Act*. In all three completed RAs, including the NFLD Oil and Gas RA, the RA Committees needed, requested, and received more time to complete their work. As another example, the Committee for the NS OSW RA noted in its final report that more time was needed because it was essential for effective and meaningful engagement (our underlining):

Through summer and fall of 2023, it became apparent to the Committee that effective and meaningful engagement with fish harvesters, Indigenous participants, the public and experts was critical to the quality and credibility of the Committee's work and that without such input the expected TOR timelines and deliverables could not be met. Following a request by the Committee, the Minister agreed to the submission of an Interim Report by the end of March 2024 focused on potential areas for development, to be followed by a Final Report in January 2025 addressing all other components of the TOR.¹⁰

The NFLD Oil and Gas RA was originally slated to be complete in under a year and took approximately 11 months after a time extension. The NS OSW RA and the NL OSW RA were both

⁹ Committee for the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador, "[Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador: Final Report](#)" (February 2020) [the "**NFLD RA Final Report**"]. See the attached cover letter.

¹⁰ Committee for the Regional Assessment of Offshore Wind Development in Nova Scotia, "[Regional Assessment of Offshore Wind Development in Nova Scotia: Final Report](#)" (January 2025) at page 60.

originally slated for completion in 18 months, but both lasted approximately 22 months. The Regional Assessment of the Ring of Fire Area is intended to be completed in 30 months. The trend has been towards longer, not shorter, RAs.

Short RAs risk undermining both their effectiveness and their efficiency. Compressed timelines are not conducive to meaningful consultation and engagement, and they therefore increase the likelihood that consultation will be viewed as inadequate and therefore vulnerable to litigation. Short timelines also make it difficult to complete the baseline data gathering and technical analysis necessary to establish a robust foundation for decision-making. Finally, cumulative effects assessment is a complex, iterative process that can significantly improve decision-making when conducted rigorously. Attempting to complete this analysis within unrealistic timelines undermines its value and risks producing conclusions that are insufficient to guide future planning or decisions.

The time provided for the completion of the proposed RA must be sufficient for a cumulative effects assessment and meaningful consultation and engagement. Based on the trend towards longer RAs (and recognizing that none of the RAs described above succeeded in completing a cumulative effects assessment), we would argue that the proposed RA must be at least two years in duration. For these reasons, we recommend that the proposed RA be given a minimum of 24 months to be completed.

An RA in Nova Scotia's offshore must address cumulative effects.

A primary objective of an RA is to assess regional cumulative effects and to inform sustainable development. That objective is supported in the Agency's guidance on RAs, which reads:

The central objective of regional assessments under the *IAA* is to improve the effectiveness and efficiency of future federal impact assessment processes and decisions, which includes improving the understanding of cumulative effects in a region.¹¹

In 2024, the Technical Advisory Committee on Science and Knowledge ("**TAC**"), which provides expert advice to the Agency on topics related to impact assessment, was tasked with providing advice on how to assess cumulative effects in RAs.¹² In a report to you on April 8, 2025, the TAC advised that cumulative effects assessments ("**CEAs**") occurring as part of a project-level impact assessment are "often limited in their scope and ability to identify, assess, and manage cumulative effects and their interactions [...]".¹³ The TAC's reflection about the lack of effective CEA at the project-level is neither groundbreaking nor a revelation. Project proponents, communities, experts, and even RA Committees have highlighted this gap repeatedly. In our

¹¹ Impact Assessment Agency of Canada, "[Policy Framework for Regional Assessment under the *Impact Assessment Act*](#)" (current to December 18, 2025) at section 4.

¹² Technical Advisory Committee on Science and Knowledge, "[Cumulative Effects Assessment in Regional Assessments – Advice from TAC](#)" (April 8, 2025) at page 1.

¹³ *Ibid* at page 1.

view, the Premier and the Minister cannot assume that we know about the effects of offshore oil and gas exploration in the ocean around Nova Scotia when we do not know about the cumulative effects of such activities and when recent attempts at understanding cumulative effects in the offshore have fallen short. For example, the TAC noted that CEAs in RAs have “rarely been fully realized either because a CEA was not undertaken or because it fell short”.¹⁴

Here, we note again with concern the comments of the NFLD Oil and Gas RA Committee, which stated it did not have time to conduct a CEA (our underlining):

The Report is intended as both a decision-support and a planning tool. One example is the treatment of cumulative effects. In this case the Committee had neither the time nor the capacity to evaluate cumulative effects in a predictive / quantitative sense, but rather the focus of the assessment was from a planning perspective with the outcome being a suggested mechanism by which cumulative effects might best be managed.¹⁵

Per the NFLD Oil and Gas RA Follow-up Program Advisory Committee’s most recent progress report (2024-25), efforts to address cumulative effects are ongoing.¹⁶ Recently, some of the activities meant to address cumulative effects—including cumulative effects mapping—were placed on hold due to changes in funding.¹⁷

In its advice to the Agency, the TAC provided four generally applicable principles for conducting CEAs in RAs, and we strongly urge the Agency to heed the advice, which includes examples of best practices for drafting terms of reference for committees conducting regional CEAs. We recommend that the Agency solicit views and expertise on how to conduct a CEA for the proposed RA and that the Agency consider the advice of the TAC in that regard.

The Minister’s Advisory Council on Impact Assessment (“**MINAC**”) has provided advice to the Minister about RAs in all three of its reports. In its 2025 report, the MINAC summarized its advice as follows (our underlining):

In its first report, the Council made recommendations relating to the establishment of good practice in regional assessment, including clear definitions for both regional and strategic assessment, the role of IAAC and potential committees in governance for both processes, public engagement, and evaluation. In its second report, the Council recommended that cumulative effects be positioned as one of the central objectives of regional assessments in order to guide the assessment of individual projects. The Council also recommended that regional assessments not be used to exempt entire classes of projects from individual impact assessment. This concern arose from decisions that had been made in the first regional assessment to be carried out under the IAA,

¹⁴ *Ibid.*

¹⁵ NFLD RA Final Report at page 196.

¹⁶ Impact Assessment Agency of Canada, “[Follow-up Program Report for 2024-2025: Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador](#)” (December 2025) at page 13.

¹⁷ *Ibid.*

which was for exploratory drilling in Newfoundland and Labrador. The Council was pleased to note that the Minister agreed with this recommendation.¹⁸

In the same report, the MINAC made the following recommendation:

The Council recommends that the Minister place increased emphasis on the design and implementation of regional and strategic assessments, in collaboration with willing partners (including Indigenous Peoples, provincial or municipal governments, proponents, and environmental organizations) in order to mount an effective response to the biophysical, social and economic risks posed by unintended cumulative effects.¹⁹

Again, the advice is clear that CEA must be central to any RA. We recommend that the proposed RA be designed and appropriately resourced to assess and address cumulative effects.

Energy development in Atlantic Canada’s offshore must be sustainable.

ECEL has been advocating for the responsible development of offshore wind, which in our view, requires high-level assessment to inform and feed into project-level assessment. For several years, we have been engaging in the law reform initiatives, RAs, and public engagement processes that have been laying the foundations for offshore wind development in Atlantic Canada. We support responsible offshore wind development in the region because we believe it can contribute meaningfully to climate change mitigation and a sustainable energy future. We also believe that strong environmental laws and regulatory practices, developed by learning from best practices in offshore wind regulation around the world, can facilitate the effort to harness sources of offshore renewable energy while safeguarding marine and coastal ecosystems and minimizing conflicts with other ocean users.

ECEL is a member of the Atlantic Offshore Wind Coalition (the “**AOSWC**”), which is working to support the renewable energy transition by advancing responsible offshore wind development as a key part of Atlantic Canada’s clean energy future. If developed responsibly, offshore wind—combined with energy storage, efficiency upgrades, and strong ocean protections—can create local jobs, benefit communities, and play a vital role in decarbonizing Canada’s power grid. The other member organizations are the Ecology Action Centre and the Sierra Club Canada Foundation.

As EIA scholars and practitioners have frequently commented, the *Impact Assessment Act* is part of the next generation of EIA focused on long-term sustainability. When we consider how RA can make other EIA processes more effective and efficient, we understand those terms in the context of the purposes of the *Impact Assessment Act*, which is intended to foster sustainability. An RA is an important tool that can contribute to our understanding of how projects may make

¹⁸ Minister’s Advisory Council on Impact Assessment, “[Third Report to the Honourable Julie Dabrusin Minister of Environment and Climate Change](#)” (2025) at page 16.

¹⁹ *Ibid* at page 17.

net contributions to sustainability. A sustainability-focused RA will contribute to the identification of development scenarios, spatial planning, and the establishment of criteria and methodologies that can be used to evaluate projects through a sustainability lens that maximizes positive effects and minimizes or prevents adverse effects. We recommend that the proposed RA be designed to include a sustainability analysis that considers the long-term positive and adverse impacts of offshore oil and gas exploration—including the downstream impacts of offshore oil and gas development—and assess whether those impacts will have a net positive effect on Canada’s and Nova Scotia’s people, environment, and economy.

The development of an RA should include meaningful Indigenous consultation and public engagement.

Early and ongoing consultation and engagement can build trust in decisions, develop social acceptance, and avoid unnecessary litigation. Meaningful consultation and engagement also help to identify and reduce potential conflicts with other ocean uses like offshore wind development and marine protection during any potential future project planning, assessment, and development. Our experiences during the NS OSW RA and NL OSW RA were positive: early and ongoing engagement between the RA Committees and the public meant that genuine challenges and opportunities were identified and addressed through dialogue and communication. When conflicts and differences of opinion remained, everyone was nevertheless better informed and equipped to have constructive conversations, which can lead to positive outcomes.

We understand that early discussions have already begun between representatives of the Nova Scotia Department of Energy and the Agency and that discussions have also included Natural Resources Canada and the Canada-Nova Scotia Offshore Energy Regulator.²⁰ There has been no indication of whether the Government of Nova Scotia or Government of Canada have begun engaging with the Mi’kmaq of Nova Scotia on the proposed RA. We recommend that the Government of Canada and the Government of Nova Scotia meaningfully consult with the Mi’kmaq of Nova Scotia and other Indigenous peoples whose rights may be impacted before initiating the proposed RA.

Meaningful public participation is also crucial to the success of any RA. Meaningful public participation means early engagement, opportunities to inform the design and development of an RA, and sufficient time and funding to engage and participate throughout the process. As noted above, we do not consider a six-month RA to be sufficient to provide time for meaningful engagement. We recommend that the Agency provide meaningful opportunities for the public to inform the design and development of the proposed RA, including sufficient time and funding for participation.

²⁰ Minister’s Response.

In conclusion, the Agency should reconsider the objectives and purpose of the proposed RA.

Nova Scotia and Canada are at a pivotal moment. Now is the time to draw on our collective expertise and experience to develop the offshore in a way that supports our long-term sustainability goals and supports industries—like offshore wind—that are compatible with our commitments to ecological and community health, biodiversity, and climate justice. Attempting to revive offshore oil and gas through a rushed RA is not consistent with these goals and risks undermining them.

The proposed RA risks repeating the shortcomings and failures of the NFLD Oil and Gas RA. A rushed RA process motivated by expediency rather than sound planning, meaningful engagement, robust CEA, and long-term sustainability will not deliver a robust, credible, effective, or efficient outcome. A good RA requires the Agency (or appointed Committee) and participants to have sufficient time to gather information and knowledge, engage in dialogue and learning, and build public confidence and trust.

Notwithstanding our opposition to offshore oil and gas exploration and development, we intend to engage fully in the proposed RA, with our intention being to make the process as rigorous, inclusive, and capable of achieving the key goals of RA as is possible under the circumstances.

We look forward to your response.

Sincerely,

<Original signed by>

Mike Kofahl
Staff Lawyer
East Coast Environmental Law

cc: The Honourable Tim Houston, Premier of Nova Scotia and Minister of Energy
The Honourable Julie Dabrusin, Minister of Environment and Climate Change Canada
The Honourable Tim Hodgson, Minister of Natural Resources Canada
The Honourable Tim Halman, Minister of Nova Scotia Environment and Climate Change