

Question and Answer – Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador

Submitted to the Regional Assessment Committee
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July 19, 2019

- a. What do you consider to be the main objective and desired outcome of this Regional Assessment? What should it contain and do, and how should it be used?*

From the Nunatsiavut Government (NG) perspective, the main objective of the Regional Assessment is to establish thresholds for responsible development of offshore resources. The desired outcome of this Regional Assessment should include a database that clearly delineates existing offshore information, data gaps that should be filled prior to approving exploratory drilling, and the physical areas where these data gaps exist. Thresholds should be created for offshore areas that have too many data gaps and therefore require a full, project-based environmental assessment under the Impact Assessment Act (IAA).

As this is one of the first Regional Assessments (RA) in an offshore context, the RA should contain mechanisms for review of both the process of developing the RA as well as the content of the RA. It is imperative that lessons learned are documented prior to the creation of other RAs in the Atlantic offshore.

The Regional Assessment should be used to merge existing information from previous project-based environmental assessments, Strategic Environmental Assessments, monitoring programs, traditional knowledge, and scientific studies in the area. This cumulation of data should assist proponents in more robust project-based environmental assessments. In addition, the Regional Assessment should provide proponents with the general information required in all projects EAs, such as oil spill trajectory modeling and sound attenuation modelling.

- b. Are there particular components and issues that you think the Regional Assessment should focus on and seek to address?*

The Regional Assessment should include robust methods for proponents to use the provided information to assess cumulative effects. It should enable proponents to analyze the impacts of different scenarios of past, present and future projects. It should also incorporate other industries such as fisheries and transportation. Current practice in environmental assessments tend to list projects but do not show the work of how the proponent assessed the cumulative impacts of the known projects. Therefore the RA should provide guidance on best practices for cumulative effects.

Data gaps, particularly in areas that have not historically encountered exploratory drilling, should be prioritized for research via programs such as the industry-supported Environmental Studies Research Fund. Until the gaps are filled, the Regional Assessment

should clearly state that these areas will require a full environmental assessment. As the Impact Assessment Act contains a clause that allows parties to request a Ministerial review of excluded projects, providing information to proponents on areas that still require full project EAs will avoid delays.

The RA should contain stated timelines for reviews and updates. These reviews should include but not be limited to information and data, best practices in mitigation for exploratory drilling activities, and best practices in environmental assessment. Currently the Nunatsiavut Government and C-NLOPB are co-chairs of updating the SEA for the Labrador Shelf Offshore Area. The NG is aware that the co-led process with indigenous groups, might add extra time and work, but it will produce a functional document. This approach might be considered a best practices in developing RAs for the NL offshore area.

c. Do you have any perspectives on the scope of the Regional Assessment, including the particular exploration activities that it should cover, its study area, or other factors?

The scope of the Regional Assessment is not clear on how it would assess economic and social impacts. If the RA is to be consistent with the Impact Assessment Act, social and economic impacts should be included in the scope of the assessment. It should provide baseline data from which proponents assess the economic and social impacts of exploratory drilling.

There is concern over the areas included in the RA that are likely to have many environmental data gaps, particularly the eastern part of the study area. Maybe in areas with large data gaps, a precautionary approach should be pursued. In addition, protected areas should be highlighted in the RA and excluded from oil and gas activities.

d. Do you have any suggestions on available environmental datasets or other information sources that should be accessed and used in the Regional Assessment?

The Nunatsiavut Government is the co-chair of the Labrador Shelf Strategic Environmental Assessment. This SEA is undergoing an update and will include traditional knowledge. As the boundary between the Eastern Newfoundland RA and the Labrador Shelf area is politically determined, it would be beneficial to review the update to assess any information that could be applied to the northern parts of the Eastern Newfoundland RA. Indigenous involvement can lead to a better document.

e. Do you have marine associated activities and interests related to the Regional Assessment that you would like to discuss? Can this Regional Assessment add value to the efforts to manage marine resources?

The Nunatsiavut Government holds three commercial Groundfish licenses relevant in NAFO Areas 2J3KL. The Regional Assessment will add value to the efforts to manage these marine resources by ensuring detailed modelling of oil spills, including blow outs and ship-based spills. In consultation with Indigenous groups and other stakeholders, the RA can develop a

spill compensation program based on this modelling, which can be adapted by proponents in relation to their specific drilling program.

The Regional Assessment could also add value to information regarding subsistence harvesting species in the marine environment. As some of these species are migratory, it is important to understand the impacts of exploratory drilling on their migration routes.

f. Do you have suggestions for potential approaches for sharing and using Indigenous Knowledge in the Regional Assessment?

Clustering specific data to avoid issues of privacy and proprietary data is the most efficient way to apply indigenous knowledge to larger assessments. The NG suggests reviewing the methodology of the recent update for the Labrador Shelf Strategic Environmental Assessment. In addition, a regional assessment should include indigenous groups in its leadership to ensure the proper use of this data. In certain circumstances, confidentiality agreements that outline use parameters will be helpful, as well as allowing for review of the final product by the providers of indigenous knowledge prior to its release. If a Regional Assessment is planned for the Labrador offshore, the Nunatsiavut Government expects to be involved from the initial stages and to co-manage the process.

Currently the Nunatsiavut Government is developing “Imappivut,” the Nunatsiavut Marine Plan, which will include areas in the Labrador Inuit Land Claims Agreement as well as a co-management plan out to the 200-mile Exclusive Economic Zone. Indigenous Knowledge will be a key component of this plan and should be incorporated into the Regional Assessment as it becomes available.

Recently, the Nunatsiavut Government co-lead with DFO a Canadian Science Advisory Secretariat (CSAS) process and associated report regarding a marine area in Labrador. This document is one of the first times DFO has let an Indigenous group co-lead the development of a Federal document that put scientific and Indigenous Knowledge on an equitable level and this should be incorporated into the Regional Assessment once finalized.

g. Are there any mitigation and monitoring/follow up measures that you think should be implemented for future exploratory drilling activities in the Study Area? This may include perspectives on the adequacy of current measures and any suggestions for new ones – either in general or for specific situations.

The Nunatsiavut Government is concerned about the impacts of noise on marine life, as well as the impacts of potential spills on commercial fisheries. Although exploratory drilling commonly uses vertical seismic profiling with less impact than larger seismic projects, project descriptions for exploratory drilling commonly include 2D seismic. In this case, the RA should use the most recent information regarding mitigations, such as the Review of Mitigation and Monitoring Measures for Seismic Survey Activities in and Near the Habitat of Cetacean Species at Risk (2015) <https://waves-vagues.dfo-mpo.gc.ca/Library/364484.pdf>. The Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment has recently undergone a detailed review; when the final iteration of

the Statement is released it should be incorporated into the RA along with associated documents from the Canadian Science Advisory Secretariat.

Regarding spills, the NG recommends prioritizing safety and quality control on rigs in the offshore. Some production companies provide bonuses based on production, or promote competition between shift crews. This creates an environment where employee safety and environmental protection may be compromised over production. The NG recommends the RA ensure that any operation in the offshore not be allowed to provide production bonuses.

Oil spill cleanup from both ship-based spills and underwater blowouts are commonly assessed in ice-free environments. If a spill were to occur on the northern boundary of the Eastern Newfoundland REA area at the end of the drilling season, clean up may require dealing with ice and ice migration. The REA should include information on clean up practices in ice-covered waters, including clean up methods from 1/10 to 9/10 ice coverage.

Monitoring and follow up programs for the oil and gas sector in the eastern offshore have been inconsistent and especially unclear how information from project-based EAs is used to improve practices. The RA should outline basic requirements for monitoring and follow-up programs for exploratory drilling. Most importantly, it should specify how project-level information from monitoring and follow up programs will feed into research, existing data sets, and larger initiatives (such as SEAs) to improve practices and mitigations over time.

h. Do you have any suggestions around the nature of the format of the eventual Regional Environmental Assessment “product” that the Committee will develop and submit to the Minister?

The format of the Regional Assessment should provide both proponents and EA participants with full access to the data used for individual project assessments. Previous answers in this documents provide information on what should be included in the product. Ideally, an interactive database will provide physical, environmental, social and economic information for EAs, and an interactive website can provide information on monitoring requirements and other factors discussed above. The NG recommends against creating one large document that may sit on a shelf unread.

It is important for proponents and other EA participants to understand the limitations and uses of the data within the RA database. Therefore, the “product” should allow for the shapefiles and polygons to be linked to its original source, such as a research paper or previous monitoring program.

i. Do you have any perspectives or preferences on how future engagement activities for the Regional Assessment should be carried out (format, timing, participation)?

As the proposed end date for submission of the RA to the Minister is September 2019, the NG recommends asking these types of questions much earlier in the process. It seems that the concept of a database has been set without early feedback from stakeholders and rights holding organizations like Indigenous groups. In the future, the Regional Assessment should

be reviewed at set intervals and contain review procedures that specifically prioritize early consultation.

Ideally, at a minimum a month notice is required to ensure those in the Nunatsiavut Government are able to attend a meeting. It is best if the RA representatives are able to visit the Nunatsiavut Region. Visual maps are very helpful, as are slides that provide an understanding of where the Regional Assessment process is at. In the future, please provide questions such as these in advance so that we may have more detailed discussions at meetings. It was unclear in previous communications how the meeting times would be chosen, which left us waiting for more information. Please be clear if you are meeting with one group at a time, and who should choose the dates for the meeting.

Thank you for engaging with the Nunatsiavut Government, we look forward to further discussions regarding the Regional Assessment.