NUNATSIAVUT
kavamanga Government
Nunaliginikmik amma Nunamiutanik Ujaganik Imaniklu
Lands and Natural Resources

Regional Assessment Committee
c/o Virginia Crawford
Senior Advisor, Indigenous Consultations, Strategic and Regional Environmental Assessments
Impact Assessment Agency of Canada / Government of Canada
Email: virginia.crawford@canada.ca
Tel: 902-401-0361

February 21, 2020

Subject: Comments on the Draft Regional Assessment Report for the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador.

Dear Ms. Crawford,

Please accept this letter in response to the request for comments on the Draft Regional Assessment Report for the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador. The Nunatsiavut Government (NG) appreciates the opportunities to participate in the Regional Assessment (RA) to date, while also acknowledging that review timelines have been short and inappropriate for appropriate review and inclusion of feedback.

There are significant areas of concern reflected in our comments on the Draft Report, including the omission of critical information related to rationale and references, significant data gaps and how this should relate to following the Precautionary Principle and regulatory best practices, and the lack of appropriate consideration given to cumulative effects and climate change in the context of an ecosystem-based approach.

Attached to this letter are the Nunatsiavut's Governments issues and concerns with the current Regional Assessment Report. We look forward to working with the Regional Assessment Committee to address these issues and concerns.

Sincerely,

<original signed by>

Rodd Laing
Director of Environment
Nunatsiavut Government
Nain, NL
A0P -1L0

<original signed by>

Claude Sheppard
Director of Non- Renewable Resources
Nunatsiavut Government
Nain, NL
A0P-1L0

Detailed issues related to the Draft Report of the Regional assessment of offshore oil and gas exploratory drilling East of Newfoundland and Labrador

1. *Omissions within the Assessment*

The NG appreciates that the main intent of the RA is to improve the efficiency of the duplicative impact assessment process. There are some omissions within the Regional Assessment that would impede that efficiency, most notably the complete omission of a baseline of the physical environment (sound levels, salinity, acidity, depth, bottom type, etc.). In addition, there needs to be an integrated understanding of interactions and functions among the biological community towards a rigorous understanding of potential impacts to biodiversity both within and outside the Study Area. These data are critical to understanding the marine environment and the absence of these data in the Regional Assessment is concerning. It is the expectation of the Nunatsiavut Government that the Precautionary Principle is being followed, which is currently not happening in the Newfoundland and Labrador Offshore Some of these factors may be housed within the GIS platform, however the physical environment should be acknowledged within the RA itself, as it provides an important baseline for impact assessment.

In particular, baseline sound levels in the offshore is essential to impact assessment if, as stated in the Draft Report, many of the exploratory drills may be located in a concentrated area. There is little assessment on the mitigation of drilling noise, especially for the large number of possible simultaneous drilling projects. As there are no areas deemed out of bounds for drilling, it is important for noise attenuation to be modelled and assessed both at the project and cumulative effects levels.

Due to the large area covered by the RA, seafloor conditions likely vary greatly, even if marine conditions may be more uniform. Given that the RA is relying on previous EAs for baseline data and that they are, in majority, concentrated in one area, large data gaps exist elsewhere. In that context, and if the report is used to avoid project-specific EAs, the loss of the case-by-case nuances about the seafloor, the benthic environment, and locally specific effects of exploratory drilling is a major concern.

Recommendations

- This RA and all environmental assessments must follow the Precautionary Principle and acknowledge that an absence of data does not mean that there will not be impacts.

- The RA committee must develop a list of critical data and information that must exist in an area before any approval and work (exploration, drilling, etc.) by a proponent can take place

2. *Ecosystem-based Approach*

The entirety of the Regional Assessment document does not take an ecosystem-based approach, rather it appears it is much more an industry driven approach. An ecosystem-based approach would ensure that there is appropriate baseline data that exists for the Regional Assessment area and surrounding ecosystem, including data on physical oceanography, species presence and abundance in all environments (benthic and pelagic) and data on how these species interact with their environment. In the absence of these data, it should be assumed that there may be impacts and that the Precautionary Principle must be followed. Furthermore, it is impossible to plan for the impacts of climate change, mitigation activities, and determine cumulative effects when this ecosystem baseline does not exist. The current process appears to be focused on mentioning the topics that are required to ensure that industry can operate, not on ensuring that there is appropriate data or information available to address these topics such as cumulative effects, mitigation measures or spill response. There is no critical analysis of data or information, rather speculation and assumptions that are not based on peer-reviewed facts. There is no recognition in the Regional Assessment that there are connections between the benthic and pelagic environment, and the physical oceanography of the environment is directly connected to food availability of species, and that one change in this ecosystem can have a cascading effect.

Recommendations:

- The Regional Assessment must follow an ecosystem-based approach that is grounded in the best available knowledge rather than the current industry driven approach that mentions important topics (climate change, cumulative effects, spill response) without providing appropriate data, references or support for the assumptions or statements within the Regional Assessment.
- The committee must gather necessary baseline data for the ecosystem
- The report must acknowledge that environmental and ecosystem processes outside of the boundaries of the Regional Assessment directly affect the Regional Assessment area, and vice versa. Impacts from activities within the Regional Assessment area will be felt in other areas, including in Labrador and the Labrador Sea.

3. *Addressing data gaps*

The RA report identifies a number of data and knowledge gaps, including in relation to Indigenous concerns, such as the presence and migration routes of important species in the project area. However, even if the report mentions respecting the Precautionary Principle, recommendation to fill those gaps do not identify which (if any) would have to be addressed before projects are allowed to take place, except for some specific physical areas.

In one instance (the lack of information about marine bird presence and migration) the recommendations of the committee include addressing part of the data gap during the drilling itself, with onboard observers.

This is especially concerning if the report is used as basis to avoid project specific EAs.

Recommendations

- Data and information gaps must be addressed prior to authorization of a proponent to conduct work

4. Risk assessment and previous EAs

In its section on Potential effects and their management (Section 4), the report mentions considering results of previous project specific EAs as the "initial basis" to build upon (4.6), and trying not to redo those assessments.

However, RAs cannot avoid both duplication of previous work and duplication in future work; otherwise, they would not be doing any work. As a large-scale endeavor aiming to generate results and recommendations applicable to future initiatives, and especially if it leads to some of them avoiding a project-specific assessment, the RA needs to take a critical look at results from previous EAs.

At least in one area, citing previous EAs lead to inaccurate and contradictory results. In 4.2.3, the reports dismisses effects on migratory species important for Indigenous groups ('These EAs have also concluded that few of the marine-associated migratory species that are known to be used by these Indigenous groups originate from or spend time within the Study Area'). However, it generally acknowledges a number of data-gaps on the same subject. Even if the report mentions considering Indigenous concerns in other chapters, the contradiction is not directly addressed.

Recommendations

- The Regional assessment must not consider previous EAs as a basis to build upon, but as examples to critically analyze in order to improve and inform future EAs.

- Independent and peer-reviewed data gathered through rigorous and scientifically defensible research programs must be the basis of understanding and information

- The RA must equitably include information and data from local knowledge holders and Indigenous groups

5. Mitigation measures

The reports mentions that the Committee had a "considerable focus" on identifying and evaluating mitigation measures (4.6.1). However, it mostly lists mitigation measures included in other EAs ("a high level and abridged overview" 4.5.1), and then provides a list of recommended measures.

Any actual analysis of past mitigation measures and their efficiency that might have been done by the committee is missing from the report, as is the use of the best available knowledge on this topic. This includes analysis of mitigation measures prescribed by regulators, which play an important part in the overall environmental impact of initiatives, such as those prescribed by the C-NLOPB (Spill impact mitigation assessments, Offshore Waste Treatment Guidelines, etc.)

Additionally, it does not appear the mitigation measures are based on scientific data and process, but rather on industry-driven research and priorities. It is essential that any research, regardless of funding source or intended purpose, is rigorously evaluated by impartial experts through a peer review process at least similar to that used by scientific journals. Ideally, the Assessment should rely on research published in reputable scientific journals.

In order to mitigate impacts, the ecosystem needs to properly be understood. If baseline data is lacking appropriate mitigation measures and responses cannot be conducted. Furthermore, without this understanding and without the proper consideration of cumulative effects in the Regional Assessment document, the Precautionary Principle is not being followed.

Recommendations

- The report must include details of the evaluations of mitigation measures that were conducted.

- If it was not already the case, analyses of mitigation measures efficiency and sufficiency must include mitigation measures prescribed by regulators.

- Independent, scientifically defensible peer-reviewed research and assessment into appropriate mitigation measures must be considered

- Using the findings of the Regulator and other EAs as the basis of mitigation measures is inappropriate. It should be based on the best available knowledge, and if that information is missing, it must be gathered and analyzed.

6. Spill Response in Newfoundland and Labrador's Offshore

There is mention that "*spill prevention and response measures in Newfoundland and Labrador's offshore environment are likely to be less than totally effective,"* which begs the question as to why that is (*Executive Summary*, page x). Further mention that the scenario of spill due to blowout is considered unlikely, and is minimized to as reasonably practicable. The judgement that spills due to offshore exploration having the same level unlikelihood of blowout is not based on any facts. Given the recent history related to spills and related issues in the Regional Assessment area, this assumption is inaccurate and inappropriate, and cannot be the rationale for the minimal spill response measures identified in this Regional Assessment.

On that note, the RA does not contain any assessment of mitigation measures associated with involuntary spills, nor does it really assesses existing plans, infrastructure, and general preparedness of companies or appropriate agencies to respond to spills in offshore Newfoundland and Labrador.

Recommendation:

- Further peer-reviewed studies must be conducted to determine the quantitative and qualitative downstream effects associated with spills from offshore exploration.
- The report must critically analyze current regulatory requirements concerning spill prevention and response.
- A definitive plan for mitigation and safeguarding against potential spills must be established as part of the RA, as a condition to exploration.

7. Cumulative effects

In regards to cumulative effects, the NG agrees with the statement that project assessments are now "consistent and predictable…with a high degree of repetition and duplication" (pg. 2). The NG would also argue that this has caused a stagnation and a lack of effort on the part of regulators to encourage improvements in mitigation and research, as well as a lack of focus by the C-NLOPB and proponents on cumulative effects. This resulted in poor cumulative effects assessments in past project-specific assessments. Unfortunately, this has also led to cumulative impacts being poorly assessed within this Draft Report. The explanation of cumulative effects is confusing and requires clarification on page 119 – it is either the first sentence that states the RA only assesses other exploratory drilling activities, or the second and more accurate statement that the RA should consider all effects of drilling programs and other activities.

Among other shortcomings, the reports places a lot of focus in claiming that the impact of projects do not overlap in time or space. The short-term duration and localized nature of exploration activities is described as an important factor explaining their reduced environmental impact throughout the report. However, even if impacts do not overlap, scattered but recurrent industrial use of an area might have significant environmental impacts that differ from those of localized intensive use and that do not seem to have been considered or assessed. Furthermore, these should be considered in the context of cumulative effects and that fact that there is a direct link between insufficient baseline data and the inability to accurately assess impacts related to cumulative effects.

In addition, the cumulative effects assessment does not include some sources of cumulative impact identified in the *Integrating Indigenous knowledge* chapter (6.3.1.1). It analyses cumulative risks for large blowouts (in the modules), but not for smaller accidental spills. It also does not consider climate change in cumulative effects. In both cases, no justification is provided.

Generally, the cumulative assessment seems to be disconnected from the rest of the report and its recommendations. The recommendations in the *Cumulative effects* chapter are not about its results in terms of impact, but mostly about data use and future developments and there is no obvious mentions of the cumulative effects in the overall recommendations.

Recommendations

- The assessment of cumulative effects must include an assessment of potential effects from scattered activities, in addition to spatial and temporal clustering.

- Indigenous recommendation and concerns on assessing and managing cumulative effects must be directly addressed.

- The Cumulative effects chapter should not be found after the main findings and recommendation of Potential effects and their management. Findings and recommendation from the cumulative effects assessment should be directly included in Potential effects and their management.

8. Consideration of Indigenous concerns

Even if the report seems to have great ambitions and good intentions about the consideration of Indigenous concerns and IK, a number of the issues raised in the dedicated chapter are not, or not correctly, addressed in the rest of the report. Some of them have already been identified in other comments, such as the concerns over migrating species of interest, or the consideration of small spills and allowable releases in cumulative assessments. But the list could be expanded to include, among other things, considerations about respecting Indigenous knowledge systems alongside scientific knowledge (“two-eyed seeing” in the report), the consideration of climate change in cumulative assessment, the protection of ecologically, biologically and culturally significant areas, and spatial and temporal exclusions to protect important species.

More generally, the fact that the *Indigenous knowledge* chapter is found after the main chapter on *Potential effects and their management* and that its conclusions were not integrated directly in that chapter contributes to diminish its importance and the consideration given to its conclusions.

The Regional Assessment makes frequent reference to “traditional” activities of Indigenous communities yet fails to provide a clear and adequate definition of what constitutes these activities and what is excluded from them. Further, the report inappropriately presents “traditional” activities as dichotomous from commercial activities such as fisheries. The report provides no evidence that this apparent binary presentation of activities is supported by Indigenous communities and their own definition of activities.

Recommendations

- All Indigenous knowledge and concerns must be meaningfully addressed in the report.

- If dismissing Indigenous knowledge and concerns, the report should explain precisely why and on the basis of what information it does so.

- The report and any assessments of impacts to Indigenous communities must use definitions of activities as identified and defined by the diverse Indigenous communities concerned.

- The Integrating Indigenous knowledge chapter should not be found after the main findings and recommendation of Potential effects and their management. Findings and recommendations from Indigenous knowledge should be directly included in Potential effects and their management.

9. Community Engagement and Dissemination of Information

There is a self-acknowledged problem highlighted within the *Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador* draft regarding engagement in coastal communities and indigenous groups. However, there is no plan outlined by the regional assessment draft that addresses exactly how the Committee plans to tackle this problem. The Nunatsiavut Government agrees with the Committee's assessment that "*more can and should be done regarding effective communication"* (Executive Summary, page xi)*.*

Due to the lack of communication and appropriate time given to ensure adequate engagement of communities to digest the information, community members felt their knowledge was not well recognized or considered in decision-making. When consultation and engagement activities are planned, Indigenous communities must identify the appropriate processes for these activities, including timelines, locations, and formats for activities. It is inappropriate for external actors to independently define appropriate and effective consultation.

The Nunatsiavut Government has been co-chairs of an SEA for the study of Labrador's offshore area. For any future extension of an RA into Labrador's offshore, the Nunatsiavut Government would expect an equal level of input into that process. This would be either as co-chair or at the very least committee members for any future regulatory acts pertaining to the Labrador offshore area. This will serve as both a consultation effort as well as a better method for distribution of information to coastal communities.

Recommendation:

- Indigenous communities themselves must identify the appropriate processes for consultation and engagement activities
- With every future annual meeting to update the *Regional Assessment* there should be a permanent member on the *Regional Assessment Oversight Committee* to act as representative for Nunatsiavut
- If a *Regional Assessment* were to be completed for Labrador, the Nunatsiavut Government must be included on the Committee, following a similar structure to the Labrador Strategic Environmental Assessment.

10. Climate Change

The RA generally does not take into account the effect of downstream activities (such as oil and gas production). In *1.3 Scope of the assessment*, it states that "any potential future development activities are not and cannot be defined, described or assessed in any degree of detail at this early stage, and so these are not included within the scope of the Regional Assessment." However, it then contradicts itself in *7.2.2 Climate change* by providing numbers on how much drilled wells actually lead to the number of current production projects. This estimate certainly has a large uncertainty, but it is still *some* degree of detail and should be taken into account. The assessment of the impact of the initiatives on climate change and Canada's international obligations is incomplete without consideration of downstream activities.

As mentioned previously, the RA report also disregards the impacts of climate change on the projects and their environmental impacts, even though the need to reevaluate the regulations and policies around extracting hydrocarbons due to climate crisis was one of the recommendations during an IK workshop (pg. 158). However, the oil and gas industry in offshore settings is vulnerable to climate change, which can lead, for example, to higher risks of accidents (Cruz and Krausmann, 2013).

Climate change is also expected to have important impacts on the environment (including species of interest; Catto, 2010). Those impacts are however not taken into account as part of the cumulative assessment. They also add to the problem of inadequate or missing baseline data.

Recommendations:

- The report must take into account the effects of future developments, including oil and gas production, when assessing the sustainability and effects on climate change of offshore oil and gas exploratory drilling.

- Effects of climate change on exploration activities as well as on the environment must be part of the cumulative effects assessment.

11. References and supporting modules

Throughout the report, information is regularly given without supporting references, or only citing the supporting Modules found within the GIS decision-support tool. Most of the references missing in the report seem to be in the Modules, but this practice makes it arduous to link information to its source, and to verify how claims are substantiated.

Furthermore, where the supporting Modules are cited, the report sometimes presents only some of the information contained in them. In some instances, those summaries are lacking nuances and analyses that should be found in the main report, and not only in supplementary material. For example, in 4.2.1.1, about the impact of sounds produced by drill rigs on marine mammals and sea turtles, the report states that "it is often considered unlikely that marine mammals or sea turtles would be exposed to sound levels from drilling that are capable of causing injury." However, the analysis backing that statement (including threshold uses, references, and limitations) is only found in the accompanying module, and totally absent from the report.

A consequence of those practices is that the regional assessment report is, as a standalone document, incomplete. As there is no guarantee of ongoing support for the GIS tool and its modules, this situation could become highly problematic. It is worth noting that the Nunatsiavut Government in its feedback on the GIS platform in September 2019 suggested these features be funded and supported for the life of any exploration/exploitation activities.

Recommendations

- Actual sources must be cited for all information provided in the report.
- Scientific sources must be peer-reviewed independent science, ideally published in reputable journals.
- All the information and references contained in the supporting modules must be integrated in the report itself

The Regional Assessment Process and Next Steps

12. Setting Precedent

The Nunatsiavut Government's concerns about precedent center on the proper application of the Labrador Shelf Strategic Environmental Assessment (SEA), which is currently being updated and should be the main document referenced regarding oil and gas exploration. The Eastern

Newfoundland RA arose due to the Vision 2030 program and applied a politically determined number of 100 exploratory wells to one phase of oil and gas development. It seems that this Regional Assessment was implemented to legitimize this political decision.

Any similar decision, if taken in context of the Labrador Shelf, could be interpreted as undermining the work of the SEA co-chairs, the NG and the C-NLOPB. The NG has spent a significant time co-leading the Strategic Environmental Assessment for the Labrador Offshore, including ensuring the appropriate collection and meaningful inclusion of Local and Traditional Knowledge in the Strategic Environmental Assessment document, setting a precedent for being considered on an equitable level as the scientific data. The purpose of the SEA is to determine the appropriate levels of offshore development through the C-NLOPB leasing process. Ideally, therefore, the decision to implement any RA in the Labrador Shelf area would be taken by the co-chairs of the Labrador Shelf Strategic Environmental Assessment. Any minimum standards established by the Eastern Newfoundland RA will be considered in the context of the lower levels of information available in the offshore, the importance of this area to subsistence harvesting, and the arctic / sub-arctic environment.

13. Clarity on the Finalization of the Regional Assessment

The Nunatsiavut Government appreciates the straightforwardness of the Committee's conclusions that a large amount of effort and time will be required for this Regional Assessment to be finalized. It is unclear at what point a proponent would be able to apply the Regional Assessment to their project. For example, once certain regulations have been passed, or when cumulative effects assessments are deemed properly completed?

14. Regulator Practices

The Draft Report notes that "practice to date has indicated that there are required improvements and additions to the standard suite of mitigation and follow up requirements." The Report calls for a "more scientific approach to monitoring the presence of and effects on, marine mammals during offshore oil and gas activities" and "hopes that a more regional and cooperative approach" can solve this problem. The Nunatsiavut Government is hesitant to endorse the reliance on regulations and regulators to implement the recommendations within the Draft Report regarding improving oil and gas practices. The NG's past recommendations and requests for the use of data to improve and inform monitoring of oil and gas activities in the Labrador offshore has been met with resistance from the current regulator. As yet, there has been little movement to improve upon this issue.

The Labrador Strategic Environmental Assessment (2008) called for government departments to fill specific data gaps, however the regulator did not make efforts to engage these departments. Indeed, it took insistence from the Nunatsiavut Government for the regulator to begin a required 5 year review of the SEA itself, beginning in 2016.

The NG is concerned that this RA relies too heavily on changing the practices of regulators and government departments that have strong mandates that pull resources away from collaborative

work and research. If a “planning, rather than predictive modelling approach” is preferred to reduce potential adverse effects, then directives from the top levels of federal and provincial governments will be required to ensure results. The NG is concerned that once new regulations are put in place, these will be interpreted by regulators and proponents as the requirements for exploratory drilling, and the collaboration and planning will be seen as “nice to haves,” and lost. Consequently, the Nunatsiavut Government feels that the Committee’s recommendation of an adequately resourced Regional Assessment Oversight Committee is essential to the proper implementation of this RA.

15. Marine Spatial Planning

The Nunatsiavut Government is encouraged to see the Committee’s recommendation “that responsible government agencies accelerate the relevant science and policy processes relevant to areas having special ecological values.” Not only will this provide a good precedent for providing prudent protection measures, but could also add to marine spatial planning initiatives in Eastern Newfoundland.

In the Labrador offshore, the NG is working closely with the federal government to implement a marine spatial planning initiative, Imappivut. This will include specific management measures around such parameters as protected areas, fisheries governance, and areas for development. Respect and time for negotiations in good faith with the Newfoundland and Labrador and Canadian governments for this marine spatial planning initiative is required and will provide a more secure and clarified environment for future resource development.

The NG’s marine spatial planning initiatives are guided by the best available knowledge of the marine environment and international guidelines around effective marine conservation, including the 2011 Aichi Targets for biodiversity conservation. The Regional Assessment also needs to embrace principles of marine spatial planning, which aim to integrate priorities related to both ecological and socioeconomic needs in decision-making. Consistent with principles of marine spatial planning, marine governance must consider connections between regional ecosystem connections and not presume that governance decisions in one area are isolated from impacts to other areas. This fact highlights the relevance of the current Study Area for Labrador.

16. Protected areas

The report suggests that relevant authorities (governments, C-NLOPB) should be more careful or accelerate research about certain areas, but it does not recommend any concrete protection from exploratory drilling. Considering the Indigenous concerns on the subject, the Committee’s justification for those recommendations (4.6.2) is worrying, and this passage, especially, warrants more explanation:

“Other interests have suggested establishing exclusion zones in the Study Area, but have not provided a supporting scientific basis for their identification. The respective regulatory authorities did not support these suggestions at the time (…)”.

These respective regulatory authorities have not provided evidence to demonstrate that establishing exclusion zones is an unwarranted suggestion. There is, however, evidence that determining areas that require protection are always higher when based on scientific estimates that consider biodiversity parameters than when sizes are based on policy-based estimates (Woodley et al. 2019). This evidence suggests that an approach to identifying the need for protected areas that is based primarily on industry or policy considerations will be inadequate to effectively conserve biodiversity in the future. In addition, the Committee does not seem to have applied the same consideration for scientific basis in all other aspects of the RA, including in its own conclusion and recommendations.

Recommendation:

- The process leading to the rejection of suggested exclusion zones must be explained, including what was suggested, what was lacking in the supporting arguments, which regulatory authorities were involved, and why were those suggestions not supported. In addition, there should be a clearly articulated alternative suggestion around management approaches to address the need for areas that are off-limits to oil and gas due to considerations of biodiversity protection.

17. Certainty

The Regional Assessment process should bring certainty to many groups, not just industry. The whole intention of the Regional Assessment is to shorten timelines for industry while ensuring that environmental and ecosystem concerns are being addressed appropriately. Given the lack of information and data available in the Assessment area as well as the lack of appropriate consideration to the impacts of cumulative effects and spill response, there is no certainty in relation to environmental concerns. As a result, this does not bring certainty to any groups, including industry, because the fundamental baseline issues that the Regional Assessment are supposed to be addressing are not being addressed. Shortened timelines are only useful and responsible if environmental issues and concerns are addressed appropriately, otherwise the Regional Assessment will continue to enable the development of offshore Newfoundland and Labrador without appropriate considerations of environmental impacts, cumulative effects, spill response and climate change impacts.

Recommendations

- Revise the Regional Assessment so that issues and concerns from all groups are addressed appropriately, leading to more certainty for everyone impacted by these projects, not just industry

18. Timelines

The timelines associated with the development, engagement, consultation and review of this Regional Assessment continue to be short, inappropriate, and difficult to meet. The Regional Assessment intends to shorten timelines, but this does not mean the timeline for development of the Regional Assessment should be short and unrealistic. There is a clear definition of consultation within the Labrador Inuit Land Claims Agreement and so far this process is not meeting that definition. There is a significant difference between meetings and running a consultation process, and the difference in those should be acknowledged in the participation of groups in the Regional Assessment. That said, it is the expectation of the Nunatsiavut Government that the review and integration of changes as a result of the comments and feedback provided by all groups be taken into account by the Regional Assessment working group. The timeline for the review and integration of this information must be based on the amount and level of comments, not on the predetermined timeline indicated by the Regional Assessment working group. The reality is that this predetermined review timeline is based on industry timelines, not based on ensuring there is an appropriate time allocated for modifications and additions to the Regional Assessment report.

Recommendations

- The committee must acknowledge that the timelines leading up to the draft report were inappropriate and limit the ability for appropriate review and evaluation of the draft Regional Assessment report
- The committee must ensure that all future timelines associated with the Regional Assessment report are guided by the level of input, need for changes and ensure that these timelines allow for the appropriate consultation process

19. Best available knowledge

On page 154 of the report it states "...the Nunatsiavut Government…have also been active participants in collecting Traditional Knowledge as part of the on-going Strategic Environmental Assessment Update for the Labrador Shelf Offshore Area using methodologies agreed to by those communities ". Identifying that the NG is an active participant in the SEA for the Labrador Shelf establishes a precedent that the Regional Assessment acknowledges and recognizes as valid. Therefore, the NG expects that the same process is used if the Regional Assessment is extended to Labrador. Any application of the Regional Assessment in regions that the NG has an active interest in must meet the same minimum standards that the NG has required and engaged in through existing processes such as the SEA. The report does not provide citations for the approach taken to integrate multiple knowledge systems. This fails to meet established international standards related to ecosystem management that includes Indigenous considerations and concerns.

Recommendations:

- Use the best available knowledge in Regional Assessment processes.

- Ensure that Indigenous and scientific knowledge are put on an equitable level.
- The report must provide references for the process used to integrate multiple knowledge systems.

20. Precautionary Principle

The report states that “in many ways” analysis of effects and identification of mitigation measures is based on the precautionary principle as defined by the 1992 Rio Declaration. From the perspective of the Nunatsiavut Government, all analysis of effects and identification of mitigation must be based on the Precautionary Principle. In addition, the Nunatsiavut Government advocates for a stronger understanding of the Precautionary Principle that also includes an understanding of the connection between nature and culture and considers community and cultural well-being when assessing impacts (see Akins et al., 2019).

Recommendations:

- Precautionary Principle must be considered in all aspects of the report and in decisions related to the study area (and all areas of the marine environment).
- The report must not say or imply that there is unlikely to “result in significant adverse effects on any aspect of the environment” (p. 112). Given the complete inadequacy of data and scientific basis in the report, this statement in itself is a complete logical fallacy.
- Cite sources that extend the Precautionary Principle to include the connection between nature and culture and community well-being.

21. Use of the RA report

Considering the numerous shortcomings identified here, this Regional Assessment and its report should not be used as a basis to allow any offshore oil and gas exploratory drilling to proceed without a project-specific EA, unless significant changes are implemented.

22. References

Cruz, A. and Krausmann E. 2013. Vulnerability of the oil and gas sector to climate change and extreme weather events. Climate Change. 121:41-53.

Catto, N. 2010. A review of academic literature related to climate change impacts and adaptation in Newfoundland and Labrador. Memorial University. 211p.