



21 February 2020

Impact Assessment Agency of Canada
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RE: Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador.

Dear Regional Assessment Committee,

Nature NL has reviewed the Regional Assessment (RA) of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador draft report and we would like to submit our comments. Our organization supports a healthy natural environment as well as impact assessment processes, which help ensure that development proposals give careful consideration for our special places, wildlife, and natural resources. We wish to express that we have serious concerns about the RA process, timelines, the draft report, and its implications for our marine environment and known habitats set aside for biodiversity protection.

Nature NL is a very active naturalist club, environmental organization, and conservation charity whose outdoor and indoor events and programs reach thousands of participants throughout the Province each year. As a volunteer-driven charitable organization, we have a limited capacity to review or comment on Assessment reports but felt compelled to do so here given this RA is the first to be conducted in Canada.

Considering the complexity of this large Study Area, the trans-boundary concerns, and the potential to circumvent project-specific assessments for exploratory drilling, a proper public engagement and a full science-based assessment of the potential impacts of exploratory drilling must occur. The timeline for this RA, which is even shorter than strategic and site-specific assessments, must be



extended to conduct a thorough and robust assessment. Based on the draft recommendations and discussions with other stakeholders engaged in this process, we assert that little assessment has occurred and the efforts to date have been inadequate for resource development of this scope and scale. Gathering spatial datasets is, indeed, an important first step but does not constitute a proper assessment. There are numerous factors that were not considered or not reflected in the draft recommendations, despite their mention in the Terms of Reference for the Committee and the *Impact Assessment Act*. The mandate of the Regional Assessment Committee should be clarified to this regard.

Two examples of this oversight are detailed below. Due to length, we have chosen here to highlight two discrete examples of oversight that we believe are particularly deleterious to safe marine resource development, and are most closely aligned with the concerns of our members and stakeholders.

- 1) There is no recommendation on greenhouse gas emissions or climate change. The Committee's justification that production emissions are "insignificant" and downstream emissions are irrelevant in regards to exploratory drilling is preposterous. This is especially true when considering the regional scope of this report, not to mention the Government of Canada's renewed commitment to mitigating climate change impacts and its goal of net-zero emissions by 2050.

- 2) There is no recommendation for adequate protection of marine refuges or alignment with Canada's commitment to international targets for biodiversity protection under the UN Convention on Biological Diversity. There are several known Ecologically and Biologically Significant Areas (EBSAs) and internationally-recognized vulnerable marine ecosystems, as well as marine refuges designated by Fisheries and Oceans Canada within this Study Area. EBSAs designate areas that contain, among other things, known concentrations of threatened or listed species, whose populations may not be able to recover from further ecological disturbances. Suggesting that oil and gas exploration activities may take place in these sensitive areas completely undermines their protection and intended conservation measures. At a bare minimum, while the Draft Report recommends that operators must demonstrate adequate protection of marine species in NAFO closures and DFO marine refuge areas (Ministerial Regulation Recommendations, section 8.1.1, No. 8), it should also indicate explicitly that protections and closures must also be enforced in *future* protected areas, such as the EBSAs, as their status and conservation provisions may change. In the section "Recommendations to Other Parties" (No. 30), the committee encourages agencies responsible for designating protected areas to "accelerate" the scientific studies in those areas to determine if additional protections are required. This is not sufficient; we simply cannot encourage development in those areas without proper scientific study of the immediate and cumulative environmental and ecological effects of said development.

The Committee has declined doing a cumulative effects assessment because it is "difficult", citing large data gaps and noting that uncertainties are "inevitable". Meanwhile, they have acknowledged



that environmental disturbances from activities like seismic programs and marine vessel traffic can be “quite extensive”. Furthermore, the Committee acknowledges that petroleum spills do occur and touts the industry’s record on operational procedures *despite four significant spills on record since April 2018*. We find this wholly unacceptable.

This RA offers an important opportunity to look at these important issues in their regional context but so far, this has not been done. Instead, the Committee recommends that research and assessment of cumulative effects, marine protection, developments of standards and mitigation plans, and various glaring omissions and data gaps be left for the “relevant authorities” or industry regulators. Again, we feel this is unacceptable and that the Committee must be redirected to conduct a complete and thorough RA.

As this is the first RA to be conducted in Canada, it is of special importance that this RA adequately addresses impacts to the natural environment and upholds the law and Canada’s commitments to the environment. We have an opportunity to set the standard here in NL and be leaders in sustainable development of marine oil and gas resources. We offer the following recommendations:

- 1. Clarify the mandate of the Regional Assessment Committee.**
- 2. Extend timelines to conduct a complete, rigorous Regional Assessment.**
- 3. Adhere to the Terms of Reference and *Impact Assessment Act*.**
- 4. Include recommendations related to Climate Change.**
- 5. Conduct a Cumulative Effects Assessment.**
- 6. Designate sensitive areas off-limits to oil and gas activities.**

Sincerely,

<original signed by>

Nick White
Director, Nature NL

<original signed by>



Laura King
President, Nature NL

CC:
Hon. Johnathan Wilkinson, Minister of Fisheries, Oceans, and the Canadian Coast Guard

