



Comments on the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador

Submitted by Oceans North

October 12, 2018

Attn: CEAA

Via email to: ceaa.nloffshorestudy-etudeextracotieretnl.acee@canada.ca

Oceans North is a Canadian organization working towards sustainable communities and a healthy ocean ecosystem in Canada's Arctic and Atlantic regions.

Our interest in submitting comments to the proposed Regional Environmental Assessment (REA) for Eastern Newfoundland and Labrador stems from our concern that oil and gas leases have been proposed for recently announced Other Effective Conservation Measures (Marine Refuges) in the offshore of Newfoundland which have been closed to all bottom fishing because of the vulnerability of seafloor ecosystems, including cold water corals and sponges. In addition, oil and gas activity has been permitted in areas that have been closed to bottom trawling by the Northwest Atlantic Fishing Organization (NAFO). These areas have been considered important enough from a biodiversity and ecosystem perspective to limit fishing and as such any activity that impacts the seafloor may impact these ecosystems.

Below we include specific comments in the Draft REA agreement and more general comments we would recommend being considered as the REA is undertaken.

Specific comments:

Clarification of the relationship to the Agenda 2030 and the proposed 100 exploratory wells would be helpful as it is unclear if these wells will be within the REA area or across the larger CNLOPB regulatory area. This is an important consideration given the expectation that there will be cumulative impacts depending on the proximity of each of the exploratory wells. It would also be helpful to understand the relationship between the SEA and this REA and how they intersect in terms of expected timelines and content and have this made explicit in the REA agreement and outline.

Section 4.9 Once it is established, we recommend that the Technical Advisory Group consult with DFO regarding its June 2018 CSAS process that summarizes the impacts of oil and gas drilling on areas that are considered Sensitive Benthic Areas, including both the science advice and background documents prepared for that meeting. We also recommend using the

information provided in the January 2018 CSAS process on the use of scientific surveys in fisheries closed areas and MPAs.

Section 5 We support the concept of the public registry for all information related to the REA and in particular the use of a spatial online data base. This should include information on species distributions, endangered species, high concentration of sponges and corals, etc. Should this be seen as an effective system, we recommend that this be used as an example of for other EA processes and link into Species At Risk data bases for EAs as well as fisheries data bases so that data quality in EAs is improved overtime and EAs become more efficient through the use of shared databases.

Appendix 3: Factors to be considered

We recommend that additions be made in factors to be considered including recent announcements of fisheries closures, areas identified as sensitive benthic areas the recommendations of the Marine Protected Area Standards Panel expected in fall 2018, any closures within the NAFO regulatory area for the purposes of biodiversity conservation. Specific reference to Aichi Target 11 should be made as well as international standards for marine protected areas and other effective conservation measures.

General Comments

Consideration of Canada's commitment to protecting at least 10% of its ocean and coastal environments by 2020 & SDG 14

Canada's national Marine Conservation Targets, designed to meet the Convention on Biological Diversity Aichi Target 11, and related documentation on MPA standards, including recommendations of the MPA Standards Panel (report expected October 2018), as well as international draft guidance on other effective conservation measures, should be considered as part of the REA process. Oil and gas activity within areas that are considered to count towards the 10% target renders them ineligible by international criteria regarding industrial activity. Canada has made oceans a priority in recent years. The UN has also adopted Sustainable Development Goals, and there is a stand-alone goal on oceans. In order for Canada to meet its international commitments for biodiversity conservation, as well as sustainable development it is imperative that oil and gas activity be prohibited from areas protected under the various legal tools within Canada.

Consideration of coral, sponge and seapen distributions and concentrations

Significant work has been done to establish distributions and species lists for corals, sponges and seapens – all of which contribute to benthic habitat complexity and ecosystem functioning on the seafloor. Given that oil and gas activities, including exploratory drilling have impacts on the seafloor, all data collected by Canada and NAFO on distributions of patch forming and non-patch forming vulnerable marine ecosystem indicator species should be considered as part of the REA. This includes significant concentrations as well as portions of these concentrations currently closed to bottom fishing.

Consideration of conclusions of CSAS response to Flemish Pass and Eastern Newfoundland Offshore Exploration Drilling Programs

DFO prepared a science response to the Flemish Pass and Eastern Newfoundland Offshore Drilling Exploration Programs and provided several recommendations and conclusions (DFO

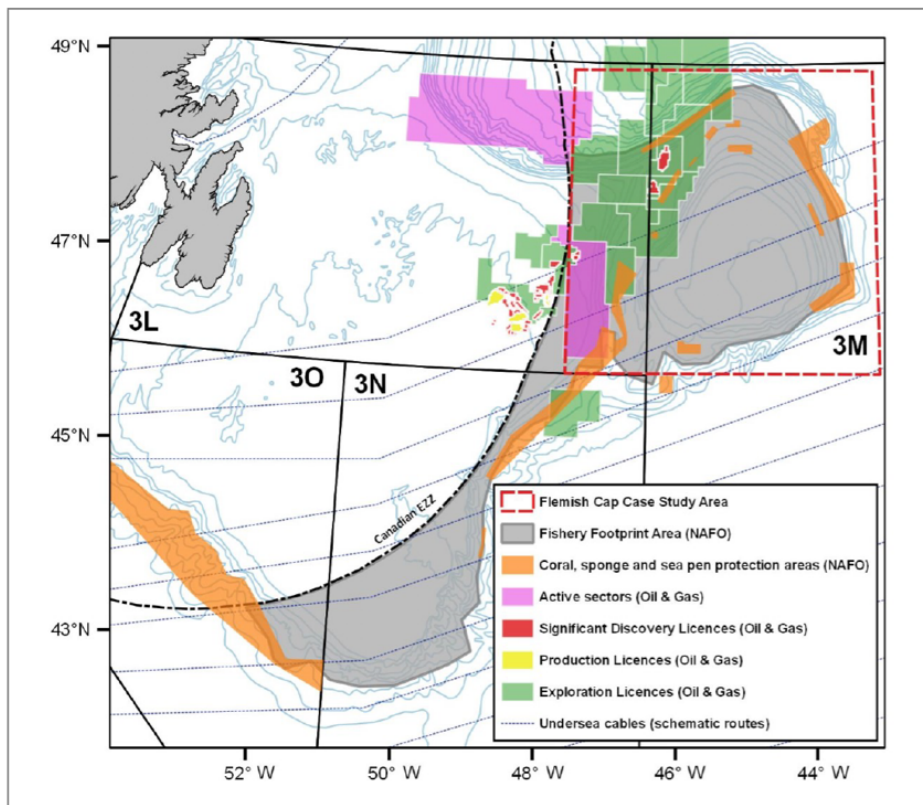
2018)¹. We strongly support CEAA considering that the current NOROG guidelines for sponges and corals are not applicable to the North West Atlantic and that an appropriate species list and distribution data base be established for use in REAs, SEAs and EAs. DFO uses this information for fisheries management measures and has done considerable research over the past decade, as has the North West Atlantic Fisheries Organization. It is unacceptable that Norwegian species lists are being used in the North west Atlantic. All conclusions and recommendations previously made by DFO, and mechanisms to address them should be considered in the process of the REA.

Consideration and engagement of Marine Spatial Planning Research undertaken by EU-ATLAS Project

Given that the area to be studied overlaps the 200-mile limit, consideration should be given to incorporating elements of a transboundary environmental assessment, and consultations could be had with researchers from the ATLAS project who are developing a concept for a marine spatial plan for the Flemish Cap Area. More information can be found here:

<https://zenodo.org/record/1147702#.W8EtiJReqQ>

Map: Overlap of activities and coral sponge concentrations on the Flemish Cap (from Atlas Project Work Package 6.1).

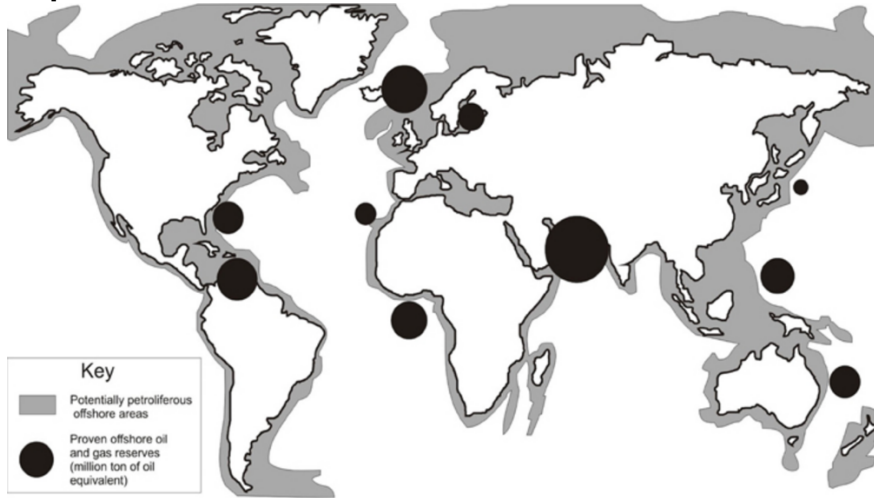


¹ <http://waves-vagues.dfo-mpo.gc.ca/Library/4068958x.pdf>

Consideration of peer reviewed science and grey literature

A recent review of oil and gas impacts (Cordes et al 2016²) did not include any information from the Northwest Atlantic nor did it include in a map of major oil and gas findings globally. This speaks to the need for the CNLOPB and oil and gas companies to ensure that scientific studies are peer reviewed and therefore considered in global literature reviews as much of the information remains in grey literature which cannot be considered of the same quality as peer reviewed scientific papers.

Map extracted from Cordes et al 2016.



Consideration of Transboundary SEAs & Cross Sectoral Collaboration

Given the overlap of the area to be considered in the REA with the NAFO Regulatory Area we recommend that CEAA consider the elements of a transboundary EA particularly given that NAFO has closed areas to fishing that are now being exploited for oil and gas. This counteracts comprehensive biodiversity protection goals. NAFO should be engaged in the REA with considerations given to areas identified as Vulnerable Marine Ecosystems including indicator species, areas of high concentrations and VME elements such as deep-sea canyons.

We appreciate the opportunity to provide comments to this process.

Sincerely,

<Original signed by>

Susanna Fuller, Senior Project Manager, Oceans North

² Cordes, E.E., Jones, D.O., Schlacher, T.A., Amon, D.J., Bernardino, A.F., Brooke, S., Carney, R., DeLeo, D.M., Dunlop, K.M., Escobar-Briones, E.G. and Gates, A.R., 2016. Environmental impacts of the deep-water oil and gas industry: a review to guide management strategies. *Frontiers in Environmental Science*, 4, p.58.