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kavamanga Government

Nunaligninikmik amma Nunamiutanic
Ujaganik Imaniklu
Lands and Natural Resources

November 6, 2020

Susie Addison
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RE: Nunatsiavut Government comments and review of the Draft EA reports and Draft Potential Conditions for the Central Ridge, West Flemish Pass and BHP Canada Exploration Drilling projects.

Dear Susie Addison,

This letter is in response to your September 30 correspondence, regarding comments from the Nunatsiavut Government on the draft environmental assessments reports and potential conditions for the Central Ridge, West Flemish Pass and BHP Canada Exploration Drilling Projects.

Our first comment of concern, is on the follow-up and monitoring programs associated with the three projects. One of our repeated comments, notably expressed from past information requests on BHP Canada and West Flemish Pass Environmental Impact Statements, emphasize that the data collected from mitigation measures, follow-up and monitoring programs is not being integrated back into Strategic and Regional assessments. Extensive publication requirement for reports and summaries are included in the Draft Potential Conditions, but the level of details required in these reports is lacking, and there is still no mechanism for these results to be integrated into future processes. Data generated through project-specific environmental assessments should be made available in a format that allows it to be analysed, compiled and re-used for subsequent project-specific assessments, regional assessments or strategic assessments.

In the context of existing data-gaps and uncertainties over potential environmental impacts and the efficiency of mitigation measures, monitoring and follow up program are particularly crucial to the environmental assessment process. However, even if a number of specific requirements are listed, the proposed conditions still leave a lot of projections that have to be determined in the future (conditions 2.6 and 2.8).

All monitoring and follow up programs should be detailed by the proponents or the agency during the time of the EA process, and not after finalization. At the very least, information referred to in condition 2.6 and plans to satisfy the requirements of section 2.8 (other than the components that are already detailed later in the Potential Conditions) should require public and Indigenous consultation prior to submitting to the Board (condition 2.7). The timeline in which monitoring reports are published is generally too late to provide meaningful comments and suggestions.

One specific component where requirements should be clearly defined prior to the project's approval, is the assessment of the effectiveness of mitigation measures. In the context of offshore exploration, evidence on this subject is lacking. The same measures are re-used from project to project, even as recently as the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador still did not contain substantial analyses. The absence of clear guidelines on how to proceed on this evaluation and how to report

these requirements from project-specific monitoring reports hinder reaching rigorous and meaningful conclusions.

We would also like to reiterate from our comments on BHP's EIS, that the proponent made a number of commitments to indigenous groups in section 3 (including in Table 3.8), that were not fully included in the Summary of Commitments (12.7). Notably, the proponent states in the EIS (page 3-16) that "BHP will share the results of environmental monitoring with Indigenous groups through monthly operational updates". This commitment does not seem to be mentioned later in the EIS, nor to be included in the Draft Potential Conditions. All commitments to Indigenous groups made by the proponent through the EA process must be enforced, and should be included in the Conditions.

The evaluation of potential impacts to special areas and other area-based conservation measures by the Agency is concerning. If the reasoning that a project's impact is negligible if it only affects a small portion of a zone can be valid while looking at a general area, it is problematic when assessing impacts on special areas of limited superficies where the ecosystem components to be impacted are the ones that lead to the areas identification. For example in this case, any impact on benthic organisms in the limited zones recognized for their importance should be considered a significant environmental impact, and the Agency's Analysis of Effects should be revised. In terms of conditions, the mitigation measures proposed under 3.7, 3.8 (BHP) and 3.12.2 or 3.13.2(BHP) are welcome. However, within special areas characterized by important benthic communities, condition 3.7 should not leave the door open to other options if changing the location of anchors or wells or redirecting the drill cuttings to avoid affecting aggregations of habitat-forming corals or sponges or other environmentally sensitive features is impossible, if these are detected during seabed surveys.

Finally, it is a move in the right direction that the Potential Conditions include requirements beyond the *Statement of Canadian Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment*, this document should be considered outdated following its review by the *Canadian Science Advisory Secretariat (CSAS)* (DFO, 020a – as cited in the Draft Environmental Assessment Reports). This review identified important knowledge gaps, and recommended a number of modifications and new mitigation measures, and the *Statement* alone can no longer be considered best practice or sufficient to mitigate environmental impacts. The fact that the three assessments and conditions still rely on this document and not on a review of the best available knowledge and practices shows that this process is not sufficient. Impact assessments and selection of mitigation measures and monitoring programs should include a critical review of the requirements of the *Statement* using the CSAS review and other available knowledge, at least until the *Statement* can be updated.

Thank you for the opportunity to comment, we are looking forward to receiving feedback on our comments. Please contact us with any further questions.

<Original signed by>

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