



**NUNATSIAVUT**  
kavamanga Government

Nunaligninikmik amma Nunamiutanic  
Ujaganik Imaniklu  
**Lands and Natural Resources**

August 27, 2018  
C-NLOPB  
Suite 101, TD Place  
140 Water Street  
St. John's, NL  
A1C 6H6

Re: NG Response to MKI Revised EA for Labrador Offshore Seismic Program

Dear Mr. Hicks,

Please find below the Nunatsiavut Government's (NG) response to the Revised Environmental Assessment of Multiklient Invest (MKI) Labrador Offshore Seismic Program, 2018-2023.

The letter from MKI dated July 26, 2018 stated that the revised environmental assessment assesses activities within a new temporal and spatial scope, as well as completing the assessment based on a maximum of four seismic surveys within a season instead of "two or more," as the initial environmental assessment stated. The letter also states the use of "passive acoustic monitoring (PAM) for cetaceans" and a change in assessment to reflect the geographical shift to "offshore Labrador."

Despite the change in geographical scope, timeline, and number of assessed seismic activities per season, the Nunatsiavut Government notes that the majority of the assessment, including the exact wording of many of the sections, remains unchanged from the original EA. The lack of change is disconcerting considering the change in scope of the project, and therefore our concerns regarding cumulative effects and monitoring plans remain. Please see below for details regarding these concerns.

Some of the comments below continue to address the NG's concerns raised in our June 20, 2017 letter to the C-NLOPB regarding their EA practices. These comments are specifically meant to show how these continued practices are problematic and can be improved within a project-level environmental assessment. It is our hope that these comments are productive in continuing this dialogue with the C-NLOPB.

## **1.0 General Comments**

Comment 1.1: The NG has previously requested and end to the practice of referencing previous EA studies, particularly of other areas (e.g. page 153 of Revised EA). It is understandable to want to minimize the length of an EA, however these sections could be included as an appendix, especially when being used to assess the effects of the project activities on the environment.

The success of PAM to mitigate seismic impacts to marine mammals has been mixed.

Comment 1.2: The NG recommends an improved review of the use of PAM for mitigation; currently there is no review of the performance of PAM in seismic mitigation in the Revised EA.

Comment 1.3: If PAM is to be used, the NG recommends minimizing the amount of noise during times of high visibility for MMOs when turning the vessel – thereby allowing for better detection.

Comment 1.4: Please show how the PAM results would be incorporated into the overall monitoring reports and to the larger EA initiatives such as the Labrador Shelf Offshore Area Strategic Environmental Assessment (Labrador Shelf SEA).

## **2.0 Cumulative Effects**

The NG notes that the proponent has not included its own separate project (Multiklient Invest AS Newfoundland Offshore Seismic Program, 2018-2023) in the cumulative effects assessment.

Comment 2.1: The NG suggests that the cumulative effects assessment be reviewed again, as the text has not been changed from the original EA, despite changes to the temporal and spatial scope and the project activities.

The NG notes that despite the change in their own project to up to four seismic operations per season, there is little to no change to the impact assessment or the mitigations. For example, Table 5.17 regarding disturbance to marine animals, including species at risk, has not been altered to incorporate these changes. It is expected that increased communications would be a required mitigation. In addition, any impacts of multiple seismic operations in sensitive areas would warrant further impact assessment and mitigations such as spatial or temporal avoidance.

Comment 2.2: With a low to medium level of certainty regarding the effects prediction of “not significant,” the NG recommends the proponent make further efforts to reassess the effects assessment and to mitigate impacts by using best practices.

The Nunatsiavut Government notes that the project now spans six years instead of ten to coincide with Period I of an exploration licence. It remains our position that decisions around shortening timelines for projects should be scientifically-based and centred around what is environmentally and socially responsible for the stakeholders, instead of bureaucratic ease.

**C-NLOPB** Comment 2.3: The NG understands that the proponent followed the request of the C-NLOPB in assessing a six-year time frame. Our original comments suggested that the spatial and temporal scope should be limited to the point where the proponent was able to properly assess cumulative effects. This remains our comment.

The NG’s concerns remain centred on the proponent’s stated inability to properly assess cumulative effects. In addition, the proponent continues to repeat one statement from an academic paper (Duinker et al. 2012) to justify their current perspective that cumulative effects assessment is flawed and therefore could not be done.

The text in the Revised EA remains almost exactly the same as in the original EA, leading us to question the quality of the re-assessment.

Comment 2.4: The NG's letter from Sept. 15, 2016 (General Comment 3) provided key references to assist with the proper assessment of cumulative effects. This remains our comment.

**C-NLOPB Comment 2.5:** The NG requests that the C-NLOPB ensure more robust CEA requirements within their scoping documents.

The proponent continues to rely on the annual EA Update process to assess cumulative effects, which is not an appropriate practice within cumulative effects assessment.

Comment 2.6: As we have stated in our previous letters on this project, the cumulative effects assessment should be completed prior to the start of the larger project, and adapted as necessary in the EA Updates.

The NG remains concerned with the C-NLOPB's requirements for an EA Update. The 10-page 2018 EA Update for MKI's Newfoundland seismic project does not contain any details of monitoring as well as how that monitoring fits into any project-level monitoring program or strategic environmental assessment. The C-NLOPB has stated that the EA Update practice will be reviewed. Considering this commitment, the NG has the following comments:

Comment 2.7: How would this type of report add to the baseline data for an SEA or add to the improvement of mitigations in offshore oil and gas activities?

**C-NLOPB Comment 2.8:** The NG recommends improved requirements for monitoring programs as well as a requirement to show how the proponent has incorporated best practices into their programs.

The NG greatly appreciates the C-NLOPB's commitment in their Nov 7, 2017 letter to "carefully consider the concerns raised by the Nunatsiavut Government with respect to cumulative effects and will work towards improving how they are addressed in EAs." The NG hopes that our comments are helpful in this effort.

### **3.0 Mitigation and Monitoring**

The proponent reviews the sound exposure criteria for marine fish, mammals and sea turtles to determine the effects and significance of seismic noise. Therefore, if sound exposure levels are being used to assess effects and significance, it is logical that they should be used for mitigation.

Comment 3.1: The NG suggests that the proponent model the soundscape in the project area to ensure that their proposed 500m radius for marine mammals and sea turtles is covering the latest sound exposure criteria that they use in their assessment to determine the effects of seismic noise.

This is an example of an opportunity to contribute to the adoption of best practices, as the proponent has stated its desire to do so in the revised EA. This information will also improve our understanding of the Labrador offshore environment. This knowledge would be best used in the Labrador SEA update that is currently underway, co-chaired by the NG and the C-NLOPB.

Comment 3.2: The EA mitigation and monitoring report submitted to the C-NLOPB within 6 months of each's season should contain methods that will enable data to feed into longer term EA planning, such as the EA Updates and that of the Labrador SEA.

Sincerely,

A solid black rectangular box used to redact the signature of Claude Sheppard.

Claude Sheppard  
Director of Non-Renewable Resources