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10 Years of Continued Progress

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Re. NG response to Multiklient Invest AS Newfoundland and Labrador Offshore Seismic Program, 2017 to 2026 Environmental Assessment

Dear Mr. Hicks,

Please find below our comments with respect to Multiklient Invest AS Newfoundland and Labrador Offshore Seismic Program, 2017 to 2026 Environmental Assessment, submitted for review on March 6, 2017.

The Nunatsiavut Government (NG) finds this environmental assessment to be lacking in substance. The Nunatsiavut Government fundamentally disagrees with the length of the environmental assessment. The NG finds it important to note the lack of ability to assess long-term cumulative effects, and encourages the C-NLOPB to move to annual or bi-annual EA reviews instead of updates. The proponent has stated that they are unable to assess impacts for the period they have chosen for their project. Therefore, the timeline should be minimized until they are able to assess cumulative effects.

Paragraph 19(1)(a) of CEAA 2012 specifies that a project EA must take into account environmental effects, including cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out. This environmental assessment does not clearly state the proponent's scenario with which they are assessing their own cumulative effects of a 10-year program. The proponent states that the maximum possible combinations within each year are 2D and 2D or 2D and 3D and 4D; therefore the maximum combination should be used each year for 10 years to assess cumulative effects. The proponent is applying for a 10-year project; the environmental assessment should be able to properly assess cumulative effects over that time span by assessing the certain and probable projects over that time period – otherwise each project should reduce the scope to

an assessable timeframe; likely resulting in each seismic project being treated as an annual or bi-annual project with separate environmental assessments.

Section 5.5 states that the mitigation measures will “be adhered to during each survey year, with necessary adjustment based on monitoring and follow up”. There is no detailed monitoring program specified in the environmental assessment. Please detail the monitoring plans that will be used to assess the effects of and adjust the mitigation measures. An environmental effects monitoring plan is an essential part of any environmental assessment (see Table 3 in Duiker et al., 2012), and should be required in the EA process, especially for longer term EAs.

The Nunatsiavut Government takes issue with the referencing of previous EA studies to validate or defend a position. Rather than providing evidence to support conclusions, the proponent has instead asked the reviewer to refer to past EAs that are not included in the document. This is poor EA practice and should be discouraged by the regulator.

The environmental assessment states that it incorporates best practice into its mitigations, however it does not explain why the new NMFS sound exposure criteria requirements have not been assessed in this case as a best practice. Instead, MKI is relying on the Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment, which is based on a 2004 Canadian Science Advisory Secretariat (CSAS) report that outlines the large data gaps and potential consequences of seismic exploration as well as encouraging the use of new mitigation measures, particularly in cases where cumulative effects should be assessed. The more recent CSAS Report, the Review of Mitigation and Monitoring Measures for Seismic Survey Activities in and Near the Habitat of Cetacean Species at Risk, highlights next steps and best practices for seismic surveys using three case studies of Atlantic SARA species. This document should be applied to the consideration of mitigation measures for this project and can be found here: <http://waves-vagues.dfo-mpo.gc.ca/Library/364484.pdf>

In light of the most minimal sound mitigation being used in this environmental assessment while other jurisdictions are working to apply to new evidence and research to their mitigation practices, what opportunities exist for the adoption of best practices and improved mitigation? What *specific* reporting requirements exist in order to ensure adaptive mitigation over the 10-year period of the project? How will the C-NLOPB or its stakeholders ensure that best practices are adopted?

Thank you,

Harry Borlase
Director of Non-Renewable Resources
Nunatsiavut Government