



**Nunatsiavut**  
kavamanga Government

Nunaligninikmik amma  
Nunamiutanik Ujaganik Imaniklu  
Lands and Natural Resources

July 25, 2011

Darren Hicks, MES  
Environmental Analyst  
Canada-Newfoundland and Labrador Offshore Petroleum Board  
140 Water St., 4th Floor  
St. John's, NL A1C 6H6  
709.778.1431 office  
709.778.1432 fax  
www.cnlopb.nl.ca

**Re: Comments on the Environmental Assessment addendum for the proposed Multi Klient Invest Labrador Sea and Davis Strait seismic survey program (2011-2015)**

Dear Mr. Hicks,

Please find below our comments with respect to the environmental assessment of Multi Klient Invest's Labrador Sea and Davis Strait seismic Program, 2011-2015.

Many of our earlier comments were not specifically addressed. We are disappointed that the proponent chose to modify a 200 page document rather than speak directly to the issues raised. As a result, many of our initial concerns and suggestions remain outstanding and are outlined below.

**Effects, project area and overlap with Inuit fishery**

With respect to extent of impacts, the Canadian Environmental Assessment Act and associated regulations stipulate that the burden of proof rests on the proponent to demonstrate the extent of impacts (or lack thereof) with high certainty. Currently, there is little evidence provided by the proponent to explain the western boundary of impacts. The exclusion of effects (with high certainty) on the Labrador Inuit Settlement Zone is still not possible.

17 Sandbanks Road, PO Box 70, Nain, NL, Canada A0P 1L0 ▶ Tel: 709.922.2942 Fax: 709.922.2931 ▶ Email: [nain\\_reception@nunatsiavut.com](mailto:nain_reception@nunatsiavut.com)

Makkovik  
PO Box 92  
Makkovik, NL A0P 1J0  
Tel: 709.923.2365  
Fax: 709.923.2366

Hopedale  
PO Box 91  
Hopedale, NL A0P 1G0  
Tel: 709.933.3777  
Fax: 709.933.3746

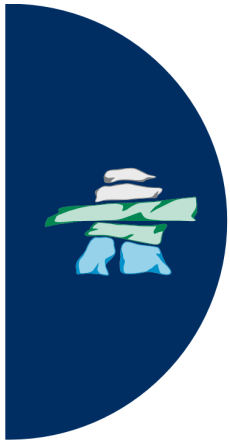
Rigolet  
PO Box 47  
Rigolet, NL A0P 1P0  
Tel: 709.947.3383  
Fax: 709.947.3371

Postville  
General Delivery  
Postville, NL A0P 1N0  
Tel: 709.479.9880  
Fax: 709.479.9891

Happy Valley - Goose Bay  
1A Hillcrest Road, PO Box 909, Stn. 'B'  
Happy Valley - Goose Bay, NL A0P 1E0  
Tel: 709.896.8582  
Fax: 709.896.2610

North West River  
7-13 River Road, PO Box 234  
North West River, NL A0P 1M0  
Tel: 709.497.8356  
Fax: 709.497.8311

[www.nunatsiavut.com](http://www.nunatsiavut.com)



We request that the proponent provide a clear scientific basis for the exact western boundaries of impact as a result of the survey along the entire coast of Labrador. We also requested that the proponent quantitatively (objectively, rather than assigning rankings according to subjectively determined categories) provide evidence for the degree of certainty associated with this predicted boundary – this has still not been done. If only subjective qualitative estimates (i.e. ranks) of certainty can be provided, which has been the case thus far, then that raises significant questions about the process for evaluating certainty and uncertainty and, in and of itself, increases the uncertainty of the environmental impact statement.

We request that the proponent do the same (as indicated in the previous paragraph) for cumulative effects analysis.

Previous seismic survey operations took place along the coast of Labrador during the same time that the Aboriginal fishery was taking place (in our particular case, we are concerned about the Inuit fishery). There were several local observations (related to crab and shrimp) that catch per unit effort decreased sharply after the seismic survey vessel went through various areas that were being fished, therefore compromising the ability of certain fishing operators to maximize their catch. This was based on fishing taking place just prior to the seismic vessel entering the area and just subsequent to the vessel leaving the area. This indicates significant impacts of seismic survey operations on the Aboriginal fishery.

The chief means of mitigating potential effects on fisheries activities is to avoid active fishing areas, including but not limited to, fixed gear zones when they are occupied by harvesters. To help mitigate significant impacts on the Aboriginal (Inuit) fishery, the Nunatsiavut Government requests that the seismic program along the Labrador coast should begin no earlier than October 1 each year. If this is not possible, it is clear that given the high likelihood of significant impacts on the fishery, other mitigation measures (i.e. financial) will need to be explored, agreed upon and implemented prior to the survey program beginning. With respect to the Canadian Environmental Assessment Act, we'd like to remind the proponent that it is our duty to raise valid issues and concerns and the burden of proof lies with the proponent. Given our observations and local expertise, there are significant gaps in the information being provided by the proponent and we are



proposing appropriate mitigation measures to accommodate these major gaps in order to ensure the project is sustainable and does not have significant adverse impacts on Inuit and the environment, upon which we depend.

We request that the proponent be required to commit to not beginning their seismic operations prior to October 1 of each year or be required to explore and agree upon other mitigation measures with the Nunatsiavut Government prior to the survey program beginning (ice formation over the past two years along the coast has been much later – mid-January this past winter). It is also our understanding that the statement “ensure that seismic activity does not interfere with the fishermen” means that the seismic vessel will avoid any areas that are being actively fished and avoid any fixed gear that is in place. We request that the proponent confirm this is the case. Finally, section 6.7.4.1 of the addendum report states that “because of the length of equipment towed behind the survey vessel, their maneuverability is restricted and other vessels must give way”. The Nunatsiavut Government strongly disagrees with this statement (the Inuit fishery has priority in all cases), but it is indicative of the proponent’s perspective on appropriate mitigation measures for Inuit.

As stated in 5.6.1 of the original report, behavioural responses of marine fish may include avoidance behavior (i.e. displacement) and avoiding the zone of influence around the seismic vessel. Fish distributions have been shown to change for up to five days after shooting ended in one study (Engas et al. 1996). In areas that are being fished (or are about to be fished) this can cause decreases in catch per unit effort for the aboriginal fishery, which is a significant socio-economic impact. Therefore, these are extremely important mitigation measures to put in place. If these specific measures are not taken into account, other appropriate mitigation measures should be discussed and agreed upon by the proponent and the Nunatsiavut Government.

Citing a DFO report (2004c), in Section 6.2.9, the proponent states “less definitive results were significant differences between test and control groups related to bruising of the hepatopancreas; bruising of ovaries; dilated oocytes with detached chorions; one test group had delayed embryo hatch and larvae were slightly smaller; and orientation as a function of being turned over” when referencing effects on the reproductive biology of female snow crab. From the Inuit perspective, these are significant effects and we do not



**Nunatsiavut**  
kavamanga Government

Nunaligninikmik amma  
Nunamiutanik Ujaganik Imaniklu  
Lands and Natural Resources

agree with categorizing them as ‘less definitive’, as they are statistically significant effects.

As another mitigation measure, we requested that the proponent be required to hire Inuit marine mammal observers and fishery liaison officers (or, Inuit marine mammal observer trainees and fishery liaison officer trainees at a minimum) and Inuit for other positions related to the seismic survey vessel operations. It is our understanding that the ship has already left St. John’s and is transiting in international waters towards the proposed seismic survey area. Obviously, this means that the proponent had no intention of hiring Inuit, which is a mitigation measure that could have been implemented. It also means that many Inuit were misled during community consultations that took place where there were numerous questions about employment opportunities. From the proponent’s actions, it seems that they had no intention of hiring Inuit.

Generally speaking, it is highly suspect that the seismic survey vessel departed St. John’s prior to the environmental assessment of their proposed project being completed – this demonstrates the proponent’s priorities are to ‘gather the data’ rather than address outstanding concerns and engage in meaningful discussions with Inuit. It is disappointing that the vessel departed St. John’s and made no contact with Inuit prior to this.

Given Inuit observations (local Knowledge) on the impact of seismic vessels on the Inuit fishery, the DFO (2004c) report that cites significant effects of low-level seismic energy on the reproductive biology of female snow crab, and the proponent’s unwillingness to implement appropriate mitigation measures, it is clear that the impacts of the proposed seismic surveys on Inuit and their livelihoods will be significant and further mitigation measures need to be put in place.

### **Summary recommendations**

Because there is obviously a big disconnect between the proponent’s and the Nunatsiavut Government’s perspectives on post-mitigation impacts, the Nunatsiavut Government has focused our recommendations on three main issues. We hope that highlighting these three main issues as stand-alone requests results in direct answers and action:

17 Sandbanks Road, PO Box 70, Nain, NL, Canada A0P 1L0 ▶ Tel: 709.922.2942 Fax: 709.922.2931 ▶ Email: [nain\\_reception@nunatsiavut.com](mailto:nain_reception@nunatsiavut.com)

Makkovik  
PO Box 92  
Makkovik, NL A0P 1J0  
Tel: 709.923.2365  
Fax: 709.923.2366

Hopedale  
PO Box 91  
Hopedale, NL A0P 1G0  
Tel: 709.933.3777  
Fax: 709.933.3746

Rigolet  
PO Box 47  
Rigolet, NL A0P 1P0  
Tel: 709.947.3383  
Fax: 709.947.3371

Postville  
General Delivery  
Postville, NL A0P 1N0  
Tel: 709.479.9880  
Fax: 709.479.9891

Happy Valley - Goose Bay  
1A Hillcrest Road, PO Box 909, Stn. ‘B’  
Happy Valley - Goose Bay, NL A0P 1E0  
Tel: 709.896.8582  
Fax: 709.896.2610

North West River  
7-13 River Road, PO Box 234  
North West River, NL A0P 1M0  
Tel: 709.497.8356  
Fax: 709.497.8311



- the seismic program along the Labrador coast should begin no earlier than October 1 each year (i.e. communication is not an effective mitigation measure for the significant temporal overlaps of seismic surveys and the Inuit fishery). If this is not possible, other mitigation measures (eg. financial and otherwise) need to be agreed upon prior to the commencement of the program;
- Inuit employees should be hired by the proponent every year. This includes, but is not limited to, Inuit marine mammal observers and fishery liaison officers (or, Inuit marine mammal observer trainees and fishery liaison officer trainees at a minimum) and Inuit for other positions related to the seismic survey vessel operations. In response to our earlier comments about this, the proponent cites section 6.7.4.3 – we are not sure why, as this section does not mention aboriginal or Inuit a single time.
- a comprehensive study funded by the proponent and the CNLOPB to determine the effects of seismic activity along the Labrador coast. This would include, but not be limited to, species of interest to the Inuit fishery, such as snow crab, shrimp and turbot. The design and implementation of this program with laboratory and field components would be through a stakeholder group, including the Nunatsiavut Government, and would include research based questions and follow-up monitoring. We request that this stakeholder group be formed by the end of 2011.

## Conclusion

Although it is stated that there are no viable alternatives that can be considered from an environmental viewpoint, in our response, we have once again put forward mitigation measures that will significantly improve the sustainability of the proposed project and ensure that the benefits of the project outweigh the risks associated with it.

Best regards,

Tom

Tom Sheldon  
Director, Environment Division  
Department of Lands and Natural Resources  
Nunatsiavut Government



**Nunatsiavut**  
kavamanga Government

Nunaliginikmik amma  
Nunamiutanik Ujaganik Imaniklu  
Lands and Natural Resources

P.O. Box 70  
Nain, Labrador  
A0P 1L0  
Phone: (709) 922-2942 x249  
Fax: (709) 922-2931  
Cell: (709) 899-0690  
tom\_sheldon@nunatsiavut.com  
www.nunatsiavut.com

17 Sandbanks Road, PO Box 70, Nain, NL, Canada A0P 1L0 ▶ Tel: 709.922.2942 Fax: 709.922.2931 ▶ Email: nain\_reception@nunatsiavut.com

**Makkovik**  
PO Box 92  
Makkovik, NL A0P 1J0  
Tel: 709.923.2365  
Fax: 709.923.2366

**Hopedale**  
PO Box 91  
Hopedale, NL A0P 1G0  
Tel: 709.933.3777  
Fax: 709.933.3746

**Rigolet**  
PO Box 47  
Rigolet, NL A0P 1P0  
Tel: 709.947.3383  
Fax: 709.947.3371

**Postville**  
General Delivery  
Postville, NL A0P 1N0  
Tel: 709.479.9880  
Fax: 709.479.9891

**Happy Valley - Goose Bay**  
1A Hillcrest Road, PO Box 909, Stn. 'B'  
Happy Valley - Goose Bay, NL A0P 1E0  
Tel: 709.896.8582  
Fax: 709.896.2610

**North West River**  
7-13 River Road, PO Box 234  
North West River, NL A0P 1M0  
Tel: 709.497.8356  
Fax: 709.497.8311

[www.nunatsiavut.com](http://www.nunatsiavut.com)