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July 3, 2019 (VIA EMAIL)

Re: WWF-Canada feedback on the Canadian Environmental Assessment Agency and the Canada-Newfoundland and Labrador Offshore Petroleum Board's Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador

Dear Committee Members,

Thank you for the opportunity to provide comments on the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador at the early stages of this process. WWF-Canada supports the environmental assessment process as it is a critical safety component to ensure risks to human health and the environment are mitigated during oil and gas activities. We commend the Canadian Environmental Assessment Agency (CEAA) and the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) for their efforts to engage stakeholders throughout this Regional Assessment (RA) process. WWF-Canada has reviewed the RA documents and offers the following input detailing our key concerns for your consideration.

a) What do you consider to be the main objective and desired outcome of this Regional Assessment? What should it contain and do, and how should it be used?

RAs can elucidate the future that rightsholders and stakeholders envision for the region, and the conditions necessary to achieve that future. Newfoundland and Labrador's offshore industry benefits from this visioning when it ensures that the full range of future development scenarios, alternatives, and associated economic, social, environmental, health and cultural considerations are considered. While the RA cannot replace individual project assessments (as impacts vary considerably based on project location, technical details, and scope), it provides invaluable

context for decision-making on sustainability and public interest of future projects. Given that the Study Area includes considerable area outside Canada's Exclusive Economic Zone (EEZ), the RA can also provide clarification re: jurisdictions over future projects.

One of the stated aims of the governments of Canada and Newfoundland and Labrador in this RA process is "to improve the efficiency of the environmental assessment process as it applies to oil and gas exploration drilling while at the same time ensuring the highest standards of environmental protection continue to be applied and maintained". As such, adequate time must be taken to ensure the process is thorough, inclusive and consultative. The RA should establish clear development and sustainability goals and identify preferred direction, and future management strategies and priorities for the Study Area. The information collected should be clearly communicated to ensure it is accessible for use by all rightsholders and stakeholders. Best practices for development should also be included.

The main objective and desired outcome of the RA should extend beyond improving the efficiency of the environmental assessment process. It should also consider and weigh the implications of oil and gas versus other types of development. It should be aimed at outlining specific environmental requirements and the mitigations needed before drilling exploratory wells.

To do this the RA needs to identify and map valued components (both ecological features and industrial activities), including foreseeable stressors to each of these valued components. Gathering baseline data is an important part of any RA. As has been mentioned by the Committee, it is not specifically within the scope of the RA to generate new data. Despite this, the data review process can uncover areas where baseline data and policy gaps exist. In such cases where information is inadequate, the RA should highlight knowledge gaps and recommend project approvals be delayed until sufficient data and policy are in place to support decision-making.

b) Are there particular environmental components and issues that you think the Regional Assessment should focus on and seek to address?

Climate Change and International Commitments on Climate Change

The RA should project climate change effects and trends (i.e., increasing acidity, warming waters, changing species distributions and abundance, community level changes such as food web and ecological linkages) and identify sustainable thresholds for development impacts on valued components (i.e., species/habitats) in the Study Area given the increasing fragility of such components. Special attention should be placed on aspects of climate change, (i.e., more frequent and severe storm events, increased iceberg presence in the Study Area) that will directly impact oil and gas activities, resulting in increased risk to human and environmental safety.

The impacts of exploration, drilling and the eventual burning of fossil fuels on Canada's climate change targets should be addressed in the RA. In 2015, Canada and 194 other nations committed to the Paris Climate Agreement. The signatories agreed to a substantial decline and a near phase-out of fossil fuels within 3 decades in an effort to limit global warming below 2 degrees Celsius (above pre-industrial levels) to substantially reduce the risks and effects of climate change.¹

¹ https://unfccc.int/sites/default/files/english_paris_agreement.pdf

Further to that, the Intergovernmental Panel on Climate Change (IPCC) released an October 2018 report, stating that the 2 degree target is insufficient, and that 1.5 degrees above pre-industrial levels is the desired goal to achieve clearer benefits for people and natural ecosystems.²

The world has warmed almost 1 degree since the onset of burning fossil fuels and the consequences are now observable as extreme weather, rising sea levels and diminishing Arctic sea ice. A range of carbon budgets have been generated to determine the precise amount of unburnable carbon cited under a 1.5- or 2-degrees Celsius scenario. Carbon Tracker released a report in 2013 called 'Unburnable Carbon', which concluded that only 20 per cent of total global reserves can be burned.³ The International Energy Agency (IEA)'s World Energy Outlook stated that "No more than one-third of proven reserves of fossil fuels can be consumed prior to 2050 if the world is to achieve the 2°C goal, unless carbon capture and storage technology is widely deployed."⁴ Fatih Birol, the Executive Director of the IEA, said that two-thirds of proven reserves have to be left undeveloped for a 2°C pathway.⁵

Policies designed to limit carbon emissions could mean some fossil fuels become "stranded assets". In 2013 Shell recognized this, stating: "The issue of the bubble arises because the combined proven oil, gas and coal reserves currently on the books ... will produce far more than this amount of CO₂ when consumed. This implies that in a world where the 2 degrees Celsius limit is imposed and achieved, most of the future value generation of the companies involved will never be realized."⁶

Which reserves get burned and which do not will be driven by economic considerations, but it is expected that the cheaper reserves will be consumed first. McGlade & Ekins published an article in the journal Nature which concluded that more expensive reserves would not be possible within a 2 degree Celsius scenario, not to mention a 1.5 degree Celsius scenario.⁷ In 2016, the United States took steps to begin constraining the expansion of fossil fuel production on climate grounds – rejection of the Keystone XL pipeline, a programmatic review of coal leasing policies, and a decision to make the Arctic and, notable for this RA, the Atlantic, off-limits to further exploration and drilling.

The governments of Canada and Newfoundland and Labrador together should consider the fiscal issue of stranded assets and when making a case for fossil fuels in a world rapidly trying to decarbonize. These projects require billions in investment and are intended to produce oil for decades to be economically viable, yet by 2050, only 30 years away, an 80 per cent reduction in carbon emissions is required under the Paris Agreement.

² <https://www.ipcc.ch/sr15/>

³ Carbon Tracker 2013. 'Unburnable Carbon 2013: Wasted Capital and Stranded Assets.' <http://carbontracker.live.kiln.digital/Unburnable-Carbon-2-Web-Version.pdf>

⁴ International Energy Agency. 2012. World Energy Outlook 2012. <http://www.iea.org/publications/freepublications/publication/English.pdf>

⁵ <https://thinkprogress.org/june-13-news-leave-two-thirds-of-fossil-fuels-in-the-ground-says-international-energy-agency-e7a4d4177453/>

⁶ Shell Climate Change. May 3, 2013. 'The Carbon Bubble Reality Check.' Blog post by David Hone, Chief Climate Change Advisor for Shell.

<https://blogs.shell.com/2013/05/03/bubble/>

⁷ McGlade, C. and Ekins, P. 2015. 'The geographical distribution of fossil fuels unused when limiting global warming to 2° C'. 517 Nature 187. <https://www.nature.com/articles/nature14016>

One offshore platform will produce an additional 500,000 tonnes of greenhouse gas emissions annually according to Nunami Stantec, which is roughly equivalent to putting an additional 100,000 passenger vehicles on Canadian roads.⁸ This does not include downstream emissions when the extracted oil and gas is burned, which roughly doubles the total carbon footprint.⁹ This comes at a time when Canada is not on track to meet its Paris commitments and must decrease emissions substantially. This is particularly concerning given that on average, Canada is warming at about twice the rate of the rest of the world and Northern Canada has warmed and will continue to warm at almost three times the global rate.¹⁰

Protected Areas and International Commitments to Marine Protection

Canada, as a signatory to the Convention on Biological Diversity (CBD), has agreed to protect 10 per cent of its marine and coastal waters through the designation of marine protected areas (MPAs) and other effective area-based conservation measures (also known as marine refuges in Canada) by 2020. Fisheries and Oceans Canada, in collaboration with Parks Canada and Environment and Climate Change Canada, have put significant effort into meeting an interim target of protecting 5 per cent of Canada's waters by 2017 and surpassed that by protecting 8.27 per cent of its ocean and coastal territory as of June 2019.¹¹ Additionally, in April 2019, the Minister of Fisheries, Oceans and the Canadian Coast Guard announced that all new federal MPAs would prohibit oil and gas activities in order to strengthen the conservation of our oceans.¹² This effort demonstrates Canada's national and international leadership in ocean conservation; it is of great embarrassment for Canadians to forego this leadership role given that petroleum industry activities and infrastructure development have become permitted within sites counting towards Canada's marine conservation targets.¹³

WWF-Canada has consistently called on the federal government and the offshore petroleum boards to prohibit oil and gas activities within MPAs and marine refuges.¹⁴ WWF-Canada has expressed disapproval with decisions to issue Calls for Bids including areas within marine refuges that count towards Canada's marine conservation targets (see Figure 1).

⁸ <http://www.nirb.ca/publications/strategic%20environmental%20assessment/180601-17SN034-Environmental%20Setting%20and%20Review%20of%20Potential%20Effects%20Report-IEDE.pdf>

⁹ U.S. Environmental Protection Agency. Greenhouse Gas Equivalencies Calculator. <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>

¹⁰ Bush, E. and Flato, G. (2018): About this report; Chapter 1 in Canada's Changing Climate Report, (ed.) E. Bush and D.S. Lemmen; Government of Canada, Ottawa, Ontario, p. 7–23.

¹¹ <http://www.dfo-mpo.gc.ca/oceans/oeabcm-amcepz/refuges/index-eng.html>

¹² <https://www.canada.ca/en/fisheries-oceans/news/2019/04/backgrounder-new-standards-to-protect-canadas-oceans.html>

¹³ <https://www.cbc.ca/news/canada/newfoundland-labrador/cnlopb-oil-exploration-wwf-ffaw-1.4608502>

¹⁴ <http://www.wwf.ca/newsroom/?27841/Oil-and-gas-dont-mix-with-conservation-WWF-Canada-says>

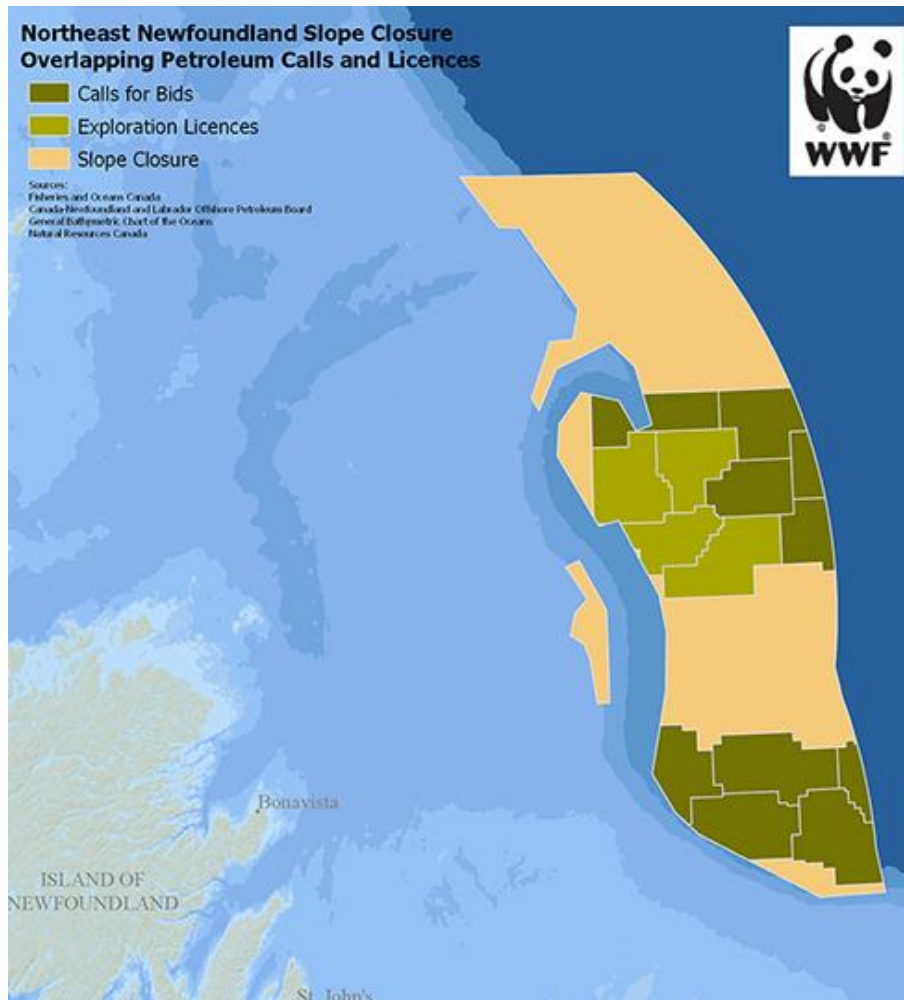


Figure 1: Northeast Newfoundland Slope Closure overlapping with C-NLOPB Calls for Bids and exploration licenses. When exploration licenses are granted within marine refuges Fisheries and Oceans Canada can no longer count these areas as protected under international guidelines.

Allowing oil and gas operations in marine refuges undermines their contribution to Canada's marine conservation targets. The RA should recognize the importance of MPAs and marine refuges, by ensuring they are prominent features on maps as areas to be avoided/removed from the Call for Bids process. In addition, vulnerable marine ecosystems, which include concentrations of sensitive sponge, coral and sea pen aggregations, have been protected from bottom fishing by the Northwest Atlantic Fisheries Organization. While outside of Canada's Exclusive Economic Zone, these conservation areas are also included in the project scope and should also be removed from future Calls for Bids due to their ecological sensitivity and contribution to conservation.¹⁵

¹⁵ <https://www.nafo.int/Fisheries/VME>

c) Do you have any perspectives on the scope of the Regional Assessment, including the particular exploration activities that it should cover, its Study Area, or other factors?

WWF-Canada attests that the scope of activities to be considered in this RA is currently too narrow. Regional Impact Assessments, according to “Building Common Ground – A new vision for Impact Assessment in Canada”¹⁶ states that RAs should be used to assess baseline conditions and the cumulative impacts of all projects and activities within a defined region. This RA should not be limited to the impacts of offshore oil and gas exploratory drilling, but should assess the impacts of all oil and gas exploration activities, (seismic, at sea discharges, infrastructure placement, accidental events); oil and gas production and development activities; fishing and shipping activities – providing an understanding of the different activity footprints, temporal and spatial scales, and the cumulative impacts on valued ecosystem components, currently and projected into the future.

This RA should include “alternative scenarios,” such as reduced or no oil and gas production and expansion of other economic development opportunities like fishing, shipping or marine renewable energy. To date, the identification and assessment of cumulative impacts has been inadequately assessed at the project level. This RA can assist by identifying, assessing and informing management of cumulative impacts of all development scenarios on valued components so governments, rightsholders, and stakeholders can make informed decisions about what activities should be undertaken, how much development should occur, where it should occur, and what steps are needed to minimize adverse impacts. Input from federal, provincial and municipal jurisdictions, Indigenous groups, local community groups and other stakeholders should be sought out and used as a basis for discussion regarding what they would like the region to look like in the future, especially from those that will be most impacted by decisions.

RAs should allow for proactive management of the Study Area so that development is sustainable for current and future generations, and that areas requiring protection should be established when selecting the most suitable development scenario. The RA should also look at the potential jobs and economic benefits of the different development scenarios and determine if these benefits outweigh the risks of offshore oil and gas activity to the marine environment and other industries. The justification for choosing a given scenario should be explicitly stated in the RA, outlining the trade-offs that are being made by selecting this scenario to provide transparency.

While it has been noted that this RA will follow an iterative process, it is important to have sufficient time allotted for a delivery of a comprehensive RA ‘product’, with conditions for periodic reevaluation to ensure that decisions about approvals, mitigations and monitoring are appropriate, in light of changes in species at risk, protected areas, climactic conditions, oceanographic conditions, advances in technology and other industrial activities occurring in the area.

The Study Area comprises an offshore area that contains multiple eco-units and is both within and outside Canada’s EEZ, it will take time to gather, review and format information so that it can

¹⁶ Canadian Environmental Assessment Agency (2017). Building Common Ground – A new vision for Impact Assessment in Canada: The Final Report of the Expert Panel for the Review of Environmental Assessment Processes <https://www.canada.ca/content/dam/themes/environment/conservation/environmental-reviews/building-common-ground/building-common-ground.pdf>

be used in a geospatial database the way the committee is proposing. There will be inconsistencies in the amount, quality, type and scale of baseline data that has been collected, and data gaps will need to be filled before decisions can be made. As there are a wide range of ecosystem types, sensitive species and other activities occurring throughout this space, it is critical that generalizations not be made for the entire region.

d) Do you have any suggestions on available environmental datasets or other information sources that should be accessed and used in the Regional Assessment? Are there any key data gaps?

Current gaps in data and information within the Study Area includes but is not limited to:

- The sensitivity of marine species and habitats to seismic testing, pollution and potential spills (including well blow outs and chronic leaks);
- Species richness and diversity;
- Location of sensitive benthic habitats;
- Pathways of migratory fish, mammals and seabirds that may experience disruption and mortality within or while on route to feeding and spawning grounds (above or below the air-water interface);
- Ability of fish and invertebrates to detect sound throughout all life history stages;
- Behavioural and sub-lethal effects of oil and gas exploration activities on marine benthos throughout all life history stages;
- Understanding of the ecological functionality and processes related to habitats with defined benthic conservation objectives within the Study Area;
- Understanding potential effects of exploratory drilling activities in deep-water environments (most published studies are lab-based and directed toward shallow water environments. In Canadian waters, exploration activities have necessitated the collection of deep-water baseline pre/post drilling survey data. This data should be acquired and used to improve understanding of potential exploratory drilling effects in deep-water environments);
- While exploratory drilling mitigation measures are currently designed to address direct impacts on individual organisms or colonies, they should be designed to also consider ecosystem structure, function, and services provided by significant and sensitive benthic habitats when present;
- Regionally appropriate guidance, similar to the Norwegian Oil and Gas Authority Guidelines (NOROG) is needed for Canada, including appropriate indicator species and criteria necessary to determine what interactions are considered significant in Canadian waters including the Study Area (*Lophelia* is an indicator species in Norway, but it's not a good indicator in Canadian waters; appropriate species lists have been created by DFO for Canadian waters and should be used);
- Characterization and fate of non-ship source oil spills, i.e. platform-based spills;
- Ecosystem-based studies to determine functionality of species identified as valuable, and the potential community / food web impacts associated with oil and gas exploration effects on these species or habitats;
- Economic potential for other development alternatives; and,

- The impacts of oil exploitation in the Newfoundland-Labrador offshore on Canada's climate targets and the international commitment to limit global warming to a maximum of 1.5 degrees Celsius.

It is also important to note, that several deficiencies in regulatory documentation, policy and inter-governmental cooperation for the Atlantic Canada offshore oil and gas industry were highlighted in the 2012 Fall Report of the Commissioner of the Environment and Sustainable Development.¹⁷ Lack of appropriate attention to these recommendations, by industry and regulators can be inferred from the number of unfortunate but preventable incidents occurring in the NL offshore, most notably, lack of reporting of a near miss between an iceberg and the Husky Energy floating, production, storage and offloading vessel in 2017 and spillage of an estimated 250,000 litres of crude oil by Husky Energy and absence of any clean-up response in 2018. Stated deficiencies include:

- the response capacity required and the ability of industry and the regulator to respond effectively to major spills in the Newfoundland-Labrador offshore;
- absence of tracking of environmental assessment mitigation and follow up measures within the Study Area;
- policies and procedures outlining regulatory obligations under the *Species at Risk Act*;
- formal arrangements for obtaining independent observations of offshore oil and gas activities;
- documentation and transparency re incidents of industry non-compliance and regulator selection of legislative enforcement tools for same;
- coordination, consistency and regular testing of regulatory response plans between responsible government departments and documentation clarifying roles and responsibilities for same; and
- internal and external capacities for regulators to exercise their responsibilities and meet the environmental protection objectives of their governing legislation.

Furthermore, we urge the committee to coordinate with international bodies that have jurisdiction outside Canada's EEZ, to seek available environmental datasets or other information sources that should be accessed and used, as much of the Study Area is outside Canadian jurisdiction.

e) Are there any mitigation and monitoring / follow-up measures that you think should be implemented for future exploratory drilling activities in the Study Area? (Note: This may include perspectives on the adequacy of current measures + any suggestions for new ones –either in general or for specific situations).

The Agreement to conduct the RA mentions that one factor to be considered is 'mitigation measures that are technically and economically feasible and that would mitigate any adverse effects of offshore exploratory drilling'. We suggest that the factors to be considered section be updated to describe 'mitigation measures that are science-based, technically and economically feasible...', to ensure that mitigations are scientifically proven to be effective. It should be noted that the mitigation options, feasibility and effectiveness will be highly dependent on site-specific

¹⁷ http://www.oag-bvg.gc.ca/internet/English/parl_cesd_201212_01_e_37710.html

conditions, hence the need for project-level assessments. In addition, it should be made clear that mitigation measures are ideally identified and implemented in accordance with the widely-accepted mitigation hierarchy: avoid; minimize/reduce; and, rehabilitate/restore and offset/compensate. Optimal mitigation avoids the impact entirely by eliminating the possibility of interaction between the activity and the valued ecosystem component. It should also be made clear that in areas where impacts can't be mitigated to a point where adverse impacts on valued components will not occur, the activity should not be undertaken.

Before exploratory drilling commences, seismic surveys will also need to be conducted. It will be important that an accounting of the cumulative impacts of this activity also be included in the assessment. Site specific environmental assessments do not adequately account for cumulative effects, so a study at the regional level is likely a better venue for this type of accounting.

Sound underwater can travel thousands of kilometers under the right conditions, meaning that effects would not be limited to the project area. Nieu Kirk et al. analyzed ten years of underwater recordings from the Mid-Atlantic Ridge, finding that seismic air guns were heard at distances of 4,000 km from survey vessels and present 80-95 per cent of the days per month for more than twelve consecutive months in some locations.¹⁸ When several surveys were recorded simultaneously, whale sounds were masked (drowned out), and the air gun noise became the dominant part of background noise levels. These sorts of transmission distances do not occur in all cases, but without the appropriate noise measurements, it should be assumed they are possible.

To date 130 species have been documented to be impacted by human-caused underwater noise pollution, including species present in the Study Area such as plankton, benthic organisms, whales and other marine mammals, invertebrates, some fish species, squid and shrimp, although more research is needed for these and many other species.¹⁹ The precautionary approach should be applied for those species in which seismic impacts are unknown or uncertain. Before any seismic activity is approved, thorough, long-term studies should be carried out to get robust baseline biological information on the distribution and abundance of some species. Seismic activities should not be conducted in sensitive marine environments until more is known about the full impacts on certain species.

In terms of mitigating the impacts of seismic testing, the options that currently exist are largely unproven in their effectiveness. For instance, most whales are rarely visible at the surface, especially the deep divers, such as Northern bottlenose whales, and especially in anything but perfect visibility. Quantitative analysis has shown that mitigation monitoring detects fewer than 2 per cent of beaked whales even if the animals are directly in the path of the ship.²⁰ Other species might be slightly easier to sight, but again monitoring cannot be relied upon to be satisfactorily effective. Marine Mammal Observers are often not sufficiently trained (specifically in the use of

¹⁸ Nieu Kirk, S.L., Mellinger, D.K., Moore, S.E., Klinck, K., Dziak, R.P. and Goslin, J., 2012. Sounds from airguns and fin whales recorded in the mid-Atlantic Ocean, 1999–2009. *The Journal of the Acoustical Society of America*, 131(2), pp.1102-1112.

¹⁹ Weigart, L., 2018. The impact of ocean noise pollution on fish and invertebrates. *Report for OceanCare, Switzerland*. https://www.oceancare.org/wp-content/uploads/2017/10/OceanNoise_FishInvertebrates_May2018.pdf

²⁰ Barlow, J. and Gisiner, R. 2006. Mitigating, monitoring and assessing the effects of anthropogenic sound on beaked whales. *Journal of Cetacean Research and Management*, 7(3), pp.239-249.

Passive Acoustic Monitoring) nor suitably rested, nor are they necessarily listened to when they claim to have sighted a marine mammal.²¹ The safety radius is also very dependent on the sound transmission conditions which change with bathymetry, nature of the seafloor, salinity, and the sound speed profile which can change between seasons. There is not even good information as to what constitutes a “safe” exposure, particularly for whales whose hearing cannot be measured. This also varies between past exposure, recovery time, species, age and sex.

In addition, ramp-ups or soft starts, where the number of air guns firing are gradually and audibly increased, do not appear to be consistently and reliably effective in causing humpback whales to move away from the source vessel, a species that is found within the study area.²² There is large variation in whale behavior, with some groups swimming away from the sound source whereas others approached even relatively loud noise levels, possibly viewing them as a challenge that needed to be confronted. Whales that did avoid the (source) vessel emitting air gun noise may have avoided the vessel itself, not the noise.²³ Although the sound source was different (naval sonar vs. seismic air guns), and the ramp-up procedures are different, it was also found that gradually increasing the sonar source intensity was not an effective method to reduce the risk of physiological effects for humpback whales overall, mainly because most whales did not exhibit very strong avoidance responses to the sonar signals.²⁴ Animals that had not been exposed to sonar recently, that were not feeding, or were with a small calf were more responsive to the sonar signals. This again illustrates how difficult it is to form conclusions about innocuous noise impacts since especially whales, but also fish, show greater behavioral variation in the wild. Moreover, when animals have a strong motivation not to move away from their current location, ramp-ups are unlikely to be effective.

In terms of mitigating the risk of oil spills, it is worth noting that some of the conditions that can increase the risk of a well blowout are present in the Newfoundland-Labrador offshore such as deep water, extreme weather and the need for a significant amount of exploration drilling. According to a Scandower report, among the various phases of offshore operations, exploration drilling entails the highest risk of blowout.²⁵ Yet currently in Canada the offshore boards and CEAA do not require offshore operators to have some basic safety equipment on hand, such as capping stacks, which is a device that has been proven effective in stopping well blowouts and is required in Alaskan offshore operations. Documents filed to CEAA in relation to drilling projects in the Flemish Pass indicate that, if there were a well blowout, the capping stack would have to be shipped from Norway or Brazil, a process that could take between 14 and 36 days.²⁶ Similarly,

²¹ DFO. 2010. Guidance Related to the Efficacy of Measures Used to Mitigate Potential Impacts of Seismic Sound on Marine Mammals. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2010/043. <http://www.dfo-mpo.gc.ca/Library/341565.pdf>

²² Dunlop, R.A. et al. 2017. Response of humpback whales to ramp-up of a small experimental airgun array. *Marine Pollution Bulletin*. 103: 1-2.

²³ Ibid.

²⁴ Wensveen et al. 2017. Lack of behavioural responses of humpback whales indicate limited effectiveness of sonar mitigation. *Journal of Experimental Biology*. 220(22): 4150-4161.

²⁵ Officer of the Watch. August 6, 2013. *The Probability of an Offshore Accident*. <https://officerofthewatch.com/2013/08/06/the-probability-of-an-offshore-accident/>

²⁶ CBC News Staff. Weeks to cap a subsea oil leak? It's industry standard, says official. <https://www.cbc.ca/news/canada/newfoundland-labrador/oil-capping-timelines-nl-1.4933106>

the CNSOPB has allowed BP to keep a capping stack in Norway for its drilling operations in the Scotian Basin.²⁷

It is not clear how the Boards decided that requiring a capping stack on site would not be a necessary safety measure. Such decisions reinforce the need for a social process in determining an acceptable level of risk when assessing offshore drilling proposals that involves collaborations with representatives of the affected public, governments, industry, and civil society including Indigenous organizations.

The two recent dangerous incidents, named earlier, highlight the risks of drilling in extreme northern environments. In November 2018 spill was the largest spill in the province's history. Some experts have estimated that a "horrendous" number of sea birds, possibly over 100,000, may have been killed due to the spill.²⁸ This was the second serious incident by Husky Energy's SeaRose FPSO in the last year and a half. In May 2017, an iceberg came within 180 metres of the same vessel, so close that the crew were told to "brace for impact," yet oil production was not halted. That two such serious incidents could occur over such a short time span indicates the hazards common in extreme environments and highlights the need for a higher set of regulatory and governance standards for companies operating in harsh and remote conditions such as those found in the Atlantic offshore.

f) Do you have any suggestions around the nature and format of the eventual Regional Assessment "product" that the Committee will develop and submit to the Minister?

The Committee outlined their desire to create a geospatial database that could be used to base decisions on. While we agree that this could be very useful, this is only the case if it includes all pertinent information, identifies data gaps, and seeks to try fill those gaps. It must also highlight where the gaps are, and not allow development to proceed in those areas until data gaps are filled and assessments can be done to determine if drilling is appropriate and what mitigations are needed if impacts are anticipated. This should also be used as a tool to base decisions on, and not be used to give blanket approval for all exploratory drilling activities.

g) Do you have any perspectives or preferences on how future engagement activities for the Regional Assessment should be carried out (format, timing, participation)?

The 6-month timeline for process completion is too short. Strategic Environmental Assessments, for example, tend to take more than a year. As the Study Area includes many rightsholders and stakeholders, adequate time to allow stakeholders and rightsholders to provide feedback is necessary. Participation in this process needs to be inclusive and must allow meaningful engagement if it is to be legitimate. In particular, the agreement to conduct the RA speaks to the need for inclusion of Indigenous knowledge and an understanding the impacts that exploratory drilling may have on Indigenous groups or the rights of Indigenous peoples. Knowledge gathering, relationship building, and consultations take time, and are essential to the process. If the RA is

²⁷ The Chronicle Herald. March 17, 2018. Opponents of ultra-deep BP well of NS coast speaking at SMU. <http://thechronicleherald.ca/novascotia/1553818-opponents-of-ultra-deep-bp-well-of-n.s.-coast-speaking-at-smu>

²⁸ Stokes, C. Think few reported oiled seabirds is good news? Not so fast, says MUN biologist. *CBC News*. <https://www.cbc.ca/news/canada/newfoundland-labrador/searose-spill-seabird-threat-1.4914730>

meant to take the place of site-specific environmental assessments, then Indigenous groups will need to be consulted.

If the RA process is intended to replace site specific environmental assessments for offshore oil and gas exploratory drilling, which is something we do not support, the timelines must be lengthened to ensure that adequate information is gathered and to ensure consultation is meaningful. WWF-Canada notes that the role of RAs within the federal assessment process includes setting the stage for project-level assessments, not to replace them.

It is also important to note that a federal election will be held in the Fall of 2019. This may further delay the process as it may be difficult for committee members to gather input or datasets from federal partners during this time.

In closing, WWF-Canada recognizes key benefits of this RA process, including the ability to address broader policy issues, to consider the interaction among a range of past, current and possible future activities, to improve the consideration of alternatives and cumulative effects, to streamline assessments at the project level, and to attract better projects based on improved clarity on what types of projects are desired. WWF-Canada asks the Committee to realize this tremendous promise and provide clarity around this RAs role and application: what it is meant to entail, how it will be used to inform project-level assessments, and how it compares and contrast to a strategic environmental assessment (SEA) This is particularly important as it will be the first RA undertaken since both CEEA 2012 and now the adoption of a new legislative framework under Bill C-69. Thank you again for the opportunity to provide input to this RA and we look forward to working with you throughout this process.

Sincerely,

<Original signed by>

Sigrid Kuehnemund

Vice President, Ocean Conservation

WWF-Canada