



**Scoping Document for the Strategic Environmental Assessment for the
Middle and Eastern Scotian Slope and Sable Island Bank Areas**

Submitted to:

Canada-Nova Scotia Offshore Petroleum Board

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1.0 INTRODUCTION

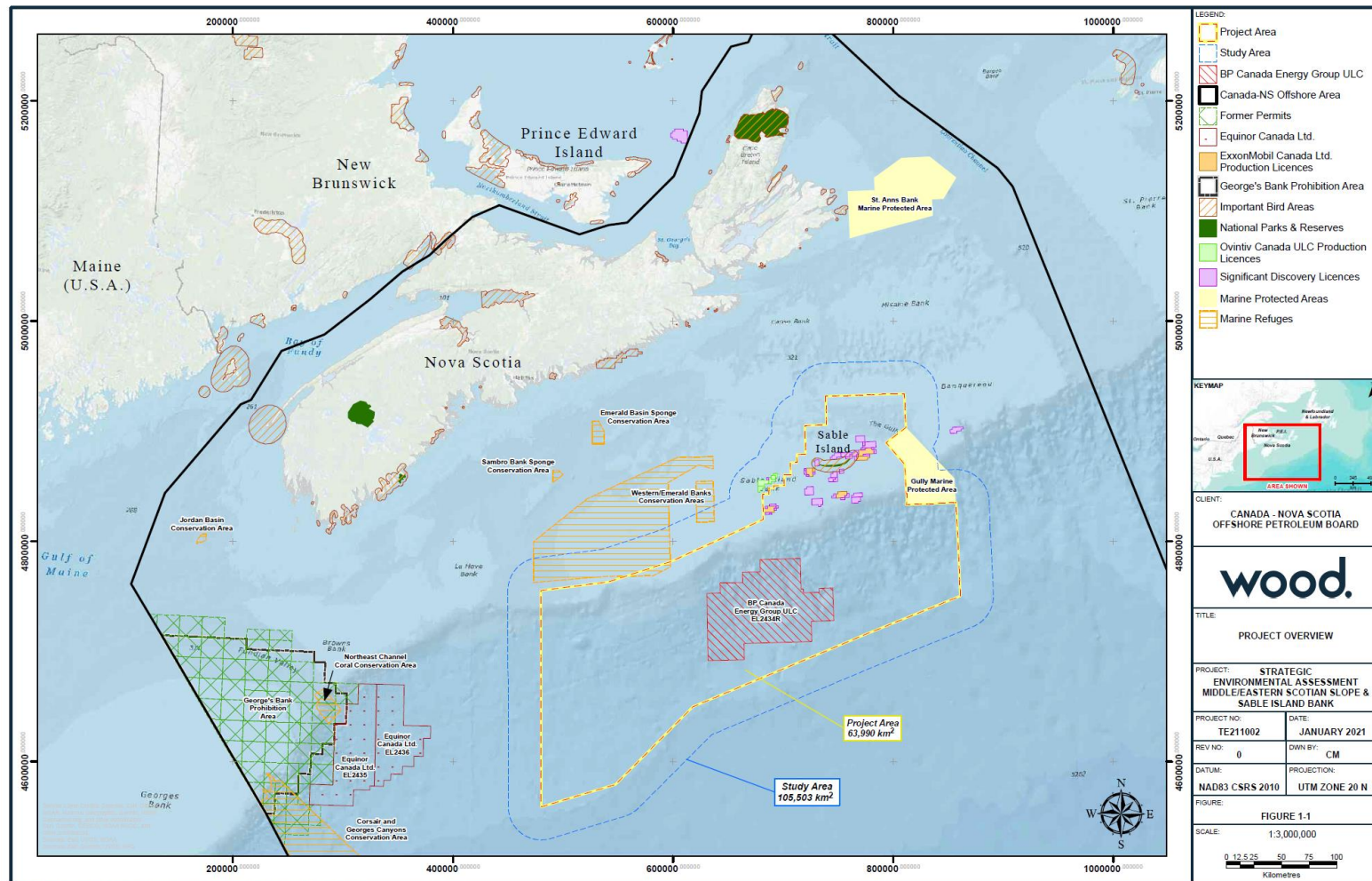
This document defines and describes the nature and scope of the Strategic Environmental Assessment (SEA) that is being completed by the Canada-Nova Scotia Offshore Petroleum Board (CNSOPB) in relation to potential offshore petroleum exploration licencing decisions and activities in the Middle/Eastern Scotian Slope and Sable Island Bank Areas (Figure 1-1).

The CNSOPB is an independent joint agency of the Governments of Canada and Nova Scotia, that is responsible for the regulation of petroleum activities in the Canada-Nova Scotia Offshore Area, pursuant to the *Canada - Nova Scotia Offshore Petroleum Accord Implementation Acts* (the *Accord Acts*). The CNSOPB's associated regulatory responsibilities include the administration and issuance of offshore petroleum rights, authorizations and approvals pertaining to offshore oil and gas exploration, development and production activities in the Canada-Nova Scotia Offshore Area.

The CNSOPB has responsibility, pursuant to the *Accord Acts*, to ensure that offshore petroleum exploration and development activities proceed in an environmentally responsible manner. In doing so, the CNSOPB conducts SEAs in portions of the Canada-Nova Scotia Offshore Area that may have the potential for offshore oil and gas exploration. The information and findings of SEAs help inform the Board's associated planning and decision-making processes regarding the potential issuance of future exploration rights and general mitigative measures that should be considered within that applicable portion of the Canada-Nova Scotia Offshore Area. The SEA will not replace the requirement for project-specific EAs, where applicable, but may assist in streamlining EAs by providing an overview of the existing environment, generally discussing potential environmental effects, identifying information gaps, highlighting issues of concern, and making mitigation, planning, and follow-up monitoring recommendations.

This Scoping Document is an initial step in the planning of the SEA; providing background information related to the assessment, as well as outlining the various Valued Components (VCs) to be considered in the SEA, the scope of these VCs, and provides other relevant information and guidelines for the preparation of the SEA Report. This document also serves as an opportunity for the CNSOPB to inform Indigenous groups, the public, and other interested parties of its intent to conduct the SEA and gather preliminary feedback.

Figure 1-1: Project Overview



2.0 BACKGROUND

SEAs are a broad, high-level Environmental Assessment (EA) conducted to proactively ensure that the environment and other valued components are considered for any policy, plan, and program proposals. It therefore allows for the identification, analysis and incorporation of environmental considerations at the earliest stages of any future physical works. The CNSOPB approach to SEA broadly aligns with international standards, within the context of their mandate to oversee all activities through the lifecycle of an offshore oil or gas project.

SEAs typically focus on providing a general description of the existing environmental setting, and on identifying and attempting to address overall environmental issues and key potential interactions. SEAs therefore describe potential environmental effects in broad terms, in order to allow these to be identified and considered early in planning, before project-specific activities are defined and proposed. SEAs typically involve a regional approach that considers the larger ecological setting compared to project-specific EAs that focus on site and activity specific issues. SEAs are not intended as a replacement for project-specific EA review processes and associated project planning and regulatory decisions.

The CNSOPB's regulatory responsibilities under the *Accord Acts* include the issuance and administration of petroleum exploration and development rights in the Canada-Nova Scotia Offshore Area through a structured and transparent rights issuance process. As part of that process, an Exploration Licence (EL) may be issued for Crown Lands through an established Call for Bids process, which has a maximum term of nine years and provides licence owner(s) with the right to explore, the exclusive right to develop, drill and test for petroleum, and the right to obtain a production licence. Activities associated with such Exploration Licences may include the conduct of seismic or other geophysical surveys, geotechnical surveys, and drilling and abandonment of wells (either exploration or delineation).

The issuance of an EL does not itself confer authorization for offshore exploration activities within the licence area. All offshore activities related to the exploration for petroleum in the Canada-Nova Scotia Offshore Area require specific authorization from the CNSOPB. Prior to carrying out any activity in the offshore, an Operator must demonstrate to the satisfaction of the CNSOPB that such activities can be conducted in a safe and environmentally responsible manner. Special precautions, such as detailed, project-specific environmental assessments, more stringent mitigation measures and environmental effects monitoring may be required in some cases.

Specific offshore exploration activities or other petroleum related projects in the Canada-Nova Scotia Offshore Area may be proposed in relation to an EL. Where such licences and authorizations are issued, they may require review, approval and/or compliance with a range of other applicable environmental legislation and regulations, including the federal *Fisheries Act*, *Species at Risk Act*, *Canadian Environmental Protection Act*, *Oceans Act*, and others, as well as being subject to individual, project-specific EA reviews in accordance with the *Impact Assessment Act* (2019) or the *Accord Acts*.

3.0 SEA STUDY AREA

The SEA Study Area comprises areas of the Eastern Scotian shelf and slope as shown in Figure 1-1. The SEA Study Area encompasses the Project Area (63,990 km²) which includes lands within the Canada-Nova Scotia Offshore Area that could be included in any potential future Call for Bids or resulting ELs in this area.

The spatial and temporal scope of the SEA is defined and described in further detail in Section 6.1.

4.0 PURPOSE AND OBJECTIVES

The purpose of the SEA is to inform potential future offshore petroleum licensing and petroleum related exploration activities and future project-specific EAs in the Scotian Shelf and Slope region of the Canada-Nova Scotia Offshore Area (Figure 1-1). The SEA will consider the existing environmental setting and certain socio-economic features of the Study Area and the potential environmental effects on select VCs that may be associated with potential petroleum-related exploration activities that may occur if one or more Exploration Licences are issued. In doing so the assessment will:

- Describe, in general terms, the typical offshore oil and gas exploration activities, including potential accidental events;
- Provide a description of the existing environment;
- Identify the appropriate SEA Study Area surrounding the SEA Project Area;
- Identify species-at-risk and special areas that may interact with exploration activities including marine and migratory birds;
- Describe and evaluate potential environmental effects, including cumulative effects, associated with offshore oil and gas exploration;
- Identify and describe commercial, recreational, and Indigenous fisheries in the Study Area, the potential environmental effects on the fisheries industries, and potential effects on established Aboriginal and Treaty rights;
- Make recommendations for general mitigative measures that should be employed during offshore petroleum exploration activities;
- Identify, where appropriate, activities/areas requiring enhanced levels of mitigation; identify, if feasible, the level of enhanced mitigation required;
- Identify knowledge and data gaps that may affect the outcome of the SEA;
- Identify follow-up measures (i.e., environmental effects monitoring), as appropriate, that may be required to verify environmental assessment predictions related to future offshore petroleum exploration activities; and
- Assist the CNSOPB in its determination with respect to the potential issuance of future exploration rights within the SEA Project Area.

5.0 PAST AND CURRENT PETROLEUM ACTIVITY

Within the SEA Study Area, BP Canada Energy Group ULC holds an active EL for EL 2434R. A number of exploratory wells have been drilled in the Study Area in the past, all of which have been plugged and abandoned. Decommissioning and abandonment activities have been completed for the Deep Panuke Offshore Gas Development Project and Sable Offshore Energy Project. Post-abandonment surveying is the only remaining abandonment activity.

6.0 SCOPE OF THE ASSESSMENT

The SEA will describe and consider all potential and reasonably foreseeable offshore oil and gas exploration activities that may occur in the SEA Study Area and potential environmental interactions. Exploration activities considered in the SEA include:

- seismic surveys;
- other geotechnical and geophysical surveys;
- environmental surveys;
- drilling and abandonment of exploration or delineation wells; and
- accidental events that may result during exploration.

This SEA will be an update of previous SEAs for the Scotian Shelf and Slope including:

- Eastern Scotian Shelf – Middle and Sable Island Banks (Phase 1 A) (Stantec 2012a)
- Eastern Scotian Slope (Phase 1 B) (Stantec 2012b)
- Western Scotian Slope (Phase 3 B) (Stantec 2014)

Information from these reports will be updated with new data and information sources where applicable. The most recent SEA documents for the Canada-Nova Scotia Offshore Area will be used as a guide for preparation of the SEA including the Middle Scotian Shelf and Slope SEA (Stantec 2019) and Western Scotian Shelf and Slope SEA (Stantec 2020).

6.1 Spatial and Temporal Boundaries

The spatial boundaries of the SEA Project Area are illustrated in Figure 1-1 and includes lands within the Canada-Nova Scotia Offshore Area that could be included in any potential future Call for Bids or resulting ELs in this Area. A larger Study Area was established with a 30 km buffer around the Project Area to recognize the potential zone of influence of environmental and socio-economic effects from activities that could occur within the Project Area.

The temporal boundaries of the SEA will focus upon an overall time horizon of approximately 10 years, which would generally correspond to the temporal duration of any additional Exploration Licences that could be issued in the area upon completion of the SEA.

6.2 Existing Environment

This SEA will include an overview of the existing environment within the study area based on available environmental information and datasets and identify where data and information are lacking. Existing environment components to be discussed include physical (e.g., oceanography, climatology including climate change), biological (e.g., marine fish and fish habitat, marine and migratory birds, marine mammals and sea turtles) and socio-economic components (e.g., Indigenous, fisheries, and other ocean users). This is used as a basis for identifying potential environmental issues and interactions, required mitigation and associated planning considerations to attempt to avoid or reduce potential adverse environmental effects.

6.3 Valued Components

VCs for inclusion in the SEA will be identified and described, as well as the rationale for their selection. For each of the identified VCs, a description of the key potential interactions between offshore petroleum exploration activities and the environment will be presented. The four VCs are summarized below.

6.3.1 Species of Special Status

Various marine fish, bird, mammal and reptile species that are known or likely to occur in the SEA Study Area have been designated as being at risk with varying degrees of formal protection under the federal *Species at Risk Act*, species assessed as endangered, threatened, or of special concern by the Committee on the Status of Endangered Wildlife of Canada (COSEWIC), migratory birds protected by the *Migratory Birds Convention Act*, 1994 and other legislation. This includes several species of marine and anadromous fish, as well as species of marine, coastal and land birds and a number of whales and sea turtle species.

6.3.2 Special Areas

Various locations within or adjacent to the SEA Study Area have been identified (and in some cases, designated) as Special Areas under provincial, federal and/or other legislation and mandates, due to their ecological, historical and/or socio-cultural characteristics and importance. Other locations, including some that are important ecologically and/or for associated human activities and values, have been identified as especially sensitive to possible environmental disturbances.

The SEA Study Area is located within the Scotian Shelf Bioregion where DFO has protected Special Areas such as Marine Protected Areas (MPAs) under the *Oceans Act* and Marine Refuges under the *Fisheries Act*. The Gully MPA, which is east of Sable Island within the SEA Study Area, includes critical habitat of the endangered Northern bottlenose whale, Scotian Shelf population (DFO 2020). The Western/Emerald Banks Conservation Area Marine Refuge is protected from bottom fishing activities (DFO 2020). DFO has identified Ecologically or Biologically Significant Areas (EBSAs) in the Scotian Shelf Bioregion. Portions of various EBSAs (e.g., Sable Island Shoals, Scotian Shelf, Emerald Western Sable Banks and Complex, Emerald Basin and Scotia Gulf, Eastern Scotian Shelf Canyons, Middle Bank) overlap with the SEA Study Area (DFO 2016). DFO has also used information from research trawling and modelling to identify Significant Benthic Areas (SiBAs) as areas of high predicted presence probability for sponges, sea pens and gorgonian corals including in the Scotian Shelf (Kenchington et al 2016).

Sable Island, which is within the SEA Study Area, is protected as a Migratory Bird Sanctuary under the *Migratory Birds Convention Act* (ECCC 2020). Sable Island, Nova Scotia Important Bird Area (IBA) provides habitat for nearly the entire population of the Ipswich Savannah sparrow (listed as Nationally Vulnerable and Schedule 1 Special Concern under SARA) as well as large numbers of nesting colonial waterbirds and a population of nesting terns (Birds Canada No Date). Parks Canada has designated an area around Sable Island as a National Park Reserve (Parks Canada 2020). Various provincial parks and protected areas are in coastal areas adjacent to the SEA Study Area (Nova Scotia 2013).

The SEA will provide a thorough description of all Special Areas including any known aggregations of habitat forming corals and/or sponges based on publicly available information. These Special Areas, and the potential for interactions and effects resulting from future oil and gas exploration activities on them, will be given a particular focus in the SEA.

6.3.3 Fisheries and Other Ocean Users

Fisheries are an important and integral component of the socioeconomic environment of Nova Scotia and other parts of Canada, including the various communities and regions that extend along the coastline adjacent to the SEA Study Area and elsewhere. Commercial harvesting is conducted throughout the area through core licences or developmental fisheries permits / licences and involves fishers from Nova Scotia and other provinces which are represented by a number of organizations. Consideration will be given to recreational fisheries, and Indigenous fisheries is addressed below. The main fish species currently targeted by these commercial fisheries include, but is not limited to, commercially important invertebrate species such as shrimp, clam, snow crab, sea scallop, red crab and rock crab, as well as finfish such as Atlantic herring, bluefin tuna, Atlantic cod, Greenland halibut, haddock, mackerel, pollock, redfish and swordfish and other species. Lobster is currently unlikely to be targeted within the Study Area, though it may be in the future. Some harvesting of gray and harp seals may also occur in the area. Mi'kmaq Aboriginal fisheries include these species, with special emphasis on lobster, halibut and flounder (Indigenous fisheries is discussed in Section 6.3.4).

Fisheries have the potential to be affected both directly (through possible interactions between offshore oil and gas activities and fishing activity and gear) and indirectly (due to any negative changes in the size, distribution and health of fish populations) by offshore petroleum activities. Ensuring adequate and appropriate planning and mitigative (especially, communicative) measures to avoid potential interactions between offshore oil and gas exploration equipment and fishing vessels and equipment is a key priority for both industries.

A number of other human activities and components also occur within or near the marine environment, and therefore have the potential to interact with, and be affected by, any future offshore oil and gas activities in the SEA Study Area. These include general vessel traffic to, from and through the area, as well as whale and seabird tours and other commercial and recreational marine pursuits.

6.3.4 Indigenous Fisheries and Harvesting

For Indigenous peoples, harvesting, food preparation and sharing with community members are important components of Indigenous culture and often the focus of social and ceremonial activities. Wildlife, fish, birds and plants including those found in the marine environment have been traditionally used for sustenance, medicine, spiritual and cultural practices, and for trade. Indigenous peoples in Atlantic Canada continue to engage in traditional land and resource use practices though location, species and/or harvesting methods may have evolved.

Canada's Indigenous peoples hold Aboriginal and treaty rights to harvest various species for food, social and ceremonial (FSC) purposes and/or to earn a moderate livelihood from harvesting. These Aboriginal and treaty rights are protected by section 35 of the *Canadian Constitution Act, 1982* (Section 35 rights). Section 35 rights have been affirmed in Supreme Court of Canada (SCC) decisions, such as the Sparrow decision in 1990 and the Marshall decision in 1999 (SCC 2021). DFO issues FSC harvesting licenses to Indigenous communities rather than individuals but these licenses do not encompass all traditional land and resource use practices.

Indigenous peoples in Atlantic Canada are engaged in communal commercial fisheries, meaning licenses (issued by DFO) are held by the Indigenous group rather than an individual. Individual fishing activity by Indigenous persons is included in general commercial fishing data as described above. The potential interactions with Indigenous commercial communal fisheries are generally consistent with commercial fishing as both activities may overlap spatially and temporally with the oil and gas industry. However, for Indigenous communities,

revenue from commercial-communal fishing activities is used to provide community programs and services including those that address health, wellness, education and economic development.

Offshore oil and gas exploration is conducted hundreds of kilometres from Indigenous communities. However, migratory species (including fish, birds and mammals) that move through the offshore could potentially be affected by these activities and possibly harvested by Indigenous communities in coastal areas through FSC fishing, commercial communal fishing or through other harvesting activities.

Indigenous fisheries will be an important component of the SEA and the effects and mitigations will draw upon other components such as marine species and commercial fisheries and other ocean users. DFO data sets will also be used to identify the location of FSC harvesting and commercial communal fishing licenses in relation to the SEA Study Area. Engagement with Indigenous groups can be used to supplement DFO data by indicating fishing activity based on commercial communal licenses and where harvesting occurs.

6.4 Effects Assessment

The analysis for each of the identified VCs includes consideration of the components and activities, which are typically associated with offshore oil and gas exploration and the region's existing environment, to identify potential interactions between them. This analysis is generally informed by the available literature and other existing information on the effects of offshore oil and gas activities and their associated environmental interactions on each of the VCs. Examples of potential effects associated with offshore petroleum exploration activities include:

- Injury or mortality of marine biota;
- Attraction and/or avoidance of marine biota to emissions (e.g., underwater sound, lighting);
- Change in marine habitat quality from environmental discharges or alteration of habitats;
- Interference with fisheries and other ocean users with routine project activities (e.g., vessel traffic, safety zones, interactions with fishing gear).

These sections of the SEA Report include identification and overview of the known and likely environmental interactions associated with petroleum exploration activities. This also includes associated environmental planning considerations such as typical mitigation measures which are often implemented during offshore oil and gas activities to avoid or reduce potential environmental effects.

6.4.1 Cumulative Environmental Effects

The SEA will also include an analysis of potential cumulative effects for each VC, based on consideration of past, present, and potential future offshore oil and gas activities in the region. This will include possible cumulative effects resulting from such petroleum activities in combination with each other, as well as other (non-related) projects and activities in the region such as commercial fishing, general marine traffic, fisheries research surveys, and other relevant anthropogenic components and activities within and adjacent to the SEA Study Area.

6.4.2 Effects of the Environment

The physical environmental setting of an area is an important consideration in the planning, review and conduct of any offshore oil and gas exploration and development activities. An appropriate understanding, and careful consideration, of environmental characteristics and phenomena such as severe winds, waves, currents, ice, precipitation and other factors is required so that offshore activities can be designed and implemented

appropriately, and in a manner that helps ensure that human health and safety, equipment and infrastructure and the environment are protected.

The SEA will therefore also consider and generally describe the potential implications of the environmental characteristics of the SEA Project Area for the future planning and possible conduct of oil and gas activities in this region.

7.0 CONCLUSIONS AND RECOMMENDATIONS

The SEA will conclude with a summary of key findings and outcomes of the assessment. This will include any eventual recommendations stemming from the SEA analysis, including mitigation measures that may be required or appropriate, as well as key planning considerations. This section of the SEA will also highlight key data gaps and information needs and make relevant recommendations regarding the possible focus of future, project-specific EA reviews.

8.0 ENGAGEMENT

The CNSOPB's approach to planning and conducting its SEAs is through open and transparent communication, and creating an inclusive and safe space for those interested in providing comments on the Scoping Document and draft SEA. The CNSOPB communicates opportunities to provide comments through email, its website and social media platforms.

A number of identified government departments and agencies (e.g. Environment and Climate Change Canada, Fisheries and Oceans Canada and others), Indigenous Groups and stakeholder groups, including the CNSOPB's Fisheries Advisory Committee (FAC) and the public, will be invited to participate in the review of this SEA Scoping Document. Comments received will be incorporated into the Draft SEA Report.

Once it is completed and available, the Draft SEA Report will also be posted on the CNSOPB website and made available for a public review and comment period. The CNSOPB will notify Indigenous groups, government departments and agencies, FAC, other interested stakeholders and the public of the comment period and will provide direction for submission of comments.

It is anticipated that the Draft SEA will be published for review and comment for a 30-day period, commencing around early to mid-May 2021. All comments received will be considered by the CNSOPB in revising and finalizing the SEA Report, with the final SEA documents anticipated to be published in June 2021.

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