

## **Scoping Document - Environmental Assessment Multiklient Invest (MKI) Potential Seismic Program**

### **Overview**

The Canada-Nova Scotia Offshore Petroleum Board (CNSOPB) received a Project Description from Multiklient Invest (MKI) for proposed 2D and 3D seismic surveys that could potentially be carried out in the Canada-Nova Scotia offshore area.

Before any activity can take place, MKI would have to submit an application to the Canada-Nova Scotia Offshore Petroleum Board (CNSOPB) for, and be granted, a Geophysical Work Authorization in each instance. A Geophysical Work Authorization would be required for each 2D and / or 3D seismic survey that may ultimately be contemplated. No such applications have been submitted at this time.

A project-specific environmental assessment (EA) would need to be submitted in support of any future application for a Geophysical Work Authorization. The Project Description submitted by MKI to the CNSOPB has initiated the EA process.

After receiving the Project Description, the next step was for the CNSOPB to develop an EA scoping document (SD) that outlines the requirements and key topic areas that are to be included in the EA. A Scoping Document was drafted and issued for comment by Indigenous groups, and the public.

### **Draft Scoping Document – Public and Indigenous Engagement**

On September 26, we invited written comments on the draft EA scoping document. The invitation was shared through our website, social media and our subscribe list. It was also sent to our Fisheries Advisory Committee and to Indigenous Communities in Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island.

The commenting period was open for 30 days (September 26 – October 29, 2018).

We would like thank Indigenous Groups and the public for providing comments. The comments have been reviewed as part of our decision making process and the Scoping Document is now finalized.

The issues and concerns raised that are related to the draft EA Scoping Document, or to the EA process itself, can be found within the attached table, along with an explanation as to how they have been, or will be addressed. The table identifies changes that were made to the Scoping Document as a result of comments received.

All written comments received have been posted on the CNSOPB EA Registry, along with the finalized [Scoping Document](#).

### **Next Steps**

MKI will use the Scoping Document to prepare a draft EA report that will be submitted to the CNSOPB for review. MKI is expected to engage with Indigenous groups and the public as early as possible in this process. CNSOPB will provide an opportunity for written comments on the draft EA report once it has been submitted. You can see the full EA process under the *Accords Acts* here: [https://www.cnsopb.ns.ca/sites/default/files/pdfs/CNSOPB\\_Flow\\_Chart\\_Sept26\\_2018.pdf](https://www.cnsopb.ns.ca/sites/default/files/pdfs/CNSOPB_Flow_Chart_Sept26_2018.pdf)

Issues and/or Concern Identified respecting the draft EA Scoping Document, and / or the EA process	CNSOPB Action/Comment
<b>Applicability of EA Findings Over the Proposed Length of Time</b>	
<ul style="list-style-type: none"> <li>Concerns were raised regarding the applicability of the environmental assessment (EA) report findings over the length of time (2019-2028) and the large area covered by the proposed project.</li> <li>The entire seismic study area in detail, and for multi-year projects, such as what MKI is proposing, the EA must be updated from time-to-time with addenda as appropriate.</li> <li>Separate environmental assessments be completed for specific surveys as they are planned.</li> </ul>	<p>Sections 3.0 and 6.1 of the Scoping Document (SD) have been revised to include requirements for the preparation of addenda. For example, if new species at risk or protected areas are identified within the project area, an assessment of potential effects will be required to address these valued ecosystem components. Any new mitigation required will be identified in the addenda and enforced to ensure protection of the environment.</p> <p>If a number of years have passed (standard practice is five years) the EA Report will be reviewed to determine if an addendum is necessary. This could include, but is not limited to, addressing changes in legislation or regulatory requirements, addressing new Areas of Interest (AOIs), reviewing the potential cumulative effects caused by other industrial projects also taking place in the area at a given point in time, or reviewing potential physical environmental effects at a given point in time.</p> <p>Like the draft EA Report, addenda, should they be required and prepared, would be posted on the CNSOPB EA Registry, and open for review and comment by Indigenous groups, and the public, prior to their finalization.</p>
<ul style="list-style-type: none"> <li>If a gap analysis may be necessary for authorizations, then one should be carried out now, since the Strategic Environmental Assessments (SEAs) for the area of concern are a minimum of five years old.</li> </ul>	<p>CNSOPB is currently updating relevant SEAs.</p>

Issues and/or Concern Identified respecting the draft EA Scoping Document, and / or the EA process	CNSOPB Action/Comment
<b>Species at Risk and Special Areas</b>	
<ul style="list-style-type: none"> <li>Concerns were raised about the proximity of the proposed project to North Atlantic Right Whale Critical Habitat, specifically the Roseway Basin.</li> </ul>	<p>Section 6.2 of the SD has been revised to include specific reference to North Atlantic Right Whale critical habitat. While the Roseway Basin is outside of the project area, there is potential for sound propagation into the critical habitat area. The Proponent is therefore required to assess potential effects on the area, and on the species itself, and identify appropriate mitigation efforts within their EA report.</p>
<ul style="list-style-type: none"> <li>Concerns were raised about the deep diving whales that are species at risk within the project area. Specifically, concern was raised that the length of their dive time could exceed current marine mammal observer watch periods before starting a sound source array, as the dive time is longer than the timing outlined in the <i>Statement of Canadian Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment (the Statement)</i>.</li> <li>It was noted that extra protection for beaked whales is welcome, and that this requires greater observer familiarity.</li> </ul>	<p>Section 6.1 of the SD has been revised to highlight concerns with deep diving whales. It is acknowledged that deep diving whales can remain below surface for up to 80 minutes, whereas the <i>Statement</i> requires a 30 minute observation period prior to commencing seismic source array activity to determine if whales are present in the area. Considering the 80 minute dive time exceeds this observation period, the concern is that whales may not be identified if they are in the project area. Enhanced mitigation will be required to address this gap in dive time versus source array commencement. These enhanced mitigation efforts are required to be identified in the EA Report.</p>
<ul style="list-style-type: none"> <li>While the scoping document states that the Proponent must detail how it will meet the various requirements and recommendations under the statues and guidelines, it does not state that the Proponent is required to provide the information in the EA; specifically whether any SARA permits are required and how the Proponent will be in compliance.</li> </ul>	<p>SARA permits are issued by DFO. Any questions related to SARA permits should be directed to DFO.</p> <p>It's important to note that the Proponent will need to comply with all relevant legislation and regulations should a Geophysical Work Authorization ultimately be granted allowing the Proponent to carry out a seismic program.</p>
<ul style="list-style-type: none"> <li>The Proponent has not provided enough detail as to how it will meet various legislative and regulatory requirement for the proposed project, with a specific focus on species at risk.</li> </ul>	<p>Section 6.1 of the SD has been revised to provide clarity that an assessment of potential effects on all species of special status with potential to occur in the project area, is required. Furthermore, as part of the application for a Geophysical Work Authorization process, the Proponent is required to submit significant documentation and plans to the CNSOPB that demonstrate measures will be put in place to mitigate potential impacts to marine wildlife.</p>

Issues and/or Concern Identified respecting the draft EA Scoping Document, and / or the EA process	CNSOPB Action/Comment
<b>Species at Risk and Special Areas (Continued)</b>	
<ul style="list-style-type: none"> <li>Seismic surveys are dangerous to marine mammals, especially the Right Whale.</li> </ul>	<p>At a minimum, the CNSOPB requires Operators to follow <i>the Statement of Canadian Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment</i>. This <i>Statement</i> was developed in collaboration with government and academia nation-wide to specify the mitigation requirements that must be met during the planning and conduct of marine seismic surveys in order to minimize the impacts on life in the oceans.</p> <p>It is important to note that these requirements are considered a minimum standard by the CNSOPB. For sensitive areas and species, additional mitigation measures can be required, above and beyond what is outlined in the <i>Statement</i>, such as enhanced mitigation measures for species at risk. The SD requires that these will be addressed in the EA Report.</p>
<ul style="list-style-type: none"> <li>In Appendix A of the Scoping Document (SD), it states that an assessment of potential effects on certain species of fish can be excluded from the EA, provided that the Proponent adheres to mitigation measures outlined in the <i>Statement</i>. There is a concern that mitigation measures are not adequate, because an assessment on the potential impacts of a species is not performed.</li> </ul>	<p>Appendix A of the SD has been revised to provide additional clarity in this regard. Standard EA practice requires an assessment of potential effects on the most sensitive ecosystem components, such as fish species at risk, and assigns mitigation measures based on protections required for these species. Populations of species that are not at risk are granted the same protections as their more sensitive counterparts when they occupy the same areas, therefore protecting all populations of fish in that area.</p>
<ul style="list-style-type: none"> <li>Given the Sable Island National Park Reserve is included on the list of special areas, and considering it is a migratory bird sanctuary and critical habitat for species at risk, the CNSOPB should discuss any application submitted by the Proponent with Parks Canada and include any response received from Parks Canada.</li> </ul>	<p>Section 6.2 of the SD, as originally drafted, requires an assessment of potential effects on Sable Island National Park Reserve. The Proponent will therefore need to reach out to Parks Canada in this regard to seek their advice on potential effects. The CNSOPB will consult with Parks Canada as well, and ensure that the Proponent has done so.</p>

Issues and/or Concern Identified respecting the draft EA Scoping Document, and / or the EA process	CNSOPB Action/Comment
<b>Species at Risk and Special Areas (Continued)</b>	
<ul style="list-style-type: none"> <li>The EA should include gun modelling of soft start and single gun testing, to reduce impact of such testing.</li> </ul>	<p>Acoustic modelling of each of the survey types proposed (2D/3D/3D wide azimuth) is considered standard practice in conducting an EA for seismic programs. Focus will be on sound propagation into the most sensitive areas, following the “worst case scenario” philosophy of assessment.</p>
<ul style="list-style-type: none"> <li>Consideration should be given to peak feeding locations and times, and these should be avoided as required.</li> </ul>	<p>Standard EA practice will take this into account and address this concern.</p>
<ul style="list-style-type: none"> <li>The EA should clearly prohibit shooting in certain areas, such as “The Gully, and should limit acquisition to declared lines, testing, and soft starts to a specific area of operations.</li> </ul>	<p>The <i>Statement of Canadian Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment</i> referred to above addresses these concerns. Note that the CNSOPB and the Gully MPA Regulations prohibit seismic activity within the Gully MPA.</p>
<ul style="list-style-type: none"> <li>Specific consideration should be given to the Fundian Channel - Browns Bank Area of Interest.</li> </ul>	<p>Section 6.2 of the SD has been revised to include reference to the Fundian Channel.</p>

Issues and/or Concern Identified respecting the draft EA Scoping Document, and / or the EA process	CNSOPB Action/Comment
<b>Indigenous Engagement</b>	
<ul style="list-style-type: none"> <li>Potential impacts on Mi'kmaq Rights, including Indigenous fisheries, such as Aboriginal commercial fisheries and Aboriginal communal commercial fisheries. Specifically, it was noted that these factors should be considered separate from the assessment of effects on other fisheries, and as such require their own unique consultation efforts.</li> </ul>	<p>Requirements for Indigenous Engagement are included in section 7.1 of the SD and must include considerations for impacts to Aboriginal communal and commercial fisheries.</p>
<ul style="list-style-type: none"> <li>Specific data acquisition plans have not been identified, which makes it difficult to provide adequate comments and feedback.</li> </ul>	<p>Specific data acquisition plans for 2D and 3D surveys during 2019-2028 are not yet determined and will depend on industry demand. Should MKI proceed with submitting an application for a Geophysical Work Authorization, It may also require additional consultation with Indigenous groups that builds on the consultation process carried out during the EA. Furthermore, should such an application trigger a need for an addendum to the EA, the CNSOPB will ensure that Indigenous engagement is carried out.</p>
<ul style="list-style-type: none"> <li>Engagement with Mi'kmaq must be at the outset of the EA process, and it must be made clear which institution/department is leading the consulting.</li> </ul>	<p>Section 7.1 of the SD, as originally drafted, requires the Proponent to engage with Indigenous groups, record any identified potential impacts, and note how the issues raised are responded to or addressed</p>
<ul style="list-style-type: none"> <li>The EA must not be limited in focus to the effects on the physical environment. Environmental effects that may cause change to the environment or our communities' health and social-economic conditions, physical and cultural heritage, current use of lands and resources for traditional purposes, or any structure, site of thing that is of historical archaeological, paleontological or architectural significance must be included by the Proponent in the EA.</li> </ul>	<p>Section 7.1 of the SD, as originally drafted, states that the Proponent must outline where and how Indigenous Knowledge is incorporated into the EA Report.</p>
<ul style="list-style-type: none"> <li>Mi'kmaq Indigenous Knowledge must be included to ensure adequate information, which may assist in filling potential gaps.</li> </ul>	<p>Section 7.1 of the SD, as originally drafted, requires the Proponent to specifically outline how issues raised by Indigenous groups are responded to or addressed. This could include responding to or addressing any identified data gaps.</p>

Issues and/or Concern Identified respecting the draft EA Scoping Document, and / or the EA process	CNSOPB Action/Comment
<b>Indigenous Engagement (Continued)</b>	
<ul style="list-style-type: none"> <li>Due to capacity constraints within some Indigenous communities, funding becomes necessary for review of projects as external technical and legal expertise are often necessary. Will capacity funding be available for the EA?</li> </ul>	<p>There is no participant funding program at this stage of the project development. These comments have been passed to the Government departments responsible for our legislation.</p> <p>Should this preliminary work proposed by the Proponent develop into a further proposal to advance to a designated project, funding would be available under the Canadian Environmental Assessment Act, 2012.</p>
<ul style="list-style-type: none"> <li>The EA must be fully inclusive of the potential impacts on indigenous peoples and their rights. The sentence on page 8 needs to be updated to say the following: Each group's identified potential, asserted and established Aboriginal or Treaty rights and the potential adverse impacts of each of the project components on potential, asserted, and established Aboriginal or Treaty rights.</li> </ul>	<p>CNSOPB agrees that it is important to take a broad approach that is fully inclusive of potential impacts. Our assessment will include "potential Aboriginal or Treaty rights" that are credibly asserted by Indigenous groups.</p>
<ul style="list-style-type: none"> <li>Aboriginal consultation must happen prior to the renewal of the Proponent's operating licences, as consultation is not a one time obligation.</li> </ul>	<p>An ongoing proposed aboriginal consultation plan is being developed and will be shared with Indigenous groups shortly.</p>
<ul style="list-style-type: none"> <li>The Madawaska Maliseet First Nation was not included.</li> </ul>	<p>Section 7.1 of the SD has been revised to add the Madawaska Maliseet First Nation to the list of Indigenous Groups in New Brunswick.</p>

Issues and/or Concern Identified respecting the draft EA Scoping Document, and / or the EA process	CNSOPB Action/Comment
<b>EA Compliance Monitoring</b>	
<ul style="list-style-type: none"> <li>Compliance should be checked by competent personnel familiar with mitigation with datasheets provided throughout surveys regularly, either by rotation or weekly, to ensure any mistakes, errors or oversights are prevented from continuing throughout the survey.</li> </ul>	<p>Should MKI proceed with making an application for a Geophysical Work Authorization and approval be granted, the CNSOPB will ensure that MKI complies with the commitments contained within the EA, and with any conditions affixed to the EA Decision. The CNSOPB, in consultation with relevant government partners, such as the Department of Fisheries and Oceans Canada and Environment and Climate Change Canada, will monitor and enforce MKI's compliance with these commitments and conditions.</p> <p>Operators are required to submit reports on a regular basis detailing the status of their offshore activities, along with other documentation demonstrating ongoing compliance with regulatory requirements (daily, weekly and monthly reporting, for example). These reports are reviewed in detail by CNSOPB technical experts.</p> <p>CNSOPB technical experts also meet with operators on a regular basis to discuss the technical aspects of the program and status of operations. The CNSOPB's Occupational Health and Safety Officers, Operational Safety Officers, and Conservation Officers may also be conduct visits offshore to perform audits and inspections.</p>