Canadian Environmental Assessment Agency | Agence canadienne d'évaluation environnementale

GUIDELINES FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT

pursuant to the

Canadian Environmental Assessment Act, 2012

For the

Central Ridge Exploration Drilling Project

Equinor Canada Ltd.

July 5, 2019

Canada

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DISCLAIMER

This document is not a legal authority, nor does it provide legal advice or direction; it provides information only, and must not be used as a substitute for the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) or its regulations. In the event of a discrepancy, CEAA 2012 and its regulations prevail. Portions of CEAA 2012 have been paraphrased in this document, but will not be relied upon for legal purposes.

Abbreviations and Short Forms

CEAA 2012	*Canadian Environmental Assessment Act*, *2012*
Agency	Canadian Environmental Assessment Agency
EA	environmental assessment
EIS	environmental impact statement
VC	valued component

Part 1 - Key Considerations

1. INTRODUCTION

The purpose of this document is to identify for the proponent the minimum information requirements for the preparation of an Environmental Impact Statement (EIS) for a designated project[1] to be assessed pursuant to the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). This document specifies the nature, scope and extent of the information required. Part 1 of this document defines the scope of the environmental assessment (EA) and provides guidance and general instruction that must be taken into account in preparing the EIS. Part 2 outlines the information that must be included in the EIS.

Section 5 of CEAA 2012 describes the environmental effects that must be considered in an EA, including changes to the environment and effects of changes to the environment. The factors that are to be considered in an EA are described under section 19 of CEAA 2012. The Canadian Environmental Assessment Agency (the Agency) will use the proponent's EIS and other information received during the EA process to prepare a report that will inform the issuance of a decision statement by the Minister of Environment and Climate Change. Therefore the EIS must include a full description of the changes the project will cause to the environment that may result in adverse effects on areas of federal jurisdiction (i.e. section 5 of CEAA 2012) including changes that are directly linked or necessarily incidental to any federal decisions that would permit the project to be carried out. The EIS must also include a list of the mitigation measures that the proponent proposes to undertake in order to avoid or minimize any adverse environmental effects of the project. It is the responsibility of the proponent to provide sufficient data and analysis on potential changes to the environment to ensure a thorough evaluation of the environmental effects of the project by the Agency.

2. GUIDING PRINCIPLES

2.1. Environmental assessment as a planning and decision making tool

EA is a process to predict environmental effects of proposed projects before they are carried out. An EA:

- identifies potential adverse environmental effects;
- proposes measures to mitigate adverse environmental effects;
- predicts whether there will be significant adverse environmental effects, after mitigation measures are implemented; and
- includes a follow-up program to verify the accuracy of the EA and the effectiveness of the mitigation measures.

2.2. Public participation

One of the purposes identified in CEAA 2012 is to ensure that opportunities are provided for meaningful public participation during an EA. CEAA 2012 requires that the Agency provide the public

1 In this document, "project" has the same meaning as "designated project" as defined in CEAA 2012.

with an opportunity to participate in the EA. For EAs led by the Agency the public has an opportunity to comment on the draft EA report. Additional opportunities for participation may also be provided.

Meaningful public participation is best achieved when all parties have a clear understanding of the proposed project as early as possible in the review process. The proponent is required to provide current information about the project to the public and especially to the communities likely to be most affected by the project.

2.3. Engagement with Indigenous groups

The proponent is expected to engage with potentially affected Indigenous groups starting as early as possible in the project planning process in order to:

- Fulfil the statutory obligations of CEAA, 2012 to assess environmental effects of the proposed Project on Aboriginal peoples; and
- Assist the Agency fulfilling the Crown's constitutional obligations to consult with potentially impacted Indigenous groups on potential impacts to potential or established Aboriginal or Treaty rights.

The proponent is expected to work with potentially affected Indigenous groups to establish an engagement approach. The proponent will make reasonable efforts to integrate Indigenous knowledge into the assessment of environmental effects. For more information on requirements for the effects assessment, see Part 2, Section 7.1.8 and Section 7.3.7 of these guidelines. For more information on incorporating Indigenous knowledge, refer to Part 1, Section 4.2.2 of these guidelines.

2.4. Application of the precautionary approach

In documenting the analyses included in the EIS, the proponent will demonstrate that all aspects of the project have been examined and planned in a careful and precautionary manner in order to avoid significant adverse environmental effects.

3. SCOPE OF THE ENVIRONMENTAL ASSESSMENT

3.1. Designated project

On May 9. 2019, Equinor Canada Ltd., the proponent of the Central Ridge Exploration Drilling Project provided a project description to the Agency. Based on this project description, the Agency has determined that an EA is required under CEAA 2012 and will include the following project components and activities:

- the mobilization, operation and demobilization of Mobile Offshore Drilling Unit(s) designed for year-round operations for the drilling, testing and abandonment of up to 24 wells (including those proposed for the Flemish Pass Exploration Drilling Project) in Exploration Licences 1159 and 1160 operated by Equinor Canada Ltd., including consideration of any proposed safety exclusion zones. Drilling may occur in various water depths under consideration, using Mobile Offshore Drilling Unit(s), and with multiple drilling units operating simultaneously, if applicable;
- vertical seismic profiling or any other in-water works (e.g. wellsite surveys) to support the specific exploration wells under consideration, but excluding surveys potentially required to

support the conduct of the EA (e.g. environmental baseline surveys) and surveys related to the broader delineation of resources;

- well evaluation and testing; and
- the loading, refuelling and operation of marine support vessels (i.e. for re-supply and transfer of materials, fuel, and equipment; on-site safety during drilling operations; and transport between the supply base and the drilling unit(s) and helicopter support (i.e. for crew transport and delivery of light supplies and equipment) including transportation to the drilling unit(s).

Note: If the proponent acquires and becomes the operator of new or additional exploration licences issued by the Canada-Newfoundland and Labrador Offshore Petroleum Board and submits corresponding information to the Agency prior to the submission of the EIS, the Agency will consider whether activities on these additional licences may be incorporated into the scope of this EA.

Equinor Canada acquired ELs 1159 and 1160 in the November 2018 Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) call for bids. The proponent indicated that ELs 1159 and 1160 are within the project area described in the Flemish Pass Exploration Drilling Project EIS and Eastern Newfoundland Offshore Exploration Drilling Project EIS submitted to the Agency on December 17, 2019 and for which Environmental Assessment Decision Statements were issued by the Agency on April 17, 2019. The proponent suggested that the overall level of activity (i.e. project components and number of wells) would remain unchanged from the Flemish Pass Exploration Drilling Project with the inclusion of ELs 1159 and 1160 and that the baseline environmental conditions and environmental effects of exploration drilling and associated incidental activities in the ELs are already understood.

All information requirements set out in these EIS Guidelines apply to exploration drilling and associated incidental activities within ELs 1159 and 1160. Information requirements issued by the Agency during the technical review of the EIS for the Flemish Pass Exploration Drilling Project also apply.

In the event that Equinor Canada believes the required information is already included in the existing Flemish Pass Exploration Drilling Project EIS and associated information requirement responses, an abridged EIS may be submitted that provides a complete effects assessment of the Project as it pertains to ELs 1159 and 1160, but does not replicate detailed analysis contained in the Flemish Pass Exploration Drilling Project EIS and associated information requirements. The abridged EIS should provide detailed analysis of effects that are specific to the Project and provide a rationale for the applicability of the analysis and conclusions of the Flemish Pass EIS. The abridged EIS should include any new information available for ELs 1159 and 1160, such as seabed survey results.

The abridged EIS shall include discussion of the following:

Chapter of the Abridged EIS	**Information Required in Abridged EIS**
1. Introduction	Provide the background/context for activities on ELs 1159 and 1160 in the EA.
2. Project Description	Provide information, including mapping, of the ELs. Describe the Project, including components, activities, and schedule. Specify

	any potential differences from the description of the Flemish Pass Exploration Drilling Project in the EIS.
3. Regulatory, Indigenous and Stakeholder Engagement	Provide a summary of how Indigenous groups and interested parties (e.g. commercial fish harvesters) have been notified of the Project, and of any views expressed in relation to ELs 1159 and 1160.
4, Environmental Assessment Scope, Approach and Methods	Provide Project-specific information and figures for ELs 1159 and 1160 on scope of the Project, environmental assessment study areas and zones of influence for anticipated environmental effects. As applicable, describe any changes in approach to selection of valued components, significance criteria, and environmental assessment methodology.
5. Existing Physical Environment 6. Existing Biological Environment 7. Existing Human Environment	Provide baseline information for ELs 1159 and 1160, as applicable, ensuring discussion of species at risk, special areas and any other environmental features, habitats and valued component species that may be unique to ELs 1159 and 1160. Where baseline information was presented in the Flemish Pass Exploration Drilling Project EIS specific to each EL (including but not limited to Table 6.10, Section 6.1.6, Section 7.1.4, Section 7.1.6), provide similar baseline information specific to ELs 1159 and 1160.
<u>Environmental Effects</u> 8. Marine Fish and Fish Habitat 9. Marine and Migratory Birds 10. Marine Mammals and Sea Turtles 11. Special Areas 12. Indigenous Communities and Activities 13. Commercial Fisheries and Other Ocean Users 14. Cumulative Effects	For all VCs, update the effects assessment to account for the addition of activities on ELs 1159 and 1160. Update information on potential effects, mitigation measures, residual effects, significance conclusions, follow-up and monitoring, as applicable. Where there are no changes to the residual effects predicted in the Flemish Pass Exploration Drilling Project EIS, provide a rationale as to why the analysis remains unchanged, and indicate where in the Flemish Pass Exploration Drilling Project EIS the required information can be found. Include a fulsome discussion of drill cuttings dispersion modelling and seabed survey results

	applicable to ELs 1159 and 1160, and an updated effects analysis, as required.
15. Accidental Events	Update the effects assessment for potential accidents and malfunctions, including the results of oil spill trajectory modelling for a worst-case scenario within ELs 1159 and 1160 or a rationale for the use of existing models showing comparability of previously used event inputs and environmental conditions. Ensure a robust rationale for selection of the worst-case scenario is provided.
16. Effects of the Environment on the Project	Provide information on environmental considerations for ELs 1159 and 1160 and the potential effects of the environment on the Project.
17. Environmental Assessment and Summary and Conclusions	Update as appropriate based on the above.

3.2. Factors to be considered

Scoping establishes the parameters of the EA and focuses the assessment on relevant issues and concerns. Part 2 of this document specifies the factors to be considered in the EA, including the factors listed in subsection 19(1) of CEAA 2012:

- environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other physical activities that have been or will be carried out;
- the significance of the effects referred to above;
- comments from the public;
- mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project;
- the requirements of the follow-up program in respect of the project;
- the purpose of the project;
- alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means;
- any change to the project that may be caused by the environment; and
- the results of any relevant regional study pursuant to CEAA 2012.

3.2.1. Changes to the environment

Environmental effects occur as interactions between actions (the carrying out of the project or decisions made by the federal government in relation to the project) and receptors in the environment, and subsequently between components of the environment (e.g. change in water quality that may affect fish).

Under CEAA 2012, an examination of environmental effects that result from changes to the environment as a result of the project being carried out or as a result of the federal government exercising any power duty or function that would allow the project to be carried out must be considered in the EIS.

In scoping the potential changes to the environment that may occur, the proponent should consider any potential changes in the physical environment such as changes to air quality, water quality and quantity, and physical disturbance of land that could reasonably be expected to occur.

3.2.2. Valued components to be examined

Valued components (VCs) refer to environmental biophysical or human features that may be impacted by a project. The value of a component not only relates to its role in the ecosystem, but also to the value people place on it. For example, it may have been identified as having scientific, social, cultural, economic, historical, archaeological or aesthetic importance.

The proponent must conduct and focus its analysis on VCs as they relate to **section 5 of CEAA 2012,** including the ones identified in Section 7.3 (Part 2) of these guidelines that may be affected by changes in the environment, as well as species at risk and their critical habitat as per the requirement outlined in section 79 of the *Species at Risk Act*. Section 5 of CEAA 2012 defines environmental effects as:

- a change that may be caused to fish and fish habitat, marine plants and migratory birds;
- a change that may be caused to the environment on federal lands, in another province or outside Canada;
- with respect to aboriginal peoples, an effect of any change that may be caused to the environment on:
  - ✓ health and socio-economic conditions;
  - ✓ physical and cultural heritage;
  - ✓ the current use of lands and resources for traditional purposes; or
  - ✓ any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.
- for projects requiring a federal authority to exercise a power or perform a duty or function under another Act of Parliament:
  - ✓ a change, other than the ones mentioned above, that may be caused to the environment and that is directly linked or necessarily incidental to the exercise of the federal power or the performance of a duty or function; and
  - ✓ the effect of that change, other than the effects mentioned above, on:
    - health and socio-economic conditions,
    - physical and cultural heritage, or

- any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

The list of VCs presented in the EIS will be completed according to the evolution and design of the project and reflect the knowledge acquired through public consultation and engagement with Indigenous groups. The EIS will describe what methods were used to predict and assess the adverse environmental effects of the project on these VCs.

The VCs will be described in sufficient detail to allow the reviewer to understand their importance and to assess the potential for environmental effects arising from the project activities. The EIS will provide a rationale for selecting specific VCs and for excluding any VCs or information specified in these guidelines. Challenges may arise regarding particular exclusions, so it is important to document the information and the criteria used to justify the exclusion of a particular VC or piece of information. Justification may be based on, for example, primary data collection, computer modelling, literature references, public participation or engagement with Indigenous groups, or expert input or professional judgement. The EIS will identify those VCs, processes, and interactions that either were identified to be of concern during any workshops or meetings held by the proponent or that the proponent considers likely to be affected by the project. In doing so, the EIS will indicate to whom these concerns are important (i.e. the public or Indigenous groups) and the reasons why, including environmental, cultural, historical, social, economic, recreational, and aesthetic considerations, and traditional knowledge. If comments are received on a component that has not been included as a VC, these comments will be summarized and the rationale for excluding the component will address the comments.

3.2.3. Spatial and temporal boundaries

The spatial and temporal boundaries used in the EA may vary depending on the VC and will be considered separately for each VC, including for VCs related to the current use of lands and resources for traditional purposes by Aboriginal peoples, or other environmental effects referred to under paragraph 5(1)(*c*) of CEAA 2012. The proponent is encouraged to consult with the Agency, federal and provincial government departments and agencies, local government and Indigenous groups, and take into account public comments when defining the spatial and temporal boundaries used in the EIS.

The EIS will describe the spatial boundaries, including local and regional study areas, of each VC to be used in assessing the potential adverse environmental effects of the project and provide a rationale for each boundary. Spatial boundaries will be defined taking into account the appropriate scale and spatial extent of potential environmental effects, community knowledge and Aboriginal traditional knowledge, current or traditional land and resource use by Indigenous groups, ecological, technical, social and cultural considerations.

The temporal boundaries of the EA will span all phases of the project determined to be within the scope of this EA as specified under section 3.1 above. If effects are predicted after project decommissioning, this should be taken into consideration in defining boundaries. Community knowledge and Aboriginal traditional knowledge should factor into decisions around defining temporal boundaries.

If the temporal boundaries do not span all phases of the project, the EIS will identify the boundaries used and provide a rationale.

4. PREPARATION AND PRESENTATION OF THE ENVIRONMENTAL IMPACT STATEMENT

4.1. Guidance

The proponent should consult the Agency policy and guidance on topics to be addressed in the EIS, which is available on the Agency's website, and liaise with the Agency during the planning and development of the EIS. The proponent should also consult relevant guidance from other federal departments and ensure that the most up to date version is being used.

The proponent is encouraged to engage with Indigenous groups on the planning and development of relevant sections of the EIS, including effects from changes to the environment and impacts to potential or established Aboriginal or Treaty rights as well as assessment of environmental effects as outlined in paragraph 5(1)(c) of CEAA 2012.

Submission of regulatory and technical information necessary for federal authorities to make their regulatory decisions during the conduct of the EA is at the discretion of the proponent. Although that information is not necessary for the EA decision, the proponent is encouraged to submit it concurrent with the EIS. While the EIS must outline applicable federal authorizations required for the project to proceed, the proponent must provide information relevant to the regulatory role of the federal government. It should be noted that the issuance of these other applicable federal legislative, regulatory and constitutional requirements are within the purview of the relevant federal authorities, and are subject to separate processes post EA decision.

4.2. Use of information

4.2.1. Government expert advice

Section 20 of CEAA 2012 requires that every federal authority with specialist or expert information or knowledge with respect to a project subject to an EA must make that information or knowledge available to the Agency. The Agency will advise the proponent of the availability of pertinent information or knowledge or expert and specialist knowledge received from other federal authorities or other levels of government so that it can be incorporated into the EIS.

4.2.2. Community knowledge and Aboriginal traditional knowledge

Sub-section 19(3) of CEAA 2012 states that "the environmental assessment of a designated project may take into account community knowledge and Aboriginal traditional knowledge". For the purposes of these guidelines, community knowledge and Aboriginal traditional knowledge refers to knowledge acquired and accumulated by a local community or an Indigenous group.

The proponent will incorporate into the EIS the community knowledge and Aboriginal traditional knowledge to which it has access or that is acquired through public participation and engagement with Indigenous groups, in keeping with appropriate ethical standards and obligations of confidentiality. The proponent will engage in a respectful dialogue with Indigenous groups about the collection and use of Indigenous knowledge and enter into agreements where necessary regarding the use of information during and after the EA. The proponent should collaborate with Indigenous groups to ensure, where possible, that the Indigenous knowledge is incorporated into the EIS in a way that appropriate for the Indigenous group. The proponent will integrate Aboriginal traditional knowledge into all aspects of its assessment including both methodology (e.g. establishing spatial and temporal

boundaries, defining significance criteria) and analysis (e.g. baseline characterization, effects prediction, development of mitigation measures). Agreement should be obtained from Indigenous groups regarding the use, management and protection of their existing traditional knowledge information during and after the EA. For more information on how Aboriginal traditional knowledge can be obtained and incorporated in the preparation of the EIS, please refer to the Agency's reference guide on the topic. Should there be a lack of Indigenous knowledge, the proponent is still expected to seek information from other sources to complete the assessment of effects of changes to the environment on Aboriginal peoples or the assessment of impacts to rights. For more information on requirements for the effects assessment, see Part 2, Section 7.1.8 and 7.3.7 of these guidelines.

4.2.3. Existing information

In preparing the EIS, the proponent is encouraged to make use of existing information relevant to the project. When relying on existing information to meet requirements of the EIS Guidelines, the proponent will either include the information directly in the EIS or clearly direct the reader to where it may obtain the information (i.e. through cross-referencing). When relying on existing information, the proponent will also comment on how the data were applied to the project, separate factual lines of evidence from inference, and state any limitations on the inferences or conclusions that can be drawn from the existing information.

4.2.4. Confidential information

In implementing CEAA 2012, the Agency is committed to promoting public participation in the EA of projects and providing access to the information on which EAs are based. All documents prepared or submitted by the proponent or any other stakeholder in relation to the EA are included in the Canadian Environmental Assessment Registry and made available to the public on request. For this reason, the EIS will not contain information that:

- is sensitive or confidential (i.e. financial, commercial, scientific, technical, personal, cultural or other nature), that is treated consistently as confidential, and the person affected has not consented to the disclosure; or
- may cause substantial harm to a person or specific harm to the environment through its disclosure.

The proponent will consult with the Agency regarding whether specific information requested by these guidelines should be treated as confidential.

4.3. Study strategy and methodology

The proponent is expected to respect the intent of these guidelines and to consider the environmental effects that are likely to arise from the project (including situations not explicitly identified in these guidelines), the technically and economically feasible mitigation measures that will be applied, and the significance of any residual effects. Except where specified by the Agency, the proponent has the discretion to select the most appropriate methods to compile and present data, information and analysis in the EIS as long as they are justifiable and replicable.

It is possible these guidelines may include matters which, in the judgement of the proponent, are not relevant or significant to the project. If such matters are omitted from the EIS, the proponent will clearly indicate it, and provide a justification so the Agency, federal authorities, Indigenous groups, the

public and any other interested party have an opportunity to comment on this decision. Where the Agency disagrees with the proponent's decision, it will require the proponent to provide the specified information.

The assessment will include the following general steps:

- ✓ identifying the activities and components of the project;
- ✓ predicting potential changes to the environment;
- ✓ predicting and evaluating the likely effects on identified VCs;
- ✓ identifying technically and economically feasible mitigation measures for any significant adverse environmental effects;
- ✓ determining any residual environmental effects;
- ✓ considering cumulative effects of the project in combination with other physical activities that have been or will be carried out; and
- ✓ determining the potential significance of any residual environmental effect following the implementation of mitigation measures.

For each VC, the EIS will describe the methodology used to assess project-related effects. The EIS could include an analysis of the pathway of the effects of environmental changes on each VC. The EIS will document where and how scientific, engineering, community knowledge and Aboriginal traditional knowledge were used to reach conclusions. Assumptions will be clearly identified and justified. All data, models and studies will be documented such that the analyses are transparent and reproducible. All data collection methods will be specified. The uncertainty, reliability, sensitivity and conservativeness of models used to reach conclusions must be indicated.

The EIS will identify all significant gaps in knowledge and understanding related to key conclusions, and the steps to be taken by the proponent to address these gaps. Where the conclusions drawn from scientific, engineering and technical knowledge are inconsistent with the conclusions drawn from Aboriginal traditional knowledge, the EIS will present each perspective on the issue and a statement of the proponent's conclusions.

The EIS will include a description of the environment (both biophysical and human), including the components of the existing environment and environmental processes, their interrelations as well as the variability in these components, processes and interactions over time scales appropriate to the likely effects of the project. The description will be sufficiently detailed to characterize the environment before any disturbance to the environment due to the project and to identify, assess and determine the significance of the potential adverse environmental effects of the project. These data should include results from studies done prior to any physical disruption of the environment due to initial project related activities. The information describing the existing environment may be provided in a stand-alone chapter of the EIS or may be integrated into clearly defined sections within the effects assessment of each VC. This analysis will include environmental conditions resulting from historical and present activities in the local and regional study areas.

If the baseline data have been extrapolated or otherwise manipulated to depict environmental conditions in the study areas, modelling methods and equations will be described and will include calculations of margins of error and other relevant statistical information, such as confidence intervals and possible sources of error. The proponent will provide the references used in creating their approach to baseline data gathering, including identifying where appropriate, the relevant federal or

provincial standards. The proponent is encouraged to discuss the timeframe and considerations for its proposed baseline data with the Agency prior to submitting its EIS.

In describing and assessing effects to the physical and biological environment, the proponent will take an ecosystem approach that considers both scientific and community knowledge and Indigenous knowledge and perspectives regarding ecosystem health and integrity. The proponent will consider the resilience of relevant species populations, communities and their habitats. The assessment of environmental effects on Aboriginal peoples, pursuant to paragraph 5(1)(*c*) of CEAA 2012, will undergo the same rigour and type of assessment as any other VC (including setting of spatial and temporal boundaries, identification and analysis of effects, identification of mitigation measures, determination of residual effects, identification and a clear explanation of the methodology used for assessing the significance of residual effects and assessment of cumulative effects).

The proponent will consider the use of both primary and secondary sources of information regarding baseline information, changes to the environment and the corresponding effect on health, socio-economics, physical and cultural heritage and the current use of lands and resources for traditional purposes. Primary sources of information include traditional land use studies, socio-economic studies, heritage surveys or other relevant studies conducted specifically for the project and its EIS. Often these studies and other types of relevant information are obtained directly from Indigenous groups. Secondary sources of information include previously documented information on the area, not collected specifically for the purposes of the project, or desk-top or literature-based information. The proponent will provide Indigenous groups the opportunity to review and provide comments on the information used for describing and assessing effects on Aboriginal peoples (further information on engaging with Indigenous groups is provided in Part 2, Section 5 of this document). The proponent will respond to the comments of Indigenous groups prior to submitting the EIS to ensure that the comments are adequately addressed. Where there are discrepancies in the views of the proponent and Indigenous groups on the information to be used in the EIS, the EIS will document these discrepancies and the rationale for the proponent's selection of information.

The assessment of the effects of each of the project components and physical activities, in all phases, will be based on a comparison of the biophysical and human environments between the predicted future conditions with the project and the predicted future conditions without the project. In undertaking the environmental effects assessment, the proponent will use best available information and methods. All conclusions will be substantiated. Predictions will be based on clearly stated assumptions. The proponent will describe how each assumption has been tested. With respect to quantitative models and predictions, the EIS will document the assumptions that underlie the model, the quality of the data and the degree of certainty of the predictions obtained. Where there are discrepancies in the views of the proponent and Indigenous groups with respect to the outcomes of assessment(s), the EIS will document and provide a rationale for these discrepancies.

4.4. Presentation and organization of the environmental impact statement

To facilitate the identification of the documents submitted and their placement in the Canadian Environmental Assessment Registry, the title page of the EIS and its related documents will contain the following information:

- project name and location;
- title of the document, including the term "environmental impact statement";

- subtitle of the document;
- name of the proponent; and
- date of submission of the EIS.

The EIS will be written in clear, precise language. A glossary defining technical words, acronyms and abbreviations will be included. The EIS will include charts, diagrams, tables, maps and photographs, where appropriate, to clarify the text. Perspective drawings that clearly convey the various components of the project will also be provided. Wherever possible, maps will be presented in common scales and datum to allow for comparison and overlay of mapped features.

For purposes of brevity and to avoid repetition, cross-referencing is preferred. The EIS may make reference to the information that has already been presented in other sections of the document, rather than repeating it. Detailed studies (including all relevant and supporting data and methodologies) will be provided in separate appendices and will be referenced by appendix, section and page in the text of the main document. The EIS will explain how information is organized in the document. This will include a table of content with a list of all tables, figures, and photographs referenced in the text. A complete list of supporting literature and references will also be provided. A table of concordance, which cross references the information presented in the EIS with the information requirements identified in the EIS Guidelines, will be provided. The proponent will provide copies of the EIS and its summary for distribution, including paper and electronic version in an unlocked, searchable PDF format, as directed by the Agency.

4.5. Summary of the environmental impact statement

The proponent will prepare a summary of the EIS in both of Canada's official languages (French and English) to be provided to the Agency at the same time as the EIS that will include the followings:

- a concise description of all key components of the project and related activities;
- a summary of the engagement with Indigenous groups, and the participation of the public and government agencies, including a summary of the issues raised and the proponent's responses;
- an overview of expected changes to the environment;
- an overview of the key environmental effects of the project, as described under section 5 of CEAA 2012, and proposed technically and economically feasible mitigation measures;
- an overview of how factors under paragraph 19(1) of CEAA 2012 were considered;
- the proponent's conclusions on the residual environmental effects of the project, and the significance of those effects, after taking into account the mitigation measures.

The summary is to be provided as a separate document and should be structured as follows:

1. Introduction and EA context
2. Project overview
3. Alternative means of carrying out the project
4. Public participation
5. Engagement with Indigenous Groups
6. Summary of environmental effects assessment for each VC, including:

a. description of the baseline
b. anticipated changes to the environment
c. anticipated effects
d. mitigation measures
e. significance of residual effects

7. Follow-up and monitoring programs proposed

The summary will have sufficient details for the reader to understand the project, any potential environmental effects, proposed mitigation measures, and the significance of the residual effects. The summary will include key maps illustrating the project location and key project components.

Part 2 – Content of the Environmental Impact Statement

1. INTRODUCTION AND OVERVIEW

1.1. The proponent

In the EIS, the proponent will:

- provide contact information (e.g. name, address, phone, fax, email);
- identify itself and the name of the legal entity(ies) that would develop, manage and operate the project;
- describe corporate and management structures;
- specify the mechanism used to ensure that corporate policies will be implemented and respected for the project; and
- identify key personnel, contractors, and/or sub-contractors responsible for preparing the EIS.

1.2. Project overview

The EIS will describe the project, key project components and associated activities, scheduling details, the timing of each phase of the project and other key features. If the project is part of a larger sequence of projects, the EIS will outline the larger context.

The overview is to identify the key components of the project, rather than providing a detailed description, which will follow in Section 3 below.

1.3. Project location

The EIS will contain a description of the geographical setting in which the project will take place. This description will focus on those aspects of the project and its settings that are important in order to understand the potential environmental effects of the project. The following information will be included:

- the Universal Transverse Mercator (UTM) projection coordinates of the main project site;
- current land use in the area;
- distance of the project facilities and components to any federal lands;
- the environmental significance and value of the geographical setting in which the project will take place and the surrounding area;
- environmentally sensitive areas, such as national, provincial and regional parks, ecological reserves, ecologically and biologically sensitive areas, fishery closure areas, vulnerable marine ecosystems, marine refuge areas, and habitats of federally or provincially listed species at risk and other sensitive areas;
- description of local communities and Indigenous communities; and
- traditional territories and/or consultation areas, treaty lands, Indian Reserve lands.

1.4. Regulatory framework and the role of government

The EIS will identify:

- any federal power, duty or function that may be exercised that would permit the carrying out (in whole or in part) of the project or associated activities;
- legislation and other regulatory approvals that are applicable to the project at the federal, provincial, regional and municipal levels;
- government policies, resource management plans, planning or study initiatives pertinent to the project and/or EA and their implications;
- any treaty, self-government or other agreements between federal or provincial governments and Indigenous groups that are pertinent to the project and/or EA;
- any relevant land use plans, land zoning, or community plans; and
- regional, provincial and/or national objectives, standards or guidelines that have been used by the proponent to assist in the evaluation of any predicted environmental effects.

2. PROJECT JUSTIFICATION AND ALTERNATIVES CONSIDERED

2.1. Purpose of the project

The EIS will describe the purpose of the project by providing the rationale for the project, explaining the background, the problems or opportunities that the project is intended to satisfy and the stated objectives from the perspective of the proponent. If the objectives of the project are related to broader private or public sector policies, plans or programs, this information will also be included.

The EIS will also describe the predicted environmental, economic and social benefits of the project. This information will be considered in assessing the justifiability[2] of any significant adverse residual environmental effects as defined in section 5 of CEAA 2012, if such effects are identified.

2.2. Alternative means of carrying out the project

The EIS will identify and consider the environmental effects of alternative means of carrying out the project that are technically and economically feasible. The proponent will complete the assessment of alternative means in accordance with the Agency's Operational Policy Statement on this topic.

In its alternative means analysis, the proponent will address, at a minimum, the following project components:

- choice of drilling fluid (i.e. water-based drilling mud or synthetic-based drilling mud);
- choice of drilling unit (i.e. drillship or semi-submersible);
- management of drilling wastes (i.e. disposal on seabed or into water column, recover and ship to shore, re-inject);
- water management and location of the final effluent discharge points;

[2] See subsection 52(2) of CEAA 2012.

- alternative ways to light the platform at night (or flare at night when testing the well), to reduce attraction and associated mortality of birds, such as installing flare shields.

The *Offshore Waste Treatment Guidelines*[3] include minimum performance targets for concentrations and volumes of waste material in discharges resulting from offshore exploration and development. Offshore operators are expected to take all reasonable measures to minimize the volumes of waste materials generated by their operations, and to minimize the quantity of substances of potential environmental concern contained within these waste materials. The EIS should include a discussion on how wastes and potential associated toxic substances would be minimized. The proponent should also discuss any alternatives that would enable it to achieve these objectives and adopt best practices in waste management and treatment.

The *Offshore Chemical Selection Guidelines for Drilling & Production Activities on Frontier Lands*[4] provide a framework for the selection of chemicals in support of offshore operations. The guidelines outline minimum expectations on the selection of lower toxicity chemicals; recognizing that variations to the selection process described in the guidelines may be required in areas where increased risk to the environment has been identified. With the objective of minimizing potential environmental impacts of discharges to the marine environment, the proponent should identify the quantity and type of chemicals (or constituents) that may be used in support of the proposed project that are:

- included on the Canadian Environmental Protection Act's List of Toxic Substances;
- not included on the OSPAR[1] Pose Little or No Risk to the Environment (PLONOR) list of chemicals and have a PARCOM[2] Offshore Chemical Notification Scheme Hazard Rating of A, B or purple, orange, blue, or white; or
- not included on the PLONOR list of chemicals and have not been assigned a PARCOM Offshore Chemical Notification Scheme Hazard Rating.

Alternatives to the use of the above-listed chemicals (e.g. through alternative means of operating or use of less-toxic alternatives) should be discussed in the EIS.

For further information regarding the "purpose of" and "alternative means", please consult the Agency's Operational Policy Statement entitled "*Addressing "Purpose of" and "Alternative Means" under the Canadian Environmental Assessment Act, 2012".*

The Agency recognizes that projects may be in the early planning stages when the EIS is being prepared. Where the proponent has not made final decisions concerning the placement of project infrastructure, the technologies to be used, or that several options may exist for various project components, the proponent shall conduct an environmental effects analysis at the same level of detail for each of the various options available (alternative means) within the EIS.

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[3] National Energy Board, Canada-Nova Scotia Offshore Petroleum Board and Canada-Newfoundland and Labrador Offshore Petroleum Board. *Offshore Waste Treatment Guidelines*. December 2010. Available from: www.cnlopb.ca

[4] National Energy Board, Canada-Nova Scotia Offshore Petroleum Board and Canada-Newfoundland Offshore Petroleum Board. *Offshore Chemical Selection Guidelines for Drilling & Production Activities on Frontier Lands*. April 2009. Available from: www.cnlopb.ca

[1] Oslo and Paris Commissions

[2] Paris Commission

3. PROJECT DESCRIPTION

3.1. Project components

The EIS will describe the project, by presenting the project components, associated and ancillary works, and other characteristics that will assist in understanding the environmental effects. This will include:

- maps, at an appropriate scale, of the project location;
- project components;
- boundaries of exploration licences 1159 and 1160 with UTM coordinates;
- the major existing infrastructure;
- adjacent land and resource uses; and
- any important environmental features.

If the project is part of a larger sequence of projects, the proponent will outline the larger context and present the relevant references, if available.

In its EIS, the proponent will describe:

- the Mobile Offshore Drilling Unit(s) and their operations (drilling, testing, suspension or abandonment) in locations and water depths under consideration;
- navigation activities (number and frequency of trips), size and types of vessels, anticipated vessel routes and anchorages, predicted percentage of increase in vessel traffic of similar size vessels resulting from the project, icebreaking activities (time of year, frequency, duration, expected start and end dates), and ballast water management
- helicopters, including routes, number and frequency of trips;
- vertical seismic profiling or any other in-water works (e.g. wellsite surveys) to support the specific exploration wells under consideration, but excluding surveys potentially required to support the conduct of the EA (e.g. environmental baseline surveys) and surveys related to the broader delineation of resources;
- well evaluation and testing;
- reagent requirements and uses (e.g. volumes, storage, types);
- petroleum products (e.g. source, volume, storage, types);
- the nature, composition and fate (e.g. areal extent) of drilling wastes (e.g. muds, cuttings) at various water depths and at various stages of drilling, including during riserless drilling and drilling with the marine riser in place, using dispersion modelling;
- the management or disposal of wastes (e.g. type and constituents of waste, quantity, treatment and method of disposal) including:
  - ✓ drilling muds, drill solids;
  - ✓ deck drainage;
  - ✓ cooling water;
  - ✓ bilge and ballast water;
  - ✓ fire control system test water;

- ✓ operational discharges from subsea systems and the installation of subsea systems;
- ✓ sewage and food wastes;
- ✓ well treatment or testing fluids; and
- ✓ other operational discharges.

- contributions to atmospheric emissions, including emissions profile (i.e. type, rate and source) for activities including routine or upset flaring (including the contribution from any produced fluids that may be added to any flares), routine drilling, testing, shipping etc.;
- sources and extent of light, heat and noise;
- transfers of bulk materials (e.g. mud) and fuel;
- number of employees and transportation of employees;
- drinking and industrial water requirements (source, quantity required, need for water treatment);
- energy supply (source, quantity); and
- waste disposal (types of waste, methods of disposal, quantity).

3.2. Project activities

The EIS will include descriptions of the drilling, testing and decommissioning, suspension or abandonment of wells associated with the proposed project.

This will include descriptions of the activities to be carried out during each phase, the location of each activity, expected outputs and an indication of the activity's magnitude and scale. Water depths for potential drill sites will be specified.

Although a complete list of project activities should be provided, the emphasis will be on activities with the greatest potential to have environmental effects. Sufficient information will be included to predict environmental effects and address concerns identified by the public and Indigenous groups. Highlight activities that involve periods of increased environmental disturbance or the release of materials into the environment.

The EIS will include a summary of the changes that have been made to the project since originally proposed, including the benefits of these changes to the environment, Indigenous groups, and the public.

The EIS will include a schedule including time of year, frequency, and duration for all project activities.

The information will include a description of:

3.2.1. Drilling and testing activities

- operation of the Mobile Offshore Drilling Unit(s), including:
  - ✓ drilling at various water depths and in locations under consideration
  - ✓ well flow testing
  - ✓ waste management
  - ✓ water management
- vertical seismic profile surveys;

- flaring, including:
  - ✓ specifics on flare tip used, including type, manufacturer and/or model;
  - ✓ all flaring activities and estimation of flared volumes;
  - ✓ estimation of total greenhouse gas and criteria air contaminants emissions;
  - ✓ an estimate of the contribution of the flaring emissions at the local, provincial and federal scale;
  - ✓ justification for all estimated emissions and emission factors used; and
  - ✓ the estimation or derivation method, and a description of all assumptions and emission factors used;
- well evaluation and testing;
- equipment requirements (type, quantity); and
- storage and management of hazardous materials, fuels and residues.

3.2.2. Supply and servicing

- vessel support, including loading, refuelling and operation of marine support vessels (i.e. for transfer, re-supply and on-site safety during drilling activities); and
- helicopter support (i.e. crew transport and delivery of supplies and equipment).

3.2.3. Decommissioning, suspension or abandonment of wells

- the preliminary outline of a well decommissioning, suspension and abandonment plan for wells at varying water depths.

4. PUBLIC PARTICIPATION AND CONCERNS

The EIS will describe the ongoing and proposed public participation activities that the proponent will undertake or that it has already conducted on the project. It will provide a description of efforts made to distribute project information and provide a description of information and materials that were distributed during the consultation process. The EIS will indicate the methods used, where the consultation was held, the persons and organizations consulted, the concerns voiced and the extent to which this information was incorporated in the design of the project as well as in the EIS. The EIS will provide a summary of key issues raised related to the project and its potential effects to the environment as well as describe any outstanding issues and ways to address them.

5. ENGAGEMENT WITH INDIGENOUS GROUPS AND CONCERNS RAISED

As noted in Part 1, Section 2.3 of these guidelines, the proponent is expected to engage with potentially affected Indigenous groups. For the purposes of developing the EIS, the proponent will engage with Indigenous groups that may be affected by the project, to obtain their views on:

- the project;
- effects of changes to the environment on Aboriginal peoples (health and socio-economic conditions; physical and cultural heritage, including any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; and current use of lands and resources for traditional purposes) pursuant to paragraph 5(1)(c) of CEAA 2012, and

- potential adverse impacts of the project on potential or established Aboriginal or Treaty rights, in respect of the Crown's duty to consult, and where appropriate, accommodate Aboriginal peoples.

Aboriginal rights are defined as: practices, traditions and customs integral to the distinctive culture of the Aboriginal group claiming the right that existed prior to contact with the Europeans. In the context of Métis groups, Aboriginal rights means practices, traditions, and customs integral to the distinctive culture of the Métis group that existed prior to effective European control, that is, prior to the time when Europeans effectively established political and legal control in the claimed area. Generally, these rights are fact and site specific. Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) Canada also define Aboriginal title as an Aboriginal right.

In order to allow the Indigenous groups to engage and provide views on the above, the proponent will provide the Indigenous groups with the following timely and relevant:

- opportunities to learn about the project including providing information about the proposed project (including but not limited to project design, location, potential effects, mitigation measures and follow-up and monitoring programs); and
- opportunities to provide input on the overall project; effects of changes to the environment on Aboriginal peoples pursuant to paragraph 5 (1)(c) of CEAA, 2012 and potential adverse impacts of the project on potential or established Aboriginal or Treaty rights.

The proponent will structure its engagement activities to provide adequate time for groups to review and comment on the relevant information. Engagement activities are to be appropriate to the groups' needs, arranged through discussions with the groups and in keeping with established consultation protocols, where available. The EIS will describe all efforts, successful or not, taken to solicit the information required from groups to support the preparation of the EIS. With respect to engagement activities, the EIS will document:

- the engagement activities undertaken with each group prior to the submission of the EIS, including the date and means of engagement (e.g. meeting, mail, telephone);
- document the main issues and comments raised during the engagement activities by each group and the proponent's responses (effort should be made to collating like issues together along VCs identified in the EIS);
- any future planned engagement activities;
- where and how Indigenous groups' perspectives were integrated into and/or contributed to decisions regarding the project, design, operation, decommissioning, suspension abandonment, follow-up and monitoring and associated potential effects (paragraph 5(1)(c)) and the associated mitigation utilized to manage those effects. The effects and mitigation measures should be clearly linked to VCs in the EIS as well as to specific project components or activities; and
- how engagement activities by the proponent allowed groups to understand the project and evaluate its impacts on their communities, activities, potential or established Aboriginal or Treaty rights,. Where impacts are identified, provide a discussion of how those would be managed or mitigated (and provide this information for each Indigenous group separately).

To assist with the provision of records as requested above, the Agency recommends the proponent create a tracking table of key issues raised by each Indigenous group and responses provided by the

Proponent. Information provided related to potential adverse impacts on potential or established Aboriginal or Treaty rights rights will be considered by the Crown in meeting its common law duty to consult obligations.

For the groups listed below, the proponent will ensure they are notified about key steps in the EIS development process and of opportunities to provide comments on key EA documents and/or information to be provided regarding their community. The proponent will ensure these groups are reflected in the baseline information and assessment of potential environmental effects as described under paragraph 5(1)(c) of CEAA 2012 and/or impacts to potential or established section 35 rights, including title and related interest in the EIS. These groups include:

Newfoundland and Labrador

- the Labrador Inuit (Nunatsiavut Government)
- the Labrador Innu (Innu Nation)
- the NunatuKavut Community Council

Nova Scotia

- 11 Mi'kmaq First Nation groups represented by Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO):
  - ✓ Acadia First Nation
  - ✓ Annapolis Valley First Nation
  - ✓ Bear River First Nation
  - ✓ Eskasoni First Nation
  - ✓ Glooscap First Nation
  - ✓ Membertou First Nation
  - ✓ Paqtnkek Mi'kmaw Nation
  - ✓ Pictou Landing First Nation
  - ✓ Potlotek First Nation
  - ✓ Wagmatcook First Nation
  - ✓ Waycobah First Nation
- Millbrook First Nation
- Sipekne'katik First Nation

New Brunswick

- eight Mi'gmaq First Nations groups represented by Mi'gmawe'l Tplu'taqnn Inc. (MTI)
  - ✓ Fort Folly First Nation
  - ✓ Eel Ground First Nation
  - ✓ Pabineau First Nation
  - ✓ Esgenoôpetitj First Nation
  - ✓ Buctouche First Nation
  - ✓ Indian Island First Nation
  - ✓ Eel River Bar First Nation
  - ✓ Metepnagiag Mi'kmaq First Nation
- Elsipogtog First Nation

- six Wolastoqey (Maliseet) First Nation groups represented by Wolastoqey Nation in New Brunswick (WNNB)
  - ✓ Kingsclear First Nation
  - ✓ Madawaska Maliseet First Nation
  - ✓ Oromocto First Nation
  - ✓ Saint Mary's First Nation
  - ✓ Tobique First Nation
  - ✓ Woodstock First Nation
- Peskotomuhkati Nation at Skutik (Passamaquoddy)

Prince Edward Island

- Abegweit First Nation
- Lennox Island First Nation

Quebec

- three Mi'gmaq First Nation groups represented by Mi'gmawei Mawiomi Secretariat (MMS)
  - ✓ Micmas of Gesgapegiag
  - ✓ La Nation Micmac de Gespeg
  - ✓ Listuguj Mi'gmaq Government
- Les Innus de Ekuanitshit
- Innu First Nation of Nutashkuan

The groups referenced above may change as more is understood about the environmental effects of the project and/or if the project or its components change during the EA. The Agency reserves the right to alter the list of groups that the proponent will engage as additional information is gathered during the EA.

In addition, for the purposes of good governance, the proponent should also provide information to and discuss potential environmental effects from the Project, as described under section 5(1)(c) of CEAA 2012, with the Qalipu Mi'kmaq First Nation Band and the Miawpukek First Nation.

Upon receipt of knowledge or information of potential effects or adverse impacts to any Indigenous group, even those not listed above, the proponent shall provide that information to the Agency at the earliest opportunity.

With respect to the effects of changes to the environment on Aboriginal peoples, the assessment requirements are outlined in Part 2, Sections 7.1.8 and Part 2, 7.3.7 of these guidelines. With respect to the assessment requirements are outlined in Part 2, Section 6 of these guidelines.

6. IMPACTS TO POTENTIAL OR ESTABLISHED ABORIGINAL OR TREATY RIGHTS

With respect to potential adverse impacts of the project on potential or established Aboriginal or Treaty rights, the EIS will document for each group identified in Part 2, Section 5 of these guidelines (or in subsequent correspondence from the Agency):

- potential or established Aboriginal or Treaty rights[5], when this information is directly provided by a group to the proponent, the Agency or is available through public records, including but not limited to:
  - ✓ location of the right being practiced or exercised
  - ✓ context in which the right is practiced or exercised (including information about which groups of an Indigenous group practice the right (women, elders, youth), how the right was practiced historically),
  - ✓ how the Indigenous group's cultural traditions, laws and governance systems inform the manner in which they exercise their rights (the who, what, when, how, where and why)
  - ✓ the Indigenous group's perspectives on the importance of the land on which the Project is located and how it intersects with any land management uses and/or plans they may have,
  - ✓ how often the right is practiced or exercised and timing or seasonality of the practice or exercise of the right; and,
  - ✓ maps and data sets (e.g., fish catch numbers);
- potential adverse impacts of each of the project components and physical activities, in all phases, on potential or established Aboriginal or Treaty rights, including those raised by Indigenous groups.
- measures identified to accommodate potential adverse impacts of the project on the potential or established Aboriginal or Treaty rights. These measures will clearly describe how the proponent intends to implement them, and may go beyond mitigation measures that are developed to address potential adverse environmental effects. Include perspectives and specific suggestions raised of potentially impacted Indigenous groups; as well as any views of Indigenous groups on the effectiveness of mitigation measures.
- potential adverse impacts on potential or established Aboriginal or Treaty rights that have not been fully mitigated or accommodated as part of the EA and associated engagement with Indigenous groups. Include perspective of potentially impacted Indigenous groups; and
- potential adverse impacts that may result from the residual and cumulative environmental effects. Include the perspectives of potentially impacted Indigenous groups.

This information and assessment will be informed from engagement with Indigenous groups described in Part 2, Section 5 of these guidelines. The information sources, methodology and findings of the assessment of paragraph 5(1)(c) effects under CEAA 2012 may be used to inform the assessment of potential adverse impacts of the project on potential or established Aboriginal or Treaty rights. However, there may be distinctions between the adverse impacts on potential or established Aboriginal or Treaty rights and paragraph 5(1)(c) effects under CEAA 2012. The proponent will carefully consider the potential distinction between these two aspects and, where there are differences; will include the relevant information in its assessment.

[5] Refer to Crown-Indigenous Relations and Northern Affairs Canada or Indigenous Services Canada for more information.

7. EFFECTS ASSESSMENT

7.1. Project setting and baseline conditions

Based on the scope of the project described in Section 3 (Part 1), the EIS will present baseline information in sufficient detail to enable the identification of how the project could affect the VCs and an analysis of those effects. Should other VCs be identified during the conduct of the EA, the baseline condition for these components will also be described in the EIS. To determine the appropriate spatial boundaries to describe the baseline information, refer to Section 3.2.3 (Part 1) of these guidelines. As a minimum, the EIS will include a description of the following environmental components.

7.1.1. Atmospheric environment

The EIS will describe the atmospheric environment and climate at the project site and within areas that could be affected by routine project operations or accidents and malfunctions, such as:

- ambient air quality in the project area and in the airshed likely to be affected by the project, including consideration of the following contaminants: total suspended particulates (TSP), fine particulates smaller than 2.5 microns ($PM_{2.5}$), respirable particulates of less than 10 microns (PM_{10}), carbon monoxide (CO), sulphur oxides (SOx), nitrogen oxides (NOx), volatile organic compounds (VOCs), hydrogen sulfide (H2S) and any other potentially toxic air pollutants;
- identify and quantify existing greenhouse gas emissions[6] by individual pollutant measured as kilotonnes of CO_2 equivalent per year in the project study areas;
- direct (e.g. emissions related to vessel traffic) and indirect sources of air emissions;
- current provincial/territorial/federal limits for greenhouse gas emission targets;
- current ambient noise levels in the project area. Information on typical sound sources, geographic extent and temporal variations will be included;
- existing ambient night-time light levels in the project area and at any other areas where project activities could have an effect on light levels. The EIS will describe night-time illumination levels during different weather conditions and seasons; and
- historical records of relevant meteorological information (e.g. total precipitation (rain and snow); mean, maximum and minimum temperatures; and typical wind speed and direction (freezing spray; lighting; and visibility).

Particular attention should also be given to the analysis of extreme meteorological events that have the potential to result in adverse effects on the project (e.g. high wind events).

Relevant marine climate data sources should be consulted, including but not limited to data from Environment and Climate Change Canada moored weather buoys and any offshore platforms operating in the Eastern Newfoundland Strategic Environmental Assessment (SEA) area. Data from the International Comprehensive Atmosphere Ocean Dataset (ICOADS), the United States of America National Oceanographic and Atmospheric Administration (NOAA) database of tropical

[6] Greenhouse gas emissions include: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), sulphur hexafluoride (SF_6) and nitrogen trifluoride (NF_3).

cyclone activity in the North Atlantic, NOAA's Climate Forecast System Reanalysis (CFSR), and the Canadian Lightning Detection Network.

7.1.2. Marine environment

- marine water quality (e.g. water temperature, turbidity, salinity and pH);
- marine geology and geomorphology (i.e. bottom sediments, including quality, thickness, grain size, and mobility);
- physical oceanography including surface and subsurface current patterns, current velocities, waves, storm surges, long shore drift processes, tidal patterns, and tide gauges levels for the site, in proximity to the site, and along the marine transportation routes with consideration of predicted climate change effects;
- available bathymetric information (e.g. maximum and mean water depths) for the site and along marine transportation routes if applicable;
- ice climate in the regional study area, including ice formation and thickness, ridging, breakup and movement;
- ice conditions along the marine transportation routes with consideration of predicted climate change and its possible effect on the timing of ice formation in the future;
- fast-ice characteristics, including its surface area and seasonal stability and along the marine transportation routes;
- marine plants, including all benthic and detached algae, marine flowering plants, brown algae, red algae, green algae and phytoplankton;
- acoustic environment (ambient noise levels from natural sources, shipping, seismic surveys, and other sources), including information on geographic extent and temporal variations and how the acoustic environment may be affected by the project.

When describing the baseline marine environment, relevant data sources such as DFO Research Vessel Surveys/Science Reports and other primary and secondary scientific literature should be consulted. In addition to data sources discussed under Atmospheric Environment and Climate (some of which contain marine data), the proponent should consult MSC50 Wind and Wave Hindcast Data, and long term gridded hourly wind and wave measurements for the North Atlantic.

7.1.3. Fish and fish habitat

The EIS will describe fish and fish habitat within areas that could be affected by routine project operations or by accidents and malfunctions, including:

- a characterization of fish populations on the basis of species and life stage, including information on the surveys carried out (e.g. location of sampling stations, catch methods, date of catches, species, catch per-unit effort) and the source of data available (e.g. government and historical databases, commercial fishing data);
- a description of primary and secondary productivity in affected water bodies with a characterization of season variability; and

- benthic flora and fauna and their associated habitat, including sensitive features such as corals and sponges (Note: a benthic habitat survey (ROV / camera), including transects of seafloor in the area of the well locations, may be required).

Emphasis will be placed on the waters and benthic environments likely to be affected by the project. Hence, for all areas in which effects are anticipated, the EIS will describe the biophysical water and sediment characteristics, including:

- a description of the physical and biological characteristics of the fish and fish habitat likely to be directly or indirectly affected by the project;
- maps, at a suitable scale, indicating the surface area of potential or confirmed fish habitats and a description of these habitats as determined by water depths, type of substrate (sediments), aquatic vegetation, and potential use (i.e. spawning, rearing, nursery, feeding, overwintering, migration routes, etc.). Where appropriate, this information should be linked to water depths (bathymetry) to identify the extent of a water body's littoral / photic zone;
- quality, thickness, grain size and mobility of bottom sediments; and
- a discussion of sea bottom stability at the project site.

Any sampling survey methods used by the proponent will be described in order to allow experts to ensure the quality of the information provided. If previous studies on the habitat in the study area were conducted, they are to be submitted with the EIS.

7.1.4. Migratory birds and their habitat[7]

The EIS will describe migratory and non-migratory birds and their habitat at the project site and within areas that could be affected by routine project operations or accidents and malfunctions.

Migratory birds are protected under the *Migratory Bird Protection Act* (MBCA) and associated regulations. Preliminary data from existing sources will be gathered, including information such as:

- birds and their habitats that are found or are likely to be found in the study area. This description may be based on existing sources, but supporting evidence is required to demonstrate that the data used are representative of the avifauna and habitats found in the study area. The existing data must be supplemented by surveys, if required.
- abundance, distribution, and life stages of migratory and non-migratory birds likely to be affected in the project area based on existing information, or surveys, as appropriate, to provide current field data;
- year-round migratory bird use of the area (e.g. winter, spring migration, breeding season, fall migration), based on preliminary data from existing sources and surveys to provide current field data if appropriate; and
- areas of concentration of migratory birds, such as for breeding, feeding or resting.

[7] Surveys should be designed in light of the available references and recommendations in Environment and Climate Change Canada's document entitled "*Guidance for the Preparation of an Environmental Impact Statement and Useful References*" (2016) (available from the Department of Environment and Climate Change Canada), and in the Canadian Wildlife Service's Technical Report No. 508, *A Framework for the Scientific Assessment of Potential Project Impacts on Birds* (Hanson et al. 2009). Appendix 3 of the Framework provides examples of project types and recommended techniques for assessing impacts on migratory birds.

Other relevant datasets should be consulted, such as those available from the Canadian Wildlife Service (e.g. Eastern Canadian Seabirds at Sea (ECSAS), Programme intégré de recherches sur les oiseaux pélagiques (PIROP)), the Atlantic Canada Conservation Data Centre (ACCDC), recovery strategies, management plans, Newfoundland and Labrador Department of Fisheries and Land Resources Wildlife Division, previous petroleum operations in the area and university or other research programs, if available.

7.1.5. Species at Risk

The EIS will describe federal species at risk and their habitat, including critical habitat, at the project site and within areas that could be affected by routine project operations or accidents and malfunctions, such as:

- a list of all potential or known federally listed species at risk that may be affected by the project, using existing data and literature as well as surveys to provide current field data;
- a list of all federal species designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) for listing on Schedule 1 of the Species at Risk Act. This will include those species in the risk categories of extirpated, endangered, threatened and of special concern[8];
- any published studies that describe the regional importance, abundance and distribution of species at risk including recovery management plans, recovery strategies and action plans. The existing data must be supplemented by surveys, if required;
- residences, seasonal movements, movement corridors, habitat requirements, key habitat areas, identified critical habitat and/or recovery habitat (where applicable) and general life history of species at risk that may occur in the project area, or be affected by the project; and
- identification of any potentially affected critical habitat as defined in the Species at Risk Act.

The following information sources on species at risk and species of conservation concern should be among those consulted:

- Species at Risk Act Registry (www.sararegistry.gc.ca);
- COSEWIC;
- Relevant government agencies;
- Local naturalist and interest groups; and
- Indigenous groups and First Nations.

7.1.6. Marine mammals

- *marine mammal species that may be present, the times of year they are present, the ranges of the species and their migration patterns; and*

[8] Proponents are encouraged to consult COSEWIC's latest annual report for a listing of the designated wildlife species posted on their website

- *important areas in the vicinity of the drilling sites or supply routes (e.g. for mating, breeding, feeding and nursing of young) or that could be impacted by the project (e.g. acoustics, spills, etc.)*

Relevant datasets should be consulted, such as DFO marine mammal sightings database, DFO Research Vessel Surveys, Scientific Reports, and other primary and secondary scientific literature.

7.1.7. Marine turtles

- *marine turtle species that may be present, the times of year they are present, the ranges of the species and their migration patterns; and*
- *important areas in the vicinity of the drilling sites or supply routes (e.g. for mating, breeding, and feeding) or that could be impacted by the project (e.g. routine discharges, spills, etc.)*

7.1.8. Indigenous peoples

The proponent shall gather and document baseline information in the EIS for each Indigenous group identified in Part 2, Section 5 of these guidelines (and any groups identified after these guidelines are finalized). The baseline information will:

- Describe and characterize the elements in paragraph 5(1)(c) of CEAA 2012 based on the spatial and temporal scope selected for the EA according to the factors outlined in Part 1, Section 3.2.3 of this document.
- Characterize the regional context of each of the elements of paragraph 5(1)(c) of CEAA 2012 to support the assessment of project related effects, including consideration of the differences of experiences by sub-populations within an Indigenous group, as appropriate (for example, women, youth, elders, families) and cumulative effects.
- Be sufficient to provide a comprehensive understanding of the current state of each VC related to effects of changes to the environment on Aboriginal peoples. Each of the VCs for effects of changes to the environment on Aboriginal peoples is interrelated and therefore baseline information will often overlap.

The proponent should engage with Indigenous groups to understand where baseline information and the respective assessment fit appropriately. Note: VCs identified for biophysical assessment (such as fish and fish habitat) may contribute to assessment and conclusion of VCs related to effects of changes to the environment on Aboriginal peoples.

Health and Socio-Economic Conditions

Baseline information is required for health[9] and socio-economic conditions. For health this includes the state of physical, mental and social well-being. For socio-economic conditions, as well as the economic and social activities of an individual Indigenous group, the baseline will include contextual information regarding their practices. Specific aspects that will be considered include:

- general information about Indigenous populations and sub-populations;

[9] The proponent should refer to Health Canada's guidance documents in order to include the appropriate baseline information relevant to human health.

- consumption of country foods (also known as traditional foods) including food that is trapped, fished, or hunted for subsistence or medicinal purposes, outside of the commercial food chain;
- which country foods are consumed by which groups, how frequently, and where these country foods are harvested;
- commercial activities (e.g. fishing, trapping, hunting, outfitting);
- any project components and a description of any activities (e.g. exclusion zones) that may affect commercial fisheries or other uses;
- human health, primarily with respect to potential contamination of food sources; and
- recreational uses.

Physical and Cultural Heritage

Baseline information for physical and cultural heritage (including any site, structure or thing of archaeological, paleontological, historical or architectural significance) will consider all elements of cultural and historical importance to Indigenous groups in the area and is not restricted to artifacts considered under provincial heritage legislative requirements.

Current Use of Lands and Resources for Traditional Purposes[10]

Baseline information for current use of lands and resources for traditional purposes will focus on the traditional activity (e.g. hunting, fishing) and include a characterization of all attributes of the activity that can be affected by environmental change. This includes understanding of the baseline conditions of the quality and quantity of resources (e.g. preferred species and perception of quality, cultural connections to species), access to resources (e.g. physical access, timing, seasonality, distance from community) and overall quality of the experience of the practice (e.g. noise, air quality, visual landscape and presence of others). Specific aspects that will be considered include, but are not limited to:

- location of traditional territory (including maps where available);
- location of reserves and communities;
- commercial and traditional fishing activity within the project's potential zone of influence, including licences and maps;
- fish, wildlife, birds, plants or other natural resources and their habitats of importance for traditional use;
- places where fish, wildlife, birds, plants or other natural resources are harvested, including places that are preferred;
- access and travel routes for conducting traditional practices;
- frequency, duration or timing of traditional practices;
- cultural values associated with the area affected by the project and the traditional uses identified;

[10] The proponent should refer to CEAA's guidance documents related to current use of lands and resources for traditional purposes in order to include the appropriate baseline information relevant to current use.

- other current uses identified by Indigenous groups.

Any other baseline information that supports the analysis of predicted effects on Indigenous peoples will be included as necessary.

The EIS will also indicate how input, including Indigenous knowledge, from groups was used in establishing the baseline conditions related to health and socio-economics, physical and cultural heritage and current use of lands and resources for traditional purposes. Information collected as part of Section 6 Aboriginal and Treaty rights can be used to inform the baseline information for the elements of 5(1)(c) listed above.

Should there be a lack of Indigenous knowledge; the proponent is still expected to seek information from other sources sufficient enough to allow for a complete the assessment of effects to be presented in the EIS. For more information on requirements for the effects assessment, see Part 2, Section 7.3.7 of these guidelines.

7.1.9. Other changes to the environment arising as a result of a federal decision or due to changes on federal lands, in another province or outside Canada

Should there be the potential for a change to the environment arising as a result of a federal decision(s), or on federal lands, lands in another province or lands outside Canada, the EIS will include baseline information on the environmental component likely to be affected (if this information is not already covered in other subsections of these guidelines).

7.1.9.1. Special areas

The EIS will describe special areas (e.g. marine refuges, species at risk critical habitat that has been designated and that has been proposed or that may be under consideration, Important Bird Areas, Migratory Bird Sanctuaries, ecological reserves, etc.) at the project site and within areas that could be affected by routine project operations or accidents and malfunctions, such as:

- Marine Protected Areas
- Ecologically and Biologically Significant Areas
- Fishery Closure Areas
- Vulnerable Marine Ecosystem
- Preliminary Representative Marine Areas

The EIS will describe the distances between the edge of the project area (i.e. drill sites and marine transportation routes) and special areas. It shall state the rationale for designating specific areas as “special” (i.e. the environmental features that define the special area).

7.1.9.2. Human environment

With respect to potential effects on the human environment, non-Indigenous people and the related VC baseline information will describe and characterize the following that could be affected by routine project operations or accidents and malfunctions. At a minimum, this should include:

- any federal lands, lands located outside the province or Canada that may be affected by the project operations or by accidents and malfunctions;

- the current and historical use of waters that may be affected by routine project operations or by accidents and malfunctions, including:
    - current commercial and recreational fishing activity, including licence holders and species fished;
    - other ocean uses (e.g. shipping, research, oil and gas, military, ocean infrastructure [e.g. subsea cable]);
- the location of and proximity of any permanent, seasonal or temporary residences or camps that could be affected by routine project operations or accidents and malfunctions;
- health[11] and socio-economic conditions that could be affected by routine project operations or accidents and malfunctions, including the functioning and health of the socio-economic environment, encompassing a broad range of matters that affect communities in the study area in a way that recognizes interrelationships, system functions and vulnerabilities;
- physical and cultural heritage, including structures, sites or things of historical, archaeological, paleontological or architectural significance that could be affected by routine project operations or accidents and malfunctions;
- the rural and urban settings that could be affected by routine project activities or accidents and malfunctions; and
- any project components and activities (e.g. exclusion zones) that may affect commercial or recreational fisheries or other uses.

The EIS should also discuss the potential to encounter unexploded ordnance (UXOs), based on consultation with the Department of National Defence.

7.2. Predicted changes to the physical environment

The EA will include a consideration of the predicted changes to the environment as a result of the project being carried out or as a result of any powers, duties or functions that are to be exercised by the federal government in relation to the project. These predicted changes to the environment are to be considered in relation to each phase of the project (e.g. drilling, testing, decommissioning, suspension, abandonment) and are to be described in terms of the magnitude, geographic extent, duration and frequency, and whether the environmental changes are reversible or irreversible. As changes to various parts of the physical environment may be inter-related as part of an ecosystem, the EIS will explain and describe the connections between the changes described.

7.3. Predicted effects on valued components

Based on the predicted changes to the environment identified in Section 6.2, the proponent is to assess the environmental effects of the project on the following VCs. All interconnections between VCs and between changes to multiple VCs will be described:

[11] The proponent should refer to Health Canada's guidance documents in order to include the appropriate baseline information relevant to human health

7.3.1. Fish and fish habitat

- the identification of any potential adverse effects to fish and fish habitat as defined in subsection 2(1) of the *Fisheries Act*, including the calculations of any potential habitat loss (temporary or permanent) in terms of surface areas (e.g. spawning grounds, fry-rearing areas, feeding). The assessment will include a consideration of:
  - ✓ effects on water quality including changes to chemical composition, temperature, oceanographic conditions, etc.;
  - ✓ the geomorphological changes and their effects on hydrodynamic conditions and fish habitats (e.g. modification of benthic habitat including corals and sensitive habitat, area affected by drilling waste, disturbance to water column);
  - ✓ the modifications of hydrological and hydrometric conditions on fish habitat and on the fish species' life cycle activities (e.g. reproduction, juvenile, rearing, and feeding, movements);
  - ✓ any potential imbalances in the food web in relation to baseline conditions;
  - ✓ underwater noise and vibration emissions from project activities (i.e. drilling, vertical seismic profiling, offshore supply vessel operation, well abandonment) and how it may affect fish health and behaviour; and
  - ✓ effects on the primary and secondary productivity of water bodies and how project-related effects may affect fish food sources.
- the effects of changes to the aquatic environment on fish and their habitat, including:
  - ✓ the anticipated changes in the composition and characteristics of the populations of various fish species, including shellfish and forage fish including mortality of fish, eggs and larvae;
  - ✓ any modifications in migration or local movements during and after project activities (e.g. vertical seismic profiling, drilling); and
  - ✓ any modifications and use of habitats by federally or provincially listed fish species at risk.
- a discussion of the effects of drilling waste disposal on fish health, marine benthos (fish habitat) and other components of the aquatic environment, recognizing that the disposal of these wastes is expected to be a primary cause of effect on benthos;
- a discussion of the length of time it would take for the benthic environment to return to baseline conditions in water depths within which the Project would occur;
- a discussion of how project timing correlates to key fisheries windows and any potential effects resulting from overlapping periods; and
- a discussion of how data examining the deposition of drilling-related wastes (e.g. fluid, mud residues, cuttings) and acoustic monitoring data could be collected during and after drilling operations and how this would be used to verify effects predictions.

7.3.2. Marine plants

- effects on marine plants, including all benthic and detached algae, marine flowering plants, brown algae, red algae, green algae and phytoplankton.

7.3.3. Marine mammals

- *effects on marine mammals, including but not limited to*:

- ✓ mortality and other effects from vessel collisions or disturbance;
- ✓ direct and indirect effects caused by increased disturbance (e.g. noise, light, vibrations) including mortality, physical injury and behavioural changes (e.g. habitat avoidance, disruption to feeding behaviour, deviation in migration routes, communication masking, and behavioural disturbance);
- ✓ exposure to spilled contaminants (e.g. fuel, oils) and operational discharges (e.g. deck drainage, gray water, black water); and
- ✓ change in marine habitat quality from drill muds and cuttings and sedimentation.

7.3.4. Marine turtles

- *effects on marine turtles, including but not limited to*:
  - ✓ mortality and other effects from vessel collisions or disturbance;
  - ✓ direct and indirect effects caused by increased disturbance (e.g. noise, light, vibrations) including mortality, physical injury and behavioural changes (e.g. habitat avoidance, disruption to feeding behaviour, deviation in migration routes, communication masking, and behavioural disturbance);
  - ✓ exposure to spilled contaminants (e.g. fuel, oils) and operational discharges (e.g. deck drainage, grey water, black water); and
  - ✓ change in marine habitat quality from drill muds and cuttings and sedimentation.

7.3.5. Migratory birds

- direct and indirect adverse effects on migratory birds, including population level effects that could be caused by project activities, including, but not limited to:
  - ✓ noise disturbance from seismic equipment including both direct effects (physiological), or indirect effects (foraging behaviour of prey species);
  - ✓ physical displacement as a result of vessel presence (e.g. disruption of foraging activities);
  - ✓ night-time illumination levels from lights and flares during different weather conditions and seasons and during different project activities (e.g. drilling, well testing) and associated nocturnal disturbance (e.g. increased opportunities for predators, attraction to the drilling unit and vessels and subsequent collision or exposure to vessel-based activities, incineration in flares, disruption of normal activities);
  - ✓ exposure to spilled contaminants (e.g. fuel, oils) and operational discharges (e.g. deck drainage, grey water, black water);
  - ✓ attraction of, and increase in, predator species as a result of waste disposal practices (i.e. sanitary and food waste) and the presence of incapacitated/dead prey near the Mobile Offshore Drilling Unit(s) or support vessels;
  - ✓ physical harm or mortality from flaring on the drilling unit or other vessel-based activities;
  - ✓ collision risk with the drilling unit and other project infrastructure;
  - ✓ the effects of oil spills in the nearshore or that reach land, on landbird species;
  - ✓ change in marine habitat quality from drill muds and cuttings and sedimentation; and
  - ✓ indirect effects caused by increased disturbance (e.g. noise, light, presence of workers), relative abundance movements and changes in migratory bird habitat.

7.3.6. Species at risk

- the potential adverse effects of the project on federally-listed species at risk and those species listed by the Committee on the Status of Endangered Wildlife in Canada classified as extirpated, endangered, threatened or of special concern (flora and fauna) and their critical habitat, including:
  - ✓ alteration of habitat (including critical habitat) features;
  - ✓ direct and indirect effects from noise, vibrations and increased exposure to contaminants of concern;
  - ✓ a discussion of migration patterns of federal species at risk and related effects (e.g. displacement, increased risk of collision); and
  - ✓ direct and indirect effects on the survival or recovery of federally listed species (list species).

7.3.7. Indigenous peoples

With respect to Indigenous peoples, a description and analysis, for each Indigenous group, of how changes to the environment caused by the project will affect the health and socio-economic conditions, physical and cultural heritage including any structure, site or thing of historical, archaeological or paleontological importance, and current use of lands and resources for traditional purposes.

Health and Socio-Economic Conditions

Baseline information gathered as part of the assessment of effects described in 5(1)(c) of CEAA 2012, as well as general information about Indigenous populations and sub-populations could inform the assessment of human health.

- The assessment of impacts to human health will be based on effects of changes to the environment on Aboriginal peoples' human health, focusing on effects on health outcomes or risks in consideration of, but not limited to, potential changes in noise exposure, current and future availability of country foods (e.g. marine species), and water quality (recreational and cultural uses).
- When risks to human health due to changes in one or more of these components are predicted, the proponent is expected to complete a Human Health Risk Assessment (HHRA) examining all exposure pathways for pollutants of concern to adequately characterize potential risks to human health.
- The proponent must provide a justification if it determines that an assessment of the potential for contamination of country foods is not required or if some contaminants are excluded from the assessment.
- Consider effects to mental and social well-being of Indigenous peoples. Where adverse health effects are predicted, any incidental effects such as effects on current use of lands and resources for traditional purposes should also be assessed.
- Consider and document how effects of changes to the environment could be different for particular sub-populations within an Indigenous group (for example, women, youth, elders, specific families);

- This assessment of impacts to human health will assess effects of changes to the environment on Indigenous peoples' socio-economic conditions, including, but not limited to:
  - ✓ the use of navigable waters (including any water used for Indigenous transport)
  - ✓ commercial fishing, hunting, and trapping activities
  - ✓ commercial outfitters
  - ✓ recreational use
  - ✓ food security[12]
  - ✓ income inequity
  - ✓ changes at the community level that affect socio-economic conditions for Indigenous peoples as result of increased population, economic activity, cost of living, among other factors
  - ✓ non-commercial / trade economy

Physical and Cultural Heritage

- This assessment will assess effects of changes to the environment on Aboriginal peoples' physical and cultural heritage, and structures, sites or things of historical, archaeological, paleontological or architectural significance to groups, including, but not limited to:
  - ✓ the loss or destruction of physical and cultural heritage
  - ✓ changes to access to physical and cultural heritage
  - ✓ changes to the cultural value or importance associated with physical and cultural heritage
  - ✓ changes to sacred, ceremonial or culturally important places, objects, or things

Current Use of Lands and Resources for Traditional Purposes

- This assessment will characterize the effects (including cumulative effects) on the use or activity (e.g. hunting, fishing, trapping, and cultural practices) as a result of the underlying changes to the environment (i.e. how will the activity change if the project proceeds), using the approach described in the Agency's guide entitled Technical Guidance for Assessing the Current Use of Lands and Resources for Traditional Purposes under CEAA 2012. This assessment should consider changes caused by the Project through changes to the environment, can cause effects to the practice of a current use or activity through the following interactions with:
  - ✓ Resources used, such as changes to the quantity, quality, and availability of resources and habitat, as well as to the sufficiency of resources required to conduct an activity or practice, including perception of effects, avoidance, and consideration of the seasonal round;
  - ✓ any changes or alterations to access into the areas used for traditional purposes and commercial fishing, including implementation of exclusion zones;
  - ✓ effects on food, social, ceremonial, and commercial fishing;
  - ✓ a discussion of how drilling activities correlates to key fisheries windows, and any potential impacts resulting from overlapping periods; and

[12] According to Health Canada and the Food and Agricultural Organisation "food security" is "when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life".

- ✓ Experience by Indigenous peoples, including changes that affect the spiritual and cultural experiences of the activity or practice, as well as sense of place and wellbeing, and the applicability and transmission of Indigenous knowledge, laws, customs and traditions.

- Using the interactions listed in the above bullet, the proponent should also consider the following in their assessments:
  - ✓ the cultural value or importance associated with traditional uses or areas affected by the project (e.g. values or attributes of the area that make it important as a place for inter-generational teaching of language or traditional practices, communal gatherings, integrity of preferred traditional practice areas);
  - ✓ how timing of project activities (e.g. drilling, flaring) have the potential to interact with the timing of traditional practices, and any potential effects resulting from overlapping periods;
  - ✓ any changes to environmental quality (e.g. air, water), the sensory environment (e.g. noise, light, visual landscape), or perceived disturbance of the environment (e.g. fear of contamination of water or country foods) that could detract from use of the area or lead to avoidance of the area; and
  - ✓ an assessment of the potential to return affected areas to pre-project conditions to support traditional practices.

- Other effects of changes to the environment on groups should be reflected as necessary.

The proponent is expected to provide mitigation measures for effects of changes to the environment on Aboriginal peoples pursuant to section 5 (1)(c) of CEAA, 2012 (see Part 2, Section 7.4. of these guidelines).

7.3.8. Other valued components that may be affected as a result of a federal decision or due to effects on federal lands, another province or outside Canada

If there is the potential for a change to the environment arising as a result of a federal decision(s), for example an authorization under section 138(1) of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Act* or section 35 of the *Fisheries Act*, the EIS should include a description of the specific project components for which a federal authorization/decision is required, and an assessment of any other VCs (not already covered in other subsections of these guidelines) that may be affected by the changes to the environment caused by these specific project components. If there is the potential for the project to result in environmental changes on federal lands (or waters), another province, or another country, then VCs of importance not already identified should be included. For example, if the project will result in the generation of greenhouse gas emissions, the EIS should include a description of the project's greenhouse gas emissions in a regional, provincial, national or international context if applicable. Suggested VCs are noted below for this project.

7.3.8.1. Air quality and greenhouse gas emissions

- comparison of anticipated air quality concentration against the Canadian Ambient Air Quality Standards (CAAQS) for fine particulate matter or other relevant federal and/or provincial criteria for other contaminants of potential concern;
- description of all methods and practices (e.g. control equipment) that will be implemented to minimize and control atmospheric emissions throughout the project life cycle. If the best

available technologies are not included in the project design, the proponent will need to provide a rationale for the technologies selected;

- an estimate of the direct greenhouse gas emissions associated with all phases of the project (i.e. including drilling, well testing and vessel and helicopter transportation) as well as any mitigation measures proposed to minimize greenhouse gas emissions. This information is to be presented by individual pollutant and should also be summarized in CO_2 equivalent per year. The proponent is responsible for the following:
  - ✓ provide an estimate of the contribution of the project emissions at the local, provincial and federal scale, and indicate the category into which the project falls in terms of the relative magnitude of its contribution to greenhouse gas emissions (project with low, medium or high emission rates);
  - ✓ provide the estimation or derivation method, and disclose, describe, and justify assumptions and emission intensity factors used;
  - ✓ compare and assess the level of estimated emissions to the regional, provincial and federal emission targets; and
  - ✓ provide information related to the project's electrical demand and sources of electrical power for equipment, i.e. the project's main source and any other additional sources (generators, etc.), as appropriate.
- changes in ambient noise levels; and
- changes in night-time light levels.

7.3.8.2. Commercial Fisheries

- effects of changes to the environment on commercial fishing activities (e.g. effects on fished species affecting fisheries success, displacement from fishing areas (e.g. exclusion zones), gear loss or damage);
- a discussion of how drilling activities correlates to key commercial fisheries windows, and any potential impacts resulting from overlapping periods;
- effects from subsea infrastructure that could be left in place (e.g. wellheads) following abandonment; and
- changes to habitat of commercial fish species (e.g. noise, water and sediment quality).

7.3.8.3. Special areas

- effects on special areas, including, but not limited to:
  - ✓ use of dispersants;
  - ✓ change to habitat quality (e.g. noise, light, water, sediment quality); and
  - ✓ change to the environmental features that define the special area (e.g. physical features, species assemblages, species abundance).

7.3.8.4. Human environment

- effects of changes to the environment on health and socio-economic conditions, physical and cultural heritage and any structure, site or thing that is of historical, archaeological, paleontological, or architectural value, including, but not limited to the following, as applicable:

- ✓ recreational activities;
- ✓ other ocean uses;
- ✓ socio-economic conditions;
- ✓ human health;
- ✓ physical and cultural heritage (e.g. shipwrecks); and
- ✓ rural and urban settings that could be affected by routine activities and/or accidents and malfunctions.

7.4. Mitigation measures

Every EA conducted under CEAA 2012 will consider measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project. Under CEAA 2012, mitigation measures includes measures to eliminate, reduce or control the adverse environmental effects of a designated project, as well as restitution for damage to the environment through replacement, restoration, compensation or other means. Measures will be specific, achievable, measurable and verifiable, and described in a manner that avoids ambiguity in intent, interpretation and implementation. Mitigation measures may be considered for inclusion as conditions in the EA decision statement and/or in other compliance and enforcement mechanisms provided by other authorities' permitting or licensing processes.

As a first step, the proponent is encouraged to use an approach based on the avoidance and reduction of the effects at the source. Such an approach may include the modification of the design of the project or relocation of project components.

The EIS will describe the standard mitigation practices, policies and commitments that constitute technically and economically feasible mitigation measures and that will be applied as part of standard practice regardless of location. The EIS will then describe the project's environmental protection plan and its environmental management system, through which the proponent will deliver this plan. The plan will provide an overall perspective on how potentially adverse effects would be minimized and managed over time. The EIS will further discuss the mechanisms the proponent would use to require its contractors and sub-contractors to comply with these commitments and policies and with auditing and enforcement programs.

The EIS will then describe mitigation measures that are specific to each environmental effect identified. Mitigation measures will be written as specific commitments that clearly describe how the proponent intends to implement them and the environmental outcome the mitigation measure is designed to address. The EIS will identify and describe mitigation measures to avoid, or lessen potential adverse effects on species and/or critical habitat listed under the *Species at Risk Act*. These measures will be consistent with any applicable recovery strategy and action plans. The EIS will also identify and describe mitigation measures to avoid or lessen adverse effects on listed COSEWIC species.

The EIS will specify the actions, works, minimal disturbance footprint techniques, best available technology, corrective measures or additions planned during the project's various phases to eliminate or reduce the significance of adverse effects. The EIS will also present an assessment of the effectiveness of the proposed technically and economically feasible mitigation measures. The reasons for determining if the mitigation measure reduces the significance of an adverse effect will be made explicit. The proponent is also encouraged to identify mitigation measures for effects that are adverse although not significant.

The EIS will indicate what other technically and economically feasible mitigation measures were considered, and explain why they were rejected. Trade-offs between cost savings and effectiveness of the various forms of mitigation measures will be justified. The EIS will identify who is responsible for the implementation of these measures and the system of accountability.

Where mitigation measures are proposed to be implemented for which there is little experience or for which there is some question as to their effectiveness, the potential risks and effects to the environment should those measures not be effective will be clearly and concisely described. In addition, the EIS will identify the extent to which technological innovations will help mitigate environmental effects. Where possible, it will provide detailed information on the nature of these measures, their implementation, management and the requirements of the follow-up program.

The EIS will document specific suggestions raise by each Indigenous group for mitigating the effects of changes to the environment on Aboriginal peoples (section 5(1)(c) of CEAA 2012*).* For those mitigation measures intended to address effects of changes to the environment on Aboriginal peoples, the proponent must discuss the residual effects with the Indigenous groups identified in Part 2, Section 5 of these guidelines prior to submitting the EIS.

Adaptive management is not considered as a mitigation measure, but if the follow-up program (refer to Section 8 below) indicates that corrective action is required, the proposed approach for managing the action should be identified.

7.5. Significance of residual effects

After having established the technically and economically feasible mitigation measures, the EIS will present any residual environmental effects of the project on the VCs identified in Section 7.3 above. For those VCs related to effects of changes to the environment on Aboriginal peoples, the proponent must discuss the residual effects with the Indigenous groups identified in Part 2, Section 7 of these guidelines prior to submitting the EIS. The residual effects, even if very small or deemed insignificant, will be described.

The EIS will then provide a detailed analysis of the significance of the residual environmental effects that are considered adverse following the implementation of mitigation measures, using the Agency's guidance on determining whether a project is likely to cause significant adverse environmental effects.

The EIS will identify the criteria used to assign significance ratings to any predicted adverse effects. It will contain clear and sufficient information to enable the Agency, technical and regulatory agencies, Indigenous groups, and the public to review the proponent's analysis of the significance of effects. For those predicted adverse effects that relate to effects of the changes to the environment on Aboriginal peoples, the proponent will consider the views of the Indigenous groups in the determination of the definitions of the significance criteria. The EIS will document the terms used to describe the level of significance.

The following criteria should be used in determining the significance of residual effects:

- magnitude
- geographic extent
- timing
- duration

- frequency
- reversibility
- ecological and social context[13]
- existence of environmental standards, guidelines or objectives for assessing the effect

In assessing significance against these criteria the proponent will, where possible, use relevant existing regulatory documents, environmental standards, guidelines, or objectives such as prescribed maximum levels of emissions or discharges of specific hazardous agents into the environment. The EIS will contain a section which explains the assumptions, definitions and limits to the criteria mentioned above in order to maintain consistency between the effects on each VC.

Where significant adverse effects are identified, the EIS will set out the probability (likelihood) that they will occur, and describe the degree of scientific uncertainty related to the data and methods used within the framework of this environmental analysis.

7.6. Other effects to consider

7.6.1. Effects of potential accidents or malfunctions

The failure of certain works caused by equipment malfunctions, human error or exceptional natural events (e.g. earthquake, hurricane, submarine landslide) could cause adverse environmental effects. The proponent will therefore conduct an analysis of the risks of accidents and malfunctions, determine their effects, and present preliminary emergency response measures.

Taking into account the lifespan of different project components, the proponent will identify the probability of potential accidents and malfunctions related to the project, including an explanation of how those events were identified, potential consequences (including the environmental effects as defined in section 5 of CEAA 2012), the plausible worst case scenarios and the effects of these scenarios.

This assessment will include an identification of the magnitude of an accident and/or malfunction, including the quantity, mechanism, rate, form and characteristics of the contaminants and other materials likely to be released into the environment during the accident and malfunction events and would potentially result in an adverse environmental effect as defined in section 5 of CEAA 2012.

The EIS will describe the safeguards that have been established to protect against such occurrences and the contingency and emergency response procedures that would be put in place if such events do occur.

Of particular concern with exploration drilling in the marine environment is the potential for accidental spills. This includes both low-probability, large-scale events (e.g. blowouts, either surface, sub-sea or underground) and relatively smaller-volume spills that may occur more frequently. These incidents may affect, among other things, the health and survival of plankton, fish eggs and larvae, juvenile and adult fish, marine mammals, marine birds, marine turtles, and marine invertebrates in the affected area, which may include special areas and areas of high ecological significance. Fishing activity,

[13] The ecological and social context within which potential environmental effects may occur should be taken into account when considering the key criteria above in relation to a particular VC, as the context may help better characterize whether adverse effects are significant.

including fishing by Indigenous peoples, and the commercial marketability of seafood products harvested in the Newfoundland and Labrador offshore may also be adversely affected by a spill or blowout. The effects of accidental spills and blowouts will therefore require assessment in the EIS, including fate and behaviour modelling, and hydrologic trajectory modelling for worst-case large-scale spill scenarios that may occur, including any assumptions, limitations, and formulated hypotheses, accompanied by supporting documentation of methodologies and the cumulative results of the modelling. Results should be reported in a manner that illustrates the effects of varying weather and oceanographic conditions that may occur throughout the year, and should include a projection for spills originating at the site and followed until the slick volume is reduced to a negligible amount or until a shoreline is reached. Spill scenarios should also consider potential worst–cases, including when species at risk and high concentrations of marine birds or fish are present or for areas important for reproduction. A discussion on water depth and its effect on blow-out rate and spill trajectory modelling assumptions must be provided. Where well locations have not yet been identified, points of origin selected for spill trajectory models should be conservative (e.g. selecting a potential location within the proposed drilling area that is closest to a sensitive feature or that could result in greatest effects).

Based on the results of the spill modelling and analysis in the EIS, an emergency response plan (e.g. oil spill contingency plan) for spills (small and large) and blowouts will be required. At a minimum, an outline of the emergency response plan along with key commitments is required in the EIS. Depending on the outcomes of the effects analysis, specific detail on key components of the plan will be required in the EIS. The proponent should commit to finalizing the plan in consultation with regulators prior to the application of permits. The EIS shall include a discussion on the use, availability (including nearest location), timing (testing and mobilizing) and feasibility of a capping stack to stop a blowout and resultant spills. If dispersants are to be used, the proponent shall consider associated environmental effects in the EIS (e.g. effects on marine life) and provide a plan for their use. The environmental effects of other measures outlined in the emergency response plan should also be considered (e.g. effects from in-situ burning). The EIS shall include the means by which design and/or operational procedures, including follow-up measures, will be implemented to mitigate significant adverse effects from malfunctions and/or accidental events.

The potential to encounter shallow gas pockets, and associated implications, should also be discussed.

The EIS should also consider effects of accidents in the near-shore environment (e.g. spills and ship groundings, as applicable) and of spills reaching shore; including effects on species at risk and their critical habitat, colonial nesters and concentrations of birds, and their habitat. The proponent will also demonstrate what long-term actions it would be prepared to undertake to remediate spill-affected lands and waters.

The EIS should include a summarization of the nature, extent and magnitude of spills, and accidental releases related to existing production installations and past exploration drilling programs in Atlantic Canada.

Comparisons with similar settings would also be meaningful for deep water drilling where there is very low probability but very high consequences associated with landslides.

7.6.2. Effects of the environment on the project

The EIS will take into account how local conditions and natural hazards, such as severe and/or extreme weather conditions and external events (e.g. icebergs, seismic events and submarine landslide potential), could adversely affect the project and how this in turn could result in effects to the environment (e.g. extreme environmental conditions result in malfunctions and accidental events). These events will be considered in different probability patterns (e.g. 5-year flood vs. 100-year flood).

The EIS will provide details of planning, design and construction strategies intended to minimize the potential environmental effects of the environment on the project.

7.6.3. Cumulative effects assessment

The proponent will identify and assess the project's cumulative effects using the approach described in the Agency's guidance documents related to cumulative environmental effects.

Cumulative effects are defined as changes to the environment due to the project combined with the existence of other past, present and reasonably foreseeable physical activities. Cumulative effects may result if:

- the implementation of the project may cause direct residual adverse effects on the VC, taking into account the application of technically and economically feasible mitigation measures; and,
- the same VC may be affected by other past, present and future physical activities[14].

VCs that would not be affected by the project or would be affected positively by the project can, therefore, be omitted from the cumulative effects assessment. A cumulative effect on an environmental component may, however, be important even if the assessment of the project's effects on this component reveals that the effects of the project are minor.

In its EIS, the proponent will:

- identify and provide a rationale for the VCs that will constitute the focus of the cumulative effects assessment, focussing the cumulative effects assessment on the VCs most likely to be affected by the project and other project and activities. To this end, the proponent must consider, without limiting itself thereto, the following components likely to be affected by the project:
  - ✓ fish and fish habitat,
  - ✓ migratory birds,
  - ✓ marine mammals and marine turtles,
  - ✓ species at risk,
  - ✓ marine plants,
  - ✓ special areas,
  - ✓ commercial fisheries,

[14] Definitions of these terms can be found in the Agency's technical guidance on cumulative environmental effects.

- ✓ Indigenous peoples,
- ✓ air quality and greenhouse gases, and
- ✓ human environment

- identify and justify the spatial and temporal boundaries for the cumulative effects assessment for each VC selected. The boundaries for the cumulative effects assessments will generally be different for each VC considered. These cumulative effects boundaries will also generally be larger than the boundaries for the corresponding project effects;
- identify the sources of potential cumulative effects. Specify other projects or activities that have been or that are likely to be carried out that could cause effects on each selected VC within the boundaries defined, and whose effects would act in combination with the residual effects of the project. This assessment may consider the results of any relevant study conducted by a committee established under section 73 or 74 of CEAA 2012.
- assess the cumulative effects on each VC selected by comparing the future scenario with the project and without the project. Effects of past activities (activities that have been carried out) will be used to contextualize the current state of the VC. In assessing the cumulative effects on current use of lands and resources for traditional purposes, the assessment will focus on the cumulative effects on the relevant activity (e.g. hunting, fishing, trapping).
- describe the mitigation measures that are technically and economically feasible. The proponent shall assess the effectiveness of the measures applied to mitigate the cumulative effects. In cases where measures exist that are beyond the scope of the proponent's responsibility that could be effectively applied to mitigate these effects, the proponent will identify these effects and the parties that have the authority to act. In such cases, the EIS will summarize the discussions that took place with the other parties in order to implement the necessary measures over the long term.
- determine the significance of the cumulative effects; and
- develop a follow-up program to verify the accuracy of the assessment or to dispel the uncertainty concerning the effectiveness of mitigation measures for certain cumulative effects.

The proponent is encouraged to consult with key stakeholders and Indigenous groups prior to finalizing the choice of VCs and the appropriate boundaries to assess cumulative effects.

8. SUMMARY OF ENVIRONMENTAL EFFECTS ASSESSMENT

The EIS will contain a table summarizing the following key information:

- potential environmental effects on VCs;
- proposed mitigation measures to address the effects identified above; and
- potential residual effects and the significance of the residual environmental effects.

The summary table will be used in the EA Report prepared by the Agency. An example of a format for the key summary table is provided in Appendix 1 of this document.

In a second table, the EIS will summarize all key mitigation measures and commitments made by the proponent which will more specifically mitigate any significant adverse effects of the project on VCs

(i.e. those measures that are essential to ensure that the project will not result in significant adverse environmental effects).

9. FOLLOW-UP AND MONITORING PROGRAMS

A follow-up program is designed to verify the accuracy of the effects assessment and to determine the effectiveness of the measures implemented to mitigate the adverse effects of the project. Considerations for developing a follow-up program include:

- whether the project will impact environmentally sensitive areas/VCs or protected areas or areas under consideration for protection;
- the nature of Indigenous and public concerns raised about the project;
- suggestions from Indigenous groups regarding the design of and involvement in follow-up and monitoring programs;
- incorporation of Indigenous knowledge, where available;
- the accuracy of predictions;
- whether there is a question about the effectiveness of mitigation measures or the proponent proposes to use new or unproven techniques and technology;
- the nature of cumulative environmental effects;
- the nature, scale and complexity of the program; and
- whether there was limited scientific knowledge about the effects in the EA.

The goal of a monitoring program is to ensure that proper measures and controls are in place in order to decrease the potential for environmental degradation during all phases of project development, and to provide clearly defined action plans and emergency response procedures to account for human and environmental health and safety.

9.1. Follow-up program

The duration of the follow-up program shall be as long as required to evaluate the effectiveness of the mitigation measures.

The EIS shall present a preliminary follow-up program and shall include:

- objectives of the follow-up program and the VCs targeted by the program;
- list of elements requiring follow-up;
- number of follow-up studies planned as well as their main characteristics (list of parameters to be measured, planned implementation timetable, etc.);
- intervention mechanism used in the event that an unexpected deterioration of the environment is observed;
- mechanism to disseminate follow-up results among the concerned populations;
- accessibility and sharing of data for the general population;
- opportunity for the proponent to include the participation of Indigenous groups and stakeholders on the affected territory, during the development and implementation of the program; and

- involvement of local and regional organizations in the design, implementation and evaluation of the follow-up results as well as any updates, including a communication mechanism between these organizations and the proponent.

The discussion / description of follow-up and monitoring programs relative to the currently proposed drilling program should include a short summary of the design and results/outcomes of monitoring programs that have been undertaken for previously assessed and/or completed offshore drilling programs in similar environments and how these will be factored into the verification of impact predictions and design of the follow-up and monitoring for the current exploration drilling program.

9.2. Monitoring

The proponent will prepare an environmental monitoring program for all phases of the project.

Specifically, the environmental impact statement shall present an outline of the preliminary environmental monitoring program, including the:

- identification of the interventions that pose risks to one or more of the environmental and/or VCs and the measures and means planned to protect the environment;
- identification of regulatory instruments that include a monitoring program requirement for the VCs;
- description of the characteristics of the monitoring program where foreseeable (e.g. location of interventions, planned protocols, list of measured parameters, analytical methods employed, schedule, human and financial resources required);
- description of the proponent's intervention mechanisms in the event of the observation of non-compliance with the legal and environmental requirements or with the obligations imposed on contractors by the environmental provisions of their contracts;
- guidelines for preparing monitoring reports (number, content, frequency, format) that will be sent to the authorities concerned; and
- plans to engage Indigenous groups in monitoring, where appropriate.

Appendix 1 Example - Summary Table of Environmental Assessment

						Key Criteria for Determining Significance[15]							
Valued Component affected	Area of federal jurisdiction[16] (√)	Project Activity	Potential effects	Proposed mitigation	Residual effect	*Magnitude*	*Geographical Extent*	*Timing*	*Duration*	*Frequency*	*Reversibility*	Significance of residual adverse effect	Likelihood of significance of residual adverse effect
Fish and fish habitat													
Migratory birds													
Species at risk													
Current use of land and resource for traditional purpose	√ 5(1)(c)(iii)												
Any other VCs identified													

[15] Other key criteria can be used to determine significance, as appropriate. The ecological and social context within which potential environmental effects may occur should be taken into account when considering the key criteria in relation to a particular VC, as the context may help better characterize whether adverse effects are significant.

[16] Indicate by a check mark which valued components can be considered "environmental effects" as defined in section 5 of CEAA 2012, and specify which subsection of section 5 is relevant. For example, for the VC "current use of lands and resources for traditional purposes", the appropriate cell would indicate, section 5(1)(c)(iii) of CEAA 2012.