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

Statoil Canada Ltd. Flemish Pass Exploration Drilling Program

December 23, 2016

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 key 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

Environmental assessment (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 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.

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

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

A key objective of CEAA 2012 is to promote communication and cooperation with Aboriginal peoples which includes First Nations, Inuit and Métis. The proponent is expected to engage with potentially affected groups, beginning as early as possible in the project planning process.

The proponent shall provide potentially affected groups with opportunities to learn about the project and its potential effects and to make their concerns known about the project's potential effects and discuss measures to mitigate those effects. The proponent is strongly encouraged to work with potentially affected groups to establish an engagement approach. The proponent will make reasonable efforts to integrate Aboriginal traditional knowledge into the assessment of environmental effects. For more information on incorporating Aboriginal traditional knowledge, refer to Part 1, Section 4.2.2 of these guidelines.

In order to fulfill the Crown's constitutional obligations to consult with potentially impacted groups, the Agency integrates its legal obligation for consultation and accommodation in the EA process. The information gathered by the proponent during its engagement with groups helps to contribute to the Crown's understanding of any potential adverse impacts on potential or established Aboriginal or treaty rights protected under section 35 of the *Constitution Act*, *1982* ("section 35 Aboriginal rights") including title and related interests, and the effectiveness of measures proposed to avoid or minimize those impacts.

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 August 8, 2016 Statoil Canada Ltd., the proponent of the Flemish Pass Exploration Drilling Program 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 Units designed for year-round operations for the drilling, testing and abandonment of up to thirty exploration wells within exploration licences operated by Statoil Canada Ltd. (1139, 1140, 1141 and 1142), including consideration of any proposed safety exclusion zones. Drilling may occur in various water depths under consideration, with various types of drilling units, and with multiple drilling units operating simultaneously;
- vertical seismic profiling surveys and in-water works (e.g. wellsite surveys) to support the specific exploration wells under consideration, but excluding surveys potentially required to support

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

- the loading, refuelling and operation of marine support vessels (i.e. for re-supply and transfer of materials, fuel, and equipment and on-site safety during drilling activities and transport between the supply base and Mobile Offshore Drilling Unit(s)) and helicopter support (i.e. for crew transport and delivery of light supplies and equipment) including transportation to the Mobile Offshore Drilling Unit.

Note: If the proponent becomes the operator of additional exploration licenses within the Flemish Pass 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.

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 6.3 (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:
    - o health and socio-economic conditions,
    - o physical and cultural heritage, or
    - o 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 valued components.

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 is encouraged to consult relevant Agency policy and guidance[2] on topics to be addressed in the EIS, and to liaise with the Agency during the planning and development of the EIS. The proponent is also encouraged to consult relevant guidance from other federal departments.

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.

[2] Visit the Canadian Environmental Assessment Agency website: www.ceaa-acee.gc.ca/default.asp?lang=En&n=F1F30EEF-1

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 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 entitled "Considering Aboriginal traditional knowledge in environmental assessments conducted under the *Canadian Environmental Assessment Act, 2012*".

4.2.3. Existing information

In preparing the EIS, the proponent can use existing information relevant to the project, if applicable. 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 to support the effects assessment, the proponent will provide a rationale to support the use of the information in relation to the specific 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. In such circumstances, the proponent will clearly describe potential or known data or knowledge gaps, and describe how such gaps have been addressed in the assessment of the project.

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 in the EIS, 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 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 Aboriginal traditional 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 could 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 could 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). 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.

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
- 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 within the EIS is preferred. For example, the EIS may make reference to 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 contents 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 versions 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 following:

- 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 valued component, 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 setting 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 and resource 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 significant areas, fishery closure areas, vulnerable marine ecosystems, and habitats of federally or provincially listed species at risk and other sensitive areas;
- description of local and Indigenous communities; and
- traditional territories and/or consultation areas, treaty lands, and 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, or land zoning; 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[3] 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 following procedural steps for addressing alternative means:

- Identify the alternative means to carry out the project.
- Identify the effects of each technically and economically feasible alternative means.
- Select the approach for the analysis of alternative means (i.e. identify a preferred means or bring forward alternative means).
- Assess the environmental effects of the alternative means.

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);

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

- 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; and
- 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 by installing flare shields.

The *Offshore Waste Treatment Guidelines*[4] 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*[5] 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

[4] 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

[5] 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

shall conduct an environmental effects analysis at the same level of detail for each of the various options available (alternative means) within the EIS.

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 and UTM coordinates of the proposed exploration licences (1139, 1140, 1141 and 1142);
- 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 Units and/or drill ships and their operations (drilling, testing, abandonment) in locations and water depths under consideration;
- the size and types of vessels that will be used including navigation activities (i.e. routes, number and frequency of trips) and icebreaking activities (time of year, frequency, duration, expected start and end dates);
- 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;
- reagent requirements and uses (e.g. volumes, storage, types);
- petroleum products (e.g. source, volume, storage);
- 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 modeling;
- the management or disposal of wastes (e.g. type and constituents of waste, quantity, treatment and method of disposal) including:
    - ✓ drilling muds, drill solids;
    - ✓ bilge and ballast water;
    - ✓ deck drainage;
    - ✓ cooling 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, 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);
- waste disposal (types of waste, methods of disposal, quantity); and
- components requiring construction or modification at the supply base(s) under consideration.

3.2. Project activities

The EIS will include descriptions of the drilling, testing and decommissioning, suspension or abandonment of exploration 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 and/or drill ships, including:
  - ✓ drilling at various water depths and in locations under consideration
  - ✓ well flow testing
  - ✓ waste management
  - ✓ water management
- vertical seismic profile surveys;

- 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

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:

- 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 section 35 rights, including title and related interests, in respect of the Crown's duty to consult, and where appropriate, accommodate Aboriginal peoples.

With respect to the effects of changes to the environment on Aboriginal peoples as per paragraph 5(1)(c) of CEAA 2012, the assessment requirements are outlined in sections 6.1.8 and 6.3.7 below. With respect to potential adverse impacts of the project on potential or established section 35 rights, including title and related interests, the EIS will document for the groups identified in Section 5.1 below (or in subsequent correspondence from the Agency):

- potential or established section 35 rights[6], including title and related interests, when this information is directly provided by a group to the proponent, the Agency or is available through public records, including:
  - ✓ geographical extent, nature, frequency and timing 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 section 35 rights, including title and related interests. This assessment is to be based on a comparison of the exercise of the identified rights, title and related interests between the predicted future conditions with the project and the predicted future conditions without the project. Include the perspectives of potentially impacted groups where these were provided to the proponent by the groups;
- measures identified to accommodate potential adverse impacts of the project on the potential or established section 35 rights, including title and related interests. These measures will be written as specific commitments that clearly describe how the proponent intends to implement them, and may go beyond mitigation measures that are developed to address potential adverse environmental effects;
- potential adverse impacts on potential or established section 35 rights, including title and related interests that have not been fully mitigated or accommodated as part of the EA and associated engagement with Indigenous groups. The proponent will also take into account the potential adverse impacts that may result from the residual and cumulative environmental effects. Include the perspectives of potentially affected groups where these were provided to the proponent by the groups.

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 section 35 rights, including title and related interests. However, there may be distinctions between the adverse impacts on potential or established section 35 rights, including title and related interests 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.

In terms of gathering views from potentially affected groups with respect to both environmental effects of the project and the potential adverse impacts of the project on potential or established section 35 rights, including title and related interests, the EIS will document:

- VCs suggested by groups for inclusion in the EIS, whether they were included, and the rationale for any exclusions;

[6] The 2011 *Updated Guidelines for Federal Officials to Fulfill the Duty to Consult (the Guidelines)* defines Aboriginal rights 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 (Van de Peet). 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 (*Powley*). Generally, these rights are fact and site specific. For greater certainty, the Guidelines also define Aboriginal title as an Aboriginal right. Visit the Indigenous and Northern Affairs Canada website at: http://www.aadnc-aandc.gc.ca/eng/1100100014664/1100100014675

- specific suggestions raised by each group for mitigating the effects of changes to the environment on Aboriginal peoples or accommodating potential adverse impacts of the project on potential or established section 35 rights, including title and related interests;
- views expressed by each group on the effectiveness of the mitigation or accommodation measures;
- from the proponent's perspective, any potential cultural, social and/or economic impacts or benefits to each group identified that may arise as a result of the project. Include the perspectives of potentially affected groups where these were provided to the proponent by the groups;
- any other comments, specific issues and concerns raised by potentially affected groups and how they were responded to or addressed;
- changes made to the project design and implementation directly as a result of discussions with potentially affected groups;
- where and how Aboriginal traditional knowledge was incorporated into the environmental effects assessment (including methodology, baseline conditions and effects analysis for all VCs) and the consideration of potential adverse impacts on potential or established section 35 rights, including title and related interests, and related mitigation measures; and
- any additional issues and concerns raised by potentially affected groups in relation to the environmental effects assessment and the potential adverse impacts of the project on potential or established section 35 rights, including title and related interests.

The Agency recommends the proponent create a tracking table of key issues raised by each group, including the concerns raised related to the project, proposed mitigation measures, and where appropriate, a reference to the proponent's analysis in the EIS. Information provided related to potential adverse impacts on potential or established section 35 rights will be considered by the Crown in meeting its common law duty to consult obligations as set out in the *Updated Guidelines for Federal Officials to Fulfill the Duty to Consult* (2011).

5.1. Indigenous groups and engagement activities

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);
- any future planned engagement activities; and
- how engagement activities by the proponent allowed groups to understand the project and evaluate its effects on their communities, activities, potential or established section 35 rights, including title and related interests.

In preparing the EIS, the proponent will ensure that groups have access to timely and relevant information on the project and how the project may adversely impact them. 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.

The proponent will ensure that views of groups are recorded and that groups are provided with opportunities to validate the interpretation of their views. The proponent will keep detailed tracking records of its engagement activities, recording all interactions with groups, the issues raised by each group and how the proponent addressed the concerns raised. The proponent will share these records with the Agency.

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:

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

The groups referenced above may change as more is understood about the environmental effects or potential impacts on rights 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 with 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 a group not listed above, the proponent shall provide that information to the Agency at the earliest opportunity.

6. EFFECTS ASSESSMENT

6.1. 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.

6.1.1. 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 areas 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 (SO_x), nitrogen oxides (NO_x), volatile organic compounds (VOCs), hydrogen sulfide (H_2S) and any other potentially toxic air pollutants;

- identify and quantify existing greenhouse gas emissions[7] by individual pollutant measured as kilotonnes of CO_2 equivalent per year in the project study areas;
- direct and indirect sources of air emissions;
- current provincial/territorial/federal limits for greenhouse gas emission targets; and
- information on the variation in weather conditions over the project area using historical records of relevant meteorological parameters, including the following:
  - ✓ precipitation (rain and snow);
  - ✓ air temperature (mean, maximum and minimum temperatures);
  - ✓ wind speed and direction;
  - ✓ freezing spray;
  - ✓ lightning; 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 cyclone activity in the North Atlantic, NOAA's Climate Forecast System Reanalysis (CFSR), and the Canadian Lightning Detection Network.

6.1.2. Marine environment

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

- 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, breakup and movement;

[7] 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).

- 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 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 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.

6.1.3. 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 characterisation of seasonal variability;
- a list of any fish or invertebrate species at risk that are known to be present; 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 likely to be affected by the project and their physical characteristics, water and sediment quality. 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.

6.1.4. Migratory birds and their habitat[8]

The EIS will describe migratory and non-migratory marine 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 Birds Convention 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.

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 Environment and Climate Change Wildlife Division, previous petroleum operations in the area and university or other research programs, if available.

6.1.5. Species at Risk

The EIS will describe federal species at risk and their 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[9];

[8] 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.

[9] Proponents are encouraged to consult COSEWIC's annual report for a listing of the designated wildlife species: http://www.sararegistry.gc.ca/default.asp?lang=En&n=AA7D4CE8-1

- any published studies that describe the regional importance, abundance and distribution of species at risk including management plans, recovery strategies or plans. The existing data must be supplemented by surveys, if required; and
- residences, seasonal movements, movement corridors, habitat requirements, key habitat areas, identified and proposed 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.

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.

6.1.6. Marine mammals

The EIS will describe marine mammals and their habitat at the project site and within areas that could be affected by routine project operations or accidents and malfunctions, such as:

- marine mammal 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, feeding and nursing of young) or that could be impacted by the project (e.g. acoustics, spills, etc.).

6.1.7. Marine turtles

The EIS will describe marine turtles and their habitat at the project site and within areas that could be affected by routine project operations or accidents and malfunctions, such as:

- 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.).

6.1.8. Indigenous peoples

With respect to potential effects on Indigenous peoples and the related VCs, baseline information will be provided for ***each group*** identified in Section 5 (Part 2) of these guidelines (and any groups identified after these guidelines are finalized). 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. Baseline information will also 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 and cumulative effects. Baseline information will be sufficient to provide a comprehensive understanding of the current state of each VC.

Baseline information for current use of lands and resources for traditional purposes will focus on the traditional activity (e.g. fishing) and include a characterization of all attributes of the activity that can be affected by environmental change. This includes not only identifying species of importance, but also

assessing the quality and quantity of preferred traditional resources and locations, timing (e.g. seasonality, access restrictions, distance from community), ambient/sensory environment (e.g. noise, air quality, visual landscape, presence of others) and cultural environment (e.g. historical/generational connections, preferred areas). As applicable, specific aspects that will be considered include, but are not limited to:

- current use of lands and resources for traditional purposes, including:
  - ✓ location of traditional territory (including maps where available);
  - ✓ 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 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; and
  - ✓ cultural values associated with the area affected by the project and the traditional uses identified.
- any Project components and a description of any activities (e.g. exclusion zones) that may affect commercial fisheries or other uses;
- human health[10], primarily with respect to potential contamination of food sources;
- location of reserves and communities; and
- physical and cultural heritage[11] (including any site, structure or thing of archaeological, paleontological, historical or architectural significance).

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 from groups, including Aboriginal traditional knowledge, 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.

6.1.9. 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).

[10] The proponent should refer to Health Canada's *Useful Information for Environmental Assessments* document in order to include the appropriate baseline information relevant to human health. This document can be obtained at http://www.publications.gc.ca/site/eng/481782/publication.html

[11] Heritage resources to be considered will include but not be limited to, physical objects (e.g. middens, culturally-modified trees, historic buildings), sites or places (e.g. burial sites, sacred sites, cultural landscapes) and attributes (e.g. language, beliefs).

6.1.9.1. Special areas

The EIS will describe special areas (e.g. 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:

- Ecologically and Biologically Significant Areas (e.g. The Southeast Shoal and Tail of the Banks, The Northeast Shelf and Slope, Lily Canyon-Carson Canyon and The Virgin Rocks)
- Fishery Closure Areas (e.g. Northwest Atlantic Fisheries Organization Coral Closures, Orphan Knoll Seamount)
- Preliminary Representative Marine Areas (South Grand Bank Area)

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 defining environmental features of the special area).

6.1.9.2. Human environment

With respect to potential effects on the human environment, non-Indigenous people and the related VCs, 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[12] 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

[12] The proponent should refer to Health Canada's *Useful Information for Environmental Assessments* document in order to include the appropriate baseline information relevant to human health. This document can be obtained at http://www.publications.gc.ca/site/fra/9.700511/publication.html

- 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.

6.2. 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, timing, duration, frequency, ecological and social context, and whether the environmental changes are reversible or irreversible.

The EIS will include stand-alone sections that summarise those changes that may be caused by the project on the components of the environment listed in paragraph 5(1)(a) of CEAA 2012, namely fish and fish habitat, aquatic species and migratory birds.

The EIS will include a stand-alone section that summarises any change the project may cause to the environment that may occur on federal lands or lands outside the province in which the project is to be located (including outside of Canada).

In situations where the project requires one or more federal decisions identified in section 5(2), the EIS will also include a stand-alone section that describes any change that may be caused by the project on the environment that is directly linked or necessarily incidental to these decisions (e.g. changes to commercial fishing).

6.3. Predicted effects on valued components

Based on the predicted changes to the environment identified in Section 6.2 above, 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:

6.3.1. 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, juvenile, rearing and feeding areas), and in relation to availability and significance. 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;
- ✓ 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; environment and species (e.g. corals, plants);
  - ✓ any modifications in migration or local movements during and after project activities (e.g. vertical seismic profiling, drilling);
  - ✓ any modifications and use of habitats by federally or provincially listed fish species;
- a discussion of the effects of drilling waste disposal on marine benthos 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 would be collected during and after drilling operations and how this would be used to verify effects predictions.

6.3.2. Marine plants

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

6.3.3. Marine mammals

- effects on marine mammals, including but not limited to:
  - ✓ mortality and other effects from vessel collisions or disturbance; and
  - ✓ 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, discomfort and behavioural disturbance).

6.3.4. Marine turtles

- effects on marine turtles, including but not limited to:
  - ✓ mortality and other effects from vessel collisions or disturbance; and
  - ✓ 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, discomfort and behavioural disturbance).

6.3.5. Migratory birds

- direct and indirect adverse effects on migratory birds, including population level effects that could be caused by all 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 threats, incineration in flares, disruption of normal activities);
  - ✓ exposure to spilled contaminants (e.g. fuel, oils) and operational discharges (e.g. deck drainage, gray 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 or support vessels;
  - ✓ physical harm or mortality from flaring on the drilling unit or other vessel based threats;
  - ✓ 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.

6.3.6. Species at risk

- the potential 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).

6.3.7. Indigenous peoples

With respect to Indigenous peoples, a description and analysis of how changes to the environment caused by the project will affect the following activities exercised by each Indigenous group, as applicable to the proposed project:

- current use of lands and resources for traditional purposes. This assessment will characterize the effects on the use or activity (e.g. fishing) as a result of the underlying changes to the

environment (i.e. how will the activity change if the project proceeds). The underlying changes to the environment will also be described, including, but not limited to:

- ✓ any changes to resources (fish, birds, or other natural resources) used for traditional purposes (e.g. fishing, use of sacred sites);
- ✓ 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;
- ✓ changes related to species important to Indigenous people's current use of resources, including changes to key habitat;
- ✓ any changes or alterations to access into the areas used for traditional purposes and commercial fishing, including implementation of exclusion zones;
- ✓ any changes to the environment that affect 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;
- ✓ consideration of the regional context for traditional use and the value of the project area in that regional context, including alienation of lands from traditional use;
- ✓ 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;
- ✓ an assessment of the potential to return affected areas to pre-project conditions to support traditional practices;

- human health, focusing on effects on health outcomes or risks in consideration of, but not limited to, potential changes in water quality (recreational and cultural uses), availability of country foods (e.g. marine species), and noise exposure. When risks to human health due to changes in one or more of these components are predicted, a complete Human Health Risk Assessment (HHRA) examining all exposure pathways for pollutants of concern may be necessary to adequately characterize potential risks to human health. Where adverse health effects are predicted, any incidental effects such as effects on current use of lands and resources for traditional purposes will also be assessed. 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;
- socio-economic conditions, including, but not limited to:
    - ✓ the use of navigable waters
    - ✓ commercial fishing (e.g. catch rates, exclusion zones, gear damage or loss, well abandonment, marketability of seafood products) and food security
    - ✓ commercial outfitters
    - ✓ recreational use
- 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

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

6.3.8. Other valued components that may be affected as a result of a federal decision[13] or due to effects on federal lands, another province or outside Canada[14]

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 authorisation/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.

6.3.8.1. 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 marine 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);
  - ✓ justify all estimated emissions and emission factors used;
  - ✓ provide the estimation or derivation method, and disclose and describe all assumptions and emission intensity factors used;

[13] sub-section 5(2) of CEAA 2012
[14] paragraph 5(1)(b) of CEAA 2012

- ✓ compare and assess the level of estimated emissions to the regional, provincial and federal emission targets;
- ✓ 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.

6.3.8.2. 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).

6.3.8.3. Special areas

- effects on special areas, including, but not limited to:
  - ✓ use of dispersants, and
  - ✓ change to habitat quality (e.g. noise, light, water, sediment quality).

6.3.8.4. 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);
  - ✓ rural and urban settings that could be affected by routine activities and/or accidents and malfunctions.

6.4. 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 describe mitigation measures in relation to 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 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.

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.

6.5. 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 6.3 above. 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 guidance described in Section 4 of the Agency's Operational Policy Statement, *Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012*[15].

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. 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[16]
- 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.

[15] Visit the Canadian Environmental Assessment Agency's website at: http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=363DF0E1-1

[16] 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.

6.6. Other effects to consider

6.6.1. 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 major 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 for each accident and malfunction type and the environmental effects of these scenarios. The EIS will identify the measures to be put in place to prepare, prevent for and respond to all such scenarios (e.g. contingency and emergency procedures). The EIS will also describe the existing mechanisms and arrangements with response organizations for emergency response within the spatial extent of the project.

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 spatial boundaries will identify the areas that could potentially be affected by a worst-case scenario for each accident type.

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, 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 burns). 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 the Newfoundland and Labrador offshore. Comparisons with similar settings (e.g. in the Ormen Lange field in Norway and elsewhere) would also be meaningful for deep water drilling where there is very low probability but very high consequences associated with landsliding.

6.6.2. 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) with consideration of predicted climate change effects. These events will be considered in different probability patterns (e.g. 5-year event vs. 100-year event).

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

6.6.3. Cumulative effects assessment

The proponent will identify and assess the project's cumulative effects using the approach described in the Agency's Operational Policy Statement entitled *Addressing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012* and the guide entitled *Technical Guidance for*

Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012[17].

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[18].

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,
  - ✓ Indigenous peoples,
  - ✓ air quality and greenhouse gases, and
  - ✓ human environment.
- Identify and justify the spatial and temporal boundaries for the cumulative effect 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.

[17] Visit the Canadian Environmental Assessment Agency's website at: http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=F1F30EEF-1

[18] These terms are defined in the Canadian Environmental Assessment Agency's *Technical Guidance for Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012*, Draft, December 2014 – http://www.ceaa-acee.gc.ca/default.asp?lang=en&n=B82352FF-1&offset=&toc=hide

- 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. fishing).
- 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 any 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.

7. SUMMARY OF ENVIRONMENTAL EFFECTS ASSESSMENT

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

- potential environmental effects on valued components;
- 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).

8. 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;
- 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.

8.1. 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 exploration 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.

8.2. 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 valued components and the measures and means planned to protect the environment;
- identification of regulatory instruments that include a monitoring program requirement for the valued components;

- 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

Valued Component affected	Area of federal jurisdiction[19] (√)	Project Activity	Potential effects	Proposed mitigation	Residual effect	*Magnitude*	*Geographical Extent*	*Timing*	*Duration*	*Frequency*	*Reversibility*	*Ecological context*	*Other criteria used to determine significance*[20]	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														

[19] 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.

[20] 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.