October 15, 2025 **File No: 45006-020-009/001**

Consolidated Comments on the Labrador Offshore Seismic Program, 2026–2030 - Project Description and Draft Scoping Document

Canada-Newfoundland and Labrador Offshore Energy Regulator

Project Description:

- Sections 1.1 and 1.3 describes the authorization requirements under the Canada-Newfoundland Labrador Atlantic Accord Implementation Act and the Canada-Newfoundland Labrador Atlantic Accord implementation Newfoundland and Labrador Act. Both these Acts have had title changes. Please note this for update in the Environmental Assessment document.
- The Nunatsiavut Government, Makivvik and Parks Canada are working collaboratively to finalize a boundary for the proposed Torngat Area of Interest Inuit Protected Area/National Marine Conservation Area. The effects assessment should consider this area should it be designated under the Canada National Marine Conservation Areas Act.

Nunatsiavut Government (NG)

Project Description:

- The map provided in the project description is not sufficient. Please provide a more detailed, larger scale map of the area along “The Zone” and the Labrador Inuit Settlement Area.
- We would like to have further discussions surrounding the proposed project area. The current proposed area has potential to overlap and have adverse effects in the Labrador Inuit Settlement Area (LISA), as well as the proposed Torngat Area of Interest (Torngat-AOI), which is an Inuit Protected Area/national marine conservation area adjacent to Torngat Mountains National Park.
- First consideration for personnel, support and services should be given to Labrador Inuit in addition to Newfoundland and Labrador more broadly. A list of businesses can be provided upon request.
- The same goes for vessel personnel. Having Labrador Inuit observers aboard has proven beneficial in previous similar initiatives.

Draft EA Scoping Document:

- In person consultations being held in Labrador should take place within Inuit Communities in Nunatsiavut. We would also like to be consulted on the protocol for these consultations, as it may be necessary to follow different protocols than the suggested One Ocean approach taken in other regions.

- It is difficult to consider the effects of the program within temporal boundaries if the surveys are proposed to happen anytime within a 5-year period.
- The Nunatsiavut Government is in the process of developing a Spill Response Strategy that should be followed during the operations of this program when working near LISA and “The Zone”.

Fish, Food & Allied Workers (FFAW-Unifor)

General Comments:

Our members remain deeply concerned about the potential impacts of offshore seismic programs on commercial fish species and ecosystems critical to coastal livelihoods. In particular:

- The long-term effects of seismic activity on commercially important species remain largely unknown. Despite decades of seismic exploration in the Newfoundland and Labrador offshore, knowledge gaps persist, and the precautionary principle must be applied.
- Recent research by Dr. Corey Morris has identified short-term effects of seismic exposure on groundfish and crab species, though the results remain difficult to fully quantify or statistically validate. More research has been strongly recommended, particularly on different life-history stages (females, eggs, larvae), varying biomass densities, and in controlled laboratory settings.
- Fish harvesters are traditional ocean users and have observed real-time changes in fish behaviour and distribution across generations of fishing families. For example, seismic has been associated with disruptions to Atlantic cod foraging and feeding behaviour. Witch flounder tend to remain in seismic-active zones, whereas Greenland halibut are more likely to migrate away — highlighting species-specific responses and underscoring the need for further investigation.
- Critically, current science does not yet capture the longer-term impacts of repeated seismic exposure, including potential effects on displacement, recruitment, and breeding. Without this knowledge, there is a substantial risk that seismic activity could undermine the sustainability of commercially important species and the fisheries that rely upon them.

Targeted, site-specific consultation with 2J fish harvesters in Labrador is strongly recommended. It should also be recognized that harvesters from other areas of the province access shrimp and turbot fisheries in the study area, requiring additional consultation beyond the local fleet.
There are active commercial fisheries in NAFO Division 2J, including cod, which is prosecuted using handlines and gillnets. The inshore fleet is composed of vessels up to 65 feet, with vessels greater than 35 feet participating in the crab fishery. Turbot is harvested using both offshore trawlers (greater than 100 feet) and inshore gillnet vessels. Shrimp is prosecuted throughout several Shrimp Fishing Areas, which should be mapped alongside NAFO divisions when portraying catch data in the EA.

It should also be noted that there is no current directed fishery for grenadier or witch flounder in the Labrador offshore. These species are incidental by-catch from the three dominant fisheries: crab, turbot, and shrimp. Operationally, seismic activity presents a risk of conflict with fixed gear, including crab pots and turbot gillnets.

The DFO industry collaborative post-season crab survey is a cornerstone of fisheries science and management in this province. FFAW-Unifor maintains that seismic work must not be conducted in the vicinity of crab survey stations until sampling for the year is completed. This survey is essential to quota-setting and long-term sustainability of the crab resource. Any interference or confounding variable, including seismic activity, is unacceptable.

We acknowledge that seismic planning around survey stations can be challenging; however, this reality makes effective, ongoing, and transparent communication with the fishing industry non-negotiable. The seismic operator must remain apprised of seasonal developments within our dynamic fisheries to avoid operational conflicts and ensure accountability. In accordance with the *Impact Assessment Act* (IAA), the *Species at Risk Act* (SARA), and the *Migratory Birds Convention Act* (MBCA), the EA must include:

- Comprehensive baseline data on fish, invertebrates, and marine ecosystems, with specific attention to spawning, nursery, and migratory habitats in overlap with proposed survey zones.
- Cumulative effects assessment that explicitly considers repeated seismic exposure in the context of other offshore industrial activities.
- Assessment of impacts on species at risk, marine mammals, seabirds, and vulnerable benthic habitats (e.g., corals, sponges).
- Independent research and monitoring, including studies on the effects of seismic across life-history stages of commercial species, with results made publicly available.
- Enforceable mitigation measures, including avoidance of peak fishing seasons, spatial separation from active fishing grounds, and real-time engagement with harvesters.
- Robust compensation mechanisms to address potential gear loss, catch reductions, and disruption to fishing operations.
- Enhanced industry-supported research — FFAW-Unifor recommends that proponents of seismic programs, including MKI, work collaboratively with harvesters, researchers, and government to advance research on the long-term effects of seismic on commercial species. This includes studies on larval and juvenile stages, displacement and breeding behaviour, and cumulative exposure over significant periods of time. Such contributions would demonstrate a commitment to precautionary management and help address persistent knowledge gaps.

Inshore fisheries in Labrador (NAFO Division 2J) are diverse and economically vital, with snow crab, shrimp, turbot, and cod forming the backbone of harvesting activity. These fisheries follow seasonal patterns that overlap with the timing of proposed seismic activity, creating potential risks

of conflict and disruption. Snow crab is generally harvested from late spring through summer into early fall, while turbot and cod are prosecuted during the summer and fall months. Shrimp is managed on an April-to-March management year, with concentrated harvesting occurring seasonally depending on weather and market conditions. Capelin, though more localized, supports important community fisheries during short openings in early to mid-summer.
Because these fisheries are dynamic and subject to annual variation based on scientific advice and DFO management decisions, seismic activity must be carefully planned around peak harvesting periods. Failure to do so could directly impact both fishing operations and the quality of critical science surveys that underpin resource management. This underscores the importance of meaningful consultation with harvesters, up-to-date mapping of shrimp and groundfish fishing areas, and recognition of the overlap between traditional fishing activity and proposed seismic programs in the Labrador offshore.

Seismic activity has been occurring in Newfoundland and Labrador's offshore for decades, yet significant knowledge gaps remain regarding its long-term ecological and fishery impacts. Harvesters' observations, coupled with emerging science, make clear that precaution, transparency, and respect for fisheries must guide this process.

FFAW-Unifor urges that the finalized EA Scoping Document reflect these concerns and recommendations, and that MKI be required to demonstrate how identified risks, knowledge gaps, and operational conflicts will be mitigated.

We further encourage C-NLOER to consider ways in which proponents can contribute to research efforts that will strengthen the science base and ensure sustainable decision-making.

Thank you for your attention to these matters. We look forward to continued dialogue with C-NLOER and MKI as this process advances.

Environment and Climate Change Canada (ECCC)

APPLICABLE LEGISLATION

Fisheries Act

Pollution prevention and control provisions of the *Fisheries Act* (http://laws-lois.justice.gc.ca/eng/acts/F-14/FullText.html) are administered and enforced by Environment and Climate Change Canada (ECCC). The proponent should be aware of the general applicability of Section 36(3) of the *Fisheries Act* which states: "no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substances or any other deleterious substance that

results from the deposit of the deleterious substance may enter any such water"[1]. Environmental protection and mitigation measures should reflect the need to comply with Section 36(3) of the *Fisheries Act*.

It is the responsibility of the proponent to ensure that all reasonable measures are conducted to prevent the release of substances deleterious to fish from their proposed activities. In general, compliance is determined at the last point of control of the substance before it enters waters frequented by fish, or, in any place under any conditions where a substance may enter such waters.

Additional information on what constitutes a deposit under the *Fisheries Act* can be found at: https://www.canada.ca/en/environment-climate-change/services/managing-pollution/fisheries-act-registry/frequently-asked-questions.html.

Migratory Birds Convention Act

The federal *Migratory Birds Convention Act* (MBCA) and its regulations protect migratory birds and their eggs and prohibit the disturbance, damage, destruction or removal of migratory bird nests that contain a live bird or a viable egg. Migratory birds and protected at all times; all migratory bird nests are protected when they contain a live bird or viable egg; and the nests of 18 species listed in Schedule 1 of the MBR 2022 are protected year-round. These general prohibitions apply to all lands and waters in Canada, regardless of ownership. For more information, please visit: https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html.

For migratory birds that are listed as Endangered, Threatened, or Extirpated on Schedule 1 of the *Species at Risk Act* s.32 (protection of individuals) and s.33 (protection of residences) apply to all land tenure types in Canada. For some migratory bird species listed under the *Species at Risk Act* (SARA), the residence prohibition will protect nests that are not active but are re-used in subsequent years (please note that the residence of a migratory bird may not necessarily be limited to their nest).

Section 5.1 of the MBCA describes prohibitions related to depositing substances harmful to migratory birds:
"5.1(1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.
(2) No person or vessel shall deposit a substance to be deposited in any place if the substance, in combination with one or more substances, result in a substance – in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area – that is harmful to migratory birds."

The proponent is responsible for ensuring that activities are managed to ensure compliance with the MBCA and associated regulations.

[1] Deleterious substances include any substance that, if added to water, would degrade, alter or form part of a process of degradation or alteration of the quality of water so that it is rendered deleterious to fish or fish habitat or to the use of fish by humans.

Species at Risk Act

The *Species at Risk Act* "General Prohibitions" apply to this project. In applying the general prohibitions, the proponent, staff and contractors, should be aware that no person shall:

- Kill, harm, harass, capture or take an individual;
- Possess, collect, buy, sell, or trade an individual, or any part or derivative;
- Damage or destroy the residence of one or more individuals.

General prohibitions only apply automatically:

- On all federal lands in a province;
- To aquatic species anywhere they occur;
- To migratory birds protected under the *Migratory Birds Convention Act, 1994* (MBCA) anywhere they occur.

Section 33 of the *Species at Risk Act* prohibits damaging or destroying the residence of a listed threatened, endangered, or extirpated species. For migratory bird species at risk (SAR), the prohibition immediately applies on all lands or waters (federal, provincial, territorial, and private) in which the species occurs.

It should be noted that Section 79 of the *Species at Risk Act* states:
79 (1) Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted, and every authority who makes a determination under paragraph 82(2) of the *Impact Assessment Act* in relation to a project, must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.

(2) The person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.

Canadian Environmental Protection Act

The proponent should also be aware of the potential applicability of the *Canadian Environmental Protection Act* (CEPA) (https://laws-lois.justice.gc.ca/eng/acts/C-15.31/). The *Canadian Environmental Protection Act* enables protection of the environment, and human life and health, through the establishment of environmental quality objectives, guidelines and codes of practice, and the regulation of toxic substances, emissions and discharges from federal facilities, international air pollution, and disposal at sea.

Wildlife and Wildlife Habitat

Environment and Climate Change Canada's Canadian Wildlife Service (ECCC-CWS) has reviewed the above-mentioned documents and offers the following recommendations.

Please note that the following documents have been attached to this email for inclusion with the outgoing response:

- ECCC-CWS Guidance for developing systematic stranded bird survey protocols for vessels and platforms
- ECCC-CWS Stranded Birds Data Entry Form (Excel v1.4)
- Appendix 2 – Infographic and Reference Card – *What to do when you find a stranded bird?*
- Appendix 3 – Seabird Identification Photo Card
- Procedures for handling and documenting stranded birds encountered on infrastructure offshore Atlantic Canada

Document 1 – Transmittal Letter and SARA section 79(1) Species at Risk Notification

- ECCC-CWS recommends that Red-necked Phalarope (*Phalaropus lobatus*) should be added to the list of "Special Concern" species on Page 2.

Document 2 – Environmental Assessment Draft Scoping Document

- ECCC-CWS does not have any additional comments on the Scoping Document.

Document 3 – Multiklient Invest Labrador Offshore Seismic Program 2026-2030 Project Description

- Quote (page 8) "*In the unlikely event of the accidental release of hydrocarbons during the Project, the measures outlined in the MKI's oil spill response plan will be implemented. The oil spill response plan will be filed with the C-NLOER. In addition, MKI will have an emergency response plan in place."*

ECCC-CWS recommends that the proponent's oil spill response plan include components related to wildlife response (included in a Wildlife Response Plan (WRP)). At minimum, ECCC-CWS recommends that the WRP include the following information:

a) Information on the wildlife potentially at risk in the area;
b) Mitigation measures to deter non-affected wildlife from affected areas;
c) Mitigation and response measures to be taken if wildlife and/or sensitive habitats become contaminated by the incident (including treatment of oil-affected wildlife); and
d) The type and extent of wildlife monitoring conducted during and following a pollution incident.

Guidance materials including "Guidelines for Development Wildlife Response Plan" (ECCC, 2022) are available online at National Wildlife Emergency Response Framework - Canada.ca. The proponent should consult ECCC when developing Wildlife Emergency Response Plans.

- Quote (page 8) "*In addition, the MMOs will conduct a monitoring and release program for seabirds which may strand on Project vessels. Seabird monitoring will include systematic counts based on protocols issued by the Environment and Climate Change Canada-Canadian Wildlife Service (ECCC-CWS). Likewise, mitigation measures and monitoring for stranded birds will follow established ECCC-CWS procedures."*

ECCC-CWS advises that the location of the Project may be used by seabirds, such as Leach's Storm-petrel (LESP; assessed as Threatened by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC)). The Project has the potential for increased interactions with LESP and other migratory birds, particularly with respect to attraction to artificial lighting and potential strandings on vessels and project infrastructure (per Gjerdrum et al. 2021, storm-petrels are the most commonly stranded species in NL (93%) based on reports from 1998-2018). The location and proposed timing of activities overlap with peak storm-petrel stranding period (mid-September to mid-November) when young Leach's Storm-petrel fledge and make their first flight offshore.

The prompt location of stranded birds through daily, systematic searches of vessel(s) increases the potential of reducing harm and/or mortality of stranded birds. Gjerdrum et al. 2021 states per reports, 98% of stranded storm-petrels found alive were successfully released back to the ocean.

ECCC-CWS recommends that the proponent develop and implement vessel-specific systematic search protocols for stranded birds that will be undertaken by trained, experienced observers, as per the recommendations outlined in the final report of the *Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador.* Additionally, ECCC-CWS advises that new guidance has been developed regarding the development and implementation of systematic stranded bird protocols. Guidance has been attached to the outgoing response for the proponent's consideration.

ECCC-CWS advises that the handling and subsequent release of stranded birds may require a CWS Scientific *Migratory Birds Convention Act* (MBCA) permit. Information on the MBCA permitting process can be found at: scf-atlpermis-cws-atlpermits@ec.gc.ca.

- Given the high potential for migratory bird strandings, particularly for Leach's Storm-petrel in mid-September to mid-November, ECCC-CWS recommends that the proponent consider including stranded seabird awareness training for all members on the vessel, to ensure that individuals are adequately informed of potential impacts to migratory birds. ECCC-CWS is able to provide awareness materials for the proponent's consideration, if desired.

Standard Recommendations

Considerations specific to Migratory Birds

In conducting the environmental assessment (EA), the vulnerability of individual species/groups of migratory birds to sampling programs must reflect a consideration of the following basic factors:

- Distribution and abundance of species during scheduled project activities;
- Impact pathways;
- Mitigations;
- Cumulative effects; and
- Provisions for follow-up on assessment accuracy and mitigation effectiveness.

The following impact pathways influencing migratory birds must be considered in the analysis of any seismic survey:

- Noise disturbance from equipment including both direct effects (physiological), or indirect effects (foraging behaviour or prey species);
- Physical displacement as a result of vessel presence (e.g., disruption of foraging activities);
- Nocturnal disturbance from light (e.g., increased opportunities for predators, attraction to vessels and subsequent collision, disruption of incubation);
- Exposure to contaminants from accidental spills (e.g., fuel, oils) and operational discharges (e.g., deck drainage, grey water, black water);
- Attraction of, and increase in, predator species as a result of waste disposal practices (i.e., sanitary and food waste) and the presence of incapacitated/dead prey behind the vessel.

The proponent should refer to any applicable Strategic Environmental Assessments (SEA), where appropriate. For annual updates, the proponent is encouraged to contact ECCC-CWS to ensure that information listed in the SEA is still accurate.

Species at Risk Act

In federal environmental assessment (EA), ss.79(2) of SARA required that persons responsible for an EA: 1) identify adverse effects on all listed species; 2) if the project is carried out, ensure that measures are taken to avoid or lessen those effects; and, 3) monitor them. ECCC advocates a similar approach for non-federal forms of environmental assessment.

ECCC-CWS advises that all comments it provides concerning species at risk that are not migratory birds protected by the MBCA derive from federal recovery/management plans as posted on the Species at Risk Registry (https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html), and thus comments may not be comprehensive to the body of knowledge for the species.

For species which are not listed under SARA but have been assessed and designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), it is best practice to consider these species in EA as though they were listed under SARA.

- Considerations specific to Species at Risk

If a migratory bird species is listed under Schedule 1 of SARA and could be affected by operations, steps must be taken to ensure compliance with both SARA and the *Impact Assessment Act* (2019).

The following species at risk may be found near the project site: Ivory Gull (Endangered, SARA Schedule 1), Ross' Gull (Threatened, SARA Schedule 1), Red-necked Phalarope (Species Concern, SARA Schedule 1), and Leach's Storm-petrel (Threatened, COSEWIC assessment). ECCC-CWS requests that any species at risk sightings be reported to ECCC-CWS at ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca. SAR observations should also be submitted to the Atlantic Canada Conservation Data Centre; directions on how to contribute data can be found at: AC CDC | Submit an Observation.

It should be noted that the SARA list may change through the life of the project. Species listed after project approval may require additional mitigations. The proponent is encouraged to annually update the list of SARA species potentially affected by the project.

General Recommendations

- The breeding season for most birds within the project area (Zone "D3-4") occurs between mid-April and mid-August in this region, however some species protected under the MBCA nest outside of this time period. Information regarding regional nesting period can be found at https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods.html.

- Most migratory bird species construct nests in trees (sometimes in tree cavities) and shrubs, but several species nest at ground level (e.g., Common Nighthawk, Killdeer, sandpipers), in hay fields, pastures or in burrows. Some bird species may nest on cliffs or in stockpiles of overburden material from mines or the banks of quarries. Some migratory birds (including certain waterfowl species) may nest in headponds created by beaver dams. Some migratory birds (e.g., Barn Swallow, Cliff Swallow) may build their nests on structures such as bridges, ledges, or gutters.

- One method frequently used to minimize the risk of destroying bird nests consists of avoiding certain activities, such as clearing, during the regional nesting period for migratory birds.

- The risk of impacting active nests or birds caring for pre-fledged chicks, discovered during project activities outside the regional nesting period, can be minimized by measures such as the establishment of vegetated buffer zones around nests, and minimization of activities in the immediate area until nesting is complete and chicks have naturally migrated from the area. It is incumbent on the proponent to identify the best approach, based on the circumstances, to comply with the MBCA.

Further information can be found at: https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html.

Fuel Leaks

The proponent must ensure that all precautions are taken by the contractors to prevent fuel leaks from equipment, and that a contingency plan in case of oil spills is prepared. Furthermore, the proponent should ensure that contractors are aware that under the MBR, "no person shall deposit or permit to be deposited oil, oil wastes or any substances harmful to migratory birds in any waters or any area frequented by migratory birds." Biodegradable alternatives to petroleum-based chainsaw bar oil and hydraulic for heavy machinery are commonly available from major manufacturers. Such biodegradable fluids should be considered for use in place of petroleum products whenever possible, as a standard for best practices.

Provisions for wildlife response activities should be identified in the Oil Spill Prevention and Response Plan to ensure that pollution incidents affecting wildlife are effectively and consistently mitigated. The document "Guidelines for effective wildlife response plans" is provided to offer guidance on the development of wildlife response plans. Documents can be

downloaded from National Wildlife Emergency Response Framework - Canada.ca "Guidelines for wildlife response plans".

The following information should be included in any Oil Spill Prevention and Response Plan:

- Mitigation measures to deter migratory birds from coming into contact with the oil.
- Mitigation measures to be undertaken if migratory birds and/or sensitive habitat becomes contaminated with the oil.
- The type and extent of monitoring that would be conducted in relation to various spill events.

Noise Disturbance

Anthropogenic noise produced by construction and human activity can have multiple impacts on birds, including causing stress responses, avoidance of certain important habitats, changes in foraging behaviour and reproductive success, and interference with songs, calls, and communications. Activities that introduce loud and/or random noise into habitats with previously no to little levels of anthropogenic noise are particularly disruptive.

ECCC-CWS recommends the following best management practices:

- The proponent should develop mitigations for programs that introduce very loud random noise disturbance (e.g., blasting programs) during the migratory bird breeding season for their region.
- The proponent should, where possible, prioritize construction works in areas away from natural vegetation while working during the migratory bird breeding season. Conducting loud construction works adjacent to natural vegetation should be completed outside the migratory birds breeding season.
- The proponent should keep all construction equipment and vehicles in good working order and loud machinery should be muffled if possible.

Light Attraction and Migratory Birds

Attraction to lights at night or in poor visibility conditions during the day may result in collisions with lit structures, or with other migratory birds. Disoriented migratory birds are prone to circling light sources and may deplete their energy reserve and either die of exhaustion or be forced to land where they are at risk of depredation.

To reduce the risk of disturbance or harm to migratory birds related to human-induced light, ECCC-CWS recommends implementation of the following beneficial management practices:

- The minimum amount of pilot warning and obstruction lighting should be used on tall structures. Warning lights should flash and should completely turn off between flashes.
- The fewest number of site-illuminated lights possible should be used in the project area. Only strobe lights should be used at night, at the lower intensity and smallest number of flashes per minute allowable by Transport Canada.

Effects of Construction/Operations on Migratory Birds – Stranded Birds

Due to the propensity of seabirds from nearby colonies to be attracted to light, it is possible that migratory birds may be attracted to and potentially be stranded on the site. ECCC-CWS recommends that a site monitoring plan be developed for the migratory bird breeding season as well as the spring and fall migration periods and implemented while floodlights are being used

during nighttime hours. A site monitoring plan could include protocols such as dusk and dawn site inspections to look for stranded birds that may have landed on site, and/or inclusion of migratory bird searches into stranded occupational health and safety daily inspections, etc. ECCC-CWS recommends, at minimum, daily searches during early morning hours, particularly during early September to late November, to search for migratory birds that may become stranded on-site.

Should birds become stranded on the project site, both during construction and operations phases, the proponent is recommended to adhere to *Procedures for handling and documenting stranded birds encountered on infrastructure offshore Atlantic Canada* (attached). ECCC-CWS should be notified if bird stranding incidents occur. A seabird handling permit will be required to implement the instructions in this reference document and the proponent must be advised that such a permit would have to be in place prior to the initiation of proposed activities. Please note that MBCA permit applications can be obtained from ECCC-CWS via email at scf-atlpermis-cws-atlpermits@ec.gc.ca.

If any birds are found stranded on-site, the proponent should immediately contact ECCC-CWS for further instructions. The contact is Sabina Wilhelm (sabina.wilhelm@ec.gc.ca or 709-764-1957).

EFFECTS OF THE ENVIRONMENT ON THE PROJECT (For Information)

Seismic operations will be somewhat sensitive to environmental conditions (e.g., wind, waves, ice). The environmental review should include considerations on how such conditions acting on the project could have consequences for the environment (e.g., increased risk of spills and impacts on valued ecosystem components).
Marine weather information can be found on the Meteorological Service of Canada website at weather.gc.ca/mainmenu/marine_menu_e.html. Additional information on regional climatology can be found at climate.weather.gc.ca/index_e.html or by contacting ECCC directly (1-833-794-3556; climatatlantique-climateatlantic@ec.gc.ca).
Also, ice information can be found on the Canadian Ice Service website at www.canada.ca/en/environment-climate-change/services/ice-forecasts-observations/latest-conditions.html.

EFFECTS OF ACCIDENTS AND MALFUNCTIONS (For Information)

The mandatory assessment of environmental effects that result from accidents and malfunctions should include a consideration of potential spill events. The assessment should be guided by the need to ensure compliance with the general prohibitions against the deposit of a deleterious substance into waters frequented by fish (Section 36, *Fisheries Act*) and against the deposit of oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds (Section 35, *Migratory Birds Regulations*). In addition, it should be focused on potential worst–case scenarios (e.g., concentrations of marine birds, presence of wildlife at risk). Based on this analysis, the environmental review should describe the precautions that will be taken and the contingency measures that will be implemented to avoid or reduce the identified impacts.

Proponents are encouraged to prepare contingency plans that reflect a consideration of potential accidents and malfunctions and that take into account site-specific conditions and

sensitivities. The Canadian Standards Association (CSA) publication, *Emergency Preparedness and Response, CAN/CSA-Z731-03*[2], is a useful reference for this.

All spills or leaks of petroleum or other hazardous materials, including those from machinery, fuel tanks or streamers, should be promptly contained, cleaned- up and reported to the 24-hour environmental emergencies reporting system (St. John's 709-772-2083; other areas 1-800-563-9089).

Parks Canada (PC)

Project Description:

Section 1.1 – Relevant Legislation and Regulatory Approvals:
Please include the *Canada National Marine Conservation Areas Act*.

Section 3.4 – Consultations:
Please add *Parks Canada* and *Makivvik* to the list of consulted parties.

EA Scoping Document:

(Note – comments for C-NLOER)
Section 5.1.1 – Spatial Boundaries:
Please identify areas where seismic activities are prohibited.

Section 5.2.8 – Sensitive Areas: Include the Torngat Area of Interest Inuit Protected Area/NMCA.
Recommend avoidance of sensitive areas as a mitigation measure for potential adverse effects.

Fisheries and Oceans Canada (DFO)

Project Description:

The Study Area overlaps marine conservation areas in the Newfoundland and Labrador Region, including: Northeast Newfoundland Slope Other Effective Area-Based Conservation Measure (OECM), Hawke Channel OECM, Hopedale Saddle OECM, and Hatton Basin Marine Refuge. Suggest adding these marine conservation areas to a map of the Study Area in the Environmental Assessment (EA) Report. Based on Figure 1.1, it is unclear whether the Gilbert Bay Marine Protected Area (MPA) overlaps with the Study Area. Oil and gas seismic activities are prohibited within the Gilbert Bay MPA, and activities are assessed on a case-by-case basis for OECMs. Also, the Project Description (PD) lacks a discussion on Figure 1.1.

[2] Canadian Standards Association (CSA). Emergency Preparedness and Response: A National Standard of Canada (CAN/CSA-Z731-03). Toronto: CSA, (R2014). https://store.csagroup.org/ccrz__ProductDetails?viewState=DetailView&cartID=&sku=Z731-03&isCSRFlow=true&portalUser=&store=&cclcl=en_US

Additional information regarding the ocean bottom nodes should be provided in the EA report, such as:

- the locations of node placement;
- further refined numbers on how many nodes will be deployed;
- the PD discusses the shotpoint interval of one array pulse every 12.5 m, 18.75 m or 25 m. How will intervals work for the ocean bottom nodes?;
- the PD states that the ocean bottom nodes can be left unattended for up to 100-150 days. Will there be monitoring (e.g. Marine Mammal Observer, PAM) during use of nodes?;
- a detailed description of the potential impacts of ocean bottom nodes on the Valued Components; and
- based on a previous discussion with the proponent (November 2024), DFO is of the understanding that since a ROV will be used for ocean bottom node deployment, node locations can be altered to avoid corals and sponges. The EA report should include a commitment to avoid sensitive benthic habitat, such as corals and sponges, during deployment of ocean bottom nodes.

Section 2.3: Mitigation and Monitoring for Marine Mammals, Sea Turtles and Seabirds. Since there are components of the project with a benthic footprint, the Mitigation and Monitoring section should also include benthic habitat (e.g. corals and sponges).

The EA report should include a commitment to adhere to the *Statement of Canadian Practice with respect to Mitigation of Seismic Sound in the Marine Environment*.

The EA report should include a detailed description of how the "Gemini" configuration may differently impact the Valued Components, in comparison to standard configurations.

Draft EA Scoping Document:

(Note – comments for C-NLOER)

Page 7 lists sensitive areas in the Study Area to be the Northeast Newfoundland Slope Closure, the Division 3O Coral Closure, the Laurentian Channel Marine Protected Area, and the Funk Island Deep Closure. See DFO comment above regarding the marine conservation areas that overlap the Study Area: Northeast Newfoundland Slope OECM, Hawke Channel OECM, Hopedale Saddle OECM, and Hatton Basin Marine Refuge. It is unclear whether the Gilbert Bay MPA overlaps with the Study Area.

In addition to Presence of Seismic Survey Vessels (Section 5.2.10), Section 5.2 should also include potential presence of ocean bottom nodes.