



Jeanne D'Arc Basin Exploration Drilling Project

Review of Draft Environmental Assessment and Draft
Conditions

Prepared for:
Mi'gmawe'l Tplu'taqnn Incorporated

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Mi'gmawe'l Tplu'taqnn Incorporated
Chief George Ginnish
Chief Rebecca Knockwood
38 Micmac Road
Eel Ground, NB E1V 4A7

January 08, 2020

Dear Chief George Ginnish and Chief Rebecca Knockwood:

It is our pleasure to provide you with the review of the Draft Environmental Assessment Report and Draft Potential Conditions for the Jeanne D'Arc Basin Exploration Drilling Project. This review was completed by Rachel Speiran, MA; Allie Mayberry, BSc, MA, Levi Snook, BSc, and Meaghan Langille, BSc; EPT, of Shared Value Solutions Ltd. We look forward to continuing to serve you in consultation and lands and resources protection matters. Please do not hesitate to get in touch with us if you have any questions or concerns with the enclosed report.

With best regards,

<Original signed by>

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1.0 Review Objectives

On behalf of Mi'gmawe'l Tplu'taqnn Incorporated (MTI), Shared Value Solutions Ltd. (SVS) provides this independent high-level peer review and strategic assessment of the Impact Assessment Agency of Canada's (the Agency) draft Environmental Assessment (EA) Report and draft Potential Environmental Assessment Conditions for the Jeanne D'Arc Basin Exploration Drilling Project (the Project; formerly known as the 'Husky Energy Exploration Drilling Project') on behalf of Mi'gmawe'l Tplu'taqnn Incorporated (MTI). MTI is a not for profit organization created by the Mi'gmaq First Nations of New Brunswick to promote and support the recognition, affirmation, exercise, and implementation of their members' Aboriginal and Treaty rights and title.

SVS consultants with expertise in marine water resources, aquatic ecology, migratory birds, fisheries biology, socio-economics, community development, Indigenous engagement, consultation, and regulatory processes conducted the review.

The intent of this report is to identify concerns, potential impacts and additional protection measures related to the following seven key issues/components of concern previously identified by MTI:

1. North Atlantic Right Whale
2. Atlantic Salmon
3. Atlantic Bluefin Tuna
4. Migratory birds
5. Cumulative effects
6. The need for Mi'gmaq Indigenous Knowledge and Land Use and Occupancy Study (IKLUOS) and socio-economic impacts study, particularly for commercial Atlantic salmon and swordfish fisheries
7. Accidents and Malfunctions

Our assessment was conducted with a focus on the rights, key values and interests of MTI member communities. This report provides a summary of our review findings along with recommendations to address identified technical issues and/or concerns. This report is not intended to be a comprehensive review of the agency's EA process and documentation for the Project. This report identifies concerns, potential impacts and additional protection measures related to seven key issues of concern identified by MTI in communications with SVS, in relation to the rights and key values and interests of MTI member communities

2.0 Project Description and Regulatory Process

Husky Oil Operations Ltd. And Exxon Mobil Canada Limited (The Proponents) have proposed an offshore drilling exploration program on the Grand Banks, within the Jeanne d'Arc Basin, approximately 350 km east of St. John's, Newfoundland and Labrador to determine the potential for oil and gas resources (CEAA, 2018). The Project Area is located just inside of Canada's 200 nm Exclusive Economic



Zone on the outer continental shelf, with the exception of exploration license (EL) 1151, which is partially outside of the 200 nm Exclusive Economic Zone.

Exploratory offshore drilling is a designated activity under Section 10 of the Canadian Environmental Assessment Agency's (the Agency) *Regulations Designating Physical Activities*. Accordingly, Husky Oil Operations Ltd. Has prepared and submitted an Environmental Impact Statement to the Agency to fulfill the requirements of an Environmental Assessment (EA) under the *Canadian Environmental Assessment Act (2012)*. A project specific Environmental Assessment (EA) is also required to be completed as a requirement of the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*.

The designated Project includes the drilling, testing, and eventual decommissioning of up to ten exploratory wells over a nine-year period within exploration licenses (ELs) 1151, 1152, and 1155. The locations of the proposed project area and respective ELs are shown in Figure 1 below.

In addition to regulation and approval through the Canadian Environmental Assessment Agency, approvals are also required through the Canada-Newfoundland Offshore Petroleum Board (C-NLOPB). Specifically, for each well in the drilling program, a separate Approval to Drill a Well is required from C-NLOPB. In addition, a Certificate of Fitness from the C-NLOPB is required for the project to demonstrate and verify that all equipment and installations in the project area are safe for use for the life of the project. Lastly, the C-NLOPB will also require that the proponent adheres to their Environmental Protection Plan (EPP) guidelines and has their EPP approved by the Board prior to initiating the drilling program.

Once finalized and approved, the proposed wells will be drilled using a Mobile Offshore Drilling Unit (MODU) within the ELs using a combination of riserless and riser drilling methods, with support by offshore supply vessels and helicopters based from existing facilities in St. John's Harbour and operated by A. Harvey and Company Ltd. The proposed MODUs will be either a semi-submersible rig, drill ship, or jack-up rig.

Pending project approval, Husky Energy is proposing to commence drilling in 2019 for a period of 9 years, until 2027. During this period, it is expected that up to 10 wells may be drilled.

During the exploration projects, should hydrocarbons be discovered, drillstem tests (DSTs) may be conducted. DSTs generally last two nights and involve puncturing the well casing that has been set over the hydrocarbon bearing reservoir. Once this puncturing has occurred, reservoir fluids will be able to move into and up the wellbore to the MODU, which will have a temporary DST facility installed to handle the flow of any fluids from the wellbore. "The hydrocarbons in the reservoir fluids are measured and separated from any produced water (Stantec, 2018). DSTs are typically required in one in four or five exploration wells. So, in a 10 well program, this Project may conduct two DSTs" (Stantec, 2018).



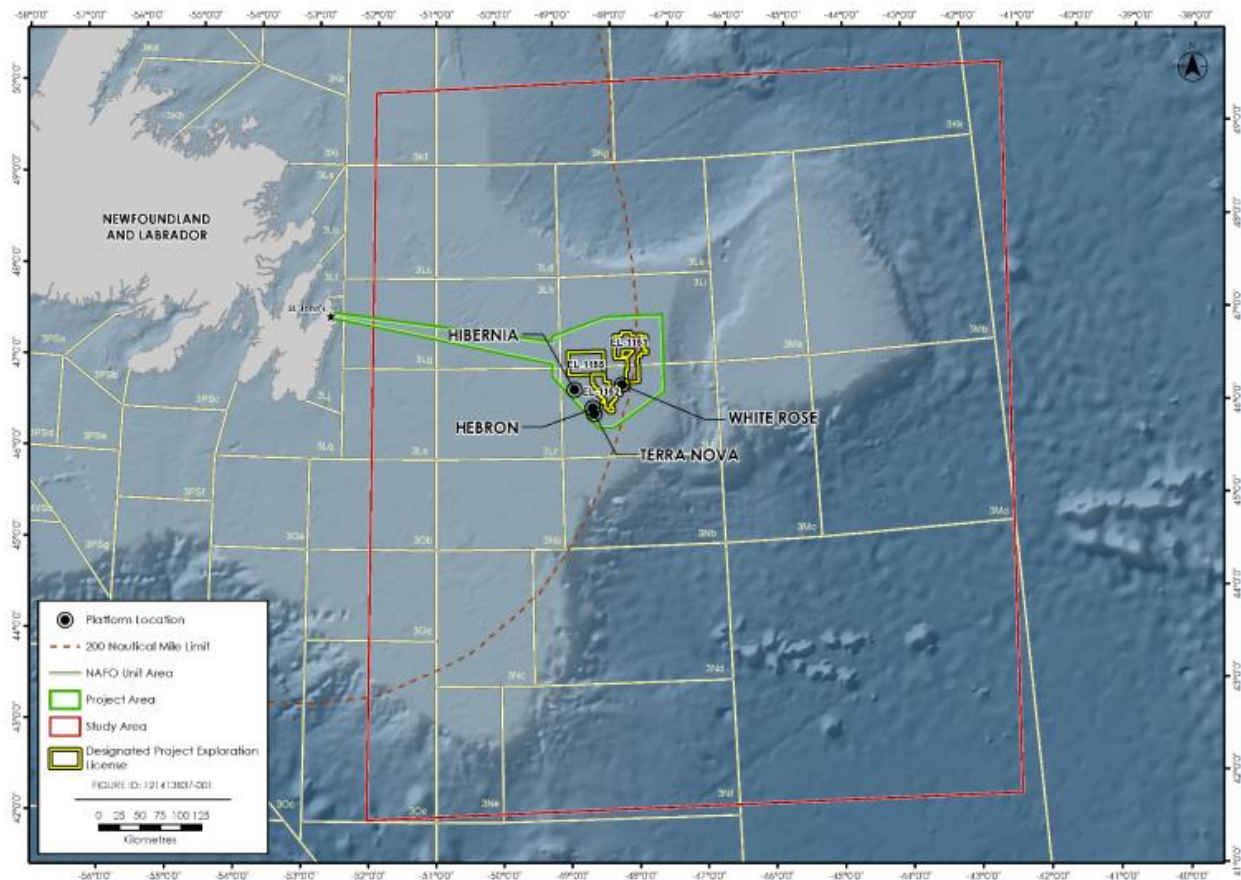


Figure 1 Locations of the proposed Jeanne D’Arc Basin Exploration Drilling Project

Source: Stantec, 2018

3.0 Mi’gmawē’l Mi’gmaq Rights and Interests Relative to Project Interactions

The Mi’gmaq are signatories to the Covenant Chain of Peace and Friendship Treaties which were signed with the British Crown. The Mi’gmaq have established Aboriginal and Treaty Rights under *Section 35 of the Constitution Act, 1982*, that have been upheld by the Supreme Court of Canada.

For this review, Mi’gmawē’l Tplu’taqnn Incorporated represents the rights and interests of eight of its nine-member communities: Amlamgog (Fort Folly) First Nation, Natoaganeg (Eel Ground) First Nation, Oinpegitjoig (Pabineau) First Nation, Esgenoôpetitj (Burnt Church) First Nation, Tjipögtötjig (Buctouche) First Nation, L’nui Menikuk (Indian Island) First Nation, Ugpi’ganjig (Eel River Bar) First Nation and Metepenagiag Mi’kmaq Nation.

Mi’gmaq First Nations peoples have occupied, relied on, used, and been stewards of the lands and waters in what is currently known as New Brunswick, Nova Scotia, Prince Edward Island, southern and western Newfoundland, the Gaspé area of Quebec, Anticosti Island, the Magdalen Islands, and sections



of the Northeastern United States (D. Simon, Personal communication, December 14, 2018) since time immemorial. The Peace and Friendship Treaties have been renewed many times with the Crown and are in the process of being implemented through a Mi'gmaq /New Brunswick/Canada Framework Agreement (Indigenous and Northern Affairs Canada, 2012).

MTI Mi'gmaq First Nations members have established Aboriginal and Treaty Rights to hunt, fish and gather from the lands and waters of their territory for food, social and ceremonial purposes, as well as to trade and to earn a moderate livelihood.

The proposed Jeanne D'Arc Basin Exploration Drilling Project, unto itself as well as in combination with multiple other offshore oil exploration projects occurring in the region, presents risk to MTI's member Mi'gmaq First Nation's rights and interests. The Proponents and the Agency have concluded that potential bio-physical and socio-economic impacts are negligible. However, effect assessment inadequacies, information gaps and outstanding uncertainties regarding the implications of the cumulative effects of these projects and potential accidents or malfunctions are of serious concern to MTI. Until there are definitive agreements and conditions put into place that reflect MTI's direct involvement in the monitoring and protection of the New Brunswick Mi'gmaq First Nations' rights and interests that MTI represents and acts on behalf of, as well as commitments for MTI's direct involvement in a Regional Effects Assessment, it is MTI's opinion that the Proponents, nor the Crown's Duty to Consult has not been met.

3.1 Mi'gmawe'l Tplu'taqnn Incorporated's Vision for Sustainable Development of Natural Resources

Mi'gmaq First Nation members follow the Vision for Sustainable Development of Natural Resources, described below. Natural Resources are an integral part of the Unceded Lands and Waters of the Mi'gmaq. The Mi'gmaq state:

“Those Resources belong to Mother Earth. We may use them, but we are also their custodians. Natural Resources are not simply here for the taking, rather they must be managed carefully so as to provide benefits today while guaranteeing the rights and needs of generations yet to come. This requires truly sustainable development.”

There are four pillars to sustainable development:

- Environmental Sustainability
- Social Sustainability
- Cultural Sustainability
- Economic Sustainability

Each pillar supports the others. They must be kept in balance. The Mi'gmaq are committed to the cultural, spiritual and social importance of lands, waters and natural resources. Natural resource development must:



- Understand that lands, waters and natural resources are integral to the wellbeing of humanity and are not simply commodities to be exploited;
- Seriously take into account the short and long-term ecological costs of natural resource extraction and see those costs as potentially debilitating debts;
- Honour the precautionary principle (in that lack of scientific certainty must not impede conservation efforts and must not enable irresponsible development);
- Guarantee that the benefits of natural resource development are shared equitably with those most in need;
- Protect the environment;
- Ensure biological diversity;
- Maintain ecological balance;
- Commit to the rehabilitation of habitat and species that have been damaged by current and past natural resource extraction practices; and
- Place the needs of future generations on at least an equal footing with the needs of our time.”

(Assembly of First Nations Chiefs in New Brunswick, 2010).

This Vision, and Mi’gmaq rights and interests, were considered throughout the completion of this review. We also considered, in a more generic sense, that the primary effects of importance to the federal EA process that overlap with the MTI’s rights and interests (as per Section 5(1)(c) of CEAA, 2012) are as follows:

Section 5. (1)(c)- *“with respect to aboriginal peoples, an effect occurring in Canada of any change that may be caused to the environment on:*

- (i) health and socio-economic conditions;*
- (ii) physical and cultural heritage;*
- (iii) the current use of lands and resources for traditional purposes; or*
- (iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.”*

The proposed activities of the Jeanne D’Arc Basin Exploration Drilling Program have the potential to impact Mi’gmaq’s rights to the lands and waters. Of particular importance are culturally significant species that are in the migratory path of the project and are used for cultural and socio-economic purposes.



3.2 Summary of Mi'gma'we'l Tplu'taqnn Member Communities Indigenous Knowledge, Land Use and Occupancy in the Project Study Area

Although required to by sections 2.3, 3.2.2, and 4.2.2 of the Environmental Impact Statement (EIS) Guidelines, the Proponent has not integrated Mi'gmaq comprehensive Indigenous Knowledge or Socio-Cultural-Economic Baseline Information, from MTI and MTI member communities, into their respective project's Environmental Assessment processes to date. As such, the Crown's duty to consult, via integration of adequate and meaningful engagement, consultation, and accommodation with the Mi'gmaq in New Brunswick has not been met.

4.0 Draft EA Report Review Findings

Results of SVS's review of the Agency's Draft EA Report are presented below, with a focus on key issues and concerns related to potential impacts on the marine environment, marine mammals, cumulative effects, accidents and malfunctions, and socio-economics and community well-being as they relate to the rights, values and interests of MTI First Nation communities.

4.1 Marine Fish and Fish Habitat

4.1.1 Evaluation & Recommendations

The following section describes issues identified by MTI in review of all marine environment related information provided within both EIS and EA and provides comments and recommendations to resolve the issues.

Issue 1: The Proponent has not included Indigenous Knowledge from MTI knowledge holders in drawing conclusions on interactions between Atlantic Salmon, Swordfish and Bluefin Tuna and the Project Area.

Recommendation 1: The Proponent should engage MTI in conducting a focused Indigenous Knowledge and Science Study with respect to potential interactions between the Project Area and Atlantic Salmon, Swordfish and Bluefin Tuna.

Issue 2: The Agency notes within the EA that given the uncertainty about Atlantic Salmon and the importance of the species to Indigenous groups, the Proponent *would* be required participate in or support research on the presence and distribution of Atlantic Salmon in Eastern Canadian offshore



regions. Despite making the statement that the Proponent would be required to support research, this obligation is not included in the Project Conditions.

Recommendation 2: In order to ensure the Proponent is held accountable for following through on the Agency's recommendation, the provision to support research toward Atlantic Salmon should be included in the *Potential Conditions under the Canadian Environmental Assessment Act, 2012*.

Issue 3: MTI remains concerned about the potential impacts of the Project on Atlantic Salmon. Following the filing of the EIS, the Agency acknowledged the gaps in understanding of Atlantic Salmon migration patterns in the North Atlantic and indicated that the Proponent would be required to contribute to research on migratory routes within the Project Area, which includes potential new studies through the Environmental Studies Research Fund (ESRF).

Recommendation 3a: The North Shore Micmac District Council has established the Anqotum Fisheries Resource Centre, which is an Aboriginal Aquatic Resources and Oceans Management (AAROM) Program. Anqotum has been formed to establish a permanent Indigenous presence in the Canadian fishing industry by developing a strategy focused on capacity building, combining resources, and strengthening relationships with all stakeholders. Anqotum has the knowledge, skills and expertise to develop and execute such an Atlantic Salmon research program specific to New Brunswick and to salmon populations important to MTI. In addition to the potential ESRF-funded studies, the Proponent should work directly with MTI and Anqotum to ensure that a comprehensive Atlantic Salmon research study is funded and executed. The Agency can require a follow-up program that includes such research to fill the current knowledge gaps identified in the Project EA and satisfy MTI concerns regarding New Brunswick-Atlantic Salmon impacts from the Project.

Recommendation 3b: Potential projects that could be cooperatively carried out between the Proponent, MTI and Anqotum may include a tracking study of Atlantic Salmon using tags on salmon leaving New Brunswick waters to determine if those populations in fact reach and migrate through the Project Area. Acoustic receivers could be installed on the drilling platforms to monitor for the occurrence of those salmon populations within the Project Area during drilling operations. The Agency can require a follow-up program that includes such a tracking study.

Issue 4: The EIS states that as Bluefin Tuna are a highly migratory species, and they have been found in the offshore waters of Newfoundland and Labrador, the species could migrate through the Project Area in search of prey species. Further, the EIS claims that given the overall migration range for Swordfish and Bluefin Tuna, it is unlikely that large numbers of these species would interact or be adversely affected by the presence and operation of the MODU. The conclusion is made within the EIS that this activity is not predicted to decrease the availability of Swordfish or Bluefin Tuna as a resource for commercial communal fishing and result in associated adverse socio-economic impacts to the Indigenous communities. This conclusion is given without the inclusion of any Indigenous knowledge from MTI.

Recommendation 4: The proponent needs to include Indigenous knowledge within the effects assessment to fully understand the impacts or likelihood that project activities will decrease the



availability of swordfish or tuna as a resource for commercial communal fishing and result in associated adverse socio-economic impacts to MTI communities.

4.2 Marine Mammals & Migratory Birds

4.2.1 Evaluation & Recommendations

The following section describes issues identified by MTI in our scoped review of North Atlantic Right Whales and Migratory Birds provided within the Draft EA and provides comments and recommendations to resolve the issues.

Issue 5: There is very little detail on marine mammal (including North Atlantic Right Whale) monitoring protocols in the EIS and Draft EA. MTI presumes that more information will be included in the Marine Mammals and Sea Turtle Monitoring Plan, however the Agency is only requiring the Proponent to provide this to the C-NLOPB and DFO for further review (Draft EA, Sect. 6.2.3, p. 38; Potential Conditions 3.9, p. 8) there is no commitment to provide this to MTI for further review and input.

According to the Draft EA and Potential Conditions, MTI understands that the Proponent will be broadly required to implement cetacean detection technology (e.g. passive acoustic monitoring) concurrent with visual observations. However, MTI has several outstanding questions and concerns about monitoring design and protocol.

Recommendation 5a: MTI should be consulted in the development of the Marine Mammal and Sea Turtle Monitoring Plan, specifically, MTI needs to be provided with the opportunity to review, provide input and approve it at least 30 days prior to initiating Project activities. This opportunity should not be restricted to C-NLOPB and DFO.

Recommendation 5b: The Proponent should also ensure that the Marine Mammal and Sea Turtle Monitoring Plan includes detailed information on visual observation and passive acoustic monitoring (PAM) design and protocols (e.g. type of PAM equipment to be used, location and number of PAM units deployed, PAM frequency range and recording intervals, timing and duration of PAM deployment or data collection, location of visual observation platforms, marine mammal observer credentials and training experience, timing and duration of visual surveys, adaptive management thresholds and triggers, reporting requirements, etc.). The inclusion of this information in the draft Plan will facilitate a more complete and timely review by MTI.

Issue 6: MTI remains concerned that Project supply vessel speed restrictions (in response to marine mammal observations) will not be effectively implemented. The Agency is requiring Project vessel speeds to be reduced to 7 knots when within 400 meters of a marine mammal (Draft EA, Section 6.2.3, p. 38). However, the Proponent has not committed to undertaking any systematic marine mammal monitoring during vessel transit, nor has the Agency made this a requirement in the Draft EA or Potential Conditions. It is unclear whether this measure can be effectively implemented if marine



mammals are only opportunistically detected. A systematic monitoring protocol including a combination of visual surveys and PAM is warranted, considering the information outlined below.

While more effective than an opportunistic approach to detecting marine mammals, systematic visual surveys are limited by a number of factors including daylight, weather conditions, and the availability of suitable monitoring platforms at appropriate times and appropriate locations. By contrast, PAM offers an opportunity to monitor marine mammals continuously, and in circumstances during which visual observers experience obstructed fields of view or cannot be physically present (Baumgartner et al., 2019; Heenehan et al., 2016; Brilliant et al., 2015). Overall, PAM is considered a more effective and efficient tool for effectively determining marine mammal presence/absence, particularly when real-time management of interactions with human activity is required.

Recommendation 6: The Proponent should be required to conduct marine mammal monitoring in association with all Project supply vessel transit. As is required for VSP and wellsite/geohazard surveys (Draft EA, Sect. 6.2.3, p. 38; Potential Condition 3.9, p. 8), the Proponent should consider undertaking visual surveys and passive acoustic monitoring concurrently to improve marine mammal detection probability during supply vessel transit and minimize the risk of physical injury or mortality to species such as the endangered North Atlantic Right Whale. Draft Condition of Approval 3.10 should also be revised to include marine mammal monitoring measures during supply vessel transit.

Issue 7: MTI's opportunities for involvement in the implementation of the Marine Mammal and Sea Turtle Monitoring Plan are limited. As outlined in the Draft EA (Sect. 6.2.3, p. 38), the Proponent will only be required to provide results of the Plan, any collisions with marine mammals, and follow-up programs results to Indigenous communities. While this satisfies the need to provide MTI with additional information, it does not do enough to meaningfully involve MTI in a Project that has the potential to adversely affect marine mammals of cultural significance, including the North Atlantic Right Whale.

Recommendation 7: Please also consider providing opportunity for Mi'gmaq environmental monitors to participate in the implementation of the Marine Mammal and Sea Turtle Monitoring Plan. The presence of Mi'gmaq monitors during relevant Project activities (e.g. VSP surveys, wellsite/geohazard surveys and supply vessel transit) will provide MTI with the level of oversight and confidence needed to ensure that the Proponent is adequately implementing measures to protect marine mammals of cultural significance (e.g. North Atlantic Right Whale). Mi'gmaq monitors could also assist with reporting the activities, observations, and results of the Marine Mammal and Sea Turtle Monitoring Plan. Capacity funding for industry-standard job training (e.g. marine mammal observation protocols, including detection and identification skills) and salaries would also need to be provided by the Proponent.

Issue 8: The Agency will require the Proponent to gradually increase the sound source intensity (associated with VSP and wellsite/geohazard surveys) over a period of at least 20 minutes (ramp-up) and adopting a pre-ramp up watch of 30 minutes whenever surveys are scheduled to occur (Draft EA, Sect. 6.2.3, p. 38; Potential Conditions), per the Statement of Canadian Practice on the Mitigation of Seismic Noise in the Marine Environment. However, for other similar exploration projects in the region (e.g.



Newfoundland Orphan Basin Exploration Drilling Project), the Agency is requiring a 60-minute pre-ramp up watch for marine mammals within the 500m safety zone. MTI is not clear on why this precedent is not being carried forward to the Jeanne D'Arc Basin Exploration Project as well.

Recommendation 8: MTI requests that the Agency consider requiring the Proponent to implement the 60-minute pre-ramp up watch for marine mammals, to be consistent with mitigations and conditions set for other projects in the Eastern Newfoundland Offshore region. Both the Draft EA and Potential Conditions documents should be updated to reflect this. If this more conservative mitigation measure is not necessary for the Jeanne D'Arc Basin Project context, MTI requests the Agency's rationale.

Issue 9: MTI is concerned that measures to monitor for stranded migratory birds on the MODU and Project supply vessels, using only an observer-based approach, are not sufficient. Studies indicate that there is a need to implement supplemental, instrument-based systems (e.g. radar, thermal imaging, camera, acoustic recordings, telemetry, etc.) for monitoring bird activities around offshore oil platforms to account for limitations of observer-based approaches (e.g. limited spatial and temporal coverage, effects of inclement weather conditions on observer ability to detect birds, etc.) (Ronconi et al., 2015). The Agency is requiring the Proponent to conduct monitoring for migratory birds from the MODU by trained observers following ECCC's *Eastern Canada Seabirds at Sea Standardized Protocol for Pelagic Surveys from Moving and Stationary Platforms*, but this protocol is centered around observer-based monitoring. It is unclear whether this will consider instrument-based approaches.

Recommendation 9: MTI requests that the Agency compel the Proponent to implement an integrated (combined observer and instrument-based) approach to monitoring for migratory birds around the MODU and Project supply vessels, to ensure the effectiveness of the program.

Draft Conditions of Approval 4.3.1 and 4.3.2 should also be revised to reflect a combined observer and instrument-based approach to monitoring for migratory birds around the MODU and Project supply vessels.

Issue 10: In response to ECCC's concerns regarding potential bird stranding on MODUs and supply vessels, the Agency is requiring the development of a follow-up program to monitor effects on migratory birds. The Draft EA specifies that this should be developed in consultation with ECCC, but there is no mention of further discussions with MTI, or Indigenous communities in general.

Recommendation 10: MTI requests the opportunity to be involved in the development of the follow-up monitoring program for migratory birds, in close consultation with the Proponent and ECCC, or at a minimum be provided with updated monitoring program documents for review and comment before the initiation of Project activities. MTI also requests the opportunity for Mi'gmaq environmental monitors to support with monitoring the MODU and supply vessels for the presence of stranded birds, and to participate in any training on ECCC's *Eastern Canada Seabirds at Sea Standardized Protocol for Pelagic Seabird Surveys from Moving and Stationary Platforms*.



4.3 Cumulative Effects

4.3.1 Evaluation and Recommendations

The following section describes issues identified through the review of cumulative effects related sections within the Draft EA Report and provides comments and recommendations to resolve the issues.

Issue 11: Concern over potential cumulative environmental effects was raised by MTI in the EIS review due to the number of potential future projects that could occur in the region. The Agency acknowledges within the EA that given these potential activities, the Government of Canada is working with the Province of Newfoundland and Labrador and the C-NLOPB on a Regional Assessment for offshore exploratory drilling in the offshore area of eastern Newfoundland. Although the Agency states that mitigation, follow-up and monitoring for this Project would contribute to the mitigation or monitoring of cumulative environmental effects, the fulsome cumulative impact of all projects is not yet known until the completion of the Regional Assessment.

Recommendation 11: The EA must acknowledge that MTI must continue to be engaged and contribute to the Regional Assessment. Additional measures to mitigate the cumulative impacts have not been identified by the Agency, and MTI remains concerned and interested in contributing to cumulative impact analysis during the Regional Assessment process and the development of further mitigation measures specific to cumulative impacts.

4.4 Socio-Economics and Community Well-Being

The socio-economics and community wellbeing facet of this technical review focuses on assessing risks to MTI's land and resource uses and socio-economic impacts on fisheries.

4.4.1 Evaluation & Recommendations

The following section lists issues MTI has identified related to socio-economics and community well-being within the Agency's Jeanne D'Arc Basin Drilling Project EA Report and the Project's draft Potential Conditions and provides recommendations to resolve the issues raised.

Issue 12: In Section 4.1.1 Indigenous Consultation Led by the Agency, the Report describes how the Agency facilitated information sessions in 2017 and 2018. In addition to distributing emails and holding general meetings with various Indigenous groups, it is unknown whether information sessions were held in 2019 to update Indigenous groups on the key outcomes of the proponents' EIS review and concerns, mitigations resulting from Indigenous groups' input.



Recommendation 12: Please confirm whether project updates and information sessions were held in 2019 or provide rationale as to why no workshop or information session was conducted. MTI suggests that a participatory workshop style meeting be held with Indigenous representatives in early 2020.

Issue 13: In Section 6.7.3 Agency Analysis and Conclusion (Current Use of Lands and Resources for Traditional Purposes and Health and Socio-economic Conditions of Indigenous Peoples); the Agency does not refer to how Indigenous groups will be engaged and consulted - although it is understood that there will be an 'Indigenous Fisheries Communication Plan' developed in other offshore oil exploration projects, it is not referred to here in this section; nor are there specifications as to how the Plan will reflect meaningful engagement practices, and not just notification practices that are typical in a 'communication plan'. Later in the Report, (Section 7.1.3 Agency Analysis and Conclusion); the Agency supports the need for Indigenous input into the proponent's proposed Spill Response Plan. The need for input for all aspects of the Project's monitoring, following up and emergency response planning need formalized opportunity for Indigenous groups to provide input.

Recommendation 13: a) Please clarify that, central to this Project's activities, there will be ongoing meaningful engagement activities that allow for formalized input from Indigenous groups and ongoing information sharing regarding the status of monitoring and protection measures for fish species and habitat of importance to MTI and other Indigenous groups through co-management approaches to monitoring, follow up and emergency response planning. b) Please ensure that this level of engagement and consultation is explicitly outlined within the Project Conditions for approval.

Issue 14: In Section 7.3.3. Agency Analysis and Conclusion (Cumulative Effects Assessment), the Agency acknowledges the substantial potential for cumulative effects the Project may contribute to, especially with regard to sound and light on marine mammals. The Agency concludes the this will not be significant with the mitigations and monitoring measures implemented. The Agency also refers to additional mitigation, monitoring and management measures that may be added to the existing ones through a Regional Assessment of the collective offshore oil exploration and drilling projects. Given this – albeit “insignificant” potential for cumulative effects and associated uncertainty, it is imperative that Indigenous consultation led by the Agency include ongoing direct involvement in the monitoring and follow up adaptative management plans for this Project, as well as the other projects that form the basis for anticipated potential cumulative effects in the region.

Recommendation 14: MTI requests that the Agency confirm, through incorporation in the Project's final Conditions of Approval, that there will be a formalized feedback and involvement mechanism for Indigenous groups to provide input - in addition to being informed – regarding monitoring, management and updates concerning cumulative effects of this Project in addition to the collective projects in development and operations within the region.

Issue 15: Related to the issue described above, it is not indicated, within the Conditions of Approval for the Project (i.e., Conditions 2.3; 2.4; and Condition 5); nor anywhere else in the EA Report, that there is a feedback mechanism for Indigenous groups and fishers to report to the Proponent and/or Regulator,



observations and Indigenous Knowledge of relevance to support on-going monitoring and adaptive management of the Project's activities.

Recommendation 15: MTI requests that there be a process for more meaningful Indigenous involvement and oversight which is warranted given the increasing cumulative risks the multiple offshore oil projects are posing to Indigenous groups. MTI carries forward its recommendation to establish a Committee or Indigenous advisory group that serves as an accountability and transparency mechanism for Indigenous representation in monitoring and emergency preparedness. This needs to be formally documented as a commitment within the Conditions of Approval for the Project (i.e., Conditions 2.3; 2.4; and Condition 5).

4.5 Accidents and Malfunctions

4.5.1 Evaluation & Recommendations

The following section describes issues identified through the review of information related to Accidents and Malfunctions provided within the EIS, Draft EA Report and draft Potential Conditions, and provides comment and recommendation to resolve the issues.

Issue 16: MTI fishers with commercial and communal commercial fishing licenses could be affected by accidental spills. A large batch spill or subsea release could result in the closure of fishing areas, the fouling of gear and vessels, a reduction in the marketability of commercial fish products, as well as effects on fish and fish habitat. In addition, MTI could be affected if a spill affects species that migrate through the spill area to areas where they are harvested for food, social or ceremonial reasons (e.g., Atlantic Salmon).

Recommendation 16a: Any damages, including the loss of commercial or food, social and ceremonial fisheries must require compensation in accordance with the Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activity.

Recommendation 16b: Condition 5.1 outlines the requirement for the Proponent to develop a Fisheries Communication Plan. However, the Agency must ensure that the Proponent is required to fully engage MTI in the actual development of the Fisheries Communication Plan and the establishment of procedures to communicate with fishers in the event of an accident or malfunction.

Recommendation 16c: MTI must be involved in the development and implementation of the Spill Response Plans and other emergency response and contingency plans in relation to the Project. The response plan should include emergency response and preparedness planning, exercises and training for MTI members. The Agency can require the Proponent to ensure that information about accidental events will be shared, immediately, with MTI, and include consultation in relation to the findings of the dispersion modelling, and to the scope of emergency preparedness and response planning. Further, MTI should be given clear specific roles and responsibility descriptions for offshore operations and onshore



responders, capacity funding and proper equipment to effectively respond to accidents and malfunctions that impact MTI lands and waters.

Recommendation 16d: Inclusion of MTI in the development and execution of Spill Response should be mandated within the Conditions of the Project.

5.0 Summary and Recommendations

In addition to the recommendations described throughout Section 4.0, MTI puts forward the following additional recommendations and accommodations as potential means of addressing the issues and comments raised in this review of the Draft EA for the Jeanne D'Arc Basin Exploration Drilling Project.

1. The Agency and/or the Proponents should engage MTI and Anqotum Fisheries Resource Centre through the ESRF in designing and conducting a focused Atlantic Salmon research project that seeks to fill data gaps related to Atlantic Salmon use and existence in the Project Area.
2. A forum and process should be established where MTI can meet with the Proponents and Canada whereby issues and follow-up program decision making regarding the Project can be brought forward, discussed, and addressed throughout the life of the Project (including the provision of capacity funding to MTI to support and participate in an equal capacity in this process).
3. The Proponents and the Crown must engage in direct, meaningful consultation with all Mi'gmaq First Nations of New Brunswick to ensure that its legitimate concerns are understood and reflected in the Project EA and all Follow-up Monitoring Programs, including:

A plan for enhanced and ongoing engagement and consultation with MTI and its member communities for exploration activities, construction and operations of the project must be developed. An annual report should also be submitted to MTI which summarizes the implementation and results of all consultation and engagement activities.

4. MTI, the Crown and the Proponents should develop agreements to support MTI and MTI member communities' participation in environmental, socio-economic and cultural monitoring of drilling and associated activities throughout the life of the Project. This may also require:
 - a. Training, involvement, employment of Mi'gmaq First Nations of New Brunswick environmental and cultural monitors for all Project phases;



- b. Involvement in emergency preparedness planning and appropriate notifications and consultations in the event of a significant accident or malfunction.

We also recommend that issues related to key concerns expressed by MTI in this report be the focus of subsequent meetings with the Proponents and Crown agencies, and in subsequent Regional Environmental Assessment Reporting, should the Project proceed.



6.0 References

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Appendix A – Comment Tracking Table

Table 1. Jeanne D’Arc Basin Exploration Drilling Project EA Report and Draft Conditions Review Issues and Recommendations

Comment #	Issue	Question/Recommendation
MARINE FISH AND FISH HABITAT		
1	The Proponent has not included Indigenous Knowledge from MTI knowledge holders in drawing conclusions on interactions between Atlantic Salmon and Bluefin Tuna and the Project Area.	The Proponent should engage MTI in conducting a focused Indigenous Knowledge and Science Study with respect to potential interactions between the Project Area and Atlantic salmon. and Bluefin Tuna.
2	The Agency notes within the EA that given the uncertainty about Atlantic Salmon and the importance of the species to Indigenous groups, the Proponent <i>would</i> be required participate in or support research on the presence and distribution of Atlantic Salmon in Eastern Canadian offshore regions. Despite making the statement that the Proponent would be required to support research, this obligation is not included in the Project Conditions.	In order to ensure the Proponent is held accountable for following through on the Agency’s recommendation, the provision to support research toward Atlantic Salmon should be included in the <i>Potential Conditions under the Canadian Environmental Assessment Act, 2012</i> .
3	MTI remains concerned about the potential impacts of the Project on Atlantic Salmon. Following the filing of the EIS, the Agency acknowledged the gaps in understanding of Atlantic Salmon migration patterns in the North Atlantic and indicated that the Proponent would be required to contribute to research on migratory routes within the Project Area, which includes potential new studies through the Environmental Studies Research Fund (ESRF).	The North Shore Micmac District Council has established the Anqotum Fisheries Resource Centre, which is an Aboriginal Aquatic Resources and Oceans Management (AAROM) Program. Anqotum has been formed to establish a permanent Indigenous presence in the Canadian fishing industry by developing a strategy focused on capacity building, combining resources, and strengthening relationships with all stakeholders. Anqotum has the knowledge, skills and expertise to develop and execute such an Atlantic Salmon research program specific to New Brunswick and to salmon populations important to MTI. In addition to the potential ESRF-funded studies, the Proponent should work directly with MTI and Anqotum to ensure that a comprehensive Atlantic Salmon research study is funded and executed. The



Comment #	Issue	Question/Recommendation
		<p>Agency can require a follow-up program that includes such research to fill the current knowledge gaps identified in the Project EA and satisfy MTI concerns regarding New Brunswick-Atlantic Salmon impacts from the Project.</p> <p>Potential projects that could be cooperatively carried out between the Proponent, MTI and Anqotum may include a tracking study of Atlantic Salmon using tags on salmon leaving New Brunswick waters to determine if those populations in fact reach and migrate through the Project Area. Acoustic receivers could be installed on the drilling platforms to monitor for the occurrence of those salmon populations within the Project Area during drilling operations. The Agency can require a follow-up program that includes such a tracking study.</p>
4	<p>The EIS states that as Bluefin Tuna are a highly migratory species, and they have been found in the offshore waters of Newfoundland and Labrador, the species could migrate through the Project Area in search of prey species. Further, the EIS claims that given the overall migration range for Swordfish and Bluefin Tuna, it is unlikely that large numbers of these species would interact or be adversely affected by the presence and operation of the MODU. The conclusion is made within the EIS that this activity is not predicted to decrease the availability of Swordfish or Bluefin Tuna as a resource for commercial communal fishing and result in associated adverse socio-economic impacts to the Indigenous communities. This conclusion is given without the inclusion of any Indigenous knowledge from MTI.</p>	<p>The proponent needs to include Indigenous knowledge within the effects assessment to fully understand the impacts or likelihood that project activities will decrease the availability of swordfish or tuna as a resource for commercial communal fishing and result in associated adverse socio-economic impacts to MTI communities.</p>
MARINE MAMMALS & MIGRATORY BIRDS		



Comment #	Issue	Question/Recommendation
5	<p>There is very little detail on marine mammal (including North Atlantic Right Whale) monitoring protocols in the EIS and Draft EA. MTI presumes that more information will be included in the Marine Mammals and Sea Turtle Monitoring Plan, however the Agency is only requiring the Proponent to provide this to the C-NLOPB and DFO for further review (Draft EA, Sect. 6.2.3, p. 38; Potential Conditions 3.9, p. 8) there is no commitment to provide this to MTI for further review and input.</p>	<p>MTI should be consulted in the development of the Marine Mammal and Sea Turtle Monitoring Plan, specifically, MTI needs to be provided with the opportunity to review, provide input and approve it at least 30 days prior to initiating Project activities. This opportunity should not be restricted to C-NLOPB and DFO.</p> <p>The Proponent should also ensure that the Marine Mammal and Sea Turtle Monitoring Plan includes detailed information on visual observation and passive acoustic monitoring (PAM) design and protocols (e.g. type of PAM equipment to be used, location and number of PAM units deployed, PAM frequency range and recording intervals, timing and duration of PAM deployment or data collection, location of visual observation platforms, marine mammal observer credentials and training experience, timing and duration of visual surveys, adaptive management thresholds and triggers, reporting requirements, etc.). The inclusion of this information in the draft Plan will facilitate a more complete and timely review by MTI.</p>
6	<p>Issue 4 MTI remains concerned that Project supply vessel speed restrictions (in response to marine mammal observations) will not be effectively implemented. The Agency is requiring Project vessel speeds to be reduced to 7 knots when within 400 meters of a marine mammal (Draft EA, Section 6.2.3, p. 38). However, the Proponent has not committed to undertaking any systematic marine mammal monitoring during vessel transit, nor has the Agency made this a requirement in the Draft EA or Potential Conditions. It is unclear whether this measure can be effectively implemented if marine mammals are only opportunistically detected. A systematic monitoring</p>	<p>The Proponent should be required to conduct marine mammal monitoring in association with all Project supply vessel transit. As is required for VSP and wellsite/geohazard surveys (Draft EA, Sect. 6.2.3, p. 38; Potential Condition 3.9, p. 8), the Proponent should consider undertaking visual surveys and passive acoustic monitoring concurrently to improve marine mammal detection probability during supply vessel transit and minimize the risk of physical injury or mortality to species such as the endangered North Atlantic Right Whale. Draft Condition of Approval 3.10 should also be revised to include marine mammal monitoring measures during supply vessel transit.</p>



Comment #	Issue	Question/Recommendation
	<p>protocol including a combination of visual surveys and PAM is warranted, considering the information outlined below.</p> <p>While more effective than an opportunistic approach to detecting marine mammals, systematic visual surveys are limited by a number of factors including daylight, weather conditions, and the availability of suitable monitoring platforms at appropriate times and appropriate locations. By contrast, PAM offers an opportunity to monitor marine mammals continuously, and in circumstances during which visual observers experience obstructed fields of view or cannot be physically present (Baumgartner et al., 2019; Heenehan et al., 2016; Brillant et al., 2015). Overall, PAM is considered a more effective and efficient tool for effectively determining marine mammal presence/absence, particularly when real-time management of interactions with human activity is required.</p>	
7	<p>MTI's opportunities for involvement in the implementation of the Marine Mammal and Sea Turtle Monitoring Plan are limited. As outlined in the Draft EA (Sect. 6.2.3, p. 38), the Proponent will only be required to provide results of the Plan, any collisions with marine mammals, and follow-up programs results to Indigenous communities. While this satisfies the need to provide MTI with additional information, it does not do enough to</p>	<p>Please also consider providing opportunity for Mi'gmaq environmental monitors to participate in the implementation of the Marine Mammal and Sea Turtle Monitoring Plan. The presence of Mi'gmaq monitors during relevant Project activities (e.g. VSP surveys, wellsite/geohazard surveys and supply vessel transit) will provide MTI with the level of oversight and confidence needed to ensure that the Proponent is adequately implementing measures to protect marine mammals of cultural significance (e.g. North</p>



Comment #	Issue	Question/Recommendation
	<p>meaningfully involve MTI in a Project that has the potential to adversely affect marine mammals of cultural significance, including the North Atlantic Right Whale.</p>	<p>Atlantic Right Whale). Mi'gmaq monitors could also assist with reporting the activities, observations, and results of the Marine Mammal and Sea Turtle Monitoring Plan. Capacity funding for industry-standard job training (e.g. marine mammal observation protocols, including detection and identification skills) and salaries would also need to be provided by the Proponent.</p>
8	<p>The Agency will require the Proponent to gradually increase the sound source intensity (associated with VSP and wellsite/geohazard surveys) over a period of at least 20 minutes (ramp-up) and adopting a pre-ramp up watch of 30 minutes whenever surveys are scheduled to occur (Draft EA, Sect. 6.2.3, p. 38; Potential Conditions), per the Statement of Canadian Practice on the Mitigation of Seismic Noise in the Marine Environment. However, for other similar exploration projects in the region (e.g. Newfoundland Orphan Basin Exploration Drilling Project), the Agency is requiring a 60-minute pre-ramp up watch for marine mammals within the 500m safety zone. MTI is not clear on why this precedent is not being carried forward to the Jeanne D'Arc Basin Exploration Project as well.</p>	<p>MTI requests that the Agency consider requiring the Proponent to implement the 60-minute pre-ramp up watch for marine mammals, to be consistent with mitigations and conditions set for other projects in the Eastern Newfoundland Offshore region. Both the Draft EA and Potential Conditions documents should be updated to reflect this. If this more conservative mitigation measure is not necessary for the Jeanne D'Arc Basin Project context, MTI requests the Agency's rationale.</p>
9	<p>MTI is concerned that measures to monitor for stranded migratory birds on the MODU and Project supply vessels, using only an observer-based approach, are not sufficient. Studies indicate that there is a need to implement supplemental, instrument-based systems (e.g. radar, thermal imaging, camera, acoustic recordings, telemetry, etc.) for monitoring bird activities around offshore oil platforms to account for limitations of observer-based approaches (e.g. limited spatial and temporal coverage, effects of inclement weather conditions on observer</p>	<p>MTI requests that the Agency compel the Proponent to implement an integrated (combined observer and instrument-based) approach to monitoring for migratory birds around the MODU and Project supply vessels, to ensure the effectiveness of the program.</p> <p>Draft Conditions of Approval 4.3.1 and 4.3.2 should also be revised to reflect a combined observer and instrument-based approach to</p>



Comment #	Issue	Question/Recommendation
	ability to detect birds, etc.) (Ronconi et al., 2015). The Agency is requiring the Proponent to conduct monitoring for migratory birds from the MODU by trained observers following ECCC's <i>Eastern Canada Seabirds at Sea Standardized Protocol for Pelagic Surveys from Moving and Stationary Platforms</i> , but this protocol is centered around observer-based monitoring. It is unclear whether this will consider instrument-based approaches.	monitoring for migratory birds around the MODU and Project supply vessels.
10	In response to ECCC's concerns regarding potential bird stranding on MODUs and supply vessels, the Agency is requiring the development of a follow-up program to monitor effects on migratory birds. The Draft EA specifies that this should be developed in consultation with ECCC, but there is no mention of further discussions with MTI, or Indigenous communities in general.	MTI requests the opportunity to be involved in the development of the follow-up monitoring program for migratory birds, in close consultation with the Proponent and ECCC, or at a minimum be provided with updated monitoring program documents for review and comment before the initiation of Project activities. MTI also requests the opportunity for Mi'gmaq environmental monitors to support with monitoring the MODU and supply vessels for the presence of stranded birds, and to participate in any training on ECCC's <i>Eastern Canada Seabirds at Sea Standardized Protocol for Pelagic Seabird Surveys from Moving and Stationary Platforms</i> .
CUMULATIVE EFFECTS		
11	Concern over potential cumulative environmental effects was raised by MTI in the EIS review due to the number of potential future projects that could occur in the region. The Agency acknowledges within the EA that given these potential activities, the Government of Canada is working with the Province of Newfoundland and Labrador and the C-NLOPB on a Regional Assessment for offshore exploratory drilling in the offshore area of eastern Newfoundland. Although the Agency states that mitigation, follow-up and monitoring for this Project would contribute to the mitigation or monitoring of	The EA must acknowledge that MTI must continue to be engaged and contribute to the Regional Assessment. Additional measures to mitigate the cumulative impacts have not been identified by the Agency, and MTI remains concerned and interested in contributing to cumulative impact analysis during the Regional Assessment process and the development of further mitigation measures specific to cumulative impacts.



Comment #	Issue	Question/Recommendation
	cumulative environmental effects, the fulsome cumulative impact of all projects is not yet known until the completion of the Regional Assessment.	
SOCIO-ECONOMICS AND COMMUNITY WELL-BEING		
12	In Section 4.1.1 Indigenous Consultation Led by the Agency, the Report describes how the Agency facilitated information sessions in 2017 and 2018. In addition to distributing emails and holding general meetings with various Indigenous groups, it is unknown whether information sessions were held in 2019 to update Indigenous groups on the key outcomes of the proponents' EIS review and concerns, mitigations resulting from Indigenous groups' input.	Please confirm whether project updates and information sessions were held in 2019 or provide rationale as to why no workshop or information session was conducted. MTI suggests that a participatory workshop style meeting be held with Indigenous representatives in early 2020.
13	In Section 6.7.3 Agency Analysis and Conclusion (Current Use of Lands and Resources for Traditional Purposes and Health and Socio-economic Conditions of Indigenous Peoples); the Agency does not refer to how Indigenous groups will be engaged and consulted - although it is understood that there will be an 'Indigenous Fisheries Communication Plan' developed in other offshore oil exploration projects, it is not referred to here in this section; nor are there specifications as to how the Plan will reflect meaningful engagement practices, and not just notification practices that are typical in a 'communication plan'. Later in the Report, (Section 7.1.3 Agency Analysis and Conclusion); the Agency supports the need for Indigenous input into the proponent's proposed Spill Response Plan. The need for input for all aspects of the Project's monitoring, following up and emergency	a) Please clarify that, central to this Project's activities, there will be ongoing meaningful engagement activities that allow for formalized input from Indigenous groups and ongoing information sharing regarding the status of monitoring and protection measures for fish species and habitat of importance to MTI and other Indigenous groups through co-management approaches to monitoring, follow up and emergency response planning. b) Please ensure that this level of engagement and consultation is explicitly outlined within the Project Conditions for approval.



Comment #	Issue	Question/Recommendation
	response planning need formalized opportunity for Indigenous groups to provide input.	
14	<p>In Section 7.3.3. Agency Analysis and Conclusion (Cumulative Effects Assessment), the Agency acknowledges the substantial potential for cumulative effects the Project may contribute to, especially with regard to sound and light on marine mammals. The Agency concludes the this will not be significant with the mitigations and monitoring measures implemented. The Agency also refers to additional mitigation, monitoring and management measures that may be added to the existing ones through a Regional Assessment of the collective offshore oil exploration and drilling projects. Given this – albeit “insignificant” potential for cumulative effects and associated uncertainty, it is imperative that Indigenous consultation led by the Agency include ongoing direct involvement in the monitoring and follow up adaptative management plans for this Project, as well as the other projects that form the basis for anticipated potential cumulative effects in the region.</p>	<p>MTI requests that the Agency confirm, through incorporation in the Project’s final Conditions of Approval, that there will be a formalized feedback and involvement mechanism for Indigenous groups to provide input - in addition to being informed – regarding monitoring, management and updates concerning cumulative effects of this Project in addition to the collective projects in development and operations within the region.</p>
15	<p>Related to the issue described above, it is not indicated, within the Conditions of Approval for the Project (i.e., Conditions 2.3; 2.4; and Condition 5); nor anywhere else in the EA Report, that there is a feedback mechanism for Indigenous groups and fishers to report to the Proponent and/or Regulator, observations and Indigenous</p>	<p>MTI requests that there be a process for more meaningful Indigenous involvement and oversight which is warranted given the increasing cumulative risks the multiple offshore oil projects are posing to Indigenous groups. MTI carries forward its recommendation to establish a Committee or Indigenous advisory group that serves as an accountability and transparency mechanism for Indigenous representation in monitoring and</p>



Comment #	Issue	Question/Recommendation
	Knowledge of relevance to support on-going monitoring and adaptive management of the Project's activities.	emergency preparedness. This needs to be formally documented as a commitment within the Conditions of Approval for the Project (i.e., Conditions 2.3; 2.4; and Condition 5).
ACCIDENTS AND MALFUNCTIONS		
16	MTI fishers with commercial and communal commercial fishing licenses could be affected by accidental spills. A large batch spill or subsea release could result in the closure of fishing areas, the fouling of gear and vessels, a reduction in the marketability of commercial fish products, as well as effects on fish and fish habitat. In addition, MTI could be affected if a spill affects species that migrate through the spill area to areas where they are harvested for food, social or ceremonial reasons (e.g., Atlantic Salmon).	<p>Any damages, including the loss of commercial or food, social and ceremonial fisheries must require compensation in accordance with the Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activity.</p> <p>Condition 5.1 outlines the requirement for the Proponent to develop a Fisheries Communication Plan. However, the Agency must ensure that the Proponent is required to fully engage MTI in the actual development of the Fisheries Communication Plan and the establishment of procedures to communicate with fishers in the event of an accident or malfunction.</p> <p>MTI must be involved in the development and implementation of the Spill Response Plans and other emergency response and contingency plans in relation to the Project. The response plan should include emergency response and preparedness planning, exercises and training for MTI members. The Agency can require the Proponent to ensure that information about accidental events will be shared, immediately, with MTI, and include consultation in relation to the findings of the dispersion modelling, and to the scope of emergency preparedness and response planning. Further, MTI should be given clear specific roles and responsibility descriptions for offshore operations and onshore responders, capacity funding and proper equipment to effectively respond to accidents and malfunctions that impact MTI lands and waters.</p>



Comment #	Issue	Question/Recommendation
		Inclusion of MTI in the development and execution of Spill Response should be mandated within the Conditions of the Project.
MTI ADDITIONAL RECOMMENDATIONS AND ACCOMODATIONS		
1	The Agency and/or the Proponents should engage MTI and Anqotum Fisheries Resource Centre through the ESRF in designing and conducting a focused Atlantic Salmon research project that seeks to fill data gaps related to Atlantic Salmon use and existence in the Project Area.	
2	A forum and process should be established where MTI can meet with the Proponents and Canada whereby issues and follow-up program decision making regarding the Project can be brought forward, discussed, and addressed throughout the life of the Project (including the provision of capacity funding to MTI to support and participate in an equal capacity in this process).	
3	The Proponents and the Crown must engage in direct, meaningful consultation with all Mi'gmaq First Nations of New Brunswick to ensure that its legitimate concerns are understood and reflected in the Project EA and all Follow-up Monitoring Programs, including: A plan for enhanced and ongoing engagement and consultation with MTI and its member communities for exploration activities, construction and operations of the project must be developed. An annual report should also be submitted to MTI which summarizes the implementation and results of all consultation and engagement activities.	
4	MTI, the Crown and the Proponents should develop agreements to support MTI and MTI member communities' participation in environmental, socio-economic and cultural monitoring of drilling and associated activities throughout the life of the Project. This may also require: Training, involvement, employment of Mi'gmaq First Nations of New Brunswick environmental and cultural monitors for all Project phases; Involvement in emergency preparedness planning and appropriate notifications and consultations in the event of a significant accident or malfunction.	



Comment #	Issue	Question/Recommendation
	We also recommend that issues related to key concerns expressed by MTI in this report be the focus of subsequent meetings with the Proponents and Crown agencies, and in subsequent Regional Environmental Assessment Reporting, should the Project proceed.	

