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Re: Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador review of Regional Assessment

To whom it may concern,

We would like to submit our comments on the Regional Assessment for the Newfoundland and Labrador Offshore Study Area draft report. Our review of the report and associated GIS tool was focused on those modules relating to the effects relevant to marine wildlife and ecosystem impacts of the proposed development. As the Balaena Institute for Cetacean Conservation Studies (BICCS) is a small incorporated society focussed on marine mammal science, research and conservation, we have targeted our engagement in the Regional Assessment as it relates to the impacts on endangered marine mammal species, other sensitive marine wildlife, and ecosystem impacts.

While we focus our comments on the areas in which we have scientific expertise, as members of the public we are also concerned with broader issues surrounding the conduct of the Regional Assessment. As participants we experienced the engagement process as driven by a committee of industry proponents who were more focussed on meeting unrealistic timelines than consideration for independent balanced peer review or stakeholder's time. We do not see that the regional assessment has been conducted within adequate timelines to support the necessary studies and engagement with outside experts and indigenous people. Before passing any new precedent setting regulations, we urge the Minister to consider whether this assessment process has done all it could to ensure the best information is available to inform future development decisions.

Given the risk of large knowledge gaps across the study area, many of which are admitted to within the report, there also needs to be a clear and transparent process for including ongoing data and policy updates to the regional assessment report and decision support tool. The gaps in the assessment report are critical and worrisome: the absence of a clear risk assessment, or even a proposed method for evaluating risks, an absence of advice to exclude existing vulnerable marine areas, no conclusion on the cumulative or long term effects of the proposed scale of development on ecosystems or the climate. We find these omissions larger than the 200 page report, and suggest that until these aspects are clearly addressed this regional assessment is not ready for regulation.

The main text of our review which accompanies this letter was provided by a leading expert on the impacts of noise and marine exploration related activities, Dr. Lindy Weilgart. Noise is in the regional assessment often dismissed as a temporary effect; however, the impacts of proposed future development is not our only concern in this regard. As the GIS tool demonstrates, there is a history of 2-D and 3-D seismic surveys that have been repeated across the region at an unprecedented frequency during the last decade. This is one example of how ignoring cumulative effects in this report will result in overlooking potentially long-lasting impacts and ongoing disturbance for ecosystems.

As field scientists who have worked in the region for many years, we note that these remote areas contain some of the richest biodiversity of marine mammal species of any we have seen. With scant knowledge of the ecosystem baseline or the impacts, proposed developments in this area should be held to a higher standard before being allowed to proceed. Significantly, the expertise of federal scientists was not included in the report, however even if it was, a large portion of the regional assessment area lies outside the baseline survey areas, jurisdiction and EEZ of Canada. How will the federal government expand their scientific research programs to adequately cover the region and address this gap? Given shifting ecosystem baselines and the cost of offshore research, expanding federal expertise is a notable challenge that cannot be blamed on individuals or agencies and needs to be clearly addressed and acknowledged in the report.

We have over the last few months provided recommendations and review to the committee on the draft literature review, during the recommendations workshop in Halifax and now on the draft report and GIS tool. Although we have noted some additions that reflect our review and recommendations, the lack of transparency on what is left in or out and why is problematic for transparent peer review. While it may not be appropriate to incorporate all comments received, without requiring the panel or agency respond to reviewers comments, the weight of scientific evidence appears to be cherry picked by the authors of the report. Given this assessment's engagement and review process has been called a "peer review", there should be a clear standard of accountability which would require detailed responses to the reviews received by the committee. This would allow everyone in the words of the regional assessment to "have a better understanding of the science that goes into policy and management decisions."

While additional data and knowledge would be helpful, the report alludes to another route, the precautionary approach. While there is little else said in the report about the precautionary approach, we do not need a large weight of evidence to understand the degree and extent of disturbance caused by intensive offshore development. We can instead require clear evidence that these activities will not harm fragile populations or the ecosystems on which they depend.

We appreciate the opportunity to comment on this draft report, look forward to seeing how our comments will be incorporated and considered.

Sincerely,

*Hal Whitehead*

Dr. Hal Whitehead  
Director, BICCS