

CHEVRON CANADA WEST FLEMISH PASS EXPLORATION DRILLING PROGRAM: TECHNICAL REVIEW OF ENVIRONMENTAL IMPACT STATEMENT

Prepared for: Mi'gmawe'l Tplu'taqnn Incorporated
March 11, 2020



PROSPERITY. STEWARDSHIP. JURISDICTION.

Mi'gmawe'l Tplu'taqnn Incorporated

Chief George Ginnish Chief Rebecca Knockwood 40 Micmac Rd Eel Ground New Brunswick

March 11, 2020

Dear Chief George Ginnish and Chief Rebecca Knockwood:

It is our pleasure to provide you with the technical review report on the Environmental Impact Statement for the Chevron Canada West Flemish Pass Exploration Drilling Project. This review was completed by Allie Mayberry, MA, BSc; Lauren Jones, BSc; Chris Wagner, BSc; Levi Snook, BSc; Meaghan Langille, BSc; and Rachel Speiran, MA of Shared Value Solutions. 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>

Rachel Speiran, MA

Senior Consultant and Regulatory and Negotiations Practice Area Lead, Shared Value Solutions Ltd.



CONTENTS

1.0	Review Objectives4
2.0	Project Description and Regulatory Process4
2.1	West Flemish Pass Exploration Drilling Program4
2.2	Regulatory Process
3.0	Mi'gmaq Rights and Interests Relative to Project Interactions
3.1	Mi'gmawe'l Tplu'taqnn's Vision for Sustainable Development of Natural Resources9
3.2	Summary of Mi'gmawe'l Tplu'taqnn Member Communities' Indigenous Knowledge, Land Use
and C	Occupancy in the Project Study Area
4.0	Review Findings
4.1	Marine Fish and Fish Habitat
4.1	Marine Mammals & Migratory Birds
4.2	Cumulative Effects
4.4	Socio-Economics and Community Well-Being
4.5	Accidents and Malfunctions
5.0	Summary and Recommendations23
6.0	References
Appe	ndix A – Comment Tracking table – Review of Chevron West Flemish Pass EIS 26

1.0 REVIEW OBJECTIVES

Shared Value Solutions Ltd. (SVS) provides this independent high-level peer review and strategic assessment of Chevron Canada Ltd.'s (Chevron; the Proponent) proposed West Flemish Pass Exploration Drilling Project Environmental Impact Statement (EIS) 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, and socio-economics conducted the review.

This report is not intended to be a comprehensive review of the Proponent's EIS and documentation for the Project. This report identifies concerns, potential impacts, and additional protection measures related to seven key issues of concern that were identified by MTI in communications with SVS, in relation to the rights, key values, and interests of MTI member communities:

- 1. Atlantic salmon
- 2. Atlantic bluefin tuna
- 3. Migratory birds
- 4. North Atlantic right whale
- 5. Cumulative effects
- 6. MTI Indigenous Knowledge and Land Use (IKLU) and Socio-economic impacts on commercial Swordfish fisheries and Atlantic Salmon
- 7. Accidents and malfunctions

2.0 PROJECT DESCRIPTION AND REGULATORY PROCESS

2.1 WEST FLEMISH PASS EXPLORATION DRILLING PROGRAM

Chevron Canada Ltd. (Chevron) is proposing to undertake an exploration drilling program on Exploration Licence (EL) 1138 in the Flemish Pass Area of the Grand Banks Region, located offshore of Newfoundland and Labrador (NL) and approximately 375 km east of St. John's, NL.

The drilling, testing, and abandonment of offshore exploratory wells in the first drilling program for an area set out in one or more ELs issued in accordance with the Canada-Newfoundland and Labrador Atlantic

Accord Implementation Act is a designated project under the *Canadian Environmental Assessment Act,* 2012 (CEAA, 2012). The EIS was prepared to address the information requirements pursuant to CEAA 2012 and its regulations, as well as the requirements under the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* (the Accord Acts). It is also intended to assist other regulatory agencies, Indigenous groups, and the public to determine their interest and participation in the EA process.

Chevron Canada Ltd. submitted its project description for the West Flemish Pass Exploration Drilling Program (the West Flemish Pass EIS) in October 2018. Following the release of this description, CEAA determined that an environmental assessment under CEAA 2012 was required and officially commenced on December 20, 2018. Chevron subsequently filed its Environmental Impact Statement (EIS) and EIS Summary with the Agency. The public comment period for the EIS and Summary was launched on February 17, 2020 for a period of 30 days.

The scope, as identified in the EIS, includes the mobilization and operation of drilling installations, drilling activities, supporting ancillary activities to drilling programs, and well decommissioning or suspension. The components and activities are summarized in Section 2.3 of the EIS. It is unlikely to have drilling installations completing exploration drilling in the same area, but there may be efficiency by having a "top hole" installation completing riserless operations while a second installation performs reservoir drilling with blowout preventer (BOP) installed on another well. Operations with two dynamic positioning drilling installations requires a minimum spacing of 500 metres. Therefore, simultaneous operations in the Project Area could occur on the EL, but it is unlikely that the wells would be close enough to each other to have overlapping impacts. (Chevron Canada Ltd., 2020)

2.1.1 PROJECT LOCATION

EL 1138 (the Project) is located approximately 375 km east of St. John's, NL in the West Flemish Pass Area of the Grand Banks Region (Figure 1). The Project covers an area of approximately 2,747 square kilometres (km²). The EL is located beyond the boundaries of Canada's EEZ (200 nm limit), near a NAFO Vulnerable Marine Ecosystem (VME) closure (Sackville Spur 6), which was established in January 2010 to protect corals and sponges from bottom-contact fishing gear. This closure area does not include any prohibitions applicable to oil and gas exploration activities. The Project Area is in a region where multiple fishers harvest for commercial purposes; commercial fishing activity has historically been high in certain areas of the EL. The nearest community is Flatrock (approximately 370 km), on the Avalon Peninsula (Chevron Canada Ltd., 2020; IAAC, 2020).

The nearest residences to the Project would be the SeaRose floating, production, storage, and offloading (FPSO) vessel at Husky's White Rose oil development field, approximately 130 km from EL 1138. Water depths in the EL range from approximately 400 m to 2,200 m.

A Project Area has been proposed that encompasses the EL with an approximate 10 km buffer (Chevron Canada Ltd., 2020).



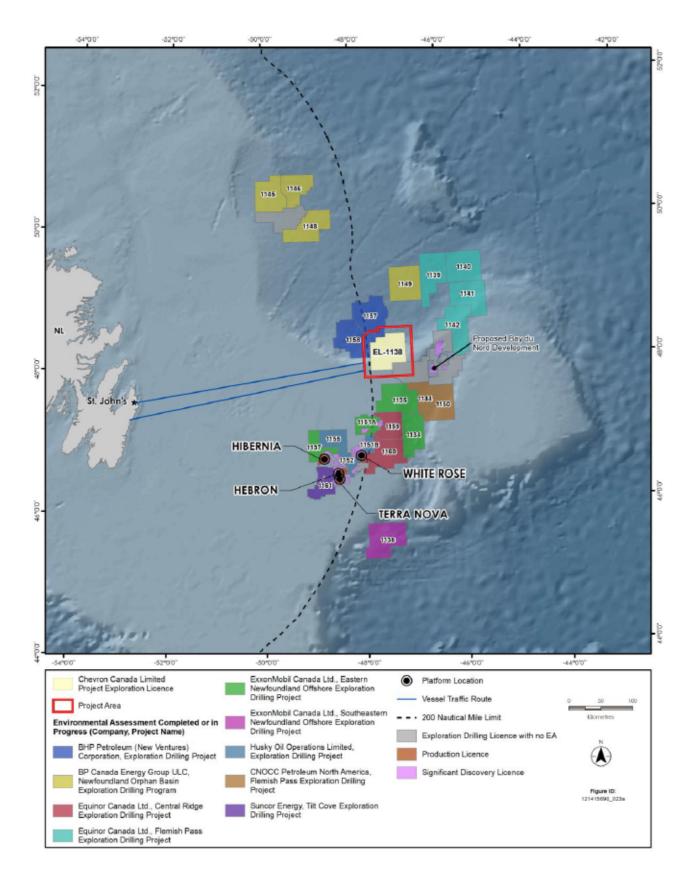


Figure 1. Location of Project Area (In the red square) (Chevron Canada Ltd., 2020)

2.2 REGULATORY PROCESS

The Project will require a number of approvals and authorizations under applicable regulatory processes, as summarized in the following sections.

2.2.1 THE ACCORD ACT

As outlined on the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) website (C-NLOPB, n.d.), their role, under the Accord Acts, is to regulate oil and gas exploration and development in the Canada-NL Offshore Area, oversee compliance with regulatory requirements for worker safety, environmental protection and safety, conservation of the resource, land tenure, and Canada-NL benefits. These processes are administered under various legislation, regulations, guidelines, and memoranda of understanding.

Exploration drilling programs require an Operations Authorization (OA), issued by C-NLOPB. Prior to the issuance of an OA, the following information must be submitted by the Operator for approval by C-NLOPB:

- An EA Report
- A Canada-NL Plan
- A Safety Plan
- An Environmental Protection Plan (including a waste management plan)
- Emergency Response and Spill Contingency Plans
- Regulatory Financial Responsibility Requirements
- Appropriate certificates of fitness for the proposed equipment

For each well in the drilling program, a separate Approval to Drill a Well (ADW) is required (Chevron Canada Ltd., 2020).

2.2.2 LAND TENURE AND LICENSING

The Canada-NL Offshore Area, as defined in the Accord Acts, includes those lands within Canada's 200 nautical mile (NM) Exclusive Economic Zone (EEZ) or to the edge of the continental margin, whichever is greater. EL 1138 is located beyond Canada's EEZ on the outer continental shelf. Other activities, such as vessel traffic, will take place within the 200 NM EEZ. In addition, CEAA 2012 defines federal lands as including:

"(i) the internal waters of Canada, in any area of the sea not within a province, (ii) the territorial sea of Canada, in any area of the sea not within a province, (iii) the exclusive economic zone of Canada, and (iv) the continental shelf of Canada."

Therefore, pursuant to CEAA 2012, exploration drilling on EL 1138 will be carried out on federal lands

2.2.3 ENVIRONMENTAL ASSESSMENT UNDER CEAA 2012

Schedule I of the Regulations Designating Physical Activities designates "the drilling, testing and abandonment of offshore exploratory wells in the first drilling program in an area set out in one or more exploration licences issued in accordance with the Canada-Newfoundland and Labrador Atlantic Accord Implementation Act or the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act" as a designated project under CEAA 2012.

2.2.4 OTHER POTENTIAL REGULATORY AND POLICY REQUIREMENTS AND INTERESTS

Federal and provincial government departments and agencies, which may have regulatory responsibilities, information, and advice regarding exploration drilling activities in the Project Area pursuant to their associated legislation and mandates include the following:

- Fisheries and Oceans Canada (DFO)
- Environment and Climate Change Canada (ECCC)
- Transport Canada
- Department of National Defence (DND)
- NL Department of Municipal Affairs and Environment
- NL Department of Fisheries and Land Resources
- NL Department of Natural Resources Legislation, and regulations thereunder that may be relevant and subsequently require regulatory approvals include the following:
 - Accord Acts and its associated Regulations and Guidelines
 - Fisheries Act
 - Canadian Environmental Protection Act
 - Oceans Act
 - Canadian Navigable Waters Act
 - Canada Shipping Act, 2001
 - Migratory Birds Convention Act
 - Species at Risk Act (SARA)



(Chevron Canada Ltd., 2020)

3.0 MI'GMAQ RIGHTS AND INTERESTS RELATIVE TO PROJECT INTERACTIONS

For this review, Mi'gmawe'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, Tjipõgtõtjg (Buctouche) First Nation, L'nui Menikuk (Indian Island) First Nation, Ugpi'ganjig (Eel River Bar) First Nation and Metepenagiag Mi'kmaq Nation.

The Mi'gmaq are the Indigenous people (known to ourselves as L'Nu'g) whose traditional territory, known as Mi'gmaq'i, encompasses the lands and waters of what is currently known as Nova Scotia, Prince Edward Island, New Brunswick, southern and western Newfoundland, the Gaspe area of Quebec, Anticosti Island, the Magdalen Islands, and sections of the Northeastern United States (D. Simon, personal communication, December 14, 2018).

The Mi'gmaq have occupied, relied on, used, and been stewards of the lands and waters in Mi'gmaq'i 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 (Government of New Brunswick, 2011).

The Mi'gmaq have established Aboriginal and Treaty Rights to, amongst others, 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 all of which have been upheld by the Supreme Court of Canada.

3.1 MI'GMAWE'L TPLU'TAQNN'S VISION FOR SUSTAINABLE DEVELOPMENT OF NATURAL RESOURCES

Natural Resources are an integral part of the Lands and Waters of the Mi'gmaq. The Vision for Sustainable Development of Natural Resources states:

"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'gmag are committed to the cultural, spiritual and social importance and protection 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.

This Vision, and the rights described above, were the primary guides to undertaking this review considering Mi'gmag's rights and interests. Also considered, in a more generic sense, are 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 within the geographic location of the Project's development area have the potential to impact Mi'gmag's rights to the lands and waters, especially in the Atlantic Ocean shorelines, which are used by some Mi'gmaq for land and water use and socio-economic purposes.

3.2 SUMMARY OF MI'GMAWE'L TPLU'TAQNN MEMBER COMMUNITIES' INDIGENOUS KNOWLEDGE, LAND USE AND OCCUPANCY IN THE PROJECT STUDY AREA

Section 4.2.2 of the EIS Guidelines states the following pertaining to the inclusion of Indigenous Knowledge in the environmental assessment (EA):

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

The proponent will incorporate into the EIS the community knowledge and Aboriginal traditional knowledge to which it has access or that is acquired through public participation and engagement with Indigenous groups, in keeping with appropriate ethical standards and obligations of confidentiality. The proponent will engage in a respectful dialogue with Indigenous groups about the collection and

use of Indigenous knowledge and enter into agreements where necessary regarding the use of information during and after the EA. The proponent should collaborate with Indigenous groups to ensure, where possible, that the Indigenous knowledge is incorporated into the EIS in a way that appropriate for the Indigenous group. The proponent will integrate Aboriginal traditional knowledge into all aspects of its assessment including both methodology (e.g. establishing spatial and temporal boundaries, defining significance criteria) and analysis (e.g. baseline characterization, effects prediction, development of mitigation measures). Agreement should be obtained from Indigenous groups regarding the use, management and protection of their existing traditional knowledge information during and after the EA.

Despite the above requirements identified in the EIS guidelines, Chevron has not explicitly or directly integrated Mi'gmaq Indigenous Knowledge or Socio-Cultural-Economic Baseline Information, from MTI and MTI member communities, into their respective project's environmental assessment process 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 REVIEW FINDINGS

The results of SVS's review of West Flemish Pass EIS are presented below, with a focus on key issues and concerns related to the potential impacts on the marine environment, marine mammals, cumulative effects, accidents and malfunctions, Mi'gmaq Indigenous Knowledge, 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 the Project's EIS and provides comments and recommendations to resolve the issues.

Comment 1: *EIS Section 4.2.1 - Concerns Expressed by Indigenous Groups:* The Chevron EIS states that there are potential exploration-drilling impacts on Atlantic salmon populations that may migrate and overwinter in the Project Area. The EIS goes on to repeat the statement from other nearby and associated exploration projects that Chevron, along with other oil and gas companies, is contributing funding to the Environmental Studies Research Fund (ESRF) for studies related to environmental and social issues. This EIS is relatively vague in the commitment and allocation of these funds and provides little detail on the specifics of the funding programs that the Proponent will be involved in. Related to salmon concerns raised by MTI and other Indigenous groups, the ESRF only states that the Proponent is funding research in this area that involves Indigenous Peoples.

MTI have consistently established that these populations of Atlantic salmon are important as they return to their natal rivers and streams where they are harvested for traditional food, social, and ceremonial purposes. In addition, some of these populations are listed under the Species at Risk Act (SARA), and in many cases, MTI and other Indigenous communities have refrained from harvesting them due to ecological concerns.

Recommendation 1a: The North Shore Micmac District Council (NSMDC) 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 salmon populations important to MTI. In addition to the ESRF funding, the Proponent should work directly with MTI and Angotum to ensure that a comprehensive Atlantic salmon research study is funded and executed.

Recommendation 1b: 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.

Comment 2: EIS Section 4.2.1 - Concerns Expressed by Indigenous Groups: MTI have consistently observed that the EISs submitted to date have relied on existing data and studies, some of which are outdated. This issue has been acknowledged in the Chevron EIS; however, the action related to the issue only states that Chevron will make full use of existing studies, published literature, information available from federal and provincial agencies, and the regional assessment in the preparation of its EIS. This action is seemingly in conflict with the previous commitment to fund the ESRF with a specific focus on Atlantic salmon. In one instance, the Proponent claims to commit to funding the ESRF, which will further the understanding of



Atlantic salmon distribution around the Project Area; however, related to the issue of the lack of original and recent studies, the EIS does not mention the ESRF as a means to contribute to the lack of original studies.

Recommendation 2: Consistent with above recommendations, it is recommended that updated salmon distribution studies be carried out in order to have a more reliable and relevant data set with which to analyze the effects of the Project. See recommendation 1a and 1b. These studies should be included in the action/mitigation measures for the issues and concerns related to the lack of original and recent baseline studies.

Comment 3: EIS Section *4.2.1 - Concerns Expressed by Indigenous Groups:* Swordfish are known to only tolerate small environmental changes and are likely to experience greater detrimental effects from offshore activities when compared to other species. MTI have provided Indigenous Knowledge studies that have included and highlighted swordfish as a culturally important species. Although expected in low abundance, the West Flemish Pass EIS still acknowledges that swordfish may be found within the Project Area. Despite this, swordfish are not included in the Effects Assessment of the EIS. Thus, the Proponent has not included the biological context or susceptibility assessment of swordfish to outside stressors or impacts.

Recommendation 3a: Considering the commercial and cultural importance of swordfish to MTI, like the focus on Atlantic Salmon, an assessment of environmental effects on swordfish should be provided within the Effects Assessment. This assessment should include the impacts of sound, light, and spills, as well as the biological thresholds and behavior response from swordfish and be inclusive of Indigenous Knowledge from MTI Knowledge Holders.

Recommendation 3b: The EIS should include the Indigenous Knowledge around swordfish interactions with the Project Area, provided to Chevron, in the terms of reference for a focused Indigenous Knowledge Study with MTI Knowledge Holders and complete a more comprehensive assessment of swordfish in the Existing Biological Environment sections of the report.

Comment 4: EIS Section 4.2.1 - Concerns Expressed by Indigenous Groups: Throughout the regulatory review process of the Flemish Pass exploration project, MTI have consistently indicated that Atlantic salmon, swordfish, and bluefin tuna are species of interest. Despite raising the concern, the effects assessment is relatively quick to establish that there are no predicted significant adverse impacts of the Project on these species.

Recommendation 4: The EIS should include Indigenous Knowledge around bluefin tuna interactions with the Project Area in the terms of reference for a focused Indigenous Knowledge Study with MTI Knowledge Holders and complete a more comprehensive assessment of tuna in the Existing Biological Environment and Effects Assessment sections of the EIS.

4.2 MARINE MAMMALS & MIGRATORY BIRDS

4.2.1 EVALUATION & RECOMMENDATIONS

The following section describes issues identified by MTI in our scoped review of Marine Mammals and Migratory Birds provided within the EIS and provides comments and recommendations to resolve the issues.

Comment 5: Section 2.9.2.5 – Offshore Vessel Lighting (including Flaring) (Pg. 78) and Table 2.20 – Summary of Lighting Alternatives Analysis (Pg. 78):

Chevron states that "spectral modified lighting has been tested on offshore platforms and has demonstrated a reduced effect on marine birds" (Pg. 78). Chevron specified that the mobile offshore drilling unit (MODU) used for the project will be "supplied by a third-party drilling contractor" and that they were "not aware of any operating MODUs equipped with spectral modified lighting that have the technical capability to support the Project" (Pg. 78). In Table 2.20 – Summary of Lighting Alternatives Analysis, Chevron lists spectral modified lighting as not feasible technically or economically. However, MTI understands that it can be possible to utilize bird-friendly light sources and strategies in a way that does not compromise safe working conditions, and therefore the technical feasibility of MODU operations.

Marquenie et al. (2014) acknowledges that helideck perimeter lighting was less discernable under a green light regime for helicopters equipped with windshields with a UV-blue filter, specifically. However, this is the only unresolved safety factor, and this study actually cites many potential benefits to using bird-friendly lighting sources, such as improved emergency evacuations under white and black smoke, more comfortable working conditions for crew members in general and during drilling, and improved visibility during sea fog conditions (Marquenie et al., 2014).

MTI is subsequently concerned that Chevron's alternatives analysis is too dismissive of spectral modified lighting and thinks that this method should be explored further. Chevron also does not state whether this option is viable for supply vessels.

Recommendation 5a: Chevron should further explore opportunities to use spectral modified lighting on MODUs, to the extent that worker safety, third-party safety, and safe operations are not compromised. For example, Chevron could discuss with the third-party drilling contractor whether modification of some lights on the MODU (e.g. at locations other than the helicopter landing) to decrease attraction to seabirds is possible. Alternatively, Chevron could explore the possibility of using helicopters equipped with "Military Clear" grade windshields.

Recommendation 5b: Chevron should also scope the potential use of spectral modified lighting on the supply vessels, into their alternatives analysis.

Recommendation 5c: If the use of spectral modified lights on the MODU and/or supply vessels is possible, Chevron should consult ECCC-CWS regarding possible data collection efforts to record changes made to lighting (e.g., duration, location). Chevron should compile these data into an annual report and share it with ECCC-CWS and MTI. This would contribute to the understanding of the effectiveness of this technology at mitigating the effects of lights on marine and migratory birds.

Comment 6: *Table 2.23 – Standard Mitigation Measures* (Pg. 88):



Chevron states that "in order to reduce the potential for vessel strikes during transiting activities outside the Project Area, supply vessels will reduce speed to a maximum of 13 km/hour (7 knots) when marine mammals or sea turtles are observed or reported within 400 m of a supply vessel, except if not feasible for safety reasons" (Pg. 88). MTI supports using effective safety precautions during supply vessel transit but is concerned that there is not adequate clarity on what specific situations would make this reduction in speed unfeasible.

Recommendation 6: Chevron should provide more detailed information on the types of navigation safety risks that might require them to maintain vessel speeds above seven knots in proximity to marine mammals.

Comment 7: Table 2.23 – Standard Mitigation Measures (Pg. 88) and Section 10.3.1.2 – Mitigation (Pg. 111):

Chevron states that during Vertical Seismic Profiling (VSP) surveys "passive acoustic monitoring will be implemented" (Pg. 88), and that "Marine Mammal Observers (MMOs) will monitor and report on marine mammal and sea turtle sightings during VSP surveys to implement shutdown and ramp-up procedures" (Pg. 111). MTI is concerned by the lack of detail regarding visual observation and passive acoustic monitoring (PAM) protocols during VSP surveys, as VSP has the potential to adversely affect marine mammals of cultural significance, such as the North Atlantic Right Whale, by causing temporary or permanent hearing impairment.

Recommendation 7: Chevron should provide detailed information on marine mammal visual observation and passive acoustic monitoring protocols (e.g., equipment used, timing of surveys, location of passive acoustic monitors, location of visual observation platforms, MMOs training requirements, adaptive management thresholds, triggers, and protocols,, and reporting). Both DFO and MTI should be consulted in the development of this protocol and provided with the opportunity to review and approve it at least 30 days prior to initiating Project activities.

Comment 8: *EIS Section 6.2 - Marine and Migratory Birds* (Pg. 62–95):

Chevron mentions data gaps for baseline data for marine birds associated with ECCC's Eastern Canada Seabirds at Sea (ECSAS) surveys within the Project Area but does not mention ways in which the Project could contribute to address these gaps within data. Chevron mentioned that "no ECSAS surveys were conducted in the western part of the Project Area" (Pg. 74). As project vessels will be present in the western portion of the project area, Chevron could collect data to address this gap.

Recommendation 8a: Chevron should employ qualified marine bird observers that receive training in ECCC's Eastern Canada Seabirds at Sea (ECSAS) protocol (Canadian Wildlife Service, 2012) and perform these surveys daily from the MODU and supply vessels. Chevron should submit the results of these surveys to ECCC-CWS and MTI, which would help to contribute to the understanding of the abundance and distribution of seabirds in the region.

Recommendation 8b: These visual ECSAS surveys should be supplemented with the use of instrument-based systems (e.g., radar, acoustic recordings) to help reduce limitations of observer-based approaches (e.g., inclement weather conditions) (Ronconi, 2015).

Comment 9: EIS Section 9.3.1.2 – Mitigation (Pg. 68):

To reduce the impacts of the presence and operation of MODU and supply vessels on marine and migratory birds, Chevron proposes to consult with ECCC-CWS in order to "develop a protocol for systematic, daily



searches for seabirds stranded on the MODU and supply vessels, which will include the documentation of search effort. Seabirds found will be recovered, rehabilitated, released and documented in accordance with the methods in Procedures for Handling and Documenting Stranded Birds Encountered on Infrastructure Offshore Atlantic Canada (ECCC 2017b). Chevron will provide training in these protocols and procedures. A Seabird Handling Permit will be obtained from ECCC-CWS annually. In accordance with ECCC requirements, an annual report and occurrence data that summarizes stranded and/or seabird handling occurrences will be submitted to ECCC" (Pg. 68).

MTI is concerned that the quality of these seabird surveys may be impacted by the lack of dedicated marine bird surveyors performing observations on the MODU and supply vessels and the absence of general awareness training provided to staff on the MODU and supply vessels. MTI is concerned with the lack of engagement with their communities on seabird monitoring activities and reporting as this Project has the potential to adversely affect these species.

Recommendation 9a: Chevron should commit to having a dedicated marine bird observer on the MODU and supply vessels, as this would provide MTI with greater confidence in the effectiveness of the seabird surveys.

Recommendation 9b: Chevron should provide all staff on the MODU and supply vessels with general training on seabird stranding awareness and have staff record incidental observations, in addition to having a marine bird observer trained in the Procedures for Handling and Documenting Stranded Birds Encountered on Infrastructure Offshore Atlantic Canada.

Recommendation 9c: Chevron should consider hiring MTI community members to facilitate the seabird monitoring program and provide them with industry-standard job training, if needed. This provision of direct oversight opportunities will provide MTI with greater assurance that Chevron's seabird observation protocols for MODUs and supply vessels are being implemented correctly to monitor the impacts on seabird communities throughout Project operations.

Recommendation 9d: In addition to sharing the annual report with ECCC-CWS, Chevron should share the report with MTI so that they are kept informed of the impacts on seabird communities throughout Project operations and can provide input to inform future monitoring efforts.

Comment 10: *EIS Section 9.3.1.2 – Mitigation* (Pg. 68 & 69):

Chevron states that to mitigate the impact of lighting on the MODU and supply vessels on marine and migratory birds that "lighting will be reduced to the extent that worker safety and safe operations are not compromised. Reduction of light may include avoiding use of unnecessary lighting, shading, and directing lights towards the deck" (Pg. 68–69). Chevron does not mention any associated documentation of changes in lighting, which could be used to contribute to the understanding of the effects of lighting on seabirds.

Recommendation 10: Chevron should consult with ECCC-CWS regarding possible data collection efforts to record changes made to lighting (e.g., duration, location). Chevron should compile these data into an annual report and share it with ECCC-CWS and MTI. These data would contribute to the understanding of the effectiveness of lighting reductions, shading, and directing lights towards the deck at mitigating the effects of lights on marine and migratory birds.

Comment 11: EIS Section 9.3.1.2 – Mitigation (Pg. 69):

Chevron states that "if flaring is required, Chevron will discuss flaring plans with the C-NLOPB including steps to reduce adverse effects on migratory birds. This may involve restricting flaring to the minimum



required to characterize the wells' hydrocarbon potential and as necessary for the safety of the operation, reducing flaring during periods of migratory bird vulnerability, and the use of a water curtain to deter birds from the general vicinity of the flare" (Pg. 69). Chevron does not mention contacting other regulatory agencies regarding planned flaring activities or possible monitoring and data collection efforts during flaring activities, the effects of which are still not well documented.

Recommendation 11a: In addition to discussing flaring plans with the C-NLOPB, Chevron should notify ECCC-CWS 30 days prior to planned flaring activities so that they are able to incorporate their suggestions (e.g., plan flaring outside of sensitive periods for marine and migratory birds).

Recommendation 11b: Chevron should commit to having a marine bird observer present during flaring activities to record any possible interactions with marine or migratory birds and note the effectiveness of the water curtain at deterring species. Chevron should compile these data into an annual report and share it with ECCC-CWS and MTI. These data would contribute to the understanding of the effectiveness of water curtains at mitigating the effects of flaring on marine and migratory birds.

Comment 12: *Section 10.3.1.3.3 – Supply and Servicing* (Pg. 116):

Chevron states that during transit to and from the Project Area, the crew of the supply vessels "will keep a watch for marine mammals and sea turtles and reduce speed and/or alter course if practicable to avoid collision" (Pg. 116). MTI is concerned by the lack of dedicated and trained MMOs performing observations during supply vessel transit and the use of PAM. Using both knowledgeable and experienced MMOs and PAM, supply vessels would be able to more reliably detect marine mammals. PAM are able to detect marine mammals in situations that MMOs may be unable to, such as difficult weather conditions (e.g., fog, low light) and when marine mammals surface in areas that are difficult to visually detect (Baumgartner, 2019; Heenehan, 2016). Without the presence of dedicated MMOs and/or additional detection methodologies like PAM, it is unclear how vessel slow-downs or course alteration will be triggered and effectively implemented, in order to avoid a collision.

Recommendation 12: Chevron should commit to employing dedicated MMOs during supply vessel transit. These MMOs would undertake visual surveys in combination with PAM to improve marine mammal detection probability during supply vessel transit and minimize the risk of physical injury or mortality. As previously mentioned, Chevron should provide detailed information on marine mammal visual observation and passive acoustic monitoring protocols (e.g., equipment used, timing of surveys, location of passive acoustic monitors, location of visual observation platforms, MMOs training requirements, adaptive management thresholds, triggers, and protocols, reporting) and consult with both the DFO and MTI in the development of this protocol.

Comment 13: General Comment, *EIS Section 10.3 - Assessment of Residual Environmental Effects on Marine Mammals and Sea Turtles* (Pg. 110–134):

Opportunities for involvement of MTI community members with the development of the marine mammal and sea turtle monitoring plan and associated activities were absent from the EIS. This is particularly concerning to MTI as the Project has the potential to adversely affect marine mammals of cultural significance.

Recommendation 13a: Chevron should consider hiring MTI community members to facilitate the duties of MMOs on the MODU and supply vessels and provide them with industry-standard job training. This provision of direct oversight opportunities will provide MTI with greater assurance that Chevron's marine



mammal observation protocols for MODUs and supply vessels are being implemented correctly to monitor impacts on marine mammal communities throughout Project operations.

Recommendation 13b: Chevron should consult with MTI during the development of their marine mammal and sea turtle monitoring plan and ensure that the report of the program and sightings are submitted annually to MTI. This will allow MTI to have greater confidence in the rigor of the monitoring plan and a better understanding of the effects of the operations throughout the Project life.

4.3 CUMULATIVE EFFECTS

4.3.1 EVALUATION AND RECOMMENDATIONS

The following section describes issues identified by MTI in our scoped review of cumulative effects provided within the EIS and provides comments and recommendations to resolve the issues.

Comment 14: *EIS Section 4.2.1* - Concerns Expressed by Indigenous Groups: In documenting the perceived lack of a comprehensive approach to analyzing, understanding, and addressing the potential for cumulative impacts, the EIS states that Chevron is participating in the Regional Assessment where a more regional and multi-faceted approach is being taken to examining cumulative effects of multiple projects and interactions with other ocean users. Chevron states that they will apply any applicable new learnings from the regional assessment to their exploration drilling Project. However, the Regional Assessment was released prior to the West Flemish Pass release of the EIS and has no clear inclusion of the findings of the Regional Assessment in the West Flemish Pass EIS.

Recommendation 14: MTI has reviewed and made comments related to the Cumulative Effects Assessment section of the Regional Assessment. The Proponent has committed to incorporating and applying new learnings from the Regional Assessment and as such should consider and incorporate the comment provided by MTI in the Regional Assessment.

Comment 15: EIS Section *6.7: Cumulative Effects:* The Regional Assessment currently only assesses the cumulative impacts of existing production facilities and future exploratory drilling, with limited to no assessment of future production facility cumulative impacts. Cumulative effects are only described in terms of existing oil production facilities (Hibernia, Terra Nova, White Rose, Hebron), future exploratory drilling projects and one proposed oil production facility (Bay du Nord). There is no effects assessment of the scenario where all these proposed *exploratory* wells turn into actual oil production facilities. Acknowledging that the *exploration* drills are relatively short lived, the potential for these exploration wells to turn into production facilities significantly increases the timeline for activity and potential impacts over time in the region. Further, if all exploration wells transition into production facilities, the potential for simultaneous accidents, malfunctions, and general project activities would significantly increase the potential for cumulative impacts.

Recommendation 15: The EIS should consider the cumulative effects assessment in the possible scenario where all the proposed exploration projects transition into oil production facilities within the Regional Assessment Study Area. The EIS should examine and assess the potential environmental and cumulative impacts of increased oil production activities including an increase in general oil production operation activities, as well as simultaneous accidents, malfunctions, and oil spills in the study area.



4.4 SOCIO-ECONOMICS AND COMMUNITY WELL-BEING

The socio-economic and community well-being facet of this technical review focuses on consideration of New Brunswick Mi'gmaq Knowledge within the EIS— assessing risks to MTI's land and resource uses and socio-economic impacts on fisheries.

4.4.1 EVALUATION & RECOMMENDATIONS

The following section describes issues identified by MTI upon review of the socio-economic and community well-being related sections of Chevron's West Flemish Project's EIS and provides recommendations to address the issues raised.

Comment 16: In Section 1.3.2 How Chevron Operates, the description of the Proponent (owner – Chevron) and the Project team indicates a low level of engagement with Indigenous Peoples (i.e., notification only). This is in contrast with the Company's description with how it operates; in Section 1.3.2: "Chevron Corporation is committed to responsibly developing Canada's energy resources, and as a partner of choice with local communities and Indigenous Peoples." The mandate and operationalization of the Chevron's mandate, associated values need to translate into a higher level of engagement and forging real partnerships with Indigenous Peoples.

Recommendation 16: Consider honouring the notion of partnership and reconciliation with Indigenous Nations and rights holders with interests in the proposed project through explicit commitments that reflect partnership (i.e., Indigenous advisory committee, Indigenous involvement in environmental adaptive management planning and on-going monitoring. Consider entering into joint ventures or business partnerships with Indigenous Nations that will support the socially and environmentally responsible approach to owning and operating the Project.

Comment 17: In Section 7.4 Indigenous Communities and Activities, it states: "It is the operator's understanding that none of the listed Indigenous groups has asserted or established Aboriginal or treaty rights protected by Section 35 of the Constitution Act, 1982 (Section 35 rights) in or to the lands and waters of eastern offshore NL where the Project components and activities will be located. As illustrated in Chapter 2 and throughout this section of the EIS, the Project components and activities will be located at a considerable distance from Indigenous groups and many of their harvesting activities and other known interests... However, the various Indigenous groups identified in the EIS Guidelines have asserted or established Section 35 rights to harvest for FSC purposes or to earn a moderate livelihood in their traditional territories". Similar minimization of identify and rights representation is conveyed in Section 7.4.5.1. The Mik'mag of New Brunswick. MTI, in previous submissions and in letters to the Agency, has communicated the importance of accurate representation in the myriad of offshore oil project EISs and overall regulatory processes. Each proponent claims that they are not made aware of any group that holds claims or asserts Aboriginal and Treaty Rights in the proposed study area. They go on to reference Section 35 of the constitution. MTI finds this lack of understandings and associated statements to be untrue. The communities' commercial activities are a modern-day interpretation of the rights given to us through our treaties. Because the federal government chooses to make us use the commercial fishery to exercise these rights doesn't mean they are not the assertion of our Aboriginal and Treaty Rights.

Recommendation 17: Update documentation to reflect accurate portrayal of MTI's rights-holding members and associated modern-day rights.



Comment 18: In general, the EIS demonstrates some indication of having considered feedback from MTI through previous technical reviews of other project EISs. This is reflected through acknowledgement of the species of cultural importance to MTI in Sections 12.1 where effect pathways and interactions with Indigenous socio-economic and traditional land and resource use related value components are acknowledged. Additionally, a Regional Assessment Area (RAA) has been established that is large enough to reflect the interests and project-effect mechanisms of importance to Maritime Indigenous communities including MTI members: "Although the RAA is intended to be much broader than the LAA, which focuses on the extent of potential effects associated with routine Project activities for each VC, it is possible that effects from larger scale unplanned events (e.g., blowout) could extend beyond the RAA. The RAA for the Indigenous Communities and Activities VC is larger than the RAA for other VCs in order to encompass the various Indigenous communities which have the potential to be affected by Project-related activities." MTI acknowledges the progress that these changes represent relative to other project-effect assessment methodologies reviewed in the past. However, what is still missing in Chevron's EIS is a clear demonstration of how Mig'maq Knowledge has been incorporated into the EIS, and how it will continue to be considered over the life of the project by way of adaptive management and monitoring.

Recommendation 18: MTI requests that Chevron adds to its list of mitigations a clear commitment to implement processes that allow for Indigenous Knowledge, including Mi'gmaq Knowledge to be meaningfully incorporated into environmental management and monitoring plans over the course of the exploration project's nine-year life.

Comment 19: In *Table 7.25 Mi'gmaq of New Brunswick Community Profiles*, Chevron states that they have used the same information about Indigenous populations and groups with interests in the Project as Equinor Canada: "The goal of using the same information prepared by Equinor Canada (and incorporating information provided by Indigenous groups who reviewed the tables in these sections) is to provide consistent information on the 41 Indigenous groups operators have engaged and continue to engage with during preparation for EAs for offshore exploration drilling projects." Indeed, the content within Table 7.25 Mi'gmaq of New Brunswick Community Profiles is identical as that of Equinor's Central Ridge EIS.

Unfortunately, what is not included in the baseline information section of Chevron's EIS is a) consideration of MTI's input and requests for more relevant baseline information regarding their rights and socioeconomic interests (i.e., MTI-generated Indigenous Knowledge); and b) results of MTI's technical review of Equinor's Central Ridge EIS. Moreover, the profiles presented only refer to personal communications with a staff member at DFO. Again, there is no indication of information gathering from MTI either through their IK Study results or other information collection methods, including interviews.

Recommendation 19: This table, and the EIS in general, needs to clearly articulate all other issues, interests, and concerns that MTI has communicated to previous proponents and the IAAC through previous submissions and within their Indigenous Knowledge Studies. Furthermore, the EIS needs to be clear about where information is sourced. For instance, the only personal communication cited within the baseline information for Indigenous communities is a DFO staff member. There are only Stats Canada and various First Nation websites listed in the references — there are no Nation-specific Indigenous Knowledge Study Reports listed in the reference list. This confirms the lack of consideration of IK within the EIS, which MTI considers a significant gap in process and, in turn, analysis and decision making.

Comment 20: In *Section 12.3.2.2. Mitigation*, the mitigations listed are limited to information notifications. Furthermore, there is no indication of meaningful involvement or input into the Indigenous Communities Fisheries Communication Plan, nor is there any indication that involvement in reviewing environmental plans and providing input will be made possible. Chevron states in their EIS that they have reviewed and considered comments, issues, and concerns raised by Indigenous communities including MTI on previous



offshore oil project EISs. Evidence of this is present in certain sub-sections within Section 12.0 in terms of acknowledging species of cultural importance and effect pathways and interactions with two key-value components related to Indigenous interests. However, the consideration of past submissions and input from Indigenous communities, including MTI, is not evident within Chevron's list of mitigations intended to address the potential effects of concern for MTI. The recognition of concern and potential risks to Indigenous community-related value components does not translate into meaningful action beyond retroactive information sharing.

Recommendation 20a: A clear and explicit commitment is needed as a mitigation measure for MTI's direct involvement in environmental monitoring, including plan design and implementation. MTI requires direct involvement in environmental monitoring planning and the implementation of such plans, not just being in receipt of the results.

Recommendation 20b: Engage MTI on the development and scope of the proposed Indigenous Communities Fisheries Communication Plan and establish processes for MTI's involvement in monitoring plan development and implementation over the nine-year life of the Project.

Comment 21: Section 12.3.2.3 characterizes the residual project-related environmental effects on Indigenous communities and activities that could result in a 'Change in Health and Socio-economic Conditions', followed by effects characterizations on a 'Change in Current Use of Lands and Resources for Traditional Purposes' from each of the project's components and associated effect pathways and mechanisms. These residual effects have been characterized in the same manner for both value components: adverse; negligible to low in magnitude; occurring within the RAA (where affected Indigenous communities are located) with the exception of supply and servicing, which occurs in the LAA; either shortor medium-term in duration; occurring more than once as irregular events; and reversible. The acknowledgement of these residual effects on these value components is progress relative to other offshore oil project EISs. However, like the comment above, it is concerning that there are not any more substantial mitigation measures reflecting adaptive management and/or monitoring to verify the predictions of these effects over the exploration project's nine-year life.

Recommendation 21: Include monitoring and adaptive management plans as a commitment, ensure processes for meaningful Indigenous engagement within the monitoring and adaptive management measures undertaken to verify the accuracy of effect predictions made within the EIS. This includes the consideration of Indigenous Knowledge and feedback mechanisms, not solely notification-based communication plans.

Comment 22: In Section 12.3.4 Species of Commercial or Cultural Importance: Potential Effects and Mitigations, it is positive that Chevron has considered and acknowledged the specific concerns that Indigenous communities have raised about the potential effects on swordfish, bluefin tuna, Atlantic salmon, and American eel. The Proponent predicts that the potential effects on swordfish to be low, and that general mitigations implemented to protect fish and fish habitat, combined with "communication with Indigenous communities and fisheries stakeholder with fishing gear damage compensated as required." The effects and mitigation measures are the same for bluefin tuna, Atlantic salmon (in addition to references to the Environmental Studies Research Fund that will provide data), and American eel. Similar to the comments made above, it is unclear why Chevron is not implementing an explicit mitigation measure that reflects Indigenous involvement in adaptive management and monitoring plans.

Recommendation 22: MTI requests a commitment be made for a) environmental monitoring, follow up and adaptive management plans to be established and b) meaningful Indigenous involvement in the planning and implementation of these plans.



4.5 ACCIDENTS AND MALFUNCTIONS

4.5.1 EVALUATION & RECOMMENDATIONS

The following section describes issues identified by MTI in review of Accident and Malfunction-related information provided within the EIS and provides comment and recommendation to resolve the issues.

Comment 23: *EIS Section 6.5.3. Potential Effects from Routine Operations:* The proponent states that during drilling, operational discharges will be managed in accordance with a proponent-specific Environmental Protection Plan (EPP). The EPP will be developed based on the OWTG and will be submitted to the C-NLOPB as part of the Operations Authorization process. Discharges not identified in the EPP are not permitted to be discharged and are considered a spill if released into the marine environment. Response and management of spill events are outlined in the Operator's Project and Site-Specific Oil Spill Response Plan.

Recommendation 23a: The EPP should be circulated to all indigenous groups to be reviewed and provide comments prior to project initiation. MTI would like the opportunity to review and comment on the contents and procedures within the EPP.

Recommendation 23b: In relation to Chevrons' commitment to funding Atlantic salmon research studies through the ESRF, the Cumulative Effects Assessment should incorporate and apply any new findings from the salmon studies in order to appropriately enhance the mitigation and protection measures on Atlantic salmon.

Comment 24: EIS Section *6.5.3. Potential Effects from Routine Operations:* The impacts of a collision with icebergs and the drilling platform in the Project Area seem potentially catastrophic and could be likely and unavoidable. This sections states that supply and personnel movement to and from the drilling installation can be delayed and the drilling installation could be moved off the well site to avoid being struck by an iceberg. In addition, sea ice and icebergs can also increase the risk of an accidental event (e.g., a vessel collision and/or impact with the drilling installation, potentially resulting in a spill), and human health risk, and/or irreparable damage to the drilling installation superstructure. This seems like a very large issue and could result in far reaching environmental impacts. However, there is little discussion on how iceberg movement will be monitored and what the possible avoidance or notification procedures are in place.

Recommendation 24: Understanding the oil spill potential, please provide information pertaining to how the Proponent plans to monitor for iceberg movement and collision potential and how emergency evacuation and shut down could reduce some of the effects. Will Indigenous groups be notified of this potential and how iceberg activity may alter or restrict progress or execution of the drilling program?

Comment 25: Table 7.1 *Summary of Standard and Project Specific Mitigation:* The EIS states that the Project will include contingency plans for responding to specific emergency events, including potential spill or well control events. The contingency plans, such as an Oil Spill Response Plan, will be submitted to the C-NLOPB prior to the start of any drilling activity as part of the Operations Authorization process.

Recommendation 25: MTI requests the opportunity to review the Project Incident Management Plan, Spill Response Plan, Environmental Protection Plan, and Safety Plan before they are finalized, and provide comments to the Proponent, CEAA, and other relevant regulatory authorities. The Proponent noted that engagement with Indigenous groups will continue. Discussions on the Incident Management Plan, Spill Response Plan, Environmental Protection Plan, and Safety Plan will occur at a high level. However, MTI



maintains that this engagement is not occurring. MTI would like a firm commitment that the proponent will consult and engage with the community on the completion of the Spill Response Plan prior to finalization.

Comment 26: EIS Section *6.5.3 - Potential Effects from Routine Operations:* MTI have commented in previous EIS reviews that booms, berms, and other barriers may be used to protect sensitive shorelines in the event of a spill. Insufficient information is provided on whether adequate equipment is available for large spills and whether the equipment could reasonably be deployed before oil reaches shore. The proponent would maintain access to spill response equipment to respond to a range of potential scenarios. Some localized equipment (e.g., sorbents) will be maintained on the mobile offshore drilling unit and platform supply vessels. Booms and skimmers will be located in or near Halifax. It is still unclear how spills will be detected and the time that will be required to deploy the spill contingency measures.

Recommendation 26: More detail regarding the means that spills will be detected, the duration it will take between detection and deployment of spill contingency methods needs to be provided. When the spill contingency plan is formulated, the MTI should be engaged and provided with the opportunity to comment. Further, MTI personnel represent untapped resources for spill response measures that include surveillance and tracking, offshore containment and recovery, dispersant application, in-situ burning, shoreline protection, shoreline cleanup, oiled wildlife recovery, and waste management.

5.0 SUMMARY AND RECOMMENDATIONS

This independent review of Chevron Canada's EIS for the proposed West Flemish Pass Exploration Drilling Program focuses on areas integral to Mi'gmaq rights and interests. With this lens, the review strategically assesses potential Project interactions with the environment that may result in risks to MTI's rights and interests, as described in Section 4.0 of this report.

The review documents a wide range of issues and concerns relevant to MTI and provides 26 recommendations for accommodations to address these issues. Additionally, many recommendations relate to the appropriate consideration and inclusion of Mi'gmaq Indigenous Knowledge in the assessment, in addition to potential effects on Mi'gmaq First Nations rights and interests. In particular, the review provides recommendations for accommodations related to the Mi'gmaq Indigenous fishery, accommodations to deal with insufficient information to support mitigation and effects assessment results, and accommodations related to insufficient environmental protection planning and follow-up program involvement for MTI.

The Proponent has not integrated Mi'gmaq comprehensive Indigenous Knowledge or socio-cultural-economic baseline information into their respective projects' Environmental Assessment processes to date. As a result, 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.

MTI puts forward the following additional accommodations as potential means of addressing the issues and comments raised in this review of the EIS for the proposed West Flemish Pass Exploration Drilling Project:

1. The Agency and/or the Proponents should engage MTI and Anqotum Fisheries Resource Centre 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. Establish a forum and process where MTI can meet with Chevron Canada Ltd. 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. Chevron Canada Ltd. 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 throughout the life of the Project, including the EA and all follow-up monitoring programs. This includes developing a plan for enhanced and ongoing engagement and consultation with MTI and its member communities for exploration activities, construction and operations of the Project. An annual report should also be submitted to MTI that summarizes the implementation and results of all consultation and engagement activities.
- 4. MTI, the Crown, and the Proponent 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.
 - 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 ongoing reviews and updates of the Newfoundland Offshore Regional Assessment and its related regulations, should the Project proceed.

6.0 REFERENCES

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Simon, D. (2018 December 14) Personal Communication

APPENDIX A— COMMENT TRACKING TABLE — REVIEW OF CHEVRON WEST FLEMISH PASS EIS

COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
MARINE FISH	AND FISH HABITAT		
1	EIS Section 4.2.1 - Concerns Expressed by Indigenous Groups	The Chevron EIS states that there are potential exploration-drilling impacts on Atlantic salmon populations that may migrate and overwinter in the Project Area. The EIS goes on to repeat the statement from other nearby and associated exploration projects that Chevron, along with other oil and gas companies, is contributing funding to the Environmental Studies Research Fund (ESRF) for studies related to environmental and social issues. This EIS is relatively vague in the commitment and allocation of these funds and provides little detail on the specifics of the funding programs that the Proponent will be involved in. Related to salmon concerns raised by MTI and other Indigenous groups, the ESRF only states that the Proponent is funding research in this area that involves Indigenous Peoples.	1a. The North Shore Micmac District Council (NSMDC) 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 salmon populations important to MTI. In addition to the ESRF funding, the Proponent should work directly with MTI and Anqotum to ensure that a comprehensive Atlantic salmon research study is funded and executed.
		MTI have consistently established that these populations of Atlantic salmon are important as they return to their natal rivers and streams where they are harvested for traditional food, social, and ceremonial purposes. In addition, some of these populations are listed under the Species at Risk Act (SARA), and in many cases, MTI and other Indigenous communities have refrained from harvesting them due to ecological concerns.	1b. 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.

COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
2	EIS Section 4.2.1 - Concerns Expressed by Indigenous Groups	MTI have consistently observed that the EISs submitted to date have relied on existing data and studies, some of which are outdated. This issue has been acknowledged in the Chevron EIS; however, the action related to the issue only states that Chevron will make full use of existing studies, published literature, information available from federal and provincial agencies, and the regional assessment in the preparation of its EIS. This action is seemingly in conflict with the previous commitment to fund the ESRF with a specific focus on Atlantic salmon. In one instance, the Proponent claims to commit to funding the ESRF, which will further the understanding of Atlantic salmon distribution around the Project Area; however, related to the issue of the lack of original and recent studies, the EIS does not mention the ESRF as a means to contribute to the lack of original studies.	Consistent with above recommendations, it is recommended that updated salmon distribution studies be carried out in order to have a more reliable and relevant data set with which to analyze the effects of the Project. See recommendation 1a and 1b. These studies should be included in the action/mitigation measures for the issues and concerns related to the lack of original and recent baseline studies.
3	EIS Section 4.2.1 - Concerns Expressed by Indigenous Groups	Swordfish are known to only tolerate small environmental changes and are likely to experience greater detrimental effects from offshore activities when compared to other species. MTI have provided Indigenous Knowledge studies that have included and highlighted swordfish as a culturally important species. Although expected in low abundance, the West Flemish Pass EIS still acknowledges that swordfish may be found within the Project Area. Despite this, swordfish are not included in the Effects Assessment of the EIS. Thus, the Proponent has not included the biological context or susceptibility assessment of swordfish to outside stressors or impacts.	3a. Considering the commercial and cultural importance of swordfish to MTI, like the focus on Atlantic Salmon, an assessment of environmental effects on swordfish should be provided within the Effects Assessment. This assessment should include the impacts of sound, light, and spills, as well as the biological thresholds and behavior response from swordfish and be inclusive of Indigenous Knowledge from MTI Knowledge Holders. 3b. The EIS should include the Indigenous Knowledge around swordfish interactions with the Project Area, provided to Chevron, in the terms of reference for a focused Indigenous Knowledge Study with MTI Knowledge Holders and complete a more comprehensive assessment of swordfish in the Existing Biological Environment sections of the report.



COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
4	EIS Section 4.2.1 - Concerns Expressed by Indigenous Groups	Throughout the regulatory review process of the Flemish Pass exploration project, MTI have consistently indicated that Atlantic salmon, swordfish, and bluefin tuna are species of interest. Despite raising the concern, the effects assessment is relatively quick to establish that there are no predicted significant adverse impacts of the Project on these species.	The EIS should include Indigenous Knowledge around bluefin tuna interactions with the Project Area in the terms of reference for a focused Indigenous Knowledge Study with MTI Knowledge Holders and complete a more comprehensive assessment of tuna in the Existing Biological Environment and Effects Assessment sections of the EIS.

MARINE MAMMALS & MIGRATORY BIRDS

5 EIS Section 2.9.2.5 –
Offshore Vessel Lighting
(including Flaring) (Pg.
78) and Table 2.20 –
Summary of Lighting
Alternatives Analysis (Pg.
78)

Chevron states that "spectral modified lighting has been tested on offshore platforms and has demonstrated a reduced effect on marine birds" (Pg. 78). Chevron specified that the mobile offshore drilling unit (MODU) used for the project will be "supplied by a third-party drilling contractor" and that they were "not aware of any operating MODUs equipped with spectral modified lighting that have the technical capability to support the Project" (Pg. 78). In Table 2.20 – Summary of Lighting Alternatives Analysis, Chevron lists spectral modified lighting as not feasible technically or economically. However, MTI understands that it can be possible to utilize birdfriendly light sources and strategies in a way that does not compromise safe working conditions, and therefore the technical feasibility of MODU operations. Marquenie et al. (2014) acknowledges that helideck perimeter lighting was less discernable under a green light regime for helicopters equipped with windshields with a UV-blue filter, specifically. However, this is the only unresolved safety factor, and this study actually cites many potential benefits to using bird-friendly lighting sources, such as improved emergency evacuations under white and black smoke, more comfortable working conditions for crew members in general and during drilling, and improved

5a. Chevron should further explore opportunities to use spectral modified lighting on MODUs, to the extent that worker safety, third-party safety, and safe operations are not compromised. For example, Chevron could discuss with the third-party drilling contractor whether modification of some lights on the MODU (e.g. at locations other than the helicopter landing) to decrease attraction to seabirds is possible. Alternatively, Chevron could explore the possibility of using helicopters equipped with "Military Clear" grade windshields.

5b. Chevron should also scope the potential use of spectral modified lighting on the supply vessels, into their alternatives analysis.

5c. If the use of spectral modified lights on the MODU and/or supply vessels is possible, Chevron should consult ECCC-CWS regarding possible data collection efforts to record changes made to lighting (e.g., duration, location). Chevron should compile these data into an annual report and share it with ECCC-CWS and MTI. This would contribute to the understanding of the effectiveness of this technology at mitigating the effects of lights on marine and migratory birds.



COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
		visibility during sea fog conditions (Marquenie et al., 2014). MTI is subsequently concerned that Chevron's alternatives analysis is too dismissive of spectral modified lighting and thinks that this method should be explored further. Chevron also does not state whether this option is viable for supply vessels.	
6	EIS Table 2.23 – Standard Mitigation Measures (Pg. 88)	Chevron states that "in order to reduce the potential for vessel strikes during transiting activities outside the Project Area, supply vessels will reduce speed to a maximum of 13 km/hour (7 knots) when marine mammals or sea turtles are observed or reported within 400 m of a supply vessel, except if not feasible for safety reasons" (Pg. 88). MTI supports using effective safety precautions during supply vessel transit but is concerned that there is not adequate clarity on what specific situations would make this reduction in speed unfeasible.	Chevron should provide more detailed information on the types of navigation safety risks that might require them to maintain vessel speeds above seven knots in proximity to marine mammals.
7	EIS Table 2.23 – Standard Mitigation Measures (Pg. 88) and Section 10.3.1.2 – Mitigation (Pg. 111)	Chevron states that during Vertical Seismic Profiling (VSP) surveys "passive acoustic monitoring will be implemented" (Pg. 88), and that "Marine Mammal Observers (MMOs) will monitor and report on marine mammal and sea turtle sightings during VSP surveys to implement shutdown and ramp-up procedures" (Pg. 111). MTI is concerned by the lack of detail regarding visual observation and passive acoustic monitoring (PAM) protocols during VSP surveys, as VSP has the potential to adversely affect marine mammals of cultural significance, such as the North Atlantic Right Whale, by causing temporary or permanent hearing impairment.	Chevron should provide detailed information on marine mammal visual observation and passive acoustic monitoring protocols (e.g., equipment used, timing of surveys, location of passive acoustic monitors, location of visual observation platforms, MMOs training requirements, adaptive management thresholds, triggers, and protocols,, and reporting). Both DFO and MTI should be consulted in the development of this protocol and provided with the opportunity to review and approve it at least 30 days prior to initiating Project activities.
8	EIS Section <i>6.2 - Marine</i> and Migratory Birds (Pg. 62–95)	Chevron mentions data gaps for baseline data for marine birds associated with ECCC's Eastern Canada Seabirds at Sea (ECSAS) surveys within the Project	8a. Chevron should employ qualified marine bird observers that receive training in ECCC's Eastern Canada Seabirds at Sea (ECSAS) protocol (Canadian



COMMEN #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
		Area but does not mention ways in which the Project could contribute to address these gaps within data. Chevron mentioned that "no ECSAS surveys were conducted in the western part of the Project Area" (Pg. 74). As project vessels will be present in the western portion of the project area, Chevron could collect data to address this gap.	Wildlife Service, 2012) and perform these surveys daily from the MODU and supply vessels. Chevron should submit the results of these surveys to ECCC-CWS and MTI, which would help to contribute to the understanding of the abundance and distribution of seabirds in the region. 8b. These visual ECSAS surveys should be supplemented with the use of instrument-based systems (e.g., radar, acoustic recordings) to help reduce limitations of observer-based approaches (e.g., inclement weather conditions) (Ronconi, 2015).
9	EIS Section 9.3.1.2 – Mitigation (Pg. 68)	To reduce the impacts of the presence and operation of MODU and supply vessels on marine and migratory birds, Chevron proposes to consult with ECCC-CWS in order to "develop a protocol for systematic, daily searches for seabirds stranded on the MODU and supply vessels, which will include the documentation of search effort. Seabirds found will be recovered, rehabilitated, released and documented in accordance with the methods in Procedures for Handling and Documenting Stranded Birds Encountered on Infrastructure Offshore Atlantic Canada (ECCC 2017b). Chevron will provide training in these protocols and procedures. A Seabird Handling Permit will be obtained from ECCC-CWS annually. In accordance with ECCC requirements, an annual report and occurrence data that summarizes stranded and/or seabird handling occurrences will be submitted to ECCC" (Pg. 68). MTI is concerned that the quality of these seabird surveys may be impacted by the lack of dedicated marine bird surveyors performing observations on the MODU and supply vessels and the absence of general awareness training provided to staff on the MODU and supply vessels. MTI is concerned with the lack of	9a. Chevron should commit to having a dedicated marine bird observer on the MODU and supply vessels, as this would provide MTI with greater confidence in the effectiveness of the seabird surveys. 9b. Chevron should provide all staff on the MODU and supply vessels with general training on seabird stranding awareness and have staff record incidental observations, in addition to having a marine bird observer trained in the Procedures for Handling and Documenting Stranded Birds Encountered on Infrastructure Offshore Atlantic Canada. 9c. Chevron should consider hiring MTI community members to facilitate the seabird monitoring program and provide them with industry-standard job training, if needed. This provision of direct oversight opportunities will provide MTI with greater assurance that Chevron's seabird observation protocols for MODUs and supply vessels are being implemented correctly to monitor the impacts on seabird communities throughout Project operations. 9d. In addition to sharing the annual report with ECCC-CWS, Chevron should share the report with MTI so that they are kept informed of the impacts on seabird



COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
		engagement with their communities on seabird monitoring activities and reporting as this Project has the potential to adversely affect these species.	communities throughout Project operations and can provide input to inform future monitoring efforts.
10	EIS Section 9.3.1.2 – Mitigation (Pg. 68 & 69)	Chevron states that to mitigate the impact of lighting on the MODU and supply vessels on marine and migratory birds that "lighting will be reduced to the extent that worker safety and safe operations are not compromised. Reduction of light may include avoiding use of unnecessary lighting, shading, and directing lights towards the deck" (Pg. 68–69). Chevron does not mention any associated documentation of changes in lighting, which could be used to contribute to the understanding of the effects of lighting on seabirds.	Chevron should consult with ECCC-CWS regarding possible data collection efforts to record changes made to lighting (e.g., duration, location). Chevron should compile these data into an annual report and share it with ECCC-CWS and MTI. These data would contribute to the understanding of the effectiveness of lighting reductions, shading, and directing lights towards the deck at mitigating the effects of lights on marine and migratory birds.
11	EIS Section 9.3.1.2 – Mitigation (Pg. 69)	Chevron states that "if flaring is required, Chevron will discuss flaring plans with the C-NLOPB including steps to reduce adverse effects on migratory birds. This may involve restricting flaring to the minimum required to characterize the wells' hydrocarbon potential and as necessary for the safety of the operation, reducing flaring during periods of migratory bird vulnerability, and the use of a water curtain to deter birds from the general vicinity of the flare" (Pg. 69). Chevron does not mention contacting other regulatory agencies regarding planned flaring activities or possible monitoring and data collection efforts during flaring activities, the effects of which are still not well documented.	11a. In addition to discussing flaring plans with the C-NLOPB, Chevron should notify ECCC-CWS 30 days prior to planned flaring activities so that they are able to incorporate their suggestions (e.g., plan flaring outside of sensitive periods for marine and migratory birds). 11b. Chevron should commit to having a marine bird observer present during flaring activities to record any possible interactions with marine or migratory birds and note the effectiveness of the water curtain at deterring species. Chevron should compile these data into an annual report and share it with ECCC-CWS and MTI. These data would contribute to the understanding of the effectiveness of water curtains at mitigating the effects of flaring on marine and migratory birds.
12	EIS Section 10.3.1.3.3 – Supply and Servicing (Pg. 116)	Chevron states that during transit to and from the Project Area, the crew of the supply vessels "will keep a watch for marine mammals and sea turtles and reduce speed and/or alter course if practicable to avoid collision" (Pg. 116). MTI is concerned by the lack of dedicated and trained MMOs performing	Chevron should commit to employing dedicated MMOs during supply vessel transit. These MMOs would undertake visual surveys in combination with PAM to improve marine mammal detection probability during supply vessel transit and minimize the risk of physical injury or mortality. As previously mentioned, Chevron



COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
		observations during supply vessel transit and the use of PAM. Using both knowledgeable and experienced MMOs and PAM, supply vessels would be able to more reliably detect marine mammals. PAM are able to detect marine mammals in situations that MMOs may be unable to, such as difficult weather conditions (e.g., fog, low light) and when marine mammals surface in areas that are difficult to visually detect (Baumgartner, 2019; Heenehan, 2016). Without the presence of dedicated MMOs and/or additional detection methodologies like PAM, it is unclear how vessel slow-downs or course alteration will be triggered and effectively implemented, in order to avoid a collision.	should provide detailed information on marine mammal visual observation and passive acoustic monitoring protocols (e.g., equipment used, timing of surveys, location of passive acoustic monitors, location of visual observation platforms, MMOs training requirements, adaptive management thresholds, triggers, and protocols, reporting) and consult with both the DFO and MTI in the development of this protocol.
13	General Comment, EIS Section 10.3 - Assessment of Residual Environmental Effects on Marine Mammals and Sea Turtles (Pg. 110–134)	Opportunities for involvement of MTI community members with the development of the marine mammal and sea turtle monitoring plan and associated activities were absent from the EIS. This is particularly concerning to MTI as the Project has the potential to adversely affect marine mammals of cultural significance.	13a. Chevron should consider hiring MTI community members to facilitate the duties of MMOs on the MODU and supply vessels and provide them with industry-standard job training. This provision of direct oversight opportunities will provide MTI with greater assurance that Chevron's marine mammal observation protocols for MODUs and supply vessels are being implemented correctly to monitor impacts on marine mammal communities throughout Project operations. 13b. Chevron should consult with MTI during the development of their marine mammal and sea turtle monitoring plan and ensure that the report of the program and sightings are submitted annually to MTI. This will allow MTI to have greater confidence in the rigor of the monitoring plan and a better understanding of the effects of the operations throughout the Project life.

CUMULATIVE EFFECTS



COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
14	EIS Section 4.2.1 - Concerns Expressed by Indigenous Groups	In documenting the perceived lack of a comprehensive approach to analyzing, understanding, and addressing the potential for cumulative impacts, the EIS states that Chevron is participating in the Regional Assessment where a more regional and multi-faceted approach is being taken to examining cumulative effects of multiple projects and interactions with other ocean users. Chevron states that they will apply any applicable new learnings from the regional assessment to their exploration drilling Project. However, the Regional Assessment was released prior to the West Flemish Pass release of the EIS and has no clear inclusion of the findings of the Regional Assessment in the West Flemish Pass EIS.	MTI has reviewed and made comments related to the Cumulative Effects Assessment section of the Regional Assessment. The Proponent has committed to incorporating and applying new learnings from the Regional Assessment and as such should consider and incorporate the comment provided by MTI in the Regional Assessment.
15	EIS Section 6.7 – Cumulative Effects	The Regional Assessment currently only assesses the cumulative impacts of existing production facilities and future exploratory drilling, with limited to no assessment of future production facility cumulative impacts. Cumulative effects are only described in terms of existing oil production facilities (Hibernia, Terra Nova, White Rose, Hebron), future exploratory drilling projects and one proposed oil production facility (Bay du Nord). There is no effects assessment of the scenario where all these proposed exploratory wells turn into actual oil production facilities. Acknowledging that the exploration drills are relatively short lived, the potential for these exploration wells to turn into production facilities significantly increases the timeline for activity and potential impacts over time in the region. Further, if all exploration wells transition into production facilities, the potential for simultaneous accidents, malfunctions, and general project activities would significantly increase the potential for cumulative impacts.	The EIS should consider the cumulative effects assessment in the possible scenario where all the proposed exploration projects transition into oil production facilities within the Regional Assessment Study Area. The EIS should examine and assess the potential environmental and cumulative impacts of increased oil production activities including an increase in general oil production operation activities, as well as simultaneous accidents, malfunctions, and oil spills in the study area.



QUESTION/RECOMMENDATION

SOCIO-ECONOMICS AND COMMUNITY WELL-BEING

16 EIS Section 1.3.2 – How Chevron Operates

In Section 1.3.2 How Chevron Operates, the description of the Proponent (owner – Chevron) and the Project team indicates a low level of engagement with Indigenous Peoples (i.e., notification only). This is in contrast with the Company's description with how it operates; in Section 1.3.2: "Chevron Corporation is committed to responsibly developing Canada's energy resources, and as a partner of choice with local communities and Indigenous Peoples." The mandate and operationalization of the Chevron's mandate, associated values need to translate into a higher level of engagement and forging real partnerships with Indigenous Peoples.

Consider honouring the notion of partnership and reconciliation with Indigenous Nations and rights holders with interests in the proposed project through explicit commitments that reflect partnership (i.e., Indigenous advisory committee, Indigenous involvement in environmental adaptive management planning and on-going monitoring. Consider entering into joint ventures or business partnerships with Indigenous Nations that will support the socially and environmentally responsible approach to owning and operating the Project.

17 EIS Section 7.4 –
Indigenous Communities
and Activities

In Section 7.4 Indigenous Communities and Activities, it states: "It is the operator's understanding that none of the listed Indigenous groups has asserted or established Aboriginal or treaty rights protected by Section 35 of the Constitution Act, 1982 (Section 35 rights) in or to the lands and waters of eastern offshore NL where the Project components and activities will be located. As illustrated in Chapter 2 and throughout this section of the EIS, the Project components and activities will be located at a considerable distance from Indigenous groups and many of their harvesting activities and other known interests... However, the various Indigenous groups identified in the EIS Guidelines have asserted or established Section 35 rights to harvest for FSC purposes or to earn a moderate livelihood in their traditional territories". Similar minimization of identify and rights representation is conveyed in Section 7.4.5.1. The Mik'mag of New Brunswick. MTI, in previous submissions and in letters to the Agency, has communicated the importance of accurate

Update documentation to reflect accurate portrayal of MTI's rights-holding members and associated modern-day rights.



COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
		representation in the myriad of offshore oil project EISs and overall regulatory processes. Each proponent claims that they are not made aware of any group that holds claims or asserts Aboriginal and Treaty Rights in the proposed study area. They go on to reference Section 35 of the constitution. MTI finds this lack of understandings and associated statements to be untrue. The communities' commercial activities are a modern-day interpretation of the rights given to us through our treaties. Because the federal government chooses to make us use the commercial fishery to exercise these rights doesn't mean they are not the assertion of our Aboriginal and Treaty Rights.	
18	General Comment	In general, the EIS demonstrates some indication of having considered feedback from MTI through previous technical reviews of other project EISs. This is reflected through acknowledgement of the species of cultural importance to MTI in Sections 12.1 where effect pathways and interactions with Indigenous socio-economic and traditional land and resource use related value components are acknowledged. Additionally, a Regional Assessment Area (RAA) has been established that is large enough to reflect the interests and project-effect mechanisms of importance to Maritime Indigenous communities including MTI members: "Although the RAA is intended to be much broader than the LAA, which focuses on the extent of potential effects associated with routine Project activities for each VC, it is possible that effects from larger scale unplanned events (e.g., blowout) could extend beyond the RAA. The RAA for the Indigenous Communities and Activities VC is larger than the RAA for other VCs in order to encompass the various Indigenous communities which have the potential to be affected	MTI requests that Chevron adds to its list of mitigations a clear commitment to implement processes that allow for Indigenous Knowledge, including Mi'gmaq Knowledge to be meaningfully incorporated into environmental management and monitoring plans over the course of the exploration project's nine-year life.

by Project-related activities." MTI acknowledges the



COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
		progress that these changes represent relative to other project-effect assessment methodologies reviewed in the past. However, what is still missing in Chevron's EIS is a clear demonstration of how Mig'maq Knowledge has been incorporated into the EIS, and how it will continue to be considered over the life of the project by way of adaptive management and monitoring.	
19	EIS Table 7.25 –Mi'gmaq of New Brunswick Community Profiles	In Table 7.25 Mi'gmaq of New Brunswick Community Profiles, Chevron states that they have used the same information about Indigenous populations and groups	This table, and the EIS in general, needs to clearly articulate all other issues, interests, and concerns that MTI has communicated to previous proponents and the

information about Indigenous populations and groups with interests in the Project as Equinor Canada: "The goal of using the same information prepared by Equinor Canada (and incorporating information provided by Indigenous groups who reviewed the tables in these sections) is to provide consistent information on the 41 Indigenous groups operators have engaged and continue to engage with during preparation for EAs for offshore exploration drilling projects." Indeed, the content within Table 7.25 Mi'gmag of New Brunswick Community Profiles is identical as that of Equinor's Central Ridge EIS. Unfortunately, what is not included in the baseline information section of Chevron's EIS is a) consideration of MTI's input and requests for more relevant baseline information regarding their rights and socio-economic interests (i.e., MTI-generated Indigenous Knowledge); and b) results of MTI's technical review of Equinor's Central Ridge EIS. Moreover, the profiles presented only refer to personal communications with a staff member at DFO. Again, there is no indication of information gathering from MTI either through their IK Study results or other information collection methods, including interviews.

articulate all other issues, interests, and concerns that MTI has communicated to previous proponents and the IAAC through previous submissions and within their Indigenous Knowledge Studies. Furthermore, the EIS needs to be clear about where information is sourced. For instance, the only personal communication cited within the baseline information for Indigenous communities is a DFO staff member. There are only Stats Canada and various First Nation websites listed in the references — there are no Nation-specific Indigenous Knowledge Study Reports listed in the reference list. This confirms the lack of consideration of IK within the EIS, which MTI considers a significant gap in process and, in turn, analysis and decision making.



COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
20	EIS Section 12.3.2.2. – Mitigation	In Section 12.3.2.2. Mitigation, the mitigations listed are limited to information notifications. Furthermore, there is no indication of meaningful involvement or input into the Indigenous Communities Fisheries Communication Plan, nor is there any indication that involvement in reviewing environmental plans and providing input will be made possible. Chevron states in their EIS that they have reviewed and considered comments, issues, and concerns raised by Indigenous communities including MTI on previous offshore oil project EISs. Evidence of this is present in certain subsections within Section 12.0 in terms of acknowledging species of cultural importance and effect pathways and interactions with two key-value components related to Indigenous interests. However, the consideration of past submissions and input from Indigenous communities, including MTI, is not evident within Chevron's list of mitigations intended to address the potential effects of concern for MTI. The recognition of concern and potential risks to Indigenous community-related value components does not translate into meaningful action beyond retroactive information sharing.	20a. A clear and explicit commitment is needed as a mitigation measure for MTI's direct involvement in environmental monitoring, including plan design and implementation. MTI requires direct involvement in environmental monitoring planning and the implementation of such plans, not just being in receipt of the results. 20b. Engage MTI on the development and scope of the proposed Indigenous Communities Fisheries Communication Plan and establish processes for MTI's involvement in monitoring plan development and implementation over the nine-year life of the Project.
21	EIS Section 12.3.2.3 – Characterization of Residual Project-related Environmental Effects	Section 12.3.2.3 characterizes the residual project-related environmental effects on Indigenous communities and activities that could result in a 'Change in Health and Socio-economic Conditions', followed by effects characterizations on a 'Change in Current Use of Lands and Resources for Traditional Purposes' from each of the project's components and associated effect pathways and mechanisms. These residual effects have been characterized in the same manner for both value components: adverse; negligible to low in magnitude; occurring within the RAA (where affected Indigenous communities are located) with the exception of supply and servicing,	Include monitoring and adaptive management plans as a commitment, ensure processes for meaningful Indigenous engagement within the monitoring and adaptive management measures undertaken to verify the accuracy of effect predictions made within the EIS. This includes the consideration of Indigenous Knowledge and feedback mechanisms, not solely notification-based communication plans.

COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
		which occurs in the LAA; either short- or medium- term in duration; occurring more than once as irregular events; and reversible. The acknowledgement of these residual effects on these value components is progress relative to other offshore oil project EISs. However, like the comment above, it is concerning that there are not any more substantial mitigation measures reflecting adaptive management and/or monitoring to verify the predictions of these effects over the exploration project's nine-year life.	
22	EIS Section 12.3.4 – Species of Commercial or Cultural Importance	In Section 12.3.4 Species of Commercial or Cultural Importance: Potential Effects and Mitigations, it is positive that Chevron has considered and acknowledged the specific concerns that Indigenous communities have raised about the potential effects on swordfish, bluefin tuna, Atlantic salmon, and American eel. The Proponent predicts that the potential effects on swordfish to be low, and that general mitigations implemented to protect fish and fish habitat, combined with "communication with Indigenous communities and fisheries stakeholder with fishing gear damage compensated as required." The effects and mitigation measures are the same for bluefin tuna, Atlantic salmon (in addition to references to the Environmental Studies Research Fund that will provide data), and American eel. Similar to the comments made above, it is unclear why Chevron is not implementing an explicit mitigation measure that reflects Indigenous involvement in adaptive management and monitoring plans.	MTI requests a commitment be made for a) environmental monitoring, follow up and adaptive management plans to be established and b) meaningful Indigenous involvement in the planning and implementation of these plans.

ACCIDENTS AND MALFUNCTIONS



23	EIS Section <i>6.5.3.</i> –		
	Potential Effects from Routine Operations	The proponent states that during drilling, operational discharges will be managed in accordance with a proponent-specific Environmental Protection Plan (EPP). The EPP will be developed based on the OWTG and will be submitted to the C-NLOPB as part of the Operations Authorization process. Discharges not identified in the EPP are not permitted to be discharged and are considered a spill if released into the marine environment. Response and management of spill events are outlined in the Operator's Project and Site-Specific Oil Spill Response Plan.	23a. The EPP should be circulated to all indigenous groups to be reviewed and provide comments prior to project initiation. MTI would like the opportunity to review and comment on the contents and procedures within the EPP. 23b. In relation to Chevrons' commitment to funding Atlantic salmon research studies through the ESRF, the Cumulative Effects Assessment should incorporate and apply any new findings from the salmon studies in order to appropriately enhance the mitigation and protection measures on Atlantic salmon.
24	EIS Section 6.5.3. — Potential Effects from Routine Operations	The impacts of a collision with icebergs and the drilling platform in the Project Area seem potentially catastrophic and could be likely and unavoidable. This sections states that supply and personnel movement to and from the drilling installation can be delayed and the drilling installation could be moved off the well site to avoid being struck by an iceberg. In addition, sea ice and icebergs can also increase the risk of an accidental event (e.g., a vessel collision and/or impact with the drilling installation, potentially resulting in a spill), and human health risk, and/or irreparable damage to the drilling installation superstructure. This seems like a very large issue and could result in far reaching environmental impacts. However, there is little discussion on how iceberg movement will be monitored and what the possible avoidance or notification procedures are in place.	Understanding the oil spill potential, please provide information pertaining to how the Proponent plans to monitor for iceberg movement and collision potential and how emergency evacuation and shut down could reduce some of the effects. Will Indigenous groups be notified of this potential and how iceberg activity may alter or restrict progress or execution of the drilling program?
25	EIS Table 7.1 – Summary of Standard and Project Specific Mitigation	The EIS states that the Project will include contingency plans for responding to specific emergency events, including potential spill or well control events. The contingency plans, such as an Oil Spill Response Plan, will be submitted to the C-NLOPB prior to the start of any drilling activity as part of the Operations Authorization process.	MTI requests the opportunity to review the Project Incident Management Plan, Spill Response Plan, Environmental Protection Plan, and Safety Plan before they are finalized, and provide comments to the Proponent, CEAA, and other relevant regulatory authorities. The Proponent noted that engagement with Indigenous groups will continue. Discussions on



COMMENT #	ENVIRONMENTAL IMPACT STATEMENT SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
			the Incident Management Plan, Spill Response Plan, Environmental Protection Plan, and Safety Plan will occur at a high level. However, MTI maintains that this engagement is not occurring. MTI would like a firm commitment that the proponent will consult and engage with the community on the completion of the Spill Response Plan prior to finalization.
26	EIS Section 6.5.3 – Potential Effects from Routine Operations	MTI have commented in previous EIS reviews that booms, berms, and other barriers may be used to protect sensitive shorelines in the event of a spill. Insufficient information is provided on whether adequate equipment is available for large spills and whether the equipment could reasonably be deployed before oil reaches shore. The proponent would maintain access to spill response equipment to respond to a range of potential scenarios. Some localized equipment (e.g., sorbents) will be maintained on the mobile offshore drilling unit and platform supply vessels. Booms and skimmers will be located in or near Halifax. It is still unclear how spills will be detected and the time that will be required to deploy the spill contingency measures.	More detail regarding the means that spills will be detected, the duration it will take between detection and deployment of spill contingency methods needs to be provided. When the spill contingency plan is formulated, the MTI should be engaged and provided with the opportunity to comment. Further, MTI personnel represent untapped resources for spill response measures that include surveillance and tracking, offshore containment and recovery, dispersant application, in-situ burning, shoreline protection, shoreline cleanup, oiled wildlife recovery, and waste management.

