



**Comments on the Summary of the
Environmental Impact Statement**

for the

**Tilt Cove Exploration Drilling Project
Proposed by Suncor Energy Inc.**

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By the NunatuKavut Community Council

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1. Introduction

The NunatuKavut Community Council (“NCC”) is pleased to present its comments to the Impact Assessment Agency of Canada on the Environmental Impact Statement Summary for the Tilt Cove Exploration Drilling Project (“Summary EIS”). NCC has previously submitted comments on a number of offshore oil and gas projects and also participated in the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador. As such, our comments on Tilt Cove reflect substantial experience reviewing offshore oil and gas exploratory and development projects. Our key concerns as to the content of the Summary EIS for the Tilt Cove project is found in Section 2 of these comments. The remainder of Section 1, however, which provides background on NCC and NunatuKavut Inuit, serves as essential context for our substantive comments on the Summary EIS.

Background on NCC and NunatuKavut Inuit

NCC is the representative governing body for more than 6,000 Inuit primarily residing in south and central Labrador. Translated from Inuttitut, NunatuKavut means “Our Ancient Land” and refers to our territory. NunatuKavut Inuit are beneficiaries of the British-Inuit Treaty of 1765, entered into at Chateau Bay, Labrador in 1764-1765 between the southern Inuit and the British Crown.

Today, NunatuKavut encompasses more than 20 permanent communities, with the vast majority of members residing along Labrador’s south coast, south of Hamilton Inlet. As it was in times of old, and still today, we are deeply connected to the land, sea and ice that make up NunatuKavut, our home.

The rights of NunatuKavut Inuit are represented by NCC. NCC is led by a Governing Council elected by our membership. It is comprised of a President and Vice-President, Councillors representing each of the six areas in our territory, as well as an area that represents non-resident members, and an Elder and a Youth Councillor. The primary function of NCC is to ensure the land, ice and water rights as well as titles of our people are recognized and respected. We are also fully present at the grassroots level in our communities, providing a variety of programs and services to NunatuKavut Inuit – living within and outside Labrador.

In July 2018, Canada announced the start of talks with NCC on the Recognition of Indigenous Rights and Self-Determination (RIRSD). In September 2019, NCC signed a Memorandum of Understanding (MOU) with Canada, which outlines the general principles of discussion and sets the stage for next steps in the RIRSD process. This provides an opportunity to advance such matters as self-governance on our lands, waters, resources and programs and services. The MOU also serves to better define relationships and map a more robust way forward with our federal, provincial and territorial partners.

As the traditional stewards and guardians of our territory, NunatuKavut Inuit are in the best

position to provide relevant knowledge, make decisions, and monitor and enforce protections with respect to projects and policies affecting the natural resources on which we depend, and thus our rights in relation to those resources. NCC asserts its Inuit and Treaty rights to lands and resources within NunatuKavut, including the rights to hunt, trap, fish and gather.

2. GENERAL COMMENTS - AREAS OF KEY CONCERN

NCC has serious concerns with the treatment of three specific topics in the Summary EIS, as described below. Additionally, NCC has certain concerns with other specific sections of the Summary EIS, and we will submit those to IAAC as an addendum to the present comments, in hopes that they will be considered as well.

a. Atlantic salmon – potential impacts not adequately treated

In the section of the Summary EIS dealing with consultation and engagement with Indigenous groups (section 4.2), the document states that, "...Suncor acknowledges that species harvested for commercial or FSC purposes outside the Project Area may potentially interact with Project activities (planned or unplanned) during migration to traditional fishing grounds. These species may include species at risk and/or of cultural importance to Indigenous groups (e.g., Atlantic salmon)."¹ Furthermore, the proponent rightly states in Table 4.1 (Concerns Expressed by Indigenous Groups), that:

Salmon are a cornerstone species for Indigenous communities in Atlantic Canada. Indigenous groups are concerned about potential impacts of exploration drilling (both operations and potential accidents) on Atlantic Salmon populations that may migrate and over-winter in the Project Area. These populations return to their natal rivers and streams where they could be harvested for traditional (FSC) purposes, although many Indigenous communities do not harvest for FSC purposes due to ecological concerns. Some of these populations are listed under SARA.²

There is, nonetheless, one major problem with the Summary EIS in relation to Atlantic salmon harvested for FSC purposes by NunatuKavut Inuit, who are represented by the NunatuKavut Community Council (NCC): **The Summary EIS makes no mention of the Labrador population of Atlantic salmon despite the fact that it is this particular population of salmon that NCC members harvest.** Specifically, in Section 6.2 on Marine Fish and Fish Habitat, **Table 6.3, "Fish Species of Conservation Concern Potentially Occurring in the RAA", excludes the Labrador population from its list of various populations of Atlantic salmon.**³ This is problematic for obvious reasons, but below, we include information on why the Summary EIS must look also at the Labrador salmon population.

¹ Summary EIS, p. 22.

² Summary EIS, p. 24.

³ Summary EIS, p. 38.

While some uncertainty exists, existing information about salmon migration patterns points to the fact that young salmon leaving natal rivers on the coast of southern Labrador, which is an important part of NunatuKavut traditional territory, often follow the flow of currents heading south, en route to feeding and overwintering grounds. In so doing, they pass rather directly through offshore development areas near the Flemish Pass, as shown in Figure 1, below. Information on smolt movements is referred to in both the BHP Canada EIS and West Flemish EIS, along with a map, reproduced below.

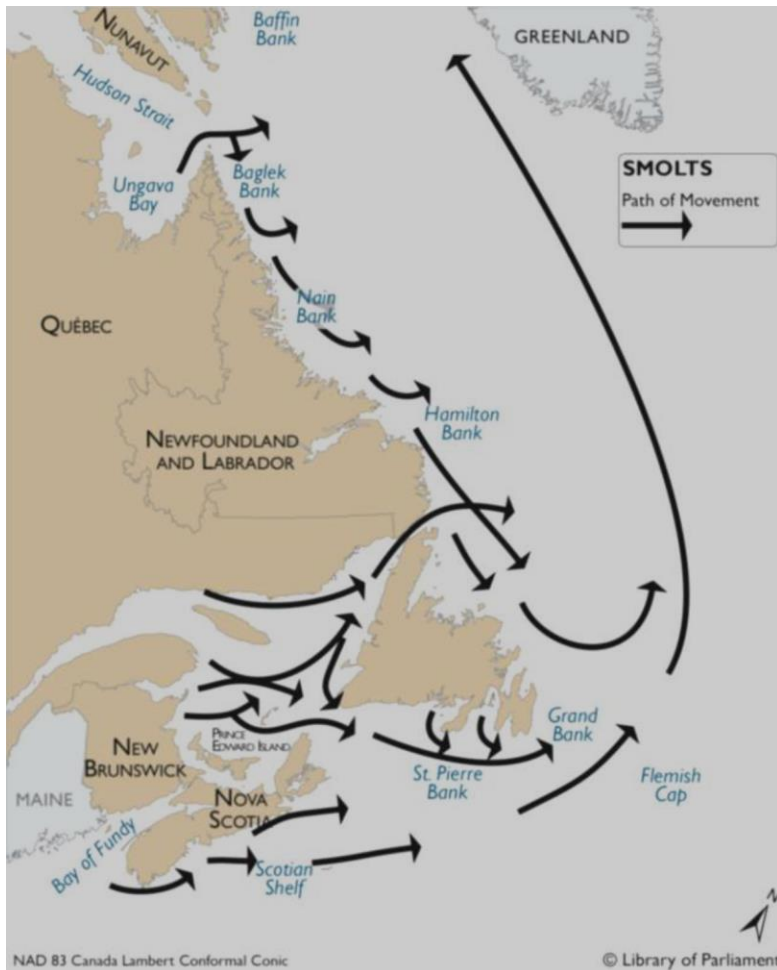


Figure 1: Diagram of movement of Atlantic salmon smolts.⁴

In light of the above, we strongly request that IAAC require the proponent to correct its analysis to factor in the Labrador population of Atlantic salmon, in section 6.2 and in all other places in the Summary EIS and full EIS where Atlantic salmon are mentioned.

Additionally, due to the exclusion of Labrador population from the Summary EIS, NCC is

⁴ See Chevron Canada Limited, EIS, Ch. 6, “Existing Biological Environment”, page 6-68, <https://iaac-aeic.gc.ca/050/documents/p80161/133877E.pdf>; BHP Canada, EIS, Ch. 6, “Existing Biological Environment”, page 6-51, <https://iaac-aeic.gc.ca/050/documents/p80174/134089E.pdf>.

concerned that the “Action/Mitigation” activities it mentions in Table 4.1 in relation to Atlantic Salmon may not adequately cover the Labrador population. In that light, NCC asks that the treatment of research studies such as the ESRF Atlantic salmon project, be considered carefully, and supplemented as necessary with other research studies in order to ensure that the Labrador population of salmon is being properly studied in relation to the Tilt Cove project. Lastly, we note that some of the references relating to Atlantic salmon seem quite outdated, and we ask that the proponent be required to make every effort to include the most recent information available.

b. Methane emissions from the project grossly underestimated

NCC is particularly concerned with the proponent’s description and characterization of certain greenhouse gas (GHG) emissions from the project – in particular methane emissions -- as well as the lack of information on how methane mitigations will be mitigated. NCC has previously provided detailed information and even lists of references pertaining to methane mitigation in its submissions of comments on other oil and gas projects under assessment.⁵ As such, we are disappointed if not disturbed to see that – once again – a proponent of an offshore oil and gas project is neglecting to discuss in its EIS (or in this case a Summary EIS) the highly important issues surrounding methane emissions and offshore oil and gas drilling at either the exploratory or production stage, including the identification/detection of methane leaks from infrastructure (e.g., platform, piping, underwater lines, etc.) or processes and the methods, processes or other measures that would be put in place to control such emissions.

For example, in the present Summary EIS, there are zero mentions of fugitive emissions or, in fact, any non-routine methane emissions, much less how they would be detected and controlled or mitigated. This is unacceptable in light of the fact that numerous research studies have demonstrated that oil and gas operations, offshore as well as onshore, emit sizeable amounts of methane through non-routine pathways.⁶ In fact, some research has shown that methane emissions from shallow offshore platforms exceed methane emissions from drilling on land.⁷ Additionally, recent academic research shows that shallow water production operations (Tilt Cove is described as a shallow water exploration project⁸) substantially increase the carbon intensity of offshore oil and gas production when losses and venting of methane are included along with carbon dioxide from combustion.⁹ While the project

⁵ NCC would be pleased to provide IAAC with an *updated* list of such sources, upon request.

⁶ NCC’s list of references on this topic addresses this issue specifically.

⁷ Reuters, “Methane emissions from U.S. shallow offshore platforms exceed those on land, study says” (August 11, 2022), Reuters.com, <https://www.reuters.com/business/environment/methane-emissions-us-shallow-offshore-platforms-exceed-those-land-study-finds-2022-08-11/>. (Citation to original study to be provided subsequently).

⁸ Summary EIS, page 3, with water depths ranging from 67-90m.

⁹ A.M. Gorchov Negron et al, “Excess methane emissions from shallow water platforms elevate the carbon intensity of US Gulf of Mexico oil and gas production”, (April 2023) *Proceedings of the National Academy of Sciences*, Vol. 120, Issue no. 15. <https://doi.org/10.1073/pnas.2215275120>.

presented in the Summary EIS reviewed is obviously an exploratory drilling project, the lesson is an important one: methane emissions for shallow-water projects can be significant and must be both acknowledged and prepared for. As the authors of that study state:

“This shows that production in shallow waters, as currently operated, has outsized climate impact. To mitigate these climate impacts, methane emissions in shallow waters must be addressed through efficient flaring instead of venting and repair, refurbishment, or abandonment of poorly maintained infrastructure.”¹⁰

When oil and gas drilling is done at shallow depths, methane can reach the surface and escape to the atmosphere, as contrasted to when drilling is done in deep water, where the methane that is released during a blowout or underwater spill, for example, never reaches the surface.¹¹ As long as drilling is occurring, whether exploratory or production, methane emissions can be a sizeable problem. In one study, Princeton researchers found that offshore oil and gas rigs in the North Sea leak more than twice as much methane as they report to the British government, and they did this using measurements from fishing boats downwind of offshore rigs when they were in stand-by mode (e.g., no flaring or transfer of oil).¹² NCC believes that the proponent, particularly as a part of the gas and oil industry, has a responsibility to minimize methane releases of all kinds because, in the words of a Princeton University researcher, “the fastest way to reduce the effects of greenhouse gases significantly is by decreasing methane emissions”.¹³

To underscore this last point, it is useful to present the following important points from the International Energy Agency (IEA)¹⁴ about oil and gas operations in relation to greenhouse gases, and methane’s role:

- “Methane emissions are currently the second largest cause of global warming.”
- “Due to the near-term warming potential of methane emissions, reducing their level will be critical to avoid the worst effects of climate change.”

¹⁰ Ibid, p. 1.

¹¹ It succumbs to another fate that is equally problematic, and one that can result in local deoxygenation, but this topic is beyond the scope of the present comments.

¹² Riddick, S. N. et al (2019) "Methane emissions from oil and gas platforms in the North Sea", *Atmos. Chem. Phys.*, 19, 9787–9796, <https://doi.org/10.5194/acp-19-9787-2019>. See also: Helmholtz Centre for Ocean Research Kiel (GEOMAR), (2017) “Oil and gas wells as a strong source of greenhouse gases: New study demonstrates methane leaks around North Sea boreholes”, *Science Daily*, 28 August 2017, <https://www.sciencedaily.com/releases/2017/08/170828102707.htm>.

¹³ Steven Schultz, “Q & A: Princeton U. researchers say controlling methane leads can ‘pay off quickly’ to lessen effects of climate change”, State Impact Pennsylvania, Sept. 22, 2019, <https://stateimpact.npr.org/pennsylvania/2019/09/22/qa-princeton-u-researchers-say-controlling-methane-leaks- can-pay-off-quickly-to-lessen-effects-of-climate-change/>.

¹⁴ International Energy Agency (IEA), (2022), *Methane Emissions from Oil and Gas Operations*, IEA, Paris, online at: <https://www.iea.org/reports/methane-emissions-from-oil-and-gas-operations>.

- “Upstream oil and gas operations contribute more than three-quarters of total emissions globally, with the downstream segment accounting for the remaining share.”
- If all countries implemented tried and tested policies that have already been used effectively in multiple settings, it would cut global methane emissions from oil and gas operations in half.”

NCC’s coastal and inland communities alike are already seeing and suffering certain climate change impacts likely to have been caused or contributed to by global warming, and it is well-known that the climate crisis is accelerating, not abating. As such, it is incumbent on the industries responsible for the majority of GHG emissions to do all they can to reduced emissions connected to their activities. Requiring offshore oil and gas operations (exploratory as well as production) to put strict procedures, processes and technologies in place in order to detect and control methane emissions is both entirely reasonable and morally necessary.

Lastly, NCC notes that, in the Summary EIS, the proponent does not even offer details on how it will mitigate methane emissions that “will” be released during “routine project” activities.¹⁵ This lacuna must be addressed as well.

With the above points in mind, NCC implores IAAC to require Suncor Energy Inc. (as well as other proponents) to ensure that its EIS is corrected in a way that fully addresses the issues relating to methane emissions – routine as well as non-routine.

c. Cumulative effects of the project inadequately addressed

In the section of the Summary EIS dealing with consultation and engagement with Indigenous groups (section 4.2), the proponent rightly states in Table 4.1, describing concerns expressed by Indigenous groups, that, “There is a perceived lack of a comprehensive approach to analyzing, understanding and addressing the potential for cumulative impacts of so many proposed projects in the same region on the environment, and on Indigenous communities.”¹⁶ Unfortunately, however, the proponent then proceeds to state the following as its proposed action/mitigation to this problem:

Suncor participated in the recent federal government Regional Assessment where a more regional and multi-faceted approach was taken to examining cumulative effects of multiple projects and interactions with other ocean users. Suncor has applied any applicable new learnings from the regional assessment to their exploration drilling project.¹⁷

The proponent’s reliance on the findings of the Regional Assessment of of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador (“Regional Assessment” or “NL RA”) for its information and determinations on the potential cumulative impacts of the Tilt Cove

¹⁵ Summary EIS, p. 33.

¹⁶ Summary EIS, p. 25.

¹⁷ Ibid.

Exploratory Drilling Project represents a fundamentally flawed approach because the treatment of cumulative effects in the Regional Assessment, was itself, fraught with numerous problems. From its own experience with the NL RA, and its review of the Draft Report of the NL RA's committee, NCC could not disagree more with the statement that "a more regional and multi-faceted approach was taken to examining cumulative effects of multiple projects and interactions with other users." For example, the NL RA's discussion of cumulative effects relied heavily on a flawed predictive analysis that appeared to undercount the number of wells planned for the NL RA Study Area, and that is a serious problem which thwarts one of the key points of cumulative effects analysis – namely, to understand what environmental effects are potentially likely to occur from the project in question when looked at together with the environmental effects from existing projects in the region.

Additionally, NCC found that the NL RA's treatment of cumulative effects was wholly insufficient in terms of looking at the combined effect of new offshore oil and gas exploratory projects and anthropogenic effects, like those affecting the environment due to climate change and biodiversity. As one example, the NL RA's analysis largely ignored the interaction between oil and gas exploration and the impact of climate change on already-stressed salmon populations.

In light of the above, and the proponent's chosen approach to rely on the analysis method used in the NL RA, we believe it is useful here to quote from some of our own comments on the NL RA Draft Report, which explain, more concretely, the kinds of problems inherent in the NL RA's approach to cumulative effects analysis:

NCC observes that the information on cumulative effects, particularly in Chapter 5, is substantially insufficient and problematic. This is regrettable because while, as the Draft Report points out, Regional Assessments can be better suited to the evaluation of cumulative effects than individual assessments, the approach of this particular RA does not serve well the objective of analyzing cumulative effects. The analysis is insufficient and problematic because it misses one of the main points of cumulative effects analysis which is to look at the additive and interactive effect of the new activity, in this case new oil and gas exploratory drilling, on the valued components such as marine fish and fish habitat, fisheries, migratory birds, etc.

We can see from one example the type of flaw that happens throughout the cumulative effects analysis. Taking the example of commercial fisheries, the Report describes the various impacts to fish stocks from different types of activities in the Study Area, including current oil and gas activities, commercial fishing activities, etc., but it does not analyze sufficiently how the *new* exploratory drilling activity is likely to interact with those existing activities, and what the impact of the added activity might be.

The cumulative effects analysis also neglects a critical source of interaction with new activities that must not be ignored: climate change. So, to take the example of marine fish and fish habitats, it is critical to evaluate the interaction between the new exploratory activity and -- for example -- migratory Atlantic salmon stressed whose habitats may be impacted by climate change (e.g., increased water temperatures). There is research to suggest that the petroleum leaks or spills may be more toxic in warmer waters, and this kind of research must be taken into account in the evaluation of potential interactions and additive effects of new exploratory drilling. A 2016 review of management strategies relating to environmental impacts of the deep-water oil and gas industry stated: "At the most basic level, experimental work has shown that increased temperature generally increases the toxicity of petroleum hydrocarbons and other

compounds [internal references omitted], which suggests that the ecological impacts that have been recorded to date may expand in magnitude and distance as climate change proceeds”.¹⁸

The impacts of climate change on marine life are well-known enough now that any cumulative effects analysis should include an evaluation of how the new, added activity (e.g., exploratory drilling) might interact with climate change to affect a valued component like marine fish and habitat, commercial fisheries, etc.

Another problem with the cumulative effects section is that an inordinate amount of emphasis has been placed on predicting future oil and gas activities in the Study Area, and while this is useful if done properly, the information does not assist the overall cumulative effects analysis because it is never tied back properly to the question of impacts on specific valued components.

Finally, NCC is discouraged to learn of the RA Committee’s recommendations that the subject of cumulative effects be managed, going forward, primarily by C-NLOPB. We do not believe that the Board has the requisite expertise to take on the tracking of all cumulative impacts in the way that we have discussed here. Our hesitations are confirmed by the fact that Module 15, which was supposed to address cumulative effects, appears at this point to simply contain a document prepared by C-NLOPB (Dec. 2019) comprising a predictive study of potential exploration oil and Gas Activity 2020-2028 that seems to serve as the basis for the three scenarios discussed above.

NCC requests that IAAC ensure that its cumulative effects analysis in the EIS be adjusted to avoid the kind of pitfalls described in our comments on the NL RA Draft Report.

3. CONCLUSION

NCC appreciates this opportunity to provide comments to the Impact Assessment Agency of Canada on the EIS Summary for the Tilt Cove Exploration Drilling Project. We ask that IAAC please keep us informed of the status of this project going forward.

¹⁸ Cordes et al., “Environmental Impacts of the Deep-Water Oil and Gas Industry: A Review to Guide Management Strategies,” *Front. Environ. Sci.*, 16 September 2016, <https://doi.org/10.3389/fenvs.2016.00058>.