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June 13, 2011

 $\nabla_{\rho} V Q_{\ell} A_{\rho}$ Arctic Bay Robert J. St. Eloi Director of Lands and Resources Qikqitani Inuit Association P.O. Box 1340

Page Cape Dorset Iqaluit, Nunavut, XOA 0H0

PYTEDIA. Clyde River Christy Wickenheiser **Environmental Specialist** National Energy Board 444 Seventh Ave SW Calgary, AB T2P 0X8

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5055 Hall Beach

Dear Miss Wickenheiser,

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On behalf of the Qikiqtani Inuit Association (QIA) I wish to express our gratitude for the opportunity to comment on the proposed seismic work in Baffin Bay and Davis Strait in 2011. As part of our due diligence, we have reviewed and studied the various sources of information available to this point:

1. RPS Energy Environmental Assessment

from the proposed project activities.

brLSc Kimmirut 2. Community meetings (May 25th Pond Inlet and May 26th Clyde River 3. CLARC meeting minutes Pond Inlet and Qikiqtarjuaq

RE: 2D Seismic Survey offshore Baffin Bay/Davis Strait 2011 Comments

<-0-070 Pangnirtung Individual Unilingual Inuktitut Speakers

LUTCO Pond Inlet 5. QIA Environmental & Regulatory Affairs Advisor community meeting notes

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As such, we have concluded that the current level of consultation with all affected communities is insufficient. It is suggested that a process be developed whereby all concerns expressed by the affected communities be appropriately addressed and outline the measures to be adopted in the mitigation of any negative impacts incurred

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QIA has an existing process to gather community concerns through the Community Lands and Resources Committee (CLARC's) for each of the 13 communities in the Qikiqtani Region. The CLARC meetings held in Pond Inlet and Clyde River had serious concerns in regards to potential impacts on marine mammals (see attached Appendix). These concerns should be properly addressed.

Resolute Bay

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> P.O. Box 1340 Igaluit, Nunavut, XOA 0H0, Phone 867 975 8400 Fax 867 979 1643 www.gia.ca



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Time and resources on our part was used to ensure that unilingual letters (see attached Appendix) were translated in Inuktitut, so that their views could be communicated. This should be the proponent's responsibility as well as the regulator's to ensure that all affected community member's voices can be heard and understood.

More comments associated with community concerns included the following:

The community concerns expressed a lack of engagement of all the stake holders involved in the oil and gas development in Nunavut, as well as offshore waters not in the Nunavut Settlement Area.

Community members spoke passionately about their experience with Pan-Arctic oil exploration and the seismic programs conducted with dynamite, where dead fish and seals were found immediately after the seismic work. This memory is still in the minds of the Inuit today.

Comment from a Pond Inlet community member:

I look at what is going in Manitoba with the flooding of farm lands and how the provincial government set up a compensation fund, because it was the farmers livelihood that was at stake. Inuit livelihood is tied to our animals and anything that could upset that balance, Inuit will not be in favour, until Inuit are satisfied that there will be no impacts or minimal. And if there are any impacts, Inuit must be compensated

The Hunters and Trappers Organization (HTO) chairman in Clyde River expressed near the end of the public meeting that his community is against this project and therefore the HTO is against this project. The chairman said that a lot of work on behalf of the company and all stakeholders involve must be done before the community would feel comfortable with a seismic program being conducted in waters close to Clyde River.

One constant concern of the project is possibly alerting the migration routes of whales, which is of vital concern to the Inuit's way of life and subsistence harvesting. QIA notes the high rates of subsistence harvesting in the affected communities and the effects of long term oil and gas development may have.

QIA notes the two petitions against seismic testing signed by Clyde River residents sent to the NEB, as well as QIA.

Scientific Information

QIA feels additional attention is required in relation to establishing appropriate mitigation measures. Specifically, the background scientific literature review on which the *Statement of Practice for Mitigation of Noise in the Marine Environment* is based on, acknowledges that very little scientific information is available about sub-lethal impacts to marine wildlife. The Review



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of Scientific Information on Impacts of Seismic Sound on Fish, Invertebrates, Marine Turtles and Marine Mammals states:

The long and widespread history of seismic surveys globally in marine environments with no documented fish or invertebrate kills, and only circumstantial evidence of associations with infrequent strandings of marine mammals and giant squid, suggest that seismic surveys with fairly routine mitigation measures in place are unlikely to pose high risk of mortality of marine organisms. However, this suggestion must be qualified, because sub lethal or longer-term effects could have occurred and not have been detected by the monitoring programs typically in place. (Department of Fisheries and Oceans Habitat Status Report 2004/002, Page 1)

Inuit knowledge of past experience in the 1960's and 1970's seismic programs with dynamite would contradict the statement that no kills have been observed by seismic surveys.

The possible effects of sub-lethal impacts which community members expressed is the alteration of whale migration routes. With little scientific information informing project design on alteration of migration routes, it is paramount that the proponent properly incorporates Inuit Qaujimajatuqangit/Traditional Knowledge into project design to avoid altering migration routes and to the agreement of community members.

An analysis by QIA of the Environment Impact Statement notes the lack analysis of how mitigation measures are applied to whale migration routes, calving grounds, feeding areas, traditional harvesting, quite enjoyment of the ocean, avoidance of sensitive ecosystems, deep sea coral, etc. The methodology and analysis of how the background scientific information informs the mitigation measures is not readily apparent. QIA request the proponent provide this methodology, analysis and ultimately how this scientific information and Inuit Qaujimajatuqangit/Traditional Knowledge informs the project design, mitigation measures and shooting lines.

Inuit Qaujimajatuqangit/Traditional Knowledge

QIA feel that the proponent's use of two wildlife studies to demonstrate that IQ/TK has been gathered is not acceptable to level of concern raised by Inuit. There no mention of how this information informs or alters the project design. QIA feel that the level of concerns raised by community members requires an independent gathering of traditional knowledge to inform all future oil and gas exploration and development.

Community members expressed that their knowledge of marine mammals, migration routes, calving areas, important feeding areas is required by anybody that will do oil and gas development in the areas adjacent to their community. The approach taken in the Beaufort Sea where Beluga Management Zones were created along with aboriginal groups, community



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members requires a similar process to happen Baffin Bay and Davis Strait. QIA notes that the Beaufort Regional Environmental Assessment was announced in August 2010 and community members will require a similar systematic approach to address the lack of scientific as well IQ/TK knowledge of the Baffin Bay and Davis Strait.

QIA notes that Pond Inlet CLARC meeting minutes provide IQ/TK knowledge of the area where the proponent should avoid activity (see attached Appendix) figure 1, Pond Inlet CLARC meeting minutes). QIA feel that a process needs to be developed by the proponent or oil and gas stakeholders where each affected community can provide this information to inform project design and mitigation measures.

Multi-Stakeholder Approach to Oil and Gas Development

The community members expressed that all stake holders involved in oil and gas development must set up a process to educate the affected communities and oil and gas development. And to develop an acceptable process to address those community concerns independent of individual projects.

QIA notes the stakeholders involved: the regulator National Energy Board, Licensor Aboriginal Affairs and Northern Development and DIO's (Nunavut Tunngavik Incorporated) to have a frank discussion with affected community on the future development of oil and gas resources.

A higher onus is placed upon the crown to consult aboriginals when a project has the potential to affect aboriginal rights. In this instance an aboriginal right(s) is already recognized through the Nunavut Land Claims Agreement and protected under section 35 of the Constitution Act, 1982.

QIA is requesting that the National Energy Board create a relationship with the affected communities that it has authority to issue an authorization.

Recommendations

- The proponent should hold public meetings in all six affected communities to ensure all community concerns are and adequately addressed.
- 2. The proponent should develop a process to address community concerns and build a relationship, as this project is asking to collect 5 years worth of seismic data.
- The proponent should clearly present a plan to the communities where the community members feel that their concerns are being addressed and how they are incorporated in the project design to mitigate any negative impacts.



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4. That the National Energy Board <u>not</u> grant authorization of the proposed seismic work until a process is developed to address community concerns to the satisfaction of the affected communities.

Should you have any questions or comments, please direct them to Nigel Qaumariaq, Environmental and Regulatory Affairs Advisor at 867-975-8428.

Kindest regards,

Robert J. St. Eloi Director of Lands Qikiqtani Inuit Association