



Environment and  
Climate Change Canada

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Environmental Assessment and Marine Programs  
Environmental Protection Operations Directorate - Atlantic  
Environmental Stewardship Branch  
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5 September 2025

Melissa Moss  
Environmental Assessment Officer  
Canada-Newfoundland and Labrador Offshore Petroleum Board  
Fifth Floor, TD Place  
140 Water Street  
St. John's, NF A1C 6H6

Dear Ms. Moss:

**RE: Multiklient Invest Labrador Offshore Seismic Program 2026-2030 EAS 25-NL-032**

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As requested in your letter of 22 August 2025, Environment and Climate Change Canada (ECCC) has reviewed the Project Description and Draft Scoping Document of Multiklient Invest AS (MKI) (the Operator, owned by TGS) for a proposed seismic program.

According to the above-mentioned documents, Multiklient Invest AS (MKI) is proposing to conduct two-dimensional (2D), three-dimensional (3D), and/or four-dimensional (4D) seismic surveys offshore Labrador during one or more years within the 2026–2030 timeframe, starting as early as May 2026. The proposed seismic data collection program and all other related activities will take place in the Labrador region of the Canada-Newfoundland and Labrador Offshore Area.

ECCC has reviewed the above-mentioned documents in accordance with its mandated interests and expertise stemming from its responsibilities under the *Migratory Birds Convention Act*, the *Species at Risk Act*, Section 36 of the *Fisheries Act*, and the *Canadian Environmental Protection Act*. The following comments and recommendations are intended to assist in further project planning and implementation.

## REVIEW COMMENTS

### ***APPLICABLE LEGISLATION***

#### *Fisheries Act*

Pollution prevention and control provisions of the *Fisheries Act* (<http://laws-lois.justice.gc.ca/eng/acts/F-14/FullText.html>) are administered and enforced by Environment and Climate Change Canada (ECCC). The proponent should be aware of the general applicability of Section 36(3) of the *Fisheries Act* which states: “no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substances or any other deleterious substance that results from

the deposit of the deleterious substance may enter any such water”<sup>1</sup>. Environmental protection and mitigation measures should reflect the need to comply with Section 36(3) of the *Fisheries Act*.

It is the responsibility of the proponent to ensure that all reasonable measures are conducted to prevent the release of substances deleterious to fish from their proposed activities. In general, compliance is determined at the last point of control of the substance before it enters waters frequented by fish, or, in any place under any conditions where a substance may enter such waters.

Additional information on what constitutes a deposit under the *Fisheries Act* can be found at: <https://www.canada.ca/en/environment-climate-change/services/managing-pollution/fisheries-act-registry/frequently-asked-questions.html>.

### Migratory Birds Convention Act

The federal [Migratory Birds Convention Act](#) (MBCA) and its [regulations](#) protect migratory birds and their eggs and prohibit the disturbance, damage, destruction or removal of migratory bird nests that contain a live bird or a viable egg. Migratory birds and protected at all times; all migratory bird nests are protected when they contain a live bird or viable egg; and the nests of 18 species listed in [Schedule 1 of the MBR 2022](#) are protected year-round. These general prohibitions apply to all lands and waters in Canada, regardless of ownership. For more information, please visit: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html>.

For migratory birds that are listed as Endangered, Threatened, or Extirpated on Schedule 1 of the *Species at Risk Act* s.32 (protection of individuals) and s.33 (protection of residences) apply to all land tenure types in Canada. For some migratory bird species listed under the *Species at Risk Act* (SARA), the residence prohibition will protect nests that are not active but are re-used in subsequent years (please note that the residence of a migratory bird may not necessarily be limited to their nest).

Section 5.1 of the MBCA describes prohibitions related to depositing substances harmful to migratory birds:

“5.1(1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.

(2) No person or vessel shall deposit a substance to be deposited in any place if the substance, in combination with one or more substances, result in a substance – in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area – that is harmful to migratory birds.”

The proponent is responsible for ensuring that activities are managed to ensure compliance with the MBCA and associated regulations.

### Species at Risk Act

The *Species at Risk Act* “General Prohibitions” apply to this project. In applying the general prohibitions, the proponent, staff and contractors, should be aware that no person shall:

- Kill, harm, harass, capture or take an individual;

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<sup>1</sup> Deleterious substances include any substance that, if added to water, would degrade, alter or form part of a process of degradation or alteration of the quality of water so that it is rendered deleterious to fish or fish habitat or to the use of fish by humans.

- Possess, collect, buy, sell, or trade an individual, or any part or derivative;
- Damage or destroy the residence of one or more individuals.

General prohibitions only apply automatically:

- On all federal lands in a province;
- To aquatic species anywhere they occur;
- To migratory birds protected under the *Migratory Birds Convention Act, 1994* (MBCA) anywhere they occur.

Section 33 of the *Species at Risk Act* prohibits damaging or destroying the residence of a listed threatened, endangered, or extirpated species. For migratory bird species at risk (SAR), the prohibition immediately applies on all lands or waters (federal, provincial, territorial, and private) in which the species occurs.

It should be noted that Section 79 of the *Species at Risk Act* states:

**79** (1) Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted, and every authority who makes a determination under paragraph 82(2) of the [Impact Assessment Act](#) in relation to a project, must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.

(2) The person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.

#### Canadian Environmental Protection Act

The proponent should also be aware of the potential applicability of the *Canadian Environmental Protection Act* (CEPA) (<https://laws-lois.justice.gc.ca/eng/acts/C-15.31/>). The *Canadian Environmental Protection Act* enables protection of the environment, and human life and health, through the establishment of environmental quality objectives, guidelines and codes of practice, and the regulation of toxic substances, emissions and discharges from federal facilities, international air pollution, and disposal at sea.

#### **WILDLIFE AND WILDLIFE HABITAT**

Environment and Climate Change Canada's Canadian Wildlife Service (ECCC-CWS) has reviewed the above-mentioned documents and offers the following recommendations.

Please note that the following documents have been attached to this email for inclusion with the outgoing response:

- a) ECCC-CWS Guidance for developing systematic stranded bird survey protocols for vessels and platforms
- b) ECCC-CWS Stranded Birds Data Entry Form (Excel v1.4)
- c) Appendix 2 – Infographic and Reference Card – *What to do when you find a stranded bird?*
- d) Appendix 3 – Seabird Identification Photo Card
- e) Procedures for handling and documenting stranded birds encountered on infrastructure offshore Atlantic Canada

### Document 1 – Transmittal Letter and SARA section 79(1) Species at Risk Notification

- 1) ECCC-CWS recommends that Red-necked Phalarope (*Phalaropus lobatus*) should be added to the list of “Special Concern” species on Page 2.

### Document 2 – Environmental Assessment Draft Scoping Document

- 2) ECCC-CWS does not have any additional comments on the Scoping Document.

### Document 3 – Multiklient Invest Labrador Offshore Seismic Program 2026-2030 Project Description

- 3) Quote (page 8) *“In the unlikely event of the accidental release of hydrocarbons during the Project, the measures outlined in the MKI’s oil spill response plan will be implemented. The oil spill response plan will be filed with the C-NLOER. In addition, MKI will have an emergency response plan in place.”*

ECCC-CWS recommends that the proponent’s oil spill response plan include components related to wildlife response (included in a Wildlife Response Plan (WRP)). At minimum, ECCC-CWS recommends that the WRP include the following information:

- a) Information on the wildlife potentially at risk in the area;
- b) Mitigation measures to deter non-affected wildlife from affected areas;
- c) Mitigation and response measures to be taken if wildlife and/or sensitive habitats become contaminated by the incident (including treatment of oil-affected wildlife); and
- d) The type and extent of wildlife monitoring conducted during and following a pollution incident.

Guidance materials including “Guidelines for Development Wildlife Response Plan” (ECCC, 2022) are available online at [National Wildlife Emergency Response Framework - Canada.ca](https://www.ec.gc.ca/nature/nleng/eng/development-wildlife-emergency-response-framework-canada-ca). The proponent should consult ECCC when developing Wildlife Emergency Response Plans.

- 4) Quote (page 8) *“In addition, the MMOs will conduct a monitoring and release program for seabirds which may strand on Project vessels. Seabird monitoring will include systematic counts based on protocols issued by the Environment and Climate Change Canada-Canadian Wildlife Service (ECCC-CWS). Likewise, mitigation measures and monitoring for stranded birds will follow established ECCC-CWS procedures.”*

ECCC-CWS advises that the location of the Project may be used by seabirds, such as Leach’s Storm-petrel (LESP; assessed as Threatened by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC)). The Project has the potential for increased interactions with LESP and other migratory birds, particularly with respect to attraction to artificial lighting and potential strandings on vessels and project infrastructure (per Gjerdrum et al. 2021, storm-petrels are the most commonly stranded species in NL (93%) based on reports from 1998-2018). The location and proposed timing of activities overlap with peak storm-petrel stranding period (mid-September to mid-November) when young Leach’s Storm-petrel fledge and make their first flight offshore.

The prompt location of stranded birds through daily, systematic searches of vessel(s) increases the potential of reducing harm and/or mortality of stranded birds. Gjerdrum et al.

2021 states per reports, 98% of stranded storm-petrels found alive were successfully released back to the ocean.

ECCC-CWS recommends that the proponent develop and implement vessel-specific systematic search protocols for stranded birds that will be undertaken by trained, experienced observers, as per the recommendations outlined in the final report of the *Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador*. Additionally, ECCC-CWS advises that new guidance has been developed regarding the development and implementation of systematic stranded bird protocols. Guidance has been attached to the outgoing response for the proponent's consideration.

ECCC-CWS advises that the handling and subsequent release of stranded birds may require a CWS Scientific *Migratory Birds Convention Act* (MBCA) permit. Information on the MBCA permitting process can be found at: [scf-atlpermis-cws-atlpermits@ec.gc.ca](mailto:scf-atlpermis-cws-atlpermits@ec.gc.ca).

- 5) Given the high potential for migratory bird strandings, particularly for Leach's Storm-petrel in mid-September to mid-November, ECCC-CWS recommends that the proponent consider including stranded seabird awareness training for all members on the vessel, to ensure that individuals are adequately informed of potential impacts to migratory birds. ECCC-CWS is able to provide awareness materials for the proponent's consideration, if desired.

## **Standard Recommendations**

### **Considerations specific to Migratory Birds**

In conducting the environmental assessment (EA), the vulnerability of individual species/groups of migratory birds to sampling programs must reflect a consideration of the following basic factors:

- Distribution and abundance of species during scheduled project activities;
- Impact pathways;
- Mitigations;
- Cumulative effects; and
- Provisions for follow-up on assessment accuracy and mitigation effectiveness.

The following impact pathways influencing migratory birds must be considered in the analysis of any seismic survey:

- Noise disturbance from equipment including both direct effects (physiological), or indirect effects (foraging behaviour or prey species);
- Physical displacement as a result of vessel presence (e.g., disruption of foraging activities);
- Nocturnal disturbance from light (e.g., increased opportunities for predators, attraction to vessels and subsequent collision, disruption of incubation);
- Exposure to contaminants from accidental spills (e.g., fuel, oils) and operational discharges (e.g., deck drainage, grey water, black water);
- Attraction of, and increase in, predator species as a result of waste disposal practices (i.e., sanitary and food waste) and the presence of incapacitated/dead prey behind the vessel.

The proponent should refer to any applicable Strategic Environmental Assessments (SEA), where appropriate. For annual updates, the proponent is encouraged to contact ECCC-CWS to ensure

that information listed in the SEA is still accurate.

### Species at Risk Act

In federal environmental assessment (EA), ss.79(2) of SARA required that persons responsible for an EA: 1) identify adverse effects on all listed species; 2) if the project is carried out, ensure that measures are taken to avoid or lessen those effects; and, 3) monitor them. ECCC advocates a similar approach for non-federal forms of environmental assessment.

ECCC-CWS advises that all comments it provides concerning species at risk that are not migratory birds protected by the MBCA derive from federal recovery/management plans as posted on the Species at Risk Registry (<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>), and thus comments may not be comprehensive to the body of knowledge for the species.

For species which are not listed under SARA but have been assessed and designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), it is best practice to consider these species in EA as though they were listed under SARA.

- Considerations specific to Species at Risk

If a migratory bird species is listed under Schedule 1 of SARA and could be affected by operations, steps must be taken to ensure compliance with both SARA and the *Impact Assessment Act* (2019).

The following species at risk may be found near the project site: Ivory Gull (Endangered, SARA Schedule 1), Ross' Gull (Threatened, SARA Schedule 1), Red-necked Phalarope (Species Concern, SARA Schedule 1), and Leach's Storm-petrel (Threatened, COSEWIC assessment). ECCC-CWS requests that any species at risk sightings be reported to ECCC-CWS at [ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca](mailto:ec.scfatldonneesei-cwsatliadata.ec@ec.gc.ca). SAR observations should also be submitted to the Atlantic Canada Conservation Data Centre; directions on how to contribute data can be found at: [AC CDC | Submit an Observation](#).

It should be noted that the SARA list may change through the life of the project. Species listed after project approval may require additional mitigations. The proponent is encouraged to annually update the list of SARA species potentially affected by the project.

### General Recommendations

- The breeding season for most birds within the project area (Zone "D3-4") occurs between mid-April and mid-August in this region, however some species protected under the MBCA nest outside of this time period. Information regarding regional nesting period can be found at <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods.html>.
- Most migratory bird species construct nests in trees (sometimes in tree cavities) and shrubs, but several species nest at ground level (e.g., Common Nighthawk, Killdeer, sandpipers), in hay fields, pastures or in burrows. Some bird species may nest on cliffs or in stockpiles of overburden material from mines or the banks of quarries. Some migratory birds (including certain waterfowl species) may nest in headponds created by beaver dams. Some migratory birds (e.g., Barn Swallow, Cliff Swallow) may build their nests on structures such as bridges, ledges, or gutters.
- One method frequently used to minimize the risk of destroying bird nests consists of



loud construction works adjacent to natural vegetation should be completed outside the migratory birds breeding season.

- The proponent should keep all construction equipment and vehicles in good working order and loud machinery should be muffled if possible.

#### Light Attraction and Migratory Birds

Attraction to lights at night or in poor visibility conditions during the day may result in collisions with lit structures, or with other migratory birds. Disoriented migratory birds are prone to circling light sources and may deplete their energy reserve and either die of exhaustion or be forced to land where they are at risk of depredation.

To reduce the risk of disturbance or harm to migratory birds related to human-induced light, ECCC-CWS recommends implementation of the following beneficial management practices:

- The minimum amount of pilot warning and obstruction lighting should be used on tall structures. Warning lights should flash and should completely turn off between flashes.
- The fewest number of site-illuminated lights possible should be used in the project area. Only strobe lights should be used at night, at the lower intensity and smallest number of flashes per minute allowable by Transport Canada.

#### Effects of Construction/Operations on Migratory Birds – Stranded Birds

Due to the propensity of seabirds from nearby colonies to be attracted to light, it is possible that migratory birds may be attracted to and potentially be stranded on the site. ECCC-CWS recommends that a site monitoring plan be developed for the migratory bird breeding season as well as the spring and fall migration periods and implemented while floodlights are being used during nighttime hours. A site monitoring plan could include protocols such as dusk and dawn site inspections to look for stranded birds that may have landed on site, and/or inclusion of migratory bird searches into stranded occupational health and safety daily inspections, etc. ECCC-CWS recommends, at minimum, daily searches during early morning hours, particularly during early September to late November, to search for migratory birds that may become stranded on-site.

Should birds become stranded on the project site, both during construction and operations phases, the proponent is recommended to adhere to *Procedures for handling and documenting stranded birds encountered on infrastructure offshore Atlantic Canada* (attached). ECCC-CWS should be notified if bird stranding incidents occur. A seabird handling permit will be required to implement the instructions in this reference document and the proponent must be advised that such a permit would have to be in place prior to the initiation of proposed activities. Please note that MBCA permit applications can be obtained from ECCC-CWS via email at [scf-atlpermis-cws-atlpermits@ec.gc.ca](mailto:scf-atlpermis-cws-atlpermits@ec.gc.ca).

If any birds are found stranded on-site, the proponent should immediately contact ECCC-CWS for further instructions. The contact is Sabina Wilhelm ([sabina.wilhelm@ec.gc.ca](mailto:sabina.wilhelm@ec.gc.ca) or 709-764-1957).

#### **EFFECTS OF THE ENVIRONMENT ON THE PROJECT** (For Information)

Seismic operations will be somewhat sensitive to environmental conditions (e.g., wind, waves, ice). The environmental review should include considerations on how such conditions acting on the project could have consequences for the environment (e.g., increased risk of spills and impacts on valued ecosystem components).

Marine weather information can be found on the Meteorological Service of Canada website at [weather.gc.ca/mainmenu/marine\\_menu\\_e.html](http://weather.gc.ca/mainmenu/marine_menu_e.html). Additional information on regional climatology

can be found at [climate.weather.gc.ca/index\\_e.html](http://climate.weather.gc.ca/index_e.html) or by contacting ECCC directly (1-833-794-3556; [climatatlantique-climateatlantic@ec.gc.ca](mailto:climatatlantique-climateatlantic@ec.gc.ca)).

Also, ice information can be found on the Canadian Ice Service website at [www.canada.ca/en/environment-climate-change/services/ice-forecasts-observations/latest-conditions.html](http://www.canada.ca/en/environment-climate-change/services/ice-forecasts-observations/latest-conditions.html).

### **EFFECTS OF ACCIDENTS AND MALFUNCTIONS** (For Information)

The mandatory assessment of environmental effects that result from accidents and malfunctions should include a consideration of potential spill events. The assessment should be guided by the need to ensure compliance with the general prohibitions against the deposit of a deleterious substance into waters frequented by fish (Section 36, *Fisheries Act*) and against the deposit of oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds (Section 35, *Migratory Birds Regulations*). In addition, it should be focused on potential worst-case scenarios (e.g., concentrations of marine birds, presence of wildlife at risk). Based on this analysis, the environmental review should describe the precautions that will be taken and the contingency measures that will be implemented to avoid or reduce the identified impacts.

Proponents are encouraged to prepare contingency plans that reflect a consideration of potential accidents and malfunctions and that take into account site-specific conditions and sensitivities. The Canadian Standards Association (CSA) publication, *Emergency Preparedness and Response*, CAN/CSA-Z731-03<sup>2</sup>, is a useful reference for this.

All spills or leaks of petroleum or other hazardous materials, including those from machinery, fuel tanks or streamers, should be promptly contained, cleaned-up and reported to the 24-hour environmental emergencies reporting system (St. John's 709-772-2083; other areas 1-800-563-9089).

I trust that this information will be of assistance in your review of this proposal. If you wish to discuss these comments or have further questions, please contact me at your convenience.

Yours truly,

**Original Signed by Jerry Pulchan**

Jerry Pulchan  
Environmental Assessment Analyst  
Environmental Protection Operations Directorate

Attachment

cc: Michael Hingston

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<sup>2</sup> Canadian Standards Association (CSA). *Emergency Preparedness and Response: A National Standard of Canada* (CAN/CSA-Z731-03). Toronto: CSA, (R2014).

[https://store.csagroup.org/ccrz\\_ProductDetails?viewState=DetailView&cartID=&sku=Z731-03&isCSRFlow=true&portalUser=&store=&cclcl=en\\_US](https://store.csagroup.org/ccrz_ProductDetails?viewState=DetailView&cartID=&sku=Z731-03&isCSRFlow=true&portalUser=&store=&cclcl=en_US)