

**PUBLIC VERSION**

**IN THE MATTER OF AN ARBITRATION UNDER CHAPTER ELEVEN OF THE  
NORTH AMERICAN FREE TRADE AGREEMENT  
AND THE 1976 UNCITRAL ARBITRATION RULES**

**BETWEEN:**

**THEODORE DAVID EINARSSON, HAROLD PAUL EINARSSON, RUSSELL JOHN  
EINARSSON, GEOPHYSICAL SERVICE INCORPORATED**

**(the “Claimants”)**

**AND**

**GOVERNMENT OF CANADA**

**(the “Respondent”, and together with the Claimants, the “Disputing Parties”)**

**(ICSID Case No. UNCT/20/6)**

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**WITNESS STATEMENT OF TREVOR BENNETT**

**January 16, 2023**

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I, Trevor Bennett, of Mt. Pearl in the Province of Newfoundland and Labrador (“NL”), HEREBY AFFIRM as follows:

**I. INTRODUCTION**

1. I am the Information Resources Manager/Access to Information Coordinator of the Canada-Newfoundland and Labrador Offshore Petroleum Board (the “C-NLOPB” or the “Board”). I have held this position since 2010.

2. Continuously up to June 2021, as the Information Resources Manager, I was responsible for the Board’s management of materials submitted to the C-NLOPB, including seismic materials and its disclosure to the public after the expiration of the applicable confidentiality period pursuant to applicable legislation, regulations and C-NLOPB Guidelines. I am also responsible for providing responsive records to requestors in response to *Access to Information Act* (“AIA”) requests and respond to complaints received from the Office of the Information Commissioner pursuant to the AIA.

3. I have worked in various capacities in the offshore oil and gas industry throughout my career since graduating from the College of the North Atlantic in 1988 with a diploma in Petroleum Engineering Technology. In 1988, I joined the C-NLOPB as a Reservoir Engineering Technologist. In 1992, I moved to the role of Computer Support Technologist within the Information Resources Group of the C-NLOPB. In 1996, I left the C-NLOPB and took a position as a Platform Fluids Operator with Dowell Schlumberger on the Hibernia Platform. I was subsequently promoted to Hibernia Fluids Team Lead in 1999. In 2000, I returned to the C-NLOPB in the role of Data Supervisor within the Exploration Department. In this role I was responsible for the management of acquired data, including seismic data. Such work included ensuring seismic materials were submitted in accordance with the regulations, was in the correct format and loaded properly. I also had partial responsibility for the implementation of the Data Management System.

4. I provide this Witness Statement in response to certain allegations made in the Memorial and accompanying materials submitted by Theodore David Einarsson, Harold Paul Einarsson, Russell John Einarsson and Geophysical Service Incorporated (“GSI”) (together, the “Claimants”) on September 27, 2022 in their arbitration claim against the Government of Canada under the North American Free Trade Agreement (ICSID Case No. UNCT/20/6).

5. I make this Witness Statement from my own personal knowledge and from my review of certain relevant contemporaneous documents. I also reviewed the sworn affidavit and accompanying exhibits filed by the former C-NLOPB Director, Legal, Regulatory and Public Affairs John Andrews on August 27, 2015 in response to GSI’s claims against the C-NLOPB in the Court of Queen’s Bench of Alberta (the “Common Issue Trial”).<sup>1</sup>

6. The fact that I have not addressed certain of the Claimants’ characterizations of facts and events in this Witness Statement must not be taken to mean that I agree with them.

## II. C-NLOPB AND THE NEWFOUNDLAND AND LABRADOR OFFSHORE PETROLEUM REGULATORY REGIME

7. The regulation of oil and gas exploration and production by the Province of Newfoundland and Labrador dates back to the 1965 *Petroleum and Natural Gas Act*, which continues in force today (as amended).<sup>2</sup> In 1977, the *Newfoundland and Labrador Petroleum Regulations* (“1977 NL Regulations”) were promulgated for the management of hydrocarbons offshore Newfoundland and Labrador.<sup>3</sup> In 1979, the NL Petroleum Directorate was created as the provincial agency responsible for the management of the offshore, including the administration of provincial exploration

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<sup>1</sup> **R-227**, *Geophysical Service Incorporated v. Encana et al*, GSI Case No. 0701-04061, Affidavit of John P. Andrews, 27 August 2015, filed August 31, 2015 (“GSI Case No. 0701-04061, Affidavit of John P. Andrews”).

<sup>2</sup> **R-228**, *Petroleum and Natural Gas Act*, 1965; **R-229**, *Petroleum and Natural Gas Act*, R.S.N.L., 1990, c. P-10.

<sup>3</sup> **R-230**, *Newfoundland and Labrador Petroleum Regulations*, 1977, Newfoundland Regulation 139/78 (“*Newfoundland and Labrador Petroleum Regulations*, 1977”).

authorizations and permits for geophysical and seismic surveys. Between 1981 and 1986, the federal Canada Oil and Gas Lands Administration (“COGLA”) performed this function in the Newfoundland and Labrador “offshore area” (the “C-NL Offshore Area”).

8. Together with federal legislation and provincial regulations applicable until the creation of the C-NLOPB, the regulation of hydrocarbon exploration in the offshore of Newfoundland and Labrador consistently required that: (1) the seismic operator obtain a permit and authorization to carryout a seismic survey; (2) the seismic operator provide specified seismic materials and information to the provincial and federal authorities; and (3) the seismic materials submitted to those authorities would be held as confidential for a period of time, after which it could be disclosed to the public.<sup>4</sup> For example, Section 114 of the 1977 NL Regulations provided that seismic data and information provided pursuant to Section 111 would remain confidential only until the termination of the license or for a period of five years, whichever was shorter.<sup>5</sup>

9. On February 11, 1985, the *Canada-Newfoundland and Labrador Memorandum of Agreement on Offshore Oil and Gas Resource Management and Revenue Sharing* entered into force between the Government of Canada and the Province of Newfoundland and Labrador (the “C-NL Atlantic Accord”).<sup>6</sup> The purpose of the C-NL Atlantic Accord was to provide a unified regime for the joint management of petroleum resources in the C-NL Offshore Area as defined

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<sup>4</sup> **R-228**, *Petroleum Natural Gas Act*, 1965, s. 8 (prohibiting operations relating to exploration without a licence or permit); **R-230**, *Newfoundland and Labrador Petroleum Regulations*, 1977, s. 111 (requiring summary report of operations during and after the operations.). Federal legislation at the time included the *Canada Oil and Gas Act*. See **C-160**, *Canada Oil and Gas Act*, S.C. 1981, c. 81, ss. 50(1), 76 (requiring authorizations and disclosure of seismic materials).

<sup>5</sup> **R-230**, *Newfoundland and Labrador Petroleum Regulations*, 1977, ss. 111 (requiring summary report of operations during and after the operations); 114.

<sup>6</sup> **R-231**, The Atlantic Accord, “A Memorandum of Agreement between the Government of Canada and the Government of Newfoundland and Labrador on Offshore Oil and Gas Resource Management and Revenue Sharing”, 11 February 1985.

therein. The C-NL Atlantic Accord was implemented into law through mirror federal and provincial legislation in 1986 and 1990 (collectively, the “C-NL Accord Acts”).<sup>7</sup>

10. The C-NL Accord Acts established the C-NLOPB and conferred upon it broad powers of management and decision-making for the regulation of work and activities conducted in the C-NL Offshore Area.<sup>8</sup> The C-NLOPB’s role in regulating offshore petroleum resources spans the full life-cycle of a potential project, from the initial exploration phase through to production and eventually project abandonment and decommissioning. The C-NLOPB took over full management of the C-NL Offshore Area in 1986.

11. Many sets of regulations have been promulgated under the C-NL Accord Acts, including those which apply directly to seismic surveys. Of particular relevance to GSI’s seismic surveys carried out between 1997 and 2008 are the *Newfoundland Offshore Area Oil and Gas Operations Regulations* (1995),<sup>9</sup> which address the requirement for an operating license, and the *Newfoundland Offshore Area Petroleum Geophysical Operations Regulations* promulgated in 1996 (“1996 Geophysical Regulations”) which address geophysical reporting requirements and retention of geophysical records in Canada.<sup>10</sup>

12. As described further below, the same basic requirements which had existed prior to the existence of the C-NLOPB – permit and authorization, submission of seismic materials and

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<sup>7</sup> **C-151**, *Canada-Newfoundland and Labrador Atlantic Accord Implementation Act*, S.C. 1987, c. 3 (“C-NL Federal Accord Act”); **C-153**, *Canada-Newfoundland and Labrador Accord Implementation Newfoundland and Labrador Act*, R.S.N.L. 1990, c. C-2 (“C-NL Provincial Accord Act”). The section numbers are not identical between the Accord Acts, so I refer to the *C-NL Federal Accord Act* section numbers for ease of reference.

<sup>8</sup> The C-NLOPB is not for profit and is funded jointly by the Government of Newfoundland and Labrador and the Government of Canada. A map of the C-NLOPB’s jurisdiction is attached as **Annex I**.

<sup>9</sup> **R-232**, *Newfoundland Offshore Area Oil and Gas Operations Regulations*, 1995, SOR/88-347, s. 3.

<sup>10</sup> **R-233**, *Newfoundland Offshore Area Petroleum Geophysical Operations Regulations*, 1996, SOR/95-334 (“1996 Geophysical Regulations”), Part IV.

disclosure of those materials to the public after the expiry of a confidentiality period – continues to current day for all geophysical surveys undertaken in the C-NL Offshore Area.

### III. LEGISLATION, REGULATIONS AND GUIDELINES GOVERNING SUBMISSION AND PUBLIC DISCLOSURE OF SEISMIC MATERIALS BY THE C-NLOPB

13. Sections 137 and 138 of the C-NL Federal Accord Act require that persons seeking to carry out any seismic program in the C-NL Offshore Area must first obtain an operating licence and an authorization to carry on work or activity.<sup>11</sup> An authorization is subject to such approvals and requirements as the C-NLOPB determines.<sup>12</sup> One type of authorization is a Geophysical Program Authorization (“GPA”). An operator cannot conduct a seismic program in the C-NL Offshore Area without a GPA issued by the C-NLOPB.

14. Section 119(2) of the C-NL Federal Accord Act provides that all information, data and documentation submitted to the C-NLOPB by operators of petroleum-related activities, including seismic and geophysical surveys, are privileged and may not be disclosed without the consent of the person who provided it except for the purposes of administration and enforcement of the C-NL Accord Acts or for the purposes of legal proceedings associated with such administration or enforcement.

15. However, Section 119(5)(d)(ii) provides that such material is no longer privileged after the expiration of five years following the date of completion of the work. The C-NL Accord Acts

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<sup>11</sup> **C-151**, *C-NL Federal Accord Act*, ss. 137-138.

<sup>12</sup> See e.g., **C-151**, *C-NL Federal Accord Act*, s. 138(1) with respect to operating licences and authorization for work (“The Board may, on application made in the form and containing the information fixed by it, and made in the prescribed manner, issue (a) an operating licence; and (b) subject to section 45, an authorization with respect to each work or activity proposed to be carried on.”)

make no distinction between exclusive and non-exclusive seismic surveys:<sup>13</sup> both are subject to five years of privilege, after which they are no longer confidential and may be publicly disclosed by the C-NLOPB. The privilege period in Section 119 of the C-NL Federal Accord Act has remained unchanged since the implementation of those Acts.

16. While Section 119(5)(d)(ii) of the C-NL Federal Accord Act allows the disclosure of non-exclusive seismic data after five years, the C-NLOPB decided in February 1999 to exercise its administrative discretion to add an additional five years of confidentiality for non-exclusive seismic programs. The change in policy was made in response to concerns expressed by geophysical companies, including GSI, that five years was not enough time to recoup their investment in a non-exclusive seismic survey.<sup>14</sup> The Board felt this was a reasonable balance between the needs of non-exclusive seismic companies and the public interest in the timely disclosure of seismic materials to encourage further exploration.

17. The C-NLOPB issued a news release on February 24, 1999 conveying its decision (the “February 1999 Decision”):

Mr. Hal Stanley, Chairman of the Canada-Newfoundland Offshore Petroleum Board, announced today the Board has adopted a new policy position extending the confidentiality period for non-exclusive geological and geophysical work (mainly seismic surveys) in the Newfoundland offshore area from 5 years to 10 years.

This doubling of the confidentiality period, extends the time period during which independent seismic operators have the exclusive right to sell the results of their

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<sup>13</sup> Exclusive seismic programs are performed exclusively for a particular petroleum company or companies. Non-exclusive seismic programs (also known as “multiclient” or “speculative” surveys) are performed by a seismic data company for its own account, usually with the intention of subsequently selling or licensing the use of the resulting data to petroleum companies.

<sup>14</sup> **R-234**, Letter from H.H. Stanley, Chairman & Chief Executive Officer, C-NLOPB to the Honourable Roger Grimes, Minister of Mines and Energy, Government of Newfoundland & Labrador and the Honourable Ralph Goodale, Minister of Natural Resources Canada, Government of Canada, RE: “Confidentiality Period of Non-Exclusive Geological Work or Geophysical Work”, 22 February 1999.



work, thereby allowing them a longer period to earn a return on their investment. This policy change will increase the attractiveness of the Newfoundland and Labrador Offshore Area for independent seismic operators.

Mr. Stanley noted this policy change brings the confidentiality period for such information in line with the policy followed by the Canada-Nova Scotia Offshore Petroleum Board. The confidentiality period allowed by the National Energy Board in similar circumstances is 15 years [...]<sup>15</sup>

18. The Board also informed GSI directly of the new ten-year confidentiality period by letter on February 24, 1999 and that the change was applicable to all surveys that were privileged at the time.<sup>16</sup> The Board's administrative decision to extend the confidentiality period to ten years benefitted GSI's 1997 and 1998 seismic programs, both of which were approved on the basis of a five-year confidentiality period, and GSI's future programs between 1999 and 2008 for which the 10-year period was applied.

19. I note that the Federal Court of Canada confirmed in 2003 that the Board had the legal authority under Section 119 of the C-NL Federal Accord Act to disclose GSI's seismic materials submitted to the Board after the expiry of the five-year privilege period.<sup>17</sup>

20. The C-NL Federal Accord Act also empowers the C-NLOPB to issue interpretation notes

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<sup>15</sup> **R-235**, Canada-Newfoundland and Labrador Offshore Petroleum Board News Release, "New Policy", 24 February 1999.

<sup>16</sup> **R-236**, Letter from Hal Stanley, Chairman & Chief Executive Officer, C-NLOPB to Mr. T.D. Einarsson, President, Geophysical Service Inc., RE: "Confidentiality Period of Non-Exclusive Geological Work or Geophysical Work", 24 February 1999. Notice of the new policy was given to the Canadian Association of Geophysical Contractors on the same day. See **R-237**, Letter from H.H. Stanley, Chairman & Chief Executive Officer, C-NLOPB to Mr. W. Kammermeyer, Manager, Canadian Association of Geophysical Contractors, RE: "Confidentiality Period of Non-Exclusive Geological Work or Geophysical Work", 24 February 1999.

<sup>17</sup> **C-197**, *Geophysical Service Inc. v. Canada Newfoundland Offshore Petroleum*, 2003 FCT 507, Reasons for Orders, 25 April 2003, ¶ 75: ("I am satisfied that it is beyond doubt that the seismic data provided by [GSI] to the Canada-Newfoundland Board was information or documentation provided for the purposes of Part II or Part III and thus fell within the ambit of the privilege provided by subsection 119(2) of the Act. I am equally satisfied that, by virtue of paragraph 119(5)(d), and in particular subparagraph (ii) of paragraph (d), that privilege expired five (5) years following the date of completion of the seismic work to which the information or documentation related. Thus, on the expiration of that five (5) year period, it was entirely open to the Canada-Newfoundland Board to make such information or documentation available to a requester.") (emphasis added).

and guidelines.<sup>18</sup> Since 1996, the Board has regularly published and updated the *Geophysical, Geological, Environmental and Geotechnical Program Guidelines* (“GGEs” or “Guidelines”) which explain the rules regarding the disclosure of seismic materials to the public after the expiration of the applicable confidentiality period.<sup>19</sup>

21. The GGEs have consistently reaffirmed the authority of the C-NLOPB to disclose seismic materials after the expiration of the privilege period set out in Section 119(5)(d)(ii) of the C-NL Federal Accord Act. The January 1996 and January 1999 GGEs stated at Section 8 that “reports and data” from geophysical programs “cease to be privileged five years following completion of the program,” which is the time period set out in Section 119(5)(d)(ii) of the C-NL Federal Accord Act.<sup>20</sup>

22. In November 2001, the GGEs were updated to reflect the February 1999 decision to extend the confidentiality period to ten years for non-exclusive programs. Under the heading “Release of Data”, the November 2001 GGEs stated:

Under the Acts, reports and data resulting from most technical programs in the Newfoundland offshore area cease to be privileged five years following completion of the program. The Board has, however, extended the confidentiality period for non-exclusive programs to ten years following program completion. The completion date for geophysical, geological and geotechnical programs involving field work is established as six months following termination of the field work [...] A full listing of the geophysical and geological reports and data released by the Board may be found in the

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<sup>18</sup> **C-151**, *C-NL Federal Accord Act*, s. 151.1.

<sup>19</sup> Prior to the creation of the C-NLOPB, COGLA published Guidelines which explained the applicable confidentiality periods for seismic data collected in the C-NL Offshore Area pursuant to applicable federal laws and regulations. See e.g., **R-238**, COGLA, *Geophysical and Geological Programs on Canada Lands: Guidelines for Approvals and Reports*, March 1984, s. G (“Confidentiality”); **R-239**, COGLA, *Geophysical and Geological Programs on Frontier Lands: Guidelines for Approvals and Reports*, January 1987, s. 10.7 (“Confidentiality”).

<sup>20</sup> **R-240**, C-NLOPB, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, January 1996, s. 8.0 (“Release of Data”); **R-241**, C-NLOPB, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, January 1999, s. 8.0 (“Release of Data”).

publication *Released Geophysical and Geological Reports – Newfoundland Offshore Area*, copies of which may be obtained from the Board office or from our website under ‘Publications’.<sup>21</sup>

23. The same was repeated in the April 2004 and May 2008 GGEGs,<sup>22</sup> after which GSI stopped applying for seismic survey authorizations.

#### IV. SEISMIC MATERIALS REPORTING REQUIREMENTS

24. The 1996 Geophysical Regulations set out the requirements for operators to submit information to the C-NLOPB within 12 months after completion of the geophysical operation.<sup>23</sup>

As set out in the GGEGs, throughout the period that GSI applied for authorizations to carry out non-exclusive seismic surveys in the C-NL Offshore Area (1997-2008), operators were required to submit a final report with paper and mylar copies of “each migrated seismic section” and “digital seismic traces” in SEG-Y format. Starting in 2004, operators were also required to submit reports on a CD in PDF format.<sup>24</sup>

25. The final report that operators were required to submit included general information about the program,<sup>25</sup> a description of the operations and processing methods,<sup>26</sup> a seismic section for each seismic line recorded,<sup>27</sup> and shotpoint location data.<sup>28</sup> In addition to the 1996 Regulations, the

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<sup>21</sup> **R-242**, C-NLOPB, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, November 2001, s. 8 (“Release of Data”).

<sup>22</sup> **R-243**, C-NLOPB, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, April 2004 (“April 2004 Program Guidelines”), s. 8 (“Release of Data”); **R-244**, C-NLOPB, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, May 2008 (“May 2008 Program Guidelines”), s. 8 (“Release of Data”).

<sup>23</sup> **R-233**, 1996 *Geophysical Regulations*, s. 25.

<sup>24</sup> **R-243**, April 2004 Program Guidelines, s. 5.0 (“Final Reports”).

<sup>25</sup> **R-233**, 1996 *Geophysical Regulations*, s. 25(1)(a), (b), (c), (e), (f);

<sup>26</sup> **R-233**, 1996 *Geophysical Regulations*, s. 25(1)(g), (h).

<sup>27</sup> **R-233**, 1996 *Geophysical Regulations*, s. 25(1)(j).

<sup>28</sup> **R-233**, 1996 *Geophysical Regulations*, s. 25(1)(m).

GGEGs specified the information that operators were required to submit.<sup>29</sup>

26. While all seismic materials in the Board's possession is capable of disclosure under Section 119(5)(d)(ii) following the expiry of the applicable privilege period, the C-NLOPB has never disclosed GSI's SEG-Y data to the public. To my knowledge, only paper and PDF versions of GSI's operations reports, processing reports, program location information and seismic sections have been disclosed to requestors. The C-NLOPB does not have any of GSI's interpretation reports in its possession.

#### **V. LOGISTICS OF PUBLIC DISCLOSURE OF SEISMIC MATERIALS BY THE C-NLOPB AFTER THE EXPIRY OF THE CONFIDENTIALITY PERIOD**

27. The C-NLOPB has always operated a Library/Information Resources Center ("IRC") in St. John's, Newfoundland and Labrador in accordance with the C-NL Accord Acts.<sup>30</sup> Requestors have been allowed to view disclosed seismic materials at the IRC and/or obtain copies of them for decades. Reproduction was also facilitated through external copy companies that were instructed to reproduce original materials and provide the requestor with paper versions, returning the original materials to the C-NLOPB.

28. Since the early 2000s, borrowers of disclosed material from the IRC have been required to sign a *Disclosure Agreement – Information Requests* form before access to non-confidential materials is permitted. For example, the IRC information request form in 2002 stated:

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<sup>29</sup> **R-240**, C-NLOPB, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, January 1996, s. 5 ("Final Reports"); **R-241**, C-NLOPB, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, January 1999, s. 5 ("Final Reports"); **R-242**, C-NLOPB, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, November 2001 ("November 2001 Program Guidelines"), s. 5 ("Final Reports"); **R-243**, April 2004 Program Guidelines, s. 5 ("Final Reports"); **R-244**, May 2008 Program Guidelines, s. 5 ("Final Reports").

<sup>30</sup> **C-151**, *C-NL Federal Accord Act*, s. 22.

The applicant understands and agrees that information and data contained in these materials are being disclosed in accordance with the Accord Acts and that such disclosure could be challenged under the intellectual property laws of Canada. The applicant agrees to use these materials in a manner consistent with those laws.

The C-NOPB makes no representation or warranty as to the existence or absence of any trademark, copyright or other ownership rights in respect to the disclosed information and data.<sup>31</sup>

29. The same or similar language has been included in every IRC information request form since that time. I understand that the reason for this language was to provide notice to borrowers that they were responsible for using the borrowed materials in accordance with the intellectual property laws of Canada, if applicable, and at their own risk. The language was included not because the C-NLOPB agreed with GSI's position regarding its alleged copyright, but to provide notice to third-parties that the C-NLOPB made no representations or warranty as to intellectual property.

## **VI. GSI SEISMIC PROGRAMS IN THE C-NL OFFSHORE AREA**

30. Included with the August 31, 2015 affidavit of former C-NLOPB General Counsel John P. Andrews was a list of the 34 non-exclusive seismic programs under the jurisdiction of the C-NLOPB alleged to be owned by GSI (the "GSI Programs").<sup>32</sup> The chart includes the program number, the program name (including if it was 2D or 3D), the begin and end date, the date on which the seismic materials became available to the public and its current status.<sup>33</sup> I reviewed the chart and believe it is accurate.

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<sup>31</sup> **R-245**, Canada-Newfoundland and Labrador Offshore Petroleum Board, "Disclosure Agreement – Information Requests", 6 December 2002.

<sup>32</sup> **R-246**, C-NLOPB, Chart of GSI-related seismic programs.

<sup>33</sup> The C-NLOPB Program Number can be read as follows: the first four digits of the number is the C-NLOPB's code for geophysical and geological surveys, including seismic. The second four characters (G005) denotes GSI, and the last four characters identifies the order of the survey undertaken (for example, 001P is the first survey, 010P is the tenth survey). The letter at the end ("P") means the survey was non-exclusive.

**A. GSI Seismic Programs Which Pre-Dated the C-NLOPB**

31. In 1986, the C-NLOPB inherited management of geophysical survey records that had been previously approved by COGLA and its predecessor federal regulators in the C-NL Offshore Area.

32. Fifteen (15) of the GSI Programs in the C-NL Offshore Area were acquired between 1971 and 1986 (i.e., before the C-NLOPB was created). I understand this data was purchased by GSI in or around 1993 from a company owned by Halliburton, which was also called “GSI”.<sup>34</sup> The seismic materials from most of the 15 programs were already in the public domain by 1993.<sup>35</sup>

33. GSI’s predecessor Halliburton was aware that the August 1992 publication “Released Geophysical and Geological Reports” included its 1982, 1984, 1985-1988 offshore Newfoundland seismic programs as publicly available. C-NLOPB Chair James Strain provided a copy of the publication to Mr. Keith Mathews from Halliburton Geophysical Services, Inc. on August 31, 1992.<sup>36</sup>

34. GSI’s legal counsel also appears to have been aware in 1993 that the seismic material that GSI obtained from Halliburton was already in the public domain. These publications were referenced in a November 3, 1993 letter from GSI’s counsel to the Board objecting to the public disclosure of its seismic materials.<sup>37</sup>

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<sup>34</sup> **CWS-03**, Witness Statement of Davey Einarsson, 2 December 2019, ¶ 26.

<sup>35</sup> See **R-247**, National Energy Board, “Frontier Lands: Released Information”, December 1992, pp. 17, 19, 95, 122, 127.

<sup>36</sup> **R-248**, Letter from James Strain, Chairman, C-NLOPB to Keith Mathews, Manager, Haliburton Geophysical Service Inc., RE: “Release of Geophysical Information”, 31 August 1992.

<sup>37</sup> **R-249**, Letter from William R. Pieshel, Parlee McLaws to James Strain, Chair and Chief Executive Office, C-NLOPB, RE: “Release of Non-Exclusive Offshore Newfoundland Seismic Data by the Canada-Newfoundland Offshore Petroleum Board”, 3 November 1993, p. 5 (referring to C-NLOPB *Released Geophysical and Geological Reports: Newfoundland Offshore Area* of July 1991 and August 1993).

**B. GSI Seismic Programs Approved by the C-NLOPB**

35. The C-NLOPB issued 19 GPAs to GSI between 1997 and 2008.<sup>38</sup> In each case, the approval of GSI's non-exclusive seismic survey was communicated to GSI by a letter included with the authorization documents. In each letter, the C-NLOPB confirmed the applicable Guidelines and the time period after which the submitted seismic materials would cease to be confidential and disclosed to the public. Pursuant to the February 1999 Decision, all 19 of GSI's programs approved by the Board were held as confidential for at least ten years before public disclosure, including the

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<sup>38</sup> **R-250**, Letter from John G. Fitzgerald, Chairman, C-NLOPB to Doug Dowdell, Operations Manager, Geophysical Service Incorporated, RE: "1997 Speculative 3-D Seismic Survey Jeanne d'Arc Basin" (Program 8924-G005-001P), 10 July 1997; **R-251**, Letter from Hal Stanley, Chairman, C-NLOPB to Doug Dowdell, Operations Manager, Geophysical Service Incorporated, RE: "1998 2-D Seismic Grand Banks" (Program 8924-G005-002P), 14 June 1998; **R-252**, Letter from Hal Stanley, Chairman, C-NLOPB to Doug Dowdell, Operations Manager, Geophysical Service Incorporated, RE: "1999 2-D Seismic Grand Banks" (Program 8924-G005-003P), 4 June 1999; **R-253**, Letter from Hal Stanley, Chairman, C-NLOPB to Matt Kimball, Vice President, Geophysical Service Incorporated, RE: "2000 2-D Non-Exclusive Seismic Survey, Orphan Basin" (Program 8924-G005-004P), 22 June 2000; **R-254**, Letter from Hal Stanley, Chairman, C-NLOPB to Matt Kimball, Vice President, Geophysical Service Incorporated, RE: "2001 2-D Non-Exclusive Seismic South Newfoundland" (Program 8924-G005-005P), 3 May 2001; **R-255**, Letter from Hal Stanley, Chairman, C-NLOPB to Matt Kimball, Vice President, Geophysical Service Incorporated, RE: "Extension to Authorization Number 8924-G005-006P" (Program 8924-G005-006P), 17 August 2001; **R-256**, Letter from Hal Stanley, Chairman, C-NLOPB to Matt Kimball, Vice President, Geophysical Service Incorporated, RE: "2001 2-D Non-Exclusive Seismic Carson Basin" (Program 8924-G005-007P), 6 July 2001; **R-257**, Letter from Hal Stanley, Chairman, C-NLOPB to Matt Kimball, Vice President, Geophysical Service Incorporated, RE: "2002 Non-Exclusive 2-D Seismic Northeast Newfoundland Shelf" (Program 8924-G005-008P), 5 August 2002; **R-258**, Letter from Hal Stanley, Chairman, C-NLOPB to Davey Einarsson, President and CEO, GSI, RE: "2002 Non-Exclusive 2-D Seismic Gulf of St. Lawrence" (Program 8924-G005-009P), 21 November 2002; **R-259**, Letter from Hal Stanley, Chairman, C-NLOPB to Davey Einarsson, President and CEO, GSI, RE: "2003 Non-Exclusive 2-D and 3-D Seismic Orphan Basin" (Program 8924-G005-0010P), 22 July 2003; **R-260**, Letter from Hal Stanley, Chairman, C-NLOPB to Davey Einarsson, President and CEO, GSI, RE: "2003 Non-Exclusive 2-D and 3-D Seismic Orphan Basin" (8924-G005-0011P), 22 July 2003; **R-261**, Letter from Hal Stanley, Chairman, C-NLOPB to Davey Einarsson, President and CEO, GSI, RE: "2003 Non-Exclusive 2-D Seismic Labrador Shelf" (Program 8924-G005-012P), 26 September 2003; **R-262**, Letter from Fred Way, A/Chairman and CEO, C-NLOPB, to Davey Einarsson, President and CEO, GSI, RE: "2004 2-D Seismic Survey Offshore Labrador", 28 June 2004 (Program 8924-G005-013P); **R-263**, Letter from Fred Way, A/Chairman and CEO, C-NLOPB, to Davey Einarsson, President and CEO, GSI, RE: "2004 2-D Seismic Survey Offshore Labrador" (Program 8924-G005-014P), 17 June 2005; **R-264**, Letter from Fred Way, A/Chairman and CEO, C-NLOPB, to Davey Einarsson, President and CEO, GSI, RE: "Program Number 8924-G005-015P 2D Non-Exclusive Labrador", 30 June 2006; **R-265**, Letter from Fred Way, A/Chairman and CEO, C-NLOPB, to Davey Einarsson, President and CEO, GSI, RE: "Program Number 8924-G005-016P, 2D Seismic Equipment Testing", 23 June 2006; **R-266**, Letter from Max Ruelokke, Chairman and CEO, C-NLOPB, to Davey Einarsson, President and CEO, GSI, RE: "Program Number 8924-G005-017P: 2D Non-Exclusive Labrador", 26 July 2007; **R-267**, Letter from Max Ruelokke, Chairman and CEO, C-NLOPB, to Davey Einarsson, President and CEO, GSI, RE: "Program Number 8924-G005-018P: 2D Non-Exclusive Labrador", 30 June 2008; **R-268**, Letter from Fred Way, A/Chairman and CEO, C-NLOPB, to Davey Einarsson, President and CEO, GSI, RE: "Program Number 8924-G005-019P: 2D Non-Exclusive, Anticosti Basin", 17 October 2008.

1997 and 1998 surveys which were originally approved with a five-year confidentiality period.<sup>39</sup>

36. In each case, having received authorization from the C-NLOPB on the basis of the condition that submitted seismic materials would be disclosed to the public after ten years, GSI continued to proceed with its seismic survey.

37. As indicated in the chart showing GSI's non-exclusive seismic programs,<sup>40</sup> GSI complied with its obligations to submit the requisite seismic materials to the C-NLOPB for its first 15 seismic programs approved by the Board between 1997 and 2005. Its 2006 2D program 8924-G005-016P was only to test equipment, so no seismic materials were required to be submitted to the Board. However, for its 2D program conducted in 2007 (8924-G005-017P Labrador Seismic Program) and two 2D programs carried out in 2008 (8924-G005-018P (Labrador) and 8924-G005-019P (Anticosti Basin, Gulf of St. Lawrence West NL)), GSI did not submit the required seismic materials to the Board as required under the applicable GPAs and regulations. Accordingly, the Board never received nor disclosed seismic materials relating to GSI's last three non-exclusive programs carried out in the C-NL Offshore Area in the years 2007 and 2008.

## VII. OTHER SEISMIC PROGRAMS IN THE C-NL OFFSHORE AREA

38. Attached as Annex II are maps which illustrate the locations of GSI's and other operators' seismic surveys, which are publically available in the C-NL Offshore Area.

39. Annex II-A shows all of GSI's seismic data in the C-NL Offshore Area colour coded by year acquired. The map also shows GSI's seismic lines north of 60° latitude in the North Labrador Sea and off the coast of Baffin Island, which falls within the jurisdiction of the Canada Energy

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<sup>39</sup> **R-236**, Letter from Hal Stanley, Chairman & Chief Executive Officer, C-NLOPB to Mr. T.D. Einarsson, President, Geophysical Service Inc., RE: "Confidentiality Period of Non-Exclusive Geological Work or Geophysical Work", 24 February 1999.

<sup>40</sup> **R-246**, C-NLOPB, Chart of GSI-related seismic programs.



Regulator (formerly known as the National Energy Board).

40. Annex II-B illustrates available non-GSI 2D data as compared to GSI 2D data in offshore Labrador. The map also indicates that there are no current exploration licences in the Labrador offshore region, which is classified as an area of low exploration activity (the last exploration licences awarded in the Labrador North and Labrador South regions were in 2008).<sup>41</sup> The last significant discovery licence that was issued offshore Labrador was in 1987.<sup>42</sup> There are no production licences in offshore Labrador.<sup>43</sup>

41. Annex II-C illustrates the same Labrador offshore region with all available 2D data, but also with non-GSI 3D data indicated. GSI has no 3D data in the Labrador offshore. The 3D data indicated overlaps on top of 2D data from GSI and other operators.

42. Annex II-D illustrates all the 2D seismic data available in eastern and western offshore Newfoundland, and the current exploration licences. As can be seen from the maps, there is substantial overlap of 2D seismic data in the eastern offshore region, which is considered a high activity area, particularly in the areas where exploration licences have been issued and where production licences currently exist.

43. Annex II-E illustrates all available 2D and 3D data offshore Newfoundland. GSI has some 3D data from its 1986 and 2003 programs (8624-G005-011P and 8924-G005-011P, respectively), but other operators have acquired more recent overlapping 3D programs, including several whose

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<sup>41</sup> **Annex I**, C-NLOPB Land Tenure Regions Map. Exploration licences confer, with respect to an identified area, the right to explore for petroleum, the exclusive right to drill and test, to develop the area in order to produce petroleum, and to obtain a production licence. See **C-151**, *C-NL Federal Accord Act*, s. 65.

<sup>42</sup> Significant discovery licences are granted in areas declared as “significant discovery area” pursuant to the *C-NL Accord Acts*. They confer the same rights as an exploration license. See **C-151**, *C-NL Federal Accord Act*, s. 72.

<sup>43</sup> Production licences confer, with respect to an identified area, the right to explore for petroleum, and the exclusive right to drill and test, to develop the area in order to produce petroleum, to produce petroleum, and the title to the petroleum so produced. See **C-151**, *C-NL Federal Accord Act*, s. 80.

confidentiality periods have expired and are available from the Board. The large number of 3D programs available also overlap with existing 2D data, including GSI's.

### **VIII. CORRESPONDENCE BETWEEN GSI AND THE C-NLOPB REGARDING THE PUBLIC DISCLOSURE OF GSI SEISMIC MATERIALS**

44. From my review of contemporaneous documents in the Board's records, it appears that GSI and/or its predecessors for whom Mr. Davey Einarsson was working have made representations to the C-NLOPB regarding the alleged confidentiality of its submitted seismic materials for many years.<sup>44</sup> Since the C-NLOPB was created, the Board has advised GSI that that the C-NL Accord Acts, regulations and GGEGs permit the public disclosure of seismic materials after the expiration of the confidentiality period.

45. As noted above, GSI started to apply to the C-NLOPB for authorization to carry-out new non-exclusive seismic programs in 1997. GSI wrote to the C-NLOPB on November 17, 1997 alleging that its seismic material was being copied by third-parties once it was disclosed and requested that the Board disclose only copies of paper sections and only to oil companies.<sup>45</sup> On November 27, 1997, the C-NLOPB reminded GSI of the rules governing the disclosure of seismic material in a letter from C-NLOPB Acting Chair John Fitzgerald to GSI's VP - Marketing Sam Nader:

The Board's release of seismic data is governed by the confidentiality period set out in the [C-NL Accord Acts]. In your [November 17, 1997] letter, you have requested that the released data be limited to copies of paper sections and that their release be limited to oil companies only. Please note that the Board's current practice is to limit release of this data to copies of paper sections and the accompanying reports. The

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<sup>44</sup> See e.g., **R-249**, Letter from William R. Pieshel, Parlee McLaws to James Strain, Chair and Chief Executive Office, C-NLOPB, RE: "Release of Non-Exclusive Offshore Newfoundland Seismic Data by the Canada-Newfoundland Offshore Petroleum Board", 3 November 1993.

<sup>45</sup> **R-269**, Letter from Sam Nader, VP-Marketing, Geophysical Service Incorporated to John G. Fitzgerald, P. Eng Chairman and CEO (Acting), C-NLOPB, 17 November 1997.

Board does not have the power to limit the release of such data to oil companies only. Once the period of confidentiality has expired, the Board has no choice but to allow the data to fall within the entire public domain.<sup>46</sup>

46. As noted above, the C-NLOPB decided in February 1999 to extend the confidentiality period for non-exclusive seismic materials from five to ten years. However, GSI continued to demand that GSI's seismic materials not be disclosed to the public, as evidenced by Mr. Davey Einarsson's June 1, 1999 letter to the C-NLOPB.<sup>47</sup> C-NLOPB Chair Hal Stanley replied to Mr. Davey Einarsson on June 18, 1999:

While the Board understands your position, the Board does not agree with the legal analysis offered on your behalf respecting the release of the subject data provided by GSI. We have, for policy reasons, nonetheless agreed to withhold such data for a period of 10 years, as stated in my February 24, 1999 letter sent to you. [...] The Board believes that the disclosure of information obtained as a result of carrying on a work or activity is authorized under our Accord Acts. I refer in particular to s. 119 and s. 115 of the Federal and Provincial Accord Acts respectively. The Board intends to continue the practice of making such information available to the public following the expiry of the specified periods, except for non-exclusive seismic, which period has been extended. To my knowledge, the Board has never previously agreed to do otherwise.<sup>48</sup>

47. As Mr. Stanley indicated, the C-NLOPB did not agree with GSI's position in 1999, and the C-NLOPB continued to apply the rules of seismic material submission, confidentiality and public disclosure set out in the C-NL Accord Acts, regulations and GGEGs throughout the next decade

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<sup>46</sup> **R-270**, Letter from John Fitzgerald, Chairman (Acting), C-NLOPB to Sam Nader, Vice-President – Marketing, Geophysical Service Incorporated, RE: "Release of Seismic Data", 27 November 1997.

<sup>47</sup> **R-271**, Letter from Davey Einarsson, President, Geophysical Service Incorporated to Neil DaSilva, Chief Geoscientist, C-NLOPB, RE: "Your Letter of May 13, 1999", 1 June 1999. *See also* the following letter in which GSI demanded to be notified for requests made to the Board for GSI's seismic materials and the Board's reply. **R-272**, Letter from Doug Dowdell, Operation Manager, Geophysical Service Incorporated to Neil DaSilva, C-NLOPB, 5 May 1999; **R-273**, Letter from Neil DaSilva, Chief Geoscientist, C-NLOPB to Doug Dowdell, Operation Manager, Geophysical Service Incorporated, RE: "Notification of requests for geophysical data collected through GSI", 13 May 1999.

<sup>48</sup> **R-274**, Letter from Hal Stanley, Chairman & Chief Executive Officer, C-NLOPB to Mr. T.D. Einarsson, President, Geophysical Service Inc., RE: "Release of Non-Exclusive Seismic Data", 18 June 1999.

until GSI stopped applying for authorizations after 2008.

48. The Board maintained its position that the C-NL Accord Acts permitted the disclosure of seismic material after the expiration of the applicable confidentiality period.<sup>49</sup> For example, on June 9, 2010, the Board wrote to Mr. Paul Einarsson as follows:

[T]he [C-NLOPB] stands by its long-standing interpretation of the [C-NL Accord Acts], permitting the disclosure of GSI data at the conclusion of the privilege period. The Board's practice to release geophysical data has been in place for years and GSI has continued to acquire seismic data in the Newfoundland Offshore area and submit it to the Board with full knowledge of the Atlantic Accord Act provisions and the Board's disclosure practices. GSI voluntarily applied for geophysical program authorizations to conduct speculative seismic operations in the NL Offshore area knowing that eventual release of the acquired data would occur.<sup>50</sup>

49. I am advised that GSI initiated two lawsuits seeking damages in the Supreme Court of Newfoundland and Labrador ("SCNL") against the C-NLOPB on August 10, 2011, and on January 7, 2013.<sup>51</sup> While I am not a lawyer and cannot comment on the substance of GSI's litigations against the C-NLOPB, I understand that GSI's lawsuits alleged that the C-NLOPB's disclosure of its seismic material to the public after the confidentiality period expiration constituted a wrongful appropriation, conversion, breach of confidence, infringement of copyright and expropriation by the C-NLOPB and the Province.<sup>52</sup>

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<sup>49</sup> See e.g., **R-275**, Letter from Max Ruelokke, Chairman and CEO, C-NLOPB to H. Paul Einarsson, Chairman and COO, Geophysical Service Incorporated, RE: "Disclosure of Information – Geophysical (Seismic) Data", 25 August 2009.

<sup>50</sup> **R-276**, Letter from Max Ruelokke, Chairman and CEO, C-NLOPB to Paul Einarsson, Chairman, Geophysical Service Incorporated, 9 June 2010.

<sup>51</sup> **R-004**, *Geophysical Service Incorporated v. Canada-Newfoundland and Labrador Offshore Petroleum Board and Her Majesty in right of Newfoundland and Labrador*, GSI Case No. 2011-01G-5430, Statement of Claim, 10 August 2011 ("GSI Case No. 2011-01G-5430, Statement of Claim"); **R-005**, *Geophysical Service Incorporated v. Canada-Newfoundland and Labrador Offshore Petroleum Board and Her Majesty in right of Newfoundland and Labrador*, GSI Case No. 2011-01G-5430, Amended Statement of Claim, 7 January 2013 ("GSI Case No. 2011-01G-5430, Amended Statement of Claim").

<sup>52</sup> **R-004**, GSI Case No. 2011-01G-5430, Statement of Claim, ¶¶ 22-24; **R-005**, GSI Case No. 2011-01G-5430, Amended Statement of Claim, ¶¶ 22-28.

50. I am also advised that GSI filed other lawsuits for damages against the C-NLOPB in the Court of Queen's Bench of Alberta, making the same or similar allegations regarding alleged violation of GSI's copyright and trade secrets and expropriation.<sup>53</sup>

#### IX. RESPONSE TO SPECIFIC ALLEGATIONS MADE BY THE CLAIMANTS

51. In their submissions, the Claimants make several allegations to which I would like to respond.

52. At paragraph 113 of his Witness Statement, Mr. Paul Einarsson alleges that it was "unbeknownst to GSI" that COGLA records were sent to the C-NLOPB. I cannot comment on the knowledge of Mr. Einarsson or GSI, but records indicate that GSI's legal counsel were actively engaging in discussions related to the COGLA transfer of records to C-NLOPB in 1993.<sup>54</sup> Furthermore, it was well known in the industry that the C-NLOPB had taken over management of all seismic surveys in the C-NL Offshore Area, as evidenced by the C-NLOPB publications referenced above.<sup>55</sup>

53. At paragraph 126 of his Witness Statement, Mr. Paul Einarsson alleges that the C-NLOPB "paid GSI's licensees (through allowable expenditure credit applications and otherwise) to submit

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<sup>53</sup> See e.g., **R-277**, *Geophysical Service Incorporated v. Antrium Energy Inc. and Canada-Newfoundland and Labrador Offshore Petroleum Board*, ABQB 1401-00904, Statement of Claim, January 24, 2014.

<sup>54</sup> **R-249**, Letter from William R. Pieshel, Parlee McLaws to James Strain, Chair and Chief Executive Office, C-NLOPB, RE: "Release of Non-Exclusive Offshore Newfoundland Seismic Data by the Canada-Newfoundland Offshore Petroleum Board", 3 November 1993, p. 5.

<sup>55</sup> **R-248**, Letter from James Strain, Chairman, C-NLOPB to Keith Mathews, Manager, Haliburton Geophysical Service Inc., RE: "Release of Geophysical Information", 31 August 1992 (enclosing copy of C-NLOPB publication "Released Geophysical and Geological Reports" dated August 1992); **R-249**, Letter from William R. Pieshel, Parlee McLaws to James Strain, Chairman, C-NLOPB, RE: "Release of Non-Exclusive Offshore Newfoundland Seismic Data by the Canada-Newfoundland Offshore Petroleum Board", 3 November 1993, p. 5 (referring to transfer of files from COGLA to C-NLOPB). See also **R-247**, National Energy Board, "Frontier Lands: Released Information", December 1992, p. 2 (indicating reports from NL region available from C-NLOPB). See also C-NLOPB, Released Geophysical and Geological Reports, Newfoundland Offshore Area, 1988.

Seismic Works to the Boards that licensees only licenced from GSI.” This is incorrect. Pursuant to the 1996 Regulations, exploration and significant discovery licence representatives that reprocessed the seismic data can submit the reprocessed data to the C-NLOPB to obtain a credit against their security deposit for work expenditure commitments under their exploration or significant discovery licences.<sup>56</sup> Exploration and Significant Discovery licence representatives are permitted (but not required) to claim allowable expenditure credits against their work commitment deposits, including expenses for licencing and/or purchasing seismic surveys. Exploration and Significant Discovery licence representatives do so of their own volition and there is no “payment” of any kind by the C-NLOPB. The Board is not a party to and has no knowledge of the terms and conditions of specific seismic data licensing agreements, which those who claim allowable expenditure credits may have with third-parties, including GSI.

54. Mr. Paul Einarsson suggests at paragraph 170 of his Witness Statement that the C-NLOPB started in the mid-2000s to “unilaterally” insert language into its GPAs regarding GSI’s consent to disclosure of its seismic material over its objections.<sup>57</sup> I do not agree with Mr. Einarsson’s characterizations. GSI voluntarily applied to the C-NLOPB for regulatory authorization to carry out 19 non-exclusive seismic surveys in the C-NL Offshore Area between 1997 and 2008 with full knowledge of the laws, regulations and guidelines that allow the disclosure of seismic materials to

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<sup>56</sup> **R-233**, 1996 *Geophysical Regulations*, s. 25(6). “Allowable Expenditures” are also described in the C-NLOPB *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*. See e.g., **R-238**, COGLA, *Geophysical and Geological Programs on Canada Lands: Guidelines for Approvals and Reports*, March 1984, s. 4; **R-239**, COGLA, *Geophysical and Geological Programs on Frontier Lands: Guidelines for Approvals and Reports*, January 1987, s. 4; **R-241**, C-NLOPB, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, January 1999, s. 3.2; **R-242**, C-NLOPB, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, November 2001, s. 3.2; **R-243**, C-NLOPB, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, April 2004, s. 3.2; and **R-244**, *Geophysical, Geological, Environmental and Geotechnical Program Guidelines*, May 2008 (“2008 Guidelines”), s. 3.2.

<sup>57</sup> Claimants’ Memorial, 27 September 2022, ¶ 44; **CWS-06**, Paul Einarsson Witness Statement ¶ 107, referring to **C-148**, C-NLOPB *Geophysical Program Authorization for Program No. 8924-G005-003P*, 4 December 1992.

**PUBLIC VERSION**


**RWS-02**

Witness Statement of Trevor Bennett

the public after ten years. The same rules are applied by the C-NLOPB to every geophysical survey undertaken in the C-NL Offshore Area. GSI did not need to proceed with its surveys if it did not want to comply with what the law required. It made an informed business decision to proceed.

55. Mr. Einarsson alleges that through vectorization of GSI's seismic materials available from the Board, the C-NLOPB is essentially giving GSI's SEG-Y data away for free. This is misguided. The C-NLOPB does not vectorize materials for the public. If third parties do so on their own accord, that is not within the knowledge or control of the Board.

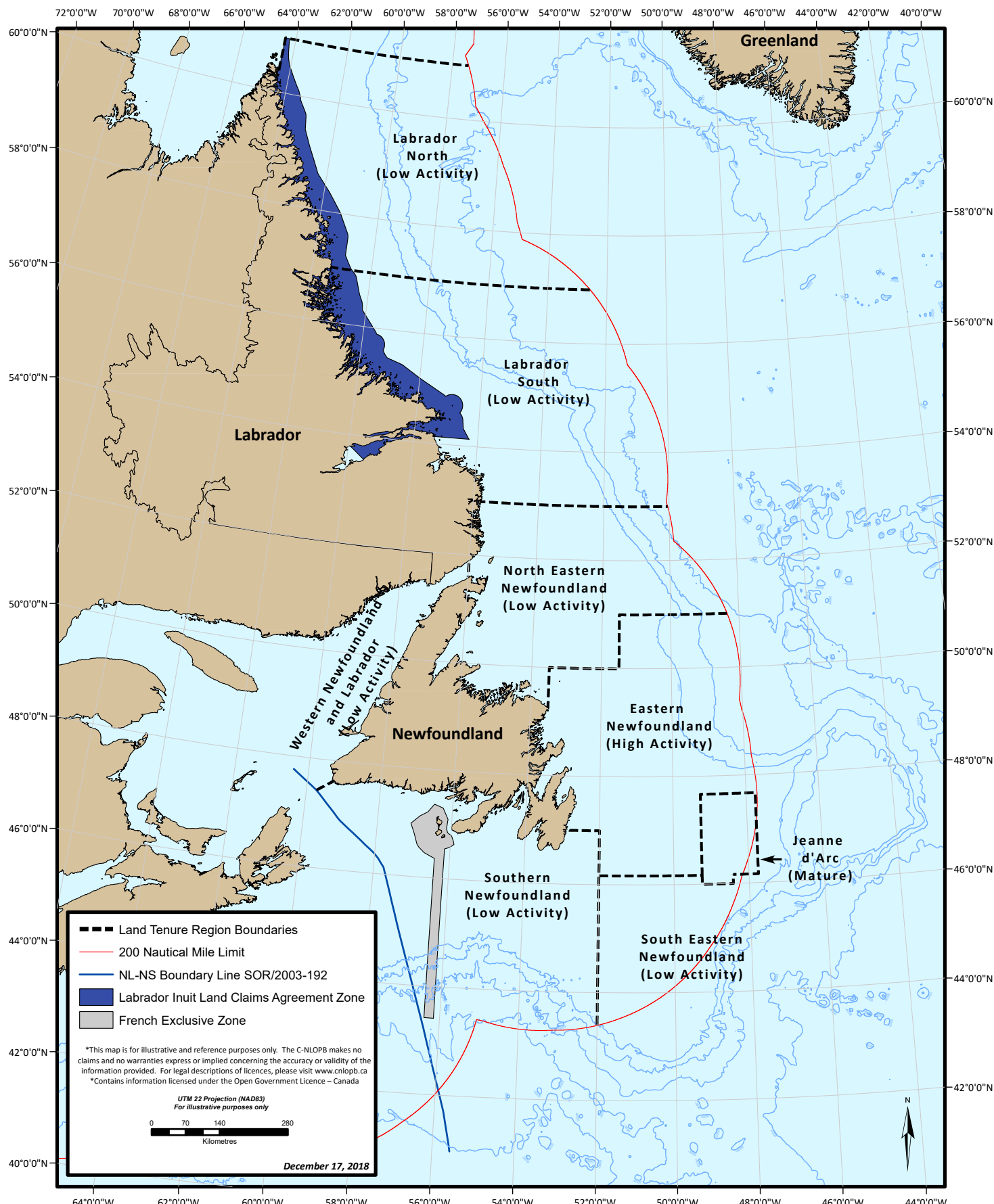
Dated this <sup>16</sup> day of January, 2023.



**TREVOR BENNETT**

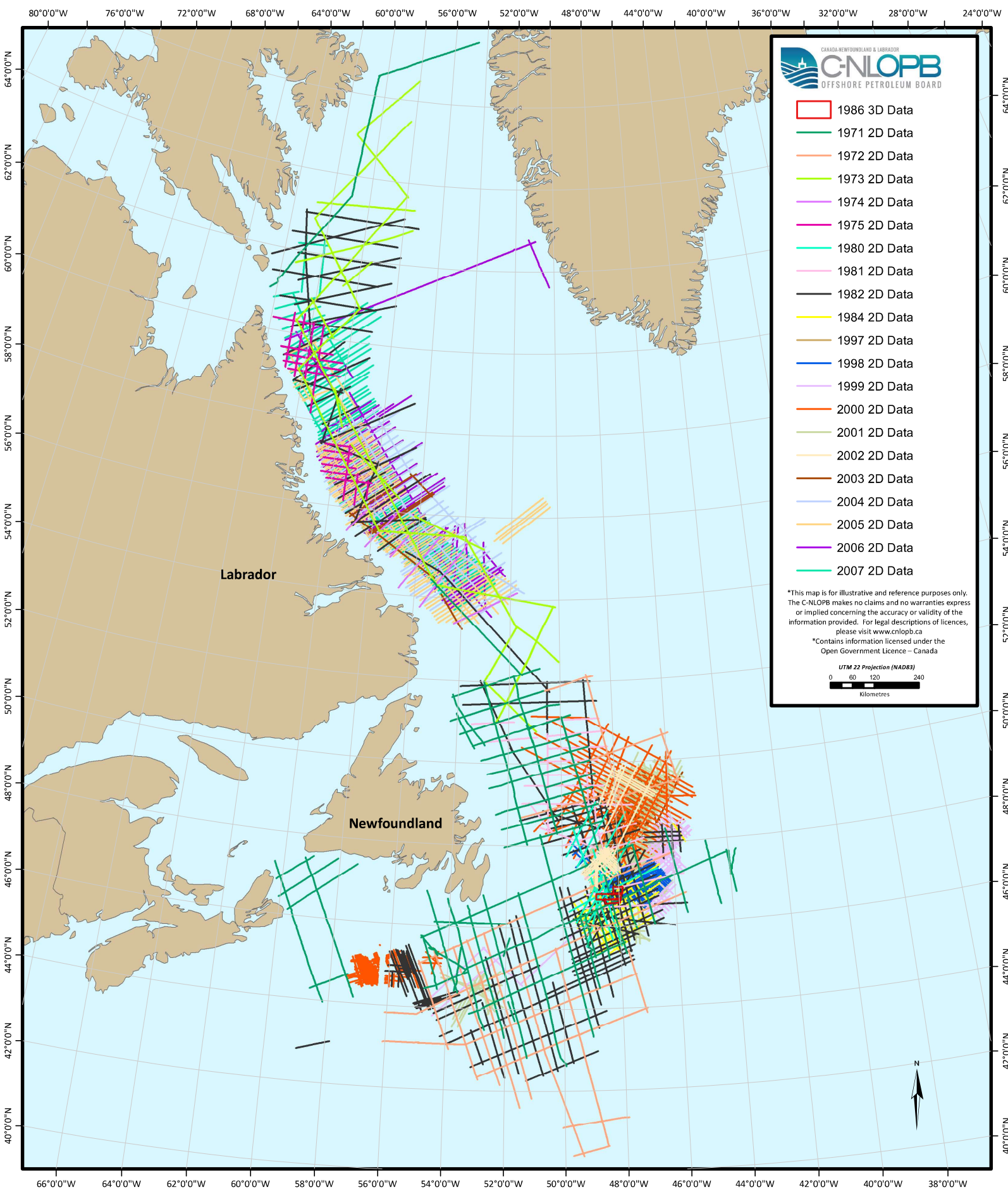


# Annex I PUBLISHED VERSION Canada-Newfoundland & Labrador Land Tenure Regions



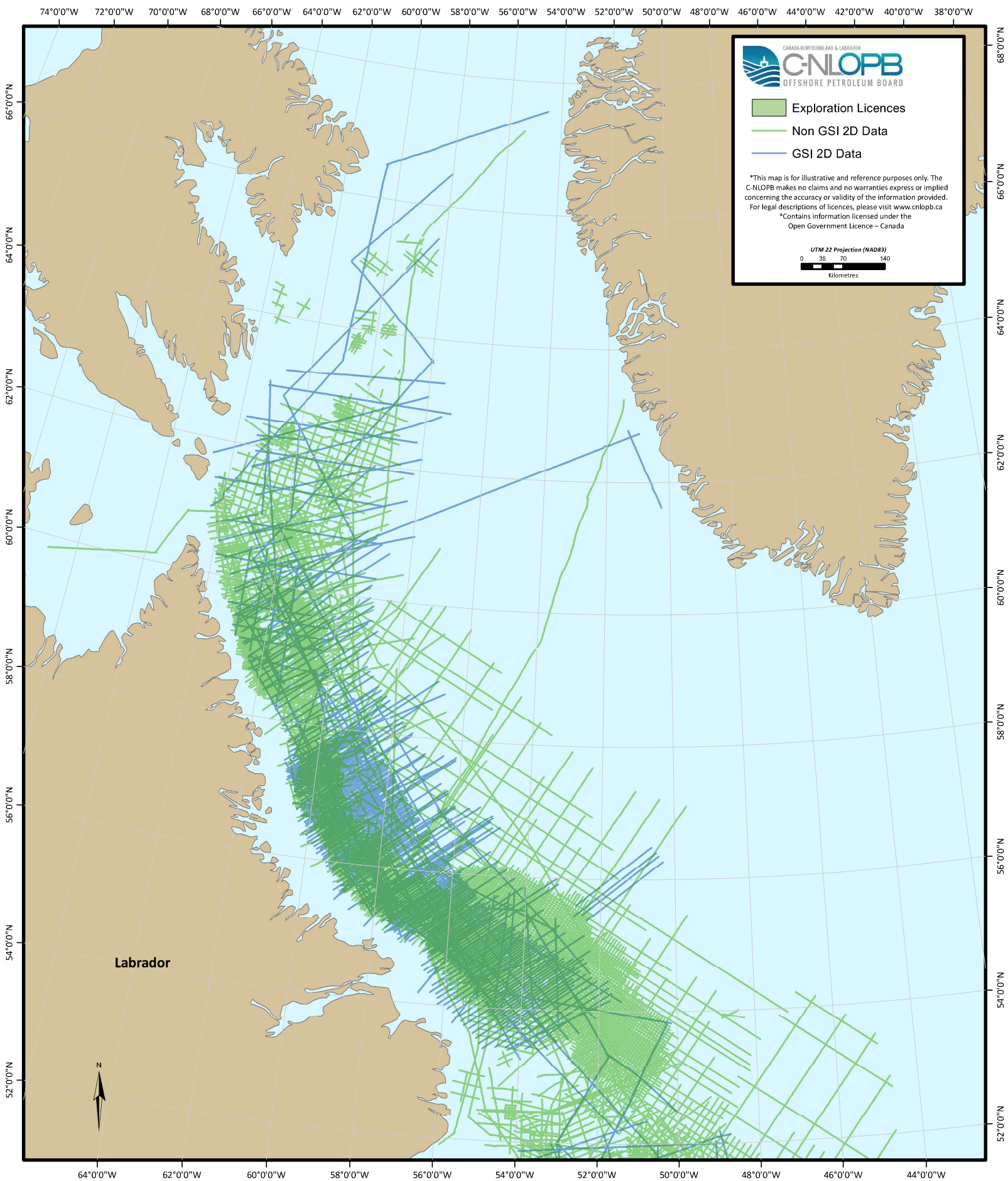
Any sector, parcel or licence depicted on this map beyond 200 nautical miles off the coast of Newfoundland and Labrador is not represented by the Board to reflect the full extent of Canada's continental shelf beyond 200 nautical miles. Canada has filed a submission regarding the limits of the Outer Continental Shelf in the Atlantic Ocean with the Commission on the Limits of the Continental Shelf, the review of which is pending. Any call for bids based on a sector or parcel identified in this map and any licences issued in those areas will be subject to approval as a Fundamental Decision under applicable legislation. The boundaries of sectors, parcels or licences in areas beyond 200 nautical miles may be revised to reflect the limits of the Outer Continental Shelf established by Canada. All interest holders of production licences containing areas beyond 200 nautical miles may be required, through legislation, regulation, licence terms and conditions, or otherwise, to make payments or contributions in order for Canada to satisfy obligations under Article 82 of the United Nations Convention on the Law of the Sea.





# Annex II-B

## GSI Seismic Data Offshore Newfoundland and Labrador

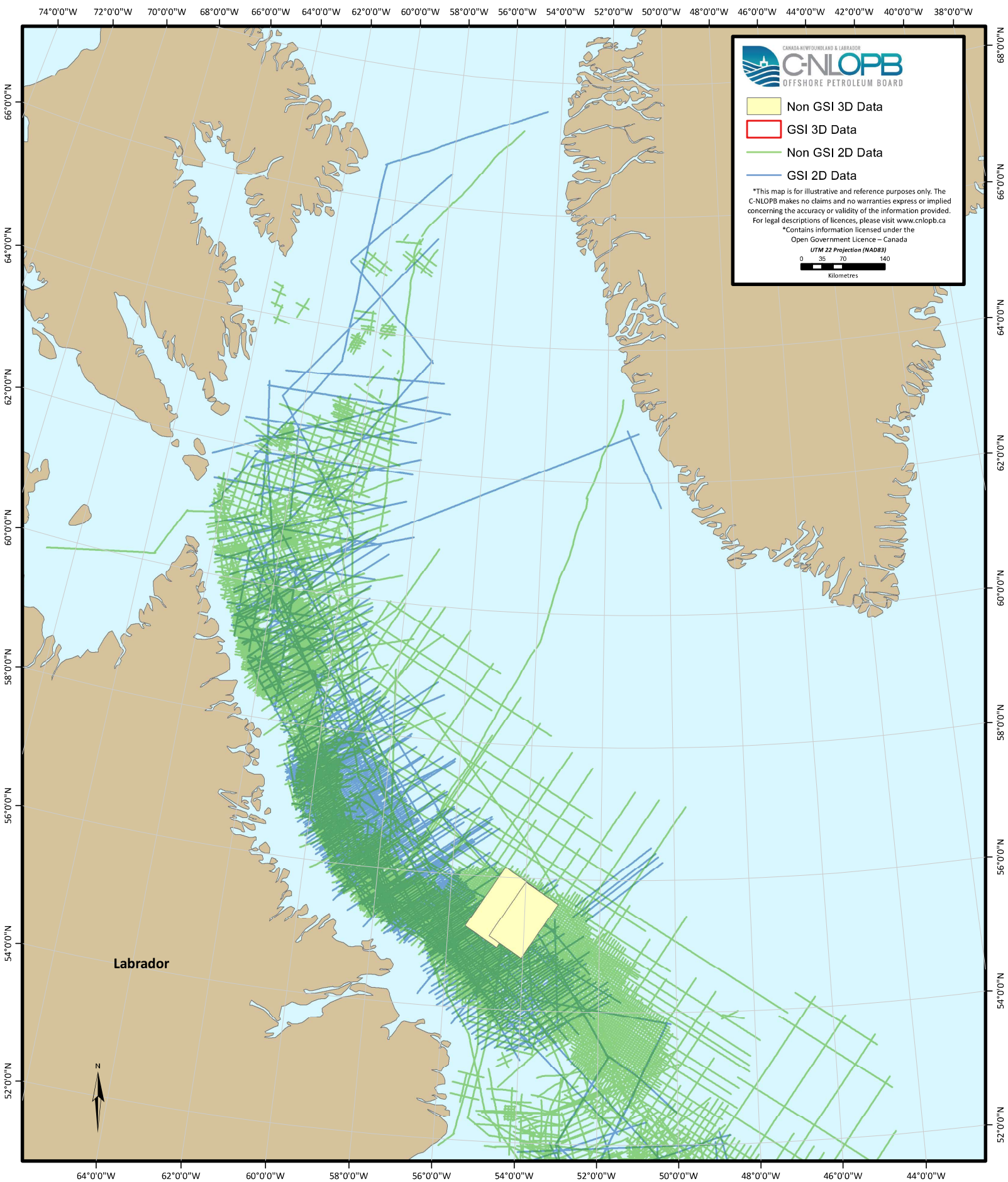




# Annex II-C

## PUI

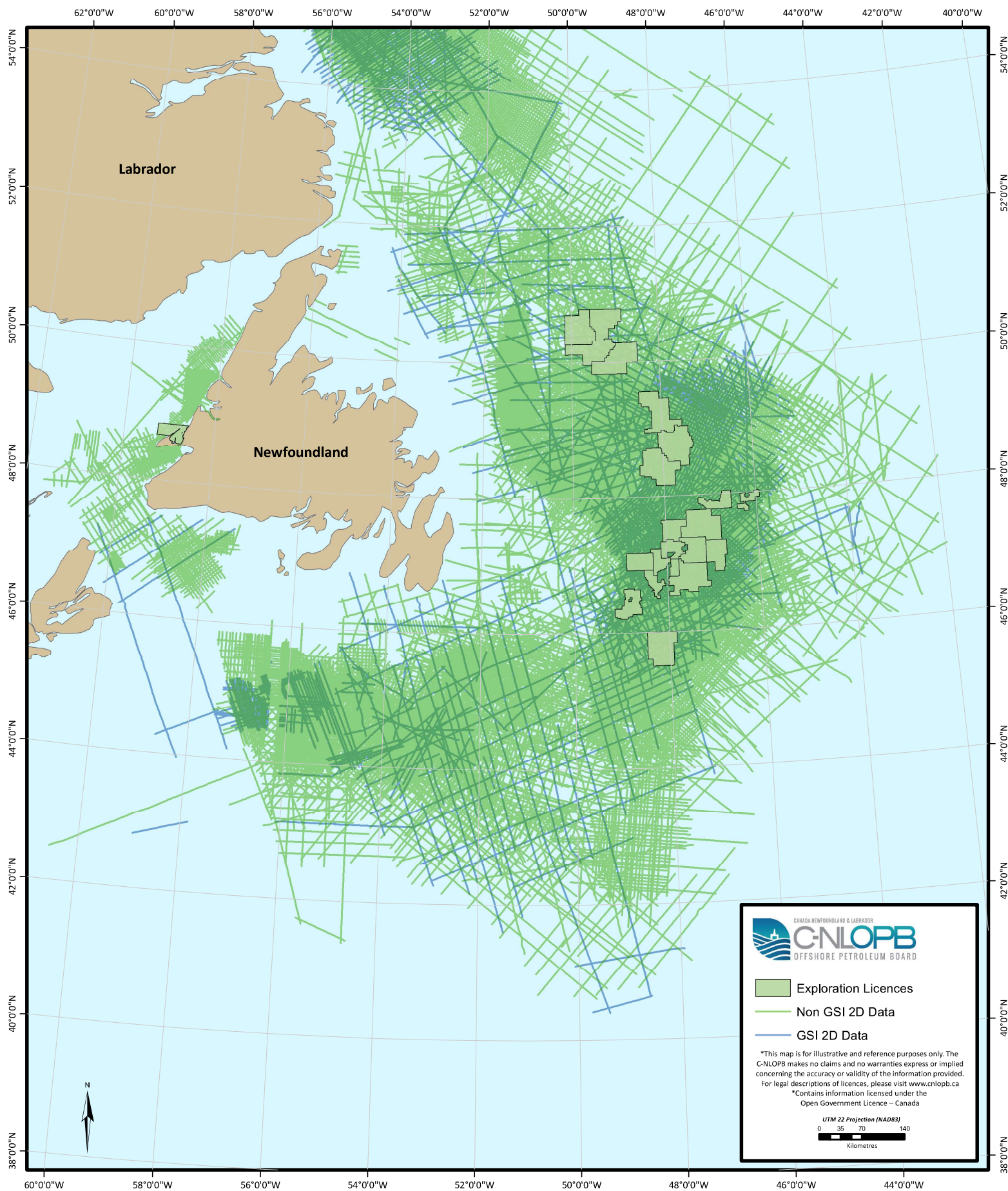
### GSI Seismic Data Offshore Newfoundland and Labrador





# PI Annex II-D

## GSI Seismic Data Offshore Newfoundland and Labrador





## GSI Seismic Data Offshore Newfoundland and Labrador

