Fisheries and Oceans Canada | Pêches et Océans Canada

PO Box 5667
St. John's NL A1C 5X1

Your File Votre référence

Our File Notre référence
15-HNFL-00025

June 19, 2015

Darren Hicks
Environmental Analyst
Canada-Newfoundland and Labrador Offshore Petroleum Board
140 Water St., 4th Floor
St. John's, NL A1C 6H6

Dear Mr. Hicks

Subject: Fisheries and Oceans Canada Review of the Environmental Assessment Report WesternGECO's Southeast Newfoundland Offshore Seismic Program 2015-2024

Further to your May 13, 2015 request, please note that Fisheries and Oceans Canada (DFO) has completed a review of the document entitled *"Environmental Assessment of WesternGeco's Southeast Newfoundland Offshore Seismic Program, 2015-2024"* dated May 2015. The following comments are offered for your consideration:

Section 4.3.1 (Fisheries) Information Sources (page 62-63)

- Since the proposed seismic program is planned to continue into 2024 and the Environmental Assessment (EA) report utilizes catch and effort data up to 2013, it would be prudent to periodically revisit the potential impacts on commercial fisheries if fishing activity or the planned seismic activities vary significantly from that described in this EA report.

Section 4.3.4 Traditional and Aboriginal Fisheries (page 110-111)

- The first two sentences in this section note that "…waters in the northwestern portion of the Study Area (within NAFO Division 3Ps) are used by the Conne River Band Council (Miawpukek First Nation Government) for Food, Social and Ceremonial fisheries, along with Communal/Commercial fishing activities. These fishing activities and associated regulations are described in detail in Section 3.3.4 in the Southern Newfoundland SEA (C-NLOPB 2010)…". It should be noted and/or clarified that the Food, Social and Ceremonial (FSC) license for Miawpukek First Nation Government confines FSC fishing activity to coastal/inshore/near shore areas in the vicinity of Conne River and areas within Bay d'Espoir and Hermitage Bay.
- The Innu Nation of Labrador holds a communal commercial fisheries license that permits fixed gear groundfish fishing activity within NAFO Divisions 3Ps, and 3LMNO. As such appropriate clarification should be provided (see last sentence) in this section.

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Section 4.6 Species at Risk - Table 4.17 (page 154 and 155)

- The row for Harbour Porpoise (NW Atlantic population) listed as Threatened on Schedule 3 should be removed from the Table. It should be noted that Schedule 1 is the official list of *Species at Risk Act (SARA)* species, Schedules 2 and 3 were created to identify species that were remaining to be reassessed by COSEWIC using revised criteria when *SARA* came into effect.
- Similarly the rows showing Humpback Whale (Western North Atlantic population), and Atlantic Cod both listed as Special Concern on Schedule 3 should also be removed for the same reason stated above.
- The population name of Leatherback Sea Turtle – i.e. Atlantic population – should be included in the applicable row of Table 4.17.
- The correct population name of White Hake is Atlantic and Northern Gulf of St. Lawrence population. Table 4.17 should acknowledge and include same.
- The correct *SARA* status of Winter Skate (Eastern Scotian Shelf population) is Endangered; Table 4.17 should be amended accordingly.

Section 5.5 Mitigation Measures (page 176)

- It should be noted (most likely within this Section of the EA report) that the Marine Mammal Regulations (MMR) under the *Fisheries Act* is currently undergoing amendment. While public consultation on proposed amendments have only just recently ended it should be noted that Schedule 11 of the proposed amended MMR provide approach distances for marine mammals based on species, vehicle (vessel, aircraft, etc), area and timing. Given that the proposed seismic survey(s) are likely to be scheduled to continue into 2024 it is recommended that the proponent be aware of any potential implications that may arise if any proposed amendments to MMR are accepted during the timeframe covered by the proposed survey program.

Section 5.5.5.1 Use of a Safety Zone (page 183)

- This section notes that "…the circular safety zone will be monitored by MMOs for the presence of marine mammals and sea turtles while the array is operating during daylight hours…" It is understood that the proposed seismic operations will occur during both hours of daylight and darkness. It is not clear what measures will be employed to provide monitoring of the safety zone for marine mammals and sea turtles during darkness and/or low visibility conditions.

Section 5.5.5.8 Reporting (page 185)

- This section notes that monitoring reports are submitted to CNLOPB subsequent to completion of each seismic survey. While no amendment or change in the section is required it is suggested / requested that such reports be forwarded to DFO as an information item.

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Thank you for providing the opportunity to review and comment on this EA document. If you have any questions or concerns regarding the above please let me know by phone or e-mail.

Yours sincerely,

Senior Biologist, Coastal, Marine Oil & Gas Development
Fisheries Protection Program – Regulatory Reviews
Ecosystems Management Branch – NL Region

Canada