

From: Rowsell, Nicole <NicoleRowsell@gov.nl.ca>
Sent: Tuesday, June 7, 2022 2:17 PM
To: Hicks, Darren
Cc: Roberts, Lorelei
Subject: RE: Electromagnetic Geoservices Canada Inc. Orphan Basin and South Bank Controlled Source Electromagnetic Survey 2022

Hi Darren,

The Sustainable Fisheries and Oceans Policy Division (Fisheries, Forestry and Agriculture) would like to provide the following feedback regarding the controlled source electromagnetic survey for consideration:

* Section 3.0, Consultation and Engagement, indicates that the proponent met with the Fish, Food and Allied Workers (FFAW) to discuss the project. It is also mentioned that a Fisheries Liaison Officer will be onboard the survey vessel to facilitate communication with fishers and provide advice and coordination regarding avoiding fishing vessels and fishing gear. The Newfoundland and Labrador fishing industry is an important ocean stakeholder. Engagement with fish harvesters should continue to be a top priority throughout the assessment process and throughout the lifetime of the project if permitted to proceed.

* FFA would like to note that, during consultation, FFAW indicated Greenland halibut (turbot) as the primary species harvested during the summer along the shelf area to the west of the project/study area. Additionally, Section 4.7.1 Summary of Key Commercial Fishing Activity in the Project / Study Areas also includes 2020 data from Fisheries and Oceans Canada (DFO) that shows turbot landings accounting for 95 per cent weight and value of domestic harvesting activity in the study area. Turbot is an important commercial species for Newfoundland and Labrador harvesters; it was the most valuable groundfish species exported from the province in 2020.

* In Section 4.2.3 Fish Assemblages, the proponent notes that pelagic species, such as capelin, exhibit inshore offshore migrations. July and August are important months for capelin in terms of spawning and fishing. Table 4.3 indicates that there is a high potential for capelin to be found in the project area and further highlights June, July, and August as spawning times for capelin. While capelin usually spawn in June/July, it is important to consider that they are extremely temperature sensitive, which can result in highly variable spawning times each year.

* Section 4.7.1 Summary of Key Commercial Fishing Activity in the Project / Study Areas notes that the Regional Area's eastern extent of the project boundary extends just beyond Canada's Exclusive Economic Zone (EEZ) where the Northwest Atlantic Fisheries Organization (NAFO) holds jurisdiction over commercial fishing activity in those areas. It is advised that the proponent seek to include data from NAFO on fishing activity that might occur during the summer and fall in the project area that extends just beyond the EEZ. In addition to domestic fishing fleets, there may also be international vessels actively fishing in this area during the timeframe of the project.

* There have been increased sightings of the endangered North Atlantic Right Whale (NARW), *Eubalaena glacialis*, in Newfoundland and Labrador waters in recent years. The NARW is particularly vulnerable to extinction, being that it is a slow growing species with only approximately 336 animals remaining worldwide. DFO and Transport Canada have implemented a number of protective

measures in an effort to minimize interactions with NARWs. From an economic perspective, Canada is now required to demonstrate stringent efforts to protect marine mammals to meet the United States (U.S) Import Provisions under the Marine Mammal Protection Act so that Canada may continue to export fish and seafood to the U.S. While the proponent considers that NARWs and other marine mammals could be in the area during experimental trials, they should also be aware of the possibility that interactions with NARWs can affect Canada's ability to export seafood.

* Section 6.2.3 Mitigation states that the electromagnetic source will not be initiated if a marine mammal or sea turtle is observed 30 minutes prior to ramp-up within a 500m safety zone of the energy source. It further states that ramp-up will not occur until the animal has moved beyond the 500m zone or 20 minutes have elapsed since the last sighting. It is unclear what rationale was used for determining the appropriate amount of wait time before beginning ramp-up when there has been a sighting (i.e. 30 minutes) or for when a marine mammal or sea turtle has been last sighted (i.e. 20 minutes). The rationale behind determining the appropriate size of the safe zone (i.e. 500m) is also unclear. There is concern that these timeframes and the size of the safe zone may not be sufficient in protecting marine mammals and/or sea turtles from the electromagnetic fields. It should be noted that research on the effects of electromagnetic fields resulting from electromagnetic surveys on the behavior of electrosensitive animals is still very limited.

* Section 6.5 of the Environmental Assessment Report demonstrates that the study area for the Controlled Source Electromagnetic Survey overlaps with the Northeast Slope Marine Refuge, as well as additional Significant Benthic Areas for sea pens outside of the Refuge. The Northeast Slope Marine Refuge was created to protect slow-growing, fragile cold-water corals and sponges and is closed to bottom contact fisheries. In section 6.5.4.3 of the Environmental Assessment Report for the Orphan Basin and South Bank Controlled Source Electromagnetic Survey 2022, it is provided that receiver packages are temporarily anchored on the seafloor and that when they are retrieved, the anchor is not retrieved and remains on the seafloor. While it is recognized that the anchors will dissolve within 4 to 12 months, the deployment of receivers and anchors is concerning as approximately 100 m² of benthic habitat will be disturbed. Sea pens, which are thought to be the dominant species of coral in the area, have slow growth rates meaning that once a colony is destroyed or threatened it takes a considerable amount of time for sea pens to re-establish. Cold-water corals and sponges provide essential habitat for juvenile fish, including those that are commercially valuable.

Thank you for the opportunity to review,

Nicole

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From: Hicks, Darren <DHicks@cnlopb.ca>

Sent: Wednesday, June 1, 2022 11:25 AM

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Subject: Electromagnetic Geoservices Canada Inc. Orphan Basin and South Bank Controlled Source Electromagnetic Survey 2022

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Hello all: please see the attached EA Report for a controlled source electromagnetic survey (CSEM) for the Orphan Basin and South Bank as proposed by Electromagnetic Geoservices Canada (EMGS) Inc.

Please provide your response no later than July 13, 2022. If you have any questions please feel free to contact us.

Regards
Darren

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