



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  
13-HNFL-NA1-00503

May 15, 2014

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 Electromagnetic Geoservices Canada Inc. Non-Exclusive Controlled Source Electromagnetic Project Environmental Assessment Report, 2014-2018**

As requested, Fisheries and Oceans Canada (DFO) has completed a review of the document entitled "*Environmental Assessment of Electromagnetic Geoservices Canada Inc. Non-Exclusive Controlled Source Electromagnetic Project, 2014-2018*" dated March 2014 and offers the following comments:

Section 4.3.2 Regional NAFO Fisheries (page 51)

- This section should include reference to the current version of NAFO closed areas effective as of January 2014 which are available from the Fisheries Management Division of DFO.

Section 4.3.3.2 Analysis of Recent Commercial Catches and Section 4.3.3.3 Analysis of Commercial Catches in 2014 Survey Block (page 53-55)

- While this section of the report notes the predominance of shrimp by weight in terms of overall catch up to 2010, it is felt that it should be updated to 2012 to reflect changes in shrimp activity specifically noting closure of 3M shrimp in 2011 and reduction in 3L shrimp TAC in recent years.

Section 4.2.4 Fisheries – American Plaice (page 42)

- The description provided for American Plaice should note that a moratorium is in place for 3LNO and 3M stock areas.

Section 5.7.2 Review of Effects of Electromagnetic Emissions (page 143 - 147)

- The report should review and consider the potential for CSEM to impact functions (other than migration and prey detection) in the life history of marine fish, invertebrates and mammals. The review of potential impacts of CSEM on marine biota provided in Section 5.7.2.2 – 5.7.2.7 should be expanded where possible based on information which may come out of such review and consideration.



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Section 4.2.4.2 Other Fishes Caught in the Commercial Fishery (page 40 – 48)

- The SARA and COSEWIC status for each relevant species described should be included in their respective paragraphs in this section.
- Smooth Skate should also be discussed in this section as the Funk Island Deep population could be present in the Study Area.
- Roundnose Grenadier should be discussed in this section as the species could be present in the Study Area.

Table 4.8 (p.89-90)

- The applicable population names for each species should be included in this table.
- The Atlantic population of Sei Whale is a high priority candidate species under COSEWIC.
- It should be noted that Sperm Whale is a mid-priority candidate species, and Harp Seal and Hooded Seal are both high priority candidate species under COSEWIC as such Table 4.8 should be amended accordingly.

Section 4.4.1.4 Sperm Whale (page 94)

- Sperm Whale is a mid-priority candidate species under COSEWIC as such the 3<sup>rd</sup> sentence of this section should be amended accordingly.

Section 4.4.1.5 Hooded Seal and Harp Seal (page 99)

- Hooded Seal and Harp Seal are both high priority candidate species under COSEWIC as such the descriptions provided for both species should be amended accordingly.

Table 4.14 (page 117)

- The row containing Atlantic Cod listed on Schedule 3 of SARA should be removed from the SARA column and placed in the appropriate COSEWIC column.

Section 4.7.1 Integrated Management Areas (page 126 – 127)

- The study area includes a portion of the NL Shelves Bioregion as well as the Placentia Bay Grand Banks Large Ocean Management Area (PBGB LOMA). It should be clarified that the two areas are different in nature and extent. The following reference gives some insight into the Bioregion and contains information that may be useful in describing the differences. *DFO. 2009. Development of a Framework and Principles for the Biogeographic Classification of Canadian Marine Areas. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2009/056.*
- The LOMA description seems a bit dated. The following current DFO website may help <http://www.dfo-mpo.gc.ca/oceans/planning/index-eng.htm>. In particular the following text may be of use in clarifying the description.
  - *Oceans Planning*





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*To protect and manage our oceans, Canada has identified particular bodies of water as priority areas. Five Large Ocean Management Areas (LOMAs) have been established to focus on areas under pressure from human activities and to address key conservation challenges. DFO is learning how to apply the integrated management planning approach within these areas before broadening the approach elsewhere. While LOMAs have been the focus of attention in past years, Canada is also developing a marine protected areas network, involving all levels of government, to ensure a comprehensive approach to protecting marine areas. Applying different policy tools and approaches to these areas helps to balance the need to protect the marine environment from the impact of human and industrial activities that take place within these areas, thus taking an integrated oceans management approach to ocean planning. Decisions about ocean resources must take into consideration the long-term, direct and indirect impacts on social, economic and environmental systems.*

- 2<sup>nd</sup> sentence 3<sup>rd</sup> paragraph page 127 – this sentence notes that *“The designation of EBSAs is a tool to allow appropriate management of geographically or oceanographically discrete areas that provide important services to one or more species/populations of an ecosystem or to the ecosystem as a whole, compared to other surrounding areas or areas of similar ecological characteristics (DFO 2013a)”*. This reference (DFO. 2013a. Assessment of Divisions 2G-3K northern shrimp. DFO Can. Sci. Advis. Sci. Stock Advis. Rep. 2013/012) does not appear to be the relevant reference for the statement and this inconsistency should be corrected accordingly.

#### Section 4.7.2 Coral and Sponge Areas (page 128)

- Figure 4.36 caption notes that the figure describes *“the locations of these 12 areas, eight of which occur entirely partially within the proposed Study Area”*. There would appear to be something missing from this sentence and it is suggested to clarify by adding *“...entirely or partially...”*

#### Figure 4.36 (page 126)

- The caption of needs to be changed as it refers to the NL Shelves EBSA should be plural (EBSAs).

#### Section 5.5 –Mitigations (page 139)

- Although this is not a seismic survey program environmental assessment some of the mitigation measures provided for within the “Statement of Canadian Practice with Respect to Mitigation of Seismic Sound in the Marine Environment” (SOCP) maybe applicable. The proponent should be required to adhere to all applicable minimum mitigations outlined in CNLOPB Guidelines and the SOCP as well as those described in the EA page 139. This section should be amended accordingly.



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Section 5.7.10 Effects on Species at Risk (page 161-163)

- The effects assessment for species at risk only includes threatened and endangered species on Schedule 1 of SARA. This assessment should include all species listed on Schedule 1 of SARA (i.e., endangered, threatened and special concern).
- Page 161 states, *"The probability of encountering these species in the Study Area is low because they are rare, and in some cases would be at the limits of their present range..."* Although it may be unlikely that some of the species listed in this section would be present in the study area, it is important that the proponent employs all applicable mitigation measures as it is still possible that an individual could be encountered throughout the duration of the project.

Section 5.7.11 Sensitive Areas (page 164)

- This section states in error that the study area includes portions of two DFO EBSAs (PBGB and NL Shelves). Neither of these areas are EBSAs rather the PBGB (Placentia Bay Grand Banks) is a Large Oceans Management Area (LOMA) and the Newfoundland Labrador Shelf is a Bioregion as referenced in CSAS report DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2009/056 and as noted above in comments on Section 4.7.1. The description provided in Section 5.7.11 should be amended accordingly.

Section 6.0 Mitigation and Follow-up (page 169) and Section 6.3 Fisheries (page 170-171)

- The description of specific mitigations provided for in the 2<sup>nd</sup> paragraph of page 171 and the reference to "avoidance of conflicts with survey vessels" provided in the 1<sup>st</sup> sentence of 3<sup>rd</sup> paragraph on page 171 should both apply to DFO - Industry Post Season Crab Surveys. Reference to same should be explicit within this section accordingly.

Section 6.1 SARA Species, Including Marine Mammals and Sea Turtles (page 170) -

- This section lists several mitigations that will be employed to protect species at risk. Although this is not a seismic program, some of the mitigations in the *"Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment"* (SOCP) may be applicable, as such the SOCP should be referenced in this section and the applicable mitigations adhered to.
- Any dead or distressed marine mammals, sea turtles, and other SARA species should also be reported to DFO, the last sentence of Section 6.1 should be amended accordingly.



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Thank you for providing DFO the opportunity to comment on this document. Should you have any questions or comments regarding the above, please contact me [REDACTED]

Yours sincerely, [REDACTED]

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