

GX Technology Canada Ltd.'s GrandSPAN 2D-3D Seismic, Gravity and Magnetic Survey, 2014-2019: 2019 Environmental Assessment Amendment (Stantec April 2019): GXT Responses to Consolidated Comments

The following are GXT's responses to comments received in regard to its proposed GrandSPAN 2019 EA Amendment, as provided to GXT by the C-NLOPB (D. Hicks) on 15 May 2019.

GENERAL COMMENTS

Fish, Food and Allied Workers (FFAW): The FFAW would like to reiterate concerns from last year's program with respect to mitigations proposed by the proponent. There were several close calls in terms of avoiding active fishing areas as well as seismic work conducted very close to crab stations being actively-fished during the post-season crab survey last year. Avoidance by seismic operators of active fishing areas and research surveys cannot be only a mitigation written in an Environmental Assessment document. The mitigations and importance of them needs to be effectively communicated to all individuals involved in the at-sea program. FFAW-Unifor will work with the proponent to communicate as much information as available in advance of the program starting as well as throughout during weekly (or more frequent) conference calls but the commitment needs to carry through on the operator's end to mitigate conflict at sea as well.

GXT Response: GXT fully acknowledges the importance of advance and continuing communications for identifying and avoiding active fishing areas and science surveys, as stated in the EA Amendment document (Section 3.2), and reflected in the various mitigation commitments. As noted there, these commitments include frequent updates about activities and the mutual exchange of plans, discussions and conference calls with the FFAW-Unifor Petroleum Industry Liaison (PIL), the on-board FLO, and GXT Project personnel, and continuing communications with DFO concerning R/V surveys and the planned DFO/ESRF seismic-groundfish study, as well as other communications mechanisms identified.

Training sessions between GXT Environmental and Project Managers and at-sea personnel (representing all departments) will be held before the start of the survey and at each crew change (with translators as required) about the local environment and VECs (e.g., expected fisheries, surveys and timing of activities), the environmental commitments and requirements (including fisheries / fisheries science avoidance, and the role of FLOs in at-sea communications and helping to avoid conflicts), as well as incident reporting requirements, and other matters. The FFAW-Unifor PIL will also be invited to attend at all of these sessions and provide comments, and to participate in additional planning sessions immediately before survey start-up.

For 2019, GXT will also implement enhanced mechanisms to ensure that GXT Project personnel are fully aware of relevant commitments with respect to fisheries and fisheries science studies, including the implementation of bi-weekly Regulatory Compliance Checklists for sign-off by relevant crew / at-sea managers reaffirming their understanding of GXT's commitments, and to help ensure that there is full carry-through (see EA Amendment document Section 3.2).

Also relevant are enhanced mitigations (EA Amendment document Sections 3.1, 4.2.2 and Tables A1 and A2) for responding to a situation where the ship has become aware of an active post-season snow crab survey station – or an Atlantic halibut survey station – (e.g., by way of radio communications between the FLO and the harvester) without prior information and the opportunity in advance to avoid the station(s). In such a case, the array would be shutdown immediately and gear avoided by the ship and its streamer.

GXT appreciates FFAW-Unifor's willingness to work with GXT on continuing communications and information exchange commitments.

SPECIFIC COMMENTS

Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)

Figure 4-34 and Section 4.4.1.3 Laurentian Channel EBSA, on April 25, 2019 Fisheries and Oceans Canada designated this area as a Marine Protected Area which prohibits all oil and gas activities. Relevant sections and figures should be updated accordingly.

GXT Response: GXT's EA Amendment document was filed with the C-NLOPB several days before 25 April, and the MPA was thus not identified as such in the document. However, it was identified as an MPA Area of Interest (Laurentian Channel) in Figure B-1, "Canadian Ecologically and Biologically Significant Areas, Marine Protected Areas, Marine Refuges and Migratory Bird Sanctuaries". GXT understands that prohibited activities include "any activity within the designated boundaries that disturbs, damages, destroys or removes any living marine organism or any part of its habitat, or that is likely to do so. This includes the prohibition of all commercial or recreational fishing, oil and gas activities, and seismic surveys" (Laurentian Channel Marine Protected Area Regulations: SOR/2019-105, Canada Gazette, Part II, Volume 153, Number 9: Prohibitions).

GXT has no plans for acquisition in the MPA area, and will avoid the MPA in its entirety. The GIS shapefile for its location will be entered into the survey ship's Marlin system and Project vessels will not enter any part of the MPA at any time during the survey. This requirement will be communicated to on-board personnel before survey commencement. Consequently, there is no change to the assessment conclusions.

A map showing the Laurentian Channel MPA in relation to the GrandSPAN Project Area is provided, below, at the end of this response document (Figure 1).

Fisheries and Oceans Canada (DFO)

Section 2.4 Project Area, page 2.3: Regarding the statement, "...the amended (extended) portion of the Project Area is more than 400 km from Newfoundland or Labrador mainland and outside Canada's EEZ...", it appears from Figure 2-1 that the extended area lies "within" Canada's EEZ. Is this a typo?

GXT Response: This is a misstatement and should have read "the amended (extended) portion of the Project Area is 250 km to more than 400 km from the Newfoundland or Labrador mainland and inside Canada's EEZ". The area identified by coordinates in Table 2-1, depicted on each of the following Figures, and assessed in the EA Amendment document is correct, however, and shows the amendment area as within the EEZ.

Section 4.1.1.1 Significant Benthic Areas (page 4.1) and Section 4.4.1.3 DFO EBSAs on the Maritimes Bioregion, page 4.48: There is mention of a large significant benthic area for sea pens located in the Laurentian Channel, which overlaps with the Original and Amended Study Area. The Laurentian Channel AOI was recently designated as an Oceans Act Marine Protected Area (MPA). The Laurentian Channel MPA Regulations (currently accessible on Canada Gazette II) prohibits carrying out "any activity in the Marine Protected Area that disturbs, damages, destroys or removes from the Marine Protected Area any living marine organism or any part of its habitat or is likely to do so". This prohibition includes all Oil & Gas Activities and seismic surveys. Updated information on this newly designated MPA should be included in the EA Amendment.

GXT Response: As noted above (GXT Response to C-NLOPB Comment), GXT's EA Amendment document was completed before this was announced. As stated above, GXT Project vessels will not enter any part of the MPA at any time during the survey, and these required restrictions are understood. The area is mapped vis-à-vis the GXT Project Area in Figure 1, below.

Section 4.1.1.3 Species at Risk, page 4.5: Regarding reference to the Recovery Strategy for Northern and Spotted Wolffish (DFO 2018) and implementation of critical habitat, it should be clarified that the recovery strategy and critical habitat are "proposed" as they are not finalized.

GXT Response: Acknowledged. The critical habitat for northern and spotted wolffish described in the EA Amendment document is proposed and has not yet been implemented through legislation. The status is correctly identified as “proposed” in Figure 4.2 (“Proposed Critical Habitat for Northern and Spotted Wolffish”) but should have been stated in the same way elsewhere in the EA Amendment document.

Section 4.4.2 Environmental Effects Assessment, page 4.51: Regarding the statement, “There are no known prohibitions of marine activities, such as those being proposed as part of the Project, within the protected and sensitive areas described in the original EA Report, 2018 EA Update, and above in section 4.4.1.”. Updated information on the Laurentian Channel MPA’s prohibitions on oil and gas activities, including seismic activities, should be discussed.

GXT Response: As discussed above (Responses to C-NLOPB Comment and previous DFO Comment), GXT’s EA Amendment document was completed before this was announced. The prohibiting of seismic surveying within the MPA is understood. As stated above, GXT Project vessels will not enter any part of the MPA at any time during the survey. The area is mapped vis-à-vis the GXT Project Area in Figure 1, below.

Section 4.3 Marine Mammals and Sea Turtles, page 4.42: With respect to new or updated information, in addition to the David Strait - Baffin Bay - Labrador Sea population of Northern Bottlenose Whale in the project area, the Project EA Amendment should note that recent work in the Flemish Pass area has highlighted the potential presence of the Scotian Shelf population of Northern Bottlenose whale listed in the Species at Risk Act public registry as endangered, and the implications of such relative to mitigation measures set out in the Statement of Canadian Practice. As a precautionary measure, it is recommended that seismic surveys be shut-down if Northern Bottlenose Whales are encountered within the safety zone due to the uncertainty of the exact range of these populations.

GXT Response: Acknowledged and agreed. GXT will respond to any northern bottlenose whales observed during the survey as if they are SARA-listed species having an “Endangered” designation, and respond accordingly if within the safety zone, following the Statement of Canadian Practice guidance, as described in the EA Amendment document (Section 4.3, Tables A1 and A2).

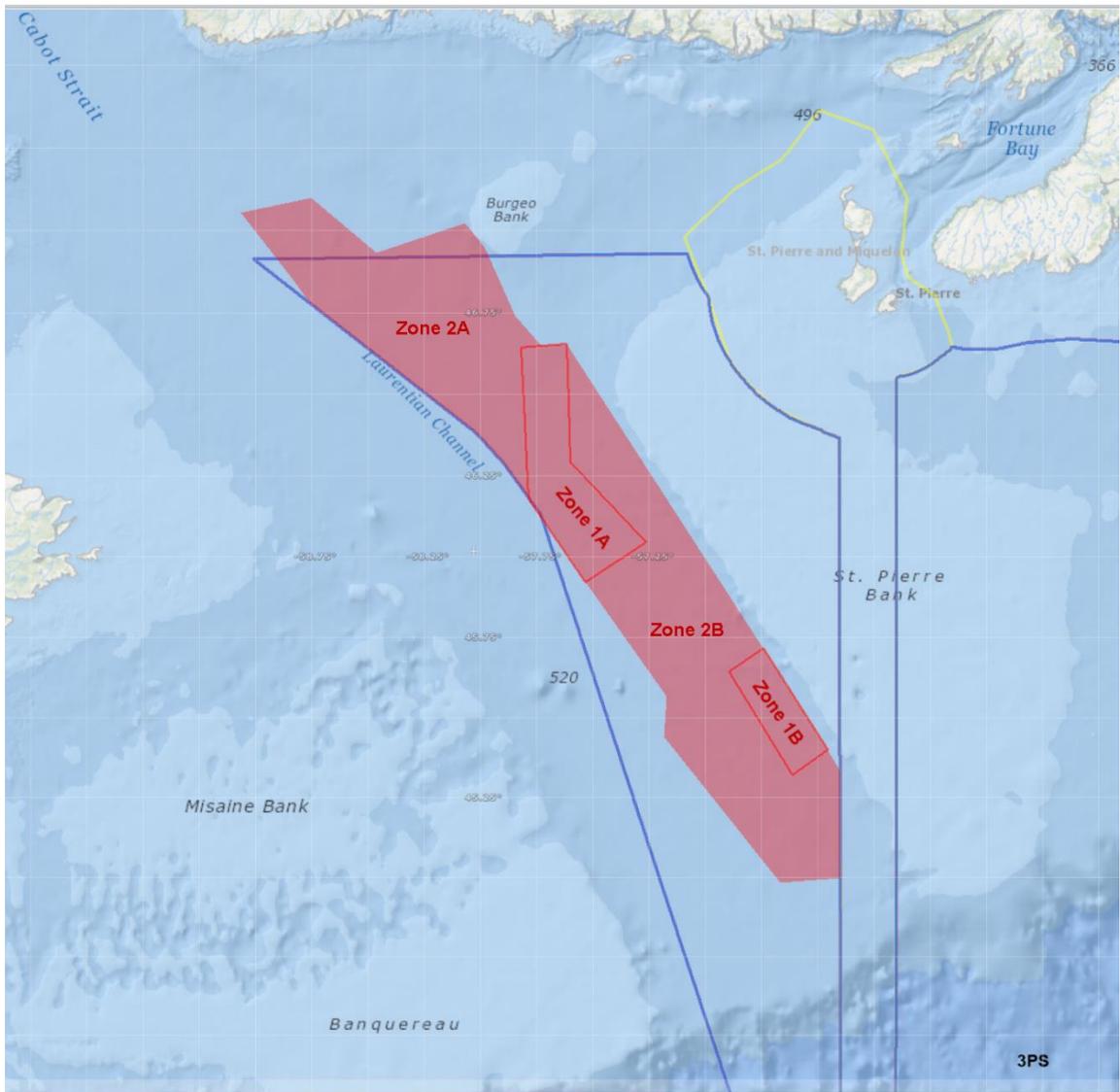


Figure 1: Laurentian Channel MPA (red) in relation to the GrandSPAN Project Area boundary (blue)