



December 5, 2011

Distribution:

**Re: Husky Energy Jeanne d’Arc Basin/Flemish Pass Regional Seismic Program 2012-2020
Federal Coordination Regulations Section 5 Notification**

On December 1, 2011, Husky Energy submitted to the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) a project description for a proposed 2D and 3D seismic, geohazard and vertical seismic profiling survey program in the Jeanne d’Arc Basin/Flemish Pass area. The C-NLOPB determined that the Project would require an authorization pursuant to Section 138(1)(b) of the *Canada-Newfoundland Atlantic Accord Implementation Act* and Section 134(1)(b) of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*.

The attached project description outlines the activities proposed for the seismic program. One or more 2D and/or 3D seismic surveys will commence in 2012.

The C-NLOPB has determined, in accordance with paragraph 3(1)(a) of the *Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements* (FCR), that an environmental assessment of the project under section 5 (1) (c) of the *Canadian Environmental Assessment Act* (CEA Act) is required. Pursuant to Section 12.2(2) of CEA Act, the C-NLOPB is assuming the role of the Federal Environmental Assessment Coordinator (FEAC) for this screening.

This letter seeks, pursuant to the FCR, to identify the departments or agencies that may have obligations as responsible authorities or as federal authorities and to set a timetable for conducting a screening, and seek comments on the attached draft scoping document.

Timing of Assessment

The C-NLOPB requests that the screening be carried out in as timely a manner as possible, and propose the following schedule:

Federal Coordination Request – determination of RA responsibilities	Response by December 19, 2011
Review of draft EA	Response approximately 6 weeks after receipt of document.
Review of revised EA or addendum, if required	Response approximately 2 weeks after receipt of document.
Preparation of EA determination by Responsible Authority(s)	2 weeks for completion (may commence during review of final EA or addendum); includes review of all drafts.

CEA Act Federal Coordination Regulations - Section 5 Notification

- Pursuant to section 5 of the CEA Act Federal Coordination Regulations, the C-NLOPB requests that you review the attached information and inform the C-NLOPB by **December 19, 2011** of your determination pursuant to subsection 6(1) of the CEA Act Federal Coordination Regulations.
- If you determine that you are likely to require an environmental assessment of the project, please advise the C-NLOPB of any approvals or authorizations to be exercised by your department or agency.
- If you determine that you are in possession of any specialist or expert information or knowledge pursuant to paragraph 6(1)(c) of the CEA Act Federal Coordination Regulations, please advise the C-NLOPB of the nature of that information or knowledge and the person to contact for assistance by **December 19, 2011**

A "Faxback Response Form" has been provided for your convenience. If no response is received from you by the date indicated above, the C-NLOPB will assume that your department or agency has no responsibility to undertake an environmental assessment and is not in possession of specialist or expert information or knowledge.

Species at Risk - Section 79(1) Notification of Competent Minister

Pursuant to Section 79(1) of the *Species at Risk Act (SARA)*, the C-NLOPB hereby informs the Minister of Environment and the Minister of Fisheries and Oceans (the Competent Ministers) that the following Schedule 1 Species are likely to be in the project area under the jurisdiction of the C-NLOPB. A determination of the likelihood of adverse affects on these species will be undertaken during the screening process.

- Endangered:
Turtle, Leatherback (*Dermochelys coriacea*)
Whale, Blue (*Balaenoptera musculus*)
Whale, North Atlantic right (*Eubalaena glacialis*)
Gull, Ivory (*Pagophila eburnea*)
- Threatened:
Wolffish, Northern (*Anarhichas denticulatus*)
Wolffish, Spotted (*Anarhichas minor*)
- Special Concern:
Wolffish, Atlantic (*Anarhichas lupus*)
Whale, Fin (*Balenoptera physalus*)
Whale, Sowerby's beaked (*Mesoplodon bidens*)

If you have any questions on the attached, or wish to discuss the above, I may be reached at 709-778-1431 or via email at <dhicks@cnlopb.nl.ca>.

Yours truly,

Original signed by Darren Hicks

Darren Hicks
Environmental Analyst

Attachments

cc D. Burley

DISTRIBUTION:

Federal Agencies	
Mr. Jason Kelly Department of Fisheries and Oceans P. O. Box 5667 St. John's, NL A1C 5X1	Mr. Glenn Troke Environment Canada Newfoundland District Office 6 Bruce Street, Mount Pearl, NL A1N 4T3
Mr. Randy Decker Transport Canada P. O. Box 1300 St. John's NL A1C 5X1	Ms. Allison Denning Health Canada Healthy Environments and Consumer Safety Branch Suite 1625, 1505 Barrington Street Halifax, NS B3J 3Y6
Ms. Carol Lee Giffin National Defence P. O. Box 99000 Stn. Forces Halifax, NS B3K 5X5	Ms. Madeleine Denis Natural Resources Canada 580 Booth Street, 3rd Floor Ottawa, Ontario K1A 0E4
Provincial Agencies	
Mr. Bas Cleary Department of Environment and Conservation P. O. Box 8700 St. John's, NL A1C 4J6	Mr. Tom Dooley Department of Fisheries and Aquaculture P.O. Box 8700 St. John's, NL A1C 4J6
Mr. Fred Allen Department of Natural Resources P. O. Box 8700 St. John's, NL A1C 4J6	

**Federal Coordination Regulations
Section 6 - Record of Determination**

Project Title: **Jeanne d'Arc Basin/Flemish Pass Regional Seismic Program, 2012-2020**

Location: **Jeanne d'Arc Basin/Flemish Pass**

Proponent: **Husky Energy**

FEDERAL AUTHORITY: _____

NAME & TITLE: _____

SIGNATURE: _____ DATE: _____

In accordance with the Section 6 of the Federal Coordination Regulations, under the *Canadian Environmental Assessment Act (CEAA)*, the Federal Authority identified above, has reviewed the project description and advises you of the following:

(a) it is **likely** to require an environmental assessment of the project

Trigger Proponent Funding
 Land Transfer Law List

Law List Trigger: _____

(b) it is **not likely** to require an environmental assessment of the project

(c) it is **in possession** of specialist or expert information or knowledge that is necessary to conduct the environmental assessment of the project

OR

(d) additional information is required to make a determination

If the answer to (d) is "yes", the Regulations require that the additional information be requested within 10 days after making the determination.

Identify the contact person for the environmental assessment, if different from above.

Name & Title: _____

Address: _____

Telephone/Fax: _____

e-mail: _____

Please return via fax, by **December 19, 2011**, to:
Canada-Newfoundland and Labrador Offshore Petroleum Board, attention: Darren Hicks
Fax Number 709-778-1432