

File No: NSG 002/30,008.24

April 20, 2010

Mr. Darren Hicks
Environmental Analyst
Canada-Newfoundland and Labrador Offshore Petroleum Board
5th Floor, TD Place
140 Water Street
St. John's, NL A1C 6H6

Dear Mr. Hicks:

RE: Request for comments on the Husky Energy Sydney Basin Area Seismic Survey Program 2010-2017 Environmental Assessment (CEAR 09-01-49518)

The Canada-Nova Scotia Offshore Petroleum Board (CNSOPB), as a regulatory authority (RA) under the *Canadian Environmental Assessment Act* for the Sydney Basin Seismic Program, has reviewed the document titled "Sydney Basin Seismic Program - Environmental Assessment" (EA) which describes 2D and 3D seismic surveys, geo-hazard and vertical seismic profiling surveys over the C-NLOPB issued Exploration License (EL) 1115 and extending across the jurisdictional boundary between the Canada-Newfoundland and Labrador, and the Canada-Nova Scotia Offshore Petroleum Boards.

In general, the EA document contains a large amount of unnecessary information. It is the opinion of the CNSOPB that an assessment for a project of this nature need not include the level of detail that is included in this EA. Detailed background information where decisions have already been made as to the expected mitigation of potential effects and therefore stated within the *Statement of Canadian Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment* (the *Statement*) need not be repeated in EAs. Rather, the mitigation outlined in the *Statement* should be identified and the *Statement* referenced. The summary tables (such as Table 6.1) provided in the Effects Assessment and Mitigation sections of this EA are useful, and with minimal overview, may suffice as the effects assessment portion of the EA. References to background documents used in the preparation of the *Statement* may suffice to eliminate much of the comprehensive overview provided with these summary tables.


The CNSOPB has the following specific comments with respect to EA content:

- Page 1-1 – Reference to the CNSOPB as an RA is missing;
- Page 1-3 – An Authorization to Conduct a Geophysical Program is also required from the CNSOPB;
- Page 1-3 – Reference to the CNSOPB as an RA is missing;

- Section 3.3.3.1 –while this is an informative section, there is a growing preference among regulators for focused, concise environmental assessments. This section is not necessary to assess the potential for adverse environmental effects as a result of the project;
- Section 3.3.4 – Which program was used to produce the acoustic modeling predictions presented here, and referenced in section 6.3? Was the output produced, or reviewed, by a specialist in acoustics? It is expected that acoustic modeling presented in EAs be completed by qualified acoustic specialists to ensure accuracy;
- Page 3-21 – the CNSOPB must also be notified immediately of any accidental spills within CNSOPB jurisdiction;
- Page 6-14 – The CNSOPB has adopted mitigation measures listed within the *Statement*; it is therefore expected that known fish spawning areas during peak spawning times be avoided throughout the life of the seismic program;
- Page 6-19 – a commitment to adhere to the *Statement* should be stated in the mitigation section;
- Table 6.5 – the mitigation listed is not consistent with that provided on page 6-19. The additional mitigation listed on page 6-19 should be added to Table 6.5;
- Section 6.5 – It would be useful to add the SARA status and schedules to the list of Species at Risk;
- Section 6.5.4 – the EA should include a discussion of potential impacts to marine mammal and sea turtle Species at Risk within 500m of the vessel at night and during periods of low visibility (i.e. fog); and
- Section 6.6.4.2 – this section refers to St. Anns Bank as an AOI. At the present time, this area is a candidate AOI only and has not been officially named as an AOI by the Minister of Fisheries and Oceans.

The CNSOPB requests that Husky Energy address the corrections and additions required within the EA identified above, by submitting a revised EA. Husky Energy is also strongly encouraged to adopt a more focused and succinct approach to environmental assessment in the future. Should you have any questions about the above comments, please do not hesitate to contact me.

Sincerely,



Elizabeth MacDonald
Environmental Analyst
Conservation Officer

EM/ks

cc: Elizabeth Young, C-NLOPB