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Mr. Darren Hicks
Environmental Analyst
C-NLOPB
140 Water Street
St. John's, A1C 6H6

Dear Mr. Hicks:

I am writing in response to various requests for comments of late related to oil industry-related programs off our northeast coast, including but not limited to: the EA amendment presented by Multit-Klient Invest (MKI) re the Multi Klient Invest AS Northeast Newfoundland Slope Seismic Program, 2012-2017; and Electromagnetic Geoservices Canada, Inc., East Canada Controlled Source Electromagnetic Survey, 2014 to 2018.

The expanding nature of seismic and other operations in waters surrounding our coast is a growing concern for industry, including ASP members. In these times of apparent eco-system shift and change in species abundance (eg. from apparent shellfish back to groundfish), questions are often raised about the impacts of seismic surveys, for example. Current studies underway – most particularly related to snow crab in 3L – are important in increasing our understanding of the potential negative impacts from such operations, and most specifically seismic, but they cannot always address the legitimate concerns of industry in a timely matter. Additional concerns related to specific program timing have been raised, for example, in correspondence of today's date submitted by the FFAW-Unifor in response to the MKI program.

One general concern is that the ***Statement of Canadian Code of Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment (DFO 2007b)*** is now some 10 years old, and may necessitate some changes and updating in response to new science and expanding industry – both fisheries and oil and gas - understanding of the issues relating to seismic and other activities which have the potential to impact on fish and fish habitat.

Additionally, referencing the Nexen Energy ULC-specific EA of June 2017, section 5.4.2 and most specifically Table 5.2 which summarizes existing knowledge of potential environmental impacts on marine fish and fish habitat, we would propose that the existing knowledge be compiled and presented more comprehensively for the joint benefit of both industries, i.e. we are not proposing any required change to the Nexen EA, but rather that the appropriate agencies and/or organizations be tasked with a more detailed and comprehensive summary of existing knowledge in these matters. That could also be extended to a best practices review of codes of practice for the purposes of updating the Canadian code of practice with respect to mitigation.

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In closing, we would echo concerns raised in recent correspondence from GEAC, and in particular the gaps in scientific knowledge that lead to what may be considered premature conclusions of a low-confidence assessment of 'no impacts'. This would appear inconsistent with the Precautionary Approach (PA) to fisheries and habitat management that we are regulated under by the Department of Fisheries and Oceans.

DFO defines the Precautionary Approach as follows:

In general, the precautionary approach in fisheries management is about being cautious when scientific knowledge is uncertain, and not using the absence of adequate scientific information as a reason to postpone action or failure to take action to avoid serious harm to fish stocks or their ecosystem. This approach is widely accepted as an essential part of sustainable fisheries management.¹

While a complete application of the PA to seismic impacts may be impractical, it is clear that additional work is required beyond representations such as Table 5.2 to ensure a fuller consideration of the potential impacts of seismic and related oil and gas industry activities to fish and fish habitats off our coast.

We remain cognizant and appreciative of the importance of the oil and gas industry to our province, and thank you for the opportunity to provide feedback on these important matters.

Sincerely,



Derek Butler
Executive Director

¹ <http://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/precaution-back-fiche-eng.htm>