

Fish, Food and Allied Workers

It should be noted while the “productive (harvesting) months” in the EA are listed as May to September (page 153); April can also be a busy month on the water. Furthermore, the industry post-season crab season is carried out from September to November. This is important as the timing of surveys in subsequent years is unknown at this point in time (Page 184).

MKI Response: We recognise that there are other important fisheries taking place outside the window of the survey period from May to November, however, the EA covered only those seasons where there could be a potential interaction. The term post-season crab season is not understood. That implies there is crab fishing outside the season which is dictated by quota. Seasonal fishing was discussed at length with the FFAW to provide mitigation to fisheries catch and the agreed avoidance periods for crab and shrimp, temporally and spatially, by MKI were on the advice by FFAW as noted in the EA.

FFAW Reply: The issue here relates to the DFO Industry Post Season Snow Crab survey. This survey is a collaborative scientific survey that provides data for assessing the snow crab resource. If this survey is affected by seismic activity the potential for negative impacts affecting the assessment of the resource and future commercial activity are of great concern for the FFAW. The Survey is conducted from September to November as mentioned on pages 167-8 in the Environmental Assessment. The FFAW asks that there be no seismic activity in the vicinity the post season snow crab survey set coordinates until after the post season survey has been completed.

Finally, one of the fishing industry’s concerns with a multi-year seismic program is the need for frequent communication between the industry and the oil and gas company, in this case MKI. Harvesters are spread out over a wide geographic area and communication is vital to the safety of all involved. There is a need for good planning and further consultation directly with the fishing industry several months prior to the start of the various components of the seismic program to avoid potential conflict(s) at sea each year. This should be coordinated with the FFAW. While historical fishing patterns have been documented fishing activity can change from year to year and during the season as well to mitigate conflict.

MKI Response: MKI recognises this situation of changing fishing effort and has committed in the EA to continue the dialogue.

FFAW Reply: Although dialogue may appear to be sufficient, consultations may be necessary if the circumstances for the fishing industry change significantly.

Environment Canada (EC)

§6.1.4.3 Vessel Discharge and Accidental Events Page 182, Paragraph 5

MKI will be using a solid streamer; therefore there will be no release of hydrocarbon in the event of hydrophone cable damage. **Potential impacts are expected to be limited due to the high volatility and relatively small volume of spilled diesel or lubricant.** If a spill occurred and marine birds were impacted, the Williams and Chardine protocol (entitled “The Leach’s Storm Petrel: General Information and Handling Instruction”) or protocols recommended by the C-NLOPB for

handling oiled or standard birds would be followed. [No significant adverse effects are likely to occur as a result of an accidental event associated with this Project.](#)

As diesel fuel is extremely toxic, any amount spilled in the marine environment may negatively impact marine wildlife – not only birds, but mammals and fish. Depending on the timing and location of a release, significant adverse effects could occur. In order to support EA conclusions associated with the final statement highlighted above, alternative wording should be considered. For example, the passage could state “...the implementation of the protocols and response measures identified in the SOPEP will minimize the likelihood of significant adverse effects occurring as a result of an accidental event associated with this project” in order to support the final statement highlighted above.

MKI Response: No response was provided.

§6.1.4.3 Vessel Discharge and Accidental Events Page 182, Paragraph 6

The impacts of oil on birds have been well documented (e.g., Hartung 1995); however, no oil from seismic vessel discharge is expected to occur and thus, should not have any severe adverse effects of avifauna. [Coastal and marine birds could also be affected by a spill from any vessel \(fishing, commercial and DFO research\) at sea. The single seismic vessel does not increase the risk to coastal and seabird populations.](#)

The sentences highlighted do not add anything relevant to the EA of the project. In EC’s view they should be removed.

MKI Response: No response was provided.

§6.1.4.3 Vessel Discharge and Accidental Events Page 183, paragraph 2

Effects due to accidental spills associated with the proposed operation therefore are considered, overall, to be detectable if they occur, negligible, but neither significant nor likely.

The concluding statement in this section is unclear.

MKI Response: No response was provided.

§Section 6.3.4.1 Vessel Presence Page 205, paragraph 3

Collision with an endangered species would be considered significant; however, since there are no records of collision between the listed species at risk and seismic vessels, the probability of occurrence is low.

The fact that there are no past records of collisions with listed species at risk should not be used to support this conclusion. There may have been collisions that were not recorded or collisions may have occurred involving species that were not listed at the time.

MKI Response: No response was provided.

Canada-Newfoundland and Labrador Offshore Petroleum Board

§ 1.1 Purpose and Need for the Project, 2nd para., pg 1 – Is the statement “fulfilling work commitments...the C-NLOPB” relevant.

C-NLOPB Response: C-NLOPB does not have agreements with companies operating in the offshore area.

§ 1.3 Regulatory Context, pg 4 – The *Geophysical, Geological, Environmental, and Geotechnical Program Guidelines* have been revised. Please refer to the January 2012 version

C-NLOPB Response: Yes this may be true, however, it should be confirmed by MKI that the latest version of the Geophysical, Geological, Environmental, and Geotechnical Program Guidelines will be referenced during the program.

§ 1.5 Stakeholder Consultation, pg 4 – Details of the stakeholder consultation should be provided. When were the consultations conducted? Who was contacted? What information was provided? What were the results of the consultation process? How and where were they incorporated into the EA Report? Table 3.1 on page 22 should not be considered a report on stakeholder consultation.

C-NLOPB Response: Section 4.8 of the Scoping Document states that the EA should “Report on consultations undertaken by MKI with interested other ocean users who may be affected by program activities and/or the general public respecting any of the matters described above.”

Section 5 of the Scoping Document states that the EA will “document any issues and concerns that may be identified by the proponent through regulatory, stakeholder, and public consultation.”

Again, Table 3.1 does not address these sections of the Scoping Document and MKI’s response to this comment is considered inadequate. The C-NLOPB comment should not just be “noted for future consultations” but noted for these consultations.

§ 2.4 Project Components, pg 8 – “a support chase/picket vessel”. Please confirm that a dedicated chase vessel will be included as a component of the 2-D survey. It is stated on page 17 that the “support vessel’s” primary function is to provide supplies for the seismic vessel and to assist in emergency situations (including oil spills).

C-NLOPB Response: This response does not answer the question regarding the chase/picket vessel. Will a dedicated chase/picket vessel be included as a component of the program?

§ 2.4.4 Logistical Support, 2nd para., last line, pg 17 – Do you mean “fishers” instead of “fisheries”.

C-NLOPB Response: The “Fisheries Liaison Observer” is going to communicate with the “fishing equipment”. The response has only confused the issue more.

§5.1.2 Seafloor Stratigraphy, Figure 5.2, pg 34 – Please revise figure to ensure that the legend can be read. This is also applicable to other figures throughout the report. **MKI Response:** The large scale nature of the Study Area makes it difficult to make all legends a large font. The figure supports the text in Figure 5.2. This is a seafloor geology map and has very little bearing on the environmental assessment outcome of a seismic program. There are more than 80 figures in this report and the vast majority are legible.

C-NLOPB Reply: The C-NLOPB repeats its request for a legible figure to represent seafloor geology. This may be accomplished using a smaller scale map that will allow for a readable legend.

§5.4.8.7 Corals and Sponges, figure 5.53, pg 141 – NAFO Divisions are not on the figure.

C-NLOPB Response: Again, the name of the Figure is “NAFO Divisions and Coral/Sponge closure Areas relative to the Study Area”.

§6.8.1.4.1 Vessel Presence, 1st para., last sentence, pg 237 – “For the 2-D survey....but not in any one area”. As requested above, please provide details of the 2012 survey. It has already been stated that a plan has been developed and provided to FFAW, fishers, and One Ocean. Survey activity can only occur in the Project Area that has been identified in the EA Report.

MKI Response: Details of the 2012 survey are provided in the project description section. Survey lines were provided in confidence to the FFAW for discussion purposes with the fishing captains. This sentence does not state that the survey will occur outside of the Study Area. MKI confirms that survey activity will only occur in the Project Area that has been identified in the EA.

C-NLOPB Reply: Details of the 2012 survey are not provided in the project description section, a project overview is provided. However, the survey lines have been provided to the Exploration Department of the C-NLOPB.

§7.1 Metocean, 4th para., pg 245 – “reduced visibility of less than one kilometer occurs from 40 to 50% of the time.” How does this affect the survey program?

MKI Response: Fog is a natural weather condition off the Atlantic coast and technology is available for vessel operation (i.e. radar).

C-NLOPB Reply: The C-NLOPB repeats its question, how does reduced visibility of less than one kilometre occurring 40 to 50% of the time affect the survey program? Vessel operation is only one component of the survey program, but there are others (i.e. observations of Marine Mammals and Species at Risk).

Fisheries and Oceans

While DFO agrees with the use of recent environmental assessment documentation in preparing the MKI EA Report, caution should be exercised when referencing documents where an environmental assessment has not been completed and documents may not be finalized or acceptable.

5.4.4 Marine Fish and Shellfish Species distribution maps from 1998-2000 survey data are outdated. Current distribution maps of fish species could be generated from recent DFO Spring and Autumn RV survey data which is available from DFO upon request.

MKI Response: Agreed. Mr. Kulka has privately consulted previously and contributed to the production of such distribution maps to EAs, however, the delivery of such maps due to his considerable commitments on other matters would have delayed this EA significantly by several months. These maps were used in the 2009 SEA report.

DFO Reply: Species distribution maps are outdated. DFO requests that future EA updates include the most recent species distribution and fisheries data, figures and maps.

5.4.4 Marine Fish and Shellfish Page 104: "... The Atlantic population of deepwater redfish is designated as threatened under COSEWIC..." There are two species of redfish that would reside within the study area but only the deepwater redfish is mentioned (Acadian redfish is not included).

MKI Response: Page 104 of the EA states "The Atlantic population of the deepwater redfish is designated as threatened under COSEWIC and is discussed in that context below. This species is discussed in Table 5.16 under SAR.

DFO Reply: DFO's comment refers to the absence of information with respect to Acadian redfish a COSEWIC species assessed as Threatened in April 2010, which would reside in the study area and as such should be identified.

5.4.8 Sensitive Areas Page 142 A Total Allowable Catch (TAC) has been re-established for Redfish in 3LN and is therefore not a NAFO Fishing Closure.

MKI Response: Current date at the time was used in the EA. Noted for future reviews of commercial fisheries in the Study Area.

DFO Reply: Please update this section as the Total Allowable Catch (TAC) for Redfish in 3LN has been re-established and is therefore not a NAFO Fishing Closure.

5.5.1 Commercial Fisheries Nearshore and offshore fleets harvest different species and have different requirements (i.e., fishing patterns). Separate information for each of these fleets should be provided, including the number of vessels and relative species dependency. In order to benchmark the value of the fishery in the study area, the average landed value per species over the 2005-2010 period should be provided.

MKI Response: The Study Area is located far offshore. Providing inshore fleet information would be irrelevant. The rationale for not using landed value was provided in the EA. Landed weight is a much better metric to benchmark as weight of fish does not fluctuate as does price per weight. This has not been a requirement of previous EAs in the Newfoundland offshore.

DFO Reply: In order to determine the value of a particular fishery, within the study area, the average landed value per species, over a 2005-2010 period, in combination with landed weight value is used. Please provide this information for commercial fisheries prosecuted in the Study Area.

6.5 Species at Risk page 226 The statement, "... There are no recovery potential assessment or recovery strategies finalized or developed yet for roughhead or roundnose grenadier" is inaccurate. A recovery potential assessment was conducted for roundnose grenadier in 2010 (DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2010/021).

MKI Response: Correction noted.

DFO Reply: Please ensure that the most recent Recovery Potential Assessment documents are used for future EA updates.