

From: Pilgrim, Bret <Bret.Pilgrim@dfo-mpo.gc.ca>
Sent: Friday, November 5, 2021 1:25 PM
To: Hicks, Darren
Cc: Johnson, Roger; Murphy, Ian
Subject: MKI amendment to alter mitigation protocol

Good afternoon Darren

Thank you for providing DFO with the opportunity to review MKI's EA Amendment, specifically with respect to MKI's request to removal the temporal/spatial buffer mitigation.

As you are aware, the temporal and spatial buffer was adopted by seismic operators to mitigate potential effects of seismic operations on commercial post-season fishery surveys and specifies that seismic operators are not to undertake seismic activity within 7 days or 30 km of established or identified commercially fished post-season survey stations.

The temporal and spatial buffer has been applied to seismic operations for more than a decade as identified in a preliminary review of proponent EA related documents submitted to the C-NLOPB dating back to 2012. However, we understand that the buffer was applied prior to 2012.

MKI has cited research by Dr. Corey Morris, drawing conclusions from the research publications to present a rationale for the removal of the temporal/spatial buffer. However, it is also important to recognize the limitations of the study design and that the scope of the research focused on male snow crab and did not focus on potential impacts to female Snow Crab, spawning/eggs/larvae, or other species (i.e. research on the impacts of seismic activity on groundfish are on-going). Snow Crab was selected for the cited research in consultation with harvesters and their representative (FFAW) since harvesters original observed and speculated that commercial Snow Crab may respond rapidly to seismic survey noise, based on observed commercial catch rates. As such, the results of the study to date must be considered within the scope and limitations of the research.

Considering the limitations of the research outlined in the publications, it is not possible to determine the impacts that seismic activities do or do not have on commercial species, specifically Snow Crab; and therefore, it is DFO's opinion that research cited by MKI does not substantiate the removal of the temporal and spatial buffer.

It should be noted that DFO did not prescribe the buffer; however, provided its application to seismic operations in the past, DFO recommends that the temporal/ spatial buffer remain as a minimal mitigation. This recommendation does not preclude MKI from pursuing formal collaborative agreements and/or establishment of a temporal and spatial separation plan between MKI and the interested parties (FFAW-Unifor and DFO), which may identify temporal/spatial buffer alternatives. However, in the absence of formal, mutual agreement and acceptance of a temporal and spatial separation plan between MKI and the interested parties, the 7 day / 30 km temporal and spatial buffer should remain.

If you should have any questions, please do not hesitate to contact me.

Regards,

Bret

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From: "Hicks, Darren" <DHicks@cnlopb.ca>
Date: September 20, 2021 at 1:29:02 PM NDT
To: "Keats, Kimberley F" <Kimberley.Keats@dfo-mpo.gc.ca>
Cc: "Murphy, Ian" <IMurphy@cnlopb.ca>
Subject: MKI amendment to alter mitigation protocol

Good day Kim: please see the response from MKI to DFO's comments on their amendment to alter their mitigation protocol. The C-NLOPB requests that you review the enclosed and provide comments no later than October 4, 2021. If no response is received from you by the date indicated above, the C-NLOPB will assume that you have no comments. If you have any questions regarding the EA Amendment, you may contact me (709-778-1431 or dhicks@cnlopb.ca).

Regards
Darren

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