



PO Box 5667
St. John's NL A1C 5X1

Your File Votre référence

Our File Notre référence
BAB 3990-5

Darren Hicks
Environmental Analyst
Canada-Newfoundland and Labrador Offshore Petroleum Board
140 Water St., 4th Floor
St. John's, NL A1C 6H6

Dear Mr. Hicks

Subject: Department of Fisheries and Oceans (DFO) Review – Environmental Impact Assessment for Marine 2D Seismic Reflection Survey, Labrador Sea and Davis Strait

As requested, DFO has completed a review of the above noted document prepared by MKI, dated March 28, 2011. The Environmental Impact Assessment (EIA) requires some modification and therefore specific comments are not provided. Rather, general comments are listed below to help direct the proponent in revising the Environmental Impact Assessment (EIA) Report.

EIA Reports are available for viewing on the Canada-Newfoundland Offshore Petroleum Board (C-NLOPB) website. These examples demonstrate the quality and context usually associated with environmental assessment reports related to oil and gas developments off the coast Newfoundland and Labrador.

Section 16 of the *Canadian Environmental Assessment Act*, as well as the Scoping Document prepared by the C-NLOPB, outline factors that should be considered in a federal environmental assessment. They include: (1) the purpose of the project, (2) environmental effects of the project, (3) cumulative effects of the project, (4) significance of these effects, (5) mitigation measures, (6) significance and residual effects (7) follow-up and (8) consultation. The proponent sufficiently addressed the (1) purpose of the project and (7) follow-up, but more effort is required on other factors as addressed in the following bullets:

- Details on **environmental effects**. The EIA Report does not adequately demonstrate why a particular activity will or will not impact a valued ecosystem component. Additional information needs to be provided and assessed before an impact prediction can be made. For example, on marine fish, the EIA Report concentrates on the impact of seismic noise. Other components of the project (e.g. vessel noise, waste, spills, etc.) should also be assessed.
- **Cumulative environmental impacts** are not addressed. The statement “*No measurable impact to any marine resource has been identified to our knowledge*” (Section 9.5) is not supported in the EIA Report. Other considerations should be evaluated to support this statement. For instance, potential cumulative impacts that could be addressed include commercial fisheries, other seismic programs, and other types of vessel traffic.



PO Box 5667
St. John's NL A1C 5X1

Your File Votre référence

Our File Notre référence
BAB 3990-5

- **Mitigations** as it relates to seismic sound are well described, however, minimal information is provided on other potential issues such as malfunctions or accidents.
- Similar to the comment provided in the environmental effects bullet above, **residual effects** and **significance** noted in Table 18 would likely require more information before such a prediction can be made.
- DFO understands that MKI are in the process of conducting **consultations** along the coast of Labrador. Any additional concerns raised during ongoing consultations should be included in the EIA Report.

The spelling, grammatical and formatting errors in the EIA Report are numerous and therefore are not specifically addressed. Other general comments are as follows:

The proponent did a good job in referencing the “*Statement of Practice with respect to the Mitigation of Seismic Sound in the Marine Environment*” and highlighted the mitigations associated with this report. These requirements are set out as **minimum standards**, which will apply in all non-ice covered marine waters in Canada.

Information on Accidents and Malfunctions may be improved. Things such as loss of fluid from streamers, accidental hydrocarbon release, and collisions with marine life or other vessels normally require a certain level of analysis that is lacking from this EIA Report.

The Scoping Document outlined components that required evaluation in the EIA Report and included: “*Marine Fish, Marine Mammals and Sea Turtles, SAR, and Sensitive Areas*”. DFO generally feel that these sections of the EIA Report were not properly addressed. The inclusion of recent scientific information is required such that a valued scientific review can take place. For instance, information on marine mammals is lacking. DFO requires up to date, appropriate information in order to assess accuracy of data and information.

Species at Risk information requires revisions throughout the document. For example, Table 12 displays *Species at Risk Act* listed species, but not all the species in the table are listed under Schedule 1. Also, the terms “listed” and “assessed” are not always used properly. Species are “listed” under *SARA* and “assessed” by Committee on the Status of Endangered Wildlife in Canada.

The proponent should be advised that the fishing season off the coast of Labrador is short. As such they should work with local fish harvesters to mitigate the effects and interaction of the seismic survey and fishing activity. The proposed area of seismic activity is on some the most significant fishing areas for crab and turbot along the coast so there may be potential conflicts with fixed gear.



PO Box 5667
St. John's NL A1C 5X1

Your File Votre référence

Our File Notre référence
BAB 3990-5

In general, sections on “Sensitive Areas” and “Soft Corals” were sparse on information. More detail and additional maps, including closed areas and sponge locations, would help improve the EIA Report. For instance, there is a voluntary fishing industry “Coral Protection Zone” in the area of the Hatton Basin Area (near NAFO 2G/OB) and a seamount area closed by NAFO to bottom trawling near the Orphan Knoll. These have not been indicated in the EIA Report. In addition, corals and sponges, not just “Soft Corals”, occur in the study Area and should be addressed.

The following documents are provided to help enhance the context of the EIA Report as it relates to corals and sensitive areas:

- “Status Report on Coral and Sponge Conservation in Canada” for context of coral/sponge conservation in NL waters. <http://www.dfo-mpo.gc.ca/library/340259E.pdf> Sections: 3.2.2, 4.5, 7.2.1 as well as Figures: 1, 6, 10)
- Canadian Science Advisory Secretariat Science Advisory Report 2010/041 “Occurrence, Sensitivity to Fishing, and Ecological Function of Corals, Sponges, and Hydrothermal Vents in Canadian Waters” http://www.dfo-mpo.gc.ca/CSAS/Csas/publications/saras/2010/2010_041_e.pdf
- <http://www.nafo.int/fisheries/frames/regulations.html> (see NAFO Conservation and Enforcement measures 2011 “Article 16 Coral and Sponge Protection Zones”).

This EIA Report does not adequately describe the commercial fishery for shrimp, snow crab or Greenland halibut in the study area. Specifically, there is no mention of gear type or fleet sector involved. Information is provided in table format to indicate the landings by species, however, the tables do not indicate clearly what Fishing Area or NAFO is being described. Addressing these two information gaps is necessary in order to satisfy the requirement of section 5.2.9 of the Scoping Document.

Thank you for providing DFO the opportunity to comment on this document. Should you have any questions or comments regarding the above, you can contact me by phone at 772-4912 or by e-mail (shawn.kean@dfo-mpo.gc.ca).

Regards

Shawn Kean
Environmental Analyst
Environmental Assessment & Major Projects
Oceans, Habitat and Species at Risk Branch