



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

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

Your File Votre référence

Our File Notre référence  
13-HNFL-NA1-00501

May 1, 2014

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: Fisheries and Oceans Canada Review of the Multi Klient Invest AS's Southern Grand Banks 2D/3D Seismic Program 2014-2018**

As requested, Fisheries and Oceans Canada (DFO) has completed a review of the document entitled "*Environmental Assessment of MKI Southern Grand Banks Seismic Program, 2014-2018*" dated March 2014 and offers the following comments:

Section 5.6 –Mitigations (page 149-161)

- It is strongly recommended that the proponent be required to, and commit to, adhere to all relevant minimum mitigations outlined in the SOCP including the Planning Seismic Surveys, Safety Zone and Start-up, Shut-down of Air Source Array(s), Line Changes and Maintenance Shut-downs, Operations in Low Visibility and Additional Mitigative Measures and Modifications sections of the SOCP.
- The measures proposed to avoid interference with fisheries science surveys appear adequate. It should be noted that DFO did not specifically prescribe the temporal and spatial separation measures outlined in section 5.6.3.3.

Section 4.3.3 Domestic Fisheries (page 56)

- Since the seismic program is planned to continue into 2018 and the Environmental Assessment report utilizes catch and effort data only up to 2010, it would be prudent to periodically revisit the potential impacts on commercial fisheries if the fish activity or the planned seismic activity varies significantly from that described in this report.

Section 4.3.3.1 Historical Fisheries - Last two sentences of the 1<sup>st</sup> paragraph page 57

- It should be noted that American Plaice has been under moratoria in 3M since 1996 and in 3LNO since 1995. It is suggested that the 2<sup>nd</sup> last sentence be deleted and replaced with "*Atlantic Cod and American Plaice in a number of NAFO Divisions remain priority species for Canada and rebuilding plans are currently in place for several of these stocks.*"



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Section 4.5 Table 4.10 (page 103)

- When referring to SARA listed species the population should also be identified.
- Please note that Schedule 1 of the SARA is the official list of SARA species. Schedules 2 and 3 identify species to be assessed by COSEWIC using revised criteria when SARA came into effect. Table 4.10 should be amended to delete the wording "Schedule 3 Special Concern" and "Schedule 2 Threatened" from the "SARA status" column for Humpback Whale and Harbour Porpoise respectively.
- The Davis Strait-Baffin Bay-Labrador Sea population of Northern Bottlenose Whale should be included in this table as individuals from this population may occur in the Project Area/Study Area.
- Sperm Whale is a mid-priority candidate species under COSEWIC. This should be amended accordingly in the table.
- Hood Seal and Harp Seal are both high priority candidate species under COSEWIC. The respective sections of the table should be amended accordingly.

Section 4.5.3 and 4.5.3.1 (page 111-117)

- The last sentence should refer to COSEWIC assessments under Schedule 2 rather than SARA listings.
- As noted Sperm Whale is a mid-priority candidate species under COSEWIC as such the last sentences of both the 1<sup>st</sup> paragraph Section 4.5.3 and 1<sup>st</sup> paragraph Section 4.5.3.1 (page 111) should be amended accordingly.
- The Davis Strait-Baffin Bay-Labrador Sea population of Northern Bottlenose Whale should be detailed in Section 4.5.3.1 as individuals from this population may occur in the Project Area/Study Area.

Section 4.5.4 (page 117)

- In regards to the last sentence of this section, Hooded Seal and Harp Seal are both high priority candidate species under COSEWIC. This sentence, as well as similar references to hooded and harp seal in Sections 4.5.4.3 (page 119) and Section 4.5.4.4 (page 119) respectively, should be amended accordingly.

Section 4.6 (page 125)

- The document, "Recovery Strategy for the North Atlantic Right Whale (*Eubalaena glacialis*) in Atlantic Canadian Waters" should be referenced in this section; as such the listing provided in the 3<sup>rd</sup> sentence 2<sup>nd</sup> paragraph should be amended accordingly to include North Atlantic Right Whale.
- Please note that the Recovery Strategy for the St. Lawrence Estuary Population of Beluga Whale is no longer considered "proposed", the final version is now posted on the SARA Public Registry, and as such the 4<sup>th</sup> sentence 2<sup>nd</sup> paragraph (page 125) should be amended to reflect the same.



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- 3<sup>rd</sup> paragraph page 125 states, *"MKI will monitor SARA issues through the law gazettes, the Internet and communication with DFO and Environment Canada, and will adaptively manage any issues that may arise.....during the course of the Project (2014-2018), and will continue to monitor any status changes."* We would like to emphasize the importance of these statements as well as request that the proponent revise the latter statement to include future identification of critical habitat during the life of the project.

Table 4.13 (page 124)

- The title of this table should be revised to read as, *"SARA-listed and COSEWIC-assessed Marine Species that May Occur in the Study Area"* as species are assessed by COSEWIC, not listed.
- When referring to SARA listed species the population should also be identified.
- The Right Whale should be referred to as the North Atlantic Right Whale.
- Atlantic salmon should be listed as separate populations with their respective COSEWIC status.
- The Davis Strait-Baffin Bay-Labrador Sea population of Northern Bottlenose Whale should be included in this table as individuals from this population may occur in the Project Area/Study Area.
- Hood Seal and Harp Seal are both high priority candidate species under COSEWIC their status in this table should be amended as per earlier comments.
- Sperm Whale is a mid-priority species under COSEWIC its status in this table should be amended as per earlier comments.

Section 4.6.1.1 (page 126)

- The last sentence of the first paragraph in this section should be revised as critical habitat has been identified and is no longer considered "proposed".

Section 5.8.8 (page 211-215)

- Page 212 states, *"If species not currently designated on Schedule 1 of SARA do become listed on this legal list during the remainder of the life of the Project (2014-2018), the Proponent will re-assess these species considering the prohibitions of SARA and any recovery strategies or action plans that may be in place."* As noted previously DFO would like to emphasize the importance of this statement as well as request that the proponent revise the latter statement to include future identification of critical habitat during the life of the project.
- As noted earlier (for Section 4.6) the document, *"Recovery Strategy for the North Atlantic Right Whale (Eubalaena glacialis) in Atlantic Canadian Waters"* should be



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referenced in this section, as such the listing provided in the 3<sup>rd</sup> sentence (page 215) should be amended accordingly to include North Atlantic Right Whale.

- The document, "*Recovery Strategy for Northern Wolffish (Anarhichas denticulatus) and Spotted Wolffish (Anarhichas minor), and Management Plan for Atlantic Wolffish (Anarhichas lupus) in Canada*" should be referenced in this section.
- Please note that the Recovery Strategy for the St. Lawrence Estuary Population of Beluga Whale is no longer considered "proposed", the final version is now posted on the SARA Public Registry. As such, the 4<sup>th</sup> sentence page 215 should be amended accordingly.

Table 5.18 (page 213)

- The row for Support Vessel under Underwater Sound has been left blank, was this an accidental omission? Please explain and/or provide values.

Thank you for providing DFO the opportunity to comment on this document. Should you have any questions or comments regarding the above, please contact [REDACTED]

Regards

[REDACTED]

Manager, Fisheries Protection Program – Regulatory Reviews  
Ecosystems Management Branch