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BAB 3990-10

May 28th, 2012

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

Dear Ms. Young

Subject: Environmental Assessment of WesternGeco's Seismic Program for the Jeanne d'Arc Basin, 2012-2015

As requested, DFO has reviewed the document entitled "*Environmental Assessment of WesternGeco's Seismic Program for the Jeanne d'Arc Basin, 2012-2015*" dated April 2012. The following comments are provided for your review and consideration.

General Comments

- Please be advised that the "Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment" (SOCP) specifies the mitigation requirements that must be met during the planning and conduct of marine seismic surveys, in order to minimize impacts on life in the oceans. These requirements are set out as minimum standards to be implemented during the planning and conduct of seismic programs. As such it is advised that the proponent 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 report indicates that surveys may occur March to November from 2012-20, with surveys ranging in duration from 30-120 days. While the proponent does acknowledge that *Species at Risk Act (SARA)* requirements could change over this timeframe and that they will reassess accordingly, DFO would like to note that changes to the *SARA* could include additions to species on Schedule 1 of *SARA*, changes in species status, new recovery strategies, action plans and/or management plans and identification of critical habitat. Please continue to refer to the Species at Risk Public Registry (www.sararegistry.gc.ca) to get the most up to date information.



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- The use of a picket vessel manned by the marine mammal observer in advance of the seismic vessel may be a better place to detect and avoid marine mammals.
- As is common practice sightings data for marine mammals and sea turtles should be forwarded to DFO.

Specific Comments

- Section 4.6.1 Profiles of SARA-Listed species p. 105, Table 4.13 – It should be noted that the Humpback Whale was assessed by COSEWIC as “not as risk.”
- Section 4.7.1 Integrated Management Areas, p. 110 - The identification of EBSAs is not solely directed at the potential establishment of Areas of Interest for Marine Protected Areas. They are simply one of any number of potential management measures that may be determined for EBSAs. The Southern Newfoundland Strategic Environmental Assessment included a discussion of EBSAs (based on DFO input) that is more comprehensive than the more MPA directed focus of the above noted write-up. It is suggested that this more comprehensive explanation of EBSAs be referred to for potential revision of section 4.7 to ensure its accuracy.

(see pp. A1 -A2)

<http://www.cnlopb.nl.ca/pdfs/snsea/snseaapp1.pdf>

- Section 4.7.3 Coral and Sponge Areas, Figure 4.36 - Coral/Sponge Closure Area #5 has been revised. Please see attached. (Proposal for a Resolution concerning the extension of Closed Area 5).
- Section 5.4.4.2, p. 121, - Geographic Extent rating criteria is defined as”, the 5 = >1.000-10,000 km² should be = >1,000-10,000 km².
- Section 5.6.5 Effects of Project on Species at Risk, p. 196, last bullet – This section lists mitigation and monitoring measures to minimize potential effects on SARA-listed species, which including monitoring by marine mammals observers during the daylight hours that the air gun array is active. Please be advised that monitoring during reduced visibility, including darkness, requires that cetacean detection technology, such as Passive Acoustic Monitoring, must be used prior to ramp-up for the same time period as for visual monitoring.



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Thank you for providing DFO the opportunity to review this revised EA document. Should you have any questions or comments regarding the above, you can contact me by phone at 772-8889 or by e-mail (jason.kelly@dfo-mpo.gc.ca).

Regards

Jason Kelly
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Fisheries and Oceans Canada