

WesternGeco Canada Eastern Newfoundland Offshore Seismic Program, 2015 to 2024
(LGL Limited May 2015)

GENERAL COMMENTS

Environment Canada (EC)

EC's previous comments on the scoping document and project description (submitted on 19 February 2015) are still applicable to the project as described in the EA report.

FFAW/Unifor

At our initial consultation meeting with WesternGeco in January 2015 we advised the company that fish harvesters are interested in being more engaged and directly involved in the consultation process for project-specific Environmental Assessments. This EA covers a large project area that could affect several fishing fleets in different areas over a long time period. Therefore we suggested several locations for meetings to provide access for the harvesters to attend. Concerns related to seismic impacts on commercial harvesting have been documented. However, providing information about project specifics directly to those actively fishing in an area would seem a reasonable mitigation measure to create awareness and prevent conflict on the water. However, the company did not seem to think additional meetings were necessary. They cited short time frames and tight timelines and the necessity to meet with harvesters in person at various locations as not being warranted as they planned to focus only on the Flemish Pass area in 2015.

Overall the document is very non-specific in terms of the actual project that is planned over a ten-year period. As such it is challenging to comment on how the work will impact commercial fishing and/or the environment in this ten-year period.

It remains of utmost importance that the proponent diligently pursues the consultation process with all other ocean users. This is especially of importance as this program may have vessels operating within active harvesting areas throughout the ten year period. The Petroleum Industry Liaison with FFAW-Unifor is available to assist in arranging consultation sessions specifically aimed at those active within the fishing industry.

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SPECIFIC COMMENTS

Canada-Newfoundland and Labrador Offshore Petroleum Board

Sections 1.0 & 1.1, pgs 1 & 2 – The *Canada-Newfoundland Atlantic Accord Implementation Act* should be properly cited as *Canada-Newfoundland and Labrador Atlantic Accord Implementation Act*.

Section 2.1 Spatial and Temporal Boundaries, pg 5 – The “corner” coordinates of the extent of the Study Area should be provided.

Section 2.2.8 Seismic Streamers, pg 8 – Although the length of the streamer for the 2015 2D program has been identified as 8,000-12,000m in length, the maximum length of streamers for the 2016 to 2024 programs must be provided and included in the assessment of activities.

Section 2.3 Mitigation and Monitoring, pg 9 - Section I of Appendix 2 of the “*Geophysical, Geological, Environmental and Geotechnical Program Guidelines*” (C-NLOPB 2012) contains verbatim the *Statement of Canadian Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment (C-NLOPB 2012)*. Appendix 2 contains all recommended environmental planning, mitigation and reporting measures for marine seismic surveys in the NL offshore area.

Section 5.1.1.2 Program Consultations, 1st para., pg 144 – The results of the ongoing consultations with fishers and the FFAW must be provided.

Section 5.5.2.2 Fisheries Liaison Officers (FLOs) (page 155), first bullet – section 4.6, FLO Operational Responsibilities, Protocols and Communications *in One Ocean 2013* makes no reference to the FLO being on a support vessel, only the seismic vessel. Please correct.

Section 5.7.4.1 Underwater Sound, Behavioural Effects, *Invertebrate Fisheries*, Second paragraph (page 178), - Anecdotal information requires multiple observations (in these cases it would require multiple fish harvesters observing the same events). If it is only a single report from a fish harvester, which it appears to be, then the “anecdotal” needs to be removed and the observation by each fish harvester needs to be properly described as a single observation.

Environment Canada (EC)

Section 5.5.5.6 Seabird Strandings and Section 5.7.6.2 Vessel Lights - Quote: “Any seabirds (most likely Leach’s Storm-Petrel) that become stranded on the vessels will be released using the mitigation methods consistent with The Leach’s Storm-Petrel:

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General Information and Handling Instructions by U. Williams (Petro-Canada) and J. Chardine (CWS) (n.d.).”

A new draft document for handling stranded birds is now available that replaces the above Williams and Chardine protocol, and is attached below. The document is entitled "Best practices for standard birds encountered offshore - Atlantic Canada", and is dated April 2015. The document is still in development and a final version will be provided when available.

Fisheries and Oceans Canada (DFO)

Section 4.3.1 (Fisheries) Information Sources (page 57-58) - Since the proposed seismic program is planned to continue into 2024 and the Environmental Assessment (EA) report utilizes catch and effort data up to 2013, it would be prudent to periodically revisit the potential impacts on commercial fisheries if fishing activity or the planned seismic activities vary significantly from that described in this EA report.

Section 4.3.4 Traditional and Aboriginal Fisheries (page 87-88) - The first two sentences in this section should be clarified noting the following:

- The Qalipu First Nation Band holds communal commercial fishing licences for Snow Crab and Groundfish with allocations within NAFO Division 3K and a Shrimp licence for Shrimp Fishing Area (SFA) 06 (i.e. 3K and a portion of 2J); and
- The Innu Nation of Labrador holds a communal commercial fishing licence that permits fixed gear groundfish fishing activity within NAFO Divisions 2GH, 2J and 3LMNO and access to Shrimp in SFA06 (i.e. 3K and a portion of 2J) and SFA07 (i.e. 3L) using mobile gear.

Section 4.6 Species at Risk - Table 4.17 (page 131 and 132)

- The row for Harbour Porpoise (NW Atlantic population) listed as Threatened on Schedule 3 should be removed from the Table. It should be noted that Schedule 1 is the official list of *Species at Risk Act (SARA)* species, Schedules 2 and 3 were created to identify species that were remaining to be reassessed by COSEWIC using revised criteria when SARA came into effect.
- Similarly the rows showing Humpback Whale (Western North Atlantic population), and Atlantic Cod both listed as Special Concern on Schedule 3 should also be removed for the same reason stated above.
- The population name of Leatherback Sea Turtle – i.e. Atlantic population – should be included in the applicable row of Table 4.17.
- The correct population name of White Hake is Atlantic and Northern Gulf of St. Lawrence population. Table 4.17 should acknowledge and include same.
- Smooth Skate – Funk Island Deep population – has been assessed by COSEWIC as Threatened, Table 4.17 should be amended to add this information.

Section 4.7.1.1 PB-GB LOMA (page 141)

- The 3rd sentence in this section reads “...DFO Newfoundland and Labrador Region has identified 11 EBSAs within the PB-GB LOMA as potential Areas of Interest (AOIs) for Marine Protected Area (MPA) designation, two of which occur entirely within the Study Area; the Northeast Shelf and Slope EBSA and the Virgin Rocks EBSA (see Figure 4.47).” This is not correct, the 11 identified EBSA’s, including the two within the Study area, are not potential Areas of Interest (AOI) for MPA designation. This sentence should be amended and clarified accordingly noting the following:

“DFO Newfoundland and Labrador Region has identified 11 EBSAs within the PB-GB LOMA, two of which occur entirely within the Study Area; the Northeast Shelf and Slope EBSA and the Virgin Rocks EBSA (see Figure 4.47). EBSAs should receive a greater than-usual degree of risk aversion in management of activities in order to protect overall ecosystem structure and function within the LOMA. Potential AOIs for Marine Protected Area (MPA) designation are identified in consultation with provincial and territorial governments, other federal agencies, non-governmental organizations, Aboriginal people and stakeholders via Integrated Management and/or advisory bodies associated with governing activities within the LOMA.”

Section 5.5 Mitigation Measures (page 153) - It should be noted (most likely within this Section of the EA report) that the Marine Mammal Regulations (MMR) under the *Fisheries Act* is currently undergoing amendment. While public consultation on proposed amendments have only just recently ended it should be noted that Schedule 11 of the proposed amended MMR provide approach distances for marine mammals based on species, vehicle (vessel, aircraft, etc), area and timing. Given that the proposed seismic survey(s) are likely to be scheduled to continue into 2024 it is recommended that the proponent be aware of any potential implications that may arise if any proposed amendments to MMR are accepted during the timeframe covered by the proposed survey program.

Section 5.5.5.1 Use of a Safety Zone (page 160) - This section notes that “...the circular safety zone will be monitored by MMOs for the presence of marine mammals and sea turtles while the array is operating during daylight hours...” It is understood that the proposed seismic operations will occur during both hours of daylight and darkness. It is not clear what measures will be employed to provide monitoring of the safety zone for marine mammals and sea turtles during darkness and/or low visibility conditions.

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Section 5.5.5.8 Reporting (page 162) - This section notes that monitoring reports are submitted to CNLOPB subsequent to completion of each seismic survey. While no amendment or change in the section is required it is suggested / requested that such reports be forwarded to DFO as an information item.

FFAW/Unifor

Section 4.2.2.1 Macro-invertebrate and Fish Species Harvested during Commercial Fisheries, page 51 – COSEWIC reference stating no recovery of either abundance or age structure of offshore cod has been observed since the moratoria is contradictory to the most recent DFO stock status update for 2J3KL cod.

Section 5.5 Mitigation Measures, page 153 – Advice received during consultations on additional meetings with harvesters prior to the project beginning was not taken.

Section 5.5.3.3 Avoidance of Fisheries Science Surveys, page 159 – The spatial-temporal avoidance protocol referenced for the post-season crab survey report is not acceptable to FFAW-Unifor. Seismic work should not be conducted in the vicinity of fixed stations of the post-season crab survey until they have been completed.

Appendix 1, Page A1-3 – Again, FFAW-Unifor does not believe that there were adequate consultations to inform fish harvesters about this lengthy and expansive program prior to its expected commencement.