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Your File Votre référence

Our File Notre référence  
15-HNFL-00024

June 23, 2015

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 Environmental Assessment Report  
WesternGECO's Eastern Newfoundland Offshore Seismic Program 2015-2024**

Further to your May 20, 2015 request, please note that Fisheries Protection Program, Fisheries and Oceans Canada (DFO), has completed a review of the document entitled "*Environmental Assessment of WesternGeco's Eastern Newfoundland Offshore Seismic Program, 2015-2024*" dated May 2015. The following comments are offered for your consideration:

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.



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- 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 Deeps 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.



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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.

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.

Thank you for providing the opportunity to review and comment on this EA document. If you have any questions or concerns regarding the above please let me know by phone (709.772.3521) or e-mail ([darrin.sooley@dfo-mpo.gc.ca](mailto:darrin.sooley@dfo-mpo.gc.ca)).

Yours sincerely,

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