

Environmental Assessment of WesternGeco's Southeastern Newfoundland Offshore Seismic Program, 2015 to 2024 (LGL Limited May 2015)

GENERAL COMMENTS

Environment Canada

EC's previous comments on the scoping document and project description (submitted to you 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.

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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 167 – The results of the ongoing consultations with fishers and the FFAW must be provided.

Section 5.5.2.2 Fisheries Liaison Officers (FLOs) (page 178), 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 200), - 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.

Fisheries and Oceans Canada (DFO)

Section 4.3.1 (Fisheries) Information Sources, pages 62-63 - 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

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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, pages 110-111 -

- The first two sentences in this section note that "...waters in the northwestern portion of the Study Area (within NAFO Division 3Ps) are used by the Conne River Band Council (Miawpukek First Nation Government) for Food, Social and Ceremonial fisheries, along with Communal/Commercial fishing activities. These fishing activities and associated regulations are described in detail in Section 3.3.4 in the Southern Newfoundland SEA (C-NLOPB 2010)..." It should be noted and/or clarified that the Food, Social and Ceremonial (FSC) license for Miawpukek First Nation Government confines FSC fishing activity to coastal/inshore/near shore areas in the vicinity of Conne River and areas within Bay d'Espoir and Hermitage Bay.
- The Innu Nation of Labrador holds a communal commercial fisheries license that permits fixed gear groundfish fishing activity within NAFO Divisions 3Ps, and 3LMNO. As such appropriate clarification should be provided (see last sentence) in this section.

Section 4.6 Species at Risk - Table 4.17, pages 154 and 155 -

- 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.
- The correct *SARA* status of Winter Skate (Eastern Scotian Shelf population) is Endangered; Table 4.17 should be amended accordingly.

Section 5.5 Mitigation Measures, page 176 - 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

Environmental Assessment of WesternGeco's Southeastern Newfoundland Offshore Seismic Program, 2015 to 2024 (LGL Limited May 2015)

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 183 - 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 185 - 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.

Environment Canada

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: 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.

Department of National Defence (DND)

- Please identify a specific individual or office to serve as a Point of Contact (POC) for MARLANT queries and concerns;
- Please ensure the appropriate Notice to Mariners will be issued for all underwater activities and any significant surface ventures, such as use of flares, buoys, and unconventional lighting;
- Please ensure the appropriate Notice to Airmen will be issued for all activities that could affect air safety, such as use of balloons, Unmanned Aerial Vehicles (UAVs) or tethered airborne devices; and

Environmental Assessment of WesternGeco's Southeastern Newfoundland Offshore Seismic Program, 2015 to 2024 (LGL Limited May 2015)

- Please ensure engagement of CTF 84, through Director General Naval Strategic Readiness (DGNSR), to ensure de-confliction with possible Allied submarine activities.

FFAW/Unifor

Section 4.2.1.4 Benthos, page 45 - Snow crab is actively fished in the Carson Canyon so it is in abundance in this area although grab samples used in this reference would not necessarily be able to sample/identify crab.

Section 4.2.2.1 Macro-invertebrate and Fish Species Harvested during Commercial Fisheries, page 49 – While the recent oceanic warming regime is predicted to result in declining shellfish stocks we have not seen the inferred decline in the crab resource in 3LNO.

Section 4.2.2.1 Macro-invertebrate and Fish Species Harvested during Commercial Fisheries, page 52 – no mention of the NAFO closure in 2015.

Section 4.2.2.1 Macro-invertebrate and Fish Species Harvested during Commercial Fisheries, page 56 – 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 5.1.1 Consultations, pages 166-167 – As mentioned it is FFAW-Unifor's opinion that consultations with fish harvesters should have been more extensive for this 10 year EA covering such an expansive area.

Section 5.5 Mitigation Measures, page 176 – 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 181 – 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.

Section 5.7.5.2 Vessel Presence (including towed seismic equipment), page 216 – There may be gill nets set for groundfish in this area as well.

Appendix 1 Consultation Report, 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.