



**CANADA - NOVA SCOTIA OFFSHORE PETROLEUM BOARD**

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File No.: NS General

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Phil Zamora  
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Bedford Institute of Oceanography  
1 Challenger Drive, PO Box 1006  
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Dartmouth, NS B2Y 4A2

Dear Mr. Zamora:

**RE: Hunt Oil - Validation of 2002 Environmental Assessment**

Thank you for the comments provided on Hunt Oil Company's submission regarding the validity of the 2002 Environmental Assessment (EA) for their proposal to conduct a 2D seismic project; in your correspondence dated May 30, 2005.

We have thoroughly reviewed and considered your comments. The attached responds to the comments provided by your department.

Yours truly,

Eric Theriault  
Advisor, Environmental Affairs

ELT:mes

Attachment

cc. A. Parker

## **ATTACHMENT: RESPONSE TO DFO ON COMMENTS REGARDING HUNT OIL'S - VALIDATION OF THEIR 2002 ENVIRONMENTAL ASSESSMENT**

### **1. Covering Letter**

The Board has reviewed and considered previous correspondence regarding the Hunt Oil EA. As stated in our letter dated July 02, 2003, our determination regarding the significance of environmental impacts of Hunt's proposed seismic program is based on the results of the Environmental Assessment, the Commissioner's Report on the public review, the Science Review Report and the ad hoc Working Group deliberations. DFO personnel from both the Maritimes Region and Gulf Region participated in the Science Review and on the ad hoc Working Group.

Hunt Oil was requested to review any pertinent new information to determine if the conclusions of the 2002 environmental assessment are still valid.

The Board agrees with your observation that Condition 7 and 9 have not yet been satisfied and Hunt is aware that these conditions are outstanding. In accordance with condition 7, Hunt still need to consult with the Board and DFO to address mitigative measures to minimize any potential risk to cod. Hunt is continuing discussions with the Board and DFO regarding EEM.

The CNSOPB has not approved Hunt's proposed program. Hunt has not yet submitted an application for approval. Both Hunt and the Board are aware that the temporal scope of the EA is November – December, as is the scope of the validation document. If Hunt a seismic program is conducted this year, it will be within the timeframe assessed.

Thank you for the comments regarding SARA. Hunt was specifically requested to consider SARA in their review of the validity of the conclusion in the EA. Pages 5 to 8 of the validation document discuss species at risk. Additional comment regarding SARA is provided below.

### **2. Science Expert Opinion**

#### **2.1 Issue**

Comments provided in this section identified the request made from the Habitat Management Division, Oceans Branch, to the Science Branch, and the focus of the DFO's review.

Two of the items identified in this section as focus questions were:

- *Are mitigation measures adequate to minimize impacts on cod?*
- *Is the environmental effects monitoring program acceptable?*

Both of these relate to conditions 7 and 9. As previously noted, both conditions are still outstanding.

## **2.2 General Comments**

The CNSOPB reviewed and considered DFO's previously submitted comments regarding the Hunt Oil's proposed program. Also, the comments were provided to the team that conducted the Science Review for consideration. The scientific basis used by the Board to make a determination on the significance of any impacts on the environment was based on Hunt's EA and the results of the Science Review.

DFO comments stated "*In May 2003, the CNSOPB approved the application under several conditions*". For clarification, there was no application approved, however the CNSOPB did make a determination on the significance of any environmental impacts. Also, the CNSOPB decided work could proceed after receipt of an acceptable application, and specified conditions that such an application must comply with. Please refer to the letter sent to Carol Ann Rose dated 2 July 2003 for further clarification.

In regards to the temporal scope of the EA and validation document, both the Board and Hunt Oil are aware that the EA only covers the Nov-Dec timeframe. Thus, if the proposed activity proceeds, it must be within this time frame.

## **Detailed Comments**

### **Information contained in the 2002 EA**

Hunt was not requested by the Board to address the DFO comments during the validity review of the original environmental assessment. The DFO comments provided on the original *Environmental Impact Assessment of a Proposed 2D Seismic Survey in Sydney Bight* were considered by the CNSOPB in reaching our conclusions, as well as the Science Review and the ad hoc Working Groups.

### ***New Information presented in 2005 validation***

#### ***Results of the ESRF snow crab study***

Hunt Oil was not requested to summarize these studies. However, the results of the ESRF snow crab studies and other work conducted by DFO on the effects of seismic noise on marine life was considered by Hunt during the validation to determine if the conclusions of the original EA remain valid.

### **SARA**

Thank you for the comments regarding species at risk. We acknowledge that the project must still comply with SARA.

The biology and distribution of marine mammals were discussed in section 4.8 of the original environmental assessment. Specific species discussed in the validation report include the northern bottlenose whale, porbeagle shark, and cusk.

We acknowledge, the project must still comply with the General Prohibitions (SARA Section 32, 33) and other relevant sections of SARA, and the proponent should demonstrate how determinations on compliance were made. However we understand there is limited knowledge of distributions and no Recover Plans yet exists. For Schedule 1 SARA species which may be in the project area, the proponent will be requested to revisit this portion of the assessment and more explicitly evaluate whether the activity will "harm, harass or kill" an individual.

Thank you for the information regarding Table 1 of species with COSEWIC/SARA designations in the study area. The validation was submitted in April and used the information available at the time, which was prior to the May 2005 revision of Schedule 1. The proponent will be advised that the following species and populations will require revisions: winter skate (southern Gulf population), winter skate (eastern Scotian Shelf population), and fin whale (Atlantic population).

In regards to the comment on the Laurentian North population of cod, propagation modeling shows the maximum distance that the cod would receive the threshold sound pressure level of 160 db (reference - Laurentian SEA) would be 60 km. We are unaware of any specific identifying critical locations for the Laurentian North population within the 60 km area in the November-December period. If there is information on the Laurentian North population with this area, we would be pleased to receive it.

Thank you for the additional information regarding the likely presence of cusk and wolfish in the study area.

#### ***Additional Considerations***

Your observation is correct that the January to February timeframe, which is included in the 2005 seismic survey application, was not assessed in the 2002 environmental assessment. The proposed survey is scheduled to be conducted during the November – December time frame.

The *Statement of Canadian Practice on the Mitigation of Seismic Noise in the Marine Environment* is presently in draft form and has not yet been finalized. The Hunt report is to review the validity of the conclusions in their environmental assessment. Once finalized, the *Statement of Canadian Practice* will be a requirement of all seismic programs.

Hunt still needs to consult with the Board and DFO to address mitigative measures to minimize any potential risk to cod. The Board will require this

condition to be fulfilled prior to authorization of an application to conduct seismic within their Exploration Licences.

Ongoing concern

Thank you for the information on snow crab. We have noted your concerns.