

EA of MKI's Newfoundland Offshore Seismic and Environmental Data Collection Program, 2026-2030

DFO Review

General Comments

- DFO is satisfied with the Proponent's commitment to adhere to DFO's *Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment*.

Specific Comments

Section 2.2 Project Overview, p. 8

- The Report states "A typical shotpoint interval will be one array pulse every 12.5 m, 18.75 m or 25 m".
- The Report does not describe how shotpoint intervals will work for Ocean Bottom Nodes (OBNs) acquiring seismic data. In contrast to streamers with a spatial interval, will OBNs have a temporal shotpoint interval on the seafloor? DFO recommends providing additional information on OBN surveys in Section 2.2.7.

Section 4.2.1.1 Plankton, p.38

- The Report states "*Planktonic organisms are so ubiquitous and abundant, and typically have such rapid generation times, that there will be negligible effect on planktonic communities from the proposed seismic program. Therefore, no further assessment of the potential effects of the Project on phytoplankton and zooplankton will be discussed here*".
- This statement describes planktonic organisms as ubiquitous, abundant with rapid generation times. This information should be cited, particularly given that it reaches the conclusion that there will be a negligible effect on planktonic communities.

Section 4.2.1.2 Benthic Invertebrates, p.39

- The Report states "*It is important to note that beyond the Canadian 200 nm limit, excluding the Nose and Tail of the Grand Banks, the Flemish Pass, and the Flemish Cap, there is a substantial deficiency in data related to the benthos. The information presented in this subsection mainly pertains to studies completed on the continental shelf and slope of the Study Area*".
- Deep Water Corals and Sponges, p.40. Commitments have been made in other sections to update the EA with any new data. Will the results of 2024 NAFO analysis on groundfish surveys be included in EA updates as well? If so, DFO recommends that the Proponent states that commitment again in this section.

Section 6.1.5 Avoidance of Sensitive Benthic Habitat, p. 241

- The Report states "*To mitigate potential impacts with corals and sponges, the ROV will conduct a visual survey for a suitable deployment location for each OBN (within approximately 5 m of the planned deployment location). A suitable location will be selected to avoid contact with sensitive corals and sponges (e.g., gorgonians or black corals) to the extent possible. Deployment with*

ROV will aim to have OBNs positioned at least 2 m from habitat forming corals and sponges (as outlined in Annex A in DFO 2023e). When deploying/retrieving OBNs on the seafloor by ROV, the ROV will make all efforts to avoid contact with corals and sponges”.

- DFO is satisfied with the Proponent’s commitment to conduct ROV surveys at deployment locations for each OBN and a buffer of at least 2 m for avoidance of OBN contact with habitat forming corals and sponges.
- The Proponent should note that no oil and gas activity (including seismic) can occur within Marine Protected Areas and activities proposed to occur within Other Effective Area-based Conservation Measures (OECMs) will be assessed on a case-by-case basis. For OECMs, the Proponent would be required to submit an Activity Plan to DFO for assessment, with approval dependent on whether the Minister is satisfied that risks to the OECMs biodiversity conservation benefits can be avoided or mitigated effectively. The Proponent can contact DFO.MarineRefugesNL-RefugesmarinsTN.MPO@dfo-mpo.gc.ca to receive an Activity Plan application form.
- Figure 4.63 Location of sensitive areas that overlap the Study Area. This Figure categorizes the Funk Island Deep Closure as a Fishery Exclusion Area. This closure is a *Fisheries Act* Marine Refuge.

Section 6.1.6 Marine Mammals and Sea Turtles, p.242

- The Report states *“Any dead or distressed marine mammals or sea turtles will be recorded and reported to the C-NLOER (and DFO as required).”*
- The Report also states *“In the unlikely event that marine mammals, sea turtles, or birds are injured/killed by Project equipment or accidental fuel spills, a report will be immediately filed with the C-NLOER and the need for follow-up monitoring will be assessed.”*
- It is highly recommended that the Proponent report all incidents to DFO for any injured, stranded, entangled or dead marine mammal or sea turtles.
- <https://www.dfo-mpo.gc.ca/species-especies/mammals-mammiferes/report-rapport/page01-eng.html>

Section 8.1.4.2 Vessel/Equipment Presence, Floating LiDAR Systems, p. 260

- The Report states *“When the seabed anchor contacts the seabed, this will result in displaced sediment for habitats with soft substrates (e.g., silt, sand), which could result in localized burial of immobile/sessile benthos (BOEM 2023, 2024). In the same action, the seabed anchor could impact benthos unable to move out of the way when contact with the seabed is made. If the seabed anchor were to be deployed on habitat forming benthos, such as coral or sponge gardens, this would result in small-scale habitat loss for associated fauna; conversely, the presence of the seabed anchor could serve as an artificial reef habitat and attract benthic fish or invertebrates (BOEM 2023, 2024)”.*
- The Report also states *“Based on mitigation measures and the general nature of the presence and operation of FLS, residual effects on the FFH VC from the presence of FLS are predicted to be negligible in magnitude for a short-term duration over a geographic extent of <1 km², and to be continuous in frequency (for the duration of deployment; see Table 8.2). Residual effects are predicted to have negligible sensitivity to seasonality (timing) and to be fully reversible. The Study Area is considered disturbed. Based on these criteria ratings, the residual effects of the*

presence of FLS on the FFH VC are predicted to be not significant (see Table 8.3). The level of confidence associated with this prediction is high based on available literature and professional judgment.”

- DFO requests clarification on whether pre-clearance/visual surveys will be conducted prior to the placement of seabed anchors for the FLS, similar to what will be done prior to OBN deployment. With the absence of visual surveys, loss of habitat is likely, and therefore contradicts the conclusion that effects of the FLS will be negligible, short-term, fully reversible and not significant. Particularly given coral and sponges species in NL are sensitive, slow growing, and have extremely lengthy recovery rates.