



June 10, 2011

Christy Wickenheiser
Environmental Specialist
National Energy Board
444 Seventh Avenue S.W.
Calgary AB T2P 0X8

Re: TGS/PGS Northeastern Canada 2D Seismic Survey (NEB File: OF-EP-Gen-PA-T175 01; CEAR#: 10-01-53884)

Dear Ms. Wickenheiser,

The Government of Nunavut appreciates the opportunity to provide comments to the National Energy Board on the TGS/PGS Northeastern Canada 2D Seismic Survey proposed for Baffin Bay and Davis Strait.

The Government of Nunavut understands the proposed 2D seismic survey by TGS/PGS to be a multi-year information-gathering exercise taking place outside of the Nunavut Settlement Area to the limit of Canada's Exclusive Economic Zone (EEZ). Further, it is our understanding that the company is requesting approval of all their planned lines so that they can have flexibility in where they can collect data in 2011 and beyond.

The Government of Nunavut recognizes the importance of such data collection in an area that has very limited geosciences data available, as well as the potential economic benefit that offshore petroleum activity could provide to both Nunavut and Canada. Further, this project may provide essential information for the precautionary management of petroleum development, as well as provide direction to efforts in environmental protection, infrastructure, and socio-economic benefits.

Resource development brings economic growth to Nunavut, such as increased employment, training, and business opportunities. As such, it is our expectation that, while this project is outside the Nunavut Settlement Area, our environment and communities are fully considered throughout project development and operations.

Community consultation:

The Government of Nunavut expects that any development within and near Nunavut will include exemplary consultation with Nunavummiut. This includes the proponent's continued efforts to inform nearby communities of their project plans and timelines on a consistent basis. Meaningful consultation includes identifying community concerns and seeking feedback on key elements of



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the project. In addition, the results of the survey should be presented to communities in a timely manner, as well as sharing any findings or observations particularly related to marine mammals in the survey areas. Materials presented and shared with communities and Nunavut stakeholders should be translated to allow full participation. The Government of Nunavut recommends that the proponent develop a community consultation plan that identifies clear consultation goals to allow activities to be monitored in order to determine if these goals have been attained. Further, by working with communities on developing this consultation plan, the proponent is more certain that consultation needs and concerns will be addressed. The Government of Nunavut can help identify best practices and provide advice and assistance to develop communications and consultation plans.

Socio-economic benefits:

The Government of Nunavut expects that the proponent will provide maximum social and economic benefits to the people in nearby communities. Where possible, marine mammal observers and project liaison officers should be trained and hired from Nunavut communities. Any effort to build technical capacity and improve job skills with local residents is strongly encouraged.

Fisheries:

While the Government of Nunavut realizes that the offshore area is not our jurisdiction, we are concerned of the potential for nearby seismic work to interfere with commercial fishery resources to an extent that Nunavut's fishing industry may see a negative impact to their gear, catch rates or to their catch-per-unit-effort (CPUE). The project proponent has stated in their Environmental Assessment Report that they will comply with the Federal government's Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment. It is our expectation that these practices will ensure no impact to our multi-million dollar fisheries industry. This requires close consultation and collaboration with the fisheries industry to ensure the continued benefits of fishing to the economy and communities of Nunavut. The Government of Nunavut would like clarification on if and when such consultation with the fisheries industry has been performed.

Recent literature on the topic of fisheries and seismic surveys, as well as reports from fishermen in Greenland and Labrador, Canada, suggest varying rates of declines to the catch success of commercial species when seismic surveys are taking place. Common responses of fish and mammals to seismic are to leave the area (disperse) and display stress behaviour. Fish can sometimes take up to a week to return to the area after the disturbance, especially if the disturbance is constant and repetitive. The Greenland report¹ recommends avoiding seismic activity up to 50 kilometers from fishing grounds and occurring at least 1 week before fishing

¹ Mosbech, A., R.Dietz & Nymand, J. (2000): Preliminary Environmental Impact Assessment of the Regional Offshore Seismic Surveys in Greenland. Arktisk Miljø/Arctic Environment. 2nd Ed. National Environmental Research Institute, Denmark. 25pp. – Research Notes from NERI No.132.



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starts. Continuous and frequent seismic work has been shown to cause habitat abandonment in some cases. The Government of Nunavut recommends that consultation and coordination with the Nunavut fishing industry include consideration for the locations of seismic activity in relation to commercial fishing areas to minimize any potentially negative effects.

Specific comments organized by section in the Environmental Assessment report

- 4.5.1. The text says the Ringed Seal adults would be inshore in the summer (20 year old data) and yet the general distribution map from 2010 data shows them mainly in the offshore are where the survey would be taking place. Please clarify.
- 4.5.3 Describes Harp Seal location and whelping areas that exist where the survey will be taking place, but there is no project impact statement for Harp Seal. Please clarify.
- 4.5.5 Hooded Seal impacts should be addressed.
- 4.9 Commercial Fishing: location maps from 2006-2007 for Turbot and Shrimp are out of date. Please provide an update of the current fishing area data.
- 4.9.3 Please expand on how fishing gear would be avoided. Moreover fishing itself must be avoided, not just gear.
- 4.9.4 Has the Fisheries Liaison Officers (FLO) been identified and have they been in contact with industry? Please clarify what steps will be taken to ensure the impartiality of the FLO onboard.
- 5.2 - 5.2.1 Please expand on fish dispersal or habitat abandonment. This is a critical issue that needs to be discussed.
- 5.2.7 Fishing Gear Conflict: Compensation must be clearly discussed and described. It must be clear under what circumstances compensation will be made, who will be responsible for compensation, who the fishermen should contact in the event of conflict, and how it can be done in a timely manner. Communication and any procedures that are developed for compensation should be translated appropriately. This has been somewhat addressed in 5.2.12, but should be expanded.
- 5.2.8 At what distance will fishing areas be avoided? If it is unclear where and when fishing activity is taking place how much notice will the company provide to indicate they will be in the area? Please clarify.
- 5.2.11 Has any Single Point of Contact been identified on the industry side?
- 5.3 Mitigation measures:
Please clarify as to why PAM (passive acoustic monitoring) was not chosen as part of the marine mammal avoidance measures.



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During conditions of low visibility and where safety zones are not visible, please clarify that seismic surveying will not take place.

Please clarify the number of Marine Mammal Observers that will be hired for each vessel, who will be available for monitoring at a single time, and who they MMO's will be reporting to.

- 5.7. Using a consultation document written by the company in 2007 is not considered active engagement of the fishing industry in Nunavut. A lot has changed since then with increases in quota and more activity in the areas of 0A and 0B. In addition, the 5th paragraph is written in a way that is unclear and potentially misleading. Establishment of quotas should be stated directly for the NAFO areas 0A and 0B. It is not clear what is meant by "rebuilding programme"; why the FLO would monitor the "issue"; or whether the paragraph is referring only to the Turbot fishery or if some part of it also refers to the Shrimp fishery. Please update and clarify.

In Conclusion

The Government of Nunavut notes that Canada and Greenland have experienced continuous petroleum exploration activity since the 1970's, acquiring hundreds of thousands of lines of seismic surveys and performing exploration drilling in Baffin Bay and Davis Strait. This activity has occurred in the same waters as the presently proposed 2D Seismic Survey. Furthermore, we recognize that decades of work are necessary, especially with changes in technology, before any decision can be made to pursue oil and gas exploration and drilling. The Government of Nunavut endeavors to work constructively with industry to ensure that the maximum benefits from resource development can be felt in our communities while minimizing adverse negative impacts to wildlife and our expanding fishing industry.

The Government of Nunavut thanks the National Energy Board for the opportunity to provide comments on the proposed TGS/PGS Northeastern Canada 2D Seismic Survey. If there are any questions or comments, please contact Marie Duchaine at (867) 975-6026 or at mduchaine@gov.nu.ca.

Thank you,

Marie Duchaine
Avatiliriniq Coordinator
Executive and Intergovernmental Affairs