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Environmental Stewardship Branch
6 Bruce Street
Mount Pearl NF A1N 4T3

February 16, 2010

File No.: 4194-10

Mr. Darrin Hicks
Canada Newfoundland Offshore Petroleum Board
Fifth Floor, TD Place
140 Water Street
St. John's, NF A1C 6H6

Dear Mr. Hicks:

RE: EA Report – ConocoPhillips Canada Laurentian Sub-basin Seismic Survey Program EAS 2009-297B

As requested in your letter of December 11, 2009, Environment Canada has reviewed the environmental assessment report for the above noted project. It is understood that ConnocoPhillips Canada is proposing to conduct a 3D seismic program in the Laurentian sub-basin area from 2010 - 2013.

The following EC comments stem from the department's mandate under the *Migratory Birds Convention Act* (MBCA) and Section 36 of the *Fisheries Act*. Pertinent EC expertise, and related comments, also originate with the *Canadian Environmental Protection Act* (CEPA), the *Canadian Wildlife Act*, and the *Species at Risk Act* as well as *Department of the Environment Act*.

REVIEW COMMENTS

Section 4.4.1 Seabirds

We are pleased to see references to the recently collected CWS data throughout the species accounts in this section.

There are a few instances where the report claims that there are zero birds of a given species in a given area during a given period. For example on page 94, line 6: "... 0 birds/km2 in November through January..." in reference to Storm-Petrels in the study area. In most cases this is due to the fact that there is very little (or no) survey effort in the given area during the given period. This fact is duly noted in the section on "Data Gaps", but stating that there are zero birds in an area may mislead the reader. It would be far preferable to simply state that there is insufficient data to judge that species distribution during the given period in the given location when there is little data available.

For any instances where zeros are reported in the text of this section, please indicate if this is due to a lack of data or if there are reports indicating no birds.

Table 4.8

For Miquelon Cape the table should indicate “breeding” for Razorbills (Cairns et al. 1989)

Data Collection

This survey provides a good opportunity to collect additional seabird data from the area. CWS has developed a pelagic seabird monitoring protocol that we are recommending for all offshore projects. Attached is a version of the protocol for experienced observers. This protocol is a work in progress and we would appreciate feedback from the observers using it in the field. A guide sheet to the pelagic seabirds of Atlantic Canada is available through CWS in Mount Pearl.

In an effort to expedite the process of data exchange, the Canadian Wildlife Service would appreciate that the data (as it relate to migratory birds or species at risk) collected from these surveys be forwarded in digital format to our office following completion of the study. These data will be centralized for our internal use to help ensure that the best possible natural resource management decisions are made for these species in Newfoundland and Labrador. Metadata will be retained to identify source of data and will not be used for the purpose of publication. The Canadian Wildlife Service will not copy, distribute, loan, lease, sell, or use of this data as part of a value added product or otherwise make the data available to any other party without the prior express written consent of ConocoPhillips Canada.

I trust that this information will be of assistance in your review of this proposal. If you wish to discuss these comments or have further questions, please do not hesitate to contact me at your convenience.

Yours truly,

Original Signed by Glenn Troke

Glenn Troke
Environmental Assessment Coordinator
Environmental Protection Operations Directorate
EPOD/NL

Attachment

cc J. Corkum