- The Seafood Producers of NL represent fish companies on the west coast and should be added to the list of groups to be consulted.

- A comprehensive list of the various fisheries closures in the Project Area should be included in the environmental assessment report.

The following information is provided for project planning and any questions should be directed at the applicable government agency.

Regulatory Requirements

Meeting the requirements of the federal *Fisheries Act* is mandatory. Subsection 36(3) of the *Act* specifies that unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water.

Migratory birds, their nests, eggs, and young are protected under the *Migratory Birds Convention Act* and *Regulations*. Deer Lake Oil & Gas Inc. is expected to comply with the *Migratory Birds Convention Act* and *Regulations* during all project phases. Migratory birds include those species listed in the CWS Occasional Paper *Birds protected in Canada under the Migratory Birds Convention Act*.

Under the *Migratory Birds Convention Act* and Regulations no person shall deposit or permit to be deposited oil, oily wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds. In addition, no person shall disturb, destroy, or take a nest, egg, nest shelter, eider duck shelter or duck box of a migratory bird.

Deer Lake Oil & Gas Inc. should also be aware of the potential applicability of the *Canadian Environmental Protection Act* (CEPA). The *Canadian Environmental Protection Act* enables protection of the environment, and human life and health, through the establishment of environmental quality objectives, guidelines and codes of practice, and the regulation of toxic substances, emissions and discharges from federal facilities, international air pollution, and ocean dumping.

Migratory Birds & Species at Risk

Deer Lake Oil & Gas Inc. should be aware of Environment Canada's Eastern Canadian Seabirds at Sea (ECSAS) program. This program has conducted over 4000 surveys covering 7800 km of ocean track in the Newfoundland and Labrador offshore area since 2006. The most up to date data for the survey area should be included in the EA. This information is available by contacting Dave Fifield at David.Fifield@ec.gc.ca or (709) 772 - 3425.

Mitigation

Mitigation measures related to adverse effects, including cumulative effects, should be identified in the EA. Measures should be consistent with the *Migratory Bird Convention Act* and SARA and with applicable wildlife management plans, recovery strategies and action plans. Mitigation should reflect a clear priority on impact avoidance opportunities. The following specific measures should be among those which are considered in preparing a mitigation strategy:

- Should storm-petrels or other species become stranded on vessels, Deer Lake Oil & Gas Inc. is expected to adhere to the protocol described in Williams and Chardine's brochure entitled, *The Leach's Storm Petrel: General Information and Handling Instructions*. Proponents should be aware that a permit is required from the CWS to implement this protocol.

- Ramping-up the air gun array over a 30-minute period - a procedure typically used for other animal groups - may encourage marine birds to leave the survey area and may reduce the potential for adverse interactions between the project and marine birds accordingly.

Data Collection

CWS has developed a pelagic seabird monitoring protocol that they are recommending for all offshore projects. Attached is a version of the protocol for experienced observers. This protocol is a work in progress and EC 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.

Effects of the Environment on the Project

Seismic operations will be somewhat sensitive to environmental conditions (e.g., wind, waves, ice). The EA should focus on how such conditions acting on the project could have consequences for the environment (e.g., increased risk of spills and impacts on valued ecosystem components).

Routine Discharges

The *Offshore Waste Treatment Guidelines* (OWTG) require a description of "specific pollution prevention measures the operator plans to implement to reduce waste generation and discharge" (NEB *et al*., 2002, 3). It is recommended that the following be considered to minimize routine discharges and waste:

- means that would promote recovery, recycling and removal of materials that otherwise would go overboard, be incinerated or be taken back to shore for disposal;
- means that would reduce greenhouse gases and other emissions to air;
- means that would involve replacing fluids and chemicals with less toxic alternatives.

Effects of Accidents and Malfunctions

The mandatory assessment of environmental effects, which could result from accidents and malfunctions, should include a consideration of potential spill events, such as spills from damaged seismic streamers. This assessment should focus on potential worst –case scenarios (e.g., concentrations of marine birds, presence of wildlife at risk). Based on this analysis, the EA should describe the precautions that will be taken and the contingency measures that will be implemented to avoid or reduce the identified impacts.

In developing a contingency plan that would support the assessment of accidents and malfunctions, and a determination that impacts could be avoided or reduced, it is recommended that the Canadian Standards Association publication, *Emergency Planning for Industry* CAN/CSA-Z731-95 (Reaffirmed 2002), be consulted as a useful reference. All spills or leaks, including those from machinery, fuel tanks or streamers, should be promptly contained, cleaned- up and reported to the 24-hour environmental emergencies reporting system (1-800-563-9089).

The proponent should report any spills of petroleum or other hazardous materials to the Environmental Emergencies 24 Hour Report Line (St. John's 709-772-2083; Other areas 1-800-563-9089).