



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

Environmental Protection Branch
Environment Canada
6 Bruce Street
Mount Pearl NL A1N 4T3

31 July 2017

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

Dear Mr. Hicks:

RE: Western Newfoundland Controlled Source Electromagnetic (CSEM) Project, 2017 EA Report EAS 2016-094

As requested in your email of 14 June 2017, Environment and Climate Change Canada (ECCC) has reviewed the Environmental Assessment Report from Electromagnetic Geoservices Canada, Inc. (EMGS) for the above-mentioned project and offers the following comments.

Clarification – Oil-based products in Transmitter and/or Receivers.

It is not stated if oil-based products (e.g. lubricants or fuel) will be used in the transmitter and receivers. The presence or lack thereof of oil-based products in these devices should be stated in the environmental assessment. ECCC recommends that transmitters and receivers without hydrocarbon-based fluids be used.

Mitigations - Stranding

Should storm-petrels or other species become stranded on vessels, the proponent is expected to adhere to the protocol *The Leach's Storm-Petrel: General Information and Handling Instructions* (attached). A permit will be required to implement this protocol and the proponent must be advised that such a permit must be in place prior to the initiation of proposed activities. Please note that *Migratory Birds Convention Act* permit applications can be obtained from the Canadian Wildlife service of ECCC (ECCC-CWS) via email at ec.scfatlpermis-cwsatlpermits.ec@canada.ca.

Mitigations - Data Collection

ECCC-CWS has developed a pelagic seabird monitoring protocol (attached) that is recommended for use by experienced observers on all offshore projects. A guide for pelagic seabirds of Atlantic Canada has also been attached, for assistance in identifying pelagic seabirds in the area.

A report of the seabird monitoring program, together with any recommended changes, is to be submitted to ECCC-CWS on a yearly basis. In an effort to expedite the process of data exchange, ECCC-CWS recommends that the data (as it relate to migratory birds or Species at

Risk) collected from the monitoring program be forwarded in digital format to ECCC-CWS following annual program completion (Contact for data is Josh Mailhiot, ECCC-CWS Environmental Assessment Coordinator: joshua.mailhiot@canada.ca). These data will be centralized for ECCC-CWS's 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. ECCC-CWS 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 prior express written consent.

Mitigations - Oil Pollution Incidents

The assessment of environmental effects which could result from accidents and malfunctions should include a consideration of potential spill events. The assessment should be guided by the need to ensure compliance with the general prohibitions against the deposit of a deleterious substance into waters frequented by fish (Section 36, *Fisheries Act*) and against the deposit of oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds (Section 5.1, *Migratory Birds Convention Act*). In addition, it should be focused on potential worst-case scenarios (e.g., concentrations of marine birds, presence of wildlife at risk). Based on this analysis, the environmental assessment 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 Preparedness and Response*, CAN/CSA-Z731-03¹ (Reaffirmed 2014), 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 (Phone: 1-800-563-9089).

Spills could result in significant effects on migratory birds in the event that large numbers of birds, or individual species at risk (SAR), are affected. Migratory birds, including bird species at risk, could be significantly affected if spills affect important habitats or critical habitat for SAR. Disturbance resulting from accidental events during the breeding season in the vicinity of SAR or colonial bird nesting areas could also result in significant effects if it results in nesting failure or site abandonment by the birds.

Strategies to minimize or prevent accidental or chronic releases must be emphasized in a mitigation program. Proponents are required to demonstrate response preparedness and to identify provisions for ensuring measures are implemented to eliminate or minimize resulting sheens or slicks in the event of accidents and malfunctions involving the release of oil. The following considerations are requested to be factored into the development of a response plan that would help reduce impacts on seabirds:

- Measures for containing and cleaning up spills (of various sizes).
- Equipment that would be available to contain spills.
- Specific measures for the management of large and small spills (e.g., breaking up sheens).

¹ Canadian Standards Association publication, *Emergency Preparedness and Response*, CAN/CSA-Z731-03 (<http://shop.csa.ca/en/canada/injury-prevention/canca-z731-03-r2009/invt/27019912003>)

- Mitigation measures to deter migratory birds from coming into contact with the oil.
- Mitigation measures to be undertaken if migratory birds and/or sensitive habitat become contaminated with the oil.
- The type and extent of monitoring that would be conducted in relation to various spill events.

In order to assist proponents in preparing a plan for dealing with an oil spill which would potentially threaten migratory birds, ECCC-CWS has prepared a guidance document (attached), a sample protocol document used for oiled birds on beaches (attached), and a protocol for handling non-oiled but dead birds found on vessels (attached).

I trust these comments will be useful in your review. If you have any questions, please contact me at 709-772-2126 or jerry.pulchan@canada.ca.

Yours truly,

Original Signed by Jerry Pulchan

Jerry Pulchan
Environmental Assessment and Marine Programs
Environmental Protection Operations Directorate, Atlantic

Attachments

cc. M. Hingston