Pêches et Océans Canada

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Your file Votre référence

Our file Notre référence BAB 3970-525

Ms. Kimberly A. Coady Environmental Assessment Officer Canada-Newfoundland and Labrador Offshore Petroleum Board Fifth Floor, TD Place St. John's NL A1C 6H6

Dear Ms. Coady:

Subject: RE: ConocoPhillips Laurentian Sub-basin Exploration Drilling Program Environmental Assessment Addendum

As requested, Fisheries and Oceans Canada (DFO) has reviewed the EA addendum entitled "Laurentian Sub-basin Exploration Drilling Program Environmental Assessment Addendum", dated 28 May 2007. In this document the proponent has outlined and provided responses to a number of suggestions for improvement and for clarification, and has elaborated on various aspects of the previously submitted EA. It is the opinion of DFO that many comments offered previously by the Department have been, for the most part, satisfactorily addressed in the update. With respect to arguments made on Significance criteria and their application to Species at Risk (SAR) presented on Page 5, DFO will make one final comment.

For the example of the blue whale, it states that by using the EA assessment criteria, if one animal out of ten were affected, it would be of "medium" magnitude (>10 to 25 percent) and thus would be considered a *significant* effect. However, using the criteria presented on page 231 in the original EA, an effect on one out of ten animals would, in fact, be assessed as a "low" magnitude affect (>0-10 percent of individuals) and considered *not significant*. This may seem a moot point, but it is still questionable as to whether the criteria used are suitable in terms of assessing impacts on SAR, particularly considering the geographic and temporal boundaries of extent required for an effect to rate as significant. SAR warrant a higher degree of precaution than would normally be applied, as for some species a detrimental effect on even a few individuals has the potential for effects at the population level. The proponent should consult the *Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada* (CWS) for guidance. DFO appreciates that the proponent considers potential death or injury to SAR due to the project as a serious event. Nonetheless, the Department stresses that the proposed mitigation measures be applied rigorously.

Thank you for the opportunity to address this EA addendum. Should you have any questions or comments, please contact Randy Power by phone 772-8888, fax 772-5562 or email (powerrg@dfo-mpo.gc.ca).

Yours sincerely,

M. M. Roberge A/Division Manager Marine Environment and Habitat Management Division Oceans and Habitat Management Branch

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