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**BAB 3970-525**

Ms. Kimberly A. Coady  
Environmental Assessment Officer  
Canada-Newfoundland and Labrador Offshore Petroleum Board  
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140 Water Street  
St. John's NL A1C 6H6

Dear Ms. Coady:

**RE: ConocoPhillips Laurentian Subbasin Exploration Drilling Program  
Environmental Assessment Report**

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Fisheries and Oceans Canada (DFO) has reviewed the document entitled "*Laurentian Subbasin Exploration Drilling Program Environmental Assessment*." It is understood that this environmental assessment report covers the drilling of a single well in one of two possible locations and depending upon success an additional six wells. Project activities are to include associated vertical seismic programs and wellsite/geohazard surveys as required and are proposed to commence in 2007, with drilling operations to be completed by 2010. The following comments on the EA document are provided for your consideration.

**General Comments**

Species at Risk

Coverage of Species at Risk (SAR), in the opinion of the Department, is inadequate. In assessing interactions between marine mammals, sea turtles and fish species and activities of the drilling program (both normal activities and accidents), the report avoids directly assessing effects on SAR by stating that predictions of non-significance can be applied equally to them. The conclusion of the effects of an accidental event on species at risk as *Not Significant*, given with a high level of confidence, is questionable considering the sensitivity to harm for some of these species. It is further debatable whether the definition of *Significant Effect*, as applied throughout the report is even appropriate for the assessment of potential impacts on SR. Given their status, this is clearly not sufficient. The Department recommends a more thorough discussion of the potential for harm due to accidental events and a better effects analysis. The assessment should clearly identify adverse effects on listed SAR, and describe mitigation and monitoring to address the adverse effects. Where applicable, the proponent should refer to listed SAR recovery strategies/action plans to ensure that proposed mitigation is consistent with the applicable strategies/plans.

Project Description

There is a great deal of uncertainty in the project description. Specifically, questions remain about project timing, the equipment used and the number of wells that will be drilled. All of these elements are critically important for an assessor to appreciate the scope and nature of work to be performed. This lack of information limits the value of the EA by making it more difficult to

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determine the potential impact on marine resources. One example is that the type of equipment to be used (drill ship, semi-submersible or jack up rig) has not yet been determined. Reports have stated that drilling noise can extend as far as 10 km from its source on the noisiest of drilling units (*i.e.*, drillship) while other types of drilling units generate above background noise within 1.5 km of the drill site. In addition, more certainty regarding the use of WBM and/or SBM should be provided in the project description.

### Project Timing

The timing window for this survey is very broad (the second quarter in 2007). This limits the value of the EA by making it more difficult to determine the potential impact on resources, conflict with fisheries, overlap between projects in time and space, and determine cumulative effects. DFO requests to be advised of any change in project information and particularly, in timing prior to survey commencement. DFO also requests that the operator notify the department of wellsite locations as soon as they are known.

### Effects Assessment

Throughout the document, tables present the Significance of Predicted *Residual* Environmental Effects on various VECs (regardless of whether mitigations are or are not presented), with a Level of Confidence ranking associated with each. According to the authors, this level of confidence is based on (available) scientific information, statistical analysis and professional judgment. Given the lack of available data, the lack of knowledge of long term effects from these activities and the uncertainty presented in the accompanying text, the reader assumes that in most cases, the high level of confidence (3) given for a significance rating of Not Significant (with a few exceptions), is predominantly based on professional judgment. By their own admission (Sec. 5.1.12, page 233), making predictions is difficult due to limited available data. This is particularly true in assessing potential impacts to Species at Risk. A discussion of how this level of confidence was given, in almost all cases, is warranted. However, DFO would prefer to see a more precautionary approach exercised throughout the effects assessment and in its conclusions.

### **Specific Comments**

Section 4.1, Page 107, last paragraph: The final recovery strategy for Leatherback Turtles (Atlantic population) is currently on the SAR Public Registry.

Table 4.1, Page 108: Fin whale has been added to Schedule 1 as special concern.

Section 5.4.3, Page 252: Sound - This section does not include well severance during decommissioning, during which explosive charges might be used. According to Table 5.6, this activity would produce the strongest sound level.

Section 5.5, Page 271: Potential Effects on Commercial Fisheries - There is no special mention of potential effects on species under moratorium (Cod, American Plaice, etc.) and how the proposed activities might impact on recovery efforts for these species.

Section 5.7.7.3, Page 299: Effects of supply vessels on Marine Mammals and Sea turtles - DFO would like to reiterate the value of estimating potential for and impacts of, ship strikes on marine mammals and sea turtles. There are computer models for these impacts which are freely-available and which would allow some assessment of the risk caused by the increased number of larger vessels moving through the study area. This would be particularly beneficial for evaluating impacts on SARA listed marine species.

Section 6.6.3, Page 348: Commercial Fisheries – see comment above for Section 5.5, Potential Effects on Commercial Fisheries.

Section 7.5, Page 380: Monitoring and Follow Up – This is a list of monitoring activities, and is not a Follow up Program. CEAA defines a Follow Up Program as one for verifying the accuracy of an EA and for determining the effectiveness of any measures taken to mitigate the adverse environmental effects of the project. Mitigations have been presented throughout the document. Therefore, this section, if it refers to Follow Up, should outline how the effectiveness of these proposed mitigations will be assessed and reported.

Thank you for the opportunity to provide comments on this document. If you have any questions or comments regarding the above, please do not hesitate to contact Ms. Sigrid Kuehnemund by phone at 772-0853, or by e-mail ([kuehnemunds@dfo-mpo.gc.ca](mailto:kuehnemunds@dfo-mpo.gc.ca)).

Yours Sincerely,

M. M. Roberge  
A/ Division Manager  
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