

Memorandum - Note de service

To/À	Jerry Pulchan, EPOD	PREPARED BY/	Joshua Mailhiot
		PRÉPARÉ PAR:	
		SECURITY/	UNCLASSIFIED
		SÉCURITÉ:	
FROM/	Joshua Mailhiot, EC-CWS	FILE/	4194-10
DE		DOSSIER:	
		DATE:	June 5 th , 2012

Subject/ **2011-355 PROPOSED NORTHEAST NEWFOUNDLAND SLOPE AREA SEISMIC**
Objet: **PROGRAM (EA) 2012-2017**

Hi Jerry,

The Canadian Wildlife Service of Environment Canada (EC-CWS) has reviewed the above document and provides the following comments.

The report provided appears to have incorrectly interpreted the information provided, and/or the information provided has not been adequately explained to properly assess the effects of the project on migratory birds and avian species at risk. The list below should serve as guidance to assist in revising the document. For ease in commenting, labels (e.g. EC-01) have been added to each of the comments.

EC-01, Page 10, Section 2.4.1.1 Shipboard Oil Pollution Emergency Plan:

Please provide a copy of the Shipboard Oil Pollution Emergency Plan for EC review.

EC-02, Page 24, Section 4.2.1 Identification of Valued Environmental Components, Table 4.1

Selection of Valued Ecosystem Components:

Migratory birds other than avian species at risk (SAR) have not been included as a Valued Ecosystem Component (VEC). Species at Risk cannot act as indicators for environmental effects on migratory birds. The degree of severity of impact of a project may be more serious when an avian SAR is affected. However, a lack of impacts on avian SAR cannot be interpreted as no effect or no significant effect on all migratory birds.

EC-03, Page 69, Section 5.4.3 Marine and Migratory Birds, First Paragraph:

EC-CWS recommends revising the environmental assessment report to include all information concerning seabirds that are relevant to this assessment. Though the proponent may use the information contained in the listed documents to make its own revisions, interpretation of this information within the context of this Environmental Assessment and associated impacts has not been undertaken for the effects of this project upon migratory birds.

EC-04, Page 69, Section 5.4.3 Marine and Migratory Birds, Third Paragraph:

The seabird survey program that is/was conducted on DFO AZMP surveys should be referred to as the "Eastern Canada Seabirds at Sea" (ECSAS) program. This program can be cited as:

Gjerdrum, C., D.A. Fifield, and S.I. Wilhelm. 2011. Eastern Canada Seabirds at Sea (ECSAS) standardized protocol for pelagic seabird surveys from moving and stationary platforms. Canadian Wildlife Service Technical Report Series No. 515. Atlantic Region. vi + 36 pp.

EC-05, Page 69, Section 5.4.3.1 Distribution:

The term “hotspot” is a scientific term that is used extensively in the literature to describe important areas for various taxa. EC-CWS recommends that this term be appropriately defined as it is being used in the document and/or an alternative descriptor be used (with definition provided).

EC-06, Page 70, Section 5.4.3.1 Distribution, Table 5.3 Sea Bird Hotspot Summary:

EC-CWS recommends revising the names of the seabird species given in Table 5.3 and throughout the text. Bird species should be referred to without pluralization when referring to a singular species (i.e. Dovekies become Dovekie, Northern Fulmars become Northern Fulmar, Northern Gannets becomes Northern Gannet, etc.). When referring to Gulls, it is acceptable to use the plural form, because more than one species is being referenced.

EC-07, Page 72, Section 5.4.3.1 Distribution, Table 5.4 Distribution and Abundance of Seabirds Known to Occur in the Study Area:

The common names of two species have been recently updated, and EC-CWS recommends changing the names of these species throughout the text to reflect their proper nomenclature. “Greater Shearwater” should be referred to as “Great Shearwater”. “Greater Black-backed Gull” should be changed to “Great Black-backed Gull”.

EC-08, Page 74, Section 5.4.3.1.1 Waterbirds:

EC-CWS recommends that the following changes be made in the text of this section:

- Bird density should be reported as birds/km².
- The level of survey effort in September and October should be indicated when making statements concerning bird density at those times.
- Densities are reported as 10-100 in Figure 5.23, but are reported as 1-10 in the text; the proper density should be specified.

EC-09, Page 74, Section 5.4.3.1.1 Waterbirds, Figures 5.23- 5.42:

Density should be presented as birds/km². For each density presented, the report needs to refer to a figure. It should be noted in the figure titles that these figures were taken directly from Fifield et al. 2009. As such these figures should provide appropriate citation.

EC-10, Page 74, Section 5.4.3.1.1 Waterbirds – Northern Fulmar (etc.):

For each species-specific section (i.e. Northern Fulmar, Storm-Petrels, etc), statements of density and distribution should be revisited following the recommendations in EC-08 and EC-09 and through consultation of Fifield et al. 2009.

EC-11, Page 95, Section 5.4.3.2 Prey and Foraging Habits:

[“Surface-feeding gull species are foragers.”](#)

This sentence should be clarified by making a statement to diet, behaviour, etc.

EC-12, Page 135, Section 5.4.7.1 Marine and Migratory Birds, Table 5.19 Marine & Migratory Species Found Within The Study Area Having SAR and/or COSEWIC Designations - Ivory Gull:

The text in Table 5.19 should be revised to reflect the text in Section 5.4.7.1. The breeding distribution stated in Table 5.19 should be updated with information from COSEWIC 2006.

EC-13, Page 179, Section 6.1.3 Significance Criteria:

EC-CWS recommends that the following changes be made in the text of this section:

- “Destruction or adverse effects of critical habitat” should be replaced with “destruction or adverse effects on critical habitat”;
- “Marine birds and migratory” should be replaced with “marine migratory birds”.

EC-14, Page 180, Section 6.1.4.1.3 Attraction to Lights:

[“Under foggy conditions, coastal lighting is more of an influence as birds fly closer to land \(Chaffey 2003, Weir 1976, Blomqvist and Peterz 1984\). Routine checks for stranded birds will be recorded and reported and a release program of birds affected by light will be implemented.”](#)

In offshore areas, coastal lighting is sufficiently distant as to be of negligible effect on seabird attractiveness in fog. Light provided by ships is likely to be of greater influence in the survey area. EC-CWS requests to review the protocol for routine checks for stranded birds. The protocol should contain information as to what data will be recorded, how often checks will be done, etc. Please refer to the Williams and Chardine protocol (attached) to help with protocol design.

EC-15, Page 181, Section 6.1.4.1.3 Attraction to Lights, First Paragraph:

“MKI will follow the Leach’s Storm Petrel Mitigation Program developed by Williams and Chardine (1999) (Appendix B) for stranded birds. An Environmental Observer will be assigned on the vessel during seismic surveys and responsible for this activity. All marine observations will be recorded and information will be given to appropriate organizations such as CWS to provide valuable information on the distribution of marine birds off the south coast of Newfoundland.”

EC-CWS notes that it is not clear as to what observations are being recorded, or as to whether the report is actually referring to bird strandings. This should be clarified in the revised version of the environmental assessment report.

EC-16, Page 181, Section 6.1.4.1.3 Attraction to Lights, Second Paragraph:

“The literature indicates there is no measurable effect on marine birds.”

The effect of light attraction on marine birds has not been verified. More data on the distribution and abundance of marine birds in the vicinity of the study area are essential for assessing the accuracy of predictions. Globally significant concentrations of marine birds are known to use the Grand Bank, and may concentrate in the vicinity of the proposed survey area. Data on marine birds are required from the project in order to assess risk and mortality should an accident occur.

EC-17, Page 181, Section 6.1.4.1.3 Attraction to Lights, Second Paragraph:

“However, as some seabirds are attracted to vessels opportunistically, seismic operations will not be delayed until they depart the area before ramping up. Such practice would hamper the entire program considering the attraction birds have for vessels.”

As stated in the EC-CWS reply to the scoping document, mitigation measures related to adverse effects of seismic activities should be identified. Measures should be consistent with the Migratory Bird Convention Act, 1994, the Migratory Bird Regulations, and the Species at Risk Act and with applicable management plans, recovery strategies and action plans. Mitigation should reflect a clear priority on impact avoidance opportunities. The following specific measure could be among those which are considered in preparing a mitigation strategy:

- 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.

EC-18, Page 182, Section 6.1.4.3 Vessel Discharge and Accidental Events, Second Paragraph:

“If a spill occurred and marine birds were impacted, the Williams and Chardine protocol (entitled “The Leach’s Storm-Petrel: General Information and Handling Instruction”) or protocols recommended by the C-NLOPB for handling oiled or standard birds would be followed.”

The Williams and Chardine protocol is not appropriate for dealing with oiled birds, but rather is used for stranded Leach’s Storm-petrels. Since even small spills of oil can have very serious effects on migratory birds, every effort should be taken to ensure that no oil spills occur. The proponent should ensure that all precautions are taken by contractors and staff to prevent fuel leaks from equipment, and that a contingency plan in case of oil spills is prepared. In order to assist proponents in preparing a plan for dealing with an oil spill which would potentially threaten birds, EC-CWS has prepared a guidance document (attached; still in draft form), as well as a sample protocol document used for oiled

birds on beaches. A protocol for handling non-oiled but dead birds found on the vessel is also attached. Please note that a federal permit, under the MBCA, is required for handling migratory birds.

EC-19, Page 182, Section 6.1.4.3 Vessel Discharge and Accidental Events, Third Paragraph:

“The impacts of oil on birds have been well documented (e.g., Hartung 1995); however, no oil from seismic vessel discharge is expected to occur and thus, should not have any severe adverse effects of avifauna.”

See EC-01. Unexpected discharges of oil should be considered in the environmental assessment, and the oil spill response plan for this project should be sent to EC for review.

EC-20, Page 183, Section 6.1.4.4 Monitoring and Follow-up:

“An Environmental Observer will be onboard to record marine bird (and marine mammals) sightings during the program. The protocol will follow CWS’s Standardized Protocols For Pelagic Seabirds Surveys From Moving and Stationary Platforms for the Hydrocarbon Industry: Interim Protocol – June 2006 (Appendix C).”

EC-CWS has attached an updated protocol for pelagic seabird surveys (Gjerdrum et al. 2011), which is a finalized version of the draft protocol listed in the EA report. This final version should be used in the revised EA report.

EC-21, Page 183, Section 6.1.4.4 Monitoring and Follow-up:

“MKI will ensure that CWS is provided field data collection with respect to marine birds.”

In an effort to expedite the process of data exchange, EC-CWS requests that the raw data (pertaining to migratory birds and species at risk) collected from these surveys and summary reports be forwarded in digital format to our office. 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. EC-CWS will not copy, distribute, loan, lease, sell, or use 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.

EC-22, Page 183, Section 6.1.4.4 Monitoring and Follow-up, Table 6.1: Summary of Environmental Assessment for Marine and Migratory Birds (Interactions and Issues):

“Disturbance from vessel noise and lights” should be changed to “Disturbance and death from collisions due to vessel noise and lights”.

EC-23, Page 183, Section 6.1.4.4 Monitoring and Follow-up, Table 6.1: Summary of Environmental Assessment for Marine and Migratory Birds (Impact Analysis):

See comments for EC-16.

EC-24, Page 224, Section 6.5.4 Effects Assessment:

Each of the issues identified earlier in the text for migratory birds in general (e.g. sound, lights, oil, etc.) should be further considered for the Ivory Gull as a species at risk potentially affected by project activity in this area.

EC-25, Page 224, Section 6.5.4.1 Marine and Migratory Bird Species at Risk:

EC-CWS notes that the study area is offshore and that any incidental presence of the Ivory Gull will occur in the offshore during the winter season (i.e. over-wintering in the Study Area).

Please don’t hesitate to contact me should you have any questions regarding our comments.

Sincerely,
Josh