

Environmental Stewardship Branch
6 Bruce Street
Mount Pearl NF A1N 4T3

April 30, 2008

File No.: 4194-10

Ms. Elizabeth Young
Canada Newfoundland Offshore Petroleum Board
Fifth Floor, TD Place
140 Water Street
St. John's, NF A1C 6H6

Dear Ms. Young:

**RE: EA Report - NWest Energy Inc. Western Newfoundland Offshore EAS 2008-084
Area 2008-2015 Seismic Survey Program**

As requested in your letter of March 17, 2008, Environment Canada has reviewed the Environmental Assessment Report for the above noted project. It is understood that NWest is proposing to conduct a 3D seismic program, possibly a 2D seismic program and localized geohazard surveys in the western Newfoundland offshore area from 2008 - 2016.

The following EC comments stem from the department's mandate under the *Migratory Birds Convention Act* (MBCA) and Section 36 of the *Fisheries Act*. Pertinent EC expertise, and related comments, also originate with the *Canadian Environmental Protection Act* (CEPA), the *Canadian Wildlife Act*, and the *Species at Risk Act* as well as *Department of the Environment Act*.

REVIEW COMMENTS

Section 5.1.5 Meteorology and Climate

The report relies on the SEA 2005 for their description of winds, waves, and visibility. They used wind and wave hindcast data from a grid pt off the Port aux Port Peninsula, as the SEA had done, although their area of interest is further to the NE. Since the SEA was prepared the MSC50 hindcast data set has become available (contact Atlantic Climate Centre). The MSC50 has wind and wave hindcast information at a higher resolution of 0.1 degree or about 11 km. It would probably be advisable to look at that.

It would have been preferable to see presentation of some coastal station data for winds, and mention that the AES40 winds are considered representative of one-hour averages at 10 m (standard observations are 10 minute means or less, and include a gust). No mention of local effects near the coast.

Section 5.1.5.3 on Visibility and Fog omits mention of the low visibility in winter due to snow streamers, and says best shipping and flying weather is between Dec through June. This is contrary to the information presented in the SEA Fig 2.16.

Section 5.1.6.2 Waves

This section states that storms most often occur between late-August and October. Perhaps they are referring to tropical cyclones although that was not stated. In fact winter storms produce high winds and waves more often than tropical cyclones. The word southeast in the last sentence of the first paragraph in 5.1.6.2 should have been southwest, and as in the SEA, the sentence should indicate that SW to NE is referred to in a clockwise sense, for the directions from which swell would come.

Section 5.2.2 Marine and Migratory Birds

Overall the section describes the birds in the area well, and the proponent has integrated information provided by CWS during the scoping phase of this assessment.

Coastal Waterfowl

On page 68, it should be noted that the Harlequin Duck is listed as a species of special concern, not a species of concern.

Section 5.2.7 Species at Risk

In the section on Ivory Gull on page 90, its status as a species of special concern on Schedule 1 of the *Species at Risk Act* should be noted. It should also be noted that the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) has listed the Ivory Gull as endangered.

Section 6.1 Environmental Effects of Project Activities on Marine and Migratory Birds

In this section it could be noted that the ramping up procedures used for marine mammals will also likely aid in reducing any effects on marine birds near the vessel during the survey.

Section 6.1.2 Potential Interactions and Issues

In this section it is noted that coastal and marine birds could be affected by a spill due to an accident involving the survey vessel. CWS is also concerned about the potential for dielectric oil to be released from the streamer, and this should be added to this section. According to reports from seismic exploration off Nova Scotia, these leaks do not appear to be rare events. Even small spills of oil can have very serious effects on migratory birds and under the *Migratory Birds Regulations*, "no person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds." Therefore, every effort should be taken to ensure that no oil leaks occur and that a contingency plan in case of oil leaks is prepared. If dielectric oil is dispersible, then supplies of dispersants with application machinery should be available and an approved dispersant application plan should be put into place prior to any seismic activities.

Section 6.1.6 Monitoring and Follow-up

It is stated that the proponent will have an Environmental Observer on board to monitor marine birds. This section indicates that the protocol followed is a version from 2005. Appendix C contains the most recent version of the protocols from 2006. The wording in Section 6.1.6 should be changed to reflect this.

These protocols are a work in progress and we would appreciate feedback from the observers using them in the field. A guide sheet to the pelagic seabirds of Atlantic Canada is available through CWS in Mount Pearl.

A report of the seabird monitoring program, together with any recommended changes, is to be submitted to CWS on a yearly basis.

I trust that this information will be of assistance in your review of this proposal. If you wish to discuss these comments or have further questions, please do not hesitate to contact me at your convenience.

Yours truly,

Original Signed by Glenn Troke

Glenn Troke
Environmental Assessment Coordinator
Environmental Protection Directorate
EPB/NL

Attachment

cc K. Power
S. Zwicker