

Comments required to be addressed for completion of the C-NLOPB Screening Report

1. The EA presents a very thorough review of the potential effects of seismic sounds on marine mammals and sea turtles. It is evident that the proponent is attempting to address comments previously put forward by DFO on this issue (such as separate consideration of sources of noise, consideration of sound impacts on different species, the uncertainty with respect to acoustic modelling and data gaps with respect to both species presence and behavioural effects). Evidence suggests that the likelihood of auditory system damage is low. However, the potential for calling and behavioural disturbance due to seismic activity is well presented and may exist. With the adjacency of petroleum industry activities in the Jeanne d’Arc Basin and surrounding areas, with the number of seismic programs in the area, with the annual occurrence of this activity and with the lack of certainty, the potential for behavioural disturbance and displacement of marine animals due to seismic activity (and discussed in the report) could be better addressed in the assessment of cumulative effects.
2. Ramp-up procedures are only mentioned for the onset of the seismic survey. If for any reason airguns are shut down, ramp-up procedures should be followed prior to recommencing survey operations. Section 2.2.7 on page 8 states that “*Petro-Canada will require that the seismic operator ramp up its airgun array after prolonged periods of shutdown.*” It is not understood what constitutes a “prolonged” period. A specific time period should be given, after which the ramp up process will be required.
3. The list of mitigations should involve continuous firing of one gun during vessel turning for line change. The C-NLOPB will require the following during line changes: *the seismic airgun array shall be reduced to a single airgun and the airgun shall remain active during the line change. If for any reason, the airgun is shut down for a period greater than 30 minutes, then ramp-up procedures shall be implemented as per the Geophysical, Geological, Environmental and Geotechnical Program Guidelines.* .
4. It is understood that the project-specific starts dates are not included in the EA report, a clarification on when program areas will commence should be provided.
5. The timing of the program may overlap with fishing activity and some species’ spawning period (e.g. cod, crab, and flounder). Please clarify or confirm that spawning times of these species have been considered in the effects assessment.
6. The EA Report states that through the consultation process, recommendations were made for communication to fishers through the “Union Forum” about project activities. Please clarify if these communications in the “Union Forum” were initiated.
7. The “Transit Route,” including a transit route analysis that considers active fishing the area, from St. John’s to the Study Area, as part of the project activities, should be provided to the C-NLOPB at least 5 days before commencement of survey activities. Also, please confirm that communication will be ongoing during this activity.
8. Section 5.6.5.2 discusses the potential for leakage from streamers. Although it states that solid streamers are to be used in 2007, in future years when solid streamers may not be used, what contingency plans will be in place to respond to leakage from streamers?

Additional Comments

9. CWS has developed a pelagic seabird monitoring protocol that is recommended for all offshore projects. Two versions of the protocol are available from the CWS one of which is for experienced observers. These protocols are a work in progress and feedback should be provided 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, should be submitted to the CWS on a yearly basis.
10. The document states that the crab survey only lasts 24-48 hours. That is actually the time it generally takes each vessel to perform the survey. However, all vessels involved are not simultaneously conducting the survey
11. Although there is a lot of discussion in the “Effects Assessment” section of the EA Report, a paragraph or two summarizing results of studies discussed would support the non significant effect conclusion.
12. Petro-Canada’s environmental management system and its components (Section 5.3.14 of the Scoping Document) are discussed throughout the document; however, it would be useful to provide a summary in the EA Report.
13. *Section 2.2.12 Accidental Events*
More information should be provided in this section as outlined in Section 5.3.12 of the Scoping Document.
14. *Section 4.5.9 Industry and DFO Science Surveys*
Figure 4.37 on page 98 is not readable.
15. *Section 4.6 Seabirds*
There is a discrepancy in the numbers of Puffins found at Witless Bay in the report. The number reported on page 99 (216 000) does not match that presented in Table 4.16 on page 102 (272 729). In addition, Figure 4.38 states “Quidi Vidi Harbour” instead of “Quidi Vidi Lake”.
16. *Section 4.7.1.2 Species Profiles*
Table 4.19, page 117 and Table 4.20, page 118 does not list the North Atlantic right whale, yet it is discussed on page 120.

Page 124, True Seals. There are only three species listed in tables and discussed in the EA Report.
17. *Section 5.6.5.3 Attractions to Lights on Ships*
The report documenting stranded birds should be delivered to the Canadian Wildlife Service (CWS) at the end of the fiscal year (March 31), not at the end of the calendar year.

The following information is provided for project planning and questions should be directed at the applicable government agency.

Meeting the requirements of the federal *Fisheries Act* is mandatory. Subsection 36(3) of the *Act* specifies that unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water.

Migratory birds, their nests, eggs, and young are protected under the *Migratory Birds Convention Act* and *Regulations* and compliance with the *Migratory Birds Convention Act* and *Regulations* is expected during all project phases. Migratory birds include those species listed in the CWS Occasional Paper *Birds protected in Canada under the Migratory Birds Convention Act*.

Under the *Migratory Birds Convention Act* and *Regulations*, no person shall deposit or permit to be deposited oil, oily wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds. In addition, no person shall disturb, destroy, or take a nest, egg, nest shelter, eider duck shelter or duck box of a migratory bird.

The *Canadian Environmental Protection Act* (CEPA) enables protection of the environment, and human life and health, through the establishment of environmental quality objectives, guidelines and codes of practice, and the regulation of toxic substances, emissions and discharges from federal facilities, international air pollution, and ocean dumping.