

## **General Comments**

### ***Commercial Fisheries***

Commercial Fisheries are considered to be a valued ecosystem component (VEC) in Section 6.3, however, recreational fisheries are not considered to be a VEC. Recreational fishing is mentioned in Section 8.3 (Cumulative Effects of the Project) however it is unclear as to what level the area is used for recreational fishing. Communication with commercial fishers has been identified as a proposed mitigative measure in Table 8.1 (Summary of Mitigation Measures). Communication with recreational fishers or other site users (such as recreational boaters) was not explicitly mentioned. A discussion of recreational use of the area should be provided. Also, recreational/subsistence fishers or other recreational water users (e.g. boaters) that may be affected by the project activities area should be included in any advisory/communication effort.

### ***Seabird Colonies***

There are 2 very large Black-legged Kittiwake colonies on the southwestern tip of the peninsula. These colonies lie in the Garden Hill South discovery. There are a number of additional Gull and Tern colonies on the peninsula. This seismic project has an offshore and onshore component (See Section 3.5 pg. 10), however the document does not give exact locations of seismic lines, or areas of transition to land based surveys. Details on how the proponent will operate marine activities in the vicinity of the kittiwake colonies must be outlined. These two colonies are two of the largest kittiwake colonies in western Newfoundland. Although, black-legged kittiwakes are relatively insensitive to short bouts of human disturbance, prolonged disturbance and seismic charges close to the colony have the potential to impact the breeding success of the nesting birds. It would be preferable for seismic activities to take place outside of the breeding season, from mid May to mid August in this area. However, if this is not possible, CWS recommend the following to mitigate impacts from activities:

- 1) Limit boat activity below the colonies where feasible.
- 2) Do not enter the colonies from the land (assuming the seismic lines will continue over cliff edges). Entering the colony will result in the destruction or abandonment of nests.
- 3) When working near the colonies (within 500 m), have a biologist monitor the activity of the colony to assess whether the colony is being repeatedly disturbed. Cease activity if the colony is being repeatedly disturbed.

## **Specific Comments**

### ***Section 5.0: Biological Environment***

The section is almost entirely focused on commercially important species, with very little consideration of the ecological perspective. Given that the EA is attempting to assess potential impacts and that the Project Area is within one of five Large Ocean Management Areas in Canada identified for unique ecological importance, a more ecological view of the Study Area seems warranted. Otherwise, the limitations of the effects assessment should be acknowledged.

This section should include a subsection dedicated to Sensitive and Special Areas, as per other EA documents produced for the NL offshore areas. The Cod Spawning Box is briefly mentioned in subsections 5.2.1 and 5.6.1.15, however there are no mitigations listed to avoid this area even though Figure 5.1 clearly illustrates that the project will overlap a portion of the box. The Western Newfoundland SEA and Amendment (LGL 2006, 2007) should be referenced regarding any mitigations or restrictions concerning the cod box and any other sensitive areas within the Project Area.

DFO has recently released a listing of ecologically and biologically significant areas (EBSAs) in the Gulf of St. Lawrence ([http://www.dfo-mpo.gc.ca/csas/Csas/status/2007/SAR-AS2007\\_016\\_E.pdf](http://www.dfo-mpo.gc.ca/csas/Csas/status/2007/SAR-AS2007_016_E.pdf)). At least one of these areas is adjacent to the study area and should be noted and discussed in the report.

#### ***Section 8.4: Monitoring and Follow-up***

The commitment to a monitoring program for lobster is reasonable given the effects on feeding and serum parameters noted in pilot studies carried out by DFO (Payne et al. 2007. *Can. Tech. Rep. Fish. Aquat. Sci.* 2712: v+46; Payne et al. 2008. *Bioacoustics* 17: 262-265.). The value of a monitoring program also seems especially important given that much of the survey area is fairly shallow water lobster habitat and airguns having fairly high source levels (around 255 dB 0-peak) is planned for use. DFO looks forward to participating in the study design as well as the final study.

## **Environmental Assessment Report Review Comments for Project Planning and Future Environmental Assessments**

### **General Comments**

Newfoundland and Labrador Department of Fisheries and Aquaculture is concerned with the potential disturbances upon the behaviour and distribution of finfish and shellfish, and their associated fisheries. It is noted in Section 7.3 of the report under the mitigation section that:

*“PDIP does not intend to commence seismic acquisition during sensitive fishing seasons, and will work to establish a mutually acceptable schedule with stakeholders. Within that context, seismic acquisition over the Garden Hill South area is most likely to take place during the fall.”*

Fisheries and Aquaculture agree with this strategy and recommend PDIP follow this course of action for all facets of the project. Autumn migrations toward deeper water by species such as lobster, crab, and cod should allow an opportunity to perform shallow water work while minimizing potential impacts upon these resources and their associated fisheries. An important fall pelagic fisheries also occurs in the area. PDIP should consult with fishers prior to conducting surveys to ensure there are no aggregations of fish (i.e., spawning herring).

### **Specific Comments**

**Section 5.2 Commercial Fisheries** - The second paragraph on page 148 refers back to section 5.2 stating “Commercial fishing has been discussed and assessed in detail in subsection 5.2”. In fact, section 5.2 provides only a description of the commercial fisheries within and adjacent to the PDIP areas. The statement should be changed to read “Commercial fishing has been discussed in Subsection 5.2 and assessed in subsection 7.3.2.”

**Section 5.3 Marine-associated Birds** - In **Table 5.7** the categories of Common, Uncommon, Scarce, Rare and Absent should be defined.

**Section 7.3.3 Effects of the Project on Marine-associated Birds** - In the first paragraph in this section, Charadriiformes should be replaced with Charadriidae. Charadriiformes is the order that includes shorebirds, alcids and larids, while Charadriidae is the family that includes shorebirds.

**Section 7.3.3.1 Interaction with Sound** - In the first paragraph, shearwaters are included in a list of birds that feed mostly on the surface of the water. However, shearwaters are reported to regularly dive to depths of 15-30m, and should be removed from this list.

Source:

Shaffer, S. A., Y. Tremblay, H. Weimerskirch, D. Scott, D.R. Thompson, P.M. Sagar, H. Moller, G.A. Taylor, D.G. Foley, B.A. Block, and D.P. Costa. 2006. Migratory

shearwaters integrate oceanic resources across the Pacific Ocean in an endless summer. Proceedings of the National Academy of Sciences of the United States of America. V. 103, No. 34.

**Section 8.1 Mitigations - *Data Collection***

CWS has developed a pelagic seabird monitoring protocol for all offshore projects. One version of the protocol is for experienced observers. These protocols are a work in progress and CWE would appreciate feedback from the observers using them in the field. The protocol and a guide sheet to the pelagic seabirds of Atlantic Canada are 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.