

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

December 16, 2008

File No.: 4194-10

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

Dear Ms. Young:

RE: PDI Production Inc., Seismic Survey, Port au Port, NL

EAS 2007-131B

As requested in your letter of November 3, 2008, Environment Canada has reviewed the Environmental Assessment of the PDI Production Inc. Port au Port Peninsula Ocean Bottom Cable Seismic/VSP Program 2009-2014. 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 5.3 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.

In **Section 7.3.3.1** 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 Mitigation

Data Collection

CWS has developed a pelagic seabird monitoring protocol that we are recommending for all offshore projects. Attached are two versions of the protocol and a blank data sheet. One version of the protocol is for experienced observers. 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.

General Comments

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 both marine and land based 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, we 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.

Species at Risk

If a wildlife species, such as a migratory bird, is listed under SARA, and could be affected by seismic activities, certain steps must be taken to ensure compliance with both SARA and the *Canadian Environmental Assessment Act* (CEAA). SARA amends the definition of "environmental effect" in subsection 2(1) of the CEAA to ensure that assessments always consider potential impacts on listed wildlife species; their critical habitat; or the residences of these species.

SARA requires that the responsible authority for a federal EA notifies in writing and without delay the competent minister(s), if the project being assessed is likely to affect a listed wildlife species or its critical habitat. In addition, any adverse effects of the project on listed species and their critical habitat must be identified. If a project under consideration is implemented, the responsible authority must ensure that measures are taken to avoid or lessen the adverse effects on species at risk and, that these effects are monitored. Mitigation measures must be consistent with recovery strategies and action plans for species at risk.

Additional information on SARA, including a list of species scheduled under the Act, is available at http://www.sararegistry.gc.ca/default_e.cfm.

I trust that this information will be of assistance in your review of this assessment. 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
ESB/NL

cc G. Worthman
 K. Blair