

1. The Port au Port Peninsula is an important area for migratory birds. There are two very large Black-legged Kittiwake colonies on the southwestern tip of the peninsula in the Cape St. George, Big Cove area. Approximately 2000-3000 nesting kittiwakes were counted at these colonies on June 13, 2007. These colonies lie in the Garden Hill South discovery. Disturbance in the form of human presence has been shown to have some negative impact on the breeding success of black-legged kittiwakes. Therefore, disturbance from repeated dynamite charges adjacent to these colonies is expected to have significant impacts. In order to minimize the impact of the project on nesting kittiwakes, CWS recommends that no one enter the colonies, and when working near the colonies (within 500 m), a biologist should be present to monitor kittiwake activity in order to assess whether the colonies are being disturbed. If the project activities are disturbing the colonies, activity should cease in the area until the nestlings have fledged (mid-late August in this area). The CWS should be contacted with regard to this matter to obtain available scientific literature.
2. As part of its commitment to consult with the local population, PDI Production Inc. should contact the Long Range Mountain Regional Economic Development Board as they have set up an Integrated Coastal Management Committee.

The following comments are primarily related to the land-based portion of the seismic survey and are, therefore, outside the scope of the project under the jurisdiction of the C-NLOPB. These comments are offered for your consideration in the land-based portion, and any questions should be directed at the applicable government agency.

Wetlands

As part of its commitment to wetlands conservation, the Federal Government has adopted *The Federal Policy on Wetland Conservation* (FPWC) with its objective to “promote the conservation of Canada’s wetlands to sustain their ecological and socio-economic functions, now and in the future.” In support of this objective, the Federal Government strives for the goal of No Net Loss of wetland function on federal lands or when federal funding is provided. CWS recommends that the goals of the policy be considered in wetland areas, and we recommend that that the hierarchical sequence of mitigation alternatives (avoidance, minimization, and as a last resort, compensation) recommended in FPWC is followed. Avoidance refers to elimination of adverse effects on wetland functions, by altering the siting or modifying the design of a project, and is the preferred option. A copy of the FPWC can be found at: <http://dsp-psd.communication.gc.ca/Collection/CW66-116-1991E.pdf>

Vegetation Removal

Existing vegetation should be preserved where possible and vegetated buffer zones should be maintained as appropriate to protect resources at risk. Where possible, other vegetation could be used to create or restore lost habitat. Vegetative debris should be chipped on-site, away from surface waters, for use as mulch or compost feedstock.

Clearing vegetation will cause disturbance to migratory birds and their habitat. Many species use trees, as well as brush, deadfalls and other low-lying vegetation for nesting, feeding, shelter and cover. This would apply to songbirds throughout the region, as well as waterfowl

in wetland areas. Disturbance of this nature would be most critical during the nesting period; from May to around mid-July in this region. To help reduce the impact of vegetation removal on migratory birds, CWS recommends that if a nest is found:

- The nest site and neighbouring vegetation should be left undisturbed until nesting is completed; and
- Project activities are minimized in the immediate area until nesting is completed.

Erosion and Drainage Control

- Construction activities should be coordinated with seasonal constraints (e.g. time clearing, grubbing and excavation activities to avoid periods of heavy precipitation; avoid sensitive periods for fish and wildlife; shut down and stabilize the work site in accordance with pre-established criteria in advance of the winter season).
- Exposed soil areas should be minimized by limiting the area exposed at any one time, and by limiting the amount of time that any area is exposed. Revegetation of disturbed areas or covering disturbed areas with a thin layer of brush or slash is recommended to prevent erosion. Exposed soil should be stabilized with anti-erosion devices, such as rip rap, filter fabrics, gravel or wood chip mulches.
- A vegetated buffer zone should be maintained, as appropriate, to protect surface waters.
- Erosion prevention and drainage control measures should be installed or implemented prior to any land disturbance. Control devices such as filter fabrics, sediment traps and/or settling ponds should be in place to receive all drainage from areas disturbed by site preparation and any site clearing, grubbing, scarification and general construction activities. Regular maintenance and repair should be undertaken to ensure continued effectiveness of such control devices.

Transport, Storage, Use and Disposal of Petroleum Products and Toxic Substances

- Refueling and maintenance activities should be undertaken on level terrain, at least 30m from any surface water, on a prepared impermeable surface with a collection system to ensure oil, gasoline and hydraulic fluids do not enter surface waters. Waste oil should be disposed of in an approved manner.
- Drums of petroleum products or chemicals should be tightly sealed against corrosion and rust and surrounded by an impermeable barrier in a dry, water-tight building or shed with an impermeable floor.
- In order to ensure that a quick and effective response to a spill event is possible, spill response equipment should be readily available on-site. Response equipment, such as adsorbents and open-ended barrels for collection of cleanup debris, should be stored in an accessible location on-site. Personnel working on the project should be knowledgeable about response procedures. The proponent should consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event.

The proponent should report any spills of petroleum or other hazardous materials to the Environmental Emergencies 24 Hour Report Line (St. John's 709-772-2083; Other areas 1-800-563-9089).

The following information is provided for project planning and any 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 deleterious substances (e.g. lubricating fluids, fuels, etc.) cannot be deposited into water frequented by fish. Drainage from construction and operational drainage must not be harmful to fish.

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.

Prior to project commencement, PDI Production Inc. should submit an “Application for Project Review” including a map of the area to be surveyed, the proposed timing of the project, and the methodology to be used in the offshore survey to:

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Transport Canada
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Telephone: (709) 637-4888 or Fax: (709) 637-4391