



Fisheries and Oceans Pêches et Océans  
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May 18, 2006

Ms. Beth Vardy  
Environmental Analyst  
Canada-Nova Scotia Offshore Petroleum Board  
6<sup>th</sup> Floor, TD Centre  
Halifax, NS  
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Dear Ms. Vardy:

**Re: Scoping Documents for Environmental Assessment – (1) Canadian Superior Seismic Activity on Marauder (EL 2415), Marconi (EL 2416) and Mariner (EL 2409) Blocks and (2) Canadian Superior Exploratory Drilling Activities on Marauder (EL 2415) and Marconi (EL 2416) Blocks**

Thank you for the opportunity to review the scoping documents for the above-referenced seismic and exploratory drilling activities proposed by Canadian Superior Energy Incorporated.

In accordance with the *Canadian Environmental Assessment Act*, Fisheries and Oceans Canada (DFO) has previously determined that it is in possession of specialist or expert information and knowledge necessary to conduct the environmental assessment of both projects. The purpose of this letter is to reiterate the primary areas of interest for DFO in relation to these projects.

As described in previous discussions and the current scoping documents, the proximity of these proposed activities to the Gully Marine Protected Area (MPA) will necessitate a thorough assessment of potential effects on this important ecosystem and compliance with the MPA Regulations. DFO looks forward to the opportunity to work with the CNSOPB and the proponent through the environmental assessment process to ensure that all necessary measures are identified to reduce impacts from exploratory activities in the area. Similarly, the potential interactions with several aquatic species at risk, such as northern bottlenose whales and blue whales, will require careful consideration through the environmental assessment process. In particular, DFO stresses the important requirement to provide specific definitions and evaluations of adverse effects as

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they relate to the legislative requirements of the *Species at Risk Act* and the Gully MPA Regulations under the *Oceans Act*. It is important to note that the definition and consideration of adverse effects in these two contexts differ from those applied more generally to similar projects reviewed under the *Canadian Environmental Assessment Act*.

Given that both of these proposed activities are of a multi-year nature, DFO recommends that explicit criteria and requirements for updating the environmental assessment findings be set and adhered to throughout the life of the projects. As an initial approach, DFO recommends that the proponent commit to reviews and updates on relevant aspects of the environmental assessments in the following cases: (a) new, validated information becomes available (e.g., new scientific advice from DFO); (b) a relevant regulatory change has occurred (e.g., changes to SARA listing; or (c) no activity has occurred within a 12 month period.

In the specific context of the proposed seismic activities, DFO emphasizes the requirement to apply all available information in the assessment of potential effects on invertebrates, marine fish and commercial fisheries in the area. It is also important that findings and associated mitigation measures be updated based on new information and knowledge.

Although DFO concurs that the scope of these environmental assessments should focus on issues such as the proximity to the Gully MPA, Sable Island, and species at risk, our review will consider all issues relevant to the environmental assessments of these projects.

In conclusion, DFO commits to a strong level of involvement in the environmental assessment process for these proposed activities and looks forward to the opportunity to work collaboratively with the CNSOPB, Canadian Superior Energy Incorporated and other interested parties.

Sincerely,

Phil Zamora  
Habitat Management Biologist

cc. D. McDonald  
G. Herbert  
T. Worcester