



Fisheries and Oceans Pêches et Océans
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October 31, 2005

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

Fisheries and Oceans Canada (DFO) has reviewed the document submitted by EnCana entitled **Validity of the June 2001 Environmental Impact Assessment of Exploratory Wells in the Lower Musquodoboit, Huckleberry and Southampton and the November 2002 Environmental Impact Assessment of Exploratory Wells in Margaree, Grand-Pre and Cohasset**. DFO offers the following comments:

- Section 3.1 Species at Risk:
 - Note, under SARA, it is an offence to kill, harm, harass, capture or take an individual.
 - When referring to species now designated "at risk", does this mean species now listed on Schedule 1 of SARA, or species that have received a status through COSEWIC assessment?
- Table 3-1.
 - Atlantic whitefish are unlikely to be found in the study area, and the correct Latin name for this species is *Coregonus huntsmani*.
 - The heading "Common name (relevant population)" is not quite accurate. Some of the location information relates to the range of the species, not to a particular population. For example, for Atlantic cod, "Maritimes" refers to the Maritimes population of cod, but for Blue whale, "Atlantic" refer to the range of the species. Suggest changing column heading to "Common name (relevant population or species range)".

CNSOPB Rec'd	
Date:	OCT 31 2005
Distribution:	
BU / CAP / ET	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
File No:	7140
File No:	75,525.3

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- Section 3.2 New Species at Risk:
 - Terminology: what does "designated a new species at risk" mean? Does this mean the species has been assessed by COSEWIC for the first time, or that it has been listed under SARA? Please be specific.
 - This EA should focus on the effects of drilling (those that are being assessed), not on the effects caused by other sectors.
 - Overall, there is no reasoning or references provided in the EA as to why the potential effects to the species at risk would be negligible.
- Section 4.1 Mitigation
 - The description of SARA prohibitions should include Section 58 (critical habitat). It would also be useful to recognise Section 79 (2) EA requirements in this description.
 - No definitions are provided for "moderate" and "significant" effects to Species at Risk. These should be provided in the EA document so that the difference between the various definitions is understood by all.
 - The description of impact type -
 - The criteria for what constitutes a moderate versus or negligible impact could be better explained in the context of SARA terminology. Section 79 (2) of SARA states: "The person must identify the adverse effects of the project on the listed wildlife species". The actual term "adverse" is not used in this EA and instead "potential impact" is evaluated. If an effect is considered adverse, SARA requires monitoring (e.g. is a "moderate impact" for leatherback considered adverse?).
 - Defining a minor effect as one that generally involves relatively few individuals is inappropriate for Species at Risk assessment. SARA section 32 applies to individuals, therefore, a activity that harms, harasses, captures, takes or kills one individual would contravene this SARA prohibition. Whether or not this effect is significant (e.g. to the survival and recovery of the species) will vary from species to species. Mitigation measures may be required for effects on one or more individuals of a species at risk if that effect is adverse.

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- Northern and Spotted wolffish are currently protected under SARA. The EA states that they are likely present in the project area, but that effects to these species will be negligible. No reasoning is provided in the EA as to why the effects to these species would be negligible. Are species at risk eggs and larvae present in the study area? This part of the Scotial Shelf is typically a hotspot for larval retention depending on time of year. With the information provided in the EA, it is not possible to determine if the effects are likely to harm/kill wolffish and/or their eggs and larvae. If the activity will not result in the harm or mortality of these species, then this should be stated in the EA. If this EA is valid until 2007, then the same statement should be provided for other fish species that could be listed on SARA as threatened or endangered in the future.

If you have any questions please feel free to call me at (902) 426-4692.

Sincerely,



Phil Zamora,

Habitat Management Biologist

Cc. T. Worcester