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October 21, 2005

Ms. Beth Vardy  
Canada-Nova Scotia Offshore Petroleum Board  
1791 Barrington Street  
Halifax, NS B3J 3K9

Dear Ms. Vardy:

**RE: EnCana Exploration Drilling Program EAS 2005-398**  
**Lower Musquodoboit, Margaree, Huckleberry, Grand Pre,**  
**Cohasset Leases**  
**Addendum to Validate 2001 and 2002 EAs**

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As requested in your correspondence dated October 4, 2005, Environment Canada (EC) has reviewed the Addendum, which validates the 2001 and 2002 environmental assessments (EAs) for the above-noted project. Based on the information provided, it is understood that the proponent proposes to drill between two and six exploration wells, and one to two delineation wells per successful exploration well on the Scotian Shelf commencing in October 2005. Drilling would occur on five leases, in water depths ranging from 22 to 65 metres.

A similar exploration drilling program was proposed in 2001, and updated and expanded in 2002. In both 2001 and 2002, EAs, prepared under CNSOPB policy, concluded that the project was not likely to result in significant adverse environmental effects taking into account the identified mitigation. It is understood that the 2001 and 2002 EAs were grandfathered under the *Canadian Environmental Assessment Act* and therefore the proposed 2005 project does not require assessment under this legislation. EC comments on the 2001 and 2002 EAs, as applicable, should be considered in regards to the proposed 2005 program.

### **EC Comments on 2005 Addendum**

#### Species at Risk

The following comments are offered for your consideration in revising the discussion of Species at Risk.

- The Ivory Gull should be added to the list of Species at Risk that may occur in the study area.
- The document states that the Ipswich Sparrow and Roseate Tern are “very unlikely” to be in the study area (Table 4.1). The words “unlikely” or “occasional” would better describe the potential presence of these species, as both may migrate through the study area en route to Sable Island.
- As part of any federally mandated EA, the *Species at Risk Act* (SARA) requires that the adverse effects of a project on listed wildlife species and its critical habitat be identified, mitigated and

monitored (s. 79[2])<sup>1</sup>. The Addendum predicts the effects of the project on species at risk to be insignificant, but does not identify the potential impacts to these species (e.g., impact pathways and interactions).

- The Addendum states that a “permit can be granted for an activity that would otherwise be a SARA offence, as long as measures are taken to minimize the impact, and the activity does not jeopardize the survival or recovery of the species”. The proponent is reminded of the stringency of permitting criteria under SARA and that provision of a permit is subject to the approval of the competent department. Permits also require that:
  - “all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted”; and
  - “all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals” (emphasis added).
- The Addendum states that potential interactions of the project with Species at Risk have been considered and therefore the project has been demonstrated to comply with the General Prohibitions and other sections of SARA (p. 15). As you are aware, as a planning tool, EA cannot guarantee compliance with legislation. Compliance with legislation is the responsibility of the proponent throughout all project activities.

### Cumulative Effects

The Addendum provides a list of EAs conducted by the CNSOPB between 2001 and 2005, but does not discuss potential cumulative effects. It is recommended that additional attention be given to the discussion of cumulative effects, including consideration of any revisions to the Deep Panuke project.

I trust that this information will be of assistance. 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 Friederike Kirstein***

Friederike Kirstein  
Environmental Assessment Section  
Pollution Prevention Division (Atlantic Region)

cc M. Thompson  
B. Jeffrey  
J. Roma  
A. Boyne  
R. Gautreau

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<sup>1</sup> SARA states, “the person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plan” (79(2)).