



Îles-de-la-Madeleine, August 31st 2012

Mr. Darren Hicks
Environmental Analyst
Canada-Newfoundland and Labrador Offshore Petroleum Board

**Re : Ptarmigan Energy Inc. Geophysical Program for Anticosti Basin Offshore
Western Newfoundland and Labrador Environmental Assessment (CEAR 11-01-
65302)**

The St. Lawrence Coalition has been dedicated, for nearly two years, to oil and gas issues in the Gulf of St. Lawrence. We represent over 80 groups from a wide spectrum of activities and over 3850 citizens from all five provinces. While not specifically opposed to the industry, we believe that conditions are not met, for the time being, to open the Gulf of St. Lawrence to oil and gas activities.

We are working to ensure coherent environmental assessments, as well as adequate and meaningful public consultations at all levels of planning. The Gulf of St. Lawrence being a small body of water shared between five provinces, we are also striving for inter-provincial collaboration, particularly in the field of environmental assessments.

**Evaluation of the Ptarmigan Energy Geophysical Program before the conclusions of
the Western Newfoundland Strategic Environmental Assessment Update (SEA Update)**

On April 4th 2012, Ptarmigan Energy submitted a geophysical program to the C-NLOPB. This program consists in 3 367 km of high definition 3D seismic lines as well as over 500 lines of 2D seismic surveys to be performed in the Gulf of St. Lawrence between 2012 and 2021. Then, on July 9th 2012, Ptarmigan Energy submitted to the C-NLOPB an environmental impact study for their proposed seismic program.

It is with great dismay that the St. Lawrence Coalition learned in early April of the tabling of this project, and in early July of the acceptance, for assessment by the Board, of their impact study. This consternation stems from many key points we are certain you will understand:

- For the last two years, we have been hearing extreme concerns all over the Gulf of St. Lawrence, from our members, but also from dozens of other groups, scientists, fishermen, over its opening to the oil industry. The Gulf of Mexico incident certainly

had a role in strengthening these concerns. These concerns warrant special care in the conducting of environmental assessments, care we have yet to find in the current assessment process;

- Following recommendations by the federal Natural Resources minister, Hon. Joe Oliver, by the Newfoundland and Labrador Natural Resources minister, Jerome Kennedy as well as by the federal Environment minister, Hon. Peter Kent, it was decided to update the 2005/2007 Western Newfoundland SEA. This puts a lot of emphasis on the importance of this SEA updating, which should reflect increased scientific knowledge as well as strong public concerns.

This SEA process is designed to give a broad vision before deciding on specific policies and its conclusions will not be known before mid-2013. We thus find it extremely worrying and totally unacceptable to learn that the Ptarmigan seismic project will be evaluated and the Board's final report will probably be released before final conclusions of the SEA update. In the end, this undermines even the credibility of the SEA update, a study that comes from a ministerial request.

The St. Lawrence Coalition recommends to postpone the C-NLOPB assessment of the Ptarmigan Energy Geophysical Program until the final report of the Strategic environmental assessment update is tabled and its conclusions are known.

Norms and procedures framing the C-NLOPB environmental assessment of the Ptarmigan Energy Geophysical Program

The implementation of Bill C-38, on July 6th, 2012, has led to a complete rewrite of *The Canadian Environmental Assessment Act* (CEAA), replacing it with the CEAA 2012. One of the major impacts of this new legislation is to considerably restrict the types of projects that can be submitted to the procedure of environmental assessment¹. From now on, all seismic surveys will be exempted from CEAA environmental assessments.

On the day of the implementation of C-38, all ongoing screenings such as the Ptarmigan Energy seismic project, were cancelled as the Canadian Environmental Assessment Agency registry clearly states in reference to the Ptarmigan project :

“On July 6, 2012, the new Canadian Environmental Assessment Act, 2012 came into force which replaced the former Canadian Environmental Assessment Act. As a result, there is no longer a requirement to complete the environmental assessment of this [Ptarmigan Energy]project.”²

¹ http://www.ecojustice.ca/files/ceaa-backgrounder-1/at_download/file

² <http://www.ceaa-acee.gc.ca/052/details-eng.cfm?pid=67282>

To replace the official CEAA screenings, sections 66-70 of CEAA 2012 now require of federal organisms (ex. C-NLOPB) who must issue permits on federal lands (i.e. Gulf of St. Lawrence) to make sure the project “*is not likely to cause significant adverse environmental effects*” (sect. 67a, CEAA 2012). There are no criterias, guidelines or formal processes to frame these « environmental assessments » which are left entirely to the discretion of organisms such as the C-NLOPB.

The C-NLOPB has announced that it will pursue, on its own, the current Ptarmigan Energy environmental assessment³. Considering the potential impacts of seismic surveys, this is somewhat troubling to us :

- Whereas the former CEAA screenings were framed by strict procedures and guidelines, we have no details of the way the current assessment will be framed by the C-NLOPB. This concern also applies to all future exploratory drilling and seismic projects.
- There are no definitions or guidelines on what is “significant adverse environmental effects”.
- Whereas the former CEAA provided a certain framing for public consultations during the screenings, we have no assurance that C-NLOPB’s own environmental assessments will, in the long-term, maintain an adequate form of public consultation.
- Whereas the former CEAA Act framed the mitigation measures in a legal context, there is no assurance that the C-NLOPB will have the tools to insure that mitigation measures are fully implemented following future in-house assessments.

The St. Lawrence Coalition thus believes that, in order to better serve the public and the environment, formal CEAA assessments should be mandatory for all offshore exploratory drilling and seismic testings. The Coalition also believes that clear guidelines have to be presented by the C-NLOPB in order to give some form of credibility to the current and future C-NLOPB in-house assessments. The legal frame of these in-house assessments will also have to be clarified as their legal value is, for now, far from clear.

The St. Lawrence Coalition recommends that the *Regulations designating physical activities* be amended to include offshore exploratory drilling and seismic surveys.

³ <http://www.cnlopb.nl.ca/environment/abownl.shtml>

The St. Lawrence Coalition recommends that the legal frame as well as the guidelines of the new in-house C-NLOPB environmental assessments be clarified as soon as possible as there are major concerns about to their real value.

Environmental impacts of seismic surveys

The high intensity sound waves produced during seismic surveys do not leave visible traces on the surface of the water. However, among the scientific community, opinion is far from unanimous that they are harmless⁴. Results are constantly accumulating on the potential impacts that seismic surveys can have on numerous species such as marine mammals and commercial fish species. The public, including the commercial fishermen, are very wary of these surveys which, in addition, are often a source of conflict with fishermen's associations.

The high intensity submarine sound waves can directly affect the physical integrity of certain species by causing internal lesions and even death⁵. Behavioural changes are frequently observed with possible consequences on the species' survival rate. In addition, the sound waves generated in the water greatly increase the surrounding sound level hundreds, if not thousands, of kilometres away, interfering with marine mammals that depend on sound for numerous activities such as communication, feeding and travel.

In summary, we think the following points should be addressed by the CNLOPB concerning the Ptarmigan Energy Geophysical Program:

- Delay the Ptarmigan seismic survey assessment until the final report of the Western Newfoundland SEA Update is released;
- An SEA can conclude to the necessity of a partial or full moratorium. If, following the SEA, the Ptarmigan project is allowed to be environmentally assessed, insure adequate and meaningful public participation at all stages of the process (scoping document, impact study, final report);
- Consult with affected communities in other provinces (i.e. Quebec Lower North Shore) and First Nations;
- Clarify the legal frame and the guidelines behind this in-house environmental assessment.

We are confident that you will recognize the importance of the preceding points and see that they are being fully addressed. Oil and gas issues in the Gulf of St. Lawrence are, in the end, a multi-provincial issue of great concern to many people. These people have their eyes

⁴ <http://www.nrdc.org/oceans/files/seismic.pdf>

⁵ <http://www.cnlopb.nl.ca/pdfs/husky/h3dea01.pdf>

turned towards Newfoundland which is leading the way into the Gulf. Let's make sure their concerns are heard.

Best regards,

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