

Comments on Draft Scoping Document for Environmental Assessment of Corridor Exploration:
Lease (1105).

We do not recognize the CNLOPB as a valid body for the coordination and review of environmental assessments:

CNLOPB is biased towards development:

- Offshore Helicopter Safety inquiry identified a conflict of interest inherent in the regulatory structure.
- CNLOPB is a direct economic beneficiary of development.
- Conflict of interest in CNLOPB is amplified for environmental management because the CNLOPB can approve or reject environmental assessments.
- If environmental assessments are approved, the company graduates to the next stage of project development, and CNLOPB collects more money.

CNLOPB lacks environmental expertise:

- None of the CNLOPB board members have any environmental expertise or previous experience.
- The expertise of the CNLOPB's chief environmental has not been made available to the public.
- Wells report found opportunity for regulatory capture.
- The CNLOPB does not develop environmental policies, and it merely issues recommendations which it does not follow up on.

CNLOPB has negligent environmental record:

- CNLOPB does not appreciate risks involved with exploratory and has taken a minimalist approach to environmental assessment. (Screening requirement only)
- The risk of trans-boundary effects should have initiated full public review.
- The risk of trans-boundary effects necessitates Strategic Environmental Assessments which include the whole Gulf.
- In the fall of 2010 a seismic program was initiated at a time when (SARA) Blue Whales, and (COSEWIC) listed cod were in the area. Mitigation would have required the project be postponed until migration of species was complete.
- In the fall of 2010 a seismic program was approved despite opposition from dozens of groups.
- In 2010 a Chevron exploratory drilling program was approved (at depth 1000m deeper than the Gulf of Mexico) before the factors surrounding the BP well were investigated, documented, and appreciated.
- In 2004, and 2007, there were major spills in the CNLOPB offshore area. No public inquiry was launched.
- The CNLOPB has failed to implement recommendations of the Terra Nova full panel review. This includes the failure to accommodate the repeated call for independent environmental monitors.

Environmental Assessments touching on the Gulf of St. Lawrence are outside of CNLOPB Jurisdiction:

- The jurisdiction of the CNLOPB offshore area is limited to project management, and the sharing of revenue.
- The CNLOPB is not mandated to preside over environmental matters of national concern.
- The CNLOPB does not have the jurisdiction to hear environmental assessments for the Gulf of St. Lawrence.
- CNLOPB offshore area does not qualify as an actual delineation.
 1. Offshore resources and the ocean environment belong to the federal government. (1967, 1984 Supreme Court Rulings)
 2. Marine environment is a matter of National Concern. (*Queen vs. Crown Zellerbach 1988*)
 3. The Atlantic Accords are subsequent MOU`s are non-binding on the federation as a whole.
 4. For the CNLOPB offshore area to be an actual jurisdiction it would have entailed constitutional modifications.
 5. Constitutional modification would have to be approved by the other Gulf provinces.
 6. **The Gulf provinces have never recognized the CNLOPB as a body with the national concern.**

Note: This document expresses the views of Magdalen Island Fishermen, and Marilyn Clark.

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