

Dec 21, 2010

Dear C-NLOPB;

Please consider the following comments in regards to proponent's response in Part I: Hebron Comprehensive Study Report. First, I would like to state that I appreciate that the proponent is considering mitigation for seabirds with respect to lighting.

Comment 112. Flaring and seabird species. The proponent notes "Also, the height of the flare (approximately 98 to 108 m above sea level) is much higher than the altitude that Leach's Storm-petrels (and Dovekies) typically fly (B. Mactavish, LGL, pers. comm.)" While this is an interesting observation, presumably, it was made during day light. Until there are detailed data on how birds are behaving at night around platforms, statements such as the one above only demonstrate how little is known. If there are data which can be presented, which were collected at night by repeatable methods, by all means, please present them.

Comment 114. Providing scientific certainty and probability of occurrence for each prediction. In the current EA, each phase, rather than each prediction is provided with a confidence level rating and scientific certainty. I am very concerned about the change in formatting between White Rose and Hebron EAs. This is the fourth development and production EA for this jurisdiction and each EA has a different approach. One could argue that the different approaches are an improvement on the process. But I would argue that the change between the White Rose EA and the Hebron EA up reduces the available information rather than improves on the process. As the RA, the C-NLOPB should be ensuring consistency and improvement for each EA. This current change is not an improvement. The proponent's response, "This is consistent with guidance provided by the CEA Agency (CEA Agency 1994) and represents a comprehensive level of certainty for each effect that occurs within that Project phase." does not answer why there was a change. It is very important to understand which predictions do not have strong scientific certainty and link these predictions to a follow-up program. By providing an overall rating for each phase does not allow the C-NLOPB, as the RA to make these clear linkages; nor does it allow the public to understand how predictions were linked to follow-up programs.

Comment 114. Presentation of oil sheen data. The data I was requesting are oil sheens which occur with the legal discharges of oil content of produced water. The proponent's response "*The CSR concluded that, aside from accidental events (e.g., oil spills) (see Section 14.1.3), sheens are unlikely to occur from routine Project operations.*" does not address my request that oil sheen data are presented in the EA. To reach such a conclusion that something is unlikely to occur requires data. Based on past correspondence with the C-NLOPB, it is my understanding that the operators are required to collect such data. An EA where predictions are being generated based on data not presented is problematic.

Comment 120. Spills, follow-up to spills and associated data related to spills. I requested that the following information be included in the EA "...paragraph which discusses small spills known to originate from all production platforms in the CNLOPB's jurisdiction, the frequency of these spills *and* follow-up on them especially regarding persistence & size. Information should be provided on whether attempts were made to contain/clean up small spills from platforms and how the impacts of these small spills on seabirds were assessed and by whom (i.e., CWS or operator). If data on estimated mortality associated with small spills were not obtained, it should be discussed why this was not possible."

I understand that the oil spill section is forthcoming, but based on the proponent's response, I assume they will not be providing data on how spills were assessed: persistence & size (spatially, not quantity spilled), on whether attempts were made to contain/clean up small spills from platforms and how the impacts of these small spills on seabirds were assessed and by whom. Predicting future impacts without using past data is not good EA practice. If the proponent does not want to disclose those data, then they should just state it. However, as RA, I think the C-NLOPB should require the proponent to provide these very important and relevant data for this EA.

Comment 108. Re: use of data not presented in the EA. The proponent uses data from seismic surveys to support several of their responses regarding issue of attraction to light/flares. These data (e.g., T. Lang personal communication) should be summarized and presented in the

EA (at the very least as an appendix), or the reports with the data should be readily available to the public (e.g., on C-NLOPB's website). Then when the proponent uses a phrase such as "large scale stranding" the public may have some understanding as to the scale at which they are referring (e.g., what constitutes a large scale stranding).

Kind Regards and Happy Holidays,

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