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Friday, August 27, 2010

Elizabeth Young
Environmental Assessment Officer
Canada-Newfoundland and Labrador Offshore Petroleum Board
140 Water Street, 4th Floor
St. John's, NL A1C 6H6

Dear Elizabeth,

Thank you for providing the **Hebron Project** Comprehensive Study Report and associated documents for review. While we are generally supportive of the proposed project we have to balance that support with our responsibility to protect the interests of our fish harvester and plant worker membership and the health of our ocean for future generations.

Fundamentally, the overall project will impact fish harvesters both in Trinity Bay and the offshore. The nearshore component of the project will result in some loss of fishing grounds to harvesters in Trinity Bay. It needs to be noted that accessing alternate fishing grounds can be problematic when considering the traditional nature of the fishery in Newfoundland. Harvesters fish where their forefathers fished, particularly lobster grounds. Fishing alternate grounds generally means that they are infringing on another harvester's "territory". As well, commercial species are not distributed equally in bays and coves. Therefore, the impacts of project-related activities in the next few years will have an impact on many harvesters in Trinity Bay, that is, not just those in the communities adjacent to construction activities. All Trinity Bay harvesters will be subjected to increased risk of gear/vessel loss and damage, accidental spills, as well as reduced safety on the water, access to fishing grounds, and catch rates as a result of this project. As well, similar impacts will be faced by offshore harvesters with quotas to fish in NAFO Division 3L as offshore development begins.

Additionally, I would like to bring to your attention to a few specific aspects of the report.

1. Establishing a Fisheries Liaison Committee with adequate fish harvester representation will be key in the coming months to enable appropriate consultation with affected harvesters as the project proceeds (Section 8.5.1.1). Involving harvesters in the development of an Environmental Effects Monitoring program prior to the start of construction at the site will also provide opportunity for collaboration (Section 15.1.1).

2. Construction of the proposed Gravity Based Structure in Trinity Bay will have an impact on the environment in the bay and more specifically fish habitat. Concerns from fish harvesters have been duly noted in the report (Section 5.3.1.2) with respect to dredging, blasting, debris, discharges, dumping, accidental spills, construction related noise and lighting. It needs to be

reiterated however that construction activity will also impact catchability, and therefore profitability, for fish harvesters.

3. It should be noted that lobster catches have been on the increase in Trinity Bay (Lobster Fishing Area 6) over the past number of years (Section 8.3.1.6). Harvesters attribute increased catches to the conservation measures, such as v-notching, that they have been involved with since the mid 1990s. DFO statistical information up to 2009 has been based on buyer slips (lobster sales to buyers). A mandatory logbook was introduced for the 2010 lobster season which will provide a more accurate representation of actual lobster catches in the ensuing years.

4. The future fisheries (Section 8.4.1.2) section was nominal in the study report. Snow crab (Section 8.3.2.7) harvesters have been prospecting in recent years and have explored many new areas as the resource seemed to be moving further inshore. In 2010, harvesters are also reporting fishing in shallower depths for crab. Furthermore, the 2010 Science Advisory Report (in press) states a recent increase in the exploitable biomass of the 3LNO stock as well as increased recruitment that is expected to increase further over the next two to three years. As mentioned in the report, any DFO changes to quota area allocation boundaries would also impact fishing activity within the Jeanne d'Arc Basin of the Grand Banks. Lost harvesting grounds from the offshore component of this development could be more significant in the coming years (Section 5.3.2.2). The operator should consult with the fishing industry on a regular basis to keep up to date with snow crab fishing trends.

5. Also with respect to future fisheries (Section 8.3.2.7), information presented at RAP meetings in 2009 and 2010 indicated that there are increasing signs of cod (Section 8.3.2.3) in the offshore with scope for more recovery. The 2010 Assessment of Northern (2J3KL) Cod (Science Advisory Report) noted that the annual DFO trawl surveys indicated an eight fold increase in the spawning stock biomass from 2004 to 2008. A commercial fishery for Atlantic cod on the Flemish Cap (an adjacent, NAFO-regulated stock) opened in 2010. The resumption of offshore groundfish fisheries would significantly alter fishing patterns and activities within the Jean d'Arc Basin of the Grand Banks and have an impact on fishing enterprises. Again, the fishing industry should be regularly consulted to keep apprised of fishing trends.

6. The establishment of a Safety Zone (Section 8.5.1.1) at the Great Mosquito Cove site, and later at the deepwater site in the bay will result in a loss of fishing grounds to harvesters in Trinity Bay. This is significant for inshore harvesters in Trinity Bay as previously discussed.

7. While the designation of a traffic lane for project related vessels in Trinity Bay and the associated proposed provisions such as communication protocols and speed reductions in designated areas are essential mitigation measures to reduce interference with harvesting activities (Section 8.5.1.1) it should be noted that crab (pots) and cod (gillnets) are fished in deeper water, likely where the proposed Designated Traffic Lane will be re-established in Trinity Bay. Project-related vessels that enter the bay should be aware that there may be fishing ongoing in the Traffic Lane. Similarly, there is also the possibility for gear conflicts.

8. The FFAW and its members are very concerned about the potential of aquatic invasive species, such as green crab, infesting our bays and coastal waters. The additional vessel traffic associated with the construction of the Gravity Based Structure in Trinity Bay may potentially lead to the

introduction of unwanted aquatic invasive species. The green crab species that has become resident in areas of Placentia Bay for example has destroyed eel grass beds and competes with native crab and lobster species for food. The potential for the introduction of aquatic invasive species in the area was not mentioned at all in the Hebron Study Comprehensive Study Report document. The FFAW strongly encourages the company to consider and detail the mitigation strategies that the contracting marine vessel companies will need to follow to prevent the introduction of aquatic invasive species in Trinity Bay. Furthermore, the FFAW calls upon the various regulatory bodies to be very stringent regarding any ballast water exchange plans proposed by the company and ensure vessels follow proper ballast water management practices. As well, aquatic invasive species should be incorporated into the nearshore Environmental Effects Monitoring program.

The FFAW and affected fish harvesters are eager to work collaboratively with ExxonMobil Canada Properties to ensure that the nearshore and offshore components of the overall Hebron Project are successful and that everyone shares in the prosperity it hopes to create. I thank you for providing an opportunity for the FFAW/CAW to comment on the Hebron project Comprehensive Study Report. If you have any questions or comments please feel free to contact me.

Sincerely,

Robyn Saunders

Robyn Saunders
Petroleum Industry Liaison