

August 10, 2010

Dear Chair Ruelokke;

Upon reviewing the Hebron Development Project Draft Comprehensive Study Report provided to the public, several issues come up which are related to the EA process, and hence should be answered by the RA/Regulator, not the proponent. I am requesting a public response to each of the items listed below from the C-NLOPB, in its dual role as the Responsible Authority in the Hebron EA process and as the Regulator of offshore oil and gas activities in NL. I consider this document a submission to the Hebron EA process, but have also provided separate comments on various aspects of the EA itself.

- 1. Updated Offshore Waste Treatment Guidelines. Projects should not be permitted to proceed unless the offshore waste treatment guidelines are up to date. The guidelines should have been updated in 2007, yet operators are working off of 2002 guidelines (as of Aug 5, 2010, this is what is on the C-NLOPB's website).**
- 2. What is the response of the Regulator if the operator exceeds spill predictions? It must be clearly stated, on your website. It must also be addressed as to why the Regulator doesn't fine *all* spills occurring in the offshore area associated with oil and gas extraction activities and directly apply those monies to conservation efforts of seabirds, the most Valued Ecosystem Component affected by oil pollution.**
- 3. Why hasn't the C-NLOPB presented data on the estimated impact of spills and the success or lack thereof, of containing spills which have occurred in its jurisdiction?**
- 4. In the Hebron CSR under section Spill Response Escalation, it is noted that "*The parameters to be considered in selecting the appropriate level of response include: Size and nature of the spill.*" (pg 14-40). Does the C-NLOPB require a response to ALL spills, or only those above a certain size? I note that in Table 14-20, there is no mention of measuring the impact of a spill upon the environment (pg 14-41). Does the C-NLOPB require an evaluation of the impact for ALL spills, or only those of a certain size? If it does require an evaluation of the environmental impact of a spill – what are the parameters that must be measured? Exactly what parties are involved in this evaluation?**

5. **What is the regulator's response if the project exceeds their flaring quotas? I would suggest that the Regulator require the operators to provide funds specific to seabird conservation if they exceed flare quotas in addition to any other requirements in place. The funding model should be based on the time spent flaring over quota at low light levels (e.g., \$100/minute).**
6. **9-36 Habitat Quality, Offshore, Lighting. *"Young-of-the-year birds appear to be more susceptible to light attraction than are adults, but the extent of Storm-Petrel susceptibility is unclear."* This issue has been outstanding since the Terra Nova EA in 1997. This is a clear example of the failure of the Regulator and Responsible Authority, the C-NLOPB, to properly protect migratory birds. The Hebron project should not be allowed to proceed unless it clearly contributes towards further addressing this issue of the attraction of seabirds to light and flares from offshore oil and gas extraction activities. Salvaging birds does not contribute towards an understanding the issue of attraction.**

Kind Regards,

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