

The Alder Institute

General Delivery, Tors Cove, Newfoundland and Labrador, Canada A0A 4A0

June 9, 2017

Canada-Newfoundland and Labrador Offshore Petroleum Board
5th Floor, TD Place
140 Water Street
St. John's, NL
A1C 6H6
c/o Environmental Analyst

Re: Call for Public Comment on proposed Amendment by Husky Oil to their delineation/exploration drilling program for the Jeanne d'Arc Basin area

In 2007 an initial EA was tabled for a delineation/exploration drilling program for the Jeanne D'Arc Basin area (LGL 2007). Husky Oil is now proposing an extension of three years for this program based on extending approval for the original 2007 EA. The 2007 EA states clearly that "Seabirds are unequivocally the marine biota most at risk from accidental events resulting in releases of hydrocarbons." and acknowledges the importance of the Grand Banks to seabirds. Our comments will focus on the risks for seabirds posed by the proposed amendment.

Approval of the 2007 EA ten years ago was provided in a context in which assumptions of negligible or low environmental effects on seabirds off Newfoundland and Labrador from offshore oil and gas extraction had been supported through decades by sustaining uncertainty (Fraser & Russell 2016). A state of cultured ignorance if you will.

For example, the unsubstantiated assumption that chronic sheens around rigs resulting from routine operations do not pose serious risks to marine birds has been based for decades on the absence of data to prove otherwise. Since the 2007 EA new research has shown that this assumption is no longer tenable. Morandin and O'Hara (2016) found that ocean disposal of operational discharges, including produced water meeting the Waste Treatment Guidelines, produces sheens around offshore oil platforms in Atlantic Canada that kill marine birds.

Despite overturning the shocking assumption that operational discharge sheens in the waters around oil rigs do not pose serious risks to marine birds Morandin and O'Hara were not able to estimate the frequency and extent of occurrence of these sheens due to the monitoring practices in place. Monitoring practices have failed to collect the data required to properly assess this risk. This failure contributes to sustaining uncertainty.

Issues surrounding the risks from flaring to marine birds attracted by lights remain outstanding.

What are the probabilities of various species of marine birds encountering operational sheens? What are the probabilities of various species of marine birds encountering flares? After over sixty-five years of oil and gas activity on the Grand Banks we still don't know the answer to these questions. The unquantified attraction of marine birds and other fauna to offshore platforms continues to be encouraged by marine discharges of sanitary and domestic wastes. The nutrient enrichment of platform environments in turn leads to unquantified increased risks of predation and encounters with hazardous waste and flaring.

Section 3.5.3 Shorebase Facilities of the 2007 EA and the 2017 EA Amendment make no mention of Bay Bulls Harbour, adjacent to the Witless Bay Ecological Reserve. Neither is this reserve, a globally important seabird breeding area, included in the Project Area. On the contrary it is pointed out how far away it is. However, in April/May of this year a drill rig used in Newfoundland's offshore was parked for weeks outside Bay Bulls Harbour in plain site of globally important nesting concentrations of Leach's Storm-Petrels and other marine birds during the breeding season. The lights of the rig were clearly observed at night from Tors Cove.

The 2017 Amendment acknowledges recent declines in Leach's Storm-petrel populations in Newfoundland but only refers to risks to these populations from accidental events, not operational discharges that would include flaring and increased rates of predation due to attraction to the platforms. The detectability of these incidental potential mortalities remains unknown. The 2017 Amendment provides no new discussion of the seabird literature as it pertains to the risks they encounter from offshore oil and gas activity. There is no discussion of the work by Morandin and O'Hara confirming that operational discharges are permitted which kill marine birds in direct contravention of the Migratory Bird Convention Act. There is no review of or presentation of data or research on the risks to Leach's Storm-Petrels and other birds attracted by light of flaring.

There is a striking absence of modeling efforts applied to support EA predictions on the interactions between seabirds and oil industry activity in this region.

Throughout 65 years of oil exploration and development off the coast of NL seabirds have been a prominent VEC of concern. A series of high profile megaproject EAs have consistently concluded that the negative environmental effects on seabirds of these projects are negligible or low. Important questions raised repeatedly with respect to offshore oil and gas activities and the risks to marine birds over the decades remain unanswered (i.e. Wiese et al 2001).

The CNLOPB continues to be saddled with a mandate that puts it in a conflict of interest with respect to regulating offshore oil and gas environmental protection

and environmental effects and compliance monitoring. This is not a scientifically defensible nor wise situation to be in.

Proceeding in the face of uncertainty is a form of risk taking. Offshore oil development in Canada is subject to a resource management regime claiming to be science based and guided by the Precautionary Principle serving a population that claims to value environmental health. Presently there is a concerning array and extent of environmental change and a concerning decline specifically in populations of Leach's Storm-Petrels. In such a context it is worthy to note that Canada's claims to rely on science to inform its resource management decisions while being guided by the Precautionary Principle. Allowing the status quo to continue i.e. allowing the proposed Amendment based on the 2007 EA, flies in the face of these claims.

A revamped methodology to oversee, assess and monitor the risks of future oil and gas activity on the Grand Banks is required. We ask that the 2017 Husky EA Amendment proposal be used as an opportunity to start this process.

We request detailed information on what use, if any, rigs contracted by Husky for this project make of Bay Bulls Harbour and if so, that Bay Bulls and the Witless Bay Ecological Reserve be included in the Project Area.

Until outstanding concerns around the attraction of marine birds to oil platforms and flares and the risks they encounter once attracted are addressed we request that Husky's request to extend the delineation/exploration drilling program for the Jeanne d'Arc Basin area be denied and subjected to a new EA process overseen directly by Environment Canada and subject to complete and transparent public access and review.

Sincerely,

Janet Russell

References Cited

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