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September 27, 2013

**Re: CPAWS' comments on "Western Newfoundland and Labrador Offshore Area: Strategic Environmental Assessment Update (Draft)"**

Dear Sir/Madam:

The Canadian Parks and Wilderness Society (CPAWS) is pleased to submit comments on the Western Newfoundland and Labrador Offshore Area Strategic Environmental Assessment Update (Draft) focused on protected areas, which are addressed in Sections 4.2.4 and 5.4 of the report, and particularly on Gros Morne National Park and World Heritage Site.

About CPAWS:

CPAWS is a national charitable conservation organization focused on protecting Canada's parks and wilderness. For 50 years we have been instrumental in supporting the creation and sound management of Canada's parks and protected areas. We have 13 chapters across Canada, including one in Newfoundland and Labrador, as well as a national office in Ottawa, Ontario.

**1. Gros Morne National Park and World Heritage Site**

CPAWS has very serious concerns about the potential impact of oil exploration and development activities near Gros Morne National Park on the ecological integrity of the park, on its World Heritage values, as well as on the sustainable tourism economy that has been built around Gros Morne over 40 years based on the exceptional natural beauty of Gros Morne. The ecological, cultural and economic values of Gros Morne are well documented in Parks Canada's submission to the SEA.

The draft SEA deals with Gros Morne National Park in a very cursory way, only dedicating a few paragraphs to this globally significant protected area and omitting several of the federal government's legal and international responsibilities. Given that Canada's national parks are among our most important symbols of Canadian identity, as well as one of the primary tools we have to conserve biodiversity, this minimal attention to parks does not reflect their significance to Canadians or their importance to environmental protection.

Table 4.79 (page 270) describes the key characteristics and features of Gros Morne. The report states that Gros Morne's World Heritage status is based on its geological history. However, this is incomplete information. Gros Morne's designation as a UNESCO World Heritage Site is in fact based on two criteria:

- *Criterion (vii)*: Gros Morne National Park, an outstanding wilderness environment of spectacular landlocked, freshwater fjords and glacier-scoured headlands in an ocean setting, is an area of exceptional natural beauty.
- *Criterion (viii)*: The rocks of Gros Morne National Park collectively present an internationally significant illustration of the process of continental drift along the eastern coast of North America and contribute greatly to the body of knowledge and understanding of plate tectonics and the geological evolution of ancient mountain belts. In glacier-scoured highlands and spectacular fjords, glaciation has made visible the park's many geological features.<sup>1</sup>

CPAWS is very concerned that proposed oil exploration and development proposals in the vicinity of Gros Morne would have a significant negative impact on its wilderness environment and exceptional natural beauty, and could jeopardize its World Heritage values and status.

The UNESCO World Heritage Committee shares our concern. At their annual meeting in June 2013 in Cambodia, the Committee formally expressed its concern about the impact of proposals to drill and frack for oil near Gros Morne on the park's Outstanding Universal Values and signalled its interest in sending a monitoring mission to Canada to further investigate (see Decision 37 COM 7B.18<sup>2</sup>, attached). It is our view that petroleum exploration and development activities on the west coast of NL could have a significant impact on the "outstanding universal values" of the site.

As a signatory to the World Heritage Convention, Canada has a duty to protect the World Heritage Sites within our borders on behalf of the entire world, and to transmit this heritage to future. UNESCO has the authority to de-list World Heritage Sites if these values are

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<sup>1</sup> <http://whc.unesco.org/en/list/419>

<sup>2</sup> <http://whc.unesco.org/archive/2013/whc13-37com-20-en.pdf>

compromised. In the case of Gros Morne, this could have a devastating impact on the local sustainable tourism economy.

There is enormous concern being expressed by citizens and businesses in the Gros Morne area and from across Canada about the impact of petroleum development on the park and the livelihoods it sustains.

**Recommendation:**

Table 4.79 of the SEA should be amended to accurately include both criteria vii and viii for which Gros Morne was designated a UNESCO World Heritage Site.

The SEA should recommend that a buffer zone be established around Gros Morne National Park that is permanently protected from industrial development, including all petroleum exploration and development activities.

## **2. Protecting national park ecological integrity**

The federal government is required, under s8.2 of the Canada National Parks Act, to manage national parks to maintain and restore their ecological integrity as a first priority. This clause sets the legal standard for protecting the long term health of the national park's ecosystems. And yet this federal legislative requirement is not mentioned in section 4.2.4.1 the SEA.

**Recommendation:** The SEA should be amended to include the federal government's legislative requirement to maintain and restore the ecological integrity of national parks as a first priority, and to assess the impact of petroleum exploration and development activities on this legal mandate.

## **3. Status of Canada's marine protected areas network**

While the SEA describes the existing and currently proposed marine protected areas (areas of interest) in the Gulf of St. Lawrence region, it doesn't acknowledge that Canada is only just beginning work on creating our network of marine protected areas. Currently only 1% of our oceans are protected, while Canada has committed under the Convention on Biological Diversity to protecting at least 10% of our marine and coastal areas by 2020<sup>3</sup>. The federal, provincial and territorial governments have developed a policy framework to guide their work

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<sup>3</sup> <http://www.cbd.int/sp/default.shtml>

on establishing networks of marine protected areas, through bioregional planning. The Gulf of St. Lawrence is identified as a bioregion in the plan.<sup>4</sup> Petroleum development could foreclose the opportunity to protect important marine areas if it advances ahead of the identification and establishment of bioregional networks of marine protected areas.

**Recommendation:** The National Framework for Canada’s Network of Marine Protected Areas as well as Canada’s commitments under the International Convention on Biological Diversity should be included in the SEA. The SEA should recommend that the Gulf of St. Lawrence be prioritized for planning and establishing a network of marine protected areas. This work should be done prior to issuing licenses for petroleum exploration and development so that areas of high conservation value are not compromised prior to their protection

#### 4. CPAWS Special Marine Areas

On page 286 there is section dedicated to a CPAWS NL Chapter report on special marine areas.<sup>5</sup> While we are pleased to see the results of this report incorporated into the SEA, there are a few statements in the section that are misleading or could be misinterpreted.

We would like to emphasize that this report was prepared to start to identify marine areas of significance in NL in order to raise awareness and contribute to policy and planning discussions related to marine conservation and protection in NL. The areas were identified based on input from governments, First Nations, academics, non-governmental organizations and community members, as well as data from academic, government and community literature.

The statement in the draft SEA that CPAWS has no regulatory authority is unnecessary. There is no attempt in the report or elsewhere to claim any regulatory authority – this is clearly not our role as an NGO.

The statement that we do not propose protection boundaries is misleading. While this report does not propose protection boundaries, CPAWS frequently proposes boundaries for protected areas.

**Recommendation:** Amend the statement that we do not propose protection boundaries to be clear that this report does not propose specific boundaries for protected areas.

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<sup>4</sup><http://www.dfo-mpo.gc.ca/oceans/publications/dmpaf-eczpm/docs/framework-cadre2011-eng.pdf>

<sup>5</sup>[http://cpaws.org/uploads/pubs/report\\_nlmarineguide.pdf](http://cpaws.org/uploads/pubs/report_nlmarineguide.pdf)

**Summary and conclusions:**

We note that the draft report does not include a section on summary and conclusions. We are concerned that recommendations and conclusions will only be included in the final report. Given there is no indication at this point of further consultations on this report, this would preclude the public from having an opportunity to scrutinize and comment on what could be of enormous importance to the future of the west coast of Newfoundland, communities and ecosystems around the entire Gulf of St. Lawrence, and to Canadians generally. We urge you to ensure that the recommendations and conclusions of the SEA are subject to fulsome public review and comment.

We appreciate the opportunity to comment on the SEA, and look forward to commenting on the final conclusions and recommendations of the report.

Sincerely,



Alison Woodley

National Director, Parks Program

**Decision: 37 COM 7B.18**

The World Heritage Committee,

1. Having examined Document WHC-13/37.COM/7B.Add,
2. Notes with serious concern the plans to drill and hydraulically fracture (frack) three onshore-to-offshore test wells in the immediate vicinity of the property which could impact the Outstanding Universal Value (OUV) and in particular the integrity of the property as a result of pollution, industrial infrastructure and shocks to geological formations;
3. Urges the State Party to complete the Environmental Impact Assessment process to review the potential impacts on the OUV of the property and to submit a copy of the EIA to the World Heritage Centre, in accordance with Paragraph 172 of the *Operational Guidelines*, prior to making any decisions that would be difficult to reverse;
4. Requests the State Party to invite a joint World Heritage Centre/IUCN reactive monitoring mission to the property to assess these risks;
5. Also requests the State Party to submit to the World Heritage Centre, by **1 February 2014**, an updated report on the state of conservation of the property, including the conclusions of the environmental assessment process, for consideration by the World Heritage Committee at its 38th Session in 2014.