



1657 Barrington St., Suite 137
Halifax, NS, B3J 2A1
Tel: (902) 444-3113 Fax: (902) 444-3116
email: gretchenf@sierraclub.ca
Website: atlantic.sierraclub.ca
Twitter: SierraClubACC

September 27, 2013

Re: Comments on the Draft Western Newfoundland and Labrador Strategic Environmental Assessment (SEA) Update Report

To whom it may concern:

Please find below recommendations from Sierra Club Canada - Atlantic Canada Chapter on the Draft Western Newfoundland and Labrador Strategic Environmental Assessment (SEA) Update Report. Sierra Club Atlantic is a member-based organization that is dedicating to achieving an Atlantic Canada with dynamic communities, thriving ecosystems, and a prosperous economy entirely powered by renewable energy.

The Canada-Newfoundland and Labrador Offshore Petroleum Board was directed to update this SEA by federal environment Minister Peter Kent in order to address widespread concern that oil and gas exploration and development is not appropriate for the ecologically significant and productive marine ecosystem that is the Gulf of St. Lawrence. The regional consultations performed as part of this SEA were also meant, in part, to address concerns that decisions were being made for one region of the Gulf without adequately consulting all five provinces that bound the Gulf and would be impacted by oil and gas development. Sierra Club participated in the public consultations performed as part of this SEA, and we are pleased to offer recommendations on draft Update Report.

1. The draft report includes information of fish, marine mammals, deep sea corals, and zooplankton that enhance understanding of the significance of this region. We recommend that the report includes actual management measures to protect these ecologically significant features.
2. Because it contains no overall recommendation regarding the appropriateness of oil and gas activities the region under evaluation, the validity of this entire assessment process is questionable. Rather, the draft SEA states the final recommendation of this report will be made *after* opportunities for consultation are complete. We recommend the draft report include a summary recommendation and opportunities for comment are permitted for the validity of this conclusion.
3. As we have stated previously in comments to the C-NLOPB, the consultations performed as part of this SEA were inadequate in scope and well as in terms of the consultation protocol itself. This inadequacy is reflected in the draft report's lack of utilization of a recognized methodology for incorporating the concerns identified during public consultations. The majority of those consulted indicated they were concerned about the impacts of oil and gas on the Gulf. We recommend that the report be corrected to incorporate these concerns in a legitimate manner. Where gaps in consultation are identified, new consultations should be performed.
4. The draft report gives little concrete information on the critical importance of the tourism industry to this region, and the threat that oil and gas exploration and development represents to this industry. The value of fisheries in the region is identified in a more complete way, but the threat to fisheries is minimized. We recommend that the report be improved by including a complete assessment of the value of tourism and a more realistic evaluation of threats to fishing and tourism industries be performed.
5. There are proposals to carry out hydraulic fracturing (also referred to as "fracking") from rigs located

onshore drilling horizontally under the seabed. In our research, we have not identified any other region in the world where sub-sea fracking for oil is taking place. Indeed, an evaluation of fracking was not part of the original scope of this SEA. The impacts on water, air quality, marine life, other industries, and the health of local communities represented by this experimental project are immense and largely unknown. We recommend an arms-length province-wide review of fracking in general and in this region in particular be performed before any permits are issued for fracking in the Western NL Region.

6. We are alarmed that the modeling of an oil spill provided by Corridor Resources as part of its assessment of impacts of drilling at Old Harry, a site within the Western NL regions assessed by this SEA, is inadequate and incomplete. The Department of Fisheries and Oceans has provided in-depth commentary on the flaws of the model, including the lack of incorporation of tides, deep layer currents, daily current data, lack of consideration of cumulative impacts of "small" (< 6 hrs) spills, not using a model developed for deep water (Old Harry is located 470 m, not shallow water), and not modeling a typical oil spill but favouring light oil in its simulations. DFO also points out the model used does not incorporate lessons learned from the disastrous BP spill in the Gulf of Mexico. We recommend an arms-length model of an oil spills be required as part of this SEA. Assessments of oil spills in the Canadian Arctic also include estimates of the percentage of time oil spill response would be impossible due to ice cover. Ice cover in the Gulf would also make standard spill cleanup impossible in certain times and places. Thus, we recommend that the percentage of times and locations where oil spill response would not be possible in the Gulf be provided as part of this regional assessment.

7. Mitigation measures proposed to reduce impacts of activities such as seismic testing and drilling are weak but improvements to proposed mitigation measures are not given. If the proposed mitigation measures do not reduce impacts in any demonstrable way, they are questionable and should not be used to justify proceeding with exploration and development. We recommend a more complete evaluation of a suite of mitigation measures be performed and assessed. If no reduction in impacts on marine life and other industries can be demonstrated by certain mitigation measures, impacts cannot be said to be mitigated or reduced.

Thank-you for your consideration of our recommendations on the Draft Western Newfoundland and Labrador Strategic Environmental Assessment (SEA) Update Report. If you have any comments or require more information, please do not hesitate to contact us.

Sincerely,

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Gretchen Fitzgerald, Director