

Scott Tessier
Chair and CEO
Canada-Newfoundland and Labrador Offshore Petroleum Board Fifth Floor, TD Place
140 Water St.
St. John's, NL A1C 6H6

September 26, 2013

Dear Mr. Tessier:

Re: Draft Strategic Environmental Assessment (SEA) from the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)

I am writing on behalf of the Sunrise Trail Community Development Cooperative - an organization based on the promoting ecologically and socially sustainable community development enterprises along the Northumberland Strait on the north shore of Nova Scotia.

Consultation process and presentation of consultation results

The report fails to document free, prior and informed consent from each of the Aboriginal communities surrounding the Gulf. The C-NLOPB "wrote to various aboriginal communities and organizations" throughout the region to "extend an invitation for them to contact the C-NLOPB if the group had interests related to the SEA Update" (p.368). Sending a letter does not constitute consultation and demonstrates that C-NLOPB has failed in its duty to consult.

Although one of the objectives of the SEA was to explore social impacts, including effects on tourism, the primary tourism organization in Nova Scotia (TIANS) was not notified about stakeholders meetings. Economic impact of a potential major oil spill on tourism and fisheries in 5 provinces is understated, and inadequately researched.

This report does not reflect the overwhelming rejection of the proposed development expressed through written submissions and comments at public consultations. The report does not provide a clear, visual reporting of all of the public comments with accompanying description of how each comment was addressed in the report. Disturbingly, the report refers to wide-ranging and diverse comments, but avoids any statement that acknowledges the lack of social acceptability for oil and gas project in the Gulf of St. Lawrence expressed by the vast majority of citizens and stakeholders who participated. Of the 81 written submissions on the C-NLOPB, only seven were in favour of exploration and development. Of the 516 comments from the consultation sessions (Appendix A), 508 comments indicate show strong apprehensions towards exploration and development in the Gulf, including hydraulic fracturing off western Newfoundland.

Oil Spill Simulation model - seriously flawed

The assessment's discussion of risk is based on a seriously flawed oil spill simulation model. This has been pointed out to the proponent Corridor Resources, and to the C-NLOPB by both Environment Canada and the Department of Fisheries and Oceans (DFO) on a number of occasions. This is well established in the Consolidate Comments on the Revised Environmental Assessment of the Old Harry Exploration Drilling Program, August 19, 2013 from which I draw the quotes below.

Environment Canada stated *"The Proponent continues to assert application of best case conditions to an accidental release of hydrocarbons, while EC policy and best practice dictate the application of worst case scenario analysis in preparation for environmental emergencies"* and cites flaws in three main areas:

- *Selection of very light Cohasset Crude as surrogate for an unknown reservoir;*
- *Selection of wind speeds; and*
- *The accounting for natural dispersion*

In other words, Corridor Resources should have used the heavier oil to gain a more conservative i.e. worst case scenario, analysis. They have also overestimated the natural dispersion of the oil, and failed to use adequate wind data.

Environment Canada states that an entirely different model should have been employed, **which has not been subject to peer review.**

"... EC wishes to point out that the proponent's modelling was carried out using deterministic trajectories rather than the generally accepted stochastic method. Also, the model used by the Proponent has not been subjected to peer review whereas the models used by EC have been peer reviewed and cited many times in the scientific literature."

We feel that a red flag is also raised when the proponent is able to ignore Environment Canada's conclusions and refuses to alter its draft report. We question the validity of the assessment process when Environment Canada is forced to throw up its hands in futility:

"This is the third time that EC has reviewed the oil spill modeling for this project and our conclusions have not been substantially altered by anything the Proponent has offered. We suggest to the CNLOPB that there is little to be gained by further iterations of this exercise."

DFO's critiques of the oil spill simulation model also point to a flawed simulation model. To paraphrase:

- Corridor and its consultant (SL Ross) have not taken into consideration the daily tides in their simulation ;
- Corridor has not taken into consideration the deep layer currents that could carry the spilled oil far inside the Gulf ;
- Corridor has employed unrealistic current data : average monthly currents (very weak) instead of instantaneous daily currents (much stronger) ;

- Corridor and its consultant have not taken into consideration the experience gained in the Gulf of Mexico ;
- The simulation has used a succession of 6-hour long spills without considering the cumulative impact of all these small spills ;
- The mathematical model used is validated only for shallow sectors, certainly not the case at Old Harry (470 meters) ;
- This overly optimistic simulation could lead officials to underestimate the risks and be inadequately prepared in case of a spill.

The seriousness of this issue cannot be overstated. An overly optimistic simulation, using a model that has not been subjected to peer review, that is not using appropriate wind, current, or tidal data cannot form the basis of a plausible strategic environmental assessment.

Building on this flawed model, we therefore cannot be confident that the assessment has adequately addressed concerns should an oil spill occur. In section 3.2.6.3, it is clearly stated that the effectiveness of particular proposed mitigation measures is not known (p. 427). Despite numerous references to what C-NLOPB intends to do, there is no solid information provided on what equipment will be in place to respond to a spill or how long a response would take. Given the shortcomings in the local response plan highlighted in Commissioner of Environment and Sustainable Development Scott Vaughan's report (2012), all of the recommendations and C-NLOPB's response to each should be set out more fully in the final SEA update report .


This report fails to provide any details on the type of dispersants that would be used in the event of a spill, including their suitability for application in this windy environment, or the effects on species at risk should dispersants be employed.

The assessment lacks an Oil Spill Response Gap analysis, which should be mandatory.

Recommendations

The Sunrise Trail Community Development Cooperative recommends that the CNLOPB refrain from any and all development in the waters along the western coast of NL and in the Gulf of St. Lawrence and work inter-provincially, with First Nations and with the federal government to develop a Gulf-wide, arms-length and truly independent review process that will allow for effective and respectful public consultation. The scope of such a process must be open to public debate, and the process must conform to the highest international standards for strategic environmental assessment in sensitive and globally significant ecosystems.

Sincerely

Trudy Watts, 

President, Sunrise Trail Community Development Cooperative

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Atlantic Policy Congress of First Nations Chiefs

Mi'kmaq Grand Council

The Hon. Joe Oliver MP / Minister of Natural Resources

The Hon. Leona Aglukkaq MP / Minister of Environment

The Hon. Gail Shea MP / Minister of Fisheries

The Hon. Peter MacKay MP / Minister of Justice

The Hon. Thomas Mulcair MP / Leader of the Official Opposition

Justin Trudeau MP / Leader of the Liberal Party of Canada

Elizabeth May MP / Leader of the Green Party of Canada

Wayne Easter MP

Lawrence MacAulay MP

Rodger Cuzner MP

Sean Casey MP

Kathy Dunderdale, Premier of Newfoundland and Labrador

Darryl Dexter, Premier of NS

Robert Ghiz, Premier of PEI

Pauline Marois, Premier of Quebec

David Alward, Premier of New Brunswick

Charlie Parker, NS Minister of Energy

Clarrie Mackinnon MLA Pictou East