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Canadian Environmental Assessment Agency

12 October 2018

## **Comment on the Draft Agreement to Conduct a Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador**

The Ecology Action Centre (EAC) is submitting this letter in response to the invitation for public comment on the Draft Agreement to Conduct a Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador (the “Draft Agreement”). We appreciate the opportunity to provide input into this process. Please note that we have also contributed to a broader submission made by Ecojustice on behalf of a number of environmental non-profit organizations; here, we will focus specifically on the issue of marine protected areas, which is a major focus of our work.

The EAC is Atlantic Canada’s oldest and largest environmental charity. We work locally, nationally and internationally towards conserving and protecting marine ecosystems and maintaining sustainable fisheries and vibrant coastal communities. We have over 6,000 members across Canada whose voices we represent as we engage in public policy development.

Recently, Canada has made impressive strides in improving protection in the marine environment, advancing from less than one percent of coastal and marine areas protected only a few years back to more than seven percent protection, by some measures, today. We consider it critical to develop strong, smart standards for marine protected areas (Please note: we are using the broader definition of marine protected areas here, which includes *Oceans Act* MPAs as well as other effective conservation measures such as *Fisheries Act* closures) to ensure a path toward sustainable ocean use and healthy marine ecosystems.

There is a clear conflict between oil and gas exploration and marine protected areas within the Regional Assessment Study Area that has not been addressed in the Draft Agreement. The Draft Agreement focuses on an extremely large and variable area of ocean, yet the area is not proposed to be subdivided for assessment based on physical, oceanographic or ecological characteristics, or based on current or planned levels of protection. This is a major flaw, particularly because the Regional Assessment Study Area includes a large number of protected areas (*Fisheries Act* closures) that were established to preserve sensitive, structure-forming benthic species (cold-water corals and sponges). Many of these are foundation species that create the habitat upon which diverse ecological communities depend and, because of their life history, are very slow to recover following disturbance<sup>1</sup>. As such, damage to these organisms can destroy or severely degrade benthic ecosystems for long periods of time<sup>2</sup>.

Allowing oil and gas exploration within these fishery closures, or other marine protected areas that may be established, directly undermines these protections due to physical damage that occurs during exploration,

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<sup>1</sup> Boutillier, J., Kenchington, E. and Rice, J. 2010. A Review of the Biological Characteristics and Ecological Functions Served by Corals, Sponges and Hydrothermal Vents, in the Context of Applying an Ecosystem Approach to Fisheries. DFO Can. Sci. Advis. Sec. Res. Doc. 2010/048. iv + 36p.

<sup>2</sup> Freiwald, A., Fosså, J.H., Grehan, A., Koslow, T. and Roberts, J.M. 2004. Cold-water Coral Reefs. UNEP-WCMC, Cambridge, UK.

construction and drilling as well as risks associated with small-scale discharges and large-scale disasters that are a reality for offshore oil and gas development. The long-term impacts on marine ecosystems of such disasters have been clearly demonstrated by research following the BP Deepwater Horizon blow-out<sup>3</sup>. In addition, allowing oil and gas within marine protected areas that specifically exclude harmful fishing practices (i.e., bottom trawling) in order to protect sensitive benthic areas is likely to generate significant conflict among stakeholders. In short, oil and gas exploration is incompatible with marine protected areas and should not be allowed within their boundaries.

In our view, the Committee must explicitly acknowledge the inherent conflict between marine protected areas and oil and gas exploration at the outset of the Regional Assessment process, and exclude all related activities from these areas. As part of the Regional Assessment, the Committee should also identify areas of particular ecological sensitivity that require designation as protected areas and in which no drilling will be permitted, even if no protection is currently in place or under consideration.

Sincerely,

<Original signed by>

Dr. Jordy Thomson  
Marine Science and Conservation Coordinator  
Ecology Action Centre

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<sup>3</sup> Beyer, J., Trannum, H.C., Bakke, T., Hodson, P.V. and Collier, T.C. 2016. Environmental effects of the Deepwater Horizon oil spill: A review. *Marine Poll. Bull.* 110: 28-51.