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Ocean protection is a necessity not a luxury
Birds I View
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“Don’t believe the hype and the flowing hyperbole,
I might have done the crime but I never did the perjury.
Wait for the dusk cloud to settle on the rhetoric,
Even if you rush now, you’ll never get ahead of it.”

Chris Ross – Mostly Sober These Days



Millions of Leach’s storm-petrels – the most abundant and smallest breeding seabird in eastern Canada have gone missing during past 20 years. (photo: Paul Regular)

If one had listened to the pronouncements of Dwight Ball, his ministers, and the Newfoundland and Labrador Oil and Gas Industries Association (NOIA) at a meeting with a federal panel on marine protected areas (MPAs), one couldn’t be faulted for thinking they were at an economic forum. The industry, the regulator, the provincial and federal governments are pushing for faster oil extraction and insist that the economics are too great to keep the industry out of MPAs.

Attending to Minister Coady’s presentation one could come away with the impression that there had never been a drop of oil spilled on the Grand Bank or ever a seabird oiled. Minister Byrne provided assurance based on who knows what that there was no good science on the benefits of MPAs.

The overwhelming complicity among these vested parties is not however a validation of truth. They are arguing against the integrity of an effective environmental process. MPAs are ocean archives in which natural process change of their own accord uninfluenced by human activity. These benchmarks provide gauges of how we are interacting with our planet. Scientific research has shown that MPAs enhance biodiversity and fish production.

Let's consider the basics. Confidence in ocean protection depends on a rigorous, transparent regulatory regime. This is the likely reason that the provincial government, the federal natural resource minister, the oil industry and NOIA lavishly tout the superior record of the C-NLOPB (Canada-Newfoundland Offshore Petroleum Board).

A fact check is informative. Here are a few. In 2004, as the Terra Nova spill was ongoing, the company self-reported small spill volumes and that no seabirds were in the area. Within hours the C-NLOPB echoed that information to the public. As the situation unfolded it became clear that the spill volume was underestimated and Environment Canada's systematic surveys produced mortality estimates of 10,000 to 100,000 seabirds.

These are not unusual circumstances, oil companies notoriously underestimate spill volumes. For instance in January 2013, Hibernia made a very late self-report of a 10-litre spill on December 18 and that oil was still visible on the water nine days later on December 27. True to form, the C-NLOPB reiterated these self-reports. Subsequently, Exxon Mobil self-reported a 6,000 liter spill – 600 times larger than the initial report! With this variability in self-reporting what assurance can there be that the spill was 6,000 liters and not something much greater? And what confidence can one have in a regulator that simply repeats what the oil companies tell them?

The most recent example occurred just a few weeks ago on April 27, when Suncor reported a 28,000 liter spill of oily drilling muds and that there were no seabirds around. Once again the C-NLOPB repeated the self-reports. Diligent regulation requires more than complicity. Real-time transparent corroborative evidence is needed. The implementation of satellite imagery and systematic surveys following spills could go a long way to resolving a multi-decadal problem of regulatory credibility.

It behooves all of us to improve ocean vigilance – the first requisite for ocean protection. It's not happening. I hear it first-hand from platform weather observers who call and come to my office. Yet government props up false claims presumably because they are under the mistaken impression that offshore oil development and rigorous protection are incompatible.

And what about the panel's mandate to use IUCN as a baseline? Our most abundant seabird - the nocturnal Leach's storm-petrel is a species of concern. They are also the seabird most attracted to the brilliant lights of offshore platforms and hence the most vulnerable to platform collisions, incineration in flares and oiling. During the two decades of offshore oil activity, their populations at the world's largest colonies in eastern Newfoundland have plummeted by 40 – 50 % - that is more than 2,000,000 IUCN-listed seabirds.

There are many non-exclusive causal factors that could be responsible for the population demise – climate change effects on food availability and winter conditions, predation, mercury contamination, and mortality at oil platforms. With the exception of one, these hypotheses are being assessed. During 20 years of oil activity on the Grand Bank, no scientifically defensible data on seabird occurrences and mortality at platforms have been made by the industry nor required by the regulator. These dismal circumstances that stand in direct contradiction to

commitments made at public hearings. The industry strategy promotes no information as an indication of no effect. What is missing is regulatory accountability.

The end-game of constructive criticism is first and foremost improvement of current conditions. What have we lost over 20 years of ignoring, buffering or fabricating responses to legitimate critique? Perhaps the lives of more than 2,000,000 seabirds. We have sacrificed innumerable opportunities to reduce the risks for seabirds and other marine animals. Many improvements can be made - not dumping waste water at platform bases that attracts fish and birds; turning off flares during peak avian migration periods during September and October and during foggy conditions; minimizing the skyward projection of platform light; modifying the colors of light to reduce bird attraction; using independent observers on platforms to eliminate regulation by self-report; and partitioning regulatory responsibilities for environment, safety and development as done in the US, UK and Norway. During the past two decades, none of these or other constructive options have been seriously acted upon. Effective regulation has been trumped by a complicity of spin that is doing absolutely nothing to protect our marine animals and their habitat.

Birds in the area

In late April, a pair of great egrets in Torbay Gully (Geoff Smith) were among the many carried to Newfoundland by a strong Floridian wind turbulence. It's a booming year for ruffed grouse. In Portugal Cove males are strutting about off Bennett's Road (Wendy Decker), on Witch Hazel road (William Matthews), on the Beachy Cove Mountain meadow (Janet Montevecchi) and at Cape St. Francis (Ian Jones). At Neary's Pond, the Mayos had a ruffed grouse in a flower box. They're everywhere.

Seeing my first osprey of spring is like cracking open my first lobster. My first came on 27 March at Burton's Pond - the osprey snagged a scrawny fish at about 6 pm then headed for the hills. Over that weekend small groups of osprey were flying high above Neary's and Round ponds and Windsor Lake. There is lots of osprey fishing activity at Virginia Lake. In mid-April, a belted kingfisher staccato called its way across Neary's Pond (Janet Montevecchi).

On 25 April a brilliant male snowy owl was still in Musgrave Harbour but by 10 May the bird was looking puffed up and a bit haggard (Janet Montevecchi) and a singing song sparrow returned to its territory

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