



October 15, 2013

Doug Bliss, Director, Canadian Wildlife Service, Environment Canada
Glen Ehler, Director, Enforcement Branch, Environment Canada
Dave Macguire, Manager, Environmental Impact Assessment, NB Department of Environment and Local Government
Paul Vanderlahn, Director, Sustainable Development & Impact Evaluation, NB Department of Environment and Local Government
Mike Sullivan, Director, Fish and Wildlife, NB Department of Natural Resources
Adolfo José Azcárraga Gomis, General Manager of Canaport LNG
Phillip Ribbeck, Director of LNG North America for Repsol
Jeff Mathews, Irving Oil

Dear Sirs;

Nature NB, a provincial nature conservation organization representing over 1000 naturalists across the province with programs ranging from species at risk protection and education to youth education programs and citizen science projects across the province, is extremely concerned over the mid-September incident at Canaport LNG where thousands of migratory birds were killed. This is a precedent-setting event with considerable ramifications.

We are very concerned that regulations, environmental impact reviews and assessments, and monitoring activities that were supposed to be in place to prevent such events from occurring, appear to have failed in this instance.

Strict regulations are in place for lights on towers and on wind turbines, and management plans for wind turbines sometimes include the stopping of turbine activities during fog events, which are known to be problematic for migratory birds. As an example, an intense monitoring program is in place at the Lamèque wind farm in northeastern NB.

There are also programs in major cities to extinguish lights in office buildings during seasons of bird migration, to reduce the probability of nocturnal bird collisions. Yet apparently no red flag was raised when the Canaport LNG flare was proposed, and possibly little monitoring was implemented when the flare started up in April of 2013.

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The Atlantic Coast is recognized as a major flyway for migratory birds, and the Bay of Fundy and adjacent lands in particular form a crucial migratory pathway both in the spring and in the fall. Much research has been done on bird migration, its timing and related weather conditions and the ability to predict heavy migration events has been refined in recent years.

That information is readily available online from institutions such as Cornell University's Lab of Ornithology, which produces regular bird migration forecasts for the various regions of the continent on an almost daily basis. The ability to predict heavy bird movement is freely available, and is regularly used by birders who want to be in the right places at the right times to see birds during the migration seasons.

We are also concerned that, although the bird kill during the night of September 13-14 was huge, the fall migration season stretches from mid-August through the month of November, a total of more than 100 nights. And in spring it continues from April through early June. As the Canaport LNG flame continues to burn, one can reasonably assume that bird fatalities would continue on a smaller scale on most other nights during the entire migration periods, adding up to a significant additional total that needs to be assessed, monitored and considered along with the estimated 7,500 birds that died on that one night.

We urge that steps be taken to shut the flame off on all nights when the possibility of heavy bird migration is likely, or to implement other effective mitigation measures to avoid any further bird fatalities.

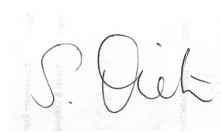
Under the provisions of the Migratory Bird Act, and the Species at Risk Act (federal), activities potentially impacting both migratory birds in general and especially bird species at risk have to be evaluated by Environment Canada, and mitigating measures for any potential negative impacts put in place. Environment Canada also has the responsibility to enforce violations of both acts.

Flaring with a huge open flame started in April 2013. As far as we understand, flaring was not part of the original EIA assessment that evaluated the environmental impact of the facility. If an evaluation of flaring impacts was conducted, was the impact of this type of installation on migrating birds assessed?

Nature NB will continue to urge both levels of government, and in particular Environment Canada, to pursue this matter diligently, and to ensure that this incident will not be shelved as an accident that could not have been avoided. We strongly believe it could have been anticipated and avoided, had the proper monitoring and management plans been in place.

We also respectfully request that we be kept informed of the on-going investigations, and of any monitoring or preventative and mitigation measures being planned or implemented.

Sincerely

A handwritten signature in black ink that reads "S. Dietz". The signature is written in a cursive style and is positioned above the typed name and contact information.

Sabine Dietz
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Cc.

Honorable Leona Aglukkaq, Environment Canada
Honorable Danny Soucy, NB Department of Environment and Local Government
Honorable Paul Robichaud, NB Department of Natural Resources