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Sunday, September 13, 2020

Bay du Nord Development Project
Impact Assessment Agency of Canada
901-10 Barters Hill
St. John's, NL A1C 6M1

**Re: Bay du Nord Development Project – Environmental Impact Assessment
Public Comments**

To Whom It May Concern,

Please accept the Fish, Food and Allied Workers' Union (FFAW-Unifor) comments on Equinor's Bay du Nord Development Project Environmental Impact Assessment. FFAW-Unifor represents approximately 15,000 working women and men throughout Newfoundland and Labrador, most of whom are employed in the fishing industry.

Public Engagement

This project differs considerably from other drilling projects recently assessed by FFAW-Unifor in that it is much larger in scope. As an important part of the review of this project, FFAW-Unifor had planned to conduct a series of meetings in eastern Newfoundland to inform fish harvesters, in their home communities, about the proposed production project. Unfortunately, due to the timing of the public (online) review period and the current pandemic situation, face-to-face meetings were not able to be scheduled. This is unfortunate as these meetings would have served to engage fish harvesters, *for the first time*, in discussion related to a **fourth** production project in the Newfoundland and Labrador offshore as well as the impacts of the expanding oil and gas industry on the fishing industry.

It is worth mentioning that the virtual meeting the Agency hosted on August 11, 2020, was beneficial for information regarding the progress of the assessment process. The proponent's summary was appreciated as well. Going forward, this type of overview would be beneficial for other projects being assessed.

FFAW-Unifor would recommend that maps related to historical fishing, coral and sponge closures, Fisheries Closures, etc., be included in the public presentation, as they are included in the larger document. Specifically, the proposed project area should be overlaid with these other zones of caution to provide some context to the public within the presentation about true "activity" or areas of special concern in the project area.

Furthermore, if this project proceeds, much more in-person public engagement of the project is warranted.

Fishing Activity

As the report continually states, there is limited reported fishing activity in the immediate vicinity of the planned project. However, over the lifespan of this 20-30+ year project, fishing activity in the Flemish Pass could change. Our ocean is a **highly** dynamic environment. Climate change will likely have an impact on the ocean as well.

Due to the dynamic nature of the ocean, fisheries tend to be managed in small intervals of time (e.g., annually) to take short-term variation into account. Fisheries that were closed for a number of years may re-open. For example, 3M shrimp was closed to directed fishing from 2011-2019. However, it is open in 2020 (one-year decision). Fishing activity may change due to environmental factors. For example, fishing vessels (bottom trawlers) have reported fishing at deeper depths in the last number of years offshore due to water temperature changes (at depth). Changes in the fishery over a 30+ year time period could very much impact predictions made within this assessment that the project will not result in significant adverse effects on the commercial fishery. Alternatives to the timing and approach of proposed activities may need to be considered (page 2-76) as time proceeds.

Although the document briefly considered potential future commercial fisheries (page 7-48), it later discussed the presence of the FPSO (page 9-44) and associated infrastructure (page 9-46) creating a temporary refuge for fish and decreasing fishing pressure (page 9-44). It also discusses the presence of subsea infrastructure potentially resulting in gear damage should trawling occur in the area (page 13-19). These statements appeared to be out of context.

It is recommended that the proponent consult with the fishing industry on a regular basis should this project proceed to ensure changes in the fishing industry are understood and considered throughout the project, including at the onset of project initiation, expansion and wellhead retrieval/abandonment.

The supply vessel traffic route for this project was appropriately delineated in this assessment. However, there was little discussion regarding the impact that this new transit route may have on fishing activity. It is critical that the proponent fully understand that an increase of 20% in supply vessel traffic (page 9-84) is significant for snow crab harvesters who leave their fixed gear untended throughout much of the fishing season (April-July). A supply vessel could entangle a fleet of crab pots as it transits along the traffic route. The apprehension felt by harvesters about losing gear cannot be measured. Harvesters may move their gear to lower traffic areas which will have a displacement effect on other harvesters.

It is recommended that mitigation measures be considered to reduce impacts to harvesters who fish along the proposed traffic route for this project.

Marine Conservation

The Bay du Nord project itself is located within the "Slopes of the Flemish Cap and Grand Bank" UN Convention on Biological Diversity Ecologically and Biologically Significant Area. Furthermore, there are Vulnerable Marine Ecosystems (VMEs) for sea pens, sponges and corals identified close to the project area as well as a NAFO Fisheries Closure Area (FCA) – Northwest Flemish Cap. These areas have been established to protect and conserve specific species, habitats and biodiversity as a whole. Bottom-contact fishing has been prohibited in portions of some of these areas.

FFAW-Unifor members take the position that marine conservation "closures" affecting the fishing industry should also be considered for the oil and gas industry. Marine conservation has to be meaningful and consistent and closures intended to focus on marine conservation must restrict oil and gas activities as well.

Environmental Impacts of the Project

The document states that the overall area for the proposed Bay du Nord project "support(s) regionally important areas of biodiversity and marine productivity." Given the adjacency of the proposed project to several VMEs and the project being proposed in an offshore area with limited environmental data available it is highly suggested that an environmental baseline be established prior to any construction or further development. Parameters such as sediment flow, dissolved oxygen levels, salinity, water temperature profiling, current speeds/directions, etc. could then be compared with conditions as the project progresses.

An established baseline would be able to test the proponent's prediction that the habitat in the direct vicinity of the project would shift from a soft bottom benthic

community to a benthic community associated with a hard substrate, with more habitat complexity (pages 12-22, 12-23). While discussion in the document primarily relates to the benthic environment it is important that conditions are noted throughout the water column as well.

Follow-up monitoring would also be able to test the overall prediction that the ecosystem would eventually recover to baseline conditions (page 13-52). It is unclear why the proponent states that no additional or specific follow-up monitoring or follow-up is considered necessary.

FFAW-Unifor recommends the establishment of an environmental baseline and a robust monitoring and follow-up program be required by the proponent.

These studies would also be critical as a point of reference in the event of an oil spill.

Effective and Ongoing Communication with the Fishing Industry

Activities associated with the exploration, development and production of offshore oil and gas continue to be very concerning to fish harvesters who see the ***cumulative*** effects of all of the activities on the water over time. In the case of this proposed project, in the Flemish Pass, there is limited documented fishing activity within the proposed project area. However, activity of the proposed project may continue to develop and spread out over the years and fishing activity may change as well. Therefore, communication between the proponent and the fishing industry is critical.

As stated in the document, the proponent plans to have a discussion with stakeholders regarding the habitat offsetting program, FPSO/drilling rig transits, decommissioning and or suspension activities, etc.

It was briefly mentioned that a communications fibre optic cable may be considered to connect the proposed FPSO with onshore support (Page 2-27). Although the routing of this potential cable has not been determined yet it should be noted that FFAW-Unifor members will have serious concerns with another cable installation offshore. It is recommended that discussion ensue with the fishing industry on this component of the project as well.

To demonstrate the importance of consulting directly with the fishing industry there are a few minor errors noted throughout the review of this document. While irrelevant to the overall scope of the project, stewardship exclusion zones are no longer in effect in Crab Management Areas 6C or 8A. The zones are incorrectly

mapped (pages 6-257, 15-61) as the inner/outer zones no longer exist for CMA 5A or 6A and there are no stewardship zones between 6B outer and 6C, between 6C and 8A and between 8A and 9A. Further, the shrimp fishery in 3M was **not** under moratorium (page 7-21). The area was closed to directed shrimp fishing from 2011-2019 however a decision was made to open the fishery in 3M for 2020 (one-year decision). Also, NAFO sets the Total Allowable Catch for the **entire** Greenland halibut (turbot) 2+3KLMNO stock (page 7-30).

It is critical that effective and regular communication ensue with the fishing industry throughout this project as both the project and fishery changes over time.

Thank you for the opportunity to provide comments on this project. If you have any questions or comments, please feel free to contact the undersigned.

Kind regards,

Robyn Lee
Petroleum Industry Liaison