

REGIONAL ASSESSMENT OF OFFSHORE OIL AND GAS EXPLORATORY DRILLING EAST OF NEWFOUNDLAND AND LABRADOR Technical Advisory Group (TAG) Sessions, September 2019: <i>Commercial Fisheries</i> Engagement Activity / Meeting Notes Finalized: October 28, 2019		
Date and Time / Duration	Monday, September 9, 2019 9:30 a.m. – 12:30 p.m. NDT	
Location	Conference Centre, Memorial University's Signal Hill Campus, St. John's, NL	
Organization(s)	<ul style="list-style-type: none"> • Association of Seafood Producers (ASP) • Atlantic Groundfish Council • BHP • Canadian Association of Petroleum Producers (CAPP) • Chevron • East Coast Environmental Law (ECE Law) • eDNAtec Ltd. • Exxon Mobil • Fisheries and Oceans (DFO) • Fish, Food and Allied Workers-Unifor (FFAW-Unifor) • Husky Energy • Mi'gmawe'l Tplu'taqnn Incorporated (MTI) • Newfoundland and Labrador Wildlife Foundation (NLWF) • Northern Peninsula Mi'kmaq Band • Nunatisavut Government • NunatuKavut Community Council (NCC) • Ocean Choice International (OCI) • Oceans North • PGS 	
Participants (External)	<u>In-person:</u> Paul Barnes, CAPP Steve Bettles, Husky Energy Carey Bonnell, OCI Andrew Bouzan, NLWF Renaë Butler, ASP Marcy Cloud, MTI Elisabeth DeBlois, CAPP Julie Diamond, DFO Rick Ellis, OCI John Freeman, Chevron Craig Hollett, Exxon Mobil Collette Horner, BHP Geoff Hurley, CAPP Kimberley Keats, DFO Robyn Lee, FFAW-Unifor Jason Norman, PGS Glen Winslow, FFAW-Unifor/Harvester	<u>Video/teleconference:</u> Dean Coates, Northern Peninsula Mi'kmaq Band Susanna Fuller, Oceans North Mike Kofahl, ECE Law Jennifer Matthews, CAPP Stanley Oliver, NCC Mark Ploughman, eDNAtec Ltd. George Russell, NCC Claude Sheppard, Nunatsiavut Government Kris Vascotto, Atlantic Groundfish Council

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<p>Participants (Internal)</p>	<p><u>Committee Members:</u> Gerald Anderson Garth Bangay Wes Foote Maureen Murphy Rustad Keith Storey</p>	<p><u>Regional Assessment Task Team:</u> <i>Impact Assessment Agency of Canada</i> Steve Bonnell Virginia Crawford Jeff Janes Erin Stapleton</p> <p><i>Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)</i> Tim Murphy</p>
<p>Record of Discussion</p>	<p>Key fishing activities and areas</p> <ol style="list-style-type: none"> 1. Fishing is an economically and culturally important activity. 2. Indigenous peoples participate in fishing in this area through licence partnerships with fishery organizations/harvesters. 3. This is a dynamic environment, spatially (e.g., fishing areas, shipping lanes, etc.) and temporally (e.g., seasonality and changes in activities over time) – important to recognize the shifting patterns, and emerging and diverging trends. 4. Fishing patterns are changing in the offshore (e.g., yellow tail flounder harvesting locations shifting due to changing temperatures). 5. The last four years in the offshore were the lowest in history in terms of zooplankton and phytoplankton. It is unknown if there is a correlation with offshore activity (e.g., seismic). 6. Consideration should be given to new/emerging fisheries (e.g., sea cucumber harvesting on the Grand Banks, potential new groundfish fishery). 7. It is important for regulators and operators to be aware of fisheries closure areas and sensitive areas so that they can make decisions accordingly. 8. The deepest water fished in the area is at 1900 m for Greenland halibut, a valuable species for both inshore and offshore fisheries. 9. Concern noted regarding fishing activity not being permitting in marine refuges while oil and gas activity is permitted. Greenland halibut fishing areas have been slightly reduced with new closures. 10. Consideration should be made for voluntary oil and gas exclusion zones from vulnerable and/or productive fishing areas 11. In terms of trends for 2017-2019, one insight offered was inshore crab harvesting is consistent with previous years, while turbot fishing grounds have decreased. <p>Fisheries information and datasets</p> <ol style="list-style-type: none"> 1. The Committee should consider historical fishing data, and include it in the GIS system. 2. There was concern that domestic fishery data only went back 4-5 years. The Task Team confirmed that Committee has access to and will be using longer-term fisheries data than that shown in the backgrounder mapping (which was just for illustration for the purpose of the meeting, and based on what could be shown meaningfully on a single static map). 	

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3. The Committee should reach out to Noel Cadigan and others at Marine Institute regarding stock assessment data and changing fishing patterns.
4. There was concern regarding data format. Prior to 2014, data was provided as point data; post-2014, the data is provided as polygons – users of that polygon data cannot determine extent of activity (e.g., one fish or hundreds) meaning one cannot assess impact and risk as well as before (pre-2014 point data).
5. It was explained that data is provided in polygon format as confidentiality is important to the Government of Canada and to fish harvesters. Harvesters attested to the importance of keeping that data confidential, having seen the impact on their fishing following publication of data pre-2014.
6. The data doesn't show all the details that are important to consider - the data is catch data only and doesn't include spawning areas or other areas that harvesters typically avoid (e.g., small crabs, female crabs, etc.). The only way to get specific data is to talk to harvesters directly.
7. The Committee should consider the Environmental Effects Monitoring (EEM) data from Hibernia, White Rose and Terra Nova, which provides 20 years' worth of information on taint, body burden, etc. and is available publicly via C-NLOPB and operator websites.
8. It was suggested that the Committee refer to DFO's Oceans Atlas of Human Use. The data layers from the Atlas showing commercial fishing intensity by species and gear type have been provided to the Agency. It is important to note that the Atlas is an internal tool and is not publically available.
9. DFO has been assisting and continues to assist the Committee in acquiring data from NAFO.
10. Concerns regarding the data gaps/lack of data, and how this affects the effectiveness of the Regional Assessment (including the GIS system).
11. There were suggestions for datasets that are already being considered in the Regional Assessment (the list in the backgrounder was a subset, provided as examples) – suggested that a complete list of data collected by the Committee so far be circulated to participants so that it is clear what is already being considered, and easier to suggest datasets that are not on the list.
12. Information is lacking regarding effect of noise on fish – this presents an opportunity for local research, which should be conducted in the near-term before drilling activity substantially increases. One study was mentioned, in which it was concluded that drilling noise is mostly masked by vessel noise. An operator is talking with DFO about collaborating on a soundscape study over the next year.

Potential interactions between offshore exploratory drilling and fisheries

1. The Committee and Regional Assessment needs to define and be clear about what is meant by "potential" and "possible" when it comes to identifying and describing interactions.
2. When talking about interactions, important to consider not only the footprint of the drilling, but the associated activities (e.g., the setup and moving of the rig, associated vessels, etc.) that could also interact with fishing activity.

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3. Important to recognize that fishing takes place in the water column and along the bottom, cannot limit discussion of interactions to surface activities.
4. Displacement of harvesting activity - drilling activity in a fishing area has a displacement effect. Harvesters have to fish around the safety zone of the rig, and there can be limited "real estate" for valuable species (e.g., turbot), depending on where the rig is located). There will also be displacement if equipment is left on the bottom. Due to the nature in which fishing gear is set it is challenging to avoid a particular location. What most often results is the avoidance of a larger area in order to stay clear of one particular coordinate. This can add up to considerable avoidance of areas over time (i.e., less fishable area). This is a key concern to fish harvesters and an important interaction for the Regional Assessment to consider, especially in terms of cumulative effects.
5. Dispersal of fish due to noise – there is concern regarding seismic and drilling noise and causing fish to avoid an area. For example, in some instances harvesters have noticed a 50-100% reduction in red fish catch rates in areas in which there is drilling/seismic activity.
6. Damage to fishing gear – movement of drilling rigs and debris left after drilling programs (e.g., abandoned wells) can damage fishing gear. Outside the 200 nautical mile (nm) Economic Exclusion Zone (EEZ), foreign vessels interact with fixed gear so harvesters tend to stay inside the EEZ to avoid potential interactions (though scallops are harvested outside).
7. Price implications - if trend of oil spills continues, then there could be a problem with perception from the global market regarding tainted product, which will have an effect on price. In addition to taint from oil spills, taint from drilling residues is also a concern. While drilling hasn't been specifically mentioned as a concern from the global market, it is still a risk factor that should be considered.
8. Transboundary interactions - EU has concerns around seismic acquisition activity and behaviour of seismic vessels, which were voiced at NAFO meetings.
9. Effect of drilling activity on plankton - Committee should look at studies completed in Southwest Asia/Australia that discuss the potential effects of seismic noise on plankton species and communities.

Existing and potential mitigation and follow-up requirements

1. The Committee and Regional Assessment needs to define and be clear about what it meant by "potential" and "possible" when it comes to identifying and describing mitigation measures.
2. Mitigation measures are the "checks and balances" so it is important to consult Indigenous communities when designing these measures (including what can be used as a benchmark).
3. When it comes to "on-going communications," early and regular consultation and transparency are key. It is important that Indigenous groups and harvesters know drilling plans (i.e., what activities, where and when) as soon as possible, and have the opportunity to provide input. Two weeks' notice is insufficient. There is concern that once the Regional Assessment is done, activities will proceed

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without consultation. The Committee should make recommendations that address on-going consultation, including a dispute resolution mechanism (e.g., where development is proposed in productive fishing grounds).

4. Regarding the "Notice to Mariners," for the inshore fleet, harvesters are not necessarily in their boats when these are issued and may not be aware. Fleet meetings are held in January /February each year, so providing as much information at that time is valuable. The preference is for upfront consultation rather than waiting for notices for new information.
5. Mitigation of oils spills is always a struggle, and absence of a capping stack is a consistent concern that has been raised before.
6. Fishing gear damage and oil spill compensation requires more discussion between fishing industry and operators, and there should also be compensation for displacement from/loss of access to fishing areas.
7. Potential transboundary effects and international trade implications should be considered for accidental events.

Other topics

GIS platform

1. There was a question if the GIS system would replace the Regional Assessment report, and the Committee clarified the GIS would accompany the report.
2. There was a question if the GIS system would only be available to the fishing industry and oil and gas operators, and the Committee clarified that the GIS would be publicly-available.
3. There was a question on who would own the GIS system and the Committee said that is currently unknown – it is one of the items on which they are seeking stakeholder input.

Regional Assessment scope and timeline

1. The extent of the area is unclear - it is important that the Committee be clear about Regional Assessment Study Area.
2. There are concerns regarding the short timeline and how that may affect the quality/effectiveness/outcomes of the Regional Assessment. The Committee replied that doing it right was more important to them than timeline.
3. There is concern that the Regional Assessment is not taking broad enough perspective when it comes to transboundary issues.

Regulation of the offshore

1. There needs to be independent oversight of the offshore oil and gas industry, especially when it comes to dealing with oil spills.
2. Public trust should be a top priority, and an independent body would provide balance between government, the fishing industry, and the oil and gas industry.

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Follow-up / Action Items	<ol style="list-style-type: none">1. OCI will have an internal discussion to consider providing information on current commercial fishing activity (e.g., key times, areas, etc.) to the Committee, and will report back.2. Task Team to distribute to participants a full list of fisheries data being used in Regional Assessment.3. Committee to reach out to researchers at Marine Institute for potential data sources.
Prepared By:	Erin Stapleton, Virginia Crawford