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Regional Assessment Committee
Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador
c/o John Cabot Building, 10 Barter's Hill, Suite 301
St. John's NL A1C 6M1

Dear Committee Members,

Please accept Fish, Food and Allied Workers' Union (FFAW-Unifor) comments regarding the ongoing Regional Assessment process for Offshore Exploratory Drilling East of Newfoundland and Labrador. The contents of this letter highlight our members' concerns with respect to exploratory drilling as well as reiteration of commentary expressed during various meetings with the Committee to date.

The inshore fishery in Newfoundland and Labrador is prosecuted by small boats up to 45 feet in length while 45 to 90 foot vessels fish out to, or just beyond, the 200 mile limit. The fishing vessels in the inshore fleet are owner-operated enterprises. Most targeted species have set Total Allowable Catches (TACs) while trip limits and enterprise caps may also be designated depending on season and/or area.

Seafood landed in Newfoundland and Labrador by the inshore fleet is processed in the province and exported internationally. With a heavy reliance on global markets the industry is subject to profit fluctuations with market prices, fuel costs and the value of the Canadian dollar. The Newfoundland and Labrador fishing industry is valued at **\$1.5 billion** and, as such, we represent an important stakeholder operating in the Newfoundland and Labrador offshore environment.

As an important ocean stakeholder FFAW-Unifor would like to bring attention to the socio-economic impacts of oil and gas exploration, development and production on the fishing industry. We would like these impacts to be considered by the Committee and the Impact Assessment Agency in this Regional Assessment process as well as marine conservation targets and cumulative effects of oil and gas activities. Expansion of the oil and gas industry needs to be considered alongside the fishing industry.

Socioeconomic Impacts

FFAW-Unifor members are concerned about how new exploration regions in our offshore will further affect the traditional fishing grounds of harvesters, whether it be

through seismic activity, temporary/future areas closed to fishing for drilling or the imminent threat of an oil spill or spills. Each of these concerns have negative impacts on harvesters. Any potential environmental impacts are concerning to our members whose livelihoods depend on the health of fish resources and habitat.

Seismic Activity

Seismic concerns will not be outlined here as this process is focused on exploratory drilling. However, concerns around seismic sound and its impact on the ocean food web need critical attention.

Areas Closed for Drilling

The potential for any exploratory drilling to interact with and directly affect the fishing industry will be highly dependent on the nature, location, timing, activities and the equipment and/ or gear involved. The context of the commentary below focuses on areas of competing interests, not areas where fishing does not take place.

Drilling installations and associated activities (including safety zones) can have a significant impact on the fishing industry. When a "safety" zone is designated around a drill rig the temporary loss of fishing access appears as a small dot on the map. However, activity in the vicinity of that "dot" may continue to develop over the years and the exclusion zone to fishing may grow larger. Over time, the acreages of exploratory licences, significant discovery licences and production licences have amounted to considerable land "ownership" on the Grand Banks. Land ownership continues to increase in the Newfoundland offshore and beyond.

When talking about interactions of exploratory drilling (and production), it 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. Additional supply vessels servicing the various exploratory drilling programs could also impact fishing activities. For example, while a compensation program would help those who could identify the source (e.g. supply vessel) of gear entanglement, the apprehension felt by harvesters about losing gear cannot be measured. Harvesters may move their gear to lower traffic areas.

Concerns regarding the effects of drilling noise on catchability of fish may also factor into a harvester's decision to fish in a different location. Research is needed to address the apprehension of harvesters with respect to drilling noise.

Mitigation measures have been required as part of a company's authorization to conduct seismic work in the Newfoundland and Labrador offshore. These measures include temporal and spatial avoidance of actively fished areas, fisheries science/research surveys and known spawning aggregations of various species. These types of mitigations, to our knowledge, have not been a part of the course of action for exploratory drilling to date.

As previously mentioned, the potential for any exploratory drilling to interact with and directly affect the fishing industry will be highly dependent on the nature, location, timing, activities and the equipment and/ or gear involved. However, providing little to no advance notice of drilling programs, their precise location and associated safety zones is not considered a mitigative measure by the fishing industry. There should be no expectation that fish harvesters will willingly alter fishing plans to mitigate space-use conflicts.

Rather, drilling programs need to be well planned to strategically avoid certain areas at certain times. Operational planning should fully consider open fishing seasons and consultation *with* the fishing industry **in advance** of activities and consider the full scope of work for the season, including potential work. As such, it is recommended that planning needs to be more proactive and more consultative.

It is a huge concern of the fishing industry that the Regional Assessment, once in effect, will diminish the requirement, or even consideration of the company, to consult with the fishing industry about offshore operations. It is essential that harvesters have input before drilling is permitted.

We were pleased with the Ministerial conditions issued in the recent Decision Statement for the Eastern Newfoundland Offshore Drilling Project, specifically the requirement of the proponent to develop and implement a Fisheries Communication Plan in *consultation with* commercial fisheries stakeholders for the duration of the drilling program. The specific details to include in this plan were also welcomed, particularly with respect to the requirement of a Fisheries Liaison Officer and/or Fisheries Guide Vessel movement of drilling installations and geophysical programs.

As we have noted in meetings, the two week time period to notify the fishing industry of rig movements and/or project operations is tight but we are hopeful for more overall **consultation** with companies going forward, rather than just information sessions.

It is the overall view of FFAW-Unifor members that exploratory drilling should not be permitted on valuable fishing areas, nurseries, spawning areas and other areas that support vulnerable life stages. Information pertaining to fishing areas, nurseries, spawning areas and areas that support vulnerable life stages of species critical to our fishery should be overlaid on maps that also delineate exploration licences.

It is envisioned that the GIS platform for the Regional Assessment will be able to effectively display these areas on a map to provide the visual of important areas to the fishing industry. It must be acknowledged that data gaps so exist but this would provide exploratory drilling companies with some sense of what the ecosystem is supporting in the area where they plan to drill.

Further to this GIS platform, there will need to be an investment made into this “tool” and the process of uploading new information and consulting with stakeholders to ensure the information contained is valid going forward. The marine environment is highly dynamic and constantly changing. There will need to be regular data updates made to the platform if it is to be a useful planning tool.

Safety Zones

It is understood that safety zones need to be placed around drilling rigs. As per regulation these safety zones are generally designated as 500 metres in all directions around the rig and 50 metres beyond the boundaries of the anchor pattern of the rig. This generally equates to a radius of less than 1 nautical mile. However, there have been instances where harvesters have been asked to keep a greater distance that regulated. Particularly when transiting through an area, deviating can be costly to a harvester, particularly on a windy day. Anticipation of this happening could cause avoidance of a transit route or fishing area over time.

Abandoned Wells

When wells are capped or decommissioned there is an expectation that harvesters will avoid these locations for safety reasons. 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 areas over time, i.e. less fishable area.

Displacement Effect

Land ownership and associated oil and gas activities ultimately result in a ***displacement effect*** for fish harvesters. The loss of fishing grounds to safety zones, drilling and production activities, abandoned wells and cable linkages, for example, all prevent economic opportunity to fish in areas that the oil industry has acquired offshore. Harvesters must therefore fish elsewhere.

In some cases this entails spending more time and fuel to fish in more remote areas where catch levels may be lower. In other situations it may force harvesters to encroach on the fishing grounds of other harvesters, thereby reducing catch rates for everybody and/or creating gear conflicts.

Just as oil is not found evenly distributed below the ocean floor, fish habitat, and therefore fishing grounds, is location specific. It is therefore important to understand the spatial pattern of habitat and productivity when considering the impacts of displacing the fishing industry from highly productive fishing grounds.

Oil Spills

Oil spills are a major threat to the fishing industry. FFAW-Unifor is aware that there are considerable protocols and practices in place and many regulatory agencies involved in monitoring petroleum companies and marine vessels to ensure they meet minimal requirements. We also respect that oil companies have protocols and apply best practices to prevent spills from occurring. However, as we have seen over the past year, oil spills do happen. Three spills on the Grand Banks in less than a year is not acceptable. Furthermore the use of NEBA methodology and the ability to consider options such as dispersants to deal with these spills requires significantly more “public” discussion.

Marine Conservation Targets

There are several conservation areas within the Offshore Area of the Regional Assessment. As Canada seeks to reach its Marine Conservation Targets in the coming years there could be other “special areas” identified. This could potentially happen in the area outside Canada’s Exclusive Economic Zone as well.

FFAW-Unifor members take the position that marine conservation targets 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.

Historical Fishing Information

Today, our four producing oil fields in the region are located on prime cod fishing grounds. It is evident that our marine environment is undergoing a shift from a shellfish-dominated regime to a groundfish-dominated one. However, there are many uncertainties regarding the spatial extent and timelines of this shift. As a fishing industry we see changes on the water from year to year, but we are unable to predict when groundfish stocks, for example, will fully rebuild.

FFAW-Unifor contends that historical fishing rights have not been factored into the oil and gas growth equation. The loss of historical fishing grounds to safety zones, drilling and production activities, abandoned wells and even cable linkages, for example, all prevent future economic opportunity to fish in areas that the oil industry has already acquired offshore. While it is understood that Environmental Assessments consider impacts to the environment there has to be an **opportunity** in the federal and/or provincial assessment process to consider the socio-economic impacts of oil and gas activities on the fishing industry.

Environmental assessments typically review 10-20 years of historical fishing data. Therefore, traditional cod fishing activity is not factored into these assessments. As well, as the years pass, traditional ecological knowledge of harvesters regarding cod stocks on the Grand Banks is being lost. Vital cod spawning and breeding grounds as

well as migration corridors are not being considered in Environmental Assessments as cod is no longer considered a significant commercial species on the Grand Banks.

Offshore oil and gas exploration and development proposals must more adequately address our growing groundfish stocks. Furthermore, quantifying traditional ecological knowledge is crucial if we are to adequately capture historical information such as spawning and breeding grounds and migration corridors of our cod stocks. It has become a critical component of stock assessments.

It is envisioned that more data will be able to be portrayed on the GIS based platform of this Regional Assessment such that fishing trends and even ecosystem shifts will be made evident. Habitat mapping is hoped that

Cumulative Effects

As implied in all strategic and project-specific environmental assessment documents, the potential for projects to interact with and directly affect the fishing industry will be highly dependent on the nature, location, timing, activities and the equipment and/ or gear involved. While it is easy for oil and gas companies to isolate their activities into specific projects, it is challenging for the fishing industry to do this with the knowledge that there are many exploratory and developmental activities being planned in the next decade as the oil and gas industry expands in the Newfoundland and Labrador offshore.

Exploration, development and production related activities continue offshore while the cumulative effects of seismic programs, drilling, produced water and unexpected oil spills on fish and fish habitat go largely unexamined. Furthermore, Environmental Assessments that are completed are project specific and don't consider cumulative effects of projects over the past 60 or more years.

There needs to be a more holistic approach to assessing cumulative effects of projects rather than their review as isolated projects. Should exploratory work yield success and move to development and production phases, fishing grounds are potentially lost for 50-100 years.

It is hoped that this Regional Assessment approach will be able to better address cumulative effects.

Consultation with the Committee

The Regional Assessment Technical Advisory Group meetings were held Sept 9-17, 2019. FFAW-Unifor has reviewed the notes of all of the sessions where we participated and provided comments if any points differed. Issues were raised at the sessions that are also stated in this document.

FFAW-Unifor also met with the Committee separately in May 2019. In our industry-specific meeting similar concerns were raised. The Committee sought some follow-up

information from FFAW-Unifor. This information included key areas of interest, as identified by harvesters, advice on next steps for follow-up consultation with harvesters and identifying data gaps in the RA process.

Keys areas of interest

The fishing industry is interested in protecting important habitats and areas for key life-stages of commercially fished species and the species that they depend upon. This would include, for example, over-wintering areas for Atlantic cod, when the species is highly aggregated and vulnerable. It would also include areas of spawning and pre-spawning aggregations. Using the example of cod again, these areas are documented in the peer-reviewed literature for Northern Cod and 3Ps Cod or general locations could be determined by DFO expertise. Northern Cod also has key migratory corridors that would need protection.

In the case of snow crab, areas of high fishing density are also key habitat for this species. The highly productive habitats for mature crab are obvious from catch data that is available from DFO.

Targeted discussions with harvesters would be critical to delineate areas on a map. Much of the information is local knowledge. This would include areas that are not fished as harvesters want to protect the resource. For example, some areas would have a high concentration of female crab. Harvesters would avoid fishing this area so as to protect the females. Therefore, it is important to reiterate that there are areas where different species are located but not fished, for various reasons.

It would also be important to protect the times and areas when key science surveys are being undertaken, i.e.. the halibut survey, post-season crab survey and DFO R/V surveys, While the areas these surveys cover do vary from year to year the general areas within the Eastern Offshore can be represented on the Regional Assessment GIS platform.

Considering key life-stages and vulnerable habitats for all commercially fished species would create a map of important areas that the fishery depends upon. This map will differ somewhat from the map of catch rates. Good fishery catch rates depend upon not just protection of the fishing grounds but protection of the key habitats that the animals depend upon.

Next steps on consultation with harvesters

The ocean area that this Regional Assessment encompasses is vast. It will be challenging to involve all harvesters who may be impacted by exploratory drilling in the RA area. We recommend a follow-up industry-specific meeting with the Committee to review the GIS portal. We will invite harvesters to this meeting who would be able to highlight concerns and potentially identify gaps in the data as depicted in the maps. Late November would be a suggested date.

We will reiterate that consultation with any company planning exploratory drilling must involve the fishing industry in the planning stages. Once a company has more information with respect to exact locations where they would like to explore within their Exploratory Licenses the fishing industry can weigh in as to whether the area in question would impact the industry or not. This would extend to support operations. The fishing industry would expect a respectful consultation, not an information session.

Again, FFAW-Unifor must state, it is essential that fish harvesters have input before drilling is permitted.

Data gaps

There has been a list of fisheries data being used in Regional Assessment circulated. The list is continuously evolving and expanding as the Regional Assessment progresses. However, it is prudent to note that many spawning areas are not delineated on maps.

Fishing activities or patterns have been forced to change because of oil and gas developments in the offshore. It is problematic however that proposed expansion can proceed without due consideration of other ocean stakeholders.

The fishing industry fully understands the benefits of the oil and gas industry to our economy. In fact, the fishing industry of Newfoundland and Labrador has never been fundamentally opposed to offshore oil exploration, development or production.

Growth of one industry however must not come at the expense of another.

Our fisheries resources are renewable and will be a vital part of the economic future of Newfoundland and Labrador for many years to come. In addition to environmental effects, the fishing industry calls on the Committee to consider socioeconomic impacts of offshore oil and gas activities on the fishing industry in this RA process.

This Regional Assessment process has been a major undertaking and I'd like to thank the Committee for their initiative and efforts to introduce a new approach to offshore oil and gas planning. We look forward to meeting with you again and reviewing the draft Fisheries components of the report as well as the full "document" upon completion.

If you have any questions or comments please feel free to contact the undersigned.

Kind regards,
<original signed by>

Keith Sullivan
President