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Friday, December 6, 2019

Newfoundland Orphan Basin Exploration Drilling Project
Impact Assessment Agency of Canada
200 - 1801 Hollis Street
Halifax, Nova Scotia B3J 3N4

**Re: Newfoundland Orphan Basin Exploration Drilling Project – Public
Comments on Draft EA Report and Potential Conditions**

To Whom It May Concern,

Please accept the Fish, Food and Allied Workers' Union (FFAW-Unifor) comments on the BP Newfoundland Orphan Basin Exploration Drilling Project's Draft Environmental Assessment Report and Potential Conditions in relation to the project. FFAW-Unifor submitted comments on the Draft EIS documentation last year.

FFAW-Unifor represents approximately 15,000 working women and men throughout Newfoundland and Labrador, most of whom are employed in the fishing industry. The inshore fishery 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.

As we have commented previously, activities associated with the exploration, development and production of offshore oil and gas are very concerning to fish harvesters who see the cumulative effects of oil and gas activities on the water over time.

Three of the four areas that are being proposed for exploratory drilling in this project are within the Northeast Slope Marine Refuge. Harvesters are not allowed to fish in this refuge, but oil and gas exploration continues. It remains our position that marine conservation targets should be meaningful and consistent and closures affecting the fishery should also restrict oil and gas activities.

As the EA states, with the closure of the Northeast Slope Refuge to fishing there should be less impact on commercial fisheries for this specific project. However, we do believe commercial fishing activity is misrepresented in this document.

In Section 5.3, the brief discussion on commercial fisheries has the potential to be interpreted that we are facing, or already are entrenched in, a shellfish moratoria. A moratorium for shrimp is also mentioned in Section 6.6.1.

Shrimp Fishing Area 7 is currently closed to shrimp fishing. The more northerly areas (SFAs 1-6) remain open to fishing. There is no moratorium placed on shrimp. Snow crab quotas have seen some reductions (and increases) in various areas over the last number of years but significant quota cuts that may have been speculated along the northeast coast (NAFO Division 3K) have not happened.

Our ocean is warming and, as such, we are experiencing an ocean regime shift – from a shellfish dominated to groundfish dominated marine ecosystem. Groundfish stocks are rebuilding but there will not be an overnight switch from harvesting predominately shellfish to harvesting predominately groundfish. Crab and shrimp will remain important commercial species for many years to come.

It is important that the anticipated supply vessels routes are included within the Environmental Assessment of the drilling projects. These are areas that the project will impact as well. To our knowledge there are no common shipping routes (page 66, 68) that vessels would take to the four Exploratory Licences other than direct routes from shore-based facilities. Contrary to the commentary (page 66), commercial fish harvesters in NAFO Division 3K have NOT become accustomed to operating around supply vessels. Proponents anticipating to conduct exploratory drilling work in new areas, such as the Orphan Basin, should be aware of this. Apprehension by harvesters regarding the threat of lost gear along the supply vessel route may lead to displacement which has a ripple affect among the fishing fleets. Therefore, the supply vessel routes should also be included in the cumulative effects on fisheries discussion (page 104) as it is for marine mammals.

We question if the development of a safety zone (pages 101-102) would reduce potential cumulative effects on individual fish. It is understood that simultaneous operations would not occur in close proximity. However, fish, including shellfish, are mobile species and several projects are proposed for the larger Eastern Offshore area that fish could encounter throughout their life cycle. Therefore, it is challenging to assess the cumulative effects from this project.

Just as recoverable oil and gas is not found everywhere in the ocean, concentrations of valuable commercial species are not found in all areas of the

ocean. The proponent noted that a small cumulative area would be temporarily closed to fishing from this individual project (page 106). However, this translates to a larger cumulative impact for the various projects under development and/or review by the Agency. We take exception to the disingenuous commentary presented in the last paragraph on this page with respect to the opportunity for the fishing industry to fish elsewhere.

Exploratory drilling and associated activities will displace harvesters from valuable fishing grounds to less economic areas or to areas where they will compete for space with other harvesters. This has the potential to reduce product being landed, reducing economic returns to owner-operators and their crew as well as potentially impacting onshore plant processing jobs and processing company profits.

We look forward to further engagement with the proponent on the Spill Response Plan (page 86), Fisheries Communication Plan and Wellhead Abandonment Strategy as well as an opportunity for the proponent to develop a deeper understanding of the potential impacts of their project activities on the fishing industry.

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

Kind regards,

Robyn Lee
Petroleum Industry Liaison