



Seafood Producers Association of Nova Scotia
Association des Producteurs de Fruits de Mer de la Nouvelle Ecosse

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Please accept the following submissions on behalf of the Seafood Producers' Association of Nova Scotia (SPANS).

SPANS represents the Eastern Canadian Offshore Scallop Fleet (ECOSF), which is licenced to operate on certain banks in the area governed by the Newfoundland & Labrador administrative region of DFO. There are 5 licence-holders in the ECOSF, including the FNC Holdings Limited Partnership, which represents a coalition of First Nations situated in Newfoundland & Labrador and Nova Scotia.

For the purposes of the RA's study, the ECOSF is primarily concerned with scallop beds located on St. Pierre Bank. The ECOSF has harvested Sea Scallops on St. Pierre since the 1960s and has done so under an 'enterprise allocation' and 'individual transferable quota' system since the 1980s. In 2006, the federal government clarified that the ECOSF has the exclusive right to harvest Sea Scallops on the middle and south beds of St. Pierre Bank (with the inshore fleet having exclusive rights to the north bed).

St. Pierre is on the Northern edge of habitat for Sea Scallops. Sea scallops reproduce by releasing seed into the water column and Sea Scallops remain in a planktonic state for approximately 5 to 6 weeks. Scallop recruitment is highly variable and unpredictable, as scallop larvae is distributed through currents, which are in turn impacted by winds. For commercial purposes, scallops tend to flourish in 'beds' of gravel substrate at appropriate depths. Dense aggregations of scallops in defined beds are important for reproduction and abundance, given the nature of their reproduction in the water column. Once scallops have matured into commercial sizes, they lose mobility and are largely sessile, becoming further reliant on oceanographic processes for feeding. As such, they are highly impacted by offshore wind development, including

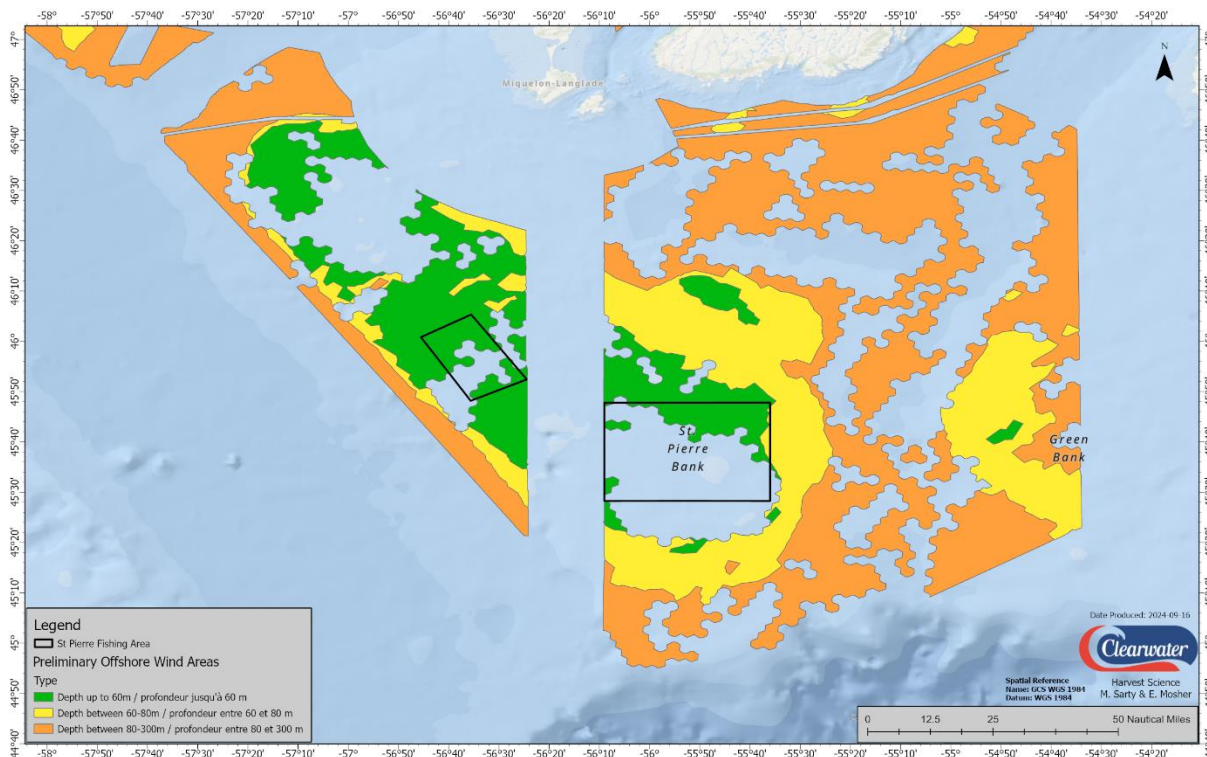
- Behavioural changes through significant noises in the installation process;
- Introduction or promotion of predators through ecosystem changes associated with monopiles;
- Benthic urbanization (where different sessile filter feeders are aggregated and crowd out existing species);
- Changes in local oceanographic conditions, such as changes in water stratification and upwelling, changes to local winds and currents impacting larval transportation and location/abundance of plankton.

While there are a number of specific concerns of the ECOSF regarding the RA report, we wish to highlight several thematic issues at the outset.

Consultation

SPANS requested meetings with the RA Committee on behalf of the ECOSF, but were not granted a meeting. There was no funding to attend community meetings in Newfoundland and Labrador and there was no offer of a virtual meeting. We were not made aware of any recent Fisheries Advisory Group meetings that impacted the methodology or conclusions concerning the fisheries.

SPANS provided feedback (along with shapefiles) of the middle and south beds to the RA secretariat on September 16, 2024, but these areas were not incorporated into the draft report. As shown in this map the preliminary offshore wind areas have significant spatial impacts on the two major offshore scallop beds. We urge the RA committee to, at the very least, take into account the long-established scallop beds on St. Pierre Bank.



Further, while SPANS does not purport to provide an indigenous perspective on behalf of the FNC Holdings Limited Partnership, it is notable that the report does not reveal any clear, direct

consultations with those First Nations on the specific recommendations for the middle and south beds on St. Pierre Bank. For instance, section 3.2 of the report does not reveal any additional or focused consultations for St. Pierre Bank in light of the narrowing of the study area at each iteration. As a result, we urge the RA committee to provide details on their engagement and engagement strategy as the scallop beds on St. Pierre came under greater consideration for development. Having a well-defined record of engagement is important given the decision-making criteria under the *Impact Assessment Act* and the considerable investment made by the FNC.

Better consideration of scallop biology

As noted above, the life history of Sea Scallops is relatively well understood and is highly dependent on local oceanographic processes and ecosystem considerations at multiple steps. The RA report has relied heavily on landings between 2012 to 2021 to determine impacts on the Sea Scallop fishery, but we suggest that a broader lens is necessary. That is, the RA should take into consideration the life history of commercial fish species when assessing impacts and any further work by the regulator or government entities should do so as well.

We also suggest that the RA committee consider other quantitative data when assessing impacts on fishers that are readily available, including catch data, fisheries surveys and stock assessments. To this end, the ECOSF is also concerned about overreliance on the DFO Marine Planning Atlas. The Atlas is a good general tool, but it has limitations, especially in regard to spatially pinpointing landings and gleaning the true value (and hence impact) of a fishery. This is especially so in light of the granular nature of the RA's recommended areas for development.

To this end, we recommend that the RA seek out more accurate data sets with longer time series to assess impacts on fisheries and to seek out the input of individual harvesters in the ECOSF. We also suggest that DFO include more precise landings data in the Atlas and work to include survey data in future iterations of the Atlas.

Oceanography and Science

Given the focus of the RA on St. Pierre and the outsized impact of offshore wind development on the life histories of scallops, we are disappointed to see a lack of local oceanographic study and modelling on this bank to address this issue. As mentioned above, Scallops rely on oceanographic processes for both reproduction and feeding and it is important to understand how changes to local winds, currents and upwelling may impact the scallop beds that rely on those processes for feeding and reproduction. Oftentimes, it can be inferred from well-defined scallop beds that there are reliable and important gyres or other oceanographic processes occurring on

those banks. These gyres tend to be relatively well understood on other banks, but it does not appear from the RA report that such conditions on St. Pierre have been specifically considered.

Regardless of where offshore development eventually occurs, it will be useful for planners and decision-makers to have an understanding of oceanographic and environmental impacts on individual species. One possible recommendation for the RA is that the regulator should be mandated to have fisheries scientists and biological oceanographers directly employed in order to ensure good decision-making. To this end, we also suggest that the RA, the regulator and appropriate government entities provide clarity on how they intend to action section 96.6(c) of the updated NL Accord Act, which requires consideration of impacts to fisheries activities in the submerged land licensing process.

Specific Feedback

Section 6.3.2 – it does not appear that our feedback of September 16, 2024 has been incorporated into the draft final report.

Page 105 – it is unclear why landed weights were used to signify commercial importance for the fisheries. Scallop fishing tends to have lower landed weights and higher values. We suggest including more information when assessing impacts on commercial fisheries.

Page 296 – the table entry for “Sea Scallop” describes there being three aggregations as ‘potential habitats’, but would characterize these with more certainty. In other words, there are possible habitats outside of these areas on St. Pierre, but these areas are clearly defined habitats.

Section 7.4.2 and pages 338 and 345 – we feel that this section could more strongly articulate impacts to scallops, including from noise and impacts on larval transport.

Page 506 – does not include description of MFN and other First Nations’ commercial interests in the ECOSF.

Pages 591-2 – the table does not seem to consider impacts of debris from turbines or critically damaged turbines on fisheries using mobile, bottom-contacting gear.

Page 599 – we suggest a recommendation for the development of a fund to compensate for impacts that cannot be attributed to a single development or for indirect impacts to the fisheries.

7.8.2 – we want to emphasize that fisheries science can be impacted by exclusion from wind development areas, both in terms of fisheries survey design and fisheries survey integrity, and that the federal government consider, well in advance, impacts to fisheries science. We also encourage robust oceanographic modelling to determine impacts on primary production and larval transport.

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