Atlantic Groundfish Council and Atlantic Fixed-Gear Council
Response to the Regional Assessment Committee's Draft Report on Offshore Wind Development in Newfoundland and Labrador
November 29, 2024

Dear Committee Members,

Please accept the following feedback on behalf of the Atlantic Groundfish Council (AGC) and the Atlantic Fixed Gear Council (AFC) in response to the Committee's latest Draft Regional Assessment (RA) Report for Offshore Wind Development in Newfoundland and Labrador, hereinafter referred to as 'the report'. This feedback should be considered in conjunction with AGC's September 2023 submission to the RA Committee.

Background

AGC represents >100' (offshore) groundfish licence holders in Atlantic Canada and AFC represents 65-100' fixed-gear groundfish licence holders in Atlantic Canada. These organizations include family-owned enterprises that are deeply committed to their thousands of employees, providing full-time employment in rural areas through vessel operations, processing plants, and ancillary facilities.

Our members have a long-standing history of deriving the maximum benefit from our sustainable, renewable seafood resources for the benefit of all Canadians. They are proud to be staunch stewards of the resources they harvest and have continued to promote responsible, sustainable fisheries with contributions to fisheries stock research and monitoring as well as leading Marine Stewardship Council (MSC) sustainability certifications and Fishery Improvement Projects (FIPs) for most of the stocks they harvest, process, and bring to markets.

We are supportive of Canada's efforts to develop greener energy initiatives; however, we are not supportive of the growth and development of one renewable resource-based industry at the detriment of another. For this reason, we stress that it is paramount that we work together to ensure a healthy co-existence between Newfoundland and Labrador's (NL's) long-established fishing industry and this new offshore wind energy industry.

We thank the Committee for their contributions to the report to date and note that the Committee has drafted an extensive compendium that can help guide future, project-specific impact assessments as offshore wind projects are considered for development in NL waters. However, we emphasize that much work is still needed to sufficiently characterize potential implications of offshore wind activities on the province's fishing industry. Important gaps remain in the fisheries impact analyses presented in the report which necessitates project-specific impact assessments for all potential future wind energy projects.

In light of this, we continue to stress the need for early and continuous engagement with the fishing industry throughout all processes of potential future wind energy developments to ensure a collaborative and successful outcome.

Project-Specific Impact Assessments are Indispensable

We strongly support the Committee's recommendation that the federal Minister of Environment and Climate Change should not exclude future offshore wind projects within the Study Area from future project-level impact assessment requirements, including at sites within the recommended offshore wind licencing areas.

The importance of project-specific impact assessments, informed by extensive consultations with the fishing industry, for potential future offshore wind projects cannot be overstated. The RA Committee's report must not be considered a replacement for project-specific impact assessments given clear limitations in the fishery footprint data, limitations in the analyses of potential impacts to the fishing industry, the sheer dynamic nature of fisheries, and the many unknowns associated with the types of wind energy infrastructure that might be considered for development.

Participants in the fishing industry have adapted and evolved their operations throughout history to ensure continued success in the face of changes in available resources, environmental conditions, fisheries policy and legislation, etc. This has led to changes in how, when, and where fishing occurs as well as changes in the types of commercial species being harvested. Additionally, we know that the marine ecosystem around NL is undergoing shifts in relation to climate change, and we expect that fisheries will be pressed to be even more agile in future to ensure continued long-term sustainability of the industry. Despite the industry's impressive record of perseverance, the ability to adapt is becoming increasingly challenging as more initiatives such as various habitat protection efforts, Marine Protected Area development, installation of marine cables, etc., threaten to preclude harvesters from important fishing grounds.

A significant limitation in the report continues to be that the primary source of fisheries data used in analyses of potential fisheries impacts from offshore wind development is the Department of Fisheries and Oceans' (DFO's) Marine Planning Atlas. The Atlas provides a limited window of just 10 years of fisheries data (2012-2021), thereby excluding information on important historical fishery footprints such as stocks currently under moratorium (e.g., 3Ps haddock and 3Ps American plaice). Although the Committee has incorporated groundfish data from an unpublished Community-based Coastal Resource Inventory (CCRI) update as a means to address gaps in the report for historical fishing footprints, given the

unpublished nature of the CCRI update and considering that most of the CCRI areas overlapping the Focus Area are from this unpublished dataset, we cannot properly assess at this time whether it is sufficient to account for these gaps. Based on Figure 6.11 in the report, it appears that areas removed based on the CCRI data are largely close to shore and therefore, are unlikely to capture historical groundfish fishing information for the offshore fleet. Extreme caution is warranted in interpreting the inclusion of this data as a sufficient means to account for historical fishing footprints.

Additionally, with respect to the Atlas dataset, we highlight that it is already based on three-year-old fisheries data. Much can change for the fishing industry in three years. For example, two commercially important groundfish stocks that have been under moratorium for more than 30 years have reopened to commercial fishing this year (Unit I Redfish and Northern Cod). Therefore, current fishing footprints for NL's groundfish fishery reflected in this report have already begun to change.

The report recommends that the Government of Canada should continue to support DFO's Marine Spatial Plan (MSP) initiative, including support for continued development of DFO's Atlas to assist in MSP, and that a component of the plan should include zoning areas for potential development of marine based alternative energy projects, within which offshore wind areas could be selected for licencing consideration to help reduce conflict in advance of impact assessment processes. It is important to note that while MSP can be a helpful tool to support balancing various ocean uses, it is not a replacement for conducting thorough project-specific impact assessments. It is paramount that potential wind energy proponents, governments, stakeholders, and the public understand the limitations that exist within the DFO's current MSP and supporting Atlas. These tools are only as good as the information being fed into them and they remain in the early stages of development.

We also highlight that much of the fishery analyses completed in the report is on a macro scale and therefore, does not capture the intricacies of how different fisheries are prosecuted. There are distinctions between how the fishing industry harvests different types of resources, both between broader species categories (e.g., shellfish, pelagics, and groundfish) as well as between each species type within those categories (e.g., cod, halibut, and yellowtail flounder). Technologies and operational plans for harvesting Atlantic halibut differ from those for redfish, which differs from yellowtail flounder, and so on. These distinctions can lead to variation in potential impacts from offshore wind development on each specific fishery type. Direct communication with fish harvesters is the only means to ensure an accurate characterization of the intricacies of fishing activities is captured.

The manner in which offshore wind energy projects may impact the fishing industry will also depend on such things as location of proposed turbines and associated cables and

infrastructure, number of turbines planned for construction, and type of wind farm technology (size of the turbines, style of turbine base, technical specifications of array and export cables that bring the electricity to shore, etc.). Many of which have yet to be identified and may change through time. For example, we know that the size of turbines in other jurisdictions have been increasing with the ongoing development of floating infrastructure.

As specific areas are considered by potential wind energy proponents, direct input from the fishing industry will be critical to properly assess suitability for development and potential impacts to the fishing industry. This assessment is crucial, as it will underpin the development of avoidance and mitigation measures, as well as compensation options for instances where avoidance and mitigation are not sufficient in preventing negative impacts to the fishing industry.

Groundfish Fisheries

Referenced throughout the report is the economic and cultural significance of the fishery to the population of NL with a particular emphasis on the value of shellfish fisheries such as crab and lobster. In several places, the report references the collapse of groundfish stocks in the 1990s and notes a transformation of the fishery into a shellfish industry. Though there is reference in the report to increases in groundfish resources seen in recent years, potentially signalling a return to a groundfish dominated ecosystem, the significance of current groundfish fisheries to NL is underemphasized throughout the report. While shellfish resources such as crab and lobster are significant economic contributors to NL's fishing industry, the importance of groundfish fisheries to NL's economy must not be underrated.

The Focus Area and Recommended Offshore Wind Licencing Areas within it overlap important groundfish fishing areas including high-valued groundfish species such as Atlantic halibut - currently the most lucrative groundfish species in Atlantic Canada. Additionally, offshore wind projects can have lifetimes of 30 years from project installation to decommissioning. The value of commercial fish species changes through time depending on variables such as market demand and resource availability which are influenced significantly by global supplies. Therefore, what may not be considered a highly lucrative species today may be so in the future.

Furthermore, lower levels of activity in a fishery does not necessarily degrade the socio-economic importance of that fishery to the businesses and NL communities that rely on it. For example, over the last number of years, 3Ps Atlantic cod has been a low-level fishery while the stock is in the Critical Zone, but this low-level fishery continues to be an important fishery for members of the AGC and to rural NL communities where it helps secure hundreds

of local jobs and indirectly benefit hundreds more. Additionally, our members have diverse harvesting portfolios with a variety of quota for different species – something that helps provide resilience to their businesses. It may not be sufficient to consider the potential impacts of offshore wind development on just a species-specific basis; the entirety of their operations and quota holdings must be considered.

In reviewing the report, we note that there are a couple of specific sections that may require updating. Specifically, some areas pertaining to the classification of stock status for groundfish. For example, Section 7.4.1.4.3 attempts to characterize current conditions of demersal fish and skates in the Focus Area and uses the COSEWIC status for redfish – for both *S. fasciatus* and *S. mentella* – as the stock status. The COSEWIC status indicates that the stock status is 'unknown, threatened' for *S. fasciatus* and 'healthy, threatened' for *S. mentella*. However, the latest fisheries stock assessment for Unit I Redfish shows that both *S. fasciatus* and *S. mentella* were in the Healthy Zone of DFO's Precautionary Approach Framework (PAF) in 2023 (the assessment report has not yet been published but results can be confirmed directly with DFO Resource Management).

Similarly, this section of the report also indicates that Thorny Skate is at a low biomass with the stock status noted as 'cautious, special concern'. However, the 2022 stock assessment report for 3Ps Thorny Skate shows that the stock is well above it's Limit Reference Point (the point between the Critical and Cautious Zone) and has remained steady near this level for more than two decades.

We strongly caution against using COSEWIC assessments to determine stock status of commercially important fish species given that they are typically conducted much more infrequently than fisheries stock assessments and likely do not represent the most up to date information on status of those resources.

<u>Fisheries Sustainability Efforts</u>

There is currently no consideration in the report for how wind energy development could impact ongoing fisheries sustainability efforts such as Marine Stewardship Council (MSC) certifications, Fishery Improvement Plans (FIPs), and Rebuilding Plans.

Our members have continued to invest in the growth and sustainability of groundfish resources in Atlantic Canada. The AGC currently manages several MSC sustainable fishing certificates and FIPs for groundfish stocks overlapping the Focus Area including 3Ps cod, 3NOPs4VWX5 Atlantic halibut, Unit 1 & 2 redfish, and 3Ps witch flounder. All of which stand to be negatively impacted by potential future offshore wind development.

Further, there are ongoing efforts to rebuild fish stocks that are in the Critical Zone of DFO's PAF that may be hindered by offshore wind development. For example, there have been significant resources dedicated by the Provincial and Federal government, fishing industry, and other stakeholders on rebuilding 3Ps Atlantic cod. This stock is prescribed under the Fish Stocks provisions of the *Fisheries Act*, which imparts a legal responsibility on DFO to ensure a rebuilding plan is in pace while the stock remains in the Critical Zone.

In March of 2024, DFO approved the rebuilding plan for 3Ps cod which sets out objectives, targets, and timelines for rebuilding this stock out of the Critical Zone. We know that the harvest of wind from the surface of the ocean will lead to oceanographic changes in the area surrounding turbines, including potential changes in temperature and salinity profiles and the direction and speed of currents. For a fish stock that is already experiencing slower than normal growth as result of ecosystem changes, such as 3Ps cod, development of offshore wind energy turbines in that area could further reduce the chances of growth for this stock and render significant rebuilding efforts moot.

Impacts on Fisheries Stock Assessments and Management Advice

There is potential for turbine development and operations to have negative effects on long-standing fisheries and ecosystem research surveys that collect data used in directly fisheries stock assessments and assessment models that help inform management decisions for fisheries. While there is some reference to these surveys in the 'Other Ocean Uses' section of the report, more emphasis is needed to adequately capture the critical importance of this issue as it pertains to the fishing industry.

Our September 2023 submission to the RA Committee on the Proposed Focus Area highlighted this concern, where we noted that there are several fisheries-independent and fisheries-dependent scientific surveys occurring in the Focus Area on a regular basis. These surveys provide critical scientific information on species distribution and abundance of various groundfish and shellfish species, as well as other biological and oceanographic information used to inform stock assessment and resource management decisions. Some of these surveys have been providing scientific data since the 1980s.

Exclusion of scientific survey vessels from areas of offshore wind farms may result in the inability for the survey to sample stock biomasses within that area and can risk underestimation of fish stock biomass levels with resulting reductions in total allowable catches and quotas for the fishing industry.

It is critical that the potential for interruptions to these surveys and potential loss of survey sampling areas by offshore wind energy development be adequately captured during

project-specific impact assessments to ensure every effort is made to avoid such disruptions. Further, additional effort should be made to better reflect all existing surveys in the study area, including those conducted by the fishing industry that have not been captured in the report. For example, the DFO-Industry Atlantic Halibut Longline Survey, which occurs in part of the Focus Area, is not currently mentioned in the report. This survey has been conducted since 1998 to provide data necessary to generate an index of abundance for Atlantic halibut across the wide stock area.

Cumulative Impacts

The report notes that the impact of offshore wind development on regional fish stocks are not known and that cumulative impacts from offshore wind on commercial fisheries may result from habitat alteration, disruption, destruction, noise, etc. Further, the report states that consideration of potential cumulative effects was a significant challenge for the Committee given data and time constraints which precluded identification and provision of specific cumulative effects information and advice at this time.

Despite the limitations in capturing specific cumulative effects information, the report does note that avoiding MPAs and other marine conservation areas in the Committee's licencing areas selection process was inherently a means to mitigate cumulative effects. However, we highlight that this conversely threatens to actually increase cumulative impacts to the fishing industry.

As mentioned, fisheries are dynamic, and the industry must continue to have the capability of shifting their operational plans as needed when resource availability and market demands fluctuate. Today, fisheries are increasingly challenged to find ways of adapting to ensure the continued success of the industry. With increased ocean use by different users and numerous conservation-based spatial closures, the marine space that was once available to harvesters is reducing rapidly.

Offshore wind turbine development is another ocean use that will further increase the spatial squeeze in the marine environment and will result in large areas of the ocean becoming unavailable to the fishing industry.

Increased spatial squeeze for the fishing industry from multiple initiatives in NL waters must be considered as part of any cumulative effects analysis that are undertaken during project-specific impact assessments for offshore wind development projects.

Specific Report Recommendations

The report recommends that governments conduct multiple rounds of identifying offshore wind licencing areas as more information and data becomes available. This recommendation should be expanded to include a requirement for direct consultation with the fishing industry for each round of identification of offshore wind licencing areas.

We strongly support the Committee's recommendation that a comprehensive review and engagement with fisheries be established during a project specific impact assessment to avoid conflict uses wherever possible.

Similarly, we fully support the recommendation that Governments of Canada and Newfoundland and Labrador be transparent and continue engagement with Indigenous peoples, fisheries, stakeholders, and the public as the offshore wind industry develops in the province.

Of significance is the fact that currently, there is no official advisory committee established in the NL region that brings together governments, regulators, the fishing industry, or other stakeholders with a mandate to discuss offshore wind development in NL. This type of forum is needed immediately, as important discussions on offshore wind energy development are already happening.

Therefore, it is suggested that the report identify this gap and recommend that an official forum for the purposes of information sharing of ongoing offshore wind matters with the fishing industry be developed in the immediate future.

We also highlight that offshore wind updates are not currently included as part of agendas for regularly scheduled regional fisheries advisory committee meetings led by DFO. We note that these forums may present an opportunity for governments, the Regulator, and/or future wind energy proponents to provide key updates on offshore wind projects directly to the fishing industry as well as to fisheries managers and scientists.

The Committee recommends that offshore wind developers avoid peak season for fishers during construction and decommissioning to lessen the impacts of these activities. We highlight that our members have operations nearly year-round with a diversity of groundfish quotas in their harvesting portfolios which may challenge the ability to avoid 'peak season' for their fishing activity.

With respect to the Committee's recommendation that consideration of a compensation framework for fishers that are displaced by offshore wind or experience gear damage or loss due to entanglement or damage caused by offshore wind farms, we support this

recommendation but suggest several expansions, including that such a compensation framework must:

- be developed in consultation with the fishing industry.
- clearly state that intention to be used only where negative impacts to the fishing industry cannot first be avoided or sufficiently mitigated.
- consider both direct impacts to the fishing industry (e.g., displacement of fishers) and indirect impacts (e.g., impacts to commercially targeted species from oceanographic changes driven by the harvest of wind).
- be consistent across Newfoundland and Labrador and Nova Scotia.

Our members are Atlantic-wide, with fishing and processing operations occurring across both provinces. They stand to be impacted by wind energy development off the coast of both NL and NS, and as such, they must be provided with some assurance that a consistent, robust compensation plan will be available in both regions.

Concluding Remarks

Thank you for the opportunity to provide feedback. As proud stewards of Atlantic Canada's long-standing, sustainable and renewable groundfish resources, our members will continue to remain engaged in these important matters, working to achieve a healthy co-existence with the offshore wind industry.

Sincerely,

Vanessa Byrne
Director of Fisheries Management and Science, AGC
Executive Director, AFC