DFO NL Region Review

Draft Report: Regional Assessment of Offshore Wind Development in Newfoundland and Labrador

Resource Management

Table 7.7.6. Shellfish Fishing Trends within NAFO Divisions
Snow crab Divisions are for Placentia Bay only, please also include Fortune Bay.

Table 7.7.9. Applicable Commercial Groundfish Fishing Closures and 7.7.1.6.5 Redfish
Pleas remove Redfish, it has since opened.

Table 7.7.7. Applicable Shellfish Fishing Closures
This is entered twice in the report:

> 3Psn/Scallop Fishing Area 11
> The portion of Scallop Fishing Area 11 bound by straight lines drawn between the following coordinates:
> 47°11'24" North, 55°27'36" West (White Point) to
> 47°12'36" North, 55°29'24" seconds West to
> 47°06'00" North, 55°51'00" West to
> 47°04'48" North, 55°51'00" West

Pages 532 and 533
Report text: *The 3Ps portion of SFA 7 of the Northern Shrimp fishery falls partially within the Focus Area. This area only opens at the request of the industry and was last open in 2021. While there is some data available from Canadian multispecies randomized trawls and logbooks from the area, no assessment has been made for the 3Ps shrimp stock as it has a limited TAC.*

- Please remove red text, there is no TAC in 3Ps Shrimp.

Section 7.7.1.7 Pelagic

Recommend removing sea cucumber from the Pelagic section as it is not a pelagic species. Suggest including it under Shellfish (7.7.1.5), but rename that section to *Invertebrates.*

Recreational Scallop Fishery

The recreational scallop fishery is very active on the south coast of NL. DFO can provide further context on number of scallop recreational licenses in the area, and would appreciate this being highlighted more throughout the report. The rec fishing guidelines we provided previously, in the link below, note all coastal fisheries requiring and not requiring a license.
Coastal Water Recreational Fishery Information Newfoundland and Labrador Region

For information, maps of the commercial Sea cucumber and Scallop fishing beds are attached.

Policy and Economics

Section 7.7.1.1 Key Sources of Data and Limitations, p.506

Report text: *"Since it is understood that fisheries taking place within the Focus Area heavily rely on small fishing vessels, less than 35 feet in length, their specific positional fishing information is largely unavailable, aside from NAFO Unit Area fished."* Suggest rewording: *The Focus Area is also an important area for small fishing vessels, most of which are less than 35 feet in length. Generally, positional fishing data is unavailable for these vessels, with the exception of the NAFO Unit Area that is being fished.*

Section 7.7.1.3 Commercial Fisheries, p.510

Report text: "*…while the non-georeferenced portion of the commercial fishery is $43 million."* We're uncertain as to whether or not the non-georeferenced catch falls inside or outside the Focus Area. Suggest rewording to: …*while the non-georeferenced portion of the commercial fishery could be valued at up to $43 million annually over the same period.*

Report text: "*This includes the number of licences within the region."* Suggest removing this sentence or clarify to say that the majority of licences in that region are associated with those fisheries.

Report text: "*…the number of licences and vessels within the region for 2022 (the most recent year publicly available), and the species that occupy them."* Suggest rewording to: …*the number of licenses by species and the number of vessels within the Region in 2022 (the most recent year publicly available).*

"*Other notable species include herring and mackerel, and groundfish."* The number of mackerel licenses is not available. Perhaps this is meant to be another species?

"*While shrimp and crab seemingly have lower licence numbers than other species"* According to Table 7.7.2 on page 511, crab has a higher number of licences than most species.

Section 7.7.1.3 Commercial Fisheries, p.512

"Figure 7.7.2 provides an overview of fish landings activity from 2012 to 2021 for all recorded species offshore." Suggest specifying georeferenced fish landings and removing 'offshore'. Georeferenced inshore activity is also depicted in Figure 7.7.2 on page 513.

Section 7.7.1.4 Key Fisheries, able 7.7.4. Overview of Key Georeferenced Commercial Fisheries, p.518

Table Footnote: "*Within DFO's submission in response to the Committee's Request for Advice, in the table outlining the average annual Focus Area catch and landed value by Species, 2012-2021, redfish, witch flounder, shrimp, turbot and haddock values were combined together in the 'Other' category."* Note that all other species are included in this category. The listed species were examples of those included in the other category, not an exhaustive list.
Note also that capelin appears twice in the table (pgs. 517 and 518).

Section 7.7.1.5 Shellfish, Table 7.7.5 Shellfish Fishing Trends throughout the year, p.520

Note that the footnote mark is missing from the lobster.

Section 7.7.1.5.1 Snow Crab, p.525

"*…approximately $21.4 million in average annual value through the georeferenced fishery and $2.1 million through the small vessel…"* Since we cannot say with certainty if the non-georeferenced catch is from inside or outside the Focus Area, suggest re-wording to: … *and up to $2.1 million…*

Section 7.7.1.5.4 Lobster, p.531-532

" *It is now the most valuable shellfish species harvested in the province."* Suggest adding valuable shellfish species <u>per pound</u> harvested for clarity. By landed value, Snow crab was the most valuable fishery in 2023.

" *… with an average annual landed value of $34 million in the small vessel fishery (non-georeferenced), accounting for 80% of total landed value for small fishing vessels within the Focus Area (2012-2021)."* Suggest rewording to the following: *Lobster landed value for small vessels (non-georeferenced) could be up to $34 million on average annually within the focus area (2012-2021), accounting for about 80% of the total non-georeferenced landed value for small vessels.*

" *…the lobster fishery within the full extent of these divisions amassed approximately $84 million in 2022, approximately 80% of total landings within the province."* Correct to*: $91 million in 2022 and accounted for about 86% of total lobster landings...*

Section 7.7.1.5.5 Northern Shrimp, p.532

"*Since this fishery began, landings in this area have gradually increased…"* For clarity, suggest replacing 'area' with 'management region'. This clarifies that the information that follows is for the management region and not just the Esquiman.

Section 7.7.1.6 Groundfish, p.534

"*The tables below outlines groundfish species harvested within the Focus Area …"* For clarity, suggest changing to: … *outlines the <u>primary</u> groundfish species*…

Section 7.7.1.6.1 Cod, p.540

"*Cod is also an important fishery to smaller non-georeferenced vessels, which from 2012-2021 brought in $2.8 million in annual landed value. (DFO, 2023a).*" Since we cannot say with certainty if the non-georeferenced catch is from inside or outside the Focus Area, suggest re-wording: …*brought in $2.8 million in annual landed value, a portion of which was likely caught inside the Focus Area.*

Section 7.7.1.6.2 Halibut, p.542

"*Between 2012-2021, the georeferenced Atlantic halibut fishery within the Focus Area averaged almost $2.2 million in annual landed value. The small vessel fishery (non-georeferenced) averaged $2.7 million in annual landed value, a portion of which can likely be attributed to the Focus Area.*"
Suggest re-wording: *Between 2012 – 2021, the small vessel fishery for Atlantic halibut averaged $2.7 million of annual income within the Focus Area.*

Section 7.7.1.7 Pelagics, p.549-550

"*On the western and southern Coasts of Newfoundland, the pelagic fishery is more prominent than other fisheries that Newfoundland is known for (e.g., Shrimp and crab)."* This statement is true for the western coast of NL, but not the southern coast. The southern coast should be removed from the sentence.

Note that DFO classifies Sea cucumber as a crustacean along with Snow crab, lobster, shrimp, etc.

Section 7.7.1.8 Gear Associated with Commercial Fishing Activities, Table 7.7.1.3, p.565

Table Footnote: "*Danish seine, shrimp trawl, beach seine, bar seine and troller line were combined to form an 'Other' category in the source table*." Note that 'Other' includes all other gear types. Those listed were the main other gear types. The list was not exhaustive.

Marine, Planning and Conservation

Marine Spatial Planning (MSP)

While this program was not renewed this fiscal year, DFO-NL Region is continuing to advance key MSP activities in focused planning areas where possible given reduced and realigned funding. This has included preliminary engagements for the south coast of Newfoundland given emerging activities related to conservation, fisheries, aquaculture, and future energy potential in the area (west of Fortune Bay).

Recommendations from the RA report highlight the need for MSP as a guiding tool for future development in the region. Potential outputs from regional MSP processes will be community and partner driven, however, this will be dependent on available capacity and resources. Efforts are ongoing to continue support for the Canada Marine Planning Atlas, which will continue to play a vital role in increasing access to ocean information in support of ocean management and decision making.

Commercial Fishing

The dataset DFO provided was not constrained to the Focus Area. Please clarify that the commercial fishing removed from the recommended licencing areas was 90% of the commercial fishing density within the Focus Area.

The correct name for the dataset is *Eastern Canada Commercial Fishing*, please revise (Figure 6.10), and the years which the dataset covers should be included to read 2012 – 2021 in this same figure.

Figure 6.11 - Please clarify that the original dataset published in 2023 represents results from 1997-2007, and the update will include data from 2021-2024.

***Oceans Act* Marine Protected Areas**

Table 6.1 (pg. 76) refers to a study that recommends "*all MPAs should be surrounded by, at a minimum, 1 km precautionary buffer to reduce [edge] effects*". After reading through the study, this minimum 1 km recommendation is based on fishing pressure rather than activities such as offshore wind, which install infrastructure directly on the seafloor. Considering the sedimentation and disturbance that would likely occur during offshore wind installation, it is possible the buffer required to safeguard benthic species (e.g., sea pens) within the Laurentian Channel MPA would be larger than 1 km.

It is recommended, based on what is known about sedimentation effects on sensitive species such as sea pens, that there be at least a 2 km buffer around the Laurentian Channel MPA. Although this advice was specific to oil and gas activity, it is believed that sedimentation from installation of OSW infrastructure would be similar. See Cordes et al., 2016, DFO 2020; DFO 2021.

DFO (2021). Coral and sponge mitigations in relation to exploratory drilling programs

in the Newfoundland and Labrador region. Canadian science advisory secretariat science advisory report 2021/028. Coral and Sponge Mitigations in Relation to Exploratory Drilling Programs in the Newfoundland and Labrador Region (dfo-mpo.gc.ca)

Cordes, E.E., Jones, D.O.B., Schlacher, T.A., Amon, D.J., Bernadino, A.F., Brooke, S., Carney, R., DeLeo, D.M., Dunlop, K.M., Escobar-Briones, E.G., Gates, A.R., Génio, L., Gobin, J., Henry, L.A., Herrera, S., Hoyt, S., Joye, M., Kark, S., Mestre, N.C., … Witte, U. (2016). Environmental impacts of the deep-water oil and gas industry: A review to guide management strategies. Frontiers in Environmental Science, 4, 58. https://doi.org/10.3389/fenvs.2016.00058

DFO (2020). A National Monitoring Framework for coral and Sponge areas identified as other effective area-based conservation measures. Canadian Science Advisory Secretariat
National Capital Region Science Advisory Report 2021/048

Pg 461. Table 7.6.1 - There appears to be two small areas of overlap between the Focus Area with the Laurentian Channel MPA, this MPA should be avoided completely. Through regulations under the *Oceans Act*, offshore wind will not be permitted in existing MPAs as it has not been listed as an exception in the regulations.

OECMs (*Fisheries Act* Marine Refuges)

Pg 467 Section 7.6.1 – Please update text on marine refuge (MR)/OECMs to reflect the 2022 OECM Guidance. This document outlines a new set of criteria. Recommend adding a statement that MRs are one type of OECM, using the *Fisheries Act* as the regulatory tool.

Marine Refuges are established to achieve conservation objectives and contribute to Canada's Marine Conservation Targets (MCT). Any OSW project being considered within a MR would be subject to a risk assessment to ensure that any risks to the biodiversity conservation benefits can be avoided or mitigated effectively.

Points of Information regarding Federal MPA Protection Standards that could have implications for the Offshore Wind Industry

Offshore wind was not an activity contemplated by the National Advisory Panel on MPA Protection Standards (PS). The work of the Federal MPA Protection Standard Task Group over the last three years has largely been to clarify "dumping" to a level of specificity so that it can be applied to MPA establishment. Rather than listing industry sectors as potential sources of "dumping" activities under the MPA PS, the Task Group defined activities subject to the scope of prohibited "dumping" based on substances. This substance approach to prohibited "dumping" may therefore impact a multitude of industry sectors where they would require a federal permit to "dump" the MPA PS prohibited substance.

Under the MPA PS, permits will not be issued for disposal at sea in MPAs. Disposal at sea is regulated through the *Canadian Environmental Protection Act* (CEPA). Under this Act, the following substances require a permit before disposal, and will therefore not be allowed in MPAs, including in cases where the disposal would result from the construction of an offshore wind installation:

- Dredged material
- Fish waste and other organic matter resulting from industrial fish processing operations
- Ships, aircrafts, platforms and other structures
- Inert, inorganic geological matter
- Uncontaminated organic matter of natural origin
- Bulky substances that are primarily composed of iron, steel, concrete or other similar matter

Examples of construction-related activities that would require a disposal at sea permit under CEPA include, but are not limited to: disposing of material dredged to make room for concrete foundations, and sea floor excavated to make room for underwater structures.

Under the MPA PS, permits will not be issued for dumping of fill. Dumping of fill can include being part of a "work", regulated through the *Canadian Navigable Waters Act* (CNWA), where a "work" includes the "*dumping of fill in any navigable water, or any excavation or dredging of materials from the bed of any navigable water*".

However, any works, such as those conducted for the purposes of offshore wind, that require a dumping of fill permit, will not be allowed to occur in MPAs as they will not receive a permit.

<sensitive information removed>

Marine Environmental Quality (ocean noise)

Table 7.5.10 - Descriptions of Mitigation Measures for Impacts to Marine Mammals and Sea Turtles – Underwater Noise and Vibration.

- At a minimum, the mitigations outlined in the Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment (SOCP) should be implemented: https://www.dfo-mpo.gc.ca/oceans/publications/seismic-sismique/index-eng.html

- Passive Acoustic Monitoring (PAM) should be used by a certified technician at all times during construction (e.g., NOAA and BOEM minimum recommendations for use of Passive Acoustic Listening System: https://www.fisheries.noaa.gov/new-england-mid-atlantic/offshore-wind-energy/noaa-recommendations-use-passive-acoustic-listening-systems). Also, recommend PAM be utilized to detect marine mammal presence during operation of wind farm.
- Do not recommend using acoustic deterrent devices. If marine mammals approach, construction should be shut down as per SOCP.
- All project-related vessels in the area should use ship 'acoustic reducing technologies'.

Table 7.4.14. Common Mitigation Measures for Impacts to Marine Fish and Fish Habitat. Page 348

There are references to different types of baseline data collection throughout the report. It might be advantageous to be a more specific about types of baseline collection (ecological, non-ecological, socio-economic). On page 348, in addition to mentioning baseline for critical habitat, species distribution, monitoring; it may be beneficial to also mention the need for baseline such as a before-after control design, and baseline data for benthic, pelagic, oceanographic, acoustic, etc. variables for ecological data collection.

Other: Please clarify how often OSW structures would need to be inspected/routine maintenance.

Small Craft Harbours

Page 622, Section 7.8.4 Engagement Outcomes

Report text: "*In a meeting with DFO Small Craft Harbours, it was emphasized that harbours with Harbour Authorities are primarily commercial fishing harbours. If certain harbours have the capacity to accommodate vessels from other industries, it could become an additional revenue source for a Harbour Authority. This would be dependent on the amount of commercial fishery activity in the harbour and how much Crown land could be available for use under a lease agreement with the Harbour Authority.*"

The mandate of Small Craft Harbours (SCH) is to provide the commercial fishing industry with harbour infrastructure that is safe and meets their operational needs, through a network of safe and accessible harbours in good working condition. While the mandate of the SCH program is to support the commercial fishing industry, recreational boats and vessels that support marine industries (e.g. petroleum, aquaculture, etc.) often use SCH facilities. While it is important to highlight the potential positive impacts to Harbour Authorities, it is also important to note that the addition of offshore wind energy projects and the vessels that support those projects may put additional strain on existing SCH facilities.

Fish and Fish Habitat Protection Program

Section 6.4.1, p.110
The Committee recommends that, as a high priority, the Governments of Canada and Newfoundland and Labrador should develop a marine spatial plan.

- *The Government of Canada should continue to support DFO's MSP initiative for the Newfoundland and Labrador Shelves Planning Area.*
- *The plan should incorporate known biotic and abiotic features of the area; current human uses,* ***including all data submitted by fishers to DFO****; existing development; and protected areas.*

Note that not all data submitted by fishers would be able to be displayed in a marine spatial plan due to privacy screening.

Section 7.4.6, p.356

Federal agencies (e.g., DFO, ECCC) begin a sustained series of surveys and programs to develop the basic information regarding the marine physical and biological environment in the Focus Area, including the areas identified for earlier potential offshore wind development, up to 80 m depth (Figure of Preliminary Licencing Areas).

This recommendation is vague and seems to describe the intent of NRCan's Offshore Wind Predevelopment Program (OWDP).

Section 7.4.6, p. 357

Project specific environmental impact assessments should be based on a minimum of 2 years of site-specific surveys that should be made part of a long-term monitoring and research program.

Recommend clarifying what is meant by project specific assessments being part of long-term research programs. Is the intent for proponents to conduct research programs? For example, the Draft Report for the Regional Assessment of Offshore Wind Development in Nova Scotia specifically recommends the establishment of a Scotian Shelf Collaborative Research Initiative (SSCRI). An initiative similar to the recommended SSCRI or the already established Environmental Studies Research Fund (ESRF) for the oil and gas industry may be more appropriate.

Section 8.6, p. 774

The Government of Canada conduct a strategic assessment of offshore licencing areas (once the determined) with the key objective of supporting a more thorough assessment of cumulative effects.

- *The strategic assessment should be designed by federal authorities who hold expertise in CEA, and in the specific valued components (e.g., ECCC for aerofauna, DFO for marine fish and fish habitat, commercial fisheries) that are most likely to be adversely affected by offshore wind development.*

Recommend rewording to *should be designed* ***in consultation with*** *federal authorities…*

Species at Risk

A Recovery Strategy for the Endangered Blue Whale was published in 2010. Data gaps precluded the identification of Critical Habitat in the Recovery Strategy, which included instead a Schedule of Studies that, when completed, would allow Critical Habitat to be identified. In 2016, DFO Science held a CSAS process to provide science advice to the Species at Risk Program on available information and the current state of knowledge about the habitat of blue whales in the northwest Atlantic. The resulting

report (DFO, 2018) identified six habitat areas that are considered important for the survival and recovery of blue whales from the western North Atlantic population. One of these areas is southern and southwestern NL, which overlaps with the area of the regional assessment. As a species listed as Endangered under the Species at Risk Act, general prohibitions apply for Blue Whale that stipulate, among other things, that no person shall kill, harm, or harass any individuals. Therefore, any proposed activities in areas with Blue Whale that could contravene s.32, would have to be assessed on a case by case basis.

Reference: DFO. 2018. Identification of habitats important to the blue whale in the western North Atlantic. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2018/003. Identification of habitats important to the blue whale in the western North Atlantic