



PO Box 10, Station C  
368 Hamilton Avenue, 2nd Floor  
St. John's NL A1C 5H5

**FFAW | UNIFOR**  
Fish, Food & Allied Workers

Tel: 709.576.7276  
Fax: 709.576.1962  
Web: [www.ffaw.nf.ca](http://www.ffaw.nf.ca)

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**KEITH SULLIVAN**  
*President*

**DAVID DECKER**  
*Secretary-Treasurer*

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Rémi Bujold and Mary Simon, Co-Chairs  
National Advisory Panel on MPA Standards

FFAW-Unifor represents nearly 15,000 working women and men throughout Newfoundland & Labrador. The majority of our members are employed in the fishing industry as fish harvesters or fish processing plant workers. We appreciate the opportunity to present our views on the National Advisory Panel on Marine Protected Areas.

Our members reside in coastal communities around our province – rural areas where the fishery is the lifeblood of the community, and where the socio-economic wellbeing and survival of communities and entire regions depends on the resources in our oceans.

Fish harvesters are great stewards of the ocean. Their survival is dependent on the harvesting of a vast number of species that reside in the waters adjacent to our province. They recognize that a healthy marine ecosystem will return dividends to our communities for generations to come and provide good jobs in the beautiful coastal communities we call home.

The recent Marine Conservation Targets (MCT) process undertaken by the federal government and the Department of Fisheries and Oceans (DFO) has resulted in significant frustration amongst the membership of FFAW-Unifor, resulting from hurried timelines and a lack of adequate consultation with those who will be affected most, namely fish harvesters. This frustration was compounded by the fact that requests for additional information to further clarify and support closures was never produced by the Department despite repeated requests in addition to the fact that oil and gas exploration and development is permitted in areas closed to fishing.

In Newfoundland & Labrador, we have many examples of fish harvester-driven initiatives to protect the biodiversity in our oceans. These examples highlight harvesters' initiatives and interest in spatial conservation measures and also demonstrates the problems with the recent marine closure process.

### **Eastport MPA**

The Eastport MPA was established when a group of FFAW-Unifor members wanted to address a decline in lobster catches.

In 1995, these harvesters formed the Eastport Peninsula Lobster Protection Committee. As a result, two areas were voluntarily closed. Fish harvesters gathered data and worked collaboratively with government, community groups, academics and scientists. In 2005 the Eastport Marine Protected Area (MPA) became a reality under the Oceans Act. The lobster science program in this area is still ongoing and provides valuable data on

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lobster growth, movement patterns and productivity to the Department of Fisheries and Oceans (DFO).

### **Hawke Channel**

The Hawke Channel closure was introduced with the support of local fish harvesters to protect fishing grounds. This area was initially introduced as a study area to examine potential impacts on snow crab by bottom trawling. It was expanded based on recommendations from the Fisheries Resource Conservation Council and was closed to all trawling – but non-damaging gear, such as crab pots and hook & line were permitted. Harvesters supported the closures even though these same harvesters lost valuable fishing grounds where they harvested shrimp.

As part of the federal government's effort to achieve 10% protection by 2020, the area was re-tooled, with the Department of Fisheries and Oceans focusing on cod while harvesters have been focused on crab and habitat protection.

Throughout this process, there were repeated comments from FFAW-Unifor on-behalf of our members stating that the Hawk Channel should get additional consideration for the type of activity allowed in the new area that has been used to fulfil Canada's commitment to Marine Conservation Targets (MCTs).

### **Funk Island Deep**

Similarly, the Funk Island Deep closure has been an area primarily where bottom trawling has not been permitted in past years. In haste, in order to meet the requirements promised by government, further restrictions were placed on this closure. Again, in this example, there was inadequate consultation with those who would be most impacted by the closures - fish harvesters. FFAW-Unifor indicted that species could be harvested in this area using sustainable techniques and gear such as hooks.

Furthermore, harvesters pointed out that other potential closures that could provide protections to cod. The footprint of the current closure does not provide adequate protection to cod at sensitive life stage – i.e. pre-spawning and spawning aggregations. FFAW-Unifor asked DFO to provide evidence that would focus on where the fish aggregated in the past but this analysis was not presented if it was completed.

### **Laurentian Channel AOI/MPA**

When DFO commenced the process around the Laurentian Channel Area of Interest, it was made clear by FFAW-Unifor that the process must be undertaken with the best interests of fish harvesters in mind. FFAW-Unifor members supported the consideration of developing an MPA in NAFO Division 3Psn with the intent to protect cod resources in the area.

Our members have provided input and understand the importance of this particular closure to ensuring the protection of the biodiversity that exists in this rich area.

Unfortunately, what was put forward in the end eliminated all fishing activity in the area, without any tangible limitations on oil & gas exploration or development. Further

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compounding frustrations was the fact that the St. Ann's Bank MPA, which is an adjacent closure, was implemented with restrictions on oil & gas exploration while allowing for fishing activity.

These are a few examples of the positive and negative experiences our industry has had throughout the process of implementing marine closures in order to meet Canada's conservation targets. At the crux of these frustrations has been the inconsistent approach undertaken by the Department of Fisheries and Oceans in its consultation and engagement on the closures.

Collaborative efforts that take into account the traditional and local ecological knowledge and experience of fish harvesters, and efforts that engage harvesters in the process, are crucial to approaching marine protection in a way that will benefit our ecosystem and our communities for generations to come.

Protection of the biodiversity within our waters is necessary. We applaud the federal government's commitment to protect our oceans however; we believe there is room for improvement and the process of identifying, consultation and implementing these conservation measures.

Marine Protected Areas must have a purpose, and there must be demonstrable evidence to support that by closing an area, we will achieve results. This must be done in a thorough, evidence-based manner that takes into account not only the scientific data but the storied experiences of those who have worked on the ocean and know the ecosystem – namely fish harvesters.

As with any form of spatial management of a mobile, living thing, we always run the risk of drawing lines that come with uncertainty – we must not be boxed in by aggressive timelines for the sake of meeting milestones. Rather, we must take the time to ensure we do it right and achieve the intended outcomes.

FFAW-Unifor members, for example, advocate for closures that protect fish during vulnerable life stages. This includes measures such as prohibiting fishing on known, traditional areas of spawning aggregations, seasonal closures and gear restrictions.

We must also ensure there is an element of flexibility in the MPA process. The marine ecosystem is dynamic. There must be a method of evaluation and room for adjustment as changes occur. We cannot draw lines that are rigid and permanent. We must be able to re-evaluate and leave room to improve.

We acknowledge that there will be full closures that affect our members and we have worked hard with DFO to ensure these closures come with minimal negative impacts on harvesters.

In a global context, it must be recognized that the continental shelf in Atlantic Canada does not fit within standard parameters. There are few areas in the world where the continental shelf extends outside, or even out to, 200 nautical miles, with a complex ecosystem providing extensive economic opportunities from renewable resources. As a result, the entire shelf is

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utilized. Most of the marine species are not stationary within well-defined, stagnate spatial parameters – which a Marine Protected Area tends to be, by definition.

When areas are closed to fishing activity, it is important that the socio-economic impact of the closure be analyzed, and it must take into account historic fishing activity and reliance on species.

In Newfoundland & Labrador we are undergoing an ecosystem shift that is bringing a resurgence of species harvesters have not relied on for decades. We must ensure these traditional, historic fisheries patterns and knowledge are taken into account so that we do not limit future opportunities.

The conservation goals of marine protected areas can be compromised when closures are not applied evenly across sectors. We share the ocean with other fishing sectors and other industries and as such, we believe there may be significant consequences to allowing industrial activity such as oil and gas activity to take place in areas closed in an effort to protect that same marine environment.

## **Recommendations**

The panel has asked for practical recommendations for creating standards for marine protected areas, specifically as a means to help safeguard ecosystems and wildlife, rebuild fish stocks, and generate increased employment opportunities.

### *1. Think Beyond the MPA*

For some species and some conservation concerns, MPAs may not address the intended goals. FFAW-Unifor's first recommendation is to think beyond – and link to initiatives – beyond the MPA box to address conservation, fisheries and socio-economic objectives.

For example, the closure could be used as a starting point for implementing safe and effective conservation tools. This recommendation is based on our experience working with harvesters on conservation projects linked to the Laurentian Channel Area of Interest.

The objectives for the Laurentian Channel AOI include conservation of Atlantic Leatherback turtles. Leatherback turtles are highly migratory. They migrate to Atlantic Canadian waters, from southern Nova Scotia to Newfoundland, to feed. Some may well migrate through the Laurentian Channel AOI region but, from what we have seen of the satellite tagging tracks, Leatherbacks are not seasonally resident in the LCAOI.

Instead of limiting conservation efforts to the LCAOI, we have developed projects with DFO to develop, test and distribute line cutters, to develop and compare different line weighting techniques. These are practical means to avoid entanglements and to have the tools to safely release these species and/or other entangled species.

Thinking outside the MPA box, this alternative increased the likelihood of meeting shared conservation objectives and helped support sustainable fisheries and provided tools that may well contribute to fish harvester safety.

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Because leatherback turtles are highly migratory and the closure does not appear to be tied to particular life stages or times of increased vulnerability, the proposed MPA would, we expect, have limited benefit for this particular species.

## *2. Provide Adequate Supporting Information*

If a conservation closure is intended to protect a particular species, it is incumbent on DFO to provide information on how the closure is expected to protect that species. If, however, that information is not currently available then it is incumbent on DFO to commit to targeted research to address how best to use spatial conservation measures for particular species and to commit to a review of these closures.

Here, of course, we are referring to the Hawke Channel and the Funk Island Deep closures and Northern cod. For example, if Northern cod stocks continue to rebuild and spawning behaviour occurs just East of the closures put forward for this ecologically, commercially and socially important species, these closures could miss the mark of protecting Northern cod.

Research specifically targeted at understanding how these closures map onto Northern Cod distribution, behaviour and vulnerability are critical. Equally important is the ability to adjust the marine conservation closure to address the key question of whether the closure achieves what it is intended to achieve.

## *3. Include IUCN Categories IV and VI in Canadian Marine Protected Area Planning*

As stated in the IUCN definition, "Category VI protected areas conserve ecosystems and habitats together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in natural conditions, where a proportion is under sustainable natural resource management and where low-level non industrial use of natural resources compatible with nature conservation is seen as one of the main aims." The Primary Objective being "[t]o protect natural ecosystems and use natural resources sustainably, when conservation and sustainable use can be mutually beneficial."

Full closures are only one tool in the MPA, and larger marine conservation, toolbox. While full closures may be appropriate for sensitive habitats, seasonal and/or partial closures may be equally effective in achieving particular conservation goals related to protecting key life stages or periods of increased vulnerability. Having a seasonal closure, or limiting fishing activities to low impact gear types could achieve greater acceptance within industry, while still being able to achieve its conservation, fishery and socio-economic objectives.

Renowned closures such as the Great Barrier Reef Marine Park covers an area of 344,400km<sup>2</sup> within which opportunities for reasonable use are provided in 116,530 km<sup>2</sup>. The allowance for reasonable use in more than a third of the area is allowed by the application under the recognition IUCN category VI.

As described in the IUCN Guidelines, "seasonal closures of fish spawning aggregation areas or pelagic migratory routes, at specific and predictable times of year for certain species when they are extremely vulnerable, may be essential to the effective management of an MPA." This is not something we have seen applied in protection measures proposed by DFO.

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Fish harvesters in Newfoundland and Labrador recognize the importance of protecting and taking care of the marine ecosystem. In an effort to do this, many are making major investments in lower impact fishing gear such as hook and line systems. However, if the types of marine protected areas in Canadian waters are limited to those IUCN Categories that prohibit all fishing activity, broader goals of building sustainable fisheries and supporting fishing communities and regions are hampered.

#### *4. Prohibit Oil and Gas Activity in Areas Closed to Fishing*

In Newfoundland & Labrador, the oil and gas industry is a major player in our marine environment. A record amount of seismic activity is taking place in our waters, the effects of which are unknown with respect to fish stocks. We expect this activity to increase in years to come, as the provincial government prioritizes doubling oil production by 2030.

FFAW-Unifor has been clear and consistent in our position that there is no logic in prohibiting a fish harvester from dropping a hook while at the same time leaving the door open for a drill rig or seismic vessel to undertake activities in the same areas – processes that are destructive and disruptive to the entire marine ecosystem.

A healthy marine ecosystem is essential to the sustainability of coastal Newfoundland & Labrador. Many of these coastal communities have existed for centuries and almost all were founded because of the fishery. Ensuring our valuable marine resources are protected and managed sustainably and responsibly is paramount.

### **Conclusion**

FFAW-Unifor members take pride in sustainability and want to see the ocean's biodiversity flourish around their communities. As we undergo a transition in the marine ecosystem, as shellfish populations decline and groundfish species return, our members want to be at the forefront when it comes to finding ways to ensure conservation and sustainability remain key components of our fishery.

But in order to achieve this, we must work together. We must be confident our voices are being heard and that the endless wealth of knowledge that can only be obtained by generations of working on the sea is applied. We must ensure that conservation of our marine environment is not compromised by concessions given to oil and gas corporations.

The livelihoods of fish harvests and the survival of our coastal communities depend on the health of our oceans. We want to be equal partners in efforts to protect the marine ecosystem but in order to do that we need to have our concerns heard and reflected in the implementation of Marine Protected Area plans going forward.

Yours truly,



Keith Sullivan  
President