

**Eastern Shore Fishermen’s Protective Association (ESFPA) Fisheries Working Group**

**Meeting Summary**

October 23, 2018 – Ship Harbour, NS

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| ***Participants*** |
| *In Attendance* |
| **POSITION** |
| Fisheries and Oceans Canada – Oceans and Coastal Management Division |
| Fisheries and Oceans Canada – Science |
| NS Department of Fisheries and Aquaculture |
| Approximately 50 members (staff, directors, fishers, processors) from the ESFPA |

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| ***Meeting Objectives***  |
| 1. To discuss the DRAFT goals of the proposed Eastern Shore Islands MPA
2. To discuss what a potential high protection zone could look like in a future Eastern Shore Islands MPA
3. For DFO to provide some general updates on the MPA process
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| ***Discussion Themes and Corresponding Notes*** |
| 1. | **Introduction** |
| The ESFPA indicated that it does not support the MPA process due to the lack of clarity on how local fisheries could be affected and a lack of trust in the advisory process and government in general. They are worried about the advisory committee and the power it would have going forward. The association needs control and certainty – it needs to know if and how the fishery will be protected by an MPA. After these opening remarks, the association agreed to let DFO make its presentation. *NOTE: The meeting did not follow the planned agenda. The key discussion points are summarized below.*  |
| 2. | **The MPA process** |
| The ESFPA asked if the MPA process would proceed if they withdrew from the discussions. [DFO response: It is not a “done deal” that this area will become an MPA. However, the Area of Interest process will continue and the ESFPA is encouraged to stay involved to ensure fishermen have a strong voice in the process. As part of this process, DFO will work with the Advisory Committee to develop recommendations to the Minister, including whether or not an MPA should be established, based on the results of consultation and information gathering and assessment]  |
| 3. | **Draft goals for the proposed Eastern Shore Islands Area MPA** |
| A draft set of goals for the proposed MPA were presented by DFO and discussed with the ESFPA. The intent of this part of the meeting was to take a step back and discuss what the Department and the ESFPA would like an MPA to accomplish. The draft goals are: 1. Conserve and protect the ecological integrity of the area, including its naturalness, biodiversity, productivity, and special natural features (e.g., sea grass, kelp beds, spawning areas)
2. Support the ecologically sustainable use of living marine resources in the area
3. Protect and support traditional fixed-gear fisheries in the area, including lobster, herring, groundfish and others
4. Help preserve the cultural values of the area and maintain the close connection between the local communities and the sea
5. Foster collaboration between science, industry and local communities to better understand and manage living marine resources and the broader ecosystem

The goals are intended to highlight the ecological, socioeconomic and cultural value of the area as overarching priorities for MPA management. The ESFPA has repeatedly asked DFO how an MPA would help protect the fishery. In addition to protecting the ecosystem upon which the fishery depends, Goal 3 states that the MPA will aim to protect traditional low-impact fisheries so that these fisheries are treated as conservation priorities for the MPA. Goal 2 also indicates a desire to support sustainable fisheries and Goal 4 focuses on preserving cultural values.Discussion:* It was stated that fishermen have been doing these things for 100 years. Why is an MPA needed? [DFO response: Creating an MPA could help protect what you have now for the long term – it would protect the ecosystem and the fishery while also maintaining access for the community. An MPA on the eastern shore could help protect against the expansion of industrial activities in the water, and can also elevate the importance of the area for consideration in environmental assessments for land-based industrial developments.]
* A member stated that if one of the goals is to not impact fishing – what about scallop? [DFO response: It is true that mobile bottom gear fisheries would likely not be compatible with an MPA. However, the Department would work with the scallop fishermen to adjust the MPA boundaries to avoid important scallop beds.]
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|  | ***Oceans Act* MPA regulations** |
|  | DFO explained that *Oceans Act* MPA regulations very rarely change. To make changes, we would have to go through the same consultation process we went through to create the MPA. The Department wants to take the time to get the regulations right the first time to avoid any need to make changes. Discussion:* The ESFPA expressed a lack of trust in DFO. The fear is that the regulations will change after the MPA is designated. Concern that the Minister will have more power after designation. [DFO response: The Minister already has the power to manage fisheries. Creating an MPA will not change that in any way.]
* Another question focused on when the ESFPA would get the guarantees it is looking for. If the association is just giving advice, what guarantee is there that our advice will be reflected in the MPA? [DFO response: A federal regulation under the *Oceans Act* that enshrines what was agreed on during the consultation process is the strongest guarantee that can be provided in Canada. MPA regulations are the law and they are very costly and difficult to change.]
* The association is already over-regulated and does not want more regulations. [DFO response: An MPA will not add any additional burden to traditional inshore fishermen. Your day-to-day operations do not change. You will not have to fill out any extra paperwork. The fishery will still be managed under the *Fisheries Act*.]
* There was a question about dormant or new fisheries that emerge and if fishermen would be allowed to fish these species in an MPA. [DFO response: The [St. Anns Bank MPA Regulations](https://laws-lois.justice.gc.ca/eng/regulations/SOR-2017-106/index.html) are written in such a way to keep the door open for new fisheries as long as they use low-impact gears as determined through the risk assessment. For example, in Zone 2 of St. Anns Bank the following can be carried out in accordance with provisions of the *Fisheries Act* and associated regulations: “*commercial or recreational fishing by means of pot, trap, rod and reel, harpoon, bottom longline, handline gill net, or diving*.]
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| 5. | **How would an MPA protect the local traditional fisheries?** |
| The ESFPA has consistently asked how an MPA would protect local fisheries and from what. [DFO response: The purpose of Goal 3 is to make it clear to everyone that protecting the fishery is a priority for the MPA. These high level goals help guide the design and management of a future MPA. An MPA would protect local fisheries by allowing them to continue in the MPA and prohibiting activities that could damage or destroy fishing grounds. This would be done through the development of MPA regulations under the *Oceans Act*. To answer the question about what an MPA would protect the fishery from, DFO stated that an MPA would protect traditional fisheries from future industrial activities that could damage or destroy habitat for lobster and other commercial species. Creating an MPA would ensure that the traditional fisheries and fishing grounds would be protected for future generations. DFO is in the process of completing a risk assessment for all existing and potential activities in the area. Activities that emerge as high risk to the ecosystem will not be permitted in the MPA. The risk assessment for the lobster fishery will be done soon and DFO expects to confirm this fishery is a low impact activity that would be allowed to continue in a future MPA. Discussion:* A question was asked about whether oil and gas would be permitted in an MPA in the Eastern Shore Islands. The Laurentian Channel AOI was suggested by a member of the ESFPA as an example of a proposed MPA that will allow oil and gas. [DFO response: Oil and gas activities were determined through the St. Anns Bank risk assessment process to be incompatible with MPA objectives and are not allowed in the St. Anns Bank MPA. Furthermore, the recent MPA Standards Panel recommended that industrial activities such as oil and gas exploration and development be prohibited from all federal MPAs. Likewise, we do not expect industrial activities to be compatible with conservation objectives for a future Eastern Shore Islands MPA. The Laurentian Channel AOI process is not complete and there has been strong opposition about the proposed oil and gas allowances from the fishing industry and environmental groups so there could still be changes made to allowable activities for that site.]
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|  | **High protection (“no-take”) zone discussion** |
| The topic of a potential high protection zone in a future Eastern Shore Islands MPA has been a key issue in the process to-date. The ESFPA has consistently stated that it will not support an MPA with a high protection zone. DFO provided a brief presentation to communicate the vision for a potential high protection zone in a future MPA. DFO asked if several small zones in the deeper parts of the MPA (totaling approximately 5-10% of the site) would be feasible and provided a conceptual diagram of what this idea could look like. Discussion:* It was noted by a member of the ESFPA that fish may move into high protection zones in the future, which would have an impact on fishermen. Another member noted that the association does not trust the government. If we agree to something, it will change (i.e., “it goes in as a horse and comes out as an elephant”). Another point was that high protection zones displace effort and force fishermen to travel further and make more trips to get their catch. Concern was also expressed over academics identifying areas to be established as high protection zones after the MPA is designated (i.e., closing down parts of the MPA as scientific reference areas). Overall, there is no support for a high protection zone in any future MPA for the Eastern Shore Islands. [DFO response: High protection zones are not required in *Oceans Act* MPAs. They are optional. Musquash Estuary is an example of an MPA that does not have a zone where no commercial extraction occurs. DFO stated that an MPA in the Eastern Shore Islands does not require a high protection zone.]
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|  | **Written guarantee**  |
|  | The ESFPA has been asking for a written commitment from the Minister stating that fisheries will not be negatively impacted by the MPA, that there will not be high protection zone, and that fisheries will be protected from industrial activities in the MPA for future generations. The need for these assurances was stated again at this meeting. [DFO response: The Department will work to provide the assurances requested by the ESFPA. Note that a federal regulation under the *Oceans Act* is the strongest guarantee that can be provided in Canada.] |
|  | **Risk assessment update** |
| DFO noted that staff members are working hard on the risk assessment in an effort to provide clarity on what activities would be permitted in a future Eastern Shore Islands MPA. The risk assessment for the lobster fishery will be done soon. A member of the ESFPA asked when all risk assessments would be complete. [DFO response: The Department is aiming to have a draft of all assessments done in January, 2019.] |