



Regional Assessment of Offshore Wind Development in Newfoundland and Labrador and Nova Scotia

Draft Regional Assessment Terms of Reference (ToR)

Draft Agreement to Conduct a Regional Assessment of Offshore Wind Development in Newfoundland and Labrador and Nova Scotia

Comment Number	Document; Page, Section	Document Text	DFO Comment/Clarification Request	Region
1	Draft ToR & Draft Agreement	General comment	Consideration should be given to providing an accompanying document, including diagrams and/or flow charts, to describe the overall governance of the Regional Assessment (RA). This should explain how Federal Authorities will interface with the Committee and/or the Advisory Groups, and how these Advisory Groups will report to the Committee. As there is a Secretariat to support the Committee, it would be helpful to clarify if there will be a coordinator role that will support effective and timely operation of the established Advisory Groups.	DFO Maritimes
2	Draft ToR	General comment	The ToR should refer to the expectations established through preexisting agreements that the Agency holds with other departments, such as the Memorandum of Understanding (MOU) titled <i>Concerning Participation of Federal Authorities in Impact Assessment under the Impact Assessment Act Between the Impact Assessment Agency of Canada and Federal Authorities</i> . One of the reasons for doing this is regarding timelines for requesting information from Federal Authorities and the importance of establishing	DFO National Headquarters

			clear timelines, as stated in the MOU, at the beginning of the RA process.	
3	Draft ToR; A-3, Advisory Group: Indigenous Knowledge and Perspectives, j	<i>This will include sharing Indigenous Knowledge and perspectives on some or all of the topics listed above during the conduct of the Regional Assessment, in accordance established Indigenous protocols and procedures as applicable.</i>	Recommend adding <i>with</i> after <i>accordance</i> .	DFO Newfoundland and Labrador
4	Draft ToR; A-3, A-4, A-7	General comment pertaining to pages: A-3 (vi. <i>Mitigation measures and follow-up, and other approaches for avoiding or reducing potential adverse effects and creating and maximizing potential positive effects; and</i>); A-4 (<i>Information and Analysis: Analysis of Effects, Mitigation and Follow-up</i>); A-7 (<i>Recommendations for a Regional Assessment follow-up program to consider and incorporate any new or updated information that becomes available after submission of the final Report by the Committee, in order to help ensure that the Regional Assessment remains current and useful into the future and continues to fulfill the goal and objectives of the Regional Assessment as outlined in this Agreement.</i>)	Proposed monitoring measures (in addition to mitigation measures) should be identified in the ToR. While section 3.4 of the Agreement states <i>monitoring and follow-up measures</i> , the ToR do not specifically mention monitoring. Suggest also referring to monitoring where <i>follow-up</i> is mentioned on pages A-3, A-4 and A-8.	DFO Maritimes
5	Draft ToR; A-4, A1.6 (p)	<i>p) Identify, compile, review and present information on existing environmental, health, social and economic conditions within the Study Area. As noted in Section 3.5 of the Agreement, this will include information contained in any past or ongoing impact or environmental assessments (including</i>	Recommend <i>that all existing human uses</i> be added to this list in order to properly describe existing conditions.	DFO Maritimes

		<i>strategic environmental assessments), and information provided by government, industry, academia, Indigenous peoples or the public.</i>		
6	Draft ToR; A-4, A1.6 (t)	<i>t) In identifying and considering potential positive and adverse effects, the Committee will focus on the following environmental, health, social and economic components: i. Marine Fish and Fish Habitat ii. Marine and Migratory Birds iii. Marine Mammals and Sea Turtles iv. Protected and Special Areas v. Indigenous Communities, Activities and Rights vi. Fisheries and Other Ocean Uses vii. Visual Aesthetics / Viewscapes viii. Physical and Cultural Heritage (including structures, sites or things of historical, archaeological, paleontological or architectural significance) ix. Communities and Economy The Committee may, based on its analysis and engagement activity, further refine or add to the list of components listed above. If that is the case, the Committee will clearly document in its Report the rationale for doing so, including how public, stakeholder and/or Indigenous input have informed and influenced this.</i>	Suggest that each relevant environmental component explicitly state that species at risk are included; for example, <i>Marine Fish and Fish Habitat (including Species at Risk)</i>	DFO Maritimes
7	Draft ToR; Page A-5, <i>Information and Analysis : Analysis of Effects, Mitigation and Follow-up</i>	<i>t) In identifying and considering potential positive and adverse effects, the Committee will focus on the following environmental, health, social and economic components:</i>	The ToR refer to <i>environmental</i> information, but clarity should be provided around what that entails and if it is meant to include impacts associated with or threats to species at risk. The analysis list on page A-5 does not specifically mention species at risk.	DFO Maritimes
8	Draft ToR; A-7, Objectives	General comment pertaining to all objectives.	Recommend that work undertaken on these objectives be fully transparent. Data, methods,	DFO Newfoundland and Labrador

			and results should be published and open for public review.	
9	Draft ToR; A-7, A2.3, Objective A (a-d) & Objective B (a)	<p><i>OBJECTIVE A: Providing information, knowledge and analysis related to environmental, health, social and economic conditions and the potential effects of offshore wind development activities in the Study Area, with consideration and weaving together of both Indigenous knowledge and scientific information.</i></p> <p><i>a) A description of environmental, health, social and economic conditions of the Study Area, based on the identification, compilation and review of existing and publicly accessible scientific information and Indigenous knowledge for the Study Area. This description will be presented in a manner to be determined by the Committee, which in addition to the Committee’s Report may include information in an electronic format (such as through a Geographic Information System (GIS) application). b) An identification and analysis of key information gaps, requirements and opportunities, with a focus on those with relevance to, and implications for, future licencing and impact assessments for offshore wind development activities in the Study Area. c) Recommendations to address such information and knowledge gaps as appropriate. d) Identification of potential changes to the environment or to health, social or economic conditions that may result from offshore wind development activities in the</i></p>	<p>The difference between Objective A(a-d) and Objective B(a) is unclear. The differences between conditions vs components, identification vs analysis, and key components vs any components should be explained, along with how this all relates to the list on page A-5 and the use of these terms throughout the rest of the ToR.</p>	DFO Maritimes

Study Area, and the potential positive or adverse consequences of these changes. This will include consideration of the nature, degree and distribution of potential effects at the local, regional, national and international scales, as applicable.

OBJECTIVE B: Providing an understanding of the regional context that can be used in considering and evaluating the effects of future offshore wind development activities, to inform future planning and licencing processes and impact assessments, including the management of cumulative effects.

a) An identification and analysis of key environmental, health, social or economic components in the Study Area that should be considered in future licencing or impact assessments for offshore wind development activities in the Study Area.

This will include identifying and highlighting:

- i. Any components, values, locations or times that may be susceptible to effects (direct or indirect, positive or adverse) from future offshore wind development activities in the Study Area and/or from other past, on-going or future activities and other natural or human-induced disturbances; and*
- ii. Any circumstances where the nature, location, timing and potential accumulation of these effects may result in potential cumulative effects (positive or adverse).*

10	Draft ToR; A-7 & A-8, A2.3, Objective B (a) & Objective D	<p><i>Objective B: Providing an understanding of the regional context that can be used in considering and evaluating the effects of future offshore wind development activities, to inform future planning and licencing processes and impact assessments, including the management of cumulative effects. a) An identification and analysis of key environmental, health, social or economic components in the Study Area that should be considered in future licencing or impact assessments for offshore wind development activities in the Study Area. This will include identifying and highlighting: i. Any components, values, locations or times that may be susceptible to effects (direct or indirect, positive or adverse) from future offshore wind development activities in the Study Area and/or from other past, on-going or future activities and other natural or human-induced disturbances; and ii. Any circumstances where the nature, location, timing and potential accumulation of these effects may result in potential cumulative effects (positive or adverse).</i></p> <p><i>Objective D: Describing how the findings or recommendations of the Regional Assessment could be used to inform future planning and licencing processes for these activities and to enhance the effectiveness and efficiency of their impact assessments.</i></p>	Objective B(a) and Objective D should acknowledge potential future regulatory processes (e.g., Fisheries Act authorization, Species at Risk Act permit). Recommended edit: <i>...future licencing, permitting or impact assessments for offshore wind development activities in the Study Area.</i>	DFO Maritimes
11	Draft ToR; A-7, Objective A, a	A description of environmental, health, social and economic conditions of the Study	Note that a lot of the data needed for the RA is already publicly accessible through Open Data and other GIS servers. There are also existing	DFO Newfoundland and Labrador

		<p><i>Area, based on the identification, compilation and review of existing and publicly accessible scientific information and Indigenous knowledge for the Study Area. This description will be presented in a manner to be determined by the Committee, which in addition to the Committee's Report may include information in an electronic format (such as through a Geographic Information System (GIS) application).</i></p>	<p>applications in which that display this information such as the recently developed Canada Marine Planning Atlas (CMPA), which already contains a number of layers that would potentially be used in the RA and to which new information can be added. The CMPA is intended to serve as a collaborative application for all levels of government, Indigenous organizations and other stakeholders, including NGOs and industry.</p>	
12	Draft ToR; A-7 & A-8, Objectives B and C	<p><i>Objective B: Providing an understanding of the regional context that can be used in considering and evaluating the effects of future offshore wind development activities, to inform future planning and licencing processes and impact assessments, including the management of cumulative effects.</i></p> <p><i>Objective C: Identifying and recommending mitigation measures and other approaches for addressing potential positive and adverse effects (both project-specific and cumulative) as part of future decision-making for offshore wind development activities, in a manner that fosters sustainability.</i></p>	<p>Note that there are already a number of ongoing initiatives, or which have already taken place, to evaluate cumulative effects or potential climate change. DFO Science, for example, is currently undertaking a cumulative effects analysis and Small Craft Harbours, Economic Analysis and Statistics Directorate has completed a Coastal Infrastructure Vulnerability Index.</p>	DFO Newfoundland and Labrador
13	Draft ToR; A-10, A3.2	<p><i>The Committee will submit its final Report (all components outlined in the above table, including final GIS application as applicable) to the Ministers within 18 months of the public announcement of the appointment of its members by the federal Minister of Environment.</i></p>	<p>Regarding the development of a GIS application, to increase efficiency of the process and build on existing tools/resources, it may be useful to use an existing platform (like the CMPA).</p>	DFO Newfoundland and Labrador

14	Draft Agreement; 4 & 5, 1.1 & 1.2(b) & 1.4	<p><i>1.1 The goal of the Regional Assessment is: o provide information, knowledge and analysis regarding future offshore wind development activities in the Study Area and their potential effects, in order to inform and improve future planning, licencing and impact assessment processes for these activities in a way that helps protect the environment and health, social and economic conditions while also creating opportunities for sustainable economic development.</i></p> <p><i>1.2 The objectives of the Regional Assessment are to facilitate the above goal by:</i> <i>b) Providing an understanding of the regional context that can be used in considering and evaluating the effects of future offshore wind development activities, to inform future planning and licencing processes and impact assessments, including the management of cumulative effects.</i></p> <p><i>1.4 The Study Area for the Regional Assessment is as defined in Figure 1.1 below. The Study Area comprises portions of the Canada-Newfoundland and Labrador Offshore Area where future offshore wind development activities may be technically and economically feasible, based on current and foreseeable technologies. It does not include or exclude specific locations or features based on potential environmental, health, social or economic effects, in order to allow the</i></p>	<p>The document should acknowledge potential future regulatory processes (e.g., Fisheries Act authorization, Species at Risk Act permit). Recommend adding ...<i>improve future planning, licencing, permitting, and impact assessment processes...</i> to Section 1.1, Section 1.2(b) and (d), Section 1.4.</p>	DFO Maritimes
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		<i>Regional Assessment to provide a complete and fulsome analysis of these issues across this region, to inform future decision-making. For greater clarity, the inclusion or exclusion of specific portions of the Canada-Newfoundland and Labrador Offshore Area in the Study Area does not reflect whether particular locations will or should be subject to future offshore wind development activities.</i>		
15	Draft Agreement; 4 & 5, 1.1-1.4	General comment pertaining to licencing	Expand on the topic of licencing where it is mentioned in the document and consider adding a definition.	DFO National Headquarters
16	Draft Agreement; 5, Figure 1.1	<i>Figure 1.1 Regional Assessment Study Area (Newfoundland and Labrador)</i>	Recommend clarifying the basis for the extent of the study area. Note that it differs from previous analyses done for offshore wind significantly and is constrained to what looks like the territorial sea in some places, but not in others, and the oil and gas tribunal line in the southwest. Recommend clarifying why there are oil and gas polygons on the map.	DFO Newfoundland and Labrador
17	Draft Agreement; 5 & 6, 2.0	<i>2.0 Establishment, Purpose, and Composition of the Committee</i>	Recommend this section also be included in the ToR in order to clarify the terms of the Committee.	DFO National Headquarters