

November 25, 2022

Stephen Rose
Crown Consultation Advisor
Regional Assessment & Consultation Support Team, Crown Consultation and
Operations Division
Impact Assessment Agency of Canada / Government of Canada
OffshoreWind-EolienneExtracotiere@iaac-aeic.gc.ca

**Re: Regional Assessment of Offshore Wind Development in Newfoundland and
Labrador and Nova Scotia – Draft Agreement and Terms of Reference**

Dear Stephen Rose,

Thank you for the opportunity to submit comments in relation to the Draft Agreement for the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador and Nova Scotia and the Terms of Reference for the Committee.

It is Innu Nation's understanding that the Impact Assessment Agency of Canada ("Agency") is responsible for coordinating federal-Indigenous consultation related to potential or established Aboriginal or Treaty rights that could be adversely impacted by federal decisions made in relation or pursuant to this Regional Assessment. Innu Nation has yet to receive information from the Agency concerning the form or depth of consultation with Innu Nation that the Agency believes is required. We are requesting the Agency to forward further details concerning the proposed consultation approach for discussion as soon as practicable.

Should you have any questions or require clarification respecting our comments on the Draft Agreement and ToR, please contact Paula Reid at the Innu Nation Environment office (<email address removed>) or Rick Hendriks (<email address removed>).

Nin,

[Original signed]

Richard Nuna
Manager – Operational Programs

cc: Grand Chief Etienne Rich
Paula Reid, Environmental Analyst

Att.: Innu Nation Comments – Offshore Wind Regional Assessment Draft Agreement and Terms of Reference

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

Innu Nation Comments

INTRODUCTION

Background. On October 12, 2022, Innu Nation received from the Impact Assessment Agency of Canada (“Agency”) links to the following documents:

- Draft Agreement to Conduct a Regional Assessment of Offshore Wind Development in Newfoundland and Labrador (“Draft Agreement”)
- Regional Assessment of Offshore Wind Development in Newfoundland and Labrador – Appendix A Draft Terms of Reference (“Terms of Reference”)

For brevity, comments provided below are exclusive to the Draft Agreement and Terms of Reference related to Newfoundland and Labrador and focus mainly on suggested amendments in relation to the Draft Agreement and Terms of Reference.

DRAFT AGREEMENT

Definitions

1. **New.** The following definitions are suggested for inclusion in the final Agreement:

- **“Assessment Priorities”** means the environmental, health, [cultural,] social, and economic components specified in Appendix A, A1.6 t) of this Agreement upon which the Regional Assessment’s analysis of effects and associated recommendations will be focused.
- **“Assessment Area”** means the Assessment Area for the Regional Assessment as described in Section 1.4 of this Agreement. [current definition of “Study Area”]
- **“Study Area”** means one or more Study Areas for the Regional Assessment defined by the Committee, as described in Section 1.5.

The proposed Study Area, as this term is currently defined in the Draft Agreement (and which we propose to rename the “Assessment Area”), is on the order of 300,000 km² and encompasses more than 10,000 km of coastline. Innu Nation is concerned that the timeline granted to the Committee for completion of its work (18 months) and the scope of the assessment components (which we propose to rename “Assessment Priorities”) in Appendix A, A1.6 t) is not conducive to an assessment that will meet the intended goal and support the objectives of this Regional Assessment. The area is too large for an informative assessment to be completed within the available timeframe.

To provide information, knowledge and analysis at a level of depth that will be informative to future impact assessments, an alternative approach would require the Committee to define specific Study Areas (as that term is redefined above) within the Assessment Area (as that term is defined above) for the purposes of the description and analysis of the current environmental, health, social and economic conditions, and for

the identification and consideration of potential positive and adverse effects (including cumulative effects) on the Assessment Priorities. While the Committee would be charged with determining the most appropriate Study Areas in consultation with the Advisory Groups, two areas off the coast of Newfoundland and one off the coast of Labrador would likely be a minimum number. The offshore region between Hamilton Inlet and Sandwich Bay is one potential Study Area since nearshore ocean water depths are sufficient shallow (< 100 m) to permit fixed offshore wind turbines while also being an important area of marine and offshore island habitat. This Study Area approach used in the Ring of Fire Regional Assessment, and we recommend that the Draft Agreement and Terms of Reference be modified to adopt a similar approach.

2. **Amended.** The following amendments to definitions are suggested:

- **Offshore wind development activities.** This definition could be improved to better capture the likely changes to and uses of offshore wind development facilities over time as follows:

“Offshore wind development activities means the physical activities associated with the construction, operations, including refurbishment, expansion, repowering, operation and decommissioning of an offshore wind generation facility and the associated offshore components and activities that support it, or are specific to that facility, and are proposed as part of that offshore facility for the purposes of its development and impact assessment. These physical activities include the transmission of electricity to shore, and the production of fuels, including hydrogen, whether for export or transport to shore.”

Regional Assessment Goal, Objectives and Scope

- **1.2 a).** The phrase “with consideration and weaving together” is unclear. The extent to which the Indigenous knowledge and scientific knowledge might be integrated, compared or contrasted can be determined by the Committee in consultation with the public, Indigenous groups and stakeholders. Suggested amendment: “... with consideration and ~~weaving together~~ presentation of both Indigenous knowledge and scientific information.”
- **1.2 b).** Suggested amendment “...including the assessment and management of cumulative effects.
- **Study Areas.** Suggested addition:

In conducting the Regional Assessment, the Committee will define one or more Study Areas for the purposes of the description and analysis of the current environmental, health, cultural, social and economic conditions, and for the identification and consideration of potential positive and adverse effects (including cumulative effects) on the Assessment Priorities.

- **Figure 1.1: Regional Assessment Study Area.** It is not clear why the north coast of Labrador (the Labrador Inuit Land Claims Agreement Zone) is excluded from the study area. Was it excluded because offshore wind development in those regions is considered technically infeasible? We note that extensive

regions of the north coast include offshore areas less than 50 m in depth within 20 km of shore making them potentially suitable for offshore wind development.¹ While other technical (e.g., icing) and economic (e.g., onshore transmission) considerations are also relevant, these could be explored during the regional assessment. In general, there are compelling reasons related to electricity system planning, regional economic development, and environmental management for obtaining a more complete picture of offshore wind development potential for the entirety of the Labrador coast.

- **Onshore Areas.** The Regional Assessment Study Area does not include any onshore areas or electricity infrastructure. While offshore wind may be harnessed for the production and export of hydrogen or to directly service offshore oil and gas platforms, near-shore turbines will need to interconnect to the onshore transmission system. The location and status of this system is thus clearly relevant to assessing the entirety of the effects of offshore wind development, as well as the technical and economic feasibility of any offshore wind development. While some offshore locations may be suitable for development from the perspective of offshore effects and feasibility, they may be entirely infeasible once onshore factors are considered. Therefore, we strongly suggest including onshore regions proximal to the ocean within the Study Area. The onshore transmission system should also be included as part of the “description of existing conditions” in the ToR, as elaborated below. This inclusion would allow Innu Nation and others to consider the implications of offshore wind development for onshore effects in Labrador. Innu Nation also wishes to avoid a repeat for the Innu and Inuit communities on the north coast of Labrador that occurred with the development of the Labrador Island Link where electricity infrastructure bypasses remote communities while leaving them unserved and continually reliant on high-emitting diesel generation.

Establishment, Purpose and Composition of the Committee

- **2.7. Suggested amendment:**

The Committee members will have knowledge or experience related to one or more of the following: impact assessment; regional assessment; environmental, health, social or economic effects (positive and adverse) and their assessment and management; sustainability; Indigenous and public participation; ~~and/or~~ Indigenous peoples and their communities, activities, interests, perspectives,

¹ Canadian Hydrographic Service. 2022. Canadian Hydrographic Service Non-Navigational (NONNA) Bathymetric Data. (<https://open.canada.ca/data/en/dataset/d3881c4c-650d-4070-bf9b-1e00aabf0a1d>)

rights and knowledge; and/or economic development and infrastructure in offshore regions.

TERMS OF REFERENCE

Indigenous Knowledge and Aboriginal and Treaty Rights

- **A1.4.** Suggested amendment:

“...and that regional assessments can provide a means ~~of weaving together~~ for consideration and presentation of scientific information and Indigenous Knowledge to inform future impact assessments.”

Advisory Groups

- **g).** Suggested amendment:

These advisory groups will identify, provide and support the ~~use and weaving together~~ consideration and presentation of Indigenous knowledge and scientific and technical information in the conduct of the Regional Assessment, as appropriate.

Information and Analysis

- **New).** Describe the existing onshore electricity transmission system proximal to the Study Area, including:
 - transmission line locations, voltages, available transfer capacity, and total transfer capacity;
 - substation locations, transformer voltages, ratings, and forecasted loads; and
 - transmission and substation asset identification numbers² and single line diagrams.
- **w).** Suggested amendment:

Identify and consider existing legislation, regulations, guidelines and standards, and associated approvals or authorizations, that are relevant to avoiding or

² All transmission lines and substations are given an asset identification number and making these numbers available will assist assessment participants in researching existing conditions related to onshore transmission infrastructure.

reducing ~~their~~ the adverse effects resulting from offshore wind development activities in the Study Area.

- **x).** Canada has commitments and environmental obligations in offshore regions beyond climate change that must be considered in this regional assessment.
Suggested amendment:

Identify and consider the extent to which offshore wind development activities in the Study Area and their potential effects, would: a) contribute to sustainability; ~~and~~ b) hinder or contribute to the federal and provincial governments' ability to meet their environmental obligations and commitments in respect of climate change, c) hinder or contribute to the federal and provincial government's ability to meet their environmental obligations and commitments in respect of biodiversity, including the creation of Marine Protected Areas, and make recommendations on the manner in which future licencing decisions and/or impact assessments should consider and address these factors.

- **Implications for impact assessments.** Suggested addition:

"Describe how the findings or recommendations of the Regional Assessment could be used to inform future impact assessments for proposed offshore wind development activities in the Study Area as well as other initiatives as applicable."

Committee Report

- **Objective A.** Suggested amendment:

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~~ presentation of both Indigenous knowledge and scientific information.

- **A2.4a).** Suggest amendment:

A high-level, generic description of the types of offshore wind development activities that may occur in the Study Area, including their construction, operations, refurbishment, including expansion, operations repowering and decommissioning phases as applicable. This will include fixed technologies (i.e., pile-driven platforms), semi-submersible as well as newer floating technologies and associated activities, including transmission of electricity to shore, and the production of fuels, including hydrogen, whether for export or transport to shore.