

Review of NL and NS Marine Wind Development Agreements and Terms of Reference



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RATIONALE

- These comments apply to both the NS and NL agreement and TOR
- We recognize that the agreement and tor for NS and NL are the same with the exception of the departments and indigenous groups. It is important to emphasize that these two areas vary greatly in biodiversity and oceanography.

AGREEMENT

- The emphasis on future development and decision-making in both the Agreement and TOR clarify that present exercise will be precedent setting. Given that that is the case, an exceptional level of due diligence is required moving forward.
- The Agreement Definitions states “Offshore wind development activities” means the physical activities associated with the construction, including expansion, operation, decommissioning and abandonment of an offshore wind power generation facility that has 10 or more wind turbines.”
 - What are the environmental protection contingencies for developments with fewer than 10 turbines?
 - Is transportation of building materials and workers included in this definition?
 - Are assessments of substrate for foundations included in this definition?

- The agreement Preamble states that “the Governments of Canada and Newfoundland and Labrador wish to enhance the effectiveness and efficiency of impact assessments for future offshore wind development activities in the Offshore Area.”
 - We emphasize that effectiveness is the most important consideration, and that efficiency should not override quality.
- Section 2.8 - “The Committee members will be unbiased and free from real or perceived conflict of interest with respect to the Regional Assessment.”
 - How will this be achieved? All stakeholders have some level of bias. Is the committee made up of truly unbiased people, or will it have equal representation from various stakeholders?

TERMS OF REFERENCE

- The TOR Appendix A [A1.6.b] indicates that participation “will include members of the public, industry, environmental and community organizations and any other person or group with information and interests related to the Regional Assessment and who wishes to participate in it.” (see also section g in Indigenous, Public, and Stakeholder Participation)
 - It would be appropriate to include “academia”.
- The TOR Appendix A [A1.6.e] indicates that “Each of the advisory groups ... will provide information and advice to the Committee on the topics ... as required and requested: ... [including] Information and knowledge gaps, and potential opportunities to address these during or following the completion of the Regional Assessment.” (See also Section i under Information and Analysis)
 - This activity provides a useful focus for the Assessment. It would be most effective if all this information was transparent and available to all participants.
- The TOR Appendix A [A1.6.e.c.iii] seeks advice on “Key locations of interest for future offshore wind development activities in the Study Area (to help focus the Committee’s work on areas which are most likely to see future development interest, based on technical and economic factors) ...
 - This should be based on technical, economic, **and environmental factors**

- A more meaningful and precautionary approach would be to consider biodiversity and environment hotspots that should preclude development. Such designations would benefit environmental protection and would reduce uncertainty for developers.
- The TOR Appendix A [A1.6.c.vi] requests advice on “Mitigation, and other approaches for avoiding or reducing potential adverse effects and creating and maximizing potential positive effects ...”
 - The siting and location of any development is the key and unalterable mitigation for fixed platforms and must be given the highest priority for mitigation. It will be interesting to see if any floating platform proposals come forward.

Information and Analysis

- Section i: offers a highly valuable aim to “Identify, compile, review and present information on existing environmental, health, social and economic conditions within the Study Area.”
 - For comprehensive assessment, all such compilation should be transparent and accessible by all participants.
- Section k: prioritizes the need for new research planning and development that extends beyond monitoring exercises. - “Make recommendations to address such information and knowledge gaps as appropriate.”
- Section l: should explicitly include transportation of building materials, workers, etc. for exploration and to the chosen site.
- Section m: should include effects on the pelagic microbiome (e.g. plankton), reefs, other marine invertebrates, ice flows, and water currents.

Objectives

- Objective D: Will the recommendations include the location of the wind farm?

SUMMARY OF COMMENTS RECEIVED AND ACTION TAKEN

- Study Area
 - We concur that the Study Area should include marine refuges. It is not clear how this was addressed?

- Data Availability
 - We have done lots of research on oil pollution/offshore developments and interactions with seabirds
 - We offer data on seabird colonies and use of marine spaces and interactions with environmental factors