

Please accept the following on behalf of the Seafood Producers Association of Nova Scotia (SPANS) in response to your request for feedback on establishing a focus area under the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador.

We are concerned that the proposal is not consistent with the Terms of Reference and the *Impact Assessment Act*. We are also concerned that the ultimate report of the Committee may ignore important cumulative and regional environmental factors by preemptively narrowing the area being studied.

As a preliminary matter, we note that the Committee's correspondence states that "areas outside the focus area would not be subject to further analysis and engagement during the Regional Assessment and would not be recommended by the Committee for licensing at this time." We are concerned that the Committee is deviating from its Terms of Reference in that the Terms make clear that the goal of the regional assessment is not to make licensing decisions but to provide a baseline understanding of the impacts of offshore energy development in relation to the study area. Section 1.1 of the Terms states in clear terms that the Committee is tasked with providing '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, licensing and impact assessment processes for these activities...'. It does not task the committee with making licensing decisions or with excluding certain areas from possible licensing.

What then is the role of the Committee in fulfilling section 1.1 of the Terms? Section 1.2 provides direction in this respect and makes clear that the role of the committee is to study the cumulative and regional impacts of development on the environment and other ocean users:

1.2 The objectives of the Regional Assessment are to facilitate the above goal by:

- a) Providing information, knowledge and analysis related to environmental, health, social and economic conditions and the potential effects (including cumulative effects) of offshore wind development activities in the Study Area, with consideration of Indigenous knowledge, Community knowledge and scientific information throughout.
- b) Providing an understanding of the regional context that can be used in considering and evaluating the potential effects (including cumulative effects) of future offshore wind development activities to inform future planning and licencing processes and impact assessments.
- c) Identifying and recommending mitigation and follow-up 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.
- d) Describing how the findings or recommendations of the Regional Assessment could be used to inform future planning and licencing processes for these activities

in a manner that fosters sustainability and enhances the effectiveness and efficiency of their impact assessments.

Sections 1.3 and 1.4 also make clear that the regional 'study area' is that area referred to in figure 1.1, which includes the areas that are proposed to be excluded by this Committee. This appears to be a deliberate choice by the federal minister, as section 1.4 states that the study area "does not include or exclude specific locations or features based on potential environmental, health, social or economic effects, in order to allow the Regional Assessment to provide a complete and fulsome analysis of these issues across the region, to inform future decision-making.[sic]"

As noted in section 2.1 of the Terms of Reference, the committee is established by the federal minister pursuant to subsection 93(1) of the *Impact Assessment Act* and with the cooperation of the province. As such, when making decisions about areas to be studied, we urge you to carefully consider if narrowing the study area is in keeping with the existing Terms of Reference, which in turn finds authority in the *Impact Assessment Act* (in particular under clause 93(3)(a) of the Act). If an amendment of the Terms of Reference is required to better guide the work of the Committee, we suggest looking to section 9 of the Terms of Reference which states that changes are to be approved by the federal and provincial ministers responsible for striking the Committee.

Understanding cumulative and regional impacts are precisely the reason why this committee was struck. To this end, we certainly support continued understanding of the cumulative and regional impacts that may arise from unlikely wind development in the excluded area or how development within the 'focus area' might impact the environment and fisheries in the excluded area by regional or cumulative effects, such as invasive species through reef effects, the impact on fish and cetacean migration routes, marine navigation and changing oceanographic conditions such as dispersion of primary production and larvae.

Further, by narrowing the study area at an early stage this committee risks providing an incomplete record for those later individual environmental assessments and could thereby ignore important considerations for the ocean environment (which is quite dynamic and diffuse). What's more, by failing to provide a fully regional assessment of the cumulative effects of offshore wind development it could inadvertently slow down later individual environmental assessments by providing an incomplete background.

To this end, we urge the committee to consider its role and scope within the context of the Terms of Reference and the *Impact Assessment Act* and to pay particular attention to its important role in studying the potential cumulative and regional environmental impacts, regardless of where the committee feels turbines are likely to be installed.