

# Regional Assessment of Offshore Wind Development in Newfoundland and Labrador: Interim Report

## Innu Nation Additional Comments

July 5, 2024

### INTRODUCTION

**Background.** On March 25, 2024, Innu Nation received from the Committee for the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador (the “Committee”) the following document:

- Regional Assessment of Offshore Wind Development in Newfoundland and Labrador – Interim Report: Preliminary Offshore Wind Licencing Area Recommendations (“Interim Report” or “Report”)

On June 10, 2024, Innu Nation submitted an initial set of comments respecting the Interim Report. At that time, no comments were submitted by Innu Nation respecting the Engagement session of the Interim Report. Innu Nation comments respecting that section of the Interim Report are provided below.

### COMMENTS

#### 1 INTRODUCTION

See previously submitted comments of June 10.

#### 2 ENGAGEMENT

Innu Nation objects to the repeated references in the Interim Report to NunatuKavut Community Council (NCC) as an Indigenous people, group or organization and as having an Indigenous homeland. Examples include the following (**emphasis** added):

“We thank the Indigenous peoples throughout Mi'kma'ki, Wolastoqiyik, Nunavik, Nitassinan, and **NunatuKavut.**”

“Indigenous communities engaged in the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador...:

- Nunatsiavut Government
- Innu Nation representing Sheshatshui Innu First Nation and Mushuau Innu First Nation
- **NunatuKavut Community Council**

- Qalipu First Nation
- Miawpukek First Nation”

The Acknowledgements section of the Draft Final Report and Final Report should reflect that NCC has not been recognized by Canada or by any Court as holding section 35 rights under the *Constitution Act, 1982*. The fact that NCC has not been recognized by Canada as holding section 35 rights, and that no court has found NCC to hold section 35 rights, is set out in the Federal Court of Canada’s June 12, 2024, decision, *Innu Nation Inc. v. Canada (Crown-Indigenous Relations)*, 2024 FC 896 (CanLII).

Because for purposes of the *Impact Assessment Act*, “Indigenous peoples of Canada” has the meaning assigned by the definition ***aboriginal peoples of Canada*** in subsection 35(2) of the [\*Constitution Act, 1982\*](#), any references to NCC as an Indigenous people or as an Indigenous group or organization should be removed from the Interim Report, and should not appear in the Draft Final Report or Final Report. All references to NCC’s role in this Regional Assessment of Offshore Wind Development should be included as part of the stakeholder engagement process, not as part of the Indigenous engagement process.

Innu Nation recognizes that the Impact Assessment Agency of Canada provided the Committee with a list of what IAAC understood to be Indigenous Communities that included NunatuKavut Community Council, for purposes of the Indigenous Participation Plan. For the reasons stated above, and further to Innu Nation’s correspondence to IAAC dated December 7, 2022, a copy of which is attached for reference, this is a serious error on the part of the Impact Assessment Agency of Canada.<sup>1</sup>

### **3 IDENTIFYING PRELIMINARY OFFSHORE WIND LICENCING AREAS**

See previously submitted comments of June 10.

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<sup>1</sup> Attachment: Letter of December 7, 2022, from Grand Chief Etienne Rich to Minister Guilbeault and Minister Miller re: Offshore Regional Assessment and Nunatukavut Community Council.