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# Comments on the Draft Report for the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador

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By the NunatuKavut Community Council

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## I. Introduction and Context

The NunatuKavut Community Council (“NCC”) is pleased to present its comments on the *Draft Report: Regional Assessment of Offshore Wind Development in Newfoundland and Labrador* (“Draft Report”) issued October 1, 2024 by the Committee for this Regional Assessment (or “RA”). Before presenting our comments, we provide brief background on NCC and NunatuKavut as important context for this submission.

### Background on NCC and NunatuKavut Inuit

NCC is the representative governing body for more than 6,000 Inuit primarily residing in south and central Labrador. Translated from Inuttitut, NunatuKavut means “Our Ancient Land” and refers to our territory. NunatuKavut Inuit are beneficiaries of the British-Inuit Treaty of 1765, entered into at Chateau Bay, Labrador in 1764-1765 between the southern Inuit and the British Crown.

Today, NunatuKavut encompasses more than 20 permanent communities,<sup>1</sup> with the vast majority of members residing along Labrador’s south coast, south of Hamilton Inlet. As it was in times of old, and still today, we are deeply connected to the land, sea and ice that make up NunatuKavut, our home.<sup>2</sup>

The rights of NunatuKavut Inuit are represented by NCC. NCC is led by a Governing Council elected by our membership. It is comprised of a President and Vice-President, Councillors representing each of the six areas in our territory, as well as an area that represents non-resident members, and an Elder and a Youth Councillor. The primary function of NCC is to ensure the land, ice and water rights as well as titles of our people are recognized and respected. We are also fully present at the grassroots level in our communities, providing a variety of programs and services to NunatuKavut Inuit – living within and outside Labrador.

In July 2018, Canada announced the start of talks with NCC on the Recognition of Indigenous Rights and Self-Determination (RIRSD).<sup>3</sup> In September 2019, NCC signed a Memorandum of Understanding (MOU) with Canada, which outlines the general principles of discussion and sets the stage for next steps in the RIRSD process. This provides an opportunity to advance such matters as self-governance on our lands, waters, resources and programs and services. The MOU also serves to better define relationships and map a more robust way forward with our federal, provincial and territorial partners.

As the traditional stewards and guardians of our territory, NunatuKavut Inuit are in the best position to provide relevant knowledge, make decisions, and monitor and enforce protections with respect to projects and policies affecting the natural resources on which we depend, and thus our rights in relation to those resources. NCC asserts its Inuit and Treaty rights to lands and resources within NunatuKavut, including the rights to hunt, trap, fish and gather.

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<sup>1</sup> For a map of Labrador communities in which NunatuKavut Inuit, members of NCC, live today, see: <https://nunatukavut.ca/about/our-communities/>.

<sup>2</sup> For more background and history on NunatuKavut and its people, see our story map at: <https://storymaps.arcgis.com/stories/6b910c8d06aa40968f49deceda7704c8>.

<sup>3</sup> For a general explanation from the Government of Canada on the process known as Recognition of Indigenous Rights and Self-Determination, see <https://www.rcaanc-cirnac.gc.ca/eng/1511969222951/1529103469169>. See also NCC’s own explainer on the RIRSD process and how NCC is participating in that process here: <https://nunatukavut.ca/about/rights-recognition/>.

## II. Comments on the Draft Report

At a general level, NCC finds that the Draft Report represents a thorough, well-balanced and detailed effort that is generally well-sourced and containing appropriate and up-to-date references. We commend the Committee and its support staff for its work in producing this Draft Report under a challenging timeframe. Our specific comments, concerns and questions are presented further below in this section.

NCC wishes to note that, with few exceptions, our comments represent high-level observations and concerns only. NCC reserves the right to bring any highly specific issues or new/additional concerns to the Committee's attention through additional letters sent by email to Committee staff as soon as possible. We are aware of the Committee's obligation to submit the final version of the report to the Ministers by January 23, 2025.

### Organization of our comments

For ease of review by the Committee and/or IAAC, **our comments, below, are organized in parallel to the Draft Report, using the same headings as in the Draft Report.** Please note, however, that our comments do not touch on *every* chapter in the Draft Report, but rather only those for which we had issues or concerns. Please note, also, that the order of topics does not indicate any sort of priority order from NCC's perspective.

### Introduction

NCC viewed the Committee's decision to choose a Focus Area within the Study Area for the bulk of its assessment activities and analysis as a reasonable and wise choice, given the short timeframe of the RA. Furthermore, we agreed with the Committee's method and criteria used to choose the Focus Area "as the portion of the Study Area more likely to see offshore wind development (of 10 turbines or more) in the foreseeable future."<sup>4</sup>

All that said, it remains unclear to us whether or not there will be a similarly detailed regional assessment of the Labrador Offshore area if, in the future, it becomes an area of interest for offshore wind developers. We recognize that this is a matter for decision by the Ministers rather than for the Committee, given that the Ministers have discretion to determine if and how the results of the RA will be used, but we wish to present our concerns and recommendation on this matter here, nonetheless.

NCC does not agree with the statement: "The effects and mitigation information presented in this Report and the Committee's recommendations are largely applicable to planning, licencing and impact assessment of offshore wind within the entire Study Area and beyond."<sup>5</sup>

**Rather, NCC strongly recommends that the information and conclusions in the present RA, which is, by design, largely focused on the offshore Newfoundland area, not be used as the sole source of information upon which to draw conclusions about potential impacts – including cumulative impacts – of future wind development in the offshore Labrador area. Nor do we recommend leaving the matter to project-specific impact assessments, due to the insufficient ability of most project assessments to provide a sufficiently thorough analysis of cumulative effects.**

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<sup>4</sup> Draft Report, p. 17.

<sup>5</sup> Draft Report, p. 18.

**NCC strongly recommends that an additional RA be conducted if and when wind energy developers decide that they have the technical feasibility to locate wind energy installations offshore Labrador.**

APPARENT GLITCH ON PAGE 19. We also wish to point out a small “glitch” in this section on page 19: in the last bullet point toward the top of page 19, there are a few words that seem out of place and may actually have been intended to signal a new subsection on the Regional Assessment Requirements. Specifically, the words “Agreement Requirements” that appear at the end of the last bullet do not seem to make sense in that location. They do, however, make sense as a subheading for the information that follows directly after the final bullet, which introduces the Concordance table of report requirements with the Agreement (Table 1.1). In any case, we recommend some clarification or re-formatting so that the words “Agreement Requirements” at the end of the final bullet toward the top of page 19 make sense.

### **Indigenous, Public, Fisheries and Stakeholder Engagement**

NCC thanks the Committee for including it among the Indigenous groups engaged on this RA, even though the Committee ultimately sought to concentrate primarily on potential impacts to the Focus Area rather than on the larger Study Area, which includes the offshore Labrador area. As the Committee notes in section 3.2.1, where the various Indigenous groups and organizations are listed, including NCC: “Prior to Committee appointment, the IAAC had identified and engaged the following Indigenous groups and organizations during the planning phase of this Regional Assessment.”<sup>6</sup>

Please note that toward the end of this submission, we also provide comments on Annex A: Indigenous Engagement – What We Heard.

### **Description of Offshore Wind Development and Associated Activities**

This chapter provides a very good overview of wind energy developments in general. We are especially pleased to see an explanation and detailed breakdown of all the vessel types that would be used at various points (or throughout) the project lifecycle to support everything from construction to decommissioning.<sup>7</sup> The details on the purposes of the vessels and equipment to be used at various stages<sup>8</sup> also appreciated in that this information helps inform the analysis of air pollutant and GHG emissions associated with offshore wind energy projects.

### **Defining the Regional Assessment Focus Area**

As stated above in these comments, NCC agreed with the method and justification for choosing a Focus Area within the Study Area as the area upon which it would conduct its assessment. NCC is pleased with the Committee’s careful consideration of icebergs and water depth.<sup>9</sup> We found it interesting that “no offshore wind farms currently operate or have been demonstrated to safely operate in areas with icebergs.”<sup>10</sup> **NCC also agrees with the Committee’s statement that “a precautionary approach should be taken whereby commercial offshore wind development should not be allowed in regions where icebergs could be**

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<sup>6</sup> Draft Report, p. 31.

<sup>7</sup> Draft Report, pp. 53-54.

<sup>8</sup> Draft Report, pp. 54-55.

<sup>9</sup> Draft Report, pp. 59-60.

<sup>10</sup> Draft Report, p. 59.

**present, until demonstration projects provide proof of concept.”<sup>11</sup>**

NCC also notes that, with respect to feedback on the decision regarding the Focus Area, one theme that arose from engagement with interested parties was “that the Committee recommend [to the Ministers] any offshore wind projects proposed within or outside the Focus Area would not be excluded from future impact assessments.”<sup>12</sup> (Emphasis added). While NCC recognizes that, under sections 109 and 112 of the *Impact Assessment Act*, as well as subsection 2(2) of the *Physical Activities Regulations* promulgated under the IAA, the Minister *may* make regulations having that effect, we strongly support the idea that the Minister choose not to use his discretion in this way with respect to offshore wind energy development and the results of the RA.

### **Identifying Recommended Offshore Wind Licencing Areas**

NCC agrees wholeheartedly with two of the recommendations made to the Committee by East Coast Environmental Law and reproduced in the Draft Report,<sup>13</sup> particularly given the relative newness of offshore wind energy projects in Canada. Those recommendations are as follows:

Recommendation 1: The federal Minister of Environment and Climate Change should not exercise their authority under the Impact Assessment Act to exclude offshore wind developments proposed within the Regional Assessment Study Area from Impact Assessments under the IAA.<sup>14</sup>

Recommendation 2: The federal and provincial ministers of Environment and Climate Change should not approve calls for bids in areas that were excluded from focused and detailed assessment under the Newfoundland and Labrador Offshore Wind Regional Assessment (or otherwise open such areas to offshore renewable energy development) without subsequent high-level assessment through a strategic environmental assessment or regional assessment.<sup>15</sup>

APPARENT GLITCH ON PAGE 65: It looks like the bullets following the bullet on “Tiered planning and assessment processes that include, at minimum” should ALL be sub-points under that bullet, including the bullet on “Strategic environmental assessments of government programs, plans and policies...”

In the discussion of the approach for identifying offshore wind licencing areas, the Draft Report makes the point that, given climate change and the tendency for iceberg behaviour to change in the coming years, “potential iceberg and drift ice presence” within the Study Area “should be considered during project impact assessments.”<sup>16</sup> NCC concurs with the Committee’s statement on this point. Similarly, NCC concurs with the following statement in the Report about the precautionary principle and choice of wind licensing areas:

Overall, the Committee advocates for the use of a precautionary principle when siting offshore wind development projects. Applying the precautionary principle means evidence needs to show that potential adverse impacts to environmental, health, social and economic components can be avoided or mitigated before offshore wind development can proceed in each area.<sup>17</sup>

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<sup>11</sup> Draft Report, pp. 59-60.

<sup>12</sup> Draft Report, p. 60.

<sup>13</sup> Draft Report, pp. 65-66.

<sup>14</sup> Draft Report, p. 65.

<sup>15</sup> Draft Report, p. 66.

<sup>16</sup> Draft Report, p. 68.

<sup>17</sup> Draft Report, p. 69.

NCC also agrees with the method used for the constraints analysis presented in this section.<sup>18</sup>

**With respect to the Committee’s recommendations for future offshore wind licencing processes, NCC agrees with the recommendations concerning marine spatial planning and the inclusion of Indigenous peoples and Indigenous knowledge in the offshore wind regulatory processes and monitoring and baseline research.**

Additionally, NCC agrees very strongly with the following recommendation made by the Committee in this section of the report:

The Committee recommends that the federal Minister of Environment and Climate Change does not exclude future offshore wind projects within the Study Area from future project-level impact assessments, including at sites within the recommended offshore wind licencing areas.<sup>19</sup>

## **Assessment of Environmental, Health, Social, and Economic Components**

### **Indigenous Communities, Activities, Interests, and Rights**

NCC strongly agrees with the Committee’s statement that: “Indigenous peoples are best placed to identify potential positive and adverse effects of offshore wind on their communities, activities, interests, and rights.”<sup>20</sup> We also agree with much of the input provided by other Indigenous groups engaged in the RA, which is summarized on page 128. And again, we provide comments on Annex A: Indigenous Engagement – What We Heard, toward the end of this submission.

### **Air Quality and GHGs**

NCC’s only suggestion for this section of the Report is to correct the title of Figure 7.2.2 on page 136. The graph shown depicts overall GHG Emissions for NL from 1990 to 2021 rather than emissions broken down by Canadian Economic Sector. Accordingly, the words “by Canadian Economic Sector” should be deleted from the title to Figure 7.2.2.

NCC also wishes to comment that the graphic shown in Figure 7.2.3: “Offshore Wind Farm Activities and Emission Sources” on page 139 is very helpful.

### **Marine Fish and Fish Habitat**

NCC’s primary comment on this section is that we strongly urge the Committee to add consideration of the impact of climate change on migratory fish such as Atlantic salmon to the analysis. Migratory patterns of many fish are likely to change as climate change causes or exacerbates temperature increases in our ocean waters. Any analysis of potential impacts of offshore wind energy development on marine fish and fish habitat needs to incorporate how climate change may affect migratory patterns that, in turn, may possibly be affected by wind energy development.

**We also strongly urge the Committee to take care to review and include in its analyses any relevant**

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<sup>18</sup> Draft Report, pp. 75-95.

<sup>19</sup> Draft Report, p. 111.

<sup>20</sup> Draft Report, p. 125.

**Science Advisory Reports and stock assessments or stock assessment updates on Atlantic Salmon, a migratory fish species, from Fisheries and Oceans Canada (DFO) and its Canadian Science Advisory Secretariat.** A key example, which we did not see included in the references in this section is the Stock Assessment published in 2024 on the 2022 assessment numbers.<sup>21</sup> These reports cover important information on this migratory species, from smolt production to marine survival.

## **Protected and Special Areas**

This section of the Draft Report is devoted, understandably, to discussion of the existence of and potential impacts on protected and special areas within the Focus Area. Although the Gilbert Bay Marine Protected Area (MPA) in Labrador, which is located in the Study Area but not in the Focus Area is mentioned in passing in this section of the Draft Report, NCC would expect that potential impacts upon the Gilbert MPA would be examined carefully in any future consideration or impact assessment (project-level or otherwise) of wind energy development offshore Labrador. The same can be said of the various Important Bird Areas (IBAs) within the Study Area offshore Labrador.

## **Fisheries**

**NCC wishes to underscore that it holds commercial communal fishing licenses for groundfish in two of the NAFO Divisions within the Focus Area – specifically, NAFO Divisions 3L and 3O.** As such, NCC urges that the final version of the report mention that NCC’s commercial communal fisheries are important to NunatuKavut’s economic well-being in that they are a leading source of employment for our people and in the region.

## **Acoustic Environment**

NCC supports the following recommendation made by the Committee:

The Committee recommends collaboration amongst government of Canada and regulatory authorities, academic and research institutions, and industries to increase knowledge on species-specific impacts and long-term effects of continuous noise exposure from operating wind farms on marine ecosystems.<sup>22</sup>

## **Communities and Economy**

NCC is pleased to see that the section on “Communities and Economy” includes Indigenous people living in NL’s coastal communities, and that the “three Indigenous groups” in Labrador include NCC, which has members living “in a number of coastal communities mainly south of Lake Melville.”<sup>23</sup> In fact, the RA Study Area in Labrador is south of Lake Melville,<sup>24</sup> which means NCC members could potentially be the Indigenous people most directly affected given that they live in the communities located the closest to potential, future offshore wind developments in Labrador.

NCC recommends that, in addition to having “...the province revisit initiatives undertaken to prepare for the introduction of offshore oil and gas development in Newfoundland and Labrador and consider updating and

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<sup>21</sup> DFO. 2024. Stock Assessment of Newfoundland and Labrador Atlantic Salmon in 2022 (SFA 1–14B). DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2024/015, <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/4123506x.pdf>.

<sup>22</sup> Draft Report, p. 653.

<sup>23</sup> Draft Report, p. 702.

<sup>24</sup> Draft Report, p. 16, Figure 1.1: Study Area and Focus Area.

applying these in the context of offshore wind development”<sup>25</sup>, the province should also revisit and expand relevant initiatives it undertook in connection with oil and gas development, to offer specialized skills training programs specifically for Indigenous persons in relation to offshore wind development. This would be especially critical in Labrador given that most residents of coastal communities are Indigenous peoples, and thus many Indigenous persons will be in close proximity to any offshore wind development in Labrador.

## **Cumulative effects**

As alluded to previously in these comments, NCC finds the issues connected to the identification and analysis of cumulative effects to be extremely important in the assessment of potential impacts of offshore developments, including offshore wind. While we are not offering specific recommendations at this time, we can say that we support all of the Committee’s recommendations made at the end of this section of the report.

## **Accidental Effects and Effects of the Environment on Offshore Wind Development**

While this chapter of the Draft Report is relatively thorough, NCC believes that section 9.2 (“Accidental Effects”), in particular, would benefit significantly from more attention to the effects of climate change. While the issue of storm activities affecting offshore wind infrastructure and operations is discussed to some extent elsewhere in the Draft Report, there needs to be more information in this section on the fact that climate change seems to be spurring more powerful storms, even in the Canadian region of the North Atlantic Ocean. It is imperative, given the potential for increased serious or severe post-tropical storm activity (e.g. hurricanes) and the potential damage or other impacts to offshore wind infrastructure and operations, that such information be included in the Draft Report. There are recent sources of information on this topic.<sup>26</sup>

## **Sustainability, Climate Commitments, and Environmental Obligations**

NCC agrees with the Draft Report that the quantity of GHG emissions produced during the lifecycle of a wind energy development amounts to a fraction of that generated by the fossil fuel industry.<sup>27</sup> That said, and as the Report also, to its credit, observes that it is still important to measure and find ways to reduce the GHG emissions that offshore wind will produce from, for example, fuel combustion from vessel engines and other machinery used aboard construction vessels, support vessels and helicopters.<sup>28</sup> And as the Draft Report also notes, the fossil fuel combustion and discharge that occurs during the fabrication of materials required for construction and maintenance of offshore wind energy infrastructure (steel, concrete etc.) must be factored in to calculations on fossil fuel use and associated emissions for wind energy projects.

All GHG emissions are problematic and need reducing, whether they come from oil and gas drilling projects or from offshore wind energy projects that rely on some fossil fuels during construction and maintenance, and the Draft Report provides a thoughtful and fair analysis of the fossil fuels involved with wind energy project development, and how it compares to GHG emissions from energy projects that produce fossil fuels.

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<sup>25</sup> Draft Report, p. 747.

<sup>26</sup> See e.g., RBN Energy LLC, “I Will Remember You – When Considering Assets at Risk to Hurricanes, Don’t Overlook Offshore Wind” (Nov. 11, 2024), <https://rbnenergy.com/i-will-remember-you-when-considering-assets-at-risk-to-hurricanes-dont-overlook-offshore-wind>.

<sup>27</sup> Draft Report, p. 813.

<sup>28</sup> Draft Report, p. 810.

NCC also agrees with the Committee’s recommendation that:

Offshore wind projects in the waters off Newfoundland and Labrador should be expected by the Licensing Authority to utilize state of the art technologies for the sustainable management of waste, both during operations and maintenance and decommissioning stages of the projects.<sup>29</sup>

### **Appendix A: Indigenous Engagement – What we Heard**

NCC, which is listed as one of the Indigenous groups engaged in the RA (Appendix A, p. 9, section 3.1.1), finds that this non-attributional summary appears to represent a very carefully prepared summary of the views of the various Indigenous groups engaged, although obviously we can confirm that only for our group alone.

NCC confirms that its major points of input were well-captured in the “What we Heard” report.

### **III. Concluding Note**

NCC thanks the Impact Assessment Agency of Canada, and the Committee assembled for this Regional Assessment, for the opportunity to comment on the Draft Report. We hope that the present comments prove helpful in preparing the final version of the report. NCC looks forward to continuing to engage with IAAC, the Committee and the RA Secretariat staff, who have been extremely helpful throughout the process to date, on this very important matter.

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<sup>29</sup> Draft Report, p. 813.