

December 18, 2024

Ann Wilkie (co-chair), James Wooder (co-chair)
Committee for the Regional Assessment of Offshore Wind Development in Nova Scotia
Offshore Wind Nova Scotia
c/o Carys.burgess@iaac-aeic.gc.ca

Dear Ms. Wilkie and Mr. Wooder:

Re: Observations and Recommendations on both the November 22, 2024 meeting and the Draft Report October 2024

Thomas Grover of WT Grover Fisheries Ltd., Jules LeBlanc of Ocean Pride Fisheries Ltd., and Chris Jones would like to express our appreciation to the Regional Assessment Committee (RA) for inviting us and listening to our concerns on November 22, 2024.

The 479 page report titled, *Draft Report October 2024* provides an excellent reference of consultations and background information relating to the Offshore Wind (OSW) industry's expectations and some of the anticipated technical implications relating to Nova Scotia's offshore fishery.

The following reflects observations, dialogue, questions and concerns from both the Draft Report October 2024 and the November 22, 2024 meeting

- One question asked was whether anyone within the Federal or Provincial government or OSW industry was advised or consulted prior to the final draft being publicly released.
 - We were advised that no one was consulted outside the RA on the draft.
- Another question asked was why a representative for the Nova Scotia offshore commercial fishery wasn't appointed to the RA committee considering the largest impact of OSW would affect the offshore commercial fisheries.
 - The response included there was no known individual who would/could adequately represent all fisheries.
 - It wasn't clear whether anyone associated with the Nova Scotia Offshore commercial fishery was considered or asked.

- The RA Draft Report presented eight potential development areas which include Tier 1 areas (recommended for immediate consideration as prospective Wind Energy Areas): Sydney Bight, French Bank, Middle Bank, Sable Island Bank and Western Emerald Bank, and Tier 2 areas (requiring additional investigation and/or engagement before being elevated to Tier 1 or designated as Wind Energy Areas): Misaine Bank, LaHave Basin and Canso Bank. The next question related to why the targeted areas in either T1 or T2 excluded “Banquereau Bank”, given that it is an enormously accessible bank with a largely flat bottom substrate and a relatively consistent high wind velocity.

The reply included:

1. there was only one applicant,
 2. the bottom topography was unsuitable, and
 3. DFO Fisheries data indicated substantial fishing activity on Banquereau Bank, the complexity of sea bottom, lack of geological information, distance from shore, number of fisheries activities and lack of precision of fishery data.
- If these three replies are valid, the key question is how did the actual targeted OSW banks pass muster?
 - Thomas Grover indicated he fished Banquereau Bank since he was a teenager, knew the topography of just about every square kilometer of this huge bank, and stated that most of the fisheries (snow crab, shrimp, surf clams, and whelk) occur in one broad western sectional area while most of Banquereau Bank has a relatively flat topography and supports a surf clam fishery.
 - What wasn’t clear was why Banquereau Bank was considered differently than OSW tier 1 and tier 2 targeted Banks.
- The next issue focused on Recommendation 10.4 Theme 4 - p335, in particular the T4-1 phrase *“However, the principle of providing some level of compensation in the absence of a legal obligation is increasingly acknowledged and supported in OSW jurisdictions, and it is a principle which the Committee endorses.”* The words “some level of compensation” are ambiguous and open for conjecture.
 - While the Draft Report October 2024 indicated that the OSW industry supports, in principle, commercial fisheries compensation, the absence of specifics of process and reference to an annual \$3 billion Nova Scotia fishery, it does not tangibly indicate what that support may be.
 - The unintended consequences of an estimated 3,000 offshore windmills potentially displacing a \$3 billion annual commercial fishery are absent from the report.
 - Concerns exist on how decisions/recommendations by the Canada-Nova Scotia Offshore Energy Regulator (CNSOER) will directly or indirectly impact the \$3 billion Nova Scotia fishery.


- Anxiety exists that industry's last resort of appeal against OSW impacts is to rely on a petition to a hierarchical regulatory energy compensation process to determine the future of their fishery.
- Although the chair clarified that no compensation system has yet been established for fisheries, a key question is why the Draft Report October 2024 did not recommend an initial independent long-term actuarial analysis of OSW impact on offshore commercial fisheries as a prelude to developing a compensation process.
- The implication of establishing a commercial fishery compensation process is that it potentially can be used to exonerate OSW displacing fisheries while shifting accountability to the fishery to:
 1. establish a claim,
 2. qualify and quantify damages, and
 3. try and negotiate "some" compensation.
- Questions exist as to why the RA has not recommended a fisheries expert be appointed to the CNSOER.
- Little reference to commercial fisheries and the absence of fisheries scientific participation on the CNSOER clearly indicates a bias of governance in support of OSW while largely silent in recognizing the significance of the commercial fisheries.
- It remains astonishing as to why the Draft Report October 2024 did not identify this bewildering omission and recommend a means to ameliorate it. There is also concern as to why the Draft Report October 2024 has not recommended the CNSOER have a list of fishery scientific experts (i.e. former DFO Regional Directors of Science) to respond to pertinent science-based fishery issues.
- Concerns exist that the CNSOER may rely on an ad hoc OSW access and allocation process in the absence of a formal access and allocation policy framework, while at the same time relying on a compensation scheme to resolve (sort out) potential conflicts.
- The creation and management of a fishery compensation mechanism must directly involve interests from the offshore Nova Scotia commercial fishery.
- The Draft Report October 2024, does not contain a strong argument for a comprehensive independent social-economic analysis of OSW across the Scotian Shelf. While the report does reference the completion of a localized social economic report relating to the Eastern Scotian Shelf, there is a lack of compelling language for an across-the-board independent social economic assessment.
- The Draft Report October 2024's suggestions for a full "Environmental Impact Assessment", (EIA) are also notably understated, particularly given that there are no legislated provisions guaranteeing protections from government exemptions.

Recommendations:


1. Should a policy of “no displacement of an existing natural renewable resource by any new resources” not occur then the Federal and Provincial governments need to direct the CNSOER to implement a comprehensive policy framework of access, allocations and adjacency regarding OSW locations, and operations.
2. This policy initiative should occur simultaneously while developing a comprehensive compensation mechanism directly relating to potential OSW displacement of commercial fisheries. A compensation process should not be used as a systematic default mechanism in lieu of displacement of fisheries.
3. In addition, there is an urgent requirement to establish a separate offshore commercial fisheries board to directly advise the CNSOER in providing a balanced OSW access approach and minimize OSW superseding existing fishery access.
4. Considering that CNSOER decisions on OSW will negatively impact offshore commercial fisheries, an offshore commercial fishery representative should be appointed to the CNSOER.
5. The CNSOER should also consider having an identified reference index of independent fisheries scientific experts to provide additional support to the Board.
6. Before OSW access is considered, it is recommended that more explicit rationales be provided in support of an independent comprehensive “Social-Economic Impact Analysis” and an “Environmental Impact Assessment”
7. Given the initial tier 1 OSW will directly impact WT. Grover Fisheries Ltd. and Ocean Pride Fisheries Ltd. sea cucumber fisheries, it is essential these two companies participate in the development of a policy framework of access, allocations and adjacency with the CNSOER including any compensation policies and processes.

Attached is a copy of a September 17, 2024 letter to Premier Tim Houston and an August 19, 2024 correspondence to the OSW Regional Assessment Committee.

<Original signed by>


Jules LeBlanc, President
Ocean Pride Fisheries Ltd.
136-138 Jacquard Road
Lower Wedgeport, NS
B0W 2B0

<Original signed by>


Thomas Grover, CEO
WT Grover Fisheries Ltd.
472 Tor Bay Branch Rd.
Guysborough, NS
B0H 1T0



Premier Tim Houston
Province of Nova Scotia
PO Box 726
Halifax, NS B3J 2T3

premier@novascotia.ca

September 17, 2024

Dear Premier Houston,

Re: Request for a Policy of “no displacement of a naturally renewable fishery resource by a manufactured wind energy resource” relating to the impact of Offshore Windmills (OSW) on Sea Cucumber fisheries on both Middle and Sable Island Banks, including Canso Bank and Silver Island Patches

We are two Nova Scotia owned and operated Sea Cucumber companies based in rural Nova Scotia and, between us, we employ approximately 150 people. Our companies market internationally, have multi-year contracts to fulfill, and have invested extensively in Nova Scotia based Research and Development of high value nutraceuticals.

We have actively participated in several Offshore Wind consultations throughout Eastern Nova Scotia and Dartmouth. It has become evident from both these sessions, and the recent literature published by the Regional Assessment Committee and OSW wind proponents, that the focus of windmill placements may occur on or near Middle and Sable Island Banks in NAFO Division 4W, the banks that contain our high-tech sea cucumber fishery harvest zones.

This is in no way similar to the Confederation Bridge minimal static displacement by a few bridge foundations; it has the potential to significantly displace an entire fishery. There is a high probability that hundreds of windmills, each with their corresponding series of independent foundations, anchor lines, and transmission lines, will require extensive buffer zones to avoid fishing vessel collisions with all these structures. It is the number and extent of these exclusion zones that will negatively impact our fisheries, along with the unknown impact on the fishery by the sound frequencies and possible vibration associated with the structures. Our past and present experience with the Sable Island undersea gas pipeline exclusion zones are clear indicators of the potential displacement of our entire fisheries with wind farms. Given that the sea cucumber beds occur specifically on these banks, and the fishing zones have been developed over decades, and federally approved, based on (industry-funded) intricate scientific research and at sea surveys, we cannot go elsewhere to fish.

In addition to this, we have serious concerns surrounding the potential negative short and long-term impacts of the construction of sub-sea dredging relating to electrical cables, the immediate and latent effects of anchors and turbine foundations on the highly specialized sea cucumber habitat.

During the past 2 decades our companies have conducted extensive and costly proprietary at-sea scientific surveys and analysis regarding mortalities of sea cucumbers throughout sea cucumber beds. Consequently, we also have serious concerns about the direct and indirect impact on the mortality of sea cucumber populations throughout the construction phases of windmills.

We are confident that, should Offshore Windmills be constructed within the areas of our Sea Cucumber fisheries on Middle and/or Sable Island Banks, our industries stand a high probability of being eliminated, along with the loss of up to 150 rural Nova Scotia jobs.

Our preliminary at sea surveys of Canso Bank and Silver Island Patches indicate the existence of sea cucumbers populations and we have scheduled further surveys to determine the extent of sea cucumber concentrations for future fishing contingencies and as a plausible distribution source of juvenile sea cucumbers to other banks.

We are asking that your government create a policy of ***“no displacement of a naturally renewable fishery resource by a manufactured wind energy resource”***. From our perspective it is logical to avoid displacing an established industry that utilizes a renewable resource, employs 150 people, and has the continued capacity to further invest in Nova Scotia based R&D of nutraceuticals for both cosmetic and medical markets throughout the world.


That said, you will find an attachment that provides both background and our serious concerns about process and potential outcomes of the OSW consultative progression.

Our companies have extensive experience working with Federal agencies on regulatory and scientific policy and programs and would be more than willing to collaborate with your staff in generating a policy of ***“no displacement of a naturally renewable fishery resource by a manufactured wind energy resource”*** relating to OSW on Middle and Sable Island Banks, including Canso Bank and the Silver Island Patches.


For your consideration and advisement.

Sincerely,

<Original signed by>


Jules LeBlanc, President
Ocean Pride Fisheries Ltd.
136-138 Jacquard Road
Lower Wedgeport, NS
B0W 2B0

<Original signed by>


Thomas Grover, CEO
WT Grover Fisheries Ltd.
472 Tor Bay Branch Rd.
Guysborough, NS
B0H 1T0

attachment



The Implications of Displacement of Sea Cucumber Fisheries on Middle and Sable Island Banks by Proposed Offshore Wind

Prepared by: Ocean Pride Fisheries Ltd (OPF). and WT Grover Fisheries Ltd. (WTGF) for the Offshore Wind Regional Assessment Committee

August 19, 2024

In an updated April 20, 2023 AEGIR Report ***Value Mapping Nova Scotia's Offshore Wind Resources***, four sites are identified as potentially economically feasible to develop offshore wind systems.

- The report focuses where it would be most economical for the offshore wind (OSW) industry to construct windmill farms taking into account factors that directly impact costs, i.e., wind speed, water depth, distance to a suitable land-based facility, and an ability to cluster offshore windmills.
- It also references that data available for the report is a high-level overview but does not include localized fishery patterns including some types of fishing that are omitted from public data due to a Statistics Canada restriction on the publication of corporate data whenever fewer than 3-5 companies are involved.
- This is the case for Sea Cucumber data from harvesting areas on both Middle and Sable Island Banks and the reason their confidential statistical data was not contained in the 2023 AGIR Report.
- These Sea Cucumber fisheries began in the early 2000s as new developmental fisheries and, through intensive corporate-funded surveys, and research and development, evolved into limited-entry commercial fisheries by 2012.
- The Sea Cucumber fisheries on Middle and Sable Island Banks have annual quotas, and specific harvesting zones that are used on a rotational harvest basis, similar to terrestrial agriculture practices.
- The quality controls of the fishery are paramount, i.e., fishing vessels must be able to harvest a vessel load of sea cucumbers in as short a time as possible (24-36 hours) as the catch must be kept alive, offloaded live in Larry's River and shipped live over 600 kms to Wedgeport for processing.
- The federally designated harvest zones on both banks are surveyed by the companies bi-annually.
- The data derived from these surveys determine the rate and amount of harvesting from each zone on an annual basis.
- The costly science surveys are developed and conducted by former DFO scientists and are carried out using undersea cameras.

- It was the security of ownership of these specific geographical zones that enabled the licence holders to avoid the “Tragedy of the Commons” syndrome and secure long-term investment.
- The long-term security emanating from this strategy provided the foundation for a vertically integrated fisheries investment.
- Due to the unique regenerative physiology of sea cucumbers, OPF has been able to undertake unique R&D initiatives into nutraceuticals and medical research.
- While food and specialized pet food supplements are currently the principle targeted markets, the future of the higher valued nutraceutical industry remains the long-term business plan for OPF.
- Since the publication of the AGEIR Report, and the interim Regional Assessment Committee (RAC) report [Regional Assessment of Offshore Wind Development in Nova Scotia – Interim Report \(March 2024\)](#), OPF and WTGF have serious concerns about our sea cucumber beds being targeted by the offshore windmill proponents.
- The rationale that Middle and Sable Island Banks are low hanging fruit due to their accessibility, shallow depths and proximity to land-based infrastructure with little known impact on large numbers of fishing interests has created a “Perfect Storm” fear that the windmill industry intends to displace our Sea Cucumber fishery on one or both of these Banks.
- This current “Damocles Sword” hanging over our sea cucumber industry has already negatively impacted investments by inhibiting future funding for nutraceuticals research and development, and market development.
- The absence of both provincial and federal public policy stating that *“no displacement of a renewable resource should occur by a manufactured resource”* has inadvertently increased significant risks throughout the Sea Cucumber industry.
- This circumstance is simply unacceptable.
- During the July 25, 2024 Sea Cucumber consultation with the RAC, the committee focused on the future financial values of potential nutraceuticals which led us to ponder whether these questions were either to try and establish a price on compensation for the displacement loss of the fishery, or a prelude for a process to install windmill infrastructure outside established sea cucumber zones.
- More unknowns exist in the OSW proposals than knowns, including the extent of buffer zones around structures and undersea cables, implications of sound frequencies on sedentary species such as Sea Cucumbers and an absence of a comprehensive independent social economic assessment and analysis.
- Presently it remains critical for the RAC to clarify within their next report a prioritization of options for placement of offshore windmills. The existing circumstances are increasing social and economic anxiety within our two fishing companies, their employees, and rural communities that depend on them.
- Considering that at least two OSW reports to date have focused their intentions on supporting OSW accessing Middle and Sable Island Bank’s Sea Cucumber beds, our two companies must be considered as essential participants in any further dialogue relating to mitigation measures to avoid displacement of our fisheries.