

To: The Honourable Steven Guilbeault
Minister of Environment and Climate Change
Via email: ministre-minister@ec.gc.ca

To: The Honourable Jonathan Wilkinson
Minister of Natural Resources
Via email: jonathan.wilkinson@parl.gc.ca

To: The Honourable Diane Lebouthillier
Minister of Fisheries, Oceans and the Canadian Coast Guard
Via email: diane.lebouthillier@parl.gc.ca

To: The Honourable Tory Rushton
Minister of Natural Resources and Renewables
Via email: mindnr@novascotia.ca

December 19th, 2024

Re: Draft Regional Assessment Report for Offshore Wind Development in Nova Scotia

Dear Ministers Guilbeault, Wilkinson, Lebouthillier, and Rushton,

The Canadian Parks and Wilderness Society (CPAWS) National Office and Nova Scotia Chapter are deeply concerned about the recent changes to the Draft Regional Assessment Report for Offshore Wind Development in Nova Scotia. Specifically, **we note that of the eight Potential Development Areas (PDAs) identified by the Regional Assessment of Offshore Wind Development, five overlap with existing or proposed Marine Protected Areas (MPAs) or Other Effective Area-Based Conservation Measures (OECMs) (Figure 1).**

CPAWS recommends that The Committee for the Regional Assessment of Offshore Wind Development in Nova Scotia (The Committee) in its final report:

1. Reject and discontinue consideration of PDAs that overlap with existing or potential MPAs or OECMs,
2. Respect Indigenous-led initiatives when planning sites for potential development, which includes, although not limited to, MPAs, Indigenous Protected and Conserved Areas, and other areas that are being conserved by The Mi'kmaq, and

3. Recommend that the responsible federal and provincial ministers and the Governor in Council act respectively, under the amended Accord Acts, to ensure the protection of MPAs and OECMs from offshore wind development.

CPAWS fully supports the development and transition towards renewable energy; however, this cannot be at the expense of areas of high biodiversity. We reiterate our previous recommendation that **all protected areas and areas of interest that are counted towards Canada’s marine conservation targets¹ must be free from all industrial activities, including offshore renewable energy development and exploration.**

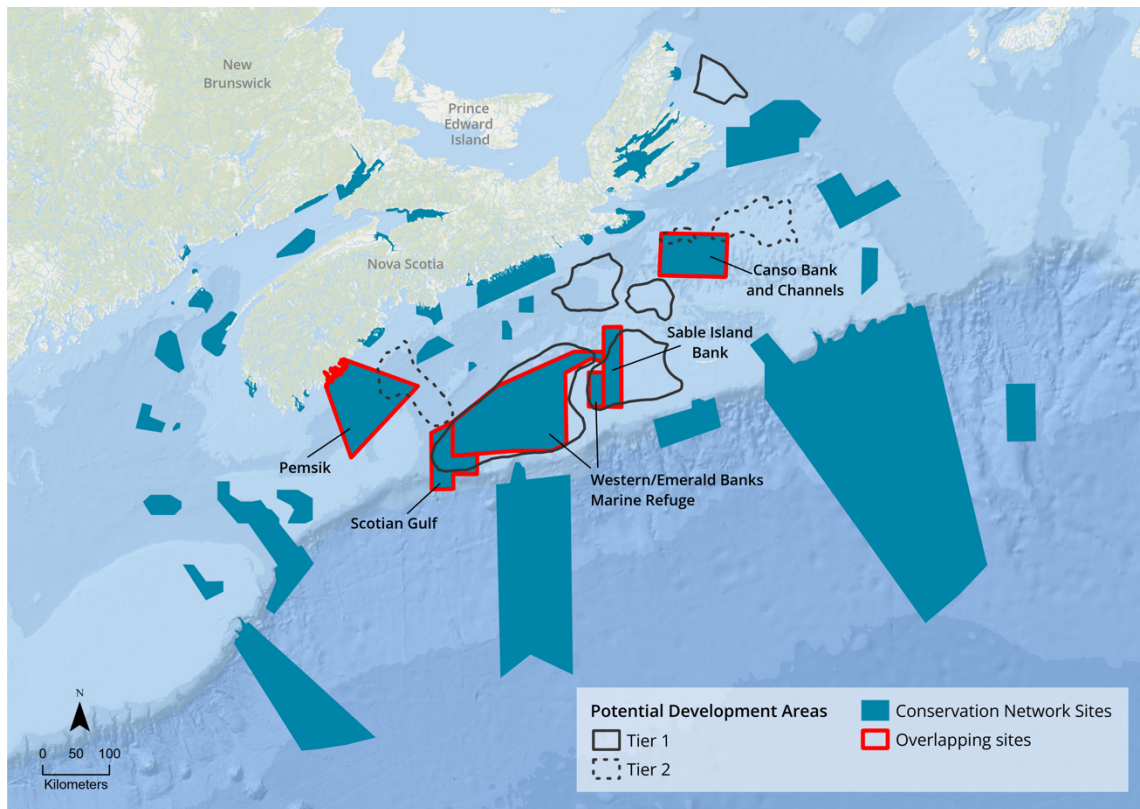


Figure 1. Map of DFO’s Conservation Network sites (teal) for the Scotian Shelf – Bay of Fundy Bioregion that overlap with the Potential Development Areas for offshore wind (black borders). Overlapping sites are indicated in red outlines, and the names of overlapping Network sites are labelled on the map.

Context

Canada has protected 15.54% of its marine environment and is committed to protecting 30% by 2030. With one of the largest ocean real estates in the world, Canada can maintain our status as a global leader in conservation while also being a global leader in the green energy transition. However, if the proposed expansion of PDAs in existing or proposed MPAs and OECMs goes ahead, this will run counter to Canada’s stated nature conservation objectives. As Canadians and Nova Scotians

face the dual crises of biodiversity loss and climate change, it's integral that our strategy to shift towards greener energy does not jeopardize our efforts to halt and reverse the declining health of our marine ecosystems. We must responsibly and sustainably manage activities to build our Blue Economy and ensure that our ocean functions for future generations.

Offshore Wind Development is an Incompatible Activity Within MPAs and OECMs

MPAs and OECMs are established to protect vulnerable species and habitats, restore ecosystem functioning, and rebuild and maintain healthy, abundant marine life. Thriving marine ecosystems are also more resilient to climate change impacts compared to depleted seas, in addition to acting as significant carbon sinks.

Whether floating or fixed, offshore wind farms require activities and infrastructure that will cause localized and cumulative harm to the marine environment, and, therefore, are incompatible with the fundamental conservation objectives of MPAs and OECMs. For example, infrastructure may impact up to 30m of critical seafloor habitat around each turbine or foundation, as well as the seafloor habitat extending the length of submarine cables¹. In a recent study of floating offshore wind farm impacts, it was found that habitat loss or damage, noise, and chemical pollution were the most common stressors across all phases of wind farm development². These stressors impact ecologically important or sensitive species, such as sea birds, marine mammals, pelagic or benthic fish, and benthic invertebrates.

It is critical that any activity occurring inside an MPA or OECM does not impact the species or habitats that the area is created to protect and does not degrade the integrity and conservation outcomes of the protected area. **CPAWS firmly recommends The Committee reject and discontinue consideration of PDAs that overlap with existing or potential MPAs and OECMs.**

Western/Emerald Bank Conservation Area

Within the Regional Assessment for Offshore Wind Development in Nova Scotia, there are two Tier 1 PDAs, Emerald Bank and Sable Bank, that almost entirely overlap with the existing OECM known as the Western/Emerald Bank Conservation Area (Figure 1). The Western/Emerald Bank has been subject to fisheries closures to protect groundfish spawning habitat through the prohibition of all bottom contact fisheries since 1987 and was officially recognized as a Marine Refuge in 2017. This area boasts a high diversity of fish and invertebrates, high concentrations of zooplankton and larval

¹ Defingou M, Bils F, Horchler B, Liesenjohann T & Nehls G (2019): PHAROS4MPAs- A Review of solutions to avoid and mitigate environmental impacts of offshore windfarms. BioConsult SH on behalf of WWF France, p.264

² Wawrzynkowski, P., Molins, C., Lloret, J. (2025). Assessing the potential impacts of floating Offshore Wind Farms on policy-relevant species: A case study in the Gulf of Roses, NW Mediterranean, Marine Policy, Volume 172, <https://doi.org/10.1016/j.marpol.2024.106518>.

fish³, as well as sensitive benthic invertebrates, such as Russian hat sponges (*Vazella pourtalesii*) and sea pens (Pennatulacea)⁴.

Installation, maintenance and decommissioning of infrastructure needed for renewable energy would destroy the groundfish habitat that the Marine Refuge and prior fishing closure were designed to protect. While there may be no fishing activity currently taking place inside its boundaries, this area has been identified as critical in supporting healthy groundfish fisheries in adjacent waters. Undermining these conservation measures would potentially do long term harm to fisheries in the area.

CPAWS recommends that the Emerald Bank and Sable Bank PDAs overlapping with the existing Western/Emerald Bank Conservation Area are removed from consideration and relocated, or at minimum, be relisted as Tier 2 sites, with further study and refinement under the precautionary principle to closer examine potential impacts on the identified conservation objectives of the Marine Refuge.

Reconciliation and Indigenous-Led Conservation

CPAWS firmly recommends that the Regional Assessment for Offshore Wind Development in Nova Scotia must respect Indigenous-led conservation initiatives, which includes, although not limited to, MPAs, Indigenous Protected and Conserved Areas, and other areas that are being conserved by The Mi'kmaq. The Terms of Reference states that the Regional Assessment ensures respect for Indigenous rights and consideration of Indigenous knowledge to foster reconciliation through this process⁵.

It is, therefore, unacceptable for the LaHave Basin PDA to overlap with the Pemsik National Marine Conservation Area (NMCA) as part of the Pemsik Conservation Mosaic in southwest Nova Scotia (Figure 1). The Pemsik NMCA is a Mi'kmaq-led conservation initiative with Parks Canada with a proposed marine boundary that upholds cultural values for the Mi'kmaq as well as protects important conservation values. This includes significant concentrations of eelgrass, saltmarsh, and kelp beds; spawning grounds for Atlantic herring; important areas for seabirds and piping plover; and at-risk species such as white shark, American eel, Atlantic cod, cusk, and Atlantic wolffish. Priority should be given to Mi'kmaq initiatives, whether legally designated or not, to allow The Mi'kmaq of Nova Scotia to demonstrate self-governance in their unceded territory. **CPAWS recommends the**

³ DFO. 2024. Scotian Shelf - Bay of Fundy Bioregional Marine Refuge Management Plan, Part II: Site Profiles. https://publications.gc.ca/collections/collection_2024/mpo-dfo/Fs23-752-2024-2-eng.pdf

⁴ DFO. 2017. Delineation of Significant Areas of Coldwater Corals and Sponge-Dominated Communities in Canada's Atlantic and Eastern Arctic Marine Waters and their Overlap with Fishing Activity. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2017/007. <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/40600099.pdf>

⁵ <https://iaac-aeic.gc.ca/050/documents/p83514/147038E.pdf>

LaHave Basin PDA that overlaps with the Pemsik NMCA is removed from consideration or relocated.

Protecting Future and Existing Protected Areas from Offshore Wind Developments Under the Amended Accord Acts

The Department of Fisheries and Oceans has put forward a Conservation Network Plan that outlines 38 future marine conservation areas within the Scotian Shelf – Bay of Fundy Bioregion⁶. Of these sites, many are located within the Study Area for the Regional Assessment and are slated for designation by 2030. It is necessary that the Committee considers these areas when identifying suitable locations for potential offshore wind development and avoids overlap. It is critical that regulators, stakeholders, and Indigenous-rights holders have certainty that all existing protected areas and proposed areas are off-limits to offshore renewable energy development and exploration. **CPAWS strongly advises that The Committee include in their final report a recommendation that once the amended Accord Actsⁱⁱ are brought into force:**

- 1. The responsible federal and provincial Ministers issue a joint direction to the Offshore Energy Regulator for Nova Scotia to prohibit issuance of submerged land licenses in MPAs and OECMS, and**
- 2. That the Governor in Council create a regulation under the amended Accord Act to prohibit offshore wind development in existing and future MPAs and OECMs.**

Conclusion

We reiterate the need for renewable energy and the important role it will play in reducing emissions and the impacts of climate change on marine ecosystems. However, new industrial activities like the construction and operation of offshore wind are not consistent with the overarching objectives of MPAs and OECMs, which are intended to protect biodiversity, typically with a focus on sensitive or vulnerable habitats and/or species. We urge The Committee to ensure alternative areas for potential wind development are selected that do not overlap with any existing or proposed marine protected areas. Doing so will stand behind our ocean protection commitments, provide certainty to stakeholders and rightsholders, and ensure healthy, abundant and resilient coastal and marine waters for Nova Scotians and Canadians.

Thank you for the opportunity to provide comments on these proposed areas of wind development.

⁶ <https://www.dfo-mpo.gc.ca/oceans/networks-reseaux/scotian-shelf-plateau-neo-ecossais-bay-baie-fundy/sites-eng.html>

Sincerely,

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ⁱ including *Oceans Act* Marine Protected Areas, National Marine Conservation Areas (reserves), Marine Refuges and Other Effective Area-Based Conservation Measures, and Marine National Wildlife Areas

ⁱⁱ The provisions of the amended Federal Accord Act and the amended Nova Scotia Accord Act, set out in Bill C-49, will enable the prevention or prohibition of offshore interests within offshore areas identified for conservation and protection. Both have received Royal Assent in their respective legislative bodies but have not yet been proclaimed.