

# AGREEMENT TO CONDUCT A REGIONAL ASSESSMENT OF OFFSHORE WIND DEVELOPMENT IN NEWFOUNDLAND AND LABRADOR

## BETWEEN:

**HIS MAJESTY THE KING IN RIGHT OF CANADA, as represented by the Ministers of Environment and Natural Resources (“Canada”)**

## AND

**HIS MAJESTY THE KING IN RIGHT OF NEWFOUNDLAND AND LABRADOR, as represented by the Minister of Industry, Energy and Technology, the Minister of Environment and Climate Change and the Minister for Intergovernmental Affairs (“Newfoundland and Labrador”)**

## Preamble

WHEREAS the federal Minister of Environment has statutory responsibilities under the *Impact Assessment Act* (“IAA”).

WHEREAS the federal Minister of Environment may establish a committee to conduct a regional assessment of the effects of existing or future physical activities carried out in a region. Where that region is composed in part of federal lands or is entirely outside federal lands, he or she may enter into an agreement or arrangement with another jurisdiction respecting the joint establishment of a committee to conduct the assessment and the manner in which the regional assessment is to be conducted.

WHEREAS the federal Minister of Natural Resources and the provincial Minister of Industry, Energy and Technology have statutory responsibilities pursuant to the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* and the *Canada–Newfoundland and Labrador Atlantic Accord Implementation Act* (*Accord Acts*), and have announced that they intend to amend the Accord Acts to expand the mandate of the Canada-Newfoundland and Labrador Offshore Petroleum Board (“C-NLOPB”) to include the regulation of offshore renewable energy.

WHEREAS the Offshore Area has an abundance of offshore renewable energy resources that have the potential to help Canada and Newfoundland and Labrador achieve their objectives and commitments with respect to climate change, further decarbonize the electricity grid, and support a global transition to a low-carbon energy supply while also creating opportunities for sustainable economic development.

WHEREAS the Governments of Canada and Newfoundland and Labrador acknowledge that sustainable development seeks to attain a balance between economic activity and its benefits, environmental protection, and the health, social and economic well-being of people and communities.

WHEREAS the Governments of Canada and Newfoundland and Labrador wish to enhance the effectiveness and efficiency of impact assessments for future offshore wind development activities in the Offshore Area.

WHEREAS the Governments of Canada and Newfoundland and Labrador acknowledge that there is potential for offshore wind development activities to result in both positive and adverse effects, including cumulative effects, which require consideration in future decision-making related to such activities.

WHEREAS the Governments of Canada and Newfoundland and Labrador acknowledge that portions of the Offshore Area are used by Indigenous peoples who hold and exercise Aboriginal and/or Treaty rights in the area, and there is potential for offshore wind development activities to result in impacts, including cumulative impacts, to the activities, interests and/or rights of Indigenous peoples.

WHEREAS the Governments of Canada and Newfoundland and Labrador are committed to ensuring respect for the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*, and to fostering reconciliation with the Indigenous peoples of Canada.

WHEREAS the Governments of Canada and Newfoundland and Labrador wish to ensure that Indigenous peoples and the public have opportunities to participate meaningfully in the planning and conduct of the Regional Assessment that is the subject of this Agreement.

THEREFORE, the federal Ministers of Environment and Natural Resources and the provincial Ministers of Industry, Energy and Technology, Environment and Climate Change and for Intergovernmental Affairs together hereby agree to establish a Committee to conduct a Regional Assessment of offshore wind energy development in the Offshore Area, in accordance with the provisions of this Agreement including the Terms of Reference attached as Appendix A.

## Definitions

For the purpose of this Agreement:

“**Accord Acts**” refer to the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* and the *Canada–Newfoundland and Labrador Atlantic Accord Implementation Act*.

“**Agency**” means the Impact Assessment Agency of Canada established under the *IAA*.

“**Committee**” means the Committee established to conduct the Regional Assessment to which this Agreement pertains.

“**Community knowledge**” means knowledge held by individuals or shared by a

community, which is built up over time through direct use of, or interaction with, a resource or environment (natural or social).

“**Effects**” has the same meaning as in the *IAA*.

“**Environment**” has the same meaning as in the *IAA*.

“**IAA**” means the federal *Impact Assessment Act*, S.C. 2019, c. 28, s. 1.

“**Indigenous knowledge**” means knowledge held and shared by, and based on the worldview of, Indigenous peoples.

“**Indigenous peoples**” has the same meaning as in the *IAA*.

“**Ministers**” means, collectively, the federal Ministers of Environment and Natural Resources and the provincial Ministers of Industry, Energy and Technology, Environment and Climate Change and for Intergovernmental Affairs.

“**Mitigation measures**” has the same meaning as in the *IAA*.

“**Offshore Area**” has the same meaning as set out in section 2 of the *Accord Acts*.

“**Offshore wind development activities**” means the physical activities associated with the construction, including expansion, operation, decommissioning and abandonment of an offshore wind power generation facility that has 10 or more wind turbines. These physical activities include the transmission of electricity and any other ancillary or supporting activities that are specific to that wind power generation facility. It does not include the associated and eventual use of the electricity produced by that offshore wind power generation facility.

“**Regional Assessment**” means the Regional Assessment that is conducted under this Agreement, pursuant to the *IAA*.

“**Report**” means the Regional Assessment Report produced by the Committee pursuant to subsection 102 (1) of the *IAA*.

“**Study Area**” means the Study Area for the Regional Assessment as described in Section 1.4 of this Agreement.

“**Sustainability**” has the same meaning as in the *IAA*.

“**Terms of Reference**” means the terms of reference for the Committee, which form part of this Agreement and are attached as Appendix A of it.

### ***Interpretation***

For greater certainty, the provisions of this Agreement shall not be interpreted as

providing a basis for any claim by or on behalf of Canada or Newfoundland and Labrador in respect of any interest in or legislative jurisdiction over any area within the Offshore Area or any living or non-living resources, including renewable resources, of any offshore area.

The Agreement has been developed to meet the requirements of the *IAA*. Should the *IAA* be repealed, amended or replaced by new legislation, this Agreement remains valid. In such an event, the Parties will consult with each other to determine whether any amendments to this Agreement are required.

## **1.0 Regional Assessment Goal, Objectives and Scope**

1.1 The goal of the Regional Assessment is:

*To provide 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, licencing and impact assessment processes for these activities in a way that helps protect the environment and health, social and economic conditions while also creating opportunities for sustainable economic development.*

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.

1.3 The Regional Assessment will focus on future offshore wind development activities in the Study Area, and the potential effects of these activities. In doing so, it will also consider the relationship of, and potential interactions between, the effects of future offshore wind

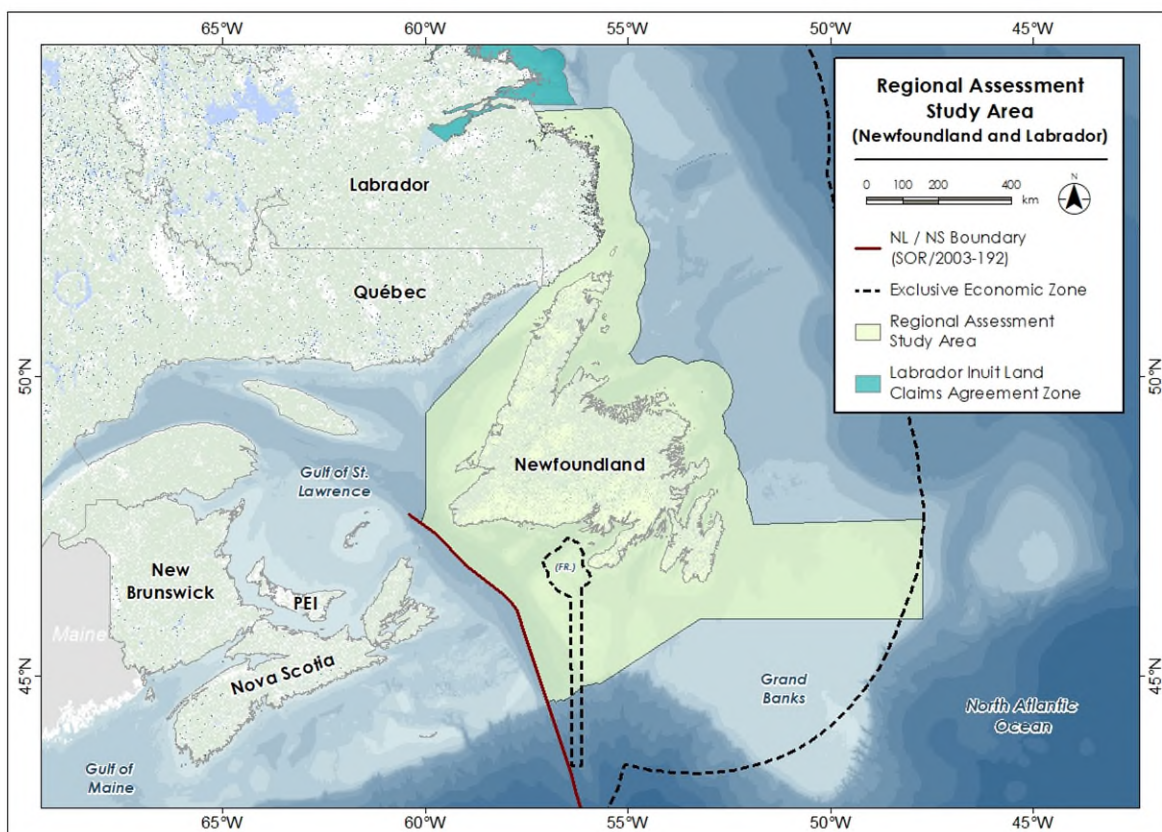
development activities and those of other existing and future physical activities, including the potential for resulting cumulative effects (see Appendix A, Section A.2).

1.4 The Study Area for the Regional Assessment is as defined in Figure 1.1 below. The Study Area comprises portions of the Offshore Area where future offshore wind development activities may be technically and economically feasible, based on current and foreseeable technologies. It 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 this region, to inform future decision-making. For greater clarity, the inclusion or exclusion of specific portions of the Offshore Area in the Study Area does not reflect whether particular locations will or should be subject to future offshore wind development activities.

The Study Area therefore comprises the geographic region within which the Regional Assessment will help inform future decisions around whether particular locations may be subject to future licencing processes for offshore wind development activities, as well as the impact assessments of any such development activities.

1.5 The Regional Assessment will also consider the environmental, health, social and economic components and systems that may be affected by future offshore wind development activities within the Study Area, but which extend beyond its boundaries, including the likely geographic extent of potential effects resulting from these activities.

**Figure 1.1: Regional Assessment Study Area (Newfoundland and Labrador)**



## **2.0 Establishment, Purpose and Composition of the Committee**

2.1 A Committee will be established pursuant to subsection 93(1) of the *IAA*. The Committee will conduct the Regional Assessment in accordance with the *IAA*, this Agreement, and its Terms of Reference contained in Appendix A of this Agreement.

2.2 The Committee will consist of five members agreed to by the federal Minister of Environment, the federal Minister of Natural Resources, the provincial Minister of Industry, Energy and Technology and the provincial Minister of Environment and Climate Change. The identification and evaluation process for the Committee members will include seeking nominations from Indigenous communities and organizations. It will also include an interview and evaluation process for identified candidates, coordinated by an evaluation board comprised of one representative of the Agency, Natural Resources Canada and the Newfoundland and Labrador Department of Industry, Energy and Technology, who will provide advice and recommendations to their respective Ministers on potential Committee members.

2.3 Should one or more Committee members be unable to complete the Regional Assessment, the Ministers will decide whether to replace the Committee member(s) or to have the Committee proceed to complete the Regional Assessment with the remaining members.

2.4 The Committee will have all the powers and obligations set out under sections 97 to 102 of the *IAA*.

2.5 The Committee's mandate and responsibilities, outlined in its Terms of Reference (Appendix A), are established by the federal Minister of Environment in accordance with subsection 93(3) of the *IAA*.

2.6 The Committee will have knowledge or experience relevant to the Regional Assessment, including with respect to offshore wind development activities that may occur in the Study Area, the potential effects that may be associated with these, and of the interests and concerns of Indigenous peoples, stakeholder groups, or the public that are relevant to the Regional Assessment.

2.7 The Committee members will have knowledge or experience related to one or more of the following: impact assessment; regional assessment; environmental, health, social or economic effects (positive and adverse, including cumulative effects) and their management; sustainability; Indigenous and public participation; and/or Indigenous peoples and their activities, interests, perspectives and knowledge.

2.8 The Committee members will be unbiased and free from real or perceived conflict of interest with respect to the Regional Assessment.

## **3.0 Committee Secretariat**

3.1 A Secretariat will be established to provide administrative and technical support to the

Committee during the conduct of the Regional Assessment.

3.2 The Secretariat will be comprised of staff assigned from the Agency, and may include staff from the C-NLOPB, Natural Resources Canada, and the Newfoundland and Labrador Department of Industry, Energy and Technology and/or Department of Environment and Climate Change.

3.3 The activities and responsibilities of the Secretariat will include the following, undertaken at the direction of, and in support of, the Committee: work planning and scheduling, communications, administration and record keeping, compiling and providing information and knowledge (including Indigenous knowledge, Community knowledge and scientific information) that is relevant to the Regional Assessment, including that received from participants as per Section 3.5 below; support for public and Indigenous participation activities; and the drafting of documents and other materials.

3.4 The Secretariat will support the Committee in identifying, compiling and analyzing existing and available information that is relevant to the Regional Assessment including information related to: environmental, health, social and economic conditions; offshore wind development activities and their potential effects; mitigation measures and follow-up; and other information as applicable, subject to any limits on the use of such information or the need to update or otherwise verify the information.

3.5 Existing information includes but is not limited to that contained in any past or ongoing impact or environmental assessments, including strategic environmental assessments, and information and knowledge provided by Indigenous peoples, government, industry (offshore energy, fisheries, and others), academia, or the public.

3.6 Funding will be made available by the Agency to facilitate the involvement of Indigenous communities and organizations, non-government organizations and individuals in the Regional Assessment through the Agency's Participant Funding Program.

#### **4.0 Advisory Groups**

4.1 In addition to the various Indigenous and public participation activities undertaken by the Committee during the conduct of the Regional Assessment, advisory groups will be established by the Committee to provide it with information and advice during the conduct of the Regional Assessment, as follows:

- 1) *Indigenous Knowledge Advisory Group*
- 2) *Scientific Information and Community Knowledge Advisory Group*
- 3) *Fisheries and Other Ocean Uses Advisory Group*

Further information on the establishment, composition and functioning of these advisory groups is provided in the attached Terms of Reference (Appendix A).

4.2 Involvement in, and the provision of information and input through, one or more of these advisory groups will not restrict any individual's or organization's participation in other public and Indigenous participation activities undertaken by the Committee, nor the ability to make separate submissions to the Committee during the Regional Assessment process.

## **5.0 Participation of Government Departments and Agencies**

5.1 In addition to participation through the above referenced advisory groups, federal authorities and provincial authorities in possession of specialist or expert information or knowledge with respect to the Regional Assessment must, on request of the Committee, make that information or knowledge available to the Committee within a specified period.

5.2 This may include providing information, knowledge or advice related to any matter relevant to the Regional Assessment as requested by the Committee.

## **6.0 Report and Records**

6.1 The Committee will describe the conduct and document the results of the Regional Assessment in its Report as outlined in its Terms of Reference (Appendix A). In addition, the Committee will include a summary of its Report in plain language and available in English and French, and in Mi'kmaw, Innu-aimun and Inuktitut if requested by one or more participating Indigenous groups.

6.2 The Committee will complete its work and submit its Report (all components) to the Ministers within 18 months of the public announcement of the appointment of its members. Further information on the timing of particular aspects of the Committee's work and associated reporting on these is provided in Appendix A.

6.3 Upon receiving the Committee's Report, the Ministers will make it available to the public and Indigenous groups, and will advise the public and Indigenous groups that it is available on the Canadian Impact Assessment Registry Internet site.

6.4 The Canadian Impact Assessment Registry, which is comprised of project files and an Internet site, will be maintained by the Agency on behalf of the Committee during the conduct of the Regional Assessment in a manner that provides for convenient public access.

6.5 The Canadian Impact Assessment Registry will include this Agreement (and any future amendments to it), public announcements, the Committee's Report, and submissions and comments received by the Committee from the public or Indigenous groups during the Regional Assessment.

6.6 After the Committee's Report is submitted, the information outlined in Section 6.5 above will remain publicly available on the Canadian Impact Assessment Registry.



## **7.0 Inter-jurisdictional Cooperation**

7.1 The parties to this Agreement will work cooperatively, in accordance with this Agreement, in the conduct of the Regional Assessment. This will include considering and responding to any request from the Committee for clarification or amendments to its Terms of Reference (Appendix A) or other related matters, including the regular status updates provided by the Committee.

7.2 Once the Committee's Report has been submitted, the parties to this Agreement will continue to work together to consider and determine whether and how to respond to and implement the findings and recommendations resulting from the Regional Assessment.

## **8.0 Costs**

8.1 The Agency, Natural Resources Canada, and the Newfoundland and Labrador Department of Industry, Energy and Technology will develop and agree upon a budget for the completion of the Regional Assessment, including the manner in which these costs may be shared between the parties to this Agreement.

8.2 This budget will be communicated to the Committee at the commencement of the Regional Assessment. In accordance with its Terms of Reference (Appendix A), the Committee will complete the Regional Assessment within the budget developed in accordance with Subsection 8.1.

8.3 The Committee may request an amendment to the budget referred to in Subsection 8.1, in accordance with Section A4 of its Terms of Reference (Appendix A). The Committee must receive prior written approval of any amendment to its budget before proceeding with any associated expenditures.

8.4 Any costs incurred by the Committee must be submitted for payment within 30 days of submission of its final Report.

## **9.0 Amending the Agreement**

9.1 The terms and provisions of the Agreement may be amended by written memorandum executed by the Ministers.

9.2 The Agreement may be terminated by either party at any time by written notice signed by either one of the Ministers with 30 days' notice of termination.

## 10.0 Signatures

10.1 This Agreement may be signed by the parties in counterpart.

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Date

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**The Honourable Steven Guilbeault  
Minister of Environment Canada**

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Date

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**The Honourable Jonathan Wilkinson  
Minister of Natural Resources Canada**

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Date

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**The Honourable Andrew Parsons, KC  
Minister of Industry, Energy and Technology,  
Newfoundland and Labrador**

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Date

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**The Honourable Bernard Davis  
Minister of Environment and Climate Change,  
Newfoundland and Labrador**

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Date

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**The Honourable Andrew Furey,  
Minister for Intergovernmental Affairs,  
Newfoundland and Labrador**

## **APPENDIX A**

### **Terms of Reference**

The Committee's Terms of Reference, established under subsection 93(3) of the *IAA*, are as follows:

#### **A1: MANDATE AND ACTIVITIES OF THE COMMITTEE**

A1.1 The Committee will conduct a Regional Assessment in accordance with the *IAA*, the Agreement and these Terms of Reference.

#### **Indigenous Knowledge and Aboriginal and Treaty Rights**

A1.2 The Committee is mandated to receive information from Indigenous peoples on the nature and scope of any Aboriginal or Treaty rights protected by section 35 of the *Constitution Act, 1982* in the Study Area, as well as information on potential adverse impacts that future offshore wind development activities in the Study Area may (individually or cumulatively) have on these rights. Information provided to the Committee as part of this process may also inform Crown efforts to develop and implement meaningful consultation processes with Indigenous peoples in future project-specific impact assessments and other regulatory and decision-making processes.

The Committee will consider any such information received regarding Aboriginal or Treaty rights and will consider that information in its analysis and the development of its recommendations.

A1.3 The Committee is not mandated or empowered by this Agreement to make any determination as to the existence or validity of Aboriginal or Treaty rights, the probability of adverse impacts upon any such rights, or whether any duty to consult has arisen and been discharged in any particular context.

A1.4 In conducting its work, the Committee will recognize that, for the purposes of the Regional Assessment, Indigenous knowledge is an important component of understanding existing conditions, potential effects (both positive and adverse, including cumulative effects) and mitigation measures and other measures for addressing them, and that regional assessments can provide a means of gathering and presenting Indigenous knowledge, Community knowledge, and scientific information to inform future impact assessments.

A1.5 Any Indigenous knowledge that is provided in confidence is considered confidential and will not knowingly be, or be permitted to be, disclosed without written consent in accordance with section 119 of the *IAA*.

#### **Committee Activities and Requirements**

A1.6 In conducting the Regional Assessment, the Committee will:

### ***Indigenous, Public, and Stakeholder Participation***

- a) Ensure that Indigenous peoples and the public are provided with opportunities to participate meaningfully in the Regional Assessment.
- b) Engage with Indigenous peoples and governmental and non-governmental organizations and individuals that have information, knowledge or interests relevant to the Regional Assessment. This will include members of the public, industry, environmental and community organizations and any other person or group with information and interests related to the Regional Assessment and who wishes to participate in it.
- c) Develop and implement a *Public, Fisheries and Stakeholder Participation Plan* and an *Indigenous Participation Plan*, with advice from the advisory groups referred to in Section 4.0 of the Agreement and described below. The Committee will further collaborate with Indigenous peoples on the development and implementation of the *Indigenous Participation Plan*. Once completed these Participation Plans will be posted to the Registry and updated regularly by the Committee, with advice from the advisory groups, to ensure that participants are aware of planned participation approaches and upcoming activities.

### ***Advisory Groups***

In conducting the Regional Assessment, the Committee will:

- d) Establish, and seek information and advice from advisory groups during the conduct of the Regional Assessment, as outlined in Section 4.0 of the Agreement and in the sections that follow. In addition to the three advisory groups listed in Section 4.0 and below, the Committee may choose to establish additional advisory groups as it deems necessary, and to combine or integrate the activities of two or more advisory groups, as applicable. Individuals or organizations may participate in more than one advisory group.

These advisory groups will be comprised of individuals and organizations from within or outside government, including Indigenous peoples, who have knowledge or experience deemed relevant to the Regional Assessment by the Committee.

The Committee will establish these advisory groups with a view to ensuring they are inclusive and diverse in their membership.

The Committee will make a public call for interest through which interested persons and organizations will provide information on their relevant interests, qualifications and affiliations to the Committee. In order to have this information ready for the Committee's consideration as they establish the advisory groups, the Agency may issue an initial public call for interest in advance of the

appointment of the Committee. Interested persons may also come forward at any time during the Regional Assessment to express their interest in participating in one or more advisory groups.

The composition and activities of these advisory groups may vary from time to time in relation to the needs, work or expertise required and requested by the Committee during the course of the Regional Assessment.

- e) Seek assistance from these advisory groups in identifying, accessing, analyzing and using information and knowledge that is relevant to the Regional Assessment, as well as in identifying and evaluating information and knowledge gaps and recommending approaches to address any knowledge gaps. The advisory groups will identify, provide and support the consideration and use of Indigenous knowledge, Community knowledge, and scientific information in the conduct of the Regional Assessment, as appropriate. Each of the advisory groups described below will provide information and advice to the Committee on the topics outlined below, as required and requested:
  - a. Environmental, health, social and economic conditions;
  - b. Information and knowledge gaps, and potential opportunities to address these during or following the completion of the Regional Assessment;
  - c. Future offshore wind development activities in the Study Area, including their:
    - i. Need and purpose;
    - ii. Physical activities associated with their construction, including expansion, operation, decommissioning and abandonment;
    - iii. Key locations of interest for future offshore wind development activities in the Study Area (to help focus the Committee's work on areas which are most likely to see future development interest, based on technical and economic factors);
    - iv. Regulatory requirements;
    - v. Potential positive and adverse effects, including cumulative effects and associated sustainability considerations;
    - vi. Mitigation, and other approaches for avoiding or reducing potential adverse effects and creating and maximizing potential positive effects; and
    - vii. Follow-up requirements.
  - d. Other topics relevant to the Regional Assessment, as requested by the Committee.

*Advisory Group: Indigenous Knowledge*

- f) Seek knowledge and perspectives from Indigenous peoples on matters relevant to the conduct of the Regional Assessment, including through the advisory group described in this section.

This will include seeking Indigenous knowledge and perspectives on some or

all of the topics listed above during the conduct of the Regional Assessment, in accordance with established Indigenous protocols and procedures as applicable.

This advisory group will also provide information, knowledge and perspectives on Indigenous peoples and their communities, activities and other interests, including Aboriginal or Treaty rights protected by section 35 of the *Constitution Act, 1982*.

This advisory group will also advise the Committee on approaches for the collection, sharing and consideration of such knowledge and its incorporation into the Regional Assessment.

*Advisory Group: Scientific Information and Community Knowledge*

- g) Seek scientific information, including technical information and advice, and Community knowledge from representatives of federal and provincial government departments and agencies and non-governmental organizations and individuals (both Indigenous and non-Indigenous) on matters relevant to the conduct of the Regional Assessment. This will include information and advice related to environmental, health, social and economic components and issues.

This advisory group will assist the Committee in gathering and analyzing relevant data and information and in conducting analyses, and will provide expertise in relation to the Regional Assessment. This will include sharing information and expertise on some or all of the topics listed above, as requested by the Committee during the conduct of the Regional Assessment.

*Advisory Group: Fisheries and Other Ocean Uses*

- h) Seek knowledge, information and advice from fishing organizations, fishing industry representatives and fishers (both Indigenous and non-Indigenous) regarding current and potential fishing activity (commercial, traditional, recreational – including inshore, midshore, and offshore fisheries), as well as potential interactions between fishing activity and offshore wind development activities in the Study Area.

This advisory group will also include organizations and individuals that are involved in and/or otherwise have expertise regarding other ocean uses including, but not limited to, tourism, marine shipping, offshore energy, research, aquaculture, infrastructure, and other components and activities.

This advisory group will also provide advice to the Committee on approaches for avoiding or minimizing adverse effects and creating or maximizing opportunities for positive effects on fisheries and other ocean uses.

## ***Information and Analysis***

In conducting the Regional Assessment, the Committee will:

### *Description of Existing Conditions*

- i) Identify, compile, review and present information on existing environmental, health, social and economic conditions within the Study Area. This will include consideration of any recent and on-going variability in baseline conditions and associated trends due to natural or anthropogenic influences, as identifiable through information and knowledge that is made available to the Committee.

As noted in Section 3.5 of the Agreement, this will include information contained in any past or ongoing impact or environmental assessments (including strategic environmental assessments), and information provided by government, industry (offshore energy, fisheries, others), academia, Indigenous peoples, or the public.

### *Identification of Information and Knowledge Gaps*

- j) Identify and evaluate information and knowledge gaps, with a focus on any associated gaps with relevance to, and implications for, future planning, licencing and impact assessments for offshore wind development activities in the Study Area.
- k) Make recommendations to address such information and knowledge gaps as appropriate.

### *Analysis of Effects, Mitigation and Follow-up*

- l) Identify and consider the potential positive and adverse effects, including cumulative effects of future offshore wind development activities in the Study Area.

This will include consideration of:

- i. The potential effects of planned physical activities associated with offshore wind development activities in the Study Area;
  - ii. The potential effects of possible malfunctions or accidents;
  - iii. Any cumulative effects that may result from the effects of offshore wind development activities in the Study Area in combination with other physical activities that have been or will be carried out; and
  - iv. The result of any interaction between the effects referenced above.
- m) In identifying and considering potential positive and adverse effects, the Committee will focus on the following environmental, health, social and economic components:

- i. Air Quality and Greenhouse Gases (GHGs)
- ii. Marine Fish and Fish Habitat (including species at risk)
- iii. Avifauna (including birds, bats, and associated species at risk)
- iv. Marine Mammals and Sea Turtles (including species at risk)
- v. Protected and Special Areas (established and proposed)
- vi. Indigenous Communities, Activities, Interests, and Rights
- vii. Fisheries and Other Ocean Uses
- viii. Visual Aesthetics / Viewscapes and Acoustic Environments
- ix. Physical and Cultural Heritage (including structures, sites or things of historical, archaeological, paleontological, or architectural significance)
- x. Health
- xi. Communities, and
- xii. Economy

The Committee will also consider the interactions and interrelationships between these components, as applicable, and associated environmental, health, social and economic systems based on the information and knowledge that is made available to the Committee.

The Committee may, based on its analysis and engagement activity, further refine or add to the list of components listed above. If that is the case, the Committee will clearly document in its Report the rationale for doing so, including how public, stakeholder and/or Indigenous input have informed and influenced this.

- n) Identify and consider the effects, both positive and adverse, that offshore wind development activities in the Study Area may have on any Indigenous peoples, and any impact that they may have on the rights of the Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*.
- o) Identify and consider technically and economically feasible mitigation measures and other approaches for eliminating, reducing, controlling or offsetting potential adverse effects and creating and maximizing potential positive effects resulting from offshore wind development activities in the Study Area.
- p) Identify and consider existing legislation, regulations, guidelines and standards, and associated approvals or authorizations, that are relevant to avoiding or reducing adverse effects or creating and maximizing potential positive effects resulting from offshore wind development activities in the Study Area.

#### *Other Considerations and Requirements*

- q) Identify and consider the extent to which offshore wind development activities in the Study Area and their potential effects, would: a) contribute to sustainability; and b) hinder or contribute to the federal and provincial governments' ability to meet their environmental obligations and commitments



- in respect of climate change, and make recommendations on the manner in which future licencing decisions and/or impact assessments should consider and address these factors.
- r) Consider the intersection of sex and gender with other identity factors and make recommendations on the manner in which future impact assessments should consider and address these factors.
  - s) Take into account any scientific information, Indigenous knowledge — including the knowledge of Indigenous women — and Community knowledge provided with respect to the Regional Assessment, as per the requirements of subsection 97(2) of the *IAA*.
  - t) Ensure that the information that it uses in conducting the Regional Assessment is accessible to the public through the Canadian Impact Assessment Registry or by other means, unless it is required to keep certain information confidential by law.

### ***Administration and Reporting***

In conducting the Regional Assessment, the Committee will:

- u) Submit monthly status reports to the Ministers during the conduct of the Regional Assessment.
- v) Undertake its work in accordance with the budget established under Section 8.0 of the Agreement. The Committee may request an amendment to the budget by way of a written request to the parties listed in Section 8.0 of the Agreement.
- w) Complete a draft Report in accordance with these Terms of Reference and make it available for an Indigenous and public review and comment period, prior to the submission of the final Report to the Ministers. The Committee will advise the public that the draft Report is available on the Canadian Impact Assessment Registry Internet site.
- x) If requested, provide copies of the draft Report in paper or electronic formats to participating individuals and organizations in addition to posting the draft Report on the Canadian Impact Assessment Registry Internet site. In addition, the Committee will include a summary of its Report in plain language and available in English and French, and in the Indigenous language(s) specified in the Agreement if requested by a participating Indigenous group.

## **A2: COMMITTEE REPORT**

A2.1 The Committee will provide the Ministers with a Report, as outlined in the Agreement, which will describe the conduct, and document the results, of the Regional

Assessment including the information outlined below. In addition, the Report may include the presentation of information in an electronic format, such as through an associated Geographic Information System (GIS).

A2.2 The Report will take into account and reflect the views of all Committee members. Any areas of non-consensus and associated dissenting viewpoints will be reflected in the Report.

A2.3 In its Report, the Committee will, in accordance with the goal, objectives and scope of the Regional Assessment outlined in Section 1.0 of the Agreement, include the following information for consideration and use in future planning, licencing and impact assessments for offshore wind development activities in the Study Area:

*Goal: To provide 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, licencing and impact assessment processes for these activities in a way that helps protect the environment and health, social and economic conditions while also creating opportunities for sustainable economic development.*

*Objective 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.*

- a) A description of environmental, health, social and economic conditions of the Study Area, based on the identification, compilation and review of existing and publicly accessible information. This description will be presented in a manner to be determined by the Committee.
- b) An identification and analysis of key information gaps, requirements and opportunities, with a focus on those with relevance to, and implications for, future planning, licencing and impact assessments for offshore wind development activities in the Study Area.
- c) Recommendations to address such information and knowledge gaps as appropriate.
- d) Identification of potential changes to the environment or to health, social or economic conditions that may result from offshore wind development activities in the Study Area, and the potential positive or adverse consequences of these changes. This will include consideration of the nature, degree and distribution of potential effects at the local, regional, national and international scales, as applicable. In doing so, the Committee will review and consider the experiences of other jurisdictions with offshore wind development activities.

*Objective B: Providing an understanding of the regional context that can be used in considering and evaluating the effects (including cumulative effects) of future offshore*

*wind development activities to inform future planning and licencing processes and impact assessments.*

- a) An identification and analysis of key environmental, health, social or economic components in the Study Area that should be considered in future licencing or impact assessments for offshore wind development activities in the Study Area. This will include identifying and highlighting:
  - i. Any components, values, locations or times that may be susceptible to effects (direct or indirect, positive or adverse) from future offshore wind development activities in the Study Area and/or from other past, on-going or future activities and other natural or human-induced disturbances; and
  - ii. Any circumstances where the nature, location, timing and potential accumulation of these effects may result in potential cumulative effects (positive or adverse).

*Objective 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.*

- a) Recommendations on potential mitigation measures and other approaches that are technically and economically feasible for addressing the potential adverse effects of future offshore wind development activities in the Study Area or creating and maximizing their potential positive effects and the equitable distribution of these benefits. This may include standard measures as well as other potential approaches, technologies and measures that may be required to address particular issues identified through the Regional Assessment. This will also include recommendations on required follow-up as applicable. In doing so, the Committee will review and consider the experiences of other jurisdictions in offshore wind development activities, including the implementation and effectiveness of such measures.
- b) Recommendations on potential approaches and measures to address regional-scale and non-project specific (including cumulative) effects. This may include potential policy, plan, program, regulatory or other initiatives by governments or other relevant parties.

*Objective 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.*

- a) Recommendations on how to consider, implement or otherwise address the Regional Assessment findings in a clear, effective and efficient manner in future planning and licencing and in impact assessments for future offshore wind

development activities in the Study Area, and/or through other initiatives by governments or other parties.

- b) Recommendations for a Regional Assessment follow-up program to consider and incorporate any new or updated information that becomes available after submission of the final Report by the Committee, in order to help ensure that the Regional Assessment remains current and useful into the future and continues to fulfill its goal and objectives as outlined in this Agreement.

A2.4 The Committee will also include the following in its Report:

- a) A generic description of the types of offshore wind development activities that may occur in the Study Area, including their construction (including expansion), operations, decommissioning, and abandonment phases as applicable. This will include fixed (i.e., pile-driven platforms) and floating technologies and associated activities.
- b) The purpose of and need for offshore wind development activities in the Study Area, including their potential environmental, health, social and economic benefits.
- c) An identification and analysis of any change to offshore wind development activities in the Study Area that may be caused by the environment.
- d) A description of the public and Indigenous participation activities undertaken by the Committee during the conduct of the Regional Assessment, including a summary of any comments received and of where and how these were considered in the Regional Assessment.
- e) An overview of how the Committee took into account and used any Indigenous knowledge and Community knowledge provided during the Regional Assessment. In doing so, the Committee must obtain consent to disclose any confidential Indigenous knowledge provided as per section 119 of the *IAA* unless otherwise required by law.

### A3 SCHEDULE

A3.1 The Committee will complete its work in a phased manner and will, following the public review of drafts as referenced in Section A1.6 above, submit the various components of its Report to the Ministers as follows:

Report Component	Overview	Relevant Components (From Sections A2.3 and A2.4 Above)	Submission to Ministers
1	Information and analysis to inform future planning and licencing for offshore wind in the Study Area	Section A 2.3 Objective A, items a) to d) Objective B, item a) Objective D, item a)	12 months from Committee appointment *

Report Component	Overview	Relevant Components (From Sections A2.3 and A2.4 Above)	Submission to Ministers
		Section A 2.4 Items a) to e)	
2	Identification of, and recommendations on, mitigation, and other approaches to address potential effects, and monitoring and follow-up requirements, to inform future impact assessments for offshore wind in the Study Area	Section A 2.3 Objective C, items a) to b) Objective D, items a) to b) Section A 2.4 Items d) to e)	18 months from Committee appointment *
* As noted above, the Committee may choose to present information in an electronic format, such as through a GIS. While this information is part of Component 1 (and any such GIS is therefore to be submitted with 12 months), it is recognized that the system may continue to be refined during the remainder of the Regional Assessment process, and that an updated version may be included in the Committee's final deliverable (at 18 months).			

A3.2 Separate committees are conducting concurrent regional assessments of offshore wind development activities offshore Nova Scotia and offshore Newfoundland and Labrador. These committees may collaborate in completing Component #2 of their respective reports (as outlined in the table above). This will allow for potential comparability in recommended mitigation and follow-up measures between the two regions, as applicable, while also accounting for any regional differences in potential effects and required measures to address them.

A3.3 The Committee will submit its final Report (all components outlined in the above table, including final GIS as applicable) to the Ministers within 18 months of the public announcement of the appointment of its members by the federal Minister of Environment.

#### **A4: CLARIFICATION OF OR AMENDMENT TO TERMS OF REFERENCE**

A4.1 The Committee may request clarification of, or an amendment to, its Terms of Reference by sending a letter to the Ministers setting out the request. Upon receiving such a request, the Ministers will provide the Committee such clarification or a response to the requested amendment in a timely manner.

A4.2 Subject to the above, the Committee will continue with the Regional Assessment to the extent possible while waiting for a response in order to adhere to the timelines outlined herein.