

SUBMISSION | Comments on Regional Assessment of Offshore Wind Development in Newfoundland and Labrador Interim Report

Submitted to: Newfoundland and Labrador Regional Assessment Committee

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1 Introduction

Marine Renewables Canada (MRC) is pleased to provide a submission regarding the Newfoundland and Labrador (NL) Regional Assessment (RA) of Offshore Wind Interim Report (March 2024). This submission has been developed based on feedback received by MRC members as well as research and analysis conducted by MRC. The aim of this submission is to provide information to support the RA Committee's work to develop a Final Report.

MRC is the national association for offshore wind (OSW), tidal, wave, and river current energy, representing 180 members including technology and project developers, suppliers, researchers, and communities. Many of MRC's members are focused on realizing OSW development opportunities in Canada, including companies already developing OSW projects internationally, as well as numerous suppliers who have a wealth of experience from working in Atlantic Canada's offshore and marine industries. Through this membership, MRC is the voice for the OSW industry in Canada and has been advocating for a supportive and predictable regulatory path and policies that can both catalyze growth and ensure sustainable development of the sector.

MRC's members are keenly interested in Canada's OSW opportunity, given the world-class and currently untapped OSW resources off the coasts of Nova Scotia and Newfoundland and Labrador. The RA is a critical initiative for future OSW development in Canada, providing advice, analysis, and information that will inform future project-specific impact assessments and support responsible and sustainable OSW development overall. As this is the first RA ever conducted on OSW in Canada, MRC appreciates the immense task at hand to achieve the goal of the RA as outlined in the Terms of Reference *"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."*

2 General Comments

- **Risk Assumptions and Limited Area for Future Offshore Wind Development**

MRC believes in responsible development of OSW and is supportive of a strategy that avoids or mitigates areas that have the potential for high conflicts between other ocean uses and users. The approach taken to identify constraints and exclude areas for OSW licensing appears to be

highly risk-adverse and does not consider the direct potential impact of OSW development. Rather, the approach identifies potential constraints and makes an assumption that OSW projects will have a negative impact. This also fails to consider the risk profile of different types of OSW technologies or proven mitigation measures that have been used internationally. While MRC supports the conservation and protection of marine ecosystems and species, the assessment only seems to assume negative impacts, rather than some of the positive ecosystem impacts that OSW could potentially have on ecosystems (ex. creation of benthic habitat).

With the constraints that are being recommended, the area for OSW development is extremely narrow and it is unclear how that would be modified under any future processes in the future. At this early stage in industry development, MRC recommends an approach that provides a broader area, allowing industry proponents to identify areas and for established regulatory processes (including project specific impact assessments as required while more data is gathered) to help ensure that conflicts and constraints are addressed appropriately.

At this early stage in industry development, **MRC recommends an approach to identifying wind energy areas that recognizes the use of mitigation measures to reduce conflict and impacts, allowing broader areas to be identified.** As the RA is only a first step in identifying potential areas for development, a broader, strategic level approach would support future steps to pinpoint future sites including regulatory processes and project specific impact assessments to help ensure that conflicts and constraints are addressed appropriately.

3 Comments on Specific Sections of the Interim Report

1.3.3 Exclusion of Offshore Wind Projects from Impact Assessment Act Requirements (p. 6)

MRC is supportive of the assumption that an exclusion regulation is not an outcome of the Regional Assessment (RA). As the Impact Assessment Agency of Canada (IAAC) and Minister consider future regulations and impact assessments for OSW, it is important to recognize that there may always be a certain degree of uncertainty and low-level potential for risks when it comes to development in marine ecosystem. The ability to address uncertainties becomes further exacerbated when taking into account the impacts that climate change will have on the marine ecosystem. **MRC believes in a robust approach to impact assessment, but also encourages an approach to determining whether future impact assessments will be required that includes the setting of reasonable milestones for data collection and knowledge-building to be met.** Otherwise, a situation could occur where the need to know more about marine ecosystem impacts is endless and a threshold can never be achieved.

3.1.2 Preliminary Offshore Wind Licencing Areas Over Time (p. 18-19)

MRC recognizes and appreciates the large task at hand to identify Preliminary Offshore Wind Licencing Areas for inclusion in the Interim Report. However, the **areas identified, and rationale create**

uncertainty when it comes to treatment of areas outside of the Preliminary Areas and how policy will be developed to guide future decision-making for additional licencing areas.

The Interim Report states “...the Committee does not expect the areas they recommend would be the only licencing areas over time. The Committee anticipates, and recommends, multiple rounds of offshore wind licencing take place in the Offshore Area.” While this comment is helpful in the sense that it establishes that there could be other areas of interest pursued for OSW development, it is still unclear how those areas would be identified and treated by government policy and licencing processes. MRC recognizes that this is not a question that the RA Committee could or should necessarily address, but rather an issue for federal and provincial governments to tackle. However, MRC’s concern is that if the Preliminary Areas identified by the RA Committee are too narrow at this point in time, when an industry is just beginning, it may be challenging to launch future processes to identify or support other areas of OSW development.

3.2.2 Potential Constraints in the Focus Area (p. 21)

The identification of potential constraints is beneficial to understanding what future permitting criteria and requirements could be under existing legislation. MRC offers the following comments and suggested approaches on various recommendations for addressing potential constraints:

3.2.2.2 Marine Protected Areas (p. 28)

Regarding the Committee’s Recommendation 3 to consider applying additional buffers to MPAs, MRC recognizes that buffers could be required depending on project location and potential impacts. We recommend that any establishment of buffers and the distance determined be based on scientific evidence of potential impacts and not arbitrarily set. Buffer requirements should be developed in collaboration and consultation with OSW industry and other relevant parties.

Regarding the Committee’s Recommendation 4 for proponents to consider setback distances, MRC recognizes that setback could be required depending on project location and potential impacts. We recommend that any establishment of setbacks is determined based on scientific evidence of potential impacts and not arbitrarily set. Setback requirements should be developed in collaboration and consultation with OSW industry and other relevant parties.

3.2.2.3 National Marine Conservation Areas (p. 28)

MRC agrees that the approach outlined in Recommendation 5 is prudent and allows for the time needed to assess the feasibility of an NMCA. However, from the information provided in the Interim Report it is unclear what the timeline is to assess the feasibility of creating an NMCA in the South Coast Fjords area. While this area has deeper water depths of 300-1000m, it may still pose opportunities for floating OSW.

3.2.2.4 Areas Important for Viewscapes (p. 31)

Recommendations 6, 7 and 8 relate to assessing viewscapes and addressing potential impacts from OSW development. MRC recommends that a transparent process is established for this assessment, taking

into account international best practices, scientific literature, and input received by regulators, stakeholders, and rights holders.

3.2.2.5 Areas Important for Avifauna (p.36-44)

MRC does not have specific comments regarding Recommendations 9-16, but is supportive of the approach of recommending that industry proponents liaise with regulators to gather up to date information on Avifauna. Moving forward, the development of guidance by ECC-CWS-ATL that compiles information about Avifauna would be useful for both OSW developers as well as other parties with interests in OSW development.

3.2.2.6 Key Biodiversity Areas (p. 44)

Regarding Recommendation 17, MRC recommends that a transparent process is established for the establishment of setback distances, taking into account international best practices, scientific evidence, location specifics, and input received by regulators, stakeholders, and rights holders.

3.2.2.7 Ecologically and Biologically Significant Areas (p. 47)

MRC is supportive of the approach noted in Recommendations 18 and 19 and suggests that DFO provide additional guidance on OSW and the EBSAs in the Focus Area.

3.2.2.8 Airports, and Inland and Marine Aerodromes (p. 55-57)

Regarding Recommendation 20, MRC recommends that international best practices and industry input be sought via consultation to determine requirements for setback distances from airports.

3.2.2.9 Other Ocean Uses (p. 57-63)

MRC is supportive of the approach noted in Recommendations 21 and 22 and recommends that additional guidance be established specific to OSW development and vessel routes.

3.2.2.11 Significant Benthic Areas (p. 63)

MRC is supportive of the approach outlined in Recommendation 23 and suggests that additional guidance be established by DFO with regards to Significant Benthic Areas and OSW development.

3.2.2.12 Areas Important for Commercial Fisheries (p. 65)

In principle, MRC is supportive of Recommendation 24 to assess fisheries conflicts at the project level and consider co-location. However, a proactive and collaborative approach amongst regulators, OSW industry, and the fisheries should be taken now to establish best practices, mitigation measures, etc. This will help to avoid conflict when projects are being planned and assessed. There are numerous international best practices and guidance for fisheries co-existence and mitigation measures that should be reviewed and considered in the development of specific guidance and tools for the Newfoundland and Labrador OSW context.

3.2.3.1 Using a Coastal Buffer (p. 73)

While MRC agrees with the principle of reducing potential impacts of OSW development by establishing a coastal buffer, careful analysis needs to go towards assessing the need of a buffer as other regulatory processes may already address the impacts and a buffer could create duplicative regulatory requirements. Furthermore, the distance of the buffer requires careful consideration as well as a solid set of criteria and rationale based on scientific evidence and best practices for OSW development. The distance of a buffer could be viewed as an impediment to future development, creating higher costs and potential safety challenges for projects. CanmetEnergy’s study “Jurisdictional Scan of Suitable Area Definition for Offshore Wind Development¹” reviews a number of jurisdictions and buffers that have been put in place between OSW farms and various constraints and buffers for coastlines range from 1km to 12 nautical miles (nm).

Table 8: Summary of Suggested Buffer Distances Between OWFs and Other Constraints

Constraint	Buffer	Range	Comments	Source
Base Buffer	500 m		Basic safety standard	[24]
Lease Area	4 km		NY practice	[32]
Shipping Lane	2 nm	500 m–2 nm	Based on typical vessel length	[24]
Coast	1 km	1 km–12 nm		[27]
Airport	3 km	3 km–6 km	Based on runway size	[27]
O&G Platform	5 nm			[22]
Pipeline	5 nm			[22]
Cables	500 m	500 m–1,000 m	Further for active cables	[22]
Harbour	5 nm			[22]
Helicopter Pad	5 nm			[22]
Mining Site	5 nm		Restriction	[22]
Radar Stations	0.8 nm			[22]
Marina	1 nm		Restriction	[8]
Bathing Beaches	1 nm		Restriction	[8]

Table from CanmetEnergy’s study “Jurisdictional Scan of Suitable Area Definition for Offshore Wind Development, p.29.

Another consideration in determining the need for a buffer is the policy direction set by the Government of Newfoundland and Labrador and the Government of Canada via its MOU on provincial waters. A buffer may impact development in provincial waters.

MRC recommends that any determinations of whether to apply a coastal buffer be made through a transparent, science-based process that identifies the specific need for a buffer and the appropriate distance of a buffer.

¹ CanmetENERGY, 2020. *Jurisdictional Scan of Suitable Area Definition for Offshore Wind Development*
https://publications.gc.ca/collections/collection_2022/rncan-nrcan/M154-136-2020-eng.pdf