



Richibucto River Estuary

# **Regional Assessment of Offshore Wind Development in Nova Scotia**

## **Review and Recommendations**

**Prepared by  
Kopit Lodge & Elsipogtog First Nation**



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# 1.0 Introduction

On March 23, 2023, the Minister of Environment and Climate Change Canada announced the appointment of a five-person independent Committee (the Committee) to conduct a Regional Assessment of Offshore Wind Development in Nova Scotia (RA). The RA Development in Nova Scotia is being implemented to inform and improve future planning, licensing and impact assessment processes for future offshore wind activities.

The Elsipogtog First Nation (Elsipogtog, EFN) is a community of the Mi'kmaq Nation whose present-day members, and ancestors have always, live(d) on, care(d) for, and exercise(d) jurisdiction over Mi'kma'ki, what is now known as New Brunswick, in accordance with Mi'kmaq laws, culture and protocols. The Mi'kmaq Nation holds and exercises inherent and constitutionally protected Aboriginal and Treaty rights, including title, throughout Mi'kma'ki which are recognized and affirmed by the Constitution Act, 1982 ("Mi'kmaq Rights"). We have never surrendered, ceded, or sold the Aboriginal Title to any of our lands throughout Mi'kma'ki and continue to hold the right to make decisions over, care for, and generate economic benefits from our title lands.

Canada has affirmed through legislation that the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), which sets out the minimum standards for the survival, dignity and well-being of Indigenous peoples around the world, has application in Canadian law and has legally committed to take all measures necessary to align Canadian laws with UNDRIP. UNDRIP recognizes the right of Indigenous Peoples to provide full, free, and informed consent before development proceeds in their lands and the right to develop priorities and strategies for their lands and waters, in accordance with their own protocols. Canada's commitments to the implementation of UNDRIP moves beyond principles of Crown consultation towards a true nation-to-nation relationship.

Kopit Lodge is mandated by Chief and Council of EFN to protect and defend our Mi'kmaq Rights on behalf our nation. Areas considered for future offshore wind (OSW) development have the potential to impact the lands and waters in *Mi'kma'ki*. Kopit Lodge, with support from Tamarack Environmental Associates (Tamarack), has undertaken a technical review of the RA to ensure our Mi'kmaq Rights are meaningfully considered in the RA and any impacts to these rights, including the cumulative effects of previous activities on the exercise of Mi'kmaq Rights, are justified, mitigated, and accommodated.

The purpose of this report is to provide recommendations on how to avoid, minimize, and mitigate adverse impacts on Mi'kmaq Rights. These recommendations are informed by community perspectives and Indigenous Knowledge. This report is being shared with the permission of Kopit Lodge and Elsipogtog. Nothing in this written submission is intended to or shall abrogate or derogate from Elsipogtog's Mi'kmaq Rights.

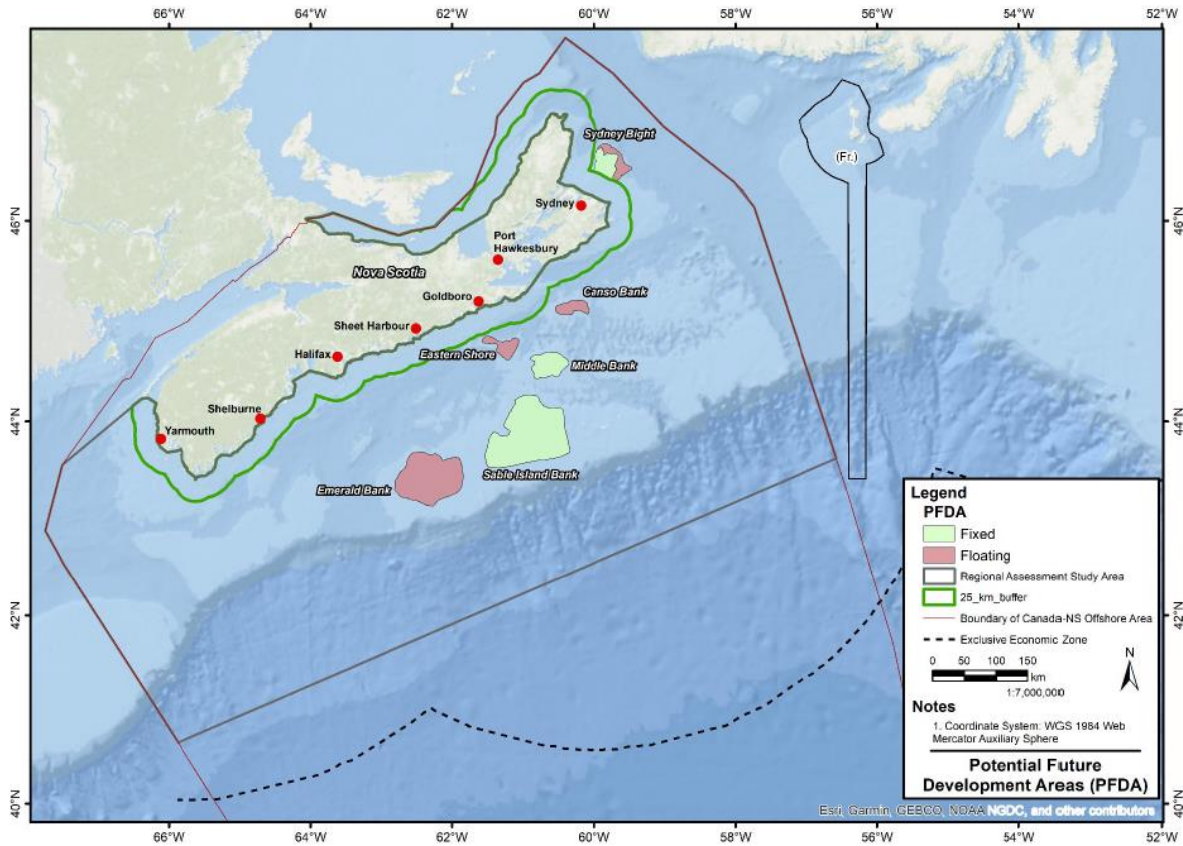


Figure 1. Regional Assessment Study Area and Potential Areas of Future Development

## 1.1 Elsipogtog First Nation

Our ancestors were signatories to the Peace and Friendship Treaties, which sets out mutual promises between the Mi'kmaq and the Crown to guide our ongoing relationship across Mi'kma'ki and ensure peace, and which protects our members' inherent rights to hunt, fish, gather and commercially trade as Treaty rights. The Peace and Friendship Treaties corroborated Mi'kmaq Rights.

Elsipogtog members have the right to hunt, fish, trap, and harvest water, animals, plants and other resources, for food, medicine, lodging, clothing, crafts, fuel and livelihood, to nurture our culture and connection with the land, to respect and honour the Creator and govern in a way that aligns with our Mi'kmaq culture, values and traditional teachings.

The Mi'kmaq Nation's title lands of Mi'kma'ki are divided into seven geographic districts. In 2016, EFN filed an Aboriginal title claim on behalf of the Mi'kmaq Nation to the district of Siknigtuk in Mi'kma'ki. The claim preserves the right to expand the title claim to other Mi'kmaq title lands in Mi'kma'ki. EFN has a special responsibility for the protection of Mi'kmaq Rights in Siknigtuk.

In 2019, EFN and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) signed a Memorandum of Understanding (MOU) to enter into negotiations to explore new ways to achieve reconciliation based on the recognition of rights, respect, co-operation and partnership, with the ultimate goal of harmonizing Mi'kmaq and Crown titles in Sikniktuk.

## 1.2 Kopit Lodge

The Iapjiw Maliaptasiktitiw Wskwitqamu Consultation Delegation at Kopit Lodge (Kopit Lodge, KL) is mandated by Chief and Council of EFN to protect and defend our Mi'kmaq Rights on behalf of EFN throughout Mi'kma'ki, including Sikniktuk, for seven generations to come. Kopit Lodge takes direction from EFN to assist in discussions with the Crown, as represented by the federal and provincial government and their agents, and where appropriate industry proponents, with respect to the protection and implementation of our Mi'kmaq Rights.

## 2.0 Elsipogtog Regional Assessment Engagement Activities

Elsipogtog has been actively participating in the RA since the fall of 2023. On November 7, 2023, Kopit Lodge participated in an open house in Moncton, NB led by the Committee to gather information related to the RA, including maps, data, and other information on marine spatial planning, marine species, bathymetry, vessel traffic, and commercial fisheries. On May 15, 2024, Kopit Lodge met with members of the Committee to discuss the RA process and preliminary concerns related to OSW developments. The Committee shared information on the Interim Report, provided perspectives on potential outcomes of the RA, and discussed further opportunities for involvement.

On October 16, 2024, Kopit Lodge and Tamarack hosted a community workshop to review information and seek input from community members related to the RA and Potential Future Development Areas (PFDA). In total, 8 community members participated in this workshop, including Elders, youth, and land users.

Participants were encouraged to ask questions and engage in conversation throughout the presentation, allowing for a variety of themes, concerns, and recommendations. Following the presentation, participants engaged in a semi-structured discussion guided roughly by the following questions:

1. *What are your initial thoughts and questions about offshore wind developments?*
2. *What role should EFN and its members play in the ongoing operation and monitoring of the offshore wind developments?*
3. *What are your concerns related to offshore wind?*
4. *Do you have any suggestions you would like to make to proponents or regulators about these projects?*

5. *Is there anything else you would like to share or any other questions you would like recorded?*
6. *Do you know if your Mi'kmaq ancestors used this area in the past?*
7. *Have you or anyone you know from Elsipogtog been to these areas? If so, for what reason (e.g. harvesting, travelling, camping, or other activities)?*
8. *Are you aware of any ecologically sensitive sites near the PFDA's?*

Data collected in the workshop has been summarized in Section 2.1 below. This information is not intended to nor shall abrogate or derogate from Elsipogtog's Mi'kmaq Rights. Elsipogtog retains ownership, control, access, and possession (OCAP®) of all information presented in this report.

## 2.1 Participant Comments, Questions, and Recommendations

Workshop participants shared a variety of perspectives, questions, and recommendations they have related to the RA. Some of these comments/questions were technical in nature, while others were more general. Technical comments from community members have been integrated into Section 3.0 of this report, and comments related to the interim report are listed in Appendix A: **Review of Regional Assessment Offshore Wind in Nova Scotia Interim Report**. More general comments, questions, and recommendations about OSW have been summarized in the table below.

*Table 1. EFN comments, questions, and recommendations from the Community Workshop.*

#	Comment/Question	Request/Recommendation
<b>WC1</b>	There are so many unknowns with OSW development, making it difficult to predict the impacts until the projects are built. Monitoring will be crucial to ensure they don't impact wildlife, such as marine mammals and seabirds. In line with the Mi'kmaq principle of <i>Netukulimk</i> , it is essential to focus on learning from other projects across the world and developing processes that allow for continual improvement and integration of new knowledge as it becomes available.	See Comments 32 and 33 below.  Environmental protection of marine wildlife, including fish, seabirds, marine mammals, and invertebrates, is a priority of EFN. Our nation believes that species should be managed to support sustainable livelihoods and that all species, even those without economic or practical value, must be protected.

<b>WC2</b>	How will information about new technologies, research, or engineering be shared so that Indigenous nations are able to be kept in the loop?	See Comment 32.
<b>WC3</b>	How will information about OSW developments be communicated to Indigenous fisheries?	See Comments 11, 17, and 21
<b>WC4</b>	If the amount of suggested OSW projects get developed, there is a potential to create significant economic opportunities, including revenue sharing, employment, and capacity development. EFN members should have access to these opportunities through training, capacity building, and contracting related to the management and development of resources in Sikniqtuk. Proponents must collaborate with EFN to create pathways for meaningful participation and benefits from OSW projects, ensuring that Indigenous communities (including EFN) are active participants in this emerging industry.	<p>See Comment 19.</p> <p>EFN requests that IAAC develop (or facilitate the development of) a strategy for ensuring that Indigenous communities are involved in the benefits associated with OSW development. This includes training for employment and funding to support businesses that service OSW projects. This should also link with other aspects related to the overall development of the industry, including potential development of turbine and/or generator manufacturing.</p> <p>Proponents should work with EFN to develop mutually beneficial agreements to ensure EFN is meaningfully consulted and accommodated for any potential impacts. Such agreements must include mechanisms for revenue-sharing, economic development opportunities for EFN and its members, and other accommodation measures as commensurate with the projects.</p>
<b>WC5</b>	Often the people who are hired to do monitoring don't have the right skills or knowledge required to understand what they are observing. The marine environment is complex, with many interconnected components. How will future OSW projects ensure that the right people with the right skills are hired for monitoring?	<p>See Comment 19.</p> <p>Meaningful accommodation of our Mi'kmaq Rights requires that adequate monitoring by qualified individuals occurs for any future offshore wind development project. Capacity development and training opportunities for monitoring work should be provided to Indigenous people and Indigenous Knowledge included in monitoring activities.</p>

<b>WC6</b>	Knowledge of fisheries landings can often be problematic because it is based on reported catch from individual fishers. Sometimes reporting may not be accurate, meaning that data used to inform site selection of OSW projects is flawed.	See Comments 17 and 30.
<b>WC7</b>	Climate change is affecting every aspect of the ocean’s ecosystems. Fisheries landings data from the past 10 years may not adequately represent the next 10 years. This highlights the challenges associated with making decisions about where to develop OSW projects based on imperfect knowledge.	See Comment 2 and 12.

### 3.0 Response to Final Reports

#### 3.1 Review of Regional Assessment Offshore Wind in Nova Scotia Final Report

**Table 3.** EFN Comments on Final Report for Regional Assessment Offshore Wind in Nova Scotia

#	Document Reference	Comment	Request/Recommendation
1	4.2.1 Wind Conditions	In Section 4.2.1, it is noted that the shelf is subject to storms and extreme weather during which wind velocities and wave height increases, in turn presenting a challenge for turbine design. Additionally, climate	EFN requests further clarification on how climate change considerations will be integrated into the planning and design process for OSW projects. Specifically, how the increasing frequency and intensity of extreme weather events, as a result of climate change, will be accounted for in turbine design, infrastructure resilience,

		change is increasing the frequency and intensity of weather events.	and operational strategies. Addressing these factors proactively will ensure the long-term viability and safety of the project in an evolving climate.
<b>2</b>	4.6.4 Socio-Economics - Infrastructure – Existing Electrical Distribution System	Section 4.6.4 highlights the weak transmission link across the Strait of Canso as a key limiting factor for OSW development in Cape Breton and suggests that hydrogen plants may help mitigate this issue. This strategy introduces significant uncertainties, particularly regarding the timing, scalability, and technical feasibility of the hydrogen plants, as well as their ability to provide the required balancing load for OSW integration. The mention of limited grid capacity and reliance on future infrastructure introduces uncertainty about the grid's ability to handle large-scale OSW generation. It is clear that the predictions of a fast-developing hydrogen market (and the associated infrastructure) are overly-optimistic and not likely to be a significant user of OSW power in the near term.	EFN requests more detailed near-term (i.e. 5-10 years) assessments of grid capacity, required infrastructure upgrades, and potential risks related to the integration of OSW, especially as these factors are central to the feasibility of OSW projects in the region.
<b>3</b>	5.6.1 Atmospheric Environment	Section 5.6.1 provides a thorough overview of the environmental, social, cultural, and economic impacts of OSW development in Nova Scotia, along with proposed mitigation measures. However, greater clarity is needed in areas such as GHG emissions quantification, vessel emissions and air quality best practices, and climate change guidance. While the report highlights challenges in quantifying impacts without site-specific data, more concrete approaches are needed for estimating emissions, setting performance benchmarks, and ensuring that mitigation measures align with regional and international standards.	<ol style="list-style-type: none"> <li>1. EFN recommends that further details are provided on the methodologies for quantifying GHG emissions, establishing performance benchmarks, and ensuring that mitigation measures for vessel emissions and air quality are aligned with regional and international best practices.</li> <li>2. EFN requests that clearer integration of climate change considerations into the planning and design process would help address long-term challenges and ensure the project's sustainability.</li> </ol>

4	5.6. Overview of Valued Components – General Comment	Section 5.6 outlines several important mitigation measures to address potential environmental impacts, however, there is insufficient detail regarding how these measures will be monitored, enforced, and adapted throughout the project lifecycle. This includes strategies for noise reduction, vessel speed restrictions, habitat avoidance, and aero fauna protection, as well as how ongoing consultation with stakeholders will be integrated into the implementation and adaptation of these measures.	EFN recommends a comprehensive implementation and enforcement plan provided for all proposed mitigation measures. This should include clear mechanisms for monitoring their effectiveness, particularly for bird and bat collision risks, noise management, and habitat protection, and detail how adaptive management will be employed throughout the project’s lifecycle. The plan should specify metrics for success, timelines for review, and how findings from ongoing research and stakeholder consultations will inform adjustments to mitigation strategies.
5	5.6.4 Fisheries	Section 5.6.4 appropriately emphasizes the importance of early engagement with fishing interests and the provision of co-location opportunities. However, it lacks detail on how continuous dialogue with fishers will be maintained, particularly around compensation and access to fishing grounds, which could become more pressing if mitigation strategies are not fully effective.	EFN recommends that the Committee develop a clear plan for ongoing engagement with fishing communities throughout the project lifecycle, particularly regarding compensation and access to fishing grounds. This should include specific mechanisms for addressing concerns in a timely manner, ensuring that dialogue is maintained, and that any necessary adjustments to mitigation strategies are made if issues arise during project implementation.
6	5.6.6 Physical and Cultural Heritage	While engagement with relevant stakeholders, such as Mi’kmaq communities and local experts, is recommended, a more structured approach to incorporating Indigenous Knowledge and traditional land-use practices into site assessments and impact evaluations would strengthen the mitigation strategies. Additionally, more emphasis is needed on ensuring ongoing consultation with these communities throughout all phases of the project.	EFN requests that a clear and structured plan should be developed for conducting pre-construction surveys with active engagement of Mi’kmaq knowledge holders, to ensure that both known and potential heritage sites are properly identified and protected. Additionally, monitoring measures should be more clearly defined, particularly regarding how newly discovered archaeological or culturally significant sites will be managed.
7	5.7.1 Employment and Economy	Section 5.7.1 Employment and Economy outlines the potential positive impacts of OSW development on local communities, including employment generation and increased economic activity.	EFN requests that the Committee provide a more detailed strategy for ensuring the equitable participation of First Nations communities in both employment and the supply chain. This should include assessing the existing skills gap in First Nations

		<p>However, the analysis could be strengthened by explicitly addressing how First Nations communities can be equitably included in both the workforce and the supply chain. While the report acknowledges local workforce readiness, it does not fully explore the unique opportunities and challenges for First Nations in accessing jobs and business opportunities in the OSW sector. The report also notes constraints in procurement policies but lacks specific strategies for integrating First Nations businesses into the supply chain.</p>	<p>communities and proposing targeted training and capacity-building programs to facilitate Indigenous workers' entry into the OSW sector. Additionally, the report should outline specific approaches for engaging First Nations businesses in procurement opportunities, such as direct contracts or subcontracting. A more thorough discussion of how international trade commitments might impact First Nations' access to supply chain opportunities is also needed to ensure that these communities can fully benefit from the economic opportunities associated with the OSW development.</p>
8	6.3 Secondary Constraints	<p>While the secondary constraints analysis provides a high-level overview of factors to consider for OSW development, it could be enhanced with more specific recommendations, clear criteria for compatibility assessments, and detailed mitigation measures.</p>	<p>The Committee should develop a more comprehensive and structured approach to managing secondary constraints, particularly with respect to ecological and economic factors, to ensure that OSW development is feasible and sustainable without significant negative impacts on sensitive marine environments, fisheries, or other key sectors.</p>
9	6.4 The Recommended 25 km Buffer	<p>The section on adaptive management and the potential for incursions or modifications to the buffer zones acknowledges the importance of engaging stakeholders like fishers and Indigenous people, but it lacks emphasis on prioritizing their concerns in the decision-making process. Any changes to buffer zones or project areas should not just involve consultation, but also ensure that the rights, cultural values, and economic interests of these groups are central to the decision-making process.</p>	<p>The Committee should ensure that adaptive management includes a framework that prioritizes the concerns of Indigenous people and fishers. This framework should actively address impacts on their rights and interests, especially regarding traditional fishing practices or culturally significant areas. The report should also outline specific measures for accommodation, such as compensatory actions or assurances that their concerns will be fully addressed. Additionally, research programs should be co-designed with these stakeholders to incorporate their perspectives into decisions about project boundaries or buffer zones.</p>
10	6.6 Potential Development Areas (PDA)	<p>Across all the PDAs, there is a common challenge related to the potential impacts on commercial fisheries and fishing vessel traffic. All PDAs are located within or near</p>	<ol style="list-style-type: none"> <li>1. For all PDAs, a priority on understanding the distribution of fishing activities and vessel traffic patterns, particularly in Canso Bank,</li> </ol>

		<p>highly productive fishing zones. Disruptions to fisheries and potential conflicts with vessel traffic (especially during peak fishing seasons) pose significant concerns for the fishing industry. These conflicts, if not addressed, could result in operational delays, economic loss, and safety hazards for fishing crews and vessels.</p>	<p>LaHave Basin, and Sydney Bank, where seasonal and species-specific concentrations of fishing occur.</p> <ol style="list-style-type: none"> <li>2. Implement buffer zones around key fishing grounds, seasonal restrictions on construction activities, and mitigation measures to minimize disruption, such as adjustments to the placement of turbines, cable routing, and careful scheduling of construction periods.</li> <li>3. Ongoing engagement with the fishing community, Indigenous groups, and other stakeholders collaboratively address concerns and ensure mutually beneficial outcomes.</li> </ol>
<b>11</b>	6.6 Potential Development Areas	<p>Section 6.6 highlights that many, if not all PDAs are ecologically sensitive and support diverse marine species, including several listed as at risk on the Government of Canada’s public registry for Species at Risk (SAR). These areas also host important fish habitats, critical migratory bird routes, and active fisheries.</p> <p>While the report outlines these ecological sensitivities, it does not sufficiently elaborate on how these concerns will be mitigated in the development and operational phases. The issue of "potential interactions" with sensitive species is mentioned, but it lacks concrete actions or detailed management strategies, especially considering the proximity of the PDA to active fishing areas and known migratory routes for marine mammals.</p>	<ol style="list-style-type: none"> <li>1. A more robust plan detailing how to minimize and mitigate risks to the marine environment, particularly for sensitive species, is required. The report should include more detailed strategies for avoiding critical habitats, as well as strategies to address the interaction between OSW development and fisheries.</li> <li>2. Given the overlap with sensitive marine species and critical habitats, it is necessary to undertake detailed benthic habitat surveys, species at risk assessments, and to fully understand the ecological context of the PDA. These should be done early in the planning phase to avoid surprises during project development.</li> </ol>
<b>12</b>	7.4 Cumulative Environmental Effects	<p>Section 7.4 suggests that the cumulative effects of a single OSW farm are likely to be minimal, but it also acknowledges uncertainties around how "minor impacts" could develop into more serious cumulative impacts. The text does not provide enough detail on what constitutes a</p>	<p>The report should clarify what is meant by "minor impacts" by providing specific thresholds or criteria for identifying such impacts. Additionally, it should outline the conditions under which these minor impacts could accumulate and lead to more significant cumulative effects. This would enhance the transparency of the</p>

		minor impact and under what conditions those impacts might become more serious.	assessment process and support more informed decision-making.
<b>13</b>	7.4 Cumulative Environmental Effects	Section 7.4 identifies the potential for greater cumulative impacts when multiple OSW projects are developed in the same PDA, but it does not go into sufficient detail on how these cumulative effects will be evaluated or managed across multiple projects in the same area.	The report should include a more robust framework for assessing the cumulative impacts of multiple projects within the same PDA. This could involve considering spatial overlap, timing of construction and operation phases, and how multiple developments could exacerbate impacts on marine life, fisheries, and ecosystems. There should also be more guidance on how to manage these overlapping impacts in practice.
<b>14</b>	7.4 Cumulative Effects	The integration of Indigenous Knowledge and broader stakeholder engagement are crucial components of a comprehensive and transparent Cumulative Environmental Effects Assessment process. While the report acknowledges the need to involve Indigenous groups, fishers, and local communities, it would benefit from more detailed guidance on how these stakeholders, particularly Indigenous communities, will be meaningfully engaged throughout the entire project lifecycle—not just in the planning phase.	To enhance the effectiveness of the Cumulative Environmental Effects Assessment, EFN recommends the Committee establish a structured, ongoing process for integrating Indigenous Knowledge throughout the entire project lifecycle. This should include meaningful engagement with Indigenous communities, not just in the planning phase but throughout implementation, monitoring, and decommissioning.
<b>15</b>	8.0 Socio-economic Impacts	Section 8.0 highlights significant uncertainties around the future of OSW development in Nova Scotia (NS), particularly regarding market demand, economic viability, and the province’s capacity to capture local benefits.	EFN recommends the final draft report have a more structured approach to manage or mitigate these uncertainties. This could include providing clearer guidance on how Indigenous peoples and stakeholders (including government, industry, and communities) can respond to these uncertainties.
<b>16</b>	9.1 Data and Knowledge Gaps - Environment	Section 9.1 highlights significant knowledge gaps regarding the distribution and population dynamics of key species, particularly benthic organisms and pelagic species. These species are critical to both the socioeconomic value of the region and to the environmental health of the RA Study Area. The available	1. The proponent should prioritize the collection of species-specific baseline data for benthic fauna and pelagic habitat in the RA Study Area. This data collection should include species distributions, population dynamics, and seasonal migration patterns of key species, and should be complemented

		<p>data, while informative, is limited in temporal and spatial coverage, and more comprehensive research is needed to understand the full scope of species interactions with OSW development</p>	<p>by long-term monitoring programs. This will be crucial for assessing potential impacts on both commercially important species and marine bird species in the context of OSW development.</p> <p>2. Collaborative, multi-stakeholder research efforts should be fostered to bridge data gaps, ensuring both environmental protection and socioeconomic considerations are met.</p>
17	9.2.1 Commercial Fisheries	<p>While the report identifies important limitations in the datasets used to understand the commercial fishery, the significance of these gaps on the OSW development process needs to be more thoroughly emphasized and addressed. Specifically, the lack of spatial and temporal precision (e.g., absence of data on fishing times within the year) raises concerns about the ability to accurately assess potential conflicts between OSW development and fisheries operations. This could undermine the assessment of impacts on local fisheries, particularly for seasonal or species-specific activities where timing and location are critical.</p>	<p>To improve the accuracy of impact assessments on local fisheries, the Committee and/or proponent should address the identified gaps in dataset precision. This includes efforts to gather more detailed data on fishing times, specific years of landings, and seasonal or species-specific activities. The report should outline a plan for filling these data gaps, either through targeted research or collaboration with the fishing community, to ensure a more comprehensive understanding of potential conflicts between OSW development and fisheries operations.</p>
18	9.0 Data Knowledge and Gaps	<p>Section 9.0 highlights significant knowledge gaps regarding OSW technology, particularly in areas such as environmental interactions, turbine efficiency, foundation technology, and ecological impacts. While it acknowledges the challenges posed by limited research and data, this concern is not fully explored. Given the potential environmental risks, especially to marine species, benthic habitats, and cumulative ecological effects, these knowledge gaps should be framed as a critical issue for the long-term success and sustainability of OSW projects in Nova Scotia.</p>	<p>The Committee should place more emphasis on the need for immediate, comprehensive research to close these gaps, especially in terms of environmental monitoring and floating turbine technology. Without detailed and specific data on these areas, any commitment to large-scale OSW development in the region could be prematurely risky and may overlook critical ecological, technical, and operational challenges.</p>

19	10.1 Theme 1: Existing Knowledge, Gaps, and Necessary Research	Section 10.1 highlights the need for enhanced collaboration in OSW development, particularly through the proposed Scotian Shelf Collaborative Research Initiative (SSCRI). However, it does not fully emphasize the importance of integrating local ecological knowledge and Indigenous perspectives early in the research process. While the approach to Mi'kmaq Ecological Knowledge Studies (MEKS) is valuable, it should be prioritized earlier to ensure Indigenous Knowledge informs research priorities from the start, rather than as an afterthought. Additionally, more focus is needed on capacity-building for Indigenous communities.	<ol style="list-style-type: none"> <li>1. The Committee and/or proponent should incorporate a clear framework for integrating Mi'kmaq Ecological Knowledge and Indigenous perspectives into the early phases of the SSCRI. This should include provisions for long-term funding and capacity-building for Mi'kmaq organizations to directly engage in OSW research and influence research priorities.</li> <li>2. The SSCRI should outline specific mechanisms to ensure Indigenous knowledge holders are included in decision-making roles throughout the research process.</li> </ol>
20	10.6 Theme 6: Governance	The recommendation to develop best practice guidelines for OSW projects is essential to ensure that projects in Nova Scotia meet appropriate safety, environmental, and operational standards. However, the report makes an important assumption about the timeline, stating, "Should a call for bids materialize in 2025." The development of guidelines should not be dependent on this timeline and should be pursued as a necessary step regardless of when bidding occurs.	Canada-Nova Scotia Offshore Energy Regulator (CNSOER) should be adequately resourced and funded well in advance of any potential bids. The report should include a realistic timeline for the creation of best practice guidelines, with clear interim milestones and a phased approach to ensure timely development, independent of the bidding schedule. Furthermore, capacity funding should be made available to Indigenous communities to support their involvement of the review and development of best practices.

## 4.0 Conclusion

Elsipogtog and Kopit Lodge are committed to engaging with the Committee to develop a long-term approach to meaningful consultation in a manner which is respectful of Mi'kmaq Rights, laws and stewardship responsibilities and which is consistent with the Crown's constitutional obligations and UNDRIP. Comments and recommendations presented in this report have been prepared based on input from community members and through a detailed review of documents shared as part of the RA. We expect the IAAC and the Committee to integrate these comments into management and oversight regimes for future OSW projects. EFN is interested in discussing these comments in a fulsome way with IAAC and the Committee through written responses and/or meetings.

We look forward to a response and continuing to build a productive relationship between Elsipogtog, IAAC, and the Committee that is rooted in respect and mutual benefit.

## Appendix A: Review of Regional Assessment Offshore Wind in Nova Scotia Interim Report

Comments listed below were developed based on a review of the Interim Report prepared by the Committee in March 2024. EFN acknowledges that these comments were not provided to IAAC or the Committee during the requested comment period for that report and may not all be actionable at this time. We have elected to include them for the sake of completeness and because some of the comments are still applicable for the current stage of the RA process.

*Table 2. EFN Comments on Interim Report for Regional Assessment Offshore Wind in Nova Scotia*

#	Document Reference	Comment	Request/Recommendation
1	General Comment	PFDA options and analysis is based on meetings with stakeholders, as well as additional studies and reports and generally weighted based on physical, ecological, and socioeconomic factors.	1. EFN requests the Committee to provide additional details about the methodology used to determine how much each factor (physical, ecological, socio-economic) contributed to the overall weighting and analysis of scenarios and options. Was this an established framework/protocol (e.g. Multi-Criteria Decision Analysis) or was it primarily based on expert opinion?
2	General Comment	There lacks a meaningful discussion on the impacts of climate change and how these changes might affect OSW projects in the Interim Report. Coastal projects are often vulnerable to climate change effects such as increased storm intensity, changes in precipitation patterns, and rising sea levels. It would be beneficial to expand on these issues and examine how they could influence the OSW projects and PFDAs.	1. EFN requests that the final report includes a detailed analysis of how future climate change scenarios could affect OSW projects and the PFDAs. Additionally, EFN requests that the final report outlines how climate change will be considered during the impact assessment phase, as well as how it will influence design considerations and the development of mitigation and monitoring programs.

3	Wind RA Interim Report –Section 2.0 OSW Development	<p>Section 2.0 notes that in the selection of potential areas for OSW projects, areas that are technically and economically feasible are further considered based on ecological and socio-economic factors, including sensitive marine mammal habitats and species, commercial and/or recreational fishing, shipping lanes, and other uses before a site is selected.</p> <p>Indigenous Knowledge and its use is missing from the determination of potential areas for OSW projects.</p>	<ol style="list-style-type: none"> <li>1. EFN requests additional information on criteria used for evaluating the relevance and applicability of Indigenous Knowledge in decision-making processes. This includes identifying specific indicators that can inform the selection of OSW sites, mitigation strategies, and monitoring plans.</li> <li>2. EFN requests additional information on how Indigenous peoples and Indigenous Knowledge will continue to be included as part of any adaptive management associated with OSW developments.</li> </ol>
4	Wind RA Interim Report - Section 2.0 Offshore Wind Development	<p>The interim report suggests that OSW developments in the Study Area will likely need to be at least 1 GW in size to be economically viable, given the current trends in industry scaling and cost factors. It is important to clarify whether the PFDA(s) selected within the Study Area have sufficient capacity to accommodate potential developments of this scale.</p>	<ol style="list-style-type: none"> <li>1. EFN requests clarification on how the capacity of the selected PFDA(s) has been assessed to ensure they can feasibly support OSW projects of 1 GW or larger and if there are there specific criteria or modeling methodologies used to determine the suitability of these areas for such large-scale developments?</li> </ol>
5	Wind RA Interim Report - Section 2.0 Offshore Wind Development	<p>The interim report states that electricity generated by a wind farm would be transmitted to shore via subsea cables located near appropriate grid connections or proposed green energy conversion facilities. However, there is no discussion regarding the potential impacts and the likely location of onshore infrastructure associated with these transmission activities.</p>	<ol style="list-style-type: none"> <li>1. To ensure comprehensive planning and assessment of potential OSW projects’ onshore components, EFN requests that the final report include an overview and assessment of anticipated onshore infrastructure required to operate OSW farms, along with potential environmental and social impacts, engagement strategies, and accommodation and mitigation measures.</li> </ol>
6	Wind RA Interim Report - Section 3.2 Committee Mandate and	<p>The Terms of Reference for this RA outline the mandate and responsibilities of the Committee. Key objectives include the identification of suitable locations that might accommodate OSW</p>	<p>It is crucial that the integration of Indigenous Knowledge is included as a key objective in the final OSW report. Furthermore, the final report should provide a detailed analysis of how</p>

	Operating Methodology	development, analysis of potential effects, and recommendations for mitigation and monitoring measures. It is also noted in the Terms of Reference that an objective is to provide analysis with consideration of Indigenous Knowledge, community knowledge and scientific information throughout. The Interim Report fails to adequately represent these objectives.	Indigenous Knowledge has influenced the assessment of potential positive and adverse effects of OSW development.
7	Wind RA Interim Report - Section 3.3 Parallel Activities and Timeline	<p>Timelines estimate the installation of OSW turbines to occur sometime between 2030 and 2035. Throughout the Interim Report there is discussion surrounding the need for thorough research across various factors including capacity assessment, characterizing the coastal environment, commercial fishing activity and trouble filling data gaps following the Regional Assessment Final Report.</p> <p>Rushing the research and impact assessment phase to meet an ambitious timeline has the potential to compromise the quality of findings, potentially leading to underdeveloped standard practices and mitigation measures, ineffective engagement, and may result in a risk for future projects.</p>	<p>EFN acknowledges the Committee’s recommendation for the establishment of a Nova Scotia Offshore Wind Collaborative Research Initiative (Recommendation 1), which is an important step toward addressing ongoing research needs and data gaps. However, EFN urges the Committee to provide further clarity on how Indigenous Knowledge and Indigenous individuals/groups will be actively and meaningfully included in this initiative. Specifically, EFN requests that the Committee provide clear and concrete recommendations on the following:</p> <ol style="list-style-type: none"> <li>1. How Indigenous peoples will be represented in the Collaborative Research Initiative.</li> <li>2. How Indigenous Knowledge will be incorporated into the research process.</li> <li>3. The mechanisms for ensuring that Indigenous participants are adequately supported (ie. through dedicated funding) to ensure meaningful and active participation in the research.</li> </ol>
8	Wind RA Interim Report - Section 4.2 Indigenous Engagement	The Interim Report states that feedback and input from meetings with Indigenous groups have been documented, with several Chiefs and Councils expressing interest in follow-up meetings to provide more	<ol style="list-style-type: none"> <li>1. EFN requests further clarification on the approach for ongoing consultation and participation of Indigenous communities following the completion of the RA and in follow-up assessments.</li> </ol>

		detailed information and broader community participation.	
9	Wind RA Interim Report – Section 5.5 DFO Marxan with Zones Analysis for Potential Locations of Low-Conflict with Offshore Wind Development	In the Interim Report, single-sector and multi-sector scenarios were simulated using Marxan with Zones, applying a 90% avoidance of commercial fishing activity and excluding legally protected areas. No justification was provided to explain the choice of a 90% avoidance as opposed to a higher percentage of avoidance.	1. EFN requests further clarification of how the 90% figure was determined, if sensitivity analysis was conducted, and if so, how that might affect the outcome of each scenario.
10	Wind RA Interim Report – Section 5.7 Identified Data Gaps and Limitations	The Interim Report highlights data limitations, differing methodologies, and a lack of understanding that must be considered when interpreting the results related to the physical environment, marine mammals, marine and migratory birds, bats, insects and commercial fisheries. Specifically, there is a lack of understanding regarding the ranges, foraging areas, and migratory paths of marine and migratory birds, as well as the movement patterns of bats and insects.	1. EFN requests clarification on how these data gaps pertaining to the physical environment, marine mammals, marine and migratory birds, bats, insects, and commercial fisheries will be effectively addressed and mitigated should any OSW projects proceed, and how any potential impacts will be mitigated.
11	6.0 Potential Future OSW Development Areas	As part of the justification for PFDA's, the Committee notes known ecological sensitivities, such as known occurrences of critical habitats present. While this is an important consideration, it is also somewhat deceptive, because it gives the appearance of a meaningful consideration for these important areas. The reality is that there are very few areas within the Study Area where critical habitats have been identified. This is not because these areas don't exist but rather because they are extremely difficult to conclusively identify and establish. Furthermore, there is very limited research being done to identify these habitats for most species.	1. EFN requests that the Committee include recommendations around how critical habitats should be considered as part of ongoing management of OSW developments. This should include requirements for baseline studies conducted by proponents to evaluate the potential presence of critical habitats for known species at risk, prior to development.

<p><b>12</b></p>	<p>7.0 Additional Committee Recommendations</p>	<p>The area surrounding the PFDA is used by EFN for commercial fishing and harvesting, personal use, and Food, Social, and Ceremonial fisheries.</p> <p>Recommendation 3: Fisheries co-existence and compensation discusses aspects related to the interaction between fisheries and OSW projects. However, the final report should further discuss how these issues specifically impact fishing activities and communities.</p>	<ol style="list-style-type: none"> <li>1. EFN request that the Final Report includes a detailed analysis of the importance of fisheries to local and Indigenous communities as well as the role of fisheries in national food security.</li> <li>2. The Final Report should clearly identify and depict the specific regions and communities where these fisheries are present and are most significant. This will provide a better understanding of the potential impacts on both local and national scales, ensuring that the necessary measures for protection and restoration are adequately considered.</li> </ol>
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