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Regional Assessment of Offshore Wind Development in Nova Scotia
Impact Assessment Agency of Canada
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Regional Assessment Committee Members,

Please accept this submission from the Nova Scotia Fisheries Alliance for Energy Engagement (NSFAEE). Our Alliance is comprised of the vast majority of the wild seafood harvesting and processing sector in Nova Scotia with the mission statement:

To unite the Nova Scotia fishing industry; ensuring the emerging renewable offshore energy sector is developed in a manner that respects fisheries, coastal communities, and the marine environment.

Our members participate in the wild fish and seafood sector from the moment it is captured through to the end consumer. They represent the engines that generate over \$ 2.5 billion to the Nova Scotian economy each year, supporting tens of thousands of jobs. All this economic activity is supported by a sustainable and renewable resource.

We would like to thank the Regional Assessment Committee (RAC) for undertaking this important work. The draft final report is comprehensive and provides a good starting foundation for future assessment and regulation of offshore wind energy projects.

We agree that offshore wind represents a new industry in the waters of Nova Scotia and the impacts are not well understood, nor can they be determined without further assessment and research. We also fundamentally agree with the general conclusion that a robust, consistent compensation framework prepared to address impacts (immediate, long-term and cumulative) is needed prior to the granting of any seabed tenure and development of offshore wind projects.

We appreciate the recommendations provided by the Committee. They are clear, and well considered, reflecting the broad expertise offered by the Committee. We look forward to their implementation.

We offer the following specific comments on the report and recommendations therein.

General:

The data gaps identified by the report and the resulting recommendations will require a broad, multi-year workplan to address, which is beyond the tenure of the RAC to deliver. To support the timely implementation of the recommendations and to ensure that identified gaps are not forgotten, we would suggest that an additional recommendation be provided that encourages the establishment of an Offshore Wind Regional Assessment Follow-up Program. This approach has been used in Atlantic Canada to support the timely implementation of recommendations from other Regional Assessments and its implementation in this context is necessary to complete the work begun by the RAC.

The terms of reference for which the RAC based their work on required that the scope of the report be broad, making it challenging for the RAC to provide a full depth of knowledge on certain topics. We believe some areas of the report could be expanded. For example:

Role of Wind in Shaping Oceans and Ecosystems:

Wind plays an important role in shaping the structure and function of the ocean ecosystem. Wind energy influences and determines key oceanographic processes (mixing, sediment movement, gyre formation, thermal/chemical conditions) which support the structure and function of bank ecosystems (production, larval distribution) and those further afield. We are concerned that, because of a shortage of materials in the report highlighting the role of wind, this important fact may be overlooked by readers.

Furthermore, there is an established body of academic and regulatory research that has clearly demonstrated potential, if not realized impacts due to the introduction of offshore wind arrays. We would suggest the review of this body of work be expanded upon in the report and offer to provide key references if required.

Operational Details of Fishing:

As the industry that stands to be most impacted by the establishment of offshore wind, the description of how fisheries are undertaken in the study area is incomplete. As an illustration, while fixed-gear is a common designation, the configuration differs among and within species. For example, a lobster trap and snow crab trap are both examples of fixed-gear but are configured differently and pose different and unique challenges for co-existence and displacement. The deployment of gear for Atlantic halibut varies substantially across the study area and even among the identified potential development areas (PDAs). Each gear configuration will have different limitations, impacting its ability to be used within or around an offshore wind development.

A basic understanding of the activities associated with fishing is required to properly assess how they may be impacted by development. We believe this level of detail, or a clear acknowledgement of the gap, should be included in the finalized report to help guide further consideration of impacts and mitigation.

Potential Development Areas (PDAs):

Members of the NSFAEE continue to discourage any proposed development outside of the low conflict areas provided to the Regional Assessment Committee in the February 2024 NSFAEE submission. These areas were developed and recommended by the harvesting sector based on known usage patterns that may not be well captured by other data sources used in the consideration of areas for development. For areas outside of these self-identified regions, we are collectively concerned that insufficient information exists to provide clear guidance for future development.

Members are concerned that the expansion of the boundaries and addition of new PDAs was undertaken without full consideration of impacts and appear to be based on loose requests from regulators and the offshore wind industry, while at the same time ignoring requests from the harvesting sector to reduce/eliminate areas of known conflict.

For instance, submissions from the Guysborough County Inshore Fishers Association and the Seafood Producers Association of Nova Scotia both clearly defined areas of historic and current use by the harvesting sector that overlapped with the original Proposed Future Development Areas presented in the interim report – this input was generally ignored as the footprint the PDAs was expanded three-fold and created a potential for large conflicts with the fishing industry. This naturally creates some level of concern as to whether input from the harvesting sector is being integrated into the decision-making process.

The addition of two new areas without due consideration of existing activities is concerning. The newly minted Lahave Basin and Misaine Bank sites are heavily fished by a variety of sectors and encompass areas that represent the entire near- and mid-shore footprint of the fishery for certain key species. The boundaries of these sites clearly require discussion and refinement in consultation with the fishing industry before any further consideration is given to seabed tenure.

We agree with the RAC that there continues to be substantial gaps in the understanding of the spatial footprint of the fishery as described by DFO records and argue that this information must be augmented by direct input from the fishing industry. This clearly underlies the importance of meaningful engagement of the industry prior to the identification of candidate areas for offshore wind development.

All areas identified as PDAs contain some level of fishing effort and are deemed important to the harvesting sector to varied degrees. While this is noted in the site-specific summaries, we are concerned that those descriptions understate the level of usage and interest in these areas by the harvesting sector.

We encourage the RAC to review previous submissions from NSFAEE and its members which provide clear guidance on how boundaries should be further modified and integrate this input in the final site layout. We continue to encourage that any development should be focused within those low-conflict areas self-identified by the NSFAEE.

Formalization of a Compensation Framework:

A recurring theme throughout the report is the necessity of a robust compensation framework to ensure a long-term gainful co-existence with existing ocean users and new industrial activities, especially when legislative and regulatory guidance is absent. Unfortunately, this framework is unlikely to be fully developed in time for the first issuance of seabed tenure.

This gap will create confusion for those enterprises intending to bid for seabed tenure and the harvesters that stand to be impacted by development. We do suggest that, until such time that a framework is in place, any bids for seabed tenure include a commitment towards supporting the implementation of a compensation framework and a demonstrated financial ability to deliver on it. Clear language on this reality should be included in the final report.

We also note that compensation must extend beyond the simple act of fishing to include consideration of those impacts that may be indirect and affect harvesters far afield from development. For example, work in the Northeastern US has demonstrated impacts of offshore wind development to settling areas for larval scallop – impacts far away from the development itself. Harvesters affected by an offshore development, whether inside the perimeter of the development or not, must have a clear path available for

compensation. We suggest that additional focus on compensation for indirect/cumulative impacts be presented in the report.

Comments Specific to Recommendations:

We would like to provide the following comments and suggested revisions to the recommendations provided by the RAC.

T1-5: Provide funding to Mi'kmaw organizations for research on adaptive management:

We note that adaptive management will be key to the long-term co-existence of the fishing industry with offshore wind developments. Research will be required to determine novel gear configurations suitable for co-location of fishing gear or the operational realities of steaming/fishing in and around future sites. For this reason, we would encourage that this recommendation be extended to all ocean users who will require adaptation to continue positive co-existence with the offshore wind industry.

T1-6: Prioritize and expand the general collection of environmental data, especially in the vicinity of the PDAs, including the bathymetric and substrate characteristics, bird behaviour and habitat use, and marine mammal behaviour and habitat use within the RA Study Area.

This recommendation is strongly supported by the fishing industry. We suggest that the scope of information should be extended to other aspects, including:

- Commercial fish species and the ecosystem resources they rely on;
- Full understanding of the pre-construction conditions of the gyres and flows in the region of the study sites;
- Current use of these areas by the Department of Fisheries and Oceans ecosystem surveys, including advance preparation to address where stock assessments may be impacted by the loss of survey sites; and,
- The inclusion of other, comparable sites that will not be subject to offshore wind development to act as reference areas to inform a complete assessment of impacts.

The collection of this information will help support impact delineation and assist in future regulatory processes.

We suggest that this information should be used to support a whole of region effort to better understand the impacts of offshore wind on all aspects of the marine ecosystem, including impacts on both biotic and abiotic factors. This work should be undertaken under the guidance of subject matter experts in science and policy with the input of the fishing industry and other stakeholders to help provide a thorough understanding of the direct and indirect impacts of offshore wind development as seabed tenure processes and frameworks around compensation, co-existence and mitigation are developed. This important work would then help the implementation of recommendation T6-5.

We also encourage stronger language on the timeliness of implementation. A data collection program should be initiated immediately to prepare for construction/operation in the coming decade.

T2-4: Initiate socio-economic studies for key communities.

We have concerns that the scope of this recommendation is unnecessarily broad and this lack of precision may impact meaningful execution. We suggest that some level of clarity be brought to identify what the focus and outcomes of these studies should be. For example, should such a study be on the county level

or the municipality? Would it include aspects related to the human-cost of large-scale influx of temporary workers to these areas or would it instead focus on the longer-term? Does it include the impact of a harvester no longer being able to tie up a local berthage due to space competition from offshore service vessels?

We appreciate the importance of this recommendation but suggest that further clarity is required as to what it intends to achieve.

T2-6: Establish targeted immigration and recruitment programs to attract foreign specialists.

While we agree that there is a need to bring expertise from jurisdictions with experience in the offshore wind space, we do caution that recognizing the benefits of offshore wind development will require a domestic pipeline of talent to service that industry. Reliance on temporary experts that depart with the completion of construction does little for the local economy and talent pool. We suggest that this should be reframed to indicate that these recruitment programs are a last resort when the domestic talent pipeline is unable to provide the necessary expertise. Furthermore, the focus should be on true immigration leading to residency as opposed to short-term contracts and relocation from Nova Scotia.

T3-1: The establishment of a 25 km coastal buffer zone.

This recommendation is applauded by the wild fish and seafood sector. It is well-based and rooted in an understanding of the data gaps, sensitivities and concerns of the industry. While we understand that the spatial scope of the RAC is waters under joint management, we note that the basic reasoning that underlies the 25 km buffer all extend into those waters fully under provincial jurisdiction (i.e. jaws of the land). We feel that this recommendation would be strengthened by clearly highlighting that the pressures leading to this recommendation extend to the shore (and thus the recommendation itself should also be inclusive of those waters under Provincial jurisdiction).

At this stage, we fundamentally disagree with the flexibility that is offered on this recommendation to permit development within this buffer and suggest this be removed. Our disagreement is rooted in the sheer lack of information we have on usage and ecological value of these environments.

We also note that some of the basis underpinning this recommendation also applies to the larger area assessed by this process. For example, while it is true that precise harvesting patterns are largely unknown in the inshore areas because of monitoring requirements, similar challenges exist with fleets operating outside of that buffer as well where the set and pull locations differ substantially. In a similar fashion, data collection on valued ecosystem components tend to focus on inshore areas simply due to proximity, which can lead to a biased perception of importance relative to other areas.

T3-2: The adoption of Tier 1 and Tier 2 Proposed Development Areas (PDAs).

Providing a tiered approach to prioritization is sensible, although we would like to note that many of the information gaps described by those sites considered Tier 2 also exist for Tier 1 sites (i.e. precise usage patterns by the fishing industry, ecological values, oceanography, role of wind in the ecosystem), creating a fundamental question of what the real difference is in our knowledge base between the two classes. We do have concerns regarding the non-specific nature of how those sites Tier 2 sites may be considered for development. Our review of the language suggests that they would remain as Tier 2 until such time that a developer may be interested, which could happen overnight. For this reason, we suggest that some rigidity to when and how those Tier 2 sites may be accessed is needed. We suggest that those Tier 2 sites

should remain out of consideration for a period of five years, allowing a more gainful assessment of current activities which can provide additional precision to the area identified for offshore wind development.

T3-3: Development of Bid criteria and bidder pre-qualification.

Clear bid evaluation criteria will be needed for consistent review and vetting of applications for development and must be consistent with the legislative framework governing granting of seabed tenure. While there is a reference to coexistence in the text of this recommendation, the fishing industry suggests that any bid should include a fulsome description of the current activities in the candidate site to ensure that any proponent is aware of who may be impacted and how compensation may be required. The requirement for consideration of fishing activities during the tenure process is a legislative requirement under s 98.7(c) of the newly minted *Accord* acts. Fulfilling this legislative obligation is important at the bid-review stage to demonstrate an awareness of existing users and a general understanding of the responsibility of a proponent, should existing users be impacted.

The scope of damages eligible for compensation should be extended to include indirect impacts as well as those that impact the act of fishing directly. Given experience in other jurisdictions, changes related to the productivity and distribution of commercial fish resources stand to be altered both within and outside of offshore wind developments as a direct result of construction and operation of offshore wind farms.

We also suggest that a call for bids should include a clear commitment of proponents to adhere to a yet-to-be established compensation framework. Until such time that the global compensation framework is established, bids for tenure should include an assessment of how a compensation program for that project may be constructed and delivered.

T3-5: Requirement for adequate security related to abandonment and decommissioning activities.

This is an important recommendation. Nova Scotia has a tarnished legacy of partially constructed renewable energy projects being abandoned, creating hazards to transportation, harvesters and other stakeholders. Sufficient securities for full site reclamation must be in hand prior to any sort of construction activity being undertaken to avoid yet another repeat of history.

T3-6: The potential reduction of existing abandoned pipeline corridor exclusion zone.

There is general agreement with this recommendation, especially given that the risk profile of the corridor has changed since abandonment. We note that impacts of any cabling through the pipeline corridor have not been determined in this report and remain a substantial gap in our understanding of the impacts of offshore wind energy.

T4-1: The establishment of a compensation regime to address economic loss caused by exclusion based on the principles set out in T4-1(a) to T4-1(d).

In general, we agree with the development of a compensation regime, but believe the scope as described is much too narrow. We note that it is not simply exclusion that harvesters are concerned with, but the real risk of ecosystem change local and further afield resulting from the installation of infrastructure, harvest of wind energy and associated loss of fishing power/economic efficiency for those activities that can be co-located with altered gear. Losses outside of the narrow scope of 'exclusion' must be considered. We suggest that the use of the term 'exclusion' be removed from the recommendation.

We are also concerned that the expected timeline for the first call for bids will result in bids being received before such time as the proposed compensation framework is developed (discussed above). We suggest

that T4-1(d) be revised to reflect that a compensation plan and approach should be a component of the call for bids until such time that global framework is developed and implemented.

Evidentiary requirements for compensation must also be considered in the development of the compensation regime. As was well described in the report, many fisheries are data-challenged and the provision of evidence to support allocation of compensation is expected to be difficult. This challenge should be acknowledged in the recommendation.

T4-2: The development of a compensation guidelines based on the principles set out in T4-2(a) to T4-2(g).

We generally agree with the development of guidance but caution again on the narrow scope and encourage fulsome discussion before implementing this recommendation as written. This compensation regime is focused only on those direct impacts to the act of fishing and again ignores the indirect risks associated with offshore wind development. We feel that the inclusion of these indirect pieces is integral to successful coexistence.

T4-3: The establishment of an industry wide funding model based on equitable distribution of liability among OSW leaseholders.

This recommendation aligns with a long-held request from the fishing industry. Given the novelty of offshore wind and the uncertainty of how/if cumulative effects may arise, the establishment of a royalty-funded reserve to address these unforeseen impacts will provide the necessary assurances that harvesters and their livelihoods will be protected.

We do note that other similar funds established in more mature offshore wind development regions have experienced challenges with access driven by the administrative structure of the governing body. We encourage language in this recommendation to identify a lessons-learned approach to ensure that such funds can be readily accessed if/when the need arises.

T4-4: The establishment of participation funding to support fishers in implementing these recommendations.

The introduction of offshore wind energy has already required the harvesting sector to increase capacity to ensure effective engagement with regulators and proponents. This has created new demand on staff already over-taxed by day-to-day operations, regulatory processes and keeping their enterprises viable.

Looking forward, staff time required to engage with the offshore wind industry, the regulators that govern their activity and the government that is supporting this new industry, is sure to rise. In essence, the introduction of this new industry has created a significant financial burden.

Given the recommendations of the RAC will require heightened involvement of the fishing industry to achieve this long-term goal of co-existence with the offshore wind industry, it is appropriate that some funding be provided to help support engagement. Without these supports, decisions may be made without the input of the most impacted stakeholder – the harvester.

T5-1: Recognize that responsibility for cumulative effects is shared and tiered.

The fishing industry appreciates and strongly agrees with this recommendation. We do note that this recommendation ties tightly with the recommendation for data collection (T1-6) and suggest that both recommendations should include specific wording speaking to the necessity of gathering baseline information to evaluate if cumulative impacts are being observed and to help apportion liability as determined.

T5-2: Prepare guidelines and data sources for developers.

The fishing industry generally agrees with this recommendation. We note that the framework for cumulative effects assessment seems loose and inconsistent across impact assessments. Clear guidance will provide a consistent approach and support comparability across programs.

We suggest that the development of the guidance be done in a consultative fashion that includes the fishing industry and other stakeholders in its development such that key ecosystem components can be readily identified and included in future assessments.

T6-1: CNSOER to prepare best practice guidelines and guidance documents for the OSW industry.

We agree with the nature of this recommendation but are concerned that the language suggests a heavy reliance on experience in other jurisdictions. We continue to believe that while there are lessons that can be gained from experience in other jurisdictions, successful co-existence will be based on a made in Nova Scotia approach built on the shoulders of others.

T6-3: Recommend that project-specific impact assessments for OSW projects are required.

We strongly agree with this recommendation. We encourage the RAC to extend this recommendation to include any offshore wind project, irrespective of size and whether that project is in the jointly managed waters or those under provincial jurisdiction.

T6-4: Consider requiring all vessels to have an approved vessel tracking system installed and operating while in the RA Study Area.

We recognize that the use of vessel tracking systems will help to inform spatial usage by the harvesting sector and note that many fleets and sectors have utilized this technology for years, while other sectors do not have a mandatory requirement for use, thus creating a patchwork of implementation. It must be noted that any mandatory implementation measures will force harvesters to incur the cost associated with these systems. Again, this becomes yet another additional cost for harvesters as a direct result of offshore wind development.

This recommendation also ignores other important factors influencing the interest of individual fleets/sectors to use vessel monitoring systems. Many harvesters are concerned that using publicly accessible vessel tracking systems will result in additional effort in their fishing area and over-exploitation of local fishing areas.

We also note that the use of mandatory vessel tracking systems are a component of DFOs catch monitoring system, which also includes many other reporting steps. For this reason, the necessity of mandatory vessel monitoring systems should be viewed in the context of global catch monitoring as opposed to being undertaken in advance of a possible future industrial use of shared ocean space.

To account for this hesitation and to encourage greater uptake within the harvesting sector, we suggest that participation in this recommendation be made voluntary with explicit reference to supporting funds being provided to those harvesters to help support their adoption and utilization of these vessel tracking systems.

T6-5: DFO to review their management and regulatory processes.

We understand that there is a need for DFO to review their processes and regulations to accommodate this novel use of the marine environment, however we are confused at what the extent and scope of this review would be.

For example, offshore wind energy is only one of many spatial pressures being exerted on the harvesting sector. Similar to other jurisdictions, Canada is pursuing the establishment of extensive marine

conservation reserves that, by their very definition, will bar some sectors from fishing. Thus, we have pressure being applied by two different departments of the same government that are steadily eroding the available space for harvest.

We would suggest that such a review of the management and regulatory processes should include a clear review of all the pressures currently being placed on the harvesting sector and see a strong linkage between this work and the whole of region approach recommended under T1-6.

In addition, we suggest that this review should include the development of a framework to allow the impacts of offshore wind development on the marine resources to be separated from those caused by climate change.

Clear inclusion of these pieces in the recommendation would strengthen the review of DFOs regulatory and management processes.

We thank the members of the RAC for their efforts, openness and willingness to listen. This work will achieve a valuable foundation for the future development of offshore wind in the waters of the Scotian Shelf.

Sincerely,

Kris Vascotto, Ph.D.
 Manager – Nova Scotia Fisheries Alliance for Energy Engagement

On behalf of:

Area 19 Snow Crab Association	Scotia Fundy Inshore Fishermen's Assoc.	Eastern Shore Fisherman's Protective Assoc.	Nova Scotia Seafood Alliance	Brazil Rock 33/34 Lobster	Southwest Nova Tuna Association	Richmond Co. Inshore Fishermen's Assoc.
ASPANS	Seafood Producers Association of Nova Scotia	Full Bay Scallop Association	NS Swordfishermen's Association	Cape Breton Fish Harvesters Association	SHQ Swordfish Harpoon Quota Group	Maritime Fishermen's Union – Local 4, 6 & 9
Atlantic Groundfish Council	Shelburne County Quota Group	Guys. Co. Inshore Fishermen's Assoc.	Tuna Charter Nova Scotia Association	Clearwater Seafoods Limited Partnership	Coldwater Lobster	Bay of Fundy Inshore Fishermen's Association