Regional Assessment of Offshore Wind Development in Newfoundland and Labrador

Indigenous Participation Plan

PREPARED BY: THE REGIONAL ASSESSMENT COMMITTEE

Last updated: March 15, 2024

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Acknowledgment

The Committee thanks those who provided feedback on the <u>Draft Framework for the Indigenous Participation Plan</u>. The Committee acknowledges the concerns shared regarding the timing of the release of the draft framework as not being ideal for some Indigenous groups.

The Committee also heard many concerns regarding the overall scope and timeline for this Regional Assessment process, and the implications for Indigenous engagement. These concerns were taken seriously and were central to the Committee's request to the Ministers to amendment to the Agreement¹.

The Committee thanks all Indigenous peoples, groups, and organizations who have participated in the Regional Assessment process thus far, and looks forward to collaborating further on the development and implementation of this Indigenous Participation Plan.

¹ The Committee sent <u>a letter to the Ministers in October 2023 requesting amendments to the Agreement</u>. This plan will be updated to reflect any changes to the Agreement once the Ministers provide a response.

1 Introduction

The Committee has prepared this Indigenous Participation Plan ("the IPP") to outline meaningful opportunities for Indigenous groups to engage in the conduct of the Regional Assessment (RA), and to ensure that Indigenous groups are aware of planned approaches, and upcoming and completed activities.

The Committee continues to collaborate with Indigenous peoples on the development and implementation of the IPP. The IPP will be updated as needed, with advice from Indigenous groups and the Indigenous Knowledge Advisory Group. The Committee has also developed a Public, Fisheries and Stakeholder Participation Plan ("PP") under a separate cover. Both plans are posted to the Canadian Impact Assessment Registry ("the Registry").

1.1 Background

On March 23, 2023, the federal Minister of Environment and Climate Change ("the Minister") released the <u>final Agreement and Terms of Reference</u> ("the Agreement") and appointed an independent <u>Committee</u> for the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador ("the RA"). The Agreement states the RA will be conducted over an 18-month period with two report components, with the first report component submitted to the Ministers² within 12-months of the Committee's appointment, and a final report (with all components), submitted to the Ministers within 18-months of the Committee's appointment.³

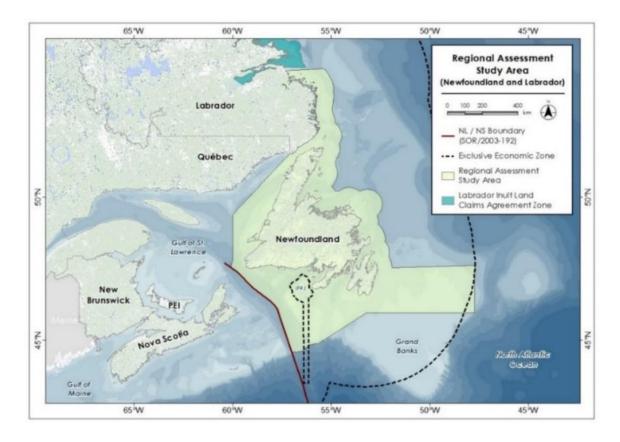
1.2 Regional Assessment Goal

The goal of the RA is to provide information, knowledge and analysis regarding future offshore wind development activities in the Study Area (Figure 1) 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, health, social and economic conditions while also creating opportunities for sustainable economic development.

² The term "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.

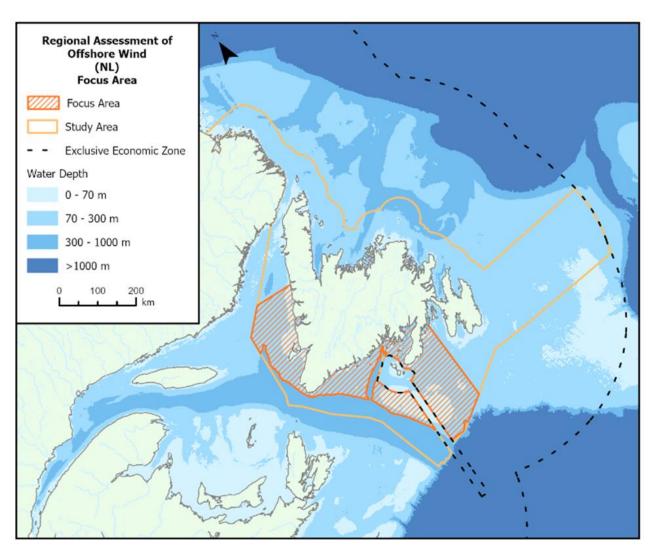
³ The Committee sent <u>a letter to the Ministers in October 2023 requesting amendments to the Agreement</u>. This plan will be updated to reflect any changes to the Agreement once the Ministers provide a response.





The Committee has since identified a Focus Area (Figure 2) within the Study Area.^{4,5} The constraints analysis will continue further within this Focus Area to identify potential areas for offshore wind development. The assessment (i.e., setting, effects, mitigation, etc.) will be carried out in the Focus Area.





⁴ Refer to the <u>Committee Decision Regarding the Focus Area for the Regional Assessment of Offshore Wind</u> Development in Newfoundland and Labrador.

⁵ The Committee sent <u>a letter to the Ministers in October 2023 requesting amendments to the Agreement</u>, including a clarification of the Committee's ability to focus their efforts within the Study Area. This plan will be updated to reflect any changes to the Agreement once the Ministers provide a response.

1.3 Regional Assessment Objectives

The objectives of the RA 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 RA 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.

1.4 Engagement Prior to Committee Appointment

The Impact Assessment Agency of Canada (the Agency) conducted Indigenous engagement activities prior to the appointment of the Committee. Feedback received during this engagement was used to inform the Agreement.

The following outlines comments received by the Agency from Indigenous groups pertaining to the Agreement:

- Open and transparent communication throughout the process;
- Earlier opportunities for involvement in the process;
- Consideration of Indigenous knowledge, in accordance with the <u>OCAP[©]</u> principles (ownership, control, access, possession) and with existing Indigenous knowledge inclusion protocols;
- Respect for the original formats and processes of the knowledge of the Nations, communities and sub-groups represented (songs, storytelling, etc.);
- Respect for the unique nature of each community and adjustment of the process based on preferences where possible;
- Ensure the inclusion of diverse perspectives (women, seniors, minority groups, intergenerational, etc.) throughout the process;
- Knowledge of the timelines in advance and sufficient time allotted to schedule meetings,

prepare, review documents and provide input (process predictability);

- Availability of funding to support participation throughout the process; and
- Respect and integration of the <u>United Nations Declaration on the Rights of Indigenous</u> Peoples.

2. Regional Assessment Conduct

The activities that will take place during the conduct of the RA will be led by the Committee, with support from their secretariat. The Committee may also request advice and guidance from the Agency's Indigenous Relations Sector to support the Committee's ongoing efforts in conducting the RA in an inclusive and collaborative way with Indigenous groups.

It is important to note that while the conduct of the RA may involve collecting information on Indigenous rights, the RA process is not an Aboriginal or Treaty rights-determining process.

2.1 Committee Mandate

The RA will be conducted in accordance with the *Impact Assessment Act* (IAA) and the Agreement. The roles and responsibilities of the Committee are detailed in the Agreement. During the conduct of the RA, the Committee will conduct engagement activities with Indigenous groups, as well as with the public and stakeholder groups.

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

In conducting its work, the Committee will recognize that, for the purposes of the RA, Indigenous knowledge is an important component of understanding existing conditions, potential effects (both positive and adverse, including cumulative effects), mitigation measures and other measures for addressing them, and that the RA can provide a means of gathering and presenting Indigenous knowledge, Community knowledge, and scientific information to inform future impact assessments. The Committee will submit a report to the Ministers after the RA has been completed indicating how the Committee has taken into account and used the Indigenous knowledge provided with respect to the assessment.

The Committee is not mandated or empowered by the 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.

2.2 Committee Engagement Activities and Objectives

Throughout the conduct of the RA the Committee will:

- Ensure that Indigenous peoples are provided with opportunities to participate meaningfully in the Regional Assessment
- Engage with Indigenous peoples and organizations that have information, knowledge or interests relevant to the RA. This will include any person or group with information and interests related to the RA and who wishes to participate in it.
- Develop and implement an IPP, with the advice of the Indigenous Knowledge Advisory
 Group and Indigenous peoples. This plan will be posted to the Registry once completed
 and updated regularly by the Committee, with advice from the Indigenous Knowledge
 Advisory Group, to ensure that participants are aware of planned participation
 approaches and upcoming activities.

The Committee has identified the following Indigenous engagement objectives:

- Establish an open and constructive dialogue with Indigenous groups interested in participating in the RA;
- Encourage Indigenous groups to actively participate in the RA;
- Work with Indigenous groups to determine opportunities for participation and collaboration on the RA;
- Develop an IPP in cooperation with participating Indigenous groups and peoples that reflects their interests and a collaborative framework for their participation.

2.2.1 Indigenous Knowledge Advisory Group

The Committee has established the Indigenous Knowledge Advisory Group with a view to ensuring it is inclusive and diverse in its membership. Interested Indigenous persons may come forward at any time during the RA to express their interest in participating in this and the Scientific Information and Community Knowledge and Fisheries and Other Ocean uses advisory groups. In addition to the three advisory groups listed, 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. Indigenous groups may also recommend representatives to participate in any advisory group on their behalf.

Advisory groups aid in identifying, accessing, analyzing, and using information and knowledge that is relevant to the RA, as well as in identifying and evaluating information and knowledge gaps and recommending approaches to address any knowledge gaps. The advisory groups

identify, provide and support the consideration and use of Indigenous knowledge, Community knowledge, and scientific information in the conduct of the RA, as appropriate.

The Committee seeks knowledge and perspectives from Indigenous peoples on matters relevant to the conduct of the RA, including through the Indigenous Knowledge Advisory Group. This includes seeking Indigenous knowledge and perspectives on some or all of the topics listed below during the conduct of the RA, in accordance with established Indigenous protocols and procedures as applicable. This advisory group also provides 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 also advises the Committee on approaches for the collection, sharing and consideration of such knowledge and its incorporation into the RA. The advisory group provides 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 RA, as requested by the Committee.

2.3 Overview of Engagement Activities

Planned engagement activities will be listed and updated in Appendix A. All Indigenous engagement activities, including Indigenous Knowledge Advisory Group meetings and activities, will be logged, and included in Appendix B of this plan. A list of all the Indigenous Knowledge Advisory Group members is available in Appendix C and updated as new members are added. The activities and membership list for the Indigenous Knowledge Advisory Group are listed in the PP as well.

2.4 Information and Analysis

In conducting the Regional Assessment, the Committee, along with the assistance of the Indigenous Knowledge Advisory Group will identify and consider the effects, both positive and adverse, that offshore wind development activities 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*. The Committee will also take into account any scientific information, Indigenous knowledge — including the knowledge of Indigenous women — and Community knowledge provided with respect to the RA, as per the requirements of subsection 97(2) of the IAA.

2.5 Report and Records

The Committee will describe the conduct and document the results of the RA in its Report as outlined in the Agreement. Additionally, the Committee will include a summary of its Report in plain language available in English and French, and in Mi'kmaw, Innu-aimun and Inuktitut if requested by one or more participating Indigenous groups.

The Committee will include a description of the Indigenous participation activities undertaken by the Committee during the conduct of the RA, including a summary of any comments received and of where and how these were considered in the RA. An overview of how the Committee considered and used any Indigenous knowledge and Community knowledge provided during the RA. 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.

2.6 Participant Funding

In July 2022, participant funding was provided by the Agency to interested Indigenous groups to support Indigenous participation in the planning phase of the RA. The Agency posted a second contribution funding offer in December 2022 to support Indigenous participation in the conduct of the RA. This will include participation in meetings and on advisory groups, review of materials, and review and comment on the draft Committee's Report.

3. Indigenous Groups

The Agency initiated discussions with Indigenous groups during the 2022 planning phase of both the RA of Offshore Wind Development in NL and the RA of Offshore Wind Development in Nova Scotia (lists provided below). In total, there were 55 Indigenous groups who were engaged and offered participant funding.

Given the Committee's decision to define a Focus Area, the Committee understands there may be varying degrees of interest and participation as the RA progresses.

Indigenous communities engaged in the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador and the Regional Assessment of Offshore Wind Development in Nova Scotia:

Newfoundland and Labrador

- Nunatsiavut Government
- Innu Nation representing Sheshatshui Innu First Nation and Mushuau Innu First Nation
- NunatuKavut Community Council
- Qalipu First Nation
- Miawpukek First Nation

Ten Mi'kmaq First Nation communities in **Nova Scotia** represented by Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO):

- Acadia First Nation
- Annapolis Valley First Nation
- Bear River First Nation
- Eskasoni First Nation
- Glooscap First Nation
- Paqtnkek Mi'kmaw Nation
- Pictou Landing First Nation
- Potlotek First Nation
- Waycobah First Nation
- Wagmatcook First Nation

Three Mi'kmaq First Nation communities in **Nova Scotia** not represented by KMKNO:

- Membertou First Nation
- Millbrook First Nation
- Sipekne'katik First Nation

Two Mi'kmaq First Nation communities in **Prince Edward Island**, represented by L'nuey:

- Abegweit First Nation
- Lennox Island First Nation

Eight Mi'gmaq First Nation communities in **New Brunswick** represented by Mi'gmawe'l Tplu'taqnn Inc. (MTI):

- Fort Folly First Nation
- Eel Ground First Nation
- Pabineau First Nation

- Esgenoôpetitj First Nation
- Buctouche First Nation
- Indian Island First Nation
- Eel River Bar First Nation
- Metepenagiag Mi'kmaq Nation

One Mi'gmaq First Nation community in New Brunswick not represented by MTI:

Elsipogtog First Nation

Six Wolastoqey First Nation communities in **New Brunswick** represented by Wolastoqey Nation in New Brunswick (WNNB):

- Kingsclear First Nation
- Madawaska Maliseet First Nation
- Oromocto First Nation
- Saint Mary's First Nation
- Tobique First Nation
- Woodstock First Nation

Three Mi'gmaq First Nation communities in **Quebec** represented by Mi'gmawei Mawiomi Secretariat (MMS):

- La Nation Micmac de Gespeg
- Listuguj Mi'gmaq Government
- Micmacs of Gesgapegiag

Seven Innu communities in **Quebec**

- Conseil des Innus d'Unamen Shipu
- Conseil des Innu de Ekuanitshit
- Conseil des Innus de Pakua Shipu
- Conseil des Innus de Pessamit
- Conseil de la Première Nation des Innus Essipit
- Innu Takuaikan Uashat mak Mani-Utenam
- Première Nation des Innus de Nutashkuan

Indigenous Organizations engaged in the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador and the Regional Assessment of Offshore Wind Development in Nova Scotia:

Newfoundland and Labrador:

- Agence Mamu Innu Kaikusseht (AMIK)
- Atlantic Policy Congress of First Nations Chiefs Secretariat
- Newfoundland Aboriginal Women's Network (NAWN)
- Keepers of the Circle

Nova Scotia:

- Atlantic Policy Congress of First Nations Chiefs Secretariat
- Confederacy of Mainland Mi'kmag
- Mi'kmag Conservation Group
- Native Council of Nova Scotia / Maritime Aboriginal Peoples Council
- Nova Scotia Native Women's Association
- Union of Nova Scotia Mi'kmag
- Unama'ki Institute of Natural Resources
- Wskijnu'k Mtmo'taqnuow Agency Ltd

3.1 Group specific participation notes

In this section, the Committee would like to highlight each Indigenous group's requested methods for participation, special areas of concern, etc.

4. Confidentiality and Operational Procedures

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.

Comments and other documents received by the Committee throughout the RA process will be posted on the Registry, except for the ones deemed to be confidential or subject to non-disclosure. The Committee has developed its own <u>confidentiality procedures</u> on how it will conduct itself regarding confidentiality and sensitive information. The Committee has also developed its <u>operational procedures</u>, which elaborate upon the general principles and processes described in the agreement and inform participants on how the committee intends to function throughout the conduct of the RA on the issues of bias and conflict of interest, accessibility to information, and other confidential information handling.

5. Schedule

The Committee will complete its work in a phased manner and will, following the public review of drafts as referenced in Section A1.6 of the Agreement⁶, submit the various components of its Report to the Ministers as follows:

Report	Overview	Relevant Components (From	Submission to
Component		Sections A2.3 and A2.4 from	Ministers
		the <u>Agreement</u>)	
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) Section A 2.4 Items a) to e)	12 months from Committee appointment *
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). The Committee was appointed on March 23, 2023.

⁶ The Committee sent <u>a letter to the Ministers in October 2023 requesting amendments to the Agreement</u>. This plan will be updated to reflect any changes to the Agreement once the Ministers provide a response.

Appendix A - Planned / Ongoing Indigenous Engagement Activities

The Committee uses this table to provide notice on upcoming engagement activities with the Indigenous groups and organizations, and the Indigenous Knowledge Advisory Group. It will be updated as plans are refined.

Planned / Ongoing Indigenous Engagement Activities Last updated: March 15, 2024					
Activity	Date	Description			
Meeting – Keepers of the Circle	April 2, 2024	Meeting to discuss Effects Table document activity that was distributed to all Advisory Groups.			
Community Engagement Session - Miawpukek First Nation	TBD	The Committee is working with Miawpukek First Nation to plan a community engagement session in Spring 2024.			
Meeting - Qalipu First Nation	TBD	The Committee is working with Qalipu First Nation to plan another meeting in Spring 2024.			
Engagement planning for 2024	Throughout 2024	The Committee is working on their engagement plan for 2024, including a combination of in-person and virtual engagement sessions.			
· · · ·		The Committee continues to welcome all Indigenous peoples, communities, and organizations to contact the Committee to request a meeting.			

Appendix B – Completed Indigenous Engagement Activities

The Committee uses this table to document completed engagement activities exclusively with the Indigenous groups and organizations, and the Indigenous Knowledge Advisory Group. The PP lists all completed engagement activities with stakeholders and the public, and all Advisory Groups

Completed Indigenous Engagement Activities Last updated: March 15, 2024						
Date	Activity	Participating Organization(s)	Topics Discussed			
June 14, 2023	Virtual meeting	Miawpukek First Nation	Introductory meeting			
June 20, 2023	Virtual meeting	Innu Nation	Introductory meeting			
June 28, 2023	Virtual meeting	Wolastogey Nation in New Brunswick	Introductory meeting			
August 8, 2023	Virtual meeting	Qalipu First Nation	Introductory meeting			
August 23, 2023	Virtual meeting	NunatuKavut Community Council	Introductory meeting			
September 14, 2023	Indigenous Knowledge Advisory Group Virtual Meeting	KMKNOAECOM (supporting KMKNO)Keepers of the Circle	Feedback on the Proposed Focus Area			
September 27, 2023	Virtual meeting	Qalipu Development Corporation	Introductory meeting			
November 7, 2023	In-person meeting	Miawpukek First Nation Consultation Committee	Feedback on the Proposed Focus Area			
November 16, 2023	In-person meeting	Qalipu First Nation and Qalipu Development Corporation	Feedback on the Proposed Focus Area			

Completed Indigenous Engagement Activities

Last updated: March 15, 2024

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Date	Activity	Participating Organization(s)	Topics Discussed
December 11, 2024	Effects Table Advisory Group Activity	 Indigenous Knowledge Advisory Group 	 Effects Table Document sent to Advisory Groups for review and comment
February 11, 2024	Effects Table Advisory Group Activity	Indigenous Knowledge Advisory Group	Advisory Group Input Submission Deadline for Effects Table Document
February 26, 2024	Virtual Meeting	 Indigenous Knowledge Advisory Group 	 Feedback on Committee's constraints analysis and preliminary OSW licencing areas.
Feb 28, 2024	Virtual Meeting	Miawpukek First Nation Consultation Committee	 Feedback on Committee's constraints analysis and preliminary OSW licencing areas.
March 4, 2024	In-person meeting	Miawpukek First Nation Chief and Council	 Feedback on Committee's constraints analysis and preliminary OSW licencing areas.
March 13, 2024	Virtual Meeting	 Wolastoqey Nation in New Brunswick 	 Feedback on Committee's constraints analysis and preliminary OSW licencing areas.

Appendix C – List of Indigenous Knowledge Advisory Group Members

Last Updated: March 6, 2024.

- * indicates new members added since last Plan update
 - Patrick Butler Kwilmu'kw Maw-Klusuagn Negotiation Office (KMKNO)
 - Angelina Franic Mcdonald Miawpukek First Nation
 - Johanna Tuglavina AnanauKatiget Regional Inuit Women's Association & Keepers of the Circle
 - Marie-Eve Desmarais Communaute Innue de Nutashkuan
 - Chris Gosse Longshoremen's Protective Union (I.L.A.) Local 1953
 - Desiree Wolfrey Keepers of the Circle / ATRIWAI
 - Randy Miles Flat Bay Band
 - Charlene Combdon Qalipu Mi'kmaw First Nation Band