

Indigenous Participation Plan - Regional Assessment of Offshore Wind Development in Nova Scotia

DRAFT

Prepared by the Regional Assessment Committee

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Contents

- 1 Introduction 3
- 2 Regional Assessment Planning 3
 - 2.1. Early Engagement..... 4
 - 2.2. Advisory Groups..... 5
- 3 Committee Role and Responsibilities 6
 - 3.1 Confidentiality..... 6
- 4 Regional Assessment Engagement 7
- Appendix A - List of Indigenous Contact for Planning Phase 9
- Appendix B - Proposed Indigenous Engagement and Tracking 11

1 Introduction

On April 5, 2022, the Minister of Environment and Climate Change (the Minister) announced that a Regional Assessment of Offshore Wind Development in Newfoundland and Labrador and Nova Scotia would be carried out under the *Impact Assessment Act (IAA)* to help inform future project-specific federal impact assessments and decisions for offshore wind (OSW) projects in these areas.

Under the conditions of the Committee's Agreement and the Terms of Reference (TOR), and in collaboration with Indigenous peoples, the Committee has prepared this Indigenous Participation Plan (IPP; the Plan) to outline its approach to ensure meaningful opportunities for Indigenous groups to engage in the conduct of the Regional Assessment for Offshore Wind Development in Nova Scotia (RA). This IPP will continue to be developed with direct involvement and input from Indigenous participants as part of the Committee's early engagement.

Once the content and engagement approach are reviewed by Indigenous participants and the Indigenous Knowledge Advisory Group, the IPP will be posted to the Canadian Impact Assessment Registry (the Registry) and the Committee will implement the engagement approach and update the IPP throughout the conduct of the RA.

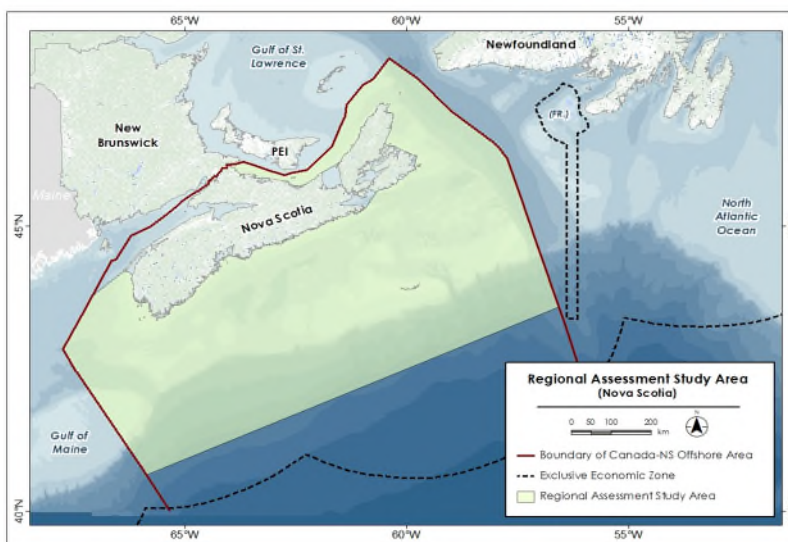
It is important to note that while the conduct of the RA may involve collecting information on Indigenous rights, the engagement process is not a rights-determining process.

2 Regional Assessment Planning

The early planning phase for the RA (i.e., prior to appointment of the Committee) took place from April 2022 to February 2023 and involved an extensive engagement program by the Agency to inform the RA Agreement and TOR that now govern the Committee in its conduct of the RA.

The list of Indigenous groups and organizations contacted in the planning phase is provided in Appendix A. Due to the extent of the proposed Study Area, outreach included Nova Scotia, New Brunswick, Newfoundland and Labrador and Quebec. The Study Area for the RA is provided in Figure 1.

Figure 1: Regional Assessment Study Area (Nova Scotia)



2.1. Early Engagement

Participant Funding was offered in the planning phase to Indigenous communities and organizations to support their participation, including attendance at planning meetings. This phase culminated with the release and review for feedback of the draft RA Agreement and TOR. The comment period took place from October 12 to November 26, 2022. The following is a general summary of comments received from Indigenous groups during that phase:

- Open and transparent communication throughout the process;
- Early opportunities for involvement in the process;
- Consideration of Indigenous knowledge, in accordance with the “ownership, control, access and possession” ([OCAP](#)) principles and with reference to 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, where reasonably possible adjustment of the process based on preferences;
- The inclusion of diverse perspectives (women, seniors, minority groups, intergenerational, etc.) throughout the process;
- Advance knowledge of timelines with sufficient notice to enable meaningful participation;
- Availability of participation funding; and
- Respect for and integration of the United Nations Declaration on the Rights of Indigenous Peoples.

The framework for this IPP was drafted with consideration of the feedback received from Indigenous peoples during the planning phase and from the comment period on the draft Agreement and TOR. Moving forward with this feedback, the Committee will undertake engagement activities that are intended to fulfill and address all the feedback as the RA progresses.

The Minister released the [final Agreement and TOR](#) and appointed an independent [Committee](#) for the RA on March 23, 2023. The RA will be conducted over an 18-month period.

2.2. Advisory Groups

As part of the planning phase, the Agency initiated a process to identify organizations or individuals with expertise in one or more fields, to become members of one or more Advisory Groups, per Section 4.1 of the Agreement. These Advisory Groups are:

- Indigenous Knowledge Advisory Group;
- Scientific and Community Knowledge Advisory Group; and
- Fisheries and Other Ocean Uses Advisory Group.

To build the roster for each Advisory Group, an initial [expression of interest](#) (EOI) was posted on the Registry in February 2023 inviting participants to apply to be involved in one or more of these groups by demonstrating relevant expertise and experience. The purpose of the Advisory Groups is to bring together multiple subject matter experts from different perspectives to discuss specific topics (e.g., marine birds, fisheries, marine mammals, etc.) and provide knowledge and information to the Committee for its analyses. It is expected that these discussions will be more focused than a general participant engagement session, and more comprehensive than an individual meeting with one organization or individual engagement session, and more comprehensive than an individual meeting with one organization or individual.

The Committee will call upon these Advisory Groups on an as-needed basis. The Committee understands the logistical challenge associated with scheduling meetings with multiple participants, and so Advisory Group meeting announcements will be provided in advance, providing as much notice as possible to potential participants.

The Committee will continue to accept EOI forms from interested participants throughout the conduct of the RA. Meetings with Advisory Groups will wrap up once the Committee is in the final stages of the second Report.

3 Committee Role and Responsibilities

The roles and responsibilities of the Committee around Indigenous engagement are detailed in the TOR. A Secretariat will be established to provide administrative and technical support to the Committee during the conduct of the RA.

The Committee is mandated to receive information from Indigenous peoples on the nature and scope of 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 after the RA is complete.

In conducting its work, the Committee recognizes that Indigenous knowledge is an important component of understanding existing conditions, potential effects (positive, adverse and cumulative effects), mitigation measures and other measures for addressing effects. In their reports, the Committee will indicate how they have taken into account and used the Indigenous knowledge provided with respect to the RA.

As detailed in the TOR the Committee will complete its work in a phased manner, by submitting the components of its Report to the Ministers as follows:

- i. an interim report at 12 months from Committee appointment focussed on information and analysis to inform future planning and licencing for offshore wind in the Study Area; and
- ii. a final report at 18 months from Committee appointment focussed on 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.

3.1 Confidentiality

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 a Confidentiality Procedure which is posted to the Registry detailing how it will conduct itself regarding confidential or sensitive information.

If a participant does not wish for submissions or comments to be published on the Registry, the Committee should be contacted before comments or documents are submitted. Furthermore, confidential Indigenous knowledge is protected from disclosure under section 119 of the *IAA*, except if written consent is provided.

4 Regional Assessment Engagement

This section presents the objectives of Indigenous peoples and the Committee with respect to engagement throughout the conduct of the RA. It is the Committee's desire to work with Indigenous groups and organizations to determine opportunities for participation throughout the RA process. The objectives of the Indigenous engagement process are to:

- Establish an open and constructive dialogue with Indigenous groups and organizations interested in participating in the RA; and
- Encourage active participation in the RA.

Engagement activities could include, but are not limited to:

- Planned general engagement sessions (in-person or virtual);
- Focused Advisory Group engagement sessions on a particular topic of interest;
- Emails to the current participant list maintained by the Committee and the Secretariat;
- Official notices and updates posted to the Registry; and/or
- Submission of comments to the Committee at any time during the conduct of the RA via the [the public commenting tool](#) on the Registry or via the generic email (OffshoreWindNS-EolieenneExtracotiereNE@iaac-aeic.gc.ca).

The Committee will endeavour to work with Indigenous groups to support and facilitate their meaningful involvement. Where possible consideration will be given to Indigenous group preferences for in-person versus virtual meetings.

[Appendix A](#) outlines **proposed** engagement activities with Indigenous peoples during the conduct of the RA. The Committee will be looking for feedback on these proposed activities throughout the conduct of the RA and will update the table accordingly. Recognizing that the Committee must complete their work within a defined timeline, some early engagement objectives have been suggested in the hope of establishing an open and constructive dialogue with Indigenous groups interested in participating in the RA.

The frequency of engagement activities will vary, and be dependent on the Committee's needs, the needs of Indigenous Groups and/or organizations, and the availability of groups and organizations to meet and participate meaningfully during the conduct of the RA.

Appendix A - List of Indigenous Contact for Planning Phase

Table A1 provides a list of Indigenous Communities, groups and organizations contacted during the 2022 RA Planning Phase.

Table A1

| Community/Group Name |
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| Nova Scotia |
| 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 |
| Membertou First Nation |
| Millbrook First Nation |
| Sipekne'katik First Nation |
| Prince Edward Island |
| Abegweit First Nation |
| Lennox Island First Nation |
| 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 |
| Nunatsiavut Government |
| New Brunswick |
| 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 |
| Kingsclear First Nation |
| Madawaska Maliseet First Nation |
| Oromocto First Nation |
| Saint Mary's First Nation |
| Tobique First Nation |

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| Woodstock First Nation |
| Quebec |
| La Nation Micmac de Gespeg |
| Listuguj Mi'gmaq Government |
| Micmacs of Gesgapegiag |
| 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 Takuaihan Uashat mak Mani-Utenam |
| Première Nation des Innus de Nutashkuan |
| Indigenous Organizations |
| Kwilmu'kw Maw-Klusuaqn Negotiations Office (KMKNO) |
| Atlantic Policy Congress of First Nations Chiefs Secretariat |
| Confederacy of Mainland Mi'kmaq |
| Mi'kmaq Conservation Group |
| Native Council of Nova Scotia / Maritime Aboriginal Peoples Council |
| Nova Scotia Native Women's Association |
| Union of Nova Scotia Mi'kmaq |
| Unama'ki Institute of Natural Resources |
| Wskijnu'k Mtmo'taqtuow Agency Ltd |
| Agence Mamu Innu Kaikusseht (AMIK) |
| Atlantic Policy Congress of First Nations Chiefs Secretariat |
| Newfoundland Aboriginal Women's Network (NAWN) |

Appendix B - Proposed Indigenous Engagement and Tracking

| Proposed Activity ¹ | Objectives | Update |
|---|--|---|
| Spring - Summer 2023 (May-August) | | |
| Circulation of the IPP | Circulate a draft framework of the IPP for review and discussion | Initiated in June 2023 with KMKNO. <i>Further circulation of the IPP planned in August 2023 with feedback proposed for September 2023</i> |
| Introductory Meetings | Introductions Offer Regional Assessment overview/update Discuss the IPP Obtain feedback and input on the proposed engagement approach Address any early questions or concerns | Met with KMKNO (May 30, 2022) |
| Training for Committee | Committee to attend a session on Two-Eyed Seeing | <i>Planned for summer 2023 - working with KMKNO to arrange</i> |
| | Committee to attend a session on OCAP principles | <i>Planned for summer 2023 - working with KMKNO to arrange</i> |
| Indigenous Knowledge Advisory Group | Initiate first outreach to list of participants to arrange first meeting and decide on topics NOTE: Based on feedback from KMKNO the Indigenous Knowledge Advisory Group will include Food, Social and Ceremonial Fisheries and Treaty Fisheries | First meeting took place July 28, 2023 |
| Fisheries and Other Ocean Uses Advisory Group | Initiate first outreach to list of participants to arrange first meeting and decide on topics NOTE: <i>Commercial Fisheries (Indigenous) will be included in this Advisory Group</i> | First meeting took place on July 27, 2023 |
| MEKS | Explore the possibility of an MEKS to inform the RA | <i>Working with KMKNO on drafting a SOW (June 2023)</i> |
| Offshore Wind Information Session | If requested, Committee to facilitate an offshore wind information session to be delivered by a third party | |
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¹ Milestones are noted in March 2024 and September 2024

| Proposed Activity ¹ | Objectives | Update |
|--|--|--|
| Fall 2023 (September - November) | | |
| October 2023 | <i>To be developed</i> | <i>OpenHouse Sessions proposed throughout the province</i> |
| October 2023 | <i>To be developed</i> | <i>Community meetings proposed</i> |
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| Winter 2023/2024 (December - March) | | |
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| Interim Report Review | Review and comment on the Committee's Interim Report (Future Planning and Licencing) | <i>Planned for January/February 2024</i> |
| MILESTONE: Committee submits Interim Report to Ministers (March 2024) | | |
| Spring - Summer 2024 (April - August) | | |
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| Final Report Review | Review and comment on the Committee's Final Report (Recommendations) | |
| Fall 2024 (September) | | |
| MILESTONE: Committee submits Final Report to Ministers (September 2024) | | |