

To: The Honourable Minister Steven Guilbeault, Minister of Environment

Date: October 4, 2023

**Re: Regional Assessment of Offshore Wind Development in Newfoundland and Labrador – Intent to Develop a Ministerial Regulation**

Dear Minister,

The Committee for the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador (the Committee) requests your confirmation that you have no intent to develop a regulation excluding offshore wind projects from *Impact Assessment Act* (IAA) requirements following the completion of this Regional Assessment (RA). We request your response by October 18, 2023 to allow us time to adjust our work plan if needed, and communicate next steps to participants in this RA process.

The Committee acknowledges the *Impact Assessment Act* (IAA) and the *Physical Activities Regulations* (the Regulations) provide for the Minister to make such a regulation:

- Section 109 of the IAA allows the Governor in Council to specify in the Regulations which designated projects may be subject to a ministerial regulation, based on the results of a regional assessment, that sets conditions for their exclusion from the requirements of the IAA.
- Section 112 of the IAA provides for an exclusion from the requirements of the IAA if a designated project meets the conditions set in a ministerial regulation that are based on the results of a regional assessment. A specific project would no longer be a designated project if it meets the conditions set out in the Minister's regulation.
- Section 2 of the Regulations identifies offshore wind projects (and offshore exploratory drilling projects) as a class of projects that may be excluded from the requirements of the IAA through a regulation made by the Minister that is based on the results of a regional assessment.

However, it is the Committee's understanding that there is no current plan to develop a regulation excluding offshore wind projects in the RA Study Area from IAA requirements upon receipt of the Committee's final report. This understanding is based on the Committee's review of the Impact Assessment Agency of Canada's (IAAC) documentation from the RA planning stage, and was confirmed again in a May 2023 meeting with Dr. Stephen Bonnell, Director of Regional and Strategic Assessment for the IAAC.

That there will be project-level assessments of all offshore wind projects under the IAA, at least in the early days of developing this new industry, is a key assumption informing the Committee's work on this RA.

We look forward to receiving your response.

Regards,

Shayne McDonald, Committee Chair

for

Committee for the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador