



2022-2023 Activity Report

Memorandum of Understanding between Canada-Newfoundland and Labrador Offshore Petroleum Board and Fisheries and Oceans Canada

September 2023

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Context

The Memorandum of Understanding (MOU) between the *Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)* and *Fisheries and Oceans Canada (DFO) Newfoundland and Labrador Region* (updated July 2020) supports and promotes the effective coordination and planning of activities of mutual interest of the C-NLOPB and DFO with respect to each entity’s regulatory oversight in the Canada-Newfoundland and Labrador Offshore Area.

The Executive Committee is the principal body responsible for advancing the objectives of the MOU. The committee consists of the Chief Executive Officer of the Board and the Regional Director-General of DFO Newfoundland and Labrador Region. The Executive Committee oversees the advancement of the MOU on behalf of both parties and approves the annual Activity Report and the annual Work Plan developed by the Implementation Committee. The Implementation Committee comprises staff representing the C-NLOPB and DFO.

This 2022-2023 Activity Report describes the areas of collaboration during fiscal year 2022-2023. It focuses on activities and deliverables identified in the 2022-2023 Work Plan. Most of these activities are conducted each year and are part of the routine, ongoing activities of both the C-NLOPB and DFO. Other activities, such as Environmental Effects Monitoring (EEM), are multi-year in nature and can be ongoing for several years. Additional information has been added to the status updates where key milestones or deliverables have been met/completed or activities were deferred.

Table 1: Status of the 2022-2023 work plan initiatives

Initiative	Lead	Activities / Deliverables	Status as of March 31, 2023
1. Joint priority setting, planning and coordination	C-NLOPB	Discussions of issues/areas requiring collaborative work and an estimate of associated work.	Operational
	DFO – Fish and Fish Habitat Protection Plan (FFHPP)	Meetings of the Executive Committee will occur in the fall of 2022 and spring of 2023 to discuss priorities and progress of the annual Work Plan.	Complete
		Meetings of the Implementation Committee will occur quarterly to discuss priority items, implementation of the annual Work Plan, and to develop the annual Activity Report.	Operational
		Implementation Committee members will identify the lead individuals from their agencies who will coordinate the deliverables under the MOU.	Operational



Initiative	Lead	Activities / Deliverables	Status as of March 31, 2023
		Development of a joint 2023-2024 Work Plan.	Complete
		Development of a joint 2022-2023 Activity Report.	Complete
		DFO and C-NLOPB will make the annual Work Plan and Activity Report publicly available on their respective websites.	Complete
2. Environmental assessment (EA)	C-NLOPB DFO – FFHPP	<p>Data exchange and collaborative review of anticipated Environmental Assessments (EAs), EA Amendments, and EA Validation Reports:</p> <ul style="list-style-type: none"> • BP Canada Energy Group ULC Ephesus Prospect Remotely Operated Vehicle (ROV) Survey 2019-2024 – 2022 EA Update and 2023 EA Amendment; • Electromagnetic Geoservices Canada Inc. Controlled Source Electromagnetic Program 2022 – EA; • Multiklient Invest AS Newfoundland Offshore Seismic Program (2018-2023) – 2022 EA Update; • Multiklient Invest AS – 1-2 new project-specific EAs; and • Amendment to the 2019 Terra Nova Environmental Assessment Validation Report. <p>Support the Impact Assessment Agency of Canada (IAAC) in conducting EAs which were initiated under the <i>Canadian Environmental Assessment Act 2012</i> (CEAA 2012):</p> <ul style="list-style-type: none"> • Equinor Canada Ltd. Bay du Nord Development Project; 	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Deferred</p> <p>Complete</p> <p>Complete</p>



Initiative	Lead	Activities / Deliverables	Status as of March 31, 2023
		<ul style="list-style-type: none"> • Equinor Canada Ltd. Flemish Pass Exploration Drilling Project 2018-2028 – 2022 EA Update; • ExxonMobil Canada Limited Eastern Newfoundland Offshore Exploration Drilling Project 2018-2030 – 2022 EA Update; and • Suncor Energy Offshore Exploration Partnership Tilt Cove Exploration Drilling Project 2019-2028. 	Active
			Active
			Active
		Support the IAAC on oil and gas related Impact Assessments that may be initiated under the <i>Impact Assessment Act</i> .	Operational (None initiated this fiscal year)
		<p>DFO will support the C-NLOPB by providing advice related to conditions contained in the EA Decision Statement for the following projects:</p> <ul style="list-style-type: none"> • BP Canada Energy Group ULC Newfoundland Orphan Basin Exploration Drilling Program, 2017-2026; • Equinor Canada Ltd. Bay du Nord Development Project; • Equinor Canada Ltd. Central Ridge Exploration Drilling Project 2020-2029; • ExxonMobil Canada Limited Eastern Newfoundland Offshore Exploration Drilling Project 2018-2030; and • ExxonMobil Canada Limited Jeanne D’Arc Exploration Drilling Project 2019-2027. 	Active
			Active
			Deferred
			Active
			Active



Initiative	Lead	Activities / Deliverables	Status as of March 31, 2023
		Support the IAAC in conducting the Regional Assessment (RA) of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador RA follow-up program. Monitor and report on Ministerial Commitments made in response to RA Committee recommendations.	Active
		Support the IAAC in conducting the Regional Assessment of Offshore Wind Development.	Active
3. Environmental effects monitoring (EEM)	C-NLOPB DFO - FFHPP	Ongoing review of Hibernia, Terra Nova, White Rose, and Hebron EEM programs and results on an as-needed basis.	Active
		DFO will support the C-NLOPB in the review of the following: <ul style="list-style-type: none"> • ExxonMobil Hebron Platform 2020 EEM Program; • Cenovus Energy Sea Rose 2020 EEM Program; • Cenovus Energy 2019 Proposed Revisions to the White Rose EEM Program to Monitor Potential Effects of Discharges from the West White Rose Platform • HMDC Hibernia Platform and Hibernia South Extension 2020 EEM Program; • Suncor Terra Nova 2020 EEM Program; and • Suncor Terra Nova 2021 Scallop Survey Results (addendum to the 2020 EEM Program). 	Complete
			Complete
			Active
			Complete
			Complete
			Complete
4. Regulatory activities	C-NLOPB DFO – FFHPP	DFO and the C-NLOPB will endeavour to undertake joint compliance verification activities each year where opportunities present themselves under their respective mandates.	Operational
		DFO and the C-NLOPB will continue communicating and exchanging information about oil spill preparedness and response.	Operational
		DFO will advise the C-NLOPB regarding appropriate qualifications for wildlife observers deployed during oil spill response activities.	Operational



Initiative	Lead	Activities / Deliverables	Status as of March 31, 2023
		DFO and the C-NLOPB, in collaboration with IAAC, will cooperate in ensuring that proponents comply with the conditions associated with federal EA Decision Statements.	Operational
		The C-NLOPB will notify DFO of authorizations issued by the C-NLOPB respecting activities in areas where the waters of NAFO Regulatory Areas (NRA) are superjacent.	Operational (4 authorizations this fiscal year)
		The C-NLOPB will continue to participate in the development of recovery strategies, action plans and management plans, as well as listings, for species at risk through participation in workshops, meetings, and responses to consultation requests.	Operational
		The C-NLOPB and DFO will continue to collaborate on the development of enhanced mitigation requirements for exploration and development programs within the distribution area of any species at risk.	Operational
		The C-NLOPB and DFO's Species at Risk Program will continue to meet and share information to help interpret the <i>Species at Risk Act</i> (SARA) requirements and provide guidance as required.	
		<ul style="list-style-type: none"> The Species at Risk Program will continue seeking input from the C-NLOPB regarding the potential species listing on Schedule 1 of SARA. 	Operational (7 species this fiscal year)
		<ul style="list-style-type: none"> The Species at Risk Program will continue to notify the C-NLOPB of proposed or final postings of recovery documents on the SARA Public Registry. 	Operational (Zero documents this fiscal year)
		<ul style="list-style-type: none"> The Species at Risk Program will notify the C-NLOPB of the anticipated publication, in Canada Gazette, Part I, of the government's intentions regarding whether to list the aquatic species under SARA. 	Operational (Zero species this fiscal year)



Initiative	Lead	Activities / Deliverables	Status as of March 31, 2023
		<p>For each drilling installation for an exploration or delineation well, operators must submit an environmental report to the C-NLOPB within 90 days of the rig release date. The C-NLOPB will provide these reports to FFHPP to ensure mitigation measures to protect aquatic resources, as identified in the proponent’s Environmental Impact Statement or any other regulatory tool, have been implemented.</p>	<p>Active (3 reports this fiscal year)</p>
		<p>For each geophysical, geological, geotechnical, or environmental program with a fieldwork component, the operator must submit a mitigation and monitoring report to the C- NLOPB within six months of fieldwork completion unless otherwise conditioned. The C-NLOPB will provide these reports to FFHPP to review and verify operator conformity with measures relevant to DFO, including the Statement of Canadian Practice concerning the Mitigation of Seismic Sound in the Marine Environment.</p>	<p>Active (2 reports this fiscal year)</p>
<p>5. Science</p>	<p>C-NLOPB DFO - Science</p>	<p>Continued collaboration and input into research objectives of various funding groups, such as the Environmental Studies Research Fund (ESRF), that will result in published findings in primary and technical scientific literature:</p> <ul style="list-style-type: none"> • DFO-Science will continue to liaise with the C-NLOPB on the ESRF project, studying the potential effects of seismic surveys on groundfish. • DFO-Science will continue to liaise with the C-NLOPB on the ESRF project, studying the presence and prevalence of Atlantic Salmon in offshore regions to inform regulatory decision-making in Canada’s offshore oil and gas activity areas. • DFO will continue to liaise with the C-NLOPB on ecosystem stressors research related to the abandonment and decommissioning of oil and gas infrastructure and potential interactions with fish and fish habitat. <p>DFO to provide advice and feedback on two proposed Multi-Partner Research Initiative (MPRI) offshore Oil Spill Response projects:</p> <ul style="list-style-type: none"> • MPRI Offshore Burn Experiment • MPRI Dispersant Field Trials 	<p>Active</p> <hr/> <p>Active</p> <hr/> <p>Active</p> <hr/> <p>Active</p> <hr/> <p>Active</p>



Initiative	Lead	Activities / Deliverables	Status as of March 31, 2023
		Further development on Ocean Navigator continues. Ongoing discussions are required to facilitate the use of the Ocean Navigator in using ocean prediction systems.	Operational
		Continued DFO Science support on the IAAC-led follow-up program for the regional assessment of offshore oil and gas exploratory drilling east of Newfoundland and Labrador.	Operational
6. Marine Planning and Conservation (MPC)	C-NLOPB DFO – MPC	The C-NLOPB will participate in regional marine governance structures coordinated by DFO, including the Regional Oversight Committee on Oceans Management (ROCOM) and the Canada-Newfoundland and Labrador Committee on Oceans Management (C-NLCOM). This will include involvement in working groups (e.g., Marine Spatial Planning (MSP), Data and Engagement) and implementation of work plans developed under the direction of C-NLCOM.	Operational
		The C-NLOPB will provide input to MSP initiatives coordinated by DFO related to the Canada-Newfoundland & Labrador Offshore Area. In support of this, the C-NLOPB will share (subject to relevant policies and legislation) data and information with DFO for incorporation and use in MSP visualization and decision support tools. This includes regularly scheduled meetings to share updated C-NLOPB land tenure information with MPC personnel.	Operational
		To inform and support land tenure decision-making or other long-term C-NLOPB planning processes, the DFO-MPC Program will facilitate sharing information on fisheries or other marine environmental matters held by DFO with the C-NLOPB.	Operational
		<p>DFO and the C-NLOPB will take steps to optimize the sharing of operational information on issues or initiatives managed by the C-NLOPB that relate to DFO-led MPC initiatives. In particular:</p> <ul style="list-style-type: none"> • DFO will engage the C-NLOPB in the department’s planning and implementation of marine conservation measures or areas, in particular those relevant to activities managed by the C- NLOPB. This will include a dedicated bilateral meeting or discussion prior to a public announcement of any potential or planned conservation and/or marine planning area by DFO. 	Operational
		<ul style="list-style-type: none"> • The C-NLOPB will engage DFO in the board’s planning, announcement, and implementation of land tenure decisions, in particular those near marine conservation areas. This will include a bilateral meeting or discussion before publicly announcing such areas by the C-NLOPB. 	Operational



Initiative	Lead	Activities / Deliverables	Status as of March 31, 2023
		<ul style="list-style-type: none"> DFO-MPC and C-NLOPB personnel will work towards establishing a schedule of regular or periodic meetings of appropriate personnel to promote the sharing of operational information in support of the preceding two bullets. 	Operational
		DFO and the C-NLOPB will collaborate to develop and implement protocols to operationalize new commitments in the MOU relating to exploratory drilling in Other Effective Area-Based Conservation Measures (OECM) areas, such as marine refuges.	Complete
		The C-NLOPB will continue to work with DFO-MPC to implement the recently developed standard guidance for the protection of cold-water corals and sponges from the potential impacts of exploratory drilling in the Canada-NL Offshore Area.	Operational
		C-NLOPB will participate in DFO's update of the Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment.	Deferred
		DFO will coordinate annual requests for anonymized, aggregate NAFO Vessel Monitoring System (VMS) data for distribution by the C-NLOPB to identified operators under the established Terms of Use.	Operational
		The C-NLOPB will provide semi-annual forecasts of planned exploration activities in the portions of the Canada-NL Offshore Area where the waters of the NRA are superjacent.	Operational
7. Fisheries management	C-NLOPB DFO – Fisheries Management	DFO will communicate to the C-NLOPB any decisions taken by NAFO relating to the closure of an area to bottom trawling activity with the boundaries of the NRA for the protection of Vulnerable Marine Ecosystems (VME).	Operational (No action required in 2022-23)
		DFO has the process and tools to make Canadian fisheries closure decisions if monitoring results suggest fisheries species have been impacted or if requested by an authority.	Operational
		Any closures will be communicated to the C-NLOPB.	Operational
		DFO-Fisheries Management will provide an update to the C-NLOPB regarding the applicability/legality of buffer zones proposed for exploratory projects in international waters (within the NL Offshore Area but outside the 200-mile limit) during seismic programs.	Deferred



Initiative	Lead	Activities / Deliverables	Status as of March 31, 2023
8. Policy and economics	C-NLOPB	DFO-Policy and Economics will ensure NL Region catch and effort data requests from the C-NLOPB will be conducted in a timely fashion and presented in a useful and available form. All requests will be subject to privacy restrictions and existing policies on authorized access and/or use of data.	Operational
	DFO – Policy and Economics	DFO will continue to make up-to-date NL Region landings and landed value data publicly available on the Newfoundland and Labrador regional internet site.	Operational
9. Reporting on Progress	C-NLOPB	End-of-year meeting of the MOU Implementation Committee to develop the 2023-2024 Work Plan by March 31, 2023.	Complete
	DFO - FFHPP	2022-2023 Activity Report and 2023-2024 Work Plan reports finalized by June 30, 2023, including executive committee approval.	Complete
Status Explanation: <ul style="list-style-type: none"> • Complete – Work was conducted and completed. • Active – Work was conducted but not completed and will continue next fiscal year. • Operational – Routine, on-going activities of the C-NLOPB and DFO. • Deferred – Work was not conducted but will be carried out next fiscal year. • Cancelled – Work was not conducted and will not be carried out next fiscal year. 			



10. Abbreviation index

- **CEAA 2012:** Canadian Environmental Assessment Act 2012
- **MPC:** Marine Planning and Conservation
- **CIOPS:** Coastal Ice Ocean Prediction System
- **MPRI:** Multi-partner Oil Spill Response Research Initiative
- **C-NLCOM:** Canada-Newfoundland and Labrador Committee on Oceans Management
- **MSP:** Marine Spatial Planning
- **NAFO:** Northwest Atlantic Fisheries Organization
- **C-NLOPB:** Canada-Newfoundland and Labrador Offshore Petroleum Board
- **NRA:** NAFO Regulatory Area
- **CSAS:** Canadian Science Advisory Secretariat
- **NEEC:** National Environmental Emergency Centre
- **DFO:** Fisheries and Oceans Canada
- **OECM:** Other Effective Area-Based Conservation Measure
- **EA:** Environmental Assessments
- **PERD:** Program of Energy Research and Development
- **EEM:** Environmental Effects Monitoring
- **ROCOM:** Regional Oversight Committee on Oceans Management
- **ESRF:** Environmental Studies Research Fund



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- **SARA:** Species at Risk Act
- **HMDC:** Hibernia Management and Development Company
- **SEA:** Strategic Environmental Assessment
- **IAAC:** Impact Assessment Agency of Canada
- **SIMA:** Spill Impact Mitigation Assessment
- **FFHPP:** Fish and Fish Habitat Protection Plan
- **SOCP:** Statement of Canadian Practice
- **MOU:** Memorandum of Understanding
- **VMS:** Vessel Monitoring System
- **M&O:** Monitoring and Occurrences
- **WRP:** Wildlife Emergency Response Plan



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11. Approval

The undersigned approve the Annual activities report 2022-2023 as per the "Memorandum of understanding between the Canada-Newfoundland and Labrador Offshore Petroleum Board and Fisheries and Oceans Canada".

Fisheries and Oceans Canada:

Original signed by

William McGillivray
Regional Director General
Fisheries and Oceans Canada
Newfoundland and Labrador Region

Canada-Newfoundland and Labrador Offshore Petroleum Board:

Original signed by

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