



Fisheries and Oceans
Canada

Pêches et Océans
Canada



2023-2024 WORK PLAN

AS PER

MEMORANDUM OF UNDERSTANDING

BETWEEN

**CANADA-NEWFOUNDLAND AND LABRADOR
OFFSHORE PETROLEUM BOARD**

AND

FISHERIES AND OCEANS CANADA

May 2023



CONTEXT

The Canada-Newfoundland & Labrador Offshore Petroleum Board (C-NLOPB) regulates petroleum-related activities in the Canada-Newfoundland and Labrador (NL) Offshore Area. It is governed by the *Atlantic Accords and the Atlantic Accord Implementation Acts*, pre-eminent legislation governing the Canada-NL Offshore Area.

Fisheries and Oceans Canada (DFO) manages Canada's fisheries and safeguards its waters. DFO's work is supported by three critical pieces of legislation: the *Fisheries Act*, the *Species at Risk Act* and the *Oceans Act*.

Section 46 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Act (1987)* and Section 46 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act (1992)* specifically direct the C-NLOPB and federal and provincial agencies and departments to enter into Memoranda of Understanding (MOU) to ensure effective coordination and avoid duplication of work and activities.

To facilitate collaboration related to the oil and gas sector, DFO and the C-NLOPB have also established a bi-lateral MOU (<https://www.cnlopb.ca/wp-content/uploads/mous/moudfo2.pdf>). The MOU identifies DFO as the principal advisor to the C-NLOPB on marine ecosystem conservation and protection concerning proposed petroleum-related activities; however, decision-making authority resides with the C-NLOPB.

DFO advises the C-NLOPB pursuant to the mandate of DFO and the Department's responsibilities under the *Fisheries Act*, *Oceans Act* and *Species at Risk Act*. Specifically, DFO advises the C-NLOPB on matters related to:

- Fish and Fish Habitat
- Marine Mammals
- Species at Risk
- Conservation Areas
- Fisheries

The 2023-2024 Work Plan is an overarching operational document that identifies areas where collaborative work is planned in the 2023-2024 fiscal year.



2023-2024 WORK PLAN

DFO and the C-NLOPB continue to work cooperatively towards objectives of mutual interest, as described in Section 4.0 of the MOU. The 2023-2024 Work Plan identifies projects and activities related to fulfilling those objectives; however, this does not preclude DFO and the C-NLOPB from engaging in additional priority projects or activities identified throughout 2023-24, if needed.

1. Joint Priority Setting, Planning, Coordination and Administration

Description:

The C-NLOPB and DFO have legislative and regulatory responsibilities related to petroleum activities in the Canada-NL Offshore Area and aquatic resources that potentially interact with these activities. As such, the C-NLOPB and DFO commit to working closely together and will ensure regular and effective engagement at both Executive and operational levels.

| Deliverables and Commitments |
|--|
| Regular meetings of the Executive Committee will continue throughout 2023-24 to discuss priorities and progress of the 2023-24 Work Plan. |
| DFO and C-NLOPB will make the annual MOU 2023-24 Work Plan publicly available on the C-NLOPB and DFO websites by May 30, 2023. |
| DFO and C-NLOPB will make the 2022-23 Progress Report publicly available on the C-NLOPB and DFO websites by September 30, 2023. |
| The Implementation Committee will meet to identify issues/areas requiring collaboration and identification of anticipated projects for inclusion in the 2024-25 Work Plan. |
| A joint 2024-2025 Work Plan will be developed for approval by DFO and the C-NLOPB. |

2. Regulatory Activities

Description:

The Work Plan signatories share an interest in continuously improving collaboration of Regulatory Activities to ensure that potential impacts on aquatic resources are understood and mitigated effectively and efficiently. The exchange of expertise and information in the conduct of Regulatory Activities is a key component of C-NLOPB and DFO-mandated responsibilities and obligations.

| Deliverables and Commitments |
|---|
| DFO will advise the C-NLOPB on <i>Accord Act</i> Environmental Assessments (EAs), EA Amendments, and EA Validation Reports. |
| DFO will advise the C-NLOPB and provide information pertaining to proponent compliance with relevant conditions as set out in Federal Impact Assessment (IA)/EA Decision Statements and/or the Regulations Respecting Excluded Physical Activities (NL Offshore Exploratory Wells). |
| DFO will advise the C-NLOPB on Environmental Effects Monitoring (EEM) programs for offshore petroleum development projects and revisions to existing EEM plans. |
| DFO will inform and seek input from the C-NLOPB regarding the potential listing of marine species on Schedule 1 of the <i>Species At Risk Act</i> . |



3. Incident Response and Preparedness

Description:

DFO and the C-NLOPB have independent mandates with respect to preparedness and response to environmental emergencies. The identified initiatives will facilitate the exchange of information to ensure coordinated approaches to incident preparedness and response as needed.

| Deliverables and Commitments |
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| DFO will continue to communicate with the C-NLOPB regarding NEEC notifications related to potential pollution events so that appropriate actions can be coordinated if required. |
| DFO will advise on operator incident avoidance, preparedness, and response planning (e.g., Spill Response Plans, Spill Impact Mitigation Assessments, and Wildlife Plans) |
| DFO will support and advise the C-NLOPB during operator-led Spill Response Plan exercises. |

4. Collaborative Information Exchange

Description:

Collaborative information exchange between the C-NLOPB and DFO is essential to advancing respective priorities and meeting obligations detailed within the bilateral MOU. Key priorities for 2023-24 are identified below.

| Deliverables and Commitments |
|---|
| DFO will notify the C-NLOPB of proposed or final postings of recovery documents on the SARA Public Registry. |
| The C-NLOPB and DFO will facilitate information exchange through participation on the Regional Oversight Committee on Oceans Management (ROCOM), the Canada-Newfoundland and Labrador Committee on Oceans Management (C-NLCOM) and associated working groups, coordinated by DFO. |
| The C-NLOPB and DFO will meet as needed to facilitate the exchange of marine spatial planning-related information. |
| The C-NLOPB and DFO will collaborate to ensure that respective marine spatial planning-related data on the <i>Canada Marine Planning Atlas</i> is current and relevant. |
| DFO and the C-NLOPB will collaborate to develop and implement protocols to operationalize guidance for protecting cold-water corals and sponges from potential impacts relating to exploratory drilling in Other Effective Area-Based Conservation Measures (OECMs). |
| The CNLOPB will provide DFO with geophysical, geological, geotechnical, or environmental program “Mitigation and Monitoring Reports” to allow DFO verification of operator conformity with measures outlined in the <i>Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment</i> . |
| DFO will collaborate with the C-NLOPB to facilitate the provision of information and/or data for inclusion in semi-annual forecasts and reporting for submission to the NAFO Secretariat, and may include: <ul style="list-style-type: none"> • planned petroleum-related activities in the Canada-NL Offshore Area; • notification of incidents on the water; • notification of environmental incidents (e.g., spills and discharges) • notification of C-NLOPB Authorization Applications and Approvals |



DFO will provide the C-NLOPB with information and/or data about fishing activities in divisions of the NAFO Regulatory Area (NRA) (i.e., Vessel Monitoring System data, Vulnerable Marine Ecosystems closed to fishing activity), requested through the Information Exchange Arrangement, to inform petroleum-related activity planning in the NRA.

DFO and the C-NLOPB will continue collaboration and input into research objectives relevant to the C-NLOPB and the petroleum industry.



5. Approval:

The undersigned approves the proposed 2022-2023 Work Plan as per the MOU between the C-NLOPB and DFO.

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

Scott Tessier
Chief Executive Officer
Canada-Newfoundland and Labrador Offshore Petroleum Board



Appendix

Abbreviation Index

CEAA 2012: *Canadian Environmental Assessment Act 2012*

C-NLCOM: Canada-Newfoundland and Labrador Committee on Oceans Management

C-NLOPB: Canada-Newfoundland and Labrador Offshore Petroleum Board

DFO: Fisheries and Oceans Canada

EA: Environmental Assessment

EEM: Environmental Effects Monitoring

IA: Impact Assessment

IAAC: Impact Assessment Agency of Canada

MOU: Memorandum of Understanding

MPC: Marine Planning and Conservation

MSP: Marine Spatial Planning

NAFO: Northwest Atlantic Fisheries Organization

NEEC: National Environmental Emergencies Centre

NL: Newfoundland and Labrador

NRA: NAFO Regulatory Area

ROCOM: Regional Oversight Committee on Oceans Management

SARA: *Species at Risk Act*

VMS: Vessel Monitoring System