

**Speaking Notes for Scott Tessier, CEO, C-NLOPB**  
**C-NLOPB Update/Overview**  
**Environmental Forum, November 20, 2023**

Thanks Kris. I'm pleased to be here and would like to thank CAPP for the invitation to speak today on behalf of the C-NLOPB.

This morning I'll provide updates on a few key areas.

I'll offer my thoughts about the recent Supreme Court reference on the Impact Assessment Act, build on Roger's remarks about Bill C-49 and our mandate expansion, touch on performance-based regulation and give an overview of some recent international engagements by the C-NLOPB.

As many of you know, the C-NLOPB provides expert information and knowledge in working with the Impact Assessment Agency of Canada on projects that are designated under the *Impact Assessment Act*.

On October 13, the Supreme Court of Canada released a ruling in a reference case that stated that elements of what began as Bill C-69, today known as the *Impact Assessment Act* or the IAA, are unconstitutional.

The C-NLOPB is essentially treated as a federal authority for the purposes of the IAA, and of course we administer the *Atlantic Accord Implementation Acts* on behalf of both governments.

In response to the Supreme Court reference, Minister Guilbeault, the Minister of Environment and Climate Change Canada, announced interim guidance to administer the IAA, which includes:

- Providing opinion on whether there is a clear federal jurisdiction for projects currently in the system;
- Collaborating with proponents on gathering the information required to support assessments;
- Engaging and consulting with Indigenous Peoples through the assessment process; and
- Exploring opportunities to maximize collaboration with provinces and focus federal assessments on potential adverse effects in areas of federal jurisdiction.

The environmental or impact assessment regime in place in our offshore today is the product of a lot of work in good faith by governments, regulators, industry, stakeholders and Indigenous groups since the coming into force of Bill C-69.

Our assessment at this point is that not much, if anything, needs to change for the offshore to meet the direction of the Supreme Court.

Matters of offshore federal and provincial jurisdiction have been somewhat elegantly dealt with since the 1980s through the Atlantic Accord and its implementing legislation, which enables and enacts joint management.

Regional and project-specific assessments that are currently underway should continue in a way that aligns with the Supreme Court's direction.

As Roger mentioned earlier, proposed amendments to the Atlantic Accord Implementation Acts were introduced in Parliament this past May.

When passed, these amendments will expand the C-NLOPB's mandate to include offshore renewable energy development, along with a name change to the Canada-Newfoundland and Labrador Offshore Energy Regulator.

If things go as planned by governments, the legislation (Bill C-49) will come into force next year, followed by regulations. Our work is underway in a number of areas:

- As Bill C-49 works its way through the federal House of Commons, we will likely be called as witnesses before the Standing Committee on Natural Resources.
- We are currently providing policy and regulatory advice to governments on land tenure and other considerations. We understand a draft regulatory package for public consultation is targeted for early 2024.
- We are learning from the provincial government's ongoing experience with onshore wind. We have had several very productive sessions with provincial officials on 'lessons learned' and will continue to do so.
- We have met with the Committee leading the Regional Assessment of Offshore Wind Development for Newfoundland and Labrador on two occasions, and continue to provide ongoing technical assistance as requested.
- We are undertaking an internal "SWOT" assessment, to inform our training needs and plans, organizational requirements and a multi-year work plan.
- We continue to engage internationally in a number of venues, which have recently included: a tour of Germany focused on offshore wind in June; several regional and bilateral international initiatives over the summer; recent international meetings and conferences in Australia; and the Global Offshore Wind Regulators Forum in Washington last month.
- We are beginning our rebranding efforts. You can expect a new look to coincide with our new mandate at some point next year.
- The notional target for a possible call for bids for offshore wind projects is currently 2025, but exactly when and where offshore wind projects will be developed will be determined -- and driven by -- governments as per the legislation.

A perpetual topic of discussion over my first ten years with the Board, and for a number of years predating me, is what is proving to be a very gradual move to performance-based regulation.

We are preparing on a number of fronts there as well, as we await the transition to new Framework Regulations under the Frontier and Offshore Regulatory Renewal Initiative.

The *Canada Gazette 1* draft version of the Regulations was published last year and we await publication of the final version in *Canada Gazette 2*.

In the meantime, we are working on transition plans and developing guidance, with a view to ensuring our tool kit is refreshed and ready for our oversight of compliance as soon as the new regulations come into force.

This past summer we heard concerns from the FFAW with respect to the consultation process for an exploratory drilling program in the Jeanne d'Arc Region and more broadly, the potential effects of petroleum-related activities on important fishery areas.

I think everyone in this forum appreciates that it is in the best interest of Newfoundland and Labrador and the rest of Canada for the fishing and petroleum industries to continue to cooperate and communicate proactively and with full transparency, through well-established planning processes and during operations.

We continue to regulate in the public interest, working with the FFAW and other fisheries and petroleum stakeholders, directly and through One Ocean.

One Ocean is establishing a new working group that will focus on land tenure and related matters. This working group will provide a forum to exchange detailed information and discuss issues of shared concern, proactively and in more depth.

This will include information about topics such as licencing, calls for nominations and calls for bids, at the same time providing another means for the fishing industry to share information with the C-NLOPB that we will consider in land tenure activities.

We look forward to improved communication and transparency between the two industries and thank Wayne Follett, Ashley Woodford and the members of One Ocean for their engagement and support.

I mentioned earlier our international engagement in support of our efforts to prepare for our mandate expansion.

During our recent Safety Forum, participants heard about the important work of the International Regulators Forum on offshore safety, so today I'd like to highlight the work of the International Offshore Petroleum Environmental Regulators, also known as IOPER.

IOPER is a collaborative group of national regulators dedicated to raising environmental performance standards within the offshore petroleum, exploration and production industry. Their Annual General Meeting was held in Perth, Australia on October 5-6.

Participating Regulators, apart from Australia and Canada, included Brazil; Ireland; Israel; Mexico; New Zealand; Norway; The Netherlands; United Kingdom; and the United States.

The topics discussed included: carbon capture and storage; the energy transition and global energy needs; decommissioning; stakeholder interest in the regulation of the offshore energy sector; engagement with Indigenous Groups; and workforce challenges.

Updates were provided by the Marine Sound Working Group and the Oil Spill Working Group.

The former was established to support IOPER's focus on acoustic impacts of offshore oil and gas activities on the environment. A new, multilateral forum to focus on ocean noise across all forms of offshore energy was also discussed.

The Oil Spill Working Group provides a forum to share approaches and experiences and to foster improvements in offshore oil pollution preparedness and response.

International engagements like these help us remain at the forefront of regulatory oversight through the sharing of best practices and lessons learned with our counterparts from around the world.

We also look forward to hosting the International Regulators Forum Conference and associated meetings right here in St. John's in 2025.

In closing, I'd like to promote next week's Digital Offshore '23 Conference. Digitalization is the vehicle for so much of the innovation we are seeing today and expect in the years to come. It brings many opportunities for improvement, along with some new challenges to keep us all awake at night.

I'm looking forward to contributing, listening and learning at that event, as I am today. Thank you for your attention.