

REGIONAL ASSESSMENT OF OFFSHORE OIL AND GAS EXPLORATORY DRILLING EAST OF NEWFOUNDLAND AND LABRADOR Engagement Activity / Meeting Notes Date finalized: January 16, 2020	
Date and Time / Duration	Thursday, December 5, 2019 9:00 a.m. – 4:00 p.m.
Location	St. John's Delta Hotel and Conference Centre 120 New Gower Street, St. John's, Newfoundland and Labrador
Organization(s)	<ul style="list-style-type: none"> • Association of Seafood Producers • BHP Billiton Petroleum (BHP) • Canadian Integrated Ocean Observing System (Marine Institute) • Chevron Canada Resources • Edgewise Environmental • eDNAtec Ltd. • Environment and Climate Change Canada (ECCC) • ExxonMobil Canada Ltd. • Fish, Food and Allied Workers – Unifor (FFAW) • Fisheries and Oceans Canada (DFO) • Husky Energy • Imperial Oil Ltd. • Memorial University • Nalcor Energy – Oil and Gas • Newfoundland and Labrador Environmental Industry Association (NEIA) • Newfoundland and Labrador Oil and Gas Industries Association (NOIA) • NunatuKavut Community Council (NCC) • Ocean Choice International (OCI) • Seadrill Canada Ltd. • Suncor Energy Inc. • Transocean • University of Toronto
Participants (External)	<u>In-person:</u> <ul style="list-style-type: none"> • Jaunty Aidamenbor, Seadrill Canada Ltd. • Renae Butler, Association of Seafood Producers • Rob Coombs, NunatuKavut Community Council • Nick Crosbie, Husky Energy • Richard Davis, BHP • Rick Ellis, Ocean Choice International • Ray Finn, DFO • Michelle Fitzsimmons, ECCC • Leah Fusco, University of Toronto • Kieran Hanley, NEIA • April Hedd, ECCC • Robyn Lee, FFAW • Bill Montevecchi, Memorial University • Ken Morrissey, NOIA • Ray Walsh, DFO

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	<ul style="list-style-type: none"> • John Freeman, Chevron Canada Resources • Collette Horner, BHP • Ashley Noseworthy, Edgewise Environmental • Jason Kelly, DFO • Mark Ploughman, eDNAtec • Kelley Santos, Canadian Integrated Ocean Observing System (Marine Institute) • Tilman Bieger, DFO • Gillian Savage-Knight, ExxonMobil Canada Ltd. • Danielle Speers, Imperial Oil Ltd. • Mark Stephen, Transocean • Mike White, Nalcor Energy – Oil and Gas • Sabina Wilhelm, ECCC • Sydney Worthman, ECCC • David Pinsent, BHP • Julie Diamond, DFO • Trudy Wells, Suncor Energy • Rhiannon Davies, ExxonMobil Canada Ltd. • Ralph Evans, Transocean 	
<p>Participants (Internal)</p>	<p><u>Committee Members:</u> Gerald Anderson Garth Bangay Wes Foote Maureen Murphy Rustad Keith Storey</p> <p><u>Facilitator:</u> Carole Spicer</p>	<p><u>Regional Assessment Task Team:</u> <i>Impact Assessment Agency of Canada (IAAC)</i> Steve Bonnell Virginia Crawford Jeff Janes Erin Stapleton</p> <p><i>Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)</i> Elizabeth Young Tim Murphy</p> <p><i>Government of Newfoundland and Labrador</i> Chris Carter</p> <p><i>Natural Resources Canada</i> Melissa Preston</p> <p><u>Observers</u> Jill Adams, IAAC Stephanie Lane, IAAC</p>
<p>Session Summary</p>	<p>Draft recommendations (morning)</p> <ol style="list-style-type: none"> 1. Some participants expressed concern that they only had 24 hours to review the recommendations. The Committee acknowledged that this was a short amount of time, but explained that this was intended as an interim step in the process, to allow for some initial input into the draft recommendations prior to the draft RA 	

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report. The Committee also clarified that this step was not a requirement of its terms of reference, but something that they chose to do to “kick the tires” on the draft recommendations with key groups to get some very early feedback. The Committee welcomed participants to submit additional comments by end of day Friday. All parties will have 30 days to review and provide formal input on these and other aspects of the Regional Assessment report once it is released for public review in early 2020.

2. The facilitator lead the participants through an “interview” process based on four questions:
 - What is missing from the Committee’s recommendations?
 - What are the strengths of the Committee’s recommendations?
 - What are the weaknesses of the Committee’s recommendations?
 - How do these recommendations improve the efficiency of the environmental approval process while ensuring that environmental protection standards are applied and maintained?
3. The participants recorded their notes anonymously on the worksheet provided. The participants were then grouped according to the four questions, summarized the responses received on a flip chart, and reported the results to the room. All participants were given the opportunity to add to flip chart notes, and to ask questions and seek clarification from the other participants, Committee and Task team. The Committee and Task Team were also invited to ask questions of the participants to clarify responses.
4. The notes provided below are a summary of what was recorded on the flip charts; these reflect the perspectives and opinions of the participants.

What is missing from the Committee’s recommendations?

1. How to operationalize/implement the recommendations - including defining clear, achievable outcomes; identifying which agency/department (e.g., DFO, ECCC) would be responsible for the various actions/tasks; and identifying how to address and who is responsible for addressing data gaps.
2. Direct incorporation of climate change into the recommendations.
3. The “showstoppers” need to be defined (i.e., if we do not have x we cannot move forward with Y).
4. Missing clear linkages / discussion of cumulative effects.
5. No mention of digitalization/new technologies for use in data input. Provide incentives and allow flexibility of how data is collected (i.e., fine to mandate what information is required but not necessarily the method by which data is collected and provided).
6. Lacking specific references to some components of exploratory drilling (i.e. wellsite surveys).
7. More research/consultation on what studies are/are not included (i.e., data verification, data replication).

What are the strengths of the Committee’s recommendations?

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1. General strengths identified were: the GIS decision-support tool (data and information sharing, “evergreen”); provision of certainty and transparency; based on broad engagement; identification of knowledge and research gaps; and improved monitoring and reporting (full cycle).
2. Specific recommendations identified in the context of strengths were: #16 (light pollution detail), #19 (dedicated, trained seabird observers) and #23 (scientific approach).

What are the weaknesses of the Committee’s recommendations?

1. General weaknesses identified were: lack of detail on implementation of the recommendations (e.g., timeline); exclusion of climate change and GHGs; too ambiguous in some cases; too prescriptive in other cases.
2. Missed opportunity to limit exploration in areas offshore that limit bottom trawling (bottom contact fishing).
3. Concern that the April 2020 deadline for final report is affecting the ability to gather all applicable data for the GIS – will the system have the information the stakeholders need?

How do these recommendations improve the efficiency of the environmental approval process while ensuring that environmental protection standards are applied and maintained?

1. There is uncertainty on how to move from the theoretical recommendations to practical implementation, and if the C-NLOPB will have the capacity to carry out the responsibilities placed upon them via the recommendations.
2. There is uncertainty if the Regional Assessment will improve efficiency, and concern that the accelerated timeline may actually hamper efficiency (e.g., missing information, not a thorough assessment, etc.). However, having all information in one place (in the GIS) and consistent updates of that information will make the process more efficient in the long term.

GIS decision-support tool (afternoon), presented by Steve Bonnell and Jeff Janes (IAAC)

Demonstration of the GIS decision-support tool

1. Overview of the procurement process and retention of ICI (contractor assisting with the GIS tool).
2. Explanation of how the GIS fits in with the Regional Assessment Report with reference to the Table of Contents handout (i.e., supporting technical modules are in the GIS while the report has the methods, setting, effects, Committee recommendations, etc.).
3. The GIS holds data for the Study Area and applicable to the Regional Assessment. Any data with a temporal component can be filtered by year. Additional data for other areas in the offshore environment may be captured as the Regional Assessment is updated over time, but currently the data within the GIS pertains to the Study Area.

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Comments on the GIS decision-support tool

1. ECCC suggested adding polygon data for the bird tracking data, and was pleased to see light pollution information included.
2. Who would own the GIS and who is responsible for updating it? It will likely be housed within the IAAC. Potential direct link (data storage) on federal geospatial platforms once these are operational. The Committee referenced recommendations that address the ownership and maintenance of the GIS.
4. How will the GIS tool link to the regulation and how it will be used operationally? The Committee feels the GIS is useful for communication, identifies data-poor areas, and can also inform the C-NLOPB's licensing process. For the first time, the non-expert can have access to a wealth of information.
5. Will the GIS would include a qualifier on data (i.e., where an area is data poor, is it a lack of coverage for the area)? The Committee said where there is a general lack of information for certain areas within the Study Area and the report describes these areas when relevant.
6. Is Indigenous Knowledge incorporated into the GIS? The Committee replied that there is on-going co-creation of a draft report section, and IK is also woven through the draft report. As of the session, no IK geospatial data had been provided that could be integrated into the GIS, but very much open to discussing and receiving information for inclusion in the GIS.
7. Live vessel traffic data should be included to provide an overview of shipping density within the Study Area.

Draft recommendations (afternoon)

1. The facilitator provided a final opportunity for the participants to give feedback to the Committee on the draft recommendations and/or the GIS. Participants were invited to note their comments (as general or as specific as they wanted) on sticky notes and to post them on a flip chart under the applicable theme (where a. through c. are the high-level categories from the draft recommendations):
 - a. Environmental Information
 - b. Avoiding and Reducing Effects
 - c. Procedural Recommendations
 - d. Other (feedback on the GIS and anything else not captured in a. through c.)
2. The notes provided below are a summary of what was recorded on the flip charts; these reflect the perspectives and opinions of the participants.

A - Environmental Information

1. Recommendations should not prescribe methods of data acquisition (specifying standard of data is ok).
2. Recommendations related to DFO activities needed to provide more information on resourcing and timeliness.
3. There were several comments on Recommendation #4 (increased research on Leach's storm petrel), from support for keeping as written to it being too

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ambiguous. It was also suggested the reference to “recently observed population declines” be removed “as decline is likely multi-faceted.”

4. Recommendation #17 (more comprehensive monitoring program) should be applied across the board (i.e., apply to all potential effects, not just light attraction).

B - Avoiding and Reducing Effects

1. Displacement of the fishing industry remains a concern. It is location dependent, and needs to be considered on a case-by-case, well-by-well basis.
2. Add a recommendation for continuous oil spill monitoring.
3. One participant requested Recommendation #12 (trained seabird observers) be kept as is, while another participant expressed concern regarding compliance while a training standard is being developed.
4. There were diverging views on Recommendation #13 (Fisheries Communication Plan). One participant felt it should not be tied to the Operation Authorization process, and should not be included in the Regional Assessment since it is under the purview of the C-NLOPB. Another participant does not believe the C-NLOPB has this requirement under its authority currently, but is needed based on the proposed increased level of activity to be anticipated in the offshore in the coming years. Issuing a notice to shipping moments before a safety zone is about to be put around a drilling rig (what is often done now) is not sufficient notice for harvesters.
5. Recommendation # 15 (Benefits Plans and Diversity Plans) would not be beneficial in the context of a drill program (short duration), and should not be included in the Regional Assessment.
6. There were several conflicting comments on Recommendation # 16 (minimizing light attraction effects on migratory birds), from keeping as written to removing all requirements listed in a through g. One participant requested 16f expand the limiting of flaring (from not just a mitigation measures for birds to a means to reduce GHG impacts). One participant noted they did not understand the concern with flaring and birds, and requested additional information to back up the recommendation. Another participant noted more data and guidance on lighting is required and suggestion to consult with other operating areas of the world to provide more information.
7. There were several conflicting comments on Recommendation #17 (more comprehensive monitoring program), from keeping as written to believing it was out of the scope of the Regional Assessment.
8. Keep Recommendation #18 (seabird standings awareness in training) as written.
9. Keep Recommendation #19 (protocols for systematic surveys of stranded birds) as written.
10. Some participants support the recommendation that no portion of the Study Area be excluded from future exploration drilling activities (page 5). Other participants are concerned with this statement and believe there should be no-go areas (e.g., those areas closed to bottom trawling and areas that are important to commercial fishing grounds).

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11. Recommendation #23 (scientific review and analysis of special areas) should be revised to that these special areas be closed to exploratory drilling activities until the recommended scientific review and analysis is complete.

C - Procedural Recommendations

1. General comment regarding ambiguity of some recommendations.
2. Does annual review mean annual changes to regulations (which would result in different requirements for each new EL)?
3. Is possible to have some of the recommendations inform a guideline rather than a regulation?
4. Since the Regional Assessment is “evergreen”, there must be room for innovation in the future.
5. Support for the “grandfather” clause.
6. Include a statement of objective by the Committee to guide implementation.
7. Recommendation #20 (drilling activity in marine refuge or NAFO fisheries closure area) should include specific information regarding the time associated with the DFO decision and requirements.
8. One participant noted that Recommendation #25 (provision of imagery around nature and extent of oil spill as part of notification to Indigenous groups) is not needed as mapping is already provided to C-NLOPB, while another requested documentation of any marine mammal or birds or other species in the spill region.
9. Long-term sustainability is key to Recommendation #26 (future update to Regional Assessment based on forthcoming guidance on mitigating effects to corals and sponges), including funding, developing technological capacity, and accessibility to updated information going forward.
10. Add a new recommendation “28b” to Recommendation #28 (use of Regional Assessment in C-NLOPB land tenure process) – An assessment of cumulative risk must be carried out before exemptions are granted via the Ministerial regulation
11. Recommendation #32 (seeking exemption from IAA) is very different from what was communicated to operators by the IAAC. Understood it would only be notification, not decision.
12. Provide details regarding funding for the Indigenous engagement required in Recommendation #32(b) (operator engagement of Indigenous and stakeholder groups when seeking exemption from IAA).
13. Support for Recommendation #36 (signatories to Regional Assessment Agreement publicly communicate plans for housing, maintenance and use of the GIS).

D – Other

1. Separate recommendations into two sections – one section for what to include in the regulation, and one section for data requests/requests to agencies.
2. Consider socioeconomic benefits to offshore exploration.
3. Targeted project approval timelines should be a measured metric of success.
4. Climate change and GHGs

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	<ul style="list-style-type: none">• Climate expectations (GHGs) need to be clear and explicit• GHGs are absent but would seem to be important for many reasons <ol style="list-style-type: none">5. Provide incentives to and reward proponents participation in environmental R&D.6. Provide details on the expected timelines for various agencies to complete their recommended studies.7. Provide details on the requirements of Diversity Plans.
Follow-up / Action items	<ol style="list-style-type: none">1. All participants invited to submit additional comments via email to Erin Stapleton by end of day Friday.2. Committee to meet Monday and Tuesday to review/revise draft recommendations in consideration of today's session and any submissions received over the weekend.
Prepared By:	Erin Stapleton