

<b>REGIONAL ASSESSMENT OF OFFSHORE OIL AND GAS EXPLORATORY DRILLING EAST OF NEWFOUNDLAND AND LABRADOR</b> <b>Engagement Activity / Meeting Notes</b> Date finalized: January 16, 2020	
<b>Date and Time / Duration</b>	Thursday, December 6, 2019 9:00 a.m. – 4:00 p.m.
<b>Location</b>	The Hollis Halifax 1649 Hollis Street, Halifax, Nova Scotia
<b>Organization(s)</b>	<ul style="list-style-type: none"> <li>• Atlantic Policy Congress of First Nations Chiefs Secretariat</li> <li>• Balaena Institute</li> <li>• Canadian Association of Petroleum Producers (CAPP)</li> <li>• East Coast Environmental Law (ECE Law)</li> <li>• Ecology Action Centre</li> <li>• Environment and Climate Change Canada (ECCC)</li> <li>• Health Canada</li> <li>• Mi'gmawe'l Tplu'taqnn Incorporated</li> <li>• Natural Resources Canada (NRCan)</li> <li>• Northern Peninsula Mi'kmaq Band</li> <li>• Northwest Atlantic Fisheries Organization (NAFO)</li> <li>• NunatuKavut Community Council (NCC)</li> <li>• Oceans North</li> <li>• Sierra Club Canada Foundation</li> <li>• Suncor Energy Inc.</li> <li>• Transport Canada</li> <li>• World Wildlife Fund Canada (WWF-Canada)</li> <li>• Wolasteqay Nation in New Brunswick (WNNB)</li> </ul>
<b>Participants (External)</b>	<u>In-person:</u> <ul style="list-style-type: none"> <li>• Stephanie Avery-Gomm, ECCC</li> <li>• Tom Blasdale, NAFO</li> <li>• Marcy Cloud, Mi'gmawe'l Tplu'taqnn Incorporated</li> <li>• Garry Donaldson, ECCC</li> <li>• Mitch Downton, Atlantic Policy Congress of First Nations Chiefs Secretariat</li> <li>• Ricardo Federizon, NAFO</li> <li>• Gretchen Fitzgerald, Sierra Club Canada Foundation</li> <li>• Jason Flanagan, Transport Canada</li> <li>• Laura Freyer, Balaena Institute</li> <li>• Susanna Fuller, Oceans North</li> <li>• Maximilien Genest, NRCan</li> <li>• Carina Gjerdrum, ECCC</li> <li>• Michael Hingston, ECCC</li> <li>• Geoff Hurley, CAPP</li> <li>• Greg Janes, Suncor</li> <li>• Fred Kingston, NAFO</li> <li>• Mike Kofahl, ECE Law</li> <li>• Mildred Lavers, Northern Peninsula Mi'kmaq Band</li> <li>• Macaroy Lavers, Northern Peninsula Mi'kmaq Band</li> </ul>

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	<ul style="list-style-type: none"> <li>• Keith MacMaster, Ecology Action Centre</li> <li>• Lance Richardson-Prager, Health Canada</li> <li>• Sara Rumbolt, Health Canada</li> <li>• Sarah Saunders, WWF-Canada</li> <li>• Jordy Thomson, Ecology Action Centre</li> <li>• Becky Whittam, ECCC</li> <li>• Sarah Wong, ECCC</li> <li>• Bryn Wood, NCC</li> <li>• Kaleb Zelman, WNNB</li> </ul>		
<p><b>Participants (Internal)</b></p>	<table border="1"> <tr> <td data-bbox="391 627 789 1505"> <p><u>Committee Members:</u> Gerald Anderson Garth Bangay Wes Foote Maureen Murphy Rustad Keith Storey</p> <p><u>Facilitator:</u> Carole Spicer</p> </td> <td data-bbox="789 627 1476 1505"> <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</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> Cheryl Benjamin, IAAC Stephanie Lane, IAAC Shauna O'Brien, IAAC Melissa Oldreive, Nova Scotia Energy &amp; Mines Janice Ray, C-NSOPB Laura Wright, C-NSOPB</p> </td> </tr> </table>	<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</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> Cheryl Benjamin, IAAC Stephanie Lane, IAAC Shauna O'Brien, IAAC Melissa Oldreive, Nova Scotia Energy &amp; Mines Janice Ray, C-NSOPB Laura Wright, C-NSOPB</p>
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<p><b>Session Notes</b></p>	<p><b>Draft recommendations (morning)</b></p> <ol style="list-style-type: none"> <li>1. Some participants expressed concern that they only had 48 hours to review the recommendations, and noted that having the report as context to recommendations and more information on process would help in their review of 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 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</li> </ol>		

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comments by end of day Sunday. 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:
  - a. What is missing from the Committee’s recommendations?
  - b. What are the strengths of the Committee’s recommendations?
  - c. What are the weaknesses of the Committee’s recommendations?
  - d. 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. The language needs to be stronger – “must” instead of “should”.
2. Direct incorporation of climate change, human health, effects of dispersants (on the environment or on human health) into the recommendations.
3. Some participants (outside of the 41 Indigenous groups being engaged and consulted in this process) noted an overall lack of clarity on the Indigenous engagement process with the Committee to date, how that relates to and differs from the Crown Duty to Consult, and how Indigenous Knowledge is being incorporated into the Regional Assessment. There needs to be a recommendation specific to Indigenous Knowledge studies.
4. It is not clear exactly how the GIS will be used and maintained, where the data came from, and if the data is accurate.
5. There is little information on implementation of the recommendations (details needed on process and timeline).
6. It is unclear how cumulative effects are addressed/cumulative effects assessment is completely missing.
7. There is nothing in the recommendations on temporal/spatial exclusion zones.
8. There is no clear linkage between existing data and recommendations.

***What are the strengths of the Committee’s recommendations?***

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1. Several strengths were identified: early engagement of Indigenous groups; addressing specific VCs (e.g., salmon, birds); addressing research and monitoring gaps; and having multiple datasets in one platform (in the GIS).
2. Some participants felt there were no strengths.

***What are the weaknesses of the Committee's recommendations?***

1. General weaknesses identified were: use of "should" rather than "must"; lack of detail on implementation of the recommendations; exclusion of climate change, human health, socio-economic impacts; lacking in cumulative effects assessment; no areas are "off-limits"; mitigation is status quo; does not comply with IAA (factors to be considered).
2. Indigenous consultation and process for incorporation of Indigenous Knowledge is unclear.
3. The recommendations speak to data gaps, but there is not enough time to gather adequate information to address these gaps before the Regional Assessment is complete.
4. No acknowledgement of Canada's international obligations (Paris Agreement, Convention on Biological Diversity, Sustainable Development Goals, NAFO).
5. Unclear on how the GIS will/should be used.
6. Unclear on process for incorporating new scientific information into decisions moving forward.

***How do these recommendations improve the efficiency of the environmental approvals process while ensuring that environmental protection standards are applied and maintained?*** (A participant noted that the word "approvals" in this question should actually be "assessment.")

1. The Regional Assessment removes the ability for Indigenous and stakeholder groups to understand environmental impacts, and removes the public comment period and process. There is no mechanism for project review.
2. The role of federal experts in the environmental review process is unclear.
3. Gaps remain when it comes to cumulative effects assessment and management, and application of the precautionary principles.
4. Lost opportunity to set aside areas that exclude exploration drilling. Federal agencies should be asked if there are areas where exploration drilling should be excluded.
5. There is no mention of climate or human health in the recommendations.
6. Lost opportunity to achieve better cumulative effects assessment.
7. Reduces administrative burden for federal departments, but the process is less rigorous than it is currently.
8. Consistent requirements for all projects, and gives the proponent list of preplanned requirements and mitigation measures.
9. GIS data platform useful to have all information in one place and available, and project level IA could be improved by data availability.

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**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).

***Comments on the GIS decision-support tool***

1. Who is responsible for the data and its accuracy? The department who owns/issued the data is responsible for it.
2. Is the metadata included? The metadata is a standardized data summary sheet.
3. Will you be able to export data for a selected area? You will be able to highlight an area of interest on the map using existing polygons. You will be able to view data associated with that area but will not be able to export data from the system.
4. Suggestion to make the tool color-blind friendly.
5. Does the tool get into risk assessment (e.g., green, amber, red)? Not at this time, but can be worked into recommendations for future development.
6. Was there a call for data? Committee has been working with various federal agencies to acquire data, and through the Technical Advisory Group (TAG) process also invited anyone to suggest/provide data for consideration (TAG sessions, literature review opportunity).
7. Suggestion to include Environmental Studies Research Fund data.
8. Are marine geohazards included? No - that is a site-specific dataset.
9. Where is the observation data from operators in relation to the Regional Assessment? Operators submit seabird observation data ECCC Canadian Wildlife Service (CWS).

***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.

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***A - Environmental Information***

1. There were several comments on Recommendation #1 (the Regional Assessment is a living and evergreen product). Define what evergreen means, and clarify what would trigger an update (outside of the annual review). There needs to be a clear plan for keeping it evergreen, including who is responsible for the review and updates, along with adequate resources to do so. One participant would like to see oil spill modelling reviewed yearly.
2. How will information from Recommendations #2 (incorporation of currently ongoing or planned studies and scientific reviews) and #3 (accelerate DFO research on Atlantic salmon) be incorporated into the Regional Assessment and factored into decision-making?
3. Recommendation #3 (accelerate DFO research on Atlantic salmon) should include American eel.
4. Recommendation #4 (increased research on Leach's storm petrel) should be expanded to include other species, including common and thick-billed murre.
5. Concrete steps are needed to ensure Recommendation #7 (sharing and use of fisheries information between C-NLOPB, operators, DFO and fishing industry) occurs.
6. Regarding Recommendation #8 (sharing information and knowledge about key environmental components and sensitives) - develop a process that allows Indigenous Knowledge to be shared and weighted equally alongside scientific data for decision-making.
7. Standard mitigation (Attachment A) may not be the best mitigation, and may not meet criteria of the new IAA.
8. The Regional Assessment review process should be determined by IAAC.
9. Asking other government agencies to change research priorities shifts accountability and is unlikely to work. Recommendations related to increased research will need to come with significant resources.
10. Future risk assessment should include predictions with multiple projects.
11. Combine biological data layers to create a composite index of data deficient areas.
12. It is unclear how the GIS tool integrates with the IA risk assessment process.

***B - Avoiding and Reducing Effects***

1. Recommendation # 11 (apply mitigation and follow-up measures from recent conditions of approval to all future exploratory drilling projects) introduces redundancy between the project-specific conditions and the Regional Assessment recommendations. The current mitigation is not enough under the IAA.
2. How is ECCC CWS defining the training and competencies referred to in Recommendation #12 (trained and experienced seabird observers)?
3. There are diverging views on Recommendation # 12 (trained and experienced seabird observers) – some believe an observer is not needed on both the rig and vessel, while others believe the recommendation should remain as written.

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4. The two month notification described in Recommendation #14 (notification prior to starting a well) is too prescriptive - there may be changes to a drilling program schedule.
5. The C-NLOPB regulations will require revision to make proposed changes in Recommendation #15 (Benefits Plans and Diversity Plans).
6. Recommendation #16 (operators to minimize light attraction effects on migratory birds) but should be cognizant of safety of the people on installation.
7. The precautionary approach mentioned in the preamble to Recommendation # 20 (future exploratory drilling in special areas) should be applied to the Regional Assessment as a whole.
8. The Committee is not recommending exclusion zones (page 5). The recommendations that follow (#20-23) are not an acceptable alternative. The "non-recommendation" should be revised to acknowledge there are portions of the Study Area that should be off-limits.
9. Without a risk assessment, areas to be exempt from IA cannot be identified.
10. Recommendation #20 (future exploratory drilling in special areas) should include consultation with ECCC-CWS (marine and migratory birds aspect), and should allow for recognition of potential future protection of Marine National Wildlife Areas. It should be ECCC or IAAC that determines whether effects are adequately mitigated.
11. Recommendation # 20 (future exploratory drilling in special areas) is confusing. How can exploratory drilling be exempt from the IA process in an area closed to other activities? Regulators should be asked very specifically if they feel there are areas that should be off limits, and scientists should be asked for their advice on exclusion areas. All projects in sensitive areas should undergo impact assessment.
12. Recommendation #21 (identification of future research programs to fill data gaps) does not explain what happens if those gaps are not addressed.
13. Recommendation # 23 (scientific review and analysis to determine need for additional mitigation or follow-up) is not a legitimate alternative to exclusion zones. These special areas need to be off limits to exploratory drilling. The science has been done and these areas are already recognized as special. More review and analysis is not needed.
14. Recommendation # 24 (adequate and appropriate modelling for exempt projects) ignores gas leaks and blowouts.
15. If the drilling program is as defined in the Regional Assessment, extra modelling should not be required as described in Recommendation #24 (adequate and appropriate modelling for exempt projects).
16. With respect to Recommendation #27 (potential revisions to the Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment), DFO is not the only expert on this topic. There is new information and science since 2005, and this should be included in an interim policy.
17. Managing cumulative effects through planning (page 7) will need expert support related to valued components and related efforts to feed into planning process. A cumulative effects assessment must be done at the regional level, as it is inadequately done at the project level.

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18. Recommendation #29 (C-NLOPB use of the Regional Assessment) passes the buck on cumulative effects.
19. The Marine Spatial Planning process referenced in Recommendations # 29 and 30 has not started yet. The Regional Assessment GIS platform would be useful to help inform this MSP process.
20. Mitigation requirements for marine mammals (Attachment A) are dated. PAM needs to be required for marine mammal monitoring. Newfoundland is foggy. Visual surveys are ineffective and operating at night precludes any consideration of marine mammals.
21. Add a recommendation that recognizes capelin (as a food source for birds and animals) and seabed spawners (demersal versus coastal).
22. Add a recommendation that describes a workflow for Indigenous Knowledge, monitoring data and research data to be added to GIS platform and Ministerial Regulation.
23. There is no information in the recommendations on the toxicity of oil, or acknowledgement of warmer ocean temperatures due to climate change.
24. There is no information in the recommendations on methane leaks, releases or blowouts, and their impacts on marine life and sea floor.
25. Health Canada is interested in a discussion about dispersant use if there is an oil spill blow out of container/mud spill and if there is an impact to marine fisheries (both commercial and Indigenous). Note this is not a comment on any specific recommendation.

***C - Procedural Recommendations***

1. Recommendation # 32 needs to provide a list of conditions that must be met before a project is exempt for a project IA, and a better description of the other regulatory processes that might address remaining issues. Meeting existing conditions is not enough.
2. The 30-day public review period in Recommendation # 32(c) is too short. 32(c) should also specifically mention notification to Indigenous groups.
3. For Recommendation #33 (review and update of Ministerial Regulation), clarify / define what "warrants" means, and develop criteria to determine when reviews and updates should occur.
4. Some participants do not agree with Recommendation #34 (grandfathering) and believe nothing should be grandfathered.
5. There were mixed views on Recommendation #35 (focused scope of project-specific impact assessments): it is an unacceptable limitation; if not exempt, there must be a full project assessment; the proposal too complicated to implement.
6. The Regional Assessment Advisory Committee (Recommendation #37) needs to provide oversight on environmental gaps and plans to address. There needs to be a clear process moving forward that allows addition of new research/mitigation into the assessment process.
7. While not a recommendation, show how the Duty to Consult has been discharged.



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	<p>8. There is a focus on creating exemptions rather than on the protection of environment.</p> <p><b><i>D – Other</i></b></p> <ol style="list-style-type: none"> <li>1. The GIS tool should: <ul style="list-style-type: none"> <li>• align with Open Science data platform</li> <li>• be capable of conducting risk assessment / quantitative analysis (and there needs to be a recommendation on this specifically)</li> </ul> </li> <li>2. The GIS should include: <ul style="list-style-type: none"> <li>• cumulative effects modeling</li> <li>• strategic oil spill modelling simulation</li> <li>• predictive data (e.g., what is the footprint of seismic, oil spill?)</li> <li>• ESRF data on sound</li> <li>• white shark telemetry, sea turtle and marine mammal telemetry</li> <li>• industry observer marine mammal and seabird sightings data</li> <li>• an option for Indigenous groups to submit their own data if they choose</li> </ul> </li> <li>3. More clarity is needed regarding how the GIS tool will be used in decision-making. The Committee’s distinction between decision making and decision support is artificial /not useful.</li> <li>4. Several suggestions to change “should” to “must” for many recommendations.</li> <li>5. The recommendations have not addressed Areas Beyond National Jurisdiction - what is our duty to the world to protect biodiversity?</li> <li>6. The recommendations have not addressed climate change.</li> <li>7. Future Regional Assessments must include risk assessment, and cumulative effects assessment and management plan.</li> <li>8. Future Regional Assessments must have a more transparent process and a more appropriate timeframe.</li> <li>9. The recommendations have identified information and data deficiencies and gaps. The time should be taken now to fill some of these gaps before finalizing recommendations. Timing should not be a constraint and should not get in the way of good process.</li> </ol>
<p><b>Follow-up / Action items</b></p>	<ol style="list-style-type: none"> <li>1. Committee invited all participants to submit additional comments via email to Erin Stapleton by end of day Sunday.</li> <li>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.</li> </ol>
<p><b>Prepared By:</b></p>	<p>Erin Stapleton</p>