

February 21, 2020

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Co-Chair, Regional Assessment Committee  
Impact Assessment Agency  
10 Barbers Hill, Suite 301  
St. Johns, NL, A1C 6M1

Mr. Wes Foote  
Co-Chair, Regional Assessment Committee  
Impact Assessment Agency  
10 Barbers Hill, Suite 301  
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Dear Regional Assessment Committee Co-Chairs,

**RE: CAPP response to the Regional Assessment Committee on the Draft Regional Assessment Report**

The Canadian Association of Petroleum Producers (CAPP) represents companies, large and small, that explore for, develop and produce natural gas and crude oil throughout Canada. CAPP's member companies produce about 80 per cent of Canada's natural gas and crude oil.

CAPP acknowledges the effort of the Regional Assessment Committee (RAC) in completing the draft - Regional Assessment (RA) of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador report. CAPP attended all of the Technical Advisory Group sessions and has provided submissions in response to the RA. All of our submissions were developed through engagement with our members. Accordingly, CAPP appreciates the opportunity to provide feedback on the draft RA report.

As outlined in our past submissions, CAPP would like to reiterate that we support the concept of RA and its potential to serve as an effective process for exemption of certain types of projects or activities to the federal impact assessment process. Energy projects can be and are developed in a responsible manner for the benefit of all Canadians. To achieve the desired certainty and consistency, processes need to have predictable costs and timelines as well as well-defined scopes. Without these elements, investment in Canada's resources will continue to diminish.

The independent RAC process for undertaking the RA has been useful in reaffirming that the activity of exploration drilling does not meet the criteria set out in the *Impact Assessment Act* for designating

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projects with the “greatest potential for adverse and complex effects in areas of federal jurisdiction related to the environment” and therefore does not belong on the Designated Project List (DPL).

The Impact Assessment Agency and ultimately the Minister of Environment and Climate Change Canada should not have the sole authority to determine whether offshore exploration projects remain on the DPL in jurisdictions where joint management agreements such as Nova Scotia and Newfoundland and Labrador are in place.

This submission responds to the draft recommendations outlined by the RAC. We are committed to ongoing engagement to develop policy options that allow Canada’s offshore oil and gas industry to remain viable and competitive while meeting our mutual desire to protect the environment and to better serve all Canadians. For questions or follow up related to the submission please contact me at (709) 724-4200.

Sincerely,



R. Paul Barnes  
Director, Atlantic Canada and Arctic  
Canadian Association of Petroleum Producers

Encl.

- Submission – CAPP Detailed Comments on Regional Assessment Committee Recommendations



CAPP Comments on the Draft  
Regional Assessment of Offshore Oil  
and Gas Exploratory Drilling East of  
Newfoundland and Labrador report

February/2020

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The Canadian Association of Petroleum Producers (CAPP) represents companies, large and small, that explore for, develop and produce natural gas and crude oil throughout Canada. CAPP's member companies produce about 80 per cent of Canada's natural gas and crude oil. CAPP's associate members provide a wide range of services that support the upstream crude oil and natural gas industry. Together CAPP's members and associate members are an important part of a national industry with revenues from crude oil and natural gas production of about \$120 billion a year. CAPP's mission, on behalf of the Canadian upstream crude oil and natural gas industry, is to advocate for and enable economic competitiveness and safe, environmentally and socially responsible performance.

**DISCLAIMER**

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## 1 Introduction

CAPP continues to support the concept of RA and its potential to serve as an effective process for exemption to the federal impact assessment process and acknowledges the effort of the RAC and Task Team in completing the draft report Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador.

The independent committee process for undertaking the RA has been useful in reaffirming that the activity of exploration drilling does not meet the criteria as defined in the *Impact Assessment Act* for projects with the “greatest potential for adverse and complex effects in areas of federal jurisdiction related to the environment” and therefore does not belong on the Designated Projects List (DPL).

This is demonstrated by the following report findings:

- Consistent findings across individual exploration projects and assessments as documented in individual operator’s Environmental Impact Statements;
- The RA report does not define specific locations, times or other circumstances where additional or enhanced mitigation requirements should be applied;
- The risk of a blowout occurring is low given mitigations are in place to prevent and respond to incidents;
- Exploratory drilling activity itself is unlikely to impact Canada’s ability to meet its emissions targets; and
- Given spatial and temporal concentrations of offshore activity associated cumulative effects are unlikely.

As currently written the RA report does not provide a clear path for exemption from the federal Impact Assessment process. More specifically, exemption criteria are absent and should be considered in the final report. Without clear criteria for exemption, regulation will be open to ambiguity and the process will be unclear for proponents regarding the requirements that must be met in order to be exempt from the federal Impact Assessment process. This must include the information a proponent (operator) is required to provide to the Impact Assessment Agency of Canada (IAAC) in order for an exemption to be granted.

The exemption must be granted by the IAAC in a timely manner and CAPP is advocating for an offshore Board approval timeline for exploration wells in line with other international jurisdictions with stringent environmental assessment processes such as Norway and the UK. We are concerned with the unknown timeline for consultation and granting of an exemption from the federal impact assessment coupled with a yet to be defined offshore Board process will not create an Atlantic Canada oil and gas industry that is able to compete with other international jurisdictions.

CAPP members wish to emphasize the importance of establishing and maintaining regulatory processes that provide certainty and consistency for Indigenous communities and the public as well as for resource developers and investors. To achieve certainty and consistency, regulatory processes need to have predictable outcomes, costs, timelines and a well-defined scope. In addition, the decision-making process has to be transparent for all parties involved. Without these elements, investment in Canada's resources will continue to diminish as cited by CAPP in our 2018 Economic Report Series.

It is critical through mechanisms such as the RA that Newfoundland and Labrador work to reduce regulatory burden that will allow local oil and gas activity to be competitive with other offshore jurisdictions.

## 2 Top Priority Recommendations of Concern to Industry

CAPP is concerned with a number of the draft recommendations in particular 2, 8, 9, 10, 12, 14, and 17 as outlined below:

**Committee Recommendation 2:** Operators undertaking exploratory drilling activity in the Study Area should be required to assign trained (to Environment and Climate Change Canada – Canadian Wildlife Service (ECCC-CWS) standards, once finalized) and experienced seabird observers on drill rigs and supply vessels, whose primary responsibility is to make observations and collect seabird survey data during these activities (Section 4.6.1, p 113).

**CAPP response:** ECCC-CWS is working to define what training, qualifications and experience a wildlife observer should have. CAPP recommends revising this performance-based recommendation to the following: "Operators undertaking exploratory drilling activity in the Study Area be required to make observations and collect seabird survey data." This would give operators and regulators the flexibility for how this is done e.g. people, technology or both. CAPP recommends this be discussed between operators, offshore Boards and regulators regarding the best approach to collecting seabird survey data during exploration activities.

**Committee Recommendation 8:** For any future exploratory drilling activities in the Study Area that are proposed to occur within a currently defined Marine Refuge (Fisheries and Oceans Canada, DFO) or a Northwest Atlantic Fisheries Organization (Northwest Atlantic Fisheries Organization, NAFO) Fisheries Closure Area, any exemption from the federal IA process be contingent on the operator demonstrating that any risks to intended biodiversity / conservation outcomes of that area will be avoided or mitigated.

Specifically, it is recommended that the operator be required to outline, in its project notification to the Impact Assessment Agency of Canada (IAAC) (see Section 8.1.2 below), its plans (to be developed in consultation with DFO) to address any effects of these activities on the various environmental characteristics and sensitivities present within the special area(s). In the case of a Marine Refuge, it is recommended that the operator be required to provide evidence in that submission that the Minister of DFO is satisfied that that risks to intended biodiversity outcomes are avoided or mitigated as per existing DFO policy, and that this determination by DFO be made on clearly defined criteria which should be clearly referenced in the above (Section 4.6.2, p 115).

**CAPP response:** CAPP recommends this recommendation be updated based on the following considerations. To address presence or potential effects of exploration activities on the various environmental characteristics and sensitivities present within the special area(s) CAPP prefers an approach whereby the proponent develops and conducts, in consultation with Fisheries and Oceans Canada and the Board "a seabed investigation survey to confirm the presence or absence of any aggregations of habitat-forming corals or sponges or any other environmentally

sensitive features, prior to drilling a well.” Conditions for operations in special area(s) have been developed and included in BP Canada’s Newfoundland Orphan Basin Exploration Drilling Project specifically sections 3.6 and 3.9 and should not be duplicated. CAPP supports the development of government policy, however; the process required to “provide evidence in that submission that the Minister of DFO is satisfied that that risks to intended biodiversity outcomes are avoided or mitigated as per existing DFO policy” creates significant uncertainty.

**Committee Recommendation 9:** The Committee recommends that the IAAC consult with Indigenous and stakeholder groups and the public in the development of the above referenced Ministerial Regulation.

**CAPP response:** Consultation should follow the normal Canada Gazette process to ensure transparency and fairness to all. CAPP’s suggested change to the wording of this recommendation is as follows: “The Committee recommends that the IAAC consult with Indigenous and stakeholder groups and the public as per the Canada Gazette process in the development of the above reference Ministerial Regulation”

**Committee Recommendation 10:** It is therefore recommended that any such regulation, and the associated procedures for seeking and confirming such an exemption, include and address the following:

a) The operator seeking such an exemption be required to provide a notification and description of its proposed exploratory drilling activities to the IAAC.

**CAPP response:** No change to this recommendation.

b) In that submission, the operator provide details clearly demonstrating its planned compliance with the conditions for exemption as outlined in that regulation (or demonstrated equivalencies for any measures that are clearly shown to be not technically or economically feasible for that particular program). The operator must also demonstrate that it has undertaken engagement with Indigenous and stakeholder groups on the planned exploratory drilling program in question, including describing the nature and outcomes of that engagement.

**CAPP response:** Knowing the conditions for exemption are a critical component to the success of the RA and need to be addressed in this or another one of the RAC recommendations. Also, without clear criteria for exemption the process is open for interpretation, legal challenge and unpredictable timelines.

Given that consultation was completed during the development of the RA including development of the draft recommendations we recommend that the wording to (b) be changed as per the following: “The operator must also demonstrate that it has undertaken notification level engagement with Indigenous and stakeholder groups...”. Notification includes the opportunity to conduct face-to-face engagement should Indigenous groups wish to avail of a meeting without placing further burden on Indigenous communities to meet with industry.



c) This submission by an operator be announced publicly and made available by the IAAC on its Registry for a 30-day public review period within which all interested parties will have the opportunity to provide input to the IAAC in making the determination referenced below.

**CAPP response:** CAPP does not agree that a 30 day public review period is necessary given the report findings. If a proponent clearly demonstrates that the conditions for exemption and stakeholder notification are met then a decision on conformance should be provided within 30 days of submission. CAPP recommends that in the spirit of one-project-one-review and in respecting the provisions of the Atlantic Accord, that the C-NLOPB perform the functions outlined in 10 (b) through (d).

d) Once a determination has been made by the IAAC whether or not the proposed exploratory drilling program in question is in conformance with the regulation (and thus, whether it is or is not exempt from federal Impact Assessment (IA) requirements), a notification of this outcome be announced publicly and made available by the IAAC on its Registry.

**CAPP response:** No change to this recommendation.

**Committee Recommendation 12:** For any proposed exploratory drilling activities in the Study Area that are not in conformance with the aforementioned regulation, and are thus considered to be a designated project that requires individual IA review, it is recommended that this project-specific IA be scoped to focus on the particular issue(s) that led to requiring this impact assessment (namely, the specific area of nonconformity with the conditions for exemption as outlined in the regulation). This scoping should be clearly reflected in and facilitated through the eventual project-specific guidelines developed and issued by the IAAC.

**CAPP Response:** Without clear criteria for exemption the RA could be exposed to legal challenge. The process for determining non-conformance must also be clearly defined by the IAAC and administered by the offshore Board.

**Committee Recommendation 14:** It is recommended that the above referenced Ministerial Regulation be reviewed and updated as required based on the availability of new information or analysis obtained through an update to this Regional Assessment. The process for updating the regulation should include consultation with Indigenous and stakeholder groups and the public.

**CAPP response:** As this recommendation is currently written, the undefined and unknown timing of reviewing Ministerial Regulation will again cause uncertainty in the process, which is a concern for new investors knowing that the regulation could change at any time. CAPP believes that the review of Ministerial Regulation should only be done on at least a 5 year basis and any new information or analysis be included at this time. Consultation should follow the normal Canada Gazette process to ensure transparency and fairness to all.

**Committee Recommendation 17:** It is recommended that a “Regional Assessment Oversight Committee” be established to provide an on-going and consistent oversight and advisory function for the use and future updating of this Regional Assessment. This Committee should report to senior representatives of each of the Parties that were signatories to the Regional Assessment Agreement, and be supported by IAAC staff, and will provide advice on and help guide (Section 4.6.4, p 117):

- a) The annual review and updating of the Regional Assessment, and the consideration and incorporation of these updates in the review and updating of the associated Ministerial regulation (as required);
- b) Tracking and reporting annually on the progress of the implementation of the Regional Assessment recommendations;
- c) The maintenance and further development of the GIS decision-support tool, including its associated datasets and analytical functionality; and
- d) Reviewing, evaluating and providing advice on the IAAC’s overall Regional Assessment procedures and policies, as informed by the experiences of and any associated lessons learned from this assessment, as well as the manner and effectiveness with which these assessments are being used to inform decision-making.

**CAPP response:** CAPP does not believe a “Regional Assessment Oversight Committee” should be established, nor does it believe an annual review and reporting is necessary. Oversight of the RA must be recognized under the joint management provisions of the Atlantic Accord with responsibility resting with the provincial and federal governments. An annual review and update of the RA seems ambitious and potentially problematic if it results in yearly changes to the regulation governing the exemption (from IA requirements) for exploration wells.

### 3 CAPP's Responses to draft - Regional Assessment Report

**Committee Recommendation 1:** The various mitigation and follow-up measures that have been included as conditions of environmental assessment (EA) approval for recent exploratory drilling projects in the Study Area under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) (as summarized earlier in Section 4.5) should be requirements for all future exploratory drilling projects in the Study Area (Section 4.6.1, p 113).

**CAPP response:** CAPP recommends removing this recommendation as Newfoundland and Labrador (NL) operators are already required to meet the conditions of the EA approval as part of CEAA 2012 requirements which are managed by the offshore Board.

**Committee Recommendation 3:** Operators be required to prepare and submit their Fisheries Communication Plan at the time of, and as part of, their application for an Operations Authorization (OA) from the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB), in order to ensure its timely development and implementation. The communication measures outlined in that Plan should be implemented throughout the OA review and approval process, as well as during the planning and conduct of the proposed exploratory drilling program in question (Section 4.6.1, p 113).

**CAPP response:** No change to this recommendation as engagement with fishers is an inherent part of an operator's communications and operations plans. Meaningful communication is recognized throughout the lifecycle of a project. The requirement for timely development and implementation of the Fisheries Communications Plan must be reciprocal and met with a timely OA approval process.

**Committee Recommendation 4:** Operators undertake notifications as early as possible. commence the notification process at least two months prior to starting a well (as opposed to the two weeks' notice that has previously been specified), and provide subsequent updates and information as these become available. Operators should also be required to demonstrate that (and how) they will provide more timely notifications to these parties regarding planned rig movements (Section 4.6.1, p 113).

**CAPP response:** Operators undertake this notification process now and it is done as early as possible. As timing is dependent of many factors such as weather and regulatory approvals, CAPP recommends the following change to this recommendation: "Operators will endeavor to commence the notification process at least two months prior to starting a well, and will provide subsequent updates..."

**Committee Recommendation 5:** Operators be required to demonstrate concrete, measurable steps to minimize light attraction effects on migratory birds (including the additional mitigation and monitoring requirements outlined previously in Section 4.6) (Section 4.6.1, p 114).

**CAPP response:** This recommendation seems unnecessary and should be removed as this is already accomplished through the C-NLOPB Operations Authorization process and will be

covered as part of the Safety and Environmental Protection Plans. Safety is our first consideration when considering lighting of an offshore installation. While opportunities to reduce extraneous lighting will be evaluated, we are not aware of studies or guidance on how light attraction may be “minimized”. We do support research initiatives in the area to address research gaps, such as the Environmental Studies Research Fund (ESRF).

**Committee Recommendation 6:** In addition to observer-based monitoring, operators should incorporate new technologies (e.g. radar, infrared imaging, high definition aerial surveys, telemetry studies, etc.) as they become available into their seabird monitoring programs to complement research on, and mitigation of, light attraction (Section 4.6.1, p 114).

**CAPP response:** CAPP believes that identifying potential research priorities is outside the scope of the RA and that this recommendation be removed. Operators continue to consider, test and utilize new technologies and committees such as the ESRF East Coast Advisory Committee which is comprised of government, regulators, NGOs, industry, Indigenous, fishers, and research organizations are best placed to identify and evaluate research priorities including new technologies. Any new technologies would likely not be able to be retrofitted on a drilling rig, so this should only be a forward looking item.

**Committee Recommendation 7:** Operators include general awareness regarding seabird strandings as part of their overall training / orientation programs for offshore workers (Section 4.6.1, p 114).

**CAPP response:** No change to this recommendation.

**Committee Recommendation 11:** If, as described above, a determination is made that a proposed drilling program is in conformance with the regulation and thus is exempt from federal impact assessment requirements, it is recommended that such an exemption be linked to a defined time period (grandfathered), such as for the duration of the Exploration Licence in question. This will help allow the operator to plan and implement its drilling program with early and on-going clarity on its obligations, even in the event that there is a future change to the regulation.

**CAPP Response:** CAPP has no concerns with this approach as long as processes and expectations of operators are clearly defined and communicated to proponents.

**Committee Recommendation 13:** It is recommended that the Regional Assessment (including its associated Geographic Information System (GIS) decision-support tool) must be viewed and used as a “living” and “evergreen” product that is reviewed annually and updated as required, which should include identifying and incorporating new or updated information that is relevant to the assessment (Section 3.5.1, p 89).

**CAPP response:** CAPP supports the concept of the Regional Assessment being a “living” and “evergreen” product. However; a clear process for keeping the RA “evergreen” should be

clearly determined by the Impact Assessment Agency and its partners. CAPP recommends a review timeline of every 5 years.

**Committee Recommendation 15:** It is recommended that within four months of the submission of the Regional Assessment Committee’s Final Report, the Parties that were signatories to the Regional Assessment Agreement develop and publicly communicate their plans for the long-term housing, maintenance and use of the Regional Assessment and its associated GIS decision-support tool to Indigenous and stakeholder groups. This should include the development and implementation of clearly defined and documented procedures for future updates to the Regional Assessment, including: a) specifying the roles and responsibilities of other government departments and agencies in such updates through detailed and binding MOUs and associated annual workplans; b) associated data standards and protocols; and c) ensuring that adequate funding and resources are available and committed to by all responsible organizations.

**CAPP response:** No change to this recommendation. As previously stated above, CAPP has no objection to keeping the RA “evergreen”. However as previous stated, reviewing the RA on an annual basis is not a feasible approach to keeping the RA evergreen given that regulations take time and resources to amend.

**Committee Recommendation 16:** The Committee also recommends that all parties with responsibility for one or more recommendations of this Regional Assessment provide regular (annual) updates on the status and implementation of these.

**CAPP response:** CAPP believes this recommendation should be removed. Given the requirements for annual consultations and potential regulatory changes, adding annual reviews for the recommendations is not reasonable.

**Committee Recommendation 18:** It is recommended that this Committee comprise a variety of interests and areas of expertise, including representatives of Indigenous groups, the fishing and oil and gas industries and environmental organizations, selected through established, merit-based, application processes. The Oversight Committee should also have established links with other IAAC advisory committees, including the Indigenous Advisory Committee and the Technical Advisory Committee on Science and Knowledge (Section 4.6.4, p 117).

**CAPP response:** CAPP believes this recommendation should be removed. CAPP does not support a multi-stakeholder approach to annually review and update the RA. This process could be significantly drawn out and time consuming. Industry is concerned that the conditions imposed for exploration drilling will only continue to grow without adding to the health and safety of the workforce or protection to the environment and eroding competitiveness further.

**Committee Recommendation 19:** In the course of completing its work, the Committee has become aware of a number of on-going or planned studies or scientific reviews that should be incorporated into future updates of the Regional Assessment immediately upon their completion (see earlier list in Section 3.5) (Section 3.5.1, p 89).

**CAPP response:** CAPP recommends the results of on-going or planned studies or scientific reviews be incorporated as required but at least every five years.

**Committee Recommendation 20:** It is recommended that ECCC, in partnership with other relevant stakeholders including the oil and gas industry, increase its research into the seasonal presence of Leach's Storm-petrels and other relevant species in the Study Area and on the species' behaviour and susceptibility to lights from drilling platforms and vessels, including the potential role of offshore operations in recently observed population declines (Section 3.5.1, p 90).

**CAPP response:** No change to this recommendation.

**Committee Recommendation 21:** It is recommended that DFO increase and accelerate its research on Atlantic salmon to help address this important issue. It is further recommended that DFO develop its research plan in collaboration with Indigenous and stakeholder groups, and communicate its research plan and the eventual findings of that research to these groups (Section 3.5.1, p 89).

**CAPP response:** CAPP is supportive of this recommendation.

**Committee Recommendation 22:** It is recommended that the commercial fisheries data (landings statistics and geospatial information) be made available by DFO in a more timely, accessible, and useful manner. This includes making these data publicly available through a website or other such means as opposed to requiring users to make individual data requests to DFO (Section 3.5.2, p 90). 23) It is also recommended that DFO explore alternative means of packaging and providing this commercial fisheries data to help resolve or reduce the current issues around confidentiality and associated data redaction (Section 3.5.2, p 90).

**CAPP response:** CAPP has no comment.

**Committee Recommendation 23:** It is also recommended that DFO explore alternative means of packaging and providing this commercial fisheries data to help resolve or reduce the current issues around confidentiality and associated data redaction (Section 3.5.2, p 90).

**CAPP response:** CAPP believes this recommendation should be removed.

**Committee Recommendation 24:** It is recommended that representatives of the oil and gas industry, applicable regulatory and resource management agencies (including the C-NLOPB and DFO) and the fishing industry work together, through the One Ocean initiative, to develop and implement a protocol for gathering, documenting and sharing this information and knowledge to better understand key fishing activities, areas and times on a regional scale (Section 3.5.2, p 91).

**CAPP response:** CAPP is committed to working with organizations such as One Ocean, applicable regulatory agencies and the fishing industry explore mutually acceptable and beneficial means of sharing and using fisheries information. DFO is best placed to lead this discussion, to house this dataset, keep it relevant and accessible. CAPP recommends updating the wording to have DFO as the lead.

**Committee Recommendation 25:** It is recommended that representatives of the oil and gas industry, applicable regulatory and resource management agencies (including the C-NLOPB, DFO and ECCC), Indigenous groups and the fishing industry work together to develop and implement a protocol for gathering, documenting and sharing information and knowledge about key environmental components and sensitivities in the Study Area (through associated mapping at an appropriate and an acceptable scale of detail) for future use by interested parties. This information should be incorporated into future updates of the Regional Assessment (Section 3.5.2, p 91).

**CAPP response:** Again, CAPP thinks DFO is best placed to bring the various parties together to discuss a protocol for gathering, documenting and sharing information and knowledge about key environmental components and sensitivities through associated mapping. This information could be gathered through the EIS submissions, EA conditions and follow up monitoring reports.

**Committee Recommendation 26:** It is recommended that DFO-NL Region's marine mammals and sea turtles sightings dataset be made publicly accessible (along with a detailed description of the dataset and what it contains including any limitations) as opposed to requiring users to make individual requests to DFO for these data (Section 3.5.2, p 91).

**CAPP response:** CAPP supports this recommendation.

**Committee Recommendation 27:** It is recommended that DFO develop, communicate and implement standards / certifications for marine mammal observers that set out specific training and experience requirements for these personnel (Section 3.5.2, p 91).

**CAPP response:** CAPP supports this recommendation. Further discussion is required with DFO and the C-NLOPB given that the marine mammal observation (MMO) position descriptions currently exist with them for seismic programs.

**Committee Recommendation 28:** It is recommended that ECCC-CWS develop, in consultation with industry, protocols for systematic surveys of stranded birds on offshore platforms and vessels, and work with operators to implement these protocols on offshore platforms and vessels (Section 4.6.1, p 114).

**CAPP response:** No change to this recommendation and work is underway.

**Committee Recommendation 29:** It is recommended that the C-NLOPB specifically consider

overall information availability, data gaps and associated environmental risks in future decisions around whether and when to issue licences in data deficient areas as part of its scheduled land tenure process (Section 4.6.2, p 115).

**CAPP response:** No change to this recommendation. CAPP has no issue with this approach.

**Committee Recommendation 30:** For each of the various types of identified special areas found within the Study Area (Marine Refuges, Fisheries Closure Areas, Ecologically and Biologically Significant Areas (EBSAs), Sensitive Benthic Areas (SiBAs), Vulnerable Marine Ecosystems (VMEs)), it is recommended that the relevant authorities accelerate scientific review and analysis of these areas to determine if their various components and characteristics warrant additional protection, mitigation or follow-up measures for any future exploratory activity that may take place within them (Section 4.6.2, p 116).

**CAPP response:** No change to this recommendation.

**Committee Recommendation 31:** For any proposed exploratory drilling projects in the Study Area that do not require project-specific IA review under the *Impact Assessment Act* as a result of this Regional Assessment, it is recommended that the C-NLOPB continue to ensure that adequate and appropriate modelling is completed or otherwise in place regarding: a) drill cuttings and their dispersion, and b) the predicted fate and behaviour of potential petroleum spills, and that these be included as part of its authorizations and approvals processes for the drilling program in question (Section 4.6.3, p 116).

**CAPP response:** No change to this recommendation. CAPP has no issue with this approach. We take no exception to requiring project-specific modeling as each location is unique with respect to sensitive areas, water depth, etc. While considering recommendation 10, submission to the IAAC and the C-NLOPB performing parts of the assessment, there are efficiencies to be gained with having just the C-NLOPB perform the adequacy test, i.e. to ensure that the operator's application meets the criteria for exception as well as evaluating the modeling.

**Committee Recommendation 32:** As part of the notification of Indigenous groups in the event of an offshore spill, it is recommended that the C-NLOPB require that operators include any associated imagery around the nature and extent of the spill, and information on any affected marine biota (Section 4.6.3, p 116).

**CAPP response:** No change to this recommendation. In the unlikely event of an offshore spill, during exploration regular updates are provided by operators. Updates will be provided to Indigenous groups engaged in the RA as part of an operator's best management practice.

**Committee Recommendation 33:** It is recommended that once DFO's forthcoming additional guidance on mitigating effects to corals and sponges has been developed and released, these measures be incorporated into a future update of this Regional Assessment (Section 4.6.3, p 116).



**CAPP Response:** No change to this recommendation. CAPP has no issue with this approach.

**Committee Recommendation 34:** Should the *Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment* be revised as a result of DFO's ongoing review of it, it is recommended that any new mitigations/standards be included in future update of this Regional Assessment (Section 4.6.3, p 117).

**CAPP response:** No change to this recommendation. CAPP has no issue with this approach.

**Committee Recommendation 35:** It is recommended that the information and analysis provided in this Regional Assessment, including the associated GIS decision-support tool, be considered by the C-NLOPB in its future decisions as part of the scheduled land tenure process. This should include consideration of potential cumulative effects and their management (as required) through associated planning (licencing) decisions linked to the scheduled land tenure process, in consultation with relevant expert authorities (Section 5.4, p 147).

**CAPP response:** No change to this recommendation. CAPP has no issue with this approach.

**Committee Recommendation 36:** As there is a clear relationship between the information contained in this Regional Assessment (and especially, the associated GIS decision-support tool) and the C-NLOPB's Strategic Environmental Assessments (SEAs) for Eastern Newfoundland, it is also recommended that the Board seek to utilize this tool as part of any future SEA updates (and to inform its associated licensing processes) to avoid unnecessary duplication (Section 5.4, p 147).

**CAPP response:** No change to this recommendation. CAPP has no issue with this approach.

**Committee Recommendation 37:** It is recommended that as part of future updates to this Regional Assessment, the C-NLOPB undertake further development of the exploratory drilling scenarios described in the preceding sections, and generate periodic updates of those scenarios as new data become available (Section 5.4, p 147).

**CAPP response:** No change to this recommendation. CAPP has no issue with this approach.

**Committee Recommendation 38:** It is recommended that government assume responsibility for offshore-related cumulative effects assessment and management through a planning process directed by a dedicated agency. The DFO Marine Spatial Planning initiative might be considered as an appropriate vehicle through which to do this (Section 5.4, p 147).

**CAPP response:** CAPP has no concerns with this approach as long as industry has an opportunity to engage and participate early on in the process in offshore-related cumulative effects assessment and management. It seems that the C-NLOPB could also be accountable for

cumulative effects assessments, or it could be part of the recommended 5-year review of the RA.

**Committee Recommendation 39:** It is recommended that the Benefits Plans developed by operators for proposed exploratory drilling programs in the Study Area and submitted to the C-NLOPB be made publicly available (with allowances for any commercially sensitive information to be redacted as appropriate prior to release) (Section 7.4, p 179).

**CAPP response:** CAPP thinks this recommendation should be removed. The requirements for a Benefits Plan is preserved in Accord Acts and should not be a duplicated requirement of a RA. The decision of making the Benefits Plan public rests with the C-NLOPB.

**Committee Recommendation 40:** No change to this recommendation. It is recommended that Diversity Plans specific to exploratory drilling programs should be required by the C-NLOPB for future such programs in the Study Area, which should be made publicly available (Section 7.4, p 179).

**CAPP response:** CAPP thinks this recommendation should be removed. Diversity Plans are considered as part of a project's Benefits Plan. The decision of making the Diversity Plans (as part of the Benefits Plan) public rests with the C-NLOPB.