

# 2024-2025 Work Plan - As per the Memorandum of Understanding between Canada-Newfoundland and Labrador Offshore Petroleum Board and Fisheries and Oceans Canada

May 2024

## Context

The Canada-Newfoundland and 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. Three critical pieces of legislation support DFO's work: the Fisheries Act, the Species at Risk Act (SARA), 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.

DFO and the C-NLOPB have also established a bilateral MOU to facilitate collaboration in the oil and gas sector. 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 and Sea Turtles
- Species at Risk
- Conservation Areas
- Fisheries

The 2024-2025 Work Plan is an overarching operational document identifying areas where collaborative work is planned in the 2024-2025 fiscal year.

## 2024-2025 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 2024-2025 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 2024-25, if needed.

## 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, ensuring regular and effective engagement at both Executive and operational levels.

### Deliverables and commitments:

- Regular meetings of the Executive Committee will continue throughout 2024-25 to discuss priorities and progress of the 2024-25 Work Plan
- DFO and the C-NLOPB will make the annual MOU 2024-25 Work Plan publicly available on the C-NLOPB and DFO websites by June 30, 2024
- DFO and the C-NLOPB will make the 2023-24 Activity Report publicly available on the C-NLOPB and DFO websites by September 30, 2024
- The Implementation Committee will meet to identify issues/areas requiring collaboration and identification of anticipated projects for inclusion in the 2025-26 Work Plan
- A joint 2025-2026 Work Plan will be developed for approval by DFO and the C-NLOPB

## 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 Accord Act Environmental Assessments (EAs), EA Amendments and other EA documents.
- 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 *Species At Risk Act*

## 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:

- 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.
- DFO will support and advise the C-NLOPB during environmental incidents.

### 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 2024-2025 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
- DFO will notify the C-NLOPB of species-specific public consultations on whether or not to add the species to the List of Wildlife Species at Risk (Schedule 1) of the SARA
- 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 Canada Marine Planning Atlas 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 both inside and outside Other Effective Area-Based Conservation Measures OECMs
- The C-NLOPB 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 Statement of Canadian Practice on the Mitigation of Seismic Sound in the Marine Environment
- DFO will consult with and seek input/information from the C-NLOPB regarding oil and gas activities associated with potential marine conservation areas in the NL offshore.
- 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:
  - 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 subject to the Terms of Use, 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 to collaborate and provide input into research objectives relevant to the C-NLOPB and the petroleum industry.
- The C-NLOPB will communicate with DFO regarding the planned expansion of its mandate to include the regulation of offshore renewable energy development and renaming the Board to the Canada-Newfoundland and Labrador Offshore Energy Regulator
- The C-NLOPB will communicate with DFO regarding upcoming fisheries engagement initiatives.

### Approval

The undersigned approves the proposed 2024-2025 Work Plan as per the MOU between the C-NLOPB and DFO.



**Fisheries and Oceans Canada**  
William McGillivray  
Regional Director General Fisheries and Oceans Canada  
Newfoundland and Labrador Region

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

## Appendix A

### 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