



# *Role of C-NLOPB Pursuant to New Regional Assessment Regulation*

One Ocean Meeting  
June 29, 2020

# Overview

- In Canada-NL Offshore Area, no exploratory drilling activities can proceed unless C-NLOPB has issued authorizations under *Accord Acts*
  - Includes Operations Authorization (OA) and approvals to drill specific exploration wells
- For projects excluded from assessment under *Impact Assessment Act* through the new RA Regulation, authorizations/approvals to be issued by C-NLOPB when a proponent has:
  - demonstrated compliance with all required conditions of RA Regulation prior to the start of a drilling program; and
  - adhered to all C-NLOPB's OA requirements
- All conditions that must be met by proponents in RA Regulation will be incorporated by C-NLOPB as a requirement of their OA
- Under the *Accord Acts*, C-NLOPB is responsible for compliance and enforcement of any conditions incorporated into an OA

# C-NLOPB Role in Ensuring RA Regulation Conditions are Met

- C-NLOPB to receive confirmation from Impact Assessment Agency that an exploration drilling project has been excluded from assessment under *Impact Assessment Act*
- C-NLOPB Environmental Affairs Department to meet regularly/frequently with proponent, as the proponent proceeds to satisfy RA Regulation conditions
- Specifically, the C-NLOPB will ensure that a proponent:
  - Addresses all RA Regulation conditions that must be satisfied before an exploratory drilling OA and Approval to Drill a Well are issued;
  - Meets all of the “in consultation” requirements as outlined in RA Regulation;
  - Finalizes the various plans referenced in RA Regulation, and adheres to publication requirements of various plans and documents; and
  - Complies with all other RA Regulation conditions that must be met during and after exploratory drilling occurs

# Fisheries Communications Plan

- Proponents are required to develop Fisheries Communications Plan before beginning of a drilling program
  - Plan to be developed in consultation with commercial fishers, Indigenous groups and C-NLOPB, and posted publicly
  - Plan to address ways communications will take place during all phases of activity, and frequency of updates to be provided to stakeholders
  - C-NLOPB to review Plan as part of OA approval process
- RA Regulation outlines required content of Plan, including:
  - How and when commercial fishers will be informed of drilling activity and drilling installation movements
  - Procedures to determine when a Fisheries Liaison Officer or fisheries guide vessel is necessary
  - Communications protocol in the event of a spill
  - Description and schedule of activities associated with drilling, testing and abandonment
  - Communications regarding location of safety exclusion zones and abandoned wellheads; and notices to be sent to commercial fishers re: loss or damage to fishing gear

# Other Effective Area-Based Conservation Measures (OECMs)

- RA Regulation includes a new condition related to OECMs not included in recent project-specific Decision Statements
- To mitigate risks of projects proposed to occur in a federal Marine Refuge, or within an alternate form of OECM, proponents required to develop OECM Plan in consultation with DFO
- RA Regulation outlines general content of OECM Plan including:
  - Potential effects of exploration drilling activity with respect to conservation objectives of area;
  - Planned mitigation measures; and
  - Monitoring activities to be used to assess effectiveness of mitigations
- C-NLOPB and DFO have agreed to amend our existing MOU to require DFO to endorse OECM Plan prior to the C-NLOPB issuing relevant regulatory approvals for the proposed exploratory drilling program to occur

# Operations Authorization (OA) Process

- C-NLOPB's OA regulatory review and approval process will run in parallel to the Board verifying that proponents of exploratory drilling have complied with RA Regulation conditions
- In order to obtain an OA from the C-NLOPB, an Operator must ensure that all relevant statutory and regulatory requirements are satisfied
- In addition to the list of plans/documents required of Operators per the RA Regulation (some of which are also required for OA purposes), there are several additional plans/documents required per OA requirements, including:
  - Environmental Protection Plan
  - Environmental Compliance Monitoring Plan
  - Fisheries Compensation Plan
  - Waste Management Plan
  - Benefits Plan
- The C-NLOPB will only issue an OA after all OA and RA Regulation requirements are met, and be responsible for compliance and enforcement

# Follow-up Program Requirements per RA Regulation

- RA Regulation outlines requirements proponents need to follow with respect to a Follow-up Program, including:
  - Mitigation measures to be implemented and monitoring planned to assess adverse effects and determine effectiveness of mitigation measures; and
  - The amount of change to the environment relative to baseline conditions that existed before the activity began
- Specific requirements are included in the RA Regulation for a Fish and Fish Habitat Follow-up Program, including:
  - Measurement at every well of the concentration of drilling fluids retained on discharged drill cuttings, to verify the discharge meets relevant Guidelines;
  - A study of the adverse effects of the discharge of drill cuttings on benthic habitat; and
  - A study of the adverse effects of underwater sound levels