



## ***ANNUAL PROGRESS REPORT***

### ***MEMORANDUM OF UNDERSTANDING CANADA – NOVA SCOTIA OFFSHORE PETROLEUM BOARD FISHERIES AND OCEANS CANADA ENVIRONMENT AND CLIMATE CHANGE CANADA***

***JANUARY 11, 2021***

#### **Introduction**

The Canada-Nova Scotia Offshore Petroleum Board (CNSOPB) has existing Memoranda of Understanding (MOUs) with both Fisheries and Oceans Canada (DFO) Maritimes and Gulf Regions and Environment and Climate Change Canada (ECCC). Under these MOUs, there exists a deliverable to present an Annual Progress Report to the Executive Committee. The purpose of the Annual Progress Report is to summarize the progress of joint projects defined in the 2020 Work Plan. The intent of this report is to meet that purpose.

#### **Discussion**

In 2020, the CNSOPB, DFO and ECCC agreed to continue to work collaboratively on a tri-partite work plan, with the objective of enhancing current mechanisms and practices for delivering environmental protection and conservation measures in the offshore environment that are of mutual interest.

The 2020 Work Plan included a total of nine projects, the majority of which were completed, and progress was made on all projects. Many are appropriately classified as 'ongoing' projects. It is important to note that in 2020 due to the COVID-19 crisis response needed to be taken by the parties to this MOU, resources in the various agencies were impacted, which contributed to not all of the deliverables being completed. Table 1 provides a summary of the progress for each project. The details regarding progress made on each project in 2020 are outlined in Appendix 1.

**TABLE 1: Summary of Progress on Work Plan Projects**

<b>PROJECT</b>	<b>LEADS/CO-LEADS</b>	<b>ALL / MOST DELIVERABLES COMPLETED</b>	<b>SOME DELIVERABLES COMPLETED</b>	<b>NO SIGNIFICANT DELIVERABLES COMPLETED</b>
1- Joint Priority Setting, Planning and Coordination	CNSOPB, ECCC, and DFO	X		
2 – Environmental Assessment	CNSOPB	X		
3 – Environmental Effects Monitoring	CNSOPB	X		
4 – Regulatory Activities	CNSOPB, ECCC and DFO	X		
5 – Marine Planning and Conservation	CNSOPB and DFO		X	
6 –Spill Preparedness and Oversight	CNSOPB, ECCC and DFO	X		
7 – Framework for Oil Spill Fate and Effects monitoring	CNSOPB/ECCC	X		
8 – Ocean Disposal	ECCC	X		
9 – Reporting on Progress	CNSOPB	X		

Progress was made on all of the work plan projects in 2020. The global pandemic and the demands on the respective agencies to manage responses to COVID-19 resulted in a strain on the resources associated with the MOU projects. Collaborative activities (i.e., joint audits) in the Canada-Nova Scotia Offshore Area were not possible in 2020 due to Covid-19 restrictions; only essential personnel were permitted to travel to offshore facilities. Highlights from 2020 collaborative MOU efforts included:

- The CNSOPB is preparing the Western Scotian Shelf and Slope Strategic Environmental Assessment (SEA) and has received input from DFO and ECCC as requested throughout the process; and

- Continued collaboration on matters related to the *Species at Risk Act*, the North Atlantic Right Whale and the Loggerhead Turtle in particular.

As a supplement to the information in Table 1, a summary of the status and progress of each project in the Work Plan is included in Appendix 1.

Representatives from the three organizations reviewed and discussed the status of various projects under the 2020 Work Plan throughout the year. The Mid-Year Progress Report was completed in September, 2020, as per the Work Plan. Overall, the progress on the Work Plan deliverables was positive.

## Approvals

*For Fisheries and Oceans Canada:*

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**Ms. Rhea King**

Date

Regional Director  
Aquatic Ecosystems  
Maritimes Region



**Mr. Alain Hebert**

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*Jan 18, 2021*

Date

Regional Director  
Aquatic Ecosystems  
Gulf Region

*For Environment and Climate Change Canada:*

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**Ms. Lisa Fougere**

Date

Manager  
Regional Analysis and Relations  
Atlantic and Quebec Regions

*For the Canada-Nova Scotia Offshore Petroleum Board:*



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January 15, 2021

**Ms. Dena Murphy**

Date

Director  
Operations/Health, Safety & Environment

## APPENDIX 1

### STATUS REPORT ON CNSOPB/DFO/ECCC 2020 JOINT PROJECTS

The following summarizes progress on the nine projects defined in the 2020 CNSOPB/DFO/ECCC Work Plan.

#### Project 1 – Joint Priority Setting, Planning and Coordination

##### Deliverables:

- Discussion of issues/areas requiring collaborative work, and an estimate of associated workloads.
- Development of a joint 2020 Annual Work Plan, coordinated by the CNSOPB with DFO and ECCC.
- Implementation Committee members will continue to identify the lead individuals from their agencies who will coordinate Work Plan projects.
- The CNSOPB will proactively coordinate with DFO and ECCC on the development of external communications materials related to process changes, projects, emergency response and other initiatives where there is potential for overlap in jurisdiction and responsibilities.

Timing: Ongoing

##### Project Team Leaders:

Dena Murphy (CNSOPB)  
Lisa Fougere (ECCC)  
Rhea King (DFO Maritimes)  
Alain Hebert (DFO Gulf)

##### Coordination Team:

Elizabeth MacDonald (CNSOPB)  
Jaclyn Poole (ECCC)  
Mike Wambolt (DFO Maritimes)  
Jean-Francois Mallet (DFO Gulf)

##### Annual Progress Update

- ✓ The discussion of workloads remains ongoing. Status updates on offshore activity and environment/strategic environmental assessments has been ongoing throughout the year.
- ✓ The Joint Work Plan was finalized and signed by all parties.
- ✓ This Mid-Year Report was completed in September 2020.
- ✓ Coordination occurred as needed.

#### Project 2- Environmental Assessment

##### Deliverables:

- Continued cooperation in addressing post-EA commitments on the Sable Offshore Energy Project (SOEP) and the Deep Panuke Project, as applicable. See Project 3 regarding decommissioning and abandonment/removal activities and post abandonment monitoring.

- DFO and ECCC will provide advice on content of SEAs under development and/or review. In 2020, an SEA for the Western Scotian Shelf and Slope will be conducted.
- An environmental assessment for a potential speculative seismic program may be initiated in 2020. DFO and ECCC will provide expert advice to the CNSOPB on scoping for any such EA and conduct a review of EA related documents.

Timing: Ongoing

Project Team Leader:

Janice Ray (CNSOPB)  
Elizabeth MacDonald (CNSOPB)

Project Team Resources:

Michael Hingston (ECCC)  
Mike Wambolt (DFO Maritimes)  
Glen Herbert (DFO Maritimes)  
Chris Burbidge (DFO Maritimes)

Annual Progress Update

- ✓ DFO and ECCC were provided the post abandonment monitoring plans for both Ovintiv and ExxonMobil Canada Properties (EMCP).
- ✓ The Western Scotian Shelf and Slope SEA is near completion. DFO and ECCC provided advice on the Scoping Document and draft SEA.
- ✓ No EAs were received for speculative seismic programs this year.

**Project 3 – Environmental Effects Monitoring**

Deliverables:

- DFO and ECCC will review post-abandonment monitoring plans and provide comments as requested by the CNSOPB.
- DFO and ECCC will be provided copies of as-left reports and monitoring reports and will provide comments as requested by the CNSOPB.

Timing: Ongoing.

Project Team Leader:

Janice Ray (CNSOPB)  
Elizabeth MacDonald (CNSOPB)

Project Team Resources:

Maria Dober (ECCC)  
Mike Wambolt (DFO Maritimes)

Annual Progress Update

- ✓ DFO and ECCC were provided the post abandonment monitoring plans for both Ovintiv and ExxonMobil Canada Properties (EMCP) for informational purposes.
- ✓ The CNSOPB will provide the As-left Seabed Condition reports as appropriate.

## **Project 4 – Regulatory Activities**

### Deliverables:

- ECCC, DFO and the CNSOPB will endeavor to undertake joint compliance verification activities each year where opportunities present themselves, including monitoring and audits/inspections, under their respective mandates.

### Team co-leads:

Mike Wambolt (DFO Maritimes)  
Elizabeth MacDonald (CNSOPB)  
Janice Ray (CNSOPB)  
Carina Gjerdrum (ECCC)

- The CNSOPB will continue to participate in the development of Recovery Strategies, Action Plans and Management Plans, as well as listings, for Species at Risk through participation in workshops, meetings and responses to consultation requests.

### Team co-leads:

Heidi Schaefer (DFO Maritimes)  
Diane Amirault-Langlais (DFO Gulf)  
Julie McKnight (ECCC)  
Elizabeth MacDonald (CNSOPB)  
Janice Ray (CNSOPB)

- ECCC and the CNSOPB will collaborate on development of advice regarding avoidance and enhanced mitigation of impacts on migratory birds, e.g. Leach's Storm Petrel, and will initiate a systematic monitoring program conducted by trained and experienced observers using established methods and protocols for observations and data management to search for, collect and document the occurrence of stranded birds on offshore platforms.

### Team co-leads:

Elizabeth MacDonald (CNSOPB)  
Carina Gjerdrum (ECCC)

- DFO will collaborate with the CNSOPB regarding the ongoing review and potential update to the Statement of Canadian Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment. Expected to extend beyond 2020.

### Team co-leads:

Glen Herbert (DFO Maritimes)  
Mike Wambolt (DFO Maritimes)  
Elizabeth MacDonald (CNSOPB)

- Continued collaboration and input into research objectives of various funding groups, such as Environmental Studies Research Funds (ESRF) and the Program of Energy and Research Development (PERD).

Team co-leads:

Mike Wambolt (DFO Maritimes)

Dena Murphy (CNSOPB)

Jean-Francois Mallet (DFO Gulf)

Timing: Ongoing.

Annual Progress Update

- ✓ The opportunity to undertake joint compliance verification activities was not available in 2020. Due to Covid-19 restrictions, in-person collaborative activities and opportunities for non-essential offshore travel were limited.
- ✓ The CNSOPB has provided comment on the Species at Risk consultation materials for the North Atlantic Right Whale, and the Loggerhead Turtle, and participated in the Loggerhead Turtle Working Group.
- ✓ The development of advice regarding avoidance and enhanced mitigation of impacts on migratory birds, and a systematic monitoring program have not yet been developed.
- ✓ DFO's Marine Environmental Quality Program in the National Capital Region is currently developing a process for the review and potential update of the Statement of Canadian Practice, which will include collaboration with the CNSOPB.
- ✓ The ESRF continues to hold Management Board meetings and discuss priority environmental research, based on input from Management Board members.

**Project 5 – Marine Planning and Conservation**

Deliverables:

- The CNSOPB and DFO will collaborate on initiatives and governance structures developed under the Oceans Act, such as the Regional Oceans Coordination Table.
- The CNSOPB and DFO will collaborate in support of the planning, management and conservation of the Gully MPA and the St. Anns Bank MPA, the Fundian Channel - Browns Bank Area of Interest (AOI), and the Gulf Region Area of Interest (exact location to be determined).
- The CNSOPB and ECCC will continue to participate in the federal bioregional marine protected area network development processes, including processes for new AOIs and "Other Effective Area-Based Conservation Measures", with focus on identified areas.

Timing: Ongoing

Project Team Leaders:

Wendy Williams (DFO Maritimes)

Project Team Resources:

Glen Herbert (DFO Maritimes)



Richard Ruest (DFO Gulf)  
Elizabeth MacDonald (CNSOPB)  
Janice Ray (CNSOPB)

Carole Godin (DFO Gulf)  
Karel Allard (ECCC)

### Annual Progress Update

- ✓ Opportunities to undertake the deliverables of this Project have been limited due work load capacity and covid-19 restrictions.

### **Project 6 – Spill Preparedness and Oversight**

#### Deliverables:

- Develop a summary document to clarify mandates, jurisdictions and roles for ECCC, DFO and the CNSOPB regarding offshore spills and other relevant incidents. Timing Q3 – Q4 2020.
- ECCC's National Environmental Emergencies Centre (NEEC), based on its capacity, CWS for marine birds, and DFO to provide comment and advice to the CNSOPB on spill response plans and net environmental benefit analysis, as needed.
- Invitations to be provided by all parties to relevant spill response exercises and/or planning sessions.
- Finalize the update to the ECCC-CNSOPB MOU Annex A: Cooperation Concerning Environmental Emergencies to account for the Spill Treating Agents Offshore Regime and other coordination activities as necessary to include additional comments by ECCC legal and senior management review. Timing Q3 – Q4 2020.

Timing: Ongoing unless otherwise indicated.

#### Project Team Leaders:

Dena Murphy (CNSOPB)  
Matthieu Dussault (ECCC)

#### Project Team Resources:

James Porter (ECCC)  
Glen Herbert (DFO)  
Janice Ray (CNSOPB)

### Annual Progress Update

- ✓ ECCC provided CNSOPB proposed revisions to Annex A of the ECCC-CNSOPB MOU based on review by their legal and senior management. Proposed revisions are being considered by CNSOPB.

## **Project 7 – Framework for Oil Spill Fate and Effects Monitoring**

### Deliverables:

- Continued discussions of issues/areas requiring collaborative work and addressing identified gaps.  
Timing: Q4 2020.
- Finalize the framework document describing how the three organizations will work together and an outline of the types of information to be collected, and available equipment and resources.  
Timing: Q4 2020.

Timing: Q4 2020.

### Project Team Leaders:

Stephane Leblanc (ECCC-NEEC)

Tom King (DFO-COOPER)

Janice Ray (CNSOPB)

### Annual Progress Update

- ✓ Comments on the framework document have been received from the project team and a revised draft has been distributed.

## **Project 8 – Ocean Disposal**

### Deliverables:

- As an interim measure, pending planned Canadian Environmental Protection Act (CEPA) amendments to clarify the application of disposal at sea provisions to offshore oil and gas activities, ECCC will work with CNSOPB to draft guidance for the CNSOPB and the C-NLOPB and industry to assist in understanding how the Disposal at Sea provisions of CEPA currently apply to common activities in the sector.
- ECCC will work with the CNSOPB and the C-NLOPB to communicate to CAPP and their members the current guidance on application of CEPA Disposal at Sea in the sector and the implementation of any future amendments to CEPA disposal at sea regulatory requirements. A potential compliance promotion workshop with industry representatives to be discussed with the CNSOPB and C-NLOPB.

### Timing:

- Following completion of the guidance document, follow up discussions with the CNSOPB and C-NLOPB in Q1-Q2 2021.
- Target for compliance promotion effort to be determined, but anticipated in Q3 2021.

Project Team Leader:

Jayne Roma (ECCC)

Janice Ray (CNSOPB)

Annual Progress Update

- ✓ Based on joint discussions with the CNSOPB and ECCC it was agreed that the development of a guidance document on Disposal at Sea and compliance promotion workshop are no longer a priority for the CNSOPB. In addition, the Canada-Newfoundland and Labrador Offshore Petroleum Board prefers to engage directly with EPOD-Marine Programs on an issue-specific basis and also does not require a guidance document nor compliance promotion. It was decided that no further work is required related to this Project.

**Project 9 - Reporting on Progress**

Deliverables:

- Mid-year meeting for operations staff of DFO, ECCC, and CNSOPB to discuss each deliverable and provide updates regarding progress and resourcing. The mid-year report will be based on these discussions.
- Mid-year and annual report to the Executive Committee.

Timing: Mid-year report – September 2020 & Annual Report - December 2020.

Project Team Leader:

Dena Murphy (CNSOPB)

Project Team Resources:

Elizabeth MacDonald (CNSOPB)

Lisa Fougere (ECCC)

Rhea King (DFO Maritimes)

Alain Hebert (DFO Gulf)

Annual Progress Update

- ✓ A meeting to discuss progress and resourcing took place on September 28, 2020. The mid year report was provided to the Executive Committee on October 1, 2020. This Annual Progress Report satisfies the second deliverable outlined under this project.