



2017 WORK PLAN

MEMORANDUM OF UNDERSTANDING

CANADA-NOVA SCOTIA OFFSHORE PETROLEUM BOARD

FISHERIES AND OCEANS CANADA

AND

ENVIRONMENT AND CLIMATE CHANGE CANADA

Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC), and the Canada-Nova Scotia Offshore Petroleum Board (CNSOPB) will collaborate on the projects outlined below, with the objective of enhancing current mechanisms and practices for delivering environmental protection and conservation measures in the Nova Scotia offshore environment. The Work Plan does not preclude DFO, ECCC and the CNSOPB from working on other priority issues or projects, which may be identified during the course of the 2017 calendar year.

Project 1 – Joint Priority Setting, Planning and Coordination

Project Description:

The CNSOPB, DFO and ECCC all have legislative and regulatory responsibilities related to petroleum activities offshore Nova Scotia. As such, it is desirable that the agencies develop a set of focus areas for collaborative work and develop strategies to ensure resources are available to carry out this work.

To achieve this outcome, the three parties have agreed to meet as required, and at least annually, to discuss and plan for anticipated workloads and to identify priorities. These meetings will be led by the Implementation Committee Chair.

Deliverables:

- Discussions of issues/areas requiring collaborative work, and an estimate of associated workloads.
- Development of a joint 2017 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.
- Discussion on the process for notification of incidents to ensure that common messages are available, and early notification occurs in accordance with an agreed “need to know” protocol.

Timing: Ongoing

Project Team Leaders:

Dena Murphy (CNSOPB)

Lisa Fougere (ECCC)

Rhea King (DFO Maritimes) and Luc Boucher (DFO Gulf)

Coordination Team:

Elizabeth MacDonald (CNSOPB)

Donald Humphrey (DFO Maritimes)

Barbara Fullarton (ECCC)

Guy Robichaud (DFO Gulf)

Project 2 - Environmental Assessment**Project Description:**

The Work Plan signatories share an interest in improving the environmental assessment (EA) process, such that impacts are understood and managed effectively and efficiently. The exchange of expertise and information is fundamental to the conduct of an EA that fulfills CNSOPB, DFO and ECCC obligations. This project will facilitate that exchange and ensure appropriate linkages are made to other relevant Work Plan items.

Strategic Environmental Assessments (SEA) are undertaken on an as-needed basis by the CNSOPB, and help to inform the Call for Bids process. DFO and ECCC will work collaboratively with the CNSOPB during the SEA preparation process.

Deliverables:

- Continued cooperation in addressing post-EA commitments on the Sable Offshore Energy Project (SOEP), the Deep Panuke project, and the Shell drilling program, including follow-up compliance.
- DFO and ECCC will provide advice on content of SEAs under development.
- DFO and ECCC will provide advice on EAs as received.
 - The following EAs will be reviewed by the CNSOPB in 2017:
 - BP exploratory drilling EA (EIS; currently being led by the CEA Agency)

Timing: Ongoing**Project Team Leader:** Elizabeth MacDonald and Janice Ray (CNSOPB)**Project Team Resources:** Eric Theriault (CNSOPB)

Michael Hingston (ECCC)

Donald Humphrey (DFO Maritimes) and Guy Robichaud (DFO Gulf)

Project 3 – Environmental Effects Monitoring**Project Description:**

The CNSOPB, ECCC and DFO have developed the *Environmental Effects Monitoring (EEM) Coordination Framework* (April 2005) to assist in coordinating a review of new EEM programs and the results of completed or ongoing programs. The SOEP EEM program and Deep Panuke EEM program are ongoing and reviewed annually, following the Framework.

Deliverables:

- The *Environmental Effects Monitoring (EEM) Coordination Framework* (April 2005) document to be updated in 2017 to reflect changes in the MOUs, departments and capacity. Once revised, the new *Environmental Effects Monitoring Coordination Framework* will further outline commitments for collaborative efforts.
- Ongoing review of Deep Panuke and SOEP EEM programs and results on an as-needed basis (DFO and CNSOPB).
- Development of an EEM Synopsis Report as described in the EEM Coordination Framework.

Timing: EEM Coordination Framework and EEM Synopsis report to be prepared by December 2017.

Project Team Leader: Elizabeth MacDonald and Eric Theriault (CNSOPB)

Project Team Resources: Maria Dober (ECCC)
Donald Humphrey (DFO Maritimes) and Guy Robichaud (DFO Gulf)

Project 4 – Regulatory Activities

Project Description:

There are several ongoing activities that require regular collaborative work by the CNSOPB, ECCC and DFO in 2017 and in years to follow.

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: Donald Humphrey (DFO Maritimes), Guy Robichaud (DFO Gulf), Eric Theriault, Elizabeth MacDonald and Janice Ray (CNSOPB), Dave Wood and Craig Smith (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 Schaffer (DFO Maritimes), Diane Amirault-Langlais (DFO Gulf), Elizabeth MacDonald and Janice Ray (CNSOPB).
- ECCC and the CNSOPB will collaborate on development of advice regarding avoidance and enhanced mitigation of impacts on migratory birds.
 - Team co-leads: Elizabeth MacDonald (CNSOPB) and Julie McKnight (ECCC)
- The CNSOPB and DFO will continue to collaborate on the development of enhanced mitigation requirements for programs within the distribution of species at risk, such as the Northern Bottlenose Whale.
 - Team co-leads: Donald Humphrey (DFO Maritimes), Diane Amirault-Langlais (DFO Gulf), Eric Theriault, Elizabeth MacDonald and Janice Ray (CNSOPB),

- The CNSOPB / Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) SARA Working Group will continue to meet and share information to help interpret SARA requirements and provide guidance.
 - Team co-leads: Heidi Schaffer (DFO Maritimes), Diane Amirault-Langlais (DFO Gulf), Elizabeth MacDonald (CNSOPB), and Julie McKnight (ECCC)
- 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: Donald Humphrey (DFO Maritimes), Guy Robichaud (DFO Gulf) and Eric Theriault (CNSOPB)

Timing: Ongoing

Project 5 – Integrated Management and Conservation

Project Description:

Under the *Oceans Act*, the Minister of Fisheries and Oceans has the responsibility to lead and facilitate the development and implementation of integrated management plans for all marine waters and a national system of Marine Protected Areas (MPA). The Minister may also establish marine environmental quality guidelines, objectives and criteria. Within the Maritimes and Gulf Regions of DFO, there are a number of *Oceans Act* initiatives that require CNSOPB awareness, involvement and/or collaboration.

Deliverables:

- The CNSOPB will collaborate with DFO on initiatives and governance structures developed under the *Oceans Act*, such as the Regional Committee on Ocean and Coastal Management (RCCOM) and Northumberland Strait Environmental Monitoring Partnership (NORSTEMP).
- The CNSOPB and DFO will collaborate in support of the planning, management and conservation of the Gully MPA and the St. Anns 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”.

Timing: Ongoing

Project Team Leaders: Rhea King (DFO Maritimes) and Luc Boucher (DFO Gulf), Elizabeth MacDonald and Eric Theriault (CNSOPB)

Project Team Resources: Janice Ray (CNSOPB)

Glen Herbert (DFO Maritimes) and Mireille Chiasson (DFO Gulf)

Karel Allard (ECCC)

Project 6 – Spill Preparedness and Oversight

Project Description: ECCC, DFO and CNSOPB have independent but related mandates regarding preparedness and oversight to environmental emergencies related to offshore activities. This project facilitates the exchange of information to ensure a coordinated approach.

Deliverables:

- Exchange of information between ECCC, DFO and the CNSOPB regarding offshore spills
- ECCC's National Environmental Emergencies Centre (NEEC), based on its capacity, and DFO to provide comment and advice to the Board 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.

Timing: Ongoing

Project Team Leaders: Lo Cheng (ECCC) and Eric Theriault (CNSOPB)

Project Team Resources: Matthieu Dussault (ECCC) and Glen Herbert (DFO)

Project 7 – Framework for Oil Spill Fate and Effects Monitoring

Project Description:

During a major spill incident it is important to monitor both the fate of the oil and environmental effects. The purpose of this project is to develop a framework for the three agencies to monitor the fate and effects of the spill. The objective of the on-site operational science may be to support the mission to aid the response effort by gaining a better understanding of the fate and behavior of the spilled material, to support regulatory enforcement, and/or environmental damage assessment and restoration concerns. Although this project will focus on offshore activities, a national effort will be made, so that it applies to various sectors.

Upon completion of ECCC's study to assess the current state-of-the-art for on-site and laboratory scientific analysis to support the Department mission at an oil spill, consideration will be given to expanding the spill monitoring framework to include further detailed descriptions of the role and requirement by federal agencies to provide operational on-site scientific support including sampling and analysis related to a spill.

Deliverables:

- Continued discussions of issues/areas requiring collaborative work.
- 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: December 2017

Project Team Leaders:

Eric Theriault (CNSOPB)

Matthieu Dussault (ECCC-NEEC)

Patrick Lambert (ECCC-ESTS)

Tom King (DFO-COOPER)

Project 8 – Ocean Disposal

Project Description: This project examines Disposal at Sea regulatory requirements as they relate to activities undertaken by the offshore oil and gas industry.

Deliverables:

- ECCC's Marine Programs –Atlantic has tabled a discussion piece with its program colleagues in National Capital Region aimed at seeking possible actions to address long standing policy questions regarding the application of CEPA Disposal at Sea provisions to the offshore oil and gas sector. Upon completion of that internal discussion ECCC will meet with the CNSOPB and CNLOPB Environment leads to discuss these potential actions and how the Boards' Authorization process or MOUs with ECCC may be impacted.
- A proposal to change the language of Canadian Environmental Protection Act Section 122 (1) (k), referred to as the Offshore Exemption paragraph, is pending approval for publication in Canada Gazette Part I as part of a broad package of proposed CEPA amendments.
- ECCC will work with Boards to inform CAPP, CAPP members and other relevant government regulators (such as DFO) on the outcomes of the proposed regulatory change and related actions taken to clarify regulatory roles in the offshore oil and gas sector. Also there will be a discussion of the potential need to establish a working group to enhance regulatory efficiency related to Disposal at Sea activities associated with offshore oil and gas activities.

Timing:

- Target of Q1 2017 meeting of ECCC, CNSOPB, CNLOPB.
- Target date for publication is unknown at this time but could be Q1/Q2 of 2017.
- Target for information session of Q3/Q4 of 2017 and decisions on implementation of a working group to be taken no later than the end of 2017.

Project Team Leader: Kevin Power (ECCC)

Project Team Resources: Eric Theriault (CNSOPB)

Project 9 - Reporting on Progress

Project Description:

The Implementation Committee Members will keep the MOU Executive Committee signatories advised of the status of projects. A progress report will be completed mid-year and an annual report will be finalized by December 31, 2017 on the previous year's progress under the MOU.

Deliverables:

- Mid-year summary of progress
- Annual report to Executive Committee

Timing: Semi-annual summary: drafting meeting in May and final report on or before June 30, 2017; Annual summary: drafting meeting in early November and the annual progress report before December 31, 2017.

Project Team Leader: Dena Murphy (CNSOPB)

Project Team Resources: Lisa Fougere (ECCC) and Rhea King (DFO Maritimes) and Luc Boucher (DFO Gulf)

Approvals:

Whereas the parties have signed this MOU on the dates indicated below.

for: **Canada-Nova Scotia Offshore Petroleum Board**

original signed

Mr. Stuart Pinks
Chief Executive Officer

2/12/14

Date

for: **Environment and Climate Change Canada**

original signed

Mr. I.R. Geoffrey Mercer
Regional Director General
Atlantic and Quebec Regions

2/14/16

Date

for: **Fisheries and Oceans Canada**

original signed

Ms. Jacqueline Richard
A/Regional Director-General (Gulf Region)

DEC 2 / 2016

Date

and

original signed

Mr. Morley Knight
Regional Director-General (Maritimes Region)

Dec 2, 2016

Date