



2019 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 area. 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 2019 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 2019 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.
- DFO, ECCC and the CNSOPB will coordinate a task force to address external communications needs of the three parties moving forward.

Timing: Ongoing

Project Team Leaders:

Dena Murphy (CNSOPB)

Lisa Fougere (ECCC)

Rhea King (DFO Maritimes) and Alain Hebert (DFO Gulf)

Coordination Team:

Elizabeth MacDonald (CNSOPB)

Mike Wambolt (DFO Maritimes)

Barbara Fullarton (ECCC)

Guy Robichaud (DFO Gulf)

Project 2 - Environmental AssessmentProject 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) decommissioning, the Deep Panuke project decommissioning, and the BP drilling program, including follow-up compliance.
- DFO and ECCC will provide advice on content of SEAs under development and/or review. In 2019, existing CNSOPB SEAs will be reviewed and updated as appropriate.
- Once the new Impact Assessment process has been finalized, the CNSOPB will coordinate a workshop with DFO and ECCC to discuss the process.
- DFO and ECCC will provide advice on EAs as received.

Timing: Ongoing

Project Team Leader: Elizabeth MacDonald and Janice Ray (CNSOPB)

Project Team Resources:

Michael Hingston (ECCC)

Mike Wambolt (DFO Maritimes)

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* (December 2018) 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. This will be the final year for the Deep Panuke EEM program.

Deliverables:

- Ongoing review of Deep Panuke and SOEP EEM programs and results on an as-needed basis (DFO, ECCC and CNSOPB).

Timing: June 1, 2019

Project Team Leader: Elizabeth MacDonald and Janice Ray (CNSOPB)

Project Team Resources:

Maria Dober (ECCC)

Mike Wambolt (DFO Maritimes)

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 2019 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: Mike Wambolt (DFO Maritimes), Guy Robichaud (DFO Gulf), Elizabeth MacDonald and Janice Ray (CNSOPB), and Carina Gjerdrum (ECCC).
- DFO, ECCC and the CNSOPB will collaborate on the development of joint investigation protocols and procedures for use during instances of potential or suspected non-compliance by operators with overlapping regulatory requirements (e.g., *Fisheries Act*, *Accords Act*). Timing: Q4, 2019.
 - Team co-leads: Mike Wambolt (DFO Maritimes), Guy Robichaud (DFO Gulf), Dave Wood (ECCC), and Elizabeth MacDonald and Janice Ray (CNSOPB)
- 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), Fabiola Akaishi (DFO Gulf), Julie McKnight (ECCC), 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, e.g. Leach's Storm Petrel, and will collaborate on the development and implementation of a systematic monitoring program conducted by trained observers to search for, collect and document the occurrence of stranded birds on offshore platforms.

➤ Team co-leads: Elizabeth MacDonald (CNSOPB) and Carina Gjerdrum (ECCC)

Timing: Q4 2019

- The CNSOPB and DFO will continue to collaborate on the development of enhanced mitigation requirements for programs within the distribution of species at risk, with focus on the Northern Bottlenose Whale (by March 30, 2019), Leatherback Sea Turtle and Baleen Whales [(Blue Whale and North Atlantic Right Whale) by Q3, 2019].
 - Team co-leads: Mike Wambolt (DFO Maritimes), Fabiola Akaishi (DFO Gulf), Elizabeth MacDonald and Janice Ray (CNSOPB)
- The CNSOPB and DFO will collaborate on the development of a framework to ensure that risks to intended biodiversity outcomes within other effective area-based conservation measures are avoided or mitigated.
 - Team co-leads: Glen Herbert (DFO Maritimes), Guy Robichaud (DFO Gulf), 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 on an as-needed basis to help interpret SARA requirements and provide guidance.
 - Team co-leads: Heidi Schaefer (DFO Maritimes), Fabiola Akaishi (DFO Gulf), Elizabeth MacDonald (CNSOPB), and Julie McKnight (ECCC)
- The CNSOPB, ECCC, and DFO will collaborate on the development of standard wildlife observation reporting and data filing requirements for operators.
 - Team co-leads: Mike Wambolt (DFO Maritimes), Carina Gjerdrum (ECCC), and 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), Elizabeth MacDonald (CNSOPB) and Guy Robichaud (DFO Gulf)

Timing: Ongoing unless otherwise stated.

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 is also responsible for leading efforts to reach Canada's marine conservation targets. 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 integrated management and conservation initiatives that require CNSOPB awareness, involvement and/or collaboration.

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), 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: OngoingProject Team Leaders:

Wendy Williams (DFO Maritimes)

Richard Ruest (DFO Gulf)

Elizabeth MacDonald and Janice Ray (CNSOPB)

Project Team Resources:

Glen Herbert (DFO Maritimes)

Carole Godin (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:

- Clarification of mandates, jurisdictions and roles for ECCC, DFO and the CNSOPB regarding offshore spills and other relevant incidents.
- 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.
- Finalize the 2018 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.

Timing: OngoingProject Team Leaders:

Dena Murphy (CNSOPB)

Matthieu Dussault (ECCC)

Project Team Resources:

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

Project 7 – Framework for Oil Spill Fate and Effects MonitoringProject 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 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 roles and requirements 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: Q1, 2019

Timing: Ongoing unless otherwise stated

Project Team Leaders:

Stephane Leblanc (ECCC-NEEC)
 Patrick Lambert (ECCC-ESTS)
 Tom King (DFO-COOPER)
 Janice Ray (CNSOPB)

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:

- As an interim measure, with CEPA review on-going, ECCC will work with the CNSOPB to draft guidance for the Boards 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 Boards to communicate to CAPP and their members the current guidance on application of CEPA Disposal at Sea in the sector.

Timing:

- Target for completion - Q1, 2019

- Target for compliance promotion effort – Q2, 2019

Project Team Leader:

Kevin Power (ECCC)

Janice Ray (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, 2019 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, 2019; Annual summary: drafting meeting in early November and the annual progress report before December 31, 2019.

Project Team Leader: Dena Murphy (CNSOPB)

Project Team Resources:

Lisa Fougere (ECCC)

Rhea King (DFO Maritimes)

Alain Hebert (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

7 February 2019

Date

for: **Environment and Climate Change Canada**

original signed

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

28/1/19

Date

for: **Fisheries and Oceans Canada**

original signed

Mr. Serge Doucet
Regional Director-General (Gulf Region)

FEV 18 2019

Date

and

original signed

Ms. Mary-Ellen Valkenier
Regional Director-General (Maritimes Region)

Jan 28, 2019

Date