



ANNUAL PROGRESS REPORT

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

MARCH 6, 2023

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 2022 Work Plan. The intent of this report is to meet that purpose.

Discussion

In 2022, the CNSOPB, DFO and ECCC agreed to continue to work collaboratively on a tri-partite work plan, with the objective of continuing to enhance current mechanisms and practices for delivering environmental protection and conservation measures in the offshore environment that are of mutual interest.

The 2022 Work Plan included a total of seven projects. Table 1 provides a summary of the progress for each project. The details regarding progress made on each project in 2022 are outlined in Appendix 1.

TABLE 1: Summary of Progress on Work Plan Projects

PROJECT	LEADS/CO-LEADS	ALL / MOST DELIVERABLES COMPLETED	SOME DELIVERABLES COMPLETED	NO SIGNIFICANT DELIVERABLES COMPLETED
1- Joint Priority Setting, Planning and Coordination	CNSOPB, ECCC, and DFO	X		
2 – Regulatory Activities	CNSOPB, ECCC and DFO		X	
3 – Marine Planning and Conservation	CNSOPB, ECCC and DFO	X		
4 –Spill Preparedness and Oversight	CNSOPB, DFO and ECCC		X	
5 – Reporting on Progress	CNSOPB		X	

Limited progress was made on the work plan projects in 2022 due to resource constraints and shifting priorities. It was determined that some work plan activities were no longer required or additional time is needed for completion. Collaborative activities in the Canada-Nova Scotia Offshore Area were not required in 2022 due to the limited offshore activity (post-abandonment monitoring). Highlights of the 2022 collaborative MOU efforts include:

- The CNSOPB Middle and Eastern Scotian Slope and Sable Island Bank Areas Strategic Environmental Assessment (SEA) with input received from DFO and ECCC as requested throughout the process; and
- CNSOPB and DFO collaborations on governance structures developed under the Oceans Act.

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 2022 Work Plan in November 2022 and projects for the 2023 workplan. This included ongoing projects, deferred projects, and any potential new projects.

Approvals

For Fisheries and Oceans Canada:

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Wendy L

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Ms. Wendy Williams

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Mr. Marc-Antoine Giroux

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For the Canada-Nova Scotia Offshore Petroleum Board:

original signed

March 6, 2023

Ms. Dena Murphy

Date

Director
Operations/Health, Safety & Environment

APPENDIX 1

STATUS REPORT ON CNSOPB/DFO/ECCC 2022 JOINT PROJECTS

The following summarizes progress on the seven projects defined in the 2022 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 2022 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 collaborate 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. The three organizations will work together to meet shared goals and ensure timely and effective communication with the general public.

Timing: Ongoing

Project Team Leaders:

Dena Murphy (CNSOPB)
Marc-Antoine Giroux (ECCC – QC)
Wendy Williams (DFO Maritimes)
Alain Hebert (DFO Gulf)

Coordination Team:

Janice Ray (CNSOPB)
Elizabeth MacDonald (CNSOPB)
Glen Herbert (DFO Maritimes)
Jean-Francois Mallet (DFO Gulf)

Annual Status Updates

- Discussions were limited given that CNSOPB Environmental Advisors were on interchange assignments for the majority of 2022.
- The Joint 2022 Work Plan was finalized and signed by all parties.
- There was no mid-year meeting of the Implementation Committee. The Committee convened on November 21, 2022, to discuss the approach to progress reporting for 2022 and work planning for 2023 given the low level of oil and gas activity and the anticipated limited CNSOPB resources. There were a few changes to project team members.
- Given the low level of oil and gas activity, there weren't any situations that arose warranting tri-party development of external communication materials.

Project 2 - Regulatory Activities

Deliverables:

- 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), Robert Jones (DFO Gulf), Joselyn Maclellan (ECCC), Elizabeth MacDonald (CNSOPB).
- In order to be prepared should exploration or other activities commence, 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 (COSEWIC assessed as Threatened in November 2020). Specifically, ECCC will provide general guidelines for systematic monitoring protocols that will need to be implemented during any offshore activities. The CNSOPB will develop protocols, in consultation with ECCC, if offshore activities are planned. Protocols will be implemented by trained and experienced observers to search for, collect and document the occurrence of stranded birds during any offshore activities.
 - Team co-leads: Brent Keeping (ECCC), Elizabeth MacDonald (CNSOPB)
- The CNSOPB will collaborate with ECCC and DFO on post abandonment monitoring as needed.
 - Team co-leads: Janice Ray (CNSOPB), Rita Mroz (ECCC), Mike Wambolt (DFO Maritimes)
- 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.
 - Team co-leads: Glen Herbert (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: Glen Herbert (DFO Maritimes), Dena Murphy (CNSOPB), Monik Richard (DFO Gulf)

Timing: Ongoing

Annual Status Updates

- In early December 2022, the CNSOPB was asked to provide comment on the potential listing of Shortfin Mako and was provided preliminary consultation materials related to DFO’s mandate pursuant to the *Species at Risk Act*.
- The development of advice regarding avoidance and enhanced mitigation of impacts on migratory birds is ongoing by ECCC-CWS in Newfoundland and Labrador, which will inform implementation in Nova Scotia, including the development of:
 - general guidelines for offshore oil and gas operators to support systematic stranded bird survey protocols;
 - stranded bird survey data verification framework to identify data inconsistencies and recommendations;
 - guidance to support a seabird observer training program;
 - stranded bird awareness information package; and
 - a database to support stranded bird data for Atlantic Canada.
- There was no engagement related to the Statement of Canadian Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment in 2022.

- The CNSOPB advised DFO and ECCC of the follow-up monitoring that occurred at the Alma-2 location and the results of the monitoring.
- The ESRF Management Board continues to hold regular meetings to discuss priority environmental research.

Project 3 – Marine Planning and Conservation

Deliverables:

- The CNSOPB and DFO will collaborate on initiatives and governance structures developed under the Oceans Act.
- 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). ECCC will actively participate in MPA Advisory Committee meetings, specifically for Gully MPA.
- The CNSOPB and ECCC will continue to participate in the federal bioregional marine conservation network development processes, including processes for new AOIs and “Other Effective Area-Based Conservation Measures”, with focus on identified areas.
- ECCC is committed to ongoing participation in migratory bird monitoring within MPAs and more broadly within the bioregion, by way of at-sea surveys (i.e. air and vessel-based) and telemetry data in support of evidence-based planning.

Timing: Ongoing

Project Team Leaders:

Wendy Williams (DFO Maritimes)
 Richard Ruest (DFO Gulf)
 Elizabeth MacDonald (CNSOPB)
 Janice Ray (CNSOPB)

Project Team Resources:

Glen Herbert (DFO Maritimes)
 Monik Richard (DFO Gulf)
 Karel Allard (ECCC)

Annual Status Updates

- The CNSOPB collaborated with DFO on the establishment of the Eastern Canyons Marine Refuge in mid-2022. Further, the CNSOPB and DFO continued to collaborate on initiatives and governance structures, such as the conservation network design for the Scotian Shelf/Bay of Fundy Bioregion, and the Fundian Channel-Browns Bank AOI.
- The CNSOPB continued to participate on all committees for AOIs and MPAs in the Canada-Nova Scotia offshore area.
- The CNSOPB remains engaged in the process for development of the federal bioregional marine conservation network, including marine refuges.
- Bird monitoring within MPAs is informed by both site-specific and broader scale efforts. ECCC and DFO collaborate to seize opportunities to advance inshore and offshore bird monitoring. ECCC continues to contribute to enhancement of monitoring frameworks for MPAs. ECCC is developing an ECCC protected areas monitoring strategy.
- ECCC - CWS conducted at-sea seabird surveys in Spring and Fall 2022 in both The Gully and St. Ann’s Bank Marine Protected Areas, as well as more broadly within the bioregion.

Project 4 – Spill Preparedness and Oversight

Deliverables:

- 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.

Timing: Ongoing

Project Team Leaders:

Dena Murphy (CNSOPB)
Matthieu Dussault (ECCC)

Project Team Resources:

James Porter (ECCC)
Glen Herbert (DFO)
Rob Ronconi (ECCC-CWS)

Annual Status Updates

- Progress was not made on this initiative in 2022 due to other work priorities. ECCC have provided a revised Annex A for CNSOPB consideration. Finalizing the update to the ECCC-CNSOPB MOU Annex A is deferred to the 2023 Work Plan with next steps to be taken by the CNSOPB.

Project 5 - 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.
- Annual report to the Executive Committee.

Timing: Mid-Year Meeting - July 15, 2022

Annual Report - December 15, 2022

Project Team Leader:

Dena Murphy (CNSOPB)

Project Team Resources:

Janice Ray (CNSOPB)
Marc-Antoine Giroux (ECCC)
Wendy Williams (DFO Maritimes)
Alain Hebert (DFO Gulf)

Annual Status Updates

- A mid-year meeting did not take place given the CNSOPB's limited resources and limited oil and gas activities taking place.
- This report fulfills the requirements for the Annual Progress Report.