



***ANNUAL PROGRESS REPORT***

***JOINT 2019 WORK PLAN ACTIVITIES***

***CANADA-NOVA SCOTIA OFFSHORE PETROLEUM BOARD***

***FISHERIES and OCEANS CANADA***

***AND***

***ENVIRONMENT and CLIMATE CHANGE CANADA***

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**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 Report is to summarize the progress of joint projects defined in the 2019 Work Plan. The intent of this report is to meet that purpose.

**Discussion**

In 2019, 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 2019 Work Plan included a total of nine projects, the majority of which were completed. Many are appropriately classified as 'ongoing' projects. Table 1 provides a summary of the progress for each project. Details regarding progress made in 2019 on each project 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 – Integrated Management 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 many of the work plan projects for 2019. Major collaborative activities that took place in 2019 included:

- The CNSOPB completed the Middle Scotian Shelf Strategic Environmental Assessment (SEA) with input from DFO and ECCC;
- The CNSOPB completed its investigation into BP Canada’s unauthorized release of synthetic-based mud (SBM) with input from DFO;
- All parties participated in discussions to establish an external communications working group;
- The CNSOPB completed its review of post Environmental Assessment (EA) documents, such as the Marine Mammal Monitoring Plan and acoustic monitoring plan for the BP exploratory drilling program, with support from DFO;

- Review of the final environmental effects monitoring (EEM) results of the Deep Panuke and SOEP for 2019; and
- There was continued collaboration on matters related to the *Species at Risk Act*.

Project 4: Regulatory Activities for 2019 included nine sub-tasks, many of which were new initiatives. This proved to be challenging for all parties given heavy workloads of each organization. Many of these initiatives will be carried forward to 2020.

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 2019 Work Plan throughout the year. Overall, the progress on the Work Plan deliverables was positive.

**Approvals**

For Fisheries and Oceans Canada:

original signed

Ms. Rhea King  
Regional Director  
Aquatic Ecosystems  
Maritime Region

Feb 14, 2020

Date

original signed

Mr. Alain Hebert  
Regional Director  
Aquatic Ecosystems  
Gulf Region

Feb 14, 2020

Date

For Environment and Climate Change Canada:

original signed

Ms. Lisa Fougere  
Manager  
Regional Analysis and Relations  
Atlantic and Quebec Regions

Feb 14, 2020

Date

For the Canada-Nova Scotia Offshore Petroleum Board:

original signed

Ms. Dena Murphy  
Director  
Operations/Health, Safety & Environment

Feb. 14, 2020

Date

**APPENDIX 1****STATUS REPORT ON CNSOPB/DFO/ECCC 2019 JOINT PROJECTS**

The following summarizes progress on the nine projects defined in the 2019 CNSOPB/DFO/ECCC Work Plan.

**PROJECT 1- Joint Priority Setting, Planning and Coordination****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)

Jaclyn Poole (ECCC)

Guy Robichaud (DFO Gulf)

**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.
- 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.

The three organizations were effective in progressing all deliverables identified under this project. In 2019, communications, policy and program staff from ECCC, DFO and CNSOPB met to discuss opportunities where to work together to ensure effective interdepartmental and external communication efforts. These efforts are anticipated to continue in 2020.

**Status: Ongoing/Complete**

## **PROJECT 2 – Environmental Assessment**

### **Project Team Leaders:**

Elizabeth MacDonald and Janice Ray (CNSOPB)

### **Project Team Resources:**

Eric Theriault (CNSOPB)

Michael Hingston (ECCC)

Mike Wambolt (DFO Maritimes) and Guy Robichaud (DFO Gulf)

### **Deliverables:**

- Continued cooperation in addressing post-EA commitments on the Sable Offshore Energy Project (SOEP), the Deep Panuke project, 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 Impact Assessment process has been finalized, all regulators will participate in a workshop on the process.
- DFO and ECCC will provide advice on EAs as received.

The three organizations were effective in progressing all deliverables identified under this project. In 2019, the CNSOPB completed an SEA for the Middle Scotian Shelf and Slope, which incorporated portions of four (4) previous SEAs: 1A, 1B, 3A, and 3B. The assessment was prepared by Stantec Consulting Ltd and incorporated input from DFO and ECCC.

The Equinor (formerly Statoil) EA process was put on hold by the operator and this status remains unchanged.

The EA for the MKI speculative seismic program was put on hold by the operator and this status remains unchanged.

### **Status: Ongoing**

There was successful achievement of the deliverables identified as a part of this project.

## **PROJECT 3 – Environmental Effects Monitoring**

### **Project Team Leaders:**

Elizabeth MacDonald and Janice Ray (CNSOPB)

### **Project Team Resources:**

Maria Dober (ECCC)

Mike Wambolt (DFO Maritimes) and Guy Robichaud (DFO Gulf)

Eric Theriault (CNSOPB)

**Deliverables:**

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

EEM programs and results for both the SOEP and Deep Panuke projects were reviewed by all parties. Both programs are in a decommissioning and abandonment mode. This was the last year for EEM programs and results reviews for the SOEP and Deep Panuke projects.

**Status: Complete**

**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), Guy Robichaud (DFO Gulf), Eric Theriault, Elizabeth MacDonald and Janice Ray (CNSOPB)
- 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)
- 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 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 / 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 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), Guy Robichaud (DFO Gulf) and Eric Theriault (CNSOPB)

DFO provided advice on benthic species and habitat during analysis and investigation of the BP unauthorized discharge of synthetic-based mud.

No progress was made with respect to 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). Given the anticipated workload and resources for 2020, this initiative will be carried forward to the 2021 Work Plan.

The CNSOPB participated in consultations on future protection of critical habitat for leatherback turtle.

Little to no progress was made with respect to the development of advice regarding avoidance and enhanced mitigation of impacts on migratory birds (e.g. Leach's Storm Petrel) and the development and implementation of a systematic monitoring program, to be conducted by trained observers, to search for, collect and document the occurrence of stranded birds on offshore platforms. Work will be carried forward to the 2020 Work Plan. Requirements for SARA permits renewals for both Encana and EMCP led to discussions where mutual agreements were reached on appropriate handling of stranded birds, focused on Petrels (ECCC/CNSOPB) for the decommissioning and abandonment phase of these projects.

No progress was made with respect to the development of a framework to ensure that risks to intended biodiversity outcomes within other effective area-based conservation measures are

avoided or mitigated. Given the anticipated workload and resources for 2020, this initiative will be carried forward to the 2021 Work Plan.

Development of enhanced mitigation requirements for the protection of Northern Bottlenose Whales was completed in Q2 2019. Preliminary discussions between the CNSOPB and DFO regarding development of enhanced mitigation requirements for programs within the distribution of species at risk such as Leatherback Sea Turtle and Baleen Whales [(Blue Whale and North Atlantic Right Whale) occurred in Q3 and Q4 2019. Given the anticipated workload and resources for 2020, this initiative will be carried forward to the 2021 Work Plan.

Scheduling SARA Working Group meetings continues to be a challenge due to participant workload and finding common availability. Given the existing consultation practices of DFO and ECCC regarding Species at Risk, the CNSOPB is satisfied with the level of collaboration and opportunities to provide input into recovery strategies and action plans. Operations staff of the CNSOPB, DFO, and ECCC agree that working group meetings are not required on a regular basis.

No progress was made with respect to development of standard wildlife observation reporting and data filing requirements for operators. Given the anticipated workload and resources for 2020, this initiative will be carried forward to the 2021 Work Plan.

The CNSOPB and DFO continue to collaborate with respect to research objectives and funding opportunities for the Atlantic region as a whole.

**Status: Ongoing**

## **PROJECT 5 – Integrated Management and Conservation**

### Project Team Leaders:

Rhea King (DFO Maritimes) and Alain Hebert (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)

### **Deliverables:**

- The CNSOPB will collaborate with DFO 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 for new AOIs and “Other Effective Area-Based Conservation Measures”, with focus on identified areas.

The CNSOPB continues to provide advice and guidance on oil and gas related matters to DFO on existing MPAs and upcoming AOIs, such as the Fundian Channel/Brown’s Bank.

**Status: Ongoing**

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

**Status: Ongoing**

##### Project Team Leaders:

Tanya Bryant and Matthieu Dussault (ECCC)  
Eric Theriault (CNSOPB)

##### Project Team Resources:

James Porter (ECCC) and Glen Herbert (DFO)

##### **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.

There is an open exchange of information between all parties when there are spills that warrant the attention of multiple regulators. All parties participated in the BP spill response exercise (December 2017). There were no spill response exercises in 2019 in the region.

ECCC and CNSOPB staff have reviewed Annex A, and reached agreement on proposed updates. Review by ECCC legal and senior management has identified suggested revisions to be considered by staff and the revised document has been submitted for approval.

**Status: Ongoing**

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

### Project Team:

Janice Ray (CNSOPB)  
Stephane Leblanc (ECCC – NEEC)  
Tom King (DFO-COOPER)

### Project Team Resources:

Eric Theriault (CNSOPB)

### **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.

A revised framework document was distributed to the project team in Q3 2019. Further discussion is needed to finalize the document. Given the anticipated workload and resources for 2020, this initiative will be delayed until the latter part of 2020 and/or carried forward to the 2021 Work Plan.

**Status: Ongoing**

## **PROJECT 8 – Ocean Disposal**

### Project Team Leader:

Kevin Power (EC)  
Eric Theriault and Janice Ray (CNSOPB)

### **Deliverables:**

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

A proposed CEPA amendments package has been delayed and there is currently no established timeline for those amendments to be tabled. The Marine Programs Project Leader met with the CNSOPB lead and agreement was reached to attempt to collaboratively produce a succinct Guidance document on how CEPA Disposal at Sea (DAS) currently applies in the sector as an interim measure while pending the outcome of CEPA review. Input was received from the CNSOPB lead on August 9, 2019, regarding the areas they thought required some clarification and

guidance. To date, no additional input has been received from the C-NLOPB lead. The current expectation is that ECCC will have a draft interim guidance document complete by Q2 2020.

Given that the timeline on proposed CEPA amendments remains undefined, further discussion will be required with the C-NLOPB and the CNSOPB on next steps concerning a future regulatory information session and ideas regarding the establishment of a regional sector based working group.

**Status: Ongoing**

#### **PROJECT 9 – Reporting on Progress**

Project Team Leader:

Dena Murphy (CNSOPB)

Project Team Resources:

Lisa Fougere (ECCC)

Rhea King (DFO Maritimes)

Alain Hebert (DFO Gulf)

**Deliverables:**

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

The mid-year summary report was not completed due to heavy workloads. Parties agreed to forego the mid-year report and focus on the annual report.

This Annual Progress Report satisfies the second deliverable outlined under this project.

**Status: Complete**