



ANNUAL PROGRESS REPORT

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

DECEMBER 8, 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 2021 Work Plan. The intent of this report is to meet that purpose.

Discussion

In 2021, 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 2021 Work Plan included a total of seven projects, the majority of which progressed this year. Many are appropriately classified as 'ongoing' projects. Table 1 provides a summary of the progress for each project. The details regarding progress made on each project in 2021 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 – Environmental Assessment	CNSOPB, ECCC, and DFO	X		
3 – Regulatory Activities	CNSOPB, ECCC and DFO	X		
4 – Marine Planning and Conservation	CNSOPB, ECCCand DFO	X		
5 –Spill Preparedness and Oversight	CNSOPB, DFO and ECCC		X	
6 – Framework for Oil Spill Fate and Effects monitoring	CNSOPB, DFO and ECCC		X	
7 – Reporting on Progress	CNSOPB	X		

Progress was made on the work plan projects in 2021; however, 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 (i.e., joint audits) in the Canada-Nova Scotia Offshore Area were not required in 2021 due to the limited nature of the work offshore (post-abandonment monitoring). Highlights from 2021 collaborative MOU efforts included:

- The CNSOPB is preparing the Middle and Eastern Scotian Slope and Sable Island Bank Areas Strategic Environmental Assessment (SEA) and has received input 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 2021 Work Plan throughout the year. The Mid-Year Progress Report was completed in October 2021. Overall, the progress on the Work Plan deliverables was positive.

Approvals

For Fisheries and Oceans Canada:

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L

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Wendy L
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Ms. Wendy Williams

Date

A/Regional Director
Aquatic Ecosystems
Maritimes Region

Hall, Paulette

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Ms. Paulette Hall

Date

A/Regional Director
Aquatic Ecosystems
Gulf Region

For Environment and Climate Change Canada:

**Kempton,
Philson**

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DN: CN = Kempton, Philson C =
CA O = GC OU = PWGSC-TPSGC
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Mr. Phil Kempton

Date

A/Manager
Regional Analysis and Relations
Atlantic and Quebec Regions

For the Canada-Nova Scotia Offshore Petroleum Board:

original signed

December 8, 2021

Ms. Dena Murphy

Date

Director
Operations/Health, Safety & Environment

APPENDIX 1

STATUS REPORT ON CNSOPB/DFO/ECCC 2021 JOINT PROJECTS

The following summarizes progress on the seven projects defined in the 2021 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 2021 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)
Phil Kempton (ECCC)
Wendy Williams (DFO Maritimes)
Alain Hebert (DFO Gulf)

Coordination Team:

Elizabeth MacDonald (CNSOPB)
Jaclyn Poole (ECCC)
Glen Herbert (DFO Maritimes)
Jean-Francois Mallet (DFO Gulf)

Annual Status Updates

- ✓ The discussion of workloads remained ongoing throughout the year. Status updates on offshore activity and strategic environmental assessments has been ongoing throughout the year.
- ✓ The Joint 2021 Work Plan was finalized and signed by all parties.
- ✓ The Mid-Year Report was completed in October 2021. There were a few changes to project team members.
- ✓ Coordination occurred throughout the year when opportunities arose.

Project 2- Environmental Assessment

Deliverables:

- The CNSOPB is currently developing an SEA of the Western Scotian Shelf and Slope. In 2021, the CNSOPB will conduct another SEA. DFO and ECCC will provide advice to the CNSOPB on these SEAs.
- DFO and ECCC will provide expert advice to the CNSOPB on scoping for and review of any project-specific EAs that may be initiated in 2021.

Timing: Ongoing

Project Team Leader:
Elizabeth MacDonald (CNSOPB)

Project Team Resources:
Michael Hingston (ECCC)
Glen Herbert (DFO Maritimes)

Annual Status Updates

- ✓ The Western Scotian Shelf and Slope SEA is complete. DFO and ECCC provided advice on both the Scoping Document and first draft of the Middle and Eastern Scotian Slope and Sable Island Bank Areas SEA.
- ✓ No project-specific EAs have been received this year. None are anticipated for the remainder of the year.

Project 3 - 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), Diane Amirault-Langlais (DFO Gulf), Julie McKnight (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: Sue Abbott (ECCC), Elizabeth MacDonald (CNSOPB)
- 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) and Jean-Francois Mallet (DFO Gulf)

Timing: Ongoing

Annual Status Updates

- ✓ The CNSOPB were not asked to provide comment on Species at Risk consultation materials related to their mandate in 2021.
- ✓ 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.
- ✓ The review process for the *Statement of Canadian Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment* has completed phase 1 (2019-20) which focused on science and interdepartmental reviews of existing document, and is now in phase 2 (2021-22) with specific proposed revisions under development and consideration. In phase 3 (2023), a draft updated document will be available for broad review and consultation, followed by phase 4 (2024) with a final updated document.
- ✓ The ESRF Management Board continues to hold regular meetings to discuss priority environmental research.

Project 4 – 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)

Project Team Resources:

Glen Herbert (DFO Maritimes)
Carole Godin (DFO Gulf)
Karel Allard (ECCC)

Annual Status Updates

- ✓ The CNSOPB and DFO continue to collaborate on initiatives and governance structures, such as the conservation network design for the Scotian Shelf/Bay of Fundy Bioregion, the Fundian Channel-Browns Bank AOI and the proposed Eastern Canyons Marine Refuge processes.
- ✓ The CNSOPB continues to participate on all committees for AOIs and MPAs in the Canada-Nova Scotia offshore area.
- ✓ 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.

Project 5 – 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 Q4 2021.
- 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 Q2-Q3 2021.

Timing: Ongoing unless otherwise indicated

Project Team Leaders:

Dena Murphy (CNSOPB)
Matthieu Dussault (ECCC)

Project Team Resources:

James Porter (ECCC)
Glen Herbert (DFO)
Elizabeth MacDonald (CNSOPB)

Annual Status Updates

- ✓ It was determined that a summary document to clarify mandates, jurisdictions and roles for regarding offshore spills and other relevant incidents is no longer required.
- ✓ Finalizing the update to the ECCC-CNSOPB MOU Annex A is deferred to the 2022 Work Plan, ECCC provided comments to the CNSOPB in June 2020; this project is pending next steps from the CNSOPB.

Project 6 - Framework for Oil Spill Fate and Effects Monitoring

Deliverables:

- Continued discussions of issues/areas requiring collaborative work and addressing identified gaps. Timing: Q4 2021.
- 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 2021.

Timing: Q4 2021

Project Team Leaders:

Stephane Leblanc (ECCC-NEEC)

Tom King (DFO-COOPER)

Elizabeth MacDonald (CNSOPB)

Annual Status Updates

- ✓ Due to resource constraints and shifting priorities, it was determined that the framework document is no longer required.

Project 7 - 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 2021 and Annual Report - December 2021.

Project Team Leader:

Dena Murphy (CNSOPB)

Project Team Resources:

Elizabeth MacDonald (CNSOPB)

Phil Kempton (ECCC)

Wendy Williams (DFO Maritimes)

Alain Hebert (DFO Gulf)

Annual Status Updates

- ✓ The mid-year report was completed in October 2021.
- ✓ This report fulfills the requirements for the Annual Progress Report.