

Terms of Reference

Canada–Newfoundland and Labrador Offshore Energy Regulator (C-NLOER) Public Review of the Bay du Nord Development Application

1. Purpose and Legislative Authority

The purpose of this Terms of Reference is to guide the conduct of a public review to gather feedback on the Bay du Nord Development Application submitted to the C-NLOER by the Project Proponents.

The public feedback will help inform the C-NLOER’s assessment of whether the Development Application complies with the applicable legislative and regulatory requirements.

The public review is conducted under the authority of the Accord Acts, which establish the joint management framework for offshore energy and require approvals of a Development Application.

2. Definitions

In these Terms of Reference:

- “Accord Acts” mean the *Canada-Newfoundland and Labrador Atlantic Accord Implementation and Offshore Renewable Energy Management Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation and Offshore Renewable Energy Management Newfoundland and Labrador Act*;
- “Canada-Newfoundland and Labrador Benefits Plan” has the meaning set out in section 45 of the Accord Acts;
- “Development Application” means all documentation submitted to the C-NLOER by the Project Proponents to support approval of the Project;
- “Development Plan” has the same meaning as set out in section 2 of the Accord Acts;
- “Participant” means a person, other than the Project Proponents or the C-NLOER, who participates in a public information session and/or files a written submission to the public review;
- “Project” means the Bay du Nord project;
- “Project Proponents” has the same meaning as section 1.1.4 of the Development Application;
- “Regulator” and/or “C-NLOER” means the Canada-Newfoundland and Labrador Offshore Energy Regulator;

- “Regulator Members” means the Members of the Regulator appointed under section 10 of the Accord Acts; and
- “Third-Party Facilitator” means a third-party selected by the Regulator Members to facilitate the public review (including virtual and in-person engagement).

3. Role of the C-NLOER

The C-NLOER will assess whether the Development Application complies with applicable legislative and regulatory requirements with respect to:

- *Technical and Operational Aspects*
 - Field development concept, including subsea production system and FPSO configuration
 - Reservoir management and production strategy
 - Project execution plans, schedules and risk assessments
- *Health, Safety and Environmental Protection*
 - Offshore safety systems, emergency preparedness and spill response capability
 - Environmental protection measures, including consistency with mitigation measures and follow-up programs set out in the federal Decision Statement
- *Industrial Benefits Considerations*
 - Compliance of the Benefits Plan with Section 45 of the Accord Acts
 - Socio-Economic Impact Statement

In its review of the Development Application, the C-NLOER acknowledges the following previously completed regulatory processes, agreements and plans:

- The federal Minister of Environment and Climate Change’s Decision Statement for the project issued under the Canadian Environmental Assessment Act, 2012, including legally binding conditions
- Benefits, Royalty and Equity Option agreements between the Project Proponents and the Government of Newfoundland and Labrador
- Federal and provincial emissions reduction plans

4. Scope of the Public Review

The public review will be led by the Third-Party Facilitator, who will seek comments from Participants on the following Development Application documents submitted by the Project Proponents:

- Development Plan
- Benefits Plan
- Concept Safety Analysis
- Socio-Economic Impact Statement

Limitations

The public review shall not include an examination of questions of:

- Energy and climate policy
- Previously approved federal or provincial regulatory processes or agreements
- Jurisdiction
- Fiscal or royalty regimes of governments
- Division of revenues between the Government of Canada and the Government of Newfoundland and Labrador
- Matters which go beyond the potential or proposed development of the Project or the C-NLOER's statutory authority under the Accord Acts

5. Public Review Process

Duration

The review period shall be 60 calendar days from June 22, 2026.

Participation

The C-NLOER invites written submissions from Participants at any time during the review period, and/or questions or comments from Participants at the following public information sessions:

- Monday, June 22: Virtual session
- Tuesday, June 23: In-person session, Clarenville
- Wednesday, June 24: In-person session, Marystown
- Thursday, June 25: Virtual session
- Tuesday, July 7: In-person session, Corner Brook
- Wednesday, July 8: In-person session, Gander
- Thursday, July 9: In-person session, St. John's

Written submissions may include written comments, technical analyses or requests for clarification. Written submissions must:

- Be received within the 60-day review period
- Clearly identify issues, concerns or recommendations
- Reference specific sections of the Development Application where applicable
- Provide supporting evidence or rationale where possible

Summary of Submissions

The Third-Party Facilitator will provide a report to the C-NLOER following the completion of the public review, summarizing the written submissions and questions and comments during the public information sessions.

Public Disclosure

The Third-Party Facilitator's report to the C-NLOER and written submissions received during the public review will be made publicly available.