

2025-2026 Work Plan - As per the Memorandum of Understanding between Canada-Newfoundland and Labrador Offshore Energy Regulator and Fisheries and Oceans Canada

April 2025

Context

The Canada-Newfoundland and Labrador Offshore Energy Regulator (C-NLOER) regulates petroleum-related activities in the Canada-Newfoundland and Labrador (NL) Offshore Area. It is governed by the Atlantic Accords and the *Atlantic Accord Implementation Acts*, which are the preeminent legislation governing the Canada-NL Offshore Area.

Fisheries and Oceans Canada (DFO) manages Canada's fisheries and safeguards its waters. Three critical pieces of legislation support DFO's work: the *Fisheries Act*, the *Species at Risk Act* (SARA), and the *Oceans Act*.

Section 46 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Act* (1987) and Section 46 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* (1992) specifically direct the C-NLOER and federal and provincial agencies and departments to enter into Memoranda of Understanding (MOU) to ensure effective coordination and avoid duplication of work and activities.

DFO and the C-NLOER have also established a bilateral MOU to facilitate collaboration in the oil and gas sector. The MOU identifies DFO as the principal advisor to the C-NLOER on marine ecosystem conservation and protection concerning proposed petroleum-related activities; however, decision-making authority resides with the C-NLOER.

DFO advises the C-NLOER pursuant to the mandate of DFO and the Department's responsibilities under the *Fisheries Act*, *Oceans Act* and *Species at Risk Act*. Specifically, DFO advises the C-NLOER on matters related to:

- Fish and Fish Habitat
- Marine Mammals and Sea Turtles
- Species at Risk
- Conservation Areas
- Fisheries

The 2025-2026 Work Plan is an overarching operational document identifying areas where collaborative work is planned in the 2025-2026 fiscal year.

2025-2026 Work Plan

DFO and the C-NLOER continue to work cooperatively towards objectives of mutual interest, as described in Section 4.0 of the MOU. The 2025-2026 Work Plan identifies projects and activities related to fulfilling those objectives; however, this does not preclude DFO and the C-NLOER from engaging in additional priority projects or activities identified throughout 2025-26, if needed.

Joint priority setting, planning, coordination and administration

Description:

The C-NLOER and DFO have legislative and regulatory responsibilities related to petroleum activities in the Canada-NL Offshore Area and aquatic resources that potentially interact with these activities. As such, the C-NLOER and DFO commit to working closely together, ensuring regular and effective engagement at both executive and operational levels.

Deliverables and commitments:

- Regular meetings of the Executive Committee will continue throughout 2025-26 to discuss priorities and progress of the 2025-26 Work Plan
- DFO and the C-NLOER will make the annual MOU 2025-26 Work Plan publicly available on the C-NLOER and DFO websites by June 30, 2025
- DFO and the C-NLOER will make the 2024-25 Activity Report publicly available on the C-NLOER and DFO websites by August 15, 2025
- The Implementation Committee will meet to identify issues/areas requiring collaboration and identification of anticipated projects for inclusion in the 2026-27 Work Plan
- A joint 2026-27 Work Plan will be developed for approval by DFO and the C-NLOER

Regulatory activities

Description:

The Work Plan signatories share an interest in continuously improving collaboration of Regulatory Activities to ensure that potential impacts on aquatic resources are understood and mitigated effectively and efficiently. The exchange of expertise and information in the conduct of Regulatory Activities is a key component of C-NLOER and DFO-mandated responsibilities and obligations.

Deliverables and commitments:

- DFO will advise the C-NLOER on Accord Act Environmental Assessments (EAs), EA Amendments and other EA documents.
- DFO will advise the C-NLOER and provide information pertaining to proponent compliance with relevant conditions as set out in Federal Impact Assessment (IA)/EA Decision Statements and/or the Regulations Respecting Excluded Physical Activities (NL Offshore Exploratory Wells)
- DFO will advise the C-NLOER on Environmental Effects Monitoring (EEM) programs for offshore petroleum development projects and revisions to existing EEM plans.
- DFO will inform and seek input from the C-NLOER regarding the potential listing of marine species on Schedule 1 of the *Species At Risk Act*

Incident Response and Preparedness

Description:

DFO and the C-NLOER have independent mandates with respect to preparedness and response to environmental emergencies. The identified initiatives will facilitate the exchange of information to ensure coordinated approaches to incident preparedness and response as needed.

Deliverables and commitments:

- DFO will advise on operator incident avoidance, preparedness and response planning (e.g., Spill Response Plans, Spill Impact Mitigation Assessments and Wildlife Plans)
- DFO will support and advise the C-NLOER during operator-led Spill Response Plan exercises.
- DFO will support and advise the C-NLOER during environmental incidents.

Collaborative information exchange

Description:

Collaborative information exchange between the C-NLOER and DFO is essential to advancing respective priorities and meeting obligations detailed within the bilateral MOU. Key priorities for 2025-2026 are identified below.

Deliverables and commitments:

- DFO will notify the C-NLOER of proposed or final postings of recovery documents on the SARA Public Registry
- DFO will notify the C-NLOER of species-specific public consultations on whether or not to add the species to the List of Wildlife Species at Risk (Schedule 1) of the SARA
- The C-NLOER and DFO will facilitate information exchange through participation on the Regional Oversight Committee on Oceans Management (ROCOM), the Canada-Newfoundland and Labrador Committee on Oceans Management (C-NLCOM) and associated working groups, coordinated by DFO.
- The C-NLOER and DFO will meet as needed to facilitate the exchange of marine spatial planning-related information.
- The C-NLOER and DFO will collaborate to ensure that respective marine spatial planning-related data on the Canada Marine Planning Atlas and the C-NLOER Data and Information Hub is current and relevant.
- DFO will provide advice to the C-NLOER regarding operator compliance with environmental assessment conditions related to DFO's guidance to protect corals and sponges from potential impacts from exploratory drilling, both inside and outside of Other Effective Area-Based Conservation Measures (OECMs).
- The C-NLOER will provide DFO with geophysical, geological, geotechnical, or environmental program "Mitigation and Monitoring Reports" to allow DFO verification of operator conformity with measures outlined in the Statement of Canadian Practice on the Mitigation of Seismic Sound in the Marine Environment
- The C-NLOER will provide DFO with annual environmental reports and supporting data submitted by Operators in the Newfoundland and Labrador Offshore Area.
- DFO will consult with and seek input/information from the C-NLOER regarding oil and gas activities associated with potential marine conservation areas in the NL offshore.
- DFO will collaborate with the C-NLOER to facilitate the provision of information and/or data for inclusion in semi-annual forecasts and reporting for submission to the NAFO Secretariat and may include:
 - planned petroleum-related activities in the Canada-NL Offshore Area
 - notification of incidents on the water
 - notification of environmental incidents (e.g., spills and discharges)

- notification of C-NLOER authorization applications and approvals
- DFO will provide the C-NLOER with information and/or data about fishing activities in divisions of the NAFO Regulatory Area (NRA) (i.e., Vessel Monitoring System data subject to the Terms of Use, Vulnerable Marine Ecosystems closed to fishing activity), requested through the Information Exchange Arrangement, to inform petroleum-related activity planning in the NRA.
- DFO and the C-NLOER will continue to collaborate and provide input into research objectives relevant to the C-NLOER and the petroleum industry.
- The C-NLOER will communicate with DFO regarding the planned expansion of its mandate to include the regulation of offshore renewable energy development and renaming the Board to the Canada-Newfoundland and Labrador Offshore Energy Regulator
- The C-NLOER will communicate with DFO regarding upcoming fisheries engagement initiatives.

Approval

The undersigned approves the proposed 2025-2026 Work Plan as per the MOU between the C-NLOER and DFO.

McGillivray, William  Digitally signed by McGillivray, William
Date: 2025.06.13 07:42:52 -02'30'

Fisheries and Oceans Canada

William McGillivray
Regional Director General Fisheries and Oceans Canada
Newfoundland and Labrador Region

Signed by:

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Canada-Newfoundland and Labrador Offshore Energy Regulator

Scott Tessier
Chief Executive Officer
Canada-Newfoundland and Labrador Offshore Energy Regulator

Appendix A

Abbreviation index

CEAA 2012: Canadian Environmental Assessment Act 2012

C-NLCOM: Canada-Newfoundland and Labrador Committee on Oceans Management

C-NLOER: Canada-Newfoundland and Labrador Offshore Energy Regulator

DFO: Fisheries and Oceans Canada

EA: Environmental Assessment

EEM: Environmental Effects Monitoring

IA: Impact Assessment

IAAC: Impact Assessment Agency of Canada

MOU: Memorandum of Understanding

MPC: Marine Planning and Conservation

MSP: Marine Spatial Planning

NAFO: Northwest Atlantic Fisheries Organization

NEEC: National Environmental Emergencies Centre

NL: Newfoundland and Labrador

NRA: NAFO Regulatory Area

ROCOM: Regional Oversight Committee on Oceans Management

SARA: Species at Risk Act

VMS: Vessel Monitoring System