

<b>REGIONAL ASSESSMENT OF OFFSHORE OIL AND GAS EXPLORATORY DRILLING EAST OF NEWFOUNDLAND AND LABRADOR</b> <b>Engagement Activity / Meeting Notes</b> <b>Finalized: October 28, 2019</b>		
<b>Date and Time / Duration</b>	Monday, October 7, 2019 2:30 p.m. – 4:00 p.m. NDT	
<b>Location</b>	Impact Assessment Agency of Canada Office, St. John’s, NL and teleconference	
<b>Organization(s)</b>	<ul style="list-style-type: none"> <li>• East Coast Environmental Law (ECE Law)</li> <li>• Ecology Action Centre (EAC)</li> <li>• Oceans North</li> <li>• Sierra Club Canada Foundation</li> <li>• World Wildlife Fund-Canada (WWF-Canada)</li> </ul>	
<b>Participants (External)</b>	<u>In-person:</u> Mike Kofahl, ECE Law	<u>Teleconference:</u> Mark Brooks, WWF-Canada Gretchen Fitzgerald, Sierra Club Canada Foundation Susanna Fuller, Oceans North Keith MacMaster, EAC Sarah Saunders, WWF-Canada
<b>Participants (Internal)</b>	<u>Committee Members:</u> Gerald Anderson Garth Bangay (phone) Wes Foote	<u>Regional Assessment Task Team:</u> <i>Impact Assessment Agency of Canada</i> Steve Bonnell Erin Stapleton
<b>Key Messages/Issues Raised</b>	<b>Timelines and process</b> <ol style="list-style-type: none"> <li>1. From the time the draft Terms of Reference of the Regional Assessment were released, these organizations have been expressing their concern regarding the short timeline.</li> <li>2. If done right, the Regional Assessment can enhance the environmental assessment process for offshore exploratory drilling.</li> <li>3. It is important that the public, stakeholders and Indigenous groups be properly engaged, beyond information-sharing and to instead collaborate with the Committee and to contribute to the analysis.</li> <li>4. Since a possible outcome of the Regional Assessment is that project-specific environmental assessments may not be required (at least in some areas of the Regional Assessment Study Area [the Study Area]), the Regional Assessment must follow a fulsome process, and provide a comprehensive analysis.</li> <li>5. ECE Law acknowledged that the Terms of Reference is a constraint to the Committee, however, there are tools therein to address the timeline concerns for the Regional Assessment.</li> <li>6. ECE Law intends to write to the Minister of Environment and Climate Change Canada to express concerns regarding the timeline for the Regional Assessment.</li> <li>7. Concerns regarding Committee structure should be directed to the Minister.</li> <li>8. Questions/concerns regarding process and regulations can be directed to the Impact Assessment Agency (the Agency) via Steve Bonnell.</li> <li>9. Questions/concerns specifically for the Committee can be directed to the co-chairs, Wes Foote and Garth Bangay.</li> </ol>	

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10. The Committee explained that they will make recommendations to the Minister, which may be used by the Agency to inform a regulation. A possible outcome may be along the lines of: if a proposed exploratory drilling project is within the Regional Assessment Study Area and meets all specified conditions/requirements, then the project is not a designated project and therefore not subject to a project-specific environmental assessment.
11. Steve Bonnell added that a hypothetical outcome is that: in certain areas of the Study Area, a proposed exploratory drilling project will not require an environmental assessment; in other areas, additional requirements would have to be met (e.g., additional mitigation measures applied); and in other areas, there is not enough information/data available and the regulation does not apply.
12. There may be different recommendations for different areas within the Study Area, with a precautionary approach central to those recommendations. As the Committee has communicated in their various engagement initiatives, including the recent TAG sessions, they are focused on producing a robust, quality product. The timeline is secondary. WWF-Canada emphasized that quality is directly linked to timeline.
13. Right now, the goal is still to produce a first draft by December 21. WWF Canada mentioned that the Nunavut Impact Review Board requested and received more time for one of their recent processes.
14. The Committee will be making recommendations specific to the Decision-Support tool (previously the GIS), including where it will be housed, how it will be updated, frequency of updates, etc. This was the subject of much discussion in the GIS TAG. The Minister will ultimately decide how the decision-support tool will be used. The Committee wants this tool to continue to evolve, and want it to incorporate new knowledge/data in the coming years.
15. Right now the focus is on designing a decision-support tool that draws upon the best possible knowledge that the Committee can find for the Study Area, and that allows us to use this knowledge for improved decision making.
16. There will be an opportunity for the public, stakeholders and Indigenous groups to review the tool before the Regional Assessment concludes. The Committee is considering hosting instructional webinars so that people have an idea of functionality *before* the official comment and review period begins.
17. The Committee intends to conduct more engagement *before* the draft Regional Assessment Report is released. Likely sometime in November. ECE Law highlighted the importance of communicating these plans (dates, locations, etc.) as soon as possible. Having inadequate time and resources to meaningfully engage and to review and comment on technical documents, particularly for Indigenous groups, was a key issue for the Muskrat Falls inquiry.
18. The Committee intends to have notional/potential recommendations drafted for this second phase of engagement so that the draft report isn't the first time the potential recommendations are being shared.

**Cumulative effects assessment**

1. The Regional Assessment offers more opportunity for cumulative effects

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assessment than project-specific environmental assessments.

2. The cumulative effects assessment in the Regional Assessment will include activities beyond exploratory drilling activities, and beyond offshore oil and gas activities (e.g., natural and anthropogenic interactions, drilling, seismic, shipping, fishing vessel traffic, climate change, etc.), within the data available and within the available resources.
3. The Committee, the Agency and the C-NLOPB are developing different scenarios for use in the cumulative effects assessment, based on projected number of wells and what's realistic over space and time (informed by historical data), and using low-medium-high scenarios.
4. The Committee is more focused on planning and precaution rather than prediction. The goal is to make recommendations for how cumulative effects can be avoided and/or managed in the future through planning.
5. WWF Canada mentioned that Alberta has an emission cap on their oil and gas industry, and would like the Committee to consider the recent IPCC report.
6. WWF Canada and Sierra Club Canada Foundation would like to understand total expected emissions associated with the projected number of wells, as well as with the overall Newfoundland and Labrador oil and gas sector, and how these emissions factor into Canada's overall emissions and compare to Canada's emissions reductions targets.
7. Oceans North spoke to the importance of recognizing that while the Regional Assessment has not been considered as a transboundary assessment, it is being watched as a case study on how to engage other nations. There is perceived failure regarding communications around recent oil spills. There are provisions in UNCLOS (specifically Article 194) on what should and should not be done. There needs to be consideration of what increased oil and gas activity means for fishing industry, and if Canada is holding up their commitments to the UNCLOS Agreement on High Seas Biodiversity. The Committee sees these items as beyond the scope of the Regional Assessment, but welcomes any input/information Oceans North wants to submit on this topic.

**Precautionary approach**

1. The precautionary principle can be a strong legal tool. ECE Law would like the Regional Assessment Report to clearly communicate the Committee's definition of the precautionary principle, as there are many versions/interpretations/applications.
2. The Committee and Task team believe the precautionary principle has been central to the Regional Assessment so far, and welcomes information on how it should be considered/defined/applied.
3. Oceans North advised the Committee to be cautious in how it applies the precautionary approach (i.e., there will never be enough data to prove something beyond a doubt). The Regional Assessment should be applying the precautionary principle in the context of management decisions rather than in a purely scientific context.
4. There are known biodiversity hotspots, and there are areas where enough is

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	<p>known to be able to designate “no-go areas” where exploratory drilling should not be allowed. The Committee confirmed that this is a possible outcome.</p> <p>5. In areas where data is insufficient/lacking, the Committee’s recommendations may be such that these drilling programs would not be exempt and therefore require a project-specific environmental assessment, which places the burden of proof back on the operator.</p>
<b>Follow-up / Action Items</b>	<ol style="list-style-type: none"><li>1. ECE Law to provide Committee with information/references on precautionary principle.</li><li>2. Oceans North to provide Committee with information on transboundary environmental assessment, and to provide comments regarding risks to Canada.</li></ol>
<b>Prepared By:</b>	Erin Stapleton