

August 28, 2018



Dear 

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* (File # NR-116-2017)

On August 14, 2018, the Department of Natural Resources received your request for access to the following records/information:

June 2018 Decision/Direction Note An Agreement to Conduct a Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador (the Agreement).

I am pleased to inform you that a decision has been made by the Department of Natural Resources, confirmed by the Deputy Minister, to provide access to the requested records. The record is attached.

We are providing access to the most information possible but have made redactions in accordance with Sections 29(1)(a), 35(1)(d), 35(1)(f) and 35(1)(g) of *ATIPPA, 2015* as follows:

29. (1)(a) The head of a public body may refuse to disclose to an applicant information that would reveal advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

35. (1)(d) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party;

35. (1)(f) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose positions, plans, procedures, criteria or

instructions developed for the purpose of contractual or other negotiations by or on behalf of the government of the province or a public body, or considerations which relate to those negotiations

35. (1)(g) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose information, the disclosure of which could reasonably be expected to prejudice the financial or economic interest of the government of the province or a public body.

Please note we have made full page redactions under these Sections for page 2 of the Briefing Note and pages 4 through 22, which represents the Annex which is a Draft Agreement still under negotiation and not yet finalized.

As set out in section 42 of the Act you may ask the Information and Privacy Commissioner to review the department's decision to provide access to the requested information. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your request should identify your concerns with the department's response and why you are requesting a review.

The request for review may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P.O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

Pursuant to section 52 of the Act, you may also appeal directly to the Supreme Court Trial Division within 15 business days after receiving the department's decision.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

For further details about how an access to information request is processed, please refer to the Access to Information Policy and Procedures Manual at

<http://www.atipp.gov.nl.ca/info/index.html>.

If you have any questions, please feel free to contact me at 709-729-0463 or rhynes@gov.nl.ca.

Sincerely,

A handwritten signature in black ink that reads "Rod Hynes". The signature is written in a cursive style with a large, stylized 'R' and 'H'.

Rod Hynes
ATIPP Coordinator

Decision/Direction Note
Department of Natural Resources

Title: An Agreement to Conduct a Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador (the Agreement).

Decision/Direction Required:

- To seek authority for the NL government to enter into an agreement with the Federal government and the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) to conduct a Regional Assessment in the NL offshore area.

Background and Current Status:

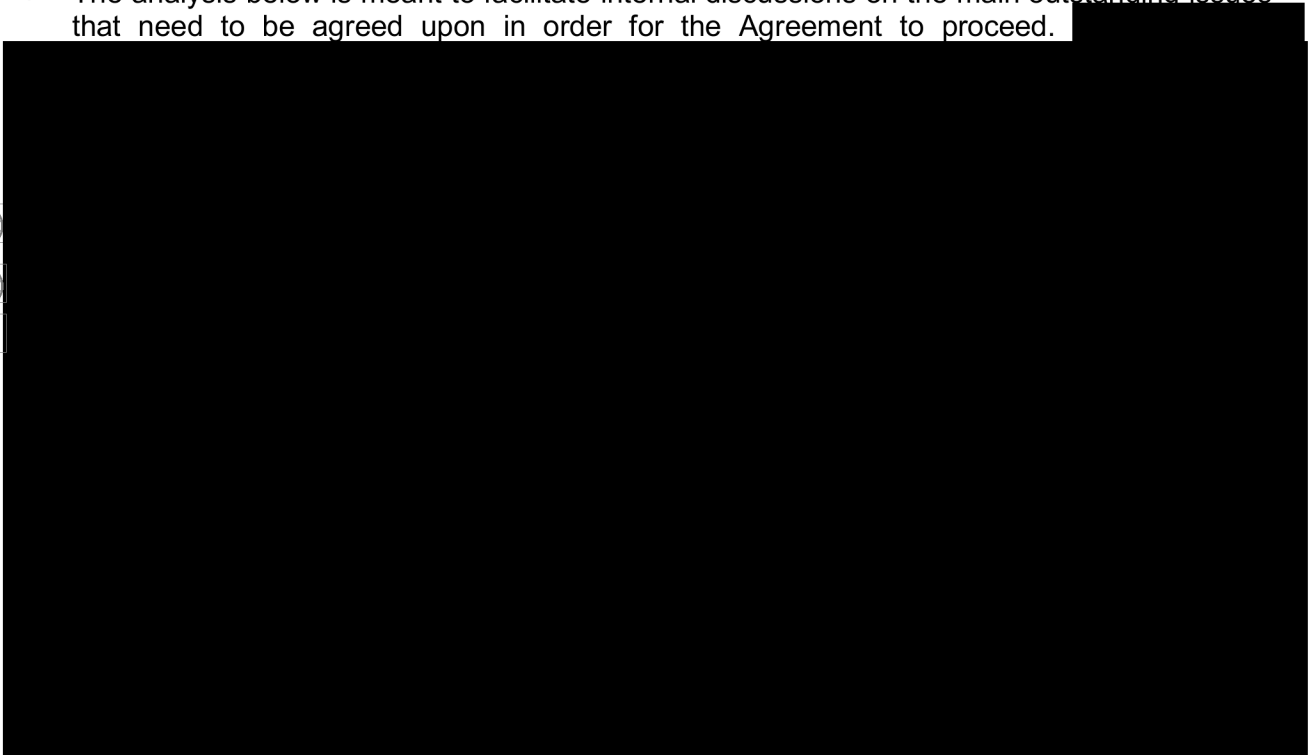
- Officials from the Federal Government (Environment and Climate Change Canada (ECCC) and Natural Resources Canada (NRCan)), NL NR and the C-NLOPB have been in discussions on the development of an agreement to conduct a Regional Assessment (RA) for the eastern Newfoundland offshore area with the primary objective of gathering evidence to have drilling of exploratory wells removed from the designated project list and to avoid having to go through the review panel process. The aim of this process is to eliminate the uncertainty, duplication and timeliness of the current ongoing environmental assessments.
- The Agreement is seen as an essential component to having exploratory wells removed from the designated project list to coincide with exploratory drilling programs planned in 2019 and beyond.
- To this end, a draft Agreement (see Annex 1) has been prepared by CEA Agency requiring the signature of the Minister of ECCC, the Minister of NRCan and the Minister of NL NR. Officials have reviewed the draft and a number of issues have been identified that require further decisions/direction in order for the Agreement to be finalized.
- The analysis below is meant to facilitate internal discussions on the main outstanding issues that need to be agreed upon in order for the Agreement to proceed.

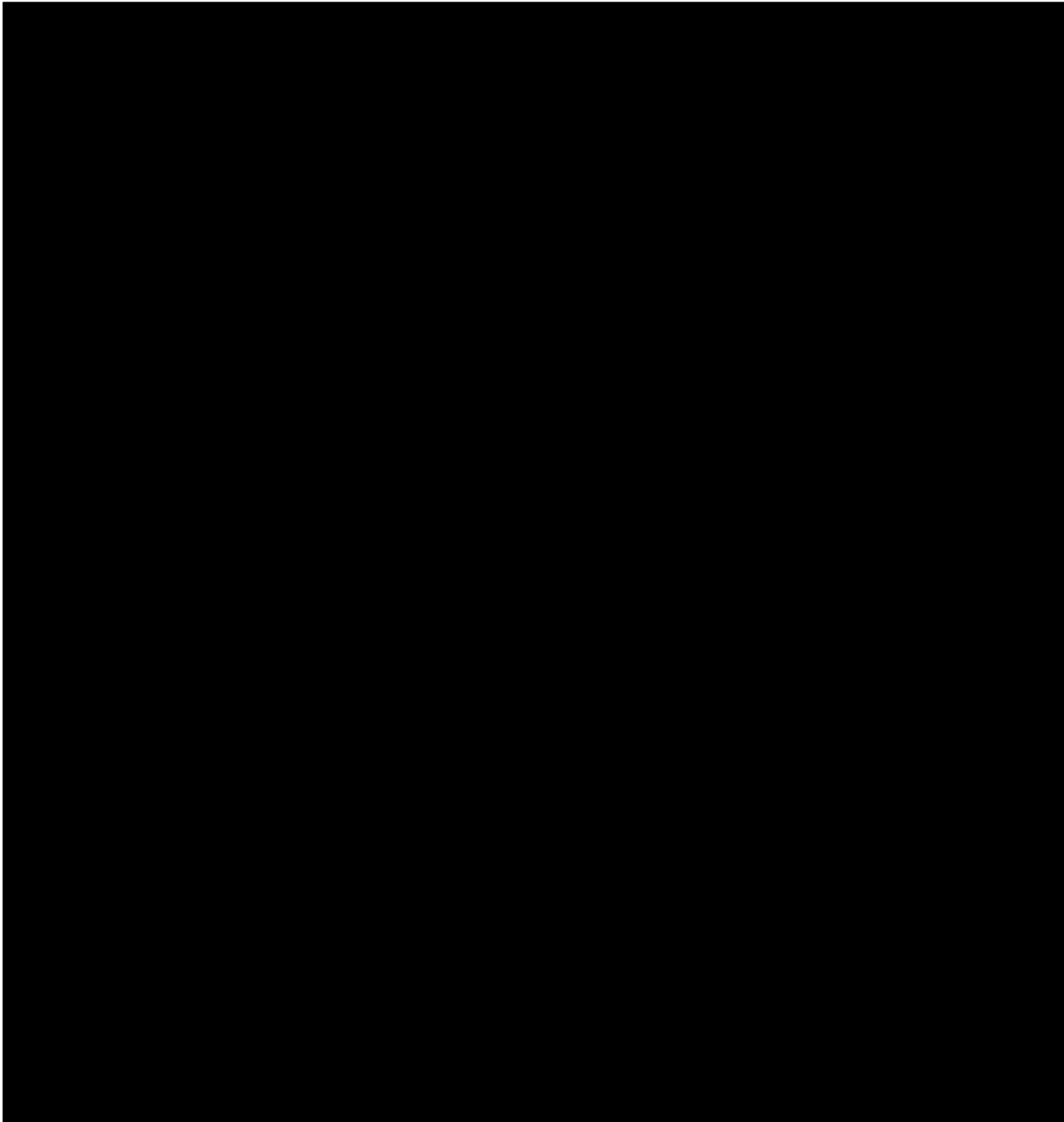
S. 29 (1) (a)

S. 35 (1) (d)

S. 35 (1) (f)

S.35(1)(g)





S. 35 (1) (f) S. 29 (1) (a) S. 35 (1) (d) S.35(1)(g)

Prepared/Approved by:
Ministerial Approval:

C. Carter
Received from Hon. Siobhan Coady

June 22, 2018

Annex 1