November 8, 2018

Dear [Name]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (File # NR-246-2018)

On October 29, 2018, the Department of Natural Resources received your request for access to the following records/information:

Copy of the note: Atlantic Accord Review.

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 record. The record is attached.

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 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
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,

Rod Hynes
ATIPP Coordinator
Title: Atlantic Accord Review

Issue: This note provides a brief high-level overview of the Atlantic Accord and its upcoming mandated review. This note has been prepared to support Minister Coady in her meeting with Senator Doug Black on Friday, Sept 28, 2018.

Background and Current Status:


- The Atlantic Accord was given the force and protection of law by the enactment of parallel legislation passed by both the federal and provincial government: the Federal Canada–Newfoundland and Labrador Atlantic Accord Implementation Act (S.C. 1987, c. 3) and the Provincial Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act (referred to jointly as the Accord Acts).

- The Accords facilitate the orderly development of petroleum resources in NL and Canada’s Atlantic offshore area, and are the legal cornerstones for the management of oil and gas activity in the Canada-Newfoundland and Labrador offshore area. The Accord Acts jointly established the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) and made it responsible for the joint management of petroleum resources in the offshore area, on behalf of the federal government and the NL government.

- Under these Acts, the Government of Canada and the Government of Newfoundland and Labrador agreed that neither Government will introduce amendments to their respective Acts nor any regulation made thereunder without the consent of both Governments. Amendments to the Act requires coordination with federal officials as Clause 60 of the Atlantic Accord only allows for amendments by mutual consent.

- A feature of the 2005 Atlantic Accord arrangement is a commitment to undertake a review by March 31, 2019 to address:
  - (a) the extent to which the Atlantic Accord objectives have been achieved,
  - (b) whether NL has realized lasting fiscal and economic gains from its offshore revenues,
  - (c) the Equalization arrangements in effect in 2005,
  - (d) the fiscal disparities that then existed between NL and other provinces,
  - (e) NL’s undeveloped offshore petroleum discoveries, as well as any legislative or other relevant considerations.

- Both governments are currently in developing a number of legislative amendments to the Accord Acts including:
  - Frontier Offshore Regulatory Renewal Initiative (FORRI) - Framework Regulations/Spill Treating Agent Regulations/Methane Regulations;
  - Offshore Occupational Health and Safety Regulations/Diving regulations;
  - Land-tenure System amendments;
  - Alternative Response Measures for Oil Spill Response amendments;
  - Implementing a provincial carbon pricing regime by allowing for the application of the Provincial Management of Greenhouse Gas Act to the offshore area.
Analysis:
• Premier Ball wrote to the Prime Minister on February 13, 2018, to initiate the review process contemplated in the Act.

Action Being Taken:
• DNR officials will support the ongoing review as well as the proposed legislative amendments.

Prepared/Approved by: H. Simms/C. Carter
Ministerial Approval: Received from Hon. Siobhan Coady

September 25, 2018