April 1, 2019

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (File # NR-23-2019)

On March 4, 2019, the Department of Natural Resources received your request for access to the following records/information:


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 records are 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

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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 be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). 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.

The address and contact information of 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

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that this letter will be published following a 72 hour period after it 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 letter posted to the Office of Public Engagement’s website within one business day following the applicable period of time.

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

Sincerely,

Rod Hynes

Rod Hynes
ATIPP Coordinator
Title: 2019 Plan for Interests

Issue: The Canada-Newfoundland and Labrador Offshore Petroleum Board (the Board) has submitted its 2019 Plan for Interests.

Background and Current Status:

• Pursuant to subsection 43(1) of the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act and the Canada-Newfoundland and Labrador Atlantic Accord Implementation Act (the Accord Acts), the Board submitted to both the federal and provincial ministers its 2019 Plan for Interests (the Plan).

• The Plan is not a fundamental decision, however, where the Minister having authority in relation to fundamental decisions (presently the provincial minister) is of the opinion that the plan referred to “does not provide adequately for the attainment or maintenance of self-sufficiency and security of supply” (terms defined under the Accord Acts), that Minister may reject the Plan and inform the Board of the reasons for doing so.

• Upon receiving notice of a Plan rejection, the Board shall, within 60 days of being informed, prepare a revised plan taking into account the reasons for rejection and submit a revised Plan to both energy ministers.

• On January 25, 2019, the Board submitted its Plan (received the same day) and noted that it intends to modify the timing of the call for nominations in the Scheduled Land Tenure System; remains committed to effective environmental assessment (EA) and oversight of land tenure; also remains committed to working with governments to develop the notion of regional EAs; and further enhancing public and appropriate Indigenous engagement in its activities. The Board states it will provide an update on the role each of the assessment types (Regional Assessment (RA) or Strategic Environmental Assessment (SEA)) will play in the approval of Land Tenure related activities.

• Highlights of the Plan include:

  Updates to Scheduled Land Tenure Timing
  • To provide greater certainty and predictability for potential bidders and accommodate for completion of the Labrador SEA as well as a required update to the Southern Newfoundland SEA, the Board has decided to defer the closing dates for sectors:
    • NL01-LS (Call for Bids NL16-CFB03) – original closing date 2017; new date 2021;
    • NL02-LS – original closing date 2019; new date 2023;
    • NL01-NEN – original closing date 2020; new date 2024; and
    • NL01-SN – original closing date 2020; new date 2022.

Scheduled Land Tenure System Updates
• Jeanne d’Arc Boundary — changed to include the northern and southern extents of the Jeanne d’Arc Basin which allows licence design to better align with subsurface geology and basin architecture.
• Cross Boundary Parcel Nominations — two conditions must be met by the configuration: parcels must be designed so that at least 51 per cent of the parcel coverage is within the nomination region; and cross boundary prospectivity must be partially contained in the nomination region.
• **Cumulative Parcels** – an original intent of the Scheduled Land Tenure System was to subsequently re-offer parcels that went unawarded in particular Calls for Bids so that over time there was a cumulative increase in exploration lands being offered. As 2019 will see the first instance where a Call for Bids will close in a Low Activity region, the Board has decided to schedule the reposting of these unawarded parcels in Low Activity regions. This is because the region operates under a four-year cycle and could, therefore, leave a significant time frame before unawarded parcels could be re-offered.

• **Deadline Extension** – due to the change in the Jeanne d’Arc boundary and the policy regarding cross-boundary parcel design, the deadline for Call for Nominations for parcels under NL18-CFN03 was extended with a new closing date of January 23, 2019 (original date November 14, 2018).

**2019 Scheduled Land Tenure Activities**

• The Board anticipates issuing:

  - **Two Calls for Bids** – NL19-CFB01 (South Eastern Newfoundland Region) and NL19-CFB02 (Jeanne d’Arc Region) with each being a fundamental decision to be presented to governments in late February 2019 and closing mid-November 2019; and
  - **Two Calls for Nominations (Parcels)** – NL19-CFN01 (Eastern Newfoundland Region) and NL19-CFN-02 (Jeanne d’Arc Region) will be issued late August 2019 and will result in the issuance of a calls for bids in the spring of 2020 and scheduled to close mid-November 2020.

**Analysis:**

- A copy of the Plan was reviewed by the Petroleum Geoscience Division of Natural Resources who offered the following comments:

  • **Challenges and Opportunities:**

    - Currently, there is uncertainty with respect to timelines under the Canadian Environmental Assessment Agency (CEAA). Bill C-69 proposes to create the Impacts Assessment Agency, which will replace CEAA, will also affect these timelines as RAs will have to be followed by approvals for Authorities to Drill a Well (ADWs).
• As previously stated, the Plan legislatively requires the Board to submit to each Minister its anticipated decisions during the calendar year respecting the making of a Call for Bids. The anticipated decision of the Board for 2019 is the making of two Calls for Bids for the South Eastern Newfoundland Region and the Jeanne d'Arc Region both of which are to close in mid-November 2019. We anticipate receiving these fundamental decisions in late February 2019.

Action Being Taken:
• This note is for informational purposes only.

Prepared/Approved by: R. Montague / J. Petrovic / C. Carter
Ministerial Approval:

February 1, 2019