



Kwilmu'kw Maw-klusuaqn Negotiation Office
Mi'kmaq Rights Initiative

Our Rights. Our Future.

75 Treaty Trail
Truro, NS B6L 1W3

Tel (902) 843 3880 Fax (902) 843 3882
Toll Free 1 888 803 3880
Email info@mikmaqrights.com
www.mikmaqrights.com

December 7, 2019

Kathryn MacCarthy
Project Manager – Atlantic Regional Office
Impact Assessment Agency of Canada
1801 Hollis Street, Suite 200
Halifax, NS B3J 3N4
Fax: 902-426-6550
Kathryn.MacCarthy@canada.ca

Re: Review of the Draft Environmental Assessment Report and Potential Conditions for the Newfoundland Orphan Basin Exploration Drilling Project

Ms. MacCarthy,

KMKNO has reviewed the Draft Environmental Assessment Report and Potential Conditions for the Newfoundland Orphan Basin Exploration Drilling Project. I wish to provide you with our comments, concerns and recommendations. KMKNO has contracted AECOM to conduct a review of the draft EA report and potential conditions and we have submitted the report to the Impact Assessment Agency of Canada (IAAC).

The Mi'kmaq are the holders of constitutionally protected Aboriginal and treaty rights, which include the Aboriginal right to fish for food and the treaty right to fish for a moderate livelihood. Any impacts to fish and fish habitat are impacts to Mi'kmaq rights. Therefore, it is our expectation the Mi'kmaq will be compensated for any infringement on fishing rights.

We wish to reiterate our concern that this exploration project, as well as the other concurrent offshore oil and gas developments in Newfoundland, may impact both Atlantic salmon and American eel. The timing, location, and design of the project activities will be important to reduce potential impact to migrating fish as well as those overwintering. We have already provided IAAC with a copy of the UINR report on Atlantic salmon that indicates drilling activities between the months of January to August pose a greater impact Atlantic salmon in the area.

We are also concerned about the potential for accidental spills in the deep water and the potential effects this would have on the Mi'kmaq of Nova Scotia. This concern is magnified when considering the number of exploration drilling projects being proposed in the offshore Newfoundland.

We look forward to further consultation on this matter.

Yours in recognition of Mi'kmaq Rights and Title,

<Original signed by>

Twila Gaudet, BA, LL.B.
Director of Consultation

cc: Joanna Tombs, CEAA

Joanna.tombs@canada.ca



Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO)

Review of the Canadian Environmental Assessment Agency EA Report and Potential Conditions for the Newfoundland Orphan Basin Exploration Drilling Program

Prepared by:

AECOM
1701 Hollis Street
SH400 (PO Box 576 CRO)
Halifax, NS, Canada B3J 3M8
www.aecom.com

902 428 2021 tel
902 428 2031 fax

December 6, 2019

Mr. Derek Peters
Mi'kmaq Energy Advisor
Kwilmu'kw Maw-klusuaqn Negotiation Office
75 Treaty Trail, Millbrook, Nova Scotia
B6L 1W3

Via Email: dpeters@mikmaqrights.com

Dear Mr. Peters:

Project No: 60565441
Regarding: Review of the Canadian Environmental Assessment Agency EA Report and Potential Conditions for the BP Newfoundland Orphan Basin Exploration Drilling Project – Final Report

AECOM Canada Ltd. (AECOM) is pleased to provide Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) with this final report on AECOM's review of the Environmental Assessment Report and potential EA Conditions prepared by the Canadian Environmental Assessment Agency for the BP Newfoundland Orphan Basin Exploration Drilling Project.

Thank you for the opportunity to assist KMKNO with this work.

Sincerely,

AECOM Canada Ltd.

<Original signed by>


Nora Doran, P.Geo.
Senior Project Manager, Canada East
Nora.doran@aecom.com

Nd:lm
Encl.
cc

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Authors

Report Prepared By:

<Original signed by>

Tara Oak, BSc
Environmental and Regulatory Planning
Paita Environmental Consulting Inc.

<Original signed by>

Karina Andrus, M.Sc.
Technical Lead, Impact Assessment
AECOM

<Original signed by>

Julie D'Amours, M.Sc.
Biologist
AECOM

Report Reviewed By:

<Original signed by>

Pamela Neubert, M.S., PhD
Associate Vice President, Director Marine Science
AECOM

<Original signed by>

Robin Reese, M.E.Des., PBIol, RPBio.
Technical Lead Permitting – Western Canada
AECOM

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1. Introduction

1.1 AECOM's Mandate

Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO), on behalf of the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC), retained AECOM Canada Ltd. (AECOM) as an Independent Consultant to review the federal environmental assessment (EA) of exploration / delineation / appraisal drilling programs and associated activities, proposed to be conducted in the eastern portion of the Canada-Newfoundland and Labrador (NL) Offshore Area.

AECOM's mandate consists of supporting the ANSMC in the review of the Environmental Impact Statement (EIS) and the draft EA Report in order to evaluate the scientific and technical information for completeness, to identify information gaps, and environmental risks to the Mi'kmaq of Nova Scotia, and to propose actions to address any outstanding information gaps.

In accordance with AECOM's proposal from January 2018, "*Review of Environmental Impact Statements (EIS) & Environmental Assessments (EAs) for Four Exploration Drilling Projects*" and scope change dated November 8, 2018, AECOM has been retained to conduct reviews of the environmental impact statements and environmental assessment of the following projects within the Newfoundland offshore area:

- Flemish Pass Exploration Drilling Project (Equinor Canada Ltd);
- Eastern Newfoundland Offshore Exploration Drilling Project (ExxonMobil Canada Ltd.);
- CNOOC International Flemish Pass Exploration Drilling Project (CNOOC International);
- Jeanne D'Arc Basin Exploration Drilling Project (Husky Energy Exploration Drilling Project); and
- Newfoundland Orphan Basin Exploration Drilling Program (BP Canada Ltd.).

This report summarizes AECOM's review of the Canadian Environmental Assessment Agency (the Agency) draft EA Report and potential EA Conditions for the Newfoundland Orphan Basin Exploration Drilling Program (CEAR 80147) (the Project) proposed by BP Canada Energy Group ULC (BP) (the Proponent). A previous report was prepared for KMKNO which summarized AECOM's review of BP's EIS and EIS Summary (AECOM 2018).

1.2 Project Description

To determine the potential presence of hydrocarbons, BP plans to conduct a program of petroleum exploration drilling and associated activities within a Project area that includes exploration licences (ELs) in the Grand Banks region, located approximately 343 and 496 km northeast of St. John's, Newfoundland and Labrador, in the Northwest Atlantic Ocean. The Project includes drilling up to 20 exploration wells on ELs 1145, 1146, 1148, and 1149. The ELs are located in the Grand Banks Region, in water depths ranging from 970 m to nearly 3,000 m. ELs 1145, 1146, and 1148 are located in the West Orphan Basin within Canada's 200 nautical mile (nm) Exclusive Economic Zone (EEZ), and EL 1149 is located in the East Orphan Basin, beyond the EEZ. These ELs cover 9,432 km² and, at their shortest distance, are located approximately 343 km east of Newfoundland. Specific drill sites have not yet been finalized, as prospective well locations are being identified based on data obtained through two-dimensional (2D) and three-dimensional (3D) seismic data collected between 2012 and 2015 within the Orphan/ Flemish Pass basins.

Wells will be drilled using either a mobile offshore drilling unit (MODU) semi-submersible rig or drillship. BP anticipates carrying out exploration drilling in multiple phases so that initial well results can be analyzed to inform the execution strategy for subsequent wells. Logistics support will be provided through a fleet of platform supply vessels (PSVs) and helicopters. Existing shore-based facilities in Eastern Newfoundland will be used for supply, support, and logistical functions. Onshore activities at existing shore-based facilities (e.g., supply base) are not included in the scope of the environmental assessment.

Activities associated with a drilling program may include:

- MODU mobilization and drilling;
- Well control;
- Waste management;
- Vertical seismic profiling (VSP);
- Well evaluation and testing;
- Well abandonment and decommissioning; and
- Supply and servicing.

BP proposes to commence exploration drilling with an initial well in 2020 pending regulatory approval to proceed. Up to 20 exploration wells could be drilled between 2020 and 2026 contingent on the drilling results of the initial well(s). Drilling activities will not be continuous and will be in part determined by rig availability and previous wells' results. It is anticipated that each well will take approximately 60 days to drill. The EIS assumes year-round drilling, although BP's preference is to conduct drilling between May and October. VSP operations will take approximately one day per well and well testing, where required, would occur over a one to three-month period. Well abandonment will be conducted following drilling and/or well testing.

The Project would require authorization under the *Canada-Newfoundland and Labrador Atlantic*.

Accord Implementation Act and may require authorization under the *Fisheries Act*. A permit under the *Species at Risk Act* may be required for effects on species that are listed as endangered or threatened on Schedule 1 of that act.

1.3 Environmental Assessment Process

The Agency conducted a federal EA of the Project based on the requirements of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), as it was determined that the Project constituted a "designated project" under Section 10 of the Regulations Designating Physical Activities. The Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) also requires that Project-specific EAs be conducted pursuant to the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* and the *Canada-Newfoundland Atlantic Accord Implementation Act* ("the Accord Acts").

The EA review of the Project under CEAA 2012 commenced in January 2018, when BP submitted a Project Description and associated Summary Documents to the Agency. Following government and public review, the Agency determined that a federal EA was required for the Project (March 5, 2018). Notices of EA Determination and EA Commencement, as well as the EIS Guidelines were finalized and issued to BP on March 5, 2018.

BP submitted the EIS and EIS Summary to the Agency on September 25, 2018. Following a conformity review, the Agency issued a letter to BP on October 26, 2018 indicating that the documents conform to the EIS Guidelines. The

EIS and EIS Summary were posted for public comment from October 29, 2018 to November 29, 2018. AECOM conducted a review of the EIS and EIS Summary on behalf of KMKNO, as summarized in AECOM (2018).

Following completion of the Proponent's EIS documents and subsequent information request (IR) responses and clarifications, the Agency prepared a summary of the main findings of the federal EA process. During preparation of the EA Report, the Agency considered input from Indigenous consultation, public and stakeholder comments, regulatory input, the Proponent's EIS, and other information received during the EA process. The EA Report was prepared in consultation with the C-NLOPB, Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC), Health Canada, Natural Resources Canada, Transport Canada, the Parks Canada Agency, the Department of National Defence, and Indigenous and Northern Affairs Canada, and will inform a Decision Statement to be made by the federal Minister of Environment.

The draft EA Report, along with potential EA Conditions that may be included in the Decision Statement, has been issued for public comment from November 6, 2019 to December 6, 2019. If the Minister decides that the Project is unlikely to cause significant adverse environmental effects as defined under subsections 5(1) and 5(2) of the CEAA (2012), or if the Minister decides that the Project is likely to cause significant adverse environmental effects and the Governor in Council decides such effects are justified in the circumstances, the Project would be allowed to proceed (pending applicable additional regulatory authorizations), and any conditions established by the Minister under CEAA 2012 would become legally binding.

2. Method

AECOM's team of senior environmental and social specialists performed the review of the draft EA Report and potential EA Conditions. The team is well versed in best practices for offshore oil and gas projects, have extensive expertise in environmental and social impact assessment, and have work experience in offshore oil and projects in Atlantic Canada. Various additional documents were referenced (see References section) to contextualize the information, data and conclusions. The Terms of Reference for a Mi'kmaq–Nova Scotia–Canada Consultation Process and the Mi'kmaq Ecological Knowledge Study Protocol (MEKSP) were referenced to consider the extent to which they were adhered to during the EA process.

As noted earlier, AECOM has been retained by KMKNO on behalf of the ANSMC to conduct review of EIS and EA Report documents for a total of five (5) projects within the Newfoundland offshore area. This work was initiated in February 2018 and is ongoing. Given AECOM's involvement in the review of multiple EIS and EA documents for within the Newfoundland offshore, where applicable this review references AECOM/KMKNO comments and recommendations made during EIS and EA Report reviews of the other projects.

Given that AECOM had previously reviewed the Proponent's EIS and responses to Information Requests, AECOM's review focused on the Agency's analysis and conclusions, including how views expressed were incorporated in the draft EA Report and potential EA Conditions. Areas considered to have the most potential to affect Mi'kmaq rights and interests, notably environmental effects to traditional activities and the quality of life of the Mi'kmaq people, were of highest priority for the review.

3. Review Results

The results of AECOM's review are provided herein, with sections following the structure of the Agency's draft EA Report. The potential EA Conditions were reviewed, with comments incorporated in the applicable report section. The report sections align with the sections of the EA Report that are considered to be of greatest potential impact to KMKNO. **Section 3.1** addresses consultation activities and **Section 3.2** considers the Agency's assessment, conclusions and conditions related to predicted effects on valued components. **Section 3.3** relates to the effects of accidents and malfunctions; and **Section 3.4** the effects of the environment on the Project. **Section 3.5** discusses impacts on potential or established Aboriginal or treaty rights.

3.1 Consultation Activities

3.1.1 *Indigenous Consultation led by the Agency*

Depth of Consultation Determination

The draft EA Report states:

“The Agency served as Crown Consultation Coordinator for a whole-of-government approach to consultation. The Agency consulted communities and groups that hold communal commercial fishing licences in NAFO areas that overlap the project area, local study area and regional study area, or portions of them, or hold licences for species that migrate through the project area such as swordfish. In addition, the Agency consulted communities that fish for and have an interest in certain Atlantic Salmon populations, a species which could potentially be affected by the Project.”

The communities included Labrador Inuit, Labrador Innu, Nova Scotia Mi'kmaq First Nations, New Brunswick Wolastoqiyik (Maliseet First Nations), New Brunswick Mi'gmaq First Nations, New Brunswick Peskotomuhkati Nation at Skutik (Passamaquoddy), Prince Edward Island Mi'kmaq First Nations, Quebec Mi'gmaq, Quebec Innu. Subsequent engagement, based on good governance reasons, was also conducted with Qalipu First Nation and Miawpukek First Nation (MFN).

The Agency determined that the depth of consultation required was on the low end of the consultation spectrum based the assessment of potential adverse effects of the Project on the Section 35 Rights of the above noted Indigenous Groups. Apart from Qalipu First Nation and Miawpukek First Nation (MFN) (who were contacted with engagement opportunities for the purpose of good governance), the Agency provided the depth of consultation analysis and draft consultation plans to Indigenous groups and requested their feedback on the plans.

KMKNO considers the Agency's analysis to be insufficient given that it was limited to communities and groups that hold communal commercial fishing licences in NAFO areas, those that hold licences for species that migrate through the project area or those with an interest in “certain” Atlantic Salmon populations. KMKNO is of the opinion that the consultation should be triggered on all FSC fisheries that may be impacted (i.e. not just Atlantic Salmon but also other species such as American Eel, as an example) and that the Agency has focused primarily on potential adverse effects to Atlantic salmon populations given their status as a Species at Risk.

The draft EA Report indicates that comments were received on the depth of consultation and the plan provided but does not provide details on the communication received and how the Agency considered the feedback into their final depth of consultation analysis and consultation plan.

- The Agency should provide details on feedback received and how that feedback was considered in the development of the consultation plan and final determination of the depth of consultation.

Consultation Opportunities

The Agency considered comments received in written form and consulted through a variety of methods including phone calls, emails, letters and in person meetings. Further, the Agency organized three (3) workshops in April 2018 to continue building relationships between Indigenous groups, the Agency and Proponents of several offshore projects. AECOM notes that given that these workshops were conducted about a variety of offshore projects, they were not project specific with the intention of discussing individual Indigenous group potential concerns and adverse impacts to Aboriginal or treaty rights and therefore would not constitute government-to-government consultation.

Proponents of proposed offshore projects were invited by the Agency to attend the three April 2018 workshops so that they could share information about their projects. The EA report summarizes the areas of concern raised by Indigenous groups as the following:

- Potential impacts on Aboriginal rights and interests (e.g. food, social, and ceremonial fishing; commercial fishing; Atlantic Salmon, American Eel, cold water corals, species at risk, marine mammals, migratory birds; community wellbeing and socioeconomic conditions);
- Effects of routine Project activities (e.g., vessel traffic) and accidents and malfunctions (blowouts);
- Effects of flaring on migratory birds;
- Effects on special areas;
- Data gaps related to Atlantic Salmon and opportunities for funding studies to address data gaps;
- Data gaps related to the exploration license outside Canada's exclusive economic zone;
- Consultation and compensation for effects on fishing and sociocultural impacts;
- Incorporation of Indigenous knowledge into project planning;
- Effects of accidents and malfunctions (e.g., blowout) on other Nations (St. Pierre and Miquelon, Greenland and Azores);
- Effects of accidents and malfunctions on fish and in particular Atlantic Salmon;
- Lessons learned from near misses, accidents and malfunctions at other Atlantic offshore exploration and production projects;
- Design and implementation of follow-up and monitoring programs;
- Limitations of spill response due to adverse weather conditions;
- Cumulative effects on fish and fish habitat; and
- Funding or meaningful engagement during the EA and throughout project operations.

Appendix C of the EA Report documents the feedback received from Indigenous groups along with the Proponent's response and the Agency's response, as well as the information directly in Sections 6 and 7 of the valued components sections of the EA Report.

Follow-Up Consultation Opportunities

While the depth of consultation to discharge the Crown's legal Duty to Consult with Indigenous groups was deemed to be on the low end of the consultation spectrum, based on the Agency's assessment that no food, social and ceremonial fishing occurs in the Project area, the Agency did acknowledge that the potential effects on the current use of lands and resources for traditional purposes and the health and socio-economic conditions of Indigenous peoples could be significant from a major Project-related accident or malfunction. They noted that the potential effects of a "worst-case accident or malfunction from the Project" on fish and fish habitat, marine mammals and sea turtles and special areas could be significant.

Given this, the Agency took a precautionary approach and agreed that more specifically, these potential Project effects to Atlantic Salmon (a species at risk), although highly unlikely, could result in an effect on the potential ability of Indigenous groups to harvest these species in the future. The Crown deemed that accommodation for potential significant and residual adverse effects to Aboriginal or treaty rights was considered through mitigation measures and EA Conditions proposed for the Project.

As noted in the EA, there are instances where, although there may no longer be deemed a constitutional Duty to Consult, the Agency will decide to consult with Indigenous groups for good governance or policy reasons.

- Given that the Project's purpose is to undertake exploration drilling activities that may lead to future proposed oil and gas extraction operations, there are good governance reasons for the Crown to continue consulting with Indigenous groups to maintain relationships, ensure compliance by operators and to understand future operational needs and potential issues.

3.1.2 Proponent's Indigenous Engagement Activities

The draft EA Report states that, "*The Proponent engaged with 41 Indigenous groups located in Newfoundland and Labrador, Nova Scotia, New Brunswick, Prince Edward Island and Quebec. Early engagement began in November 2017. Engagement methods included face-to-face meetings, phone calls, emails. The Proponent stated that they would continue their engagement efforts throughout the Project.*"

The main body of the EA Report does not document whether the Proponent attended the information sessions organized by the Agency as a means of building relationships with Indigenous groups and providing information on the Project. Further, this section does not summarize the areas of concern expressed by Indigenous groups during the Proponent-led consultation. In Appendix C, it is noted that the Proponent participated in the April 2018 workshops organized by the Agency and Indigenous groups. It is further noted that the Proponent organized additional workshops in October 2018 however, this is also not documented in the main body of the EA Report (Section 4.1.2).

- The EA Report should indicate the concerns expressed by Indigenous groups during Proponent-led consultation.
- The EA Report should also document the Proponent's efforts to organize and attend workshops.
- The Proponent should also ensure that future engagement follows the *Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process (2006)*.

Follow-up Engagement Activities

The Proponent has committed to ongoing engagement with Indigenous groups throughout the Project. AECOM recommends the Agency consider revising the existing EA Conditions to include the following:

- Indicate how EA Conditions 2.3 and 2.4 will be approved, monitored and enforced
- Condition 2.5: Invite interested Indigenous groups to participate in the development and execution of follow-up programs.
- Condition 2.6: Include consultation with Indigenous groups with “relevant authorities”.
- Condition 2.8: Reporting should include how Indigenous groups were consulted and how their input was considered.
- Condition 2.10: Add that the regulator should consult with interested Indigenous groups to participate in the development of the plans set out in the EA Conditions. Further, notify Indigenous groups of the final plans prior to the commencement of the drilling program.
- Condition 3.7: Add “communication with Indigenous groups” along with the Board and Fisheries and Oceans Canada prior to commencing drilling, if moving the location of a well is deemed not technically feasible.
- Condition 5.4: Reporting should include how Indigenous groups were consulted and what mitigation, accommodation or compensation was enacted. Reports should be provided to Indigenous groups.
- Condition 6.7: Add communication and notification procedures for Indigenous groups.

Given the potential significant adverse effects that could impact Aboriginal or treaty rights, in addition to the above-noted revisions to existing EA Conditions, AECOM recommends that, in the final EA Conditions, the Agency:

- Identify specific compliance and enforcement processes to ensure the Proponent undertakes meaningful consultation and engagement;
- Identifies how Mi'kmaq concerns were considered and addressed; and,
- Indicate how future consultation and engagement on the Project should be undertaken specific to follow-up programs.

3.2 Predicted Effects on Valued Components

3.2.1 Fish and Fish Habitat

AECOM did not identify specific concerns in the proposed mitigation measures, follow-up programs and EA conditions that relate to fish and fish habitat.

Drilling and associated cuttings discharges affect fish habitat via seabed disturbance, sediment deposition, resuspension of sediment, and change of substrate composition. Given the high sensitivity of the Project area with respect to the benthic fauna (presence of corals, sponges, pens,), KMKNO expressed concerns about the technology that will be use for pre-drill seabed investigation, as well as the area covered. KMKNO suggested conducting ROV video seabed surveys wherever Project infrastructure (wellheads, anchors, dynamic positioning transponders, etc.) may impact benthic habitat. KMKNO also expressed concerns about the planned follow-up and recommended post-drill seabed survey and monitoring to validate dispersion modelling predictions and mitigation measures.

Many potential conditions are related to the treatment of discharges and drilling muds so as not to alter the environment. Also, several conditions related to the pre-drill survey will ensure to cover each well site, to use a high definition visual survey (methodology approved by Fisheries and Oceans Canada and the Board), the presence of qualified individual(s), the protection of any environmentally sensitive feature and will ensure to relocate a well in presence of sensitives features.

KMKNO expressed concern about data gaps on Atlantic salmon migration routes in the Project area and suggested that the Proponent should actively support related research opportunities and initiatives. Condition 3.13 is a response to this concern: “*The Proponent shall submit to the Board a letter, prior to drilling, confirming its intent to participate in research pertaining to the presence of Atlantic salmon (Salmo salar) in the Eastern Canadian offshore areas, and update the Board and Indigenous groups annually on related research activities*”. Also, it should be noted that mitigation measures proposed to protect aquatic habitats will also protect salmon at different life stages (smolt, adults). Furthermore, KMKNO is concerned that DFO and the Proponent are failing to recognize the current evidence of Atlantic salmon in the Newfoundland offshore area, and that exclusion zones and temporal exclusions are not being implemented to mitigate potential impact (refer to Unama’ki 2018 for further detail).

Aside from temporal and physical exclusions based on salmon migration, potential conditions for fish, fish habitat, marine mammals and sea turtles were found to be described in sufficient detail with regard to the requirements to verify the accuracy of the predictions made and the effectiveness of mitigation measures. Follow-up requirements include the following components: contamination of discharged drill cuttings, effects of drill cuttings discharges on benthic habitat (sediment deposition, benthic fauna survey) and underwater sound level.

3.2.2 Marine Mammals and Sea Turtles

AECOM did not identify specific concerns in the proposed mitigation measures, follow-up programs and EA conditions that relate to marine mammals and sea turtles.

KMKNO expressed concerns about the risks of collisions between supply vessels and marine mammals and sea turtles. EA Condition 3.10 states that vessels must use established shipping lanes and reduce speed to a maximum of 7 (seven) knots in the presence of marine mammals or sea turtles within 400 m of a supply vessel (if feasible for safety reasons); therefore, AECOM finds the EA conditions to be sufficient.

Concerning underwater noise, the Proponent referenced the results of studies offshore eastern Newfoundland and Nova Scotia to characterize underwater sound levels and verify predictive modelling and concluded that effects on marine mammals and sea turtles are expected to be short-term, localized, and negligible to low in magnitude. Also, as mentioned in 3.2.1 section, underwater sound level will be included in a follow-up program.

Finally, EA Condition 3.9 requires that a monitoring plan be produced to protect marine mammal and sea turtles when conducting vertical seismic surveys. The monitoring should include an acoustic and a visual monitoring (by experienced and certified independent observers) and the shut down of the seismic sound source if any marine mammal or sea turtle is observed within a 500 m safety zone. AECOM finds the EA condition to be sufficient.

3.2.3 Migratory Birds

AECOM did not identify specific concerns in the proposed mitigation measures, follow-up programs and EA conditions that relate to migratory birds. It is suggested, however, that the Agency include a condition concerning supply vessels speed.

KMKNO expressed concern about the potential effects of supply vessel traffic near migratory bird nesting colonies and requested the Proponent commit to reducing speeds to 10 (ten) knots when in the vicinity of migratory birds and that helicopter speeds and altitude be restricted.

The Proponent stated that supply vessels would travel at a speed of 12 (twelve) knots when transiting to and from the MODU and that additional details would be provided in the Project’s Environmental Protection Plan. The EA

Report indicated that the Proponent committed to avoid transiting supply vessels near known migratory bird nesting colonies and complying with Seabird Ecological Reserve Regulations, 2015 and ECCC's Guidelines to Avoid Disturbance to Seabird and Waterbird Colonies in Canada; given this, AECOM finds that the speed restriction to 12 knots is acceptable in relation to seabird and waterbirds.

Condition 4.2.7 requires that supply helicopters fly at altitudes greater than 300 metres above sea level from active bird colonies and at a lateral distance of 1000 metres from Cape St. Francis and Witless Bay Islands Important Bird and Biodiversity Areas except for approach, take-off and landing maneuvers. AECOM finds the EA condition to be sufficient.

3.2.4 Special Areas

AECOM did not identify specific concerns in the proposed mitigation measures, follow-up programs and EA conditions that relate to special areas. However, given the project area comprises approximately 17 percent of the Scotian Slope/Shelf Break Ecologically and Biologically Significant Area (EBSA), KMKNO does not approve of drilling in EBSAs and supports the development of policies that exclude drilling in EBSAs.

Proposed mitigation measures, including pre-drill and post-drill seabed investigation, are assumed to protect special areas.

3.2.5 Species at Risk

AECOM did not identify specific concerns in the proposed mitigation measures, follow-up programs and EA conditions that relate to species at risk, aside from those related to Atlantic salmon (see above).

3.2.6 Commercial Fisheries

Condition 5.1 indicates that a Fisheries Communication Plan (FCP) is to be developed in consultation with the Board, Indigenous groups and commercial fishers. The potential EA Conditions list the items that should be contained in the plan but does not indicate a dispute resolution mechanism or a compensation program for lost or damaged fishing gear.

The draft EA Report indicates that the, "...the Proponent confirmed that compensation claims would be discussed during ongoing engagement with Indigenous groups and fisheries stakeholders". There is also a commitment to develop an Indigenous FCP and FCP, which have been noted as being similar except that the Indigenous FCP, "may include an outline of consultation and/or engagement responsibilities as a result of any Agency conditions, along with information on the proposed system for communication, conflict resolution and claims management".

The EA notes that the Proponent committed to developing a Fishing Gear Damage or Loss Compensation Program, "based on best practices, precedents and industry guidelines, as well as in accordance with applicable C-NLOPB requirements to address any unplanned interactions between the Project and commercial fishing equipment"; however, it is noted that there is no specific condition associated with this commitment. AECOM recommends the following additions to the final EA Conditions:

- Expand Condition 5.4 to include development of a Fishing Gear Damage or Loss Compensation Program in consultation with Indigenous groups who hold communal fishing licenses or fish for food, social and ceremonial (FSC) purposes;
- Add a dispute resolution mechanism to Condition 5.1; and

- Add notification to Indigenous groups and commercial fishers of the report submitted to the Board on incidents of lost or damaged fishing gear (Condition 5.4).

3.2.7 Current Use of Lands and Resources for Traditional Purposes and Health and Socio-Economic Condition of Indigenous Peoples

The draft EA Report indicates that the Agency acknowledges that the potential effects to the Current Use of Lands and Resources for Traditional Purposes and Health and Socio-Economic Condition of Indigenous Peoples, “*from a worst-case accident or malfunction (i.e., an unmitigated subsea blowout event) would be more severe.*” The EA Report indicates that the Proponent did invite Indigenous groups to, “*share knowledge related to the Project and its potential effects*” and have committed to continue to, “*accept and consider knowledge, inputs and perspectives as part of ongoing engagement initiatives.*”

The EA Report indicates that the Proponent acknowledged that American Eel and Atlantic Salmon are of particular importance to Indigenous communities; however, due to their migratory nature, individuals of this species may migrate through the Project areas before moving to an area used for traditional harvesting. The Agency determined that, “*an accidental event could result in indirect and direct effects on Indigenous communities and activities*” and that if a subsurface blowout or spill occurred, there is a potential for hydrocarbons to reach active communal commercial fishing areas and could restrict access to fishing areas from closed areas.

The Agency noted that the Proponent would be required to implement measures to mitigate effects to fish and fish habitat, marine mammals and sea turtles and migratory birds (as per Section 6.1, 6.2 and 6.3 of the EA Report) and that mitigation and follow-up identified for fish and fish habitat, marine mammal and sea turtles, migratory birds, commercial fisheries and accidents and malfunctions would also function as accommodation measures to minimize or avoid potential adverse impacts on potential or established Aboriginal or treaty rights.

- KMKNO requests consultation with Mi'kmaq of Nova Scotia in the development of the Spill Response Plan and Indigenous FCP as well as a commitment to engage with Indigenous groups on the inclusion of Indigenous knowledge in the development of these plans.
- The Agency should specify requirements for post-spill sampling and monitoring program, the engagement process and the inclusion of Indigenous knowledge in EA Conditions 6.7 and 6.11.

3.3 Effects of Accidents and Malfunctions

3.3.1 Capping Stack and Deployment Vessel Availability

Potential EA condition 6.6 states the following:

“The Proponent shall develop and implement procedures to provide up-to-date information to the Board on the availability of capping stack(s), vessels capable of deploying the capping stack(s), and drilling rigs capable of drilling a relief well at the Project site prior to and during the drilling of each well.”

- The frequency of updates should be specified by the Agency in the Final EA Conditions and/or by the C-NLOPB in the OA. KMKNO also made this recommendation during review of the CNOOC potential EA Conditions as reported in AECOM (2019 b) and anticipated that it would have been incorporated in the BP potential EA Conditions by the Agency.

3.3.2 Indigenous Groups' Involvement in Spill Response Planning

Potential EA Condition 6.7 states the following:

"After considering the views of Indigenous groups, the Proponent shall prepare and submit a Spill Response Plan to the Board for acceptance prior to drilling."

It is not apparent how the views of Indigenous groups will be determined.

- KMKNO requests that the Agency provide the Proponent with additional information regarding requirements for Indigenous groups' involvement in the Spill Response Plan (e.g., method/form of engagement, timeframe, degree of involvement). KMKNO also made this recommendation during review of the CNOOC potential EA Conditions as reported in AECOM (2019 b) and anticipated that it would have been incorporated in the BP potential EA Conditions by the Agency.

3.3.3 Compensation Guidelines

Section 7.1.3 of the CNOOC draft EA Report (CEA Agency 2019c) stated the following:

"The Agency agrees with comments from Indigenous groups that, even if effects on these species are relatively minor, perceived contamination may discourage individuals from engaging in certain traditional practices or consuming certain species which may have interacted with a spill. For both Indigenous and non-Indigenous fishers, any damages, including the loss of commercial or food, social and ceremonial fisheries, would require compensation in accordance with the Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activity."

KMKNO acknowledges that the Agency has provided more specific wording in the BP draft EA Report (CEA Agency 2019e), which states the following:

"The Agency agrees with comments from Indigenous groups that, even if effects on these species are relatively minor, perceived contamination may discourage individuals from engaging in certain traditional practices or consuming certain species which may have interacted with a spill. In accordance with the Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activity, compensation to fishers would be required for any damages, including the loss of income and future income. In the case of Indigenous fishers, this would also include any loss of hunting, fishing and gathering opportunities (e.g., food, social, or ceremonial fisheries)."

The associated potential EA Condition 6.15 states the following:

"In the event of an accident or malfunction, the Proponent shall comply with the requirements of the Accord Acts and the Canada-Newfoundland and Labrador Offshore Financial Requirement Regulations and the requirements described in the Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activity."

For CNOOC (CEA Agency 2019 d), KMKNO had requested that Condition 6.15 state clearly that compensation also applies to the loss of commercial or food, social and ceremonial fisheries; however, this remained unchanged in the BP potential EA Conditions (CEA Agency 2019 f).

- KMKNO reiterates that Condition 6.15 should state that compensation also applies to the loss of commercial or food, social and ceremonial fisheries. KMKNO also made this recommendation during review of the CNOOC potential EA Conditions (AECOM 2019 b) and anticipated that it would have been incorporated in the BP potential EA Conditions.

3.3.4 Perceived Contamination

Section 7.1.3 of the draft EA Report states the following:

“The Agency agrees with comments from Indigenous groups that, even if effects on these species are relatively minor, perceived contamination may discourage individuals from engaging in certain traditional practices or consuming certain species which may have interacted with a spill.”

Yet the Agency also states that it, *“considers that mitigation measures identified for fish and fish habitat, accidents and malfunctions, commercial fishing (e.g., development of the Fisheries Communication Plan and compensation for any damages, including loss of food, social, and ceremonial fisheries), would also mitigate potential effects on the current use and health and socioeconomic conditions of Indigenous peoples.”*

Although the Agency has stated that it agrees that perceived contamination may affect health and socioeconomic conditions of Indigenous groups, it did not require the Proponent to assess this potential adverse effect.

- As stated in its review of the CNOOC draft EA Report (CEA Agency 2019 c), KMKNO reiterates its request that the Agency include the requirement to assess potential effects of perceived contamination in future EIS Guidelines. AECOM (2019b)

3.3.5 Environmental Incident Reporting

No maximum timeframe is specified within which the Proponent must notify relevant authorities of an environmental incident. Potential EA Condition 6.10 states the following:

“In the event of a spill or unplanned release of oil or any other substance that may cause adverse environmental effects, the Proponent shall notify the Board and any other relevant authorities as soon as possible, and implement its Spill Response Plan, including procedures for notification of Indigenous groups and commercial fishers.”

- In addition to requiring that notification of environmental incidents should be provided, “as soon as possible,” the condition should specify a maximum timeframe in which environmental incidents must be reported to the Board and any other relevant authorities. KMKNO also made this recommendation during review of the CNOOC potential EA Conditions (CEA Agency 2019 d and AECOM 2019 b) and anticipated that it would have been incorporated in the BP potential EA Conditions.

3.3.6 Psychosocial Effects

The EA Report does not address potential psychosocial effects caused by potential contamination of harvested species, including perceived contamination influencing dietary changes. The Agency responded to the concern in Appendix C indicating that the proposed mitigation measures identified for fish and fish habitat, accidents and malfunctions, commercial fishing would also mitigate potential effects on the current use and health and socioeconomic conditions of Indigenous peoples.

- KMKNO requests consultation with Mi'kmaq of Nova Scotia during the proponent's development of the Spill Response Plan and Indigenous FCP as well as a commitment to engage with Indigenous groups on the inclusion of Indigenous knowledge in the development of these plans.
- The Agency should specify requirements for post-spill sampling and monitoring programs, the engagement process and the inclusion of Indigenous knowledge in EA Conditions 6.7 and 6.11.

3.3.7 Measuring Levels of Contamination

The potential EA Conditions for Exxon/Equinor (section 6.8.2) noted that, as applicable, monitoring following a spill may include, “*measuring levels of contamination in recreational and commercial fish species.*” KMKNO had commented that the Agency should also reference traditionally-harvested fish species in this condition (CEA Agency 2019 b and AECOM 2019 a).

- KMKNO noted that the Agency incorporated this request in potential EA Condition 6.10.2, which states that levels of contamination would be measured (as applicable) in “recreational, commercial and traditionally harvested fish species with results integrated into a human health risk assessment, to be submitted to relevant authorities”.

Post-spill monitoring requirements for the Project are not detailed in the EA Report or potential EA Conditions, beyond stating that it may include:

“6.10.3 monitoring marine mammals, sea turtles and birds for signs of contamination or oiling and reporting results to the Board, Fisheries and Oceans Canada, and Environment and Climate Change Canada; and

6.10.4 monitoring benthic organisms and habitats in the event of a spill or other event that could result in smothering or localized effects to the benthic environment.”

Section 7.1.3 of the draft EA Report states general measures that would be included in a follow-up program in the event of a spill but does not specify any scientific or technical requirements associated with these measures.

Section 7.1.1 states:

“The proponent would implement a follow-up monitoring plan to monitor the effects of a spill and the effectiveness of the response measures. Although the plan would largely depend on the specifics of the actual spill and cannot be described in detail at this time, monitoring could be conducted on fish and fish habitat (e.g., toxicity tests, dispersant effectiveness, oxygen levels), migratory birds (e.g., carcass surveys), marine mammals and sea turtles (e.g., mortality estimations), commercial fisheries (e.g., testing seafood, monitoring fisheries closure areas) and the atmospheric environment (e.g., air quality monitoring).”

The Agency states that details of a post-spill monitoring program will be included in the Spill Response Plan, which is required as part of the C-NLOPB’s authorization process; however, it is not clear that applicable regulators will provide input and approval of the proposed Spill Response Plan.

- In discussion with ECCC, DFO and other applicable regulators and consultation with the Mi’kmaq of Nova Scotia, the Agency should consider establishing and specifying minimum scientific and technical requirements for a post-spill monitoring program in the EA Conditions.

3.3.8 Significance Determination

The draft EA Report concludes that potential effects resulting from a worst-case accident or malfunction may be significant on fish and fish habitat, marine mammals and sea turtles. Furthermore, the Agency states the following:

“By extension, and particularly considering potential effects on endangered or threatened populations of Atlantic Salmon and their recovery, as well as the context provided by Indigenous groups, the Agency has concluded that the potential effects of a worst-case accident or malfunction on the current use of lands and resources for traditional purposes and the health and socioeconomic conditions of Indigenous peoples could be significant.”

The Agency concludes the following:

“The Agency also recognizes that the probability of occurrence for a major event is very low and thus these effects are unlikely to occur. On this basis, the Agency concludes that the Project is not likely to cause significant adverse environmental effects as a result of accidents and malfunctions.”

- The Agency should ensure that it is clearly stated in the relevant sections of the EA Report that their conclusion that the Project is not likely to cause significant adverse environmental effects as a result of accidents and malfunctions is based not on mitigation measures being sufficient; rather, on the very low likelihood of occurrence.
- The Agency should ensure that it is clearly stated in the relevant sections of the EA Report that, in the event of a major subsea blowout, the identified mitigation measures may not be sufficient to result in non-significant adverse environmental effects to the fish and fish habitat, marine mammals, sea turtles, the current use of lands and resources for traditional purposes, and the health and socioeconomic conditions of Indigenous peoples.

3.4 Effects of the Environment on the Project

3.4.1 Operating Procedures and Thresholds

As reported in AECOM (2019 a), KMKNO recommended the following during review of the potential EA Conditions for the Exxon and Equinor offshore exploration projects:

“It is recommended that the Agency specify in the EA Conditions that the Proponents will develop and implement detailed procedures related to planned and emergency disconnect in harsh environments, with conservative (precautionary) operational thresholds, and that procedures are to include clear and unambiguous roles and responsibilities and detailed decision-trees. Furthermore, the Proponents should be required to provide in-depth training to the responsible parties. In establishing operating thresholds, consideration should also be given to ROV launch parameters to ensure adequate monitoring in the event of an incident.”

The Agency considered and incorporated aspects of this request for the Project (unchanged from the CNOOC conditions) (CEA Agency 2019 f and unchanged from CEA Agency 2019 d), with potential EA Condition 6.1.1 stating the following:

“The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and mitigate any adverse environmental effects from accidents and malfunctions that do occur. In doing so, the Proponent shall:

- *6.1.1 develop and implement operating procedures including thresholds for cessation of a work or activity, with respect to meteorological and oceanographic conditions experienced at the Project location, and which reflect the facility’s design limits and limits at which any work or activity may be conducted safely and without causing adverse environmental effects. These conditions include poor weather, high sea state, and presence of sea ice or icebergs.”*

3.5 Impacts on Potential or Established Aboriginal or Treaty Rights

The draft EA Report indicates that, *“the pathways for potential impacts to rights of Indigenous groups are through impacts from project activities to migratory species that are harvested or fished within Indigenous groups’ traditional territories. The potential impacts were examined through the lens of operations and accidents or malfunctions. Migratory species of particular concern to Indigenous groups include Atlantic Salmon, seals, whales, migratory birds and American Eel.”*

The Proponent acknowledged some uncertainty in predicting effects on Atlantic Salmon due to limited data on their ocean migration behaviour and the Proponent committed to fiscal support to the ERSF which sponsors environmental and social studies. The EA Report notes the following: *“For other migratory species of interest to Indigenous groups, including whales, birds and American Eel, the proponent found that project activities would not adversely affect populations”*.

The Agency concluded that because, *“the Project’s activities would likely have limited effects on these fish species it would also likely have a low impact on the potential or established Aboriginal or treaty rights of Indigenous groups with food, social and ceremonial licenses to harvest migratory species”*. Further, the Agency noted that DFO reviewed applicable information related to Atlantic Salmon and, *“confirmed that there is uncertainty regarding the at-sea migration patterns and habitat use of this species”*. The Agency also noted that the potential for, *“shoreline oiling would be unlikely, and if occurred, generally minimal”* based on spill modelling predictions. With regards to compensation for damages incurred by Indigenous fishers, including the loss of commercial or food, social and ceremonial fisheries, this would be required under the *Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activity*. Lastly, with regards to spill response, the Indigenous FCP would include, *“procedures to communicate with fishers in the event of routine operations and accidental events”*.

As stated above, the Agency has considered that mitigation measures and follow-up identified for fish and fish habitat, marine mammal and sea turtles, migratory birds, commercial fisheries and accidents and malfunctions would serve as accommodation measures for potential or established Aboriginal or treaty rights by avoiding or minimizing potential adverse impacts on those rights.

Please refer to sections specific to the migratory species of concern for comments related to proposed mitigation measures, follow-up programs and EA conditions that relate to that species.

As noted above, KMKNO requests consultation with Mi'kmaq of Nova Scotia in the development of the Spill Response Plan and Fisheries Communication Plan and a commitment to engage with Indigenous groups on the inclusion of Indigenous knowledge in the development of these plans.

- The Agency should specify requirements for post-spill sampling and monitoring program, the engagement process and the inclusion of Indigenous knowledge in the EA Conditions 6.7 and 6.11.

4. Conclusions and Recommendations

KMKNO requests that the Agency address the following issues and concerns in the final EA Report and EA Conditions:

i. Agency Follow-up Consultation

Issue: As noted in the EA, there are instances where, although there may no longer be deemed a constitutional Duty to Consult, the Agency will decide to consult with Indigenous groups for good governance or policy reasons.

Recommendation: Given that the Project's purpose is to undertake exploration drilling activities that may lead to future proposed oil and gas extraction operations, it is recommended that the Agency continue to consult with Indigenous groups.

ii. Proponent's Follow-up Engagement

Issue: The Proponent has committed to ongoing engagement with Indigenous groups throughout the Project. There are several areas where notification to or engagement with Indigenous and key stakeholders would provide greater certainty that the Proponent will follow through with commitments and work to build trust that areas of concern have appropriate follow-up programs and monitoring for potential effects. Further, inclusion of Indigenous groups and stakeholders in the development of follow up programs or plans should be considered a priority.

Recommendation: The Agency should add the following to Condition 2.5: "*Consultation with Indigenous groups in the development of follow-up programs.*" Furthermore, given the potential significant adverse effects that could impact Aboriginal or treaty rights, AECOM recommends that, in the final EA Conditions, the Agency identify specific compliance and enforcement processes to ensure the Proponent undertakes meaningful consultation and seeks opportunities to incorporate or modify plans based on what mitigation, accommodation or compensation was enacted, and indicate how EA Conditions 2.3 and 2.4 will be approved, monitored and enforced. Furthermore, the Agency should indicate how future consultation and engagement on the project should be undertaken specific to follow up programs. Communication and notification processes should be added for Indigenous groups.

iii. Commercial Fisheries

Issue: The EA Report notes that the Proponent committed to developing a Fishing Gear Damage or Loss Compensation Program, "*based on best practices, precedents and industry guidelines, as well as in accordance with applicable C-NLOPB requirements to address any unplanned interactions between the Project and commercial fishing equipment*"; however, it is noted that there is no specific condition associated with this commitment. It is preferable to have a program in place prior to the commencement of drilling.

Recommendation: The Agency should consider adding a condition that requires the Proponent to develop a Fishing Gear Damage or Loss Compensation Program that includes rights-based fisheries. Indigenous groups and commercial fishers should be notified of the report submitted to the Board on incidents of lost or damaged fishing gear. A dispute resolution mechanism should be added to the EA Condition 5.1 on the Fisheries Communication Plan.

iv. Current Use of Lands and Resources for Traditional Purposes and Health and Socio-Economic Condition of Indigenous Peoples

Issue: The Agency determined that, “*an accidental event could result in indirect and direct effects on Indigenous communities and activities*” and that if a subsurface blowout or spill occurred, there is a potential for hydrocarbons to reach active communal commercial fishing areas and could restrict access to fishing areas from closed areas.

Recommendation: KMKNO requests consultation with Mi'kmaq of Nova Scotia in the development of the Spill Response Plan and Fisheries Communication Plan and a commitment to engage with Indigenous groups on the inclusion of Indigenous knowledge in the development of these plans. Furthermore, the Agency should specify requirements for post-spill sampling and monitoring program, the engagement process and the inclusion of Indigenous knowledge to EA Conditions 6.7 and 6.11.

v. Indigenous Groups' Involvement in Spill Response Planning

Issue: Potential EA Condition 6.7 states: “*After considering the views of Indigenous groups, the Proponent shall prepare and submit a Spill Response Plan to the Board for acceptance prior to drilling.*” However, it is not apparent how the views of Indigenous groups will be determined.

Recommendation: The Agency should provide the Proponent with additional information regarding requirements for Indigenous groups' involvement in the Spill Response Plan (e.g., method/form of engagement, timeframe, degree of involvement). KMKNO also made this recommendation during review of the CNOOC potential EA Conditions, and anticipated that it would have been incorporated in the BP potential EA Conditions.

vi. Compensation Guidelines

Issue: The EA Report specifies that, “*compensation to fishers would be required for any damages, including the loss of income and future income. In the case of Indigenous fishers, this would also include any loss of hunting, fishing and gathering opportunities (e.g., food, social, or ceremonial fisheries).*” However, the associated potential EA Condition does not provide the same degree of clarity.

Recommendation Condition 6.15 should state clearly that compensation also applies to the loss of commercial or food, social and ceremonial fisheries.

vii. Environmental Incident Reporting

Issue: The Agency does not indicate a maximum timeframe within which the Proponent must notify relevant authorities of an environmental incident.

Recommendation: The final EA Conditions should specify a maximum timeframe in which environmental incidents must be reported to the Board and any other relevant authorities.

viii. Psychosocial Effects

Issue: The EA Report does not address potential psychosocial effects beyond highlighting the comment/concern and the Proponent/Agency response within Appendix C. The inclusion of Indigenous and local communities in the Project can support reduced psychosocial effects if there were an accident or malfunction to occur.

Recommendation: KMKNO requests consultation with Mi'kmaq of Nova Scotia in the development of the Spill Response Plan and Indigenous FCP and FCP as well as a commitment to engage with Indigenous

groups on the inclusion of Indigenous knowledge in the development of these plans. Furthermore, the Agency should specify requirements for post-spill sampling and monitoring programs, the engagement process and the inclusion of Indigenous knowledge to EA Conditions 6.7 and 6.11.

ix. Measuring Levels of Contamination

Issue: The Agency states that details of a post-spill monitoring program will be included in the Spill Response Plan, which is required as part of the C-NLOPB's authorization process; however, it is not clear that applicable regulators will provide input and approval of the proposed Spill Response Plan.

Recommendation: In discussion with ECCC, DFO and other applicable regulators and consultation with the Mi'kmaq of Nova Scotia, the Agency should consider establishing and specifying minimum scientific and technical requirements for a post-spill monitoring program in the EA Conditions.

x. Impacts on Potential or Established Aboriginal or Treaty Rights

Issue: The Agency has considered that mitigation measures and follow-up identified for fish and fish habitat, marine mammal and sea turtles, migratory birds, commercial fisheries and accidents and malfunctions would serve as accommodation measures for potential or established Aboriginal or treaty rights by avoiding or minimizing potential adverse impacts on those rights.

Recommendation: The Agency should add the following to Condition 2.5: "*Consultation with Indigenous groups in the development of follow-up programs*" and specify requirements for post-spill sampling and monitoring program, the engagement process and the inclusion of Indigenous knowledge in EA Conditions 6.7 and 6.11. Further, KMKNO requests consultation with Mi'kmaq of Nova Scotia in the development of the Spill Response Plan and Indigenous FCP and FCP as well as a commitment to engage with Indigenous groups on the inclusion of Indigenous knowledge in the development of these plans.

5. Review Limitations

AECOM relied upon publicly available information as referenced in the report. This report is intended solely for the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) and the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC). The information herein reflects our best judgement in consideration of information available at the time of preparation. No portion of this report should be used as separate entity, as it is written to be read in its entirety, and in conjunction with the previous reviews conducted for the Projects (EIS review and IR reviews).

Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, is the responsibility of such third parties. Please refer to the Statement of Qualifications at the beginning of the Report.

6. References

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About AECOM

AECOM is built to deliver a better world. We design, build, finance and operate infrastructure assets for governments, businesses and organizations in more than 150 countries. As a fully integrated firm, we connect knowledge and experience across our global network of experts to help clients solve their most complex challenges. From high-performance buildings and infrastructure, to resilient communities and environments, to stable and secure nations, our work is transformative, differentiated and vital. A Fortune 500 firm, AECOM had revenue of approximately \$17.4 billion during fiscal year 2016. See how we deliver what others can only imagine at aecom.com and [@AECOM](https://twitter.com/AECOM).

Contact

Nora Doran
Senior Project Manager
T (902) 428-2028
E nora.doran@aecom.com