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**RE: Nunatsiavut Government comments and review of the Environmental Impact Statement Summary for the BHP Canada Exploration Drilling Project**

Dear Robin Boychuk,

This letter is in response to your March 5, 2020 correspondence, requesting comments from the Nunatsiavut Government (N.G.) regarding the *Environmental Impact Statement (E.I.S.)* for the BHP Canada Exploration Drilling Project.

Before commenting on this specific E.I.S., the N.G. is concerned overall about consultation practices in regard to offshore exploratory drilling. The N.G. appreciates that initiatives such as the *Eastern Newfoundland Regional Assessment (R.A.)* are meant to alleviate the repetitive nature of these processes. However, the consultation practices for project level and regional level assessments are still repetitive and performative, as many of our comments are not incorporated into the E.I.S. and we find ourselves repeating our statements. In the future, please provide responses as to why our comments were or were not incorporated. We look forward to more meaningful engagement in all offshore development projects, especially with respect to any projects or regional assessments that impact the Labrador offshore area.

For the Review of the *Environmental Impact Statement Summary* of the BHP Canada Exploration Drilling Project, our comments below include but are not limited to the key areas outlined in your letter.

Our comments from past information requests emphasized the importance of contributing to existing and forthcoming R.A. and S.E.A. processes, and the importance of data from mitigation and monitoring being integrated into these processes. We note that conclusions are heavily reliant on monitoring programs for both project-level effects as well as cumulative effects. It is therefore imperative to ensure follow up on these commitments, as well as provide updates to stakeholders on the incorporation of project-level monitoring into larger ongoing processes such as S.E.A.s and R.A.s.

Specifically, we request that in future projects the Impact Assessment Agency of Canada (I.A.A.C.) require commitments within their E.I.S. Guidelines regarding both the use of existing data from S.E.A.s and R.A.s as well as clarifying how and when their monitoring data will be incorporated into R.A. and S.E.A. databases. In this E.I.S., this type of commitment should be stated in *Sections 8.6, 9.6, 10.6, 11.6, 12.6, 13.5, 14.8, and 17.2*. Overall, the monitoring programs are poorly detailed. Considering that they are the essential core of the mitigation programs, they must contain more details within the E.I.S., and they must include exactly *how* this type of monitoring will inform an iterative monitoring program to consistently improve mitigations.

*Section 15.6.6.1* (Pg 15-150) states assumptions that, as Atlantic salmon have the potential ability to avoid contaminated waters, it is unlikely that they would experience population level effects from an accidental spill. There is an assumption being used here that Atlantic salmon, if forced to avoid an area, would return to their normal migration path after avoiding the affected area. The N.G. suggests this section be re-assessed with the Precautionary Principle in mind, as any deviation of a common migratory route may affect traditional harvesting.

*Sections 16.1.2.7 and 16.1.4* consider the severity of storms and adverse weather on the project, but do not properly assess the impacts of increased risk of accidents and malfunctions. *Section 16.2.2* implies the proponent will adhere to “regulations and international standards,” but does not outline what those specific activities are. The proponent has stated that “climate change is (...) unlikely to have a direct and significant effect on the Project beyond the overall design and planning measures being undertaken to address the physical environmental parameters discussed above.” However, the N.G. is concerned that the increase in severe weather has caused an increase of the number of required discontinuities with other nearby projects. Appendix 1 demonstrates those impacts on the ExxonMobil Harp L-42 exploration well. The increased number of disconnections and reconnections to the well increases the risk of an accident and should be assessed. Therefore, the impact of climate change on the project should be reconsidered, as it is lacking current information and proper assessment of risk. This section of the E.I.S. should be re-assessed against the operational reports from existing drilling projects.

In *Section 3* of the E.I.S., BHP makes a number of relevant commitments to indigenous groups, including notably to “share the results of environmental monitoring with indigenous groups through monthly operational updates” (3-16) and “advocate for indigenous communities’ participation in future oil spill response planning and response exercises” (3-17). However, those commitments did not make it in the *Summary of Commitments* (12.7) from the assessment of potential effects on indigenous communities and activities, nor in to the *Summary of Mitigation, Monitoring and Follow-up* (17.2). The *Indigenous Fisheries Communication Plan*, though relevant, cannot be the only channel of communication between BHP and indigenous groups. Notwithstanding that, BHP should not simply “advocate for” but actually involve indigenous communities in the development of its spill response plan and *Spill Impact Mitigation Assessment*, commitments outlined in Chapter 3 of the E.I.S. and especially in Table 3.8 must be respected by BHP, and should be part of the conditions enforced by the I.A.A.C. if the project is approved. Furthermore, every engagement or information sharing commitment, throughout the E.I.S., should be clearly defined as two-way processes, where BHP must take into account indigenous comments and adapt its practices if necessary.

Thank you for the opportunity to be involved, we are looking forward to receiving feedback on our comments. Please contact us with any further questions.

<Original signed by>

Claude Sheppard  
Director of Non- Renewable Resources  
Nunatsiavut Government

## Appendix 1 – Report from ExxonMobil Canada Regarding Well Disconnections due to Adverse Weather Events

**Subject:** EXXONMOBIL (NL): Indigenous Fisheries Update

On Sept 11<sup>th</sup>, 2019, the Canada-Newfoundland and Labrador Offshore Petroleum Board (CNLOPB) granted an Approval to Drill a Well (ADW) to ExxonMobil Canada and authorized the commencement of drilling operations for the Harp L-42 exploration well, with drilling commencing on October 11<sup>th</sup>, 2019. Following the initial surface hole section of L-42, a re-spud was required in order to meet planned well objectives, with drilling on Harp L-42A commencing on October 18<sup>th</sup>, 2019.

On December 13<sup>th</sup>, 2019, due to several impending weather systems, the decision was made for a controlled disconnect from the well. The rig reconnected on January 1<sup>st</sup>, 2020, but disconnected again on January 4<sup>th</sup> due to another approaching weather event. On January 24<sup>th</sup>, 2020, the rig reconnected to the well and following several days of subsea and surface equipment testing, recommenced drilling of the 16 ½” hole section on January 27<sup>th</sup>.

Vertical Seismic Profiling (VSP) operations are expected to take place in late February, which will enable the acquisition of time, depth, and velocity information. A well abandonment date of mid-late March, 2020 is expected.

ExxonMobil’s exploration project involves drilling an initial well (Harp L-42A) on Exploration Licence (EL) 1135 in 298 metres water depth, approximately 400 kilometres east of St. John’s, Newfoundland. ExxonMobil has contracted the West Aquarius mobile offshore drilling unit (MODU), operated by Seadrill, to drill the well. The supply base is located in St. John’s harbour, (approximately 21 hours sailing time to the drill rig) and the helicopter fleet base is located at St. John’s International Airport (approximately 2 hours, 31 minutes helicopter flight time to the drill rig).

Rig location is as follows:

Latitude: N 47° 31’ 41.15051” / Longitude: W 47° 22’ 20.67119”



*Please note: There is a 500m safety zone around the rig. The safety zone is in place primarily for personnel working on or within the vicinity of an offshore drilling rig and protection of the drilling rig itself against damage.*

Other vessels involved in exploration operations include Maersk Dispatcher, Maersk Detector and Atlantic Merlin. These vessels generally follow the same pre-approved route between St. John's and the rig on a daily basis. During normal operations, one vessel will remain on dedicated stand-by for the rig, with the other two vessels located either at the rig, at port in St. John's or in transit between the two. Please see the map below for supply and standby vessel routes.



L-R: Maersk Detector, Maersk Dispatcher, Atlantic Merlin