



SUMMARY REPORT

Information and Engagement Session with Indigenous Groups Environmental Impact Statement - Bay Du Nord Development Project

BACKGROUND

On July 10, 2020, Equinor Canada- the proponent for the Bay du Nord Development Project- submitted its final Environmental Impact Statement (EIS) to the Impact Assessment Agency of Canada (the Agency). A 45-day public comment period on the EIS began July 30, 2020 and will end on September 13, 2020

In addition to the public comment period and as part of the consultation and engagement approach for the EIS phase of the environmental assessment (EA) process, the Agency hosted two virtual meetings. The first session was held on August 11 for the public and a second session - exclusively for Indigenous groups¹ - was held on August 12 from 9:00AM to 11:00 AM Atlantic time.

This report is a brief summary of the August 12 session, including: highlights of the information shared by the Agency and Equinor Canada; comments and questions asked by the Indigenous groups; responses provided; and, additional information requested that requires follow up by Equinor Canada or the Agency.

SESSION FORMAT/PURPOSE

The Agency utilized the WebEx platform for the August 12 session. All Indigenous groups being consulted or engaged on the Bay du Nord Development Project (the Project) were notified via e-mail on July 30 (at start of the public comment period on the EIS) regarding the Agency's plans to host several virtual information sessions in August. The final meeting package and instructions for accessing the WebEx platform was e-mailed to all groups on August 5, with a final reminder about the session being sent out

¹ In this report, the term "Indigenous groups" refers to all of the following: aggregate organizations and/or tribal councils representing multiple individual First Nation communities; Inuit government organizations/collectives; and individual First Nation communities (i.e. those not represented by an aggregate organization or tribal council).



on August 11. The Agency has also offered to host one on one virtual meetings with Indigenous groups throughout the public comment period. The purpose of the August 12 session was two-fold:

- To share information on the Agency's EA process for the Project and provide an overview of the EIS; and
- To invite comments, questions and feedback from the groups on potential environmental effects of the Project on communities; potential impacts on asserted or established rights; and, options for mitigating, avoiding or accommodating the impacts.

Eleven (11) participants representing seven (7) Indigenous groups participated in the session. *See the attachment to this report for a complete list of participants, including those representing the federal authorities and Equinor Canada.*

PRESENTATION BY THE AGENCY

The Agency opened the August 12 session by presenting an update on the EA process; tasks completed to date and the next steps and timelines leading up to the Minister's decision (expected sometime in 2021). *See the document entitled "Powerpoint from the Agency" posted on the Registry for a copy of the Agency's presentation.*

Several comments relating to Indigenous participation and engagement on the Project were raised during the facilitated discussion portion of the session. *See a summary of comments raised and questions asked throughout the August 12 session, and the responses provided, starting on page 3 of this report.*

PRESENTATION BY EQUINOR CANADA

After the Agency's presentation, staff from Equinor Canada presented an overview of content in the EIS, with a focus on the value components (VCs) selected for inclusion; highlights of the effects assessment/analysis and examples of proposed mitigation measures. *See the document entitled "Powerpoint from the Proponent" posted on the registry for a copy of proponent's presentation.*

Representatives from Indigenous groups asked a number of questions about the information presented by the proponent, during the presentation and in the facilitated



discussion portion of the session. *See a summary of comments raised and questions asked throughout the August 12 session, and the responses provided, starting in the next section.*

FACILITATED DISCUSSION

For approximately the last 45 minutes of the August 12 session, the Agency led a facilitated discussion with the Indigenous groups. A discussion guide was shared prior to the session, which included probing questions and examples of feedback to help focus the discussion on: potential environmental affects of the Project on communities; impacts on potential or established rights; and, options for mitigating, avoiding or accommodating these impacts.

Representatives of the Indigenous groups who participated in the session indicated they had just started their review of the EIS and therefore did not have specific feedback to provide in the above noted areas, so the Agency invited an open discussion on any questions and comments from the Indigenous groups. A summary of the comments/questions raised, responses from the Agency, federal authorities and Equinor Canada, and items for follow up is provided in the table below.

Questions/ Comments	Agency, Federal Authorities and Equinor Canada- Responses	Follow up/Action Items
Was there any modelling and monitoring of vessel sound?	Equinor Canada: <i>Individual vessel sound was not modelled. Sound modelling was based on the loudest sound sources, including for Floating, production storage and offloading (FPSO) installations, Mobile offshore drilling units (MODU) and seismic.</i>	None.
Are the studies and modelling done project specific? Were any of the models peer-reviewed?	Equinor Canada: <i>All modelling (including for the probability of a blowout) was project-specific; project specific models were not peer-reviewed.</i>	None.
Can you share the assumptions underpinning the modelling?	Equinor Canada: <i>Assumptions for modelling are included in the EIS appendices.</i>	None.



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Is it possible to have access to the studies that are referred to in the EIS that support predictions, i.e. can these studies be shared?	Equinor Canada: <i>Sources used are stated in the reference sections of the EIS. Publicly-available studies were used and are cited in the reference lists. Equinor Canada can provide studies upon request.</i>	The Agency will reach out to Indigenous groups to ask them what information they would like and will work with Equinor Canada to collect and distribute the requested information.
The effects assessment indicates that even in unmitigated blowout there would be no significant effect on migrating fish and fish habitat. What is the basis for the assumption that fish will avoid the area and that there will not be a significant population level effect? Did the modelling include information on fish population density and patterns of fish movement in and around the project area?	Equinor Canada: <i>Conclusions were drawn from scientific knowledge and studies from past events (including the Macondo spill event). These studies are publicly available.</i> <i>Based on studies of fish behavior, they will avoid oiled areas, as well as fish species present in the area at the time. The effects from a spill are further reduced as the prediction is based on an unmitigated spill event, however mitigation measures will be implemented.</i> <i>The modelling did not consider the movement of fish, rather the spatial extent of the oil.</i>	None.
Does the risk of a blowout increase with the current number of exploration wells and this development project underway (was there consideration of the wells being drilled as part of other projects?)	Equinor Canada: <i>The analysis/modelling only considered the wells being drilled as part of the Project.</i>	None.



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Equinor Canada stated in its presentation that no Indigenous groups had asserted or established rights in or near the lands and waters of the Project Area. This is not accurate.	Equinor Canada: <i>The EIS does not recognize section 35 rights to fish in the project area (however this was not conveyed/clear in the presentation).</i>	None.
Is there information in the EIS on the shipping/transporting of oil and potential spills that could occur during transport?	Equinor Canada: <i>A vessel-to-vessel collision scenario was assessed in accidents and malfunctions. There was no consideration of spills occurring from vessels that are outside the safety zone of the Project. The federal government did an assessment of the risks associated with transporting oil and oil products several years ago and the report is mentioned in the EIS.</i> Transport Canada: <i>Transport Canada is the lead regulatory agency that manages and governs Canada's Marine Oil Spill Preparedness and Response Regime under the authority of the Canada Shipping Act, 2001 (CSA 2001). The CSA 2001 applies to all vessels within Canadian waters</i>	The following are links to a synopsis of the Transport Canada report as well as a follow-up assessment of proposals related to oil spill risk for the south coast of Newfoundland : https://tc.canada.ca/en/marine-transportation/marine-safety/environmental-oil-spill-risk-assessment-project-newfoundland ; https://tc.canada.ca/en/marine-transportation/marine-safety/assessment-proposals-related-oil-spill-risk-south-coast-newfoundland-tp-15039-e-2010 . Please note this synopsis report dates to 2007, and the assessment of proposals is from March 2010. Since that time Transport Canada continues to enhance and strengthen Canada's Marine Safety and Security system, through such initiatives such as the Oceans Protection Plan.



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		For more information, see: https://tc.canada.ca/en/initiatives/oceans-protection-plan/marine-101-how-oceans-protection-plan-improving-marine-safety
There is the option for Equinor to take the oil to Newfoundland or across the Atlantic, correct? Can it all be shipped to Newfoundland? Even if the oil is all shipped to Newfoundland, the transportation of the oil is still not part of the project?	Equinor Canada: <i>There are two options: transport to the transshipment facility (not for processing), or transport directly to market. Regardless of where the oil is shipped, the transportation of oil is not considered part of the project.</i>	None.
In the review process, we usually conduct community consultation. Given the current situation with COVID-19 there may be some delays with comments.	Agency: <i>If Indigenous groups need additional time, this can be discussed with the Agency.</i>	The Agency will ask groups if they need additional time to conduct their reviews and submit comments, when reaching out via e-email on other follow up items listed in this report.
Why has the environmental assessment process for Bay du Nord been different than other projects, i.e. why were the information requirements developed before the proponent submitted its final EIS and why weren't the Indigenous	Agency: <i>The process of reviewing a draft EIS has been done for other projects in the past. The Agency has committed to a shorter than usual assessment period (300 days rather than 365 days). Therefore, the Agency conducted a technical review of the draft EIS with the federal authorities. Federal technical Information Requirements (IRs) were provided to the proponent and the proponent provided responses. This process</i>	None.



Questions/ Comments	Agency, Federal Authorities and Equinor Canada- Responses	Follow up/Action Items
groups consulted earlier in the process? This was a missed opportunity especially given the Agency's commitment to early engagement of Indigenous groups.	<i>enabled the proponent to produce an EIS that was sufficient for public and Indigenous comment. There is still opportunity for IRs to be provided to the proponent as a result of comments from Indigenous groups and the public.</i>	

NEXT STEPS

The Agency sent a draft of this summary report to Equinor Canada, the federal authorities and Indigenous groups for validation prior to finalizing and posting it to the Registry. The draft report was sent to Indigenous groups via e-mail on August 24, 2020 with feedback requested by September 1, 2020.

The Agency will be reaching out to all Indigenous groups in August to follow up on the action items listed in this report, and to offer one to one virtual meetings to allow the groups additional time to provide feedback and comments on the EIS.

Written comment submissions on the EIS are due by September 13, 2020, however if Indigenous groups need additional time for their reviews, this can be negotiated with the Agency.

Attachment: List of Participants - August 12, 2020 WebEx Session

Participants Representing Indigenous Groups:

Organization/Community	Participating Representative(s)
Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO)	Derek Peters, Mi'kmaq Energy and Mines Advisor
L'nuey/Mi'kmaq Confederacy of PEI (MCPEI)	Randy Angus, Director of Integrated Resources
Mi'gmawei Mawiomis Secretariat (MMS)	Mathieu Gray-Lehoux, Director, Ango'tmeq Nm'tginen (Consultation Unit in MMS)
	Amanda Barnaby, Consultation and Accommodation Manager
Mi'gmawe'l Tplu'taqnn Inc (MTI)	Marcy Cloud, Impact Assessment Coordinator
	Jeremy Johnson, Environmental Assessment Officer
	Meaghan Langille, Consultation- Shared Value Solutions
Nunatsiavut Government (NG)	Rodd Laing, Director of Environment
NunatuKavut Community Council (NCC)	George Russell Jr., Director, Environment and Natural Resources
	Kathleen Simms, Environmental Analyst
Wolastoqey Nation in New Brunswick (WNNB)	Kaleb Zelman, Aquatic Ecologist

Participants from Federal Authorities:

Department/Agency Name	Participating Representative(s)
Fisheries and Oceans Canada (DFO)	Ann Cheverie; Kim Keats; James Loughlin
Health Canada	Alexandra Llescu ; Wendy Wilson ; Pierre Pelletier ; Sara Rumbolt ; Rick O'Leary
Transport Canada	Jason Flanagan; Sylvie DesRoches
Environment and Climate Change Canada (ECCC)	Michael Hingston
Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)	Elizabeth Young; Ian Murphy; John Hutching; Ken Taylor; Tim Murphy

*Equinor Canada- Participants/Presenters:*

Name	Title
Stephanie Curran	Regulatory Lead
Kim Coady	Environment and Regulatory Advisor

Agency- Participants/Presenters:

Name	Title and Role in Session
Jill Adams	Head, NL Satellite Office (presenter)
Susan Belford	Project Manager for the Bay Du Nord Project (presenter)
Amanda Park	Project Manager (meeting support)
Robin Boychuk	Consultation Advisor for Bay Du Nord Project (discussion facilitator)
Gehan Mabrouk	Team Lead, NL Satellite Office (observer)
Jennifer Balsdon	Project Manager (observer)
Jeff Balsdon	Project Manager (observer)
Jillian Bieser	Project Manager (observer)
Joanna Tombs	Consultation Advisor (meeting support)
Karen Lalonde	Environmental Assessment Officer (observer)
Kathryn MacCarthy	Project Manager (observer)
Lauchie Maclean	Project Manager (observer)
Virginia Crawford	Consultation Advisor (observer)