



Indigenous Fisheries Communication Plan: Operations and Emergency Response

Newfoundland & Labrador Orphan Basin Exploration Drilling Program

November 2022

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1 Foreword

This is the first issue of the “Newfoundland & Labrador Orphan Basin Exploration Drilling Program Indigenous Fisheries Communication Plan: Operations and Emergency Response”. This plan is based on the “Indigenous Fisheries Communication Plan: Operations and Emergency Response Offshore Exploration: Eastern Newfoundland” issued for consultation in April 2019 and finalized in June 2019.

This document supports BP Policy/BP Practice/BP Procedure.

2 Introduction

BP Canada Energy Group ULC (“bp”) is planning to conduct offshore exploration drilling activities within the areas of its existing offshore exploration licences (ELs) in the Orphan Basin approximately 343 to 496 kilometres (km) northeast of St. John’s, Newfoundland and Labrador. Water depths in these ELs range from approximately 970 to 3,000 metres (m). ELs 1145, 1146, 1148 in the West Orphan Basin are located within NAFO Unit Area 3Kk and Shrimp Fishing Area (SFA) 6. EL 1149 in the East Orphan Basin overlaps NAFO Unit Area 3Kk and 3Le and is located beyond the boundaries of Canada’s Exclusive Economic Zone (EEZ). The Newfoundland Orphan Basin Exploration Drilling Program (“the Project”) may involve drilling multiple wells between 2023 and 2026, with an initial well planned for Q2, 2023, in EL 1145, noted on the map in Section 4.

In February 2020, bp was released from the Canadian Environmental Assessment Act (CEAA 2012) environmental assessment process, a process initiated in January 2018 to enable bp to conduct exploration drilling in the Orphan Basin located northeast of St. John’s, NL. That process culminated with the issuance, by the federal Minister of Environment and Climate Change, of a February 2020 Decision Statement, which contained several conditions that bp are required to address.

3 Scope and Objectives

As per Condition 5.1 of the Decision Statement, issued by the Minister of Environment and Climate Change under the Canadian Environmental Assessment Act 2012 (CEAA 2012) for the Project, and in recognition of Indigenous groups who may be conducting activities in or near bp’s ELs, bp has developed this Indigenous Fisheries Communication Plan (“Plan”), in consultation with Indigenous groups, to provide a framework to facilitate effective communication during Project planning, drilling operations, and in the event of an emergency.

Through the implementation of the Indigenous Fisheries Communication Plan, bp aims to:

- provide transparent, timely, and factual information about Project plans and activities
- provide a single point of contact (SPOC) to facilitate two-way communication

- encourage input from Indigenous groups to understand their needs, priorities, and concerns
- exchange information and identify mutual beneficial best practices and mitigation measures.

This Plan outlines how bp will communicate with Indigenous groups during Project planning, operations, the event of an incident or spill that may result in adverse environmental effects during the offshore exploration drilling program and ends with well completion and abandonment. Recognizing the concerns expressed by Indigenous groups during engagement on the environmental assessment for the Project, bp's conditions of release from the environmental assessment process issued under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) have specified the following:

- Condition 5.1 - The Proponent shall develop and implement a Fisheries Communication Plan in consultation with the Board, Indigenous groups and commercial fishers. The Proponent shall develop the Fisheries Communication Plan prior to drilling and implement it for the duration of the drilling program. The Proponent shall include in the Fisheries Communication Plan:
 - Condition 5.1.1 - procedures to notify Indigenous groups and commercial fishers of planned drilling activity, a minimum of two weeks prior to the start of drilling of each well;
 - Condition 5.1.2 - procedures to determine the requirement for a Fisheries Liaison Officer and/or fisheries guide vessel during drilling installation movement and geophysical programs;
 - Condition 5.1.3 - procedures to communicate with Indigenous groups and commercial fishers, in the event of an accident or malfunction, the results of the monitoring and any associated potential health risks referred to in condition 6.10;
 - Condition 5.1.4 - procedures to engage in two-way communication with Indigenous groups and commercial fishers in the event of a spill requiring a tier 2 or tier 3 spill response over the duration of the spill response;
 - Condition 5.1.5 - the type of information that will be communicated to Indigenous groups and commercial fishers, and the timing of distribution of this information, that will include but not be limited to:
 - 5.1.5.1 - a description of planned Designated Project activities;
 - 5.1.5.2 - location(s) of safety exclusion zones;
 - 5.1.5.3 - anticipated vessel traffic schedule;
 - 5.1.5.4 - anticipated vessel routes; and
 - 5.1.5.5 - locations of suspended or abandoned wellheads.

4 Project Location

The Project area for the 2023 exploration drilling program is in the Orphan Basin in EL 1145 noted in Figure 1.

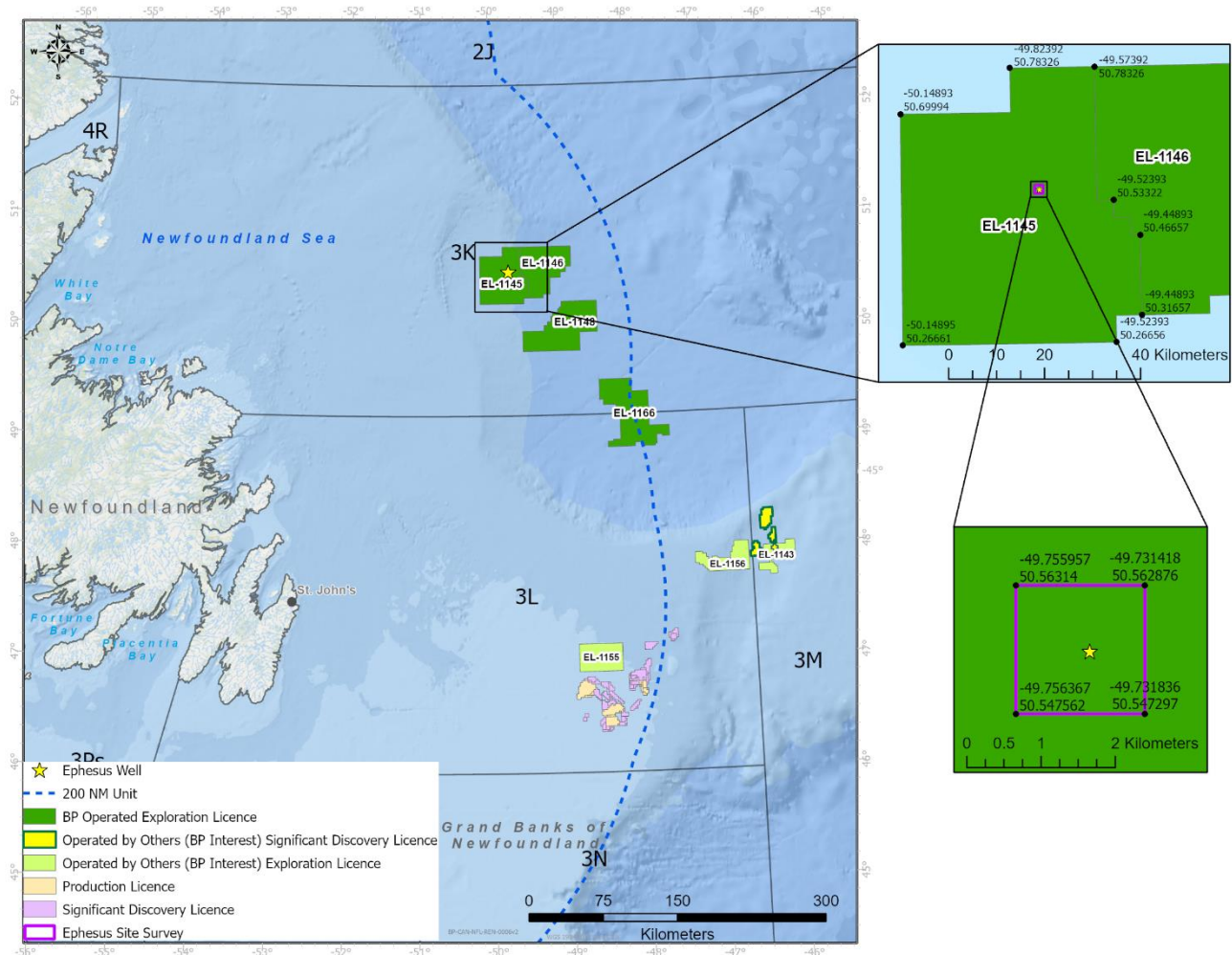


Figure 1: Project Location

5 Indigenous Fisheries Engagement

Beginning in May 2017, the Canadian Environmental Assessment Agency (now Impact Assessment Agency of Canada) identified 39 Indigenous groups to which the duty to consult applied, and two Indigenous groups that should be engaged for reasons of good governance.

Newfoundland and Labrador:

- Nunatsiavut Government
- Innu Nation of Labrador
- Nunatukavut Community Council
- Qalipu First Nation (GG)
- Miawpukek First Nation (GG)

Nova Scotia:

- Millbrook First Nation
- Sipekne'katik First Nation

- Assembly of Nova Scotia Mi'kmaq Chiefs:
 - Paqt'nkek First Nation
 - Potlotek First Nation
 - Annapolis Valley First Nation
 - Bear River First Nation
 - Glooscap First Nation
 - Membertou First Nation
 - Wagmatcook First Nation
 - Waycobah First Nation
 - Acadia First Nation
 - Pictou Landing First Nation
 - Eskasoni First Nation

Prince Edward Island:

- Mi'kmaq Confederacy of PEI
 - Lennox Island First Nation
 - Abegweit First Nation

New Brunswick:

- Elsipogtog First Nation
- Mi'gmawe' Tplu'taqn Incorporated (MTI)
 - Amlamgog (Fort Folly)
 - Natoaganeg (Eel Ground)
 - Oinpegitjoig (Pabineau)
 - Esgenoôpetitj (Burnt Church)
 - Tjipôgtôtjg (Bouctouche)
 - L'nui Menikuk (Indian Island)
 - Ugpi'ganjig (Eel River Bar)
 - Metepenagiag (Red Bank)
- Wolastoqey Nation in New Brunswick (WNNB)
 - Madawaska
 - Kingsclear
 - Oromocto
 - St. Mary's
 - Tobique
 - Woodstock
- Peskotomuhkati Nation at Skutik

Quebec:

- Mig'mawei Mawiomi Secretariat (MMS)
 - Listiguj
 - Gespeg
 - Gesgapegiag
- Innu First Nation of Ekuanitshit
- Innu First Nation of Nutashkuan

bp has ongoing communication and engagement with all identified Indigenous groups to exchange information and enhance mutual awareness of operational activities in the offshore. bp is, and will continue to, engage directly with Indigenous groups through all phases of project planning and operations. bp will maintain a database of contact information for the above Indigenous groups. The point of contact for each group will receive operational and emergency response communications as outlined in this Plan.

bp's Stakeholder and Indigenous Relations Advisor will be the single point of contact to serve as the liaison with Indigenous Groups and to receive requests for information and/or meetings from the Groups.

6 Communication During Operations

Beginning at a minimum of two months prior to planned exploration drilling operations, two weeks prior to the commencement of drilling, and throughout the exploration drilling program for each approved well, bp will provide Indigenous groups with emailed updates on operational activities (see list of operational activities below). The operational updates will be sent to the main point of contact(s) provided by each Indigenous group who will be responsible for any further dissemination of the information within their own organization.

bp will provide monthly (or sooner for time sensitive information) e-mail operational updates that contain the following information:

- Map of rig location (coordinates, NAFO Divisions)
- Mobilization of the rig, rig name, and pictures
- Safety zone – description, location and purpose
- Supply and safety vessels / identification / call signs / routes
- Anticipated vessel traffic schedule
- Commencement of exploration drilling (spud)
- Schedule of activities (e.g., BOP installation, Vertical Seismic Profiling)
- Abandonment of well
- Demobilization/rig movement
- Conclusion of drilling
- Links to documents and reports: (e.g., CNLOPB website, BP website)
- Contact information for bp

When available, bp will publish to its website (www.bp.com/canada) the following reports:

- Annual report and executive summary (Closure Report)
- Seabed investigation survey results
- Indigenous and Commercial Fisheries Communication Plans
- Well and Wellhead Abandonment Plan
- Well control strategies
- Spill Response Plan
- Spill Impact Mitigation Assessment
- Project Implementation Schedule
- Monitoring and follow-up results of environmental monitoring programs related to birds, marine mammals, fish and fish habitat.

bp will notify Indigenous groups of the availability of these documents within 48 hours of their publication.

bp will provide annual updates on any operator-led research initiatives related to Atlantic salmon, and share any information related to ESRF Atlantic salmon research initiatives, if they are provided by the ESRF Board.

Operational details will also be provided to marine communications and traffic services for broadcasting and publishing in the National Navigational Warning (NAVWARN) of the NAFO Secretariat. The Department of Fisheries and Oceans will also be notified prior to project commencement to avoid any potential conflict with any research surveys being completed in the drilling areas.

7 Communication in the Case of an Accident or Malfunction

bp will develop a Spill Response Plan in consultation with Indigenous groups. A draft of the plan will be provided for review and comment prior to the start of the drilling program. bp will conduct an exercise of the Spill Response Plan and provide the results to Indigenous groups.

In the case of an accident or malfunction that may result in adverse environmental effects, bp will initiate the following communications in accordance with its Incident Management Plan:

1. Within 48 hours of the incident or spill, notify by telephone, the representatives identified by interested groups.
2. Following initial contact described above, bp will, via email, provide an Emergency Information Update Bulletin twice weekly, and then as operations and other activities resume, updates will be sent as new information becomes available to fisheries contacts.

Information to be included in the Emergency Information Update Bulletin (when available):

- Situational/event overview
- Location of event
- Timing of event
- Actions currently underway
- Any known restrictions or health, safety, or environment considerations
- Impacts to fisheries
- Results of monitoring programs
- Next scheduled update
- Contact information for bp

8 Utilization of the Fisheries Liaison Officer & Fisheries Guide Vessels

One Ocean's *Risk Management Matrix Guidelines for the Utilization of Fisheries Liaison Officers and Fisheries Guide Vessels for the Fishing and Petroleum Industries of Newfoundland and Labrador* will be used to determine the need for a Fisheries Liaison Officer (FLO) and/or Fisheries Guide Vessel (FGV) during rig mobilization. The One Ocean Matrix includes the provision of FLOs and offers considerations for the use of FGVs. FGVs

may be deployed for transit and tow operations to support bp's scout vessel in monitoring and safeguarding fishing activity and gear. bp will utilize the Risk Management Matrix Guidelines to assess if a FLO and/or FGV will be used for the Project. The matrix can be found at [Matrix \(oneocean.ca\)](http://www.oneocean.ca).

9 Lost or Damaged Fishing Gear

bp will follow the Canada-Newfoundland and Labrador Offshore Petroleum Board's (C-NLOPB) *Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activity* (C-NLOPB 2017) for lost or damaged fishing gear. bp will develop a Fisheries Compensation Program for any fishing enterprise that incurs an actual loss attributed to bp operations. Enterprise owners can complete and submit the form available on bp's website (bp.com/canada). bp will also report annually to the C-NLOPB on any known incidents of lost or damaged fishing gear attributed to Project activities.

10 References

BP (2018) – BP Canada Energy Group ULC Newfoundland Orphan Basin Exploration Drilling Program Environmental Impact Statement.

Environment and Climate Change Canada (2019) - Decision Statement Issued under Section 54 of the Canadian Environmental Assessment Act, 2012 for the Newfoundland Orphan Basin Exploration Drilling Project

One Ocean (2022) – One Ocean Oil Spill Communication Protocol

One Ocean (2010) - One Ocean Risk Management Matrix Guidelines. Available online at <http://www.oneocean.ca/pdf/Matrix.pdf>

C-NLOPB (2017) - Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activity

11 Appendix A: Record of Engagement with Indigenous Groups

11.1 Indigenous Engagement Process

In April 2019, in recognition of the amount of consultation and engagement required with Indigenous groups on a number of concurrent environmental assessments for offshore projects, ExxonMobil Canada Ltd, Equinor Canada Ltd, BP Canada Energy Group ULC, CNOOC International and Husky Oil Operations Ltd (now Cenovus Energy) (the “Companies”) jointly developed an Indigenous Fisheries Communication Plan (the “Plan”) that outlined a protocol for communicating with Indigenous Groups and communities during exploration operations, and in the case of an incident or spill that may result in adverse environmental effects. Indigenous groups had asked the Companies to make efforts to cooperate with one another and coordinate their engagement efforts during the multiple ongoing engagement processes required under the *CEAA, 2012*.

The Companies conducted one engagement process with all the 41 Indigenous groups identified by the Impact Assessment Agency of Canada (the “Agency”). As bp advanced its offshore exploration drilling program, the Indigenous Fisheries Communication Plan was updated and shared on September 7, 2022, for review and feedback to ensure all information is still accurate and current.

Table 1: Engagement Activities

INDIGENOUS ENGAGEMENT ACTIVITY		
Date	Indigenous Group(s)	Engagement Activity
April 16, 2019	39/41 Indigenous Groups ¹	Emailed draft Indigenous Fisheries Communication Plan for review and comment
April 17, 2019	C-NLOPB, Agency	Emailed draft Indigenous Fisheries Communication Plan for review and comment (Agency for information only)
April 23, 2019	Nutashkuan Innu First Nation Ekuanitshit Innu First Nation	Emailed French language draft Indigenous Fisheries Communication Plan for review and comment
April 23, 2019	Nutashkuan Innu First Nation	Responded with input

¹ See Stakeholder List on pages 6-7 for a full list of Indigenous groups contacted by the Companies.

May 14, 2019	Qalipu First Nation	Responded with input
May 14, 2019	Nunatsiavut Government	Responded with input
May 15, 2019	KMKNO (representing 11 Mi'kmaq First Nations in NS)	Responded with input (telephone)
May 16, 2019	MMS, Ekuanitshit, MCPEI, Passamaquoddy, Elsipogtog, MTI, Sipekne'katik, Millbrook, Innu Nation, NCC	Reminder email asking for input on draft Plan
May 22, 2019	C-NLOPB	Preliminary views provided at a face-to-face meeting
May 28, 2019	MCPEI	Responded with input
June 4, 2019	C-NLOPB	Responded with input
June 7, 2019	All 41 Indigenous Groups C-NLOPB CEAA	Emailed Indigenous Feedback Report and reminder for those groups that had not already provided input.
June 28, 2019	All 41 Indigenous Groups C-NLOPB CEAA	Emailed final Indigenous Fisheries Communication Plan.
November 29, 2021	All 41 Indigenous Groups	Emailed newsletter update on the Orphan Basin Project
April 29, 2022	All 41 Indigenous Groups	Emailed notification of planned the ROV seabed investigation survey. Requested feedback on the proposed activities.
May 26, 2022	All 41 Indigenous Groups	Emailed newsletter update on the Orphan Basin Project
June 14, 2022	All 41 Indigenous Groups	Email follow-up on the ROV seabed survey. Confirmed commencement of survey and shared the Notice to Mariners
September 7, 2022	All 41 Indigenous Groups	Emailed draft Indigenous Fisheries Communication Plan for review and request for feedback.

Table 2: Feedback Received & Actions Taken

Table 2 below captures (unattributed to an Indigenous Group) input/feedback received in June 2019, from Indigenous groups and the C-NLOPB, and the actions taken to incorporate feedback in the Indigenous Fisheries Communication Plan.

With respect to the updated Indigenous Fisheries Communication Plan shared in September 2022, two Groups acknowledged receipt of the Plan. One Group advised that the document was incorrectly categorized as a Stakeholder Plan; the correction was made. No other feedback was received.

FEEDBACK RECEIVED FROM INDIGENOUS GROUPS & ACTION TAKEN	
Comments/Input by Indigenous Groups	Response by Companies
Recommend regular frequency for operational updates. Suggested: 1) every three weeks; and, 2) monthly	Incorporated – monthly.
Include updates on the ongoing results of environmental monitoring in monthly updates.	When available, the Companies will include the following information in monthly operational updates: <ul style="list-style-type: none"> • Updates on the results of environmental monitoring programs related to birds, marine mammals, fish and fish habitat.
There are too many emails from different companies coming at once – please coordinate all exploration operational communication reports into one.	To the extent possible (not all Companies will be in operations at the same time) the Companies will coordinate updates through their shared Indigenous Relations Advisor.
Provisions for communication as per Conditions 2.8 and 3.13 should be included in the operations section of the communications plan. <ul style="list-style-type: none"> ○ List obligations under 2.8 to share the following (within 48 hours of publication): <ul style="list-style-type: none"> - Report outlined in Condition 2.7 - coral and sponge survey results (3.6) - Indigenous Fisheries Communications Plan (5.1) - well and wellhead abandonment plan (5.2) - well control strategies (6.5) - spill response plan (6.6) <ul style="list-style-type: none"> ○ 3.13 – Although not strictly required by the condition, encourage proponents to communicate more often than once per year on any projects related to Atlantic salmon (incl. ESRF). It was IG concerns that brought this issue to the forefront, and their rights that stand to be diminished from any adverse impacts to Atlantic salmon. 	Obligations under Condition 2.8 included in the Plan. See page 6. Companies will provide any updates on research related to Atlantic salmon undertaken directly by the companies themselves, when available. It is anticipated that the ESRF will communicate directly with Indigenous groups regarding any research pertaining to Atlantic salmon under their program. If the ESRF provides the Companies with updates/information on Atlantic salmon research – the Companies will forward those updates to Indigenous groups.

<p>Ensure that communication as per this plan does not replace any required ongoing engagement with Indigenous groups or the Crown’s duty to consult, where applicable.</p>	<p>The Companies assume that the Crown will fulfill its duty to consult, where applicable.</p> <p>The Companies will continue to engage with Indigenous groups, as required. The purpose of the Indigenous Fisheries Communication Plan is to provide ongoing operational information to Indigenous groups regarding their offshore exploration drilling programs in Eastern Newfoundland, and to establish a communication protocol in the event of an incident or spill that may result in adverse environmental effects.</p>
<p>Most Indigenous fishers in NL/Labrador are not part of the FFAW and OneOcean – proponents need to ensure Indigenous fishers are engaged as well on the Fisheries Communication Plan.</p>	<p>The Companies will be engaging with commercial fishers in a separate process on the Fisheries Communication Plan and will ensure engagement includes Indigenous fishers in NL/Labrador that are not part of the FFAW and OneOcean.</p>
<p>Identify a point of contact for raising concerns to the Companies.</p>	<p>A main point of contact for the Companies will be provided in each operational update.</p>
<p>Identify the “safety zone” and its purpose in the operational updates.</p>	<p>The location and purpose of the “safety zone” will be provided in each operational update to Indigenous groups.</p>
<p>Condition 5.1.4 indicates that the Plan should contain vessel route/schedule information.</p>	<p>Incorporated.</p>