

CNOOC Petroleum North America ULC 2020 Flemish Pass Exploration Drilling Project EL 1144 and EL 1150

Indigenous Fisheries Communication Plan

Prepared by:
CNOOC Petroleum North America ULC
215 Water Street, Suite 701
St. John's, NL, Canada
A1C 6C9

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1.0 INTRODUCTION

CNOOC Petroleum North America ULC (CNOOC) intends to undertake an offshore exploration drilling program at exploration licences (EL) 1144 and EL 1150, in the Flemish Pass region of the Canada-Newfoundland and Labrador (NL) Offshore Area. CNOOC has committed to developing and implementing an Indigenous Fisheries Communications Plan under the conditions in the Decision Statement, Issued under Section 54 of the *Canadian Environmental Assessment Act, 2012 (CEAA, 2012)* in December 2019.

2.0 OVERVIEW

The Indigenous Fisheries Communication Plan¹ (the “Plan”) outlines how CNOOC, ExxonMobil Canada Ltd, Equinor Canada Ltd, BP Canada Energy Group ULC and Husky Oil Operations Ltd (the “Companies”) will communicate with Indigenous groups² during operations, and in case of an incident or spill that may result in adverse environmental effects during their respective offshore exploration drilling programs in Newfoundland and Labrador. The Plan covers the period beginning at a minimum two weeks prior to the start of each operator’s exploration drilling program and will terminate with well completion and abandonment.

Recognizing the concerns expressed by Indigenous groups during engagement on the environmental assessment for its proposed exploration drilling program, as part of this Plan, CNOOC will meet the following conditions:

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 Communications 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 notify Indigenous groups and commercial fishers in the event of a spill or unplanned release of oil or any other substance, and communicate the results of the monitoring and any associated potential health risks referred to in condition 6.10;

¹ The requirement for Condition 5.1 is to develop a Fisheries Communication Plan with Indigenous Groups and non-Indigenous commercial fishers. The Companies will be engaging commercial fishers in Newfoundland and Labrador in a separate process to develop a commercial fishers communication plan.

² Indigenous groups refer to the 41 Indigenous communities identified by the Canadian Environmental Assessment Agency as potentially impacted by the proposed exploration drilling programs. See [CEAA project Guidelines](#) and sub-section of this document titled Participants.

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 spill 3 response over the duration of the spill response; and

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:

Condition 5.1.5.1 - a description of planned Designated Project activities;

Condition 5.1.5.2 - location(s) of safety exclusion zones;

Condition 5.1.5.3 - anticipated vessel traffic schedule;

Condition 5.1.5.4 - anticipated vessel routes; and

Condition 5.1.5.5 - locations of suspended or abandoned wellheads.

This joint Indigenous Fisheries Coordination Plan was developed in conjunction with the other local operating Companies referenced above. Engagement with Indigenous Groups was conducted under one process (see Appendix A for engagement record), rather than consult separately on five identical Plans.

3.0 PARTICIPANTS

CNOOC

ExxonMobil Canada Ltd

Equinor Canada Ltd

BP Canada Energy Group ULC

Husky Oil Operations Ltd

Beginning in May 2017, and applicable to the exploration projects currently undergoing an environmental assessment under the *Canadian Environmental Assessment Act, 2012*, the Canadian Environmental Assessment Agency (the “Agency”) identified 39 Indigenous groups to which the duty to consult applied, and two Indigenous groups that should be engaged for reasons of good governance (GG).

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:

L’Nuey (formerly 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)
Tjipōgtōtjg (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

4.0 COMMUNICATION PROTOCOLS

CNOOC will establish communication protocols with Indigenous fishers during operations and in the unlikely event of an accident or malfunction.

4.1 Communications During Operations

CNOOC will notify all Indigenous groups two weeks prior to the commencement of drilling; and, on a monthly basis throughout the exploration drilling program for each approved well, CNOOC will provide Indigenous contacts with emailed updates on operational activities (see list of operational activities below). CNOOC will begin the communication process according to actual exploration program timelines. The operational updates will be sent to the main contact(s) provided by interested Indigenous groups. The identified Indigenous group contact will be responsible for any further dissemination of the information within their own communities and organizations.

CNOOC will provide monthly e-mailed operational updates to identified contacts that contain the following information and, when the following activities take place:

1. Mobilization of the mobile offshore drilling unit (MODU)
2. MODU location (coordinates)
3. MODU Safety zone - description, location and purpose

4. Support vessels – identification, call signs and routes
5. Anticipated vessel traffic schedule
6. Commencement of exploration drilling (spud)
7. Schedule of activities (e.g. BOP installation, Vertical Seismic Profiling)
8. Abandonment of well including locations of suspended or abandoned wellheads
9. MODU Demobilization / movement
10. Links to documents and reports: (e.g. CNLOPB website, Company websites)
11. One Company contact to act as liaison with Indigenous groups (during operations, and in the case of an emergency)
12. Updates on the results of environmental monitoring programs related to birds, marine mammals, fish and fish habitat, when applicable.

As per Condition 2.9, CNOOC will publish the following reports and executive summaries on the Internet and notify Indigenous groups within 48 hours that they have been published.

- Annual report (Condition 2.8)
- Coral and sponge survey results (Condition 3.6)
- Indigenous and Fisheries Communication Plans (Condition 5.1)
- Well and wellhead Abandonment Plan (Condition 5.2)
- Well control strategies (Condition 6.5)
- Spill response plan (Condition 6.7)
- Spill Impact Mitigation Assessment (Condition 6.11)
- Implementation schedule (Condition 7.1)
- Monitoring and follow-up results for marine mammals, fish and fish habitat, and migratory birds and any update(s) or revision(s) to the above documents.

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

As outlined above, CNOOC will provide one main point of contact for Indigenous groups for all operational and emergency response issues related to their exploration program to ensure there are opportunities for timely, two-way communication. The contact will be provided in the monthly operational updates.

4.2 Communication in the Event of an Accident or Malfunction

In the unlikely event of an accident or malfunction that may result in adverse environmental effects, CNOOC will activate emergency response protocols that include the following:

- CNOOC's Oil Spill Response Plan stipulates that CNOOC will provide one main point of contact (Indigenous Community Liaison) as outlined in Figure 1.0 below for Indigenous groups in the event of a spill requiring a tier 2 or tier 3 response to facilitate two-way communication for the duration of the response. The contact will be provided in the monthly operational updates.

Emergency Communication

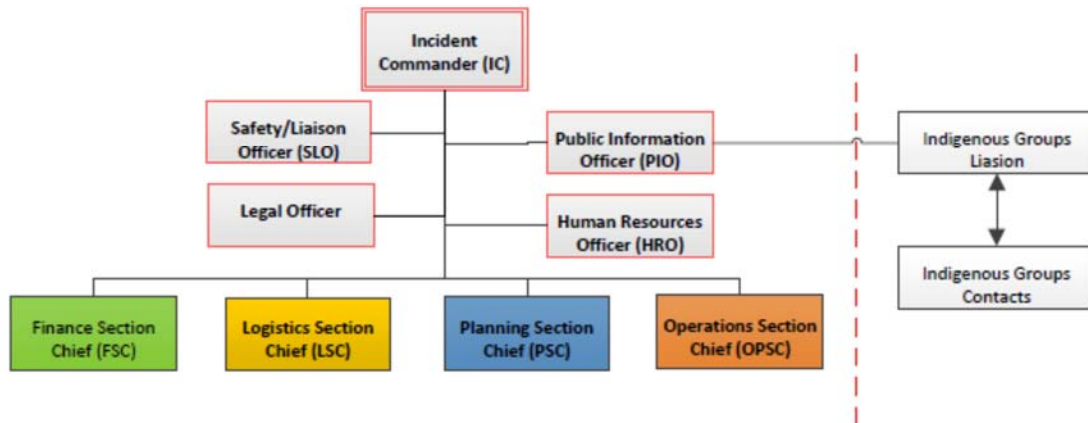


Figure 1.0 – Emergency Communication

- Within 48 hours of the incident or spill, CNOOC’s Indigenous Community Liaison will notify by telephone, the representatives identified by interested Indigenous groups; and
- Following initial notification to Indigenous group representatives, CNOOC will provide, via email, an incident update twice a week during the initial phases of the incident, and then as operations and other activities resume, updates will be sent as new information becomes available to representatives identified by interested Indigenous groups.
- As appropriate, CNOOC will meet with Indigenous groups to share information, answer questions and discuss concerns.

The information to be included in the incident update (when available) will include the following:

- Situational / event overview
- Location of event
- Timing of event
- Actions currently underway
- Any known restrictions or health, safety or environment considerations
- Potential impacts to fisheries
- Results of monitoring programs
- Next scheduled update
- Indigenous Community Liaison and Other Company Contact information

5.0 REFERENCES

CNOOC (2018) - CNOOC Petroleum North America ULC's (formerly known as Nexen Energy ULC) Flemish Pass Exploration Drilling Project 2018-2028 Environmental Impact Statement.

Environment and Climate Change Canada (2019) - Decision Statement Issued under Section 54 of the *Canadian Environmental Assessment Act, 2012* for the CNOOC International Flemish Pass Exploration Drilling Project.

APPENDIX A – INDIGENOUS GROUPS ENGAGEMENT RECORD

INDIGENOUS ENGAGEMENT PROCESS:

A draft Indigenous Fisheries Communication Plan (the “Plan”) was jointly developed by CNOOC, ExxonMobil Canada Ltd, Equinor Canada Ltd, BP Canada Energy Group ULC and Husky Oil Operations Ltd (the “Companies”) in April 2019 that outlines 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 provided input to the Plan May 2019, and the final Plan was shared with Indigenous groups in August 2019. Further to this, in February 2020 CNOOC International revised the Plan to include an action to address an additional condition (5.1.4) in CNOOC’s authorization by the Agency, and shared the revised Plan with Indigenous groups for comment between February 6 and March 6, 2020.

Table 1 below lists the engagement activities undertaken by the Companies between April 15 and June 15, 2019. Table 2 lists the engagement activities by CNOOC between February 6 and March 6, 2020.

DATE	INDIGENOUS GROUP(S)	ENGAGEMENT ACTIVITY
April 16, 2019	39/41 Indigenous Groups ³	Emailed draft Indigenous Fisheries Communication Plan for review and comment
April 17, 2019	C-NLOPB, CEAA	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
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, L'Nuey, 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	L'Nuey	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.

Table 1 – Engagement Activities: April 15 – June 15, 2019

DATE	INDIGENOUS GROUP(S)	ENGAGEMENT ACTIVITY
February 6, 2020	All 41 Indigenous groups.	Emailed draft Indigenous Fisheries Communication Plan for review and comment
March 2, 2020	Nunatakavut Community Council (NCC)	Responded with input
March 3, 2020	Qalipu First Nation	Responded with input

Table 2 – Engagement Activities: February 6 – March 6, 2020

³ See Participant List on pgs 4-5 for a full list of Indigenous groups contacted by the Companies.

FEEDBACK RECEIVED AND ACTIONS TAKEN:

During the first round of engagement by the Companies in April/May 2019, feedback was received from 22/41 Indigenous groups.

Tables 2 and 3 below capture (unattributed) input/feedback from Indigenous groups and the C-NLOPB received by June 15, 2019, and the actions taken by the Companies to incorporate feedback in the final Indigenous Fisheries Communication Plan. Additional input provided during engagement by CNOOC between February 6 and March 6, 2020 is highlighted in **bold**.

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 2.9 and 3.13 should be included in the operations section of the communications plan. <ul style="list-style-type: none"> ○ List obligations under 2.9 to share the following (within 48 hours of publication): <ul style="list-style-type: none"> - Report outlined in Condition 2.8 - 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 (6.7) ○ 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 2.9 included in the Plan. See page 6. <p>Companies will provide any updates on research related to Atlantic salmon undertaken directly by the companies themselves, when available.</p> <p>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.	The Companies assume that the Crown will fulfill its duty to consult, where applicable.

COMMENTS/INPUT BY INDIGENOUS GROUPS	RESPONSE BY COMPANIES
	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.
Most Indigenous fishers in NL/Labrador are not part of the FFAW and One Ocean – proponents need to ensure Indigenous fishers are engaged as well on the Fisheries Communication Plan.	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 One Ocean.
Identify a point of contact for raising concerns to the Companies.	A main point of contact for the Companies will be provided in each operational update.
Identify the “safety zone” and its purpose in the operational updates.	The description, location and purpose of the “safety zone” will be provided in each operational update to Indigenous groups.
Condition 5.1.4 indicates that the Plan should contain vessel route/schedule information.	Incorporated.

Table 2 – Operational Communication Feedback

COMMENTS/INPUT BY INDIGENOUS GROUPS	RESPONSE BY COMPANIES
Maximum time between an incident and the first telephone contact with Indigenous groups should be no more than two days.	Incorporated.
There should be a separate protocol for Tier 1 spills, not just Tier 2 and 3.	<p>According to the CNLOPB's "Policy Respecting Public Disclosure of Incidents and Related Information", and the "Incident Disclosure Guidelines" found here: https://www.cnlopb.ca/wp-content/uploads/prpdi.pdf, operators are required to report <u>all</u> incidents to the CNLOPB. Hydrocarbon spills that are equal to or less than one litre, unauthorized gaseous releases and unauthorized discharges are reported in aggregate on a quarterly basis on the C-NLOPB website found here: https://www.cnlopb.ca/incidents/.</p> <p>Each hydrocarbon spill over one litre is reported on the website above within 24 hours or the next business day, after receipt of the written notification. The link to this website will be included in each operational update.</p> <p>Those incidents or spills that may result in adverse environmental effects, and as a result trigger the Company's Emergency Response Plan, will be communicated to Indigenous Groups as per the Emergency Communication section of this Plan.</p>
Each company should provide contact details, as well as a timeline for responding to concerns. This should include a contact for emergency communication, and a fisheries contact.	<p>A main point of contact for each of the Companies will be provided to all Indigenous groups. The Contact will be provided in each operational update.</p> <p>Each company has an Emergency Response Plan that describes their approach to oil spill response. The Companies use the Incident Command System (ICS) which identifies a specific Liaison to Indigenous Communities that will act as the main point of contact.</p>
What organization will be overseeing and holding the proponent accountable for emergency communication?	This Plan is a condition of authorization under <i>CEAA, 2012</i> . Conditions of authorization are monitored for compliance by the Agency and by the CNLOPB.
Recommend frequency of updates on emergency incident: minimum of twice weekly.	Incorporated.
Oil and gas companies with production facilities should develop an emergency communication protocol with Indigenous groups.	CNOOC does not operate any production facilities in the offshore of Newfoundland and Labrador at this time. CNOOC has shared the

COMMENTS/INPUT BY INDIGENOUS GROUPS	RESPONSE BY COMPANIES
	recommendation with companies that have production facilities.
Requested communications plan flowchart that graphically represents the reporting chain/protocol in the event of an emergency.	Emergency communications flowchart can be found on p. 7 (Figure 1.0 - Emergency Communication) of the final Indigenous Fisheries Communication Plan.
Suggested a strategy be put in place in the case of ongoing excessive small releases requiring a tier 1 response. For example, if the proponent is regularly reporting small 50 L or less spills this should trigger a tier 2 response, and a notification should be sent to the liaison.	Tier 1 spills are reported as per the C-NLOPB Incident Reporting and Investigation Guidelines A direct link to the Incident Disclosure section on the CNLOPB website will be included in each monthly operational update.

Table 3 – Emergency Communication Feedback