



EXXONMOBIL CANADA LTD

INDIGENOUS FISHERIES COMMUNICATION PLAN:

OPERATIONS AND EMERGENCY RESPONSE

OFFSHORE EXPLORATION: EASTERN NEWFOUNDLAND

June 26, 2019

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PURPOSE

The Indigenous Fisheries Communication Plan¹ (the “Plan”) outlines how ExxonMobil Canada Ltd, Equinor Canada Ltd, BP Canada Energy Group ULC, CNOOC International 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 their proposed exploration drilling programs, ExxonMobil Canada and Equinor Canada’s [final conditions of authorization](#) under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) for their proposed offshore eastern Newfoundland exploration drilling programs have specified:

“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:

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;

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;

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 6.9; and

5.1.4 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:

5.1.4.1 a description of planned Designated Project activities; 5.1.4.2 location(s) of safety exclusion zones;

5.1.4.3 anticipated vessel traffic schedule;

5.1.4.4 anticipated vessel routes; and

5.1.4.5 locations of suspended or abandoned wellheads.”

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 communication plan for commercial fishers.

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.

The Companies worked together to develop and coordinate a joint Indigenous Fisheries Communication Plan. Engagement with Indigenous Groups was conducted under one process (see Appendix A for engagement record), rather than consult separately on five identical Plans.

PARTICIPANTS

ExxonMobil Canada Ltd
Equinor Canada Ltd
BP Canada Energy Group ULC
CNOOC International
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 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:

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)

Tjipõgtõtjg (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

COMMUNICATION DURING OPERATIONS

1. Beginning at a minimum two weeks prior to the commencement of drilling, and throughout the exploration drilling program for each approved well, the Companies will provide Indigenous contacts with emailed updates on operational activities (see list of operational activities below). Each company will begin the communication process according to their individual exploration program's timelines. The operational updates will be sent to the main contact(s) provided by interested Indigenous groups³. The identified Indigenous group contact will be responsible for any further dissemination of the information within their own communities and organizations.

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

1. Mobilization of the rig
2. Rig location (coordinates)
3. Safety zone – description, location and purpose
4. Supply and safety vessels / identification / call signs / 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
9. Demobilization/rig movement
10. Links to documents and reports: (e.g. CNLOPB website, Company websites)
11. Company contact.

When available, the operators will include the following information in monthly operational updates:

12. Updates on the results of environmental monitoring programs related to birds, marine mammals, fish and fish habitat.
2. As per Condition 2.8, the companies 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 2.7)
 - 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 6.6)
 - Spill Impact Mitigation Assessment (Condition 6.10)
 - Implementation schedule (Condition 7.1)

³ As of June 15, 2019 contacts have been provided by those Indigenous groups that expressed an interest in participating in the Indigenous Fisheries Communication Plan. Those Indigenous groups that have not provided a contact may do so at any time.

- 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.
3. The operators 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 to the operators by the ESRF Board.
 4. All of the operators that are participating in this Plan will provide one point of main contact for all operational and emergency response issues, to ensure coordination of a timely response. The contact will be provided in the monthly operational updates.

COMMUNICATION IN THE CASE OF AN INCIDENT OR SPILL

In the case of an incident or spill that may result in adverse environmental effects, the Companies will, and according to each of their individual Emergency Response Plans:

1. Within 48 hours of the incident or spill, notify by telephone, the representatives identified by interested Indigenous groups.
2. Following initial contact described in point 1 above, the Companies will, via email, provide an Emergency Information Update Bulletin twice weekly in 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.

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 Company

APPENDIX A: RECORD OF ENGAGEMENT WITH INDIGENOUS GROUPS

INDIGENOUS ENGAGEMENT PROCESS:

A draft Indigenous Fisheries Communication Plan (the “Plan”) was jointly developed by ExxonMobil Canada Ltd, Equinor Canada Ltd, BP Canada Energy Group ULC, CNOOC International and Husky Oil Operations Ltd (the “Companies”) 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 have 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*.

In recognition of the amount of consultation and engagement required with Indigenous groups on a number of concurrent offshore projects, the Companies developed one joint Plan, and conducted one engagement process with all 41 Indigenous groups identified by the Canadian Environmental Assessment Agency (the “Agency”). As each Company moves forward in their proposed offshore exploration drilling programs, they will follow up with Indigenous groups and communities prior to implementing the Plan to ensure all information is still accurate and current.

The draft Plan was distributed to Indigenous groups and the CNLOPB on April 15, 2019 requesting review and feedback by May 15, 2019⁴. A copy of the draft Plan was also shared with the Agency. Several First Nations responded to say they would be providing feedback in writing by the due date.

On May 16, 2019 an email reminder was sent to those organizations and communities that had not responded by the May 15th deadline.

An Indigenous Feedback Report was finalized after the comment period and shared with the 41 Indigenous groups, the CNLOPB and the Agency on June 7, 2019.

Table 1 below lists the engagement activities undertaken by the Companies between April 15 and June 15, 2019.

DATE	INDIGENOUS GROUP(S)	ENGAGEMENT ACTIVITY
April 16, 2019	39/41 Indigenous Groups ⁵	Emailed draft Indigenous Fisheries Communication Plan for review and comment
April 17, 2019	CNLOPB, 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

⁴ Due to a delay in French language translation, the draft Plan was sent to Quebec Indigenous groups on April 23, 2019.

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

		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, MCPEI, Passamaquoddy, Elsipogtog, MTI, Sipekne'katik, Millbrook, Innu Nation, NCC	Reminder email asking for input on draft Plan
May 22, 2019	CNLOPB	Preliminary views provided at a face-to-face meeting
May 28, 2019	MCPEI	Responded with input
June 4, 2019	CNLOPB	Responded with input
June 7, 2019	ALL 41 Indigenous Groups CNLOPB CEAA	Emailed Indigenous Feedback Report and reminder for those groups that had not already provided input.
June 28, 2019	ALL 41 Indigenous Groups CNLOPB CEAA	Emailed final Indigenous Fisheries Communication Plan.

Table 1

FEEDBACK RECEIVED AND ACTIONS TAKEN:

Feedback was received from Indigenous organizations representing a number of First Nations, and individual First Nation communities – in total this represents 22/41 Indigenous groups. All Indigenous groups that responded to the request for feedback have provided contact information for operational communication and in the case of an emergency. Indigenous groups that did not participate in the engagement process always have the opportunity to contact the Companies and have their contact names added to the operations and emergency contact lists.

Table 2 below captures (unattributed) input/feedback from Indigenous groups and the CNLOPB received by June 15, 2019, and the actions taken by the Companies to incorporate feedback in the final Indigenous Fisheries Communication Plan.

OPERATIONAL COMMUNICATION:

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) ○ 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. 	<p>Obligations under Condition 2.8 included in the Plan. See page 6.</p> <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.	<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>
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.	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.
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.

EMERGENCY COMMUNICATION

COMMENTS/INPUT BY INDIGENOUS GROUPS	RESPONSE BY COMPANIES
<p>Maximum time between an incident and the first telephone contact with Indigenous groups should be no more than two days.</p>	<p>Incorporated.</p>
<p>There should be a separate protocol for Tier 1 spills, not just Tier 2 and 3.</p>	<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 CNLOPB 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>
<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>	<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>
<p>What organization will be overseeing and holding the proponent accountable for emergency communication?</p>	<p>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.</p>
<p>Recommend frequency of updates on emergency incident: minimum of twice weekly.</p>	<p>Incorporated.</p>