



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale

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October 24, 2018

Sent by E-mail

Russell Morrison
Senior Environment and Regulatory Advisor
Nexen Energy ULC
801 – 7th Avenue SW
Calgary AB T2P 3P7
Russell.morrison@nexencnooclt.com

Dear Mr. Morrison,

SUBJECT: Outcome of conformity review of responses to Round I Information Requirements (IRs) for the proposed Nexen ULC Flemish Pass Exploration Drilling Project

On September 17, 2018, the Canadian Environmental Assessment Agency (the Agency) received Part 1 of Nexen Energy ULC's (Nexen) responses to Round I Information Requirements (IRs) issued by the Agency on June 8, 2018. The Agency developed the IRs based on a review by the Agency, other federal authorities, Indigenous groups and the public of the Nexen ULC Flemish Pass Exploration Drilling Project Environmental Impact Statement (EIS) and associated EIS Summary. The Agency requires acceptable responses to IRs in order to complete its review of the EIS and to proceed with the preparation of its Environmental Assessment Report.

Nexen has advised that its responses to IRs are being submitted in two parts to accommodate completion of required spill trajectory modelling. Part 2 of the responses, which will include spill modelling results and associated IRs (i.e. IRs-47, 63, 64, 78, 81, and CL-19), will be submitted at a later date.

The Agency has completed an initial review of Nexen's September 17, 2018 submission to determine whether it is sufficient to proceed with a technical review and pose follow-up questions, as necessary. The Agency has identified two responses that do not provide sufficient information:

- IR-04
- IR-45



The Agency therefore re-iterates the requirements stated in the above-noted IRs. We are available to discuss the IRs and required information at your convenience.

In addition, please note that IR-17 has been determined to conform for the purpose of technical review, since a rationale for the selection of 1985 Baccalieu well data for drill cuttings modelling has been provided, as requested. However, the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) has advised that additional information would be required to provide assurance of the adequacy of drill cuttings dispersion modelling. It advised that Nexen seek cuttings particle size distribution data from a recently drilled well to demonstrate that the 1985 distribution data used in the cuttings dispersion model is comparable to that from a well drilled in accordance with current drilling and waste disposal standards. Nexen may wish to proactively address the C-NLOPB's comments at the same time as it updates its responses to IRs-04 and 45.

The Agency will commence a technical review of the remaining IR responses, during which it will seek input from federal authorities and Indigenous groups. The Agency may request further information based on the outcome of technical review.

Note that to avoid duplication of effort, the Agency will not request comments on IRs 13, 21, 43, 44, 46, 49, 52, 75 and 80 from Indigenous groups at this time, since these responses are subject to change pending spill modelling results. These IRs will be circulated for review by Indigenous groups once Part 2 responses have been submitted and determined to provide sufficient information to proceed with technical review.

The timeline for the EA remains paused. Once you have submitted complete responses to all IRs, the Agency will take a period of up to 15 days without the timeline resuming to form an opinion on whether the required information has been provided. If the Agency determines the responses to be complete, it will commence a technical review of the additional information and the timeline for the environmental assessment will resume the following day. If the responses are determined to be incomplete, you will be notified at that time. If the Agency has not come to a conclusion after 15 days, the timelines will resume the next day. For further information, please consult the Agency document *Information Requests and Timelines*

<https://www.canada.ca/en/environmental-assessment-agency/news/media-room/media-room-2016/information-requests-timelines.html>.

This letter may be shared with Indigenous groups and posted on the Canadian Environmental Assessment Registry Internet Site: <https://www.ceaa-acee.gc.ca/050/evaluations/proj/80117?culture=en-CA>.

Should Nexen have any questions regarding the technical review of the EIS, please contact me at 902-426-8946 or via email at ceaa.nexenflemish-pass.acee@canada.ca.

Sincerely,

<Original signed by>

Cheryl Benjamin
Project Manager
Canadian Environmental Assessment Agency - Atlantic Region

Cc: Elizabeth Young, Canada - Newfoundland Labrador Offshore Petroleum Board
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Glenn Troke, Environment and Climate Change Canada
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