

October 24th, 2019

Impact Assessment Agency of Canada
Suite 200, 1801 Hollis Street
Halifax, Nova Scotia
B3J 3N4

Attention: Joe Vigder

RE: Draft Conditions – CNOOC International Flemish Pass Exploration Drilling Project (the “Project”)

Dear Mr. Vigder,

On September 25th, 2019, the Impact Assessment Agency of Canada (the “Agency”) posted the Draft Environmental Assessment Report and Potential Environmental Assessment Conditions for the Project (“Draft Conditions”) for public comment.

CNOOC provides the following comments with respect to the Draft Conditions.

RESPONSE TO DRAFT CONDITIONS

Draft Conditions 2.3 and 2.4

2.3 The Proponent shall, where consultation is a requirement of a condition set out in this document:

2.3.1 provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;

2.3.2 provide sufficient information on the scope and the subject matter of the consultation in a period of time that allows the party or parties being consulted, to prepare their views and information;

2.3.3 undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation; and

2.3.4 advise in a timely manner the party or parties being consulted on how the views and information received have been considered by the Proponent.

2.4 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this document, communicate with each Indigenous group with respect to the manner by which to satisfy the consultation requirements referred to in condition 2.3, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, the period of time to advise Indigenous groups of how their views and information were considered by the Proponent and the means by which Indigenous groups will be advised.

Throughout this process, CNOOC has demonstrated its commitment to ensuring that Indigenous groups are appropriately informed and engaged regarding the company's on-going and planned activities. CNOOC's engagement initiatives are designed to be flexible and allow for meaningful engagement with Indigenous communities and organizations using multiple forms of engagement including letters, meetings, phone conversations, email dialogue, and other means, as per the preferences of each particular group. The objective is to establish and maintain constructive relationships with Indigenous groups potentially affected by the Project through on-going communications, and the sharing of information in an open, cooperative, and respectful manner.

In CNOOC's view, it is not proper, nor would it provide for meaningful and constructive engagement, to have the Agency set out a rigid process for when and how CNOOC ought to engage Indigenous groups.

CNOOC will continue to communicate with Indigenous groups about the Project, through established and/or informal engagement processes, as required and requested. These will be undertaken to provide Project information and updates on on-going and planned activities, as requested, as well as to facilitate discussion of any issues and potential means of addressing them during the various phases of this Project and any Project-related monitoring or follow-up, as required. The specific nature, frequency and format of any such future engagement will be determined in discussion with the Indigenous groups themselves.

As a result, CNOOC submits that Draft Conditions 2.3 and 2.4 ought to be removed.

Draft Condition 2.9

The Proponent shall cause to be published on the Internet the reports and the executive summaries referred to in condition 2.8, the seabed investigation survey results referred to in condition 3.6, the communication plan referred to in condition 5.1, the well and wellhead abandonment plan referred to in condition 5.2, the well control strategies referred to in condition 6.5, the spill response plan referred to in condition 6.7, the Spill Impact Mitigation Assessment referred to in condition 6.11, the implementation schedule referred to in 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, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall notify Indigenous groups of the availability of these documents within 48 hours of their publication.

CNOOC submits that the documents set out in Draft Condition 2.9 ought to be, if requested, distributed directly to the identified stakeholders and that the requirement to publish directly to the internet be removed. This ensures proper document control, including updates to documents if necessary, and ensures a more direct and effective process in which CNOOC engages with Indigenous groups.

Draft Condition 2.12

The Proponent shall consult with Indigenous groups and relevant authorities prior to notifying the Board and the Agency of any potential material changes to the Designated Project, as described in condition 2.13.

CNOOC submits that the word "material" ought to be inserted before the word "potential" as identified in the excerpt above. The language "any potential change" would include even minor changes that would have no or minimal adverse environmental effects or potential to affect potential or established Aboriginal or treaty rights of Indigenous groups. CNOOC submits that in these cases, engaging with Indigenous groups and relevant authorities with respect to "any potential change" would be overly burdensome and in many cases would not provide any additional benefit. CNOOC submits that the same threshold that was provided for in Condition 2.11 of the Equinor Decision Statement ought to be used (i.e., "any material changes to the Designated Project").

Sincerely,

<Original signed by>

Todd Hartlaub, P.Eng.
Regional Manager, Atlantic Canada
CNOOC Petroleum North America ULC