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July 27, 2017

Agency File No.: 005577

Kim Coady  
Statoil Canada Limited  
2 Steers Cove  
Level 3, Cormack Building  
St. John's, NL A1C 6J5  
[KCOA@statoil.com](mailto:KCOA@statoil.com)

Dear Ms. Coady:

**SUBJECT: Additional Information Requirements Regarding Engagement with the Passamaquoddy of New Brunswick**

I am writing to advise you that the Canadian Environmental Assessment Agency (the Agency) has received information that an additional Indigenous group, the Passamaquoddy of New Brunswick, may be affected by the Flemish Pass Exploration Drilling Project (the Project). The potential effects to this group must be considered in the ongoing environmental assessment of the Project. This determination was made following careful consideration of information provided to the Agency by Indigenous and Northern Affairs Canada and Fisheries and Oceans Canada.

The Agency has identified potential adverse impacts of the Project on potential or established rights of the Passamaquoddy of New Brunswick under section 35 of the *Constitution Act, 1982*, and potential effects of changes to the environment on the Passamaquoddy of New Brunswick pursuant to paragraph 5(1)(c) of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). These potential impacts and effects relate to the migration of Atlantic salmon between the Project area and areas where the Passamaquoddy of New Brunswick have potential or established section 35 rights.

The Environmental Impact Statement (EIS) Guidelines (Part 2, Section 5.1) and letter sent from the Agency to Statoil Canada Limited (Statoil) on April 27, 2017, list the Indigenous groups for which Statoil must provide information in the EIS. This letter is confirmation that the Passamaquoddy of New Brunswick must be included among the Indigenous groups to be considered in the EIS. The Agency encourages you to engage this additional Indigenous group to obtain their views on potential impacts to their rights and for 5(1)(c) effects from the Project, as set out in the EIS Guidelines. If for some reason you are unable to obtain their views prior to submission of the EIS, this information may be requested during the technical review of the EIS.

Please note that the groups referenced in this letter and the Agency's letter from April 27, 2017 may change as more is understood about the Project's potential environmental effects or impacts on rights and/or if the Project or its components change during the environmental assessment. The Agency reserves the right to alter the list of Indigenous groups that the



proponent will engage as additional information is gathered during the environmental assessment.

I will contact you to discuss this further. In the interim, if you have any questions, please do not hesitate to contact me at [CEAA.FlemishPass-PasseFlamande.ACEE@ceaa-acee.gc.ca](mailto:CEAA.FlemishPass-PasseFlamande.ACEE@ceaa-acee.gc.ca) or 902-426-9460.

Sincerely,  
<Original signed by>

Shauna O'Brien  
Project Manager, Atlantic Region

Cc: Dave Burley – Canada-Newfoundland and Labrador Offshore Petroleum Board  
Elizabeth Young – Canada-Newfoundland and Labrador Offshore Petroleum Board  
Charlotte Landry – Major Projects Management Office

