

**Equinor Canada Ltd. Exploration Drilling MODU (Mobile Offshore Drilling Unit) Fisheries Compensation Plan**

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# 1 Introduction

## 1.1 Purpose

The purpose of the MODU Fisheries Compensation Plan (the Operator Plan) is to provide fair and timely compensation to commercial fish harvesters and processors, commercial fisheries entities including Indigenous fishers (Fishers), who sustain actual loss because of damage to fishing gear or vessels or due to oil spills, (as defined below), caused by Equinor Canada Ltd. including its contractors, in the course of their exploration drilling program (the Project).

The Operator Plan has been developed by the Operator (Equinor Canada) to provide fishers with an opportunity to work directly with the Operator first, before making a claim to the C-NLOPB, including the compensation committee, pursuant to the Canada-Newfoundland and Labrador Atlantic Accord Implementation Act and its Regulations, or to the courts.

The goal of the operator is to leave the affected fishers in a no worse or better off position than before a loss occurred. This document has been developed as a guide to resolve claims in an efficient and timely manner, in consideration of relevant best practices, precedents and industry guidelines, and in accordance with the *C-NLOPB's Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activities (2017)* (the Compensation Guidelines) and the *CAPP Canadian East coast Offshore Operators Non-attributable Fisheries Damage Compensation Program (2007)*.

## 2 Making a claim

### 2.1 Claims for loss

Claims for loss can be made under the laws of Canada, however it is generally preferable to utilize the process outlined in the Operator Plan as a simpler, more time and cost-effective process for obtaining appropriate compensation.

The C-NLOPB Plan can be found [here](#) Note that these guidelines form the basis of this Operator Plan. As such, Fisheries participants who use the program described in the Operator Plan do so voluntarily.

If this process is not successful, then the C-NLOPB process may be pursued as another recourse.

### 2.2 Timing

The compensation plan will operate for the life of the Project, which includes drilling and abandonment. Claims can continue to be initiated under the Operator Plan, subject to the time period set out in the relevant portions of the Atlantic Accord Act.

### 2.3 Information required

The compensation plan applies to actual losses that might occur to harvesters and processors from damage to fishing gear and vessels as a result of interaction with project vessels/debris outside the safety zone, or from oil spills originating within the safety zone.

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## 2.4 Loss classification

Actual losses or damage may include loss of income, including future income, and, with respect, to any Indigenous people of Canada, includes loss of hunting, fishing and gathering opportunities (Accord Act, Section 162(1)).

Debris:

- Any installation of structure that was put in place in the course of any work or activity required to be authorized under paragraph 138(1)(b) of Accord Act that has been abandoned without such authorization as may be required by or pursuant to this Part, or any material that has broken away or been jettisoned or displaced in the course of any such work or activity (Accord Act, Section 160(3)).

Spills:

- A discharge, emission or escape of petroleum, other than one that is authorized under the regulations or another federal law or that constitutes a discharge from a vessel to which Part 8 or 9 of the Canada Shipping Act, 2001, applies or a ship to which Part 6 of the Marine Liability Act applies (Accord Act, Section 160(1)).

Safety Zone:

- The Safety Zone for ECL is defined as the area that is 500 m from the MODU or as otherwise designated by the MODU operator, as per legislated requirements.

## 2.5 Proof of occurrence

Before a claim can be made, the applicable authority should establish proof of occurrence – the following is from Section 2.0 of the C-NLOPB guidelines:

*One of the first steps in the compensation and recovery process is to establish the value of the Actual Loss or Damage that has occurred, and any costs and/or expenses incurred as a result of any action taken in response to a Spill or Debris. The Claimant has a responsibility to provide evidence to the satisfaction of the respective Board of the claimed expenditure or loss. Further information and evidence may be requested during the claim assessment process. The assessment may therefore take an iterative form between the Claimant and those responsible for settling the claim, until a settlement has been agreed upon by all parties.*

*For all claims, a minimum set of supporting information is required, including:*

- *The name, address and contact details of the Claimant;*
- *Details of the Spill or Debris against which the claim is being made, including time, date and geographic location, and the Operator, if known; and*
- *The type of claim being submitted, the amount claimed, an explanation of how the costs or losses were incurred, and the dates of the period of the claim.*

A Claimant must demonstrate that they have incurred Actual Loss or Damage as a result of a Spill or Debris as well as the monetary value of the loss or damage.

The value can be established by identifying the cost (e.g., receipts, estimates/quotes) to repair or replace lost / damaged property or gear, the cost to clean gear and vessels, loss of income

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including future income (e.g., based on quota allocations, past effort or income), and lost wages for vessel crew members and plant workers.

The Claimant must establish that the Actual Loss or Damage they have is attributable to an Operator. Claimants may contact the respective Board or the Canadian Association of Petroleum Producers (CAPP) for assistance with identifying the responsible Operator or activity.

The compensation plan does not apply to items or events such as:

- Claims related to losses as a result of a fishing vessel being within the Project's approved Safety Zone;
- Claims against the Operator already initiated under another process (such as through the Courts, C-NLOPB, or CAPP), unless agreed by both the Operator and the Claimant, or unless a claim through the CAPP Non-Attributable Damage Program declares the Operator at fault
- Oil Spills associated with tankers.

Damage that cannot be shown to have been caused by the Project may be claimable under the *Canadian Association of Petroleum Producers Non-Attributable Damage Program*, or its successor programs.

## 2.6 Eligibility

Holders of valid and relevant licences are the only people who may make a claim; they must be duly licensed and/or registered commercial fish harvesters, fish processors, or aqua-culturalists.

The claimant may wish to pursue compensation through other avenues if they are deemed ineligible for this plan. The compensation plan covers claims for actual loss resulting from damage to fishing gear or vessels, or an oil spill as described in Section 2 of the C-NLOPB guidelines.

## 2.7 Other avenues

If claimants wish to pursue other avenues, they are outlined in the C-NLOPB guidelines in

- Section 4.2 – Compensation through the Boards,
- Section 4.3 – Compensation through Court Action, and,
- Section 5.0 – Other Compensation Sources.

SPOC (Single Point of Contact) – Equinor will be using a SPOC for the duration of the drilling program.

Claim information – please refer to the C-NLOPB guidelines, a modified claim form is included in Appendix A.

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### 3 Additional information

#### 3.1 Definitions and abbreviations

Abbreviations	
CAPP	Canadian Association of Petroleum Producers
C-NLOPB	Canada- Nova Scotia Offshore Petroleum Board
ECL	Equinor Canada Ltd.
MODU	Mobile Offshore Drilling Unit
SPOC	Single Point of Contact

#### 3.2 References

1. Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activity. Canada- Nova Scotia Offshore Petroleum Board, November 2017.
2. Canadian Association of Petroleum Producers Non-Attributable Damage Program. [LINK](#)
3. Accord Act, Section 160
4. Accord Act, Section 162

## Appendix A Form

Compensation Claim Form	
Date:	Click or tap to enter a date.
1 Name of Claimant:	Click or tap here to enter text.
2 Occupation:	Click or tap here to enter text.
3 Address:	Click or tap here to enter text.
Telephone:	Home: Click or tap here to enter text. Business: Click or tap here to enter text.
Email:	Click or tap here to enter text.
4	
5 Relationship to property lost or damaged:	Click or tap here to enter text.
6 Details of incident and damage sustained (attach details if required)	
	Click or tap here to enter text.
7 Location, date and approximate time of incident:	
	Click or tap here to enter text.
8 Damage or loss attributed to:	
	Click or tap here to enter text.
9 Supporting information (attach details if required)	
	Click or tap here to enter text.
10 Description of property lost or damaged (attach details if required)	

## Compensation Claim Form

Click or tap here to enter text.

### 11 Nature of income loss (if applicable)

Click or tap here to enter text.

### 12 Other sources of compensation: Choose an item.

If yes

Name of Source:

Amount Received:

### 13 Amount of Claim

14

### 15 Declaration

I, Click or tap here to enter text. of Click or tap here to enter text.

In the Province of Click or tap here to enter text. Do solemnly declare that I conscientiously believe that the information given above is true.

Date:

Click or tap to enter a date.

Signed:

Witness: