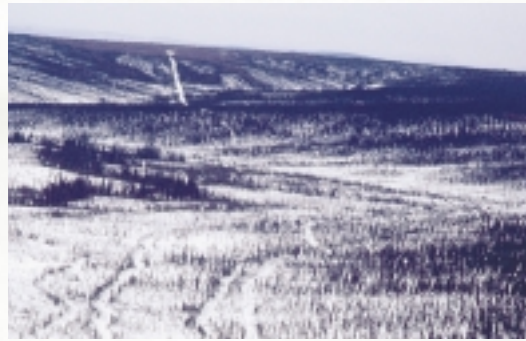


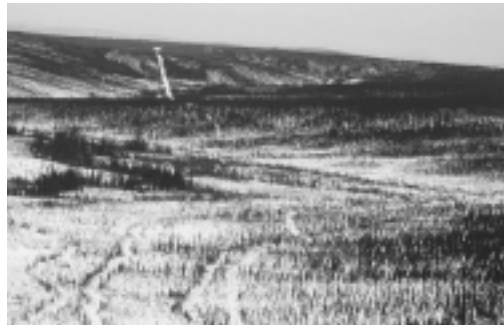
Citizens' Rights & Oil & Gas Development

Environment & Energy in the North



Citizens' Rights & Oil & Gas Development

Environment & Energy in the North



Northwest Territories

About the Pembina Institute

The Pembina Institute is an independent non-profit research, education and advocacy organization. It promotes environmental, social and economic sustainability through the development of practical solutions for businesses, governments, individuals and communities. The Pembina Institute provides policy research leadership on climate change, energy policy, green economics, renewable energy, and environmental governance, as well as extensive formal and public education

programs. More information about the **Pembina Institute** is available at www.pembina.org or by contacting

The Pembina Institute

Box 7558

Drayton Valley, AB

T7A 1S7

Tel: 780-542-6272

Fax: 780-542-6464

E-mail: piad@pembina.org

About the Authors / Mary Griffiths & Chris Severson-Baker

Mary Griffiths joined the Pembina Institute as an environmental policy analyst in May 2000 to work with the Energy Watch program. She co-authored the book *When the Oilpatch Comes to Your Backyard: A Citizens' Guide to Protecting Your Rights*, published by the Pembina Institute in 2001. Mary is the lead author of *Oil and Troubled Waters: Reducing the Impact of the Oil and Gas Industry on Alberta's Water Resources* and *Unconventional Gas: The Environmental Challenges of Coalbed Methane Development in Alberta*, both published in 2003. Mary works on

air quality issues as a member of the board of directors of the West Central Airshed Society and with a subcommittee of the Alberta Clean Air Strategic Alliance. She has helped evaluate the environmental impact of energy projects, including oilsands developments and coal-fired power plants. Mary has long been an advocate for the protection of the environment and in 2002 she received a Canadian Environment Award in the Clean Air category. Mary holds a BA and PhD in Geography from the University of Exeter, U.K., where she also taught for four years.

Chris Severson-Baker is Director of the Pembina Institute's Energy Watch Program. He graduated from the University of Alberta with a BSc in Environmental and Conservation Science in 1996, joining the Pembina Institute that same year. He has worked to reduce the impacts of the oil and gas industry on the environment — providing recommendations to government on

opportunities to strengthen environmental regulation, and encouraging industry to adopt better practices. Chris has represented the Pembina Institute on numerous provincial and federal multi-stakeholder committees focussed on developing environmental management policy for the oil and gas sector.

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About the Primers and Guides

The Pembina Institute's Energy Watch program has developed a series of six primers and two guides to help northern communities understand the potential environmental and, where applicable, human health impacts of oil and gas development. The primers also aim to help these communities effectively take part in managing these risks, ensuring that governments and oil and gas developers are using the best environmental practices available.

Each of the six primers focuses on a different phase of oil and gas development:

Seismic Exploration — industry activities to create a picture or map of the geology below the Earth's surface to find oil and gas reserves.

Land Disposition — the actions companies need to take to get the rights to explore for and produce oil and gas reserves.

Exploration and Production Drilling — the activities companies perform to first locate oil and gas, then to find out the size and usability of an oil and gas reservoir, and finally to reach the oil and gas using intensive production drilling.

Well Site Operation — industry practices to remove oil and gas from underground reservoirs and transport it to the surface.

Oil and Gas Processing — actions companies take to process oil and gas to prepare it for sale.

Pipeline Construction and Operation — industry activity to set up pipelines that carry oil and gas from the place it comes out of the ground to the places where consumers will use it.

The two guides focus specifically on citizens' rights around oil and gas development projects:

Citizens' Rights and Oil and Gas Development: Northwest Territories explains the rights that citizens have related to oil and gas development in the Northwest Territories.

Citizens' Rights and Oil and Gas Development: Yukon Territory explains the rights that citizens have related to oil and gas development in the Yukon Territory.

To produce these primers and guides, the authors reviewed the limited oil and gas development already under way in Canada's North. They also researched the current issues and practices in Alberta, northeast British Columbia, and the Alaskan North Slope, where intensive oil and gas development is already occurring.



KamikC58 drilling rig in Mackenzie Delta

SOURCE: ENVIRONMENT CANADA

Introduction

Just as they were about twenty years ago, companies are once again actively exploring for oil and gas reserves in the frontier regions of the Northwest Territories (NWT) and the Yukon Territory. If developers decide to seriously develop these resources, they will have to build a large capacity (or large diameter) pipeline to export oil and gas from the far North. Once regulators and developers make a definite decision to build one or more pipelines, oil and gas exploration and production activity in the North will quickly increase.

Developing the oil and gas resources of the North would offer the people living there many opportunities for economic development. But it is important that companies developing oil and gas reserves, and governments and other regulators overseeing the work, make sure they do not damage the cold, slow-growing and sensitive northern ecosystems. While there will be unavoidable environmental impacts because of oil and gas exploration, developers and regulators can reduce impacts with careful planning and by using the best available technologies and practices.

Since it is the people of the North who will experience the most direct impacts, it is important that they play a strong role in setting the terms and conditions of such development. When deciding on the actions they will take,

industry and various levels of government need to be respectful of and consider the needs and wishes of northern communities.

During the past few decades, the oil and gas industry has become more aware of the environmental impacts associated with its work. Technologies and practices have become much less environmentally damaging than they were in the past. And most, though not all, companies have responded to social and environmental concerns. Despite these improvements, there are still negative environmental impacts associated with oil and gas development and production. This is especially true in areas where the activity is intensive.

When the public shares questions, concerns and expectations about this work — directly to companies, through the media and through regulators that inspect the work and enforce regulations — this helps to uphold and improve industry performance. When the public is able to take part in effectively influencing decisions around oil and gas exploration, this pushes companies to higher levels of performance. When the public gives input, examining all companies equally, citizens' engagement ensures that all developers follow the best practices possible.

When companies involve local people and their concerns for the long-term health of their communities and environment they can build positive relationships, increase certainty and decrease conflicts around the project, and lower their investment risk.

Oil and gas regulations in the NWT are a mix of legislation from the 1970s or earlier, newer legislation from the late 1990s, and Aboriginal land claim settlements. Over the years, the government has changed its opinion about public involvement. The legislation and associated review processes reflect a growing respect for consultation with the people who live in the North.

This guide, ***Citizens' Rights and Oil and Gas Development: Northwest Territories***, explains the rights that people in the NWT have when oil and gas development occurs on their land. It demonstrates the ways that you can participate in decisions about oil and gas development by getting involved in the formal regulatory process and consulting directly with the company that wants to do the development work.

There are eight sections in this guide:

- Part 1 offers a general description of the environmental impacts associated with the three stages of oil and gas development: seismic exploration, land disposition and exploration and production drilling.
- Part 2 explains your citizens' rights and outlines the four steps you can follow to communicate your concerns about an oil or gas development.
- Part 3 describes the opportunities you have to participate at each stage of oil and gas development.
- Part 4 outlines the government's formal environmental assessment and review process.
- Part 5 describes the role of boards, government departments and agencies that regulate the oil and gas industry and explains how to contact them.
- Part 6 offers advice on how to negotiate with oil and gas companies and work with the media.
- Part 7 looks at how the public can help the government monitor and enforce laws related to oil and gas development.
- Part 8 provides a list of organizations, with contact information, and sources.

Appendices at the end of the guide supply additional information:

- Appendix A lists all the abbreviations used in the guide.
- Appendix B describes the land ownership structure in the NWT.
- Appendix C provides brief descriptions of the legislation that governs oil and gas development in the NWT.

A wide range of legislation and regulatory processes affect oil and gas development in the NWT. For more details, please review the five NWT guides in the Regulatory Roadmaps series sponsored by DIAND and the Canadian Association of Petroleum Producers (CAPP):

- *Oil and Gas Approvals in the Northwest Territories – Inuvialuit Settlement Region*
- *Oil and Gas Approvals in the Northwest Territories – Southern Mackenzie Valley*
- *Oil and Gas Approvals in the Northwest Territories – Gwich'in Settlement Area*
- *Oil and Gas Approvals in the Northwest Territories – Sahtu Settlement Area*
- *Oil and Gas Approvals in the Beaufort Sea*

All five documents are available free of charge at www.oilandgasguides.com/aguides.htm.¹

INDIAN AND NORTHERN AFFAIRS CANADA (INAC)

The Department of Indian Affairs and Northern Development (DIAND) has changed its name to Indian and Northern Affairs Canada (INAC). In this guide, we use the old abbreviation, DIAND, because many people are more familiar with that name. However, when the department name is written in full, we use Indian and Northern Affairs Canada.²

Similarly, the Department of Fisheries and Oceans (DFO) has changed its name to Fisheries and Oceans Canada (FOC). In this guide, we use the older, more familiar abbreviation, DFO.

¹ All Web site addresses provided in this primer were up to date as of November 1, 2003.

² The legislation that set up the department has not been changed, so the Minister is still officially the Minister of DIAND. However, the federal government prefers to identify the department by its new name, Indian and Northern Affairs Canada (INAC).

Environmental Impacts of Oil and Gas Development

This chapter provides a brief description of each of the 6 phases of oil and gas development and recommends questions that can help you assess the impacts of a proposed development.³

Seismic Exploration

Seismic exploration is a method used by the oil and gas industry to gather information about underground rock formations. It involves creating shock waves (low-frequency sound waves) that pass through deep underground rock formations, and then interpreting the waves that are reflected back to the Earth's surface. This helps to determine which formations may contain large quantities of oil or gas.

Key questions to ask when reviewing a seismic application:

- Has the company assessed sensitive ecosystems within the project area?
 - How will seismic crews access the area? Will the access created be temporary or permanent?
 - How will they manage and reclaim access routes?
 - What methods will companies use to survey the area?
 - Will they use 2D exploration, or 3D exploration requiring multiple receiver lines?
 - Will the company use shot holes or vibroseis for the energy source, or both?
- What is the total linear extent of the program?
 - What is the width of the seismic lines?
 - How much clearing will they need?
 - What vegetation clearing techniques will they use?

³ Not all of the questions listed below will apply to your specific circumstances.

SIX PRIMERS

You can find more detailed information about each phase of oil and gas development in the 6 Primers that accompany this Guide. Each Primer also includes information about the potential environmental and human health risks and best practices to reduce those risks.

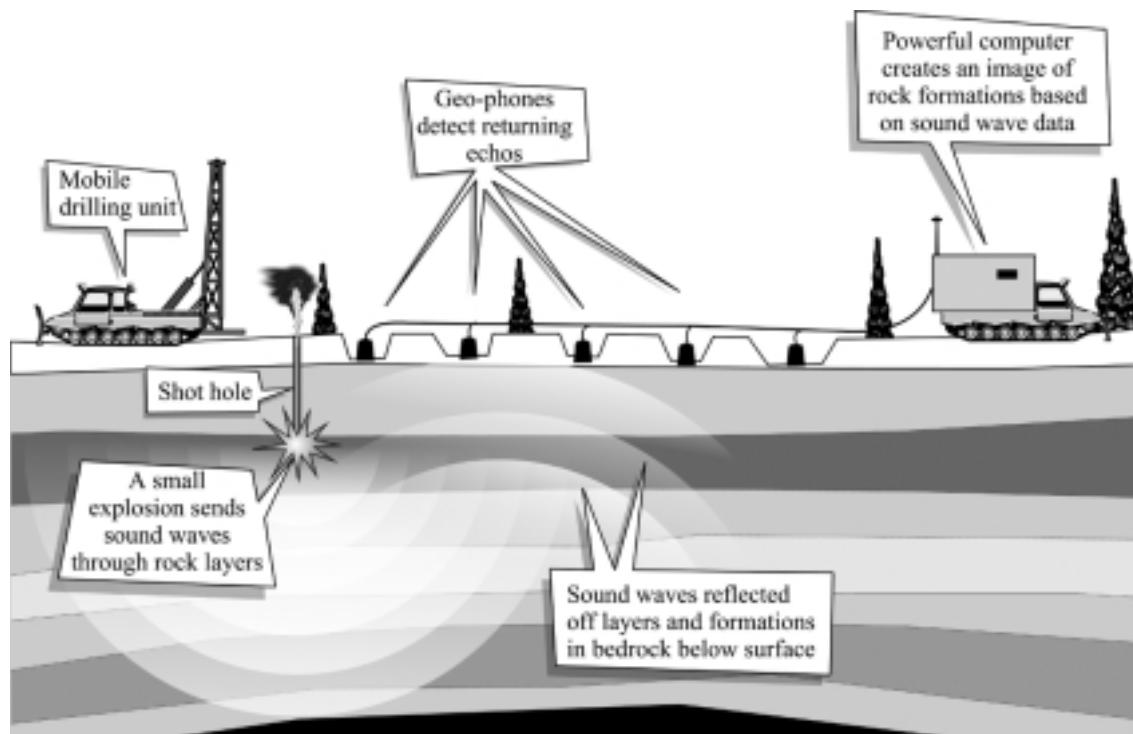
SEISMIC

Seismic means "caused by an earthquake or earth vibration."

4 BASIC STEPS

There are four basic steps to seismic exploration:

- creating access to the area to be explored*
- creating seismic lines*
- creating and recording seismic waves*
- collecting equipment and moving on*



3D diagram showing seismic exploration

SOURCE: PEMBINA. / CREDIT: DAVE MUSSELL.

- Will the company erect a camp for the project? For what time frame? Where will they locate the camp?
- In what season will the project occur?
- What vehicles will the company use to clear lines and transport equipment and personnel?
- Will they have to cross water bodies? How will they do this? Where will the water crossings be located?
- How will crews protect the soil and vegetative mat?
- What erosion mitigation measures will they use?
- What permafrost protection measures will they use?
- What reclamation practices will they use and will they monitor reclamation success over time?

- What are the shot hole setback distances from groundwater wells and surface water bodies?
- Will the company have a wildlife and environment monitor?
- What wildlife disturbance avoidance measures will they use? Does the company have policies to ensure workers know how to minimize impacts on wildlife?
- Are the waste management practices acceptable?
- Have they assessed the socioeconomic benefits (e.g., employment of local residents) and impacts?
- Have they identified ways they will mitigate possible effects on other land uses such as trap lines, as well as on areas of cultural significance?

Land Disposition

The regulatory process through which companies obtain the rights to explore for and produce oil and gas reserves may be the first step in oil and gas development. When the government gives a company the rights to subsurface oil and gas resources in an area this is referred to as a “land disposition” or “land sales.”

The first step in land disposition is for companies to tell the government in which areas they are most interested in exploring for oil and gas. The government then issues a “call for nominations” that defines the areas that any

company can place bids on. Companies place bids on blocks of land within the call for nominations area. The government then conducts an auction-type process to assess the bids submitted by companies. Companies get the exclusive right to explore those blocks that they “win” in the auction.

The government can prevent oil and gas development on land that it wishes to preserve for its ecological, historical, or cultural value by simply not auctioning the subsurface rights that underlie those areas.

Once they have the rights to explore in a particular area, companies will conduct seismic exploration to determine whether the area has the type of deep underground rock formations that could contain oil and gas reserves.⁴ If it does, they next determine the best location to drill exploratory wells to look for oil and gas.

Once companies find areas with potential reserves they would like to further explore or develop, they then go to the proper governmental authority to get approval to do more exploration and to remove the oil or gas.⁵

QUESTIONS TO ASK AT THIS STAGE

- Has the government completed a Land Use Plan for the call for the proposed areas?
- Are there unique ecosystems or critical wildlife regions within the proposed disposition area?
- Do the areas contain sacred sites, areas of traditional use for travel, hunting and

⁴ See the first primer in this series, *Seismic Exploration: A Primer*, for a detailed explanation of this step.

⁵ See the third primer in this series, *Exploration and Production Drilling: A Primer*, for a detailed explanation of this step.

gathering, and burial grounds or other sites of deep cultural significance?

- What types of conditions will the government place on successful bids by industry?
- What regulations has the government set up for industry if they discover oil and gas in economic quantities?
- What regulations has the government set up to manage cumulative impacts?
- Has the government assessed socio-economic benefits (for example, employment of local residents) and impacts?

Exploration and Production Drilling

When planning to drill an exploratory well, a company will select a location on the surface that is, as close as possible, directly above the target underground location. They begin by clearing and levelling the land to create a flat stable surface, and building access roads to the drilling site. Because they will need water during the drilling process, if there is not a natural water source nearby they will truck water into the site or drill a water well in areas that have groundwater. Often a company will set up a mobile camp on the well pad for the drilling crew to live in while the well is being drilled. The well pad is the flat gravel or ice surface area that all of the equipment sits on.

Next crews dig a reserve pit (commonly referred to as a “sump”) or bring in a series of large tanks, where they will put drilling waste.

ECOSYSTEM

An “ecosystem” is a system made up of organisms (plants and animals) and their environment, working together as a unit.

DISPOSITION

A disposition is a legal instrument (such as a sale, lease, licence or permit) that allows a government to give a benefit from public land to any person or company.

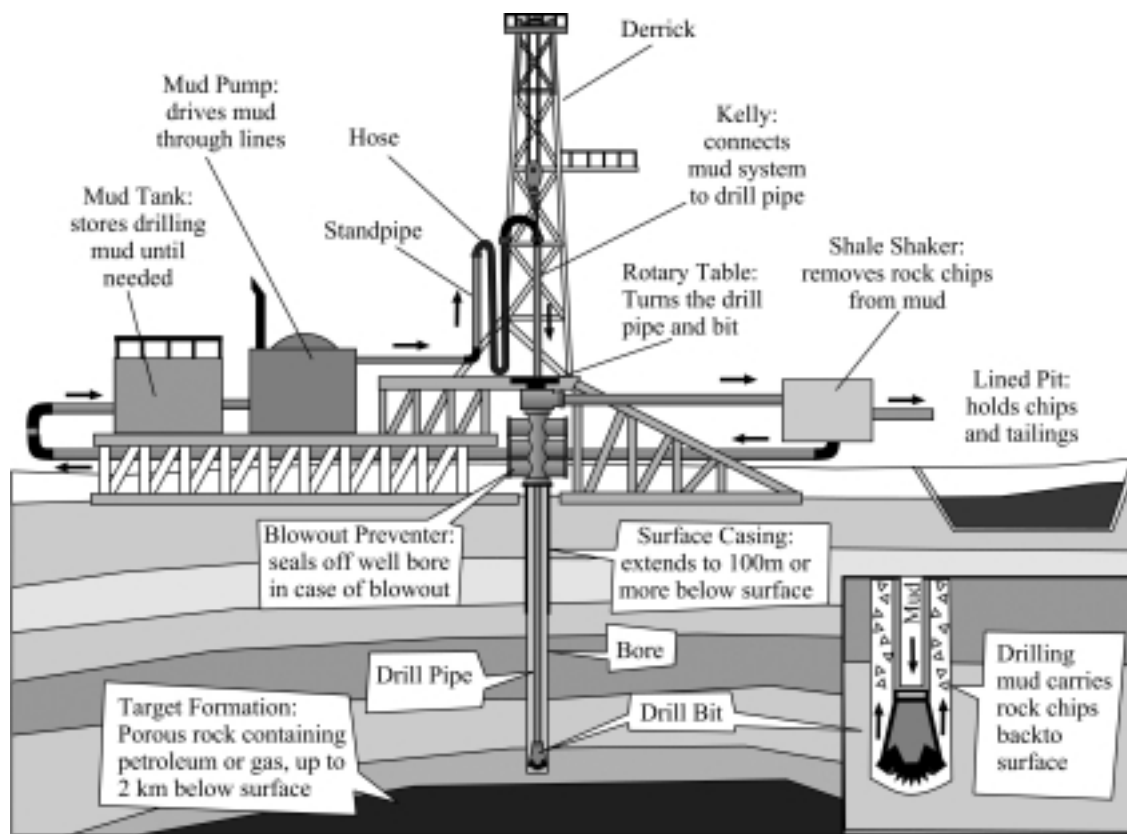
Depending on regulatory requirements, workers may dispose of drilling waste on site or transport the waste out of the area by truck and dispose of it elsewhere. Finally, the crew moves the drilling rig into place and sets it up. They are now ready to begin drilling.

Workers drill the well using a drill bit that is connected to a drill pipe. The drilling rig turns the pipe and, in turn, the drill bit. The rotating bit and the weight of the pipe crushes the rock underground.

QUESTIONS TO ASK AT THIS STAGE

- In what season will the company be drilling?
- Is the developer proposing exploration-only wells, or conventional wells that would be converted to production wells if drilling is successful?
- How many exploratory or production wells is the developer proposing?

- What methods will crews use to build roads and camps, and where will these be located?
- How big is the well pad? How many wells will be drilled from the well pad?
- What type of vehicles will crews use?
- Will crews have to cross water bodies? Where and how will they do this?
- How will crews protect the soil and vegetative mat?
- What erosion mitigation measures will crews use?
- What permafrost protection measures will crews use?
- What reclamation practices will crews use? Will they follow-up to make sure the reclamation is successful?
- What sources of fresh water will they use? How much water will they need?
- What type of drilling mud will the developer use? What does it contain?
- How will crews manage and dispose of drilling waste?
- How will crews manage and dispose of solid and human waste?
- What is the company's spill prevention and response plan?
- How will the crew manage and dispose of surface water and produced water?
- Is there any chance the workers will encounter hydrogen sulphide?
- Does the developer have an Emergency Response Plan?
- What setbacks will the developer use? Why are the setbacks needed? How big is the evacuation zone?
- Will crews use flaring to test wells? What alternative testing methods can they use?
- Did the company collect baseline environmental data?
- Has the developer assessed the area for sensitive ecosystems?
- Did the company conduct baseline groundwater quality testing?
- Will the project have a wildlife and environment monitor?
- Has the company clearly outlined measures to avoid disturbing wildlife? Does the company have policies to ensure workers know how to minimize impacts on wildlife?
- Has the developer assessed socio-economic benefits (e.g. employment of local residents) and impacts associated with the proposed project?
- Has the company outlined a future development scenario if exploration drilling is successful, including needs for a gathering system pipeline and production facilities?
- Has the developer considered ways they will reduce their impact on other land uses, such as hunting and trapping?
- How will the company manage any newly created recreational access to the area?
- What are the developer's plans for reclaiming roads and well sites?



Drilling Rig

CREDIT: DAVE MUSSELL, PEMBINA INSTITUTE

Well Site Operation

“Well site operation” includes the oil or gas production phase that starts when workers have drilled a production well and ends when they deactivate the well and reclaim the well site.

All wells sites have two basic features:

- wellhead — contains valves to control the flow of oil or gas from the reserve.
- well pad — normally made of gravel and large enough to hold all the equipment needed on the well site, as well equipment to service the well.

Well sites often connect to all-season roads, or to winter access roads and a dedicated helicopter landing area. Almost all well sites have a connection with a gathering pipeline that transports the oil or gas to a processing facility and then to a large-volume transmission pipeline. The exact design of the well site depends on the oil and/or gas formation that crews have drilled into, and the hydrocarbon material they are removing. Crews will need different types of equipment depending on what they are drawing up the well.

If crews drill into an oil or gas reserve on a curve, instead of straight down, they may be able to put multiple wells and wellheads at a single well site.

QUESTIONS TO ASK AT THIS STAGE

- What type of well is the developer proposing? What well components will they have on site?
- Will there be all-season access to the well site? How often will vehicles travel there?
- When do developers plan to abandon and reclaim the well site?
- How does the developer plan to reclaim any access roads to well sites?
- How will crews manage and dispose of surface water?
- How will crews manage and dispose of waste?
- What are the company's spill detection, response and cleanup capacity and measures?
- How large is the well pad?
- What permafrost protection measures will crews use?
- What sources of freshwater will they use? How much water will they need?
- How will crews manage and dispose of produced water?
- Is there any chance the workers will encounter hydrogen sulphide?
- Does the developer have an Emergency Response Plan? How big is the evacuation zone?
- Will crews use alternatives to flares and flare reduction measures?
- What type of fugitive emission detection/control system does the developer have in place?
- Are there emission controls on pneumatic devices?
- Are there emission controls on dehydration units?
- What tank waste prevention measures will crews use?
- What well casing protection measures does the company have in place?
- How will the developer monitor groundwater quality?
- What noise mitigation measures are being utilized?
- Has the company clearly outlined measures to avoid disturbing wildlife? Does the

company have policies to ensure workers know how to minimize impacts on wildlife?

- Has the developer assessed socio-economic benefits (e.g., employment of local residents) and impacts associated with the proposed project?
- How will the company manage any newly created recreational access to the area?

Oil and Gas Processing

When crews bring crude oil or gas to the surface through production wells, it may contain a variety of substances. These include natural gas liquids (propane, butane and condensate), hydrogen sulphide (H₂S), carbon dioxide (CO₂), water, sand, silt, and asphaltenes. Before companies can send the oil or gas to market, they must process it to remove some or all of these impurities.

Workers can carry out some simple processing treatments at the well site, such as separating the water from the oil (oil/water separation) or drying the gas to eliminate any liquids present (gas dehydration). After these initial preparations, workers send the oil or gas through a pipeline to a large, centralized processing facility such as an oil battery or a gas plant.

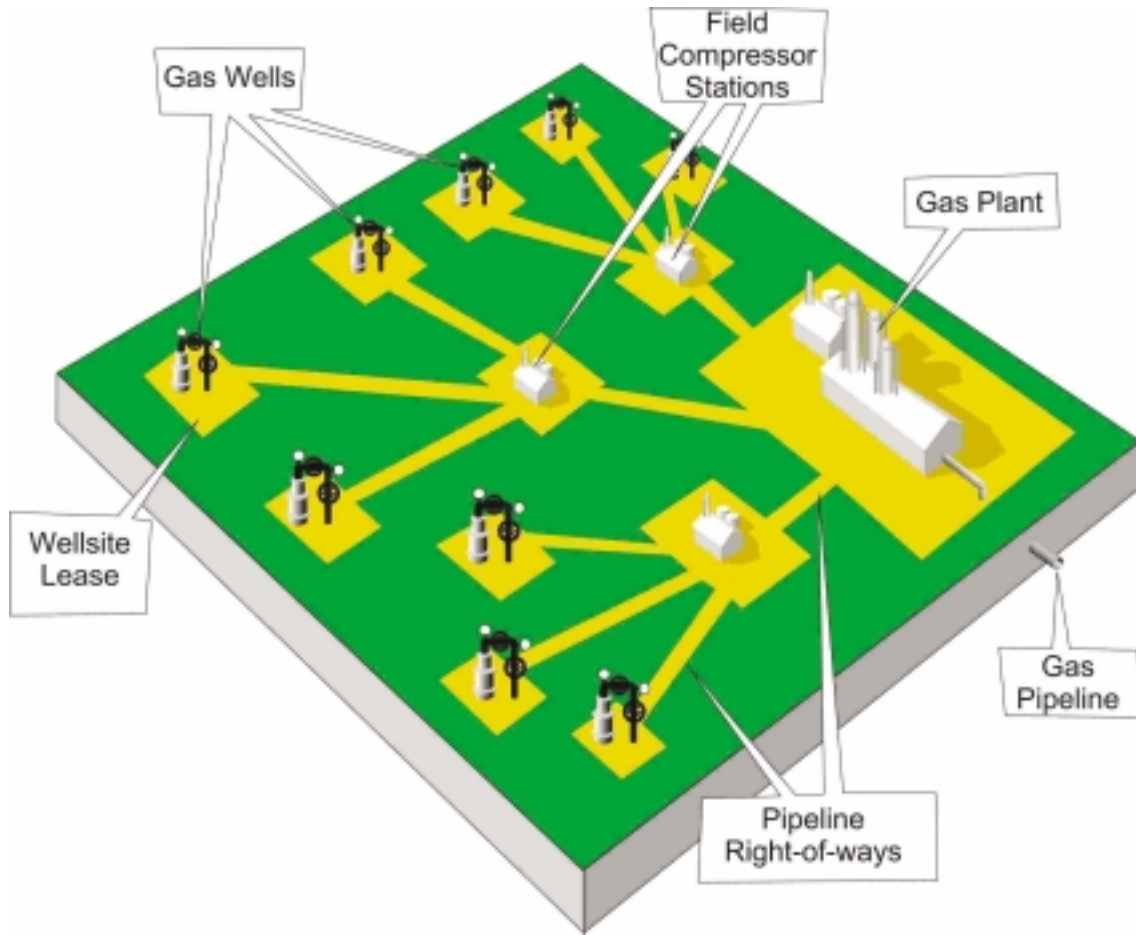
After workers have processed the oil at an oil battery, they ship it by pipeline to a refinery. At the refinery it is made into a variety of products, such as gasoline and diesel.

Workers process raw gas in a gas plant so that

the gas will meet pipeline specifications for water and liquid hydrocarbon content. They then send it in large transmission pipelines for sale to markets around North America. The hydrocarbons removed from the gas at the plant, such as ethane, propane and butane, may be further processed into other valuable products. Companies sell these natural gas liquids to heating or petrochemical markets throughout North America.

QUESTIONS TO ASK AT THIS STAGE

- What type of a facility is the developer proposing? How often will vehicles travel to the facility?
- How many years does the company estimate the facility will operate?
- How will crews manage and dispose of surface water?
- How will crews manage and dispose of waste?
- What does the developer estimate will be the emissions to air and water?
- What are the company's spill detection, response and cleanup capacity and measures?
- How large is the site?
- What permafrost protection measures will crews use?
- What sources of freshwater will they use? How much water will they need?
- How will crews manage and dispose of produced water?



Conceptual drawing of typical gas gathering system

SOURCE: PEMBINA INSTITUTE

- Is there any chance the workers will encounter hydrogen sulphide?
- Does the developer have an Emergency Response Plan?

- How big is the evacuation zone?
- Will crews use alternatives to flares and flare reduction measures?

- What type of fugitive emission detection / control system does the developer have in place?
- Are there emission controls on pneumatic devices?
- Are there emission controls on dehydration units?
- What well casing protection measures does the company have in place?
- How will the developer monitor groundwater quality?
- What noise mitigation measures are being utilized?
- Has the company clearly outlined measures to avoid disturbing wildlife? Does the company have policies to ensure workers know how to minimize impacts on wildlife?
- Has the developer assessed socio-economic benefits (e.g. employment of local residents) and impacts associated with the proposed project?
- How will the company manage any newly created recreational access to the area?

Pipeline Construction and Operation

Pipelines are used to transport oil and gas to treatment plants (e.g., oil batteries and gas plants), and from treatment plants to market. Pipelines are also used to carry water that is produced by oil or gas wells (produced water) to processing plants so that it can be cleaned and disposed of.

GAS PLANT & OIL BATTERY

The terms “gas plant” and “oil battery” are commonly used to describe a collection of many different facilities that process raw gas and crude oil.

Pipelines come in different sizes and have different pressures, depending on the volume and type of content they contain. Pipelines are normally buried underground, but in some cases pipelines are raised above the ground on supports.

There are two main types of pipelines in the oil and gas industry:

- “Gathering system” pipelines — These pipelines collect raw oil and gas from well sites and carry them to processing facilities, such as a gas plant or an oil battery. Gathering system pipelines tend to have a relatively small diameter and operate at relatively low pressure.
- “Transmission system” pipelines — These pipelines ship the processed oil and gas to market. Transmission system pipelines tend to have a large diameter and operate at high pressure.

There are four basic steps to pipeline construction:

1. building access roads
2. clearing land

3. installing the pipeline
4. building facilities to operate the pipeline

Crews must also build all the facilities that are needed to operate a pipeline, including the following:

Compressor stations — These buildings, which are the size of a small house, contain one or more large gas- or electric-powered compressor engines. The compressor engine increases the gas pressure in the pipeline so that gas will flow through it. A compressor engine is one of many different units at gas plants and is used to compress gas leaving the facility by pipeline. Long gas pipelines may need a series of compressor stations along the pipeline to boost pressure.

Pumping stations — These buildings contain large gas- or electric-powered pump engines that apply pressure to oil and water so they will flow through the pipeline. Pumping stations are located at oil batteries and used to push oil through pipelines leaving the facility. Long oil pipelines may need a series of pumping stations along the pipeline to boost pressure.

Aboveground valves — These tools are used to control the flow of contents through the pipeline.

Pipeline tie-in locations — These are the places where other gas or oil pipelines are connected to the main pipeline.

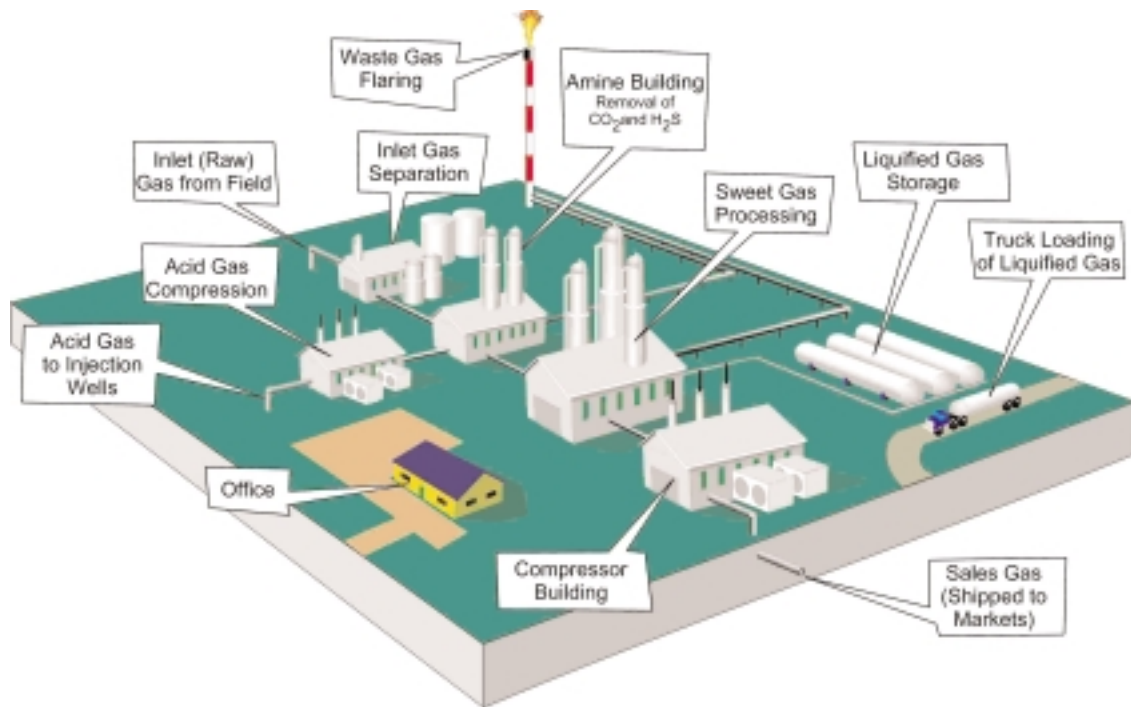
Pig-traps — These facilities provide access points where operators can insert devices called “pigs” that can be used to either clean

out the pipe or scan the inside of the pipe for cracks or corrosion.

After the pipeline has been constructed, all or a portion of the right-of-way is kept clear of trees and shrubs to let vehicles access, check on, and, if necessary, repair the pipeline.

QUESTIONS TO ASK AT THIS STAGE

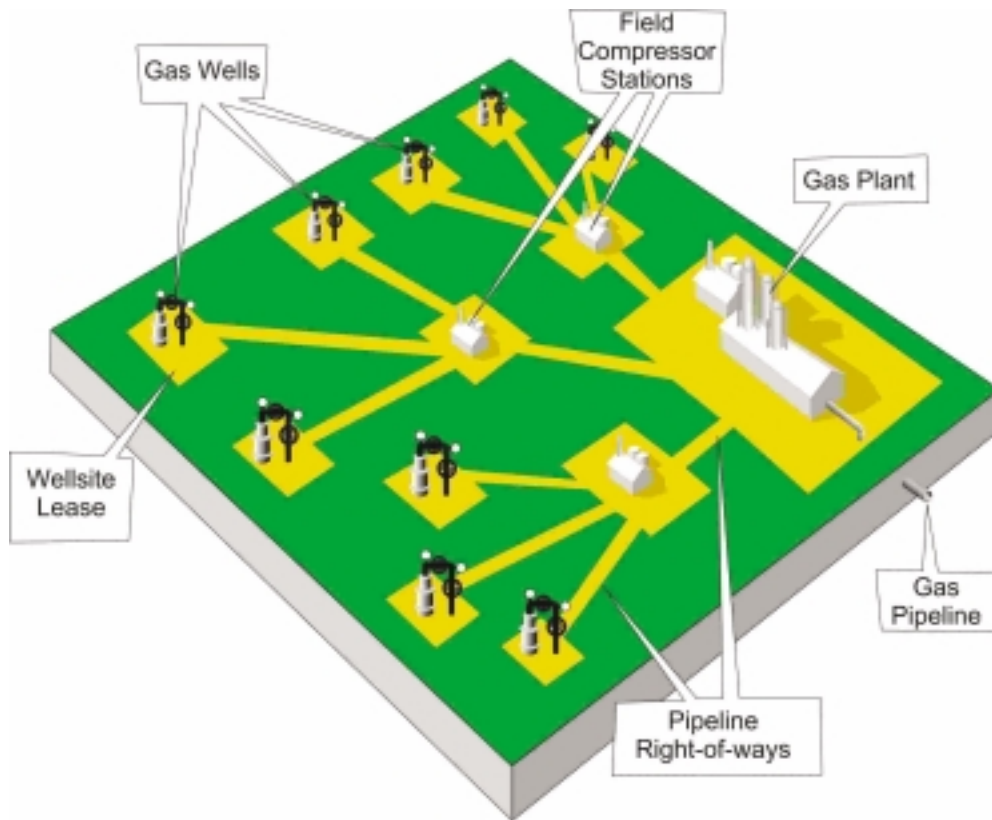
- How long is the pipeline the developer is proposing? How big is the diameter?
- What type of oil or gas will the pipeline carry?
- Does the developer have an Emergency Response Plan? How big is the evacuation zone?
- How wide is the right-of-way? How much vegetation must crews clear to create the right-of-way?
- How much road access will crews have to create and how will they create it? Will the access they create be temporary or permanent?
- How will crews manage and reclaim access routes?
- Has the company assessed sensitive ecosystems within the project area?
- Will the company erect a camp for the project? For what time frame? Where will they locate it? How big will it be?
- In what season will construction of the project occur?
- Will crews use temporary snow and ice roads to transport heavy equipment and materials?



Caption: Conceptual Drawing of a Gas Plant

SOURCE: PEMBINA INSTITUTE / CREDIT: DAVE MUSSEL

- How will they protect the soil and vegetative mat?
- What erosion mitigation measures will they use?
- What permafrost protection measures will they use?
- What reclamation practices will they use and will they monitor reclamation success over time?
- Will crews have to cross water bodies? How will they do this? Where will they locate the water crossings?
- How will crews manage and dispose of waste?
- How often will crews visually check the line for leaks?
- Will the company use a centralized control system to control the pipeline and any wells that are connected to the pipeline?
- How many pumping and compression facilities are needed, where will they be



Transmission pipelines gather gas from wells and transport it to a Gas Plant

SOURCE: PEMBINA INSTITUTE / CREDIT: DAVE MUSSEL

- located and what are the air emissions?
- Will the company have a wildlife monitor?
 - Has the company clearly outlined measures to avoid disturbing wildlife? Does the company have policies to ensure workers know how to minimize impacts on wildlife?
 - Has the developer assessed socio-economic benefits (e.g., employment of local residents) and impacts associated with the proposed project?
 - Has the company identified ways they will mitigate possible effects on other land uses such as trap lines, as well as on areas of cultural significance?

What Are Citizens' Rights?

The government recognizes that people who live in the North may be concerned about the environmental impacts associated with oil and gas development. There are laws that give the public the opportunity to comment during the phases of development described in the previous chapter. These are your "citizens' rights." Members of the public can play an important role in identifying key issues and priorities and making their views known to both developers and government agencies.

Before you get involved, find out the answers to the following questions:

- Where will the proposed oil and gas development occur? There are different laws and regulations in the Mackenzie Valley and Inuvialuit Settlement Region (ISR). In the following chapters, we provide details on the process in both areas.
- Who owns the land and who owns the mineral rights? The processes you have to follow will be different depending on whether the proposed development will take place on federal Crown land, on Aboriginal land under land claim agreements, or on private land (see Appendix B).
- What stage of development is the developer proposing? There are different rules for developments at the seismic exploration, land disposition, and exploration and production drilling phases.

⁶ Inuvialuit Final Agreement, Section 2.

STEPS TO FOLLOW

This chapter explains the steps you can follow to participate in decisions about oil and gas development in your region.

PUBLIC DEFINITION

Throughout this guide, "public" means an individual or an organization that is not a land claim organization or a municipal, territorial or federal government.

DEVELOPMENT DEFINITION

The Inuvialuit Final Agreement defines a "development" in the Inuvialuit Settlement Region as "any commercial or industrial undertaking or venture ... other than commercial wildlife harvesting."⁶ It has a similar meaning in the Mackenzie Valley. Some boards and government agencies use the word "project" instead of "development."

BOARDS & AGENCIES

Various independent boards, government departments and government agencies make decisions about oil and gas development in the NWT. In this guide, we often refer to these groups as "boards and government agencies" for brevity.

- What type of development is the developer proposing? There are different rules for exploratory wells, production wells and pipelines.

Step 1: Find Out About the Proposed Development

You can find out about a proposed development in one of two ways. You may receive a notice from a developer asking the public for input before the company applies to a board or government agency for permission to proceed with a project. In other cases, you may see an advertisement requesting public input after a developer has applied for a permit or licence.

Consultation with Stakeholders

Before a company applies for a licence or permit or officially announces a project, it usually consults with the people in the area who could be directly affected by the company's activities. Members of the public,

organizations that will be affected by the development, and local government bodies are called "stakeholders," so this process is called "company/stakeholder consultation."

Aboriginal peoples have specific rights that require them to be consulted and to participate in oil and gas developments and environmental decision-making on lands held under land claim settlements and the Deh Cho First Nations Interim Measures Agreement (see Appendix B). As a result, most consultation with stakeholders is with Aboriginal communities. Consultation with municipal governments and individuals is often limited unless they have direct interests in the area affected by the proposed development. In some cases, a company will consult with stakeholders because the law requires it to develop a Benefits Plan for the Minister of DIAND (see page 36 for more information about Benefits Plans).

When a company seeks approval for a development project, it must tell the regulatory board or government agency which individuals and organizations it consulted and what problems are not yet resolved.

Public Announcement of a Development

If the company and the government do not consider you to be directly affected by a development, you will not be contacted directly and invited to participate in the stakeholder consultation process. To find out about an application, look for notices in local newspapers. Information may be posted on the Web sites of boards, government departments

CONSULTATION

When you see a reference to "consultation," remember that the company, board or government agency decides how the consultation process will work and who will be consulted, unless specific consultation requirements are set out in land claim agreements or legislation.

and agencies, and in public registries. If you know the location and stage of development of a proposed operation, the tables in the next chapter will show you where a public announcement will appear.

Notices about proposed developments usually include the following information:

- where you can obtain or view a copy of the application;
- whether the development is on Aboriginal land, Crown land, territorial land or private land;
- what type of permit, licence or approval the company needs;
- whether the company must consult with stakeholders, which communities and individuals must be consulted, and how they will be consulted (in meetings, open houses, etc.); and
- what opportunities people have for public input and any deadlines for that input.

Step 2: Get Information About the Company's Application

Once you find out about a development, you need to learn how decisions about the company's application will be made. The tables in the next chapter explain the process in different regions. The table on page 26 shows you where you can find specific information related to your region and the company's stage of development.

ADVICE ON NEGOTIATION

Find advice on how to negotiate with a company during the consultation process on page 107.

Step 3: Decide What Concerns You Have About the Proposal

After you have studied the project application, you may be worried about the development's environmental impacts. You may want to contact the company for more information or to ask it to prevent or minimize those impacts. You may also want to arrange for compensation if the development affects traditional land uses.

You can act on your concerns in the following ways:

- Inform the company of your concerns during the company's consultation phase. The company can then try to address your concerns and suggestions in its development scenario. Boards and government agencies will take the outcome of the consultations into account during their review process.
- Try to resolve issues by getting involved in the process to establish a Benefits Plan. Under the *Canada Oil and Gas Operations Act*, a Benefits Plan must usually be in place before a company gets approval to proceed with a development. Local groups have the

opportunity to raise their concerns and negotiate compromises while consulting with the company to develop a Benefits Plan.

- File a written statement, or “intervention,” with the appropriate board or government agency (see Step 4 for more information).

Step 4: Provide Public Input to a Board or Government Agency

The first action you take to provide public input to a land and water board or government agency may be as simple as writing a letter that explains your concerns or objections to a

Region	Stage of Development	Page	Table
Mackenzie Valley	Right to enter land for exploration	38	1A (top row)
Mackenzie Valley	Exploration for oil and gas	38	1A
Mackenzie Valley	Oil and gas development planning	52	2A
Mackenzie Valley	Oil and gas drilling and production	60	3A
Mackenzie Valley	Pipeline development (wholly in Mackenzie Valley)	60	3A
Inuvialuit Settlement Region	Right to enter land for exploration	44	1B (top row)
Inuvialuit Settlement Region	Exploration for oil and gas	44	1B
Inuvialuit Settlement Region	Oil and gas development planning	54	2B
Inuvialuit Settlement Region	Oil and gas drilling and production	66	3B
Inuvialuit Settlement Region	Pipeline development (wholly in Inuvialuit Settlement Region)	66	3B
All NWT	Transboundary pipelines	76	4

particular development. If you submit your letter, or “written intervention,” within the time limit set by the board or government agency, you will often be granted “status,” which means you are recognized as an “intervener” in the public review process and have the opportunity to participate formally in a public hearing.

The process to provide public input to a board or government agency is different in different regions of the NWT. Check the tables in the next chapter to find out the process for a particular development, and then confirm this information with the board or government agency responsible for the process. If you have questions about the process at any time, ask the board or government agency to explain it to you.

To file a written intervention, follow these steps:

- Write a letter, or “submission,” to the board or government agency that is responsible for approving the application or issuing the licence or permit. You can find the name of the board or government agency and its contact information in the public notice that announced the application.
- State in your letter how the project affects you. In some cases, the board or government agency only accepts objections from people or groups they consider to be “directly affected,” but there are different interpretations of who qualifies as “directly affected.”
- Set out your concerns (such as the possible impact on water quality or wildlife) as clearly as possible. It is helpful to number each of your concerns in the letter.

BENEFITS PLAN

Local groups have the opportunity to raise their concerns and negotiate compromises while consulting with the company to develop a Benefits Plan.

INTERVENER

Throughout this guide, we have spelled “intervener” with an “er” at the end. It is also acceptable to spell this word with an “or” at the end, as “intervenor.” This is the spelling you may find on some Web sites, so search for both spellings if you don’t immediately find what you are looking for.

- Describe how the company could address your concerns. For example, you may be able to identify a less sensitive area where the development would cause less harm, or you may suggest that the company restrict some activities to certain times of the year when wildlife is less vulnerable.
- Make sure the board or government agency receives your letter before the deadline.
- Send a copy of your letter to all other boards and government agencies that will be issuing permits or licences to the company.
- Send a copy of your letter to the company that has requested approval from the board or government agency. You can continue to try to resolve issues directly with the

company even after you have sent a letter to the board or government agency.

You may want to ask the board or government agency the following questions:

- What is the company required to do with any public comments it receives?
- How are public comments and concerns considered by the board or government agency?
- What happens if members of the public want conditions attached to a development or if they do not want the development to proceed at all?
- Will there be a public hearing? What circumstances will likely result in a public hearing?
- Can members of the public appeal a board or government agency's decision about an approval or decision made after a hearing (see page 95 for more information about appeals)?

The board or government agency will consider any issues that you raise in your written intervention, and that the company has not addressed, before it decides whether to approve the application. It may decide that the project meets all the necessary conditions and issue an approval. On the other hand, it may specify special conditions in a licence or permit to address your concerns.

RESOLVE ISSUES

You can continue to try to resolve issues directly with the company even after you have sent a letter to the board or government agency.

Possible conditions include the following:

- limiting activity during certain seasons to protect wildlife;
- requiring compensation for impacts on wildlife; and
- specifying the types of drilling waste disposal practices that are allowed.

If a board or government agency decides that a development could result in significant environmental impacts or cause public concern, it may refer the application to a review board. This could lead to a public hearing (see the chapter called "The Environmental Screening and Review Process," starting on page 80, for information about how the review board process works).

When you receive a response from the board, government agency or company, you can do one of two things:

- If you are satisfied, you may wish to formally notify the company and any boards or government agencies you contacted that your concerns have been addressed.
- If you are unsatisfied, you may want to use other methods to communicate your concerns. For example, you may request a public hearing or contact the media (see the chapter called "Non-regulatory Ways to Address Issues," starting on page 107, for advice on how to work with the media).

Your Opportunity for Public Input

Your opportunity for public input depends on the following factors:

- the location of the development;
- the owner of the land that will be developed;
- the stage of development; and
- the stage in the application process.

Sometimes, a board or government agency will issue a licence or permit with little or no public input. In other cases, when the project has the potential to cause significant environmental impacts or public concern, it may forward the company's application to a review board so it can be examined in more detail. This may lead to a public hearing.

In this guide, we refer to five distinct stages of development:

- right to enter land for exploration;
- exploration for oil and gas;
- oil and gas development planning;
- oil and gas drilling and production; and
- pipeline development.

The tables in this chapter describe the process, required permits, licences or authorizations, and opportunities for public input at each stage of development in the Mackenzie Valley (Tables 1A, 2A, 3A and 4) and ISR (Tables 1B, 2B, 3B and 4).

TABLES

The tables in this chapter describe the development approval process, required permits, licences or authorizations, and opportunities for public input at each stage of development in the Mackenzie Valley and Inuvialuit Settlement Region (ISR).

How to Read the Tables

Column 1: Region

Some federal legislation, such as the *Northwest Territories Waters Act* and the *Canada Oil and Gas Operations Act*, applies throughout the NWT. However, the Mackenzie Valley and the ISR also have different regional legislation and settlement agreements, which means different rules, processes and regulatory agencies. In the Mackenzie Valley, one piece of legislation called the *Mackenzie Valley Resource Management Act* governs environmental regulation and permitting.

The ISR includes the outer part of the Mackenzie Delta, the Arctic Coast and the Arctic islands in the NWT (see Figures 1 and 8). In this guide, we define the Mackenzie Valley as all lands in the NWT except lands in the ISR.

There are regional subdivisions within the Mackenzie Valley and ISR, depending on who owns the land and who owns the subsurface rights. Land ownership in the NWT can be divided into four categories (see Appendix B):

- federal Crown lands;
- Aboriginal lands owned under land claim agreements;
- territorial lands; and
- private lands.

The federal government often owns the subsurface rights to minerals in the NWT, so federal government legislation governs access to much of the oil and gas. Companies that want to pursue oil and gas development projects have to get approval from DIAND and/or the National Energy Board (NEB).

The first public information about an application usually appears when a company applies for a land use permit or water licence.

In the Mackenzie Valley, there are three land and water boards that issue land use permits and water licences:

- Gwich'in Land and Water Board (GLWB)
- Sahtu Land and Water Board (SLWB)
- Mackenzie Valley Land and Water Board (MVLWB)

In the ISR, the Northwest Territories Water Board (NWTWB) issues all water licences, and DIAND issues land use permits for Crown lands. The Inuvialuit Land Administration reviews and approves applications to access and use Inuvialuit lands that are referred to as Section

7(1)(a) or 7(1)(b) lands. These lands are defined in the Inuvialuit Final Agreement. The Inuvialuit Final Agreement gives the Inuvialuit surface and subsurface title to the 7(1)(a) lands close to each

LAND OWNERSHIP

Once you know the land ownership category of a proposed development, you can refer to the appropriate rows in the tables

of the six Inuvialuit communities. On 7(1)(b) lands, which are traditional lands beyond the 7(1)(a) lands, the Inuvialuit Land Administration owns the surface rights (including sand and gravel rights), but the federal government owns the mineral rights (see Appendix B).

Column 2: Permits or Licences Required

An oil or gas developer may have to apply for a number of permits and licences at each stage of development. For example, almost any activity that occurs on the surface of the land requires a land use permit. This includes building access roads, constructing camps and digging sumps. Most industrial surface or subsurface water withdrawals and discharges require a water licence. The opportunities for public input depend on the type of permit or licence a company is applying for. A company may not need all of the licences, permits and authorizations listed in the tables to complete a specific project.

WHICH BOARD/AGENCY?"

A company may need approval from both the federal government and a local board or government agency in the Mackenzie Valley or ISR. It is important to identify which board or government agency is responsible for an application, so that you refer to the correct rows in the tables.

Column 3: Legislation

Legislation, and regulations under the legislation, specify what permits or licences a project requires. Legislation may also determine the opportunity for public input. However, the policy of the various land and water boards often determines the public consultation process, rather than specific legislation.

Column 4: Opportunity for Input

In the tables, we distinguish between an informal opportunity for public input, when the government or a company consults only with the people affected directly by a development, and a public announcement that allows for broader public involvement. A public announcement of an application for approval, a permit or a licence may or may not be required. If it is required, the company, board or government agency usually places an advertisement or "public notice" in local newspapers. The notice tells you about the proposed development and explains where

you can get a copy of the company's application. It also states the deadline for sending in comments and the address where you must send them.

In some cases, the board or government agency only formally accepts comments from individuals or groups that meet certain criteria. For example, you have to comment on applications for development on Inuvialuit land and Inuvialuit Crown land through the Hunters and Trappers Committees (HTCs). The HTCs are official community organizations under the Inuvialuit Final Agreement.

Column 5: Information from Boards, Government Departments and Agencies

The board, government department or agency that makes decisions about an application for an approval, permit or licence is the body that you must contact for information and to which you must submit your concerns or objections. When a guide is available that explains how a specific board or government agency works, we have included details here. You can find addresses and other contact information in the chapter called "Boards, Government Departments and Agencies," starting on page 96.

Most boards and government agencies in the NWT maintain and provide access to a "public registry," or public information centre. Each public registry contains complete information on applications to that particular board and is open to the public at the board or government agency offices. Some public registries are

available on the Web. When a public registry exists, we have indicated it in this column.

Column 6: Provision for Public Hearing

If legislation or board policy provides for a public hearing, it may be held by a land and water board as part of the application review process or by a special review board.

Here's how the review board process works. When the initial screening of an application by a land and water board or government agency indicates that a development will likely have a significant environmental impact or cause public concern, the board or government agency forwards the application to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) in the Mackenzie Valley or the Environmental Impact Review Board (EIRB) in the ISR. Federal legislation may also trigger a review under the *Canadian Environmental Assessment Act* in the ISR, or for transboundary projects. When both regional and federal jurisdictions trigger a hearing, one board or government agency may take the lead. However, if there is a joint review process, as in the case of transboundary projects, there is no lead agency.

In all cases, the notice that announces the hearing explains how members of the public can make comments and gain "status" at the hearing. In some cases, you may be able to appeal or legally challenge the decision that results from a hearing. The chapter called "The Environmental Screening and Review Process,"

HEARING PROCESS

Look up the name of your land and water board in the chapter called "Boards, Government Departments and Agencies," starting on page 96, to find information about its hearing process. A hearing by a land and water board, held when the board wants to consult with the public as part of the initial screening of an application, follows a different process from a hearing before a review board.

starting on page 80, provides more information about the review, hearing and appeal process before the special review boards. The review board process is the same at every stage of development.

Public Input at "Right to Enter Land for Exploration" Stage

Before a company searches for oil and gas in the NWT, it needs permission to enter the land to conduct exploration activities. The *Canada Petroleum Resources Act* enables a company to obtain an exploration licence for a specified area. This later gives the company the exclusive right to obtain a production licence to develop any resources that it finds. The *Canada Petroleum Resources Act* applies to the entire NWT and governs exploration in water (marine exploration) and on land—except on ISR 7(1)(a) lands, where the Inuvialuit own the

subsurface rights. On ISR 7(1)(a) lands, the Inuvialuit Land Administration issues a concession agreement that gives a company the right to explore (see Table 1B, row 2). There are also limited areas of

the Gwich'in and Sahtu settlement lands where these First Nations own the subsurface rights and are responsible for giving companies permission to explore.

DIAND's Northern Oil and Gas Directorate administers the portion of the *Canada Petroleum Resources Act* that sets rules for oil and gas exploration. The Directorate does not have an office in the NWT. However, you can contact the Director of the Directorate for more information about the process of issuing rights and upcoming rights issuing initiatives, or to receive copies of Calls for Nominations and Calls for Bids. You can find the Directorate's address in the chapter called "Boards, Government Departments and Agencies," starting on page 96.

It is DIAND policy to consult with affected communities before opening land for exploration by issuing an exploration licence. This is the only opportunity for public input at this stage of development. DIAND contacts the boards, government agencies, stakeholders and public interest groups that it believes the

JURISDICTION

A "jurisdiction" is a territorial range of authority or control. Regional governments and the federal government have specific areas of responsibility in the NWT. Sometimes, these jurisdictions overlap.

proposed exploration will affect. In areas where land claims have been settled, the consultation process usually has a more formal structure because the settlement agreement generally outlines

the process.

After consulting with the local community, DIAND may issue a Call for Nominations. Companies can then decide which blocks of land interest them. Next, the government issues a Call for Bids. DIAND publishes its Calls for Bids on its Web site at www.ainc-inac.gc.ca/oil/act/Cal/. You can monitor this Web site to find out what land DIAND is offering. However, by the time DIAND issues a Call for Bids, it has completed the consultation process and more public input is unlikely.

DIAND accepts the highest bid on each block of land, and that company gets an exploration licence. An exploration licence only allows a company to explore. It does not give a company the right to extract oil or gas.

You can find more information about exploration licences in the first row of Table 1A and Table 1B.

Public Input at “Exploration for Oil and Gas” Stage

Once a company has the right to access a specific area of land, it can begin the

exploration process. Oil and gas exploration programs generally have two phases: geophysical (seismic) exploration and exploratory drilling.

Federal Government Requirements (Table 1A and Table 1B)

Seismic exploration requires an authorization for geological / geophysical operations from the NEB. Exploratory drilling requires an authority to drill a well from the NEB. (Because the federal requirements are the same for the entire NWT, this information appears in both Table 1A and Table 1B.) There is usually no opportunity for input directly to the NEB, but the NEB reviews input received by other bodies, such as the local land and water boards. The NEB will not grant its authorization until the Minister of DIAND has approved a Benefits Plan. In order to create a Benefits Plan, the company must consult with everyone a development will directly affect, including, for example, HTC's. The company must also consult HTC's about wildlife compensation.

If seismic exploration and exploratory drilling are likely to affect fish habitats or navigable

DIAND POLICY

It is DIAND policy to consult with affected communities before opening land for exploration by issuing an exploration licence. This is the only opportunity for public input at this stage of development.

waters, the development may also need a Fisheries Act authorization and/or a Navigable Waters Protection Act permit from the DFO.

Any of these pieces of federal legislation may

trigger a review under the *Canadian Environmental Assessment Act* (see page 128). In the Mackenzie Valley, the MVEIRB carries out reviews under the *Mackenzie Valley Resource Management Act* (see page 129).

Regional Requirements

Seismic exploration requires a land use permit. Exploratory drilling requires a land use permit and may also require a water licence. Applications are handled differently in the Mackenzie Valley and ISR.

Mackenzie Valley (Table 1A)

In the Mackenzie Valley, a company must apply for a land use permit or a water licence from the Mackenzie Valley Land and Water Board (MVLWB), Gwich'in Land and Water Board (GLWB) or Sahtu Land and Water Board (SLWB), depending on where the development will take place. Each board offers different opportunities for public input. The board starts by conducting an internal preliminary screening of the application. When public input is possible (see Table 1A for details), the board publishes a notice in a local newspaper to

BENEFITS PLAN

A Benefits Plan shows how a company will provide employment for Canadians and give them a fair opportunity to supply the goods and services a development needs. The Minister of DIAND may require a Benefits Plan to ensure that individuals or groups who are disadvantaged receive training and employment.

PUBLIC COMMENTS

The public may be able to provide comments when a company applies for land use permits and water licences for a development.

MVEIRB REVIEW

You can find a summary of the MVEIRB review processes in the last row of Table 1A, and a detailed explanation of the process starting on page 81.

invite public comments. During the preliminary screening process, the board decides if an environmental assessment is necessary. If the development is likely to cause significant environmental impacts or public concern, the board will refer the application to the MVEIRB.

Inuvialuit Settlement Region (ISR) (Table 1B)

On ISR 7(1)(a) lands, a company will enter into a Participation Agreement with the Inuvialuit Land Administration, which will include a Benefits Plan. For larger projects that extend over both Inuvialuit land and federal (Crown) land, a company will enter into a comprehensive cooperation and benefits agreement that meets both the Inuvialuit and federal requirements.

On 7(1)(a) and 7(1)(b) lands in the ISR, the Inuvialuit Land Administration issues land use permits. The Inuvialuit Land Administration will consider a company's application and attach various conditions to development. However, it will not issue a land use permit until after the Environmental Impact Screening Committee (EISC) has completed its process (see last two rows of Table 1B).

The EISC, which screens developments in the ISR, seeks input from HTC's, communities and the public. Once the EISC process is complete, the boards and government agencies can grant the permits or approvals required for a development to proceed. However, if the EISC has concerns about the proposed development, it will probably forward the application to the EIRB for a more comprehensive review. In this case, there will usually be a joint review by the EIRB and the Canadian Environmental Assessment Agency, to ensure that the

requirements of the *Canadian Environmental Assessment Act* are met.

On Crown lands in the ISR, DIAND issues land use permits. The process is similar to the process for 7(1)(a) and 7(1)(b) lands, except that DIAND makes the decisions. DIAND forwards the application to the EISC for review and ensures that the application meets the requirements of the *Canadian Environmental Assessment Act*.

If a company needs a water licence, it applies to the NWTWB. A public notice of the application appears in local newspapers. For large-scale projects, the notice announces the date and location of a public hearing. For smaller projects, the notice simply states that a company has applied for a water licence. The EIRB or agencies implementing the *Canadian Environmental Assessment Act* may also trigger a hearing during the environmental impact screening and review process.

Table 1A summarizes the opportunities for public input at the exploration stage in the Mackenzie Valley.

Table 1B summarizes the opportunities for public input at the exploration stage in the ISR.

BOARD HEARINGS

The local land and water boards in the Mackenzie Valley may hold their own hearings to consult with the public. However, if a development might cause significant environmental impacts or public concern, the local board will send the application directly to the MVEIRB.

EIRB PROCESS

For a detailed description of the opportunities for public input during the EIRB process in the ISR, see page 86.

Table 1A. Mackenzie Valley – Right to Enter Land for Exploration for Oil and Gas

Depending on circumstances, a company may not need all of the authorizations listed in this table.

1 Region	2 Permits or licences required	3 Legislation
Mackenzie Valley	Exploration Licence	<i>Canada Petroleum Resources Act</i>
Mackenzie Valley	Authorization for Geological/ Geophysical Operations or Authority to Drill a Well from NEB	<i>Canada Oil and Gas Operations Act</i>
Mackenzie Valley	Benefits Plan	<i>Canada Oil and Gas Operations Act, Section 5.2;</i> Benefits Plan required before NEB authorization

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
DIAND policy to consult with public/community before opening lands for exploration	Consultation initiated by DIAND (see page 101)	No
No public notice; input only through the processes to issue a Benefits Plan, Land Use Permit, Water Licence, Fisheries Act Authorization or Navigable Waters Protection Act Permit ; processes must be completed before NEB authorization	NEB (see page 104) Public registry at NEB office in Calgary, Alberta; an electronic registry is being developed at NEB Web site at www.neb-one.gc.ca/PublicRegistries/index_e.htm	Only if the MVEIRB process triggers public hearings for one of the authorizations listed under "Opportunity for input"; we describe the process for these authorizations in later rows in this table
No public notice; government policy requires company to consult with affected communities, groups or individuals about employment and training opportunities; government may require company to pay compensation if development will have negative effects on hunting, trapping or fishing	DIAND (see page 101)	No

1 Region	2 Permits or licences required	3 Legislation
South Mackenzie Valley	Land Use Permit and Water Licence from MVLWB	<i>Mackenzie Valley Resource Management Act</i> and <i>Northwest Territories Waters Act</i>
Gwich'in Settlement Region	Land Use Permit and Water Licence from GLWB	<i>Mackenzie Valley Resource Management Act</i> and <i>Northwest Territories Waters Act</i>
Sahtu Settlement Region	Land Use Permit and Water Licence from SLWB	<i>Mackenzie Valley Resource Management Act</i> and <i>Northwest Territories Waters Act</i>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
<p>Public notice of application advertised in Northern News (see www.nnsl.com) and application posted on the MVLWB Web site at www.mvlwb.com;</p> <p>MVLWB notifies the landowner and affected communities or First Nations and seeks their input</p>	<p>MVLWB (see page 103)</p> <p>Public registry at MVLWB office in Yellowknife and on MVLWB Web site at www.mvlwb.com/html/CurrentApp.html</p>	<p>MVLWB may hold hearing; see "<i>Draft Rules of Procedure Including Public Hearings</i>" available at www.mvlwb.com/html/MVLWBdoc.html OR</p> <p>MVLWB may refer application to MVEIRB for review (see last row of table)</p>
<p>Public notice of application advertised in News North and a local newspaper;</p> <p>GLWB sends application to affected communities, Gwich'in groups, co-management boards, etc. for comment</p>	<p>GLWB (see page 100)</p> <p>See "<i>GSA Water Licence & Land Use Permit Application Process</i>" available from GLWB Web site at www.glwb.com</p> <p>Public registry in Inuvik</p>	<p>GLWB may hold a hearing if there is public concern; GLWB announces hearings in <i>Inuvik Drum</i> and <i>News North</i> OR</p> <p>GLWB may refer application to MVEIRB if there is potential for significant environmental impact (see last row of table)</p>
<p>No public notice of Land Use Permit application, but SLWB sends application to affected communities and designated Sahtu organizations for comment</p> <p>Public notice of application for Water Licence posted in News North, and SLWB sends application to affected communities and designated Sahtu organizations for comment</p>	<p>SLWB (see page 105)</p> <p>See "<i>Land Use Permit Process (Draft)</i>" and "<i>Water Licence Process (Draft)</i>" available from SLWB Web site at www.slwb.com</p> <p>Public registry in Fort Good Hope</p>	<p>SLWB must hold a hearing for a Type A (large-scale) Water Licence and may hold a hearing for a Type B Water Licence or a Land Use Permit OR</p> <p>SLWB may refer application to MVEIRB if there is potential for significant environmental impact or public concern (see last row of table)</p>

1 Region	2 Permits or licences required	3 Legislation
Mackenzie Valley	Fisheries Act Authorization if development affects fish habitat	<i>Fisheries Act</i>
Mackenzie Valley	Navigable Waters Protection Act Permit if development affects navigable waters	<i>Navigable Waters Protection Act</i>
Mackenzie Valley	Bird Sanctuary Permit if development is within a bird sanctuary	<i>Migratory Birds Convention Act</i>
Mackenzie Valley	Preliminary Screening of one of the applications listed above may lead to Environmental Impact Screening and perhaps Environmental Impact Review by MVEIRB	<i>Mackenzie Valley Resource Management Act</i>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
No public notice, but DFO may send application to MVEIRB after preliminary screening	DFO – Fish Habitat Management (see page 99)	Only if required by MVEIRB process (see last row of table)
Public notice of application; opportunity for public input as indicated in the public notice	DFO – Canadian Coast Guard (see page 99)	Only if required by MVEIRB process (see last row of table)
Consultation with local communities	Environment Canada – Canadian Wildlife Service (see page 97)	No
Public notice of application and public meetings advertised in <i>News North</i> , in local newspapers, and on the MVEIRB Web site at www.mveirb.nt.ca	MVEIRB (see page 102) See “ <i>Draft EIA Guidelines</i> ” and “ <i>Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings</i> ” available from MVEIRB Web site at www.mveirb.nt.ca/MVGuides/MVDocs.html Public registry on MVEIRB Web site at www.mveirb.nt.ca	MVEIRB may hold hearing as part of an environmental assessment process and will hold hearings if there is an environmental impact review (see page 81 for a description of the review and hearing processes)

Table 1B. Inuvialuit Settlement Region – Right to Enter Land for Exploration for Oil and Gas
Depending on circumstances, a company may not need all of the authorizations listed in this table.

1 Region	2 Permits or licences required	3 Legislation
ISR Crown lands and 7(1)(b) lands	Exploration Licence	<i>Canada Petroleum Resources Act</i>
ISR 7(1)(a) lands	Concession Agreement gives right to explore	Inuvialuit Land Administration Rules and Procedures
ISR Inuvialuit-owned lands; surface access on 7(1)(a) and 7(1)(b) lands; can include Crown lands	Cooperation Agreement (voluntary) OR Participation Agreement (required before getting Land Use Permit)	Inuvialuit Final Agreement, Section 10
All ISR	Authorization for Geological/ Geophysical Operations or Authority to Drill a Well from NEB	<i>Canada Oil and Gas Operations Act</i>
All ISR	Benefits Plan On 7(1)(a) lands, benefits are included in Participation / Access Agreement	<i>Canada Oil and Gas Operations Act</i> , Section 5.2; Benefits Plan required before NEB authorization. See Inuvialuit Final Agreement, Sections 10 and 16 for Crown lands and 7(1)(b) lands

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
DIAND policy to consult public/community before opening lands for exploration	DIAND (see page 101)	No
Concession Agreement may be conditional on obtaining a Cooperation Agreement and Benefits Plan , which involve some input (see below)	Inuvialuit Land Administration (see page 101)	No
Inuvialuit Land Administration posts public notice of Inuvialuit Land Administration Commission public meeting; general consultation occurs at public meeting among Inuvialuit Land Administration Commission, Inuvialuit and other organizations	Inuvialuit Land Administration (see page 101)	Only if Inuvialuit Land Administration requests review by EISC, which could lead to EIRB review and hearing (see last two rows of table)
No public notice; input only occurs through the process to issue a Benefits Plan ; DIAND must approve or waive the Benefits Plan before other authorizations can be issued; NEB requires a record of public involvement	NEB (see page 104) Public registry at NEB office in Calgary, Alberta; an electronic registry is being developed at NEB Web site at www.neb-one.gc.ca/ PublicRegistries/index_e.htm	Only if EISC triggers a review by EIRB (see last two rows of table) OR if review under the <i>Canadian Environmental Assessment Act</i> triggers a hearing (see page 90)
Government policy requires the company to consult with Inuvialuit community corporations, and with others as appropriate	DIAND (see page 101)	No

1 Region	2 Permits or licences required	3 Legislation
All ISR	Wildlife Compensation	Inuvialuit Final Agreement, Section 13
ISR 7(1)(a) and 7(1)(b) lands	Land Use Permit	Inuvialuit Land Administration Rules and Procedures
ISR Crown lands	Land Use Permit	<i>Territorial Lands Act</i>
All ISR	Water Licence	<i>Northwest Territories Waters Act</i>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
No public notice; company expected to consult with HTC, community corporations and co-management organizations	Inuvialuit Land Administration (see page 101)	Only if Inuvialuit Land Administration requests review by EISC, which could lead to EIRB review and hearing (see last two rows of table)
Inuvialuit Land Administration notifies the public and Inuvialuit organizations of a public session of the Inuvialuit Land Administration Commission, which considers comments presented at the public session	Inuvialuit Land Administration (see page 101)	Only if Inuvialuit Land Administration requests review by EISC, which could lead to EIRB review and hearing (see last two rows of table)
No public notice; DIAND District Office consults with HTCs, local communities and Aboriginal people	DIAND (see page 101)	If triggered by <i>Canadian Environmental Assessment Act</i> or by Environmental Impact Screening and Environmental Impact Review processes (see last two rows of table)
Public notice of application in local newspapers	NWTWB (see page 105) DIAND provides technical support and is responsible for <i>Canadian Environmental Assessment Act</i> review Public registry at NWTWB offices in Yellowknife and Inuvik	NWTWB holds hearings for all Type A licences (for larger projects); the Environmental Impact Screening and Environmental Impact Review processes may also trigger a hearing (see last two rows of table)

1 Region	2 Permits or licences required	3 Legislation
Fish-bearing waters in ISR	Fisheries Act Authorization if development affects fish habitat	<i>Fisheries Act</i>
Navigable waters in ISR	Navigable Waters Protection Act Permit if development affects navigable waters	<i>Navigable Waters Protection Act</i>
All ISR	Bird Sanctuary Permit if development is within a bird sanctuary	<i>Migratory Birds Convention Act</i>
All ISR	Environmental Impact Screening	Inuvialuit Final Agreement, Section 11 and <i>Canadian Environmental Assessment Act</i> (which may have requirements beyond the Inuvialuit Final Agreement)
All ISR	Environmental Impact Review	Inuvialuit Final Agreement, Section 11 Environmental Impact Review usually meets the requirements of the <i>Canadian Environmental Assessment Act</i>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
No public notice	DFO – Fish Habitat Management (see page 99)	Only if development triggers <i>Canadian Environmental Assessment Act</i> review (see page 90)
No public notice	DFO – Canadian Coast Guard (see page 99)	Only if development triggers <i>Canadian Environmental Assessment Act</i> review (see page 90)
Consultation with local communities	Environment Canada – Canadian Wildlife Service (see page 97)	No
No public notice; EISC sets up panel that seeks input from HTC, communities and the public	EISC (see page 98) Public registry at EISC office in Inuvik	Environmental Impact Review process may trigger a hearing (see last row of table)
Public notice sent to print, radio and television media to announce public review	EIRB (see page 98) Review occurs when: 1. Comprehensive study is mandatory (under <i>Canadian Environmental Assessment Act</i>), OR 2. EIRB requires standard public review Public registry at EIRB office in Inuvik	EIRB may hold public hearing as part of review processes (see page 86 for a description of the review and hearing process) EIRB and Canadian Environmental Assessment Agency work together to ensure that both federal and EIRB requirements are met

Public Input at “Oil and Gas Development Planning” Stage

If a company discovers a significant amount of oil or gas through exploration, it can apply to the NEB for a Declaration of Significant Discovery or a Declaration of Commercial Discovery—except on ISR 7(1)(a) lands and those areas of the Gwich'in and Sahtu lands where the settlement agreements include mineral rights. In the ISR, the Inuvialuit Regional Corporation and the Inuvialuit Land Corporation decide whether the company can make a Declaration of Significant Discovery. On all other NWT lands, after the NEB conducts an internal government review, it issues a notice of intention to issue a Declaration of Significant Discovery or Declaration of Commercial Discovery.

The NEB publishes its notice of intention in the Canada Gazette and in a newspaper that has a wide distribution in the areas most affected by the development. It also posts the notice of intention on the NEB Web site. When the NEB publishes a notice of intention, someone the

NEB considers to be “directly affected” has 30 days to request a hearing. The NEB definition of a “directly affected person” may include environmental non-governmental organizations and other parties that do not necessarily live in the affected area, although that is decided on a case-by-case basis.

If the NEB does not hold a hearing, or after the hearing is complete, the NEB decides whether to issue the Declaration of Significant Discovery or Declaration of Commercial Discovery that the company has requested. If the company has requested a Declaration of Significant

Discovery, it can apply to DIAND for a significant discovery licence. A significant discovery licence gives the company exclusive rights to conduct further exploration in an area, but the company must later obtain a production licence before it starts commercial production. If the company has obtained a Declaration of Commercial Discovery, it can apply to DIAND for a production licence.

NOTICE OF INTENTION

When the NEB publishes a notice of intention, anyone who is directly affected has 30 days to request a hearing.

NEB HEARINGS

Find more information about NEB hearings on page 92.

Before a company starts to extract oil or gas, the *Canada Oil and Gas Operations Act* requires the company to create a Development Plan and submit it to the NEB. There is no opportunity for general public input in the NEB's decision to approve a Development Plan. However, the NEB will not approve a Development Plan until the company has consulted adequately and DIAND has approved a Benefits Plan.

The NEB does preliminary screening to decide whether implementing the Development Plan may have significant environmental impacts or cause public concern. If the NEB anticipates significant environmental impacts or public concern, it forwards the Development Plan to the appropriate review board (the MVEIRB in the Mackenzie Valley or the EIRB in the ISR) for environmental impact review. At this stage, the public can participate in the review of the Development Plan.

In the ISR, the Benefits Plan for 7(1)(a) lands is part of the Participation Agreement that allows

BENEFITS PLAN

Even if a company has a Benefits Plan from the exploration for oil and gas stage, it needs to develop a new Benefits Plan during the oil and gas development planning stage because the development's impacts will be different. During the oil and gas development planning stage, the company usually applies for authorization to carry out additional drilling and production operations.

access to the land. For larger projects that extend over both ISR 7(1)(a) and 7(1)(b) lands, the company will enter into a comprehensive cooperation and benefits agreement that meets both Inuvialuit and federal requirements for a Benefits Plan.

On 7(1)(a) and 7(1)(b)

lands in the ISR, a company must create a Development Plan that the NEB approves, and also create a Surface Development Plan that the Inuvialuit Land Administration approves. The NEB will wait for the Inuvialuit Land Administration to approve the Surface Development Plan before it issues its own approval.

Table 2A summarizes the opportunities for public input at the oil and gas development planning stage in the Mackenzie Valley.

Table 2B summarizes the opportunities for public input at the oil and gas development planning stage in the ISR.

Table 2A. Mackenzie Valley – Oil and Gas Development Planning

Depending on circumstances, a company may not need all of the authorizations listed in this table.

1 Region	2 Permits or licences required	3 Legislation
Mackenzie Valley	Declaration of Significant Discovery or Declaration of Commercial Discovery	<i>Canada Petroleum Resources Act</i>
Mackenzie Valley	Benefits Plan must be in place before Development Plan is approved	<i>Canada Oil and Gas Operations Act</i>
Mackenzie Valley	Development Plan Approval	<i>Canada Oil and Gas Operations Act, Section 5.1</i>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
No public notice; NEB notifies people who may be directly affected by the Declaration	NEB (see page 104) Public registry at NEB offices in Calgary, Alberta; an electronic registry is being developed at NEB Web site at www.neb-one.gc.ca/PublicRegistries/index_e.htm	NEB may hold a hearing if people who are directly affected request a public hearing (see page 92)
No public notice; government policy requires company to consult with affected communities, groups or individuals about employment and training opportunities	DIAND (see page 101)	No
NEB conducts preliminary screening to decide if environmental assessment is required. If environmental assessment is required, NEB posts a notice about public meetings in News North and local newspapers, and on the MVEIRB Web site at www.mveirb.nt.ca	NEB (see page 104) and possibly MVEIRB (see page 102) See " <i>Draft EIA Guidelines</i> " and " <i>Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings</i> " available at www.mveirb.nt.ca/MVGuides/MVDocs.html Public registry on MVEIRB Web site at www.mveirb.nt.ca	MVEIRB may hold a hearing (see page 81)

Table 2B. Inuvialuit Settlement Region – Oil and Gas Development Planning

Depending on circumstances, a company may not need all of the authorizations listed in this table.

1 Region	2 Permits or licences required	3 Legislation
ISR Crown lands and ISR 7(1)(b) lands	Declaration of Significant Discovery or Declaration of Commercial Discovery	<i>Canada Petroleum Resources Act</i>
ISR 7(1)(a) lands	Declaration of Discovery	Inuvialuit Final Agreement
All ISR	Benefits Plan must be in place before Development Plan is approved; on 7(1)(a) lands, benefits are included in Participation Agreement	<i>Canada Oil and Gas Operations Act</i>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
No public notice; NEB notifies people who may be directly affected by the Declaration	NEB (see page 104) Public registry at NEB offices in Calgary, Alberta; an electronic registry is being developed at NEB Web site at www.neb-one.gc.ca/PublicRegistries/index_e.htm	NEB may hold a hearing if people who are directly affected request a public hearing (see page 92)
No public notice; the company must get agreement from the owner of the mineral rights (the Inuvialuit community) and a Concession Agreement must be in place	Inuvialuit Regional Corporation (see page 102)	No
Government policy requires company to consult with affected communities, groups or individuals about employment and training opportunities	DIAND (see page 101)	No

1 Region	2 Permits or licences required	3 Legislation
All ISR	Development Plan Approval	<i>Canada Oil and Gas Operations Act</i> , Section 5.1
ISR 7(1)(a) and 7(1)(b) lands	Surface Development Plan Approval	Inuvialuit Land Administration Rules and Procedures

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
<p>No public notice; consultation with Inuvialuit communities; EISC process provides for input from HTC's, etc. (see page 86)</p>	<p>NEB (see page 104)</p> <p>For Inuvialuit lands, NEB will wait for results of Inuvialuit Land Administration process (see next row)</p> <p>Note that NEB requires approval of Benefits Plan by DIAND</p> <p>Public registry at NEB offices in Calgary, Alberta;</p> <p>an electronic registry is being developed at NEB Web site at www.neb-one.gc.ca/PublicRegistries/index_e.htm</p>	<p>Only if EIRB or <i>Canadian Environmental Assessment Act</i> review occurs (see page 90)</p>
<p>No public notice; consultation with Inuvialuit communities; EISC process provides for input from HTC's, etc. (see page 86)</p>	<p>Inuvialuit Land Administration (see page 101)</p> <p>Public notice if project referred to EIRB</p> <p>Public registry at EIRB office in Inuvik</p>	<p>Only if EIRB or <i>Canadian Environmental Assessment Act</i> review occurs (see page 90)</p>

Public Input at “Oil and Gas Drilling and Production” Stage

Development activities in the oil and gas sector include drilling production wells, constructing oil and gas collection and treatment facilities (such as compressor stations, batteries and gas plants), and constructing pipelines. Many other construction projects associated with these developments also require permits, licences and authorizations. These include building infrastructure, such as borrow pits, roads, stream crossings and work camps. The approval process is similar for almost all of these activities.

However, the requirements for pipelines are different, with a different process for “transboundary pipelines” (which run between the NWT and a neighbouring province or territory or the United States), and for pipelines that are entirely within one region. You can find information about pipelines starting on page 72.

Federal Government Requirements (Table 3A and Table 3B)

The requirements of the federal government apply in both the Mackenzie Valley and the ISR, so this information appears in Table 3A and Table 3B.

Before a company starts drilling and production activities, it must get various construction and production authorizations from the NEB and DIAND. Before it can get these authorizations, there must be a Benefits Plan in place. However, the Benefits Plan approved at the oil and gas development planning stage usually also covers the oil and gas drilling and production stage. On

ISR 7(1)(a) lands, the Benefits Plan is part of the Participation Agreement that a company makes with the local Inuvialuit community.

The company may also need a *Navigable Waters Protection Act* permit and/or a *Fisheries Act* authorization to alter fish habitat. The DFO is responsible for both of these authorizations.

On Crown lands in the ISR, the company must acquire land tenure from DIAND, as required under the *Territorial Lands Act*. The authorizations the company needs may include land use permits, licences of occupation, land leases and access road rights-of-way.

Federal legislation may trigger a review under the *Canadian Environmental Assessment Act* in the ISR (see pages 90 and 128). This legislation also applies to transboundary projects in the Mackenzie Valley.

Regional Requirements

Companies need land use permits and water licences to carry out drilling and production activities. Applications are handled differently in the Mackenzie Valley and ISR.

Mackenzie Valley (Table 3A)

In the Mackenzie Valley, a company must apply for a land use permit or a water licence from the Mackenzie Valley Land and Water Board (MVLWB), Gwich'in Land and Water Board (GLWB) or Sahtu Land and Water Board (SLWB), depending on where the development will take place. Each board offers different opportunities for public input. The board starts by conducting

an internal preliminary screening of the application. When public input is possible (see Table 3A for details), the board publishes a notice in a local newspaper to invite public comments. During the screening process, the board decides if an environmental assessment is necessary. If the development is likely to cause significant environmental impacts or public concern, the board will refer the application to the MVEIRB, which may lead to a public hearing.

Inuvialuit Settlement Region (ISR) (Table 3B)

On 7(1)(a) and 7(1)(b) lands in the ISR, the Inuvialuit Land Administration issues land use permits. The Inuvialuit Land Administration will consider a company's application and attach various conditions to a development. The Participation Agreement or comprehensive cooperation and benefits agreement approved at the oil and gas development planning stage usually also covers the oil and gas drilling and production stage. However, the Inuvialuit Land Administration will not issue a land use permit until after the EISC has completed its process (see last two rows of Table 3B).

The EISC sets up a panel to seek input from HTC, communities and the public. If there is concern about the proposed development, the application may be forwarded to the EIRB for review.

On Crown lands in the ISR, DIAND issues land use permits. The process is similar to the process for 7(1)(a) and 7(1)(b) lands, except that DIAND makes the decisions. The application is forwarded to the EISC for review and to ensure that the application meets the requirements of the

Canadian Environmental Assessment Act.

If a company needs a water licence, it applies to the NWTWB. A public notice of the application appears in local newspapers. For large-scale projects, the notice announces the date and location of a public hearing. For smaller projects, the notice simply states that a company has applied for a water licence.

The EIRB and an agency implementing the *Canadian Environmental Assessment Act* may also trigger a hearing during the environmental impact screening and review process.

Table 3A summarizes the opportunities for public input at the oil and gas drilling and production stage in the Mackenzie Valley.

Table 3B summarizes the opportunities for public input at the oil and gas drilling and production stage in the ISR.

COMMENTS

Members of the public may be able to provide comments when a company applies for land use permits and water licences for a development.

The screening process determines if a project requires an environmental assessment, which may lead to a public hearing.

REVIEW PROCESS

You can find a summary of the MVEIRB review process in the last row of Table 3A, and a detailed explanation of the process starting on page 81.

For a detailed description of the opportunities for public input during the EIRB process in the ISR, see page 86.

Table 3A. Mackenzie Valley – Oil and Gas Drilling and Production

Depending on circumstances, a company may not need all of the authorizations listed in this table.

1 Region	2 Permits or licences required	3 Legislation
Mackenzie Valley	Benefits Plan needed, but usually put in place at Development Plan stage	<i>Canada Oil and Gas Operations Act</i>
Mackenzie Valley	Construction Authorization and Production Operations Authorization	<i>Canada Oil and Gas Operations Act</i>
South Mackenzie Valley	Land Use Permit and Water Licence from MVLWB	<i>Mackenzie Valley Resource Management Act</i> and <i>Northwest Territories Waters Act</i>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
Government policy requires company to consult with affected communities	DIAND (see page 101)	No
No public process, but company should have consulted with communities about Benefits Plan at Development Plan stage (see Table 2A)	NEB (see page 104)	No
Public notice of application advertised in Northern News (see www.nnsl.com) and application posted on the MVLWB Web site at www.mvlwb.com MVLWB notifies the landowner and affected communities or First Nations and seeks their input	MVLWB (see page 103) Public registry at MVLWB office in Yellowknife and on MVLWB Web site at www.mvlwb.com/html/CurrentApp.html	MVLWB may hold hearing; see " <i>Draft Rules of Procedure Including Public Hearings</i> " available at www.mvlwb.com/html/MVLWBdoc.html OR MVLWB may refer application to MVEIRB for review (see last row of table)

1 Region	2 Permits or licences required	3 Legislation
Gwich'in Settlement Region	Land Use Permit and Water Licence from GLWB	<i>Mackenzie Valley Resource Management Act</i> and <i>Northwest Territories Waters Act</i>
Sahtu Settlement Region	Land Use Permit and Water Licence from SLWB	<i>Mackenzie Valley Resource Management Act</i> and <i>Northwest Territories Waters Act</i>
Mackenzie Valley	<i>Fisheries Act</i> Authorization if development affects fish habitat	<i>Fisheries Act</i>
Mackenzie Valley	<i>Navigable Waters Protection Act</i> Permit if development affects navigable waters	<i>Navigable Waters Protection Act</i>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
<p>Public notice of application advertised in <i>News North</i> and a local newspaper;</p> <p>GLWB sends application to affected communities, Gwich'in groups, co-management boards, etc. for comment</p>	<p>GLWB (see page 100)</p> <p>See "<i>GSA Water Licence & Land Use Permit Application Process</i>" available from GLWB Web site at www.glwb.com</p> <p>Public registry in Inuvik</p>	<p>GLWB may hold a hearing if there is public concern; GLWB announces hearings in <i>Inuvik Drum</i> and <i>News North</i> OR</p> <p>GLWB may refer application to MVEIRB if there is potential for significant environmental impact (see last row of table)</p>
<p>No public notice of Land Use Permit application, but SLWB sends application to affected communities and designated Sahtu organizations for comment</p> <p>Public notice of application for Water Licence posted in <i>News North</i>, and SLWB sends application to affected communities and designated Sahtu organizations for comment</p>	<p>SLWB (see page 105)</p> <p>See "<i>Land Use Permit Process (Draft)</i>" and "<i>Water Licence Process (Draft)</i>" available from SLWB Web site at www.slwb.com</p> <p>Public registry in Fort Good Hope</p>	<p>SLWB must hold a hearing for a Type A (large-scale) Water Licence and may hold a hearing for a Type B Water Licence or a Land Use Permit; hearing announced in <i>News North</i> OR</p> <p>SLWB may refer application to MVEIRB if there is potential for significant environmental impact or public concern (see last row of table)</p>
<p>No public notice, but DFO may send application to MVEIRB after preliminary screening</p>	<p>DFO – Fish Habitat Management (see page 99)</p>	<p>Only if required by MVEIRB (see last row of table)</p>
<p>Public notice of review indicates opportunity for public input</p>	<p>DFO – Canadian Coast Guard (see page 99)</p>	<p>Only if required by MVEIRB (see last row of table)</p>

1 Region	2 Permits or licences required	3 Legislation
Mackenzie Valley	Surface Tenure , including Licence of Occupation, Land Leases and Road Rights-of-Way	<i>Territorial Lands Act</i>
Mackenzie Valley	Bird Sanctuary Permit if development is within a bird sanctuary	<i>Migratory Birds Convention Act</i>
Mackenzie Valley	Preliminary screening may lead to referral for Environmental Assessment and perhaps Environmental Impact Review by MVEIRB	<i>Mackenzie Valley Resource Management Act</i>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
No public notice, but DIAND District Office consults with local communities	DIAND (see page 101)	No
Consultation with local communities	Environment Canada – Canadian Wildlife Service (see page 97)	No
Public notice to announce public meetings in <i>News North</i> and local newspapers, and on MVEIRB Web site at www.mveirb.nt.ca	MVEIRB (see page 102) See " <i>Draft EIA Guidelines</i> " and " <i>Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings</i> " available on MVEIRB Web site at www.mveirb.nt.ca/MVGuides/MVDocs.html Public registry on MVEIRB Web site at www.mveirb.nt.ca	MVEIRB may hold hearings as part of an environmental assessment process and will hold hearings if there is an environmental impact review (see page 81 for a description of the review and hearing processes)

Table 3B. Inuvialuit Settlement Region – Oil and Gas Drilling and Production

Depending on circumstances, a company may not need all of the authorizations listed in this table.

1 Region	2 Permits or licences required	3 Legislation
All ISR	<p>Benefits Plan needed, but usually put in place at Development Plan stage</p> <p>On 7(1)(a) lands, benefits are included in Participation Agreement</p>	<p><i>Canada Oil and Gas Operations Act</i>, Section 5.2</p> <p>Benefits Plan required before NEB authorization</p> <p>See Inuvialuit Final Agreement, Sections 10 and 16 for Crown lands and 7(1)(b) lands</p>
All ISR	<p>Construction Authorization and Production Operations Authorization</p>	<p><i>Canada Oil and Gas Operations Act</i></p>
ISR Crown lands	<p>Land Use Permit and/or Surface Tenure</p>	<p><i>Territorial Lands Act</i></p>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
Government policy requires company to consult with affected communities	DIAND (see page 101)	No
No public process, but company should have consulted with Inuvialuit communities about Benefits Plan at Development Plan stage	NEB (see page 104)	No
DIAND District Office consults with local communities	DIAND (see page 101)	DIAND must ensure that Inuvialuit Final Agreement, Section 11 requirements for Environmental Impact Screening and Environmental Impact Review are met (see last two rows of table)

1 Region	2 Permits or licences required	3 Legislation
ISR 7(1)(a) and 7(1)(b) lands	Land Use Permit	Inuvialuit Land Administration Rules and Procedures
All ISR	Water Licence	<i>Northwest Territories Waters Act</i>
Fish-bearing waters in ISR	Fisheries Act Authorization if development affects fish habitat	<i>Fisheries Act</i>
Navigable waters in ISR	Navigable Waters Protection Act Permit if development affects navigable waters	<i>Navigable Waters Protection Act</i>
All ISR	Bird Sanctuary Permit if development is within a bird sanctuary	<i>Migratory Birds Convention Act</i>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
Inuvialuit Land Administration notifies the public and Inuvialuit organizations of a public session of the Inuvialuit Land Administration Commission, which considers comments presented at the public session	Inuvialuit Land Administration (see page 101) Public notice, if application sent to EIRB	Environmental Impact Screening and Environmental Impact Review processes may trigger a hearing (see last two rows of table)
Public notice of application posted in local newspapers; opportunity for public input as indicated in the public notice	NWTWB (see page 105) Public registry at Northwest Territories Water Board offices in Yellowknife and Inuvik	NWTWB holds hearings for Type A licences (for larger projects); Environmental Impact Screening and Environmental Impact Review processes may also trigger a hearing (see last two rows of table)
No public input	DFO – Fish Habitat Management (see page 99)	Only if development triggers <i>Canadian Environmental Assessment Act</i> review (see page 90)
No public input	DFO – Canadian Coast Guard (see page 99)	Only if development triggers <i>Canadian Environmental Assessment Act</i> review (see page 90)
Consultation with local communities	Environment Canada – Canadian Wildlife Service (see page 97)	No

1 Region	2 Permits or licences required	3 Legislation
All ISR	Environmental Impact Screening	Inuvialuit Final Agreement, Section 11 and <i>Canadian Environmental Assessment Act</i> (which may have requirements beyond the Inuvialuit Final Agreement)
All ISR	Environmental Impact Review	Inuvialuit Final Agreement, Section 11 Environmental Impact Review usually meets the requirements of the <i>Canadian Environmental Assessment Act</i>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
EISC sets up panel that seeks input from HTC's, communities and the public	EISC (see page 98) Public registry at EISC office in Inuvik	Environmental Impact Screening and Environmental Impact Review processes may trigger a hearing (see last row of table) OR review under <i>Canadian Environmental Assessment Act</i> may trigger a hearing (see page 90)
Public notice sent to print, radio and television media to announce public review	EIRB (see page 98) Review occurs when: 1. Comprehensive study is mandatory (under <i>Canadian Environmental Assessment Act</i>) OR 2. EIRB requires standard public review Public registry at EIRB office in Inuvik	EIRB may hold public hearing as part of review process – no hearing for small-scale developments (see page 86 for a description of the review and hearing processes) EIRB and Canadian Environmental Assessment Agency work together to ensure that both federal and EIRB requirements are met

Public Input at “Pipeline Development” Stage

The *Canada Oil and Gas Operations Act* regulates oil and gas pipelines that are located completely within the Mackenzie Valley or completely within the ISR. The *National Energy Board Act* regulates “transboundary pipelines,” which run between the NWT and a neighbouring province or territory or the United States.

The NEB is responsible for both the *Canada Oil and Gas Operations Act* and the *National Energy Board Act*.

Pipelines Located Completely Within the Mackenzie Valley

The regulation of pipelines that are located completely within the Mackenzie Valley region is very similar to the regulation of oil and gas drilling and production in the Mackenzie Valley (see Table 3A). A company can apply to construct pipelines after it has an approved Development Plan and Benefits Plan. The NEB makes sure that the company has met all of the Mackenzie Valley and federal legislation requirements for permits and authorizations. These may include requirements for a land use permit, a *Fisheries*

Act authorization if the pipeline crosses a fish-bearing stream, or a *Navigable Waters Protection Act* permit if the pipeline crosses navigable waters. Then the NEB issues a construction authorization under the *Canada Oil and Gas Operations Act*.

Local land and water boards (the MVLWB, GLWB and SLWB) review applications for land use

permits. There may be an opportunity for public input if the local board decides to hold hearings, or if there are significant environmental impacts or public concern and the board forwards the application to the MVEIRB. DFO will review the application if the pipeline affects navigable waters or fish habitat.

HEARINGS

The MVLWB, GLWB and SLWB may hold their own hearings to consult with the public. However, if a development will likely result in significant environmental impacts or public concern, the local land and water board may send the application directly to the MVEIRB. The MVEIRB environmental assessment or environmental impact review process will provide an opportunity for public input.

Table 3A summarizes the requirements for pipelines that are located completely within the Mackenzie Valley.

Pipelines Located Completely Within the ISR

The regulation of pipelines that are located completely within the ISR is very similar to the regulation of oil and gas drilling and production in the ISR (see Table 3B). A company can apply to construct pipelines after it has an approved Development Plan and Benefits Plan.

The NEB makes sure that the company has met all of the ISR and federal legislation requirements for permits and authorizations. These may include requirements for a land use permit, a *Fisheries Act* authorization if the pipeline crosses a fish-bearing stream, or a *Navigable Waters Protection Act* permit if the pipeline crosses navigable waters. Then the NEB issues a construction authorization under the *Canada Oil and Gas Operations Act*.

As in the Mackenzie Valley, applications for land use permits may offer an opportunity for public input. On 7(1)(a) and 7(1)(b) lands in the ISR, the Inuvialuit Land Administration issues land use permits. Both the Inuvialuit Land Administration Commission and the EISC review the application, in processes that may run in parallel, but the Inuvialuit Land Administration will not issue a permit until the EISC process is complete (see last two rows of Table 3B). The EISC sets up a panel to seek input from HTCs, communities and the public. If there is concern about the proposed development, the application may be forwarded to the EIRB for review (see page 88). On Crown lands in the ISR, DIAND issues land use permits. The process is similar to the process for 7(1)(a) and 7(1)(b) lands, except that DIAND makes the decisions. DIAND ensures that the application meets the requirements of the *Canadian Environ-*

mental Assessment Act. DFO will review the application if the pipeline affects navigable waters or fish habitat.

Table 3B summarizes the requirements for pipelines that are located completely within the ISR.

Transboundary Pipelines

The NEB authorizes any pipeline that crosses from either the Mackenzie Valley or the ISR into a neighbouring territory, province or the United States. Part III of the *National Energy Board Act* deals with the construction and operation of pipelines. There are two stages in the NEB pipeline approval process. The first stage deals with the project as a whole.

The second stage determines the exact route of the pipeline. The NEB publication *Pipeline Regulation in Canada: A Guide for Landowners and the Public* describes the process in detail. This report, published in June 2003, is available at www.neb-one.gc.ca/safety/PipelineRegulationCanada_e.pdf.

Project Approval

The NEB may hold a public hearing before deciding if it will issue a project approval certificate to a company. The NEB announces the hearing in local newspapers. You must show the NEB that you have an interest in the

NEB HEARING PROCESS

Find information about the NEB hearing process on page 92 and information about covering the costs of participating in a NEB hearing on page 94.

results of the hearing and clearly state that you wish to intervene in the hearing process if you want the NEB to recognize you as an “intervener.” The NEB sends interveners a copy of the application and tells them when and how they can participate in the hearing.

Even if you do not want to intervene at a hearing, you can write a “letter of comment” to the NEB. Address the letter to the Secretary of the Board. The NEB will not give you intervener status and will usually not notify you about further proceedings if you write a letter of comment.

Mapping the Pipeline Route

After the NEB has approved the project as a whole, the company must submit detailed plans to the NEB that show the precise location of the pipeline route. These plans must include the names of affected landowners and occupiers, when the company can determine them. The company must contact the landowners along the proposed route and publish a notice in at least one issue of a publication that circulates in the affected area.

If landowners object to the company's intention to construct a pipeline on their property, they should first discuss their concerns with the company and try to reach an agreement. If it is not possible to reach an agreement, landowners must file a written statement with the NEB within 30 days of receiving notice of the proposed pipeline route. Landowners can continue to negotiate

with the company even after they file an objection. However, it is important not to miss the deadline in case negotiations break down. You should be aware that, after a hearing, the NEB may decide to allow a company immediate right of entry onto a landowner's property to create a right-of-way for the pipeline. The exact powers of the NEB may depend on particular settlement agreements.

Landowners whose property is next to—not directly on—the proposed pipeline route may also believe that the pipeline will have a negative impact on their land. These landowners can file a written statement with the NEB within 30 days of the public announcement of the proposed pipeline route.

If the objections the NEB receives are not “frivolous or vexatious” (not worthy of serious attention or intended to annoy), the NEB will order a hearing.

Comprehensive Study Report

Before the NEB holds a hearing, a company proposing a pipeline that requires more than 75 kilometres of new right-of-way needs to complete a comprehensive study report under the *Canadian Environmental Assessment Act* (see page 128). The company may arrange public meetings and open houses while it is developing the report. After the report is finished, the Canadian Environmental Assessment Agency invites the public to comment on it. The Minister of the Environment then decides whether a panel review or mediation is necessary. A panel

review may be a joint review with a review board — either the MVEIRB in the Mackenzie Valley or the EIRB in the ISR. In the Mackenzie Valley, there are arrangements to coordinate *Canadian Environmental Assessment Act* and MVEIRB reviews. In the ISR, the EIRB panel review process can replace a *Canadian Environmental Assessment Act* panel review, according to an agreement with the federal government.

Compensation for Lands and Damages

Part V of the *National Energy Board Act* states that a company must pay compensation for lands it uses for pipeline construction and for any damages. Sometimes, the company and the landowner cannot agree on the amount of compensation related to the development of a transboundary pipeline. Either the company or the landowner can then ask the Minister responsible for Natural Resources Canada to appoint a negotiator or arbitrator.⁸ If these negotiations fail, the company or the landowner can ask the Minister to set up an arbitration committee. The NEB does not deal with disputes about compensation.

Other Requirements for a Transboundary Pipeline

Like other pipelines, a transboundary pipeline will need various licences. The application process involves a screening process and possibly an environmental impact review by a review board (the MVEIRB in the

Mackenzie Valley or the EIRB in the ISR). However, because the NEB regulates transboundary pipelines and they do not fall under the *Canada Oil and Gas Operations Act*, a transboundary pipeline does not require a Benefits Plan. The NEB does expect companies to consult with Aboriginal communities and other groups and to deal with socio-economic and environmental issues. It also requires a company to report on its consultation process. In its decision about a transboundary pipeline, the NEB may consider the agreements a company has reached with local groups.

In the case of the proposed Mackenzie Valley Pipeline, the government is preparing a voluntary benefits protocol and benefits agreement.

AGREEMENTS

There may be an opportunity for local groups to develop a memorandum of understanding or other agreement with a company. For example, a company must sign both a temporary access agreement for pipeline construction and a permanent right-of-way along the pipeline route. Aboriginal groups can negotiate for benefits as part of the agreement.

⁸ National Energy Board. Pipeline Regulation in Canada: A Guide for Landowners and the Public. 2003. p. 51-52. Available at www.neb-one.gc.ca/safety/PipelineRegulationCanada_e.pdf.

**Table 4. Mackenzie Valley and Inuvialuit Settlement Region
– Transboundary Pipeline Development**

1 Region	2 Permits or licences required	3 Legislation
Mackenzie Valley and ISR	<p>Applications for Licences/Permits and Authorizations</p> <p>(see Table 3A and Table 3B for the specific requirements in the Mackenzie Valley and the ISR, since these also apply for transboundary pipelines)</p>	<p><i>Resource Management Act</i></p> <p>OR</p> <p>Inuvialuit Final Agreement, Section 11</p> <p>OR</p> <p><i>Canadian Environmental Assessment Act</i></p> <p>AND</p> <p><i>National Energy Board Act</i></p>
Mackenzie Valley and ISR	<p>National Energy Board Certificate of Public Convenience and Necessity</p>	<p><i>National Energy Board Act</i></p>

4 Opportunity for input	5 Board or government agency & information sources	6 Provision for public hearings
<p>Public input through the Environmental Impact Screening and Environmental Impact Review processes</p> <p>Public notice if application sent for MVEIRB or EIRB review</p> <p>Public meeting</p>	<p>NEB (see next row) and MVEIRB in Mackenzie Valley (see page 102)</p> <p>OR</p> <p>NEB (see next row) and EIRB in ISR (see page 98)</p>	<p>The NEB (see next row) and the regional authority (MVEIRB or EIRB) will likely hold a joint hearing (see page 83 and page 88)</p>
<p>Public notice of hearing posted in local newspapers; opportunity for public input as indicated in the public notice</p>	<p>NEB (see page 104)</p>	<p>There may be two hearings—the first, called a certificate hearing, decides if a company can construct a pipeline; it may be followed by a detailed route hearing</p>

Pipeline Cooperation Plan

In June 2002, the regulatory authorities in the NWT that conduct environmental impact assessments and public hearings approved a plan to coordinate planning, avoid duplication, and provide clarity and certainty in process and timing for the public and companies. The plan is called the “*Cooperation Plan for the Coordinated Review of a Potential Major Natural Gas Pipeline Through the Northwest Territories*” (Cooperation Plan). The regulatory authorities developed the Cooperation Plan in anticipation of an application for a Mackenzie Valley Gas Pipeline.⁹

The Cooperation Plan states that each environmental impact assessment authority and regulator will remain independent and will have the right to assess the proposed pipeline development and make recommendations and decisions. The Cooperation Plan is not supposed to pre-judge or pre-approve any proposed project. However, the Cooperation Plan proposes an environmental impact assessment framework that coordinates the regulatory processes of the NEB, Inuvialuit Land Administration, Mackenzie Valley Land and Water Board (MVLWB), Gwich'in Land and Water Board (GLWB), Sahtu Land and Water Board (SLWB) and Northwest Territories Water Board (NWTWB).

The Cooperation Plan will take effect after three agreements are reached:

- between the Inuvialuit and the Minister of the Environment;
- between the MVEIRB and the Minister of the Environment; and
- between the regulatory agencies (the land and water boards).¹⁰

These agreements will add specific details to the framework and will outline the roles and responsibilities of each board or government agency in the environmental impact assessment and regulatory processes. The regulatory authorities may not finalize these agreements until a company proposes a specific project.

The Cooperation Plan for reviewing proposed transboundary pipelines in the Mackenzie Valley could make public participation more straightforward since it will streamline the review of all aspects of a project. Coordinated hearings will save participants time. The Cooperation Plan will also give public groups a better opportunity to provide input at the beginning of the review process by requiring hearing participants to be identified early on.

The Cooperation Framework Assumptions indicate that the Cooperation Plan will include a plan for public involvement and information on “participant funding” for the joint

⁹ *Cooperation Plan for the Environmental Impact Assessment and Regulatory Review of a Northern Gas Pipeline Project through the Northwest Territories*, June 2002, available at http://www.ceaa-acee.gc.ca/010/0001/0001/0020/coop-plan_e.pdf

¹⁰ See, for example, *Federal Government, Mackenzie Valley Impact Review Board and Inuvialuit release draft joint review panel agreement*, media release, October 7, 2002, available at www.bmmda.nt.ca/outgoing/News%20release%20Draft%20Agree%204.pdf.

environmental impact assessment panel process. However, the Cooperation Framework Assumptions do not specify how the Cooperation Plan will allocate these funds.

Offshore Developments

Offshore oil and gas developments in the ISR generally follow the same stages as developments on land. However, companies need some additional permits for offshore developments, including disposal at sea permits from Environment Canada's Environmental Protection Branch and possibly an authorization under the *Fisheries Act* from DFO that allows habitat alteration, disruption or destruction.

To get a disposal at sea permit, the company must

consult with affected Inuvialuit communities and organizations. It must publish a notice in the Canada Gazette, but it does not have to place an advertisement in a local newspaper. The ISR EISC will also screen the company's application. This means that the company has to consult with HTC and other local bodies that the application may affect. If the EISC has concerns about the environmental impact of the development, it refers the application to the EIRB. If this happens, there will be a public notice about the application in the local

newspaper. The EIRB may hold a public meeting (for small projects) or a public hearing (as part of the standard review process). Either option provides an opportunity for public input. Since the federal government is responsible for issuing the permit, there will usually be a joint review process with the federal government to meet the requirements of both the EIRB and the *Canadian Environmental Assessment Act*.

If a company's activities may damage fish habitat, the company can apply to DFO for an authorization under the *Fisheries Act* that deals with habitat alteration, disruption or destruction. The DFO examines plans for mitigation and/or compensation measures before it decides whether or not to issue an authorization. If the

DFO provides an authorization, it usually contains strict conditions that the company must meet to minimize damage to fish habitat. The DFO does not have to contact the public when it is making this decision, but the project then proceeds for screening by the EISC and, possibly, review by the EIRB. The application is also reviewed under the *Canadian Environmental Assessment Act*, and there will usually be a joint EIRB and federal process.

COOPERATION PLAN

The Cooperation Plan for reviewing proposed transboundary pipelines in the Mackenzie Valley could make public participation more straightforward.

The Environmental Screening and Review Process

This chapter explains how to communicate your concerns to the local boards and federal government agencies that are responsible for the environmental screening (or assessment) and review process. These may include the Mackenzie Valley Environmental Impact Review Board (MVEIRB), the ISR Environmental Impact Review Board (EIRB), and the National Energy Board (NEB) or another “responsible authority” under the *Canadian Environmental Assessment Act*. The process is similar at every stage of development. The location of the development determines which board carries out the review.

Environmental screening occurs at several stages in the oil and gas development process (see the tables in the previous chapter). Whenever a company applies for a licence, permit or other authorization, the local land and water board or federal government agency screens the application. DIAND performs the

screening for the NWTWB in the ISR. If the board or government agency determines that the development will result in significant negative impacts on the environment or public concern, it may send the application for an environmental review, which may include public hearings.

If you learn that an application has been forwarded to the MVEIRB, EIRB or NEB, or requires review under the *Canadian Environmental Assessment Act*, you can write a letter to the appropriate review board or government agency.

The public notice that announces the review specifies the deadline for sending your comments. If the review board or government agency receives your letter by

the deadline, it may give you “status” at the hearing. “Status” means that the review board or government agency recognizes you and may give you an opportunity to participate in the review or hearing process. In some cases,

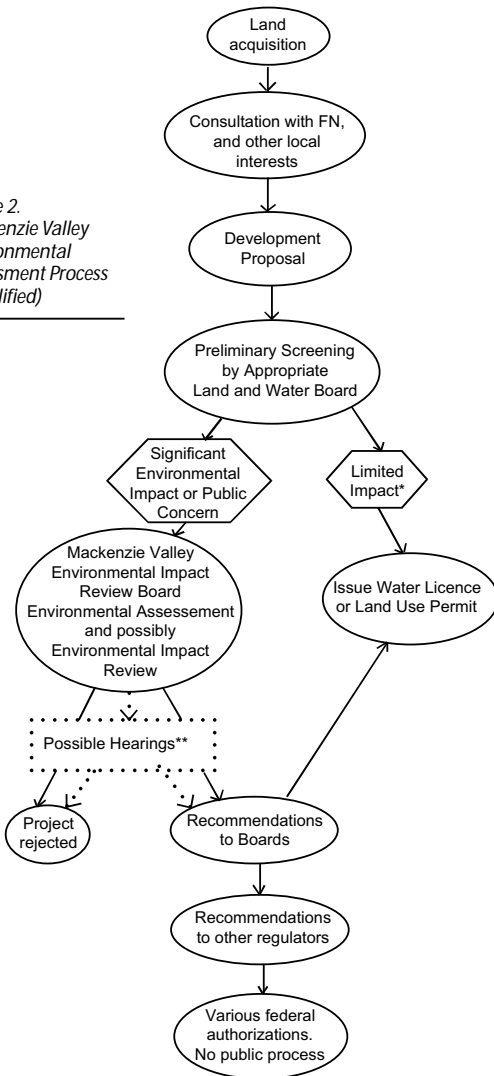
HOW TO COMMUNICATE

This chapter explains how to communicate your concerns to the local boards and federal government agencies that are responsible for the environmental screening (or assessment) and review process.

VERBAL RESPONSE

In some cases, you can provide a verbal response — for example, an audiocassette or personal presentation at a hearing — to the MVEIRB, EIRB or NEB. It is important to find out exactly what a particular review board accepts.

Figure 2.
Mackenzie Valley
Environmental
Assessment Process
(simplified)



*See text regarding land and water board hearings

**If there is a review, there will be hearings

anyone who has a serious interest in a project gets status. In other cases, only people who are directly affected by a development get status. The public notice about a review or hearing usually explains who is eligible to submit comments. If you need more information on the “rules of procedure” or your status, contact the appropriate review board or government agency.

How Does the Process Work in the Mackenzie Valley?

Figure 2 shows the development stage of a project, when a company applies for a land use permit or water licence. The company should consult with First Nations and others who may be affected before it submits a development application.

DECISION-MAKING

The public notice about a review or hearing usually explains who is eligible to submit comments.

Figure 2 provides an overview of the environmental decision-making process in the Mackenzie Valley.

Preliminary Screening

When a company applies for a land use permit or water licence, the Mackenzie Valley Land and

Water Board (MVLWB), Gwich'in Land and Water Board (GLWB) or Sahtu Land and Water Board (SLWB) usually carries out an initial screening of the application. The appropriate government department carries out this initial screening when a company applies for authorization under federal legislation—for example, for geological or geophysical operations, construction or production governed by the *Canada Oil and Gas Operations Act*. Even in these cases, the company usually needs a land use permit as well, so the appropriate land and water board may be the “lead agency” and direct the screening process.

During the screening process, the local board consults First Nations communities that may be affected by the development. It may even decide to hold its own public hearing. If the “screening report,” based on these consultations, indicates that the development may cause significant negative environmental impacts or public concern, the land and water board will forward the application to the MVEIRB.

CONSULT FIRST NATIONS

During the screening process, the local board consults First Nations communities that may be affected by the development.

LOCAL BOARDS

Look up your local land and water board in the chapter called “Boards, Government Departments and Agencies,” starting on page 96, to find out more about its hearing processes.

MVEIRB Environmental Assessment

When the MVEIRB receives an application from a land and water board, it asks the company to prepare a Developer’s Assessment Report. The MVEIRB determines the scope of the assessment and the issues (what exactly the company must include in its

Developer’s Assessment Report). At a minimum, the Developer’s Assessment Report must describe the development, the current state of the environment, how the development will affect the environment, what the company will do to reduce the impacts on the environment, plans for monitoring while the project is operating, and plans for reclaiming the land when the project shuts down. The MVEIRB may consult the public or hold a public hearing about a proposed development. People who could be directly affected can take part in the hearing. Others who are not directly affected, but who would like to take part, can register as interveners. Intervenors have the same rights as people who are directly affected. Other members of the public may submit comments, but may not ask questions or be cross-examined at a hearing.

After it has reviewed the Developer's Assessment Report, the MVEIRB makes a decision about the application. The MVEIRB may decide that the project is not likely to cause any significant negative impacts on the environment or public concern and should be allowed to proceed (with or without conditions). In other cases, the MVEIRB may decide that the negative impacts are so great that the project should be rejected. If the MVEIRB needs more information, it will recommend an environmental impact review (see the next section).

Whatever its decision, the MVEIRB submits a "Report of Environmental Assessment" to the Minister responsible for DIAND and the NEB. This is necessary because the *Canadian Environmental Assessment Act* requires the federal government to assess environmental impacts, even though the MVEIRB has taken over much of the responsibility for assessment under the *Canadian Environmental Assessment Act*.

The Minister of DIAND may

- accept the recommendations;
- consult with the MVEIRB to modify them; or
- reject the recommendations and order an environmental impact review or initiate a joint review.

MVEIRB Environmental Impact Review

The MVEIRB conducts an environmental impact review when the MVEIRB, the Minister of DIAND or other federal ministers, or the National Energy Board decides that it is necessary. The MVEIRB may carry out this review alone or as a joint review with the federal authorities. A joint review may be appropriate if the proposed development requires approval from a federal government agency as well as from the MVEIRB. In many respects, the environmental

impact review process is similar to the environmental assessment process. However, an environmental impact review is conducted by a specially appointed review panel (including

three or more members of the MVEIRB and others), and the company has to produce an Environmental Impact Statement (instead of a Developer's Assessment Report).

There are six steps in the MVEIRB environmental impact review process.

1. Select the review panel

The MVEIRB selects a panel to conduct the review. In the case of a joint review, the MVEIRB selects a panel in cooperation with the appropriate federal government agencies.

2. Establish the terms of reference for the review panel

MVEIRB MAY CONSULT

The MVEIRB may consult the public or hold a public hearing about a proposed development.

The MVEIRB sets the general terms of reference for the review, in consultation with any affected First Nations. The panel may further focus these terms of reference, which may include the scope of the project and the main steps of the review process.

3. Determine terms of reference for the developer

Based on its own terms of reference, the review panel will determine the scope of the issues to be addressed in the environmental impact review. To do this, it will review the material in the public registry from the environmental assessment and may consult with the public. The review panel will then draw up terms of reference and a work plan for the company.

4. Complete the Environmental Impact Statement

The company completes an Environmental Impact Statement. The statement describes the project, the potential effects of the development, the cumulative effects (or effects built up over time) and possible mitigation strategies (or ways to lessen these effects), as well as alternatives to the proposed development.

5. Review the Environmental Impact Statement

The review panel reads the Environmental Impact Statement and tells the company and the public if the statement is not complete.

Once the Environmental Impact Statement is complete, it becomes available for public review. At this stage, the review panel and parties conduct a technical review of the quality of the Environmental Impact Statement. The review panel will then usually hold public hearings.

6. Hold public hearings

The review panel may hold both technical and community hearings. If it decides to hold public hearings, the review

panel issues a public notice at least 45 days before the hearing date. This notice includes the following information:

- the date, time and place of the hearing;
- the issues to be considered in the hearing;
- the opportunity for public participation; and
- the date by which anyone affected must file information to be considered in the hearing.

There are two ways that a member of the public can get involved in a hearing. A person who is directly affected or who is granted “intervener” status can be a “party” to a hearing. To get intervener status, you need to apply to the MVEIRB in writing, following the instructions in the public notice. Other members of the public can make written or oral presentations, even if they are not “parties” to the hearing.

ASK FOR PUBLIC INPUT

The panel may ask for public input on the terms of reference for the company's environmental impact statement.

There are five steps in the hearing process.

1. Those who are directly affected or who wish to apply to be interveners, file a notice

At least 25 days before the hearing, anyone who is directly affected or who wishes to be an intervener or party to the hearing must file a notice with the executive director of the MVEIRB. Interveners must provide a written summary that explains why they are intervening, how they are affected by the development, and what information they will provide during the hearing. It is important to meet the deadline for filing this information. Interveners may represent themselves. If they have a lawyer or other representative, interveners must inform the MVEIRB at least 10 days before the hearing.

2. Those who are not interveners submit their concerns

Members of the public who do not wish to formally intervene can send written submissions to the review panel before the hearing. They can also make oral presentations at the hearing, at a time the review panel chooses.

3. The review panel holds a pre-hearing conference

The review panel may hold a pre-hearing conference to finalize issues to be discussed at the hearing, set a timetable for the exchange of information, and work out other issues associated with the hearing. The review panel encourages people who have similar interests to coordinate their presentations at the hearing. Written summaries of arguments from parties are required before the hearing. These are circulated to all other parties.

INTERVENER STATUS

A person who is directly affected or who is granted "intervener" status can be a "party" to a hearing. Other members of the public can make written or oral presentations.

FILING A NOTICE

Even if you wrote a letter of objection at an earlier stage in the application process, you must submit a new statement if you want to be an intervener at a MVEIRB hearing.

4. The hearing takes place

The review panel chairperson opens the hearing and asks the company to make its presentation. Interveners and members of the public then have an opportunity to present information and make statements. The review panel and the company may question anyone who provides information to the review panel. At technical hearings, interveners can question the company about its submission. The review panel may hear confidential technical information in private.

5. The review panel writes its report

After the hearing, the review panel writes down its recommendations in a report, and sends the report to DIAND and the NEB. DIAND and the NEB can accept the report, consult with the review panel and modify the report, or reject the report. Once DIAND and the NEB accept a report, the regulatory agency, which is often the local land and water board, decides whether to approve or reject the application. If it allows the development to proceed, it will include conditions set out in the review panel report, such as mitigation measures to limit potential damage.

The Draft Environmental Impact Assessment Guidelines describe the MVEIRB environmental impact review process in detail. If you plan to participate in a hearing in any way, read the Rules for Procedure for Environmental Assessment and Environmental Impact Review Proceedings. You can get these documents from the MVEIRB or its Web site (www.mveirb.nt.ca). You can find documents relating to a specific application or Environmental Impact Statement in a public registry at the MVEIRB's offices and on its Web site.

How Does the Process Work in the ISR?

Under the Inuvialuit Final Agreement, the environmental impact screening and environmental impact review process must be complete before a company receives a licence or approval that allows any proposed

HOW TO CONTACT

The chapter called "Boards, Government Departments and Agencies," starting on page 96, provides information on how to contact the MVEIRB and the EIRB.

DECISION-MAKING

Figure 3 provides an overview of the environmental decision-making process in the ISR and shows the main opportunities for public input at different stages.

development to proceed on Crown lands. On ISR 7(1)(a) and 7(1)(b) lands, the Inuvialuit Land Administration Rules and Procedures apply and screening by the EISC is not automatic. However, the Inuvialuit Land Administration can forward an application to the EISC if it thinks that the proposed development will have a significant environmental impact. The Inuvialuit Regional Corporation or Game Councils can also ask the Inuvialuit Land Administration to forward an application to the EISC.

The company's consultation with Inuvialuit communities is an important part of the environmental impact screening and environmental impact review process. Before a company applies for approval, the Inuvialuit Land Administration and EISC expect the company to consult the HTC's whose members

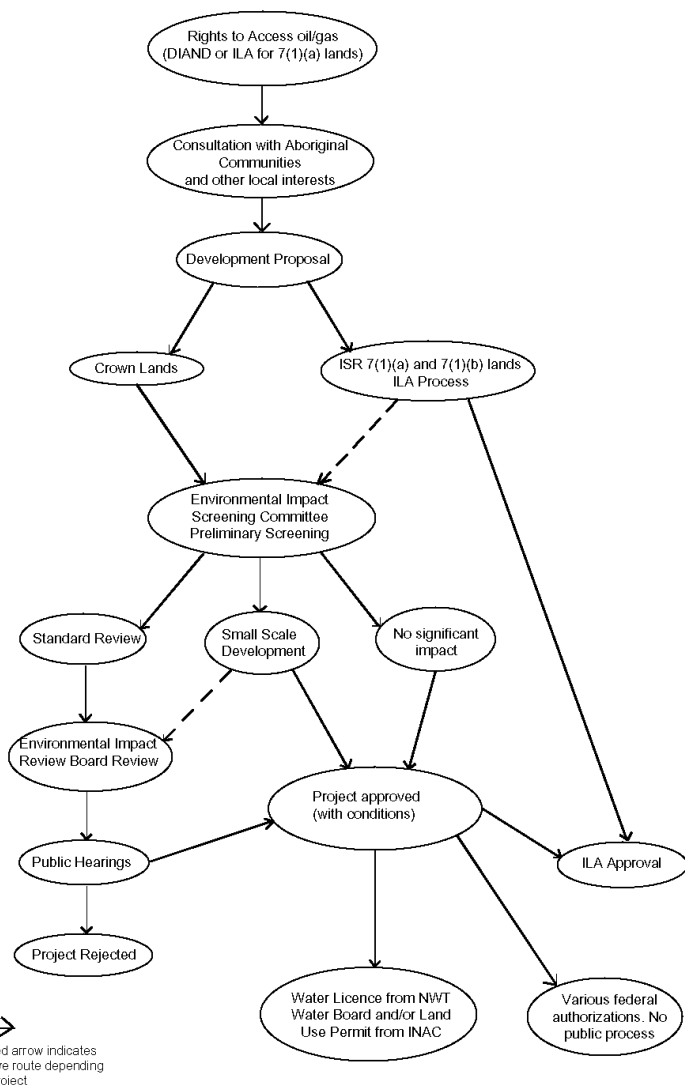


Figure 3. Inuvialuit Settlement Region Environmental Assessment Process (simplified)

the development may affect. The EISC believes that the HTC are a key part of the co-management system, and the focus for consultation. The Inuvialuit Land Administration and EISC also expect the company to consult with the appropriate community corporations and the umbrella Inuvialuit co-management organizations—in particular, the Fisheries Joint Management Committee and the Wildlife Management Advisory Council (NWT and/or North Slope). The company must report on this consultation in its Project Description. Generally, the EISC will not screen a Project Description until the company has consulted with the community.

Preliminary Screening

A company submits its application to the regulatory agency (such as the Inuvialuit Land Administration or the NEB) and to the EISC for preliminary screening. The company must submit a Project Description to the EISC and to any HTCs the development may affect. The EISC sets up a

screening panel that asks for comments from HTC, co-management bodies, government agencies and the public. Based on what it learns, if the panel decides that the development will not have any significant environmental impacts, it instructs the regulatory agency to issue the appropriate licence or permit. If the panel decides that the development may have significant negative impacts on the environment or on present or future wildlife harvesting, the panel refers the project to the EIRB. *EISC Operating Guidelines and Procedures* explains the preliminary screening process in detail (see page 98 for details).

EIRB Environmental Assessment

When it receives an application to review, the EIRB sets up a review panel. The review panel bases its assessment on an Environmental Impact Statement that the company submits. *EIRB Operating Procedures* explains the requirements for the Environmental Impact Statement (see page 98 for details).

The EIRB issues a public notice of referral that invites members of the public and organizations to register if they are interested in participating in the public review process. If you register by the deadline specified in the public notice, you become a “registered participant.” Registered participants receive a copy of the company’s Environmental Impact Statement, additional notices about the review and other documents. Registered participants may send the EIRB written submissions or attend the public review.

CONSULTATION

Before a company applies for approval, the Inuvialuit Land Administration and EISC expect the company to consult the Hunters and Trappers Committees (HTCs).

No more than 30 days after it receives the company’s Environmental Impact Statement, the EIRB decides if it will evaluate the proposal according to the small-scale development procedure or the standard public review procedure.

Small-Scale Development Procedure

The EIRB follows the small-scale development procedure if the project meets the following conditions:

- It does not affect a large area.
- It does not have a long-term impact.
- It does not have significant impacts on the community.
- It does not have significant cumulative effects, or impacts that build up over time.
- It meets any requirements that the EIRB has set for that general class of development.
- There has been a previous environmental assessment of the project.

In the small-scale development procedure, the panel reviews the Environmental Impact Statement and decides whether a public hearing is necessary. If no hearing is required,

the EIRB reports its decision to the regulatory agency. The public hearing process is described in more detail in the next section.

Standard Public Review Procedure

In the standard public review procedure, the company must submit an outline of its Environmental Impact Statement to the EIRB. The EIRB invites registered participants to provide written comments on the Environmental Impact Statement outline. The EIRB uses these comments to determine the scope of the Environmental Impact Statement itself, and asks the company to prepare a first draft. The EIRB sends this draft to the registered participants and again asks them to provide written comments. The EIRB also asks for comments from government agencies. Based on all of these comments, the EIRB instructs the company to revise the Environmental Impact Statement. After the Environmental Impact Statement is complete, the EIRB appoints a review panel.

At least 60 days before the date of the public hearing, the EIRB publishes a hearing order that specifies when and where the hearing will take place, along with a schedule for the exchange of written evidence, a schedule for questions of clarification, procedural rulings, the order in which participants will appear, and rules for participants. Sometimes, there is a pre-hearing conference before the hearing. If you are a registered participant, the EIRB will invite you to the pre-hearing conference.

Registered participants can send written questions to the company, as explained in the hearing order, and the company must reply within a specified time. You can use this process to clarify issues or get more information that you can use at the hearing.

EIRB Hearing

EIRB Operating Procedures explains the EIRB hearing procedures in detail (see page 98). After the chairperson's opening remarks, the company makes its presentation. Registered participants, EIRB staff and panel members may ask the company questions. Members of the public who are registered participants can make presentations at the hearing. Other registered participants, such as government representatives, will also make presentations. All registered participants may have to answer questions. EIRB technical advisors may make presentations and members of the general public who are not registered participants are usually allowed to make statements from the floor of the hall. Finally, each official presenter has the opportunity to make a concluding statement.

WRITTEN COMMENTS

The EIRB invites registered participants to provide written comments on the outline and first draft of the Environmental Impact Statement.

QUESTIONS TO COMPANY

Registered participants can send written questions to the company to clarify issues or get more information that to use at the hearing.

PRESENTATIONS

Members of the public who are registered participants can make presentations at the hearing. Members of the general public who are not registered participants are usually allowed to make statements from the floor of the hall.

After the hearing, the EIRB announces its decision in a press release. The EIRB may allow a development to proceed, or it may reject the application. The EIRB may also set conditions. For example, if the EIRB believes that a development may cause loss or damage to wildlife and wildlife habitat, it will recommend conditions to minimize the impact on wildlife harvesting. The EIRB must also estimate the company's potential liability (or responsibility) and consider whether, in the worst case, the company will be able to pay for any loss or damage that results from the development.

The Inuvialuit Final Agreement does not provide for a joint review by the federal government and the EIRB. However, the EIRB's process closely matches the requirements of the *Canadian Environmental Assessment Act*. The

EIRB can choose to substitute the *Canadian Environmental Assessment Act* process for the EIRB process.

How Does the Process Work Under the Canadian Environmental Assessment Act?

The federal government has a special body, the Canadian Environmental Assessment Agency that has overall responsibility for the administration of the *Canadian Environmental Assessment Act*. However, it is "responsible authorities," such as DIAND, DFO and the NEB, that have specific decision-making responsibilities and that must ensure that environmental assessments are carried out to meet the requirements of the *Canadian Environmental Assessment Act* for developments on lands that the federal government owns or has some decision-making responsibilities for in the ISR (see Appendix B). For example, DIAND Lands Administration deals with land applications, and DIAND Water Resources deals with water (on behalf of the NWTWB). It should be noted that outside of the ISR area in the NWT, the *Canadian Environmental Assessment Act* has limited applicability. The main basis for environmental assessment in the non-ISR areas of the NWT is the *Mackenzie Valley Resource Management Act*.

There are arrangements in place to avoid duplication between federal and territorial jurisdictions in the review and hearing process. When a development involves several different

federal government departments with *Canadian Environmental Assessment Act* responsibilities, a federal environmental assessment coordinator is assigned to coordinate the participation of all federal authorities in the *Canadian Environmental Assessment Act* process.

The type of assessment necessary under the *Canadian Environmental Assessment Act* varies depending on the project and the significance of possible environmental effects. Most projects receive a relatively quick assessment during the screening process. Larger projects that have a potential for greater environmental impacts are listed in the Comprehensive Study List Regulations and require a comprehensive study. If the environmental effects of a project are uncertain or potentially significant, or if public concerns warrant it, an assessment by an independent mediator or review panel appointed by the Minister of the Environment is necessary. Federal departments carry out an average of 5,000 to 6,000 assessments each year. Of more than 30,000 projects assessed in Canada between 1995 and the end of 2003, slightly more than 20 were referred for assessment by a review panel. To date, the Minister of the Environment has never established a formal *Canadian Environmental Assessment Act* mediation process.

Changes to the *Canadian Environmental Assessment Act* that came into effect in October 2003 have increased the opportunities for public participation, in part through an

electronic Canadian Environmental Assessment Registry that must now be established and maintained for all projects subject to a *Canadian Environmental Assessment Act* assessment. Access to the registry is available through www.ceaa.gc.ca/050/index_e.cfm. General information about the changes to the *Canadian Environmental Assessment Act* can be found at www.ceaa.gc.ca/013/index_e.htm. The basics of environmental assessment are explained at www.ceaa.gc.ca/010/basics_e.htm#1, where you can also find a description of new class screenings that are allowed under the revised legislation. You can find further information about the *Canadian Environmental Assessment Act* process, including procedural and policy guidance documents, on the main Canadian Environmental Assessment Agency Web site at www.ceaa.gc.ca/index_e.htm.

The types of projects that are listed in the Comprehensive Study List Regulations under the *Canadian Environmental Assessment Act* include offshore exploratory drilling, offshore works for production, offshore pipelines and on-shore pipelines that are over 75 kilometres long on a new right-of-way. For listed projects, the Minister of the Environment decides at an early stage in the review process whether a comprehensive study will be conducted, or whether the project will be referred directly to a review panel or mediator (this is referred to as the "track" decision). If the comprehensive study route is chosen, there is no opportunity later to refer the project to a review panel or

CEAA INFO

You can find contact information for the Canadian Environmental Assessment Agency in the chapter called "Boards, Government Departments and Agencies," starting on page 96.

CEAA ASSESSMENT

There are opportunities for public input during the screening, comprehensive study and panel review stages of a CEAA assessment. Public input during CEAA environmental screenings is a decision at the discretion of the responsible authority(ies). However, public input is required for all projects that are subject to a comprehensive study. Panel reviews focus on obtaining public input, with much of this input coming out at hearings held by the panels.

mediator. Once the comprehensive study route is chosen, the federal responsible authority(ies) must ensure that a comprehensive study is completed and that a comprehensive study report is prepared.

The responsible authority(ies) that carry out the comprehensive study must ensure that the public is consulted during the preparation of the comprehensive study report, prior to the Minister's "track" decision. Furthermore, the

responsible authority(ies) must also ensure that the public has an opportunity to participate in the comprehensive study. Also, as a result of the recent amendments to the *Canadian Environmental Assessment Act*, participant funding is now available (after the Minister's "track" decision) to assist groups that want to provide input to a comprehensive study. At the end of the comprehensive study process, a comprehensive study report is prepared and submitted to the Minister of the Environment. The Minister makes the report available for a period of public review and comment. The Minister must then issue an environmental assessment statement. At this point, the Minister can

- refer the project back to the responsible authority(ies) for appropriate action because it is not likely that it will have a significant harmful effect on the environment;
- refer the project back to the responsible authority(ies) for appropriate action, but with whatever additional mitigation measures or follow-up programs the Minister considers appropriate;
- require additional study and/or additional public consultation before a project decision is made; or
- refer the project back to the responsible authority(ies) who will not grant authorizations, since there are significant adverse environmental effects that are not justified.

How Does the Process Work at the National Energy Board?

The NEB regulates pipelines that cross territorial, provincial and international borders. There are two stages to the pipeline approval process. First, the NEB must approve the general project. Then the NEB must approve the detailed pipeline route.

The NEB may hold a hearing at each stage. The hearing to approve the general project is called a “certificate hearing,” because the company must apply for a certificate of public convenience and necessity. The hearing to approve the detailed pipeline route is called a “detailed route hearing.” Both hearings will follow similar procedures, which we outline below.

The NEB announces the date and place of its pipeline hearings in a public notice, along with other relevant information. Hearings usually take place at locations where people are especially interested in the application and where the NEB’s decision will have the greatest impact.

Anyone who wants to participate in a NEB hearing can register as an “intervener” or as an “interested party.” The public notice explains how to register. Interveners must show they have an interest in the results of a certificate hearing by completing an “application for intervenor status.” On this form, which you can get from the NEB or from its publication

Pipeline Regulation in Canada: A Guide for Landowners and the Public, you must briefly describe your interest in the project and clearly explain the issues that you intend to raise. If an intervener does not plan to attend the hearing, he or she must explain the reason why an intervention is required.

If the NEB approves the general project at a certificate hearing, it may still require the company to deal with the concerns of landowners and the public either before or during construction. The company will proceed to work out the detailed pipeline route. Then the NEB will announce the detailed route hearing in the media. The *National Energy Board Act* clearly distinguishes between people who own land that the company requires for pipeline development (Section 34(3)) and people who believe that pipeline development may negatively affect their land (Section 34(4)). Both groups have the right to submit a written statement of objection that describes their interest in the land and their objections to the pipeline. The NEB must receive all written statements within 30 days of the public notice announcing the second hearing. Unless the NEB thinks that a written statement is “frivolous or vexatious or is not made in good faith,”¹¹ it will accept anyone who has filed a written statement by the deadline as an intervener at the hearing. The NEB may also allow other people who are not interveners to present their comments.

11 National Energy Board Act, Section 35(5)(b).

NEB hearings occur mostly so that people who are affected by a proposed pipeline have the opportunity to present their concerns. However, the NEB may also give status to environmental associations because, although the application may not directly affect these groups, environmental associations may raise issues that are relevant to the broad public interest.

The NEB's hearings operate in a similar manner to a civil court. The NEB's powers include swearing in and examining witnesses and accepting evidence.

Interveners receive all the information that the NEB receives from other parties and also have the right to cross-examine witnesses at the hearing itself. Interveners do not have to hire a lawyer. However, hiring a lawyer for a NEB hearing can be extremely helpful, because both the company and the NEB will have legal counsel.

If you plan to participate in a NEB hearing, read *Pipeline Regulation in Canada: A Guide for Landowners and the Public*. You can get this publication from the NEB or its Web site (see page 104).

NEB PARTICIPATION

Anyone who wants to participate in a NEB hearing can register as an "intervener" or as an "interested party."

Intervener Assistance

Sometimes, funds are available to help members of the public cover their costs when they appear at a hearing. Whether or not there are funds depends on which board or government agency is responsible for the hearing. Usually, local land and water boards in the NWT do not cover costs for interveners. The *Territorial Lands Act*, the *Northwest Territories Waters Act*, the Inuvialuit Final Agreement and the *Mackenzie Valley Resource Management Act* don't provide for financial assistance

for interveners either. However, if the MVEIRB sets up a review panel to conduct an environmental impact review, the panel may manage a participant funding program, if the federal government provides money to help cover costs for interveners and those who are directly affected, so that they can fully participate. In some cases, funds may also be available to help interveners in a NEB or Canadian Environmental Assessment Agency hearing.

NEB Funding

Usually, interveners at a NEB hearing must pay their own costs. The only exception is a detailed route hearing. The NEB can order the company that wants to build a pipeline to pay the costs of landowners who are directly or indirectly affected by the pipeline.

CEAA Funding

The Canadian Environmental Assessment Agency Participant Funding Program provides financial assistance to individuals and non-profit organizations participating in a federal review under the *Canadian Environmental Assessment Act*. Participant funding may be available for both a comprehensive study review and for a panel review. Information is available at www.ceaa.gc.ca/010/0001/0002/index_e.htm. In addition, some intervener funding might be available through the “*Cooperation Plan for the Coordinated Review of a Potential Major Natural Gas Pipeline Through the Northwest Territories*” if plans for the Mackenzie gas project proceed.

FUNDING

In some cases, funds may be available to help interveners.

If you think that you may be eligible for intervener funding, it is important to keep the receipts for all of the costs you incur and to be able to explain why these costs were necessary.

How to Appeal a Decision

Sometimes, you may be able to challenge a regulatory authority's decision with an appeal

to the Minister responsible for the authority — for example, the Minister responsible for DIAND or Environment Canada. You may also be able to

request a judicial review by the Supreme Court of the NWT. The appeal must question a point of law or jurisdiction. You cannot simply object to the decision.

If you want to launch an appeal, consult a lawyer to find out what is possible in your particular situation. You should act quickly, because you usually have to start the appeal process within a specific time period. For example, you can appeal a NEB decision to the Federal Court of Canada, but only within 30 days of the decision.

Boards, Government Departments and Agencies

This chapter briefly describes the role of boards, government departments and agencies that have a say in oil and gas activities. We have listed them in alphabetical order, and we have included their addresses, phone numbers, E-mail addresses and Web sites, wherever possible, to make it easy for you to contact them. It is important to contact a board or government agency as soon as possible if you have any concerns about a development or questions about the process for public involvement.

Canadian Environmental Assessment Agency

Canadian Environmental Assessment Agency
Mr. Lanny Coulson
Director Alberta/NWT Region
Suite 100, Revillon Bldg.
10237 – 104 Street
Edmonton AB
T5J 1B1
Tel: 780-422-7704
Fax: 780-422-6202
E-mail: lanny.coulson@ceaa-acee.gc.ca

The Canadian Environmental Assessment Agency is a federal government agency that administers the overall requirements of the *Canadian Environmental Assessment Act*. Under the *Canadian Environmental Assessment Act*, the federal government must ensure that environmental assessments are carried out for

a range of activities related to oil and gas development. These activities include oil and gas exploration or production and development plans that are regulated under the *Canada Oil and Gas Operations Act*. Other activities that may require an environmental

ROLES OF BOARDS, ETC.

This chapter briefly describes the role of boards, government departments and agencies that have a say in oil and gas activities.

assessment review include activities regulated under the Canadian Environmental Protection Act (dumping of waste), the *Fisheries Act* (alteration or destruction of fish or fish habitat), the *Navigable Waters Protection Act*, the *Northwest Territories Waters Act* and several other federal acts. An application for a land use permit on Crown land from DIAND may also trigger a review. The Canadian Environmental Assessment Agency provides advice and guidance on the application of the *Canadian Environmental Assessment Act* and may become directly involved in reviews requiring comprehensive study or panel reviews. However, the main responsibility for ensuring that the requirements of the *Canadian Environmental Assessment Act* are met rest with

other federal departments that have project decision-making responsibilities that make them “responsible authorities.” The Canadian Environmental Assessment Agency fulfils its administrative responsibilities for the *Canadian Environmental Assessment Act* in the NWT through its Vancouver regional office.

Information about the Canadian Environmental Assessment Agency and the *Canadian Environmental Assessment Act* can be found at www.ceaa.gc.ca/013/0001/0002/guide_e.htm.

The Canadian Environmental Assessment Agency maintains an electronic database at www.ceaa.gc.ca/050/index_e.cfm containing information on all assessments that are being carried out under the *Canadian Environmental Assessment Act*. You can find information about this public registry at www.ceaa.gc.ca/012/012/Registry_e.pdf. The electronic database makes it easy to identify all of the assessments that are taking place in the NWT at a given time or place, or to locate a specific assessment.

Amendments to the *Canadian Environmental Assessment Act* that came into force in October 2003 are described at www.ceaa.gc.ca/013/001/0003/index_e.htm. These changes improve the opportunity for public participation and formally recognize the value of traditional knowledge in conducting environmental assessments. You can find more information at www.ceaa.gc.ca/013/001/0003/participation_e.htm.

Environment Canada

Environment Canada
Environmental Protection Branch
Northern Division
301 – 5204 50 Avenue
Yellowknife, NT
X1A 1E2

Tel: 867-669-4700
Fax: 867-873-8185

To report a spill or an environmental accident in the NWT, call 867-920-8130.

Environment Canada has the authority, under the Canadian Environmental Protection Act, to grant disposal at sea permits. Before it issues these permits, Environment Canada advertises the application in the Canada Gazette (canadagazette.gc.ca/partI-e.html) for a 30-day comment period. An advertisement names a contact person at the company that has applied for the permit and provides instructions on how to comment on the proposed permit. You can read more about disposal at sea permits at www.ec.gc.ca/sea_disposal/main/index_e.htm.

Environment Canada also manages the *Canada Wildlife Act* and the *Migratory Birds Convention Act*. You can reach the Canadian Wildlife Service, the division of Environment Canada responsible for administering these Acts, at the address above or at 867-669-4760.

Environmental Impact Review Board (in the ISR)

Environmental Impact Review Board
Joint Secretariat Inuvialuit Renewable
Resource Committees
107 Mackenzie Road
Box 2120
Inuvik, NT
XOE 0T0

Tel: 867-777-2828
Fax: 867-777-2610
E-mail: adminjs@jointsec.nt.ca
Web site: www.bmmda.nt.ca/downloads.htm

The Environmental Impact Review Board (EIRB) reviews oil and gas developments in the ISR if a screening process shows that a development could have a significant negative environmental impact. We describe this process in the chapter called "The Environmental Screening and Review Process," starting on page 86. You can find more details in *EIRB Operating Procedures*, available from the EIRB or at www.bmmda.nt.ca/outgoing/Opproc01.pdf.

The EIRB is an independent board, not a government agency or an Inuvialuit organization. It selects a panel, usually made up of four members, to conduct the public review of a development. Two members are generally chosen from among members appointed by the federal government and two members are selected from among members appointed by the Inuvialuit. However, for the standard public review procedure, the EIRB can invite eligible Aboriginal organizations to nominate a panel member. If the panel includes additional

Aboriginal members, the federal government can appoint the same number of additional members. Members of the public can view files related to EIRB applications at the Inuvik office above, located in the Inuvialuit Corporate Centre.

You can find information about the ISR on the Web site of the Beaufort-Mackenzie Mineral Development Area at www.bmmda.nt.ca. You can find the Inuvialuit Final Agreement, which is the land claim agreement that applies in the ISR, on the Inuvialuit Regional Corporation Web site at www.irc.inuvialuit.com/publications.default.asp. The EIRB and EISC (see below) are planning their own Web site.

Environmental Impact Screening Committee (in the ISR)

Environmental Impact Screening Committee
Box 2120
Inuvik, NT
XOE 0T0

Tel: 867-777-2828
Fax: 867-777-2610
E-mail: adminjs@jointsec.nt.ca
Web site: www.bmmda.nt.ca/downloads.htm

The Environmental Impact Screening Committee (EISC) screens proposed oil and gas developments in the ISR. We describe this process in the chapter called "*The Environmental Screening and Review Process*" starting on page 86. You can find more details in *Environmental Impact Screening Committee Operating Guidelines and Procedures*, available at

www.bmmda.nt.ca/outgoing/og&p2002.pdf.
Members of the public can view files related to applications at the Inuvik office above. The EISC shares its offices with the EIRB.

Fisheries and Oceans Canada (formerly DFO)

Fisheries and Oceans Canada,
Yellowknife District Office
Fish Habitat Biologist
101 – 5204 50 Avenue
Yellowknife, NT
X1A 1E2

Tel: 867-669-4912
Fax: 867-669-4940

Fisheries and Oceans Canada (formerly known as the Department of Fisheries and Oceans, or DFO) is responsible for all matters related to rivers, lakes, fish habitat and navigable waters.

The department is also responsible for the Canadian Coast Guard. The office for the Arctic is located in Ontario.

Navigation Protection Office Arctic
201 North Front Street, Suite 703
Sarnia, ON
N7T 8B1

Tel: 519-383-1863
Fax: 519-383-1989

Government of the Northwest Territories

Government of the Northwest Territories
Director, Resources, Wildlife
and Economic Development
P.O. Box 1320
Yellowknife, NT
X1A 2L9

Tel: 867-920-3214
Fax: 867-873-0254
Web site: www.gov.nt.ca/RWED/index.html

The Government of the Northwest Territories (GNWT) administers territorial laws that parallel or complement federal laws governing environmental and safety matters, including regulations about the reporting and clean-up of spills, fuel storage and fire safety. The GNWT does not issue permits. However, it does review applications for resource development. It checks that the development is in line with the legislative mandates and policies of the

GNWT WEB SITE

The Government of the Northwest Territories (GNWT) Web site provides an organizational chart and phone directory. One division of the GNWT is the Environmental Protection Service, which you can reach at the address above, by telephone at 867-873-7654, by fax at 867-873-0221 or on the Web at www.gov.nt.ca/RWED/eps/index.htm.

GNWT, and that the development promotes the economic and social well-being of NWT residents.

The GNWT signed the Inuvialuit Final Agreement, so it must ensure that a company meets the requirements of that Agreement before it allows a development to proceed. The EISC screens the business authorizations that the GNWT issues, and the EIRB reviews them. These business authorizations are not, however, governed by the *Canadian Environmental Assessment Act*.

The GNWT is only directly responsible for Commissioner's lands, which are mainly territorial lands that lie within municipal boundaries.

Gwich'in Land and Water Board

Gwich'in Land and Water Board

P.O. Box 2018

Inuvik, NT

X0E 0T0

Tel: 867-777-4954

Fax: 867-777-2616

E-mail: permit@inuvik.net

Web site: www.glwb.com

A company needs a land use permit and probably a water licence before it undertakes oil and gas exploration or development. The Gwich'in Land and Water Board (GLWB) reviews each application for a land use permit and/or water licence in its region. The GLWB sends a

copy of the application, an information package and an invitation to comment to the affected communities, co-management boards, government agencies and interested groups. The GLWB uses the comments it receives to help it decide what course of action to take during the preliminary screening of the application. If the public expresses concerns about the project, the GLWB may conduct its own public hearing or forward the application to the MVEIRB. If the proposed development could have significant negative environmental impacts, the GLWB will refer the application directly to the MVEIRB.

At a hearing before either the GLWB or the MVEIRB, people have the opportunity to present information, suggestions and concerns in a public forum. To announce an upcoming hearing, the GLWB publishes a notice of hearing in the *Inuvik Drum* and *News North*. The hearing is held in a community near the proposed project. The GLWB is flexible and informal and, where appropriate, may allow evidence that would not normally be allowed under the strict rules of evidence.

GSA Water Licence and Land Use Permit Application Process, available on the GLWB Web site at www.glwb.com, outlines the application process, but there is no publication that describes the hearing process. However, once a hearing is announced, you can get more information by contacting the GLWB.

Indian and Northern Affairs Canada (formerly DIAND)

Northwest Territories Region
Indian and Northern Affairs Canada
P.O. Box 1500
Yellowknife, NT
X1A 2R3

Tel: 867-669-2500
Fax: 867-669-2709

District Manager, North Mackenzie District
P.O. Box 2100
Inuvik, NT
X0E 0T0

Tel: 867-777-3361
Fax: 867- 777-2090

District Manager, South Mackenzie District
140 Bristol Avenue
Yellowknife, NT
X1A 3T2

Tel: 867-669-2760
Fax: 867-669-2720

Indian and Northern Affairs Canada (formerly known as the Department of Indian Affairs and Northern Development, or DIAND) has several offices in the NWT that deal with land administration, the environment and conservation, and contaminants.

DIAND has published several booklets about land and oil and gas development, including *A Citizen's Guide to Oil and Gas in the NWT*, *Mackenzie Valley Resource Management Act: A*

Citizen's Guide, and *Your Guide to Who Manages Crown Land in the Northwest Territories*. You can get these booklets from the DIAND office in your region.

To get information about how rights are issued, the areas where rights will be issued, and Calls for Bids for exploration, contact the Northern Oil and Gas Directorate in Quebec:

Northern Oil and Gas Directorate
Director
6th Floor, Room 626
10 Wellington Street
Gatineau, QC
K1A 0H4

Tel: 819-997-0878
Fax: 819-953-5828
Web site: www.ainc-inac.gc.ca/oil

Inuvialuit Land Administration

Inuvialuit Land Administration
P.O. Box 290
Tuktoyaktuk, NT
X0E 1C0

Tel: 867-977-2202
Fax: 867-977-2467

Web site: www.inuvialuit.com/irc (look for the link to the Inuvialuit Land Administration under "Corporate")

The Inuvialuit Land Administration is responsible for lands received under the Inuvialuit Final Agreement. The Inuvialuit Final Agreement provides surface and subsurface

title to the lands adjacent to each of the six Inuvialuit communities (called 7(1)(a) lands in the Inuvialuit Final Agreement). The Inuvialuit Final Agreement also gives surface (and sand and gravel) rights to a larger area within the traditional lands (called 7(1)(b) lands in the Inuvialuit Final Agreement). You can find a map of these lands in Appendix B. The Inuvialuit Land Administration is not responsible for oil and gas rights on 7(1)(b) lands.

The Inuvialuit Land Administration reviews and approves applications to access and use 7(1)(a) and 7(1)(b) lands. The Inuvialuit Land Administration Commission holds public meetings for most applications that relate to 7(1)(a) and 7(1)(b) lands.

Inuvialuit Regional Corporation

Inuvialuit Regional Corporation
107 MacKenzie Road
Inuvik, NT
X0E 0T0

Tel: 867-777-2737
Fax: 867-777-2135
E-mail: info@irc.inuvialuit.com
Web site: www.inuvialuit.com/irc

The Inuvialuit Regional Corporation manages the economic, social and cultural affairs of the ISR by implementing the Inuvialuit Final Agreement and in other ways. When a company wishes to develop resources on ISR 7(1)(a) lands, the Inuvialuit Regional

Corporation must approve the project before the company can make a Declaration of Discovery. A company cannot make plans for development drilling until it has a Declaration of Discovery.

Mackenzie Valley Environmental Impact Review Board

Mackenzie Valley Environmental Impact Review Board
Box 938, 200 Scotia Centre (5102 50th Avenue)
Yellowknife, NT
X1A 2N7

Tel: 867-766-7050
Fax: 867-766-7074
E-mail: secretary@mveirb.nt.ca
Web site: www.mveirb.nt.ca

The Mackenzie Valley Environmental Impact Review Board (MVEIRB) is not the same as the Mackenzie Valley Land and Water Board (MVLWB), described on the next page. If the Mackenzie Valley Land and Water Board (MVLWB), Gwich'in Land and Water Board (GLWB), Sahtu Land and Water Board (SLWB) or a government agency discovers during its preliminary screening of an application that a proposed development might cause a significant negative impact on the environment or cause public concern, the board or government agency will refer the application to the MVEIRB. The MVEIRB can also conduct an assessment on its own, without preliminary

screening or a referral from a board or government agency. After conducting an environmental assessment, the MVEIRB may recommend that an environmental impact review should take place. The MVEIRB will then appoint a review panel, which will require the developer to prepare an Environmental Impact Statement. The review panel may also hold a hearing.

The *Draft Environmental Impact Assessment Guidelines* provide an overview of the work of the MVEIRB. The 2003 draft is available at www.mveirb.nt.ca/MVGuides/MVDocs.html

Anyone who wishes to take part in a MVEIRB hearing should read *Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings*, available at www.mveirb.nt.ca/MVGuides/MVProcedureRules.pdf.

You can view the MVEIRB's public registry index, which lists all of the documents relating to current environmental assessments, at the MVEIRB's office or on its Web site at www.mveirb.nt.ca. Some relevant documents are also available online.

The MVEIRB is working with other government departments and agencies to coordinate the review process for pipelines in the NWT. See *Cooperation Plan for the Environmental Impact Assessment and Regulatory Review of a Northern Gas Pipeline Project Through the Northwest Territories*, June 2002, available at www.ceaa-acee.gc.ca/010/9998/nr020107_e.htm.

Mackenzie Valley Land and Water Board

Mackenzie Valley Land and Water Board
Box 2130
4910 50th Avenue, 7th Floor
Yellowknife, NT
X1A 2P6

Tel: 867-669-0506

Fax: 867-873-6610

E-mail: mvlwbpermit@mvlwb.com

Web site: www.mvlwb.com

The Mackenzie Valley Land and Water Board (MVLWB) reviews applications and issues land use permits and water licences outside the settled land claim areas in the Mackenzie Valley. The MVLWB also processes transboundary land use and water use applications in the Mackenzie Valley. To learn more about the MVLWB's processes, read *Guide to the Mackenzie Valley Land and Water Board*, 2003, available at www.mvlwb.com/supportDocs/Guide%20to%20MVLWB%20Mar%202003.pdf.

The MVLWB expects companies to consult with the public before they submit an application. For more information, see *Public Consultation Guidelines for Development Applications to the Mackenzie Valley Land and Water Board*, 2003, available at www.mvlwb.com/supportDocs/PublicConsultationGuidelines.pdf.

The MVLWB notifies the owner of land that will

be the site of a proposed development, as well as affected communities and First Nations. In particular, the MVLWB requires First Nations to review applications to assess the potential impact on heritage resources and wildlife. The MVLWB publishes a notice of all land use permit and water licence applications in the local newspapers. You can also download a list of applications from www.mvlwb.com. To find out more, see *Mackenzie Valley Land and Water Board's Consultation Process with First Nations on Land and Water Use Applications, Draft, 2000*, available at www.mvlwb.com/supportDocs/FirstNationInvolve.pdf.

Members of the public can comment on any application before the MVLWB. They can raise concerns that they have regarding the application, and can ask the MVLWB to hold a public hearing on a land use permit or Type B water licence application. Alternatively, members of the public can request that an application be referred to the MVEIRB for an environmental assessment.

For some types of land use permit or water licence, the MVLWB can decide whether a hearing is justified. In other cases, a hearing is required. You can find the *Draft Rules of Procedure Including Public Hearings, 2000*, at www.mvlwb.com/html/MVLWBdoc.html.

The MVLWB publishes a notice that advertises a public hearing at least 35 days before the hearing. This notice appears in local and regional newspapers. It may also be read on radio and television, and circulated in other ways necessary to reach everyone the

development may affect. The announcement gives the date and location of the hearing and information about how to make a submission. Pay attention to the deadline for filing submissions, which will be at least 10 days before the actual hearing. Written, audiocassette, videotape and telephone submissions are all acceptable. Submissions must be translated into English. Hearings usually take place in a community close to the proposed development. If the MVLWB has received no submissions by the deadline, it may cancel the hearing.

The MVLWB's guides and policies are available at www.mvlwb.com/html/MVLWBdoc.html. You can visit the MVLWB's public registry and reading area at the address above.

National Energy Board

National Energy Board
444 Seventh Avenue SW
Calgary, AB
T2P 0X8

Tel: 1-800-899-1265 or 403-292-3562

Fax: 403-292-5576

E-mail: publications@neb-one.gc.ca

Web site: www.neb-one.gc.ca

The National Energy Board (NEB) hears appeals under the *Canada Oil and Gas Operations Act* and conducts hearings under the *National Energy Board Act*. The NEB plays a major role in approving transboundary pipelines. You can find a description of the NEB's processes in *Pipeline Regulations in Canada: A Guide for*

Landowners and the Public, 2003, available at www.neb-one.gc.ca/safety/PipelineRegulationCanada_e.pdf.

In the pipeline application process, first the general project and then the detailed route must receive approval. Both stages may include a public hearing. This guide includes a brief description of the NEB public hearing process starting on page 92.

The NEB does not have an office or public registry in the NWT. However, you can find public hearing announcements at www.neb-one.gc.ca/hearings/hearingwebcast_e.htm and a public registry of current cases at www.neb-one.gc.ca/PublicRegistries/index_e.htm.

Another helpful publication issued by the NEB is *Living and Working Near Pipelines: Landowner Guide*, January 2002, available at www.neb-one.gc.ca/safety/livwork_e.pdf.

Northwest Territories Water Board

Northwest Territories Water Board
Attention: Executive Assistant
Goga Cho Building, 2nd Floor
Box 1500
4916 – 47 Street
Yellowknife, NT
X1A 2R3

Tel: 867-669-2772
Fax: 867-669-2719
E-mail: Losierv@inac.gc.ca
Web site: infosource.gc.ca/Info_1/NTW-XA-e.html

The Northwest Territories Water Board

(NWTWB) is an independent board that issues water licences. The NWTWB must approve the use of all water in the ISR, except where the amounts are below the thresholds in the Northwest Territories Waters Regulations. The NWTWB also regulates the disposal of any waterborne waste.

When the NWTWB holds a hearing, it announces the details in local newspapers. Members of the public must submit written comments, called “interventions,” at least 10 days before the start of the hearing. Others may speak about their concerns at the hearing, but will not receive a copy of the draft water licence for comment. The Board’s *Rules for Procedure* explains how to file an intervention and describes the public hearing process. There is a public registry at the NWTWB’s office.

Sahtu Land and Water Board

Sahtu Land and Water Board
P.O. Box 1
Fort Good Hope, NT
X0E 0H0

Tel: 867-598-2413
Fax: 867-598-2325
E-mail: sahtuexd@attcanada.ca
Web site: www.slwb.com

Oil and gas activities in the Sahtu jurisdiction usually require a land use permit, and perhaps a water licence, from the Sahtu Land and Water Board (SLWB).

When a company applies for a land use permit, it must provide the names of people it has consulted and describe any actions taken as a result of these consultations. When the SLWB receives an application, it sends it to affected communities and designated Sahtu organizations and asks for comment. The SLWB does not make a public announcement about applications for land use permits.

When a company applies for a water licence, the SLWB places an advertisement in a regional newspaper and encourages members of the public to comment or make recommendations. The SLWB uses the comments it receives to help it decide on a course of action at the preliminary screening of the application. The SLWB may call a public hearing, if it considers further public consultation and input necessary. A public hearing is required for a Type A (large-scale) water licence application, but is optional for a Type B water licence. The SLWB conducts public hearings according to specific rules set out in *Sahtu Land and Water Board Draft Rules for Public Hearings*, available from the SLWB's office.

If you wish to comment at a public hearing, you must submit a request at least 10 days before the date of the hearing. Note that if there are special circumstances, the SLWB chairperson can waive (set aside) the 10-day notice requirement. Written, audiocassette and videotape submissions are all acceptable. Your request must contain the following information:

- your name, address, telephone and/or fax number;
- whether you will be represented by counsel or an agent, and, if so, that person's name address, telephone and/or fax number; and
- a brief statement explaining your interest in the hearing.

You must show that your participation in the hearing will provide relevant evidence, cultural awareness or cross-examination. The SLWB decides who can participate in a hearing. The SLWB may require people with similar interests to make a joint presentation to the Board.

If the SLWB has no concerns, it sends its report to the MVEIRB. The MVEIRB decides if the screening is complete or if an environmental assessment is required. If the SLWB believes that the proposed project may have significant negative environmental impacts or cause public concern, it refers the application to the MVEIRB and requests an environmental assessment.

Consult with the SLWB to find out the exact process for a specific application. Whether the SLWB or the MVEIRB holds a hearing depends partly on whether the application is for a land use permit or a water licence.

You can find more information about the SLWB, including the *SLWB Water License Process* and the *SLWB Land Use Permit Process*, at www.slwb.com.

Non-regulatory Ways to Address Issues

Previous chapters described the formal processes you can use to participate in decisions about oil and gas development. This chapter looks at other ways to exercise your citizens' rights. For example, you can have discussions and conduct informal negotiations directly with a developer. You may also be able to interest the media in development issues that concern you.

How to Negotiate with Companies

Most companies have experience dealing directly with members of the public who have questions and concerns about oil and gas projects. They usually welcome opportunities to meet with interested parties, to provide information and to try to resolve issues outside formal regulatory decision-making forums.

When involved in discussions with a company, make sure you do the following:

- Get everything in writing. If you have an oral agreement or telephone conversation with a company representative, ask him or her to confirm it in writing and to send copies to the proper boards and government agencies.
- Ask the company to explain anything you do not understand. If some of the written information the company has provided is not clear to you, ask the company to provide an explanation in writing.

CITIZENS' RIGHTS

This chapter looks at ways to exercise your citizens' rights by conducting informal negotiations directly with a developer or working with the media to communicate your concerns.

- Tell the company any concerns you have about the project. Suggest ways they could change the project to address your concerns. Be persistent if the company does not adequately resolve your concerns right away.
- Don't make a deal with the company wherein they only agree to deal with your issues of concern if you agree not to take part in a hearing. Sometimes, it is not possible for you and the company to resolve all of the issues. However, if a public hearing is held, it will be shorter and more focused if you have resolved as many issues as possible. A shorter, more focused hearing benefits all parties involved.
- Recognize that some "give and take" may be necessary. For successful negotiation, both parties must be able to reach their final objectives and be willing to agree with each other.
- Negotiations can take a long time. Often everyone involved needs a lot of time to review and write documents. Therefore, it is

important to research opportunities for intervener funding (see page 94). It may be reasonable to ask the company for funding to make sure that members of the public can be more effectively engaged in the consultation.

Working with the Media

Using the media to raise public awareness about an issue is not always appropriate. Under some circumstances, however, it can be an important tool:

- It can make other members of the public aware of the proposed project and your concerns. This can help build support for your activities and increase your chances of success in negotiating with the company.
- It can encourage a company to negotiate. Many companies worry about their public image and would like to avoid negative publicity. Real or potential media attention on an issue may be an incentive for a company to try to resolve issues.
- It may ensure that boards and government agencies are aware of and involved in your issue.

Media include

- local, regional and national newspapers;
- local and regional radio stations; and
- community and regional television stations.

If you have a message to get out, sending out a media release can be helpful. Your media

release does not have to be long, but you need to consider the following:

- Decide on your main message and state this clearly in the first sentence.
- Include a brief outline of your key concerns and the outcome you want.
- Include one or more contact names and numbers.
- Put a short title at the top of the release — something eye-catching. Put the date at the top as well.
- Keep the release short — less than a page. You may want to include quotations and a concise statement of your position on the issue.
- Consider including a separate “backgrounder.” A backgrounder gives only factual information on the subject, rather than opinions.
- Make sure you are aware of the deadline for making submissions to the media.
- When your media release is ready, fax or deliver it to your local and regional newspapers, radio and television stations. Follow up with phone calls to selected media contacts.
- Send a copy of your media release to both the company and the board or government agency that is dealing with the application or issue. They will be better able to address your concerns if they know in advance what you are saying.

HOW TO TALK TO THE MEDIA

Here are some tips to remember when you are doing an interview with the media:

- *Stick closely to your message. Use your media release as a guide.*
- *Write down the points you want to raise and talk about the most important topics first.*
- *Try to anticipate the questions the interviewer will ask you and practise your replies.*
- *Always be polite. Insulting a company or individual could lead to a lawsuit and will not help you build public support.*
- *Ask your interviewer to provide your telephone number in the news story so that other interested people can get in touch with you.*
- *Provide telephone numbers of other people, including company employees and government representatives, the interviewer should contact. News stories always try to include different viewpoints. Giving the interviewer this information is helpful and allows you to influence the interviewers' choice of sources.*
- *Build a good relationship with key journalists. Call to thank them after they run a news story. Also, keep a list of all your media contacts and send them updates on new developments as they occur. This will encourage follow-up articles and broadcasts and increase public awareness of your story.*

The Public's Role in Monitoring an Oil or Gas Development

Once an oil or gas development project has approval to proceed, members of the public can play an important role in monitoring the operation. The licence or permit that a company receives to operate a well, pipeline or other oil or gas facility usually sets certain conditions the company must meet. These always include a requirement to meet general environmental standards that protect the air, land and water. There may be other conditions as well.

Boards and government agencies often do not have enough inspectors to monitor operations frequently for compliance with the terms of a licence or permit. Members of the public should watch for any of the following problems:

- smells, smoke or poor air quality caused by flaring, leaks or gases venting from well sites, pipelines or processing facilities;
- spills and leaks around a well, pipeline or other equipment;
- surface water contamination caused by a spill;
- impacts on soil or vegetation caused by vehicle movement;
- improper waste disposal;
- wildlife disruption;
- excessive noise from a compressor or other equipment;

MONITOR DEVELOPMENT

This chapter looks at how you can monitor a development after it is operating to make sure companies minimize impacts on the environment.

- noise or nuisance from service personnel who maintain the wells, pipelines or other equipment;
- problems with site maintenance;
- problems with access roads; and
- problems with reclamation.

Non-emergency Situations

If the issue you identify will not cause severe and immediate harm, contact the company and ask it to resolve the problem. You should also inform your local land and water board. If the local board did not issue the company's licence or permit, ask the board to forward your complaint to the appropriate organization. DIAND inspectors enforce the terms and conditions of the land use permits and water licences issued by the land and water boards. Find out where your complaint was directed so you can follow up later to ask what action was taken.

Depending on the urgency of the situation, you may need to make your initial complaint by telephone, but it is a good idea to follow up in

writing. If you write to the company, send a copy of your letter to the government as well.

If your concern has to do with transboundary pipelines, contact the NEB. The NEB employs inspectors to make sure companies comply with the *National Energy Board Act*. Section 49 of the *National Energy Board Act* gives these inspectors the right to access the pipeline, any excavation activity within 30 metres of the pipeline, and any facility the company is constructing across the pipeline or nearby. Sections 50 to 51 of the *National Energy Board Act* set out an inspector's powers and the penalties if a company does not comply.

Emergency Situations

If you smell a gas leak or observe an oil leak that might cause immediate injury, contact your local emergency response centre at once. You should also call the company and the board or government agency responsible for monitoring the operation.

In some areas, natural gas contains some hydrogen sulphide. If you live in an area near a sour gas well, pipeline or processing facility, you may smell hydrogen sulphide. The company should have an emergency response plan to deal with potential problems because hydrogen sulphide is poisonous. It can cause immediate death at concentrations of about 1,000 parts

SOUR GAS

Natural gas that contains hydrogen sulphide is called "sour gas".

per million (ppm) and is acutely toxic to humans at lower levels. The "rotten egg" smell associated with hydrogen sulphide can be detected when concentrations are as low as 0.02 to 0.03 ppm. At 1 to 5 ppm there is a moderate to strong offensive odour. Prolonged exposure to these concentrations may cause people to experience nausea and headaches, and their eyes may water. Sensitive people, such as pregnant women, children and people with mobility problems or heart or lung conditions, may want to evacuate when hydrogen sulphide levels are at 1 ppm (based on a one-hour average exposure). Authorities will probably not request or order mandatory evacuation of the general public until hydrogen sulphide levels are several times higher. Follow the instructions in the emergency response plan. At high levels, between 25 and 100 ppm, hydrogen sulphide paralyzes the nerves that enable people to smell, so they can no longer detect the gas.

For More Information

Boards, Government Departments and Agencies

See the chapter called “Boards, Government Departments and Agencies,” starting on page 96, for information about how to contact the authorities that regulate oil and gas development.

Lawyers and Expert Witnesses

In many cases, you will be able to present your own views to a hearing arranged by a board, government department or agency. However, if your argument is complex, you may wish to hire a lawyer and/or expert witness. Look for a lawyer and/or expert witness who has experience with energy issues and with the hearing process. If you do not know anyone suitable, you can contact the Environmental Law Centre, Alberta, or West Coast Environmental Law.

Before you hire a lawyer or expert witness, discuss his or her fees. If there is no intervener funding (see page 94), you will have to pay the costs yourself. If there is intervener funding, you may be able to claim reasonable costs for such expenses as legal and consultant fees, and the

OTHER RESOURCES

This chapter looks at other resources you can use to help you exercise your citizens' rights.

costs of attending a hearing. Although your lawyer may be able to tell you about intervener funding that was provided in other cases, you will probably not be able to find out in advance what proportion of your costs, if any, will be paid.

Environmental Law Centre, Alberta

204, 10709 Jasper Avenue
Edmonton, AB
T5J 3N3

Tel: 1-800-661-4238 or 780-424-5099

Fax: 780-424-5133

Web site: www.elc.ab.ca

West Coast Environmental Law

1001, 207 West Hastings Street
Vancouver, BC
V6B 1H7

Tel: 604-684-7378

Fax: 604-684-1312

E-mail: admin@wcel.org

Web site: www.wcel.org

Laboratories

It is important to make sure that an accredited laboratory conducts all water and soil tests. The Canadian Association for Environmental Analytical Laboratories (CAEAL) accredits laboratories by testing their proficiency and evaluating them on an ongoing basis. The CAEAL evaluates each laboratory separately and accredits it for specific tests. This means that different laboratories, even within the same company, may be accredited to perform different tests. The Taiga Environmental Laboratory is an accredited federal laboratory that tests soil, sediment and water in the NWT. You can get more information about accredited laboratories from CAEAL, which maintains an up-to-date list of accredited laboratories at www.caeal.ca/regions.html.

Taiga Environmental Laboratory

Indian and Northern Affairs Canada
P.O. Box 1500
4601-52nd Avenue
Yellowknife, NT
X1A 2R3

Tel: 867-669-2781
Fax: 867-669-2718
harnishs@inac.gc.ca

Canadian Association for Environmental Analytical Laboratories

300-265 Carling Avenue
Ottawa, ON
K1S 2E1

Tel: 613-233-5300
Fax: 613-233-5501
Web site: www.caeal.ca

Industry Groups

Canadian Association of Geophysical Contractors

1045, 1015 – 4th Street SW
Calgary, AB
T2R 1J4

Tel: 403-265-0045
Fax: 403-265-0025
E-mail: info@cagc.ca
Web site: www.cagc.ca

The Canadian Association of Geophysical Contractors represents the companies that undertake seismic exploration. You can find the *Seismic Information Pamphlet* on the Association's Web site. Operators give this pamphlet to the owners of land where they are conducting seismic exploration. The Association's Web site also contains information about the best practices for specific activities.

Canadian Association of Petroleum Landmen

350, 500 – 5 Avenue SW
Calgary, AB
T2P 3L5

Tel: 403-237-6635
Fax: 403-263-1620
E-mail: dgrieve@landman.ca
Web site: www.landman.ca

Oil and gas companies hire professional land agents, or landmen, to deal with surface landowners and land administration. Landmen are involved in negotiations with landowners from the initial request to explore land to the

time when a well or pipeline is abandoned and reclaimed. The Canadian Association of Petroleum Landmen can provide you with more information about landmen.

**Canadian Association
of Petroleum Producers**

2100, 350 – 7 Avenue SW
Calgary, AB
T2P 3N9

Tel: 403-267-1100

Fax: 403-261-4622

Web site: www.capp.ca

The Canadian Association of Petroleum Producers (CAPP) is an industry group representing about 140 companies involved in the exploration, development and production of crude oil and natural gas in Canada. CAPP member companies account for about 97% of the nation's total production of petroleum.

Together with DIAND's Northern Oil and Gas Directorate, CAPP participated in the Regulatory Roadmaps Project. This project produced detailed guides to oil and gas development in the NWT. The guides are written to assist industry, but provide information that can be useful for members of the public. The following guides can be found at www.oilandgasguides.com/aguides.htm:

- *Oil and Gas Approvals in the Northwest Territories – Inuvialuit Settlement Region: A guide to regulatory approval processes for oil and natural gas exploration and production in the Inuvialuit Settlement Region, 2001.*
- *Oil and Gas Approvals in the Northwest Territories – Southern Mackenzie Valley: A guide to regulatory approval processes for oil and natural gas exploration and production on public lands in the Southern Mackenzie Valley, 2000.*
- *Oil and Gas Approvals in the Northwest Territories – Gwich'in Settlement Area: A guide to regulatory approval processes for oil and natural gas exploration and production in the Gwich'in Settlement Area, 2002.*
- *Oil and Gas Approvals in the Northwest Territories – Sahtu Settlement Area: A guide to regulatory approval processes for oil and natural gas exploration and production in the Sahtu Settlement Area, 2002.*
- *Oil and Gas Approvals in the Beaufort Sea – A guide to regulatory approval processes for oil and natural gas exploration and production in Canada's frontier lands in the Beaufort Sea, 2002.*

CAPP has written a *Guide for Effective Public*

Involvement, which advises companies on how to conduct effective public consultation. The organization has also worked with members and stakeholders to develop more than 50 industry best practices and comprehensive operating guidelines, on topics such as emergency response planning and flaring. In 2000, CAPP issued its first annual *Environment, Health and Safety Stewardship Progress Report*, summarizing industry performance on a wide range of stewardship matters.

The CAPP Web site provides background information on the industry and links to other Web sites.

Canadian Centre for Energy Information

201, 322 – 11 Avenue SW

Calgary, AB

T2R 0C5

Tel: 1-877-606-4636 or 403-263-7722

Fax: 403-237-6286

E-mail: info@centreforenergy.com

Web site: www.centreforenergy.com/silos/ET-CanEn01.asp

The Canadian Centre for Energy Information aims to be the primary source for energy information in Canada. The Centre is responsible for the former Petroleum Communication Foundation, which provides

background information about industry practices. You can find the following publications at www.pcf.ca/bookstore/default.asp#general:

- *Our Petroleum Challenge: Exploring Canada's Oil and Gas Industry*
- *Flaring: Questions and Answers*
- *Sour Gas: Questions and Answers*
- *Canada's Pipelines*

Canadian Energy Pipeline Association

1650, 801 – 6th Avenue SW

Calgary, AB

T2P 3W2

Tel: 403-221-8777

Fax: 403-221-8760

E-mail: info@cepa.com

Web site: www.cepa.com/index.html

The Canadian Energy Pipeline Association represents Canada's transmission pipeline companies. Pipelines transport oil and gas from producing regions to markets throughout Canada and the United States. The Canadian Energy Pipeline Association states that its priorities include pipeline safety and integrity, environmental stewardship, Aboriginal relations and landowner relations.

Environmental Groups in the NWT

Canadian Arctic Research Committee

Yellowknife Office

3rd Floor, Mackay Building
4910 - 50th Street
Box 1705,
Yellowknife NWT
X1A 2P3

Tel: 867-873-4715
Fax: 867-920-2685

Director of Research

Kevin O'Reilly
E-mail: koreilly@theedge.ca

Ottawa Office

1276 Wellington Street
2nd Floor
Ottawa, Ontario
K1Y 3A7

info@carc.org
Tel: 613-759-4284
Fax: 613-759-4581
Toll Free: (866) 949-9006

Executive Director

Karen Wristen
E-mail: kwristen@carc.org

Canadian Parks and Wilderness Committee, NWT Chapter

4th Floor, 4921 – 49th Street
P.O. Box 1934
Yellowknife, NWT
X1A 2P4

Tel: 867-873-9893
Fax: 867-873-9593
E-mail: cpawsnwt_cc@theedge.ca
Web site: www.cpaws.org/grassroots-chapters/nwt.html

Greg Yeoman, Conservation Director

Ecology North

Ecology North
5013- 51th Street
Yellowknife, NT
X1A 1S5

Tel: 867-873-6019
Fax: 867- 873-9195
E-mail: econorth@ssimicro.com

Ecology North is an affiliate of the Canadian
Nature Federation.

WWF Canada

245 Eglinton Ave. East, Suite 410
Toronto, ON
M4P 3J1
Phone: 1-800-26-PANDA
In the Toronto area: 416-489-8800
Fax: 416-489-8055
E-mail: panda@wwfcanada.org

Peter Ewins, Director: Arctic Conservation
Bill Carpenter, NWT Regional
Conservation Director

Appendix A: Abbreviations

The following abbreviations appear in this guide:

DFO	Department of Fisheries and Oceans (Federal) – now Fisheries and Oceans Canada (FOC)
DIAND	Department of Indian Affairs and Northern Development – now Indian and Northern Affairs Canada (INAC)
EIRB	Environmental Impact Review Board (Inuvialuit Settlement Region)
EISC	Environmental Impact Screening Committee (Inuvialuit Settlement Region)
GLWB	Gwich'in Land and Water Board
GNWT	Government of the Northwest Territories
HTC	Hunters and Trappers Committee (for each Inuvialuit community)
ISR	Inuvialuit Settlement Region
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLWB	Mackenzie Valley Land and Water Board
NEB	National Energy Board
NWT	Northwest Territories
NWTWB	Northwest Territories Water Board
SLWB	Sahtu Land and Water Board

Appendix B: Land Ownership and Land Claim Settlement Areas in the Mackenzie Valley and ISR

Land ownership in the NWT can be divided into four categories:

- federal Crown lands;
- Aboriginal lands owned under land claim agreements;
- territorial lands, including Commissioner's land; and
- private lands.

This list is approximately in the order of landmass size, from largest to smallest.

Land ownership determines who is responsible for managing oil and gas developments. However, land ownership only partly determines the regulatory procedures that apply to oil and gas activities and the opportunities for public input. In most cases, the federal government owns the subsurface rights to minerals even if another entity owns the surface rights. The exceptions are parts of the Gwich'in and Sahtu Settlement Areas and ISR 7(1)(a) lands, where the Aboriginal communities own both surface and subsurface rights.

Federal Lands

In the NWT, the federal government takes on what is almost a provincial government role. The federal government maintains direct control over most of the natural resources in

the NWT (oil and gas, minerals, land and water), and it receives royalties (or payments) for the resources extracted from the NWT—except when the Aboriginal peoples own the subsurface rights. Inuvialuit communities receive royalty payments directly for developments on ISR 7(1)(a) lands. The Gwich'in and Sahtu, on the other hand, do not receive royalties directly. Instead, they receive a payment from the federal government that represents a share of royalties paid to the federal government in the Mackenzie Valley.

In addition to managing these natural resources, the federal government controls the environmental management system for federal Crown lands, which comprise over 90% of all lands in the NWT. The federal government exercises this control indirectly, through various boards that report to federal ministers, or directly, through federal departments such as DIAND. However, the federal government must consult with others before making many decisions.

Aboriginal Lands Owned Under Land Claim Agreements

Mackenzie Valley

There are five regions in the Mackenzie Valley, based on settled and unsettled land claims (see Figure 1 on page 30):

- the Gwich'in Settlement Area, which includes most of the Mackenzie Delta and part of the Peel River watershed in the Yukon (see Figure 4);
- the Sahtu Settlement Area, which comprises a large portion of the central NWT, centered in Norman Wells and including all of Great Bear Lake (see Figure 5);
- the Deh Cho area, which is located in the southwestern NWT, (see Figure 6);
- the Dog Rib Area, which is located north of Great Slave Lake; and
- the South Slave Area, which lies south and east of Great Slave Lake, (see Figure 7).

Although some parts of the *Mackenzie Valley Resource Management Act* apply throughout the region, each settlement region also has its own legislative requirements.

In the Gwich'in and Sahtu Settlement Areas, the Gwich'in Tribal Council and Sahtu Land Corporations have special status. Their lands are referred to as private lands (see below). They have surface rights in the entire settlement area and mineral rights in part of the area. DIAND must consult them before any new lands are released for exploration. They also process all applications for land use permits and water licences for oil and gas exploration. The Gwich'in Comprehensive Land Claim Agreement covers the Gwich'in Settlement Area. The Sahtu Dene and Métis Comprehensive Land Claim Agreement covers the Sahtu Settlement Area.



Figure 4. Map of Gwich'in Settlement Area showing land ownership

SOURCE: CANADIAN PARKS AND WILDERNESS SOCIETY YUKON CHAPTER



Figure 5. Map of Sahtu Settlement Area showing land ownership

SOURCE: CANADIAN PARKS AND WILDERNESS SOCIETY YUKON CHAPTER

The Deh Cho First Nations Interim Measures Agreement provides the Deh Cho First Nation with rights that are similar to the Gwich'in and Sahtu rights. The Deh Cho First Nation is in the process of negotiating a land claim agreement with the Government of Canada and the Government of the NWT.

Most of the Dog Rib Area lies over the Canadian Shield and has limited oil and gas development potential. The Dog Rib First Nation signed the Tlicho Agreement in August 2003.

The South Slave Area lies over the Canadian Shield in the east and over a sedimentary basin in the west. There has been limited oil and gas exploration in the area, but in the west the South Slave Area shares a border with areas where companies have made significant discoveries, near Cameron Hills. Land claim negotiations are in progress in the South Slave Area (Akaitcho Territory Dene First Nations).



Figure 6. Map of Deh Cho Settlement Area showing land ownership

SOURCE: CANADIAN PARKS AND WILDERNESS SOCIETY YUKON CHAPTER

Inuvialuit Settlement Region (ISR)

The ISR is in the northern NWT and extends from the Mackenzie Delta to include the high Arctic islands of the NWT (see Figure 8).

The land in the ISR falls under the Inuvialuit Final Agreement. The Inuvialuit own surface rights on about 20% of the land; however, the federal government owns more than 97% of subsurface mineral rights. The Inuvialuit own both surface and subsurface rights on 7(1)(a) lands, which comprise less than 3% of land in the ISR. The Inuvialuit own surface rights only



Figure 7. Map of South Slave Settlement Area showing land ownership

SOURCE: CANADIAN PARKS AND WILDERNESS SOCIETY YUKON CHAPTER

on 7(1)(b) lands, which comprise a further 17% of land in the ISR. The federal government owns

both surface and subsurface rights on the remaining 80% of land in the ISR.



Figure 8. Map of Inuvialuit Settlement Region showing land ownership

SOURCE: CANADIAN PARKS AND WILDERNESS SOCIETY YUKON CHAPTER

The Inuvialuit Land Administration regulates all Inuvialuit lands. Although the federal government owns and allocates oil and gas resources on most of the lands in the ISR, DIAND must consult Inuvialuit organizations near proposed oil and gas development sites before the federal government releases these lands for exploration. Furthermore, when the EISC assesses development applications, it must consult local HTC's.

Territorial Lands

The Government of the Northwest Territories (GNWT) does not issue authorizations for oil and gas activities or land use permits and water licences. However, it does participate in oil and gas approval and permit processes by reviewing proposals for resource activities to check that they are in line with the legislative mandates and policies of the GNWT and to ensure that

proposed developments promote the economic and social well-being of NWT residents. The GNWT is only directly responsible for Commissioner's lands, which are lands that are usually inside the municipalities in the ISR. While the territorial government owns the land surface, the federal government owns the subsurface rights on Commissioner's lands. You can find more information on the GNWT on page 99.

Private Lands

Land claim agreements with the Gwich'in and Sahtu have given these First Nations special rights to their lands, and a company must obtain their permission to gain surface access to these lands. The agreements also give the Gwich'in and Sahtu subsurface rights to some of their lands.

In the ISR, lands defined under Section 7(1)(a) of the Inuvialuit Final Agreement are sometimes described as private lands.

Municipal Government Responsibilities

Although municipal governments administer rather than own land, they have some opportunities for input into oil and gas developments. Municipalities can create municipal development plans to limit certain types of development, including oil and gas developments. The Territorial Land Use Regulations under the *Territorial Lands Act* do not apply to municipal lands but, under the *Mackenzie Valley Resource Management Act*,

land and water boards must consult with municipal governments. This allows municipalities to provide input on applications for land use permits and water licences and to appear at public hearings.

Land Claims and Settlements

You can find information about land claims in the NWT at www.ainc-inac.gc.ca/pr/agr/index_e.html.

- 1984 Western Arctic Claim, Inuvialuit Final Agreement
- 1992 Gwich'in (Dene/Métis) Comprehensive Land Claim Agreement
- 1993 Sahtu Dene and Métis Comprehensive Land Claim Agreement, Volume I (effective date 1994)
- 1993 Sahtu Dene and Métis Comprehensive Land Claim Agreement, Volume II (effective date 1994)
- 2000 Dog Rib Agreement-in-Principle
- 2001 Deh Cho First Nations Interim Measures Agreement
- 2001 Deh Cho First Nations Framework Agreement
- 2003 Deh Cho Interim Resource Development Agreement
- 2003 Tlicho (Dog Rib) Agreement

You can find the two treaties that cover parts of the NWT, called Treaty 8 and Treaty 11, at www.ainc-inac.gc.ca/pr/trts/hti/site/trindex_e.html.

Appendix C: Overview of Relevant Legislation and Regulations

Some information in this appendix is modified from *Oil and Gas Approvals in the Northwest Territories – Inuvialuit Settlement Region: A guide to regulatory approval processes for oil and natural gas exploration and production in the Inuvialuit Settlement Region*, Northern Oil and Gas Directorate, DIAND and Canadian Association of Petroleum Producers, 2001.

We have listed the legislation in alphabetical order and included some relevant regulations under each act. We have also included a short description of the acts that are most relevant to oil and gas development in the NWT (indicated in the list with an asterisk (*)). See the chapters called “Your Opportunity for Public Input” and “The Environmental Screening and Review Process” for a discussion of how this legislation applies in specific situations.

You can find the text of all federal legislation and regulations at

<http://laws.justice.gc.ca/en/index.html>

Arctic Waters Pollution Prevention Act *

Arctic Shipping Pollution Prevention Regulations

Arctic Waters Pollution Prevention Regulations

Canada Oil and Gas Operations Act (COGOA) *

Canada Oil and Gas Certificate of Fitness Regulations

Canada Oil and Gas Diving Regulations

Canada Oil and Gas Drilling Regulations

Canada Oil and Gas Installations Regulations

Canada Oil and Gas Geophysical Operations Regulations

Canada Oil and Gas Operations Regulations

Canada Oil and Gas Production and Conservation Regulations

Oil and Gas Spills and Debris Liability Regulations

Canada Petroleum Resources Act *

Frontier Lands Petroleum Royalty Regulations

Frontier Lands Registration Regulations

Canada Wildlife Act

Canadian Environmental Assessment Act *

Comprehensive Study List Regulations

Exclusion List Regulations

Federal Authorities Regulations

Inclusion List Regulations

Law List Regulations

Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment

Procedures and Requirements

Canadian Environmental Protection Act, 1999 *

Disposal at Sea Regulations

Fisheries Act *

Fishery (General) Regulations

Petroleum Refinery Liquid Effluent
Regulations

Gwich'in Land Claim Settlement Act

Mackenzie Valley Resource Management Act *

Exemption List Regulations

Mackenzie Valley Land Use Regulations

Preliminary Screening Requirement
Regulations

Migratory Birds Convention Act

National Energy Board Act *

National Energy Board Act Part VI (Oil and
Gas) Regulations

Onshore Pipeline Regulations, 1999

National Energy Board Pipeline Crossing
Regulations, Parts I and II

Navigable Waters Protection Act *

Northwest Territories Waters Act *

Northwest Territories Waters Regulations

Sahtu Dene and Métis Land Claim Settlement Act

Territorial Lands Act *

Territorial Lands Regulations

Territorial Land Use Regulations

Western Arctic (Inuvialuit) Claims Settlement Act

Arctic Waters Pollution Prevention Act

The *Arctic Waters Pollution Prevention Act* prohibits depositing waste into Arctic marine waters unless this activity has been authorized. The Act does not apply to inland waters.

Several federal departments share the administration of the *Arctic Waters Pollution Prevention Act*. Transport Canada administers Arctic shipping. DIAND administers non-shipping activities, such as artificial islands, ice islands and anchored drilling installations. The NEB administers drilling from ships. DFO, including Fish Habitat Management and the Coast Guard, also has a role. No direct authorizations are issued under the *Arctic Waters Pollution Prevention Act*, but federal departments may recommend that terms and conditions be attached to authorizations under the *Canada Oil and Gas Operations Act* or the *Territorial Lands Act*.

Canada Oil and Gas Operations Act

The *Canada Oil and Gas Operations Act* applies to all onshore lands in the NWT and to offshore areas to a distance of 200 nautical miles from the coast. This Act requires that exploration, development, production and transportation of oil and gas be regulated to promote worker safety, protection of the environment and conservation of hydrocarbon resources. The Act governs all lands in the NWT, in both the Mackenzie Valley and the ISR, including Crown lands and Aboriginal lands.

Before a company can start any oil or gas related development in the NWT, it must have an authorization for geological/geophysical operations, authority to drill a well or operating licence from the NEB, depending on the stage of development. Before the NEB issues any of these authorizations, it usually requires the company to set up a Benefits Plan (as required by Section 5.2 of the *Canada Oil and Gas Operations Act*). To create a Benefits Plan, the company has to meet with local communities. This may be the first time that the communities find out about a proposed development, and it allows them to start negotiating with the company. The *Canada Oil and Gas Operations Act* regulations and guidelines set out the requirements that a company must meet before any development starts. The NEB decides which of these requirements the company must meet.

Approvals that the NEB may issue under the *Canada Oil and Gas Operations Act* and its regulations include the following:

- geological or geophysical operations authorizations;
- drilling program approval;
- approval to drill a well;
- approval to alter condition of a well;
- construction authorization;
- approval of development plan;
- authorization to conduct environmental study;

- authorization to undertake a diving program;
- authorization to conduct a geotechnical or engineering feasibility program;
- approval for well operation;
- safety plan approval;
- environmental protection plan approval;
- emergency response plan approval;
- oil spill response plan approval;
- production operations authorization;
- well operations program authorization; and
- decommissioning/abandonment work authorization.

To get *Canada Oil and Gas Operations Act* authorizations, a company may have to participate in public hearings, which offer opportunities for public input. You can find more details on this process in the chapter called "The Environmental Screening and Review Process," starting on page 80. You can find a complete list of all of the *Canada Oil and Gas Operations Act's* regulations at the beginning of this Appendix.

Canada Petroleum Resources Act

The *Canada Petroleum Resources Act* is a federal act that applies to Crown lands in the Mackenzie Valley and ISR, to NWT Commissioner's lands and to ISR 7(1)(b) lands. The *Canada Petroleum Resources Act* governs the allocation of Crown lands to the private sector, the tenure (the period during which a

company owns rights) of the allocated rights, and the setting and collection of royalties. On ISR 7(1)(a) lands, the Inuvialuit Land Administration Rules and Procedures govern these matters.

The *Canada Petroleum Resources Act* governs the following authorizations:

- exploration licence (issued by DIAND);
- Declaration of Significant Discovery (issued by the NEB);
- Declaration of Commercial Discovery (issued by the NEB);
- production licence (issued by DIAND); and
- subsurface storage licence (issued by DIAND).

Canadian Environmental Assessment Act

The *Canadian Environmental Assessment Act* sets rules for the environmental assessment and review of projects involving the federal government. It requires the appropriate federal authorities to assess projects on federal lands, as well as projects that are proposed, authorized or funded by the federal government. The *Canadian Environmental Assessment Act* also created the Canadian Environmental Assessment Agency (see page 96). The Canadian Environmental Assessment Agency is responsible for the federal environmental assessment process, although the requirements of the *Canadian Environmental Assessment Act* may be carried

out by other boards or government agencies.

In the ISR, the federal responsible authorities may use screening conducted by the EISC to meet their requirements under the *Canadian Environmental Assessment Act*. In the Mackenzie Valley, the *Mackenzie Valley Resource Management Act* replaces the *Canadian Environmental Assessment Act*, and the Mackenzie Valley Environmental Impact Review Board (MVEIRB) replaces the CEAA. However, in both regions the *Canadian Environmental Assessment Act* may apply for projects of national interest.

The *Canadian Environmental Assessment Act* provides the opportunity for public input in screening, in comprehensive study reports and at review hearings. Revisions to the Act that came into force in October 2003 include a new category of class screening for projects that are not likely to cause significant negative environmental effects. This category includes an opportunity for public comment.

Canadian Environmental Protection Act, 1999

The Canadian Environmental Protection Act deals with issues relating to the following:

- the management and regulation of toxic substances, from development to disposal;
- objectives, guidelines and codes of practice to protect environmental quality;
- requirements for reporting the release of substances to the environment; and

- the management and regulation of disposal at sea activities.

Environment Canada's Environmental Protection Branch gives advice to boards and other government departments and agencies about the discharge of waste from oil and gas exploration and production activities.

Fisheries Act

The DFO is responsible for administering and enforcing the *Fisheries Act*, which protects fish and all other marine life and their habitats. Canadian fisheries waters include all waters in Canada's territorial sea and fishing zones, and all inland waters.

Anyone conducting work in or near water is responsible for conserving and protecting fish and fish habitat. The DFO assesses project plans and mitigation plans to determine whether they will damage or destroy fish or habitat, or deposit any harmful substance into fisheries waters.

If a company's activities will destroy fish habitat (in any way other than by fishing), the company should get an authorization under Section 32 of the *Fisheries Act*. Authorization under Subsection 35(2) of the *Fisheries Act* allows habitat alteration, disruption or destruction. The *Fisheries Act* imposes various responsibilities on a company with respect to fish-ways, obstructing fish channels and waterways (Section 20), altering water flow, screening water intakes (Section 30) and depositing deleterious (harmful) substances (Section 36).

In a sense, a company's decision to apply for authorizations under the *Fisheries Act* is voluntary because there is no prohibition on proceeding without authorization. However, if a company's activities lead to a contravention (violation) of the *Fisheries Act* (by destroying fish and/or fish habitat), the company can be prosecuted.

Mackenzie Valley Resource Management Act

The *Mackenzie Valley Resource Management Act* is federal legislation that creates an integrated co-management structure for public and private lands and waters throughout the Mackenzie Valley in the NWT.

The *Mackenzie Valley Resource Management Act* establishes public boards to regulate the use of land and water, to prepare regional land use plans to guide development, and to carry out environmental assessments and reviews of proposed projects in the Mackenzie Valley. The *Mackenzie Valley Resource Management Act* also provides for the monitoring of cumulative impacts on the environment, and for periodic independent environmental audits.

The Mackenzie Valley, as defined in the *Mackenzie Valley Resource Management Act*, includes all of the NWT, with the exception of the ISR and Wood Buffalo National Park.

Under land claim agreements, First Nations can nominate (choose) one-half of the members of a *Mackenzie Valley Resource Management Act* public board, reflecting the board's jurisdiction

over First Nation settlement lands. The federal government and territorial government choose the other public board members.

In the Mackenzie Valley, “First Nations” refers to the Gwich’in First Nation (represented by the Gwich’in Tribal Council), the Sahtu First Nation (represented by the Sahtu Secretariat Incorporated), and bodies representing other Dene or Métis of the North Slave, South Slave or Deh Cho regions.

The *Mackenzie Valley Resource Management Act* has seven parts:

- Part I – General Provisions Respecting Boards
- Part II – Land Use Planning
- Part III – Land and Water Regulation
- Part IV – Mackenzie Valley Land and Water Board
- Part V – Mackenzie Valley Environmental Impact Review Board
- Part VI – Environmental Monitoring and Audit
- Part VII – Transitional Provisions, Consequential Amendments, and Coming Into Force

Regulations under the *Mackenzie Valley Resource Management Act* are:

- Exemption List Regulations – outline activities that do not require preliminary screening. There is only one exemption for oil and gas developments, for minor changes to a pipeline within a road or rail right-of-way.

- Mackenzie Valley Land Use Regulations – outline what types of land use activities may require a permit.
- Preliminary Screening Requirement Regulations – outline what types of project proposals require a preliminary screening before authorization.

In the Mackenzie Valley, land and water boards issue land use permits under the Mackenzie Valley Land Use Regulations and water licences under the *Northwest Territories Waters Act* (see next page). Each land and water board has its own specific jurisdiction. The Mackenzie Valley also has land use planning boards that develop and implement land use plans for their own settlement areas. The Mackenzie Valley Environmental Impact Review Board (MVEIRB) is responsible for environmental impact review and assessment across the entire Mackenzie Valley, including the Sahtu and Gwich’in Settlement Areas.

National Energy Board Act

One of the NEB’s responsibilities under the *National Energy Board Act* is to authorize the construction and operation of inter-provincial and international oil and gas pipelines, as set out in Part III of the Act. The NEB also provides expert technical advice to other boards and government departments, including DIAND.

The NEB process depends on whether a proposed pipeline is subject to Section 52 or Section 58 of the *National Energy Board Act*.

Section 52 requires proposed pipelines to get a certificate. However, Section 58 allows the NEB to exempt pipelines shorter than 40 kilometres and various facilities from the requirement for a certificate.

The *National Energy Board Act* sets out the provisions required for compensation when a company buys land for any pipeline that comes under its jurisdiction. The Act also provides for negotiation and arbitration when a company and landowner cannot reach an agreement on issues relating to a pipeline. This includes arbitration on compensation (Sections 88 to 90).

The location of the start point and end point of a proposed pipeline will influence the environmental assessment and approvals processes. Transboundary pipelines that start in or pass through the ISR are subject to both the Inuvialuit Final Agreement and the *Canadian Environmental Assessment Act*. If the pipeline extends south into the Mackenzie Valley, it is also subject to the *Mackenzie Valley Resource Management Act*. The NEB considers the extent of each project and whether any proposed upstream or downstream facilities should be considered when assessing the cumulative environmental impacts.

Since several different government departments and agencies are involved in a transboundary pipeline application, they will negotiate the arrangements for an environmental assessment process.

Navigable Waters Protection Act

If a company needs to block navigable waters (a waterway that is deep and wide enough to accommodate boats), it must get authorization under the *Navigable Waters Protection Act*. DFO decides whether a waterway is “navigable.”

Regulations under the *Navigable Waters Protection Act* require companies to remove all of their equipment and any debris (garbage) on the water surface or bed after their work is complete.

Northwest Territories Waters Act

The *Northwest Territories Waters Act* and its regulations license development activities in the NWT that

- use inland water;
- directly or indirectly discharge waste into water; or
- physically alter inland waterways.

Whether an activity requires a licence and which type of licence is required depend on how much water the activity uses, how much the activity alters the water flow, how much (waste) water is discharged and what aquatic effects the activity may have. Depending on the intensity of the activities, the developer may need a Type B (the lower threshold) or Type A (for larger projects) licence.

Water licences set the terms and conditions for the use of water, and may include a range of

conditions for site preparation (including stream crossings), construction and operation of a project, as well as for the final abandonment and restoration of the site.

Schedule IV of the regulations defines the thresholds for oil and gas exploration and development. For example, a company needs a Type A licence if it wants to deposit any waste associated with oil and gas production. It needs a Type B licence if the project discharges waste to a sump.

The *Northwest Territories Waters Act* may require public hearings, and public input at those hearings, as outlined in the chapter starting on page 80. The Act is administered by DIAND and enforced by DIAND inspectors.

Territorial Lands Act

The *Territorial Lands Act* deals with the sale or lease of the surface of territorial lands in the NWT. Some of these lands are the responsibility of DIAND, while some are controlled by the Commissioner of the NWT. The Act permits the Governor in Council to authorize the sale, lease or other disposition of lands, and to make regulations that authorize the Minister of DIAND to make dispositions. DIAND conducts an internal review before granting a disposition and consults with people who are affected, including Aboriginal communities and HTC's, but there is no public input process.

The Territorial Land Use Regulations, which govern the temporary use of Crown lands in the ISR, set minimum thresholds for development. Above these thresholds, companies must get a land use permit.

