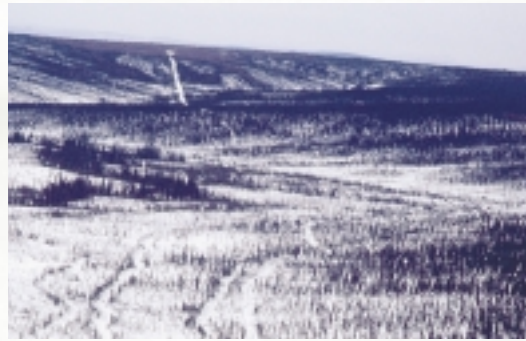


Citizens' Rights & Oil & Gas Development

Environment & Energy in the North



Citizens' Rights & Oil & Gas Development

Environment & Energy in the North



Yukon Territory

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

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About the Primers

The Pembina Institute's Energy Watch program has developed a series of eight primers 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 first 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 last two primers 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, 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.

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 and the Yukon Territory. Although there has been interest and activity in the past, the oil and gas industry is essentially new to the Yukon. If developers decide to develop these resources seriously, they will have to build a large capacity (or large diameter) pipeline to export the oil and gas from the far North. Once a pipeline is in place, 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.¹ 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,



North Yukon: new tracks have been created to avoid further damage to old tracks

SOURCE: NIKI WILSON

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

¹ An "ecosystem" is a system made up of organisms (plants and animals) and their environment, working together as a unit



Close up of a flare

SOURCE: PEMBINA INSTITUTE

environment impacts associated with oil and gas development and production. This is especially true in areas where the activity is intensive.

When the public shares their questions, concerns, and expectations about this work directly with companies, through the media, and through regulators that inspect the work and enforce regulations, this helps to uphold and improve industry performance. 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.

Until recently, oil and gas development in the Yukon was limited. Exploration and some production occurred during the 1960s. Companies discovered and produced natural gas in the southeast Yukon and on the Liard Plateau, and recovered oil in Eagle Plains. Seventy wells were drilled in the Yukon prior to 1985, with a more recent well drilled in 1991. The only producing wells are the two Kooteneelee gas wells operating in the southeast. Market conditions, lack of pipeline access to southern markets, and unresolved land claim issues have discouraged industry interest in the Yukon.

Now developers are becoming more interested in developing the Yukon's oil and gas potential. They are attracted by rising prices, growth in the continental demand for natural gas, the potential development of a gas transmission pipeline from Alaska or the Mackenzie Valley in the Northwest Territories (NWT) to southern Canada and the United States, and the settlement of most land claim agreements.

In the 40 years leading up to the autumn of 2002, companies discovered about 14.4 billion cubic metres of natural gas in the Yukon's eight sedimentary basins, and about 1.5 million cubic metres of oil in the Eagle Plains basin, Liard Plateau, and Peel Plateau. The Whitehorse Trough may be the focus of future exploration and development.

How to Use This Primer

This primer, *Citizens' Rights and Oil and Gas Development: Yukon Territory*, will help you understand the decision-making processes relating to oil and gas development in the Yukon Territory. It provides information about legislation and the federal and territorial agencies that govern oil and gas development. It offers guidance about the opportunities for public involvement in the regulatory approval process. It also provides advice about how to resolve issues outside this process.

There are seven sections in this primer:

- 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 how the Yukon's regulatory framework, different jurisdictions, and the type of oil and gas activity affect your

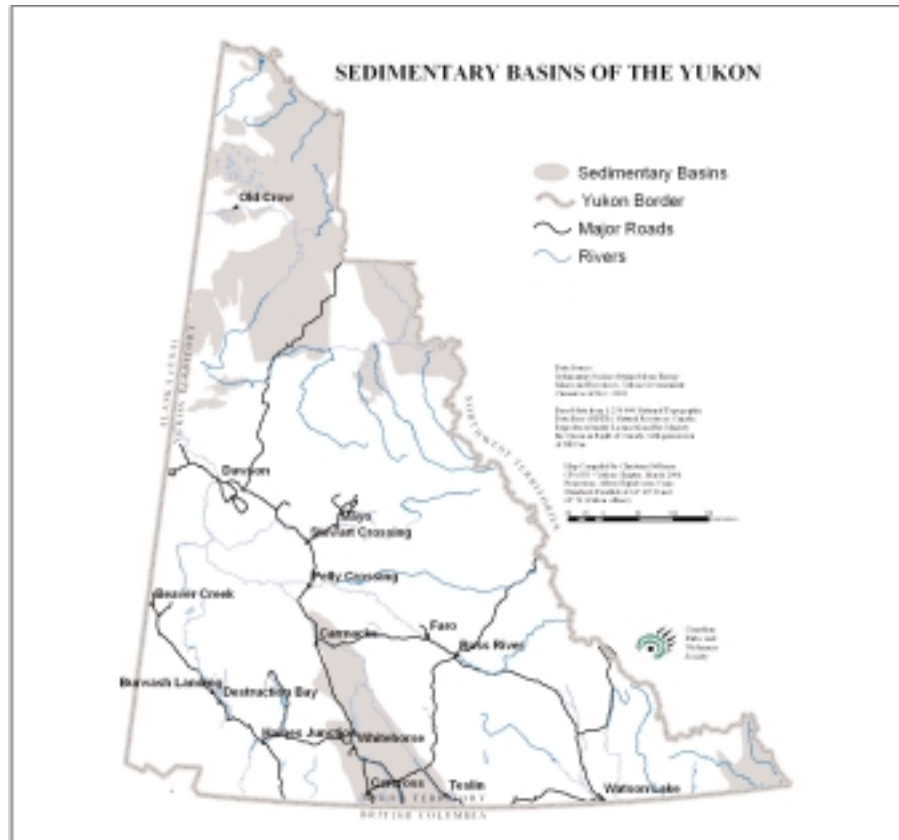


Figure 1. Map of sedimentary basins in the Yukon

SOURCE: CANADIAN PARKS AND WILDERNESS SOCIETY YUKON CHAPTER

opportunities to participate in oil and gas development decision-making.

- Part 3 outlines the disposition process, in which a company gets access to the land for oil and gas development.
- Part 4 describes the permits and licences a company needs to carry out oil and gas activities in the Yukon.
- Part 5 looks at how the public can help the government monitor and enforce laws related to oil and gas development and the terms and conditions of a company's permit or licence.
- Part 6 offers advice on how to negotiate with oil and gas companies, establish a concerned citizens' group, and work with the media outside the formal regulatory process.
- Part 7 describes the role of government departments, boards, and agencies that regulate or potentially influence the oil and gas industry, and explains how to contact them.

Appendices at the end of the primer supply additional information:

- Appendix A lists all the abbreviations used in the primer.
- Appendix B provides more information about the new Development Assessment Process (DAP) that will be implemented by the end of 2004 if current timelines are met.

FOR MORE INFO

For more information about past, current, and future areas of oil and gas interest in the Yukon, visit the Yukon Territorial Government (YTG) Oil and Gas Management Branch Web site at www.emr.gov.yk.ca/Oil_and_Gas/Dispositions.

FEDERAL AGENCY NAMES

The Department of Indian Affairs and Northern Development (DIAND) has changed its name to Indian and Northern Affairs Canada (INAC). In this primer, 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 primer, we use the older, more familiar abbreviation, DFO.

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?

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

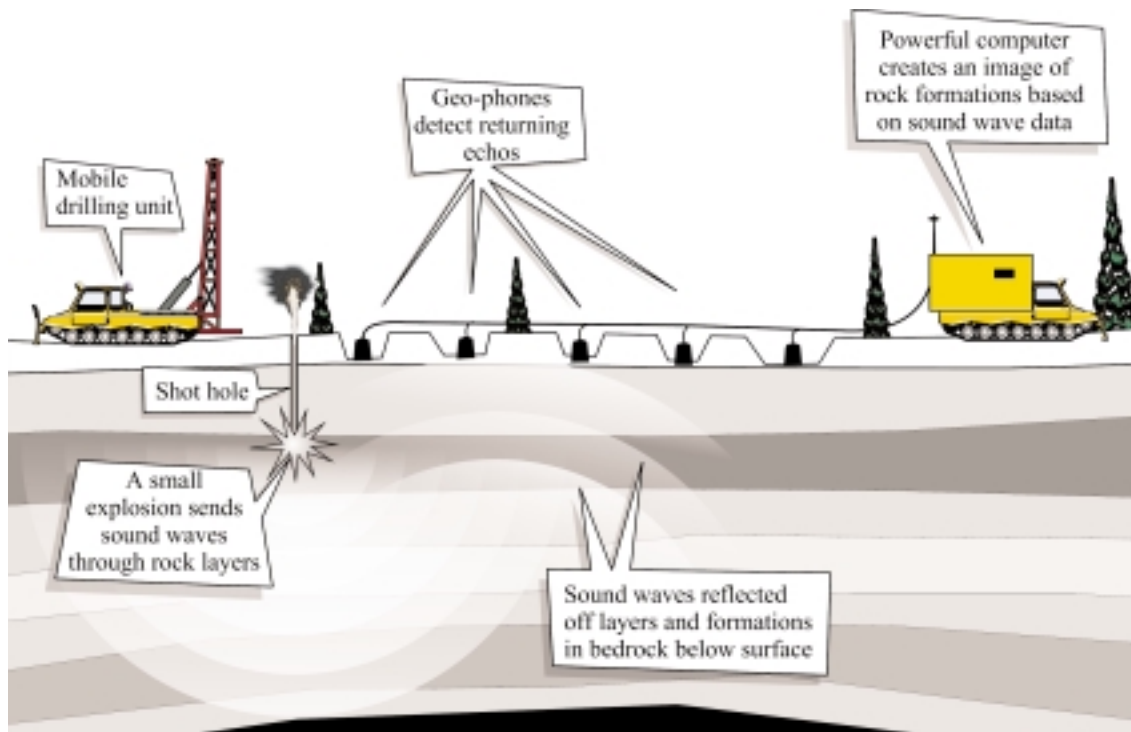
Seismic means "caused by an earthquake or earth vibration."

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*

- How much clearing will they need?
- What vegetation clearing techniques will they use?
- 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?



Schematic of Seismic Exploration.

SOURCE: PEMBINA INSTITUTE

CREDIT: DAVE MUSSELL

- ❑ 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 is 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 prohibit 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 begin by carrying out 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

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.

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 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

A DISPOSITION

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

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.

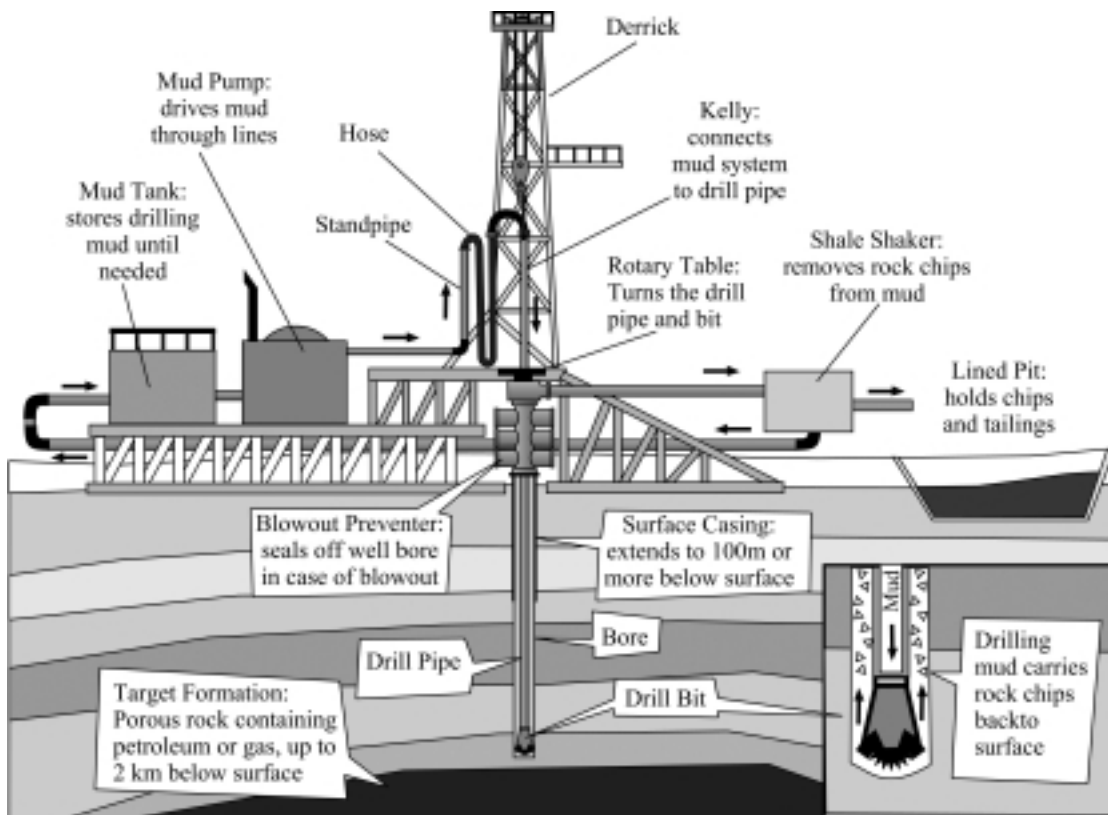
Next crews dig a reserve pit (commonly referred to as a “sump”) or bring in a series of large tanks, where they will put drilling waste. Depending on regulatory requirements, workers may dispose of drilling waste on site or transport the waste out of the area by truck and dispose of it elsewhere. Finally, 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?



Drilling Rig

SOURCE: PEMBINA INSTITUTE

CREDIT: DAVE MUSSELL

- 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?

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.

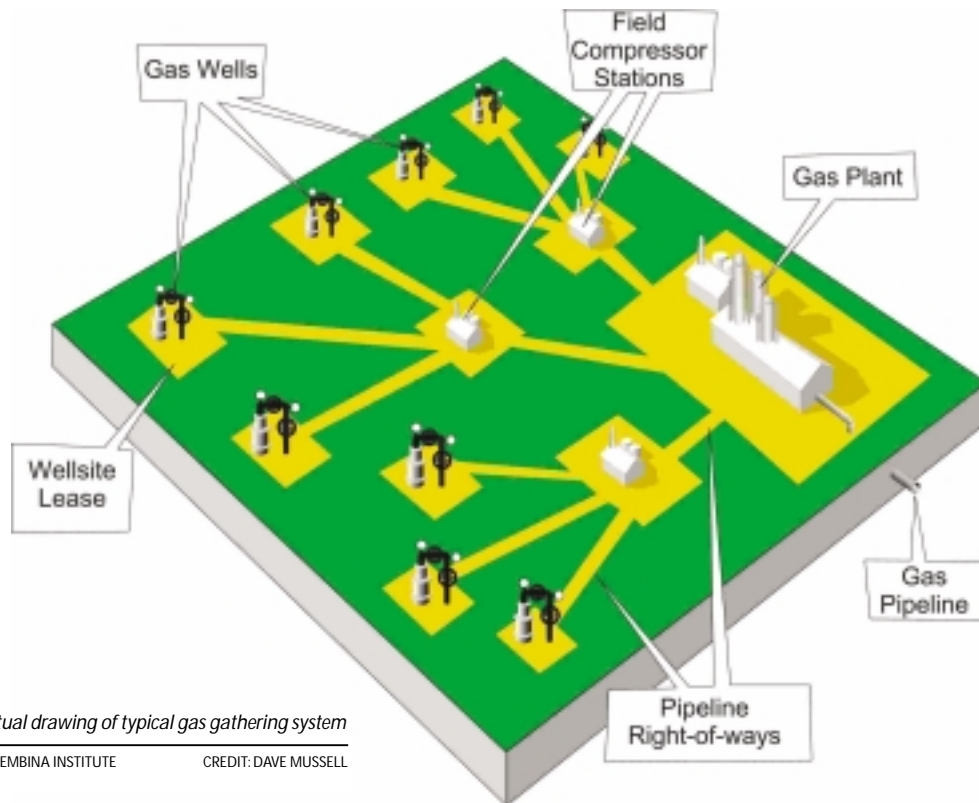
Well sites often connect to all-season roads, or to winter access roads and a dedicated helicopter landing area. Almost all well sites have a connection with a gathering pipeline that transports the oil or gas to a processing facility and then to a large-volume transmission pipeline. The exact design 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?



Conceptual drawing of typical gas gathering system

SOURCE: PEMBINA INSTITUTE

CREDIT: DAVE MUSSELL

- 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,

GAS PLANT

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.

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?
- 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.

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.

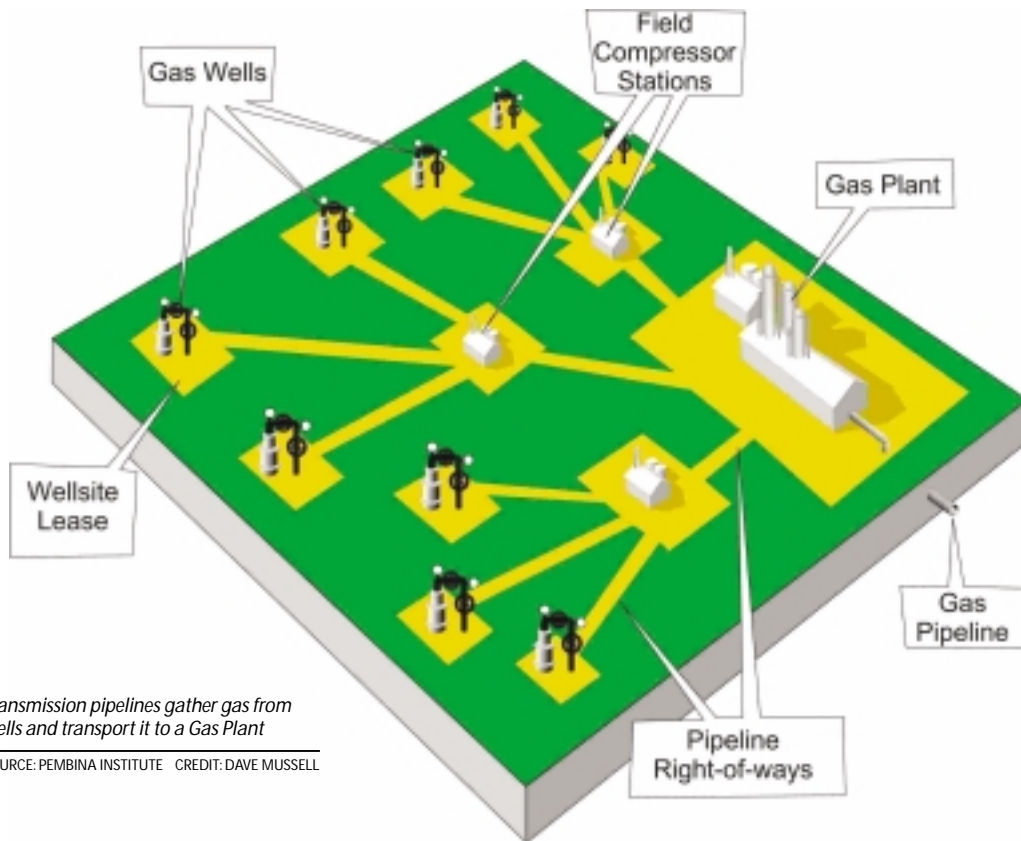
There are four basic steps to pipeline construction:

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



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

SOURCE: PEMBINA INSTITUTE CREDIT: DAVE MUSSELL

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?
- 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 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 Yukon Territorial 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. This primer describes citizens' rights in the Yukon for individuals who want to understand what opportunities are available to them to have a say in the way oil and gas development proceeds. It also suggests opportunities outside the formal regulatory system to influence if, how, and when oil and gas is developed in your area of interest. Some of these options are outlined in the chapter called "Non-regulatory Ways to Address Issues," starting on page 66.

The oil and gas industry is essentially a new industry in the Yukon. By getting involved in the regulatory approval process, you can help to shape the direction that oil and gas development takes in the territory. Federal and territorial legislation establishes processes that allow public input. The settlement of land claim agreements has also created a system in which development decisions must consider First Nation governments and land claim processes.

OIL & GAS ACTIVITY

This chapter outlines the regulatory framework, different jurisdictions, and types of oil and gas activity in the Yukon. These factors determine the opportunities you have to participate in decisions about oil and gas development.

THE PUBLIC

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

This primer explains how oil and gas legislation works in the Yukon under the *Yukon Oil and Gas Act* and provisions laid out in the Umbrella Final Agreement.

The system for managing oil and gas resources in the territory came into effect in 1998 and in some cases has not been tested. As the internal policies of the YTG are still being developed, the detailed rules and procedures for public involvement in oil and gas decision-making processes may change. The authors have made every effort to provide readers with the best information possible. It is still very important for you to find out from the appropriate

agencies if there have been any changes since we wrote this primer.

Your opportunities for public input depend on three factors:

- the regulatory framework;
- the jurisdiction of the development that concerns you; and
- the type of oil and gas activity.

The Regulatory Framework

The regulatory framework for oil and gas development in the Yukon consists of the *Yukon Oil and Gas Act*, the Umbrella Final Agreement, individual First Nation final agreements, the *Yukon Environmental and Socio-economic Assessment Act*, and provisions from acts such as the *Fisheries Act*, *Yukon Waters Act*, and *Territorial Lands Act*. **This section describes how the framework currently functions in the Yukon, and does not mean to comment on whether or not oil and gas is being managed the way all parties intended.**

In 1995, Yukon First Nations, the Government of Canada, and the YTG signed the Umbrella Final Agreement. This agreement outlines a framework that helps to settle land claims for the Yukon's 14 First Nations. It sets out principles related to issues such as access to settlement land, surface rights, special management areas, land use planning, development assessment, heritage resources,

water management, fish and wildlife management, forest resources, taxation, economic development, and self-government. A new system of managing both renewable and non-renewable resources in the Yukon developed after the Umbrella Final Agreement came into effect. This system reflects the new processes and responsibilities outlined in the Agreement.

The *Yukon Oil and Gas Act* provides a common regulatory system for managing oil and gas activity on both territorial and First Nation government lands.⁶ It was developed by Yukon and First Nation governments to replace the *Canada Petroleum Resources Act* and the *Canada Oil and Gas Operations Act*. It was at this time that the Territorial and First Nation governments became the regulators for oil and gas management in the Yukon.

Presently, any oil and gas licence or permit application triggers the Yukon Environmental Assessment Act. This is an interim Act that came into effect with the devolution of environmental assessment responsibilities from the Federal Government to the Territorial Government in April 2003. The *Yukon Environmental and Socio-economic Assessment Act* will replace it in 2004.

Government agency Web sites are valuable sources of up-to-date information on the Yukon's oil and gas regulations, development

⁶ Under the Yukon Oil and Gas Act, each First Nation is responsible for managing oil and gas resources on its settlement lands. The First Nation can adopt the Yukon Oil and Gas Act as it is, or modify it to suit its needs. The YTG is only required to consult with First Nations under the Yukon Oil and Gas Act if the First Nation has also adopted the Yukon Oil and Gas Act or some other equivalent legislation that includes provisions that the First Nation will consult with the YTG. Presently, the YTG is consulting during the disposition process as an act of good faith, but this is not legally required.

processes, and public participation methods. We encourage readers to check with appropriate agency staff or Web sites to confirm key rules and procedures. A good place to start is the YTG Oil and Gas Management Branch Web site at www.emr.gov.yk.ca/Oil_and_Gas.

Jurisdictions

Who makes the decisions about the oil and gas development that you're concerned about? The YTG has primary jurisdiction on Crown and Settlement B lands in the Yukon. First Nations have jurisdiction over Settlement A lands, as well as jurisdiction over some aspects of oil and gas activities that take place on Settlement B lands. **You need to know who has jurisdiction so that you can find the most effective way to participate in decision-making processes related to oil and gas development.**

Use Figure 3 to find out if you need to deal with the First Nation or the YTG.

Where there are any outstanding land claims, the affected First Nation must consent before a company can carry out any oil and gas activity in that First Nation's traditional territory. The federal government has jurisdiction when activities could harm fish or migratory animals or birds.

Yukon Territorial Government (YTG)

The federal government owns the Yukon Territory land and resources, however the YTG has been responsible for all aspects of oil and

ASSESSMENT PROCESS

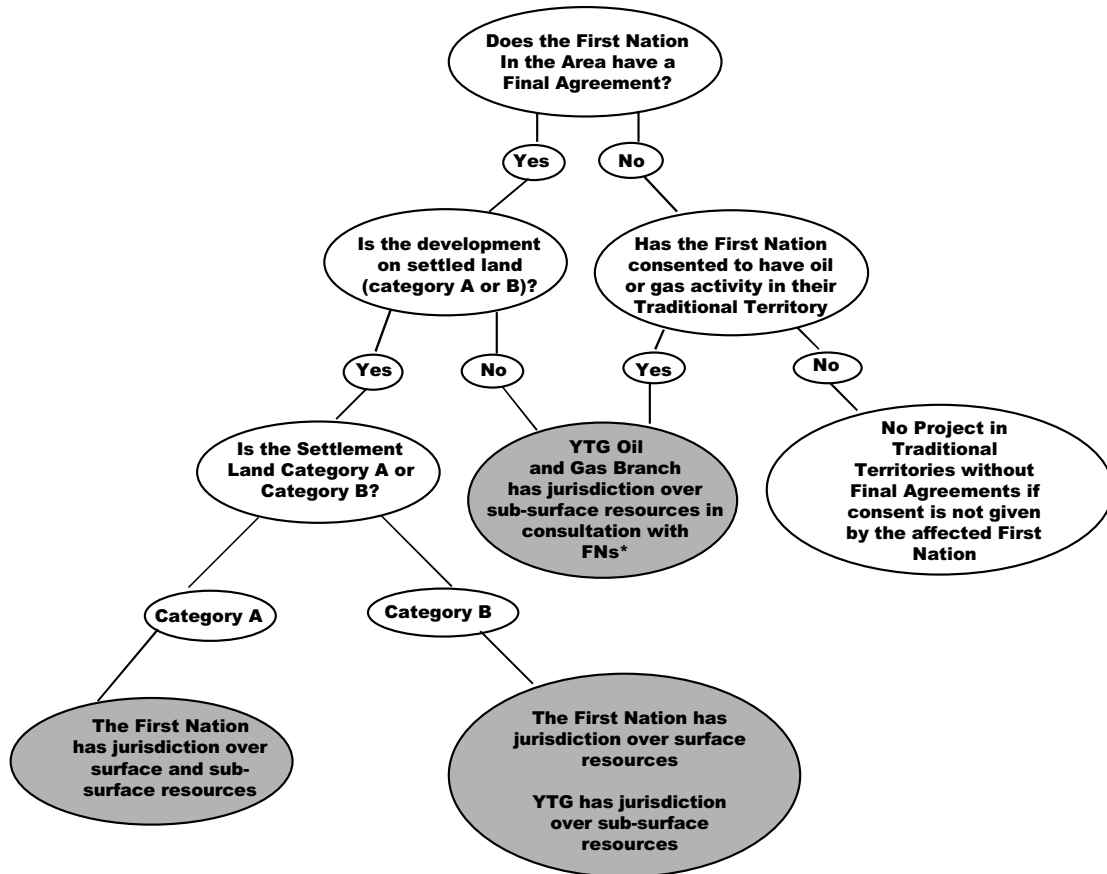
The YTG often contracts the National Energy Board (NEB) to assist in the environmental assessment of oil and gas projects. For more information on how the environmental impacts of oil and gas will be managed in the future, see the section called "Development Assessment Process," starting on page 52.

gas resource management since 1998. It grants dispositions (or authorizations) in the form of permits and leases, collects royalties, regulates the industry, monitors oil and gas activities, and enforces regulations. The YTG Oil and Gas Management Branch oversees these responsibilities.

First Nation Governments

The First Nations own both the surface and subsurface rights on Settlement A lands. First Nation governments now pass their own oil and gas laws to regulate industry on these lands. Companies must consult First Nation governments and get their approval for any oil and gas development on Settlement A lands. Without First Nation approval, a project cannot proceed.

On Settlement B lands, First Nations own only surface rights. The YTG owns the subsurface rights on these lands. Companies must consult and get approval from First Nation governments only if the First Nation has an



***Any alteration of surface (i.e. building roads, clearing trees, building camps) requires a land-use permit from the Lands Branch, Yukon Territorial Government.**

Figure 2. Jurisdictions in the Yukon

“equivalent law” that states that the First Nation will consult with the YTG when it issues a Call for Bids on Settlement A lands. If the First Nation does not have an equivalent law, the First Nation government may still be consulted, in good faith, about proposed developments on Settlement B lands, but there is no requirement to do so and YTG makes the final decision, under the *Yukon Oil and Gas Act*.

If a First Nation has not settled an individual final agreement and does not own Settlement A or Settlement B settlement lands, the First Nation can refuse any project in

its “traditional territory.” Traditional territories are defined in the Umbrella Final Agreement (see Figure 2). There is an exception. If the federal government granted dispositions before the Umbrella Final Agreement was finalized, according to the *Yukon Oil and Gas Act*, “All oil and gas rights previously granted by the federal government remain in effect until they expire, are given back to the holder, or the holder and the Yukon Government [YTG] mutually agree.”

About Benefits...

Section 68 of the *Yukon Oil and Gas Act* states that a “benefits agreement” must be in effect before any oil and gas activity that is expected to cost more than \$1 million over a 12-month

period can proceed. In the benefits agreement, the licensee (or company with a licence) provides First Nations, community residents, and other people in the Yukon with opportunities for employment training, and the opportunity to supply goods and services to the licensee and its contractors.

If the oil and gas activity will occur exclusively on Settlement A lands, the benefits agreement

is between the licensee and the First Nation. If the activity will occur on Settlement B lands, the benefits agreement is between the licensee and the YTG Minister, after

consultation with the First Nation. If the YTG Minister and the First Nation cannot reach an agreement, an arbitrator will settle the matter. On all other traditional lands, the benefits agreement is between the licensee and the YTG Minister.

The *Yukon Oil and Gas Act* does not require a benefits agreement if work related to the oil and gas activity is expected to cost less than \$1 million over a 12-month period.

Type of Activity

You need to know the type of oil and gas activity a company proposes to participate effectively in the decision-making process.

BENEFITS AGREEMENT

You can find a benefits agreement template on the YTG Oil and Gas Management Branch Web site at www.emr.gov.yk.ca/Oil_and_Gas.

Is the company applying for a disposition to get rights to oil and gas?

A disposition is a permit or lease that gives a company the rights to oil and gas resources. However, in order to actually do the work of extracting the resources, producing them, and

transporting them to market, a company must obtain the appropriate licences and permits from the YTG Oil and Gas Management Branch. For more information about your opportunities for input in the disposition process, see the chapter called “Getting Involved in the Disposition Process,” starting on page 27.

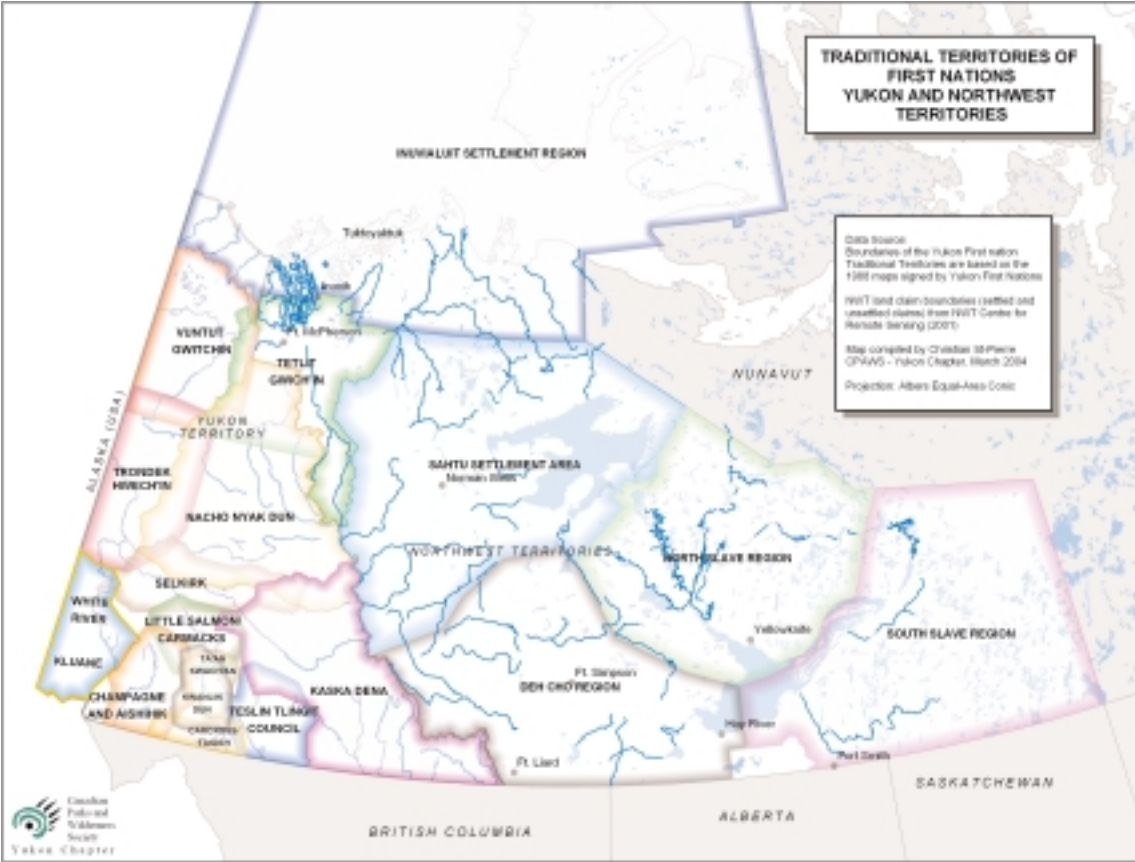


Figure 3. Map of Traditional Territories in the Yukon and Northwest Territories

SOURCE: CANADIAN PARKS AND WILDERNESS SOCIETY YUKON CHAPTER

Is the company exploring for oil and gas resources?

A company explores to determine whether or not oil and/or gas are beneath the surface of the land. Generally, the exploration process includes conducting seismic surveys and drilling wells. For more information about your opportunities for input in the exploration approval process, see the chapter called “Permits and Licences for Oil and Gas Activities,” starting on page 33.

Is the company producing the oil and gas resource?

If a company explores and finds enough oil and/or gas to extract profitably, it must develop the infrastructure to produce the resource. Production activities include drilling and completing production wells, installing pipelines that gather and distribute the oil or gas, building compressor stations and other processing facilities, and managing waste from operations. For more information about your opportunities for input in the production approval process, see the chapter called “Permits and Licences for Oil and Gas Activities,” starting on page 33.

Is the company constructing a cross-boundary pipeline?

A “cross-boundary pipeline” crosses territorial, provincial, or national boundaries and is subject to a different regulatory system and set of rules than oil and gas activities that are solely within the Yukon. To learn more about

the cross-boundary pipeline approval process, see the section called “Cross-boundary Projects,” starting on page 57.

How to Get Involved

The following chapters describe the regulations that exist in the Yukon and the opportunities you have to get involved in the decision-making process. There have been recent changes to the legislation and regulations in the Yukon due to devolution, the pending implementation of the *Yukon Environmental and Socio-economic Assessment Act*, and the

BENEFITS AGREEMENT

The information in this primer focuses on the legislation and processes of the federal and territorial governments and land claim agreements. No First Nation had developed oil and gas laws when we wrote this primer. Contact the relevant First Nation directly to find out if there are First Nation oil and gas laws within a specific traditional territory.

settlement of land claims. If you do not understand your opportunities for participation, telephone or write a letter to the appropriate agency (see the chapter called “Organizations to Contact for Information, Advice, or Support,” starting on page 75, for contact information). Tell the agency your concerns and ask it to reply as soon as possible.

Getting Involved in the Disposition Process

What Is Disposition?

A disposition gives a company the rights to oil and gas resources for a certain location. It does not give the company the right to carry out any activity to obtain the oil or gas resource. According to the *Yukon Oil and Gas Act*, permit and lease holders must get specific permits and licences to carry out oil and gas operations (see the chapter called “Permits and Licences for Oil and Gas Activities,” starting on page 33).

A company must get a disposition permit from the YTG Oil and Gas Management Branch before it can drill for or produce oil and gas.⁷

- A permit gives a company the right to look for, drill for, and test for oil and gas within a given area. If a permit holder discovers oil or gas, it may then apply for a lease to produce it.
- A lease gives the company the right to produce oil and gas at a specific location.

The disposition process determines how much oil and gas development will occur in a particular region, because companies that buy dispositions expect to be able to access the land to explore for and develop any oil and gas reserves they find. You can find more information about the environmental consequences of the disposition process in the chapter called “Environmental Impacts of Oil and Gas Development” in the *Land Disposition* primer.

⁷ Technically, a company can get a licence for exploration without going through the disposition process and a public consultation. However, the past three Calls for Nominations have included seismic exploration in the disposition and public review process.

YTG JURISDICTION

The information in this chapter applies to you if the oil and gas activity you are concerned about is located on land that is under the jurisdiction of the YTG Oil and Gas Management Branch. To find out if your area of concern is managed by the YTG, see the section called “Jurisdiction” in the previous chapter.

DISPOSITION PROCESS

The “disposition process” is simply the process the YTG uses to allocate an oil or gas disposition permit to a company.

How Is a Disposition Permit Issued?

Dispositions are issued through the “Disposition Process.” It is comprised of five steps:

Step 1: Gather Information

The YTG Oil and Gas Management Branch identifies locations with oil and gas potential to determine broad areas of industry interest. The Branch removes all Settlement A lands and protected lands and prepares maps that include cultural and ecological background information.

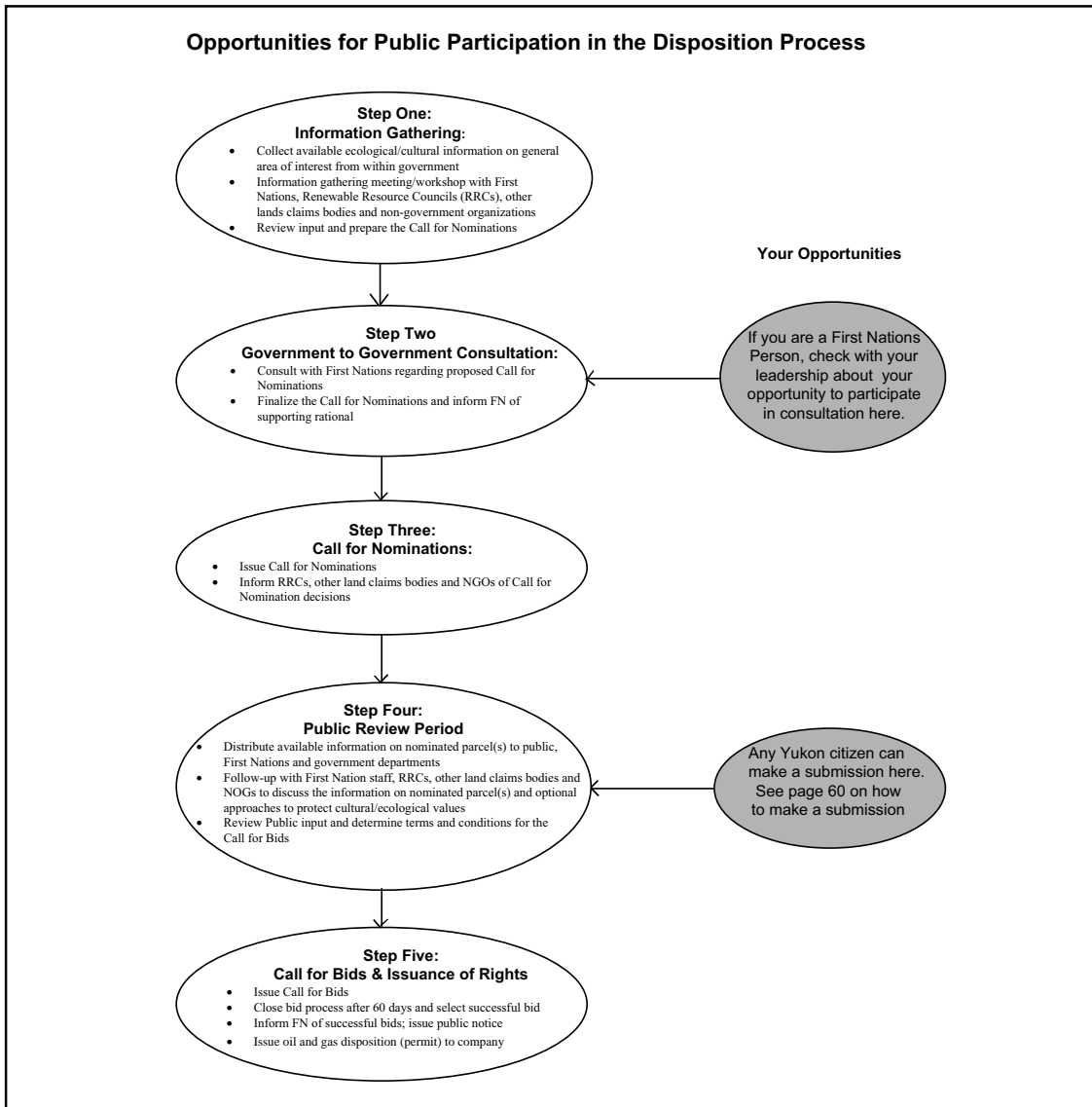


Figure 4. Your opportunity for public involvement in the disposition process

Branch representatives meet with First Nations, Renewable Resource Councils, land claim bodies, and non-government organizations to present existing information (on ecology, culture, tourism, and other issues of concern within the general area of interest) and gather new information. In these meetings, Branch representatives map locations of ecological and cultural value, identify possible terms and conditions to protect locations of cultural, economic, and wildlife value, and discuss potential areas of conflict. Any Yukon non-government organization, First Nation, or land claim body can provide information related to ecological and cultural values.

After the meetings, the Branch reviews the information and prepares a draft "Call for Nominations" map, which includes the boundaries for the disposition area and mitigation measures related to the values identified during the information gathering process. The Branch then submits a recommendation to the Minister of Energy, Mines and Resources.

Step 2: Consult Government to Government

During the second step, the Branch arranges government to government consultations with each First Nation that has traditional territories in the proposed disposition areas. The Branch gives the First Nations the draft Call for Nominations and supporting information. After the First Nations have had an opportunity to review the draft Call for Nominations map, the Branch follows up to discuss the proposed

PUBLIC REVIEW

You have the opportunity to provide your comments during the public review step.

boundaries and the options that are available to protect key values within the boundaries.

Step 3: Call for Nominations

The Minister evaluates the Branch's recommendation and decides on the specific boundaries, terms, and conditions that will appear in the final Call for Nominations. The affected First Nations receive the Minister's decision. The Minister then issues the Call for Nominations in a public announcement that invites companies to identify specific locations within the defined boundaries that they want to bid on. Companies submit a one-page nomination form that indicates the locations they want to explore.

Step 4: Public Review

The Oil and Gas Disposition Regulations require a public review of the locations that companies nominate. The review identifies environmental, socio-economic, and surface access concerns. The groups that can participate in the review include the public (everyone except YTG and First Nation officials), Yukon First Nations with traditional territories in the nominated locations, Renewable Resource Councils, other land claim bodies, and YTG departments.

The review does not replace the environmental screening process that must occur when a company applies for a licence to carry out an activity. Instead, it identifies any issues or concerns that the Branch should take into account before preparing a "Call for Bids." The review may convince the Branch to include specific conditions in the Call for Bids.

After the public review, the Branch prepares a report to send to the Minister. The report summarizes the information that came out during the public review and may include a recommendation to proceed (with or without conditions) or not to proceed with a Call for Bids in a particular location. Governments of First Nations that participated in the review receive a copy of this report.

The Minister reviews the report and decides whether or not to proceed with a Call for Bids in the nominated area. If the Minister decides to proceed, the Branch prepares maps and other necessary information.

Step 5: Call for Bids and Issue Rights

The publication of the Call for Bids is the final step in the disposition process. The Call for Bids

- describes the location of the disposition;
- summarizes any environmental, socio-economic, or surface access concerns, or other concerns that may affect the operations a company conducts after it receives the disposition;

- specifies any special conditions associated with the disposition; and
- defines the only criterion (or test) that the Branch will use to assess the bids – the criterion may be the "work expenditure" (the amount of money a company agrees to spend to carry out the project) or it may be the "cash bid" (the amount of money a company is willing to pay for the oil or gas rights).

The Call for Bids is open for 60 days. A public notice announces the Call for Bids and includes the specific information that the Oil and Gas Disposition Regulations require. After the Call for Bids closes, the YTG Oil and Gas Management Branch reviews all the bids and announces which one(s) was (were) successful. The successful bidder receives a disposition, in the form of a permit to conduct exploration activities. If the company discovers oil and gas that it wants to produce, it must then apply for a lease. The Branch usually makes the decision to grant a lease without public consultation.

The disposition process is complete at this point. However, there will be an environmental assessment whenever a company applies for any of the licences that the Licensing Administration Regulation requires before the company can conduct oil and gas development activities. These environmental assessments may provide additional opportunities for public involvement.

What Happens During the Public Review?

The public review during the disposition process identifies the environmental, surface access, and socio-economic concerns related to issuing a permit or lease in the nominated area. The way the public review is done is primarily a YTG policy, and not a legal requirement. The YTG's only legal obligations are the formal consultation with First Nations required by the *Yukon Oil and Gas Act*, and the commitment to publish the nominated areas publicly and consider submissions from the public.

To conduct broader public review, the Branch's approach so far has been to set up meetings with interest groups, other departments, land claim bodies, and anyone else who is interested to get their perspectives on the proposed area.

If you are a member of a First Nation...

Under the Yukon Oil and Gas Act, section 14, the YTG must consult with First Nations before it publishes a Call for Bids. Consultation under the Yukon Oil and Gas Act takes its definition from the Umbrella Final Agreement, which states the following:

- "Consult" or "Consultation" means to provide
- to the party to be consulted, notice of a matter to be decided in sufficient form and detail to allow that party to prepare its views on the matter;

- a reasonable period of time in which the party to be consulted may prepare its views on the matter, and an opportunity to present such views to the party obliged to consult; and
- full and fair consideration by the party obliged to consult of any views presented.

In other words, the YTG must provide the First Nations it consults with enough information and enough time so they can form opinions about a development. It must give them an opportunity to present their opinions. And it must consider their opinions fully and fairly.

The public review should identify any potential protected areas and areas that the community needs for other uses, so that the YTG can make informed decisions about whether or not to allow oil and gas activity in the region.

Yukon Oil and Gas Disposition regulations require the YTG to notify communities about the public review and consultation. This can happen through a press release or by printing an announcement in local newspapers. The YTG provides information packages about the nominated areas to all interested organizations and the general public. The packages usually include a discussion of possible environmental issues and land use conflicts.

If you want to become part of the public review process, first get as much information about the disposition as possible. You can get a review package and other information from the

MAKE A SUBMISSION

To learn more about making a submission to a public review, see the section called "How to Make a Submission," starting on page 60.

VOICE YOUR OPINION

You can also voice your opinion about an oil and gas development outside the formal regulatory process. See the chapter called "Non-regulatory Ways to Address Issues," starting on page 66, for more information.

YTG Oil and Gas Management Branch by visiting, telephoning, or faxing the Branch's offices (see page 79) or visiting the Branch's Web site at www.emr.gov.yk.ca/Oil_and_Gas. The Web site has resource assessments of the Yukon oil and gas basins and a draft bibliography of resource material relevant to oil and gas development in the Yukon, including articles, books, brochures, legislation and regulations, studies, and databases.

What Happens to My Comments?

After the public review ends, the YTG Oil and Gas Management Branch considers all the comments and recommendations people made, and prepares a report in which the division head makes recommendations to the Minister of Economic Development. According to the *Yukon Oil and Gas Act*, once the Minister receives this report, "He has the authority to refuse the request or the application or terminate the proposal, as the case may be, or accept the request, approve the application or proceed with the proposal, as the case may be, subject to compliance, in applicable cases with sections 13 and 14 of the Act."⁸ This means that the Minister has the ultimate decision-making authority to approve or deny a disposition.

The YTG Oil and Gas Management Branch maintains a registry of comments provided by the public that individuals are welcome to review. At the time we wrote this document, it was not clear what guidelines the YTG Oil and Gas Management Branch follows when it considers comments and recommendations from the public. Contact the YTG for more information about how your comments will be incorporated into the decision-making process, and ask how you can view the registry of comments.

⁸ Sections 13 and 14 of the Yukon Oil and Gas Disposition Regulations deal with designating a representative in relation to a disposition and the official service address where that representative lives.

Permits and Licences for Oil and Gas Activities

Before a company can carry out exploration or any other oil and gas activity, it needs to get specific permits and licences. These may include the following:

- A land use permit for any activity that occurs on the land's surface, including building access roads, constructing camps and infrastructure, and digging sumps. The Land Application Review Committee (LARC) reviews land use permit applications. The YTG Lands Branch of the Department of Energy, Mines and Resources issues land use permits.
- A water licence for most industrial surface or subsurface activities that take water out of or make deposits into bodies of water. The Yukon Water Regulations define the activities that need a water licence. The Yukon Territory Water Board issues water licences under the authority of the *Yukon Waters Act*.
- An activity-specific licence for any activity that occurs below the land's surface, or "down-hole," including drilling and completing wells. The YTG Oil and Gas Management Branch of the Department of Energy, Mines and Resources reviews and issues activity-specific licences.

Many activities require all three types of permits and licences. For example, to drill an oil or gas well, a company needs a land use permit

PERMIT OR LICENCE

This chapter explains which oil and gas activities require a permit or licence, and outlines the approval process for each type. It also points out where you may have opportunities for public input.

YUKON WATER ACT

You can view the Yukon Water Act at <http://www.canlii.org/yk/sta/2003/tdm2003>. Make sure you contact the Yukon Territory Water Board at 867-667-3980 to confirm that the information you get from this web site is accurate and up to date.

to build the access road to the drill site, a water licence to use any water for the project, and an activity-specific licence to carry out the drilling.

Land Use Permits

Any activity that occurs on the surface of federal land (now managed by the YTG) needs a land use permit. The YTG Lands Branch issues land use permits under the authority of the Territorial Land Use Regulations.⁹ There are two types of land use permits: Class A and Class B.

Companies need a Class A permit for any activity that involves the following:

⁹ See www.canlii.org/ca/regu/crc1524.

- the use, in any 30-day period, of more than 150 kilograms of explosives;
- the use, except on a public road or trail maintained wholly or in part by federal funds, of any vehicle with a net vehicle weight of more than 10 tonnes;
- the use of any power-driven machinery for earth drilling with an operating weight of more than 2.5 tonnes, excluding the weight of drill rods or stems, bits, pumps, and other ancillary equipment;
- the establishment of any campsite that will be used for more than 400 person-days;
- the establishment of any petroleum fuel storage facility with a capacity of more than 80,000 litres, or the use of a single container for petroleum fuel storage with a capacity of more than 4,000 litres;
- the use of any self-propelled power-driven machine for moving earth or clearing land of vegetation;
- the use of any stationary power-driven machine, other than a power saw, for hydraulic prospecting, moving earth, or clearing land; or
- the levelling, grading, clearing, cutting, or snowplowing of any line, trail, or right-of-way that is more than 1.5 metres wide and more than 4 hectares in area.

Companies need a Class B permit for any activity that involves the following:

- explosives;
- the use, except on a public road or trail

maintained wholly or in part by federal funds, of any vehicle with a net vehicle weight of more than 5 tonnes but less than 10 tonnes, or the use of any vehicle of any weight that exerts pressure on the ground of more than 35 kilopascals;

- the use of any power-driven machinery for earth drilling with an operating weight of more than 500 kilograms but less than 2.5 tonnes, excluding the weight of drill rods or stems, bits, pumps, and other ancillary equipment;
- the establishment of any campsite that will be used by more than two people for more than 100 but fewer than 400 person-days;
- the establishment of any petroleum fuel storage facility with a capacity of more than 4,000 litres but less than 80,000 litres, or the use of a single container for petroleum fuel storage with a capacity of more than 2,000 litres but less than 4,000 litres; or
- the levelling, grading, clearing, cutting, or snowplowing of any line, trail, or right-of-way that is more than 1.5 metres wide but less than 4 hectares in area.

No land use permit holder is allowed to carry out any of the following activities unless the land use permit or a written authorization by an inspector explicitly states that the activity is permitted:

- conducting a land use operation within 30 metres of a known monument or a known or suspected archaeological site or burial ground;

- excavating below the normal high water mark of a stream when excavating territorial land within 100 metres of any stream;
- depositing any excavated material on the bed of any stream; or
- placing a fuel or supply cache below the normal high water mark of a stream when placing a fuel or supply cache within 100 metres of any stream.

The Approval Process for Land Use Permits

When a company applies for a land use permit, the Yukon Environmental Assessment Act requires the YTG Lands Branch of the Department of Energy, Mines and Resources to prepare a screening report. The YTG Lands Branch has 30 days to decide if an environmental assessment is necessary, or if it needs more information before it makes a decision. If the YTG Lands Branch needs more information, it has 10 days to request that information from the proponent (applicant). After the proponent submits the information, the YTG Lands Branch has another 10 days to decide if an environmental assessment is necessary. In some cases, a company may submit an environmental impact assessment with its application, but at this time the YTG Lands Branch does not require this.

If an environmental assessment takes place, the YTG Lands Branch invites comments from the LARC and the public. The YTG Lands Branch does not have a formal process that specifies how it will incorporate these comments into the assessment. It makes decisions based on

each individual permit. However, the YTG Lands Branch may apply conditions to the permit approval based on the comments it receives from the LARC and the public.

The YTG Lands Branch appoints an “engineer,” under the *Territorial Lands Act*, to oversee the project and the environmental assessment. The engineer approves or rejects the land use permit application based on the completed environmental assessment. Historically, the Federal Lands Authority issued most land use permits between 30 and 42 days after it received an application. The process may occur more quickly following devolution, which amalgamated various federal and territorial departments.

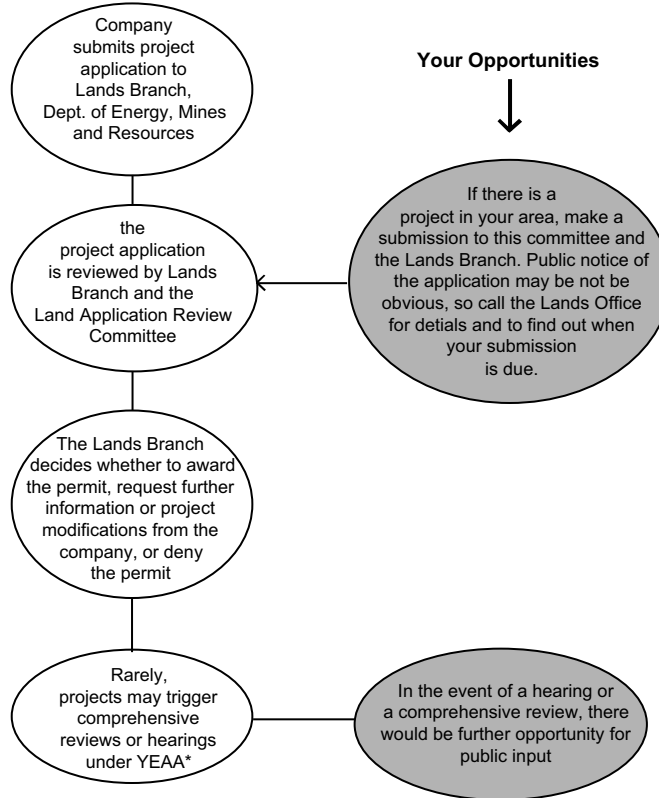
How Can I Participate?

Community members who are part of the LARC can write down their concerns and submit them to the Committee. In addition, the YTG Lands Branch encourages companies that apply for a land use permit to consult with the community councils, resource users, and First Nation organizations located in the general area of any proposed activities before they submit an application. However, no regulations specifically require these consultations.

PUBLIC REVIEW

You can find more information about the YTG Lands Branch processes in the “Lands” fact sheet at www.emr.gov.yk.ca/Devolution.

Opportunities for Public Participation in the Land Use Permit Approval Process



*YEAA stands for the Yukon Environmental Assessment Act. In the future, hearings and reviews will be triggered through DAP (the Development Assessment Process) under YESAA (the Yukon Environmental Socio-Economic Assessment Act)

Figure 5. Your opportunity for public participation in the land use permit approval process

WHAT IS THE LARC?

The Land Application Review Committee (LARC) replaces the Land Use Permit Committee (LUPC) in providing input into the environmental assessment of land use permit applications. The LARC includes representatives from the Land Claims and Implementation Secretariat, Forest Planning, Aviation, Environment, Tourism, Water Resources, Building Safety, Community Services, Heritage, Agriculture, Mining Recorder, Lands and Granular Resources, Land Use, City of Whitehorse, and Environmental Health. First Nations, Yukon Electric, Yukon

Energy, and DFO also receive copies of land use permit applications. Non-government organizations, municipalities, and Renewable Resource Councils receive agendas. The LARC advises the YTG Lands Branch, but has no formal decision-making power. Each participant identifies any environmental concerns it has with the land use permit application, and may suggest changes or conditions it would like attached to the permit. You can find all of the LARC's comments in a public registry. To view the registry, contact the YTG Lands Branch .

The YTG has set up a Yukon Environmental Assessment Act Web site at www.gov.yk.ca/depts/eco/dap/yeaa.html that lists all land use permit applications with ongoing or completed environmental assessments, along with department contacts. Each department maintains a public registry that lists the environmental assessments it is currently conducting. Contact the YTG Lands Branch for more information (see page 79).

The Yukon Environmental Assessment Act requires the YTG Lands Branch to publish a notice that announces that a project is going through the environmental assessment process. This notice usually appears in a local newspaper. Community members who want to get this information can also register

themselves as "interested parties" with the YTG Lands Branch, or ask for the information from one of the members of the LARC.

You can also directly contact the company that applied for a land use permit. Ask DIAND Land Resources or the YTG Oil and Gas Management Branch for this contact information.

After you get as much information as possible from these sources, you can make a submission to the LARC. Use the checklists in the chapter called, "Environmental Impacts of Oil and Gas Development," starting on page 79, and the information in the section called "How to Make a Submission," starting on page 60, to help you. When you send your comments to the LARC, also send a copy to the YTG Oil and Gas

Management Branch, to the YTG Lands Branch and to the company that applied for a land use permit.

Land Use Permits and the Yukon Environmental Assessment Act

The YTG uses the Yukon Environmental Assessment Act to assess the environmental impact of oil and gas projects on public land that it manages. The YTG will continue to use the Yukon

Environmental Assessment Act until the Development Assessment Process under the *Yukon Environmental and Socio-economic Assessment Act* takes force. The *Yukon Environmental and Socio-economic Assessment Act* is now law, and the 18-month

implementation phase is scheduled to finish in November 2004. See the section called "Development Assessment Process," starting on page 52, for more information.

Devolution means that each project will usually only have to go through one assessment

process. There are some exceptions. If a project requires a water licence, the Yukon Territory Water Board may conduct a separate hearing. If a project triggers the *Fisheries Act*, a joint assessment with Fisheries and Oceans Canada may take place.

The type of assessment that is necessary depends on the nature of the project and the significance of possible environmental effects. Most projects receive a relatively quick

assessment under what is called a "screening assessment" (which produces a "screening report"). The YTG Lands Branch conducts a "comprehensive study" only if the screening assessment shows that the project could have significant environmental impacts. Some large-scale projects skip the

screening assessment because they automatically require a comprehensive study. If the environmental impacts of a project are uncertain or potentially significant, or if there is public concern about a development, an independent environmental assessment panel or mediator may conduct a review.

MAKE A SUBMISSION

To learn more about making a submission to the YTG Lands Branch, see the section called "How to Make a Submission," starting on page 60.

YTB LANDS BRANCH

Need to get in touch with the YTG Lands Branch? See page 79 for contact information.

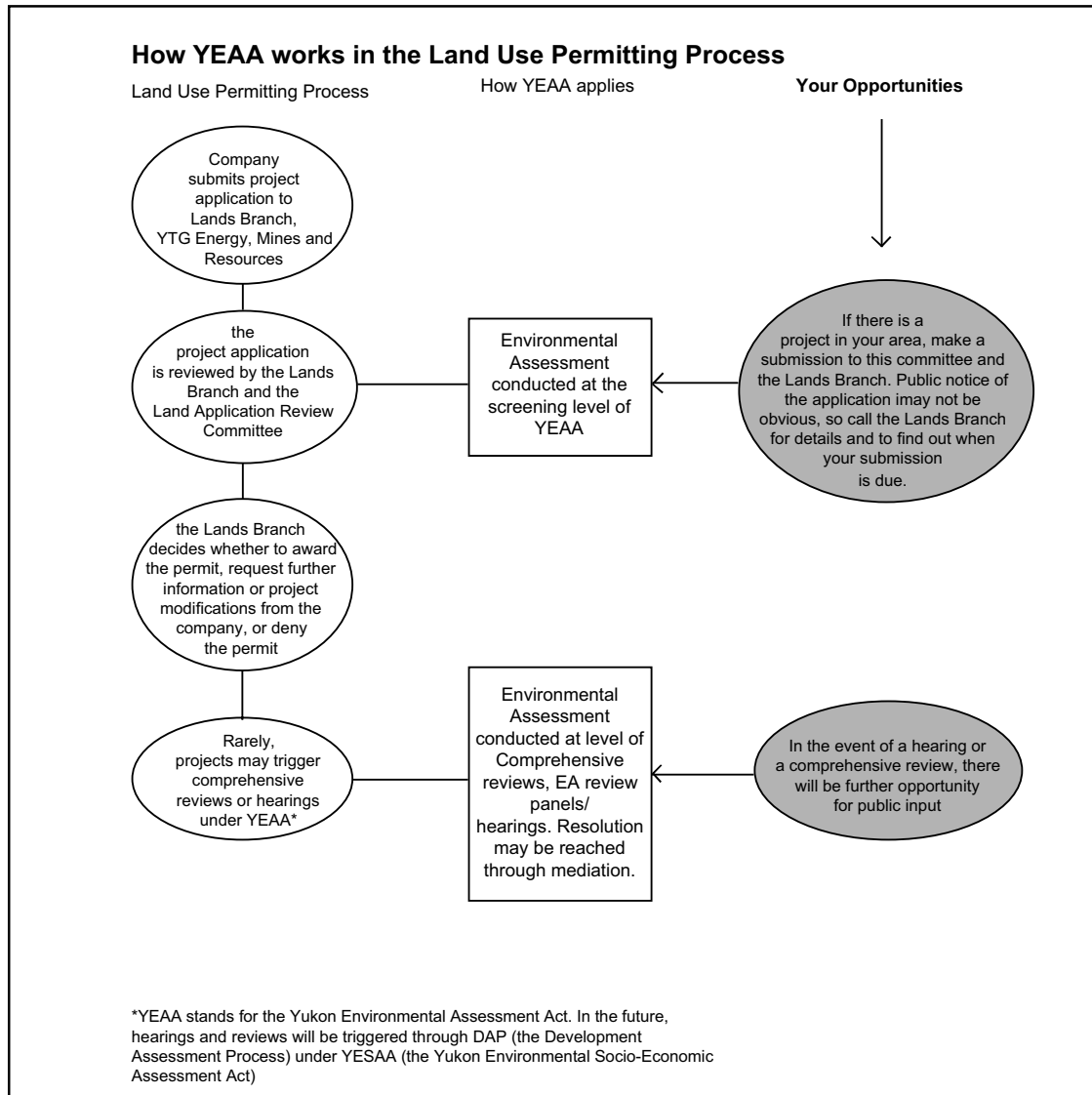


Figure 6. How the land use permit process works with the Yukon Environmental Assessment Act

Screening

The Yukon Environmental Assessment Act requires a screening report for the following activities related to oil and gas development in northern Canada:

- physical activities related to the exploration for, or the production of, oil or gas that require a licence or other type of authorization under the *Yukon Oil and Gas Act*;
- physical activities related to the approval of a scheme (project) under subsection 73(1) of the *Yukon Oil and Gas Act*;
- physical activities in the Yukon related to establishing or relocating a temporary road for use in winter;
- the remediation of a contaminated site in the Yukon;
- physical activities in the Yukon that take place outside a national park, national park reserve, national historic site, or historic canal, and that threaten the continued existence of a biological population (plant or animal) in an ecodistrict (an area that has a distinct mix of plants and animals), either directly or by

altering its habitat – except for activities close to an airport that ensure the safe operation of aircraft;

- physical activities that use water or deposit waste and require a licence under subsection 14(1) of the *Yukon Waters Act*, or physical activities with a licence that is being renewed or amended under paragraph 16(1)(a) or (b) of the *Yukon Waters Act*, or physical activities related to a cancelled licence under paragraph 16(1)(c) of the *Waters Act*;
- physical activities referred to in section 7 or 8 of the Land Use Regulation that take place in the Yukon and that require a Class A permit or Class B permit under paragraph 24(1)(a); or
 - seismic surveying in the Yukon that is not described above and that is either of the following: (a) land-based seismic surveying, if during the survey more than 50 kilograms of chemical explosive will detonate in a single blast; or (b) freshwater seismic surveying, if during the survey the air pressure measured at a distance of one metre from the source will be greater than 275.79 kilopascals (40 pounds per square inch).

EXCLUSION LIST

To find out what types of projects do not need an environmental assessment under the Yukon Environmental Assessment Act, visit www.gov.yk.ca/legislation and view the “exclusion list” (it will be listed under Environmental Assessment Act) or contact the YTG Lands Branch at the Department of Energy, Mines and Resources and ask the staff to send you a copy.

The YTG Lands Branch completes a screening report for these activities, and evaluates the project based on the screening report and comments it receives from the public. The YTG Lands Branch determines whether or not the project will cause negative environmental impacts, and whether or not the company can mitigate (reduce) those impacts. After this review, the YTG Lands Branch takes one of the following actions:

- it grants the permit, allows the project to proceed, and ensures that the company implements any mitigation measures that the YTG Lands Branch considers appropriate;
- it decides that the project is likely to cause significant negative environmental impacts that cannot be justified in the circumstances, and does not approve the project or provide any permits; or
- if it is uncertain whether or not the project will cause significant environmental impacts despite mitigation measures, or if the public shows significant concern, the YTG Lands Branch refers the project to the Minister of Energy, Mines and Resources who refers it to an independent environmental assessment panel or mediator.

Comprehensive Study

The YTG Lands Branch automatically conducts a comprehensive study of certain projects. Typically, these projects are large-scale, complex, and environmentally sensitive projects that may be more likely to cause

negative environmental impacts. They include the following conventional oil and gas activities:

- The proposed construction, decommissioning, or abandonment, or an expansion that would result in an increase in production capacity of more than 35 percent, of
 - (a) an oil refinery with an input capacity of more than 10,000 cubic metres per day;
 - (b) a facility for the production of liquid petroleum products from coal with a production capacity of more than 2,000 cubic metres per day;
 - (c) a sour gas processing facility with a sulphur inlet capacity of more than 2,000 tons per day;
 - (d) a facility for the liquefaction, storage, or regasification of liquefied natural gas, with a liquefied natural gas processing capacity of more than 3,000 tons per day or a liquefied natural gas storage capacity of more than 50,000 tons;
 - (e) a petroleum storage facility with a capacity of more than 500,000 cubic metres; or
 - (f) a liquefied petroleum gas storage facility with a capacity of more than 100,000 cubic metres.
- The proposed construction of an oil and gas pipeline more than 75 kilometres in length on a new right-of-way.

Other factors can also trigger a comprehensive study or environmental assessment panel

review, including a significant level of public concern.

After the YTG Lands Branch (or any other responsible authority) conducts a comprehensive study, it either prepares a comprehensive study report for the Minister of Energy, Mines and Resources and the Yukon Environmental Assessment Branch in the Executive Council Office, or it refers the project to the Minister of Energy, Mines and Resources who refers it to an independent environmental assessment panel or mediator.

When the Yukon Environmental Assessment Branch receives a comprehensive study report, it must help the public access the report by publishing a notice that includes the following information:

- (a) the date when the comprehensive study report will be available to the public;
- (b) the place where the public can get copies of the report; and
- (c) the deadline and address for filing comments on the conclusions and recommendations of the report.

Any person can file comments about any aspect of the comprehensive study report, as long as the Yukon Environmental Assessment

Branch receives these comments before the deadline specified in the notice.

After the Minister of Energy, Mines and Resources considers the comprehensive study report and any comments filed about the project, he or she will take one of the following actions:

- (a) If the project is not likely to cause significant negative environmental impacts, or if the project is likely to cause negative environmental impacts

that can be justified in the circumstances, the Minister sends the project back to the YTG Lands Branch and any other responsible authorities. They approve the permits that the project needs to proceed.

- (b) If the Minister is not sure whether or not the project (taking into account any appropriate mitigation measures) is likely to cause significant negative environmental impacts, or if there is significant public concern about the project, the Minister refers the project to an environmental assessment panel or mediator.

Environmental Assessment Panel

The Minister of Energy, Mines and Resources may refer a project to an environmental assessment panel when

RESPONSIBLE AUTHORITY

The "responsible authority" is the territorial organization that makes sure that an environmental assessment of the project occurs.

- he or she is uncertain whether or not the project is likely to cause significant negative environmental impacts;
- the project is likely to cause significant negative environmental impacts and he or she is uncertain whether or not these impacts are justified in the circumstances; or
- there is significant public concern.

The Minister of Energy, Mines and Resources appoints the environmental assessment panel after consulting with the YTG Lands Branch. Where appropriate, agreements between jurisdictions allow joint reviews to take place with other levels of government, both national and international.

An environmental assessment panel review allows the public to participate in a thorough study of the environmental effects of a project. When an environmental assessment panel review takes place, the panel notifies the public about the review and how to participate. The Minister may help the public participate by administering a participant funding program. Check with the YTG Lands Branch for more information.

After the panel completes its assessment, it prepares a report that contains its conclusions and recommendations and sends the report to the Minister of Energy, Mines and Resources (the responsible authority). The Minister (in

PUBLIC PARTICIPATION

Extensive public participation is a distinguishing feature of environmental assessment panel reviews.

ENVIRONMENTAL PANELS

No environmental assessment panel reviews have occurred in the Yukon yet. However, you can visit www.ceaa.gc.ca to find information about environmental assessment panels in the rest of the country.

consultation with appropriate government branches) – not the panel – makes the final decision about the appropriate course of action.

Water Licences

The Yukon Territory Water Board manages and protects the Yukon's surface and subsurface water resources, under the authority of the *Yukon Waters Act*. The Board issues two types of water licences: Type A and Type B. Some activities do not need a water licence. The table on the next page outlines the kind of water licence that a company needs for different industrial activities.

Water Use Deposit of Waste	Water Use and Deposit of Waste Permitted Without a Licence	Water Use and Deposit of Waste Requiring a Type B Licence	Water Use and Deposit of Waste Requiring a Type A Licence
Direct water use for oil and gas exploration	Use of less than 100 cubic metres per day	Use of 100 or more cubic metres per day	None
Direct water use for any other industrial undertaking	Use of less than 100 cubic metres per day	Use of 100 or more cubic metres per day and less than 300 cubic metres per day	Use of 300 or more cubic metres per day
Watercourse crossings, including pipelines, bridges, and roads	Construction of a structure across a watercourse less than 5 metres wide at ordinary high water mark at point of construction	Construction of a structure across a watercourse 5 or more metres wide at ordinary high water mark at point of construction	None
Watercourse training, including channel and bank alterations, artificial accretion, spurs, culverts, docks, and erosion control	Training (a) of intermittent watercourses; (b) of watercourses that are less than 5 metres wide at ordinary high water mark at point of training; or (c) involving removal or placement of less than 100 cubic metres of material, where cross-sectional area of watercourse is not significantly changed at point of removal or placement	All other watercourse training	None

Water Use Deposit of Waste	Water Use and Deposit of Waste Permitted Without a Licence	Water Use and Deposit of Waste Requiring a Type B Licence	Water Use and Deposit of Waste Requiring a Type A Licence
Flood control	Construction of a temporary structure	Construction of a permanent structure where there is no potential for significant negative environmental effects	Construction of a permanent structure where there is potential for significant negative environmental effects
Diversions	Diversion of water-courses that are less than 2 metres wide at ordinary high water mark at point of diversion	Diversion of water-courses that are 2 or more metres wide at ordinary high water mark at point of diversion	None
Alteration of flow or storage with dams or dikes	None	Construction of a dam that has a maximum height of less than 8 metres, or that stores less than 60,000 cubic metres of water and poses no hazard	Construction of a dam that has a maximum height of 8 metres or more, or that stores 60,000 or more cubic metres of water, or that poses a hazard
Deposit of waste in conjunction with oil and gas exploration	None	All deposits of waste	None
Deposit of waste in conjunction with oil and gas production, processing, and refining	None	None	All deposits of waste

Water Use Deposit of Waste	Water Use and Deposit of Waste Permitted Without a Licence	Water Use and Deposit of Waste Requiring a Type B Licence	Water Use and Deposit of Waste Requiring a Type A Licence
Deposit of waste in conjunction with quarrying and gravel washing	Deposit of waste in conjunction with quarrying above ordinary high water mark where there is no direct or indirect deposit of waste to surface water	Deposit of waste in conjunction with quarrying below ordinary high water mark, or deposit of waste in conjunction with quarrying above ordinary high water mark where there is a direct or indirect deposit of waste to surface water	None
Deposit of waste in conjunction with hydrostatic testing	Any deposit of waste associated with cleaning or testing previously unused storage tanks or pipelines	Any deposit of waste associated with cleaning or testing used storage tanks or pipelines	None
Deposit of waste in conjunction with hydrostatic testing	Any deposit of waste associated with cleaning or testing previously unused storage tanks or pipelines	Any deposit of waste associated with cleaning or testing used storage tanks or pipelines	None
Deposit of waste in conjunction with cooling	Any deposit of waste that does not contain biocides or conditioners	Any deposit of biocides or conditioners	None
Deposit of waste in conjunction with any other industrial undertaking	None	None	All deposits of waste

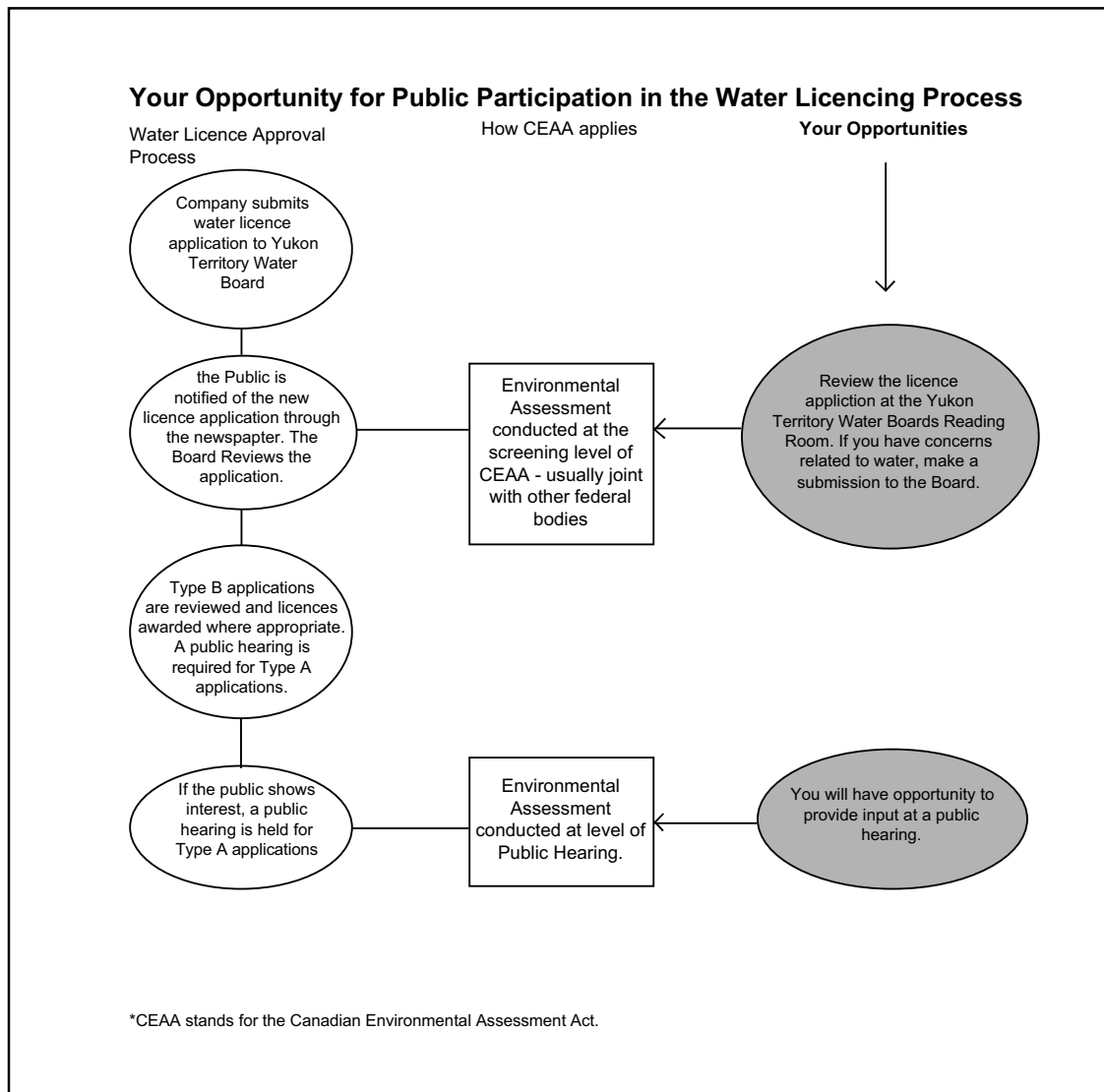


Figure 7. Your opportunity for public participation in the water licence approval process

The Approval Process for Water Licences

The Yukon Territory Water Board reviews water licence applications. It performs an environmental assessment under the Canadian Environmental Assessment Act. If another federal agency or body (such as DIAND Land Resources) is involved, there will be a joint assessment. Notices about new water licence applications appear in local newspapers.

Based on the criteria outlined in the Yukon Water Regulations, the Yukon Territory Water Board decides whether an application is for a Type A or Type B water licence. Type A projects are usually more likely to have negative environmental impacts, so the public has the opportunity for a public hearing to review Type A applications. To find out if the public is interested in having a hearing to evaluate an application, a second notice appears in local newspapers. **You must submit your concerns to the Yukon Territory Water Board before the stated deadline if you want a hearing to occur.** If no one responds to this notice, there is no hearing and the Yukon Territory Water Board decides whether or not

to award the licence. If a hearing takes place based on responses from members of the public or a variety of boards and councils, those people have a chance to present their comments at the hearing. The Minister of DIAND must approve all Type A water licences.

Where Can I Find Information About Water Licences?

You can review applications and all related correspondence in the Yukon Territory Water Board public reading room at 419 Range Road, Suite 106, in Whitehorse. In the reading room, you can find several types of information about a water licence application. If you cannot find the

information you need, ask the Yukon Territory Water Board staff to help you locate it.

Water Use Register

The official water use register contains a record of each water licence that the Yukon Territory Water Board issues, along with related documents, applications for licences, supporting material (including engineering and design plans, construction schedules, as-built drawings, and technical submissions),

ASSESSMENT ACT

You can find more information about the Canadian Environmental Assessment Act under "Canadian Environmental Assessment Agency" on page 76, or at www.ceaa.gc.ca.

YUKON WATER BOARD

Need to get in touch with the Yukon Territory Water Board? See page 86 for contact information.

correspondence between the Board and the applicant, reasons for decisions, and terms and conditions attached to issued licences.

Licence Files

Licence files contain correspondence and other information about issued licences, such as documents about monitoring programs and compliance with the conditions of a licence. Licence files can provide you with information that adds to what you find in the water use register.

Water Use Application Files

Water use application files contain application forms that describe projects and proposed water uses. They also include correspondence between the Yukon Territory Water Board and the applicant.

Activity-specific Licences

Under the *Yukon Oil and Gas Act*, a company must get activity-specific licences to carry out different oil and gas activities. The YTG Oil and Gas Management Branch issues these licences. Oil and gas related activities that require an activity-specific licence include the following:

- exploring for oil and gas using seismic or geological mapping (geoscience exploration licence);
- drilling, operating, or abandoning a well (well licence);
- building, operating, upgrading, or abandoning a gas processing plant

WATER USE

To learn more about how the oil and gas industry uses water and the potential environmental concerns associated with this use, see the chapter called "Environmental Impacts of Oil and Gas Development," starting on page 8.

YTG OIL & GAS

Need to get in touch with the YTG Oil and Gas Management Branch? See page 79 for contact information.

(gas processing plant licence);

- building, operating, upgrading, or abandoning a pipeline (pipeline licence);
- building, operating, upgrading, or abandoning any other oil or gas facility (field facility licence); and
- exporting oil or gas out of the Yukon (contact the YTG for licence types).

The YTG is still developing regulations for various oil and gas activities. For more information about the types of activity-specific licences a company needs, visit the Department of Energy, Mines and Resources Web site at www.emr.gov.yk.ca/Oil_and_Gas/Activity/licensing.htm or contact the YTG Oil and Gas Management Branch directly.

The Approval Process for Activity-specific Licences

The *Yukon Oil and Gas Act* requires companies to consult the public as part of the licence approval process. Depending on who must be consulted, the company may contact local residents individually or hold an open house or public meeting. An open house usually lasts for several hours, and members of the public can come at any time to meet government or company staff one on one. While an open house allows you to hear what the company or the approval agency wants to tell you about a project, it does not give you an opportunity to find out what your neighbours think or to hear what company representatives say in response to difficult questions.

From the perspective of the public, it may be best to ask the company to hold a public meeting rather than an open house. If the company insists on holding an open house, try to arrange for as many people as possible to attend the open house at a pre-arranged time. When a lot of people are in the room at once, the company will no longer have enough staff to talk to everyone one on one, so the event will probably turn into a public meeting. In this way, you can hear what questions your neighbours ask and how the company responds to their concerns, as well as to yours. Afterwards, people who object to a project can arrange to meet again to plan their strategy.

Before it approves and issues a licence, the YTG Oil and Gas Management Branch conducts a four-step process.

1. Operations Review

The YTG Oil and Gas Management Branch examines the application to make sure that the proposed operations comply with the *Yukon Oil and Gas Act* and the appropriate regulations, and that the company will conduct these operations safely and to accepted industry standards. The proposed project must also meet the requirements of other legislation and standards from the YTG's Department of Renewable Resources, Department of Highways and Public Works, Yukon Workers' Compensation Health and Safety Board, and Department of Tourism and Culture, and the requirements of federal acts and regulations from DIAND.

2. Environmental Assessment and Public Review

The YTG Oil and Gas Management Branch performs an environmental assessment, evaluating environmental impacts and proposed mitigation measures. It considers potential impacts on wildlife habitat, socio-economic values and heritage, and cumulative impacts (impacts that build up over time). It may require the company to change proposed operations or implement additional mitigation measures to provide maximum protection to the environment.

Environmental assessments will occur within the new Development Assessment Process when it takes effect.

The public participation process is the same as the one we described for land use permits, but this time the responsible authority is the YTG

Opportunities for Public Participation in the Licence Approval Process

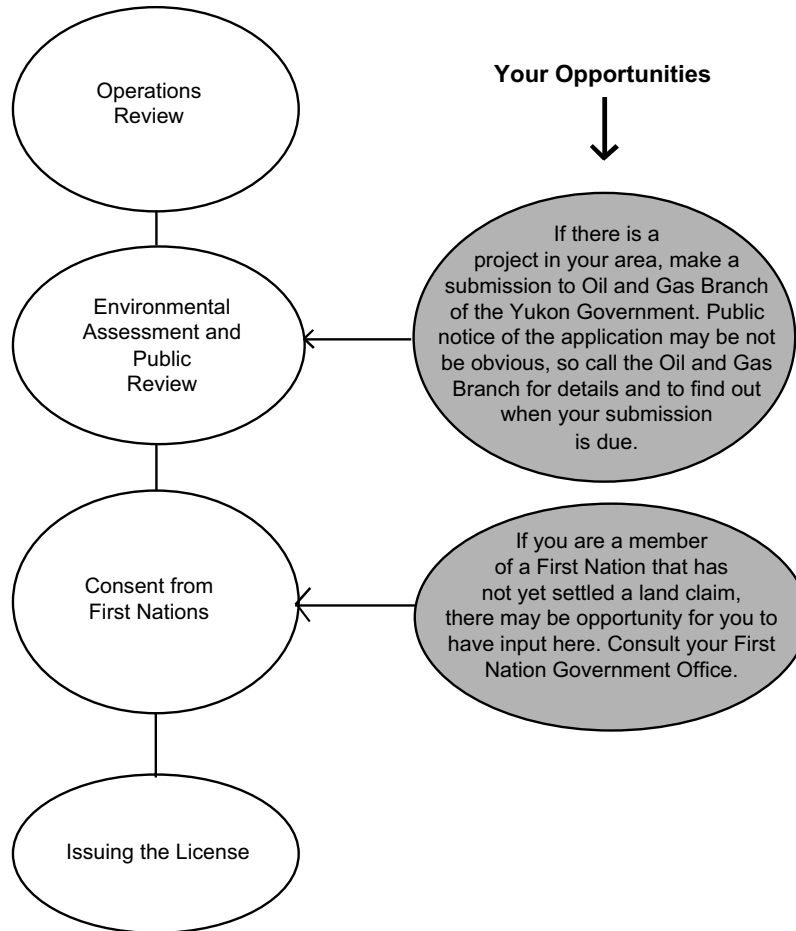


Figure 8. Your opportunity for public participation in the activity-specific licence approval process

Oil and Gas Management Branch, not the YTG Lands Branch. To learn how you can find out about environmental assessments and how you can participate, contact the YTG Oil and Gas Management Branch (see page 79).

You can also contact the company that wants to work in your area to find out if you can participate in a consultation with it. You can get the company's contact information from the YTG Oil and Gas Management Branch. If you belong to a Yukon First Nation, talk to your leadership to find out what opportunities for input are available.

3. Consent from First Nations

In areas where land claims have not been settled, the *Yukon Oil and Gas Act* states that the YTG Oil and Gas Management Branch cannot issue a licence to authorize any oil and gas activity in the traditional territory of the Yukon First Nation without the consent of that First Nation. Government to government negotiations to get that consent ensure that oil and gas development will not negatively affect any proposed land claim areas.

4. Issuing the Licence

When the YTG Oil and Gas Management Branch issues a licence, it may attach conditions or terms that specify the timing and duration of operations, environmental protection measures, equipment, procedures, tests, analyses, and a requirement to notify trappers, outfitters, and other resource users in the area before activity begins. After the YTG Oil and

Gas Management Branch issues a licence, it notifies First Nations and territorial and federal government departments with an interest in the oil and gas activity. At the time of writing, it is not clear if the YTG Oil and Gas Management Branch licence records are open to the public. The *Yukon Oil and Gas Act* does not clearly state that they are. To find out more about viewing YTG records, and in particular activity-specific licence applications, contact the YTG Oil and Gas Management Branch (see page 79).

Development Assessment Process

Chapter 12 of the Umbrella Final Agreement requires the establishment of a process to assess the environmental and socio-economic impacts of developments in the Yukon. The *Yukon Environmental and Socio-economic Assessment Act*, which received Royal Assent on May 13, 2003, provides for a Development Assessment Process to meet this requirement. After the implementation process is complete (scheduled for November 2004), the Development Assessment Process will replace the Canadian Environmental Assessment Act (which only applied to projects that required a decision from the federal government) in the Yukon. The *Yukon Environmental and Socio-economic Assessment Act* and Development Assessment Process will apply to projects anywhere in the Yukon that require a decision from any level of government. The Government of Canada, the YTG, and the Yukon First Nations participated in negotiating and developing the new legislation.

EXCLUSION LIST

*For more information about how the Yukon Environmental and Socio-economic Assessment Board will work, see *Understanding the Yukon Umbrella Final Agreement: A Land Claim Settlement Information Package. Fourth Edition. Council of Yukon First Nations and the Yukon Territorial Government, 1997*, or contact the Development Assessment Process Office (see page 52).*

Through the *Yukon Environmental and Socio-economic Assessment Act* and Development Assessment Process public consultation conducted by the YTG, a wide range of individuals and groups will be able to submit their concerns and comments about the potential environmental impacts of a proposed oil and gas project. These include First Nations, non-government organizations, resource users, federal and territorial government authorities, and members of the public. Each project will have only one assessment, which means that regulatory bodies will award all the licences and land use permits for a project based on a single assessment. The details of how this will work will emerge through the implementation process.

Two organizations will handle assessments: the Yukon Environmental and Socio-economic Assessment Board and six Designated Offices.

Yukon Environmental and Socio-economic Assessment Board

The Minister of DIAND will appoint a seven-member Yukon Environmental and Socio-economic Assessment Board to administer the Development Assessment Process. Three members, including the chairperson, will serve as an executive committee. The Council of Yukon First Nations will nominate three members (including one of the executive committee members), and the federal and territorial governments will nominate the rest. The Minister will appoint the chairperson after consulting with the other two executive committee members.

The Yukon Environmental and Socio-economic Assessment Board

- ensures that project screenings and reviews take place;
- ensures that a decision body receives written recommendations about a project's significant negative effects;
- reviews a temporary shutdown, abandonment, decommissioning, or significant change to a project if the YTG requests it or if the YTG consents to a request for review from a Yukon First Nation;
- informs the Designated Offices and other review bodies and agencies of its activities;
- may recommend in writing to a decision body that the effects of a project be monitored;
- may review a plan that could have

significant negative effects on the environment, communities, and people of the Yukon, if the YTG requests it or if the YTG consents to a request for review from a Yukon First Nation;

- may hold joint reviews with other assessment bodies;
- may study the accumulated effects of projects on a specific area over time; and
- may review a proposed project outside the Yukon if the project could have significant negative impacts on the environment, communities, and people of the Yukon.

The executive committee of the Yukon Environmental and Socio-economic Assessment Board

- establishes a panel if the Board decides that a hearing is necessary, and appoints a chairperson for the panel;
- determines which projects the Board refers to a panel;
- determines whether the effects of a project are primarily on settlement or non-settlement land;
- recommends in writing to a decision body whether or not a project should be allowed to proceed, when the Board (and not a panel) is reviewing the project; and
- ensures that the person or company responsible for a project consults with affected communities.

When the executive committee decides that a panel will carry out a review, it must determine where the significant effects of the project will occur. If the effects of the project are primarily on settlement land, then the Council of Yukon First Nations nominates two-thirds of the panel members from among Board members, and the YTG nominates one-third of the panel members. If the effects of the project are primarily on non-settlement land, then the Council of Yukon First Nations nominates one-third of the panel members from among Board members, and the YTG nominates two-thirds of the panel members. If the effects of the project are on both settlement and non-settlement land, then the Council of Yukon First Nations nominates half of the panel members and the YTG nominates half of the panel members.

A panel established by the executive committee

- conducts a public review;
- determines what information the person or company responsible for the project must provide and how the review will proceed;
- recommends in writing to a decision body whether a project should proceed; and
- may recommend in writing to a decision body that the effects of a project should be monitored.

The panel's written recommendations will be considered as if the Board itself had prepared them.

Designated Offices

Six assessment districts will be established across the Yukon. Each district will have a local Designated Office to assess projects. This will make it easier for the people that the project is most likely to affect to get information and get involved. The Designated Offices may operate slightly differently because each district may have a different focus. For example, a Designated Office in Dawson may spend most of its time reviewing placer mining applications, while a Designated Office in Watson Lake may spend most of its time looking at timber permits.

How Will Public Consultation Work Under the Development Assessment Process?

The Development Assessment Process is designed to be open and accountable. Several provisions in the legislation will make sure that people in the Yukon can participate meaningfully in project assessments. Under the *Yukon Environmental and Socio-economic Assessment Act*, the Board and the Designated Offices must develop and publish rules of procedure that explain how “interested persons and the public” can participate. These rules will establish minimum periods of time during which people can comment on project assessments. The *Yukon Environmental and Socio-economic Assessment Act* also requires the Board and the Designated Offices to provide opportunities for people to participate in

project assessments and to publish notices that tell people how to participate in these assessments.

Public Registries

Public registries will offer access to a wide range of information about the assessment process and about specific projects. Each Designated Office will have a public registry with information about projects in that district that are going through the assessment process. The Yukon Environmental and Socio-economic Assessment Board will also maintain a central public registry with information about all projects in the Yukon that are going through the assessment process. When you send comments or information to the Board or to a Designated Office, your input will go into these public registries.

Community Consultation

The executive committee for the Yukon Environmental and Socio-economic Assessment Board or a panel will assess activities that have the potential to cause greater negative environmental impacts and public concern. Companies must consult with affected communities before they start the assessment process for these types of activities, so members of the public will know about them in advance. The Board will decide how community consultation will occur when it develops its rules.

Public Hearings

If the executive committee forms a panel to carry out a review, the panel will encourage interested individuals and organizations to participate in the assessment process at public hearings. The panel will establish rules that explain how to participate in these hearings. The Board will usually hold hearings in the traditional territory of the affected First Nation if a project's effects may occur on settlement land, and in the community closest to the project if the project's effects may occur on non-settlement land.

At a hearing, the Board will consider potential impacts on wildlife habitat and socio-economic values and heritage, as well as cumulative impacts. The company may have to make changes to its proposed operations or implement mitigation measures to provide maximum protection to the environment.

Contact the YTG Land Branch or the YTG Oil and Gas Management Branch for more information (see page 79). For updates and in-depth information about the *Yukon Environmental and Socio-economic Assessment Act* and Development Assessment Process, visit www.dapyukon.yk.net. You can also contact the following organizations:

Government of Canada

Development Assessment Process Directorate
DIAND300-300 Main Street
Whitehorse, Yukon
Y1A 2B5

FIND OUT WHAT PROJECT

To find out what projects will receive assessments under the Yukon Environmental and Socio-economic Assessment Act and Development Assessment Process, and what other agencies may participate, see Appendix B.

Tel: 867-393-7926

Fax: 867-667-3861

Yukon Territorial Government

Development Assessment Process Unit

Box 2703

Whitehorse, Yukon

Y1A 2C6

Tel: 867-393-6428

Director, Development Assessment

Process Branch: 867-393-6431

Fax: 867-393-6438

Council of Yukon First Nations

Development Assessment Process Office

11 Nisutlin Drive

Whitehorse, Yukon

Y1A 3S4

Tel: 867-393-9231

Fax: 867-668-6577

When Will the Development Assessment Process Be in Place?

The House of Commons passed the *Yukon Environmental and Socio-economic Assessment*

Act on March 18, 2003, and the Act received Royal Assent on May 13, 2003. An 18-month implementation period began on May 13, 2003, and is expected to end in November 2004. The Development Assessment Process should be in place at that time.

Cross-boundary Projects

If a pipeline crosses territorial, provincial, or international borders, the National Energy Board (NEB) handles its approval and management. The National Energy Board Act sets out the procedures for approvals, appeals, and compensation.

Part III of the National Energy Board Act deals with the construction and operation of pipelines. There are two stages to the pipeline approval process. A company must first obtain a certificate from the NEB that shows that the Board approves the general project (section 32). The second step requires the company to submit its detailed plans to the NEB for the precise location of the route, including the names of affected owners and occupiers, as far as they can be determined (section 33). The company must contact landowners along the proposed route and publish a notice in at least one issue of a publication that circulates in the affected area (section 34). Any person who receives a notice from the company and any other person who expects to be negatively affected by the pipeline, other than the landowner, can object to the Board. If you do

FIND OUT WHAT PROJECT

In addition to the National Energy Board Act, some other legislation that involves the NEB includes the Canada Oil and Gas Operations Act and the Canada Petroleum Resources Act. These acts relate to the Yukon, Northwest Territories, Nunavut, and submarine areas outside provincial jurisdiction.

not own land that the pipeline will directly affect, you must clearly explain your interest in the land.

People who object to the pipeline must write to the NEB, specifying their interest in the land – for example, as owner, occupier, or adjacent resident (person who lives next to the development) – and explaining why they object to the detailed route of the pipeline. The NEB must receive this written statement within 30 days after the date the person received a notice from the company, or within 30 days after the last date of publication of the notice. If the NEB receives valid written objections, it holds a public hearing in the area of the affected land (section 35). A notice appears in a local newspaper announcing the hearing. Everyone who submitted a written objection also receives a notice and can make a submission at the hearing. The NEB may also allow other people who are interested to take part.

AWARDING COSTS

The National Energy Board may award costs to interveners (participants), which the company must pay (section 39). An Arbitration Committee also has the power to award costs.

The NEB does not give approval for a company to proceed with any part of the pipeline for which it has received valid written objections until after the hearing. The Board may make its approval subject to any conditions that it thinks are appropriate (sections 36, 37).

NEB inspectors make sure that companies comply with the National Energy Board Act. These inspectors can access the pipeline, any excavation activity within 30 metres of the pipeline, and any facility that the company is constructing across or near the pipeline (section 49). The Act sets out an inspector's powers and the penalties for failing to comply (sections 50, 51).

Part V of the National Energy Board Act sets out the powers of pipeline companies and compensation for lands that a company acquires to construct a pipeline. In sections 86 to 107 of the act, the word "owner" has a wider meaning than the actual landowner and applies to all people who have an interest in the land and suffer damage (sections 75, 85). The company must pay compensation to each owner. If the owner and the company cannot agree on

compensation, either of them can ask the federal Minister of Natural Resources to appoint a negotiator (sections 88, 89). If negotiations fail, the owner or company can apply for arbitration (section 90). The owner or company can also request arbitration if there is a disagreement about a claim for damages, even though there was a compensation agreement in place. An Arbitration Committee can hold hearings and inspect the land before it makes a decision. The Arbitration Committee's decision is final and can only be appealed to the Federal Court of Canada on a matter of law or jurisdiction.

If you have questions or concerns about a pipeline authorized by the NEB, contact one of the Board's inspectors in the Calgary office (see page 75). Anyone involved in a process before the NEB should consult the Board's publications, which clearly explain how landowners, occupants, and the public can get involved:

- Pipeline Regulation in Canada: A Guide for Landowners and the Public, available at www.neb.gc.ca/safety/pipelinereregulationcanada_e.pdf;
- Pipeline Route Approval Procedures, Information Bulletin #1, National Energy Board, 1996, available at www.neb.gc.ca/safety/piperte.pdf; and
- Living and Working Near Pipelines: Landowner Guide 2002, National Energy Board, January 2002, available at www.neb-one.gc.ca/safety/index_e.htm

You can find more information about pipelines in the following publication:

- Vollman, Kenneth W. *The Emerging Context for the Physical Regulation of Pipelines*. Presentation to the International Pipeline Conference, Calgary, Alberta, June 9, 1998. This paper contains information about pipeline failures. It is available at www.neb-one.gc.ca/newsroom/Speeches/index_e.htm. At the time of writing, Kenneth Vollman was chairman and CEO of the NEB.

National Energy Board Hearings

The NEB only regulates pipelines that cross territorial, provincial, or international borders. For major applications, the NEB holds public hearings where applicants and interested parties can participate. These hearings can be written or oral proceedings and usually take place at locations in Canada where (a) there is a particular interest in the application, and (b) the NEB's decision will have the greatest impact. Normally, a panel of three NEB members hears applications.

The NEB operates as a court of record, very similarly to a civil court. Its powers include swearing in and examining witnesses and taking evidence. Before a hearing, individuals, interest groups, companies, and other organizations have an opportunity to register as interveners or interested parties, which allows them to actively participate in the process. If you are involved in a hearing before the NEB, be sure to read the information

NATIONAL ENERGY BOARD

Need to get in touch with the National Energy Board? See page 75 for contact information.

bulletins that the NEB provides to guide you. These include the following:

- The Public Hearing Process, available at www.neb-one.gc.ca/AboutUs/process_e.pdf; and
- How to Participate in a Public Hearing, available at www.neb-one.gc.ca/AboutUs/partici_e.pdf.

Usually, interveners at a NEB hearing have to pay their own costs. The only exception is for a hearing that deals with the detailed route of a pipeline. In that case, the Board can award costs to landowners who are directly or indirectly affected by the pipeline. The company that applied to build the pipeline pays the costs. It is possible to appeal a NEB decision to the Federal Court of Canada, but the appeal must be based on a point of law or jurisdiction. An appeal must be made to the Court within 30 days of the Board's decision.

Your Opportunities for Public Participation: A Summary

This chapter outlined the approval processes for land use permits, water licences, activity-specific licences, and cross-boundary projects.

The diagram in each section shows your opportunities for public participation in each process. In summary,

- when a company applies for a land use permit, you can submit comments to the LARC and the YTG Lands Branch of the Department of Energy, Mines and Resources;
- when a company applies for a water licence, local newspapers notify you and you can review licence applications in the public reading room of the Yukon Territory Water Board. You can also make submissions to the Board;
- when a company applies for an activity-specific licence, you have opportunities for public input during the environmental assessment process. Contact the YTG Oil and Gas Management Branch to learn how to make sure you find out about activity-specific licence applications (see page 79);
- when the *Yukon Environmental and Socio-economic Assessment Act* and Development

Assessment Process are in place, those processes will provide opportunities for public involvement; and

- when a company announces a pipeline project that crosses territorial or national borders, the NEB process provides an opportunity for public consultation.

Remember that a lot will change in the Yukon in the next couple of years as the Development Assessment Process is implemented. For this reason, be persistent as you look for opportunities to

comment and intervene. Even if no one ever intervened in a specific process before, if legislation and regulations provide for public participation then it is your right to intervene.

How to Make a Submission

Making an effective submission makes it more likely that the regulatory authority will hear and address your concerns. The information in this section will help you develop your submission. Making a submission is not your

SUBMISSION VS LETTER

What is the difference between making a submission and writing a letter of concern? *The steps for writing a letter of concern and a formal submission are the same, but the formal submission requires more detail. The information below will help you make a formal submission. However, if there is no formal submission process, you can write a letter to the Minister of Energy, Mines and Resources, the Minister of Environment, or the Premier. The information in this section can help you decide what to include in your letter. In your letter's conclusion, be sure to ask for a response to your concerns.*

only choice, but it is an important first step in opening communication with the regulator who has jurisdiction in your area. In the chapter called “Non-regulatory Ways to Address Issues,” starting on page 66, you will learn more about meeting directly with companies. These meetings may allow you to discuss your concerns and see what you can resolve outside the formal consultation processes.

What am I concerned about?

The first step in making a submission is to collect as much information as possible about the activity and area you are concerned about. You can get information from the YTG Oil and Gas Management Branch and from the YTG Lands Branch. You may also want to contact other agencies, boards, councils, and special interest groups for other points of view and information. Consider contacting

- the company operating in your area;
- your local Renewable Resource Council (where applicable);
- the Yukon Fish and Wildlife Management Board (it has an oil and gas coordinator);
- the Yukon Conservation Society; and
- Canadian Parks and Wilderness Society, Yukon Chapter.

You can find other information sources, along with addresses and phone numbers, in the chapter called “Organizations to Contact for Information, Advice, or Support,” starting on page 75.

Who am I making the submission to?

Identify the organization that will receive your submission. For example, if you are making a submission as part of the public review in the disposition process, then the YTG Oil and Gas Management Branch will receive your submission. The YTG Oil and Gas Management Branch gives out information packages to help you make your submission. On the other hand, if you are making a submission about a land use permit application, then the LARC, administered by the YTG Lands Branch of the Department of Energy, Mines and Resources, will receive your submission.

Ask a representative of the appropriate organization to tell you the date when your comments are due. If you do not understand the information or instructions the organization provides, contact the staff directly and ask them to explain things in a way that makes sense to you (for contact information, see the chapter called “Organizations to Contact for Information, Advice, or Support,” starting on page 75). You need to understand the information completely so that you can make your submission as effective as possible.

How do I develop my concerns into a submission?

Make sure your comments are clear and specific. We adapted the following information from a YTG Oil and Gas Management Branch publication.¹⁰ In general, it will work for all of your letters and submissions.

¹⁰ Public Review, Yukon Oil and Gas Disposition #3, August 7, 2001.

- Describe your concern. What is your concern? For example, are you concerned about the potential impact of oil and gas development on caribou, waterfowl, and wetlands, or on quality of life?
- Provide options for addressing your concern. Are there any ways to address your concerns? Can a company take any steps to mitigate the potential impacts that concern you? For example, if you are concerned about the impact of oil and gas development on waterfowl or wetlands, can the regulatory authority mitigate the impact by allowing development only at certain times of the year (for example, after birds have migrated south so they are not present), or by having companies conduct activities differently (for example, by using heli-seismic instead of traditional seismic methods). The Pembina Institute's other primers about different phases of oil and gas activity in the North discuss options that minimize potential impacts, and will help

you make your submission. To get copies of these primers, contact the Pembina Institute at 403-269-3344 or download the primers from our Web site at www.pembina.org.

- Make a recommendation. What is your recommendation on how the government can best address your concern?

In your submission, be clear about what you want. Use the checklists in the chapter called "Environmental Impacts of Oil and Gas Development," starting on page 8, to help you develop your comments. If your concern is about a specific site, it can be helpful to use a map to illustrate your arguments.

Once you have finished developing your comments, make a copy for yourself and then take them or send them to the appropriate department or agency. Include a cover letter that requests a response to your concerns. You can find regulators' contact information in the chapter called "Organizations to Contact for Information, Advice, or Support," starting on page 75.

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 to make sure it conforms to appropriate legislation and regulations. The licence or permit that a company receives to operate a well, pipeline, or other oil or gas facility usually also 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.

If a project does not conform to legislation and regulations and meet the conditions specified in the licence or permit, enforcement is necessary to make sure the project does not have a greater environmental impact than the regulatory authorities accepted.

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;

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.

- 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;
- noise or nuisance from service personnel who maintain the wells, pipelines, or other equipment;
- problems with site maintenance;
- problems with access roads; or
- 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 the appropriate regulator, and follow up 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 regulator as well.

If your concern has to do with cross-boundary pipelines, contact the NEB (see page 75). The NEB employs inspectors to make sure that 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 or near the pipeline. Sections 50 and 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 government agency responsible for monitoring the operation.

If you live near a sour gas well, pipeline, or processing facility, you may smell hydrogen sulphide. Hydrogen sulphide is poisonous. It can cause immediate death at concentrations

of about 1,000 parts 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.

How to Report an Incident

To report an incident or file a complaint, you can call one of two 24-hour emergency phone lines, which companies use as well: the spill line (867) 667-7244 and the emergency measures organization (check with the YTG Oil and Gas Management Branch for phone number). You can also call the YTG Oil and Gas Management Branch directly.

SOUR GAS

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

The Oil and Gas Geoscience Exploration Regulations and the Drilling and Production Regulations in the *Yukon Oil and Gas Act* require companies to report any significant event, including oil or toxic chemical spills or releases, to the chief operating officer. The company must send copies of these reports to the YTG Oil and Gas Management Branch and the YTG Lands Branch. All companies must have an emergency response plan for their operations. The Occupational Health and Safety Act has additional reporting requirements to protect the health and safety of workers. In addition, the territorial and federal governments can inspect the operation at any time to ensure compliance with regulations. How frequently inspections take place is not set, but may be related to the type of activity and its duration.

Territorial Level

The YTG Oil and Gas Management Branch is responsible for monitoring and enforcement at the territorial level. Branch staff may carry out these activities on their own or with other

organizations, including the NEB. The Branch looks at each project individually to decide how frequently site inspections will take place.

Federal Level

At the federal level, the Territorial Land Use Act divides the Yukon into 10 districts and appoints regional management officers as inspectors for each district. These officers monitor oil and gas projects to make sure that they comply with the terms in their land use permits.

The frequency of these inspections depends on the activity and the relative risk to the environment. Check with the YTG Lands Branch to inquire how these responsibilities have devolved to the Territorial Government.

To find out more about the monitoring and enforcement procedures in your area, contact the YTG Oil and Gas Management Branch and YTG Lands Branch. You can find addresses and phone numbers in the chapter called "Organizations to Contact for Information, Advice, or Support," starting on page 75.

Non-regulatory Ways to Address Issues

Previous chapters described the formal processes you can use to participate in decisions about oil and gas development by writing to express your concern about an application or taking part in a public hearing. This chapter looks at other ways to exercise your citizens' rights.

If you are a landowner, you can ask the Yukon Surface Rights Board to help you resolve conflicts with oil and gas companies. However, first you may want to have discussions and conduct informal negotiations directly with a developer. If these negotiations fail, you may want to get additional support for your position by forming a concerned citizens' group, interesting the media in development issues that concern you, and/or hiring a lawyer.

How to Negotiate with Companies

Individuals or organizations may be willing to consider allowing an energy project to proceed if they can make sure that the company eliminates or minimizes the associated impacts and risks. You may decide to try to negotiate directly with a company before you ask for help from a regulatory agency. Through negotiation, individuals and communities may be able to persuade the company to agree to take specific actions or make changes to the project.

In the Yukon, individuals should usually work through their leadership, municipality, or

CITIZENS' RIGHTS

This chapter looks at ways to exercise your citizens' rights by conducting informal negotiations directly with a developer, forming a concerned citizens' group, working with the media, and hiring a lawyer.

Renewable Resource Council when they try to negotiate with a company. Depending on your concerns, other organizations may also be good resources (see the chapter called, "Organizations to Contact for Information, Advice, or Support," starting on page 75).

Most companies have experience dealing directly with members of the public who have questions and concerns about oil and gas projects. Companies often have a strong incentive to negotiate with you to resolve your concerns. Frequently, legislation requires them to consult with the public. Also, they know that a public hearing is a costly process that can significantly delay the start date for a project. As a result, 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 you start to negotiate with a company, it is a good idea to ask for a company compliance record, which lists how often a company has

contravened (not met) guidelines and directives in the Yukon and in other jurisdictions. If a particular company has a poor record of compliance or refuses to provide this information to you, you should question that company's plans for future development and whether it will comply with the promises it gives you during negotiations. If a company has a good track record of compliance, you can have more confidence in the results of your negotiations.

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 send copies to the proper government agencies.
- Ask the company to explain anything you do not understand. If some of the written information the company has provided is ambiguous, ask for clarification in writing.
- 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

PARTICIPATE

Don't give up the opportunity to participate in the formal regulatory process, even if negotiations with the company appear to be going well. Be careful not to miss any deadlines for submitting letters of concern just in case your negotiations break down. You can continue to negotiate with a company even after you make a submission to a regulatory authority, and you can always withdraw your concerns later if you get a satisfactory written agreement with the company.

all of the issues. But, if a public hearing is held, it will be shorter and more focused if you have resolved as many of the issues as possible. A shorter, more focused hearing benefits all parties involved.

- Recognize that some "give and take" may be necessary. For a successful negotiation, both parties must be able to reach their final objectives and be willing to agree with each other.
- Remember that negotiations can take a long time. Often participants need a lot of time to review and write documents. Therefore, it is important to research opportunities for intervener funding. It may be reasonable to ask the company for funding to ensure that members of the public can be more effectively engaged in the consultation.

How to Form a Concerned Citizens' Group

If there is no group that you feel represents your concerns and that you can work with to negotiate with an oil and gas company or express your views, you can start your own concerned citizens' group. Working with other people and sharing your time, energy, and knowledge can strengthen your position when negotiating with a company or taking part in other dispute resolution processes. A concerned citizens' group can also increase your effectiveness if you are involved in the formal regulatory process or in a hearing.

To form a concerned citizens' group, you should contact as many people as possible, by telephone and by meeting with them one on one.

Tell them your concerns. Some people may be reluctant to oppose an energy project, even if they do not like it, because they do not want to make trouble. Other people may not have thought of the problems that the development could cause, but may join your group if you take the time to explain the potential

environmental impacts. Some people may help you behind the scenes, even if they are not willing or not able to take an active role in public. It is always important to respect the views of other people; you are trying to build allies, not create enemies.

After you have found a core group of people who are committed to working on the issue, you need to have a meeting to get organized, decide on your plan of action, and consider the methods you will use to communicate your objections – for example, by meeting with the company, writing letters, and starting petitions. You will probably also need to arrange a public meeting to reach even more people.

You do not have to establish a formal organization, such as a legally chartered society or association. Following the legal and bureaucratic steps to establish a society can take a lot of time and energy away from the

important task of dealing with the proposed energy project. There are, however, some benefits to having a society. If a company decides to sue, it is better if they sue a society, so that the society runs the risk of going bankrupt rather than its individual members.

KEEP RECEIPTS

Make sure you keep receipts for all reasonable expenses you incur to participate in negotiations with a company, including long distance telephone charges, photocopying, and travel costs such as mileage, food, and accommodation. Get someone to act as a treasurer to keep track of all of the costs for your group. You may be eligible for reimbursement by the company or through intervener funding.

It is important to discuss the pros and cons of setting up a formal group. If you decide to form a society, it may be a good idea to wait until after you hold a public meeting in case other people would like to get actively involved. If you do not form a society, you will still have to provide an address for correspondence from regulators and the company, so identify individuals who can act as contacts for the group. Also choose someone to be responsible for handling any money your group collects.

You can find helpful information about setting up a group in the Alberta Environmental Law Centre publication called *Community Action on Air Quality*, available at www.elc.ab.ca/pdffiles/guidebook.pdf.

The objectives of an air quality group may be different from a group set up to challenge a proposed energy development. However, the organizational information and other background material in this publication are very useful. For example, chapter 2 includes a section that explains how to set up a legal group and a checklist for forming a volunteer group. Chapter 3 contains advice on making contacts. You can find more information in a companion *Background Materials* document at www.elc.ab.ca/pdffiles/background.pdf.

Before you choose a date for your public meeting, check the sports calendar and schedule of other local events. Making sure that your meeting doesn't conflict with other community activities will help you get maximum attendance. Invite as many people as

you can by telephone. If possible, advertise the meeting in your local newspaper as well. Place the advertisement so that it appears at least a week to 10 days before the meeting date. If you can get a journalist interested, you may get free coverage through a newspaper article or radio or television broadcast. This will make even more people aware of your work.

Whenever you hold a public meeting, invite the company and the regulator to attend so that they can hear everyone's point of view. Also invite local councillors and, if there is a health issue, the local board of health.

Here are some other tips to help you host a successful public meeting:

- Plan the meeting carefully. Make sure that all of the people who will have an active role in the meeting know exactly what they have to do, and when they have to do it.
- Give people enough notice of the meeting. Also, the day before the meeting, remind important participants to attend, by phone, e-mail, or fax.
- Put out seats for the number of people that you expect near the front of the room. Make sure that there are reserve chairs and enough space if more people attend than you expect. Ask someone to take responsibility for putting out more chairs, if needed.
- Provide refreshments (coffee, tea, and cookies) and arrange for someone to get everything ready before the meeting and to

refill as needed during the meeting. If it is a long meeting, you may want to call a 10-minute “coffee break.”

- Arrange to “pass the hat” before the coffee break, with a request for donations to pay for renting the room and other expenses. Do not leave this until the end of the evening because some people may leave early.
- Choose a capable person to act as the meeting chairperson. Decide who will present your group’s concerns and point of view.
- Draw up a clear agenda and stick to it. If people want to raise other issues, add them at the end under “Other Business.”
- Use an overhead projector if you can get one. Otherwise, write your main points on a flip chart or board.
- Arrange for someone to take minutes (detailed notes of all the points that come up during the meeting).
- As people arrive, or during the course of the evening, invite them to sign a list, giving their name, address, and telephone number, so that you can contact them about future developments.

At the start of the meeting, the chairperson should introduce any guests and propose an agenda. Then the spokesperson for the concerned citizens’ group – who should not be the same person as the chairperson – should explain why the meeting was called. The chairperson should invite members of the

public to give their views and ask people to give their names when they speak. The chairperson should also invite the company, regulator, and any other guests to give their views, if they wish. At the end of the meeting, the chairperson should ask someone from the concerned citizens’ group to outline the next steps – such as a formal meeting with the company to review the ideas that people expressed during the meeting – and to invite people to volunteer their help.

If the regulator does not attend the meeting, it is a good idea to write a letter and enclose a copy of the minutes so that the regulator knows about your concerns. The concerned citizens’ group may also want to send a copy of the minutes to the media. To keep the issue alive after the meeting, get as many people as possible to write a “Letter to the Editor” of the local newspaper.

A small, core group usually does most of the work negotiating with the company. How often you hold public meetings will depend on the circumstances, but you probably will not have to call a meeting unless there is a major change – for example, if the regulator announces that there will be a public hearing.

You may also want to set up a fundraising committee. It is unlikely that the money you get from passing the hat at a meeting will cover all of your costs. Some people may prefer to help with fundraising rather than writing letters, getting involved with negotiations, or preparing evidence for a hearing.

To keep other local people informed, you can send out short newsletters or media releases. If someone in your group (or one of their children) has skills using the Internet, set up your own Web site. This can be an efficient way to share information with other people. You can also ask the company to set up a Web site to post notices of meetings and minutes.

How to Work 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 the 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.

The following newspapers and radio stations operate on a territory-wide basis in the Yukon:

Yukon News

211 Wood Street
Whitehorse, Yukon
Y1A 2E4
Tel: 867-667-6285
Fax: 867-668-3755
E-mail: plesniak@yukon-news.com

Whitehorse Star

2149 2nd Avenue
Whitehorse, Yukon
Y1A 1C5
Tel: 867-667-4481
Fax: 867-668-7130
E-mail: star@whitehorsestar.com

CBC Yukon

3103 3rd Avenue
Whitehorse, Yukon
Y1A 1E5
Tel: 867-668-8400
Fax: 867-668-8408
E-mail: cbcnorth@cbc.ca

CHON FM

4230A 4th Avenue
Whitehorse, Yukon
Y1A 1K1
Tel: 867-668- 6629
Fax: 867-668-6612
E-mail: nnby@nnby.net

CKRW

203 – 4103 4th Avenue
Whitehorse, Yukon
Y1A 4H6
Tel: 867-668-6100
Fax: 867-668-4209
E-mail: news@ckrw.com

If you have a message to get out, sending out a media release can be helpful. The 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 position statements.
- 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 appropriate government agency. They will be better able to address your concerns if they know in advance what you are saying.

How to Find Other Experts

Engaging effectively with industry and the regulators can be challenging. You can get advice and support from people who have professional training or who have dealt with similar issues before.

Lawyers and Expert Witnesses

In many cases, you will be able to present your own views to a hearing arranged by a 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. Keep in mind that hiring professionals who are located near you can help to reduce costs and make communicating easier. If you do not know anyone suitable, you can contact the Law Society of Yukon or the Environmental Law Centre, Alberta, for information on where to find a lawyer or environmental expert. West Coast Environmental Law and Sierra Legal Defence Fund are two other groups that are aware of environmental issues in northern Canada.

Before you hire a lawyer or expert witness, discuss his or her fees. If there is no intervener funding, 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 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.

Law Society of Yukon

Suite 202 – 302 Steele Street

Whitehorse, Yukon

Y1A 2C5

Tel: 867-668-4231

Fax: 867-667-7556

E-mail: lsy@yknet.yk.ca

Web site: www.lawsocietyyukon.com

Environmental Law Centre, Alberta

204, 10709 Jasper Avenue

Edmonton, Alberta

T5J 3N3

Tel: 780-424-5099

Fax: 780-424-5133

E-mail: elc@elc.ab.ca

Web site: www.elc.ab.ca

West Coast Environmental Law

1001 – 207 West Hastings Street

Vancouver, British Columbia

V6B 1H7

Tel: 604-684-7378

Fax: 604-684-1312

E-mail: admin@wcel.org

Web site: www.wcel.org

Sierra Legal Defence Fund

214 – 131 Water Street

Vancouver, British Columbia

V6B 4M3

Tel: 604-685-5618 or 1-800-926-7744

Fax: 604-685-7813

E-mail: sldf@sierralegal.org

Web site: www.sierralegal.org

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.*

Mediation and Arbitration

In many energy-related cases, the regulators provide advice about mediation and arbitration. You can also contact the Mediation Yukon Society at 867-667-7910. This Society is interested in alternative approaches to dispute resolution and maintains a list of mediators on its Web site at [www.arcticweb.ca/mediation yukon](http://www.arcticweb.ca/mediation_yukon).

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. 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. The Standards Council of Canada also lists accredited laboratories on its Web site at www.scc.ca/certific/labs.html.

There are two laboratories in northern Canada: one in Whitehorse and one in Yellowknife. The Whitehorse laboratory tests water quality. You may have to send other samples (for example, soil samples) to laboratories in British Columbia or Alberta for testing.

Canadian Association for Environmental Analytical Laboratories

265 Carling Avenue, Suite 300
Ottawa, Ontario
K1S 2E1
Tel: 613-233-5300
Fax: 613-233-5501
Web site: www.caeal.ca

Organizations to Contact for Information, Advice, or Support

Federal Government Departments

Under the Yukon's new oil and gas regime, many of the responsibilities of the federal government are now under territorial jurisdiction. However, the federal government still plays an important role because it owns most of the land in the Yukon.

Indian and Northern Affairs Canada (DIAND)

Yukon Regional Office, DIAND
300 – 300 Main Street
Whitehorse, Yukon
Y1A 2B5
Tel: 867-667-3838
Fax: 867-667-3801
E-mail: reference@ainc-inac.gc.ca
Web site: www.ainc-inac.gc.ca

The Yukon Regional Office of DIAND supports political and economic development in the North by managing federal interests in the Yukon and promoting the sustainable development of northern communities and natural resources.

National Energy Board (NEB)

National Energy Board
General Inquiries
444 Seventh Avenue SW
Calgary, Alberta
T2P 0X8
Tel: 403-292-4800 or 1-800-899-1265
Fax: 403-292-5503
E-mail: info@neb-one.gc.ca
Web site: www.neb.gc.ca

CONTACT INFO

This chapter provides descriptions and contact information for federal and territorial government departments, Umbrella Final Agreement organizations, and non-government organizations that are involved in oil and gas development in the Yukon.

The NEB is an independent federal agency that regulates several aspects of Canada's energy industry. The NEB's purpose is to promote safety, environmental protection, and economic efficiency in the Canadian public interest. It must also respect the rights of individuals in the regulation of pipelines, energy development, and trade, within the mandate set by Parliament. For more information on how the NEB operates and its role in pipeline approval and regulation, see the section called "Cross-boundary Projects," starting on page 57. The NEB's head office is in Alberta.

Northern Pipeline Agency

Northern Pipeline Agency
Policy Officer
Lester B. Pearson Building
125 Sussex Drive
Ottawa, Ontario
K1A 0G2
Tel: 613-944-0564
Office of the Commissioner
Tel: 613-944-5000

The Northern Pipeline Act, proclaimed in April 1978, created the Northern Pipeline Agency to oversee the planning and construction of the Canadian portion of the Alaska Highway Gas Pipeline Project by the Foothills Group of Companies. If this project chooses another route, the Northern Pipeline Agency's responsibilities for approval and regulation will return to the NEB.

The Northern Pipeline Agency has two mandates. It must regulate the Alaska Highway Gas Pipeline Project and streamline and expedite (speed up the progress of) the approval process. It must also ensure that the pipeline system gives Canadians the maximum economic and industrial benefit with the least amount of social and environmental disruption, particularly to aboriginal communities.

The Northern Pipeline Agency acts as a single window between federal authorities and the Foothills Group of Companies, and between provincial and territorial governments and the Government of the United States. The Agency has taken on many regulatory powers related to the pipeline project from other federal departments and agencies. It has not taken on powers reserved exclusively for the NEB or shared between the NEB and the Agency.

Canadian Environmental Assessment Agency

Canadian Environmental Assessment Agency
Pacific and Northern Office
757 West Hastings Street, Suite 320
Vancouver, British Columbia
V6C 1A1
Tel: 604-666-6989

Fax: 604-666-6990

E-mail: ceaa.pacific@ceaa-acee.gc.ca

Web site: www.ceaa-acee.gc.ca

The Canadian Environmental Assessment Agency (CEAA) is an independent agency that reports directly to the federal Minister of the Environment. The Canadian Environmental Assessment Act requires an environmental assessment of projects that the federal government funds or licenses, including pipelines that the NEB authorizes. You can find information about the Canadian Environmental Assessment Act at www.ceaa-acee.gc.ca/013/act_e.htm. The role of the Yukon's Development Assessment Process in pipeline approvals (see the section called "Development Assessment Process," starting on page 52) must still be determined, based on pipeline routes and other specifics.

The Comprehensive Study List Regulation (Part IV, section 5) requires the CEAA to assess the construction of an oil and gas pipeline that is more than 75 kilometres long on a new right of way (and falls under NEB jurisdiction). The Inclusion List Regulation (Oil and Gas Projects, section 2) requires the CEAA to review physical activities that relate to the abandonment of the operation of a pipeline that requires permission under section 74(1)(d) of the National Energy Board Act

There is an opportunity for public input into the review process and for participation if the CEAA decides to hold a hearing (Canadian

Environmental Assessment Act, sections 21, 22). After the CEAA prepares a comprehensive report on the proposed development, it publishes a public notice saying when and where the report is available and stating the deadline by which it must receive comments on the report's conclusions and recommendations. The Minister can then refer the project back to the responsible authority (the NEB, in the case of pipelines) for action (Canadian Environmental Assessment Act, section 37), or refer the project to a mediator or review panel (Canadian Environmental Assessment Act, section 29). A review panel means a hearing, with an opportunity for public input (Canadian Environmental Assessment Act, section 34). If you are making a presentation to a hearing, remember that the assessment can take into consideration the cumulative (combined) environmental impacts from more activities than just the one project seeking approval.

After the *Yukon Environmental and Socio-economic Assessment Act* and the Development Assessment Process are in place, the Canadian Environmental Assessment Act will have a limited role in assessing projects in the Yukon. There may be some exceptions. For more information about how the Canadian Environmental Assessment Act works within the regulatory process in the Yukon, see the chapter called "Permits and Licences for Oil and Gas Activities," starting on page 33.

Other Federal Government Departments

The following departments also have responsibilities that may indirectly relate to oil and gas development. If you have specific concerns about oil and gas activities that fall under a department's mandate, contact the department directly to find out your best course of action.

Natural Resources Canada

Natural Resources Canada
Earth Science Office
225 – 300 Main Street
Whitehorse, Yukon
Fax: 867-393-6709
Web site: www.nrcan.gc.ca

Natural Resources Canada promotes sustainable and responsible use of mineral, energy, and forest resources. It also collects information about Canadian land, promotes knowledge and information about sustainable resource development, and regulates legal surveys on federal lands, including land claim lands. Natural Resources Canada does not have a main office in the Yukon. However, its Earth Science Office is located in Whitehorse.

Environment Canada

Environment Canada
Canadian Wildlife Service
91782 Alaska Highway
Whitehorse, Yukon
Y1A 5B7
Tel: 867-393-6700
Fax: 867-667-7962
E-mail: greenlane.pyr@ec.gc.ca
Web site: www.ec.gc.ca

Environment Canada works to preserve and enhance the natural environment, including migratory birds and other non-domestic plants and animals. The department protects water resources, monitors water quality, administers and enforces environmental legislation, is concerned with domestic and international pollution and bio-diversity, and coordinates federal environmental programs and policies. The Canadian Wildlife Service is part of Environment Canada, and has an office in Whitehorse.

Fisheries and Oceans Canada (DFO)

Fisheries and Oceans Canada
100 – 419 Range Road
Whitehorse, Yukon
Y1A 3V1
Tel: 867-393-6722
Fax: 867-393-6738
E-mail: info@dfo-mpo.gc.ca
Web site: www.dfo-mpo.gc.ca

Fisheries and Oceans Canada (formerly the Department of Fisheries and Oceans, or DFO) administers policies and programs that support Canada's economic, ecological, and scientific interests in oceans and freshwater fish habitat and promote the conservation and sustainability of Canada's fishery resources. DFO has an office in Whitehorse.

Foreign Affairs and International Trade Enquiries Service (SXCI)

Department of Foreign Affairs
and International Trade
125 Sussex Drive

Ottawa, Ontario
K1A 0G2
Tel: 1-800-267-8376 (toll free in Canada) or
613-944-4000 (in the National Capital Region
and outside Canada)
Tel TTY: 613-944-9136
Fax: 613-996-9709
Web site: www.dfait-maeci.gc.ca

Foreign Affairs and International Trade develops policies relating to Canada's international role, manages Canada's bilateral relations with other Arctic regions, and is responsible for the Northern Pipeline Agency (described above). Foreign Affairs and International Trade does not have a main office in the Yukon. For more information, visit the department's Web site.

YTG Departments

Department of Energy, Mines and Resources

Energy, Mines and Resources
Government of Yukon
Box 2703
Whitehorse, Yukon
Y1A 2C6
Tel: 867-667-3130 or (toll free in Yukon) 1-800-
661-0408, extension 3130
Tel TTY: 867-393-7460
Fax: 867-667-8601
Web site: www.emr.gov.yk.ca

The Department of Energy, Mines and Resources is the main YTG department involved with oil and gas development. The Minister of Energy, Mines and Resources makes

all final decisions related to oil and gas development in the Yukon. The primary mandate of the department of Energy, Mines and Resources is to create a strong, diversified Yukon economy, while also ensuring the sustainable development of Yukon resources. Oil and gas development has become one of its major focuses. As a result, the department created two branches to deal specifically with oil and gas initiatives: the YTG Oil and Gas Management Branch and the YTG Lands Branch.

YTG Oil and Gas Management Branch

YTG Oil and Gas Management Branch
Department of Energy, Mines and Resources
212 Main Street, Suite 209
Box 2703
Whitehorse, Yukon
Y1A 2C6
Tel: 867-667-3427 or (toll free in Yukon) 1-800-661-0408, extension 3427
Fax: 867-393-6262
E-mail: oilandgas@gov.yk.ca
Web site: www.emr.gov.yk.ca/Oil_and_Gas

This branch of the Department of Energy, Mines and Resources manages territorial oil and gas resources. It provides companies and the public with information, including publications about the Yukon's oil and gas regime, technical reports and resource data (for example, petroleum resource assessments), and general oil and gas library material. The YTG Oil and Gas Management Branch also identifies "Call for Nomination" areas and conducts disposition processes.

YTG Lands Branch

YTG Lands Branch
Department of Energy, Mines and Resources
Elijah Smith Building
300 Main Street, Suite 320
Box 2703
Whitehorse, Yukon
Y1A 2C6
Tel: 867-667-5215 or (toll free in Yukon) 1-800-661-0408, extension 5215
Fax: 867-667-3214
E-mail: land.disposition@gov.yk.ca
Web site: www.emr.gov.yk.ca/lands

On April 1, 2003 the YTG took over land-related responsibilities that DIAND used to administer. Three jurisdictions now administer land in the Yukon:

- the YTG controls most vacant lands in the Yukon;
- Yukon First Nations control their settlement lands; and
- municipalities administer lands, community plans, and zoning by-laws within their jurisdictions; Whitehorse and Dawson City also control subdivision within their boundaries.

Contact the YTG Lands Branch for information on the following:

- residential, recreational, commercial, and industrial lot sales;
- land applications for commercial, industrial, rural residential, and trapping leases, waterlots, quarries, and enlargement of existing properties;

- information about finalizing your land application;
- land use permits for a variety of uses, including site clearing or earth work, constructing a new road, trail, or access, clearing or installing a utility right of way, conducting geo-technical or hydrological studies, and temporarily using or occupying Commissioner's land; and
- quarry permits for sand, gravel, and topsoil.

Oil and Gas Business Development Unit

Oil and Gas Business Development Unit

212 Main Street, Suite 200

P.O. Box 2703

Whitehorse, Yukon

Y1A 2C6

Tel: 867-393-7042 or (toll free in Yukon) 1-800-661-0408, extension 7042

Fax: 867-393-7046

E-mail: oilandgas@gov.yk.ca

Web site: www.emr.gov.yk.ca/Oil_and_Gas

The Oil and Gas Business Development Unit promotes and facilitates the responsible development of Yukon's oil and gas resources and pipeline activities. The Unit helps with training and employment opportunities, participates in trade shows and events, works with industry on subjects such as benefits agreements, coordinates research and conducts education campaigns, and advances the development of the Alaska Highway Gas Pipeline Project.

Other YTG Departments

Several other YTG departments have responsibilities that relate indirectly to oil and gas development. If you have specific concerns that relate to the mandates of one of these departments, contact the department directly to find out if it can help you. For example, if you are concerned about how oil and gas development may affect a historic site, consider contacting the Department of Business, Tourism and Culture.

Department of Environment

Department of Environment

Government of Yukon

10 Burns Road

Box 2703

Whitehorse, Yukon

Y1A 2C6

Tel: 867-667-5652 or (toll free in Yukon) 1-800-661-0408, extension 5652

Fax: 867-393-6213

E-mail: environmentyukon@gov.yk.ca

Web site: www.environmentyukon.gov.yk.ca

The Department of Environment oversees the management and use of Yukon's renewable resources and environment. It manages and conserves fish and wildlife species, administers and enforces the Wildlife Act and the Environment Act, manages territorial protected areas, parks, campgrounds, special management areas (in coordination with First Nations), and Heritage Rivers, and administers and promotes agriculture.

Department of Highways and Public Works

Department of Highways and Public Works

Government of Yukon

Box 2703

Whitehorse, Yukon

Y1A 2C6

Tel: 867-393-7193 or (toll free in Yukon) 1-800-661-0408, extension 7193

Fax: 867-393-6218

E-mail: hpw-webmaster@gov.yk.ca

Web site: www.hpw.gov.yk.ca

The Department of Highways and Public Works is responsible for ensuring that public highways, airstrips, buildings, and information systems are safe and efficient.

Department of Tourism and Culture

Department of Tourism and Culture

Government of Yukon

Box 2703

Whitehorse, Yukon

Y1A 2C6

Tel: 867-667-5036 or (toll free in Yukon) 1-800-661-0408, extension 5036

Fax: 867-667-3546

Web site: www.btc.gov.yk.ca

The Department of Business, Tourism and Culture focuses on business, tourism, cultural industries, and technology/telecommunications to develop and promote economic capacity and entrepreneurial skills for a vibrant Yukon economy. The department works with the Yukon's diverse arts communities to encourage creativity and quality of life, and with heritage

interests to preserve and interpret the Yukon's heritage resources.

Umbrella Final Agreement Organizations and Processes

The Umbrella Final Agreement has chapters that address specific areas of resource management: special management areas, fish and wildlife, heritage, water management, forest resources, non-renewable resources, and economic development measures. These chapters establish management processes and protect the interests of Yukon First Nations in these areas. The following sections describe processes and organizations that the Umbrella Final Agreement created.

Land Use Planning Council

Land Use Planning Council

201 – 307 Jarvis Street

Whitehorse, Yukon

Y1A 2H3

Tel: 867-667-7397

Fax: 867-667-4624

E-mail: ylupc@planyukon.ca

Web site: www.planyukon.ca

The three parties to the land claim agreement – the YTG, Government of Canada, and Yukon First Nations – established a central Land Use Planning Council to implement land use plans in the Yukon. A land use plan is a tool that communities and decision-makers use to define how land in a specific area will be used. The land use plan may establish terms and conditions for land use and outline

administrative processes that allow the plan to be followed. Chapter 11 of the Umbrella Final Agreement outlines how land use planning will happen in the Yukon.

The Land Use Planning Council is an independent board with three members: one from the YTG, one from the Government of Canada, and one from the Council of Yukon First Nations. The Land Use Planning Council makes recommendations to relevant governments about three issues:

- land use planning policies, goals, and priorities in the Yukon;
- planning region boundaries and priorities (the Council determines the boundaries of nine proposed or existing regions in the Yukon jointly with the affected communities and First Nations); and
- general terms of reference for regional land use planning commissions.

The Land Use Planning Council also administers a \$7.4-million budget for land use planning by the regional land use planning commissions.

Regional Land Use Planning Commissions

Regional land use planning commissions have six or nine members, depending on the size of the planning region and the number of land claims. First Nations with interests in the region nominate one-third of the commission members; the YTG nominates another one-third; and both or either First Nations and/or the YTG, depending on the demographics of the region, nominate the final one-third.

The primary role of the regional land use planning commissions is to prepare and recommend a regional land use plan for the YTG and First Nations to implement. The regional land use plan should take into account traditional knowledge, sustainability, existing management regimes, public participation, and potential land use conflicts.

Land Use Planning Process

The Umbrella Final Agreement specifies certain steps that each region should follow for land use planning so that there is a common land use planning process across the Yukon. Some steps are not explicitly stated in the Umbrella Final Agreement, but must occur because of other requirements in the Agreement. Several steps allow the public to have input into a land use plan:

- *Issue identification:* The first main stage of the planning process is to identify issues within the planning region. The regional land use planning commission looks for a wide variety of opinions from the community and from individuals who are already involved in local land management. The commission usually holds community meetings or discusses issues with community members one on one.
- *Information gathering:* After the commission identifies major issues, it focuses its research on priority areas. The commission considers information resources such as technical sources, land management agencies, and the general public. It usually uses community workshops to gather information.

- *Plan scenario development:* The commission, in consultation with the public, interest groups, and government, develops plan options. It presents these options to the parties and the public for comment. Eventually, this results in a draft land use plan.
- *Plan review:* The commission releases the draft land use plan to the public for review. It incorporates the comments it receives into the final land use plan.

Getting involved in the land use planning process is an effective way to make sure that your concerns about oil and gas development become part of the overall vision for a region.

Yukon Surface Rights Board

Yukon Surface Rights Board
 206 – 100 Main Street
 Box 31201
 Whitehorse, Yukon
 Y1A 5P7
 Tel: 867-667-7695
 Fax: 867-668-5892
 E-mail: info@yukonsurfacerights.com
 Web site:

The Yukon Surface Rights Board is an independent organization that has a mandate to resolve access disputes and related matters between surface and subsurface rights holders in the Yukon. Chapter 8 of the Umbrella Final Agreement created the Board, and the federal Yukon Surface Rights Board Act, c.43, established it in 1992. Landowners who have concerns about an activity on their land can make an application to the Yukon Surface

Rights Board. Contact the Board directly for information about how to make an application. The Board screens applications to decide if they fall under the Board's jurisdiction. It deals with most conflicts through mediation. It only holds full hearings to deal with very difficult or complicated matters.

The Board may consider the following factors when it determines compensation for access to, use of, or expropriation of settlement land:

- the worth of the land and any improvements on it;
- any loss of use, loss of opportunity, or interference with the use of settlement land;
- the effect on fish and wildlife harvesting within settlement land;
- the effect on fish and wildlife and their habitat within settlement land;
- the effect on other settlement land;
- any damage to settlement land;
- any nuisance, inconvenience, and noise;
- any cultural or special value of the land to the affected First Nation; and
- the cost associated with implementing any order the Board makes.

Yukon Surface Rights Board Hearings

If the Yukon Surface Rights Board holds a hearing, it follows the following process. You can find more detailed information about hearing requirements under the Yukon Surface Rights Board Act on the Board's Web site at www.surfacerightsboard.com.

If an application for a hearing is successful, the Board must provide notice of the hearing to involved parties by registered mail and post a public notice that announces the hearing at least 21 days before the hearing date. The hearing usually takes place in the community closest to the land under dispute and is open to the public. The notice must include the time, date, and location of the hearing, the legal authority for the hearing, the deadline (date and time) by which any party must file a notice of response, and the address to which a party must send a notice of response.

The Board chairperson establishes a panel of Board members to preside over the hearing. This panel has all of the powers of the Board. Any member of the public who would like to make a presentation to the panel must receive permission from the Board. He or she must file a notice of response with the Board's head office at least seven days before the hearing. The Board provides copies of all filed notices of response to each party involved in the hearing. A notice of response must include the following information:

- the person's complete name or organization name, and all contact information;
- a clear statement of their interest in the matter;
- a clear statement of their position;
- whether or not they will appear at the hearing; and
- a copy of all information and supporting

documents to help explain their presentation.

Section 38(a) of the Yukon Surface Rights Board Act states, "The Board shall keep a public record of all applications made to the Board and orders and other decisions made by the Board in respect of applications." You can find a list of the Board's public records at all Yukon public libraries. You can get copies of these files from the Board's Whitehorse office.

Other Umbrella Final Agreement Organizations

The Umbrella Final Agreement created the following organizations. In most cases, they have the right to be recognized as "an interested party" in the proceedings of any agency, board, or committee dealing with matters – including oil and gas development – that affect their specific mandates.

Renewable Resource Councils

A Renewable Resource Council is established when a First Nation finalizes its individual land claim. These Councils are the primary instruments for local renewable resource management, including forestry, fish and wildlife, within the First Nation's traditional territory. At the time of writing, there were seven established Renewable Resource Councils in the Yukon:

- Alesk Renewable Resource Council (Champagne-Aishihik First Nation)
- Mayo Renewable Resource Council (Nacho Ny'ak Dun)

- Teslin Renewable Resource Council (Teslin Tlingit Council)
- North Yukon Renewable Resource Council (Vuntut Gwich'in First Nation)
- Carmacks Renewable Resource Council (Little Salmon Carmacks First Nation)
- Selkirk Renewable Resource Council (Selkirk First Nation)
- Dawson Renewable Resource Council (Tr'ondek Hwech'in First Nation)

Other First Nations are in the final stages of their land claim negotiations, so more Councils will probably be established in the next few years.

Each Council has six local representatives. The First Nation appoints three members, and the YTG appoints three members. The Council can make recommendations to government ministers, affected First Nations, or the Yukon Fish and Wildlife Management Board. These recommendations may address issues affecting fish, wildlife, and their habitats within the First Nation's traditional territory.

The Councils are public organizations that are there to listen to comments and concerns from the local community. If you have any specific concerns related to oil and gas development, bring them to the attention of your local Renewable Resource Council by writing a letter to the Council, telephoning the Council secretariat, or attending a Council meeting.

Yukon Fish and Wildlife Management Board

Yukon Fish and Wildlife Management Board
106 Main Street, 2nd floor
Whitehorse, Yukon
Y1A 2A8
Tel: 867-667-3754
Fax: 867-393-6947
E-mail: yfwmb@yknet.ca
Web site: www.yfwmb.yk.ca

Chapter 16 of the Umbrella Final Agreement established the Yukon Fish and Wildlife Management Board. The Board has 12 members. Yukon First Nations appoint six members, and the YTG appoints six members. The Board focuses on policy and legislation development related to fish, wildlife, and their habitats. It also addresses Yukon-wide management issues and oversees all management strategies in the 14

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Refer to the Umbrella Final Agreement for more detailed explanations of the specific powers and responsibilities of each of these organizations. You should be able to find a copy of the Umbrella Final Agreement in most Renewable Resource Council offices, First Nation government offices, and libraries. If you cannot find a copy, ask the Council of Yukon First Nations (see page 87 for complete contact information) where there is a copy near you.

traditional territories. Part of the Board's job includes reviewing applications for oil and gas activities. The Board welcomes public input. If you would like to voice your concerns about any aspect of oil and gas development, contact the Board directly.

Yukon Salmon Committee

Yukon Salmon Committee
100 – 419 Range Road
Whitehorse, Yukon
Y1A 3V1
Tel: 867-393-6725
Fax: 867-393-6738
E-mail: salmon@yukonsalmoncommittee.ca
Web site: www.yukonsalmoncommittee.ca

The Yukon Salmon Committee is a subcommittee of the Yukon Fish and Wildlife Management Board, but functions independently. The Committee is the main instrument of salmon management in the Yukon and focuses on the conservation of territorial salmon stocks. The Committee works closely with the DFO, the Yukon Fish and Wildlife Management Board, Yukon First Nations, Renewable Resource Councils, and the public. If you have any concerns about the effects of oil and gas development on Yukon salmon stocks, contact the Committee directly.

Yukon Territory Water Board

Yukon Territory Water Board
419 Range Road, Suite 106
Whitehorse, Yukon
Y1A 3V1
Tel: 867-667-3980
Fax: 867-668-3628

Chapter 14 of the Umbrella Final Agreement outlines the role of the Yukon Territory Water Board. The Board's regulatory powers come from the federal *Yukon Waters Act*. The Board manages and protects the Yukon's surface and subsurface water resources and issues water licences. It may hold public hearings as part of its review of a water licence application. DIAND enforces the terms and conditions of water licences. If you have any concerns about the potential impacts of oil and gas development on water reserves, contact the Yukon Territory Water Board directly.

First Nation Governments

There are 14 First Nations in the Yukon. Every First Nation is organized differently, but all of them have a common basic structure. Each First Nation has a central council, headed by a Chief. The Council of Yukon First Nations represents and maintains unity for all First Nations in the Yukon. However, individual First Nation governments provide services and programs to their people.

When a First Nation reaches a final agreement with the YTG and the federal government, it receives specific powers. Each "settled" First Nation (a First Nation that has reached a final agreement) has a Lands and Resources Office that oversees developments on and off settlement lands. Some also have an economic development unit or corporation that participates in oil and gas development.

First Nations with final agreements

- Carcross/Tagish First Nation
- Champagne/Aishihik First Nation
- Kluane First Nation
- Little Salmon/Carmacks First Nation
- Na-cho Nyak Dun First Nation
- Selkirk First Nation
- Ta'an Kwach'an Council
- Teslin Tlingit Council
- Tr'ondëk Hwëch'in Hän Nation
- Vuntut Gwichin First Nation
- White River First Nation

First Nations without final agreements

- Kwanlin Dun First Nation
- Liard First Nation
- Ross River Dena Council

The following information will help you contact First Nation governments.

Council of Yukon First Nations

11 Nisutlin Drive
Whitehorse, Yukon
Y1A 3S4
Tel: 867-667-7631 or 867-393-9200
Fax: 867-668-6577
E-mail: info@cyfn.ca
Web site: www.cyfn.ca

Carcross/Tagish First Nation

Box 130
Carcross, Yukon
Y0B 1B0
Tel: 867-821-4251
Fax: 867-821-4802
E-mail: ctfn@yknet.yk.ca

Champagne/Aishihik First Nation

100 – 304 Jarvis Street
Whitehorse, Yukon
Y1A 2H2
Tel: 867-668-3627
Fax: 867-667-6202
E-mail: cafn@yknet.yk.ca

Kaska Tribal Council

Box 530
Watson Lake, Yukon
Y0A 1C0
Tel: 867-536-2805
E-mail: kaskatc@yknet.yk.ca

Kluane First Nation

Box 20
Burwash Landing, Yukon
Y0B 1V0
Tel: 867-841-4274
Fax: 867-841-5900
E-mail: asikeyi@yknet.yk.ca

Kwanlin Dun First Nation

35 McIntyre Road
Whitehorse, Yukon
Y1A 5A5
Tel: 867-633-7800
E-mail: jreid@kdfn.yk.ca

Liard First Nation

Box 328
Watson Lake, Yukon
Y0A 1C0
Tel: 867-536-2131
E-mail: lfnadmin@yknet.yk.ca

Little Salmon/Carmacks First Nation

Box 135
Carmacks, Yukon
Y0B 1C0
Tel: 867-863-5576
Fax: 867-863-5710
Web site: www.lscfn.ca

Nacho Nyak Dun First Nation

Box 220
Mayo, Yukon
Y0B 1M0
Tel: 867-996-2265
Fax: 867-996-2107
E-mail: nnd@yknet.yk.ca

Northern Tutchone Council

Box 61
Pelly Crossing, Yukon
Y0B 1P0
Tel: 867-537-3821

Ross River Dena Council

General Delivery
Ross River, Yukon
Y0B 1S0
Tel: 867-969-2278
E-mail: rrdc@yknet.yk.ca

Selkirk First Nation

Box 40
Pelly Crossing, Yukon
Y0B 1P0
Tel: 867-537-3331
Fax: 867-537-3902
E-mail: simss@selkirkfn.com

Southern Tutchone Tribal Council

Box 2076
Haines Junction, Yukon
Y0B 1L0
Tel: 867-634-2513
E-mail: sttc@yknet.yk.ca

Ta'an Kwach'an Council

Box 32081
Whitehorse, Yukon
Y1A 5P9
Tel: 867-668-3613
Fax: 867-667-4295
E-mail: taankwachan@taan.ca

Teslin Tlingit Council

Box 133
Teslin, Yukon
Y0B 1B0
Tel: 867-390-2532
Fax: 867-390-2204
E-mail: admin@ttc-teslin.com

Tr'ondëk Hwëch'in Hän Nation

Box 599
Dawson City, Yukon
Y0B 1G0
Tel: 867-993-5385
Fax: 867-993-6553
Web site: www.trondek.com

Vuntut Gwitchin First Nation

Box 94
Old Crow, Yukon
Y0B 1N0
Tel: 867-966-3261
Fax: 867-966-3116
E-mail: info@vgfn.net
Web site: www.oldcrow.yk.net

White River First Nation

General Delivery
Beaver Creek, Yukon
Y0B 1A0
Tel: 867-862-7802
Fax: 867-862-7906
E-mail: wrfn@yknet.yk.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.

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.

Non-Government Organizations in the Yukon

Canadian Parks and Wilderness Society

Canadian Parks and Wilderness Society

– Yukon Chapter

P.O. Box 31095

211 Main Street

Whitehorse, Yukon

Y1A 5P7

Tel: 867-393-8080

Fax: 867-393-8081

E-mail: cpaws@cpawsyukon.org

Web site: www.cpawsyukon.org

The Canadian Parks and Wilderness Society (CPAWS) was founded in 1963. CPAWS is a national organization that envisions a healthy ecosphere where people experience and respect the natural ecosystem. CPAWS aims to achieve this by

- protecting Canada's wild ecosystems in parks, wilderness, and similar natural areas to preserve the full diversity of habitats and their species;

- promoting awareness and understanding of ecological principles and the inherent values of wilderness through education, appreciation, and experience;
- encouraging individual action to accomplish these goals; and
- working cooperatively with government, First Nations, business, other organizations, and individuals in a consensus-seeking manner, wherever possible.

Yukon Conservation Society

Yukon Conservation Society
302 Hawkins Street
Whitehorse, Yukon
Y1A 1X6
Tel: 867-668-5678
Fax: 867-668-6637
E-mail: yca@yca.yk.ca
Web site: www.yukonconservation.org

Concerned people in the Yukon founded the Yukon Conservation Society in 1968 to pursue ecosystem well-being throughout the Yukon and beyond. The society is a busy, grassroots, volunteer organization that serves the public through education, research and advocacy work on a range of environmental issues.

The Caribou Commons Project

Caribou Commons Project
21 Klondike Road
Whitehorse, Yukon
Y1A 3L8
E-mail: project@cariboucommons.com
Web site: www.cariboucommons.com

The Caribou Commons Project is an international effort to permanently protect the calving grounds of the Porcupine caribou herd, located in Alaska's Arctic National Wildlife Refuge. A unique collaboration among aboriginal people, northern artists and conservationists, the Caribou Commons Project is making people aware of the issue through live multimedia concert presentations, slide show/lecture tours, and CD releases featuring original music and sound recordings of the Arctic. Visit their forum to share your thoughts and ideas with others concerned about the fate of the Arctic National Wildlife Refuge.

Gwich'in Steering Committee

Gwich'in Steering Committee
P.O. Box 122, 1st Avenue, Suite #2
Fairbanks, Alaska
U.S.A. 99701
Tel: 907-458-8264
Fax: 907-457-8265
Web site: www.alaska.net/~gwichin

The Gwich'in Nation established the Gwich'in Steering Committee "to protect our people, caribou, land, air and water." The Committee has eight tribal members, chosen by the Chiefs. Four members are from Alaska and four members are from Canada. Members attend meetings and gather support. The primary goal of the Gwich'in Steering Committee is "to establish Gwich'in cultural survival as a major issue in the debate over oil development in the Arctic National Wildlife Refuge."

Porcupine Caribou Management Board

Porcupine Caribou Management Board

Box 4999

Whitehorse, Yukon

Y1A 4S2

Tel: 867-633-4780

E-mail: PCMB@polarcom.com

Web site: www.pcmb.yk.ca/pcmb.html

In 1985, the Government of Canada, aboriginal organizations, the YTG, and the Government of the Northwest Territories signed an agreement that created the Porcupine Caribou Management Board. The mandate of the Board is to cooperatively manage the Porcupine caribou herd and its habitat in Canada to

ensure that the herd continues to be available for subsistence use by aboriginal hunters, while recognizing that other users may also share the harvest.

The Board has eight representatives: the Council of Yukon First Nations appoints two; the YTG appoints two; the Inuvialuit Game Council appoints one; the Northwest Territories Gwich'in appoints one; the Government of the Northwest Territories appoints one; and the federal government appoints one. The Board nominates a chairperson and has a secretary/treasurer. It meets about twice a year, and holds conference calls, committee meetings, and workshops throughout the year as needed.

Appendix A: Abbreviations

The following abbreviations appear in this primer:

CAEAL	Canadian Association for Environmental Analytical Laboratories
CAPP	Canadian Association of Petroleum Producers
CEAA	Canadian Environmental Assessment Agency
CERI	Canadian Centre for Energy Information
CPAWS	Canadian Parks and Wilderness Society
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 (NWT)
EISC	Environmental Impact Screening Committee (NWT)
LARC	Land Application Review Committee
LUPC	Land Use Permit Committee
NEB	National Energy Board
NWT	Northwest Territories
YTG	Yukon Territorial Government

Appendix B: More Information About the Development Assessment Process

How Will Projects Be Assessed Under the Development Assessment Process?

The Development Assessment Process will require an assessment for development activities that need an authorization, grant of interest in land, or funding from the federal government and might have a negative impact on the Yukon's environment, people, or communities. Under the *Yukon Environmental and Socio-economic Assessment Act*, there will be three types of assessment.

Designated Office Evaluation – Most projects will enter the assessment process at this level. At the end of the screening, the Designated Office will either decide that a project needs further assessment through a Designated Office review, or recommend that the project proceed, proceed with terms and conditions, or not proceed. Most projects will have a Designated Office screening.

Executive Committee Screening – The executive committee will screen certain larger projects that enter the assessment process at this level. A Designated Office can also refer projects to the executive committee for screening. If the

executive committee decides that a project might have a significant negative impact, raise significant public concerns, or involve untested technology, it will establish a panel to review the project. In most other cases, the executive committee will recommend that the project proceed, proceed with terms and conditions, or not proceed.

Panel Review – The executive committee will establish panels for more in-depth assessments. These reviews may include a public hearing for larger or more complex projects with a greater potential for negative impacts or public concern. At the end of the review, the panel will recommend that the project proceed, proceed with terms and conditions, or not proceed.

What Other Agencies Will Have a Role in the Development Assessment Process?

Other resource management bodies will have a role in the Development Assessment Process. To make sure that the Development Assessment Process considers your concerns, you can contact the following organizations and get involved in their processes.

Regional Land Use Planning Commissions

Regional land use planning commissions develop regional land use plans. In places where a regional land use plan is in effect, the Development Assessment Process organization that is assessing a project must seek the input of the local commission to determine whether or not the project conforms to the regional land use plan. In places where a regional land use plan is being developed, the Development Assessment Process organization that is assessing a project must provide information about project proposals to the commission and invite the commission to provide comments.

Other Umbrella Final Agreement Boards and Committees

Renewable Resource Councils for each traditional territory, the Yukon Fish and Wildlife Management Board, and the Yukon Salmon Committee exist under the Umbrella Final Agreement to advise governments on legislation, policies, and programs related to renewable resource management and conservation. These organizations will have the opportunity to participate in all Development Assessment Process assessments.

Cross-boundary Regimes

The Gwich'in Tribal Council has a cross-boundary land claim in the Yukon. The *Yukon Environmental and Socio-economic Assessment Act* considers the Tetlit Gwich'in, who are represented by the Gwich'in Tribal Council, to be a Yukon First Nation. They have "private lands" (equivalent to Yukon First Nation settlement lands) and an identified primary and secondary use area in the northeast Yukon. The Development Assessment Process will apply to those Yukon lands. Other cross-boundary land claim agreements will likely be finalized in the future. These groups will become involved in the Development Assessment Process in accordance with their cross-boundary agreements.

Yukon North Slope

The Inuvialuit have rights and interests on the Yukon North Slope, arising from the Inuvialuit Final Agreement. The Environmental Impact Screening Committee (EISC) and Environmental Impact Review Board (EIRB), both established by the Inuvialuit Final Agreement, will carry out environmental assessments for projects on the Yukon North Slope, under the Canadian Environmental Assessment Act. To avoid duplication, projects that the EIRB or EISC assesses will not have a separate Development Assessment Process panel review.

