

# Cooperation Plan

for the Environmental Impact  
Assessment and Regulatory Review  
of a Northern Gas Pipeline Project  
through the Northwest Territories

Northern Pipeline Environmental Impact Assessment  
and Regulatory Chairs' Committee • June 2002

# CONTACT INFORMATION

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The chairs of the boards and agencies responsible for assessing and regulating energy developments in the Northwest Territories have developed a Cooperation Plan describing how, in principle, they will coordinate their response to any proposals to build a major natural gas pipeline through the Northwest Territories.

## Copies of the Cooperation Plan are available from the following offices and web sites.

National Energy Board  
Publications Office, Ground Floor, 444 Seventh Ave. SW  
CALGARY, AB T2P 0X8  
Tel: (403) 299-3562  
Fax: (403) 292-5576  
email: [publications@neb-one.gc.ca](mailto:publications@neb-one.gc.ca)  
Website: [www.neb-one.gc.ca](http://www.neb-one.gc.ca)

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Mackenzie Valley Environmental Impact Review Board  
P.O. Box 938, 200 Scotia Centre, 5102 - 50th Ave.  
YELLOWKNIFE, NT X1A 2N7  
Tel: (867) 766-7051  
Fax : (867) 766-7074  
email: [cooperation@mveirb.nt.ca](mailto:cooperation@mveirb.nt.ca)  
Website: [www.mveirb.nt.ca](http://www.mveirb.nt.ca)

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Fax (867) 766-7074  
email : [cooperation@mveirb.nt.ca](mailto:cooperation@mveirb.nt.ca)  
Website: [www.mveirb.nt.ca](http://www.mveirb.nt.ca)

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Government of the Northwest Territories  
Resources, Wildlife and Economic Development  
600, 5102-50th Avenue  
YELLOWKNIFE, NT X1A 3S8  
Tel: (867) 873-7379  
Fax : (867) 873-0114  
Website: [www.rwed.gov.nt.ca](http://www.rwed.gov.nt.ca)

---

Canadian Environmental Assessment Agency  
200 Sacré-Coeur Blvd., Fontaine Building  
HULL (Quebec) K1A 0H3  
Tel: (819) 953-4054  
Fax : (819) 953-2891  
Website: [www.ceaa-acee.gc.ca](http://www.ceaa-acee.gc.ca)

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Mackenzie Valley Land and Water Board  
P.O. Box 2130, 7th Floor, YK Centre  
YELLOWKNIFE, NT X1A 2P6  
Tel: (867) 669-0506  
Fax : (867) 873-6610  
Website: [www.mvlwb.com](http://www.mvlwb.com)

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Inuvialuit Settlement Region Joint Secretariat  
P.O. Box 2120, 107 Mackenzie Road  
INUUVIK, NT X0E 0T0  
Tel: (867) 777-2828  
Fax : (867) 777-2610

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Department of Indian Affairs and Northern Development  
4914 - 50th Ave., 6th Floor, P.O. Box 1500,  
YELLOWKNIFE, NT X1A 2R3  
Tel: (867) 669-2453  
Fax : (867) 669-2705

---

Inuvialuit Land Administration  
P.O. Box 290, TUKTOYAKTUK, NT X0E 1C0  
Tel: (867) 977-2202  
Fax : (867) 977-2467

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NWT Water Board  
P.O. Box 1500, YELLOWKNIFE, NT X1A 2R3  
Tel: (867) 669-2772  
Fax : (867) 669-2719

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Gwich'in Land and Water Board  
1 - 3 Council Cres, P.O. Box 2018  
INUUVIK, NT X0E 0T0  
Tel: (867) 777-4954  
Fax : (867) 777-2616  
Website: [www.glwb.com](http://www.glwb.com)

Sahtu Land and Water Board  
P.O. Box 1, FORT GOOD HOPE, NT X0E 0G0  
Tel: (867) 598-2413  
Fax : (867) 598-2325

## DISCLAIMER

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Agencies with environmental impact assessment (EIA) and regulatory authority to review a trans-regional natural gas pipeline proposal in the Northwest Territories (NWT) are required, pursuant to their respective enabling legislation, to take steps to avoid duplication. These various coordination provisions are untested for a trans-regional pipeline of this anticipated scope and complexity. The Agencies have agreed to develop this Cooperation Plan to explore potential areas and methods of cooperation that will avoid duplication.

The Cooperation Plan recognizes that each EIA authority and each regulator is independent and has a legislative mandate to assess the proposed pipeline development and to make recommendations and take decisions in its discretion respecting the proposed development.

To ensure full understanding of the opportunities for coordination between the Agencies, the Cooperation Plan assumes that a proposed project will require evaluation at the highest and most rigorous level of environmental impact assessment (joint panel review) and that each EIA authority will make a referral through its independent process to reach that stage. This would culminate in establishment of a Joint Environmental Impact Assessment Panel by the Minister of the Environment under the *Canadian Environmental Assessment Act* (CEAA) and the Mackenzie Valley Environmental Impact Review Board (MVEIRB), with approval of the Minister of Indian Affairs and Northern Development, under the *Mackenzie Valley Resource Management Act* (MVRMA).

The Cooperation Plan in no way pre-approves any proposed project, nor does it bind any EIA or regulatory authority to a certain course of action. The Plan outlines the most likely process to be followed based on current knowledge of the proposed project and the legislative requirements of the participating Agencies.

# EXECUTIVE SUMMARY

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The potential development of Mackenzie Delta gas reserves and the construction of a pipeline to connect these, and possibly additional reserves in Alaska, through the Mackenzie Valley to the south will trigger a number of environmental impact assessment (EIA) and regulatory processes. The authorities with EIA and regulatory mandates requiring a public hearing (the Agencies) have undertaken to prepare for their potential involvement in these developments, recognizing changes in the regulatory regime over the past years. No project application has been submitted at this time. However, the Agencies believe it is important to undertake coordination planning in advance to ensure that all roles are clearly defined and understood by all parties, and that mandates can be exercised in a coordinated manner that avoids duplication. The Cooperation Plan represents the exploration by the Agencies of potential methods of cooperation that will accomplish this and that will provide clarity and certainty of process and timing for the public and for potential proponents.

The Cooperation Plan recognizes that each EIA authority and regulator is independent and has a legislative mandate to assess the proposed pipeline development and to make recommendations and take decisions in its discretion respecting the proposed development. The Plan in no way pre-judges or pre-approves any potential project that may be proposed, nor does the approach pre-judge the decisions to be made by any authority or bind any authority to a certain course of action.

In designing the process, the Agencies were guided by the following principles:

- desire of the Agencies to cooperate
- need for a “made in the north” process
- flexibility to consider a variety of development scenarios
- enhanced public participation in the project review
- need to consider fully the potential impacts before project decisions are taken.

The Agencies examined a number of options for the coordination of EIA and regulatory requirements. The options ranged from a single panel, which combined all public hearing processes, to a variety of other, less integrated, alternatives. All options were measured against certain criteria: high quality environmental and socio-economic assessment; responsiveness to northerners’ expectations for participation and involvement; reasonable and clear timelines; and avoidance of duplication. This Plan presents a framework based on an integrated EIA process, coordinated with regulatory processes for regulators with and without mandatory hearing processes.

The Plan will be given effect through three Agreements:

- between the Inuvialuit and the Minister of the Environment
- between the MVEIRB, the Inuvialuit, and the Minister of the Environment, and
- between the Regulatory Authorities.

These Agreements will add specific details to the framework and outline the roles and responsibilities of each Agency in the EIA and regulatory processes.

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Highlights of the Plan include:

- a joint environmental impact assessment process that meets the requirements of the CEAA, the MVRMA and The Western Arctic Claim: The Inuvialuit Final Agreement (IFA)
- coordinated regulatory processes between regulators with and without mandatory hearing processes
- coordinated EIA and regulatory hearings
- consolidated information requirements developed for the EIA and regulatory components
- shared technical support resources
- a requirement for a plan for public involvement, including consideration of participant funding.

The framework for the coordinated process is divided into the following four phases:

- Preparation
- Preliminary Information Package and Applications
- Joint EIA Panel Hearings Coordinated with Regulatory Hearings
- Completion of Regulatory Processes

Milestones and anticipated products within each phase are described in the Plan. Estimates of timing required for all phases within the framework are also provided in the Plan where possible.

The Plan concludes with a commitment by the Agencies to undertake the work outlined in the Preparation Phase, including development of agreements, preparation of consolidated information requirements, and plans for shared technical resources.

The development of this Cooperation Plan has demonstrated the commitment and ability of the Agencies to work cooperatively towards efficient and effective environmental assessment and regulatory processes for a potential northern pipeline. Commitments within the Plan lay out clear next steps for all parties.

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# 1. INTRODUCTION

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## 1.1 Background: The Northern Pipeline Environmental Impact Assessment and Regulatory Chairs' Committee

In the past 25 years, the north has undergone a significant political, economic and social transformation, including comprehensive changes in the environmental impact assessment<sup>1</sup> (EIA) and regulatory regimes. New proposals to build a natural gas pipeline in northern Canada are being discussed. These proposals could see natural gas moving from Prudhoe Bay, Alaska and from the Mackenzie Delta, through the Mackenzie Valley to Alberta or British Columbia, and ultimately to the United States.

In recognition of these changes and the growing interest in natural gas development and transportation in the Canadian north, the Agencies with EIA and regulatory mandates requiring a public hearing have undertaken preliminary work to prepare for their potential involvement in these developments. The Northern Pipeline EIA and Regulatory Chairs' Committee (the Chairs' Committee) was formed at an initial meeting in November 2000. Membership on the Committee is described in Table 1.

## 1.2 Purpose and Objectives of the Cooperation Plan

This Plan describes the framework that the Agencies will follow to implement coordinated EIA and regulatory processes for a major northern gas pipeline project and associated developments. It represents the exploration of potential areas and methods of cooperation that will avoid duplication and provide clarity and certainty of process for the public and potential proponents. At this time, no project application has been submitted. The details of the processes pursuant to this Cooperation Plan will be developed and given effect through three Agreements that will add specific details to the framework and outline the roles and responsibilities of each agency in the EIA and regulatory processes. These Agreements are under development and may not be finalized until a proponent comes forward with more specific project information. The Cooperation Plan does not bind the Agencies to a course of action in the absence of a project proposal, nor does it pre-judge the decisions to be taken by the Agencies in meeting their legislated and land claims-related responsibilities.

## 1.3 Scope of the Cooperation Plan

The Plan covers the EIA and regulatory processes under which a gas pipeline proposal will be evaluated. The focus of the Plan is on coordination of those Agencies with mandatory public hearing processes. Other regulators, such as the Government of the Northwest Territories (GNWT), Department of Fisheries and Oceans (DFO), Transport Canada, and Environment Canada (EC) will also have a role in EIA and regulatory permitting (Annex 3). These other agencies have not been involved in the development of the Cooperation Plan. They will

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<sup>1</sup> In this document, "environmental impact assessment" (EIA) is used generically when referring to the process for reviewing the environmental effects of a proposed pipeline project. The term "Environmental Assessment" (EA) is used to describe the second level assessment carried out by the Mackenzie Valley Environmental Impact Review Board (MVEIRB), pursuant to section 128 of the Mackenzie Valley Resource Management Act (MVRMA).

be consulted as specific details of the Cooperation Plan are developed, and their involvement will be formalized through the Agreement between the Regulatory Authorities described in section 3.5.

The Yukon Water Board and other Yukon agencies have not been involved in these discussions to date. They will be invited to participate if a proposed pipeline project includes a Yukon landfall.

**Table 1: Agencies Involved in the Development of the Cooperation Plan**

Agencies with Public Hearing Processes	Agencies with a Direct Interest in EIA and Regulatory Matters	Observers
Mackenzie Valley Land and Water Board	Joint Secretariat for the Inuvialuit Settlement Region	Nominee of the Deh Cho First Nation to the Mackenzie Valley Land and Water Board <sup>2</sup>
Mackenzie Valley Environmental Impact Review Board	Environmental Impact Screening Committee for the Inuvialuit Settlement Region	Government of the Northwest Territories
Gwich'in Land and Water Board	Inuvialuit Game Council <sup>3</sup>	Government of Yukon <sup>4</sup>
Sahtu Land and Water Board	Inuvialuit Land Administration <sup>3</sup>	
Northwest Territories Water Board	Inuvialuit Land Administration Commission <sup>2</sup>	
Canadian Environmental Assessment Agency	Department of Indian Affairs and Northern Development	
National Energy Board		
Environmental Impact Review Board for the Inuvialuit Settlement Region		

## 1.4 Organization

This Plan contains three sections. Following this introduction, the context of the cooperation discussions associated with northern gas development is outlined in section two. The proposed EIA and regulatory framework is summarized in section three. Definitions and acronyms used throughout the Plan are listed in Annex 1. The Guidance Note for the submission of the Preliminary Information Package (PIP) is found in Annex 2. A list of Responsible Authorities under CEAA and Regulatory Authorities under the MVRMA is provided in Annex 3. The jurisdictional roles and responsibilities of the Agencies involved in the development of the Cooperation Plan are summarized in Annex 4.

<sup>2</sup> The nominee of the Deh Cho First Nation to the Mackenzie Valley Land and Water Board attended some meetings of the Chairs as an observer during the latter half of 2001.

<sup>3</sup> The IFA gives the Inuvialuit the authority to identify representative organizations, which may enter into cooperative or reciprocal arrangements for the assessment of developments with transboundary environmental impacts. The IGC, ILA and ILAC participated in the development of the Cooperation Plan in this capacity.

<sup>4</sup> Yukon Government has been an observer at the Chairs' Committee meetings since October 2001.



## 2. CONTEXT FOR NATURAL GAS DEVELOPMENT IN THE NWT

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This section of the Cooperation Plan provides an overview of possible scenarios for natural gas development and a pipeline project through the Northwest Territories (NWT) and describes briefly the current EIA and regulatory regimes applicable to the potential project.

### 2.1 Development Scenarios

Potential natural gas development in the NWT includes field development and gathering systems in the Inuvialuit Settlement Region (ISR) and the construction of a pipeline through the Mackenzie Valley to southern Canada.

To better understand the development scenarios, the Agencies heard presentations from the Mackenzie Delta Gas Producers (December 2000) and the Alaska Gas Producers Pipeline Team (May 2001). The presentations described possible major gas field development and pipeline projects. Both producer groups emphasized that they were in the process of conducting feasibility studies and that aspects of the project scenarios may change. The Chairs considered the two scenarios described below in the development of the Cooperation Plan.

#### **Scenario 1: Mackenzie Delta Route**

Conoco, ExxonMobil, Imperial Oil, and Shell are studying a stand-alone Canadian Mackenzie Delta project. The project would have an anticipated throughput rate of 0.8 – 1.2 billion cubic feet per day and would involve:

- gas fields developed concurrently at Taglu (Imperial Oil), Niglintgak (Shell) and Parsons Lake (Conoco and ExxonMobil)
- a gathering system to take gas from these fields to the Inuvik area for processing
- a large-diameter pipeline with associated facilities up the Mackenzie Valley to southern Canada.

#### **Scenario 2: “Over-the-Top” Route**

The Alaska Gas Producers Pipeline Team (British Petroleum, ExxonMobil and Phillips Petroleum) is studying a “Northern” pipeline route, often referred to as the “over-the-top” route, with an anticipated initial throughput of 4 billion cubic feet per day. The Canadian portion of this project would involve:

- a large-diameter pipeline from Prudhoe Bay crossing into Canadian waters and buried under the sea floor of the Beaufort Sea
- landfall and compression facilities possibly in Yukon
- continuation of the pipeline on land across the Mackenzie Delta and south along the Mackenzie River through southern Canada to the U.S.
- likely provision to connect with Canadian gas from the Mackenzie Delta.

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## 2.2 Current Environmental Impact Assessment and Regulatory Regime

With the promulgation of the CEAA (1995) and the MVRMA (1998) and the completion of the IFA (1984), the Gwich'in Comprehensive Land Claim Agreement (1992) and the Sahtu Dene and Metis Comprehensive Land Claim Agreement (1993), a number of co-management organizations and government agencies play major roles in the review of a northern gas pipeline project.

The development of Mackenzie Delta gas reserves and the construction of a pipeline to transport Canadian or U.S. gas south through the ISR, the Mackenzie Valley, and southern Canada will trigger a number of environmental impact assessment and regulatory processes, each with its own requirements. Existing legislation provides for, and indeed encourages, the coordination of efforts between jurisdictions to avoid duplication and to ensure a timely review process. The coordination provisions are untested for a trans-regional project of this anticipated scope and complexity.

The Cooperation Plan has been developed to ensure that the jurisdictional roles of the Agencies are exercised in a manner that is coordinated and avoids duplication.



Photo: Sharon Clarke/DIAND

## 3. THE COOPERATION FRAMEWORK

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This section of the Cooperation Plan describes the framework that the Agencies propose to use to evaluate a northern pipeline proposal. This section includes:

- rationale for selection of the cooperation framework
- guiding principles
- objectives of the cooperation framework
- assumptions
- highlights of the cooperation framework
- description of the phases of the cooperation framework.

### 3.1 Rationale for the Selection of the Cooperation Framework

The Agencies examined a number of options for the coordination of EIA and regulatory requirements for a major natural gas pipeline through the Mackenzie Valley. The options ranged from a single panel, which combined all public hearing processes, to a variety of other less integrated configurations.

The Agencies wanted to develop a process that would enable northerners to participate in a manner that was familiar to them and to ensure northern communities potentially affected by the project would be able to provide input. The Agencies also believed the framework should facilitate the incorporation of traditional knowledge into the EIA and regulatory process. Initially, efforts were made to combine the public hearing aspects of the EIA and regulatory processes. However, this would have resulted in a large and unwieldy panel, and to address this, the Agencies agreed that the EIA and regulatory hearing processes should be separate. This will also allow the Joint EIA Panel to proceed in a less formal manner that will be more responsive to local needs and expectations.

### 3.2 Guiding Principles

The Agencies involved with the development of the cooperation framework were guided by a number of key principles in the design of this process. They include:

- desire of the Agencies to cooperate
- need for a “made in the north” process
- flexibility to consider a variety of development scenarios
- enhanced public participation in the project review
- need to consider fully potential impacts before project decisions are taken.

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### 3.3 Objectives of the Cooperation Framework

Objectives of the framework include:

- enhancing efficiency and effectiveness
- improving certainty and clarity of the EIA and regulatory processes
- providing for public participation in an open and accessible manner
- developing a process that ensures the appropriate consideration of possible environmental, socio-economic and cultural effects (including cumulative effects) of the project
- addressing the importance of traditional knowledge in the EIA and regulatory processes
- ensuring compliance with existing legislation and comprehensive land claim agreements.

### 3.4 Assumptions

The following pipeline project and process assumptions are key to understanding the manner in which the Agencies have developed the cooperation framework. Project assumptions are based on the scenarios presented in section 2.1. Cooperation framework assumptions were used to define a path that met the objectives of the Cooperation Plan as stated in section 3.3. Nothing in the Cooperation Plan alters or limits the legislative requirements of the Agencies. The Plan does not describe alternatives that arise if other decisions are made or other pathways are taken that do not conform with these assumptions.

#### ***Pipeline Project Assumptions***

- Negotiations, decisions and commitments to coordinate the EIA and regulatory processes can only be finalized in the context of a specific project description and application.
- The project is large-scale and trans-regional, affecting, at a minimum, the ISR, the Mackenzie Valley, and one or more provinces.
- At the present time, the Alaska producers are considering options involving landfall in Yukon. If the producers confirm this option, the appropriate authorities in Yukon will be involved in cooperation discussions.

#### ***Cooperation Framework Assumptions***

- There will be a Joint EIA Panel and separate coordinated regulatory processes; all cooperation arrangements will be formalized in agreements.
- Opportunities for public participation in the regulatory and EIA processes will be clarified through a plan for public involvement. The plan for public involvement will include information on participant funding.
- The Environmental Impact Screening Committee for the Inuvialuit Settlement Region (EISC) and Responsible Authorities (RAs) will refer the project to a CEAA panel review process.
- The proponent(s) will submit a Preliminary Information Package (PIP).

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- The proponent(s) will file a suite of licence, permit or authorization applications as per the Preliminary Screening Requirements List under the MVRMA at the same time as the PIP to trigger preliminary screening in the Mackenzie Valley.
  - The MVEIRB, after completion of its Environmental Assessment phase, will order an Environmental Impact Review.
  - The federal and territorial Ministers will accept the Joint EIA Panel report recommendations<sup>5</sup>.

### 3.5 Highlights of the Cooperation Framework

The cooperation framework comprises a Joint EIA Panel that meets the requirements of the IFA, the MVRMA and the CEEA, coordinated with the regulatory processes of the National Energy Board (NEB), the Mackenzie Valley Land and Water Board (MVLWB), the Gwich'in Land and Water Board (GLWB), the Sahtu Land and Water Board (SLWB), the Northwest Territories Water Board (NWT WB), as well as DIAND and other regulators.

The cooperation framework is organized in four phases:

1. Preparation
2. Preliminary Information Package (PIP) and Applications
3. Joint EIA Panel Hearings Coordinated with Regulatory Hearings
4. Completion of the Regulatory Processes.

These phases are described in detail in section 3.6 and are shown in two flowcharts (see Figures 1 and 2). The timing of these phases is shown in Chart 1.

Highlights of the proposed EIA and regulatory framework include:

#### **Cooperation Agreements**

Three Agreements will be concluded. Agreements will be established between roles and responsibilities of each Agency in the EIA and regulatory processes to support the coordination of activities and avoid duplication. The Agreements to be established are between:

- the Inuvialuit and the Minister of the Environment
- the MVEIRB, the Inuvialuit, and the Minister of the Environment
- Regulatory Authorities with public hearing functions and some other regulators with permitting responsibilities for the project.

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<sup>5</sup> This assumption is made only to clarify timing of the post-panel processes (see Figure 2). Under the MVRMA, the Ministers may exercise the option of sending recommendations back to the Joint EIA Panel for further review.

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### ***Plan for Public Involvement***

A Plan for Public Involvement in the EIA and Regulatory Review of a Northern Gas Pipeline Project through the NWT will be prepared. The Plan will identify opportunities for public participation in the coordinated EIA and regulatory processes. It will also provide information about participant funding.

### ***Coordination of Resources and Procedures***

Public hearings for both the EIA and the regulatory components will be coordinated in time and location. Consolidated information requirements will be developed and issued for both EIA and regulatory components during the Preparation Phase. Draft rules of procedure will also be developed cooperatively during the Preparation Phase. A technical advisory team and a secretariat of experienced staff will support the evaluation of the project applications.

### ***Joint Environmental Impact Assessment***

The EIA component will be undertaken by a Joint EIA Panel formed pursuant to the MVRMA (section 141) and the CEAA (sections 40 and 41). The Joint EIA Panel will meet the requirements of the Inuvialuit under the IFA. The Joint EIA Panel will comprise nominees from the ISR, the Mackenzie Valley and other regions of Canada affected by the project, in accordance with the requirements of the relevant legislation and comprehensive land claim agreements. To facilitate linkage between the EIA process and the subsequent NEB regulatory process, a member of the NEB may be nominated to the Joint EIA Panel pursuant to section 15 of the NEB Act<sup>o</sup>. The involvement of a section 15 member will be resolved at the time of the development of the Agreement between the EIA parties.

### ***Coordinated Regulatory Processes***

The NEB, MVLWB, GLWB, SLWB, NWT WB and regulators without mandatory hearing processes, such as DIAND, GNWT, DFO, and EC, will coordinate their regulatory activities. Consolidated information requirements, shared technical support, rules of procedure, and standardized approaches to technical issues would facilitate a timely review of the project with enhanced consistency across jurisdictions and will be considered in the Agreement between the Regulatory Authorities.

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<sup>o</sup> Under section 15 of the NEB Act, a member may be designated to report to the Board on a specific matter related to an application before the Board. In this instance, a member may be charged to participate in the Joint EIA Panel and report to the Board on the EIA or some particular aspects of it as defined at the time. This would link the EIA and regulatory processes more transparently and facilitate the transfer of EIA information into the NEB regulatory proceeding.

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## 3.6 Description of Cooperation Framework Phases

In this section, a description is presented of each phase of the EIA and regulatory cooperation framework.

### 3.6.1 Preparation

“Preparation” occurs in advance of the submission of the PIP or the filing of applications initiating the MVRMA process. In this phase, the Agencies will prepare a number of documents to facilitate coordination of the proposed process, assist the proponents, and outline the EIA process for the public. The Agencies will continue discussions on the content of documents and Agreements that will be put in place to further guide the EIA and regulatory processes.

#### ***Agreement between the Inuvialuit and the Minister of the Environment***

This Agreement will confirm that the CEAA panel review process will meet the requirements of the Inuvialuit with respect to the provisions of the IFA.

The Inuvialuit have indicated that the Agreement should be based on the following guiding principles:

- The process must be rigorous, robust, broad, independent, open and sensitive to Inuvialuit concerns.
- Inuvialuit nominee(s) must be appointed to the panel.
- The process must have terms of reference consistent with the requirements of sections 11, 12 and 13 of the IFA.
- No government approvals or licences may be issued prior to conclusion of the environmental review<sup>7</sup>.
- The process must be public.

#### ***Draft Agreement between the MVEIRB, the Inuvialuit and the Minister of the Environment***

The Preparation phase will allow the MVEIRB, the Inuvialuit, and the Minister of the Environment to develop a draft Agreement for a Joint EIA Panel process. The Agreement will be finalized after the MVEIRB makes a determination on its Environmental Assessment and consultation with the public has taken place. It is anticipated that an Agreement between the Inuvialuit and the Minister of the Environment will have been previously concluded.

#### ***Draft Agreement between the Regulatory Authorities***

The Regulatory Authorities with public hearing requirements (NEB, MVLWB, SLWB, GLWB, NWTWB) and the Inuvialuit Land Administration (ILA), DFO, DIAND, GNWT, and EC have agreed to enter into an Agreement coordinating their respective processes. The Agreement will consider such matters as consolidated information requirements, shared technical support, and consistent minimum standards for licences and permits. Subject to ministerial approval<sup>8</sup>, the Agreement will be finalized following receipt of an application.

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<sup>7</sup> Subsection 11(31) of the IFA.

<sup>8</sup> When dealing with a development that may have an impact outside the Mackenzie Valley, the MVLWB may under section 107 of the MVRMA and with the approval of the Minister of Indian Affairs and Northern Development, enter into agreements for the coordination of its activities and the avoidance of duplication with authorities responsible for the regulation of land and water in those areas.

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### ***Consolidated Information Requirements***

Consolidated information requirements will be prepared in advance of the filing of applications to describe the combined and synthesized information needs of regulators and environmental impact assessment agencies. It is the intention that these requirements will form the basis for the Environmental Impact Statement (EIS) terms of reference to be provided to potential proponents.

With the issuance of consolidated information requirements, the Agencies anticipate that proponents will be in a position to file a comprehensive set of EIA documents and regulatory applications that will meet the information needs of all parties and reduce the likelihood of information requests and associated delays.

### ***Anticipated Outcomes of the Preparation Phase***

- an Agreement between the Inuvialuit and the Minister of the Environment
- a draft Agreement between the MVEIRB, the Inuvialuit and, the Minister of the Environment
- a draft Agreement between the Regulatory Authorities
- consolidated information requirements applicable to the EIA agencies and Regulatory Authorities
- a draft plan for public involvement
- a plan for a joint public registry
- a plan for shared technical support and secretariat assistance
- cooperative development of draft rules of procedure.

### ***Estimated Timeframe***

For the purposes of the Plan, this phase is assumed to last 6 months from the completion of the Cooperation Plan (see Chart 1, page 17).

## ***3.6.2 Preliminary Information Package and Applications***

When proponents are ready to notify EIA and Regulatory Authorities of their intent to proceed with a pipeline project, they are encouraged to file:

- the information requested in the Preliminary Information Package for Gas Development in the Northwest Territories issued by the Chairs' Committee on 2 March 2001 (see Annex 2);
- a suite of licence, permit or authorization applications as per the Preliminary Screening Requirements List under the MVRMA.



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### ***Proposed Course of Action by Agencies under the CEAA, the IFA and the MVRMA***

While not a legal requirement, the filing of a PIP will confirm the project scenario to be considered and the intentions of proponents. When a PIP is received, the staff of the Agencies will review it for conformity with the information requested in the “Guidance” document (see Annex 2). If necessary, some Agencies may request additional copies. If the PIP does not meet the requirements of the “Guidance” document, the staff of the Agencies may return the document to the proponents for further development or they may request that additional information be provided. When the staff of the Agencies are satisfied that the PIP is complete, they will advise the proponents, and the PIP can then be evaluated as a project description under CEAA and the IFA.

#### *Canadian Environmental Assessment Act*

The PIP will meet the ‘project description’ needs of the RAs under the CEAA (e.g., NEB, DFO, DIAND). Upon acceptance of a PIP as complete, the NEB will consult with the other RAs under the CEAA and, if agreed, the RAs will refer the project to the Minister of the Environment for panel review.<sup>9</sup>

#### *Inuvialuit Final Agreement*

If the PIP meets the requirements of a ‘project description’ under the IFA, the EISC will undertake a screening. Upon completion of the screening, the EISC will decide whether the project could result in significant negative environmental impacts. If so, it may then refer the project for further consideration to a CEAA panel review process or to its own Environmental Impact Review Board (EIRB). The decision to make this referral lies solely with the EISC and cannot be pre-judged.

#### *Mackenzie Valley Resource Management Act*

The formal EIA and regulatory processes under the MVRMA begin with the filing of an application listed on the MVRMA’s Preliminary Screening Requirements List regulation. It is assumed that proponents will file a suite of applications<sup>10</sup> as per the MVRMA regulation at the time of the PIP submission. It is further assumed that a preliminary screener, after receiving these applications, will conduct a preliminary screening and will refer the project to the MVEIRB for environmental assessment. This will ensure that EIA processes are initiated in all jurisdictions at approximately the same time.

The MVRMA describes a 3-stage EIA process: preliminary screening, environmental assessment, and environmental impact review. Once an application is received, preliminary screeners in the Mackenzie Valley (e.g., MVLWB, NEB) will undertake a preliminary screening to determine the need for an EA. If there is a determination that an EA is required, then the MVEIRB must undertake an EA prior to ordering a review panel.

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<sup>9</sup> Amendments to the relevant section of the CEAA, section 21, have been proposed in Bill C-19, An Act to Amend the Canadian Environmental Assessment Act. This part of the Cooperation Plan may have to be revised, if and when legislative amendments to section 21 come into force.

<sup>10</sup> It is expected that a comprehensive set of applications, including the NEB application and the proponent’s environmental assessment report, will be filed at a later date.

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### ***Environmental Assessment by the MVEIRB***

The MVEIRB must:

- notify proponents and other parties of the commencement of an EA
- determine the scope of development and advise proponents
- undertake an evaluation of the impact on the environment (section 117 of the MVRMA) taking into account socio-economic impacts, heritage impacts, and impact on resource harvesting
- consult with the public
- determine the significance of environmental effects and public concern and decide whether to order an Environmental Impact Review
- advise the Minister of Indian Affairs and Northern Development and the NEB of its decision.

Where the project is trans-regional (i.e., partly inside and partly outside the Mackenzie Valley), the MVEIRB shall, to the extent possible, coordinate its EA process with authorities responsible for environmental impact assessment outside the Mackenzie Valley.

At the conclusion of the EA, the MVEIRB may decide to order a panel review or recommend that the project proceed without a panel review with the application of appropriate mitigation. The Minister of Indian Affairs and Northern Development and the NEB must respond to the EA report of the MVEIRB. Assuming that a referral to panel is made, the MVEIRB will request approval of the Minister of Indian Affairs and Northern Development to enter into a Joint EIA Panel Agreement with the Minister of the Environment pursuant to paragraph 141(2)(a) of the MVRMA.

Completion of the Agreement between the Minister of the Environment, the MVEIRB and the Inuvialuit will consolidate the EIA for the northern gas pipeline project into a single joint panel process that will cover the entire geographic scope of the project in Canada. This Agreement will be available for public comment prior to signing.

### ***Summary of Anticipated Outcomes***

- referral by RAs to the Minister of the Environment for a panel review
- referral by the EISC to an 'other governmental process', namely the CEAA panel review process contemplated by the Agreement between the Inuvialuit and the Minister of the Environment
- initiation of preliminary screening and EA in the Mackenzie Valley
- referral of the project by a preliminary screener to the MVEIRB for an EA
- conduct of the MVEIRB EA
- decision by the MVEIRB to order an Environmental Impact Review
- public comments on the Draft Agreement between the MVEIRB, the Inuvialuit and the Minister of the Environment for a Joint EIA Panel

- 
- Agreement between the MVEIRB, the Inuvialuit and the Minister of the Environment
  - nomination and appointment of Joint EIA Panel members
  - a final Agreement between the Regulatory Authorities
  - initiation of the evaluation of the proposed project by all agencies
  - establishment of a common public registry
  - establishment of a technical support team.

### ***Estimated Timeframe***

It is assumed that this phase can be completed within 8 months. The PIP and applications will be filed at the discretion of proponents. Potential proponents have indicated that there may be a 6-18 month period between the submission of the PIP, regulatory filings to initiate the MVRMA process, and the filing of a comprehensive set of applications (i.e., the remainder of the applications for the pipeline).

Within 60-90 days of referral for EA and with input from Mackenzie Valley communities, the MVEIRB will evaluate the project for public concern. If significant public concern is identified, the MVEIRB will complete its EA report to the Minister of Indian Affairs and Northern Development and the NEB and order an Environmental Impact Review at that time. The completion of the MVRMA steps depends on the adequacy of the information (section 117(2) MVRMA) filed by the proponents. The preliminary screeners and the MVEIRB have the ability to expedite their processes providing the legal requirements of the MVRMA are met.

This phase concludes with the filing of the remainder of the applications and the proponents' environmental assessment report and the appointment of the Joint EIA Panel.



Photo: Sharon Clarke/DIAND

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### 3.6.3 Joint EIA Panel Hearings Coordinated with Regulatory Hearings

During this phase, the Joint EIA Panel and the Regulatory Authorities will conduct their formal evaluations of the applications received in accordance with their respective mandates and may request additional information from proponents to complete their submissions. The information request process will be coordinated to ensure that requests and responses are not duplicated and that the additional information gathered is available to all parties through a common public registry. A technical support team could assist all the boards in their reviews. Sharing of expertise through the team of experts will reduce costs and will ensure a consistent approach to issues of common interest, such as water crossings or erosion control measures. When satisfied that the information provided by the proponent is sufficient to proceed, both groups will conduct public hearings (see Figure 2). Included in the list of activities are:

- conformity check of the proponent's EIA report against the Joint EIA Panel Environmental Impact Statement (EIS) terms of reference
- requests for additional information in support of the environmental impact assessment process
- evaluation of regulatory applications and requests for additional information
- coordination of public hearings on both environmental impact assessment and regulatory matters
- preparation of a Joint EIA Panel Report with recommendations.

The NEB will consider an application for a Certificate of Public Convenience and Necessity pursuant to the National Energy Board Act (NEBA). During the regulatory public hearings, the NEB will deal with matters related to tolls, tariffs, engineering design and operating safety, resource supply, markets, economic feasibility, effectiveness of public consultation, and landowner issues. As well, the NEB must consider environmental and socio-economic issues and other matters relevant to determining the Canadian public interest. If the project includes Canadian gas, the NEB will consider Development Plans and plans for a gathering system and processing facility pursuant to the Canada Oil and Gas Operations Act (COGOA).

Land use permits and water licences required by the project will be considered by the MVLWB, the NWT WB, the GLWB and the SLWB, and a variety of permits will be considered by regulators without mandatory public hearing processes (e.g., DFO, DIAND, EC, ILA). Applications for land use permits and water licences will include consideration of stream crossing methods, location and design of water intake and treatment facilities, waste disposal, water quality impacts and mitigation, financial responsibility, and site maintenance and restoration, and a variety of other matters. The NWT WB will also consider aspects of compensation. Examples of permits and licences include:

- Type A and B water licences for stream crossings, construction camps, permanent facilities, such as compressor stations
- land use permits for surveys, clearing, quarries, roads, airstrips, storage areas and construction camps on both crown and private land (ILA).

All regulators will rely on the Joint EIA Panel process for consideration of matters related to environmental impact assessment. The linkages between the EIA and regulatory processes are described below and in section 3.6.5.

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Opportunities for public participation in the regulatory and EIA processes will be clarified through a plan for public involvement. Participant funding will be provided for the Joint EIA Panel process. The Agencies propose to share technical support, venues and logistics, translation, reporter services, etc., during the hearings. The public will be advised fully on the schedules and topics for discussion at each location. Hearings for the Joint EIA Panel will be followed by the regulatory hearings at pre-determined locations.

At the conclusion of its public hearings, the Joint EIA Panel will write its report, and the regulators will adjourn their proceedings to await the EIA recommendations. The Joint EIA Panel will submit its report to the responsible federal and territorial ministers (MVRMA section 135), to the NEB as the Designated Regulatory Agency under the MVRMA (section 137), and to the Minister of the Environment and Responsible Authorities under the CEAA (subsection 37(1.1)).

If a member of the NEB is appointed to the Joint EIA Panel under section 15 of the NEB Act that member will also prepare a report for the NEB.

The federal and territorial Ministers and the NEB, pursuant to the MVRMA, and the RAs with the approval of the Governor-in-Council, pursuant to the CEAA, will determine whether they accept the recommendations of the Joint EIA Panel. Although the Ministers and the NEB may choose, under section 135 of the MVRMA, to consult the Joint EIA Panel with respect to the recommendations, it is assumed in this Cooperation Plan that they will accept the recommendations without consulting the Panel. Once the decision on the Joint EIA Panel report has been made, the regulators will conform with the decision according to their respective jurisdictions. Recommendations made by the Joint EIA Panel and accepted under the MVRMA will be binding on the regulators.

### ***Summary of Anticipated Outcomes***

coordinated public hearings

detailed schedule of joint EIA and regulatory hearing processes and events

Joint EIA Panel Report

Report of the NEB member if appointed to the Joint EIA Panel pursuant to section 15 of the NEB Act  
response by governments.

### ***Estimated Timeframes***

This phase is estimated to take about 18 months and concludes with the response by government to the Joint EIA Panel Report.

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### **3.6.4 Completion of Regulatory Processes**

The Joint EIA Panel process described in section 3.6.3 will have provided the forum for consideration of all matters related to environmental impact assessment. The Regulatory Authorities do not anticipate the need to revisit these matters during the final phases of the regulatory processes.

The NEB and other Regulatory Authorities will incorporate the report of the Joint EIA Panel and government response into their hearing records and will allow time for all interested parties to consider this information. The NEB, the MVLWB, the SLWB, the GLWB and NWTWB will reconvene their hearings to hear final argument and complete their proceedings. If the applications are approved, the various regulators will incorporate conditions that are consistent with those recommended by the Joint EIA panel and accepted by government.

The NEB's Reasons for Decision will be issued, and after Governor-in-Council approval, the Certificates will be granted leading to Leave to Proceed with construction of the project. The land and water boards will issue their Reasons for Decision and permits and licences. Type B water licences for which public hearings have been held and Type A water licences will require approval of the Minister of Indian Affairs and Northern Development. Public hearings may also be held prior to issuing land use permits.

Other regulatory authorities will also issue various permits, leases and authorizations including:

- ILA for activities on Inuvialuit-owned land
- GNWT, e.g., leases and permits for Commissioner's Lands
- DIAND, e.g., land use permits in the ISR on federal Crown land
- DFO, e.g., fisheries authorizations and navigable waters permits
- EC, e.g., bird sanctuary access permits.

None of these regulatory actions require public hearings, though they may be held at the discretion of the regulator. These agencies will be signatories to the Agreement between the Regulatory Authorities, and their activities will be coordinated with those Agencies whose regulatory process requires public hearings. Experience shows that many of these permits, leases and authorizations can be issued concurrently with the water licences to ensure consistency in approach to environmental protection conditions and measures.

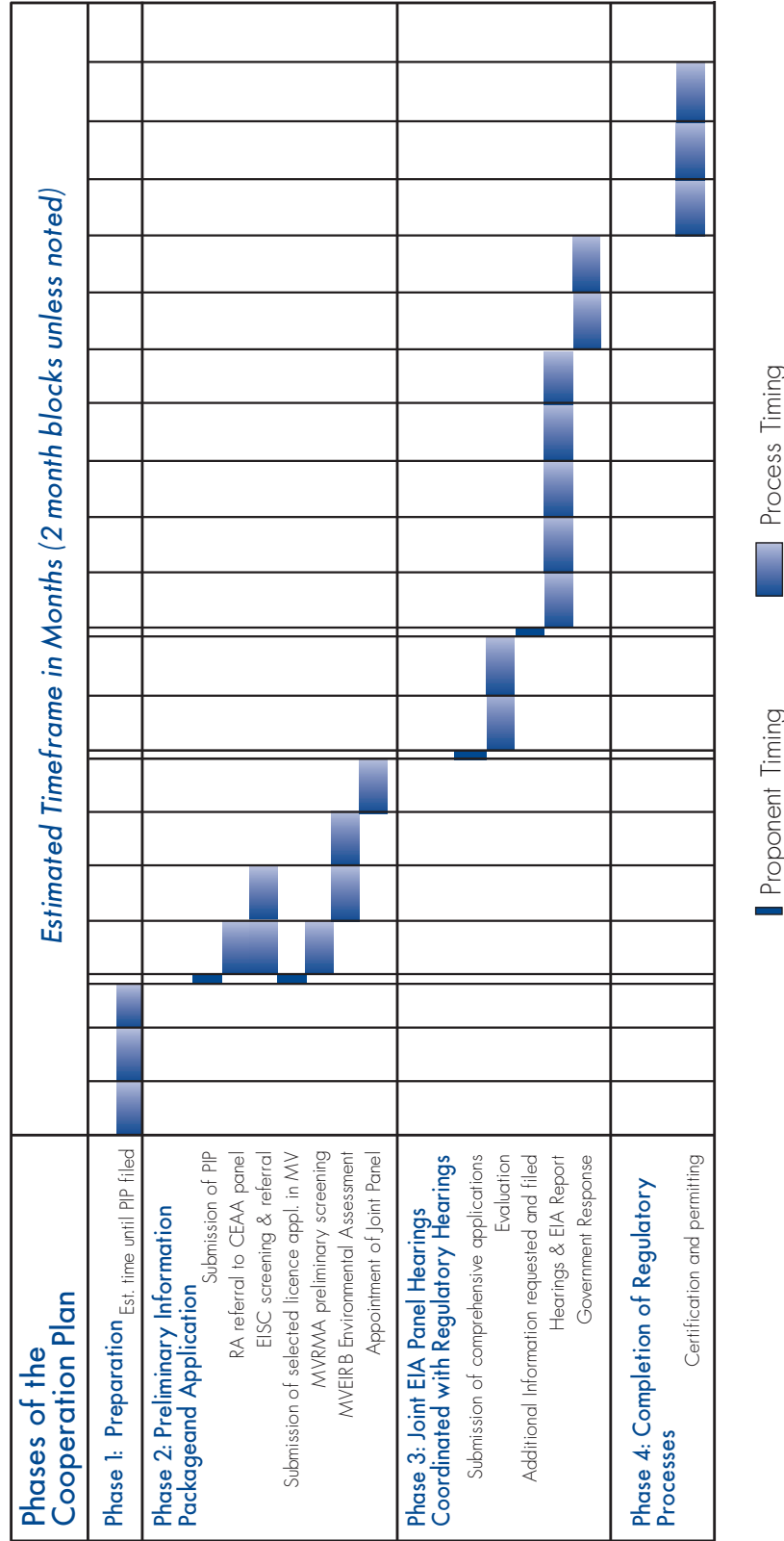
#### ***Summary of Anticipated Outcomes***

- NEB and regulators' Reasons for Decision with conditions
- land use permits and water licences with conditions
- Certificate of Public Convenience and Necessity
- other regulatory permits, leases and dispositions

#### ***Estimated Timeframes***

Each of the regulatory processes may be completed concurrently. The timeline for this phase is anticipated to be approximately 6 months.

**Chart 1: Sequence of Events and Estimated Timeframes**



**Note:** The filing of the PIP and applications is solely at the discretion of the proponent. Time between the submission of a PIP and filing of comprehensive applications may be 6-18 months.

Figure 1: Preliminary Phases in the Cooperation Framework

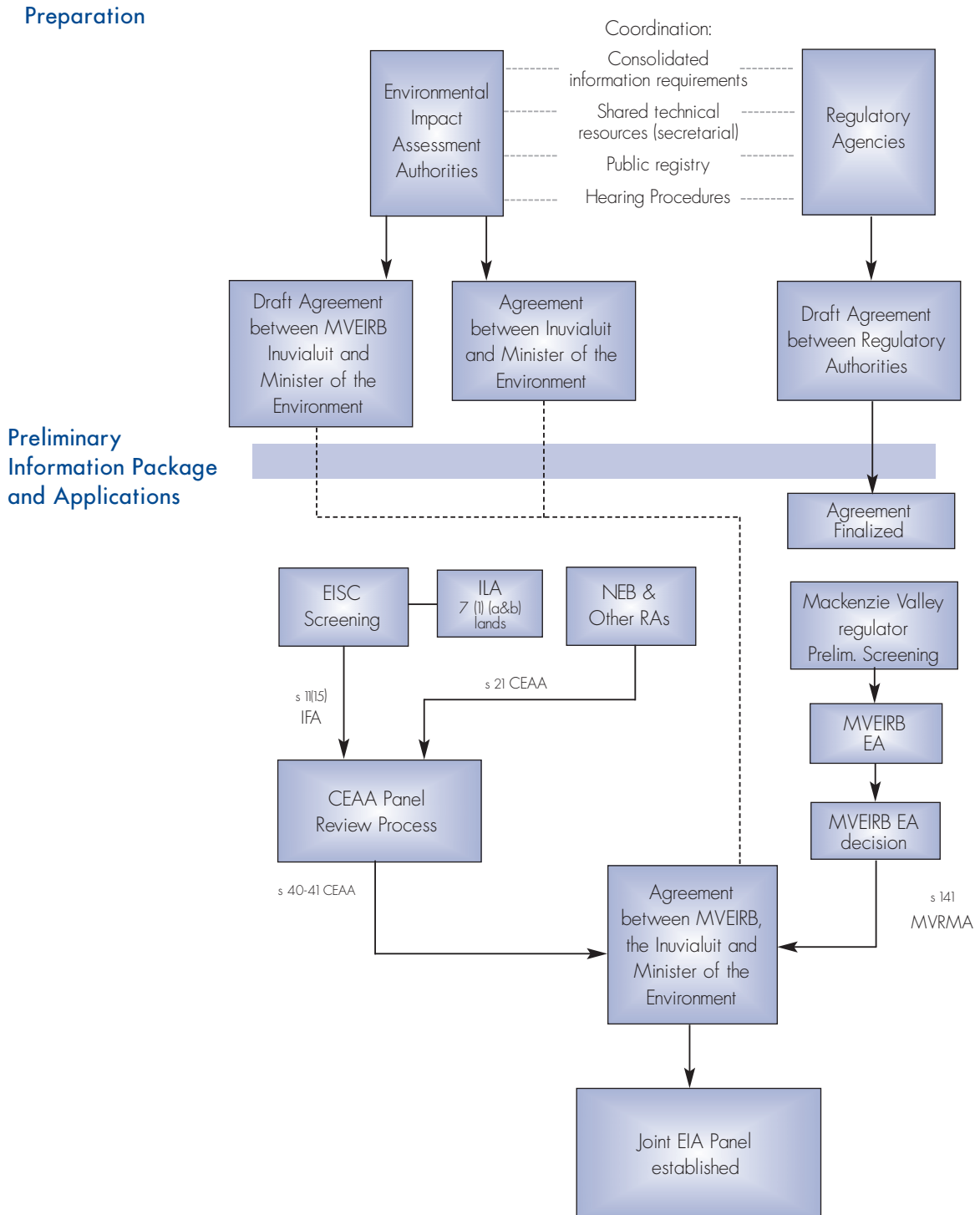
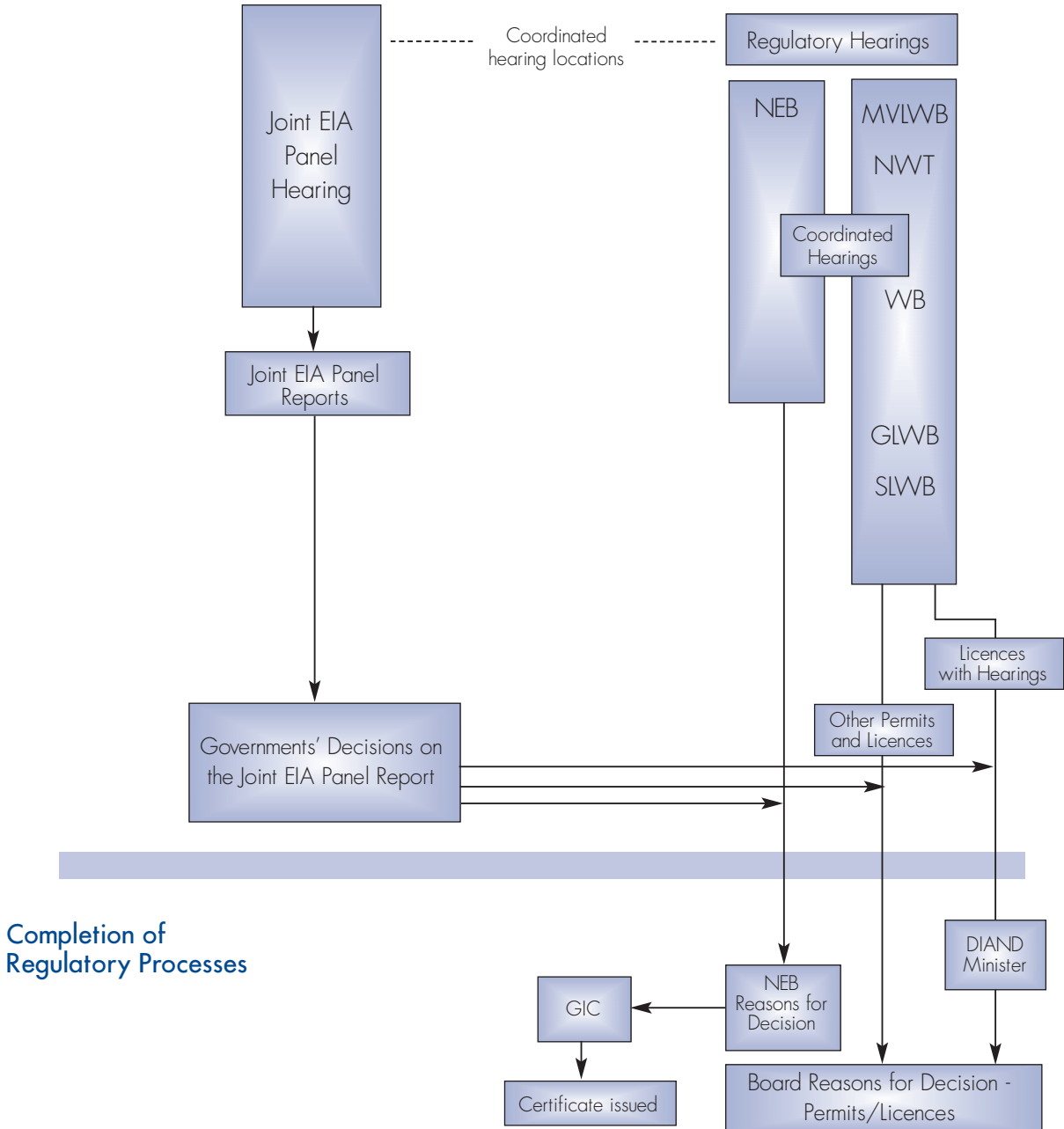




Figure 2: Final Phases in the Cooperation Framework

Joint EIA Panel Hearings Coordinated with Regulatory Hearings



# ANNEX 1 - ACRONYMS AND DEFINITIONS

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## Acronyms

<i>AWPPA</i>	<i>Arctic Waters Pollution Prevention Act</i>
<i>COGOA</i>	<i>Canada Oil and Gas Operations Act</i>
<i>CEAA</i>	<i>Canadian Environmental Assessment Act</i>
<i>CEA Agency</i>	<i>Canadian Environmental Assessment Agency</i>
<i>CLA</i>	<i>Commissioner's Lands Act</i>
<i>DFO</i>	<i>Department of Fisheries and Oceans</i>
<i>DIAND</i>	<i>Department of Indian Affairs and Northern Development</i>
<i>EA</i>	<i>Environmental Assessment</i>
<i>EC</i>	<i>Environment Canada</i>
<i>EIA</i>	<i>Environmental Impact Assessment</i>
<i>EIRB</i>	<i>Environmental Impact Review Board for the Inuvialuit Settlement Region</i>
<i>EISC</i>	<i>Environmental Impact Screening Committee for the Inuvialuit Settlement Region</i>
<i>EUA</i>	<i>Explosives Use Act</i>
<i>FRPA</i>	<i>Federal Real Property Act</i>
<i>GLWB</i>	<i>Gwich'in Land and Water Board</i>
<i>GNWT</i>	<i>Government of the Northwest Territories</i>
<i>HSS</i>	<i>Department of Health and Social Services, GNWT</i>
<i>IFA</i>	<i>Inuvialuit Final Agreement</i>
<i>ILA</i>	<i>Inuvialuit Land Administration</i>
<i>ILAC</i>	<i>Inuvialuit Land Administration Commission</i>
<i>ISR</i>	<i>Inuvialuit Settlement Region</i>
<i>MACA</i>	<i>Department of Municipal and Community Affairs, GNWT</i>
<i>MVEIRB</i>	<i>Mackenzie Valley Environmental Impact Review Board</i>
<i>MVLWB</i>	<i>Mackenzie Valley Land and Water Board</i>
<i>MVRMA</i>	<i>Mackenzie Valley Resource Management Act</i>
<i>NEB</i>	<i>National Energy Board</i>
<i>NEBA</i>	<i>National Energy Board Act</i>
<i>NWT WB</i>	<i>Northwest Territories Water Board</i>
<i>NWT WA</i>	<i>Northwest Territories Waters Act</i>
<i>PIP</i>	<i>Preliminary Information Package</i>
<i>PHA</i>	<i>Public Health Act</i>
<i>PVWS</i>	<i>Department of Public Works and Services, GNWT</i>
<i>RA</i>	<i>Responsible Authority</i>
<i>RVED</i>	<i>Department of Resources, Wildlife and Economic Development, GNWT</i>
<i>SA</i>	<i>Safety Act</i>
<i>SLWB</i>	<i>Sahtu Land and Water Board</i>
<i>TLA</i>	<i>Territorial Lands Act</i>

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## Definitions

**Agency (ies)** – the participants listed in Table 1 of the Cooperation Plan with environmental impact assessment or regulatory responsibilities for a northern gas pipeline project.

**Comprehensive Land Claim Agreements** – means The Western Arctic Claim: The Inuvialuit Final Agreement (1984), the Gwich'in Comprehensive Land Claim Agreement (1992), the Sahtu Dene and Metis Comprehensive Land Claim Agreement (1993).

**Environmental Assessment** – the second stage of the MVRMA process of environmental impact assessment.

**Environmental Impact Assessment** – the process of evaluating the biophysical, cultural, social and economic effects of a proposed project.

**Northern gas pipeline project** – the Canadian portion of a potential gas pipeline project including wells, gathering lines, facilities and pipeline extending from the NWT to southern Canada.

**Joint Environmental Impact Assessment (EIA) Panel** – the group of people who will conduct an independent review of the environmental effects of the northern gas pipeline project under the CEAA and the MVRMA.

**Preliminary Information Package (PIP)** – the initial report submitted by the proponents indicating their intentions and providing information relevant to their proposed northern gas pipeline project.

**Project Description** – the document submitted at the time of application for a licence, permit or authorization.

**Regulators; Regulatory Authorities** – the government departments or agencies that issue licences, permits or authorizations likely to be applied for in respect of a proposed northern gas pipeline project.

**Responsible Authority** – in relation to a project, means a federal authority that is required pursuant to subsection 11(1) of the CEAA to ensure that an environmental assessment of the project is conducted.

**Responsible Minister (MVRMA)** – in relation to a proposal for a development, means any minister of the Crown in right of Canada or of the territorial government having jurisdiction in relation to the development under federal or territorial law.

**Regulatory review** – the processes related to the review of a certificate under the NEBA, land use permits and water licences under the NWT Waters Act and the MVRMA.

**Rules of Procedure** – the document that outlines the process to be followed in the course of completing an environmental impact assessment or regulatory hearings.

**Technical Advisory Team** – team of “experts” assisting panels with the review of the project from the PIP phase through the completion of the regulatory phase.

## ANNEX 2 - GUIDANCE ON THE PRELIMINARY INFORMATION PACKAGE

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For immediate release  
March 2, 2001

### **Agreement reached on preliminary information package for gas development in the Northwest Territories**

INUVIK, NORTHWEST TERRITORIES - The chairs of the boards and agencies with responsibility for assessing and regulating energy developments in the Northwest Territories today released a document entitled Guidance on Provision of a Preliminary Information Package for Gas Development in the NWT. The information provided in response to this package will assist the boards and agencies in a timely evaluation of potential approaches for a coordinated review process.

The parties involved include: the National Energy Board, the Mackenzie Valley Environmental Impact Review Board, and the Environmental Impact Screening Committee and Review Board for the Inuvialuit Settlement Region, the Canadian Environmental Assessment Agency, the Department of Indian Affairs and Northern Development, the Mackenzie Valley Land and Water Board, the NWT Water Board, the Inuvialuit Land Administration, Inuvialuit Game Council, Sahtu Land and Water Board, Gwich'in Land and Water Board, and the Government of the Northwest Territories.

In late November 2000, the parties met for the first time to explore their willingness to cooperate and coordinate the review process for northern gas development. A number of cooperative approaches have been identified under existing legislation. The approaches developed to date have application to both a Mackenzie Valley and a Beaufort offshore route from Alaska.

The parties are pleased with the progress made to date and are committed to refine these opportunities for coordination.

For further information:

**Denis Tremblay**

National Energy Board

Telephone: (403) 299-2717

Fax: (403) 292-5503

**Jon Pierce**

Canadian Environmental Assessment Agency

Telephone: (819) 953-0755

**Roland Semjanovs**

Mackenzie Valley Environmental Impact Review Board

Telephone: (867) 766-7051

# GUIDANCE ON PROVISION OF A PRELIMINARY INFORMATION PACKAGE FOR GAS DEVELOPMENT IN THE NWT

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## 1. Background and Purpose

Since November 2000, the environmental impact assessment and regulatory boards and agencies (Parties) with responsibilities in the Beaufort - Mackenzie Delta - Mackenzie Valley have been involved in discussions of possible approaches for a streamlined or coordinated review and regulatory process for potential NWT gas development and pipeline projects. These discussions have been based on assumed generic project concepts, which have allowed the various agencies to explore their ability and willingness to participate in a coordinated process. The result of these discussions to date is agreement that coordination should be based on four principles:

- thorough consideration of the environmental and socio-economic effects
- efficiency and effectiveness
- improved certainty and clarity, and
- public participation.

Parties have agreed that proponents will be offered an opportunity to provide information in the form of a project information package to advance the discussions. The preliminary information package should allow the Parties to identify clearly the project components, their scale, location, and potential environmental issues. This approach is based on the Canadian Environmental Assessment Agency's Operational Policy Statement "*Preparing Project Descriptions*", but has been altered to meet the specific information needs of the parties involved.

For clarity, the submission of a preliminary information package is an optional step for proponents and will assist Parties to continue discussions on a timely schedule. It does not constitute a formal regulatory filing.

## 2. Content of the Preliminary Information Package

This information is requested to ensure that the Parties understand the scope of the proposed project and can clearly identify their roles and obligations in the assessment and regulatory processes. The level of detail provided in the project description should be appropriate to the scale and complexity of the project and to the sensitivity of its location. Anticipated size of the submission is 50-100 pages.

### **General**

- the name of the proponent and the project
- the nature, purpose, and proposed location of the project
- the name and coordinates (address, telephone, fax, e-mail) of one or two contact persons representing the project
- anticipated schedule for regulatory filings

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### ***Description of the Project Components/Structures***

- the main components of the project - field developments, gathering systems, transmission pipelines, compressor stations and other facilities, roads, infrastructure (temporary and permanent), major river crossings, construction camps, staging areas
- design information - production capacity, pipeline design and pipe specifications (buried, above-ground, wall thickness) transmission capacity and throughput, number of compressor stations, and the scale of the main components of the project (initial and final); in some circumstances, this may be presented as a range of values if project design is still evolving
- local gas service laterals
- width of right-of-way during construction and operation
- anticipated temporary and permanent land requirements

### ***Project Location and Activities***

- maps (approx. scale of 1:250,000) showing the location of the proposed project components (above)
- description of the construction phase and anticipated construction schedule, including pre-construction logistics, requirements for access, staging
- proposed in-service date
- estimates of human and material requirements (workforce, equipment, granular material, water)

### ***Environmental Features***

- a summary of the physical and biological components in the areas likely to be affected by the project, such as terrain, water, air, vegetation, fish, fish habitat, and wildlife (including migratory birds), including any unique or special resources
- description of study programs proposed or currently underway to address data gaps

### ***Social, Economic and Cultural Features***

A summary of social, cultural and economic components in the areas likely to be affected by the project, including:

- communities affected by the project
- current land tenure (private land, crown land, leases, etc)
- current and past land use(s) (e.g., agricultural, traditional (fishing, hunting, trapping), recreational, industrial) at the project site and in the adjacent area
- proximity to important or designated environmental or cultural sites, such as national parks, heritage sites, sensitive sites and other protected areas
- proximity to and brief description of residential and other urban areas
- description of study programs proposed or currently underway to address data gaps

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**Key Environmental and Socio-economic Issues**

- based on preliminary investigations and consultations, description of the key issues affecting the design, construction and operation of the proposed project
- the anticipated role of traditional ecological knowledge in the project assessment
- based on the information provided above in Environmental Features, approaches to mitigation that your experts believe may be effective in reducing or eliminating adverse impacts
- the anticipated approach to cumulative effects assessment
- anticipated benefits of the project
- description of meetings, information sessions, and consultations held on the project with federal authorities, territorial governments, Aboriginal groups, communities, the public with a focus on the results of those meetings.

**Scope of the Environmental Assessment**

The preliminary information package also gives a proponent the opportunity to facilitate the environmental assessment scoping process by presenting the environmental issues it has identified through its own analysis and through its initial public consultation process. This may be presented in the form of a draft scope of the environmental assessment which suggests a scope of the project, outlines the factors to be included in the environmental assessment, and indicates the scope of those factors, in accordance with *Canadian Environmental Assessment Act*, the *Mackenzie Valley Resource Management Act*, the Inuvialuit Final Agreement and other guidance material issued by the Parties. Specific issues of concern to the public may also be listed.

**Questions regarding this guidance note may be addressed to any of the Parties listed below. Five copies of the Preliminary Information Package should be sent to each of the addresses listed below for distribution.**

Jon Pierce, Canadian Environmental Assessment Agency ..... 819-953-0755  
Linda Graf, Environmental Impact Screening Committee of the ISR ..... 867-777-2828  
Jonathon Allen, Environmental Impact Review Board of the ISR ..... 867-777-2828  
Roland Semjanovs, Mackenzie Valley Environmental Impact Review Board ..... 867-766-7051  
Bonnie Gray, National Energy Board ..... 403-299-3675

## ANNEX 3: LIST OF POTENTIAL RESPONSIBLE AUTHORITIES UNDER CEEA AND POTENTIAL REGULATORY AUTHORITIES UNDER THE MVRMA

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### **Responsible Authorities under CEEA**

Department of Indian Affairs and Northern Development  
Environment Canada  
Department of Fisheries and Oceans  
Transport Canada  
National Energy Board

### **Regulatory Authorities under the MVRMA**

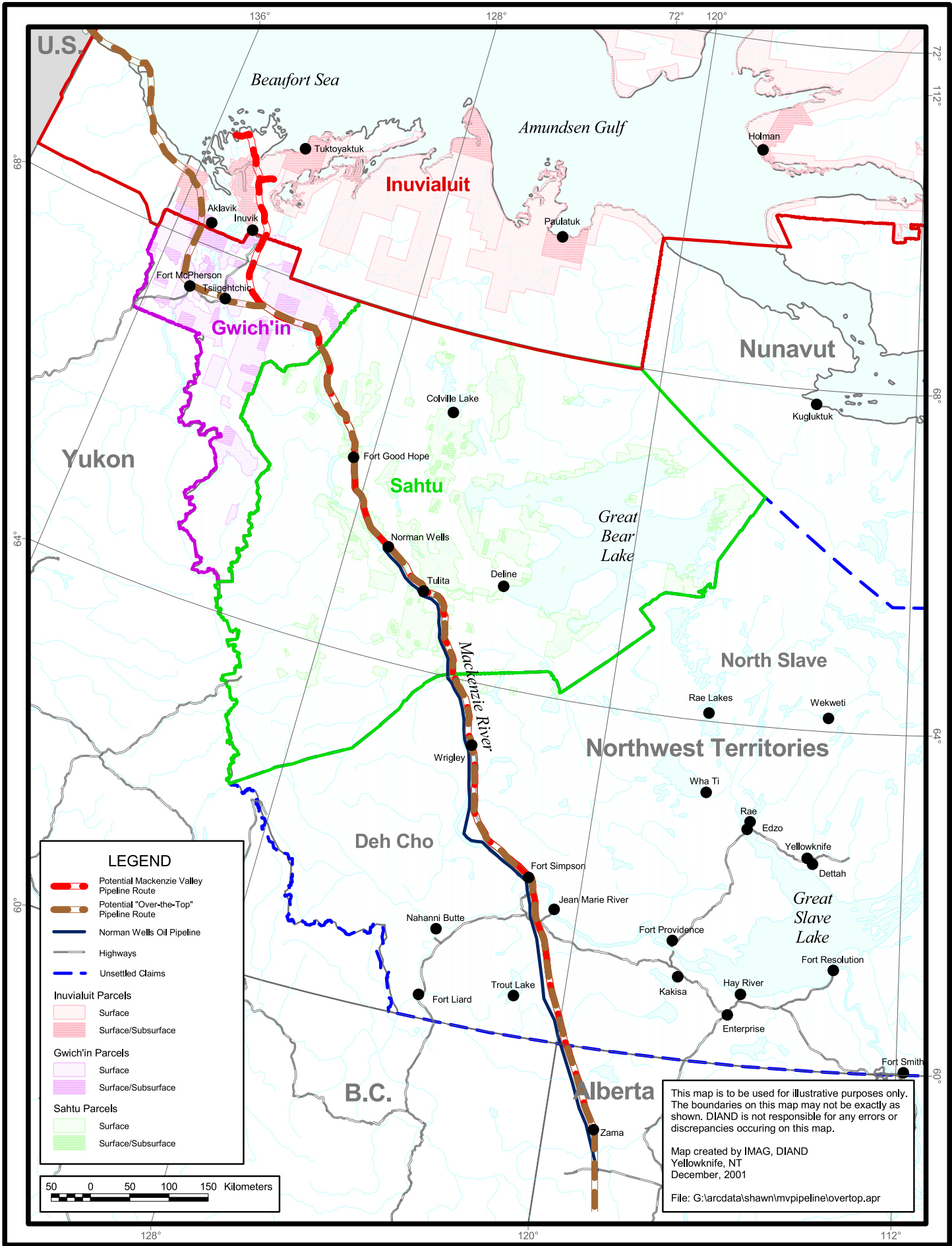
Mackenzie Valley Land and Water Board  
Gwich'in Land and Water Board  
Sahtu Land and Water Board  
Department of Resources, Wildlife and Economic Development  
Department of Indian Affairs and Northern Development  
Environment Canada  
Department of Fisheries and Oceans  
Transport Canada  
National Energy Board



## ANNEX 4: JURISDICTIONAL AUTHORITY OF THE AGENCIES INVOLVED IN THE DEVELOPMENT OF COOPERATION PLAN

Agency	Legislation/Agreements	Role
CEA Agency	CEAA	Supports panel reviews and mediations of projects referred to the Minister of the Environment by federal responsible authorities such as the NEB
NEB	NEBA, CEAA, MVRMA, COGOA	Issues s 52 certificate of public convenience and necessity based on an evaluation of the project with respect to the Canadian public interest; Responsible Authority (RA) under the CEAA; Designated Regulatory Agency (DRA) under the MVRMA; Development Plans; authorizations to construct
MVEIRB	MVRMA	Conducts Environmental Assessments and Environmental Impact Reviews in the Mackenzie Valley under the MVRMA, ensuring that concerns of aboriginal people and the rest of the public are taken into account in process
MVLWB	MVRMA, NWT WA	Conducts preliminary screenings and issues land use permits and water licences on all transboundary development applications within the Mackenzie Valley as well as applications for development wholly within the unsettled land claim regions
Gwich'in L&WB	MVRMA, NWT WA, Gwich'in Comprehensive Land Claim Agreement	Conducts preliminary screenings and issues land use permits and water licences on development applications in the Gwich'in Settlement Area
Sahtu L&WB	MVRMA, NWT WA, Sahtu Dene and Metis Comprehensive Land Claim Agreement	Conducts preliminary screenings and issues land use permits and water licences on development applications in the Sahtu Settlement Area

Agency	Legislation/Agreements	Role
NWT Water Board	NWT WA, CEAA	Reviews and issues water licences in the Inuvialuit Settlement Region portion of the NWT; RA under the CEAA for 'B' licences
ILAC/ILA	IFA	Issues oil and gas rights on Inuvialuit 7(1)(a) lands; authorizes access and land use on 7(1)(a), 7(1)(b) and 7(2) lands
EISC	IFA	Screens proposed developments on Crown lands within the ISR and on Inuvialuit lands at the request of the Inuvialuit
EIRB	IFA	Conducts public reviews of development proposals referred to it by the EISC
DIAND	COGOA, CEAA, TLA, FRPA, AWPPA, NWT WA	Rights issuance, royalties, benefit provisions, leases/dispositions of Crown lands, quarry permits, inspections, land use permits in the ISR, ministerial approval of water licences requiring a hearing
GNWT, MACA MACA, HSS, PWS, RWED	MVRMA, CLA, PHA, SA, EUA	Leases and dispositions of Commissioner's lands, quarry permits, explosive use permits, social economic agreements, inspections. Responsible Minister under the MVRMA, i.e., MACA, HSS, RWED and PWS.



**LEGEND**

- Potential Mackenzie Valley Pipeline Route
- Potential "Over-the-Top" Pipeline Route
- Norman Wells Oil Pipeline
- Highways
- Unsettled Claims

**Inuvialuit Parcels**

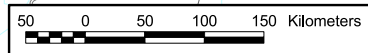
- Surface
- Surface/Subsurface

**Gwich'in Parcels**

- Surface
- Surface/Subsurface

**Sahtu Parcels**

- Surface
- Surface/Subsurface



This map is to be used for illustrative purposes only. The boundaries on this map may not be exactly as shown. DIAND is not responsible for any errors or discrepancies occurring on this map.

Map created by IMAG, DIAND  
 Yellowknife, NT  
 December, 2001

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## CONTRIBUTING PARTNERS...

### AGENCIES WITH MANDATORY PUBLIC HEARING PROCESSES

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Mackenzie Valley Land and Water Board  
Mackenzie Valley Environmental Impact Review Board  
Gwich'in Land and Water Board  
Sahtu Land and Water Board  
Northwest Territories Water Board  
Canadian Environmental Assessment Agency  
National Energy Board  
Environmental Impact Review Board for the  
Inuvialuit Settlement Region

### OTHER AGENCIES WITH A DIRECT INTEREST IN EIA AND REGULATORY MATTERS

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Joint Secretariat for the Inuvialuit Settlement Region  
Environmental Impact Screening Committee  
for the Inuvialuit Settlement Region  
Inuvialuit Game Council  
Inuvialuit Land Administration  
Inuvialuit Land Administration Commission  
Department of Indian Affairs and Northern Development

### OBSERVERS

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Nominee of the Deh Cho First Nation  
to the Mackenzie Valley Land and Water Board  
Government of the Northwest Territories  
Government of Yukon