

REFERENCE DOCUMENT

Working Paper

Mackenzie-Beaufort Project
Gap Analysis of Pertinent Legislation with Regards to Environmental Assessment

Rada Vukovic - June 2009

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1. RELEVANT LEGISLATION

Federal

Legislation Administered by Environment Canada

- Canada National Marine Conservation Areas Act* — 2002, c. 18
Canada National Parks Act — 2000, c. 32
Canada Water Act — R.S., 1985, c. C-11
Canada Wildlife Act — R.S., 1985, c. W-9
Migratory Birds Convention Act — 1994, c. 22
Canadian Environmental Protection Act, 1999 — 1999, c. 33 see regulations in appendix
Environmental Contaminants Act — R.S., 1985, c. E-12
Species at Risk Act — 2002, c. 29 –
- o the Minister responsible for the Parks Canada Agency with respect to individuals in or on federal lands administered by that Agency; the Minister of Fisheries and Oceans with respect to aquatic species, other than individuals mentioned in paragraph (a); and the Minister of the Environment with respect to all other individuals.

Legislation Administered by the Canadian Environmental Assessment Agency:

- Canadian Environmental Assessment Act* — 1992, c. 37
- Regulation: Comprehensive Study List Regulations, SOR/94-638, as amended; Exclusion List Regulations, SOR/94-639, as amended; Federal Authorities Regulations, SOR/96-280, as amended; Law List Regulations, SOR/94-636, as amended; Inclusion List Regulations, SOR/94-637, as amended; Projects Outside Canada Environmental Assessment Regulations, SOR/96-491; Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements, SOR/97-181; Canada Port Authority Environmental Assessment Regulations, SOR/99-318

Legislation Administered by the Fisheries and Oceans

- Fisheries Act*
- Northwest Territories Fishery Regulations
- Oceans Act*
- Basin Head Marine Protected Area Regulations; Bowie Seamount Marine Protected Area Regulations; Eastport Marine Protected Areas

Regulations; Endeavour Hydrothermal Vents Marine Protected Area Regulations; Gilbert Bay Marine Protected Area Regulations; Gully Marine Protected Area Regulations; Musquash Estuary Marine Protected Area Regulations

Coastal Fisheries Protection Act — R.S., 1985, c. C-33

Other:

Canada Oil and Gas Operations Act
Canada Petroleum Resources Act
National Energy Board Act
Northern Pipeline Act — R.S., 1985, c. N-26 - Minister of Natural Resources

Provincial - Territorial

Legislation and Agreements from Environment Canada's Prairie and Northern Region- <http://www.mb.ec.gc.ca/pollution/e00s09.en.html>

Federal-Provincial Territorial Agreements:

- Enforcement and Emergency
- Environmental Assessment

Territorial Lands Act
Northwest Territories Waters Act
Mackenzie Valley Resource Management Act
Nunavut Waters And Surface Rights Tribunal Act
Mackenzie Valley Resource Management Act

With regards to land claims:

- *Nunavut Land Claims Agreement Act*
- *Gwitch'in Land Claim Settlement Act*
- *Sahtu Dene and Metis Land Claim Settlement Act*
- *Western Arctic (Inuvialuit) Claims Settlement Agreement*

Source: <http://www.ainc-inac.gc.ca/nth/og/ar/ac-eng.asp>

2. RELEVANT GOVERNMENTAL AGENCIES, BOARDS AND OTHER ORGANIZATIONS

Canadian Environmental Assessment Agency

Contact Information:
Alberta and Northwest Territories Office:
61 Airport Road NW Edmonton, AB T5G 0W6
Tel.: 780-495-2037 Fax: 780-495-2876
Website: www.ceaa.gc.ca
Email: ceaa.alberta@ceaa-acee.gc.ca
Lanny Coulson, Director, 780-495-2388

Mandate: “The Canadian Environmental Assessment Agency is a federal body accountable to the [Minister of the Environment](#). The Agency works to provide Canadians with high-quality environmental assessments that contribute to informed decision making, in support of sustainable development.

To better integrate Canada's environmental goals with its economic, social and

cultural values, the Agency:

- Administers the [Canadian Environmental Assessment Act](#).
- *Bill C-13, the Canadian Environmental Assessment Act received royal assent. The Act, which provides a legal basis for federal environmental assessment, came into force on January 19, 1995.*
- Encourages [public participation](#) because protecting the environment is everyone's business.
- Advances the science and practice of environmental assessment through [research and development](#).
- Promotes high-quality assessment through [training](#) and [guidance](#).
- Provides administrative and advisory support for [review panels](#), [mediations](#), [comprehensive studies](#) and [class screenings](#).
- Promotes the use of [strategic environmental assessment](#) as a key tool to support sustainable decision making.”

- <http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=0046B0B2-1>

What is the role of the Canadian Environmental Assessment Agency?

“The Canadian Environmental Assessment Agency, accountable to Parliament through the Minister of the Environment, administers the federal environmental assessment process. Among its key responsibilities, the Agency:

- is the Federal Environmental Assessment Coordinator for screenings that are also subject to the assessment process of another jurisdiction and for all comprehensive studies
- has a duty to promote, monitor and facilitate compliance with the Act and its regulations
- advocates high-quality environmental assessments through leadership, training and research
- is responsible for the Quality Assurance Program for assessments conducted under the Act and its regulations
- may intervene to assist parties in building consensus and resolving disputes
- provides advice to the Minister of the Environment in the exercise of the Minister's responsibilities”

- <http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=5BDC800F-1>

Ministry of Environment

Contact Information:

www.ec.gc.ca

Prairie and Northern Region website: <http://www.pnr-rpn.ec.gc.ca/index.en.html>

Relevant branches:

Environmental Protection Operations Environmental Assessment Coordinators. Suite 301 5204 - 50th Avenue Yellowknife, NT Canada X1A 1E2 (867) 669-4700

Environment Canada - Ecological Monitoring and Assessment Network -<http://www.eman-rese.ca/eman/contact.html>

Environment Canada - Ecosystem Health Assessment Section, Ecological Science Division, Environmental Conservation Branch - NWT Cumulative Impact Monitoring

Mandate: “Environment Canada's mandate is to preserve and enhance the quality of the natural environment; conserve Canada's renewable resources; conserve and protect Canada's water resources; forecast weather and environmental change; enforce rules relating to boundary waters; and coordinate environmental policies and programs for the federal government.” - <http://www.ec.gc.ca/default.asp?lang=En&n=ECBC00D9-1>

Environment Canada administers or helps to administer dozens of acts (laws) that pertain to the environment as listed above

With regards to CEAA: The Minister of the Environment plays a pivotal role in implementing the federal environmental assessment process. The Minister's key responsibilities include:

- at any stage of a screening, may require, under certain circumstances and in consultation with a federal authority, a review by a mediator or a panel
- decides early on in a comprehensive study whether the project should be referred to a mediator or review panel
- may require further information or action to address public concerns following a comprehensive study
- issues an environmental assessment decision statement following a

comprehensive study which may include requirements for mitigation measures or a follow-up program

- appoints the mediator or panel members and, in consultation with the federal authority responsible for the project, establishes its terms of reference
- may appoint a mediator or review panel where a project may cause significant adverse environmental effects that cross onto federal lands or occur across provincial boundaries or international borders” –

<http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=5BDC800F-1>

Indian and Northern Affairs Canada

Contact Information

Ph: (867) 669-2855

Website: [nwt.inac.gc.ca](http://www.nwt.inac.gc.ca)

Mandate: “**Indian and Northern Affairs Canada** (INAC) supports Aboriginal people (First Nations, Inuit and Métis) and Northerners in their efforts to:

- improve social well-being and economic prosperity;
- develop healthier, more sustainable communities; and
- participate more fully in Canada's political, social and economic development - to the benefit of all Canadians.

INAC is one of the federal government departments responsible for meeting the Government of Canada's obligations and commitments to First Nations, Inuit and Métis, and for fulfilling the federal government's constitutional responsibilities in the North. INAC's responsibilities are largely determined by numerous statutes, negotiated agreements and relevant legal decisions. Most of the Department's programs, representing a majority of its spending - are delivered through partnerships with Aboriginal communities and federal-provincial or federal-territorial agreements. INAC also works with urban Aboriginal people, Métis and Non-Status Indians (many of whom live in rural areas) through the [Office of the Federal Interlocutor](#).

INAC's [mandate](#) and wide ranging responsibilities are shaped by centuries of history, and unique demographic and geographic challenges. INAC is one of 34 federal departments and agencies involved in Aboriginal and northern programs and services.” - <http://www.ainc-inac.gc.ca/ai/index-eng.asp>

“As far as Canada's three territories are concerned, [Indian and Northern Affairs Canada](#) (INAC) has, as one of its functions in the north, the mandate to manage water resources in the Northwest Territories and Nunavut. On April 1, 2003, responsibility for the management of water resources in Yukon was transferred from the federal government to the [Government of the Yukon](#).”

- http://www.ec.gc.ca/water/en/policy/prov/e_prov.htm#NV

Environment and Conservation Division of the Department of Indian Affairs and Northern Development (DIAND), NWT Region

“The division is responsible for a variety of program areas:

- Environmental Assessment
- Environmental Agreements
- Cumulative Effects Assessment and Management
- Strategy and Framework
- NWT Cumulative Impact Monitoring Program
- NWT Environmental Audit
- Regional Land Use Planning
- NWT Protected Areas Strategy
- Interim Resource Management Assistance

E&C's Environmental Assessment and Agreements Section (EAAS) is responsible for implementing the duties of the Minister of Indian Affairs and Northern Development under the *Mackenzie Valley Resource Management Act* (MVRMA). DIAND is often the lead responsible authority in the Inuvialuit Settlement Region under the *Canadian Environmental Assessment Act*. If so, the EAAS would coordinate DIAND participation in this process as well.

The section's role in environmental assessment consists of coordinating the input of all DIAND divisions into the EA process. The section works closely with other federal and territorial departments in doing so. This information assists the regulatory boards in making their recommendations on the proposed development project. The EAAS also assists in developing the DIAND Minister's response to board recommendations. Staff offer expert advice to various boards, Aboriginal governments, the private sector and the public relating to policies, regulations and resource development in the North. The EAAS section aims to ensure high-quality environmental assessments that contribute to informed decision-making with respect to economic development in the NWT.

During the EA process, the section consults with Justice Canada and Aboriginal organizations, as required. The section contributes to the Crown's fiduciary obligations and responsibilities for consultation in the EA process."

- <http://nwt-tno.inac-ainc.gc.ca/rre/PDF/PDFHTMLConversions/EC-CE-eng.asp>

NWT Cumulative Effects Assessment and Management (CEAM) Strategy and Framework is now known as the NWT Environmental Stewardship Framework

INAC Pipeline Readiness Office:

The Pipeline Readiness Office
Indian and Northern Affairs Canada
9th floor, Bellanca Building
4914 - 50th Street, Box 1500
Yellowknife, NT X1A 2R3

Marie Adams
Environmental Assessment & Regulatory Review Team Leader
Phone: (867) 669-2854

"The Pipeline Readiness Office (PRO) coordinates the review of the Mackenzie Gas Project (MGP); and, it supports Aboriginal groups, northerners, regulators, industry and other government organizations in preparing for the proposed project.

Some Recent Changes

In December 2007, an Order in Council transferred the federal coordination responsibilities from our Pipeline Readiness Office and the Ottawa-based "Federal Project Coordination Secretariat" to Industry Canada (IC). IC is now responsible for overarching Government of Canada coordination related to the MGP, including the implementation of the MGP Impact Fund.

While Industry Canada is taking on the federal coordinating role related to the MGP, INAC still has significant involvement in upwards of 70% of the regulatory responsibilities related to the project. This includes coordinating INAC input, issuing regulatory permits and land tenure authorizations, as well as providing expert advice into many processes related to the MGP

Responsibilities:

- Capacity – supporting Aboriginal communities and other northerners to improve their organizational ability to participate in the project.
- Partnership – establishing effective working relationships with other government departments, Aboriginal groups, industry and regulatory boards for the project.
- Environment – coordinating INAC input into the review of the JRP report and the regulatory review of project applications.

- Research – supporting science and research in relation to pipeline review, construction and operation."
<http://nwt-tno.inac-ainc.gc.ca/pro/pro-0-eng.asp>

NWT Environmental Stewardship Framework

Contact information:

See Appendix for ESF steering committee contact information:

"The Northwest Territories (NWT) Environmental Stewardship Framework (ESF) is a collaborative effort to improve environmental management and stewardship in Canada's [Northwest Territories](#).

Cumulative effects are changes to the biophysical, social, economic, and cultural environments caused by the combination of past, present and "reasonably foreseeable" future actions.

Since the early 1990s, mining, oil and gas, and other development pressures have increased considerably in the NWT. Understanding and managing the cumulative effects of such activities is essential for making informed decisions about land and water management and resource development in the NWT.

The vision of the NWT Environmental Stewardship Framework is to make recommendations to decision-makers to facilitate:

- the protection of ecological integrity,
- the building of sustainable communities, including social and cultural dimensions, and
- responsible economic development within a sound environmental management framework.

The Environmental Stewardship Framework has been developed by the [NWT ESF Steering Committee](#), in consultation with a broad range of interested parties."

- <http://www.ceamf.ca>

NWT Cumulative Impact Monitoring Program (CIMP)

Contact Information:

cimp@inac-ainc.gc.ca – general email

Department of Indian Affairs and Northern Development
David Livingstone, Ph: (867) 669-2647, Fax: (867) 669-2707

"The Northwest Territories Cumulative Impact Monitoring Program (NWT CIMP) will look at how all uses of land and water, and deposits of waste, affect the environment of the NWT (located in northern Canada) now and in the future. The program is based in land claims and legislation, and follows a community-based approach to monitoring the human and biophysical aspects of the environment.

The program has been developed by the NWT CIMP Working Group, which is a partnership among NWT Aboriginal governments, the Government of Canada, and the Government of the Northwest Territories. Full implementation of the NWT CIMP is anticipated to begin in 2009.

The monitoring program will:

- encourage community-based monitoring and community capacity-building;
- provide resources to fill the gaps in current monitoring activities;
- report on the health of the environment, which includes biophysical, social and economic components;
- help with better decision-making to protect the environment;
- include both scientific and traditional knowledge; and
- help coordinate monitoring and reporting in the NWT.

The NWT CIMP is a requirement of the Gwich'in, Sahtu, and Tlicho land claim agreements, and of Part 6 of the Mackenzie Valley Resource Management Act

(MVRMA). The NWT CIMP addresses the Mackenzie Valley (as defined in the MVRMA) and the entire NWT.” - <http://www.nwtcimp.ca/index.asp>

The NWT Environmental Audit, conducted at least once every five years, is an independent review of:

- information to determine trends in environmental quality;
- factors contributing to environmental change;
- the effectiveness of the NWT CIMP;
- the effectiveness of land, water and waste regulations on the protection of key environmental components; and
- responses to the recommendations of previous environmental audits.

The audit is required by the Sahtu, Gwich'in and Tlicho final agreements and by the Mackenzie Valley Resource Management Act.

-- <http://www.nwtcimp.ca/audit.html>

Fisheries and Oceans Canada

Contact Information:
Ph: (867) 669-4934
Website: www.dfo-mpo.gc.ca

On behalf of the Government of Canada, DFO is responsible for developing and implementing policies and programs in support of Canada's scientific, ecological, social and economic interests in oceans and fresh waters.

DFO is a national and international leader in marine safety and in the management of oceans and freshwater resources. Departmental activities and presence on Canadian waters help to ensure the safe movement of people and goods. As a sustainable development department, DFO will integrate environment, economic and social perspectives to ensure Canada's oceans and freshwater resources benefit this generation and those to come.

The Department's guiding legislation includes the *Oceans Act*, which charges the Minister with leading oceans management and providing coast guard and hydrographic services on behalf of the Government of Canada, and the *Fisheries Act*, which confers responsibility to the Minister for the management of fisheries, habitat and aquaculture. The Department is also one of the three responsible authorities under the *Species at Risk Act*.

In real terms, what do we do?

- Save lives.
- Work with security forces to ensure the safe and secure use of Canada's waterways.
- Help with ship-to-shore communication, navigation, and clear passageways for safe water travel.
- Study, conserve and protect aquatic ecosystems.
- Conduct scientific research and related activities, which are vital to the understanding and sustainable management of Canada's oceans and aquatic resources.
- Work in collaboration to manage the commercial, recreational and Aboriginal fisheries.
- Provide services to fishermen such as issuing licences.
- Create the conditions to support a vibrant and sustainable aquaculture industry.
- Maintain a network of harbours.
- Ensure compliance with environmental standards and regulations in support of economic development and other activities.
- Provide high-quality hydrographic data, products and services.
- Respond to ship-sourced oil spills
- Develop and promote the wise use of technology to ensure the long-term health of Canada's waters.”

- <http://www.dfo-mpo.gc.ca/us-nous/vision-eng.htm>

With regards to CEAA

“The Fish Habitat Management Program (FHMP) normally becomes involved in the environmental assessment process through a regulatory trigger. For example, the FHMP will conduct environmental assessment when there is a need for an authorization under those sections of the *Fisheries Act* that trigger an environmental assessment, that is, those listed in the *Law List Regulations*. The most common CEAA regulatory trigger for the FHMP is subsection 35(2) of the *Fisheries Act*.”

- http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/policies-politique/ceaa-lcee_e.asp

With regards to the Fisheries Act:

- S.35. No harmful alteration, disruption or destruction of fish No harmful alteration, disruption or destruction of fish habitat allowed, except when authorized by Minister habitat allowed, except when authorized by Minister
 - S.20. Construction of fish ways
 - S.22. Fish passage
 - S.32. Destruction of fish by fishing only
 - S.36. Release of deleterious substances (administered by Environment Canada)
- <http://www.ccse-swcc.nb.ca/RiparianWorkshop/Proceeding/Terry.pdf>

Beaufort Sea Partnership

Fisheries and Oceans Canada
Bob Lambe – Co-Chair of the Beaufort Sea Partnership
Bob.Lambe@dfo-mpo.gc.ca

General Info:
1 Arctic Road
Box 1871, Inuvik, NT X0E 0T0
Fax : 867-777-7501
Phone : 867-777-7500

“The Beaufort Sea Partnership is the primary forum for stakeholder engagement in integrated ocean management of the Beaufort Sea Large Oceans Management Area. The Beaufort Sea Partnership is comprised of regional level representatives and has an open membership, meaning that any organization with an interest in the management of the Beaufort Sea can become a member with the approval of the Regional Coordination Committee. As of 2007, the Beaufort Sea Partnership has 38 member organizations. The Partnership builds on work done by the Working Groups, considers questions formulated by the Regional Coordination Committee, and makes recommendations regarding both to the Regional Coordination Committee. The Beaufort Sea Partnership also serves as a network to identify new opportunities for collaboration and to prevent duplication of efforts by raising awareness of current and upcoming initiatives in the Beaufort Sea Large Oceans Management Area.”

- <http://www.beaufortseapartnership.ca/bsp.html>

Transport Canada

Contact Information:
Doug Soloway , (204) 983-7705
Superintendent, Environmental Assessment Management
Program Technical and Environmental Services - RH-WIN

Airports and Environmental Affairs - assessments, environmental remediation.
Toll-free: 1-888-463-0521
Local telephone line: 204-983-3152

Transport Canada – Mandate:

“Transport Canada develops policies, regulations and services designed to make the Canadian transportation system safe, efficient, affordable, integrated and environmentally friendly. Transport Canada addresses the following areas:

- road safety, including vehicle and equipment standards and defects

- air safety, including airline and personnel regulation and certification, airport policy, and onboard safety
- marine safety, from commercial vessel construction standards to ships' personnel certification
- policies for the safe transportation of dangerous goods, including chemicals, hazardous waste and explosives
- rail safety and inspection
- sustainable transportation initiatives, to promote energy efficiency and environmental protection in transportation.”

-<http://www.tc.gc.ca/aboutus/menu.htm>

With regards to CEAA

“Transport Canada conducts environmental assessments (EAs) for proposed projects in accordance with the *Canadian Environmental Assessment Act* (CEAA) and other federal EA processes in the Northwest Territories, Nunavut and Yukon. Environmental Affairs staff work with the [Canadian Environmental Assessment Agency](#) and other agencies and departments to ensure the appropriate application of CEAA and the northern EA processes to projects involving Transport Canada, as well as provide guidance and training to departmental staff on EA requirements.

Under CEAA, Transport Canada is required to undertake an EA for proposed projects relating to a physical work and for any proposed physical activity listed in the [Inclusion List Regulations](#) where it proposes to exercise one or more of the following CEAA triggers:

- Proposes or undertakes a project;
- Grants money or any other form of financial assistance to a project;
- Grants an interest in the land to enable a project to be carried out; and
- Exercises a regulatory duty in relation to a project by issuing a permit or license that is included in the [Law List Regulations](#).

Currently, Transport Canada grants approvals under the relevant subsections of the *Navigable Waters Protection Act* (NWPA), the *National Energy Board Act*, the *Railway Safety Act*, the *Aeronautics Act*, and the *Federal Real Property Regulations* under *Federal Real Property and Federal Immovables Act*. For more information on the NWPA, please consult the [Navigable Waters Protections Program Web page](#).

If Transport Canada exercises one or more of the above-mentioned triggers, it becomes a responsible authority (RA) under CEAA. As an RA, Transport Canada must ensure that an environmental assessment is carried out in accordance with CEAA and must consider the environmental assessment findings before a decision is made whether or not to allow the project to proceed.”

- http://www.tc.gc.ca/programs/environment/environmentalassessment/ea_under_ceaa.htm

Email: mintc@tc.gc.ca

Government of North West Territories (GNWT) Department of Environment and Natural Resources

Contact information:

<http://www.enr.gov.nt.ca/>

Loretta Ransom (867) 920-6593

Environmental Assessment Analyst

“Environment and Natural Resources promotes and supports the sustainable use and development of natural resources to protect, conserve and enhance the Northwest Territories environment for the social and economic benefit of all residents. This responsibility is shared with federal, territorial, Aboriginal and municipal governments, boards and agencies and every resident of the Northwest Territories.

Vision

Our children will inherit a secure future that relies on a healthy environment capable of supporting traditional lifestyles within a modern economy built on the strengths of our people and the wise use and protection of our natural resources providing communities and individuals with opportunities to be productive and self-reliant.

With regards to Environmental Assessment:

Environment and Natural Resources coordinates the preliminary screening, environmental impact assessment process and on-going monitoring activities for resource development projects. The Department routinely provides advice to various screening and regulatory agencies, including the Environmental Impact Screening Committee in the Inuvialuit Settlement region, land and water boards and the National Energy Board” - http://www.enr.gov.nt.ca/_live/pages/wpPages/Environmental_Assessment_and_Monitoring.aspx

Joint Review Panel for the Mackenzie Gas Project

Contact information:

Paula Pacholek

Joint Review Panel Manager

Suite 302, 125 Mackenzie Road

P.O. Box 2412

Inuvik NT X0E 0T0

Phone: (867) 678-8604

Fax: (867) 777-3105

Email: pacholekp@jointreviewpanel.ca

The Joint Review Panel for the Mackenzie Gas Project is a seven-member, independent body that will evaluate the potential impacts of the project on the environment and lives of the people in the project area.

The review will focus on the environmental and socio-economic effects associated with the Proponent’s proposal. The Joint Review Panel will take into consideration a number of factors, as outlined in the Joint Review Panel Agreement, in assessing the impacts of the proposed project.

The Mackenzie Gas Project includes development of natural gas fields, gathering lines, and processing facilities in the Mackenzie River Delta of Canada's Northwest Territories, and a transportation pipeline along the Mackenzie River Valley to deliver the natural gas to market

The proponent of the Mackenzie Gas Project is Imperial Oil Resources Ventures Limited Partnership, ConocoPhillips Canada (North) Limited, ExxonMobil Canada Properties, Shell Canada and Mackenzie Valley Aboriginal Pipeline Limited Partnership.

Northern Gas Project Secretariat

Contact Information:

Brian Chambers

Executive Director

Phone: (867) 766-8600

Fax: (867) 766-8624

Email Brian Chambers

Yellowknife office: Northern Gas Project Secretariat 5114 - 49th Street Yellowknife, Northwest Territories X1A 1P8

“The Northern Gas Project Secretariat has offices in Inuvik and Yellowknife, Northwest Territories and was established to assist in the environmental assessment and regulatory review of the proposed Mackenzie Gas Project. The Secretariat also has two regional offices, staffed on a part-time basis, in Norman Wells and Fort Simpson.

Secretariat staff supports the environmental and regulatory agencies that are reviewing the proposed Mackenzie Gas Project, particularly those agencies that must hold public hearings as part of their review. The Secretariat provides services to those agencies in four core areas: communications; community relations and public hearing logistics; information management; and administrative support. Our staff travels extensively throughout the proposed project route to provide information and updates to the general public about the MGP review process.

In addition to community visits, the Secretariat communicates with the public in a variety of other ways, including regular email and fax updates and announcements, radio and newspaper advertising and, of course, through our website. The Secretariat also maintains a Public Registry of documents submitted to the various panels during the review process

The Secretariat was established through the [Memorandum of Agreement for the Establishment of the Northern Gas Project Secretariat to provide support to the panels and boards with public hearing requirements conducting an environmental assessment and regulatory review of the Mackenzie Gas Project](#). Those panels include the Joint Review Panel for the environmental assessment, the National Energy Board Panel, Mackenzie Valley Land and Water Board Panel (if required) and the NWT Water Board Panel (if required) for the regulatory review.”

- http://www.ngps.nt.ca/about_us_e.html

Mackenzie Valley Environmental Impact Review Board

Contact Information:

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

Martin Haefele
Manager, Environmental Impact Assessment
(867) 766-7053

“The Mackenzie Valley Environmental Impact Review Board is a co-management board responsible for the environmental impact assessment process in the Mackenzie Valley.

The Review Board was established by the Mackenzie Valley Resource Management Act in 1998 as an independent administrative tribunal. Although the federal government enacted this piece of legislation, it resulted from land claim negotiations. This legislation gives aboriginal people of the Mackenzie Valley, Northwest Territories, a greater say in resource development and management.

As a co-management board, aboriginal land claim organizations nominate half of the Review Board members, and the federal and territorial governments nominate the other half of the board members. The Minister of Indian and Northern Affairs appoints all the members to the Review Board.

The Review Board’s vision for itself is excellence in environmental impact assessment within a co-management system that balances diverse values to protect the Mackenzie Valley for present and future generations.

There are three stages in the environmental impact assessment process in the Mackenzie Valley.”

-www.mveirb.nt.ca/

Beaufort Sea Strategic Regional Plan of Action

Contact Information
BSSrPA Coordinator

Joint Secretariat
P.O. Box 212, 0107 Mackenzie Road
Inuvik, NT, X0E 0T0

Phone: 867.777.2828
Fax: 867.777.2610
Email: bsstrpa@jointsec.ca

“The idea for preparing a strategic plan began about three years ago. The present cycle of oil and gas activity in the Delta caught many people unaware when it began. If the [Mackenzie Gas Project \(MGP\)](#) goes ahead industry will be looking to the Beaufort Sea for additional reserves, and we need to prepare for that, and for the critical coastal zone area where development will occur and where the Inuvialuit are pursuing traditional activities.

The Inuvialuit Game Council stimulated the initiative by writing to the Minister of Environment suggesting the need to begin planning for offshore development. It is important for Inuvialuit communities because people are living off the land in coastal areas, so it is necessary to get everything right. Certain amounts of development can occur, but the Inuvialuit are concerned about wildlife.” – *As stated on website*

Involves the following organizations:

- “Inuvialuit Game Council ; Inuvialuit Regional Corporation; Indian and Northern Affairs Canada, Fisheries and Oceans Canada , Environment Canada, Canadian Environmental Assessment Agency , Natural Resources Canada and the National Energy Board; governments of the Northwest Territories and Yukon; Canadian Association of Petroleum Producers, ConocoPhillips and Devon Canada

Mandate: The BSSrPA will take a community-based approach to the identification of regional needs with respect to planning for future offshore oil and gas development (including the coastal transition zone), and the actions needed to address them. The outcome of this process will be a Strategic Regional Plan of Action for the Beaufort Sea and coastal transition zone in preparing for the subsequent induced development from the proposed Mackenzie Gas Project.”

- <http://www.bsstrpa.ca/aboutus.htm>

Mackenzie Valley Land and Water Board

Contact Information:
Email: permits@mvlwb.com
Box 2130, 7th Floor - 4922 48th Street
Yellowknife, NT X1A 2P6
Phone: (867) 669-0506
Fax: (867) 873-6610

“The Mackenzie Valley Resource Management Act (MVRMA) came into being in 1998 as a result of the Gwich'in and Sahtu Comprehensive Land Claims Agreements. The Act created co-management boards for both the Gwich'in and Sahtu settlement areas and it established the Mackenzie Valley Land and Water Board (MVLWB).

While the Gwich 'in Land and Water Board, the Sahtu Land and Water Board and the Wek'eezhii Land and Water Board each have jurisdiction over the issuance of land use permits and water licenses in their own settlement area, the MVLWB has three main functions:

- Issuing land use permits and water licenses in the unsettled claims area until the balance of the land claims are settled in the Mackenzie Valley;
- Processing transboundary land and water use applications in the Mackenzie Valley ; and

- Ensuring consistency in the application of the legislation throughout the Mackenzie Valley .

The mandate of the boards is to regulate the use of land and waters and the deposit of waste so as to provide for the conservation, development and utilization of land and water resources in a manner that will provide the optimum benefit to the residents of the settlements.

- <http://www.mvlwb.com/html/introduction.htm>

National Energy Board

Contact information:
 National Energy Board
 444 Seventh Avenue SW
 Calgary, Alberta T2P 0X8
 Email: info@neb-one.gc.ca
 Telephone: 403-292-4800
 Toll free: 1-800-899-1265
 Fax: 403-292-5503

“The National Energy Board (NEB or Board) is an independent federal agency established in 1959 by the Parliament of Canada to regulate international and interprovincial aspects of the oil, gas and electric utility industries. The purpose of the NEB is to promote safety and security, environmental protection and efficient energy infrastructure and markets in the Canadian public interest within the mandate set by Parliament in the regulation of pipelines, energy development and trade. These principles guide NEB staff to carry out and interpret the organization's regulatory responsibilities. The NEB is accountable to Parliament through the Minister of Natural Resources Canada.” - <http://www.neb-one.gc.ca/clf-nsi/rthnb/whwrrndrgvrnc/whwrrndrgvrnc-eng.html>

Environmental Protection

“The Board's environmental responsibility includes ensuring environmental protection during the planning, construction, operation and abandonment of energy projects within its jurisdiction. When making its decisions, the Board may take into consideration environmental concerns related to air, land and water pollution, disturbance of renewable and non-renewable resources, the integrity of natural habitats, the disruption of land and resource use, and the protection of landowner rights.

Companies preparing an application to the Board are usually required to anticipate the environmental issues and concerns that the proposed project could create and to discuss these with all levels of government, public interest groups, and affected landowners.

If the project application is approved, the Board ensures that the company continues to protect the environment and public health and safety by auditing and inspecting the company's construction activities, the operation of its system, and the company's routine maintenance and monitoring procedures.

Environmental Assessment

Under the NEB Act, the Board is required to consider matters of public interest as they may be affected by the granting of an application. The Board has assumed a mandate for environmental protection as a component of the public interest. The Canadian Environmental Assessment Act (CEA Act) provides an additional mechanism to ensure that projects receive appropriate levels of assessment before they proceed. The CEA Act sets out uniform requirements for environmental assessments by all federal government departments and agencies. As a "responsible authority" under the CEA Act, the Board ensures that appropriate environmental assessments are conducted for projects under its jurisdiction, according to standards prescribed by the legislation”

- <http://www.neb-one.gc.ca/clf-nsi/rthnb/whwrrndrgvrnc/rrspnsblt-eng.html>

Mackenzie Gas Project

Contact Information:
 Fort Simpson Regional Office
 Mackenzie Gas Project

9925 - 102 Avenue
 Fort Simpson, NT X0E 0N0
 Telephone: (867) 695- 2624
 Fax: (867) 695-2651

“Four major Canadian oil and gas companies and a group representing the aboriginal peoples of Canada's Northwest Territories are partners in the proposed Mackenzie Gas Project.

The Producer Group is:

Imperial Oil Resources Ventures Limited: Imperial Oil Resources Ventures Limited wholly holds and operates the Taglu natural gas field and will construct and operate it. Imperial will also construct and operate the Mackenzie gathering system and the Mackenzie Valley pipeline.

ConocoPhillips Canada (North) Limited: ConocoPhillips Canada (North) Limited holds a 75 percent interest in the Parsons Lake natural gas field. It will construct and operate the production facilities at Parsons Lake.

Shell Canada Limited: Shell Canada Limited wholly holds interest in the Niglintgak natural gas field and will construct and operate the production facilities at Niglintgak.

ExxonMobil Canada Properties: ExxonMobil Canada Properties holds a 25 percent interest in the Parsons Lake natural gas field.

Aboriginal Pipeline Group (APG): The Aboriginal Pipeline Group (APG) represents the interests of the aboriginal peoples of the Northwest Territories in the proposed Mackenzie Valley Pipeline. It has the opportunity to acquire up to a one-third interest in the main Mackenzie Valley Pipeline.

The four oil and gas companies ("The Producer Group") hold interests in three large natural gas fields discovered in the Mackenzie Delta. In addition to being co-owners of the main Mackenzie Valley pipeline with the APG, the producer group will also be joint owners of gathering system, a gas processing facility near Inuvik that will separate natural gas liquids from the natural gas, and a liquids pipeline from the facility near Inuvik to Norman Wells.”

-<http://www.mackenziegasproject.com/whoWeAre/index.htm>

Canadian Artic Resources Committee

Contact Information:
 488 Gladstone Ave Ottawa, Ontario K1N 8V4
 Tel: (613) 759-4284 Fax: (613) 237-3845
 Toll Free number: (866) 949 9006
[davidg\(at\)carc\(dot\)org](mailto:davidg(at)carc(dot)org)

“CARC is a citizens' organization dedicated to the long-term environmental and social well being of northern Canada and its peoples. We believe in sustainable development and the application of the precautionary principle. Our policy and advocacy work is grounded in solid scientific and socio-economic research and experience... CARC was born more than thirty years ago as a response to the first Mackenzie Valley pipeline proposal. Since that time, CARC has been involved in numerous northern issues, from helping negotiate an international treaty on toxic chemicals, to ensuring that Canada's first diamond mines are given the most thorough environmental assessments possible. CARC's staff operates from our offices in Yellowknife and Ottawa.”

- <http://www.carc.org>

Natural Resources Canada - NWT

Contact Information
 5101 50th Avenue,
 P.O. Box 668, Yellowknife, NT
 Canada X1A 2N

“Under CEAA, NRCan is required to undertake an EA for projects relating to a physical work and for any proposed physical activity listed in the Inclusion List Regulations where it exercises one or more of the following CEAA triggers:

- Proposes or undertakes a project
- Grants money or any other form of financial assistance to a project
- Grants an interest in the land to enable a project to be carried out
- Exercises a regulatory duty in relation to a project, such as issuing a permit or licence that is included in the Law List Regulations.

If NRCan exercises one or more of the above-mentioned triggers, it becomes a Responsible Authority (RA) under CEAA. As an RA, NRCan must ensure that an EA is carried out in accordance with CEAA and must consider the EA findings before a decision is made that will allow the project to proceed.”

-www.nrcan-rncan.gc.ca/com/envamb/impact-eng-ph

Government of Yukon - Yukon Environmental and Socio-economic Assessment Board

Contact Information

P.O. Box 31642, Whitehorse, Yukon Y1A 6L2.

Telephone – 867-668-6420

Fax – 867-668-6425

Email – yesab@yesab.ca

Toll Free - 1-866-322-4040

“YESAB administers an assessment process that is carried out by Designated Offices, an Executive Committee of the Board and Panels of the Board.

The broad parameters of our assessment process are set out in the Yukon Environmental and Socio-economic Assessment Act (YESAA). The details of our process was developed by YESAB, in consultation with the public and a variety of interested stakeholders. For more information, have a look at our rules. Assessments under YESAA are now in full effect.”

-http://www.yesab.ca/contact_us/

Parks Canada

Contact Information

Parks Canada National Office

25-7-N Eddy Street Gatineau, Quebec

Canada K1A 0M5

General Inquiries: 888-773-8888

General Inquiries (International): 905-566-4321

“Parks Canada is responsible for managing the land and the resources within National Parks. That responsibility includes the management and protection of natural and cultural resources, and the promotion of the philosophy of environmental stewardship. Environmental stewardship is not only the special awareness of the importance and benefit of natural and cultural resources; it is also the incorporation of such awareness into day to day activities and practices, such that impacts to these resources are minimized.

National Parks are special places. Development projects within National Park boundaries will require special attention. Individuals carrying out such projects will require a heightened awareness of environmental stewardship.

For each project, the Environmental Assessment Process will be applied to the required level, to identify concerns, and, when necessary provide mitigating measures and provide sufficient information to allow Parks Canada to make a determination about the significance of the projects' environmental impacts.”

- http://www.pc.gc.ca/pn-np/ab/banff/plan/plan9a_e.asp

Canadian Environmental Assessment Act

The [Canadian Environmental Assessment Act](#) is triggered in national parks, national historic sites and national marine conservation areas when Parks Canada

is the proponent of a project, provides financial assistance to a project, disposes

of an interest in land for a project, or issues a listed permit or licence for a project. [View the public registry.](#)

Nunavut Impact Review Board

The [Nunavut Land Claims Agreement Act](#) established the Nunavut Impact Review Board. The Nunavut Land Claim states that projects in national parks in Nunavut must be screened by the Nunavut Impact Review Board. [View the public registry.](#)

Inuvialuit Final Agreement

The [Inuvialuit Final Agreement](#) (Adobe PDF, 1.9 Mb) requires that developments in Ivvavik National Park of Canada and developments that are likely to cause negative environmental impacts in Aulavik National Park of Canada, Tukturn Nogat National Park of Canada and Pingo Canadian Landmark need to be reviewed by the Environmental Impact Screening Committee. The committee will determine if an environmental impact assessment is required.

North Slave Metis Alliance

Apart of the NWT Cumulative Impact Monitoring Program

“The North Slave Metis Alliance (NSMA) was formed in 1996 in order to strengthen the cultural and political identity of the Indigenous Metis peoples of the Northern Great Slave area. North Slave Metis were closely associated with Fort Rae located on the northern part of the Great Slave Lake. The fort functioned as an important provisioning post for the traders of the Mackenzie-Great Slave Lake-Athabasca area. The North Slave Metis Alliance now seeks to transform the fort into a cultural and historical centre. The North Slave Metis was a signatory to the 1920 Dogrib Treaty 11.

The NSMA is a non-profit organisation whose central mandate is to represent the interests of the direct descendants of the Metis of the North Slave Region of the Northwest Territories. Its objectives include:

- To negotiate and implement a land and resources agreement founded on the principles of self-government;
- To promote the educational, economic, social and cultural development of the members of the North Slave Region and the Treaty 11 Area”

-<http://www.atns.net.au/default.asp>

Northwest Territory Metis Nation

Contact Information

Box 720 Fort Smith, NT X0E 0P0

Phone: (867)872-2770

Fax: (867) 872-2772

E-mail:info@nwtmetisnation.ca

- Apart of the NWT Cumulative Impact Monitoring Program
 - In 1996, the NWTMN, the Government of the Northwest Territories (GNWT) and Canada signed the NWTMN Framework Agreement to commence negotiations on land, resources and self-government. The Parties are currently negotiating an Agreement-in-Principle (AIP) on land and resources matters. Once this AIP is reached, the Parties will begin negotiation of a Final Agreement on land and resources and negotiation of a self-government agreement.
- <http://www.nwtmetisnation.ca/contact.html>

Dehcho First Nations

Apart of the NWT Cumulative Impact Monitoring Program

Dehcho First Nations

PO Box 89

Fort Simpson, NT, CANADA
X0E 0N0
Tel: (867) 695-2355
Fax: (867) 695-2038
Email: dcfn(at)dehchofirstnations.com

Sahtu Secretariat Incorporated

Apart of the NWT Cumulative Impact Monitoring Program

Sahtu Land and Water Board

Contact Information:
P.O. Box 1, Ft. Good Hope,
NT X0E 0H0
Telephone: (867) 598-2413
Fax: (867) 598-2325
www.slwb.com

“The Sahtu claim area covers 280,238 square kilometres including Great Bear Lake. The five communities in the region are Colville Lake, Fort Good Hope, Tulita (formerly Fort Norman), Deline (formerly Fort Franklin) and Norman Wells. The Sahtu Land and Water Board is the regional authority for Land Use Permits and Water Licenses.”

- www.slwb.com

Akaiicho Territory Government (Deninu K'ue First Nation)

Contact Information:
Akaiicho Territory Government
Head Office: Fort Resolution
Phone: 867. 394. 3313
Fax: 867. 394. 3413

“The Akaiicho Territory Government represents the collective environmental, social, political, cultural and economic interests of its constituent First Nations. The ATG exists to assist Akaiicho communities as they develop the self-sufficiency required to realize their individual and collective future goals and objectives. Its prime function is to facilitate and coordinate the transitional efforts of its members as they move toward meaningful First Nation governance. During this transition the constituent First Nations determine the role and mandate, and give direction to, the ATG.”

- akaitchotreaty8.com/

Gwich'in Land and Water Board

Contact Information:
Box 2018 Inuvik NT X0E 0T0
(867) 777-7960

“The Gwich'in Land and Water Board is a regulatory authority established in 1998 under the Gwich'in Comprehensive Land Claim Agreement and given effect by the Mackenzie Valley Resource Management Act to provide for an integrated and coordinated system of land management in the Mackenzie Valley of the Northwest Territories.

The object of the Board is to provide for conservation, development and utilization of the land and water resources in the Gwich'in settlement area in a

manner that will provide the optimum benefit for present and future residents of the settlement area and the Mackenzie Valley and for all Canadians.

The Act authorizes the Board to regulate the use of land and water by issuing, amending, renewing and suspending Land Use Permits and Water Licences throughout the Gwich'in settlement area, which includes all crown, Gwich'in and any other private lands.”

- <http://www.glwb.com/aboutfr.html>

Inuvialuit Game Council

Contact Information:
Tel: (867) 777-2828
Fax: (867) 777-2610
sao@jointsec.nt.ca
Joint Secretariat
P.O. Box 2120
Inuvik, NT, Canada X0E 0T0

“The Inuvialuit Game Council (IGC) was incorporated as a Society under the NWT Societies Ordinance on April 20, 1983. Under the Inuvialuit Final Agreement (IFA), the IGC represents the collective Inuvialuit interest in all matters pertaining to the management of wildlife and wildlife habitat in the Inuvialuit Settlement Region (ISR). This responsibility gives the IGC authority for matters related to harvesting rights, renewable resource management, and conservation.

The specific duties of the IGC are set out in Section 14(74) of the IFA. These duties include appointing Inuvialuit members for all Inuvialuit co-management bodies under the IFA and assisting these bodies whenever requested, advising government agencies, through the co-management bodies or otherwise, on renewable resource policy, legislation, regulation, and on any proposed Canadian position for international purposes that affects wildlife in the ISR. The IGC also allocates Inuvialuit quotas among the six ISR communities and appoints members for any co-management body dealing with Inuvialuit fish and wildlife harvesting and environment.”

- <http://www.jointsecretariat.ca/index.html>

Inuvialuit Land Administration

Contact Information:
P.O. Box 290 Tuktoyaktuk, NT X0E 1C0
Phone: 867-977-7100 Fax: 867-977-7101

“The ILA is the division of the Inuvialuit Regional Corporation (IRC) responsible for managing and administering Inuvialuit owned lands in the Inuvialuit Settlement Region (ISR). The ISR is the area of land and water subject to the land claims agreement known as the Inuvialuit Final Agreement (IFA), settled between the Inuvialuit and the Government of Canada. The legislation implementing the IFA is the Western Arctic (Inuvialuit) Claims Settlement Act, 1984. The Inuvialuit are the aboriginal people who have traditionally used the land within the ISR.

The Inuvialuit own a total of 35,000 square miles of land in the ISR. This includes both surface and subsurface rights to 5,000 sq. miles of land (referred to as 7(1)(a) lands) and surface rights (including rights to granular resources) to a further 30,000 sq. miles (referred to as 7(1)(b) lands). The remaining lands (as well as subsurface rights on 7(1)(b) lands) remain largely under the ownership and control of the federal Crown, with the exception of Hamlet lands which are controlled by the Government of Northwest Territories.”

- www.inuvialuitland.com

3. LITERATURE REVIEW

1. Byer, P., Yeomans, J., and Lalan, M., (2002). Addressing Climate Change Uncertainties In Project Environmental Assessments. Canadian Environmental Assessment Agency's Research and Development Program. Retrieved June 2008 from http://www.ceaa.gc.ca/015/001/025/index_e.htm
 - a. *The study consisted of the following components, each of which this report explains:*
 - i. *a review of recent project EAs to assess whether and how climate change and its uncertainties are currently considered (section 6 and Appendix 2);*
 - ii. *a review of climate change, including causes, impacts, and uncertainties (section 7);*
 - iii. *a study of methods for addressing uncertainties, including the use of scenarios, sensitivity analysis, and probabilistic analysis (section 8);*
 - iv. *an illustrative example of the use of these methods (section 9);*
 - v. *a study of methods for communicating uncertainties in EAs (section 10); and*
 - vi. *the implications of this work for the development of guidelines (section 11 and Appendices 3 and 4).*
2. Government of Northwest Territories, Department of Environment and Natural Resources (2009). State of Environment Report Highlights 2009. Retrieved June 2009 from http://www.enr.gov.nt.ca/_live/documents/documentManagerUpload/NWT2009State_Enviro_ReportFINAL.pdf
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4. Fugal, C., and Prowse, Terry D., (2007). Chapter 3: Northern Canada. Retrieved June 15, 2009 http://adaptation.nrcan.gc.ca/assess/2007/pdf/ch3_e.pdf
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10. Banks, T. (2008). The Canadian Environmental Protection Act (1999, c. 33) Rx: Strengthen and Apply Diligently Sixth Report of the Standing Senate Committee on Energy, the Environment and Natural Resources . Retrieved June 2009 from <http://www.parl.gc.ca/39/2/parlbus/commbus/senate/Com-e/enrg-e/rep-e/rep06mar08-e.htm>

Related to Public Participation and Opinion

11. DFO (2006). Summary Report - 2006 DFO Baseline Opinion - Survey of Coastal, Northern, Freshwater and Inland Residents in Canada. Retrieved June 2009 from http://www.dfo-mpo.gc.ca/por-rop/por-rop_318-05/por-rop20060608-eng.htm#1

With Regards to Research Methodology

12. Edgar, L., Briers, G., Rutherford, T., (2006). Agricultural Themes in Agricultural Education: Future Gap Analysis of the National Research Agenda. Retrieved June 2009 from <http://pubs.aged.tamu.edu/jsaer/pdf/Vol58/58-01-061.pdf>
 13. Wagle, K (2009) Research Gap Analysis Prepared for Gwich'in Renewable Resources Board Cochrane Ecological Institute. Retrieved June 2009 from <http://www.grrb.nt.ca/pdf/Public%20registry/research/GRRB%20Gap%20Analysis%20Report>.
-

4. RESEARCH METHODOLOGY

1) Establishing the methodology:

Through online research, there are several studies which use gap analysis as a research method for their reports. However, I have not yet come across one, which refers to gap analysis as specific methodology- which I could trace to a certain known source. For the most part gap analysis is used in conjunction with other methods, comparative analysis being the most common. In addition, matrixes have been used as well.

Some definitions:

Gap Analysis:

“Gap analysis involves surveys that seek to detect discrepancies, or gaps, between customer expectations of an organization and that organization's ability to deliver on those expectations.” (Eldredge, J. 2004)

→ **Defining ‘gap’ in our case, for example, where legislation, mandates are not included and/or identified and/or applied in an EIA**

Comparative Analysis

“A comparative study consists of any systematic effort to find similarities and differences between two or more observed phenomena. This broad label encompasses a number of more specific research methods. Generally speaking, a comparative study in research in the social sciences identifies the common elements in two or more phenomena in search of distinct variables that explain their differences” (Eldredge, J. 2004).

Narrative Review:

“For many years, what we have called a “review article” actually has meant a narrative review. This type of review consists of an expert conducting a literature review on a broadly defined subject and then writing an introductory overview of the subject, followed usually by a description of current research or controversies at the boundaries of what is understood on the subject. The narrative review has been criticized in recent years for its subjectivity and its tendency to not have a complete scientific basis” (Eldredge, J. 2004).

Systems Theory “the transdisciplinary study of the abstract organization of phenomena, independent of their substance, type, or spatial or temporal scale of existence. It investigates both the principles common to all complex entities, and the (usually mathematical) models which can be used to describe them... Systems analysis, developed independently of systems theory, applies systems principles to aid a decision-maker with problems of identifying, reconstructing, optimizing, and controlling a system (usually a socio-technical organization), while taking into account multiple objectives, constraints and resources. It aims to specify possible courses of action, together with their risks, costs and benefits” (Heylighen, F & Joslyn, C. 1992).

- → **Application to our project: Identification how government, boards and agencies are embedded. Each as their own sub system and part of larger system. Organization and Interaction chart**

Content Validity “In content validity, you essentially check the operationalization against the relevant content domain for the construct. This approach assumes that you have a good detailed description of the content domain, something that's not always true. For instance, we might lay out all of the criteria that should be met in a program that claims to be a "teenage pregnancy prevention program." We would probably include in this domain specification the definition of the target group, criteria for deciding whether the program is preventive in nature (as opposed to treatment-oriented), and lots of criteria that spell out the content that should be included like basic information on pregnancy, the use of abstinence, birth control methods, and so on. Then, armed with these criteria, we could use them as a type of checklist when examining our program. Only programs that meet the criteria can legitimately be defined as "teenage pregnancy prevention programs." This all sounds fairly straightforward, and for many operationalizations it will be. But for other constructs (e.g., self-esteem, intelligence), it will not be easy to decide on the criteria that constitute the content domain” (Research Methods Knowledge Base, 2009).

Criterion-Related Validity “In criteria-related validity, you check the performance of your operationalization against some criterion. How is this different from content validity? In content validity, the criteria are the construct definition itself -- it is a direct

comparison. In criterion-related validity, we usually make a prediction about how the operationalization will perform based on our theory of the construct. The differences among the different criterion-related validity types is in the criteria they use as the standard for judgment” (Research Methods Knowledge Base, 2009).

Definition sources:

Eldredge, J. (2004). Medical Library Association: Inventory of research methods for librarianship and informatics. The University of New Mexico Retrieved June 2009 from <http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=314107>

Heylighen, F and Joslyn, C. (1992). What is Systems Theory?. Retrieved June 2009 from <http://pespmc1.vub.ac.be/systheor.html>

Research Methods Knowledge Base (2009). Measurement Validity Types. Retrieved June 2009 from <http://www.socialresearchmethods.net/kb/measval.php>

2) Establishing Research Questions

“Research questions “narrow the purpose statement to specific questions that researchers seek to answer” (p. 117). Once a draft of the research questions has been written, the researcher should examine the questions to identify some common characteristics. Bradley (2001) purports that good research questions “are stated clearly, are researchable, and involve some concept related to either theory or an applied context” (p. 574)

Source: Bufkin, M (2006). Qualitative Studies: Developing Good Research Questions. Retrieved June 2009 from http://www.eric.ed.gov:80/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/27/f6/94.pdf

Research Questions based on the contract terms of reference and conference call:

1. *What are the major/significant issues and concerns with regards to environmental protection through the environmental assessment process in the Region?*
 - a. *Prioritization*
2. *What are the relevant legislations in place and their objectives? Are these legislations being considered in the environmental assessment process*
 - a. *What are the gaps in protection? Does CEPA or any other legislation have applicability in this region?*
3. *To what extent are responsible authorities such as governments, boards and agencies living up to their legislative responsibility, with regards to EIA and SEA?*
 - a. *What are their roles, responsibilities?*
 - b. *What is their focus in terms of EA, required and guided by legislation*
 - i. *What is not being included which should be considered?*
 - c. *What case studies both national and international can prove this Ex. best practice vs not up to par*
4. *What ‘gaps’ can be identified from the above*

Establishing Objectives, Methodology, Outcomes and Outputs

– an Example from: UNDP (2009). Terms of Reference; Research on Status of Disable People of the Republic of Armenia. Retrieved June 2009 from oc.undp.am/files/TOR/485.doc

Objectives

The goal of the proposed initiative is to contribute to promotion and protection of rights of disabled in Armenia.

The specific **objectives** of the project are to (i) carry out a thorough and comprehensive gap analysis of the national legislation on disabled people versus international standards and human rights tools; (ii) examine the social aspects of disabled people in the Republic of Armenia, including study of societal attitudes, perceptions and stereotypes.

Strategy

The research strategy/methodology will include, but is not limited to:

- Desk review of respective RA legislation, regulatory framework on subject matter;
- Comparative analysis of the RA legislation versus international standards and human rights tools;
- Review and analysis of the complaints/grievances received by HRDO;
- Situation analysis on the social aspects of life among disabled people with special focus on attitudes/perceptions, dominating in the society/communities, and tolerance-related aspects,
- Provision of comprehensive recommendations to different stakeholders (state bodies, NGOs, international organizations, law enforcement bodies) on the subject matter.

At the level of **outcome** the present research will contribute to effective protection of rights of disabled people in Armenia.

At the level of **output** the project will present a Report on the state of disabled people in Armenia, including recommendations on the improvement of respective legal framework and the social aspects of the life of disabled people. The report results will further be incorporated into the 2009 Annual Report of the RA Human Rights Defender.

5. LIST OF ENVIRONMENTAL IMPACT ASSESSMENTS

CEAA Registry: Northwest Territories

- Review Panels
 - o Current: Mackenzie Gas Project
 - o Completed: NWT Diamonds Project
 - Comprehensive Studies:
 - o Completed: Beaufort Sea Exploration Drilling Program and Diavik Diamond Mine
- <http://www.ceaa.gc.ca/010/province-eng.cfm?provID=15>

Anderson River Delta Bird Sanctuary

[09-01-46272](#) Arctic Shorebird Monitoring Program

[09-01-47423](#) Arctic Shorebird Monitoring Program

Atkinson Point

[09-01-47599](#) Department of Fisheries and Oceans - Bowhead whale tagging project

Aulavik National Park of Canada

[05-02-16460](#) Aklak Air Inc

[05-02-16463](#) Canadian Helicopters

[05-02-16467](#) Highland Helicopters

[05-02-16468](#) Northwright Airways

[05-02-16469](#) Upper Winds Air

[06-02-21457](#) Taglu Helicopters

[09-01-46303](#) The Aulavik Archaeology Project 2009 Field Season:

Archaeological investigations in central Aulavik National Park of Canada

[09-01-46520](#) Cultural Resource Monitoring at Head Hill in Aulavik National Park, NWT

Banks Island

[09-01-46677](#) Quaternary environments of Banks Island, NWT: Implications for the nature of high latitude

Banks Island No.1 Bird Sanctuary

[09-01-46060](#) Snow goose population study on Banks Island

Beaufort Sea

[09-01-46032](#) GXT Beaufort OBC 2-D Marine Seismic Program 2010

[09-01-46112](#) BP Exploration Company Limited - BP Exploration Pokak 3D Seismic Program

[09-01-46518](#) Canadian Polar Margin Seismic Reflection Survey 2009

Camp Farewell

[08-01-44518](#) Farewell Camp and Stockpile Site Maintenance and Operation

Ellice Island

[08-01-39938](#) MGM Energy Corp. Cuttings and Fluid Injection Facility at Aput C-43 Well

[09-01-46272](#) Arctic Shorebird Monitoring Program

[09-01-47423](#) Arctic Shorebird Monitoring Program

Fish Island

[09-01-46272](#) Arctic Shorebird Monitoring Program

[09-01-47423](#) Arctic Shorebird Monitoring Program

Kendall Island

[09-01-47715](#) Inspection and reconnaissance of the Kumak drill site in the Kendall Island Bird Sanctuary

Kendall Island Bird Sanctuary

[09-01-46272](#) Arctic Shorebird Monitoring Program

[09-01-47423](#) Arctic Shorebird Monitoring Program

Kendall Island Migratory Bird Sanctuary

[04-01-4640](#) Bathymetric survey of the Niglintgak natural gas field area within the Kendall Island Bird Sanctuary.

[04-01-5559](#) An assessment of the archaeological and historic resources within the land area covered by the proposed Chevron 3D seismic program in winter 2004.

[04-01-6185](#) Taglu Gas Field Development - Winter 2005 Geotechnical Field Program

[04-01-7196](#) Farewell 3D Seismic Program in the Kendall Island Bird Sanctuary

[04-01-7197](#) Garry 3D Seismic Project in the Kendall Island Bird Sanctuary

[04-01-7322](#) Geotechnical Investigation Program - Niglintgak Field (Winter 2005)

[08-01-39347](#) Integrated Geoscience Studies of the Mackenzie Delta and Nearby Coastal Environments

[08-01-39571](#) 2008 Kumak Wellsite Inspection (Kendall Island Bird Sanctuary), NWT

Klewi River

[05-01-13997](#) Expansion & Upgrade of Mile 99 Fire Base Camp
Langley Island

[09-01-46272](#) Arctic Shorebird Monitoring Program

[09-01-47423](#) Arctic Shorebird Monitoring Program

McKinley Bay

[09-01-45257](#) Surveillance for Highly Pathogenic Avian Influenza H5N1 in Live Captured Long-tailed Ducks in McKinley Bay, Northwest Territories, Canada, in 2009

North Storm Hills

[09-01-45947](#) NwTel Parsons Lake Fuel Tank Rehabilitation

Northwest Territories

[06-01-19228](#) Shell Canada Limited (Shell) Summer 2006 Geological Field Trip

Richards Island

[08-01-38445](#) MGM Energy Corp. Umiak Drilling, Completion and Testing Project: 2008 - 2011

[08-01-39381](#) MGM Energy Corp. Umiak Seismic Program

Sachs Harbour

[08-01-37585](#) Sachs Harbour Muskox Offal Disposal

[08-01-44766](#) Sachs Harbour Muskox Offal Disposal

Storm Hills tower

[03-01-776](#) E Gruben Transport Winter Access project

Thomsen River

[09-01-47391](#) An Aerial Goose Survey of Aulavik National Park's Migratory Bird Sanctuary (Banks)

[09-01-47509](#) Comparative phylogeography of arctic-alpine tundra in western North America

Tuktoyaktuk

[06-01-22217](#) Demolition of two buildings in Tuktoyaktuk

[08-01-40454](#) MGM West Langley Drilling, Completion, Testing and Abandonment Project

[09-01-45898](#) Remediation of Contaminated Land and Demolition of two buildings in Tuktoyaktuk

Tuktut Nogait National Park of Canada

[05-02-16460](#) Aklak Air Inc

Tuktut Nogait National Park of Canada

[05-02-16463](#) Canadian Helicopters

[05-02-16466](#) Gwich'in Helicopters

[05-02-16467](#) Highland Helicopters

[05-02-16468](#) Northwright Airways

[05-02-16471](#) Sea to Sky Expeditions

[06-02-21457](#) Taglu Helicopters

Wood Buffalo National Park of Canada

[04-01-5376](#) Culvert replacement at km 203.4 of Hwy 5

[05-01-13996](#) Salt River Bridge Repairs

[06-01-14054](#) Removal of Old Bridges

[06-01-21766](#) Installation of Culvert at Big Fill

[07-01-30180](#) Boundary Clearing for the Little Red River Cree Nation Reserve at Garden River.

Yellowknife

[06-01-18066](#) Joint Task Force Northern Area (JTFN) Headquarters HQ Expansino Yellowknife, Northwest Territories EA

[06-01-21480](#) Yellowknife Fisheries Garage Replacement

The Mackenzie Valley Environmental Impact Review Board Public Registry:

Ongoing Environmental Assessment

Company	Project	Code	Year
Fortune Minerals Ltd.	NICO Project	EA0809-004	2009
Tyhee NWT Corp.	Yellowknife Gold Project (2008)	EA0809-003	2008
Canadian Zinc Corporation	Prairie Creek Mine	EA0809-002	2008
Contaminants and Remediation Directorate, INAC	Giant Mine Remediation	EA0809-001	2008
Deze Energy Corp. Ltd.	Taltson Hydroelectric Expansion Project	EA0708-007	2007
Bayswater Uranium Corporation	Crab Lake Mineral Exploration	EA0708-005	2007
Bayswater Uranium Corporation	EL Lake Mineral Exploration	EA0708-004	2007
Selwyn Resources Ltd.	Mineral Exploration at Howard's Pass (Selwyn Project)	EA0708-001	2007

Paramount Resources Ltd.	SDL 8 2-D Geophysical Program	EA0506-007	2005
Sidon International Resources Corp.	Mineral Exploration Program	EA0506-006	2005
Consolidated Goldwin Ventures Inc.	Mineral Exploration Program	EA0506-005	2005
Imperial Oil Resources Ventures Ltd.	Dehcho Geotechnical Survey	EA03-009	2003

Total project count: 12

Ongoing Environmental Impact Reviews

Company	Project	Code	Year
De Beers Canada Inc.	Gahcho Kue Diamond Mine	EIR0607-001	2006
Imperial Oil Resources Ventures Ltd.	Mackenzie Gas Project	EIR0405-001	2004

Total project count: 2

Completed Environmental Assessments

Company	Project	Code	Year
Hunter Bay Minerals Inc.	Hunter Bay Mineral Exploration	EA0708-006	2007
Uravan Minerals Inc.	North Boomerang Lake Mineral Exploration	EA0708-003	2007
Uravan Minerals Inc.	South Boomerang Lake Mineral Exploration	EA0708-002	2007
Ur Energy Inc.	Screech Lake	EA0607-003	2006
Tamerlane Ventures Inc.	Pine Point Pilot Project	EA0607-002	2006
Miramar Con Mine Ltd.	Water License Extension	EA0607-001	2006
De Beers Canada Inc.	Gahcho Kue Diamond Mine	EA0506-008	2005
Tyhee NWT Corp.	Yellowknife Gold Project	EA0506-004	2005
Ur Energy Inc.	Uranium Exploration Thelon Basin (Screech Lake)	EA0506-003	2005
Wyn Developments Inc.	Mineral Exploration north of Sachowia Point	EA0506-002	2005
Alberta Star Development Corp.	Uranium Exploration, MacInnis Lake	EA0506-001	2005
Northrock Resources Ltd.	Keele River Airstrip	EA0405-004	2004
Fortune Minerals Ltd.	Fortune Minerals Meridian Lake	EA0405-003	2004
Canadian Zinc Corporation	Prairie Creek Phase III Drilling Program	EA0405-002	2004
Jane Lind	Horn River Mineral Exploration	EA0405-001	2004
Dehcho Bridge Corporation	Mackenzie River Bridge	EA03-008	2003
Imperial Oil Resources Ventures Ltd.	Mackenzie Gas Project	EA03-007	2003
Snowfield Development Corp.	Drybones Bay mineral exploration	EA03-006	2003
Paramount Resources Ltd.	Cameron Hills Extension Project	EA03-005	2003
New Shoshoni Ventures Ltd.	Drybones Bay mineral exploration	EA03-004	2003
North American General Resources Crp	Wool Bay exploration drilling	EA03-003	2003
Consolidated Goldwin Ventures Inc.	Drybones Bay Preliminary Exploration	EA03-002	2003
Northrock Resources Ltd.	Summit Creek Exploration Well	EA03-001	2003

North American Tungsten Corporation Ltd.	CanTung Mine Water License Renewal	EA02-003	2002
Western Geco Canada Ltd.	Mackenzie River 2D Seismic Program	EA02-002	2002
Northern Rivers Survey Ltd.	South Nahanni and Liard Rivers Seismic Dev.	EA02-001	2002
Canadian Forest Oil Ltd.	Highway Seismic	EA01-007	2001
Canadian Forest Oil Ltd.	Beta Seismic	EA01-006	2001
Paramount Resources Ltd.	Cameron Hills Gathering System	EA01-005	2001
De Beers Canada Inc.	Snap Lake Diamond Mine	EA01-004	2001
Canadian Zinc Corporation	Prairie Creek Phase II Mineral Exploration Drilling Program	EA01-003	2001
Canadian Zinc Corporation	Underground Decline and Pilot Plant	EA01-002	2001
RTL Robinson Enterprises Ltd.	Quarry - Drybones Bay	EA01-001	2001
Patterson Sawmill Ltd.	Pine Point Area Timber Harvest Proposal	EA00-005	2001
Paramount Resources Ltd.	Cameron Hills Exploratory Drilling Project	EA00-004	2000
Paramount Resources Ltd.	Liard East Exploratory Drilling Program	EA00-003	2000
Canadian Zinc Corporation	Prairie Creek Phase I Mineral Exploration Drilling Program	EA00-002	2000
Canadian Zinc Corporation	Fuel Cache Retrieval and Clean-up development	EA00-002	2000
ExplorData Ltd.	Liard Seismic survey	EA00-001	2000
Ranger Oil Ltd./Canadian Forest Oil Ltd./Chevron Oil Resources Ltd.	Integrated P-66A/N61/K-29 Gas Wells and Pipeline Tie-in	EA99-0061/0086	1999
BHP Diamonds Inc.	Ekati - Pigeon, Sable and Beartooth Pipes expansion	EA99-004	1999
Bruce Domes	Timber Harvest Proposal	EA99-003	1999
Digga Enterprises Ltd.	Fort Providence/Cameron Hills Lumber Harvesting	EA99-002	1999
Deh Gah Got'ie Betterment Corporation	Fort Providence/Cameron Hills Lumber Harvesting	EA99-001	1999

Total project count: 44

Other Board Decisions

Company	Project	Code	Year
True North Safaris	Black Bear Baiting	OBD0910-001	2009
Hunter Bay Minerals Inc.	Great Bear Lake Exploration Project	OBD0708-001	2007
Uravan Minerals Inc.	Uravan mineral exploration	OBD0607-01	2006
Town of Hay River	Hay River Biotreatment Pad	OBD0405-002	2004
Tibbitt to Contwoyto Winter Road Joint Venture	Dome Lake Camp and Quarry	OBD0304-001	2003
Miramar Con Mine Ltd.			

6. STUDY AREA IMAGES

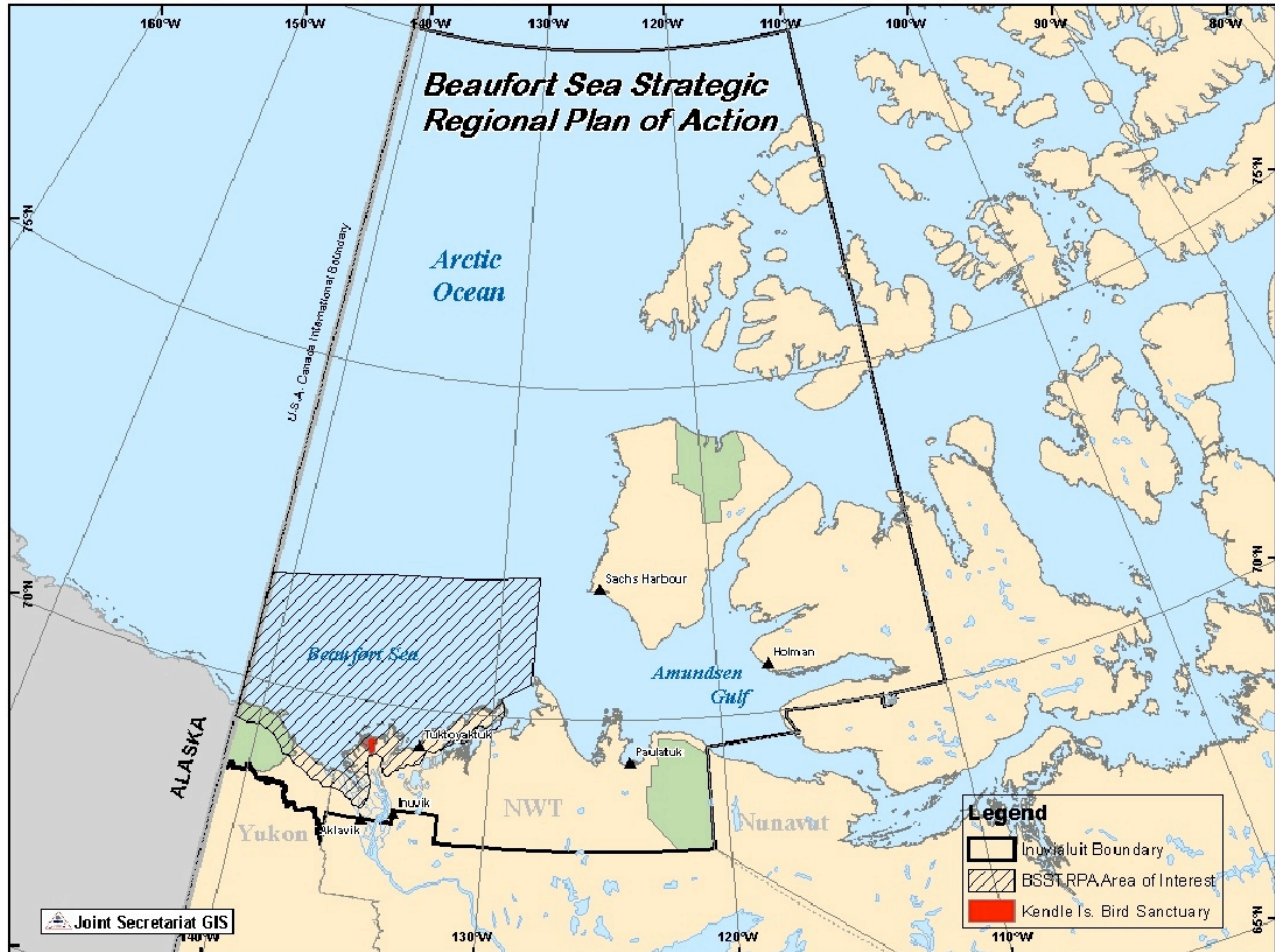


Figure 1: Beaufort Sea Strategic Regional Plan of Action
- <http://www.bsstrpa.ca/aboutus.htm>



Figure 3: National Energy Board Jurisdiction - <http://www.neb-one.gc.ca>

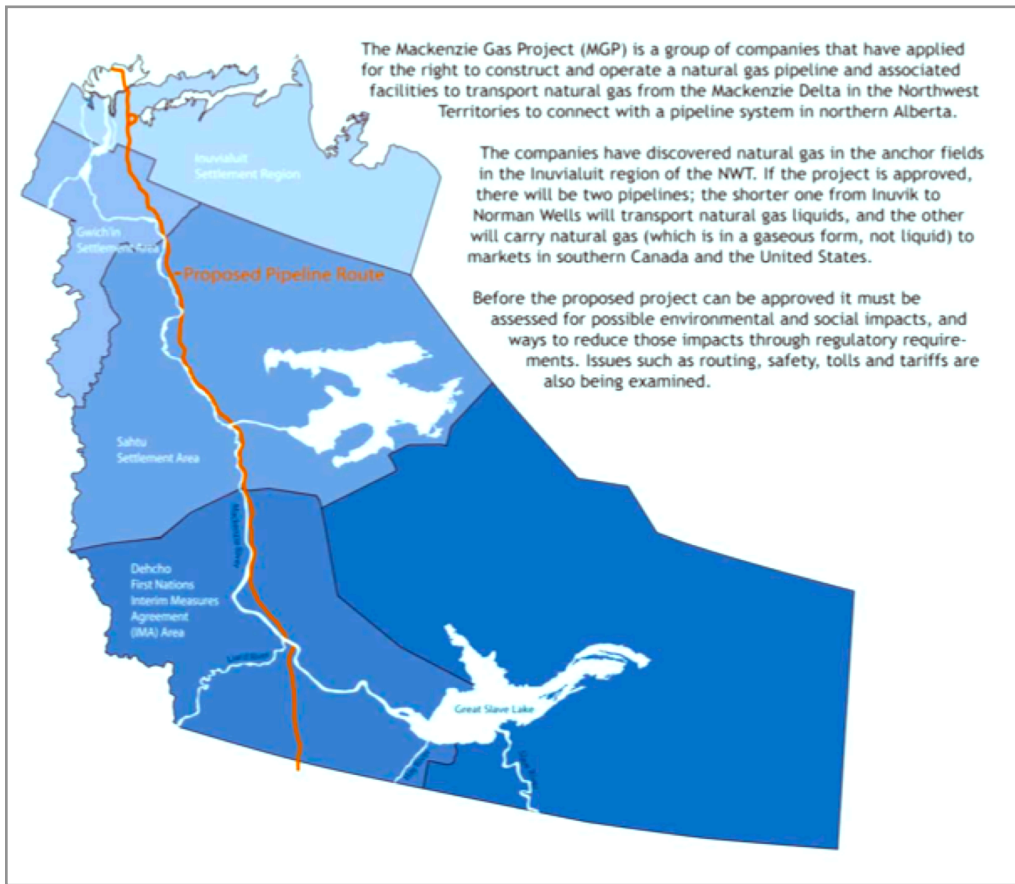


Figure 4: Mackenzie Gas Project Proposed Pipeline Route

- <http://www.mackenziegasproject.com/theProject/index.html#>

APPENDIX

NWT Cumulative Effects Assessment and Management (CEAM) Strategy and Framework listed members:

STEERING COMMITTEE MEMBERS

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TBD

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CEPA Current Regulations

<http://www.ec.gc.ca/CEPARegistry/regulations/>

[2-Butoxyethanol Regulations](#)
[Asbestos Mines and Mills Release Regulations](#)
[Benzene in Gasoline Regulations](#)
[Chlor-Alkali Mercury Release Regulations](#)
[Chromium Electroplating, Chromium Anodizing and Reverse Etching Regulations](#)
[Contaminated Fuel Regulations](#)
[Disposal at Sea Regulations](#)
[Environmental Emergency Regulations](#)
[Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations](#)
[Export Control List Notification Regulations](#)
[Export of Substances Under the Rotterdam Convention Regulations](#)
[Federal Halocarbon Regulations, 2003](#)
[Federal Mobile PCB Treatment and Destruction Regulations](#)
[Fuels Information Regulations, No. 1](#)
[Gasoline and Gasoline Blend Dispensing Flow Rate Regulations](#)
[Gasoline Regulations](#)
[Interprovincial Movement of Hazardous Waste Regulations](#)
[Masked Name Regulations](#)
[New Substances Fees Regulations](#)
[New Substances Notification Regulations \(Chemicals and Polymers\)](#)
[New Substances Notification Regulations \(Organisms\)](#)
[Off-Road Compression-Ignition Engine Emission Regulations](#)
[Off-Road Small Spark-Ignition Engine Emission Regulations](#)
[On-Road Vehicle and Engine Emission Regulations](#)
[Ozone-depleting Substances Regulations, 1998](#)
[PCB Regulations](#)
[PCB Waste Export Regulations, 1996](#)
[Perfluorooctane Sulfonate and its Salts and Certain Other Compounds Regulations](#)
[Persistence and Bioaccumulation Regulations](#)
[Phosphorus Concentration Regulations](#)
[Polybrominated Diphenyl Ethers Regulations](#)
[Prohibition of Certain Toxic Substances Regulations, 2005](#)
[Pulp and Paper Mill Defoamer and Wood Chip Regulations](#)
[Pulp and Paper Mill Effluent Chlorinated Dioxins and Furans Regulations](#)
[Regulations Adding Perfluorooctane Sulfonate and Its Salts to the Virtual Elimination List](#)
[Regulations Respecting Applications for Permits for Disposal at Sea](#)
[Rules of Procedure for Boards of Review](#)
[Secondary Lead Smelter Release Regulations](#)
[Solvent Degreasing Regulations](#)

[Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations](#)
[Sulphur in Diesel Fuel Regulations](#)
[Sulphur in Gasoline Regulations](#)
[Tetrachloroethylene \(Use in Dry Cleaning and Reporting Requirements\) Regulations](#)
[Tributyltetradecylphosphonium Chloride \(TTPC\) Regulations](#)
[Vinyl Chloride Release Regulations, 1992](#)
[Virtual Elimination List](#)

Proposed Regulations

[Interprovincial Movement of Hazardous Waste and Hazardous Recyclable Material Regulations](#)
[Living Modified Organisms Regulations](#)
[Marine Spark-Ignition Engine and Off-Road Recreational Vehicle Emission Regulations](#)
[Regulations Amending the Disposal at Sea Regulations](#)
[Regulations Amending the Environmental Emergency Regulations](#)
[Regulations Amending the Federal Halocarbon Regulations, 2003](#)
[Regulations Amending the Prohibition of Certain Toxic Substances Regulations, 2005 \(Four New Fluorotelomer-based Substances\)](#)
[Regulations Amending the Regulations Respecting Applications for Permits for Disposal at Sea \(Miscellaneous Program\)](#)
[Regulations Amending the Vinyl Chloride Release Regulations, 1992](#)
[Volatile Organic Compound \(VOC\) Concentration Limits for Architectural Coatings Regulations](#)
[Volatile Organic Compound \(VOC\) Concentration Limits for Automotive Refinishing Products Regulations](#)
[Volatile Organic Compound \(VOC\) Concentration Limits for Certain Products Regulations](#)

Notes on Legislation:

With regards to the Canadian Environmental Assessment Act

- <http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=5BDC800F-1>

- [Sustainable development](#) is established as a fundamental objective of the federal environmental assessment process.
- In administering the Act, federal authorities are obligated to exercise their powers in a manner that protects the

environment and human health, and applies the precautionary principle.

- The Act is based on the principle of self-assessment - the federal body, known as the responsible authority, that has a decision to make about a proposed project is also responsible for ensuring an environmental assessment occurs. The results of the assessment must be considered before final decisions are taken.
- The Act recognizes the importance of cooperation with other jurisdictions that also may have legal responsibilities to conduct an assessment of the same project.

With regard to the Canadian Environmental Protection Act:

“Under Canada's Constitution, provincial environmental laws do not generally apply to federal lands. This means that federal operations and land, including aboriginal land, are, for the most part, not subject to provincial regulations or permit systems covering emissions, effluents, environmental emergencies, waste handling and other environmental matters. The non-application of these environmental protection laws creates the so-called “environmental protection regulatory gap” with respect to federal departments, boards, agencies, Crown corporations, federal works and undertakings on federal and aboriginal lands. Under CEPA 1999, Environment Canada can establish regulatory and non-regulatory instruments to manage many, but not all, of the environmental protection risks on federal and aboriginal lands that would otherwise be addressed by provincial and territorial legislation.” www.ec.gc.ca/CEPARegistry/the_act

With regards to the Environmental Assessment Process in Canada:

“Federal Authorities or departments with specialist expertise, such as Environment Canada are obligated to assist RAs with their project EAs. Input information, concerns, and comments received in the context of specialist advice from agencies or departments are incorporated by the RA into their decision-making process. If the project's impacts are deemed by the RA to be insignificant, based on the EA screening information and agency consultations, the project will be allowed to proceed. Where environmental impacts are considered significant or impacts are unknown, further assessment through an independent public review panel or mediation (or both) may be required to satisfy outstanding environmental concerns and issues. In such cases, recommendations are provided in a report to the Minister of the Environment. A final decision is then rendered by the Minister either to proceed with the project or to abandon or delay the project until environmental issues can be resolved.” Environmental Assessment Program (under CEAA) <http://www.on.ec.gc.ca/search/metadata.cfm?ID=1&Lang=e>

- The federal environmental assessment process is conducted primarily in response to triggers of CEAA; including cases where the government proposes a project, grants funding for a

project, leases or sells federal lands for a project or must perform a regulatory duty such as issuing a license or permit. In Ontario, Environment Canada is often a Responsible Authority by virtue of its role in providing funding to environmental restoration projects under the Great Lakes 2000 Cleanup Fund, and [EcoAction](#) Program; and, due to its

Key court decisions

[-http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=CE87904C-1#ws7AC16A59](http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=CE87904C-1#ws7AC16A59)

- o Rafferty-Alameda dam (1989)
- o Federal Court of Appeal ruled EARPGO to be a law of general application
- o Oldman River dam (1992):
- o Supreme Court ruled that EARPGO applies where federal department has “affirmative regulatory duty”.
- o Shared responsibility over the environment
- o National Energy Board (1994):
- o Supreme Court takes broad view of federal capacity to assess full scope of project.