

PAME II – Agenda Item 6: Follow-up on 2009 Arctic Offshore Oil and Gas Guidelines

With reference to PAME 1-2010 RoDs: *I(D) action 2 – for PAME consideration at a later stage. Denmark had done this in an informal way by providing web-based information and PAME countries are asked to provide information on best practices to Denmark to inform at next PAME meeting.*

Information and links regarding EIA activities in Canada

Legal Base: Legislation

- *Canada Oil and Gas Operations Act (COGOA) – <http://laws-lois.justice.gc.ca/en/O-7/FullText.html>*
Primary authorization for oil and gas industry activity in Canada's Arctic offshore is by the National Energy Board (NEB) (<http://www.neb-one.gc.ca/clf-nsi/index.html>) under the *Canada Oil and Gas Operations Act (COGOA)*,
- *National Energy Board Act - <http://laws.justice.gc.ca/en/N-7/index.html>*
- *Canadian Petroleum Resources Act – <http://laws.justice.gc.ca/en/C-8.5/FullText.html>*
Indian and Northern Affairs Canada is responsible for issuing exploration, significant discovery and development licences under the *Canadian Petroleum Resources Act*. Efforts are underway to design a pilot, multi-stakeholder regional environmental assessment process for the Beaufort Basin.
- *Canadian Environmental Assessment Act – <http://laws-lois.justice.gc.ca/en/C-15.2/FullText.html>*
Under the *Canadian Environmental Assessment* there are three types of environmental assessment - screening, comprehensive study, and review by a mediator or independent panel. Environmental assessments of hydrocarbon exploration activities are normally carried out as screenings.

Legal Base: Land Claim Agreements

Prior to issuing an authorization under *Canada Oil and Gas Operations Act (COGOA)*, projects must undergo an environmental assessment conducted in accordance with the provisions of the applicable environmental assessment regime(s). **Due to the settlement of land claim agreements, different environmental assessment processes apply in various regions of northern Canada.**

- In the Inuvialuit Settlement Region which encompasses a large portion of the offshore area, the environmental assessment processes under the Western Arctic Claim (Inuvialuit Final Agreement) and the *Canadian Environmental Assessment Act* apply.

Inuvialuit Final Agreement

http://www.collectionscanada.gc.ca/webarchives/20071125181720/http://www.ainc-inac.gc.ca/pr/agr/inu/wesar_e.pdf

- To the east in the Nunavut Settlement Area, Article 12 of the Nunavut Land Claims Agreement outlines the sole environmental assessment process applicable to the area.

Nunavut Land Claims Agreement (*Article 12*)

http://www.collectionscanada.gc.ca/webarchives/20071115061311/http://www.ainc-inac.gc.ca/pr/agr/nunavut/index_e.html

- In the Nunavik Marine Region, the Nunavik Inuit Land Claims Agreement outlines the environmental assessment process applicable to this area.

Nunavik Inuit Land Claims Agreement (*Article 7.6*)

<http://psc-esd.ainc-inac.gc.ca/pubcbw/moreinfo-eng.asp?seq=4915>

Responsible Authority or Agency

Each EA body keeps a public registry of EA reports, which are available to the public. These can be accessed through their respective websites (CEA Agency, EISC, EIRB and NIRB). There is currently no link for the Nunavik Board.

Canadian Environmental Assessment Act

- The responsible authority (RA) must ensure that an environmental assessment is conducted in accordance with the Act. An RA in relation to a project, means a federal authority that is required pursuant to subsection 11(1) to ensure that an environmental assessment of the project is conducted;
- The Canadian Environmental Assessment Agency (CEA Agency) (<http://www.ceaa.gc.ca/default.asp?lang=En&n=D75FB358-1>) administers the Act, and provides support for review panels, mediations, comprehensive studies and class screenings. The CEA Agency however, does not function as an RA.

NOTE: the link to CEAA Guides is:

<http://www.ceaa.gc.ca/default.asp?lang=En&n=DACB19EE-1>

These are not specific to oil and gas, but they are helpful because they apply to EA, regardless of what type of project.

Nunavut Land Claims Agreement (in the Nunavut Settlement Area and Outer Land Fast Ice Zone)

- the Nunavut Impact Review Board conducts screenings and Part 5 reviews under Article 12;
- a federal environmental assessment panel appointed by the Minister of the Environment, with the participation of the Nunavut Impact Review Board (NIRB), conducts Part 6 reviews under Article 12.

NOTES:

1) Nunavut Impact Review Board (NIRB) <http://www.nirb.ca/>

2) NIRB Guides - While not specific to oil and gas, they are helpful because they apply to EA, regardless of what project type <http://www.nirb.ca/NIRBGuides.html>

Inuvialuit Final Agreement (in the Inuvialuit Settlement Region (ISR))

- the Environmental Impact Screening Committee (EISC) conducts screenings; and
- the Environmental Impact Review Board (EIRB) conducts reviews.
- the scope of EISC and EIRB mandates in the offshore are restricted to wildlife resources.

NOTES:

- 1) Link to Environmental Impact Screening Committee (<http://www.screeningcommittee.ca/>)
- 2) EISC Guides - While not specific to oil and gas, they are helpful because they apply to EA, regardless of what project type
http://www.screeningcommittee.ca/screening/operating_guidelines.html
- 3) Environmental Impact Review Board (EIRB) <http://www.eirb.ca/>
- 4) EIRB Guides - While not specific to oil and gas, they are helpful because they apply to EA, regardless of what project type <http://www.eirb.ca/resources/reports.html>

Nunavik Inuit Land Claims Agreement (in the Nunavik Marine Region)

- the Nunavik Marine Region Impact Review Board conducts screenings and Part 7.5 reviews
- a federal environmental assessment panel appointed by the Minister of the Environment, with the participation of the Nunavik Marine Region Impact Review Board, conducts Part 7.6 reviews.

NOTE:

- 1) Link to Nunavik Marine Region Impact Review Board
<http://www.ainc-inac.gc.ca/ai/arp/app/lor/nvkirb-eng.asp>

Canada Oil and Gas Operations Act / National Energy Board Act

- the National Energy Board (NEB) conducts environmental assessments as well as safety and technical reviews which include spill contingency planning.

NOTES:

- 1) Link to NEB (<http://www.neb-one.gc.ca/clf-nsi/index.html>)
- 2) Link to NEB (process information)
<http://www.neb-one.gc.ca/clf-nsi/rsftyndthnvrnmnt/nvrnmnt/lfcclpprch/lfcclpprch-eng.html#s2>

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