



NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

**SUMMARY OF  
PUBLIC ENGAGEMENT RESULTS**

**FEBRUARY 15, 2021**

**CONTINGENCY PLAN GUIDELINES AND  
INTERPRETATION NOTES  
OFFICE OF THE REGULATOR OF OIL AND GAS  
OPERATIONS**

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# INTRODUCTION

The Office of the Regulator of Oil and Gas Operations (OROGO) made the draft *Contingency Plan Guidelines and Interpretation Notes* (Guidelines) available for public engagement on September 25, 2020.

Information on the Guidelines was made available to the public on the OROGO website and advertisements were placed in NewsNorth and L'Aquilon inviting comments.

Specific invitations to review the Guidelines and provide comments were issued to:

- Indigenous governments;
- Companies holding Operating Licences in OROGO's jurisdiction and the Canadian Association of Petroleum Producers;
- Other regulators with whom OROGO interacts as a result of existing Land Claim Agreements and Memoranda of Understanding;
- Federal and territorial departments and agencies; and
- Selected environmental non-government organizations with an NWT presence.

The deadline for comments was November 30, 2020. Three organizations provided feedback:

- Acho Dene Koe First Nation;
- The Canada Energy Regulator;
- The Department of Lands, Government of the Northwest Territories;
- The Gwich'in Renewal Resource Board;
- The Land and Water Boards of the Mackenzie Valley;
- The North Slave Metis Alliance;
- The Northwest Territories Geological Survey; and
- The Workers Safety and Compensation Commission.

This document summarizes the comments received during the public engagement period and the response to these comments.

## COMMENTS RECEIVED AND RESPONSE

All comments received are summarized here, organized according to the sections of the draft Guidelines. General comments and comments that applied to more than one section of the Guidelines have been summarized first.

The responses to each group of comments are provided immediately after the comments themselves.

Typographical errors in the draft Guidelines that were identified by reviewers will be corrected in the final version but are not addressed in this document.

### GENERAL COMMENTS

The draft Guidelines were generally well received by stakeholders. No comments were received suggesting that the Guidelines as a whole were unnecessary or inappropriate.

General comments that apply to the entire document are captured in the following table.

Comments	Responses
<p>First Nations use their traditional territory for fishing, hunting, trapping, and gathering. Development and resource exploitation have significantly impacted and infringed Treaty and Aboriginal rights and title. Any new developments will infringe on Treaty and Aboriginal rights, without meaningful consultation and accommodation, which may include compensation.</p> <p>It is expected that First Nations will enter into full meaningful consultation with Government prior to any decision that has the potential to infringe Treaty or Aboriginal rights. The importance of protection Treaty and Aboriginal rights, and of preserving natural resources, cannot be overstated.</p>	<p>The Office of the Regulator of Oil and Gas Operations (OROGO) has an obligation to consult regarding adverse impacts to established or asserted Aboriginal and Treaty Rights protected by section 35 of the <i>Constitution Act, 1982</i>.</p> <p>The scope of the Regulator's legal authority is determined by the provisions of the <i>Oil and Gas Operations Act (OGOA)</i>. If a potential infringement of rights raised by a First Nation falls outside of the Regulator's legal authority, it may be addressed through another regulatory process or through additional consultation between the GNWT and the First Nation.</p>

<b>Comments</b>	<b>Responses</b>
Recommend that the Guidelines clarify the definition of contingency plans and emergency response procedures so that the scope of a contingency plan captures emergency preparedness requirements and the scope of emergency response procedures captures emergency response requirements.	Section 2 of the guidelines requires that operators identify emergency response procedures and how they will be implemented in the case of an emergency. This requirement ensures that contingency plans include the full scope of emergency response procedures that are applicable to the proposed operation.

## **SECTION 1: INTRODUCTION**

The comments received about section 1 of the Guidelines and the responses are captured in the following table.

<b>Comments</b>	<b>Responses</b>
Recommend clarifying the labelling on the map on page 3 for the Norman Wells Proven Area.	The recommended change has been made.
Recommend additional wording on the legislative requirements of contingency plans to ensure that contingency plans mitigate the effects of any events that may compromise safety or environmental protection.	The recommended change has been made.

## **SECTION 2: PURPOSE AND SCOPE OF CONTINGENCY PLANS**

The comments received about section 2 of the Guidelines and the responses are captured in the following table.

<b>Comments</b>	<b>Responses</b>
Recommend additional wording to ensure that contingency plans include coordination with municipal, territorial, provincial and federal government departments.	Operators must include local and territorial government departmental contacts in their contingency plans and emergency contact lists. Operators would be responsible for coordinating with and notifying municipal, territorial, First Nations, and Indigenous Governments.  The Purpose and Scope of Contingency Plans section refers to the scope of the plan, which is tied to the scope of the planned oil and gas activity.

Comments	Responses
	The recommended change has been made in section 5B of the Guidelines, which describes the coordination and notification components of the plan.
Recommend that operators are required to maintain up to date contact information of key personnel from potentially impacted First Nations on whose lands and traditional territories oil and gas operations are taking place.	The recommended change has been made in section 5B of the Guidelines.

### SECTION 3: FORMAT

No comments were received about section 3 of the Guidelines.

### SECTION 4: MANAGEMENT PLAN LINKAGES

No comments were received about section 4 of the Guidelines.

### SECTION 5: CONTENT OF THE CONTINGENCY PLAN

#### Section 5A: General

The comments received about section 5A of the Guidelines and the responses are captured in the following table.

Comments	Responses
Recommend that the guidelines include a requirement for operators to contact local First Nations personnel in the event of an emergency.	<p>Although the <i>Oil and Gas Operations Act (OGOA)</i> does not specifically include clauses that require operators to notify Indigenous people about oil and gas operations in their traditional territories, this does not preclude operators from engaging with communities and Indigenous people about their respective operation.</p> <p>The recommended change has been made in section 5B of the Guidelines to ensure that local First Nation contacts are included in Contingency Plans so that they are contacted for emergencies.</p>

Comments	Responses
<p>Recommend that operators provide examples of the types of emergency scenarios that would require notification of key personnel from potentially impacted Indigenous Nations.</p>	<p>The recommended change has been made in section 5B of the Guidelines to ensure that local First Nation contacts are included in Contingency Plans so that they are contacted for emergencies.</p> <p>The types of emergencies that could occur, and the type of notification required, vary with each operation. OROGO expects that operators will consider and include these different scenarios during the hazard assessment process when developing their contingency plans.</p>
<p>Recommend that operators include community members in training and coordination activities specific to emergency response and contingency planning.</p>	<p>The recommended change has been made to section 5D of the guidelines to include a requirement to include community members in training and coordination activities where possible.</p>
<p>Recommend that operators include community members in Incident Command structures and on-going emergency response activities that address emergency scenarios that potentially impact Indigenous rights and interests.</p>	<p>Incident command structures typically outline an internal response structure that defines how an operator coordinates and responds to an emergency.</p> <p>Contingency Plans required by OROGO are specific to the oil and gas operation being proposed and operators are responsible for developing their own incident command structures and including them in their contingency and emergency response planning. It is at the operator's discretion if they want to include outside contacts in their incident command structures.</p> <p>The Department of Municipal and Community Affairs also develops Emergency Response Plans, in collaboration with local stakeholders, which provide an opportunity for First Nations to be directly involved in emergency planning for their community.</p> <p>As outlined earlier, the guidelines will be revised to ensure that local First Nation contacts are included in Contingency Plans.</p>
<p>Recommend that operators consider the northern environment, site specific conditions, climate and remoteness in developing their contingency plans and that plans developed in southern Canada are not acceptable for the NWT.</p>	<p>OROGO agrees with this recommendation. Section 5B of the Guidelines require operators to consider site specific and northern conditions in development of their contingency plans.</p>

### **Section 5B: Hazard Identification and Mitigation Measures**

The comments received about section 5B of the Guidelines and the responses are captured in the following table.

<b>Comments</b>	<b>Responses</b>
Recommend additional wording on hazard and risk identification as to how severe weather conditions can impact operating limits of equipment, personnel and operations.	The recommended change has been made.
Recommend additional wording to provide more detail on specific factors that should be included in mitigation measures and emergency response procedures, including: <ul style="list-style-type: none"><li>• Loss of power and communications;</li><li>• Radioactive exposure;</li><li>• Rescue operations; and</li><li>• Containment and recovery of spills.</li></ul>	The recommended change has been made.

### **Section 5C: Organizational Structure**

No comments were received about section 5C of the Guidelines.

### **Section 5D: Training and Compliance Monitoring**

No comments were received about section 5D of the Guidelines.



## Section 5E: Change Management

The comments received about section 5E of the Guidelines and the responses are captured in the following table.

Comments	Responses
<p>Recommend additional wording to provide more detail on what needs to be included in change management contents. Specifically:</p> <ul style="list-style-type: none"><li>• Regulatory requirements;</li><li>• Management expectations;</li><li>• Management procedures;</li><li>• Lessons learned from emergency preparedness and response; and</li><li>• Exercises and new or replacement equipment and technology.</li></ul>	<p>The recommended change has been made.</p>
<p>Recommend additional wording to include safety critical equipment with emergency response systems when operators need to exercise change management.</p>	<p>The recommended change has been made.</p>
<p>Recommend additional wording on how training would be provided and how the effectiveness of training can be monitored and measured.</p>	<p>The recommended change has been made.</p>

## SECTION 6: RECORD KEEPING

The comments received about section 6 of the Guidelines and the responses are captured in the following table.

Comments	Responses
<p>Recommend additional wording to ensure that documents associated with the contingency plan are complete, accurate and current.</p>	<p>The recommended change has been made.</p>
<p>Recommend additional wording to ensure that documents are accessible, particularly in situations where documents are electronic and may not be available during loss of power or communication.</p>	<p>The recommended change has been made.</p>

<b>Comments</b>	<b>Responses</b>
Recommend additional wording to ensure that inspections of equipment and operations include monitoring and flagging of physical damage, defects or variances outside of tolerable limits of non-destructive testing.	The recommended change has been made.

## **CONCLUSION**

The public engagement process resulted in a number of comments on the Guidelines, primarily adding detailed information on requirements for Contingency Plans.

The Guidelines have been amended to reflect the comments received where possible, while maintaining the integrity of the Guidelines with respect to their objectives.

The Regulator thanks all the organizations and individuals who took time to review and comment on the Guidelines.