



NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

SUMMARY OF PUBLIC ENGAGEMENT RESULTS

February 15, 2021

**APPLICATION GUIDELINES AND INTERPRETATION
NOTES – WELL SUSPENSION AND ABANDONMENT**

**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 *Applications for Well Suspension or Abandonment Guidelines and Interpretation Notes* (Guidelines) available for public engagement on August 26, 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 October 30, 2020. Seven organizations provided feedback:

- The Canada Energy Regulator;
- Canadian Natural Resources Ltd.;
- The Department of Lands, Government of the Northwest Territories;
- The Gwich'in Renewal Resource Board;
- The Ministry of Energy, Mines and Resources, Yukon Government;
- The Northwest Territories Geological Survey; and
- The Standing Committee on Economic Development and Environment.

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 were unnecessary or inappropriate, and several comments were received indicating that all stakeholders, and particularly industry, would benefit from the Guidelines.

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

Comments	Responses
Recommend improving the public registry, which is currently difficult to search, with no community or region information, and sharing data with the GNWT ATLAS online mapping system.	OROGO launched an updated public registry in the summer of 2020 on the same platform as the public registry used by the Land and Water Boards of the Mackenzie Valley. The public registry allows users to search for OROGO authorizations and approvals by (land claim) region and for specific documents by region and location (usually the well name). OROGO is assessing whether the location field can be adjusted to address the recommendation. OROGO already shares the location data for wells, pipelines and other infrastructure it regulates with the GNWT Spatial Data Viewer and will discuss sharing this data with the GNWT ATLAS online mapping system with the Department of Lands. For more information, please contact the Manager, Information Office at orogo@gov.nt.ca .

Comments	Responses
<p>Clarify how OROGO includes the review and incorporation of traditional knowledge into the well suspension and abandonment process.</p>	<p>OROGO incorporates traditional knowledge into its decisions and actions where appropriate, in accordance with the Government of the Northwest Territories (GNWT) <i>Traditional Knowledge Policy</i>.</p> <p>Traditional knowledge may be shared with OROGO through written or oral hearings. There are processes in place to maintain the confidentiality of traditional knowledge as a form of scientific or technical information for the purposes of section 22(2) of the <i>Oil and Gas Operations Act</i> (OGOA).</p> <p>However, the Regulator’s decisions with respect to well suspension and abandonment are primarily technical in nature, relating to the types of plugs and barriers to be placed in the well bore in response to sub-surface conditions. To date, OROGO has not been made aware of traditional knowledge that could inform these decisions.</p> <p>Traditional knowledge may also be incorporated into the decisions of the Land and Water Boards of the Mackenzie Valley with respect to well suspension and abandonment activities. These decisions relate to, amongst other things, the timing of activities, the location of access roads and river crossings and the reclamation of the site.</p>
<p>Recommend use of a glossary for acronyms to avoid having to locate the first use of the term in the whole document.</p>	<p>Adding a glossary is not consistent with the standard format for OROGO guidelines. The format is designed to include all the information required to understand and use a section of the Guidelines within the section itself, including definitions and acronyms.</p> <p>To address the recommendation, all terms will be written out in full the first time they are used in each section of the Guidelines.</p>
<p>Recommend clarifying that the guidelines apply to the suspension or abandonment of “an existing well”.</p>	<p>No changes will be made to the Guidelines as only existing wells can be suspended or abandoned.</p>

Comments	Responses
Recommend changing the look-and-feel of the document or the title to better distinguish it from the 2017 <i>Well Suspension and Abandonment Guidelines and Interpretation Notes</i> . Alternatively, consider merging both documents into a single guideline.	The title of the document has been changed to <i>Application Guidelines and Interpretation Notes – Well Suspension and Abandonment</i> .

SECTION 1: INTRODUCTION

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

Comments	Responses
Recommend clarifying the Legislative Requirements by separating the information for Operations Authorizations from Well Approval information.	Sub-headings have been added in the Guidelines to separate out the legislative requirements for Operations Authorizations and Well Approvals as recommended.
Recommend adding an objective related to increasing public confidence in the petroleum regulatory system.	An additional objective has been added: to further public awareness of and confidence in oil and gas regulatory decision-making.
Recommend changing the map of OROGO's jurisdiction to be more consistent by either removing the text relating to the Norman Wells Proven Area or labelling all the areas not regulated by OROGO.	The map of OROGO's jurisdiction has been changed to address the recommendations by removing the text relating to the Norman Wells Proven Area so that all areas not regulated by OROGO are consistent.
Recommend updating other OROGO guidelines with the most recent version of OROGO's jurisdiction map.	The updated version of OROGO's jurisdiction map will be added to existing guidelines as they are revised.

SECTION 2: APPROVALS REQUIRED

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

Comments	Responses
Recommend clarifying the difference between an Operations Authorization (OA) and a Well Approval (s.10 of OGOA and s.6 and 10 of OGDPR).	Additional information has been added to Section 2 of the Guidelines to clarify the relationship between an Operations Authorization and a Well Approval.

Comments	Responses
<p>The guidelines as drafted are clearly aimed at industry, whereas this information also serves a broader purpose of informing the public how OROGO intends to regulate oil and gas activities. Recommend adding “and the public” after “applicants” to the Objective.</p>	<p>The recommended change has been made.</p>
<p>Clarify that an OA demonstrates the Regulator’s approval of the bulleted items “among other things”.</p>	<p>The recommended change has been made</p>
<p>Operating Licences are mentioned in sections 1 and 2. Recommend clarifying the purpose of the Operating Licence and including the requirement for an Operating Licence to carry out well suspensions and abandonments.</p>	<p>A sub-section describing the need for an Operating Licence has been added to the Guidelines along with a separate section describing the process of applying for an Operating Licence.</p>
<p>Recommend being more specific about the timing of applications. “Well in advance” is not sufficiently clear about the processing time required.</p>	<p>The length of time required to process an application, including ensuring the application is complete and allowing for applicants to respond to information requests, varies greatly depending on the applicant.</p> <p>The Guidelines have been amended to recommend that applicants contact OROGO a year in advance of anticipated operations to initiate a pre-application meeting.</p>
<p>Clarify the wording related to the requirement for Well Approvals to indicate that a Well Approval is required for all abandonments, but that in some cases suspensions do not require a Well Approval.</p>	<p>The recommended change has been made.</p>

SECTION 3: PRE-APPLICATION MEETINGS

The comments received about section 3 of the draft Guidelines and the responses are captured in the following table.

Comments	Responses
Recommend adding information to the effect that a record will be kept of the pre-application meeting, which could be made available to the public if requested, in accordance with the provisions of section 22 of OGOA.	The recommended change has been made.
Clarify whether pre-application meetings are a new feature of OROGO's process. They will reduce the number of Information Requests during the OA and ACW process.	Pre-application meetings have always been available to applicants. However, interest in pre-application meetings has varied. By specifically including pre-application meetings in the Guideline, OROGO hopes to encourage applicants to take advantage of this opportunity. OROGO agrees that pre-application meetings, in conjunction with the other information contained in the Guidelines, should reduce the number of Information Requests during the OA and ACW process.
As pre-application meetings are likely desirable for both parties, consider adding a statement that such meetings are recommended, although not required.	The recommended change has been made.

SECTION 4: APPLYING FOR AN OPERATIONS AUTHORIZATION

The comments received about section 4 of the draft Guidelines and the responses are captured in the following table.

Comments	Responses
Clarify why OROGO is not using a broader definition of an "affected party", as defined in the Land and Water Boards of the NWT Engagement and Consultation Policy. Recommend that applicants be required to demonstrate they have notified and engaged all affected parties.	This section of the Guidelines originally focussed on OROGO's obligations with respect to Crown Consultation. The focus of the section has been broadened to include both Crown Consultation and other engagement. The required information now includes consultation and engagement with Indigenous governments, First Nations, community governments and other stakeholders.

Comments	Responses
<p>The requirements for a “decommissioning and abandonment plan” are not clear. Recommend providing details or further guidance on OROGO’s expectations for such plans.</p>	<p>The recommended change has been made in the section of the Guidelines describing the requirements under the OGDPR. The Guidelines now specify that the “decommissioning and abandonment plan” must:</p> <ul style="list-style-type: none"> • Include a list of all wells, facilities, tanks, equipment and other oil and gas related items on the site, including waste materials; • Demonstrate compliance with OGOA, its regulations and OROGO’s guidelines and interpretation notes, as well as the requirements of other regulators; • Proposed a timeline for the full abandonment and decommissioning of all oil and gas infrastructure on the site.
<p>Recommend editing the OA Application Checklist so that it is easier to access the specific document required (for example, linking directly to the required form, rather than to the “Resources” page on OROGO’s website).</p>	<p>The recommended change has been made where possible. With respect to forms, the link to the “forms” section of OROGO’s website has been left as is to allow for future updates to these documents without resulting in broken links.</p>

In addition to changes made in response to the above comments, OROGO has also added a requirement for additional financial information: a description of how the applicant would satisfy any financial liability which could arise from the proposed work or activity, including the means or options the applicant would use to obtain the funds needed.

SECTION 5: APPLYING FOR A WELL APPROVAL

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

Comments	Responses
<p>Clarify whether a Well Approval is subject to the MVMRA Preliminary Screening Regulations.</p> <p>If the MVRMA Preliminary Screening Regulations apply to Well Approvals, recommend:</p> <ul style="list-style-type: none"> • Adding the same provisions found in section 4.1 of the guidelines to the requirements for the Contents of a Well Approval; and • Applicants be required to demonstrate they have notified and engaged all affected parties, as per the Land and Water Boards of the Mackenzie Valley's Engagement and Consultation Policy. 	<p>The <i>Preliminary Screening Requirement Regulations</i>, issued under the <i>Mackenzie Valley Resource Management Act</i> (MVRMA), indicate that a preliminary screening is required for sections 10(1)(b) and 14(4) of OGOA.</p> <p>Section 10(1)(b) is the section that requires an Operations Authorization (OA). Section 14(4) addresses the approval of development plans (associated with OAs for the development of a pool or field).</p> <p>Well Approvals (section 10(4) of OGOA) are not identified in the <i>Preliminary Screening Requirement Regulations</i>. As Well Approvals are subsidiary to an OA, the preliminary screening conducted for the OA would scope in any activities subject to individual Well Approvals.</p>
<p>Clarify the reason for the significant difference in service standards for processing a Well Approval (30 days) vs an Operations Authorization (OA) (90 days).</p>	<p>OROGO's service standards are based on its experience processing Well Approvals and OAs for exploration activities.</p> <p>OAs take longer to process as they are an overview of the whole project and require the review and assessment of the applicant's overall management systems, including its Safety Plan, Emergency Response Plan and Environmental Protection Plan. OAs can cover many different types of activities and multiple wells.</p> <p>Well Approvals are focused on the operational requirements and technical program required for the suspension or abandonment of one well. Applicants generally present a technical program that is compliant with the <i>Well Suspension and Abandonment Guidelines and Interpretation Notes</i>. Exception requests are generally in response to a specific geological or operational condition and can be processed quickly.</p>

Comments	Responses
Recommend including the specific items described on p. 16 of the Guidelines to the checklist, rather than the general categories of information.	The recommended change has been made.
Clarify the requirement for “information on when the well will be abandoned”.	The recommended change has been made. The Guidelines now specify that applicant must provide a proposed timeline for the full abandonment of the well in question.
Recommend editing the Well Approval Application Checklist so that it is easier to access the specific document required (for example, linking directly to the required form, rather than to the “Resources” page on OROGO’s website).	The recommended change has been made where possible. With respect to forms, the link to the “forms” section of OROGO’s website has been left as is, to allow for future updates to these documents without resulting in broken links.

SECTION 6: CHANGING AN OPERATIONS AUTHORIZATION OR WELL APPROVAL

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

Comments	Responses
Clarify whether there is a process for consulting with OROGO prior to formally requesting a variation.	Operators are welcome to contact OROGO at any time to discuss possible variations, recognizing that a formal application for variation must be received before the Regulator make a decision.
Recommend adding carrying out an activity for which the Operations Authorization or Well Approval “has not been granted” to the description of an “offense”.	The recommended change has been made.

CONCLUSION

The public engagement process resulted in comments on the Guidelines from seven organizations.

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

- Information on applying for Operating Licences has been added;
- The requirements for information on consultation and engagement have been broadened and clarified; and
- The requirements for information on the eventual abandonment of suspended wells have been made more detailed.

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