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From: "John Korec" <jkorec@neb-one.gc.ca>  
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Cc: "Lesley Matthews" <lmatthews@neb-one.gc.ca>,  
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"Rick Fisher" <rfisher@neb-one.gc.ca>,  
"Richard Turner" <rturner@neb-one.gc.ca>  
Subject: Re: Apache-Preliminary Screening

Edna

I've looked over the PSs for Apache. Overall, they are VERY GOOD! I only have a few minor editorial-type comments and questions and one key addition.

Editorial-type comments and questions

Page 1

"sewage" is identified under both "Principal Activities" and "Principal Development Components". To me, sewage is not the main purpose of the project. I think it only needs to be identified under "Principal Development Components".

Page 2

Is the "soil testing" referring to ensuring that sumps are in non-porous materials?

Pages 3 and 7 (there may be others too)

You indicate that "Should a spill occur, the NWT 24-hour spill line will be called." This should be changed to, "Should a reportable spill occur...". As the Lead Agency for spills at "oil and gas exploration and production facilities", the NEB issued a new "Spills Reporting Protocol for Upstream Oil and Gas Operations in the Northwest Territories and Nunavut Regulated by the National Energy Board" (see attached). For operations at the well site, Apache will follow the NEB protocol. For other areas (access road construction, etc., Apache is still required to report all spills (until or unless INAC issues a new protocol). So it would be better to just say, "Should a reportable spill occur...". That way, both cases are covered.

Page 6 (bottom of the page)

you refer to "highway construction". Should this be, "access construction" instead?

Pages 8 and 9 (there may be others too)

You indicate that, "Slash will be windrowed with 7m breaks every 330m to allow for passage of wildlife." Apache states in Section 4.2.1, Construction Methods, that the breaks will be every 300m (you have 300m in one instance, but 330m in others). By the way, should there also be breaks at game trails, etc?

Page 8

You indicate that, "No firearms will be permitted, except for environmental monitors." Should this be, "wildlife monitors" instead?

Page 10 (Human Health Hazard)

For the oil and gas operations portion, i.e., camps related to the =  
drilling component (not the access construction part), camp health and =  
safety is within NEB's jurisdiction (Oil and Gas Occupational Safety and =  
Health Regulations - Canada Labour Code). Please add:

"All camps related to the drilling operations must comply with the federal =  
Oil and Gas Occupational Safety and Health Regulations as administered by =  
the NEB." and

"All camps related to the drilling operations are subject to periodic =  
inspections by the designated NEB Safety Officer. The camps must comply =  
with the National Building Code and National Fire Code."

Regards  
john k.

>>> Land Technician <sahtulan@allstream.net> 11/27/03 10:31AM >>>  
John;

Attached are the Preliminary Screenings(PS) for Apache's Land Use=20  
Permit/Water Licences  
for Lac Maunoir, and Nogha/Tunago Lake area. The PS will be presented=20  
(tentatively) to the SLWB  
Board on December 9th for acceptance. Upon acceptance they will be=20  
forwarded to the MVEIRB.  
Upon approval of the Land Use Permit/Water Licence's we will forward =  
you=20  
copies of the Permit/  
Licence including the Terms & Conditions. If there are any changes to=20  
the PS please let our  
office now. You may contact Mark Cliffe-Phillips, Water Technician, he=20  
completed the PS. Mark's  
e-mail is sahtuwat@allstream.net.

regards,

Edna Tobac  
Land Technician

Apache LUP  
- NEB attachment to  
E-mail.

National Energy Board



Office national de l'énergie

File 9720-A000-7-2  
14 July 2003

Post-It™ Fax Note 7671E		Date 28 Nov 03	# of pages 6
To EDWA TOBAC	From JOHN KOREC		
Co./Dept. SLWB	Co. NEB		
Phone # 867-598-2413	Phone # 403-292-6614		
Fax # 598-2325	Fax # 292-5875		

Oil and Gas Exploration and Production Companies  
Operating in Northwest Territories and Nunavut

### Spill Reporting Protocol for Upstream Oil and Gas Operations in the Northwest Territories and Nunavut Regulated by the National Energy Board

#### Protocol Purpose and Effective Date

A revised upstream oil and gas spill reporting protocol (Protocol) is intended:

- 1) to more closely align spill reporting requirements with reporting requirements of other jurisdictions such as the territorial governments;
- 2) to focus spill notification and follow-up on spills that have potential to be an imminent threat to the environment; and
- 3) to minimize the number of spill reports of low volume and areal extent that can be immediately and adequately dealt with by the operator and have minimal or no potential to be a threat to the environment.

Effective 15 July 2003, the new Spill Reporting Protocol for Upstream Oil and Gas Operations in the Northwest Territories and Nunavut will apply to exploratory and development oil and gas drilling and production operations<sup>2</sup>.

#### Protocol Highlights

The Upstream Oil and Gas Spill Reporting Protocol will:

- Apply to companies authorized to carry on drilling or production activities in the Northwest Territories and Nunavut and who meet the conditions set out in the Protocol;
- Apply to spills where either the NEB or Indian and Northern Affairs Canada (INAC) would be designated as lead agency as per the NWT Spills Working Agreement<sup>3</sup>;

...2

<sup>2</sup> Existing reporting protocols, such as for Imperial Oil Resources Ltd.'s Norman Wells facility and operations, would not be affected by this new protocol.

<sup>3</sup> See attached Table 1A of the Northwest Territories/Nunavut Spills Working Agreement.

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Calgary, Alberta T2P 0X8

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- Establish that the triggers for immediately reportable spills meet *the Canada Oil and Gas Operations Act (COGOA) and Regulations* and, be consistent with the reporting triggers in the Nunavut and Northwest Territories *Spill Contingency Planning and Reporting Regulations*<sup>4</sup>; and
- Require that each operator have, and implement, an approved spill contingency plan.


### **Immediately Reportable Spills**

For the purpose of the Protocol, an "immediately reportable spill" is defined as a release of a substance that is likely to be an imminent environmental or human health hazard or meets or exceeds the volumes in Schedule 1.

### **Minor Spills**

All other releases, for which there is no loss of control, are not considered immediately reportable spills and can be handled as part of ongoing operations and maintenance, i.e., immediately cleaned up. However, an on-site record shall be maintained for all releases, whether or not reported.

Please review the attached and if you wish to take advantage of this protocol, please contact me at (403) 292-6614.

  
 John Korec, P.Geol.  
 Environmental Assessment Officer

c.c. Terry Baker, NEB  
 Gregory Lever, NEB  
 Rick Turner, NEB  
 Rick Fisher, NEB  
 Mieke Vander Valk, NEB

<sup>4</sup> The Territories reference *Transportation of Dangerous Goods (TDG) Act* and Regulations for reportable quantities. The same quantities are intended for the Spill Reporting Protocol for those releases not addressed by the TDG or Regulations.

## APPENDIX A

### Terms and Conditions For Implementing the Spill Reporting Protocol For Upstream Oil and Gas Operations

1. Applies only to upstream projects in a single geographic area, i.e., well drilling programs or production operations including flowlines and pipelines. The Protocol does not apply to upstream geological or geophysical operations. **UPSTREAM WELL DRILLING OR PRODUCTION OPERATIONS**
2. Applies to spills for which the National Energy Board (NEB) or Indian and Northern Affairs Canada (INAC) would be designated as the Lead Agency under the Northwest Territories/Nunavut Spills Working Agreement. **LEAD AGENCY**
3. This Spill Reporting Protocol does not apply to spills for which the Government of the Northwest Territories (GNWT), Government of Nunavut (GNU), Environment Canada Environmental Protection Branch (EPB), Canadian Coast Guard (CCG), or Inuvialuit Land Administration would be designated as the Lead Agency under the Northwest Territories/Nunavut Spills Working Agreement. **NON-APPLICABLE SPILLS**
4. Immediately reportable spills include releases as per Schedule 1, and releases of substances of lesser volumes that are likely to be an imminent environmental or human health hazard or where an operator is uncertain if a release is reportable. **IMMEDIATELY REPORTABLE SPILLS**
5. An on-site record shall be kept of all minor spills and immediately reportable spills and be available for inspectors upon request, including the INAC Inspector prior to Land Use Permit closure. **ON-SITE RECORD OF ALL SPILLS**
6. Operator, i.e., the company or individual who holds an authorization for the project, must have a spill contingency plan approved by the NEB or INAC, i.e., signatories to the Northwest Territories/Nunavut Spills Agreement. **SPILL CONTINGENCY PLAN**
7. Spill contingency plan must meet the appropriate regulatory requirements and/or spill contingency planning guidelines, including procedures to clean up minor spills and ensure environmental protection.
8. Appropriate field spill kits, as indicated in the spill contingency plan, must accompany each crew and/or mobile equipment and/or vehicle.
9. Contractors and sub contractors for the Operator must abide by the Protocol and the spill contingency plan. All spills or releases, whether by the Operator, contractors or sub-contractors, remain the liability of the Proponent or Operator. **LIABILITY**

**Table 1A**  
**Designation of Lead Agency for spills in the NWT and NU**  
**(From the Northwest Territories/Nunavut Spills Working Agreement)**

<u><b>SPILL INCIDENT</b></u>	<u><b>LEAD AGENCY</b></u>
<b>1. Spills on Commissioner's Land in NWT<sup>1,2</sup></b> <b>(i.e., Territorial Highways<sup>3</sup>, communities)</b>  <b>Except:</b>	<b>GNWT</b>
a) At facilities authorized under Federal Legislation.	<b>INAC</b>
b) At Federal Facilities <sup>4</sup> not authorized under Federal or Territorial legislation	<b>EPB</b>
c) At oil and gas exploration and production facilities <sup>5</sup>	<b>NEB</b>
d) Those sections of Territorial Highways on ice surfaces.	<b>INAC</b>
<b>2. Spills on Commissioner's Land in NU<sup>6,7</sup></b> <b>(i.e., Territorial Roads<sup>8</sup>, communities)</b>  <b>Except:</b>	<b>GN</b>
a) At facilities authorized under Federal Legislation.	<b>INAC</b>
b) At Federal Facilities <sup>9</sup> not authorized under Federal or Territorial legislation	<b>EPB</b>
c) At oil and gas exploration and production facilities <sup>5</sup>	<b>NEB</b>



**Table 1A cont'd**

<b>3. Spills on Territorial Land in NWT<sup>9,2</sup> and NU<sup>9,7</sup></b>	<b>INAC</b>
<b>Except:</b>	
a) <b>At Federal Facilities<sup>4</sup> not authorized under Federal or Territorial legislation</b>	<b>EPB</b>
b) <b>At oil and gas exploration and production facilities<sup>5</sup></b>	<b>NEB</b>
c) <b>In National Parks.</b>	<b>EPB</b>
<b>4. Spills on Water in NWT<sup>10</sup> and NU<sup>10</sup></b>	<b>INAC</b>
<b>Except:</b>	
a) <b>From ships and barges (i.e., ship source pollution incidents, including refuelling shore-based tanks from ships)</b>	<b>CCG</b>
b) <b>At oil and gas exploration and production facilities<sup>5</sup></b>	<b>NEB</b>
<b>5. Spills on Land in the NWT set aside under the Inuvialuit Land Claim. (i.e., on private 7-1-a, b lands under the claim, excluding spills on water bodies)</b>	<b>ILA</b>

**FOOTNOTES:**

- 1 **Commissioner's Land** means land in the NWT transferred by Order in Council to the GNWT and is, generally, land within a community, town or city.
- 2 See Table 1B for Jurisdiction Designation of Airports in the NWT.
- 3 **Territorial Highways** are described in the GNWT *Public Highways Act* Schedules A, B and C (attached as Table 1D).
- 4 **Federal Facilities** means any facility owned by the Government of Canada, such as DEW Line Stations, North Warning System Stations, High Arctic Weather Stations including airports, docks and wharves, and Research Centres, operated directly or indirectly by the following agents of the Crown:
  - Department of Industry
  - Department of Fisheries and Oceans
  - Indian and Northern Affairs Canada
  - Environment Canada
  - Natural Resources Canada
  - Health Canada
  - Department of National Defence
  - Transport Canada
  - Department of Public Works and Government Services (PWGSC)
  - Department of Justice
  - Royal Canadian Mounted Police (RCMP)

Crown Corporations such as:

  - Canadian National (Railway)
  - Canadian Broadcasting Corporation (CBC)
  - Canadian Mortgage and Housing Corporation (CMHC)
  - Federal Business Development Bank (FBDB)
  - Canada Post Corporation
  - Freshwater Fish Marketing Corp.

This designation does not include private dwellings owned or leased by PWGSC; or office and other complexes leased by PWGSC; or Petro-Canada facilities located within communities or on Commissioner's Land.
- 5 This designation includes pipelines, gas plants and refineries.
- 6 **Commissioner's Land** means land in NU which is described in the *Commissioner's Land Act, R.S.N.W.T. 1988, c-11* as amended for NU pursuant to the *Nunavut Act* and is, generally, land within a community or town.
- 7 See Table 1C for jurisdictional designation of Airports in NU.
- 8 **Territorial Roads** are described in the GNWT *Public Highways Act* Schedules A, B and C (attached as Table 1E), and in the *Public Highways Act, R.S.N.W.T. 1988, c.P-13*, as amended for NU pursuant to the *Nunavut Act*.
- 9 **Territorial Land** means lands in NWT and NU that are vested in the Crown or for which the Government of Canada has power to dispose.
- 10 **Water** means both inland and Arctic waters as defined in the *Northwest Territories Waters Act* and *Arctic Waters Pollution Prevention Act*. Where a spill on land enters surface or ground water, the lead agency is the agency responsible for the spill on land.