

EA03-005
MVEIRB to RM
Re: Proposed
Mod's - Feb

Alistair MacDonald

From: Alistair MacDonald
Sent: Thursday, February 10, 2005 10:34 AM
To: 'Laura Van Ham'; FairmanF@inac-ainc.gc.ca
Cc: Mary Tapsell; Vern Christensen, Executive Director; 'John Donihee'
Subject: Paramount Cameron Hills Expansion EA; consult to modify proposed changes

Dear Laura and Fraser,

Please find attached (and distribute) MVEIRB's proposed changes for EA03-005, as of February 10, 2005. Changes are proposed for R-4, R-5/6, R-13, R-15 and R-16.

New suggestions are proposed to replace R-7 and to augment R-13 (both of which were discussed in the Jan 24th meeting).

Laura, if you haven't forwarded your proposed R-4 change from February 8-9 to the RMs and fM, can you do so? Our proposed change builds upon yours.

Any questions, please contact me.

Thanks,

Alistair

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2/18/2005

**EA03-005: Paramount Cameron Hills Consult to Modify – Proposed
Changes**
February 10, 2005

NOTE: ONLY RECOMMENDATIONS WHERE OUTSTANDING ISSUES ARE CONCERNED ARE COVERED IN THIS DOCUMENT. ALL OTHER RECOMMENDATIONS HAVE BEEN CONDITIONALLY ACCEPTED BY THE REVIEW BOARD.

Wording changes from the January 24, 2005 consult to modify meeting are included here as reference material. Wording changes proposed by the Review Board as of February 10, 2005 are underlined.

R-4 Proposed Modification – January 24 Meeting

The Review Board recommends that Paramount install and begin operation of instantaneous, continuous gas analysis monitoring to track ambient air quality (at minimum 1 hour average SO₂, NO_x and H₂S concentrations shall be calculated and recorded). Data and plain language annual reports on the status of the air quality at Cameron Hills will be provided by Paramount to appropriate government agencies and made readily available to the Parties to the EA and the public, through distribution media approved by the NEB. The requirement to maintain ambient air quality monitoring will be reviewed on an annual basis by the appropriate government agencies.

Proposed Modification – NEB post January 24 meeting

The Review Board recommends that Paramount install and begin operation of instantaneous, continuous gas analysis monitoring to track ambient air quality (at minimum 1 hour average SO₂, NO_x and H₂S concentrations should be calculated and recorded). Data and plain language reports on the status of the air quality at Cameron Hills will be provided by Paramount to appropriate government agencies. The plain language annual reports will also be made readily available to the Parties to the EA and the public through distribution media approved by the NEB. The requirement to maintain ambient air quality monitoring will be reviewed on an annual basis by the appropriate government agencies.

REVIEW BOARD COMMENT:

Attached below is the MVEIRB's suggested rewording of R-4, which attempts to both protect the confidentiality the NEB has promised Paramount on the raw data, and assuage the Review Board's concerns that:

- Air quality monitoring data will not be made available to the Parties to the EA in any form at any time, remaining the purview of government and industry. The Parties to the EA must, at minimum, have data interpretations made available to them; and
- The monitoring system could be eliminated by the regulatory agencies after only one year, without cause shown or notice given to the Parties to the EA.

Proposed Modification – MVEIRB February 10

The Review Board recommends that Paramount install and begin operation of instantaneous, continuous gas analysis monitoring to track ambient air quality (at minimum 1 hour average SO₂, NO_x and H₂S concentrations should be calculated and recorded). Data and plain language annual reports on the status of the air quality at Cameron Hills will be provided by Paramount to appropriate government agencies. The plain language annual reports (including, at minimum, monthly summaries of SO₂, NO_x and H₂S concentrations and listing all events of exceedences of relevant air quality guidelines) will also be made readily available to the Parties to the EA and the public through distribution media approved by the NEB. The requirement to maintain gas analysis monitoring will be reviewed after three years, and on an annual basis thereafter, by appropriate government agencies. Regulatory agencies will provide notification, with reasons for any decision to alter or discontinue the gas analysis monitoring requirement, to the Parties to the EA three months prior to the decision taking effect.

R-5 Proposed Modification - MVEIRB February 10

The Review Board recommends that prior to any new production from the Cameron Hills field, Paramount submit to the NEB for approval, and provide copies to the Parties to the EA and the public through distribution media approved by the NEB, an emission mitigation plan for the Cameron Hills field. The emission mitigation plan will detail:

- A strategy for demonstrating that current and future SO₂, NO_x and H₂S emissions in the Cameron Hills field will not result in exceedences of relevant air quality standards;
- A statement describing Paramount's commitment to minimizing emissions from facilities in the Cameron Hills field;
- A contingency plan for selection of mitigation options to be implemented in the event that SO₂, NO_x and H₂S emissions in the Cameron Hills field result in measured or predicted exceedences of relevant air quality standards, the contingency plan will include
 - A comprehensive listing of all the mitigation options (e.g. pollution prevention planning, best management/ environmental practices, best available technology, etc.) currently employed and proposed for future options, along with triggers and/or timelines for implementation; and
 - The mitigation options considered and rejected, along with rationale for rejection.

Throughout the life of the Cameron Hills field, Paramount shall be required to review and update the plan in the event of changes to its field development scenarios or improvements in available mitigation technology.

REVIEW BOARD COMMENT:

- The Review Board requires only that the word "should" in the final sentence be changed to "shall" (as seen in text above).

R-7 Original Recommendation

The Review Board recommends that the Government of Canada (INAC and Environment Canada) and the Government of the Northwest Territories, implement recommendation 7 from the Ranger-Chevron EA by June 2005.

REVIEW BOARD COMMENT:

- **The Review Board is proposing that a suggestion be inserted in place of the original R-7, which has been removed because the modified R-4 and R-5 now deal with concerns over air quality issues to the Review Board's satisfaction.**

Draft Suggestion 7

The Review Board suggests that the appropriate regulatory and other government agencies work together to finalize enforceable Air Quality Guidelines specific to the Northwest Territories.

R-13 Original Recommendation

The Review Board recommends that the MVLWB adopt an average linear disturbance target of 1.8 km per km squared as a boreal caribou disturbance threshold for the entire Cameron Hills, NT area, in order to prevent significant adverse environmental impacts on boreal caribou populations whose range includes the Paramount SDL and surrounding area. This shall be considered in all future land use applications for the area.

Proposed Modification – January 24th meeting

The Review Board recommends that the MVLWB adopt as an interim measure an average linear disturbance target of 1.8 km per km squared as a boreal caribou disturbance threshold for the area encompassed by Ecodistricts 250 and 251 in the Northwest Territories, in order to prevent significant adverse environmental impacts on boreal caribou populations whose range includes the Paramount SDL and surrounding area. The linear disturbance target and other related conditions shall be reviewed annually by MVLWB and appropriate regulatory authorities, and adjusted as necessary, based on the best available scientific information, other advice and project area information, including Paramount reports and plans.

Paramount shall submit an annual report to the MVLWB detailing disturbance to boreal caribou habitat resulting from past Project activities and the state of re-growth of disturbances. The annual report shall be similar to proponent reports done in other jurisdictions such as British Columbia or Alberta. Paramount shall also include its plans that may affect boreal caribou habitat for the upcoming year.

REVIEW BOARD COMMENT

- **The Review Board proposes:**
 - the inclusion of the term “**traditional knowledge**” in the last sentence of the first paragraph, rather than “**other advice**”;
 - the inclusion of the footnote identifying the location reference (*thanks to RWED for this reference*);
 - the expressed linkage of MVLWB’s boreal caribou disturbance threshold to land use permit issuance; and
 - some language clarity around the annual report mentioned in the last sentence.

Proposed Modification – MVEIRB February 10

The Review Board recommends that the MVLWB adopt as an interim measure an average linear disturbance target of 1.8 km per km squared as a boreal caribou disturbance threshold for land use permits in the area encompassed by Ecodistricts 250 and 251 in the Northwest Territories¹, in order to prevent significant adverse environmental impacts on boreal caribou populations whose range includes the Paramount SDL and surrounding area. The linear disturbance target and other related conditions shall be reviewed annually by MVLWB and appropriate regulatory authorities, and adjusted as necessary, based on the best available scientific information and traditional knowledge, and project area information, including Paramount reports and plans.

Paramount shall submit an annual report to the MVLWB detailing disturbance to boreal caribou habitat resulting from past Project activities and the state of re-growth of disturbances. The annual report shall be similar to proponent reports done in other jurisdictions such as British Columbia or Alberta. Paramount shall also include in the report any of its plans that may affect boreal caribou habitat for the upcoming year.

- **The Review Board also proposes the inclusion of a Suggestion associated with boreal caribou disturbance thresholds:**

Draft Suggestion 8

The Review Board suggests that in all future land use applications for Ecodistricts 250 and 251 in the Northwest Territories², the appropriate regulatory authorities give full consideration to the boreal caribou disturbance threshold in place at the time.

¹ As described in *Terrestrial Ecozones, Ecoregions and Ecodistricts of the Northwest Territories, Canada*. Ecological Stratification Working Group. 1995. National Ecological Framework for Canada. Agriculture and Agri-Food Canada, Research Branch, Centre for Land and Biological Resources Research and Environment Canada, State of the Environment Directorate, Ecozone Analysis Branch, Ottawa/Hull. Report and national map at 1:7,500,000 scale.

² As described in *Terrestrial Ecozones, Ecoregions and Ecodistricts of the Northwest Territories, Canada*. Ecological Stratification Working Group. 1995. National Ecological Framework for Canada. Agriculture and Agri-Food Canada, Research Branch, Centre for Land and Biological Resources Research and Environment Canada, State of the Environment Directorate, Ecozone Analysis Branch, Ottawa/Hull. Report and national map at 1:7,500,000 scale.

R-15 Proposed Modification – January 24th Meeting

The Review Board recommends that Paramount commit, in a letter to the Parties to the EA, to compensate Deh Cho First Nations and Metis harvesters for any direct wildlife and resource harvesting losses suffered as a result of project activities, and to consider indirect losses on a case by case basis.

Proposed Modification – RM's, post January 24

The Review Board recommends that Paramount commit, in a letter to the Parties to the EA, to compensate the KTFN and other affected Aboriginal Groups for any direct wildlife and resource harvesting equipment losses suffered as a result of project activities, and to consider indirect losses on a case by case basis.

REVIEW BOARD COMMENT:

- **The proposed wording changes of the RM's (post January 24) was acceptable in regards to delineating Aboriginal Groups more precisely. However, the insertion of the word "equipment" made the recommendation unclear – it could be read that harvesters would ONLY be compensated for "wildlife and resource harvesting equipment losses", which was not the Review Board's intent. The Review Board's proposed change adds clarity and is not limiting.**

Proposed Modification – MVEIRB, February 10

The Review Board recommends that Paramount commit, in a letter to the Parties to the EA, to compensate the KTFN and other affected Aboriginal Groups for any direct wildlife harvesting and resource harvesting losses suffered as a result of project activities, and to consider indirect losses on a case by case basis.

R-16 Proposed Modification 1 – January 24th Meeting

The Review Board recommends that Paramount, in its Annual Report submitted pursuant to its Benefit Plan, document its consultation with affected communities regarding steps it will take to improve its performance in the areas of employment targets, educational and training opportunities for local residents and a detailed ongoing community consultation plan. The MVLWB will incorporate the above process into the Land Use Permit and Water License.

Proposed Modification 2 – January 24th Meeting

The Review Board recommends that Paramount, in an annual report to the GNWT and the other parties to the EA, shall document its targets and performance in the areas of employment, educational and training opportunities for local residents and a detailed ongoing community consultation plan, and describe the steps it has taken and will take to improve its performance in those areas. GNWT shall lead a review of the annual report with Paramount in collaboration with the other Parties to the EA.

Proposed Modification – RM's, Post-January 24th Meeting

The Review Board recommends that Paramount, in its Annual Report submitted pursuant to its Benefits Plan, document the company's consultations during the past year with affected communities regarding the steps it is taking to maximize opportunities for training and employment, identify any related issue of concern to the affected communities and describe what the company has done or is doing to resolve the issue.

The Review Board recommends that Paramount, in its Annual Report submitted pursuant to its Benefits Plan, list and describe briefly its planned consultations with the affected communities during the upcoming year and their approximate timing.

REVIEW BOARD COMMENTS:

- There was general Review Board support for proposed modification #2 of January 24th, at the Board Meeting of January 31, 2005.
- The Review Board feels that the post January 24th RM/fM modification reflects two significant failings:
 1. It removes the need for consultation with the Parties to the EA, during the review of the Annual Report.
 2. It takes the responsibility of the GNWT to “continue to work with Paramount and other parties to achieve socioeconomic benefits to northerners” (Hay River Hearing Transcripts, Volume 2, p. 120), right off the table. This is not acceptable to the Review Board.
- In addition, the Review Board was under the impression that linking this recommendation to the existing COGOA required Benefits Plan was not acceptable to DIAND.
- The question was raised whether there has been some “misinterpretation” with the use of the word “annual report”. It was not the intent to review the COGOA Benefits Plan Annual Report – rather that the developer annually review their targets and performance in the areas of employment, educational and training opportunities for local residents and a detailed ongoing community consultation plan, and describing the steps it has taken and will take to improve its performance in those areas. The developer was to work in collaboration with the GNWT and the Parties to the EA in a review of this annual report.

Proposed Modification – MVEIRB, February 9

The Review Board recommends that Paramount report annually to the GNWT and the other Parties to the EA, documenting its targets and performance in the areas of employment, educational and training opportunities for local residents including a detailed ongoing community consultation plan describing the steps it has taken and will take to improve its performance in those areas. The GNWT shall lead a review of this annual report with Paramount in collaboration with the other Parties to the EA.