

CA05-005
INAC to MUEIRB
re: List of

Alistair MacDonald

From: Fraser Fairman [FairmanF@inac-ainc.gc.ca]
Sent: Wednesday, March 09, 2005 4:22 PM
To: Alistair MacDonald; Mary Tapsell
Cc: David Livingstone; Eric Yaxley; macneill@justice.gc.ca
Subject: Revised wording for the Recommended Measures

*Agreed-in-Principle
Revised Measures
- March 9*



ASSESSMENT OF
MEASURES FOR THE

Dear Mary and Alistair:

Although we look forward to concluding the consult to modify process, it is a process that is initiated by the Responsible Ministers (RMs) and, therefore, it is the RMs who will advise the Review Board when they consider the process to be completed (i.e. the Minister's Decision Letter).

However, we would still appreciate the letter regarding the Review Board's comments on the last agreed-in-principle revised measures, which are attached.

Cheers Fraser

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ASSESSMENT OF MEASURES FOR THE PARAMOUNT RESOURCES
LIMITED CAMERON HILLS EXTENSION PROJECT

RECOMMENDED MEASURE 7

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.

***7. Air Quality** - The Review Board recommends that the GNWT and Environment Canada, working with the industry and affected communities, develop enforceable air quality guidelines or standards for oil and gas industry operation in the NWT, or adapt regulations from adjoining jurisdictions as appropriate. These guidelines should include the use of latest technologies and good industry practices, and a system of monitoring that would be sufficient to build a baseline database over the long term and to demonstrate the maintenance of exiting environmental quality.*

Suggested modification:

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.

RECOMMENDED MEASURE 11

The Review Board recommends that the Department of Fisheries and Oceans conduct regular site visits to the Cameron Hills to inspect for determine if any impacts to fish or fish habitat. Reports of these inspections must be made publicly via DFO and also be sent directly to Ka'a'Gee Tu First Nation, in a plain language version.

Suggested modification:

The Review Board recommends that the Department of Fisheries and Oceans conduct regular site visits to the Cameron Hills to inspect for, and determine if any impacts to fish or fish habitat have occurred. Reports of these inspections, if not related to an enforcement investigation, must be made publicly available via DFO and also be sent directly to Ka'a'Gee Tu First Nation, in a plain language version.

RECOMMENDED MEASURE 12

The Review Board recommends that RWED will, within the next six months, initiate the formation of a Deh Cho Boreal Caribou Working Group (DCBCWG). The working group will, among others things, consider: habitat identification, range plan development, thresholds, monitoring systems, adaptive mitigation, research programs and cumulative effects models. In addition, it will coordinate its activities with similar working groups in Alberta and British Columbia.

Suggested modification:

The Review Board recommends that RWED will, within the next six months, initiate the formation of a Deh Cho Boreal Caribou Working Group (DCBCWG). RWED shall lead the DCBCWG in the development of a Boreal Caribou Management Plan for boreal caribou populations in the southern Deh Cho (south of the Mackenzie River and east of the Liard River) within 18 months. In developing the Boreal Caribou Management Plan, RWED shall ensure that the DCBCWG considers, among other things: habitat identification, range plan development, thresholds, monitoring systems, adaptive mitigation, research programs and cumulative effects models. RWED shall also coordinate the DCBCWG's activities with similar working groups in Alberta and British Columbia; and operate within the framework of recovery planning for Boreal Caribou in the NWT, and develop a Range Plan within the overall Boreal Caribou Management Plan specifically for the Cameron Hills area. RWED shall provide applicable thresholds for the Project to the MVLWB over time based on the outcomes of future research and natural changes to the boreal caribou habitat.

RECOMMENDED MEASURE 13

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 in the area.

Suggested Modification:

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 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 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.

Suggestion 8

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

RECOMMENDED MEASURE 15

The Review Board recommends that Paramount and the other parties to the unfinished Cameron Hills Wildlife and Resources Harvesting Compensation Plan developed in response to measures 13 and 15 of EA01-005 complete the compensation plan. If a compensation plan cannot be completed by these parties within 90 days of the federal Minister's acceptance of this report, this matter will proceed to binding arbitration, pursuant to the *NWT Arbitration Act*. A letter signed by the parties, indicating agreement to the compensation plan or in the case of arbitration, the arbitrator's decision must be filed with NEB and MVLWB prior to the commencement of Paramount's operations under land use permit MV2002A0046.

Suggested modification:

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.

RECOMMENDED MEASURE 16

The Review Board recommends that the GNWT develop a socio-economic agreement with Paramount in consultation with affected communities before operations proceed under the land use permit MV2002A0046. The socio-economic agreement is to address issues such as employment targets, educational and training opportunities for local residents and a detailed ongoing community consultation plan.

Suggested Modification:

The Review Board recommends that Paramount report annually to the GNWT and the other Parties to the EA, documenting its performance in the provision of socio-economic

benefits, such as employment 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 review this report with Paramount in collaboration with the other Parties to the EA.