

WORK PLAN

for the

ENVIRONMENTAL ASSESSMENT

of the

Paramount Resources Ltd.

***Cameron Hills Gathering System and Pipeline
Development***

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By:

Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
P.O. Box 938
Yellowknife, NT
X1A 2N7
Tel: (867) 873-9193
Fax: (867) 920-4761

and

National Energy Board
444 7th Avenue SW
Calgary, AB
T2P 0X8
Tel: (403) 292-4800
Fax: (403) 292-5503

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1 INTRODUCTION

1.1 Mackenzie Valley Land and Water Board Applications

On April 20, 2001, the Mackenzie Valley Land and Water Board (MVLWB) received Paramount Resources Ltd.'s (Paramount) applications for a Type 'A' Land Use Permit (Application #MV2000P0055) and a Type 'B' Water License (Application #MV2000L1-0014) to undertake the Cameron Hills Pipeline and Gathering System Project. The applications covered the construction and operation of a gathering system to transport the oil and gas to a battery and a pipeline system to transport the oil and gas from the gathering system to a connection point with a pipeline in Alberta. The total length of the transboundary pipeline would be about 15 km with about 5 km in the Northwest Territories and 10 km in Alberta. The applications to the MVLWB did not cover the approximately 10 km of the pipeline system in Alberta.

The applications and supporting documentation were circulated to federal and territorial government departments, First Nations and municipal governments. The comments received were taken into consideration by MVLWB staff when it conducted the preliminary screening of the development proposal.

On July 12, 2001, the MVLWB approved the preliminary screening for the Pipeline and Gathering System Project but requested that further study be undertaken pursuant to Section 22(2)(b) of the *Mackenzie Valley Land Use Regulations* (MVLUR). The MVLWB established a Technical Advisory Committee (TAC) to establish the terms and conditions of the Land Use Permit and Water License and prepare for the on-going administration of the permit and license. No specific environmental concerns were cited by the MVLWB as a reason for the formation of the TAC.

1.2 Mackenzie Valley Environmental Impact Review Board – Environmental Assessment Referral

On August 1, 2001, the Mackenzie Valley Environmental Impact Review Board (Review Board) passed a motion to conduct an environmental assessment (EA) on the Pipeline and Gathering System Project in accordance with Section 126(3) of the *Mackenzie Valley Resource Management Act* (MVRMA).

The reason cited by the Review Board for the referral to EA was that the MVLWB's preliminary screening did not include the development in its entirety. The preliminary screening only included those parts of the development that were within the Mackenzie Valley. It did not include those parts of the development that were within Alberta.

1.3 National Energy Board Applications

On November 21, 2000, Paramount applied to the National Energy Board (NEB) pursuant to Subsection 5.1(5) of the *Canada Oil and Gas Operations Act* (COGOA) for an Approval of an Amendment to the 1992 Paramount Cameron Hills Oil Development Plan. Approval of NEB and consent of Governor in Council of Part 1 of a Development Plan is a MVRMA preliminary screening trigger. On June 5, 2001, the NEB requested the MVLWB to include the Amended Development Plan in the scope of the MVLWB preliminary screening.

On June 29, 2001, Paramount submitted an application to the National Energy Board (NEB) pursuant to Section 58 of the *National Energy Board Act* (NEBA) for the construction and operation of the Cameron Hills Pipeline and Fuel Gas Pipeline Project. This development would use one pipeline to transport the raw oil and natural gas from the gathering system battery to a connection with a gathering system pipeline in Alberta and would use another parallel pipeline to transport fuel gas from an Alberta fuel gas pipeline to the gathering system battery.

Section 18 of the *Canadian Environmental Assessment Act* (CEAA) requires the NEB to complete a screening on the Cameron Hills Pipeline and Fuel Gas Pipeline Project. In a letter dated July 18, 2001, the NEB initiated

the screening, as per Section 5 of the CEAA, and declared that it is a Responsible Authority (RA). It also requested various regulatory agencies to respond by August 10, 2001 to indicate if the agencies were a RA under Section 5 of the CEAA and would provide specialist or expert information to the NEB.

1.4 Review Board – NEB Environmental Assessment Collaboration

Since aspects of the development were within the jurisdiction of both the Review Board and the NEB and both Boards intended to complete an environmental assessment¹ of the development, the Review Board indicated in a letter to the NEB dated August 2, 2001 that it would like to negotiate a collaborative environmental assessment process with the NEB based on the December 2000 *Memorandum of Understanding* (MOU) between the two Boards. The intent of the MOU and the collaborative EA process is to undertake one environmental assessment and produce one staff-level report using shared resources but still respecting each Board's independent decision-making authority.

On August 17, 2001, Review Board staff met with NEB staff to develop the operating framework of the collaborative EA process that would be used by the Review Board and the NEB (hereinafter referred to as "the Boards"). This joint Work Plan outlines the details of the collaborative EA process. The principles of the collaborative EA process are:

- The EA will be conducted in accordance with both the MVRMA and the CEAA and meet the legislative requirements of both an environmental assessment as defined in the MVRMA and a screening as defined in the CEAA.
- The definitions of "environment" and "impact on the environment" as provided in the MVRMA are used in this EA.
- The definition of "impact on the environment" is expanded to include "any change to the project that may be caused by the environment" as contained in the CEAA definition of "environmental effect".
- This joint Work Plan establishes mutually acceptable activities and milestone dates for the completion of the EA.

The environmental assessment will cover the entire scope of the development from the well sites in the Mackenzie Valley to the connection with the provincially regulated pipeline in Alberta. The NEB is registered as RA #427 with the Canadian Environment Assessment Agency (Agency) and this environmental assessment is registered as FEAI Reference #28959 with the Agency.

This Work Plan contains:

- a scope of the development;
- a scope of the assessment;
- a description of the roles and responsibilities of those parties involved in the EA;
- a description of the EA process; and
- an EA schedule.

Attached in Appendix 1 are legal premises and definitions relevant to completing the environmental assessment.

¹ An "environmental assessment" by the Review Board and a "CEAA screening" by the NEB are similar in both the scope of the assessment and the level of detail required. Henceforth, the term "environmental assessment" will be used predominantly.

2 SCOPE OF THE DEVELOPMENT

This section outlines the scope of the development. Additional information on development components may be requested by the Boards to complete the EA.

2.1 Principle Development

The proposed development includes the Amended Development Plan and the construction and operation of the facilities, up to and including abandonment, required to extract oil and natural gas, transport it via a gathering system to a central battery, and then transport it in a transboundary pipeline to a connection point with a provincially regulated gathering system pipeline in Alberta. The development is located on the plateau of the Cameron Hills in the Northwest Territories (NWT), about 75 km southwest of Enterprise, NWT and includes pipelines extending approximately 9.9 km south of the NWT/Alberta border. The principle development includes construction and operation of the following components:

- oil/gas/water gathering flowline system and well site facilities for 11 existing wells and 9 proposed wells located as follows
 - 5 oil wells in Grid Area 60° 10' N, 117° 30' W (A-04, H-04, B-05, B-25 and G-03),
 - 6 oil wells in Grid Area 60° 10' N, 117° 15' W (C-75, M-73, M-73(2), D-74, C-74 and I-73),
 - 8 gas and oil wells in Grid Area 60° 10' N, 117° 30' W (C-50, B-08, N-28, J-37, A-05, L-47, C-19 and A-46) and
 - 1 gas and oil well in Grid Area 60° 20' N, 117° 30' W (A-73).
- a central battery located in H-03 Grid Area 60° 10' N 117° 30' W in the Northwest Territories, which includes separation, metering, liquid storage, compression, dehydration and pumping equipment;
- approximately 22 km of pipelines to connect the oil well sites to the central battery;
- approximately 37 km of pipelines to connect the natural gas well sites to the central battery; and
- approximately 15 km of 323.8 mm (NPS 12") outside diameter (O.D.) raw sour oil and natural gas pipeline from the Cameron Hills central battery to a pipeline header in Alberta located in LSD 5-24-126-22 W5M.

2.2 Accessory Developments and Activities

The completion of the principle development would require the following additional developments and activities to be constructed, operated and/or used:

- approximately 12 km of water disposal pipeline to extend from H-03 to a water disposal well at L-44 Grid Area 60° 10' N, 117° 30' W;
- approximately 11 km of fuel gas pipelines to connect to the oil well sites distribution system and/or approximately 13 km of above-ground electrical distribution system to the existing oil wells;
- test satellite facility at H-04, Grid Area 60° 10' N, 117° 30' W, which includes a test separator, safety relief tank, flarestack and knockout tank, and a wax inhibitor tank and pump;
- approximately 15 km of 88.9 mm O.D. (NPS 3") sweet fuel gas pipeline from the pipeline header located in LSD 5-24-126-22 W5M to the Cameron Hills central battery.
- two temporary construction camps: a 100 person temporary camp at N-28; and an up to 200 person temporary camp adjacent to the central battery at H-03;
- a permanent 20 person camp adjacent to the central battery for on-site production operations personnel;
- a warehouse/workshop complex at the central battery;
- borrow pits;
- a 1500 m by 100 m airstrip with an all-season access road to the central battery;
- an existing winter access road which begins at Indian Cabins, Alberta and travels approximately 33 km north-west to the south end of Paramount's SDA and then north past the central battery to the individual well sites;

- production operational access to the wells and central battery will be by all-terrain vehicles (ATV) in the summer and regular vehicles and/or snowmobiles in the winter;
- the installation of three ATV bridges and a permanent jump-span vehicle bridge across four watercourses with flowlines suspended from three of the bridges; and
- any other undertakings in support of or in conjunction with the principal developments or accessory developments and activities.

2.3 Development Schedule

Paramount is proposing to begin construction activities in November 2001 and anticipates completion of construction by April 2002 (see Table 1). The construction dates are tentative and may change depending upon regulatory approvals and weather conditions.

Table 1 – Paramount's Proposed Schedule for the Development

Activity	Start Date	Duration	Completion Date
Access Preparation	November 15, 2001 to December 10, 2001	15 days	November 30, 2001 to December 25, 2001
Prepare and Set Up Camps	December 4, 2001 to December 8, 2001	4 days	December 8, 2001
Right-of-way Preparation	December 8, 2001 to January 4, 2002	45 to 60 days	February 6, 2002 to February 20, 2002
Pipe Stringing and Welding	December 18, 2001 to January 14, 2002	45 to 60 days	February 16, 2002 to March 2, 2002
Ditching and Clean-up	January 20, 2002 to February 4, 2002	35 to 45 days	March 11, 2002 to March 22, 2002
Testing	March 14, 2002 to March 20, 2002	8 to 14 days	March 22, 2002 to March 28, 2002
Construction of Powerlines	March 15, 2002	26 days	April 10, 2002
Construction of Central Battery	February 16, 2002	58 days	April 15, 2002
Commissioning	March 21, 2002 to April 7, 2002	7 to 20 days	March 28, 2002 to April 28, 2002

3 SCOPE OF THE ASSESSMENT

The scope of the assessment is the determination of which issues/items will be examined in the environmental assessment. In determining the scope of the assessment, the Boards were conscious of the Review Board's obligations to consider the factors listed in ss.117(2) of the MVRMA and the NEB's obligation to consider the factors listed in s.16 of the CEAA. As such, the scope of the assessment shall include all factors listed in ss. 117(2) of the MVRMA and s.16 of the CEAA.

As further guidance, the Boards have outlined the following factors that should be included in the scope of assessment.

Physical and Biological Environment

Air Quality and Climate

release of air contaminants (dust, particulate, exhaust fumes and other air contaminants)

Terrain and Soils

surficial geology

bedrock or soils

Vegetation and Plant Communities

local plant communities

rare or highly valued species

long-term, direct and indirect, habitat loss or alteration

Water Quality and Quantity

water quality impacts including contaminant loading and dispersion (including surface runoff and airborne contaminants)

water quantity impacts

Aquatic Resources and Habitat

aquatic organisms and their habitat

Wildlife and Wildlife Habitat

wildlife

wildlife habitats

migratory birds

vulnerable or endangered wildlife in Canada according to the COSEWIC list

Noise

Changes to ambient noise levels

Continuous exposure versus acute noise

Human Environment

Cultural and Heritage Resources

Places of cultural, spiritual and/or archaeological significance

Socio-Economics

Income

Employment

Local Business Opportunities

Community Quality of Life

Land and Resource Use

Traditional land use and occupation

Existing land use and occupation

Wilderness outfitting including commercial and sport fishing

Availability, abundance and quality of wildlife, fish and vegetation for harvesting

Recreational activities

Protected and/or proposed protected areas

Visual and Aesthetic Resources

Visual and aesthetic

Design components that mitigate visual and aesthetic impacts.

Cumulative Impacts*Natural environment**Socio-economic and cultural environment****Other Relevant Matters****Developer Identification and Performance Record**Tenure**Regulatory Regime**Environmental Assessment Methodology**Public Consultation**Effects of the Environment on the Development**Accidents and Malfunctions**Alternatives to Parts of the Development**Abandonment and Restoration**Follow-up Programs****Scope of the Factors***

For this environmental assessment, the following scope of the factors² will be considered:

Spatial Boundaries

- Local: impacts confined to the area of direct disturbance by the development, i.e., development footprint;
- Subregional: impacts confined to the assessment area boundaries as specified for each discipline or valued ecosystem component; or
- Regional: impacts extending beyond subregional boundaries but confined to the Northwest Territories or Alberta.

Temporal Boundaries

- Immediate: impact duration on the order of days;
- Short-term: impact duration on the order of months;
- Medium-term: impact duration on the order of years, but less than 10 years; or
- Long-term: impact duration greater than 10 years.

² The "scope of the factors" as defined by the Review Board meets the requirements of Paragraph 8(c) of the CEAA Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements.

4 ROLES AND RESPONSIBILITIES

The roles and responsibilities of the Review Board and its staff, the NEB and its staff, government bodies, the developer and other parties in the EA are explained in this section.

All submissions received from all sources will be considered during the Boards' decision-making processes on the environmental assessment. These submissions will be public documents and will be posted on the Public Registries. Submissions should be in a format that is easily available to all stakeholders.

Although any submissions related to the EA will be accepted, it would be helpful if these submissions:

- identify the development activity being examined;
- identify the potential impacts of this activity (along with any supporting evidence);
- propose mitigative measures (along with evidence that the mitigative measures will work); and
- predict residual impacts that cannot be mitigated.

4.1 Review Board and Review Board Staff

The Review Board and its staff are required to undertake the following in relation to this EA:

- conduct the EA in accordance with ss.126(1) of the MVRMA;
- take into account any previous screening or assessment report made in relation to the development, in accordance with s.127 of the MVRMA;
- determine the scope of the development, in accordance with ss.117(1) of the MVRMA;
- consider factors, in accordance with ss.117(2) of the MVRMA;
- make a determination regarding the environmental impacts and public concern of the development, in accordance with ss.128(1) of the MVRMA;
- identify areas and extent of effects within or outside the Mackenzie Valley in which the development is likely to have a significant adverse impact or be a cause of significant public concern.
- report to the designated regulatory agency (the NEB) in accordance with ss.128(2) of the MVRMA; and
- report to the federal Minister in accordance with ss.128(2) of the MVRMA.

The Review Board's Executive Director and other staff are the primary contacts for the developer, government bodies (federal, territorial and municipal), non-government organizations (NGOs), First Nations, expert advisors (these are non-government experts contracted directly by the Review Board), the public and other interested parties. This does not limit or preclude the developer's contact with other parties during the EA process.

The staff member coordinating and facilitating this EA for the Review Board is Mr. Joe Acorn.

4.2 NEB and NEB Staff

The NEB is required to conduct the EA in accordance with the CEAA and its associated regulations, including:

- Following the appropriate procedures as described in the Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements (Federal Coordination Regulations);
- determine the scope of the development, in accordance with s.15 of the CEAA;
- consider factors, in accordance with s.16 of the CEAA;
- ensure that a screening of the project is conducted and a screening report is prepared in accordance with s. 18 of the CEAA;

-
- make a determination regarding the environmental effects of the project and take an action in accordance with s.20 of the CEAA;

The staff member coordinating and facilitating this EA for the NEB is Mr. John Fox.

4.3 Government Bodies

Government bodies may be involved in the EA process as:

- a Regulatory Authority as defined in the MVRMA;
- a Responsible Minister as defined in the MVRMA;
- a Federal Minister as defined in the MVRMA;
- a Designated Regulatory Agency (DRA) as defined in the MVRMA (the NEB is the only DRA);
- a Federal Authority as defined in the CEAA;
- a Responsible Authority as defined in the CEAA;
- a pool of experts to advise the Boards; or
- multiple roles simultaneously.

4.4 Developer

The developer is expected to respond in a suitable and timely manner to directions and requests issued by the Boards. The developer may present additional information at any time to the Boards beyond what was requested during the EA process. The Boards encourage the developer to continue consulting all potentially affected communities and organizations.

4.5 Other Parties

In addition to the pool of experts available internally and within government, the Boards may choose to hire expert advisors to provide technical expertise on specific aspects of the EA.

First Nations, NGOs, the public and other interested parties may provide the Boards with information relevant to the EA of their own volition, or they may be asked by the Boards to provide any relevant information they may have.

5 EA PROCESS

This section summarizes the phases in the EA process to be used for this particular EA. This Work Plan was prepared while recognizing the facts that information related to this development has already been made available by Paramount and that consultation has already occurred by the MVLWB. This allows certain steps in the usual EA process, such as the issuance of a Terms of Reference, to be omitted from this EA.

The actual process may deviate from this intended process as there may need to be some allowance for process modifications based upon events that occur during the EA.

5.1 Milestones and Responsibilities

Having considered the information available regarding this development, the Boards have established milestones and responsibilities for this EA process. These milestones and responsibility assignments are outlined in Table 2.

Table 2 - Milestones and Responsibility Assignments for Phases in the EA Process

Milestone	Developer	Government Bodies	Other Parties	Review Board and Staff	NEB and Staff
EA Start-up				✓	✓
Prepare Work Plan				✓	✓
Approve Work Plan				✓	✓
Review Board Conformity Check and Deficiency Statement (if required)				✓	
Preliminary NEB Information Requests (IRs)					✓
Responses from Paramount	✓				
Facilitated and Board IRs	✓	✓	✓	✓	✓
Response from Paramount	✓				
Technical Analysis		✓	✓	✓	✓
Review Board Report of EA and Reasons for Decision				✓	
NEB CEAA Screening Decision					✓
Response from the Minister of Indian Affairs and Northern Development		✓			
Consultation - throughout / as required	✓	✓	✓	✓	✓

5.1.1 EA Start-up

The Review Board and the NEB have both initiated the notification measures required by their respective Acts. The Boards have each opened public registries on the EA. The public registries will be updated on a weekly basis to ensure that the same information appears on both public registries.

Deliverable: Public registry, public notification, government notification, developer notification, expert advisor identification, identification of government roles.

5.1.2 Work Plan

This Work Plan for completing the EA was developed and authorized for release by both the Review Board and the NEB. The Work Plan contains the scope of the development, the scope of the assessment, a description of the EA process and an EA schedule.

Deliverable: An approved Work Plan.

5.1.3 Conformity Check and Deficiency Statement

Only the Review Board will undertake a conformity check and, if necessary, issue a deficiency statement.

The Review Board has chosen to accept documentation that has already been provided by the developer as fulfilling the usual requirement of the developer providing an EA report in response to a Terms of Reference.

The Review Board will review this documentation to ensure that the developer has provided the information required to address the scope of the assessment defined in this Work Plan. *Note: This conformity check determines whether or not the developer has provided information to address a requirement of the scope of the assessment. It does not reflect the technical adequacy of the information provided by the developer. Any additional technical information or further explanation would be requested through Information Requests (IR's). IR's facilitate the technical analysis of the development.*

If required, the Review Board will issue a deficiency statement identifying those areas in which the developer has not provided information to address an item listed in the scope of the assessment. The developer will be asked to submit information to the Review Board to fill the information gaps identified by the deficiency statement.

Deliverable: The Review Board issues a deficiency statement.

5.1.4 Preliminary NEB Information Requests

The NEB will, if necessary, issue preliminary Information Requests (IRs). This phase of the EA process will coincide with the conformity check and deficiency statement phase completed by the Review Board. The Review Board's deficiency statement and the NEB's Information Requests will be issued to the developer at approximately the same time.

The IRs are very specific and focused requests for clarification or additional information. They are required in order for the NEB to complete its analysis and reach a conclusion about the information provided by the developer.

Deliverable: Preliminary NEB Information Requests and Responses to Information Requests that are placed on the public registries and circulated to all parties to assist in their analysis of the environmental assessment documents.

5.1.5 Facilitated Information Requests

To allow for an efficient IR process, the Review Board will organize a facilitated IR session for the other EA participants. This session will be in Yellowknife and will be facilitated by an individual hired by the Review Board. The developer will be invited to participate in the session.

The facilitator will guide the discussion through the aspects of the scope of the assessment and, through discussion with the EA participants, determine whether or not additional information requests are required to permit a thorough technical analysis of the developer's environmental assessment documents. The facilitator will organize the IRs after the session and then distribute them to all participants for review prior to their being presented to the Review Board.

These IRs and the developer's responses would be included in the public registries and be used as evidence for the consideration of the Boards.

The Review Board and/or the NEB may choose to issue their own Information Requests to the developer or to other EA participants.

Deliverable: Information Requests and Responses to Information Requests that are placed on the public registry and circulated to all parties to assist in their analysis of the environmental assessment report.

5.1.6 Technical Analysis

The Boards' staff will undertake the analysis of the EA with the assistance of federal and territorial governments, First Nations, the public and other interested parties to participate in the EA process, express their ideas and present their information (e.g., traditional knowledge holders and scientific experts) to the Boards. A thorough analysis of the development is the intention of the Boards to enable them to make the best EA decisions. This is a critical stage in the EA process where the key issues and impacts are identified and opportunities for public input are possible.

The developer can formally provide and present its views on the information brought to the Boards' attention including any proposed amendments, additions or refinements to the development or the environmental assessment documents.

The staff of the two Boards will jointly prepare a draft report of environmental assessment on the proposed development suitable for both Boards.

Deliverable: Technical reports from EA participants that clearly state the reviewer's conclusions, recommendations and supporting rationales.

Draft EA report for review by the Boards.

5.1.7 EA Decision

The Review Board staff will present the staff report to the Review Board as a draft Report of Environmental Assessment and Reasons for Decision. The Review Board staff will make the changes requested by the Review Board. The Review Board will then publicly issue the document.

The Review Board will provide the Minister of Indian and Northern Affairs Canada (INAC) and the National Energy Board with its report as per Section 128(2) of the MVRMA. The Minister of INAC will distribute the report to every responsible minister as per 128(2)(a) of the MVRMA. The developer and the other EA participants will also receive copies of the Review Board's report.

The NEB will prepare its CEAA screening decision based upon the joint environmental assessment document prepared by the staff of the two Boards, and will present it to the NEB panel for a s. 20 decision under CEAA.

Deliverable: The Review Board's Report of EA and Reasons for Decision and the NEB's CEAA Screening Decision.

5.2 EA Work Plan Schedule

Table 3 provides an estimated timeline for completing each indicated milestone in the Cameron Hills Gathering System and Pipeline Project EA process. The Boards may amend the milestone dates at their discretion.

Table 3 - Milestone Completion Timetable:

MILESTONE	DATE
Start-up of the EA	August 1, 2001
Work Plan approved and issued	September 5
Review Board Conformity Check and Deficiency Statement (if required)	September 6
Preliminary NEB Information Requests	September 6
Paramount response to the Deficiency Statement and the NEB IRs	September 13
Facilitated IR development	September 17
Facilitated IRs to Paramount	September 19
Paramount response to the IRs	September 26
Submission of technical analysis reports	October 12
Closure of Public Registry	October 19
Review Board EA decision	October 30
Review Board's EA report to the NEB and the Minister of INAC	November 7
NEB CEAA screening decision	November 16
Federal Minister's response to the Review Board's Report of EA (if required)	-
Consultation – throughout / as required	-

APPENDIX 1

1.0 Review Board Legal Context for Environmental Assessment

The Review Board, in exercising its authority is guided by the following legal principles and by definitions, purposes and factors found in the MVRMA. This context provides the developer, RA's, the DRA (NEB) as required, federal and territorial governments, First Nations, expert advisors, and other affected or interested parties the framework within which the EA will be conducted. (Note: The NEB will undertake its responsibilities for the environmental assessment as described in the Work Plan and in accordance with the CEAA.)

1.1 Legal Principles

The Review Board is governed by the rules of natural justice and procedural fairness. This essentially means that fair play is required when exercising decision making functions. Three of the basic elements are:

- (i) *The right to be heard - means providing fair opportunity for parties to prepare and state their case, and to correct or contradict relevant statements prejudicial to their position;*
- (ii) *The rule against bias - is a rule against prejudging a case; addressing not only actual bias but also any reasonable apprehension of bias; and,*
- (iii) *Fettering of discretion - means the Review Board is governed by the common law principle which requires that she/he who hears must decide. This means that the Board members who hear or review the evidence in an EA must be the decision makers. Members who did not participate can play no role in the decision. The law also requires that the Board and its members must be free to exercise their full authorities under the statute. The Board must decide each case on its own merits.*

1.2 Definitions

The context within which the Review Board conducts an EA is based on following definitions and indicated sections from the MVRMA.

Development - means any undertaking, or any part of an undertaking, that is carried out on land or water and, except where the context otherwise indicates, wholly within the Mackenzie Valley, and includes measures carried out by a department or agency of government leading to the establishment of a national park subject to the National Parks Act and an acquisition of lands pursuant to the Historic Sites and Monuments Act.

Environment - means the components of the Earth and includes

- (a) Land, water and air, including all layers of the atmosphere;
- (b) All organic and inorganic matter and living organisms; and
- (c) The interacting natural systems that include components referred to in paragraphs (a) and (b).

Follow-up program - means a program for evaluating

- the soundness of an environmental assessment or environmental impact review of a proposal for a development; and
- the effectiveness of the mitigative or remedial measures imposed as conditions of approval of the proposal.

Harvesting - in relation to wildlife, means hunting, trapping or fishing activities carried on in conformity with a land claim agreement or, in respect of persons and places not subject to a land claim agreement, carried on pursuant to aboriginal or treaty rights.

Heritage resources - means archaeological or historic sites, burial sites, artifacts and other objects of historical, cultural or religious significance, and historical or cultural records.

Impact on the environment - means any effect on land, water, air or any other component of the environment, as well as on wildlife harvesting, and includes any effect on the social and cultural environment or on heritage resources.

Mitigative or remedial measure - means a measure for the control, reduction or elimination of an adverse impact of a development on the environment, including a restorative measure.

Scope of the assessment - the components of the environment that will be evaluated for impacts from the proposed development.

Scope of the development - a description of the development and associated parts as determined by the Review Board.

s.114 The purpose of this Part is to establish a process comprising a preliminary screening, an environmental assessment and an environmental impact review in relation to proposals for developments, and

- to establish the Review Board as the main instrument in the Mackenzie Valley for the environmental assessment and environmental impact review of developments;
- to ensure that the impact on the environment of proposed developments receives careful consideration before actions are taken in connection with them; and
- to ensure that the concerns of aboriginal people and the general public are taken into account in that process.

s.115 The process established by this Part shall be carried out in a timely and expeditious manner and shall have regard to

- the protection of the environment from the significant adverse impacts of proposed developments; and
- the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley.

ss.117(1) Every environmental assessment of a proposal for a development shall include a determination by the

Review Board of the scope of the development, subject to any guidelines made under section 120.

ss.117(2) Every environmental assessment and environmental impact review of a proposal for a development shall include a consideration of:

- The impact of the development on the environment, including the impact of malfunctions or accidents that may occur in connection with the development and any cumulative impact that is likely to result from the development in combination with other developments;
- The significance of any such impact;
- Any comments submitted by members of the public in accordance with the regulations or the rules of practice and procedure of the Review Board;
- Where the development is likely to have a significant adverse impact on the environment, the imposition of mitigative or remedial measures; and
- Any other matter, such as the need for the development and any available alternatives to it, that the Review Board or any responsible minister, after consulting with the Review Board, determines to be relevant.