

Reasons for Review Board's Modification or Rejection of Ka'a'gee Tu First Nation's Information Requests

KTFN Item #	Decision	Reasons for decision
1)	Rejected	<p>In regards to Item 1a); the Review Board heard oral representation from the KTFN representative at the Issue Scoping Hearing at Hay River regarding this matter. It is clear to the Review Board that the KTFN does not endorse the 2001 Traditional Knowledge Study compiled by Paramount.</p> <p>Regarding Item 1b); the Review Board heard oral representation from the KTFN representative at the Issue Scoping Hearing that the First Nations trapper engaged by Paramount during site review was not a member of the KTFN, or a holder of KTFN traditional knowledge.</p> <p>If the KTFN wishes to express its view concerning Paramount's Traditional Knowledge Study, or concerning the TK holders that Paramount worked with on SDL8 preparation activities, there is an opportunity to do so during the final comments/technical reports stage.</p> <p>With respect to Item 1c); Paramount has already committed in its DAR to engaging an aboriginal monitor with traditional knowledge of the general area. This commitment has been noted and will be included in any listing of the developer's commitments in the Report of EA. The Review Board is not of the view that knowing Paramount's hiring practices for this position is relevant for the assessing potential environmental impacts of the SDL8 program.</p>
2)	Rejected	<p>It is the Review Board's opinion that the questions posed are requesting Paramount to conduct a conformity analysis of its SDL8 program with the Dehcho land use plan. The Review Board understands that the Dehcho Land Use Plan is currently in a final draft form until its consideration and approval by the governments of the Northwest Territories and Canada. As such the Dehcho Land Use Plan is not yet a legal land use planning instrument. Considering the work which may be required to answer these questions and the limited relevance of the results to the determination of the impacts of the SDL8 program, the Review Board views the KTFN's request as unhelpful in the context of this EA.</p> <p>The Review Board is however aware that the draft Dehcho Land Use Plan may be a useful reference document in its deliberations as considerable effort has been invested in developing the plan. The Review Board has placed on the public registry a copy the draft Dehcho Land Use Plan and will consider it as is appropriate.</p>
3)	Modified and issued as	The Review Board removed to the middle sentence of the KTFN's

	IR0506-007-15	request as it was of the opinion that the language was leading and prejudicial to Paramount. If KTFN has concerns with the use of “low impact seismic” techniques by Paramount, the Review Board encourages KTFN to comment upon it in the final comments/technical reports stage.
4)	Issued as IR0506-007-16	
5)	Issued as IR0506-007-17	
6)	Modified and issued as IR0506-007-18	Item 6c) was rejected as the Review Board was of the opinion that the item was not a request for information but instead a leading question designed to have Paramount confirm (or alternately, refute) what appears to be the KTFN’s own view on the matter. KTFN is encouraged to report to the Review Board, in the final comments/technical report stage of this environmental assessment, as to what technologies or seismic methods, if any, it believes are appropriate for use in the SDL8 program.
7	Issued as IR0506-007-19	
8)	Rejected	Paramount, in its DAR, has committed to adhere to INAC’s <u>Benefits Statement of Principles</u> . The <u>Benefits Statement of Principles</u> , as provided by INAC in IR response IR0506-007-10, requires that a company’s commitments to the principles extend to its contractors activities. Its is the Review Board’s opinion that the detailed methods by which Paramount selects and manages its contractors are private business matters that have no bearing on the Review Board’s duty to assess potentially significant environmental impacts that may arise from the SDL8 program.
9)	Rejected	Same reasons as treatment of KTFN IR Request 8)
10)	Rejected	The Review Board is of the opinion that the historic consultation records related to the drilling of the M-31 well and the establishment of the Significant Discovery License 8 is not information that is relevant to the Review Board’s requirement to assess the potentially significant environmental impacts that may arise from the SDL8 2-D seismic program.
11)	Issued as IR0506-007-20	
12)	Rejected	The Review Board views such a manual as a potential regulatory requirement that may arise from a Review Board recommendation or suggestion issued in its <i>Report of Environmental Assessment</i> , as a result of finding and mitigating a potentially significant environmental impact. The Review Board does not believe that a safety and emergency response

		<p>manual is required in order to conduct an EA of this magnitude.</p> <p>The Review Board believes that the KTFN's request for Paramount's spill and accident statistics for its Cameron Hills operations, as well as a comparison of those to industry averages, will not materially assist the Review Board to assess the potentially significant environmental impacts that may arise from the SDL8 2-D seismic program; especially considering the substantial differences between activities occurring in the two respective project areas.</p>
13)	Modified and Issued as IR0506-007-21	<p>The Review Board has chosen to modify this KTFN request for information as it does not view the Review Board's IR process as the appropriate mechanism through which the KTFN can require Paramount to submit information on a harvester compensation process to which the company has not agreed or committed to enter in to.</p> <p>The recommendation or suggestion to establish a process leading to a harvester compensation agreement may be a possible outcome of a <i>Report of Environmental Assessment</i>. However this would be pursuant to the identification of potentially significant adverse impacts on harvesting.</p>
14)	Rejected	<p>It is the Review Board's opinion that Access and Benefit Agreements (ABAs) are contractual agreements, normally required under land claims agreements, between a company and affected Aboriginal organizations who are landowners and who control access to settlement lands.</p> <p>The proposed SDL8 program, occurring in the Dehcho region, is not in a settled land claims area, and as such, ABAs are not a legal requirement. It is possible that a voluntary arrangement may be established between Paramount and affected communities. The Review Board does not view its IR process as the appropriate mechanism for the KTFN to require Paramount to enter an ABA process that it has not agreed or committed to enter in to.</p>
15)	Issued as IR0506-007-22	
16)	Issued as IR0506-007-23	
17)	Rejected	<p>In general, it is the Review Board's opinion that the items that the KTFN has requested in this item are not Information Requests, but are instead leading questions to have INAC confirm (or alternately, refute) what appears to be the KTFN's own views on the various matters.</p> <p>Moreover, the questions are focused with INAC's consultation on and management of Benefits Plans. The information expected to be extracted from these questions does not appear to be relevant to the Review Board's duty to assess potentially significant environmental</p>

		<p>impacts that may arise from the SDL8 program.</p> <p>The Review Board suggests that the KTFN directly contact INAC regarding these concerns.</p> <p>In specific response to item 17f), the Review Board is aware that INAC in its IR response IR0506-007-10, reported that a Benefits Plan approved by the Minister of INAC must be in place prior to the National Energy Board authorizing any activity or work related to the SDL8 program.</p> <p>In specific response to item 17g), it is the Review Board's opinion, that this question, which is concerned with the implications of recent aboriginal case law on the <i>Canada Oil and Gas Operations Act</i> and the <i>Benefits Statement of Principle</i>, is beyond the scope of this EA.</p>
18)	Issued as IR0506-007-24	
19)	Issued as IR0506-007-25	
20)	Modified and Issued as IR0506-007-26	<p>The Review Board chose to modify item 20b) to "<i>Will the KTFN be immediately informed of any potential problems encountered during inspection of the SDL8 development and consulted on the manner in which these problems are to be corrected?</i>" The Review Board found the original item requested was not an Information Request, but was instead a leading question designed to have INAC confirm (or alternately, refute) what appears to be the KTFN's own view.</p>
21)	Issued as IR0506-007-27	
22)	Rejected	<p>The Review Board is of the opinion that the historic consultation records related to the drilling of the M-31 well and the establishment of the Significant Discovery License 8 is not information that is relevant to the Review Board's requirement to assess the potentially significant environmental impacts that may arise from the SDL8 2-D seismic program.</p> <p>In specific response to 22d), the Review Board does not view the INAC's consultation with the KTFN to be specifically relevant to the Board's duties to assess potentially significant environmental impacts that may arise from the SDL8 program. The extent of INAC's consultation may have no bearing on the Review Board's determinations.</p> <p>The Review Board suggests that the KTFN attempt to seek this information through more appropriate avenues available to it, rather than through this environmental assessment process, such as contacting INAC directly for these records.</p>

23)	Issued as IR0506-007-28	
24)	Rejected	<p>The Review Board does not view an explanation of how INAC has fulfilled its fiduciary duty to the KTFN in regards to the SDL8 project as relevant information that will assist the Review Board in its duties to assess potentially significant environmental impacts that may arise from the SDL8 program. Moreover no authorizations have been issued related to the SDL8 program as the project is still in environmental assessment.</p> <p>The Review Board suggests that the KTFN contact INAC directly regarding this matter.</p>
25)	Rejected	<p>The Review Board does not view INAC's opinion on the requirement of Paramount to negotiate an access and benefits agreement and a harvester compensation agreement with the KTFN to be relevant information that will assist the Review Board in its duties to assess potentially significant environmental impacts that may arise from the SDL8 program.</p> <p>The Review Board suggests that the KTFN contact INAC directly regarding this matter.</p>
26)	Rejected	<p>The Review Board is of the opinion that the historic consultation records related to the drilling of the M-31 well and the establishment of the Significant Discovery License 8 is not information that is relevant to the Review Board's requirement to assess the potentially significant environmental impacts that may arise from the SDL8 2-D seismic program.</p> <p>In specific response to 26d), the Review Board does not view the NEB's consultation with the KTFN to be specifically relevant to the Review Board's duties to assess potentially significant environmental impacts that may arise from the SDL8 program.</p> <p>The Review Board suggests that the KTFN attempt to seek this information through more appropriate avenues available to it, rather than through this environmental assessment process, such as contacting the NEB directly for these records.</p>
27)	Issued as IR0506-007-29	
28)	Issued as IR0506-007-30	