



Updates to NWT Petroleum Legislation

What We Heard Report

**Mise à jour des lois sur les produits
pétroliers des TNO**

Rapport sur les commentaires recueillis

Résumé en français ci-joint



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English

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French

Kīspin ki nitawihtīn ē nīhīyawihk ōma ācimōwin, tipwāsinān.

Cree

Tł̥icho yati k'èè. Dı wegodi newo dè, gots'o gonede.

Tłjcho

?erıhtl'ís Dëne Sułiné yati t'a huts'elkér xa beyáyatı the?qat'e, nuwe ts'ën yólti.

Chipewyan

Edi gondı dehgáh got'ıe zhatié k'èè edat'eh enahddhe nide naxets'é edahlí.

South Slavey

K'áhshó got'jne xədə k'e hederi ?edjhtl'é yeriniwé nídé dúle.

North Slavey

Jii gwandak izhii ginjik vat'atr'ijahch'uu zhit yinohthan jii', diits'at ginohkhii.

Gwich'in

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta.

Inuvialuktun

Հետեւ ստուգական համարությունը կատարվելու առաջնաշաբաթը կազմված է այս համարություններից:

Inuktitut

Hapkua titiggat pijumagupkit Inuinnagtun, uyaptinnut hiyajarlutit.

Inuinnagtun

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List of Acronyms

ITI	Department of Industry, Tourism and Investment
GNWT	Government of the Northwest Territories
GTNO	Gouvernement des Territoires du Nord-Ouest
MITI	Ministère de l'Industrie, du Tourisme et de l'Investissement
NGO	Non-governmental organization
NWT	Northwest Territories
OGOA	<i>Oil and Gas Operations Act</i>
PRA	<i>Petroleum Resources Act</i>
SDL	Significant Discovery Licence
TNO	Territoires du Nord-Ouest
IGOs	Indigenous Governments and Organizations

Executive Summary

The Project

Management, exploration and production of the Northwest Territories (NWT) petroleum resources are governed by two acts: the *Petroleum Resources Act* (PRA) and *Oil and Gas Operations Act* (OGOA). These two acts were mirrored from federal legislation as part of devolution.¹

As a first step towards a larger review, the Government of the Northwest Territories (GNWT) is currently undertaking amendments to both the PRA and OGOA, aimed at modernizing the legislation to improve transparency and ensure the NWT is ready to responsibly benefit from petroleum production in the future. This is not an overhaul – the scope of these legislative amendments is focused on addressing the NWT's immediate needs.

As part of this process, an engagement paper was produced, identifying issues and recommending 14 potential actions or sets of options to modernize the NWT's oil and gas legislative framework. Each recommended action aimed to achieve one or more of the following goals:

- Resolve existing administrative and technical issues in order to create a more consistent and predictable regulatory environment;
- Enhance transparency and public accountability throughout the PRA and the OGOA;
- Ensure that the legislation reflects current risks, best practices and standards;
- Minimize operational challenges in the administration of oil and gas rights issuance and operations; and
- Increase competitiveness comparative to other jurisdictions and promote increased investment in NWT oil and gas exploration and production.

The proposed amendments fall under three distinct categories:

- Administrative and technical;
- Transparency and public accountability; and
- Significant discovery licences (SDLs).

While specific amendments are suggested for the administrative and technical and transparency and public accountability categories, the approach for SDLs was slightly different. Rather than specific legislative proposals, several options were offered to inform further policy development pertaining to SDLs.

¹ The Devolution Agreement of 2014 transitioned the responsibility for managing and administering most public land, water and resources in the NWT from the federal government to the Government of the Northwest Territories.

Public Engagement

From March 5 through May 4, 2018, the Department of Industry, Tourism, and Investment (ITI) led an extensive engagement campaign.

The goal was to find out what Indigenous governments and organizations (IGOs), NWT residents, industry, non-governmental organizations (NGOs), and all other stakeholders think about the proposed legislative changes in order to inform the legislative process.

Seven communities across all regions of the NWT were visited to provide input at public drop-in sessions. The communities visited were:

- Fort Liard;
- Fort Simpson;
- Norman Wells;
- Inuvik;
- Hay River;
- Hay River Reserve; and
- Yellowknife (English and French language sessions).

Officials from ITI met with numerous IGOs while visiting these communities. ITI also offered teleconferences to IGOs unable to meet during the community visits. To ensure everyone had an opportunity to take part, submissions were also solicited and accepted in the following ways:

- ITI's online engagement portal;
- Surveys – distributed in person and online;
- Targeted stakeholder meetings;
- Email;
- Written submissions;
- Phone;
- Mail; and
- Fax.

Summary of What We Heard

In total, 210 submissions were received. To ensure a robust review process, ITI engaged Daitch and Associates – an independent, external consultancy – to analyze this feedback. Standard social science research methods were used to analyze the data, identify key themes, and assess the sentiment of participants' responses. This includes descriptive statistics of raw data and 'coding' techniques to classify qualitative data for patterns and trends. In addition, a favourability analysis was used to assess participants' inputs towards the proposed legislative amendments in the public engagement paper.



Submissions were categorized using the three themes under which legislation changes are being suggested. ITI also collected submissions falling outside the scope of this legislative initiative to ensure these important perspectives were recorded while engaging with citizens across the NWT. This input will be kept for any future reviews of the territory's oil and gas laws.

This *What We Heard* report summarizes the key findings under each of the three themes of proposed legislative amendments, and summarizes other input received on oil and gas.

Participants were strongly in favour of all of the amendments proposed under the **'Transparency and Public Accountability'** theme. There was strong support for greater transparency surrounding proposed provisions on environmental liabilities, including de-commissioning sites and for ensuring that publicly-available information is both easily accessible and in plain language. Participants in the engagement process expressed the need to strike a balance between disclosing information that is in the public interest and maintaining the confidentiality of proprietary and competitive business information.

Under the **'Administrative and Technical'** theme, participants expressed mixed views. The public favourability of several amendments proposed under this theme was inconclusive, where participants flagged the need for further information. However, there was broad support for a streamlined regulatory approach and the need to reduce the duplication of effort in the regulatory process. There were mixed views related to the future existence of an Oil and Gas Committee and mixed views related to a proposed amendment on delegation authority of the Minister, while there was strong support across all participant groups for provisions for environmental liabilities and associated clean up and decommissioning.

Under the **'Significant Discovery'** theme, a strong majority of participants favoured changing the current system. There was support from most groups for term limits on SDLs, renewal conditions for the extension of SDLs, and for limiting the geographic size of SDL areas. There was little support for limiting exploration rights for SDL holders to a specific geological formation.

Several other themes emerged from the engagement that fall outside of the three themes under which legislative amendments were proposed by the GNWT. These included the importance of associated socio-economic benefits accruing to the people of the NWT, the need for ongoing public engagement, and the importance of balancing environmental protections with a competitive business environment. Climate change considerations were also highlighted as an important factor.

For further background, please visit Engage-ITI.ca/PetroLeg.

Sommaire

Le projet

La gestion, l'exploration et l'exploitation des ressources pétrolières des Territoires du Nord-Ouest (TNO) sont régies par deux lois, soit la *Loi sur les hydrocarbures* et la *Loi sur les opérations pétrolières*, rédigées dans la lettre et l'esprit de la réglementation fédérale en vigueur lors du transfert des responsabilités.²

Le gouvernement des Territoires du Nord-Ouest (GTNO) procède actuellement à la modernisation de ces deux lois afin d'accroître la transparence et de veiller à ce que les TNO soient prêts à tirer profit de futures opérations pétrolières. Il s'agit d'un premier pas vers un examen global et non pas d'une refonte : la portée de ces modifications législatives se limite aux besoins immédiats des TNO.

Dans le cadre de ce processus, on a rédigé un document de discussion qui cerne les points problématiques et recommande 14 mesures ou ensembles de propositions pour moderniser le cadre législatif ténoin sur les opérations pétrolières et gazières. Chaque mesure recommandée vise au moins un des objectifs suivants :

- Résoudre les problèmes administratifs et techniques existants afin de créer un cadre réglementaire plus homogène et prévisible.
- Améliorer la transparence et la responsabilité publique dans la *Loi sur les hydrocarbures* et la *Loi sur les opérations pétrolières*.
- Veiller à ce que la législation tienne compte des risques, des pratiques exemplaires et des normes d'aujourd'hui.
- Réduire au maximum les obstacles opérationnels dans l'administration de l'attribution des droits sur les hydrocarbures et des opérations pétrolières et gazières.
- Améliorer notre compétitivité par rapport aux autres provinces et territoires et favoriser les investissements dans l'exploration et l'exploitation pétrolières et gazières aux TNO.

Ces propositions correspondent à trois catégories distinctes :

- Modifications administratives et techniques
- Transparence et responsabilité publique
- Attestations de découverte importante

Des changements précis sont proposés dans les deux premières catégories, mais l'approche adoptée pour les attestations de découverte importante est légèrement différente : plutôt que de formuler des propositions législatives précises, le gouvernement avance diverses options pour étayer l'élaboration de politiques à ce sujet.

² L'Entente sur le transfert des responsabilités liées aux terres et aux ressources des Territoires du Nord-Ouest de 2014 rend le GTNO responsable de l'administration et de la gestion de la majorité des terres publiques, des droits à l'égard des eaux et des ressources au territoire, ce qui était préalablement du ressort du gouvernement fédéral.

Mobilisation du public

Du 5 mars au 4 mai 2018, le ministère de l'Industrie, du Tourisme et de l'Investissement (MITI) a mené une vaste campagne de mobilisation.

L'objectif était de savoir ce que les gouvernements et organisations autochtones, les Ténois, l'industrie locale, les organismes non gouvernementaux et tous les autres intervenants pensaient des modifications législatives proposées de sorte à éclairer le processus législatif.

On a tenu des séances de consultation publique dans sept collectivités des TNO, soit :

- Fort Liard
- Fort Simpson
- Norman Wells
- Inuvik
- Hay River
- Réserve de Hay River
- Yellowknife (séances en anglais et en français)

Lors de leur passage dans ces collectivités, les représentants du MITI ont rencontré leurs homologues de divers gouvernements et organisations autochtones. Ceux qui ne pouvaient pas assister à ces séances ont eu la possibilité d'échanger avec les représentants du MITI par téléconférence. Pour veiller à ce que tout le monde ait l'occasion de participer, les soumissions étaient aussi acceptées sous diverses formes et recueillies par divers moyens :

- Portail de participation en ligne du MITI
- Sondages – en personne ou en ligne
- Réunions avec des intervenants ciblés
- Courriels
- Commentaires par écrit
- Téléphone
- Courrier
- Télécopieur

Résumé de ce qui a été dit

Au total, nous avons reçu 210 soumissions. Pour assurer une analyse rigoureuse de cette rétroaction, le MITI a retenu les services de Daitch and Associates, une société de consultants indépendante. On a employé des méthodes standard de recherche en sciences sociales pour analyser les données, cerner les thèmes clés et évaluer les sentiments des participants d'après leurs réponses. On a par exemple eu recours à des statistiques descriptives de données brutes et à des techniques de « codage » pour classer les données qualificatives de sorte à établir les tendances. De plus, on a évalué les commentaires des participants par rapport aux modifications législatives proposées dans le document de discussion public selon un indice d'acceptabilité.

Les soumissions ont été classées sous trois thèmes qui correspondent aux modifications législatives proposées. Le MITI a aussi pris note de commentaires importants qui ne portaient toutefois pas sur cette initiative législative afin de conserver cette rétroaction; elle servira de référence pour de futures modifications aux lois sur le pétrole et le gaz.

Ce rapport sur ce qui a été dit résume les conclusions clés pour chacun des trois thèmes des modifications législatives proposées, de même que d'autres commentaires relatifs au pétrole et au gaz.

Les participants étaient très favorables à toutes les modifications proposées sous le thème **Transparence et responsabilité publique**, dont une plus grande transparence sur la façon dont les responsabilités environnementales sont assumées, y compris dans le cas des sites mis hors service, et un accès facile pour le public à des renseignements en langage clair. Les participants à la consultation ont souligné la nécessité d'un juste équilibre entre le dévoilement de renseignements d'intérêt public et le respect de la confidentialité des renseignements exclusifs et sur les activités commerciales.

Sous le thème **Modifications administratives et techniques**, les participants avaient des points de vue partagés. L'indice d'acceptabilité de plusieurs des modifications proposées n'était pas concluant, les participants estimant que davantage d'information était nécessaire. Cela dit, ils étaient généralement favorables à l'adoption d'une approche réglementaire simplifiée, tout comme à la réduction des dédoublements dans le processus de réglementation. Les points de vue étaient toutefois mitigés sur la création d'un comité sur le pétrole et le gaz, tout comme sur la possibilité pour le ministre de déléguer son autorité, alors qu'on était fortement favorable aux dispositions sur les responsabilités environnementales et les activités de mise hors service et de nettoyage connexes.



Sous le thème **Attestations de découverte importante**, la grande majorité des participants étaient favorables à une modification du système actuel. La plupart étaient d'accord pour qu'on impose une durée aux attestations de découverte importante, ainsi que des conditions de renouvellement et une limite à l'étendue géographique applicable. Cela dit, peu jugeaient souhaitable de limiter les droits d'exploitation des détenteurs d'attestations de découverte importante à une formation géologique donnée.

Plusieurs autres thèmes ont ressorti des échanges sur les modifications législatives proposées par le GTNO; ils avaient trait, par exemple, à l'importance des avantages socioéconomiques connexes pour les Ténois, au besoin de la mobilisation constante de la population, et à l'importance d'établir l'équilibre entre la protection de l'environnement et le maintien d'un milieu propice aux affaires. On a aussi souligné l'importance de se préoccuper du changement climatique.

Pour plus d'information, consultez le site participation-MITI.ca/Loispetrolières.

Introduction

The Project

Management, exploration and production of the Northwest Territories (NWT) petroleum resources are governed by two acts: the *Petroleum Resources Act* (PRA) and *Oil and Gas Operations Act* (OGOA). These two acts were mirrored from federal legislation as part of devolution.³

As a first step towards a larger review, the Government of the Northwest Territories (GNWT) proposed changes to the PRA and OGOA aimed at modernizing the legislation to ensure the NWT is ready to responsibly benefit from petroleum production in the future. This is not an overhaul – the scope of these legislative amendments is focused on addressing the NWT's immediate needs.

On March 5, an engagement paper – Have Your Say: Updates to NWT Petroleum Legislation – was published, identifying issues and recommending 14 potential actions to modernize the NWT's oil and gas legislative framework to spark conversation.

Each recommended action outlined aimed to achieve one or more of the following goals:

- Resolve existing administrative and technical issues in order to create a more consistent and predictable regulatory environment;
- Enhance transparency and public accountability throughout the PRA and the OGOA;
- Ensure the legislation reflects current risks, best practices and standards;
- Minimize operational challenges in the administration of oil and gas rights issuance and operations; and
- Increase competitiveness comparative to other jurisdictions.

The amendments suggested in the engagement paper fell under three distinct themes:

- Administrative and technical;
- Transparency and public accountability; and
- Significant discovery licences (SDLs).

While specific changes were suggested for 'administrative and technical' and 'transparency and public accountability' amendments, the approach for SDLs was slightly different. Rather than presenting changes, several options were offered to inform further policy development related to SDLs.

³ The Devolution Agreement of 2014 transitioned the responsibility for managing and administering most public land, water and resources in the NWT from the federal government to the Government of the Northwest Territories.

Public Engagement

From March 5 through May 4, 2018, the Department of Industry, Tourism and Investment (ITI) engaged a wide variety of parties across the NWT to gain feedback and insights on these proposed changes.

This input, along with research and further consultation on Aboriginal and treaty rights in the context of proposed changes, will inform the legislation ultimately introduced in the Legislative Assembly.

This document summarizes what we heard from parties across the NWT during the engagement process. Input was received through a number of channels, which are detailed on the following pages.

Key themes are highlighted to indicate the most common issues and perspectives identified in the engagement process. A public favourability assessment based on all public engagement inputs for the 13 specific proposed amendments is included. SDLs were excluded from the favourability exercise as a range of options were presented, rather than specific legislative proposals.

Summary of Engagement

The public engagement process was conducted March 5 through May 4, 2018. ITI led the engagement process with support from a designated project team.

Multiple public engagement methods were used to engage a broad spectrum of parties across the NWT, including Indigenous governments and organizations (IGOs), regulatory authorities, industry, non-governmental organizations (NGOs), and the general public.

Outreach

To build awareness of the engagement, and ensure people had the information necessary to take part, outreach was a significant focus for the engagement team. This included an extensive, multi-platform advertising effort, invitations to engage, distribution of public education materials, social media updates, and e-blasts sent to a list of newsletter subscribers.

Table 1 Outgoing Engagement Actions – 1,622 total



⁴ Includes radio and newspaper advertisements.

⁵ Includes paid advertisements and organic posts.

Community Drop-in Sessions

ITI held community drop-in sessions in seven communities across all regions of the NWT to collect input on the proposed changes. The communities visited were:

- Fort Liard;
- Fort Simpson;
- Norman Wells;
- Inuvik;
- Hay River;
- Hay River Reserve; and
- Yellowknife (English and French language sessions).

Participants engaged with representatives and subject matter experts. Participants were encouraged to complete a survey (see next page and Appendix G) on site and were given comment cards to submit further feedback. All input was recorded by the engagement team.

Small Group Meetings

IGOs were informed ahead of the engagement team's community visits and offered opportunities to meet with officials from ITI to talk about the proposed changes.

Small group meetings were held with IGO representatives from all communities visited during this engagement period. Their input was collected by note takers present at each meeting.

IGOs unable to meet with the engagement team during community visits were offered teleconferences to discuss the proposed changes.

Stakeholder Workshops

ITI's team also conducted targeted workshops with a variety of organizations active in the NWT, including regulatory authorities, industry, and NGOs.

During the workshops, staff presented key information related to the engagement process and led brainstorming sessions with the participants. Results were recorded and entered into a central database.

Survey

A survey was distributed, both in person and online. The survey questions focused on the proposed changes from the engagement paper and helped generate quantitative data for consideration.

In turn, descriptive statistics were generated to identify response patterns and overall “what we heard” themes (*see the Methodology section for definitions and details*).

Online Engagement Portal

An online engagement portal served as a primary reference point for relevant information and engagement material. This included a document library with public outreach and education materials relating both to the engagement, and to oil and gas generally.

Key dates and timelines for the engagement were provided, alongside information regarding the engagement sessions. Parties could submit comments, fill out a survey, or ask questions using this portal.

Other Methods

The public could also make submissions through email, mail, fax, and telephone. ITI also received written submissions from several groups.

Submissions by the Numbers

In total, ITI received 210 submissions from a variety of groups. Each submission could have input on one or more of the themes. Overall, 258 pieces of input were received for consideration.

The following pages offer a graphic analysis of the engagement process.



Table 2 Submissions by Group – 210 total

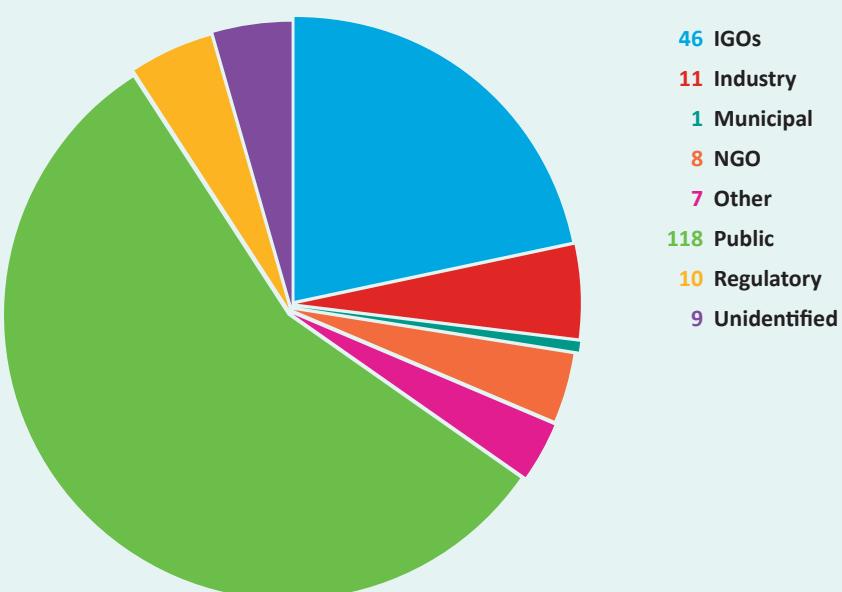


Table 3 Survey Count by Group – 87 total

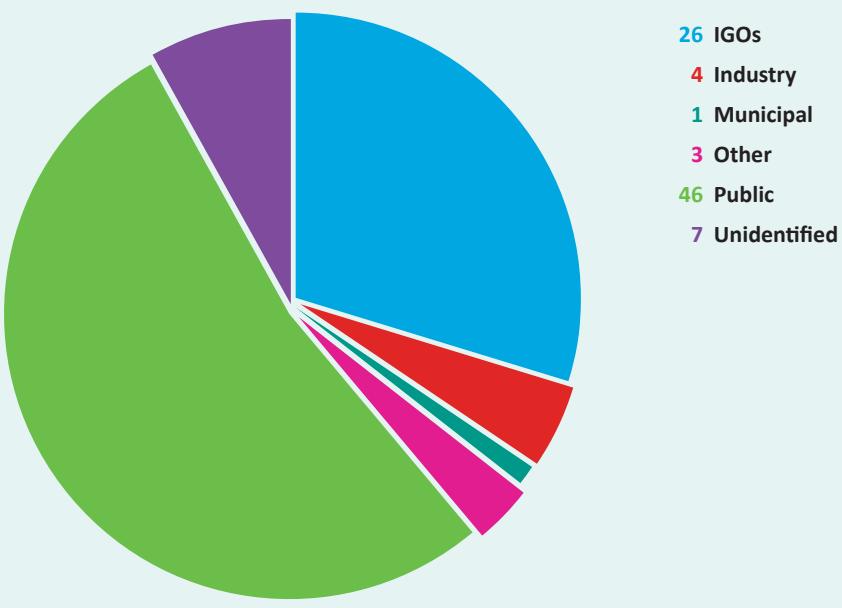


Table 4 Incoming Submissions by Method – 210 total

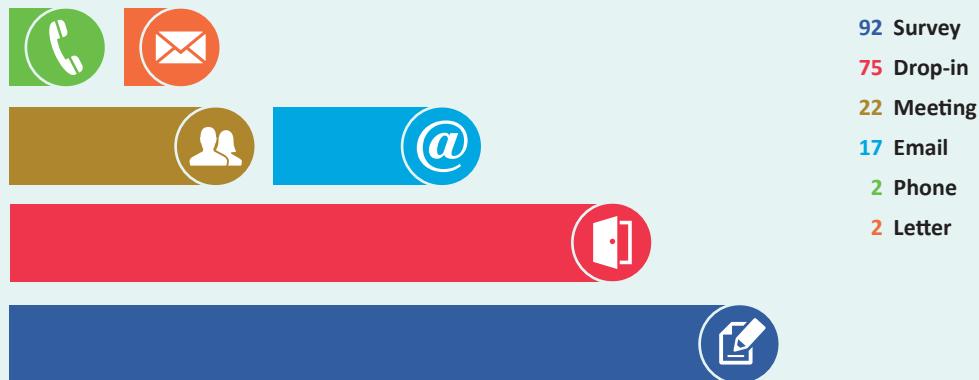


Table 5 Input by Theme – 258 total

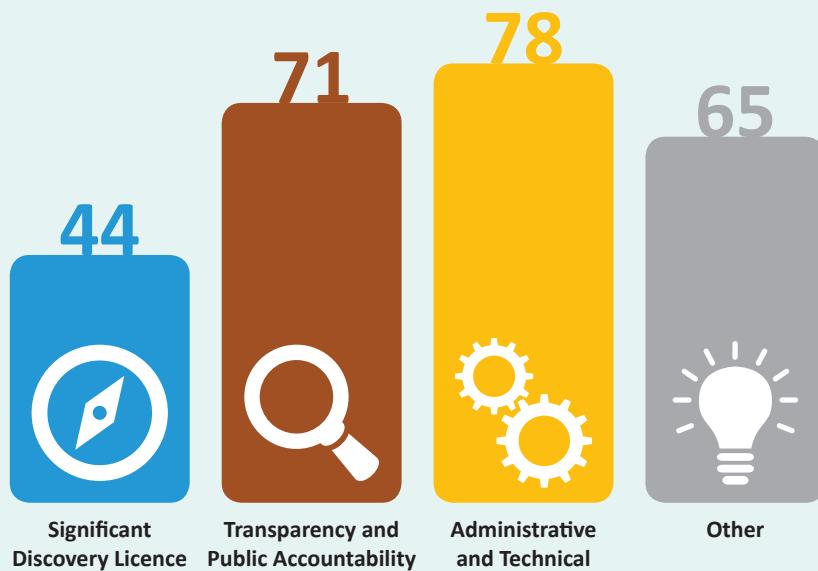


Table 6 Input by Theme and Group – 258 total

Topic	Group	Count
Significant Discovery Licences	Public	23
	Industry	4
	IGOs	7
	Regulatory Authorities	4
	Other	2
	NGO	3
	Unidentified	1
	Sub-total	44
Transparency	Public	34
	IGOs	14
	Industry	5
	Other	6
	Regulatory Authorities	5
	Unidentified	2
	NGO	5
	Sub-total	71
Administrative/Technical	Public	43
	IGOs	17
	Industry	3
	Other	5
	NGO	4
	Regulatory Authorities	4
	Unidentified	2
	Sub-total	78
Other	Industry	4
	IGOs	11
	Other	1
	Regulatory Authorities	4
	NGO	6
	Choose not to identify/unidentified	2
	Public	37
	Sub-total	65
TOTAL		258

Methodology

A robust, empirically-driven process is critical for analyzing the results of public engagement. This helps ensure outcomes of the engagement are fully understood and, ultimately, that parties' input is taken into consideration in amendments to the PRA and OGOA.

This section of the report presents an overview of the methods used to analyze the feedback collected by the engagement team through the various modes of engagement described in the Summary of Engagement section.

Third-party consulting firm Daitch and Associates was used to conduct a professional, independent review and analysis of this feedback.

Several standard social science research methods were applied to review and analyze the input collected by the engagement team, including the associated quantitative and qualitative data. The methods were further informed by an extensive review of similar public engagement reports prepared by public bodies across Canada.

For analyzing quantitative information – in this case, survey data and engagement counts – standard statistical analysis was used. Descriptive statistics were generated from the data, providing an enumerated summary of key stakeholder feedback. These statistics were reviewed and analyzed for patterns and trends, which in turn, helped determine key themes and sub-themes for inclusion in the *What We Heard* report.⁶

For analyzing qualitative data, 'coding' techniques were used, in which key words are used to tag and categorize open-ended feedback. This enables the identification of key themes based on the number of times a tag was used to categorize a response from the various modes of engagement.

For example, the 'environmental information' tag could be used for the following input obtained through an in-person, group discussion on transparency:

"The public should have better access to environmental information during oil and gas operations."

Public participant

⁶ Descriptive statistics are used to describe the basic features of the data in a study. They provide basic summaries about data that has been collected and stored. Together with simple graphics analysis, they form the basis of virtually every quantitative analysis of data. Source: *Web Centre for Social Research Methods*.

Findings from what we heard during the engagement process are presented in the What We Heard section of this report. This information is organized by the themes presented in the engagement paper:

- Administrative and Technical
- Transparency and Public Accountability
- Significant Discoveries

What we heard during the engagement process that is beyond the scope of the current legislative initiative is categorized as 'other'.

Based on the analysis of information collected, a colour rating was assigned to each legislative amendment proposed in the GNWT engagement paper. The colour rankings were assigned according to the classification system outlined in the table below.

Table 7 Classification for Public Favourability on Proposed Legislative Amendments

Classification	Favourability Assessment	Reasoning for Classification
	Respondents viewed the proposed amendment as favourable.	Survey responses show a strong preference in favour of an amendment and the qualitative feedback corroborates the sentiment.
	Respondents viewed the proposed amendment as somewhat favourable, somewhat unfavourable, or the respondents feel there are outstanding questions/issues to be addressed.	Mixed survey results, mixed preferences in the qualitative data, and/or outstanding questions/information related to the amendment.
	Respondents viewed the proposed amendment as unfavourable.	Survey responses showed a strong negative preference towards an amendment and the sentiment was corroborated in the qualitative feedback.

Through this analysis of favourability, ITI can better understand which proposed legislative amendments are on track, which ones may require further attention and consideration, and how ITI could focus future engagement and consultation.

What We Heard

This section will present a summary of what we heard during the engagement process on each of the themes in the Engagement Paper.

Administrative and Technical

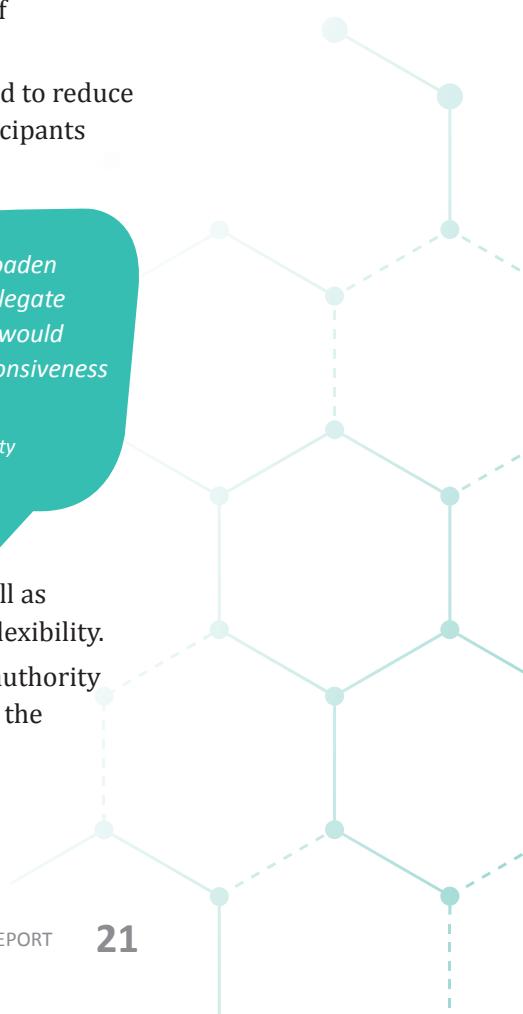
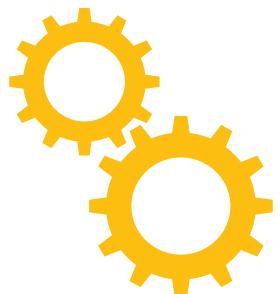
These proposed legislative changes were intended to address operational issues that have become apparent since devolution. Their intent is to help remove ambiguity in the legislation, and create a more consistent and predictable regulatory environment. Some proposed changes are also focused on providing decision-makers with increased flexibility in administering the Acts.

Key themes and findings are summarized as follows:

- There was strong support across all participants groups for the proposed amendments to the 'proof of financial responsibility' requirements for environmental liabilities. This was strongly confirmed both in the survey and the qualitative feedback.
- There was broad support for a streamlined regulatory approach. Numerous public, industry, regulatory authority, and NGO participants stated the importance of consistency in legislative and regulatory approaches.
- Many from industry, regulatory authorities, and the public expressed the need to reduce the duplication of effort in the regulatory process. Regulatory authority participants acknowledged the need for more flexibility in the regulatory process.
- There were mixed views related to reassigning the roles of an Oil and Gas Committee to the Regulator. Many participants required more information to form an opinion. Several participants across all groups raised the issue of preventing duplication of existing bodies' mandates (e.g. land and water boards).
- Regulatory authorities broadly expressed negative views related to the clarification of the responsible Minister under the Acts. It was viewed as unnecessary because existing statutes were sufficient as well as potentially problematic because it could result in a loss of authority and/or flexibility.
- Regulatory authorities had mixed views on provisions related to delegation authority of the Minister. Some participants felt provisions in place were sufficient and the changes were unnecessary. Some industry respondents suggested additional engagement on the topic.

"The recommendation to broaden the Regulator's ability to delegate its authorities under OGOA would increase flexibility and responsiveness in the regulatory regime."

Comment from Regulatory Authority



- ❖ Regulatory authorities saw amendments augmenting the Regulator's authority to issue guidelines and notices as welcome, although they suggested that they not be too prescriptive.
- ❖ There were mixed views related to the proposed amendment for updating the definition of a "pool". More engagement and work in this area was suggested.
- ❖ A common suggestion was to examine other jurisdictions' approaches so that the GNWT can establish best practices and promote a competitive environment.
- ❖ Several public, IGO, and industry participants emphasized the need for public information to be stored in a centralized online hub. Participants from IGOs emphasized the need for plain language in public information.

"Guidance and interpretation notes tend to be used to formulate policy. The examples I'm familiar with result in guidance that is obsolete almost from the moment it is written, or notes that cause new issues"

Industry participant

Transparency and Public Accountability

Amendments have been proposed to enhance transparency and public accountability throughout the PRA and the OGOA. This is intended to create a more transparent system, integral to both building public trust and transforming natural resource wealth into sustainable social and economic development.

Key feedback received was as follows:

- ❖ All respondent groups expressed the need for greater transparency requirements. This was strongly confirmed in both surveys and qualitative feedback received from participants. Participants from the public, IGOs, and regulatory authorities strongly expressed the need for improved transparency.
- ❖ Participants from the public, IGOs, regulatory authorities, and NGOs emphasized transparency surrounding environmental impacts, including associated environmental information and data.
- ❖ IGOs, regulatory authorities, NGOs, and members of the public emphasized the need for transparency surrounding environmental liabilities, including costs for rehabilitation, decommissioning, and abandoned wells.
- ❖ Several commenters from IGOs, regulatory authorities, NGOs, and the public emphasized transparency around water resources, including associated water quality.

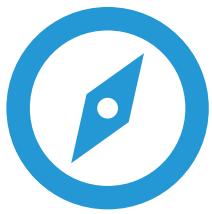
- Many participants from the public and industry communicated the importance of striking a balance between disclosing information that is in the public interest and maintaining the confidentiality of personal, proprietary, and competitive information.
- Members of IGOs, NGOs, and the public emphasized the need for greater public participation in decision-making processes. Some participants from the public emphasized that while public participation is important, it should not add unnecessary red tape or impede a competitive business environment.
- IGOs, NGOs, and the public underscored the need for promoting public awareness. This includes making information easily accessible, including online, and easy to understand. Industry participants expressed the need to provide context for public information.
- Several participants from the public, IGOs, and NGOs believed greater diversity and inclusion on the Environmental Studies Research Fund (ESRF) Management Board is needed. This includes greater public, Indigenous, and regional representation.
- Several participants from the public, IGOs, and NGOs suggested greater transparency around the governance processes of the ESRF.
- Several industry and regulatory representatives emphasized that existing processes for disclosing public information should not be duplicated. It was suggested that a gap analysis could be conducted to see which areas are not yet addressed.

“Building public trust and enhancing transparency, so residents better understand the operating dynamics and performance of companies, does not necessarily mean that all data and information must be publicly available.”

Industry participant

“...there ought to be a requirement to have Indigenous and/or land claim and/or traditional knowledge represented on the (Environmental Studies Research) Board. It would be a noticeable anachronism to have that gap in knowledge and understanding on the Board.”

IGO representative



Significant Discoveries

Currently, the PRA allows interest holders to obtain SDLs, which provide exclusive rights to very large areas of petroleum lands for an indefinite period of time without any obligation to work towards production. This creates a problem as land held under an SDL is rendered unavailable for any form of development – petroleum or otherwise.

A review of the PRA identified several potential options to address the issues related to significant discoveries. Some would require legislative amendment, while others would not. These options were presented for consideration in the engagement paper and raised throughout the engagement period.

Key feedback is summarized as follows:

- ⌚ A majority of participants favoured changing the current system surrounding significant discoveries; however, several industry representatives favoured the current system.
- ⌚ Most participants favoured term limits for SDLs, although many industry participants were opposed. Some public and industry participants advocated for considering the time required to develop suitable technology for development when setting term limits for SDLs. Some regulatory participants were against SDL term limits without prior changes to applicable definitions, like Significant Discovery Areas and Significant Discoveries.
- ⌚ Most respondents who favoured SDL term limits also favoured renewal conditions for SDLs.
- ⌚ Some representatives of IGOs and industry, as well as members of the public, favoured work requirements (e.g. drilling orders) as part of conditions to maintain SDLs. Many industry participants were opposed to this.
- ⌚ Some respondents from IGOs and the public indicated that socio-economic benefits should be a condition of SDLs.
- ⌚ Many respondents favoured limiting the geographic size of SDL areas.
- ⌚ Few participants preferred limiting the exploration rights for SDL holders to a specific geological formation. Respondents from regulatory authorities and industry saw this provision as potentially difficult and cumbersome to enforce.

"It is frustrating that the legislative practices over the last few decades under the federal government seem to have encouraged land holding rather than exploration in the resource sector."

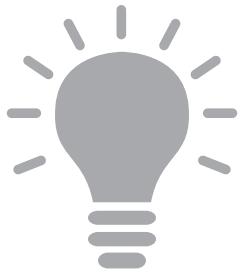
Industry participant

"A monopoly on a resource for an indefinite amount of time without any obligation to undertake any work is a ludicrous way to manage a public resource for the benefit of the public."

NGO representative

Other

This section reflects additional feedback on oil and gas, and its management, generally, shared by participants throughout the engagement. While this input fell outside the scope of the proposed legislative amendments, it is valuable and informative for future reviews.



This input included the following:

- 💡 Affiliates of IGOs and the public frequently spoke of the importance of socio-economic benefits accruing to the people of the NWT. This includes through local employment, benefits agreements, and royalty provisions.
- 💡 Respondents from IGOs and the public often emphasized the need for ongoing Aboriginal consultations. This includes the overall duty to consult, and consultations on land claims and treaty rights.
- 💡 IGOs and members of the public commonly highlighted the need for ongoing public engagement. This includes making information easily accessible and presented in plain language.
- 💡 Many identified greenhouse gas production and climate change impacts as important considerations in future oil and gas development.
- 💡 Respondents from IGOs, regulatory authorities, NGOs, and the public frequently expressed the need for further provisions for environmental protection.
- 💡 There was strong sentiment that balance must be struck between environmental protections and establishing a competitive environment.
- 💡 A number of representatives from IGOs and members of the public highlighted the importance of integrating traditional knowledge throughout oil and gas exploration and development.
- 💡 Participants from NGOs and the public emphasized the need for better understanding the environmental impacts of 'fracking' and liquid natural gas (LNG) production.
- 💡 Some respondents from IGOs emphasized the need for provisions surrounding public health impacts.

“...the GNWT should aim to incorporate clear limits on how much oil and gas activity can and will be allowed in order to meet our identified targets and climate change obligations.”

NGO participant

“Oil and gas exploration should be opened up in the Beaufort. If Norway can manage to maintain a pristine environment and their traditional ways, there is no reason it can't be done in the NWT. We are years behind.”

Public participant



Public Favourability on Proposed Legislative Amendments

As described in the methodology, a colour rating was assigned to each proposed amendment from the engagement paper.

To summarize:

- **Green** – Survey responses show a strong preference in favour of an amendment and the qualitative feedback corroborates the sentiment.
- **Yellow** – Mixed survey results, mixed preferences in the qualitative data, and/or outstanding questions/information related to the amendment.
- **Red** – Survey responses showed a strong negative preference towards an amendment and the sentiment was corroborated in the qualitative feedback.

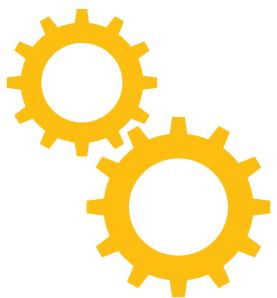
This analysis of favourability highlights where proposed legislative amendments align with participant views, which amendments the public sees as requiring further attention and consideration, and how government could shape the policy development process moving forward.

SDLs were not assigned a colour rating. This is because the approach to engaging on SDLs was more open-ended, with several options proposed for consideration rather than targeted legislative changes.

The following charts provides a summary of the favourability of the proposed amendments. Figure 1 and Figure 2 provide a visual summary.

For more detailed information regarding each of the 13 legislative areas where changes were proposed, see the engagement paper.

Proposed Amendment	Colour Ranking	Rationale
Administrative / Technical		
Authority to Issue Guidelines and Interpretation Notes		Over 82% of survey respondents were in favour of the amendment. The favourability was confirmed in the qualitative data, including workshops with regulatory authorities. Flexibility was a key sub-theme among regulatory authority participants. Some industry participants did feel the amendment was unnecessary because they felt existing processes are sufficient.
Clarification of Responsible Minister		This amendment was not included in the survey. Feedback from the workshop with regulatory authorities was negative. Regulatory authority participants felt the amendment was unnecessary.
Delegation Authority of the Minister		Approximately 73% of survey respondents were in favour of the amendment. Some 10% were not in favour and 7% needed more information to make a decision. Mixed views were offered during a targeted workshop with regulatory authorities.
Delegation Authority of the Regulator		Over 71% of survey respondents were in favour of the amendment, while 15% of the respondents were not in favour and 9% needed more information to answer the question. A targeted workshop with regulatory authorities raised several questions and issues for consideration.
Oil and Gas Committee		Over 65% of survey respondents were in favour of the amendment, while 14% were not in favour. Qualitative feedback from all other methods was mixed. Preventing duplication of effort was a key sub-theme.
Proof of Financial Responsibility		There was strong support across the board for provisions that ensure owners are held financially responsible for environmental liabilities related to decommissioning and clean up. This was strongly confirmed both in the survey (<91% in favour) and in the qualitative data.
Updating the Definition of “Pool” to Reflect Modern Technology		Over 72% of survey respondents responded favourably to the proposed amendment. Over 1 in 5 respondents needed more information to respond to the question. In addition, there were mixed views and several questions raised during the qualitative feedback. Additional engagement was suggested by several respondents.





Proposed Amendment	Colour Ranking	Rationale
Transparency and Public Accountability		
Confidentiality in the PRA and the OGOA		Engagement participants expressed strong support for transparency, both across several survey questions and the qualitative feedback.
Environmental Studies Management Board Composition		There was strong support in the qualitative feedback for increasing the size of the Board. Diversity and inclusion were key sub-themes related to Board composition.
Environmental Studies Research Fund		Over 87% of survey respondents were in favour of one pillar of the amendment, namely an annual report from the Fund with enhanced information. The other pillars of the amendment were not explicitly clear from the feedback received, although there was strong support for transparency in general.
Exploration License Transparency		Over 80% of survey respondents responded favourably to the survey question related to the proposed amendment. The favourability was confirmed in the qualitative feedback
Modernizing Publication of Regulation and Notices		About 84% of survey respondents responded favourably to the survey question related to the proposed amendment. The favourability was confirmed in the qualitative feedback.
Production License Transparency		About 84% of survey respondents responded favourably to the survey question related to the proposed amendment. The favourability was confirmed in the qualitative feedback

Figure 1
Favourability of Proposed ‘Administrative and Technical’ Amendments

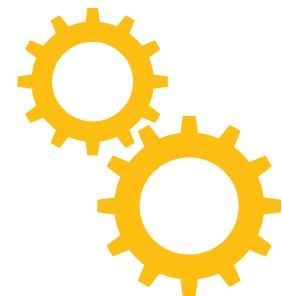
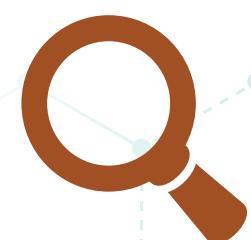


Figure 2
Favourability of Proposed ‘Transparency and Public Accountability’ Amendments



Government Response

This report provides a summary of the feedback received in response to the engagement paper released in March 2018. It documents what was heard in meetings with NWT residents, stakeholders, and IGOs about proposed changes to the PRA and OGOA. As such, it is one of several inputs that will be considered by the GNWT in the shaping of this important legislation.

The GNWT is pleased by the breadth of interest and response received throughout the engagement process. Part of its role moving forward will be to balance the perspectives raised in the engagement process in the interest of finding policy conclusions that fit the best interests of the NWT as a whole.

To this end, the GNWT also completed research on best practices across Canadian jurisdictions and internationally. Additionally, a scoping exercise has provided further insight on what is needed and what is possible within the NWT's current operating environment.

Internal cross-departmental engagements have also been completed and will ensure legislative amendments considered are aligned with the priorities of the GNWT at-large. They will also influence the eventual direction of the legislative drafting process.

This What We Heard report is not intended to provide final conclusions or recommendations. There is a defined legislative process through which proposals will move, and formal consultations on Aboriginal and Treaty rights must still be executed.

However, with research and engagement considered, the GNWT can offer the following high-level response to each of the themes in the engagement paper.

Administrative and Technical Amendments

The goal of these proposals is to close loopholes, bridge gaps, and generally modernize and streamline the NWT's oil and gas legislation.

The benefit of having an arm's length committee such as the Oil and Gas Committee as well as the importance of balancing the efficiency of increased flexibility with the need for an appropriate level of accountability is acknowledged.

Engagement has also opened up new discussions regarding the clarification of a responsible Minister.

The GNWT will continue policy development with these learnings in mind and come to an approach that addresses the goals of this legislative theme.

Transparency and Public Accountability Amendments

The core principle behind these proposed changes is greater openness from both government and industry.

Significant feedback was received on the importance of striking a balance between disclosing information in the public interest and maintaining the confidentiality of personal, proprietary, and competitive information.

Following a number of discussions, the GNWT agrees that there may be more effective ways to realize greater transparency than those identified for discussion in the engagement paper. Feedback received may, in fact, have identified a legislative solution not originally considered in the engagement paper. The GNWT is considering suggested adjustments to its approaches and proposed solutions.

The *National Energy Board Act* requires that a report on the activities of the National Energy Board be submitted and reported to Parliament on an annual basis. In the NWT, the Office of the Regulator of Oil and Gas Operations (OROGO) voluntarily files an annual report on its activities with the Legislative Assembly.

Based on feedback received during public engagement, the GNWT will consider strengthening this public accountability in legislation and making this filing a statutory requirement.

Significant Discoveries

The GNWT shares the broad consensus that the NWT's approach to managing significant discoveries must change in the best interests of all residents.

To fit with the GNWT's wider strategic goals, however, these interests must balance the NWT's goal to also attract private investment in oil and gas exploration.

While legislative changes will be proposed, the GNWT is also examining solutions that do not require legislation. These solutions could be implemented sooner than legislative amendments, but would be designed to complement eventual legislative changes related to significant discoveries.

Other Feedback

During the course of this engagement, the perspectives of NWT residents were heard across all areas of oil and gas development and not just in relation to this legislative initiative. This feedback has increased the government's understanding of how NWT residents feel about oil and gas development in the NWT.

Views and commentary will be retained to inform future reviews of oil and gas legislation and to spark new conversations that will further evolve the NWT's oil and gas regime.

What's Next?

This public engagement process was the second of six critical steps towards updating the NWT's oil and gas legislation, the first being the research that informed the engagement paper.

Next, an approach and policy rationale will be finalized for the proposed amendments based on the research and engagement. Draft legislative amendments will be developed with a goal to complete this drafting by fall 2018.

The fourth step is Aboriginal consultation. This consultation on potential impacts to asserted or established Aboriginal or treaty rights as they relate to this legislation will be completed with IGOs. The target for completion is January 2019.

Following these consultations, proposed amendments will be introduced to the Legislative Assembly.

The sixth and final step is implementation. This would include developing supporting regulations and policy documentation, training materials, and public awareness content.

Depending on what regulations need to be developed, amendments may take time to fully come into force as these rules take time to develop in addition to the legislation.

Contact

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For more information on the engagement process as well as the overall legislative review, please visit online engagement portal Engage-ITI.ca/PetroLeg



Appendices

Appendix A – Organizations represented at IGO meetings

Type of Organization	Organization
IGOs	Acho Dene Koe First Nation Dehcho First Nation Gwich'in Tribal Council Inuvialuit Regional Corporation K'atl'odeeche First Nation* Łíidłı́ Kúé First Nation Norman Wells Land Corporation Sahtu Secretariat Incorporated

*Small version of public session held on Hay River Reserve for two hours over lunchtime.

Appendix B – Organizations represented at NGO meetings

Meeting Details	Participants
Date: March 16, 2018; April 4, 2018 Venue: McCor Boardroom Location: Yellowknife, NWT	Alternatives North Council of Canadians – NWT Chapter Ducks Unlimited Ecology North Northern Air Transport Association

Appendix C – Organizations represented at regulatory board meetings

Meeting Details	Participants
Date: April 11, 2018 Venue: McCor Boardroom Location: Yellowknife, NWT	Mackenzie Valley Environmental Impact Review Board Mackenzie Valley Land and Water Board National Energy Board NWT Surface Rights Board Office of the Regulator of Oil and Gas Operations Wek'eezhii Land and Water Board

Appendix D – Organizations represented at industry session

Meeting Details	Participants
Date: March 20, 2018 Venue: Arctic Oil and Gas Symposium Location: Calgary, AB	Canadian Association of Petroleum Producers Conoco Phillips Canada Resources Corp. Enbridge Geo-Ken and Associates Husky Oil Limited Imperial Oil/ExxonMobil Canada West Paramount Resources Ltd. Shell Canada Energy Strategic Oil and Gas

Appendix E – Written submissions by organization/individual

This table presents all written submissions which submitters gave permission to publish. They are published online in full at Engage-ITI.ca/PetroLeg/Documents.

While they are being considered as policy development continues, they represent solely the views of their submitters, have not been independently verified, and do not reflect the opinions or policy intentions of the GNWT.

Organization/Individual
Canadian Association of Petroleum Producers
Council of Canadians – NWT Chapter
Ecology North
Imperial Oil Ltd.
NWT Office of the Regulator of Oil and Gas Operations
NWT Surface Rights Board
Inuvialuit Regional Corporation
Robert Bromley



Appendix F – Survey

1. What stakeholder group do you identify with?

- Public
- Aboriginal Governments
- Aboriginal Development Corporations
- Aboriginal Associations
- Designated Authorities
- Non-Governmental Organizations
- Municipal
- Proponents
- Industry Representatives
- Industry Associations
- Federal/Provincial/Territorial Government
- Trans-Boundary Groups
- Outside of NWT Participant
- Other
- Choose not to identify

Transparency and Public Accountability

2. Confidentiality in the PRA and OGOA

Should the PRA and OGOA allow for the release of more information regarding oil and gas activities in the NWT to increase transparency in all stages of oil and gas exploration and ensure residents remain properly informed? Would you be very, somewhat, not very, or not at all in favour of the GNWT amending the PRA and OGOA to ensure greater access to information about oil and gas operations in the NWT?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

3. Publication of an annual report by Environmental Studies Research Fund

Should the Environmental Studies Research Fund be required by law to publish every year a report outlining research activities and the financial statements and decisions made on an annual basis? Would you be very, somewhat, not very, or not at all in favour of the GNWT amending the PRA to require greater distribution of information regarding the ESRF and its activities on a yearly basis?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

4. Exploration Licence Transparency

Should there be greater information made available about the types of activities that take place when an Exploration Licence is in force, particularly the impact of seismic tests on communities and the environment? Would you be very, somewhat, not very, or not at all in favour of the *Petroleum Resources Act* requiring more information to be made available regarding exploration activities in the NWT in the form of an annual report?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

5. Modernizing publication of regulations and notices

a. Should notices related to oil and gas exploration in the NWT be made readily available and easily accessible in a central, online, public home? Would you be very, somewhat, not very, or not at all in favour of having increased access to this information when it comes to oil and gas activities in the NWT?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

b. Should amendments to regulations be required to be published online? Would you be very, somewhat, not very, or not at all in favour?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

c. Should changes to regulations be subject to a period of public review and comment?
Would you be very, somewhat, not very, or not at all in favour?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

6. Production Licence Transparency

Should key information about oil and gas production be made public? At the present time, the PRA has no requirements for interest holders to make public any information regarding the terms and conditions of Production Licences. Would you be very, somewhat, not very, or not at all in favour of requiring interest holders to disclose information relating to Production Licences, including current work programs, investments, reserve data, future work plans and any other changes during the life of a Production Licence in an annual report?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

Significant Discoveries

7. What option or combination of options should be chosen to address the issues related to significant discoveries under the Petroleum Resources Act (PRA)? If you wish, please explain your answer.

- Maintain the current system of managing significant discoveries
- Limit the size of the petroleum lands subject to an exploration licence
- Issue drilling orders to ensure companies do work on their interests
- Limit the size of significant discovery areas to an area equal to or less than the size of the area the company was originally exploring on when they found the significant discovery
- Limit how long significant discovery licences can be held
- Require renewal conditions for significant discovery licences
- Limit the exploration rights for significant discovery licence holders to a specific geological formation
- Eliminate significant discovery declarations and significant discovery licences from the PRA
- I need more information to answer this question
- Other (please explain)
- If you wish, please explain your choices

Administrative and Technical Amendments

8. The Definition of “Pool”

Should the definition of “pool” in the *Oil and Gas Operations Act (OGOA)* be updated to account for unconventional/shale petroleum resources? Would you be very, somewhat, not very, or not at all in favour of the GNWT amending the OGOA to have a separate definition of the term “pool” for shale petroleum resources in the NWT?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

9. Delegation Authority of the Regulator

Currently, the Regulator of petroleum resources — the Minister of Justice in the NWT — has limited ability to delegate powers and responsibilities to others. Would you be very, somewhat, not very, or not at all in favour of providing the Regulator the ability to hand down responsibility for performing tasks like issuing prohibitions, executing appeals, or taking on hearings to lessen administrative burden?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

10. Delegation Authority of the Minister

Should the Minister responsible for petroleum, in the NWT the Minister of Industry, Tourism and Investment (ITI), be able to delegate more powers or responsibilities to others — likely staff from the Department of ITI? Would you be very, somewhat, not very, or not at all in favour of the GNWT amending the *Oil and Gas Operations Act* and *Petroleum Resources Act* to allow designated people to respond to issues immediately?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

11. Restrictions on Guidelines and Interpretation Notes

Should the Regulator have expanded authority to issue and publish guidance and interpretation notes? Would you be very, somewhat, not very, or not at all in favour of the NWT amending the *Oil and Gas Operations Act* to better communicate expectations on rules and regulations for communities, industry, and other stakeholders?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

12. Oil and Gas Committee

Would you be very, somewhat, not very, or not at all in favour of the GNWT amending the *Oil and Gas Operations Act* to pass the responsibilities of the committee to the Regulator to appoint an independent advisory board whenever necessary, as a replacement for the inactive Oil and Gas Committee?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

13. Proof of Financial Responsibility

Should owners of wells be held financially responsible for their wells whether work is being done on their oil and gas interest (property) or not? Would you be very, somewhat, not very or not at all in favour of amending the *Oil and Gas Operations Act* to ensure the public is not left to cover the cost of cleaning up and decommissioning abandoned wells?

- Very much in favour
- Somewhat in favour
- Not very much in favour
- Not at all in favour
- I need more information to answer this question
- Other (please explain)

Appendix G – List of codes used for data analysis

Transparency and Public Accountability

- General transparency
- Environmental information
- Environmental liabilities
- Environmental impacts
- Water management, including water quality
- Keeping proprietary and competitive information confidential
- Public participation
- Public participation shouldn't be overly burdensome
- Inclusiveness and diversity on ESRF Board
- Public awareness/ease of access to information
- Prevent duplication of existing effort

Administrative/Technical

- Confidentiality of competitive information
- Prevent duplication of existing mandates
- Streamlined regulatory approach
- Consistency in legislation and regulations
- Environmental liabilities related to decommissioning, closure, and abandoned wells
- Questions around pool definition
- Flexibility for regulators and government
- Availability and ease of access to public information

Significant Discovery

- Term limits for SDLs
- Limiting geographic area for SDLs
- Work requirements to maintain licence
- Renewal conditions for SDLs
- Balance SDL term limits with time required to develop technology
- Socio-economic benefits as condition of SDL

Other

- General environmental protection
- Indigenous consultation and rights
- General public engagement
- Socio-economic benefits
- Climate change
- Safety and health provisions
- Traditional knowledge incorporation
- Better scientific understanding of 'fracking' and LNG production

