

BEAUFORT REGIONAL ENVIRONMENTAL ASSESSMENT

Oil Spill Preparedness and Response Working Group

Inuvialuit, Federal and Territorial Government Mandates and Roles for a Tier 3 Beaufort Sea Oil Spill Response

PREFACE

About the Beaufort Regional Environmental Assessment

The Beaufort Regional Environmental Assessment (BREA) is a multi-stakeholder initiative to sponsor regional environmental and socio-economic research that will make historical information available and gather new information vital to the future management of oil and gas exploration and development in the Beaufort Sea.¹ The BREA will help prepare governments, Inuvialuit, and industry by:

- ✓ filling regional information and data gaps related to offshore oil and gas activities; and
- ✓ supporting effective and efficient regulatory decision-making by providing scientific and socio-economic information to all stakeholders.

The BREA has six Working Groups which address regional issues associated with oil and gas activities and environmental assessment. The BREA Working Groups were established to implement specific program components and ensure that information contributes to the regulatory requirements for offshore oil and gas activity. They identify and recommend research priorities and studies: Oil Spill Preparedness and Response (sponsor of this report), Cumulative Effects, Climate Change, Socio-economic Indicators, Waste Management, and Information Management. Through these Working Groups, the BREA addresses regionally-relevant scientific and socio-economic information gaps that will inform regulatory processes and project-specific environmental assessments related to oil and gas activity in the Beaufort Basin.

Mandate of the Oil Spill Preparedness and Response Working Group

The mandate of the BREA's Oil Spill Preparedness and Response Working Group² is to identify ways to improve the ability of government, the Inuvialuit and industry to respond to a significant spill related to oil and gas activities in the Beaufort Sea by:

- ✓ engaging Inuvialuit and stakeholders and understanding their concerns;

¹ BREA website: <http://beaufortrea.ca>

² BREA Oil Spill Preparedness and Response Working Group website: <http://www.beaufortrea.ca/working-groups/oil-spill-preparedness-and-response/>. The Working Group members are from the following organizations: Aboriginal Affairs and Northern Development Canada (Co-chair), National Energy Board (Co-chair), Joint Secretariat, Inuvialuit Game Council, Canadian Association of Petroleum Producers, Canadian Coast Guard, Environment Canada, Fisheries and Oceans Canada, Government of Northwest Territories Department of Environment and Natural Resources, Transport Canada, Yukon Government.

- ✓ resolving knowledge gaps in order to assist development of a coordinated, tiered response plan including the consideration of oil spill countermeasures; and
- ✓ identifying research studies, workshops and training opportunities to educate and clarify government, Inuvialuit and industry roles.

Each offshore drilling company has the responsibility to anticipate, prevent, mitigate, and manage incidents and oil spills of any size and duration. The company must demonstrate it is able to fulfill this responsibility to a Canadian regulator like the National Energy Board (NEB). The Oil Spill Preparedness and Response Working Group will assist government organizations, like the NEB, to provide the oversight required to ensure that appropriate oil spill prevention, preparedness and response will be available. In addition, the Working Group will assist residents of northern communities who are concerned about impacts to harvesting and help community members understand what their response role might be in the event of an oil spill.

Two other studies have been supported by the BREA Oil Spill Preparedness and Response Working Group: *Dispersant Use in the Canadian Beaufort Sea, a Workshop* (available at www.beaufortrea.ca), and *Inuvialuit Community Spill Response Training in the Beaufort Region: Current Capacity, Projected Need, Realistic Roles and Gap Identification* (in progress).

Need and Purpose of this Report

The degree of coordination necessary to respond to an oil well spill depends on the severity of the incident. A spill that exceeds the capability of the well operator and any regionally-based oil spill response organization is sometimes referred to as a Tier 3 spill. A Tier 3 spill will likely require the support of national and international organizations and agencies as well as the services of larger oil spill response organizations. There is a need to clarify what response roles northern organizations might play in the event of a Tier 3 oil spill in the Beaufort Sea.

This report provides a first look at what some Inuvialuit organizations and federal and territorial agencies understand their roles might be in a response to a Tier 3 oil spill. This Report should be considered a preliminary step in creating a strategy for preparedness and response to oil spills from offshore oil and gas activities.

SUMMARY

The Oil Spill Preparedness and Response Working Group of the Beaufort Regional Environmental Assessment used a questionnaire survey to collect information from 21 Inuvialuit, federal and territorial government organizations about their anticipated mandates and roles in the event of a Tier 3 oil spill in the Beaufort Sea.

The Report looked at four broadly categorized groups:

- ✓ Inuvialuit and community organizations and one Inuvik non-government organization;
- ✓ the National Energy Board as the regulator for offshore oil and gas operations;
- ✓ federal departments and agencies and the Northwest Territories Water Board; and
- ✓ territorial governments and departments.

The survey responders told the Working Group about the following topics:

- ✓ their mandates;
- ✓ their anticipated response roles in a Tier 3 spill in the Beaufort Sea;
- ✓ their lead roles;
- ✓ the type of incidents they would expect their organizations to be part of in a coordinated response; and
- ✓ the incident types they would like to be informed about.

The organizations' mandates and roles cover a broad range, both related and non-related to the Tier 3 offshore spill scenario described in the survey questionnaire. Over 20 federal and territorial statutes were identified as providing mandate authorities for the organizations. Their roles would vary widely, from taking a lead role in directing a multi-jurisdictional team, to providing access to facilities like airstrips and office space. A number of agencies would participate by providing environmental protection advice, equipment and personnel, if available. A number of organizations have some of their roles documented in various Agreements, policy directives, plans and statements. All survey responders indicated that their organizations would like to be informed of any spill incident in the Beaufort Sea relevant to them (e.g., near their community, within their mandated jurisdiction, or that might require their assistance).

As revealed in the responses to the survey, a Tier 3 oil spill in the Beaufort Sea would involve numerous Inuvialuit, and federal and territorial agencies. To coordinate these multiple agencies across multiple jurisdictions with potentially overlapping mandates, the response would be coordinated through an incident management structure such as the Incident Command System (ICS) structure. The responses to the survey provide a basis on which to understand how the responding organizations would fit within an ICS.

ACKNOWLEDGEMENT

The BREA Oil Spill Preparedness and Response Working Group acknowledges the input to this report through completion of the oil spill preparedness survey questionnaire by the following organizations:

- Inuvialuit and Community Organizations
- National Energy Board
- Federal Department and Agencies
- Northwest Territories Water Board
- Territorial Governments and Departments

Golder Associates Ltd. assisted in the preparation of this report.

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1.0 Introduction

Geological formations that lie beneath the Beaufort Sea contain promising hydrocarbon deposits. The development of these resources is challenged by extreme climate, ice conditions, long periods of darkness, and remoteness. Regulatory boards have found a lack of preparedness of the government and drilling companies to deal with a major oil spill in the Beaufort Sea. Although Canadian offshore drilling in the Beaufort Sea began in the early 1970s, these factors have combined to delay commercial production in the Beaufort Sea except for a demonstration tanker load of oil which was shipped from the Amauligak field to Japan in 1986.³

In anticipation of a time when drilling for oil in the Beaufort Sea will re-emerge, the Oil Spill Preparedness and Response Working Group of the Beaufort Regional Environmental Assessment (BREA) initiative surveyed a number of organizations with responsibilities in the Beaufort Sea and adjacent land. The objective of the survey was to collect information about what the organizations understood their roles would be, or could be, in responding to a spill that exceeds the capability of the well operator and any regionally-based oil spill response organization. This type of event is referred to as a Tier 3 oil spill.

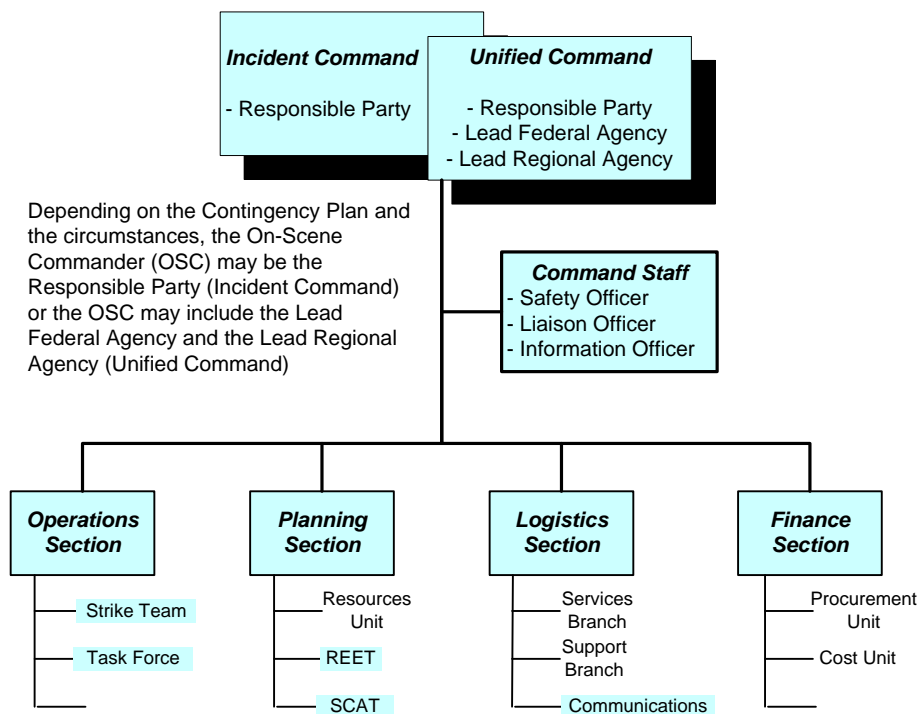
To collect this information, organizations were asked to respond to a survey about their roles. Responses were then interpreted within the context of an Incident Command System (ICS). This report reflects the results of that exercise, and describes what some Inuvialuit organizations and federal and territorial governments roles might be in the event of a Tier 3 or large oil spill from an offshore well. This information can contribute to further development of spill preparedness and response planning and communication by industry, the Inuvialuit and governments.

In the event of an oil spill in the Beaufort Sea, the drilling company associated with the spill would be the Responsible Party. In addition, many Inuvialuit and government organizations would have roles to play. These roles would range from directing and coordinating other organizations, to providing advice and assistance, and communicating with the organization's stakeholders.

An Incident Command System (ICS) is a mechanism to coordinate the multiple agencies with multiple responsibilities, capabilities and jurisdictions in the response to a Tier 3 oil spill. A simplified version of the ICS chart will be used in this Report to show where, in an incident command structure, the BREA survey responders could provide their input into response

³ LTLC Consulting and Salmo Consulting 2012

decisions (Incident Command or Unified Command). The command structure shown below is for illustrative purposes only. It is not a legislated requirement and any final command structure would need to be developed at the time of an application to drill or produce from an offshore well.



Simplified Incident Command System Structure

In the ICS, the Unified Command would likely consist of a representative from the Responsible Party (i.e., the company responsible for the oil spill), the Lead Federal Agency (for an oil well incident, this is likely the NEB), and the Lead Regional Agency. They would be supported by a safety officer, a liaison officer (to communicate with government agencies, landowners and stakeholders), and an information officer (i.e., media contact).

The Operations Section would manage the field response to the incident. The Planning Section would manage information about the incident and prepare action plans. Participants in the Planning Section would likely include the Regional Environmental Emergencies Team (REET). This team would be a multi-agency, multi-disciplinary group specializing in environmental emergencies. A REET is designed to provide consolidated and coordinated environmental advice, information and assistance in the event of an environmental emergency. REET members would represent several federal, provincial and municipal government departments, aboriginal communities, private sector agencies, and local individuals. A Shoreline Cleanup Assessment Technique (SCAT) team would focus on the marine/land interface. The Logistics Section would

manage the acquisition and mobilization of equipment, personnel, material and supplies. The Finance Section would be responsible for procurement and cost control.

Annex 7 contains another example of an ICS, used by the Alaska Regional Response Team.⁴

2.0 Information Gathering and Analysis

2.1 Survey Development

A National Energy Board (NEB) survey questionnaire, which was developed in 2010 for an offshore oil spill tabletop planning exercise, was modified and sent out as a BREA survey questionnaire in early October 2012. (Annex 1 contains a copy of the questionnaire.)

The main survey questions or elements of the questionnaire addressed the following topics:

- ✓ the mandate or areas of responsibility for each organization;
- ✓ the authority for offshore spill response, if legislated;
- ✓ policies or agreements related to responding to offshore spills;
- ✓ the organization's anticipated role in the event of a Tier 3 incident;
- ✓ where, within a coordinated response or Incident Command Structure, the organization would expect to carry out its spill response role; and
- ✓ what type of incidents the organization would want to be informed of.

In the survey, there were brief references to "Incident Command System" and "Command Structure", although no questions specifically requested respondents to identify their position(s) in that framework.

2.2 Organization Selection

Members of the Oil Spill Preparedness and Response Working Group identified 45 organizations that they felt might have an interest in, or a role in, responding to a Tier 3 offshore oil spill in the Beaufort Sea. The survey questionnaire was emailed to representatives of each of those organizations, which were:

⁴ Alaska Regional Response Team 2002. Alaska Incident Management System Guide (AIMS) for Oil and Hazardous Substance Response November 2002 (Revision 1). Available at:
[http://www.dec.alaska.gov/spar/perp/docs/AIMS_Guide-Complete\(Nov02\).pdf](http://www.dec.alaska.gov/spar/perp/docs/AIMS_Guide-Complete(Nov02).pdf)

- ✓ each Inuvialuit Hamlet or Town's Mayor, Community Corporation, and Hunters and Trappers Committee;
- ✓ other Inuvialuit organizations like the Inuvialuit Regional Corporation, Inuvialuit Game Council, Inuvialuit Land Administration, and the Gwitch'in Tribal Council;
- ✓ the Mackenzie Delta Spill Response Corporation; and
- ✓ federal and territorial government departments or agencies with an interest or role in the Beaufort Sea offshore oil spill preparedness and response.

A list of organizations that were sent the questionnaire is provided in Annex 2.

2.3 Survey Response

By late November 2012, 17 organizations had responded to the BREA survey. In addition to those 17 responses, the Working Group had access to responses to the similar 2010 NEB survey, bringing the total number of non-repeated responses to 21 out of the 45 organizations surveyed.

Type of Organization	How Many	Responses Received in 2012 (BREA)	Additional Responses Used from 2010 (NEB)	Response Rate
Inuvialuit & Community Organizations & Non-government	27	4	1	19%
National Energy Board - Offshore Oil and Gas Regulator	1	1		100%
Federal Departments & Agencies & NWT Water Board	13	9	3	89%
Territorial Governments & Departments	4	3	0	75%
Totals	45	17	4	47%

Because individuals within the various organizations who completed the survey interpreted the questions differently, a range of responses was provided. Therefore, survey responses between organizations are not directly comparable.

2.4 Survey Analysis

A member of the Working Group compiled survey responses and then, based on the information provided in those responses, compiled the results and evaluated how each organization could contribute to a Tier 3 spill response within an ICS. The results of this work were presented in a

draft report to other members of the Working Group who provided comments on the draft report, which was then finalized by an outside consultant (Golder Associates Ltd).

3.0 Survey Results

Seventeen organizations responded to the 2012 survey and four additional survey responses from 2010 were used. Those responses were compiled and are presented in the following annexes:

- ✓ Annex 3 (Inuvialuit and Community Organizations);
- ✓ Annex 4 (National Energy Board);
- ✓ Annex 5 (Federal Government Departments and Agencies, and Northwest Territories Water Board); and
- ✓ Annex 6 (Territorial Governments and Departments).

Survey responses varied in detail from one organization to the other. The responses reflected the opinions and knowledge of the individuals who completed the questionnaires and do not necessarily reflect departmental positions.

The following sections describe the responses of each of the four respondent groups. Each section discusses the following topics:

- ✓ the organizations that responded to the survey;
- ✓ the organizations' areas of responsibility (i.e., their mandates), and policies and authorities (e.g., legislation and agreements) related to responding to offshore spills from oil and gas exploration and production;
- ✓ the roles that the respondents anticipated their organizations would have in responding to an oil spill;
- ✓ under what circumstances the organization would have a lead role in the oil spill response;
- ✓ what role(s) the organization would be likely to fill in an ICS; and
- ✓ what types of incidents the organization would like to be informed about.

3.1 Inuvialuit and Community Organizations

Four Inuvialuit and community organizations completed the survey questionnaire:

- ✓ the Inuvialuit Land Administration;
- ✓ the Joint Secretariat (2010);
- ✓ the Paulatuk Hunters and Trappers Committee; and
- ✓ the Hamlet of Ulukhaktok.

In addition to these Inuvialuit organizations, the survey response from the Inuvik-based Mackenzie Delta Spill Response Corporation, which is a non-profit organization funded by oil and gas companies operating within the Mackenzie River delta, is also included with the responses from the Inuvialuit organizations.

Mandates

For the Inuvialuit and community organizations, the principle mandate is safety, and management and protection of wildlife and wildlife habitat. The Inuvialuit Land Administration, for example, has a mandate to ensure proper clean-up of contamination if an offshore oil spill reaches Inuvialuit Private Lands. The Inuvialuit organizations were clear that their mandates come from the *Inuvialuit Final Agreement*. As well, in the event of an offshore oil spill or its impacts, additional response mandates could come from other legislation, including the *Civil Emergency Measures Act* and the *Hamlet Act*.

Anticipated Response Roles

During a response, Inuvialuit organizations might provide assistance in several ways by:

- ✓ participating on the Arctic Regional Environmental Emergencies Team (REET);
- ✓ participating on Shoreline Cleanup Assessment Technique (SCAT) teams;
- ✓ providing environmental monitors and guides;
- ✓ providing guidance about wildlife; or
- ✓ providing heavy equipment, boats, motors and snow machines.

The Joint Secretariat and the Paulatuk Hunters and Trappers Committee expect they may need to be involved in first response.

Lead Roles

The *Inuvialuit Final Agreement* provides for, among other things, "...the Inuvialuit to be equal and meaningful participants in the northern and national economy and society and to protect and preserve the Arctic wildlife, environment and biological productivity ...". Inuvialuit organizations recognize that the responsible party (i.e., the company whose drilling activities resulted in the spill) would be the lead for an oil spill in the region. However, the Inuvialuit Land Administration could assume the lead role for activities on Inuvialuit Private Lands.

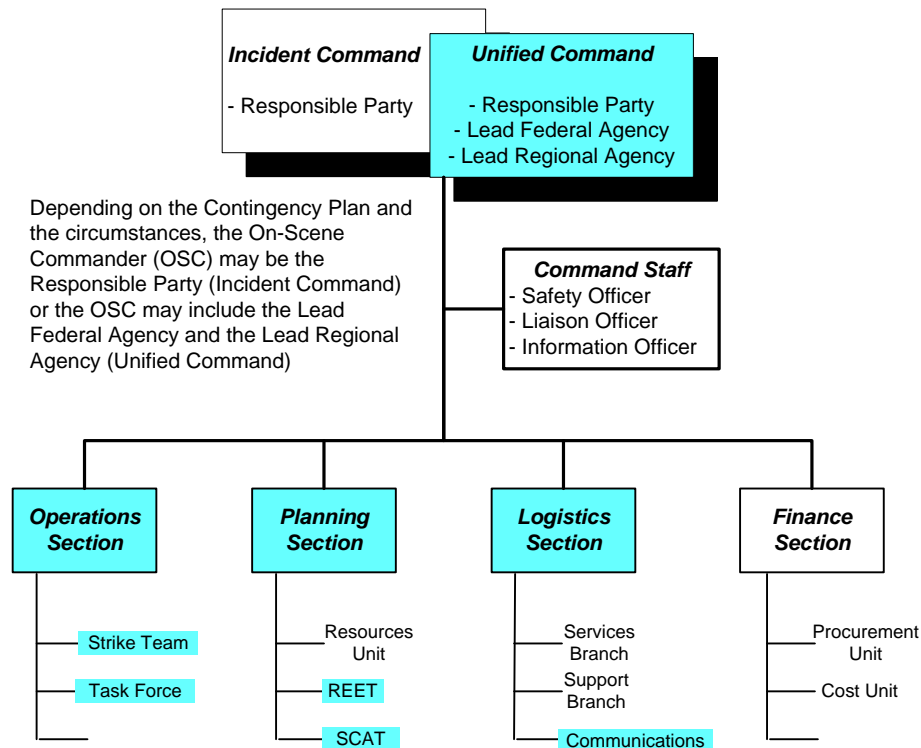
Roles Within a Coordinated Response or Incident Command Structure

The Joint Secretariat and the Paulatuk Hunters and Trappers Committee both indicated that they would participate in a coordinated response for hydrocarbon and other hazardous and noxious

substance spills. The Inuvialuit Land Administration would expect to work alongside the preexisting top level of Incident Command if the spill affected Inuvialuit Private Lands.

Where Inuvialuit people are trained and qualified, they could participate in an ICS in one or more positions:

- ✓ as part of a Unified Command that decides on the spill response actions to be taken;
- ✓ as part of a Planning Section, Environment Unit, Arctic REET or shoreline cleanup assessment technique (SCAT) teams that recommends environmental protection objectives in an incident action plan;
- ✓ as part of an Operations Section Strike Team, Task Force or other function; and
- ✓ as part of a Logistics Section to identify available local equipment for spill responders.



Possible Roles for Inuvialuit Organizations in an Incident Command System Structure

Organizations Want to be Informed

Some Inuvialuit organizations (i.e., Joint Secretariat and Inuvialuit Land Administration) would like to be informed of activities associated with any contaminant spill in the Beaufort Sea; hamlets are specifically interested in receiving information about spills close to the community or that could affect sea mammals.

3.2 National Energy Board – Regulator for Offshore Oil and Gas Activities

The National Energy Board (NEB) regulates Arctic offshore oil and gas operations and is the Lead Agency in the event of a spill incident in the Beaufort Sea from those operations.

Before a company can drill an exploratory well or carry out oil and gas production operations, it must receive an Operations Authorization from the NEB. A spill contingency plan and other plans must be submitted with each application for an Operations Authorization. The NEB requires the applicant to demonstrate that adequate oil spill response infrastructure will be in place to respond to and mitigate the environmental impacts of a worst-case spill.⁵

Mandate

The NEB regulates offshore oil and gas operations under the *Canada Oil and Gas Operations Act*, the purpose of which, among other things is to promote safety, protection of the environment and the conservation of oil and gas resources.

The NEB evaluates the effectiveness of a company's spill contingency plans and spill response exercises and is the Lead Agency for a coordinated agency response in the event of an oil spill.

Lead Role

Pursuant to the "Northwest Territories and Nunavut Spills Working Agreement", which includes the Arctic offshore in its geographic scope, the NEB is the designated Lead Agency for spills on water at oil and gas exploration and production facilities. Under the *Canada Oil and Gas Operations Act*, the NEB's Chief Conservation Officer can authorize any person to take control of the management of the emergency response if a company is not responding adequately to a spill.

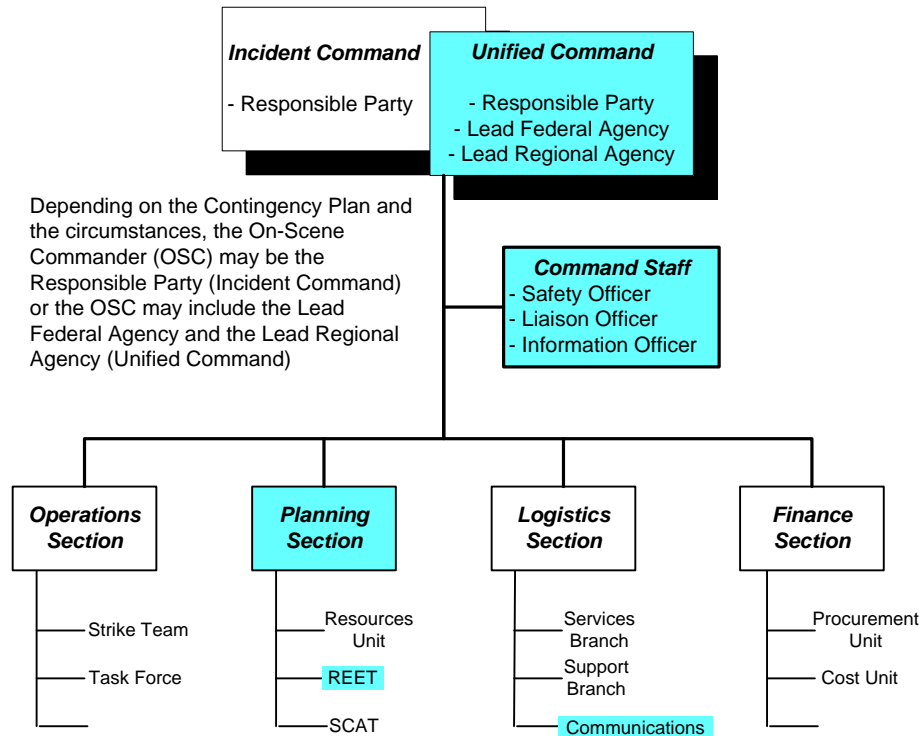
Roles Within a Coordinated Response or Incident Command Structure

Within the Incident Command (top level of the Incident Command Structure) the NEB would have an Incident Commander, a Government Agency Coordinator and support staff.

At the NEB's Emergency Operations Centre and at the incident site or incident command post, the NEB would have a manager or On-Scene Commander and support staff such as:

⁵ NEB Arctic Offshore Drilling Review, 2011 [www.neb-one.gc.ca](http://www.neb-one.gc.ca/web/site/link/http://www.neb-one.gc.ca/clf-nsi/rthnb/pplctnsbfrthnb/rctcfffshrdrlngvww/fnlrprt2011/fnlrprt2011-eng.html) web site link: <http://www.neb-one.gc.ca/clf-nsi/rthnb/pplctnsbfrthnb/rctcfffshrdrlngvww/fnlrprt2011/fnlrprt2011-eng.html>

- ✓ Emergency Management Specialists;
- ✓ Coordinator of government agencies and Inuvialuit organizations;
- ✓ Safety Officer / Chief Safety Officer;
- ✓ Conservation Officer; and
- ✓ Public Information Officer / Communications Officer.



Possible Roles for the National Energy Board in an Incident Command System Structure

The NEB would be a participant within a coordinated response for a spill from a vessel in support of an offshore oil and gas activity.

NEB Wants to be Informed

In cases where the NEB is not the Lead Agency, it would want to be informed about any spill near an NEB-regulated facility or from a vessel in support of an offshore oil and gas activity.

3.3 Federal Government Departments and Agencies and Northwest Territories Water Board

The nine federal departments and agencies that completed the 2012 BREA survey questionnaire are:

- ✓ Aboriginal Affairs and Northern Development Canada;
- ✓ Environment Canada;
- ✓ Northwest Territories (NWT) Water Board;
- ✓ Canadian Coast Guard;
- ✓ Fisheries and Oceans Canada Fisheries Protection;
- ✓ Parks Canada Agency;
- ✓ Public Safety Canada;
- ✓ National Defence Joint Task Force North (Defence Canada); and
- ✓ Transport Canada Marine Safety.

Additionally, information from the 2010 NEB survey questionnaire was captured for three other federal departments and agencies:

- ✓ Public Health Agency Canada;
- ✓ Royal Canadian Mounted Police (RCMP); and
- ✓ Transport Canada Operations and Environment.

The 12 departments and agencies represent the largest number of survey responders in any survey category. Their mandates and roles cover a broad range, both related and non-related, to the Tier 3 offshore spill scenario described in the survey questionnaire.

Survey responses varied in detail from one organization to the other. The responses reflected the opinions and knowledge of the individuals who completed the questionnaires and do not necessarily reflect departmental positions.

Mandates

In all, representatives of the federal agencies identified at least 17 federal statutes as providing legislated authorities such as environmental assessment and protection, safety, and emergency management. These statutes establish the agencies with their mandates:

- ✓ Aboriginal Affairs and Northern Development Canada (Aboriginal Affairs) is responsible for the regulation of resource development as well as the protection of the environment and implementation of much of the Government of Canada's Northern Strategy.

- ✓ Environment Canada works to reduce consequences to the environment and can require that all reasonable and appropriate measures are taken to minimize the potential or real impacts to the environment and human health.
- ✓ The NWT Water Board provides for the conservation, development and use of waters for the residents of the Inuvialuit Settlement Region and NWT.
- ✓ The Public Health Agency of Canada coordinates the response, provides advice and assistance to provincial/territorial authorities for requests in the areas of public health, emergency health services, and emergency social services.
- ✓ Canadian Coast Guard's mandate is to be the Lead Agency for response to spills of oil and noxious substances from vessels and for mystery spills in Canadian waters. Canadian Coast Guard is the Canadian agency responsible for the implementation of the Canada-United States Joint Marine Pollution Contingency Plan which has an operational annex specific to the shared waters of the Beaufort Sea.
- ✓ Fisheries and Oceans Canada's mandate is to protect and conserve fish habitat in support of Canada's coastal and inland fisheries resources.
- ✓ Parks Canada protects and presents nationally significant examples of Canada's natural and cultural heritage.
- ✓ The Public Health Agency of Canada could provide emergency management services to Health Canada.
- ✓ Public Safety Canada's mandate is to keep Canadians safe from a range of risks such as natural disasters, crime and terrorism.
- ✓ The mandate for Joint Task Force North (National Defence) is to exercise sovereignty and contribute to safety, security and defence operation in the Canadian North.
- ✓ The RCMP provides policing services in and for the Northwest Territories.
- ✓ Transport Canada's Marine Safety mandate includes authority over vessels operating in Canadian waters and oil handling facilities (this includes spill prevention and spill preparedness activities for vessels and oil handling facilities in Canada), while its Operations and Environmental branch deals with the application and enforcement of *Navigable Waters Protection Act*.

Agreements, policy directives, plans and statements cited include:

- ✓ 1973 Cabinet Decision on Environmental Emergencies Activities;
- ✓ Canada-United States Joint Marine Pollution Contingency Plan;
- ✓ Canadian Coast Guard National Marine Spills Contingency Plan;
- ✓ Canada Wildlife Service, National Policy on Oiled Birds and Oiled Species at Risk;
- ✓ Canada's Northern Strategy;
- ✓ National Defence Canada Command Directive for Domestic Operations; and
- ✓ National Environmental Emergencies Contingency Plan.

Anticipated Response Roles

Many of the anticipated response roles are reflected in the mandates outlined above.

Aboriginal Affairs would support NEB as Lead Agency through the assistance of logistics, infrastructure, and communications and would share responsibility with other governments and government agencies for responding and monitoring hazardous material spills.

Environment Canada would provide timely and accurate scientific and technical advice and support, and would act as a resource agency to the Lead Agency (i.e., NEB). Environment Canada would also provide environmental priorities advice and support through the Arctic REET.

The NWT Water Board noted that it does not have a mandate or lead role in offshore spill response, however, should camps or infrastructure be needed on-shore during the response and subsequent clean-up there might be need for water licences from the Board.

The Public Health Agency of Canada Emergency Preparedness and Response section would act as a liaison between the territorial health department and its own Centre for Emergency Preparedness and Response in Ottawa during emergencies. During a Tier 3 oil spill scenario, the Agency would pay particular attention to potential health impacts of the oil spill, and support the territorial health department in its response to the health impacts.

The Canadian Coast Guard would provide support to the NEB for incidents in which the NEB is the Lead Agency. Support could be in the form of on-water spill response management, response planning, operations and logistics. Requests for support should be made in conformance with the Resource Agency activation protocols in the Canadian Coast Guard National Marine Spills Contingency Plan.

Fisheries and Oceans Canada would provide expert preparatory, real-time, and post-spill fisheries advice on priority areas for protection and impact assessment.

Parks Canada Agency could provide advice through the Arctic REET and assist with logistics and communications with respect to the use of existing airstrips and communications capability within Ivvavik National Park.

Public Safety Canada would coordinate and support the efforts of federal organizations ensuring national security and the safety of Canadians and would provide day-to-day coordination of regional emergency management activities.

Joint Task Force North is responsible for the establishment of continuing and effective liaison with the territorial Emergency Measures Offices, and territorial law enforcement agencies and other authorities responsible for planning and conducting civil emergency assistance operations.

Where an incident of significant magnitude might trigger civil unrest, the RCMP would respond to maintain law and order.

While Transport Canada's Operations and Environmental branch's role would be limited, Marine Safety would receive reports of marine incidents and could investigate for regulatory infractions and take legal action pending investigation outcomes.

Lead Roles

Although the NEB is the Lead Agency in the ICS in response to a oil and gas production and exploration incident, a number of federal government departments have a lead role in specific areas related to their mandates.

Aboriginal Affairs would assume the lead for spills on Crown land and spills at facilities permitted or licensed under federal legislation (e.g. mines, exploration projects, community water/waste facilities, hydro projects).

Environment Canada would be the lead when a designated federal Lead Agency is also recognized as a responsible party (e.g. if a Canadian Coast Guard vessel was responsible for a marine pollution incident).

Canadian Coast Guard would be the Lead Agency for spills of oil and noxious substances from vessels into Canadian waters and from foreign waters into Canadian waters.

In any incident that involves criminal activity, the RCMP would take the lead response role; i.e. if an oil spill was deliberate, then the RCMP would take the lead investigative role.

Transport Canada's Marine Safety would assume the lead role for all marine casualties (e.g., non-pollution events such as groundings and for the investigation of spills from a vessel or oil handling facility during a fuel transfer with a vessel).

Other federal government departments which do not have a lead role (e.g., Joint Task Force North) would support other agencies.

Roles Within a Coordinated Response or Incident Command Structure

A number of federal agencies indicated that they would be involved in a coordinated response or ICS in support of the Lead Agency.

Aboriginal Affairs could assist NEB in an offshore, pipeline or other oil and gas related spill, in particular in the communications and in monitoring and advisory roles, as well as local logistics, infrastructure, and local expertise.

Environment Canada could provide its science advice and recommendations through a planning function of the ICS or through the REET model.

The NWT Water Board would assist in whatever means it could.

The Public Health Agency of Canada could participate within a coordinated response when incidents with public health implications extend outside territorial borders.

Canadian Coast Guard would provide support as requested by the Lead Agency, most likely in the area of on-water spill response management, planning, operations and logistics.

The two areas where Public Safety has a primary role are logistics and operations management, and public communications. Also, Public Safety would provide coordination of Federal Departments at the regional level within an ICS.

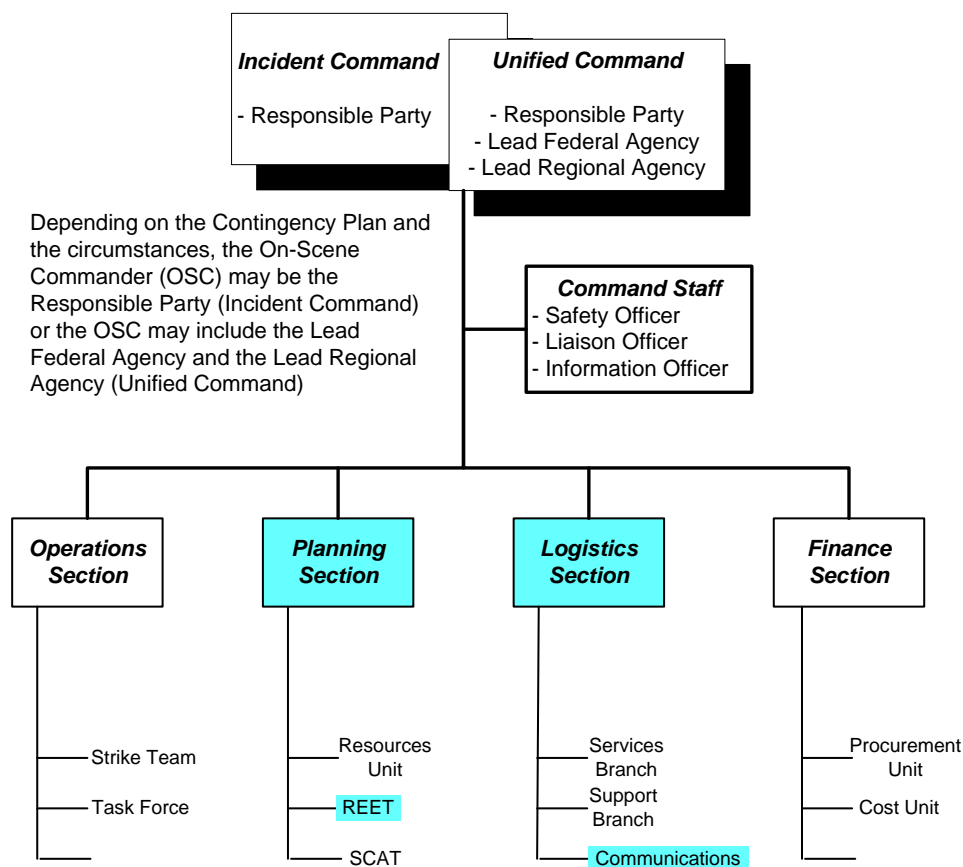
A number of command structure positions could be filled by Joint Task Force North including Liaison Officers within Unified Command, the Planning Section and the Logistics Section, as well as operation personnel and a Shoreline Cleanup Assessment Technique team.

The RCMP would participate within a coordinated response in any incident that resulted in a fatality and or significant environmental damage until it was determined that criminal activity was not involved.

Transport Canada's Marine Safety would provide marine technical advice to the On Scene Commander or as a member of the Arctic REET.

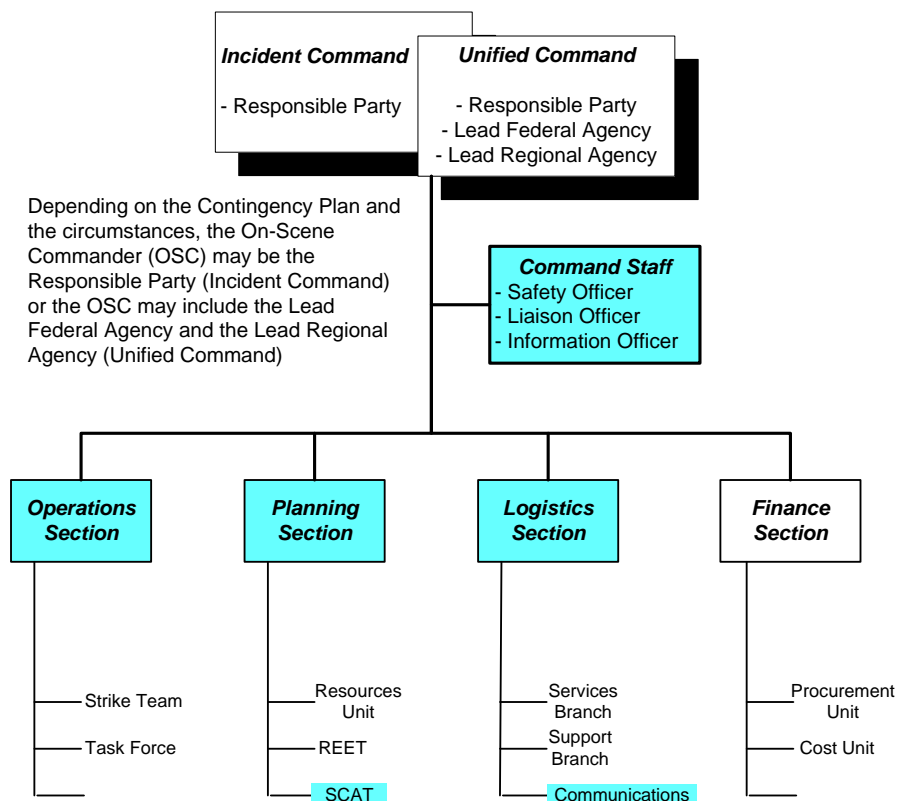
The roles for most federal departments, where their representatives are trained and qualified, would be to provide advice, often through the REET within the Planning Section. In addition to an advisory role, several departments and agencies wanted to be informed about spills so they

could keep their constituents informed about the response activities. The position of most federal departments in the ICS is illustrated below.



Possible Roles for most Federal Government Departments in an Incident Command System Structure

For three organizations, and depending on the circumstances, the role in the ICS structure could be greater. In addition to contributing to the Planning and Logistics sections, Joint Task Force North, Canadian Coast Guard and Public Safety Canada, could also participate as part of the Command Staff or within the Operations Section.



Possible Roles for More Involved Federal Government Departments in an Incident Command System Structure

Organizations Want to be Informed

Every federal department and organization wants to be informed of any spill or incident in the Beaufort region that affects the department's or organization's specific area of interest. (Details are provided in Annex 5.) In addition, organizations that can provide emergency expertise would need to be informed so they can provide the required assistance and advice.

All potential or ongoing release of pollutants in the environment in Canadian territory and Arctic waters should be reported to the Northwest Territories-Nunavut 24-hour Spill Report Line.

3.4 Territorial Governments & Departments

Two Government of Northwest Territories (GNWT) departments, Environment and Natural Resources and Municipal and Community Affairs; and the Government of Nunavut, Department of Environment provided responses to the survey questionnaires.

Both the GNWT and Government of Nunavut have jurisdiction for spills under their respective environmental protection acts. The *Northwest Territories – Nunavut Spills Working Agreement* designates these governments as the lead for spills on Commissioner's Lands within their respective territories.

For civil emergencies in Northwest Territories (NWT) communities, the GNWT's Public Safety Division, Municipal and Community Affairs, has emergency management and planning authority under the *Civil Emergency Measures Act*.

Several statutes and one Agreement provide authorities to territorial departments, including:

- ✓ the *Civil Emergency Measures Act*;
- ✓ the federal *Emergencies Act*;
- ✓ the *Northwest Territories Environmental Protection Act*;
- ✓ the *Nunavut Environmental Protection Act*; and
- ✓ the *Northwest Territories–Nunavut Spills Working Agreement*.

Nunavut also identified other Acts and programs that it applies within its jurisdiction.

Anticipated Response Roles

Territorial departments would have little to no direct legislated responsibility for response to incidents like an offshore oil well spill in areas regulated by federal authorities and outside territorial jurisdiction. If an interagency working group were to be convened by the lead regulator, the Government of Nunavut would want to participate.

In the NWT, the Department of Environment and Natural Resources would provide communications to NWT stakeholders, GNWT Minister, Cabinet, communities, and regional representatives. As well, Environment and Natural Resources would be involved if waste materials or in situ burning affected NWT mainland, or there were impacts to wildlife.

Lead Role

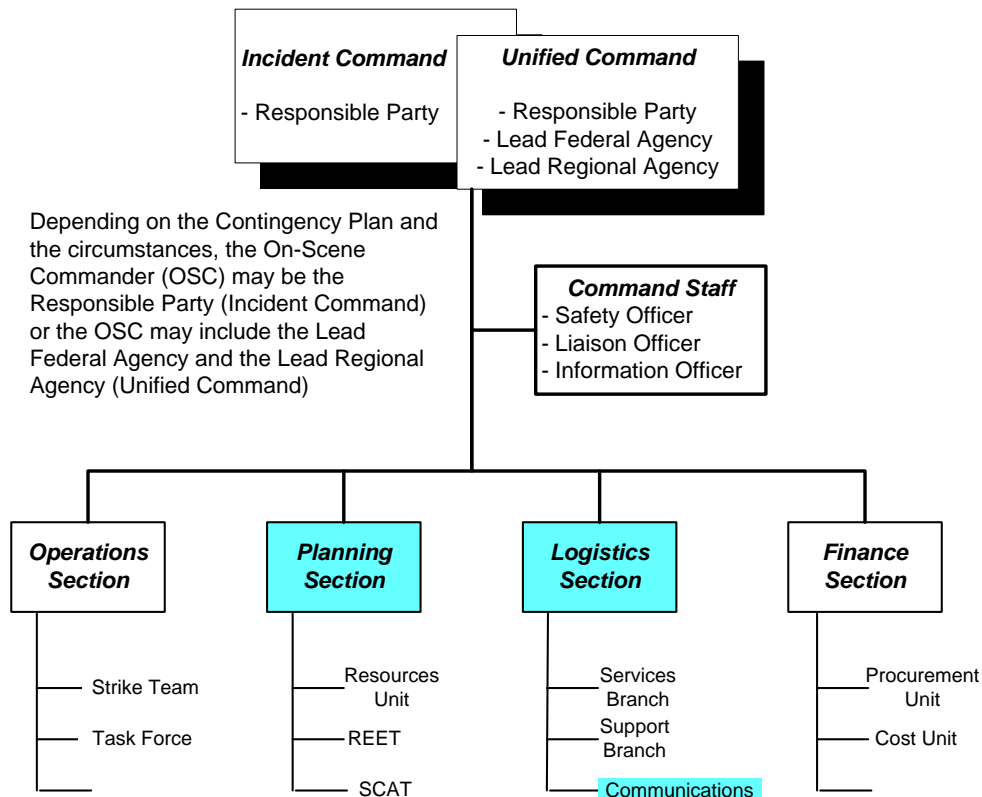
The territorial governments would not have a lead role in an offshore oil spill, but the Nunavut's Department of Environment, and GNWT's Department of Environment and Natural Resources, would take the lead role for any land-based spills on Commissioner's Land in their respective jurisdictions (as described in the *Northwest Territories–Nunavut Spills Working Agreement*).

In the NWT, the GNWT's Public Safety Division, Municipal and Community Affairs could have the lead role in a civil emergency if the region were not able to provide adequate assistance in a community emergency.

Role Within a Coordinated Response or Incident Command Structure

In the NWT, the Department of Environment and Natural Resources role in a command structure or coordinated response would include communications to NWT stakeholders, i.e., Minister, Cabinet, communities; regional representatives, and others. Environment and Natural Resources could see its involvement extended when the clean-up and any transfer of materials or impacts to NWT mainland related to waste management, in situ burning or impacts to wildlife, as this would overlap with its legislated and mandated responsibilities and programs.

In the NWT, the GNWT's Public Safety Division, Department of Municipal and Community Affairs would be the supporting agency should there be a civil emergency and provide assistance to the local and regional Emergency Response Committees. Nunavut has, on occasion, played a support role for spills at sea by providing the lead agency with local support such as providing contact information, brokering meetings and providing the use of office space.



Possible Roles for Territorial Governments and Departments in an Incident Command System Structure

Organizations Want to be Informed

In the NWT, Environment and Natural Resources would want to be informed of incidents which it would need to monitor or communicate to NWT stakeholders. It also has interests in any clean-up of materials or potential impacts to NWT mainland as this would overlap with its legislated and mandated responsibilities and programs.

The GNWT's Public Safety Division, Department of Municipal and Community Affairs, would want to be informed of any incident in the NWT or neighbouring areas where there was potential for the situation to escalate and require its involvement or have an effect on its communities.

The Government of Nunavut would gather information from the lead agency or responders and pass this along to its government members.

4.0 Conclusions

The 17 organizations which responded to the BREA's Oil Spill Preparedness and Response Working Group survey and the four organizations which previously responded to the NEB's survey about the organizations' possible roles in a Tier 3 oil spill in the Beaufort Sea demonstrated a wide range of mandates and depth of potential involvement in spill response.

Some organizations, most notably the NEB would have a Lead Role in directing a unified and coordinated response. Depending on the circumstances, Joint Task Force North, Canadian Coast Guard and Public Safety Canada might also play a role in directing the overall response.

A larger number of organizations have mandates that would place them in a lead response role under specific circumstances. For instance, although the Inuvialuit organizations do not have responsibility for spills in the marine environment, the Inuvialuit Land Administration would have a lead role should spills affect Inuvialuit Private Lands. Some federal government departments would have a lead role under specific circumstances related to issues such as the source of the spill.

Most organizations are in positions to provide assistance within an ICS. This assistance can take many forms, from providing advice and support through mechanisms such as the REET and SCAT, to providing logistical support such as access to equipment, offices and airstrips.

All organizations indicated a desire to be informed of spills that could affect their areas of responsibility in part so that they can share the information with their stakeholders.

The results of the survey provide an initial basis for further development of an ICS in preparation for future developing of drilling programs in the Beaufort Sea.

Annex 1 BREA Spill Response Mandates and Roles – Sample Survey Questionnaire

BEAUFORT REGIONAL ENVIRONMENTAL ASSESSMENT(BREA) REPORT INUVIALUIT ORGANIZATIONS AND FEDERAL AND TERRITORIAL AGENCIES OIL WELL SPILL RESPONSE MANDATES AND ROLES

QUESTIONNAIRE

RDIMS # 646993

The information gathered will be shared with survey participants and the public.

Oil Spill Response and Support Mandates

An oil spill in the Beaufort Sea region could potentially affect not only water quality and marine animals, but also shorelines, terrestrial ecosystems, air quality and human health and wildlife harvesting. In addition to oil spill response organizations (OSROs) that provide expertise, spill countermeasures techniques, equipment and human resources, there may be many other organizations that have a role in an effective spill response.

Trained and certified community members could:

- ✓ lead, or be a part of, a shoreline cleanup assessment team (SCAT),
- ✓ be environmental monitors,
- ✓ provide traditional knowledge through an Incident Command System, Environmental Unit or other unit, or
- ✓ be a part of the Incident Command itself.

Staging area permits or local equipment resources may be needed or required on short notice. This too may be an oil spill response role.

PLEASE FILL IN AS MUCH OF THE QUESTIONNAIRE AS POSSIBLE.

Section 1 - OIL SPILL RESPONSE MANDATE	
Inuvialuit Organization or Agency Name	
Mandate (areas of responsibility)	
Policy (related to responding to offshore spills from oil and gas exploration or production)	

Inuvialuit, Federal and Territorial Government Mandates and Roles for a Tier 3 Beaufort
Sea Oil Spill Response

Section 1 - OIL SPILL RESPONSE MANDATE

Authority (legislation/agreement)	
Legislative Reference or Agreement Reference (sections which outline authority and limits to authority in regards to oil spill or emergency response)	

Tier I, II and III Spills

The degree of coordination necessary to respond to an oil well spill may depend on the severity of the incident. A small spill that is within the response capability of the well operator, using onsite equipment and techniques, is sometimes referred to as a Tier I spill. A spill that only requires some additional regionally-based assistance, is sometimes referred to as a Tier II spill. A spill that exceeds the capability of the well operator and the regional assistance and requires the intervention of a capable Oil Spill Response Organization (OSRO) and national and international organizations and agencies, is sometimes referred to as a Tier III spill.

IN THE EVENT OF A TIER III SPILL, DESCRIBE WHAT FUNCTION OR ROLE YOU BELIEVE YOUR ORGANIZATION WOULD PLAY.

Section 2 - FUNCTION or ROLE DURING a SPILL or EMERGENCY INCIDENT

How do you see your organization's role in a response to an incident such as an offshore oil well spill?	
In what type of incident, if any, would your organization assume the lead role?	
In what type of incidents would your organization be a participant within a coordinated response?	
Where, within an Incident Command Structure would you expect your organization to carry out its spill response function?	

Inuvialuit, Federal and Territorial Government Mandates and Roles for a Tier 3 Beaufort
Sea Oil Spill Response

In what type of incidents would your organization want to be informed of activities associated with a response? (if your organization is not a lead agency or participant)	
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CONTACT INFORMATION			
Organization's Role	Name of the Position [e.g., On-scene Commander, Wildlife Monitor]	Contact Number(s) <u>Optional</u> [do not put in personal contact information]	Contact Timing (e.g. 24-hour on-call, work hours, etc.)
Lead [most often the company or federal agency]		Work: Cell: Fax: Email:	
Responder(s) [most often the company or spill response organization]		Cell: Office: Fax: Email:	
Participant(s) Role(s)		Cell: Office: Fax: Email:	

QUESTIONS	Yes /No	Describe
Does your organization want to participate in future emergency management exercises coordinated by government agencies?		
Are you aware of any organization we may not have included for this survey? (please provide contacts, if possible)		
Do you have existing Memorandum of Understanding (MOU) with other Agencies or organization with respect to responding to an incident/emergency?		

Annex 2 BREA Response Mandates and Roles for a Tier 3 Beaufort Sea Oil Spill Response - Survey Participants -

Organization		Organization	
Aboriginal Affairs and Northern Development Canada	✓	National Energy Board	✓
Aklavik Community Corp.		Northwest Territories Water Board	✓
Hamlet of Aklavik		Natural Resources Canada	
Aklavik Hunters and Trappers Committee		Olokhatomiut Hunters and Trappers Committee	
Canadian Coast Guard	✓	Parks Canada Agency	✓
Environment Canada	✓	Hamlet of Paulatuk	
Environmental Impact Screening Committee		Paulatuk Community Corporation	
Fisheries and Oceans Canada Fisheries Protection	✓	Paulatuk Hunters and Trappers Committee	✓
Fisheries Joint Management Committee		Public Health Agency Canada	✓
GNWT – Emergency Measures Office	✓	Public Safety Canada	✓
GNWT – Environment and Natural Resources	✓	RCMP	✓
Government of Nunavut	✓	Sachs Harbour Community Corporation	
Government of Yukon		Hamlet of Sachs Harbour	
Gwitch'in Tribal Council		Sachs Harbour Hunters and Trappers Committee	
Inuvialuit Game Council		Transport Canada Marine Safety	✓
Inuvialuit Land Administration	✓	Transport Canada Operations & Environmental	✓
Inuvialuit Regional Corporation		Tuktoyaktuk Community Corporation	
Inuvik Community Corporation		Hamlet of Tuktoyaktuk	
Inuvik Hunters and Trappers Committee		Tuktoyaktuk Hunters and Trappers Committee	
Town of Inuvik		Hamlet of Ulukhaktok	✓
Joint Secretariat	✓	Ulukhaktok Community Corporation	
Mackenzie Delta Spill Response Corporation	✓	Wildlife Management Advisory Council - NWT	
National Defence Canada Joint Task Force North	✓		

Annex 3 Mandates and Roles of Inuvialuit and Community Organizations

The four organizations that completed the survey are: the Inuvialuit Land Administration; the Joint Secretariat (2010); the Paulatuk Hunters and Trappers Committee; and the Hamlet of Ulukhaktok.

Although the Mackenzie Delta Spill Response Corporation, which is based in Inuvik, is not an Inuvialuit organization, it also does not fit within any government organization category. For the purpose of this Report only, it is included with the Inuvialuit organizations.

Organizations' Authorities and Mandates

- ☐ *Inuvialuit Final Agreement*;
- ☐ Municipal Corporation;
- ☐ *Hamlet Act*;
- ☐ *Emergency Act* with NWT;
- ☐ Safety of wildlife, management of wildlife, and habitat protection;
- ☐ Ensure proper clean-up of contamination if offshore oil spill made contact with the coast of Inuvialuit Private Land;
- ☐ Not mandated to respond to offshore spills from oil and gas exploration;
- ☐ No policy in the municipal emergency bylaw relating to offshore spills from oil and gas exploration or production.

Organizations' Anticipated Roles:

- ☐ First response; Participate in Arctic Regional Environmental Emergencies Team (A-REET);
- ☐ Participate in Shoreline Cleanup Assessment Technique (SCAT) teams;
- ☐ Capacity to assist oil spill response including Guides, boats, motors and snow machines;
- ☐ Community Corporation or Hamlet can assist the company [responsible party] with a cleanup;
- ☐ Hamlet can provide heavy equipment and other assistance;
- ☐ Keep abreast of the status of the oil spill and clean-up efforts;
- ☐ Monitor the course of the contaminants to be prepared should contaminants reach the coast of Inuvialuit Private Lands;
- ☐ ILA Environmental Monitor, to be hired by the responsible party, would be on shoreline site;
- ☐ Provide guidance in respect to the wildlife in the immediate area.

Lead Roles for the Organizations:

- ☐ If contaminants from an offshore oil spill made contact with the coast of Inuvialuit Private Lands, the ILA would assume the lead role for onshore activities;
- ☐ Company (responsible party) would be the lead in any oil spills within the region;
- ☐ No lead role unless first responders unable to do so;
- ☐ Environment incidents on land and search and rescue.

Organizations' Role within Incident Command Structure or Coordinated Response:

- ☐ ILA would expect to work alongside the preexisting top level of Incident Command;
- ☐ Joint Secretariat would participate within a coordinated response for hydrocarbon spills and other hazardous and noxious substances;
- ☐ HTC would participate within a coordinated response for search and rescue/community hunt;
- ☐ First responder to an oil spill situation on the sea/ocean.

Organizations Want to be Informed of These Incident Types:

- ☐ Company [responsible party] would have to inform the Hamlet if the oil spill was close to the community and would affect the sea mammals;
- ☐ Joint Secretariat and ILA expects to be informed of activities associated with all contaminant spills (hydrocarbon, and hazardous and noxious substances) in the Beaufort Sea;
- ☐ Ship to shore crew change/refuel/fuel storage areas.

Annex 4 Mandates and Roles of the National Energy Board Regulator for Offshore Oil and Gas Activities

Before a company can drill an exploratory well or carry out oil and gas production operations, it must apply to, and receive from the NEB, an Operations Authorization. A spill contingency plan must be submitted with each application for an Operations Authorization. In the NEB's Arctic Offshore Drilling Review, the NEB stated that, "At a minimum, the NEB will expect applicants to agree in writing to make public their ... contingency plans". "Any applicant will need to demonstrate to us that adequate oil spill response infrastructure will be in place to respond to and mitigate the environmental impacts of a worst-case spill."

NEB's Authority and Mandate:

- ☐ Sources of legislative authority include the *National Energy Board Act* and *Canada Oil and Gas Operations Act* (COGOA);
- ☐ The purpose of COGOA, among other things, is to promote safety, protection of the environment, and conservation of oil and gas resources;
- ☐ NEB regulates Arctic offshore oil and gas operations.

NEB's Anticipated Roles:

- ☐ NEB evaluates the effectiveness of a company's spill contingency plans and spill response exercises
- ☐ Lead Agency for a coordinated agency response in the event of an oil spill.

Lead Role for the NEB:

- ☐ Pursuant to the Northwest Territories and Nunavut Spills Working Agreement, which includes the Arctic offshore in its geographic scope, the NEB is the designated Lead Agency for spills on water, "at oil and gas exploration and production facilities";
- ☐ Pursuant to the COGOA, the NEB's Chief Conservation Officer can authorize any person to take control of the management of the emergency response if a company is not responding adequately to a spill;
- ☐ Board has regulatory oversight of incidents and near-misses such as:
 - a lost or restricted workday injury,
 - death,
 - fire or explosion,
 - loss of containment of any fluid from a well,
 - an imminent threat to the safety of a person, installation or support craft,
 - pollution,
 - any event that results in a missing person,

- any event that causes the impairment of any structure, facility, equipment or system critical to the safety of persons, an installation or support craft, or
- any event that causes the impairment of any structure, facility, equipment or system critical to environmental protection.

NEB's Role within a Coordinated Response or Incident Command Structure:

- ☐ Within the Incident Command (top level of the Incident Command Structure) the NEB would have an Incident Commander, a Government Agency Coordinator and support staff;
- ☐ At the NEB's Emergency Operations Centre and at the incident site or Incident Command Post, the NEB would have a Manager or On-Scene Commander and support staff such as:
 - Emergency Management Specialists,
 - Coordinator of government agencies and Inuvialuit organizations,
 - Safety Officer / Chief Safety Officer,
 - Conservation Officer,
 - Public Information Officer / Communications Officer;
- ☐ Participant within a coordinated response for a spill from a vessel in support of an offshore oil and gas activity.

NEB Wants to be Informed of These Incident Types, if not a Lead or Participant:

- ☐ NEB is the Lead Agency or participant.

Annex 5 Mandates and Roles of Federal Government Departments and Agencies and Northwest Territories Water Board

The nine federal departments and agencies that completed the 2012 BREA survey questionnaire are: Aboriginal Affairs and Northern Development Canada (AANDC); Canadian Coast Guard (CCG); Environment Canada (EC); Fisheries and Oceans Canada Fisheries Protection (DFO); National Defence Joint Task Force North (JTFN); Northwest Territories Water Board (NWTWB); Parks Canada Agency (PCA); Public Safety Canada (PSC); and Transport Canada Marine Safety (TC).

Additionally, information from the 2010 NEB survey questionnaire was captured for three other federal departments and agencies: Public Health Agency Canada (PHAC); RCMP; and Transport Canada Operations and Environment.

Organizations' Authorities and Mandates:

- ☐ AANDC responsible for the regulation of resource development as well as the protection of the environment;
- ☐ Canada's Northern Strategy: <http://www.northernstrategy.gc.ca/index-eng.asp>;
- ☐ *Northwest Territories Waters Act*;
- ☐ *Arctic Waters Pollution Prevention Act*;
- ☐ Canadian Coast Guard's mandate is to be the Lead Agency for spills of oil and noxious substances from vessels and for mystery spills in Canadian waters;
- ☐ *Oceans Act*;
- ☐ *Canada Shipping Act, 2001*;
- ☐ Letter from EC transferring responsibility for mystery spills in Canadian waters;
- ☐ Canada-United States Joint Marine Pollution Contingency Plan;
- ☐ Northwest Territories – Nunavut Spills Working Agreement;
- ☐ *Department of the Environment Act*;
- ☐ *Canadian Environmental Protection Act* (CEPA, 1999);
- ☐ *Fisheries Act*;
- ☐ *Migratory Birds Convention Act* (MBCA; Section 5.1);
- ☐ *Species at Risk Act* (SARA);
- ☐ EC works to reduce consequences to the environment and can require that all reasonable and appropriate measures are taken to minimize the potential or real impacts to the environment and human health;
- ☐ 1973 Cabinet Decision on Environmental Emergency Activities;
- ☐ National Environmental Emergencies Contingency Plan;
- ☐ CWS National Policy on Oiled Birds and Oiled Species at Risk (2000);

- ☐ To protect and conserve fish habitat in support of Canada's coastal and inland fisheries resources;
- ☐ *Canadian Environmental Assessment Act*;
- ☐ JTFN Mandate: exercise sovereignty and contribute to safety, security and defence operation in the Canadian North;
- ☐ DND policy found in Canada First Defence Strategy - support civilian authorities during a crisis in Canada such as a natural disaster;
- ☐ Military Administrative Law Manuel, Chapter 7, Provision of Defence Resource
- ☐ Treasury Board of Canada Policies;
- ☐ DND Canada Command Directive for Domestic Operation;
- ☐ 1994 White Paper on Defence, Chapter 4, Protection of Canada;
- ☐ *National Defence Act*;
- ☐ *Emergencies Act*;
- ☐ *Emergency Preparedness Act*;
- ☐ *Criminal Code of Canada*;
- ☐ Federal Policy for Emergency;
- ☐ Inuvialuit Final Agreement;
- ☐ MOUs exist with some agencies that provide emergency assistance (e.g., CCG, EC);
- ☐ The objects of the [NWT Water Board] are to provide for the conservation, development and utilization of waters in a manner that will provide the optimum benefit for all Canadians in general and, in particular, for the residents of any part of the Northwest Territories for which the Board is authorized to issue licences;
- ☐ Parks Canada protects and presents nationally significant examples of Canada's natural and cultural heritage, and fosters public understanding, appreciation and enjoyment in ways that ensure the ecological and commemorative integrity of these places for present and future generations;
- ☐ PHAC Coordinates the response, provides advice and assistance to provincial/territorial authorities for requests in the areas of public health, emergency health services, and emergency social services through its various resources (National Emergency Stockpile and Health Emergency Response Teams);
- ☐ *Emergency Management Act*;
- ☐ Public Safety Canada's mandate: To keep Canadians safe from a range of risks such as natural disasters, crime and terrorism;
- ☐ For public safety, the RCMP are contracted to provide policing services in and for the Northwest Territories;
- ☐ Territorial Police Services Agreement;

- ☐ Transport Canada Marine Safety's mandate includes authority over vessels operating in Canadian waters and Oil Handling Facilities (OHF) when engaged in fuel transfers with a vessel;
- ☐ Transport Canada Operations and Environmental deals with the application/enforcement of Navigable Waters Protection Act on Canadian Waters.

Organizations' Anticipated Roles:

- ☐ AANDC shares responsibility with other governments and government agencies for responding and monitoring hazardous material spills;
- ☐ AANDC would support NEB as lead agency in a Beaufort Sea spill scenario through the assistance of logistics, infrastructure, and communications, if requested;]
- ☐ CCG, as a potential resource agency, provides support upon request to the Lead Agency (NEB) in conformance with the activation protocols in the CCG National Marine Spills Contingency Plan;
- ☐ EC will provide timely and accurate scientific and technical advice and support to the emergency community;
- ☐ Emergency Support Function #5, #6 – Environment under the Federal Emergency Response Plan;
- ☐ Environment Canada would act as a resources agency to the lead agency (NEB or the board when it will be created). EC would provide environmental priorities advice and support including:
 - coordination of Arctic Regional Environmental Emergency Teams (A-REET) for environmentally significant spills,
 - spill trajectory modeling,
 - environmental sensitivity mapping,
 - Shoreline Clean-up Assessment Technique (SCAT),
 - ESTS – providing 24/7 scientific advice on fate and behaviour of spilled oil including spill modeling, spill countermeasures including shoreline treatment, oil sampling, monitoring and forensic analysis,
 - weather and ice forecasts,
 - impact assessment,
 - migratory bird and species at risk distribution and sensitivity, priority areas/species for protection, deterrent measures, capture, handling, rehabilitation and release (including necessary permits for these activities), and monitoring;
- ☐ In the event of a Tier III event EC would provide technical assistance to the MOE or CCG or other Lead Agency for spills including:
 - marine or aquatic spills,
 - when the Arctic REET is requested, and

- potential or actual violation of EC's mandated responsibilities;
- ❑ Providing expert preparatory, real-time, and post-spill DFO advice on priority areas for protection and impact assessment;
- ❑ DFO Fisheries Protection could be involved in Tier 1 to 3 due to its involvement in reviewing project proposals and being responsible for monitoring any Fisheries Act authorizations;
- ❑ DND's RJTF HQs are responsible for the establishment of continuing and effective liaison with each provincial and territorial EMO, provincial and territorial law enforcement agencies and other authorities responsible for planning and conducting civil emergency assistance operations;
- ❑ The NWTWB does not have a role in offshore spill response;
- ❑ Should camps or infrastructure be needed on shore during the response and subsequent clean-up there may be need for [NWTWB] water licences depending on water use and deposition of wastes;
- ❑ Parks Canada Agency can:
 - provide advice through the AREET on identification of key sensitive areas along coastlines within national parks,
 - assist with logistics/communications with respect to the use of existing airstrips and communications capability within Ivvavik National Park,
 - participate within a coordinated response in the event that an offshore spill threatened the coastline of a national park;
- ❑ The Minister of the Department of Health for Canada (Public Health Agency of Canada and Health Canada) is accountable for developing and maintaining civil emergency plans for public health protection, emergency health services and the well-being of Canadians;
- ❑ The PHAC Emergency Preparedness and Response section acts as a liaison between the territorial health department and PHAC's Centre for Emergency Preparedness and Response in Ottawa during emergencies;
- ❑ During [a Tier 3 oil spill scenario], PHAC would pay particular attention to potential health impacts of the oil spill, support the NWT department in their response to the health impacts as required;
- ❑ PHAC is responsible to provide emergency management services to Health Canada;
- ❑ Public Safety Canada:
 - coordinates and supports the efforts of federal organizations ensuring national security and the safety of Canadians,
 - led by the Regional Directors/EM Managers, collaborates with the provinces/territories,
 - provides day-to-day coordination of regional emergency management activities,

- Regional Public Safety Emergency Management manager co-chairs the local Federal Emergency Coordination Group (FECG) for Yukon, NWT and Nunavut,
- Public Safety Canada Regional Offices provide an interface for territorial Emergency Management Organizations. They also link operational and regional activities to the strategic/federal level within the Government Operations Centre. During a response, the Public Safety Canada Regional Office is the primary federal point of contact for the territorial emergency operations centres;
- ❑ In a major oil spill incident in the Beaufort Sea, unless the incident was precipitated by a criminal act, the RCMP would have little direct involvement in the actual response;
- ❑ An incident of significant magnitude may trigger civil unrest in impacted communities either locally or by environmental groups requiring the need for RCMP involvement to maintain law and order;
- ❑ There are a number of National and local level MOUs in place between the RCMP and various organizations;
- ❑ Transport Canada Marine Safety receives reports of marine incidents and investigates for regulatory infractions. Legal action may result pending investigation outcome;
- ❑ Transport Canada Marine Safety has the authority to direct vessels;
- ❑ Transport Canada Operations and Environmental's role would be limited, unless work unlawful then just approval of works with acceptable impact.

Lead Roles for the Organizations:

- ❑ AANDC is the Lead for spills:
 - on Crown land and spills at facilities permitted or licensed under federal legislation (e.g. mines, exploration projects, community water/waste facilities, hydro projects),
 - on sections of certain territorial highways or roads on ice surfaces, and
 - on water throughout the Territory;
- ❑ CCG Lead Agency for:
 - a response to spills of oil and noxious substances from vessels into Canadian waters,
 - a response to spills of oil and noxious substances from foreign waters into Canadian waters,
 - mystery spills in Canadian waters;
- ❑ Environment Canada would be the lead:
 - for terrestrial international trans-boundary spills as per the Canada-US Joint Inland Pollution Contingency Plan,
 - when a designated Federal Lead Agency is also recognized as a Responsible Party (e.g. CCG vessel is responsible for a marine pollution incident),

- when environment is not adequately protected, there are no other agencies with relevant authorities, and the event is under EC's jurisdiction (FA, CEPA 1999 and MBCA), or
 - where there is an agreement in place;
- ❑ The Department of National Defence acts "in support of" agencies vs. taking lead role. There are defence mandates that would require the DND to take lead role, but not in the context of oil spills;
- ❑ In any incident that involves criminal activity, the RCMP would take the lead response role i.e. if an oil spill was deliberate, then the RCMP would take the lead investigative role;
- ❑ Transport Canada Marine Safety would assume the lead role for all Marine Casualties and for the investigation of a "Ship Source Spills" i.e. from a vessel, or OHF during a fuel transfer with a vessel.

Organizations' Roles within a Coordinated Response or Incident Command Structure:

- ❑ AANDC could assist NEB in an offshore, pipeline or other oil and gas related spill, in particular in the communications and in monitoring and advisory roles, as well as local logistics, infrastructure, and local expertise;
- ❑ Where CCG is not the lead, it would provide support as requested by the Lead Agency. This would most likely be in the area of on water spill response management, planning, operations and logistics;
- ❑ Depending on the structure established by the lead agency, EC can provide its science through a planning function or through the Regional Environmental Emergency Team model;
- ❑ In the event of a Tier 3 offshore spill located in the Beaufort Sea, last resource [where DND / JTFN might be requested by the Territory of Emergency Measures Office] will be reach very quickly. [The following command structure positions could be filled:]
 - One JTFN Liaison officer (LO) within the Unified Command,
 - One LO within the Planning Section,
 - One LO within the Logistics Section,
 - Possibility to provide one SCAT Team,
 - Operation personnel, during the operation implementation phase's (Shore Clean up).
- ❑ Territorial Minister responsible for Public Security or his designated representative, normally the Director of the EMO, may address a request for CF assistance directly to a RJTF Commander;
- ❑ As an organization familiar with the region and with a certain amount of capacity the NWTWB would assist in whatever means it could;

- ☐ Parks Canada could participate in an Incident Command Structure where the AREET (coordinated by EC) plays a supporting role;
- ☐ PHAC could participate within a coordinated response when incidents with public health implications, extend outside provincial or territorial borders, or at the request of provincial or territorial health departments;
- ☐ The two areas where Public Safety has a primary role are the following: logistics and operations management; and public communications;
- ☐ Public Safety would provide coordination of Federal Departments at the Regional Level within an Incident Command Structure;
- ☐ The RCMP would participate [within a coordinated response] in any incident that resulted in a fatality and or significant environmental damage until it is determined that criminal activity was not involved. The initial investigation would be coordinated with other mandated investigative agencies;
- ☐ Transport Canada Marine Safety would provide marine technical advice to the OSC or as a member of REET.

Organizations Want to be Informed of These Incident Types:

- ☐ AANDC would like to be fully informed of any spill incidents involving seismic or drilling programs, pipeline or oil and gas facility;
- ☐ AANDC's Minister is responsible for the north, tracking all incidents in the north and in the Beaufort would be important;
- ☐ CCG would want to be informed of incidents in which maritime/emergency expertise is required or those that have the potential to impact our obligations under the Canada-United States Joint Marine Pollution Contingency Plan;
- ☐ All potential or ongoing release of pollutants in the environment on Canadian territory should be reported to the NWT-Nunavut 24-hour Spill Report Line;
- ☐ DFO - all incidents associated with Fisheries Act authorizations, as well as any potential impacts to recreational, commercial and aboriginal fisheries;
- ☐ JTFN would like to be informed of any/All incidents that occur North of the 60th Parallel fall in the "Area of Responsibility" of JTFN;
- ☐ NWTWB would like to be informed where it is anticipated that on shore activities will be required in order to facilitate the response and clean-up;
- ☐ PCA would like to be informed of activities associated with a response to an incident in the Beaufort as there are three national parks (Ivvavik National Park, Aulavik National Park and Tukturnogait National Park) and the Pingo Canadian Landmark that could potentially be impacted depending on the location/trajectory;
- ☐ PHAC would like to be informed of any incident with potential health implications;

- ☐ Public Safety Canada, either at the regional or national levels (Government Operations Centre) would want to be informed of all activities associated with a response;
- ☐ RCMP would want to be informed of:
 - any major spill incident where the cause is unknown,
 - any major spill incident where criminal activity is suspected,
 - any major spill incident in the NWT;
- ☐ Transport Canada Marine Safety would want to be informed of ship source spills.

Annex 6 Mandates and Roles of Territorial Governments & Departments

Organizations' Authorities and Mandates:

- ☐ Environment and Natural Resources applies jurisdiction for its responsibilities (see Section 1. Authority, legislation/agreement) on lands where GNWT has administrative authority; these are Commissioner's Lands (essentially communities and highways);
- ☐ *Northwest Territories Environmental Protection Act*;
- ☐ Northwest Territories–Nunavut Spills Working Agreement;
- ☐ Emergencies Measures Office of the GNWT mandate or authority relates to:
 - all Civil Emergencies within the Northwest Territories.
 - Civil Emergency Measures Act;
 - Federal Emergencies Act;
- ☐ Emergencies Measures Office of the GNWT only steps in if [the emergency] becomes a threat to any of the NWT's 33 communities. It only has a mandate to step in on emergencies that occur within municipal boundaries;
- ☐ Government of Nunavut, Department of Environment's mandate includes:
 - Compliance & Enforcement of Environmental Protection Act, Pesticides Act, Environmental Rights Act, Wildlife Act, Parks Act
 - Pollution Prevention
 - Environmental Assessment
 - Air Quality Monitoring
 - Climate Change Adaptation Programs
 - Wildlife Management
 - Parks & Special Places
 - Fisheries and Sealing
- ☐ Nunavut notes that no person shall discharge or permit the discharge of a contaminant into the environment and where a discharge occurs, the person in charge, management or control of the contaminant shall:
 - report the discharge
 - take all reasonable measures to stop the discharge
 - prevent or eliminate any danger to life, health or the environment
 - make every reasonable effort to notify every member of the public who may be adversely affected by the discharge
 - repair or remedy any injury or damage caused to the environment as a result of the discharge.
- ☐ In Nunavut:

- persons in ownership, management or control of a contaminant may be required to install safeguards to prevent the discharge of the contaminant into the environment and to have on hand, sufficient equipment and material necessary to alleviate the effect of any discharge of a contaminant.
- persons storing contaminants of a prescribed volume are required to file a spill contingency plan with the GN
- spills of hazardous materials above a prescribed volume must be immediately reported.

Organizations' Anticipated Roles:

- ☐ It is not Environment and Natural Resources / GNWT's policy to undertake environmental management activities for federally authorized projects located on federal land or waters; these are regulated by federal authorities;
- ☐ Environment and Natural Resources role in a response to an incident such as an offshore oil well spill would include:
 - communications to NWT stakeholders, i.e. Minister, Cabinet, communities; regional representatives, etc.;
 - clean-up: any transfer of materials or impacts to NWT mainland; i.e. impacts and liabilities related to waste management, in situ burning; impacts to wildlife;
- ☐ Since this will likely not be within a municipal boundary Emergencies Measures Office of GNWT would likely have little to no involvement;
- ☐ The Government of Nunavut, Department of Environment would stand fast and allow the lead agencies to respond under their respective mandates;
- ☐ If asked for assistance, Nunavut's role would be to gather information from the lead agency/responders and pass this along to our political masters who would certainly be requesting status updates;
- ☐ If an interagency working group were to be convened by the lead regulator, Nunavut would want to participate;

Lead Roles for the Organizations:

- ☐ No Environment and Natural Resources lead role with respect to an offshore spill;
- ☐ Emergencies Measures Office of GNWT could have the lead role in a civil emergency where the region was not able to provide adequate assistance, such as the flooding of a community;
- ☐ Nunavut, in the past, has acted as co-regulators for spills on crown land.

Organizations' Roles within a Coordinated Response or Incident Command Structure:

- ☐ potential interaction to Northwest Territories onshore resources/agencies etc. would need to be discussed and determined by Environment and Natural Resources;
- ☐ Environment and Natural Resources role in a command structure or would include:
 - communications to NWT stakeholders, i.e. Minister, Cabinet, communities; regional representatives, etc.;
 - clean-up: any transfer of materials or impacts to NWT mainland; i.e. impacts and liabilities related to waste management, in situ burning; impacts to wildlife;
- ☐ Emergencies Measures Office of GNWT would be the supporting agency should there be a civil emergency that the local and regional Emergency Response Committees were equipped to deal with- in this circumstance we would provide assistance;
- ☐ Within a command structure Emergencies Measures Office of GNWT role varies;
- ☐ Government of Nunavut could participate in any environmental emergency.
- ☐ Nunavut has, on occasion, played a support role for spills at sea by providing the lead agency with local support such as providing contact information, brokering meetings and the use of office space;
- ☐ Nunavut would participate in any coordinated response to which we are invited;
- ☐ Where the responsible party, cannot, or will not respond, Nunavut has the regulatory authority to hire a third party contractor to mount a spill response operation, in which case Nunavut would direct the cleanup operation;

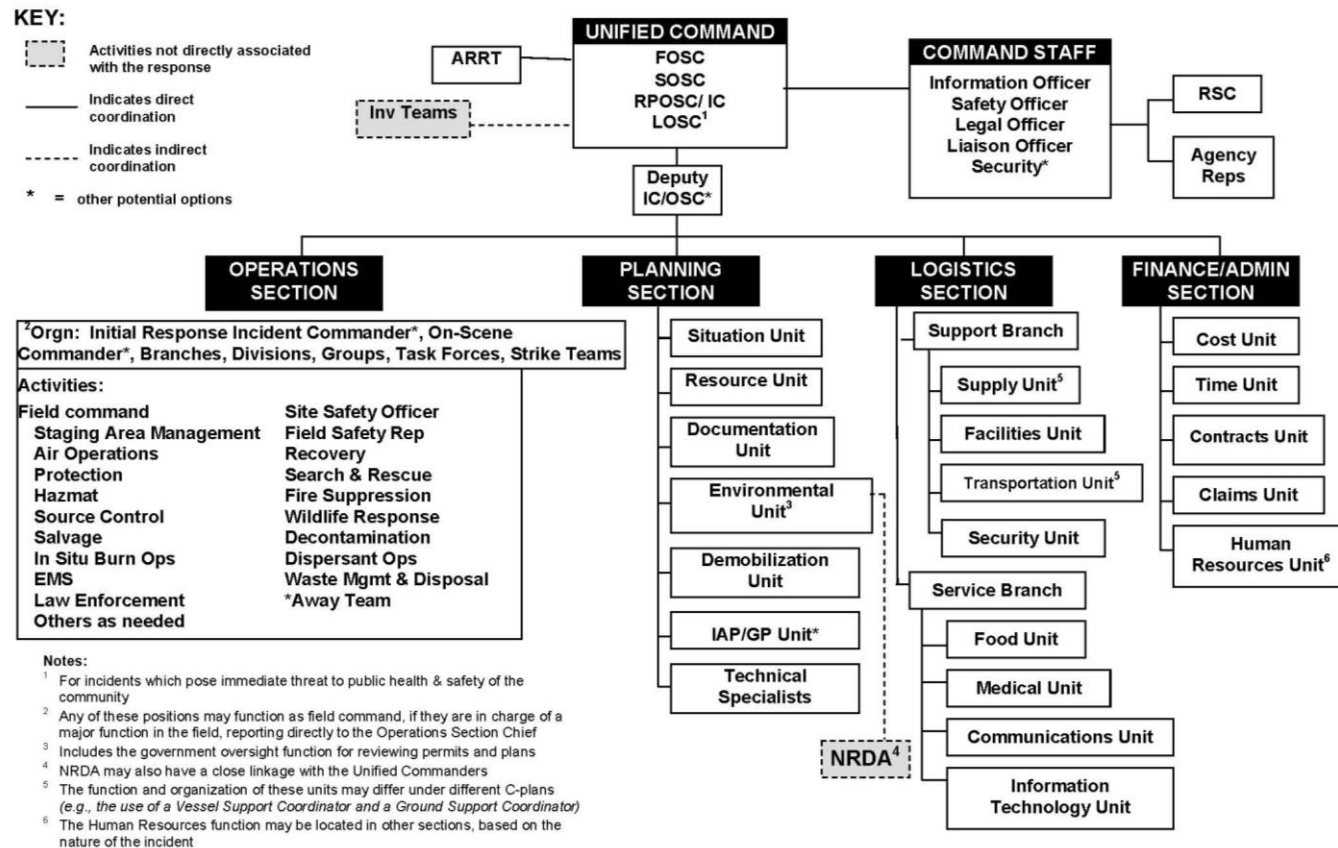
Organizations Want to be Informed of These Incident Types:

- ☐ Environment and Natural Resources would want to be informed of incidents for which it would need to provide or monitor:
 - communications to NWT stakeholders, i.e. Minister, Cabinet, communities; regional representatives, etc.,
 - clean-up: any transfer of materials or impacts to NWT mainland; i.e. impacts and liabilities related to waste management, in situ burning; impacts to wildlife;
- ☐ Emergencies Measures Office of GNWT would want to be informed of any incident in the Northwest Territories or neighbouring areas where there is potential for the situation to escalate and require our involvement or have an effect on our communities;
- ☐ The Government of Nunavut, Department of Environment wants to be kept informed of all activities related to spill response in Nunavut, regardless of jurisdictional responsibilities.

Annex 7 Example of an Incident Command System Structure

Alaska Regional Response Team (2002)

Figure A-1: EXAMPLE ALASKA ICS STRUCTURE FOR OIL AND HAZARDOUS SUBSTANCE RELEASES



Abbreviations and Acronyms

AANDC	Aboriginal Affairs and Northern Development Canada
A-REET	Arctic Regional Environmental Emergencies Team
BREA	Beaufort Regional Environmental Assessment
CCG	DFO Canadian Coast Guard
DFO	Fisheries and Oceans Canada
DND	National Defence Canada
EC	Environment Canada
ENR	GNWT Department of Environment and Natural Resources
FJMC	Fisheries Joint Management Committee
GN	Government of Nunavut
GNWT	Government of the Northwest Territories
GTC	Gwich'in Tribal Council
HTC	Hunters and Trappers Committee
ICP	Incident Command Post
ICS	Incident Command System
IGC	Inuvialuit Game Council
ILA	Inuvialuit Land Administration
IRC	Inuvialuit Regional Corporation
JS	Joint Secretariat
JTFN	DND Joint Task Force North
LO	Liaison Officer
MDSRC	Mackenzie Delta Spill Response Corporation
NEB	National Energy Board
NWTWB	Northwest Territories Water Board
NRCan	Natural Resources Canada
OHF	Oil Handling Facilities
OSC	On Scene Commander
OSRO	Oil Spill Response Organization
PCA	Parks Canada Agency
PHAC	Public Health Agency Canada
PSC	Public Safety Canada
RCMP	Royal Canadian Mounted Police
RJTF	Regional Joint Task Force
TC	Transport Canada
Tier 3	A large spill response that is beyond the capacity of the company's on-site resources (Tier 1) and the capacity of regional resources (Tier 2)
WMAC	Wildlife Management Advisory Council NWT

References

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Beaufort Regional Environmental Assessment website: <http://beaufortbre.ca>

BREA Oil Spill Preparedness and Response Working Group website:
<http://www.beaufortrea.ca/working-groups/oil-spill-preparedness-and-response/>.

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