

MGMN West Langley Drilling Project Information Responses #1[Hide Envelope](#)[Show Header](#)

From: Susan Sevcenko
To: Bharat Dixit (bdixit@neb-one.gc.ca)
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CC: (SOLOWAD@tc.gc.ca), Erica Wall (erica.wall@dfo-mpo.gc.ca), Ernie Watson (watsone@dfo-mpo.gc.ca),
(eisc@jointsec.nt.ca), Peter Jalkotzy, Shirley Maaskant, Regulatory Filing
Date: Friday, September 12, 2008 2:37:58 PM
Subject: MGMN West Langley Drilling Project Information Responses #1
[Final NEB Cover Letter, West Langley Drilling Project Round 1 Info Responses September 12.pdf](#)

Good afternoon Bharat. The attached is MGM's submission in response to Information Requests provided to Shirley from John Korec August 29, 2008. Please feel free to contact Shirley with any questions or concerns you may have.

Susan

Susan Sevcenko
Regulatory &
Community Affairs Administrator
MGM Energy Corp.
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September 12, 2008

delivery via email

National Energy Board
444 Seventh Avenue SW
Calgary, Alberta
T2P 0X8

Attention: Bharat Dixit, Chief Conservation Officer

Dear Sir:

Re: MGM Energy Corp. West Langley Drilling, Completion, Testing, and
Abandonment Project: 2008-2011
Information Requests (IRs) #1 dated August 29, 2008

MGM Energy Corp. (MGM) acknowledges receipt of the National Energy Board's (NEB's) letter dated August 29, 2008 outlining Information Requests (IRs) #1 for the proposed West Langley Drilling, Completion, Testing, and Abandonment Project 2008-2011. MGM has prepared the attached IR responses.

We trust this information is satisfactory for your purpose. Please do not hesitate to contact Shirley Maaskant at (403) 781-7840 or by email at shirley.maaskant@mgmenergy.com should you require more clarification.

Yours truly,
MGM Energy Corp.

Shirley Maaskant
Manager, Regulatory and Community Affairs

cc Ron Wallace, A/Executive Director, Northwest Territories Water Board
Donald Arey, INAC
Nathan Richae, INAC
Doug Soloway, Transport Canada
Erica Wall, DFO
Ernie Watson, DFO
Environmental Impact Screening Committee

IR Number: **NEB – 1.1**

Source: **National Energy Board**

To: **MGM**

Preamble:

Fisheries and Oceans Canada (DFO) in its letter dated July 15, 2008 (Attachment 1) to the EISC and copied to the NEB and to MGM, provided eleven (11) recommended mitigation measures to reduce potential impacts to fish and fish habitat.

Request:

Please review the attached DFO information and provide MGM's comments and commitments MGM would undertake in respect of DFO's eleven (11) recommended measures.

DFO Comment – 1.1.1:

Excessive winter water withdrawals can lead to the loss of fish and fish habitat. Please refer to the DFO Protocols for Winter Withdrawal in the Northwest Territories (January 2005) for methods to evaluate available water capacity in lakes and for mitigation methods. DFO does not recommend the use of streams as a water source.

Response:

Noted

DFO Comment – 1.1.2:

Water intakes should be properly screened and be equipped with fine mesh of 2.54 mm (1/10") to prevent the entrainment and/or impingement of fish. Please refer to the Freshwater Intake End-of-Pipe Fish Screen Guideline (DFO, 1995).

Response:

Noted

DFO Comment – 1.1.3:

The construction of temporary crossings over ice-covered streams is conducted as specified in the attached Ice Bridges Operational Statement. This Operational Statement provides specific advice on ice bridge construction, maintenance and removal. If it is determined that the conditions and measures described in the Operational Statement can not be complied with, DFO should be contacted with the details of the project.

Response:

MGM will adhere to the Ice Bridges Operational Statement as provided by DFO.

DFO Comment – 1.1.4:

The treated waste water should be discharged over land in a dispersed application rather than directly onto the Mackenzie River or any other water body.

Response:

MGM will discharge the treated wastewater to land.

DFO Comment – 1.1.5:

The use of biodegradable drill additives is encouraged over non-biodegradable types.

Response:

Noted

DFO Comment – 1.1.6:

All drilling muds and other additives should be certified as non-toxic.

Response:

Low toxicity was a major factor in the selection of Ultradrill as a mud system for MGM's arctic drilling project. MGM selects low toxicity drilling fluids, also taking into consideration operating efficiency and cost.

DFO Comment – 1.1.7:

Fuel storage should have secondary containment (such as doubled walled tanks, berms etc.) that is sufficient to ensure that fuel will not be able to enter any water body.

Response:

Noted

DFO Comment – 1.1.8:

DFO encourages MGM Energy to use double hulled barges when freezing storage units in the Mackenzie River over winter.

Response:

The EISC has provided MGM with an approval for the use of single hulled barges for one year in their approval granted on July 31, 2008 for this program.

DFO Comment – 1.1.9:

Barges to be frozen in place over winter and used for storage should be emptied of all fuel and as much equipment as possible while awaiting river break up.

Response:

The MGM 2007/08 program used most of the fuel on the barges; however the camp and some mobile equipment still required fuel to complete the program. Emptying remaining fuel from barges removing all equipment from the barges, and trucking it out at the end of the season would prematurely shut down the camp and mobile equipment that are required to close up the program.

DFO Comment – 1.1.10:

Every possible effort should be made to locate the drill site on the pre-existing artificial island in order for the well head to be on land.

Response:

The location of the drilling target makes it impractical to locate the drill site on the artificial island. MGM's plans do not include installation of a wellhead upon completion of this well. This well will be abandoned according to NEB regulations and Approval to Alter Condition

of a Well. In addition, there will be no distinct advantage to using the pre-existing artificial island regarding the well completion and abandonment.

DFO Comment – 1.1.11:

Should the artificial island prove impossible to use and a manufactured ice island is necessary every effort should be made to ensure that the entire island is set completely on bottom fast ice. DFO should be contacted if this not possible and the ice island is to be located on ice not frozen to the bottom.

Response:

The safety of the drilling operations and NEB's approval of these drilling plans requires the ice island to be bottom founded. The design process for the engineered ice island only contemplates a bottom founded structure.

IR Number: NEB – 1.2

Source: National Energy Board

To: MGM

Preamble:

The MGM Project Description dated June 2008 states that the Project scope includes:

- drilling, completion, testing and abandonment of one well
- use of barge landing and staging sites for the storage of equipment and supplies (Figure 4-2). A barge landing site means a site where barges are offloaded and/or moored in place and frozen in with the equipment and materials remaining onboard. A staging site means a site where equipment and materials can be off-loaded from barges and/or trucks and stored. The chosen barge landing and staging sites will be at, or close to, the proposed wellsite. If advance barge staging is not employed, all equipment and supplies may be mobilized from permanent land bases (e.g., Inuvik and/or Tuktoyaktuk) using ice roads.
- construction of ice roads over water and on land to provide equipment and vehicle access to the wellsite, campsites and barge landing and staging sites.

The above scope may form a basis for the environmental screening. In the comments received by the NEB on 1 August 2008 (Attachment 2) from the Government of the Northwest Territories Department of Environment and Natural Resources (ENR), the territorial department provided a number of recommendations with respect to various MGM projects including the West Langley Project.

ENR makes recommendations with respect to:

- fuel storage (Section 1.1.3) – six (6) recommendations;
- air quality monitoring of well evaluations or flaring (Section 1.2.2) – two (2) recommendations;
- a waste management plan (Section 1.3.2.6) – one (1) recommendation with regard to preparing a “Waste Management Plan” that in turn incorporates a number of recommendations or suggestions with respect to its contents.
- minimum flight altitude (Section 2.1.2) – one (1) recommendation; and
- protection of wildlife and habitat (Section 2.1.3) – one (1) recommendation that in turn includes eight (8) mitigation measures; and
- bear-safety training (Section 2.1.4) – one (1) recommendation.

Request:

Please review the attached ENR comments and recommendations and provide:

- (a) comments and any appropriate commitments MGM would undertake in respect of ENR’s recommendations; and
- (b) MGM’s view regarding which recommendations might not apply to the West Langley Project; or
- (c) MGM’s justification for not implementing ENR recommendations.

NWT ENR Comment – 1.2.1: (From Attachment 1, Section 1.1.3 Recommendations: Fuel Storage and Spill Contingency Planning)

In the supplied Project Descriptions, the Proponent has proposed several potential alternate strategies for storage of fuel in support of these projects, including the use of land based storage tanks and/or facilities. ENR recommends that all fuel storage in support of all MGM projects be done in land-based facilities. In addition, where practical and feasible, refueling and fuel storage be restricted to designated bermed areas that are also:

- At a distance greater than 100m from any local high water mark,
- Not located in a drainage channel; and
- At a location that avoids steep grades to waterbodies.

Response:

MGM will comply with the EISC approval which provides for the use of single hulled barges for the first year of activity. As ENR is aware, there are no land based storage tanks and/or facilities currently available in the West Delta region with the exception of Camp Farwell for which Environment Canada has refused to issue access to. Other existing land based facilities are not suitably located geographically and impact the project logistics and environmental footprint. The likelihood of establishing land based facilities in the West Delta region in the near future is unlikely due to flooding and the dynamic nature of the region.

Land based fuel storage siting criteria will include but will not be limited to placement as far away as possible from the high water mark of any water body including ephemeral drainages and avoiding steep grades to waterbodies.

NWT ENR Comment – 1.2.2: (From Attachment 1, Section 1.1.3 Recommendations: Fuel Storage and Spill Contingency Planning)

In the case that MGM Energy Corp. continues to pursue the freezing-in of fuel barges as a bulk fuel storage option for the projects in question, ENR will expect that a more thorough and detailed review and assessment of the potential impacts of this method of storage is conducted, prior to the commencement of the projects' licencing/permitting.

Response:

MGM will be freezing in fuel barges as per EISC approval for the first year of activity for this program.

NWT ENR Comment – 1.2.3: (From Attachment 1, Section 1.1.3 Recommendations: Fuel Storage and Spill Contingency Planning)

ENR recommends that the Proponent update the provided MACKENZIE DELTA EMERGENCY RESPONSE PLAN to include:

- Correct listings in the Regulatory Agencies section, *Regulatory Agency Emergency Contact List*. An incorrect Agency and Person name Phone Number is listed for GNWT. The NWT 24-Hour Spill Report Line is 867-920-8130. The Department is Environment and Natural Resources.
- Develop Site-specific Spill Contingency Plans for all locations where refined petroleum products will be stored, and that copies of the plans are distributed to

environmental monitors, operators and contractors in the Field. The site-specific Spill Contingency Plans should include, but not be limited to:

- An inventory of response and clean-up equipment;
- A site map with location of storage facilities, and the location of emergency equipment and spill response and clean-up equipment; and
- A cover page that clearly identifies: The NWT 24-Hour Spill Report Line; the name, job title and 24-hour telephone number for the person(s) responsible for activating the Spill Contingency Plan.

Response:

The Environment and Natural Resources reference within Regulatory Agency Emergency Contact List has been corrected.

MGM's Spill Contingency Plan is a corporate document that is regional in scope and is not intended to be re-written on a project by project basis. This plan includes a cover page clearly identifying the NWT 24-Hour Spill Report Line; the name, job title and 24-hour telephone number for the person(s) responsible for activating the Spill Contingency Plan and references an inventory of MDSRC response and clean-up equipment in Inuvik. MGM's Emergency Response and Spill Contingency Plans were approved by the NEB in October 2007.

NWT ENR Comment – 1.2.4: (From Attachment 1, Section 1.1.3 Recommendations: Fuel Storage and Spill Contingency Planning)

With respect to the design of fuel storage facilities, ENR recommends that the Proponent ensure that the most recent version of the National Fire Code of Canada is referenced (2005).

Response:

Noted

NWT ENR Comment – 1.2.5: (From Attachment 1, Section 1.1.3 Recommendations: Fuel Storage and Spill Contingency Planning)

ENR further recommends that the Proponent consult the *Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products* (CCME 2003, including, but not limited to Sections 3, 4, 8 and 9).

Response:

MGM has consulted the referenced document (CCME 2003) in their preparation and planning for this program.

NWT ENR Comment – 1.2.6: (From Attachment 1, Section 1.1.3 Recommendations: Fuel Storage and Spill Contingency Planning)

ENR recommends that the proponent establish designated fuel storage and refueling areas that are:

- at a distance greater than 100 meters from any local high water mark, unless otherwise authorized by an inspector upon review of the specific location and conditions of concern;
- not located in a drainage channel; and
- at a location that avoids steep grades from waterbodies.

Response:

Frozen ground land based fuel storage and transfer sites are selected on the basis of several different criteria (Section 5.3.1.1 of the PD) and are not limited by single selection criteria.

NWT ENR Comment – 1.2.7: (From Attachment 1, Section 1.1.3 Recommendations: Fuel Storage and Spill Contingency Planning)

In the case that fuel is transferred via barges or other seagoing vessels, ENR recommends that the *Arctic Waters Oil Transfer Guidelines* (Transport Canada, April 1997) be adhered to during loading and offloading.

Response:

It is MGM's understanding that the referenced document applies to the transfer of fuel between vessels. Fuel transfers between vessels are not an expected activity for this program. Fuel transfers between barge and fuel truck are detailed in Section 5.3.3.2 of the PD.

NWT ENR Comment – 1.2.8: (From Attachment 1, Section 1.2.2 Recommendations: Air Quality Monitoring)

ENR recommends that in the case well evaluations or flaring are conducting within the proposed activities, that the Proponent provide post-flaring reports for each of the well evaluations, which includes a comparison to the modeling assessments submitted.

Response:

Testing results and flare reporting are proprietary information which is typically provided to the NEB as a condition of the NEB's Approval to Alter Condition of a Well.

NWT ENR Comment – 1.2.9: (From Attachment 1, Section 1.2.2 Recommendations: Air Quality Monitoring)

ENR recommends that the Proponent provide clarification and appropriate reference to the "National Energy Board Flaring Guidelines" it references with respect to its planned flaring.

Response:

MGM will meet the NWT Ambient Air Quality Standard (ENR 2005) and for parameters not covered by NWT standards, the appropriate National Ambient Air Quality Objectives (NAAQO). Furthermore, MGM will follow the Alberta EUB Directive 60: "Upstream Petroleum Industry Flaring, Incinerating and Venting" to minimize or reduce air emissions from flaring during well testing.

NWT ENR Comment – 1.2.10: (From Attachment 1, Section 1.3.2.6 Recommendations: Waste Management)

The Proponent should prepare and submit a stand-alone **Waste Management Plan** for each referenced project to demonstrate that proper waste management planning is in place prior to

the commencement of operations. The Plan should also demonstrate that authorization has been obtained for the use of off-site waste disposal facilities. The Plan should then be approved by the regulatory authority and be incorporated as a condition of the project licence, permit, or other regulatory authorization. The Waste Management Plan should include adherence to all the proponent's relevant waste management commitments, and also include/address, but not be limited to:

- The identification of waste storage and transport mitigative measures to prevent wildlife attraction. Whether garbage is stored for the purpose of on-site or off-site disposal (i.e. road or air transport), it must be stored in an airtight sealed container to prevent wildlife from being attracted to odors;
- The open burning of non-segregated municipal solid wastes (MSW) - 'camp waste' - is an unacceptable waste management option. The only wastes that are suitable for open burning are paper products, paperboard packaging and untreated wood wastes. Please consult the document titled *Municipal Solid Wastes Suitable for Open Burning* available at <http://www.enr.gov.nt.ca/eps/environ.htm>.
- With respect to the incineration of waste oil, it may contain metals and other contaminants. If waste oil is incinerated it should:
 - a) Be burned in an approved waste oil burner and the waste oil should be tested for contaminants as required in the NWT under the *Used Oil and Waste Fuel Management Regulations*; or
 - b) If it cannot be demonstrated that the waste oil meets the Used Oil and Waste Fuel Management Regulations previously referenced, it must be burned in an incineration device that is capable of meeting the emission limits established by the Canadian Council of Ministers of the Environment (CCME) under the Canada-wide Standards (CWS) for Dioxins and Furans and the CWS for Mercury Emissions; or
 - c) If the standards included in part a) and b) cannot be met, the waste should be safely stored and transported in sealed containers (odour free to prevent animal attraction) and safely transported to a facility that is a registered recycling or disposal facility for these wastes.
- A detailed description of wastewater treatment and disposal strategies that does not include the use of NWT based disposal facilities. This should include additional redundancy within its onsite/regional treatment and disposal plans that ensures adequate contingency for camp waste treatment and disposal. The proposed contingency to use the Inuvik Lagoon is not reasonable given the potential high volumes of waste to be produced.
- With respect to the use of NWT based community waste management infrastructure, the Plan should demonstrate:
 - a) Written consent is received from the community that states it has been consulted on the types and quantities of waste proposed for disposal, and that the community is allowing the use of its waste management infrastructure,

- b) The community and/or facility has Land Use Permit and/or Water License authorizations that allow the disposal of waste sourced from outside industrial operations and camps, and
- c) Reference the community bylaws that facilitate the use of its waste management infrastructure sourced from outside industrial operations and camps.
- Detailed incineration Management Strategies. The **Waste Management Plan** should include detailed *Incineration Management Strategies* that demonstrate that the device and procedures selected are suitable to the waste stream types intended for treatment. Otherwise, significant environmental impacts, including the production of toxic compounds, will likely result. Incineration strategies should meet the emissions limits established under the Canada-wide Standards (CWS) for Dioxins and Furans (CCME 2001)¹⁵ and the CWS for Mercury Emissions (CCME 2000)¹⁶. These *Incineration Management Strategies* should also include:
 - a) A description of waste streams intended for incineration;
 - b) Selected incineration technology and rationale for selection (the minimum requirement to accommodate complex waste streams should be a dual-chamber, controlled-air incinerator);
 - c) A description of recycling and waste segregation plans that control waste entering the incinerator;
 - d) Operator training and qualifications, and the use of trained and designated operators;
 - e) Procedures for operation and maintenance, including record-keeping (i.e. completion of burn cycle and maintenance logs, and recording of the weight of each waste load charged to the incinerator);
 - f) A reporting requirement to summarize the tracking and record-keeping component;
 - g) Weigh scales to record the weight of each load charged to the incinerator;
 - h) Incineration residual disposal procedures (If incinerator bottom and/or fly ash are targeted for disposal in the NWT, it must be tested prior to disposal to ensure that it meets the criteria specified in the NWT Environmental Guideline for Industrial Waste Discharges¹⁷. Incineration ash can be contaminated with toxic compounds and by-products such as dioxins and furans and should therefore be tested to ensure that it is disposed of in an appropriate and approved manner).

Response:

Sections 5.3.4.9 (Wastewater Treatment) and 5.3.4.10 (Solid Waste Management) of the PD provide details of MGM's waste management practices for this program. MGM also has a current year Waste Management Plan (revised July 2008). The Waste Management Plan is a fixed business document, and is not intended to be re-written on an individual project basis.

NWT ENR Comment – 1.2.11: (From Attachment 1, Section 2.1.2 Discussion)

The Proponent states in the Executive Summary, Disturbance of foraging bears “Bear overflight guidelines will be determined through consultation with ENR”. ENR recommends the proponent adhere to the recommended environmentally acceptable minimum flight altitudes provided by the Inuvialuit game council.

Response:

MGM will adhere to Transport Canada’s regulations concerning minimum flight altitude and the Inuvialuit Game Council Overflight Guidelines.

NWT ENR Comment – 1.2.12: (From Attachment 1, Section 2.1.3 Recommendations)

To minimize the disturbance to wildlife and wildlife habitat and increase the protection of wildlife and field personnel ENR recommends the following additional mitigation measures be implemented.

The Proponent shall adhere to the following:

- Combine aircraft flights with concurrent MGM projects to reduce the number of flights in the project area;
- Conduct Fall grizzly bear denning surveys in collaboration with ENR
- If caribou approach or are encountered within 500m of project activities, the Proponent should cease operations until caribou are no longer with the range;
- Instruct Pilots to avoid all wildlife when accessing and/or transporting crews to selected field operation sites;
- Do not feed or harass wildlife;
- Maintain a minimum distance of 1.5 km between any project activities and observed/known peregrine falcon nesting sites from April 15 to September 15;
- Avoid any species-at-risk that are encountered during the course of this land use operation and the Proponent will minimize all activity so as to not disturb these animals; and,
- Have, and keep up to date, a record of wildlife sightings that is submitted to the nearest Renewable Resource Officer upon completion of the field season.

Response:

Section 12.4 and Table 12-3 of the PD provides details of proposed mitigation and the anticipated environmental effects to wildlife and wildlife habitat.

Specifically, MGM acknowledges that the following mitigations cited as additional already have been committed to in the PD:

- i) Combine aircraft flights with concurrent MGM projects to reduce the number of flights in the project area;
- ii) Conduct Fall grizzly bear denning surveys in collaboration with ENR;
- iii) Do not feed or harass wildlife; and
- iv) Avoid any species-at-risk that are encountered during the course of this land use operation and the Proponent will minimize all activity so as to not disturb these animals.

MGM provides the following comments regarding the other additional mitigations recommended by ENR.

- i) If caribou approach or are encountered within 500m of project activities, the Proponent should cease operations until caribou are no longer with the range ... *Caribou were not considered as a VC for this program. The West Langley program area is generally unsuitable caribou habitat. In the event that a caribou is encountered, mitigation measures that may apply include avoiding contact, allowing animal(s) to pass, and no feeding and no harassing wildlife.*
- ii) Instruct Pilots to avoid all wildlife when accessing and/or transporting crews to selected field operation sites – *MGM will adhere to Transport Canada regulations (i.e., minimum flight altitude of 1000') and Inuvialuit Game Council Overflight guidelines as stated in Sections 5.3.3.6 and 5.3.4.2.*
- iii) Maintain a minimum distance of 1.5 km between any project activities and observed/known peregrine falcon nesting sites from April 15 to September 15 - *MGM's activities will not coincide with the period of sensitivity referenced.*
- iv) Have, and keep up to date, a record of wildlife sightings that is submitted to the nearest Renewable Resource Officer upon completion of the field season – *MGM staff and contractors are required to follow the Bear Encounter Response Guidelines (ENR 2005) and MGM's corporate HSE Assurance Plan which includes a Bear Protocol. The Bear Protocol (page 2 Item 7) specifies after all sightings and interactions with bears during operations, a Bear Sighting Report shall be completed, and the report will be forwarded to the Area Base Office, Local HTC and ENR. Other wildlife sightings are not currently tracked.*

NWT ENR Comment – 1.2.13: (From Attachment 1, Section 2.1.4 General Comments)

Provide all field personnel with bear-safety training prior to field operations. This is both a wildlife and a safety issue. If all field personnel receive this training and learn how to react to bears, the number of nuisance bears killed should decrease.

Response:

All MGM staff and contractors are required to follow the Bear Encounter Response Guidelines, and MGM's Corporate HSE Assurance Plan which includes MGM's Training Guide-Hours work. Section 2, Page 1 of this component identifies Bear Awareness training as required.

IR Number: NEB – 1.3

Source: National Energy Board

To: MGM

Preamble:

In its correspondence to the NEB dated July 31, 2008, Transport Canada states that the following may apply to the MGM Project:

TC regulatory requirements for a proponent operating an Oil Handling Facility (OHF):
The regulations stem from the Canada Shipping Act 2001, Part 8, Subsections 168(1) to 168(3). Part II of the Response Organizations and Oil Handling Facilities Regulations and the Oil Handling Facilities Standards stipulates the proponent's specific responsibilities. The fundamental requirement is the production of an Oil Pollution Prevention/Emergency Plan for the fuel transfer with a ship. An OHF is a tank farm of a combined storage capacity of greater than 100 cubic meters that is filled directly from a ship (i.e. a tanker or barge greater than 150 gross tons). This plan must be submitted and reviewed by Transport Canada prior to such tanks being put into use. This plan is not a CEAA trigger, but is a regulatory requirement. The regulations stipulate what is required in the plan including (but not limited to) a declaration, personnel training requirements, equipment requirements, prescribed response scenarios, and a schedule of exercises. The proponent must contact the nearest Marine Safety Office to obtain their regulatory interpretation.
<http://www.tc.gc.ca/acts-regulations/GENERAL/C/csa2001/act/csa2001-menu.htm>

Navigable Waters Protection Program (NWPP) under the Navigable Waters Protection Act (NWPA):

The NWPP is the Federal Authority mandated with enforcing the Navigable Waters Protection Act (NWPA). Proponents must deal directly with the NWPP for any work(s) to be built or placed in, on, over, under, through, or across any navigable water. **The Proponent will need to submit formal applications to the NWPP in order to obtain an approval, promulgation, or exemption for each specific work.** The proponent shall also inform the NWPP of any design, construction or operational changes accordingly.
<http://www.tc.gc.ca/marinesafety/oep/nwpp/menu.htm>

The Transport Canada contact is Doug Soloway at (204) 983-7705.

Request:

Please review Transport Canada's comments and provide:

- (a) results of MGM's discussions with Transport Canada regarding the above comments;
- (b) MGM's comments and any appropriate commitments MGM would undertake in respect of Transport Canada's comments or requirements; and
- (c) MGM's view regarding which comments or requirements, if any, might not apply to the West Langley Project; or
- (d) MGM's justification for not implementing Transport Canada's requirements.

Response:

- (a) MGM contacted Transport Canada, Doug Soloway who indicated that he was unable to provide regulatory interpretation and suggested that MGM should contact Marine Safety and Navigable Waters Protection personnel.

(b,c,d)

MGM believes that overwintering fuel at the staging area does not constitute an "Oil Handling Facility", however an Oil Pollution Prevention/Emergency Plan for the fuel storage and transfer has been requested of our marine transportation supplier and they have committed to providing it. MGM already has an ERP/Spill Plan for operational activities.

With respect to the Navigable Waters Protection Program and Act, MGM relies on its marine contractor to comply with all applicable regulations, and obtain the necessary permits/approvals for the staging of barges in the channel. MGM's marine contractor has provided written assurance to MGM that it is in compliance.

IR Number: NEB – 1.4

Source: National Energy Board

To: MGM

Preamble:

In its Project Description, MGM states that it conducted public consultation with communities, local organizations and government agencies potentially affected by the Project in April 2008. MGM shared information with these groups to obtain community feedback, identify concerns as early as possible, and to gain community feedback and local knowledge about the Project area.

In Section 10 of the Project Description, MGM has provided the results of its consultation with community organizations and general public. However, MGM has not provided a meeting schedule or the results of its consultations with government agencies.

Request:

With regard to MGM consultations with federal and territorial government agencies, please provide:

- (a) a summary of issues or concerns raised and how these have been addressed by MGM.; and
(b) if possible, an approximated meeting schedule.

Response:

- (b) No substantive issues relating to MGM's West Langley project activities have been encountered.
(c) MGM does not document these meetings unless substantive issues that require formal clarification are encountered.

IR Number: **NEB – 1.5**

Source: **National Energy Board**

To: **MGM**

Preamble:

In Table 12-3 of the MGM Project Description, the mitigation for “potential fish entrainment and mortality” includes “regular inspection of water trucks to ensure compliance”. It is not clear whether this means that hoses will be inspected to ensure truck operator’s conformance with the DFO *Freshwater Intake End-of-pipe Fish Screen Guidelines* and that water trucks will be inspected for evidence of fish entrainment.

Request:

Please specify the scope and periodicity (frequency) of inspections to be undertaken by MGM.

Response:

Each water truck will be inspected every two weeks to ensure water intake screens comply with the Freshwater Intake End-of-Pipe Fish Screen Guidelines (DFO 2005).

IR Number: **NEB – 1.6**

Source: **National Energy Board**

To: **MGM**

Preamble:

An Environmental Protection Plan is provided in Appendix G of the MGM Project Description. However, there is no description of how the EPP is to be implemented.

Request:

Please provide:

- (a) a description of how MGM plans to consolidate mitigation measures that are proposed subsequent to the submission of the Project Description to ensure that its commitments are appropriately carried out in the field, and
- (b) the name, title and contact information for MGM's field person who will be responsible for ensuring that the commitments are undertaken for each phase of the Project.

Response:

- (a) MGM's HSE Management System provides a linkage between mitigation measures proposed and regulatory terms and conditions which are reviewed and incorporated at a minimum annually into field plans and manuals. These plans include:
 - 1. Environmental Protection Plan
 - 2. HSE Assurance Plan
 - 3. HSE Emergency Response and Spill Prevention Plans
- (b) The responsible field person will be the Drilling Operations Field Manager. When this position has been filled, the contact information will be provided to the NEB.