

**Joint Review Panel Process
Topic 17 Hearing**

**Recommendations to the Joint
Review Panel for the Proposed
Mackenzie Gas Project**

**Prepared by
Alternatives North**

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Alternatives North – JRP Recommendations

Background on Alternatives North

Alternatives North is a social justice coalition and non-profit society operating in the Northwest Territories. Within our ranks are representatives of churches, labour unions, environmental organizations, women and family advocates, and anti-poverty groups. Alternatives North is a volunteer driven organization. We have no paid staff. Our participation in the Joint Review Panel (JRP) process has been supported through the funding provided by the Canadian Environmental Assessment Agency, the Canadian Boreal Initiative, the Northern Territories Federation of Labour and a few other organizations that provided small grants.

Approach to the Joint Review Panel Process

Alternatives North has participated extensively in the JRP process by submitting information requests, making written submissions, making presentations at the hearings and asking questions at the hearings.

On the JRP Public Registry, our participation is documented first under the NWT Literacy Council (NWTLC) and later under the Alternatives North Coalition (ANC). Specifically, our intervenor filings with the JRP consist of:

- J-NWTLC-00001 to 00022
- J-ANC-00001 to 00076

At the beginning of the JRP process, Alternatives North did not take a position on the proposed Mackenzie Gas Project (MGP) or identify any specific terms and conditions should the development proceed. Many questions were posed, and several issues were raised.

The role Alternatives North has played during the hearings is to bring forward a series of independent experts on various topics. The evidence brought forward by these experts, the questions we posed, the evidence submitted by others, and what we heard at the hearings, has been used to formulate our final position and recommendations.

Having access to limited resources, we felt it best to focus our efforts on areas where we have some internal expertise, topics that we believed would not receive attention from other intervenors, and areas where we believed governments would not actively participate. These areas included:

- Economic rent regime for the MGP and its adequacy in relation to fairness and sustainability;
- Retention of benefits including education, training and employment;
- Prevention and mitigation of negative social impacts

- Environmental management including an assessment of the current regime, closure and reclamation, and independent oversight; and
- Alternatives to the MGP and alternative means for carrying out the MGP that will increase its contribution to sustainability;

For the Topic 17 Recommendations session, we hired a consultant to help us assemble the recommendations that have been made by the various experts we commissioned to do work for us, as well as any observations or recommendations that may have arisen through an examination of the transcripts where we have participated.

Then we conducted an internal workshop where we tried to clarify those recommendations and refine them into specific terms and conditions that should apply if the MGP proceeds.

OVERALL POSITION ON THE MGP

Having considered the commitments made by the MGP proponents and various government agencies and the basic sustainability assessment trade-off rules presented in Dr. Gibson’s report to the JRP, Alternatives North is of the view that it is not in the public interest to proceed with the MGP at this time, as the project is currently proposed.

The arguments in support of our overall position as they relate to Gibson’s trade-off rules are outlined below (following the restatement of each of Dr. Gibson’s rules). This analysis also provides important background for the specific recommendations we present for consideration in the Topic 17 hearing process.

Trade-off rule: Maximum net gains

Any acceptable trade-off or set of trade-offs must deliver net progress towards meeting the requirements for sustainability; it must seek mutually reinforcing, cumulative and lasting contributions and must favour achievement of the most positive feasible overall result, while avoiding significant adverse effects.

Alternatives North Assessment

Economic rent from the MGP (taxes and royalties) under the current regime is not maximized and is relatively low compared to other jurisdictions, especially given the uncertainty surrounding the updated MGP costs.

1. *The so-called “letters of comfort” from the federal and territorial governments purport to lock the current system in place for the life of the three anchor fields. There is no commitment from either government to revise the current regime to capture a fairer share of economic rent.*
2. *The \$500 million Socio-Economic Fund offered by the Federal government bypasses the Territorial government.*
3. *It is possible for the proponents to file their income taxes outside of the NWT.*

Given these limitations and the lack of a clear framework for rights to resource rents or revenue sharing, it is highly uncertain that the GNWT will capture sufficient revenues from the MGP to cover forced growth and new costs associated with the MGP. It is certain that the revenues that are collected will be an inadequate return to the public purse.

The MGP, as currently proposed, is based entirely on an export-oriented model and is largely externally controlled. This orientation severely limits the potential for the NWT to obtain benefits from the project. There is

- *no guarantee of access to local gas,*
- *no serious discussion of secondary industry options and*
- *inadequate time and resources for necessary training.*

The planned export of natural gas makes the NWT vulnerable to, and limited by, the provisions of the North American Free Trade Agreement (NAFTA). Once we commence export of natural gas from the Mackenzie Delta outside the NWT, there can be no reduction of the proportion of gas exported (to meet future NWT needs) because of the ‘proportionality’ restrictions in NAFTA. We also lose control of options around local pricing for the natural gas due to NAFTA’s “national treatment” provisions. The proposed MGP will result in great lost opportunities.

We do not believe there has been sufficient consideration and analysis of alternatives to the MGP or to alternative ways of carrying out the development (i.e., Liquefied Natural Gas export). Inadequate attention has been paid to controlling the pace and scale of the development to the greater benefit of the NWT rather than simply taking what the proponents have proposed. We are of the view that a slower pace of extraction from the anchor fields would allow for more sustained benefits, better use and adaptation of the NWT labour force, and a smaller ecological footprint. We recognize that a slower pace of development would lead to lower government revenues and higher gas prices and tolls, but believe this trade-off holds real promise and requires serious consideration.

There are currently no plans for the establishment of a permanent fund or even an overall strategy for development or investment in sustainable economic activities or sectors. These measures are required to move the NWT away from its dependence on non-renewable resources to more sustainable economic activity and to distribute the benefits more evenly across regions and generations.

Trade-off rule: Burden of argument on trade-off proponent

Trade-off compromises that involve acceptance of adverse effects in sustainability-related areas are undesirable unless proven (or reasonably established) otherwise; the burden of justification falls on the proponent of the trade-off.

Alternatives North Assessment

There has not been a reasonable and credible assessment of the cumulative effects of the MGP and the induced growth in exploration and development that will follow to keep the pipeline filled for its entire life (50 years or more). The proponents bear the burden of proving that the cumulative effects do not involve undesirable effects but have clearly failed to do so.

Governments are simply not ready or prepared to effectively manage the MGP from either a socio-economic or environmental perspective.

- *The MGP Socio-Economic Agreement is not enforceable, does not secure sufficient benefits for NWT residents, and sets up an extremely weak monitoring system.*
- *The environmental management regime is not complete—several key components have yet to be funded and/or implemented including land use planning and cumulative impact monitoring. Measures for financial security and reclamation of oil and gas activities are sadly lacking.*

Trade-off rule: Avoidance of significant adverse effects

No trade-off that involves a significant adverse effect on any sustainability requirement area (for example, any effect that might undermine the integrity of a viable socio-ecological system) can be justified unless the alternative is acceptance of an even more significant adverse effect.

- Generally, then, no compromise or trade-off is acceptable if it entails further decline or risk of decline in a major area of existing concern (for example, as set out in official international, national or other sustainability strategies or accords or as identified in open public processes at the local level), or if it endangers prospects for resolving problems properly identified as global, national and/or local priorities.
- Similarly, no trade-off is acceptable if it deepens problems in any requirement area (integrity, equity, etc.) where further decline in the existing situation may imperil the long term viability of the whole, even if compensations of other kinds, or in other places are offered (for example, if inequities are already deep, there may be no ecological rehabilitation or efficiency compensation for introduction of significantly greater inequities).
- No enhancement can be permitted as an acceptable trade-off against incomplete mitigation of significant adverse effects if stronger mitigation efforts are feasible.

Alternatives North Assessment

The NWT stands to be greatly affected by climate change. There is no guarantee that the MGP, as designed, will decrease greenhouse gas emissions or lead to greater energy self-sufficiency for the North. The provisions for access to local gas are limited and there is no guarantee that the extraction of this natural gas will lead to it being used to replace dirtier fuels.

Currently, the NWT has a gap between the employment rates of Aboriginal and non-Aboriginal persons and between men and women, particularly in higher paid and traditionally male-

dominated occupations. The proponents have identified that a limited number of jobs can be filled by northerners during the construction and operation phases of the project. There are insufficient and limited actions that will ensure that Aboriginal persons and northern women (and persons with disabilities) will have equal access to the available jobs. There is insufficient evidence that the limited proposed measures will lead to a fair distribution of benefits across regions and among socio-economic groups. In fact, the rapid pace of the project is more likely to increase gaps in income level and socio-economic status.

The uncertainty surrounding the cumulative effects assessment in particular gives us little confidence that the environmental effects of the MGP and the resulting induced growth can be seriously classified as having 'no significant adverse effects'. The CARC scenario work in particular demonstrates that some ecological thresholds may already be close to being exceeded and understanding of offshore effects is clearly lacking.

Trade-off rule: Protection of the future

No displacement of a significant adverse effect from the present to the future can be justified unless the alternative is displacement of an even more significant negative effect from the present to the future.

Alternatives North Assessment

Alternatives North is of the opinion that neither the proponents nor governments have proposed adequate measures to limit adverse socio-cultural impacts from in-migration, rapid social change and the negative effects of a boom-bust economic cycle. The project would increase the social burden for the next generation.

The serious gaps in the NWT environmental management system for land use planning, cumulative effects assessment and management, closure and reclamation planning and our limited understanding and application of ecological thresholds, provide inadequate protection of the environment and future generations. It is not clear that such a trade-off should be made at this point in the history of the NWT.

Explicit justification

All trade-offs must be accompanied by an explicit justification based on openly identified, context specific priorities as well as the sustainability decision criteria and the general trade-off rules.

- Justifications will be assisted by the presence of clarifying guides (sustainability policies, priority statements, plans based on analyses of existing stresses and desirable futures, guides to the evaluation of 'significance', etc.) that have been developed in processes as open and participative as those expected for sustainability assessments.

Alternatives North Assessment

Advocates attempt to justify the proposed MGP by arguing that it will bring jobs and economic development to the NWT. Our assessment (argued above) suggests that these expectations are misguided. The MGP Socio-Economic Agreement between the proponents and the GNWT is too weak to assure these benefits. Since no quotas or targets for ‘progress’ have been set, success at achieving benefits can’t be measured, and no sanctions or remedial measures are to be imposed if efforts made do not result in predicted outcomes.

Trade-off rule: Open process

Proposed compromises and trade-offs must be addressed and justified through processes that include open and effective involvement of all stakeholders.

- Relevant stakeholders include those representing sustainability-relevant positions (for example, community elders speaking for future generations) as well as those directly affected.
- While application of specialized expertise and technical tools can be very helpful, the decisions to be made are essentially and unavoidably value-laden and a public role is crucial.

Alternatives North Assessment

Several key agreements or arrangements for the MGP were reached secretly and involved no public participation. The MGP Socio-Economic Agreement was not made available as a draft for public comment and is very weak compared to the agreements for the diamond mines.

The so-called letters of comfort were not the subject of any public review, discussion or debate prior to being signed. The letters were sent prior to any arrangement for devolution or revenue-sharing and prejudice the ability of NWT residents to negotiate a fair deal. Further discussions on subsidies for the MGP will likely take place in secret.

During the Joint Review Panel process, the federal and territorial governments met often with proponents on substantial matters but these meetings were not open to the public or other intervenors, nor were they adequately documented for public scrutiny.

RECOMMENDATIONS

If it is determined that the MGP should proceed, Alternatives North submits the following recommendations to be attached as terms and conditions, with adequate follow-up and independent monitoring. We suggest a framework for use by the JRP in reviewing recommendations and a set of guiding principles that may prove helpful in evaluating proposed recommendations.

Framework for Recommendations

Alternatives North will be participating in the JRP's November 6th to 8th hearings in Inuvik on project recommendations and conditions that would be applied **if** the MGP receives approval to proceed.

While the JRP has requested only a summary of recommendations that would apply to the MGP if it were to be approved, it is Alternatives North's view that taking such a narrow approach to the recommendations summary would severely diminish the value of this exercise for two reasons:

- 1) Important recommendations have been made to the JRP not just on conditions to be applied to the MGP, but on how the JRP should conduct itself in this review process, up to and including the manner in which it makes its decisions and prepares its final report. Such recommendations can and should be captured by this summary of recommendations.
- 2) The extensive information filed in this proceeding has value far beyond just the assessment and regulation of the MGP. The JRP has an obligation to maximize the value of this entire process by ensuring that valid issues that have been raised that perhaps fall outside of the JRP's strict mandate are not forgotten or ignored when the JRP produces its final report.

Alternatives North recommends that the JRP adopt the procedure used by the Mackenzie Valley Environmental Impact Review Board to capture these issues. That is, issue "measures" that would be binding upon the MGP, government, regulators, etc. and "suggestions" which would not be binding.

The Review Board explains this process as follows:

Where the Review Board has identified matters that are worthy of consideration by the proponent, the federal and responsible Ministers, the DRA or others but do not involve the need for measures to address an adverse impact, it has referred to its concerns as "suggestions" for their consideration. The Review Board understands that any positive response to such suggestions would not be binding. In this way the text of this Report of EA distinguishes between measures, which the Review Board intends to be binding on the developer and others, and suggestions, which are for consideration but which, if accepted, are not binding under part 5 of the MVRMA.

Given that the JRP is fulfilling the requirements of the *Mackenzie Valley Resource Management Act* it would be appropriate for the JRP to adopt the procedures used by the Review Board in this instance.

Recommendation Classes

In an effort to organize our recommendations in as user-friendly a manner as possible, our recommendations are divided into three classes.

Class #1 consists of our recommendations to the JRP as described in Point 1 above.

Class #2 consists of our recommendations that are clearly and directly within the JRP's mandate to recommend binding conditions on the MGP and other parties to:

- 1) prevent, mitigate or remediate negative impacts of the MGP; and
- 2) create and enhance positive impacts of the MGP.

We have tried to correctly identify a particular party, or parties, for the implementation of these recommendations. We have also tried to ensure that these recommendations are goal-oriented, measurable and enforceable so that they can easily be converted from a JRP recommendation to a regulatory condition.

Under the Review Board procedure explained above, it is our expectation that our Class #2 recommendations would be considered JRP "measures".

Class #3 consists of our recommendations that would encourage the sustainable and responsible development of the NWT but that are either not specific to, or not limited to, just the MGP. For these types of recommendations, it is much more difficult to correctly identify those parties which should be responsible for implementing the recommendations. It is also much more difficult to keep these recommendations goal-oriented, measurable and enforceable as they frequently consist of recommending the use of certain guiding principles rather than specific actions or outcomes.

It is our position that our Class #3 recommendations consist of both "measures" and "suggestions" as defined by the Review Board procedure described earlier. We leave it to the JRP's discretion to ultimately decide on the extent of your mandate and which recommendations should fall into which category but we would certainly welcome a discussion with the JRP on this matter.

The accompanying Excel workbook contains 4 spreadsheets or pages. The first spreadsheet contains all of our recommendations and the next three contain our Class #1, Class #2 and Class #3 recommendations, respectively. Our spreadsheets also identify the source documents for our recommendations. Three tables, one for each of the different classes of recommendations, are also appended to this document.

In light of the foregoing discussion, Alternatives North makes the following Class #1 recommendation to the JRP:

Recommendation

The Joint Review Panel should capture important ideas and concerns that have been raised in this review process by issuing a second level of recommendations called “suggestions” which, if accepted, would provide guidance to the Mackenzie Gas Project proponents and other parties.

Guiding Principles for Recommendations from Alternatives North

In addition to the sustainability framework suggested by Dr. Gibson, Alternatives North was guided by the following principles in developing its recommendations.

- Consideration of the public interest as a main priority
- Use of the precautionary principle
- Polluter pays principle
- Contribution to sustainability
- Contribution to development of northern capacity
- Gender analysis as an ongoing component of analysis and evaluation
- Goal-oriented and measurable recommendations
- Processes that are outcome-oriented, not time-oriented

Comments on Process Used for Reviewing Mackenzie Gas Project

There are several observations on the review process for the MGP that Alternatives North would like to offer based on our participation to date. We recognize that several of these matters were beyond the control of the JRP but recommendations from the Panel may go some way to preventing or avoiding some of these problems in future reviews of resource development in the NWT.

One Review

The review of the MGP by both the JRP and National Energy Board was problematic at best. From an intervenor’s perspective this required us to participate in two separate processes, in some cases to file the same material in both processes, have our experts appear in both proceedings, but with inadequate funding for even the one process that it was available for (the JRP process). We also experienced on more than one occasion, proponents that tried to bounce issues from one proceeding to the other. We are also of the view that the two reviews caused unnecessary confusion in NWT communities.

Recommendation

The National Energy Board, the Mackenzie Valley Environmental Impact Review Board, the Inuvialuit Environmental Impact Review Board, and/or

the Government of Canada should require that future reviews of large hydrocarbon developments in the NWT, including any additional fields related to the Mackenzie Gas Project, undergo a single joint review.

Discussion of Technical Issues Outside of Hearings

Discussions of technical issues outside formal public hearings can assist in resolving matters and scoping matters before they come back to a public forum. This was certainly the case with at least two recent reviews of major resource development projects in the NWT—the Diavik diamond mine (conducted as a Comprehensive Study under the *Canadian Environmental Assessment Act*) and the Snap Lake diamond mine (conducted as an environmental assessment under the *Mackenzie Valley Resource Management Act*).

Discussions outside of hearings will work only if governments are active participants in such meetings and such sessions or meetings are open to all. This was certainly not the case with the review of the MGP where governments met behind closed doors with the proponents and only reported on such meetings after the fact, and in some cases only after very specific questions or undertakings were secured.

Role of Civil Society

Alternatives North and its experts often felt like we were really doing the work of government on socio-economic issues. No governments came forward with a model or predictions of government revenues from the MGP. The only such work was performed by Alternatives North.

On the issue of cumulative effects assessment, governments could not or would not muster the resources to generate specific scenarios to enable a more effective consideration of the basin-opening consequences of the MGP yet a non-governmental organization, the Canadian Arctic Resources Committee, prepared a credible analysis.

We trust that the JRP will note the significant contributions of civil society organizations to this process and the need for continued support to ensure this happens with future assessments. A specific recommendation on participant funding is found below and in our recommendations table to help facilitate the contributions from civil society.

Role of Government

There is a legal requirement for federal agencies to provide its expertise during a panel review under the *Canadian Environmental Assessment Act*.

Section 4(2)

In the administration of this Act, the Government of Canada, the Minister, the Agency and all bodies subject to the provisions of this Act, including federal authorities and responsible authorities, shall exercise their powers in a manner that protects the

environment and human health and applies the precautionary principle. [emphasis added]

Section 12(3)

Every federal authority that is in **possession of specialist or expert information or knowledge with respect to a project shall, on request, make available that information or knowledge to the responsible authority or to a mediator or a review panel.** [emphasis added]

Section 12.2

The federal environmental assessment coordinator shall

- (a) ensure that the federal authorities that are or may be responsible authorities and those that are or may be in possession of specialist or expert information or knowledge with respect to the project are identified;
- (b) coordinate their involvement throughout the environmental assessment process;
- (c) coordinate the responsible authorities' fulfilment of their obligations under subsection 55.3(1), paragraph 55.4(1)(a) and section 55.5;
- (d) ensure that federal authorities fulfil their obligations under this Act in a timely manner; and
- (e) coordinate the federal authorities' involvement with other jurisdictions.

The *Mackenzie Valley Resource Management Act* contains some provisions for the provision of information from government agencies as follows:

Part 1, Section 22

Subject to any other federal or territorial law and to any Tlicho law, a board may obtain from any department or agency of the federal or territorial government or the Tlicho Government any information in the possession of the department or agency or the Tlicho Government that the board requires for the performance of its functions.

It is debatable whether the federal government has fulfilled its legal obligations with regard to the JRP process. Alternatives North would also argue that governments generally did not act in the public interest by not asking questions to seek commitments from the proponents, and in some cases making only PowerPoint presentations rather than substantive written submissions. Given our knowledge of environmental assessments in the North, it is our view that the JRP process for the MGP marks a new low point for government irresponsibility and failure.

While this is a disturbing trend, we are not sure what the JRP can do to attempt to improve this situation for the future, other than to promote the development of independent technical expertise and capacity in the NWT, outside of government. The need for such capacity was also highlighted in a recent publication of the Walter and Duncan Gordon Foundation (Policy Research in the North. A Discussion Paper. by Frances Abele. September 2006).

Recommendation

The Government of Canada and the Government of the Northwest Territories should develop a specific plan, with funding, to design and maintain independent scientific, socio-economic and policy research and expertise in the NWT through a science or research institute.

What Happens After the JRP Reports?

While there are provisions in the Joint Review Panel Agreement and Terms of Reference for the responsible federal and territorial ministers to respond to the final report of the JRP, it is not clear to us whether there will be a so-called ‘consult-to-modify’ process. It is also not clear whether the JRP has the ability to make recommendations to some co-management bodies such as land use planning boards and renewable resource boards.

The parties to the Joint Review Panel Agreement have an onus to clearly explain what the process will be after the JRP reports. We are very concerned that a ‘consult-to-modify’ process may take place behind closed doors with no public involvement or understanding of how the JRP’s recommendations may be weakened or changed. We regard such a process as unfair and inappropriate unless all parties have an opportunity to comment, at least in writing, before final decisions are made.

Class #1 Recommendations from Alternatives North

Topic Number	Topic Description	Party Making Recommendation	Source	Recommendation Number	Party Recommendation is Directed To	Recommendation	Timing	Class #
2	Approaches to and Methods for Evaluating the Information in the EIS and Supplementary Submissions	Alternatives North Coalition	N/A	ANC_Rec_T2_01	Joint Review Panel	The Joint Review Panel should capture important ideas and concerns that have been raised in this review process by issuing a 2 nd level of recommendations called "Suggestions" which, if accepted, would provide guidance to the MGP Proponents and other parties.	When writing the final report	1
2	Approaches to and Methods for Evaluating the Information in the EIS and Supplementary Submissions	Alternatives North Coalition	Status of Women	ANC_Rec_T2_02	Joint Review Panel	The Joint Review Panel needs to consistently apply gender-based analysis when evaluating the evidence and making its recommendations.	When writing the final report	1
14(b)	Socio-cultural and Economic Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00051, 00072 and 00073	ANC_Rec_T14b_01	Joint Review Panel	Given the numerous concerns and the unenforceable nature of the commitments contained within the MGP Socio-Economic Agreement (SEA), the Joint Review Panel should apply no evidentiary weight to the SEA when making its recommendations and developing conditions on social and economic impacts (both positive and negative) of the MGP.	When writing the final report	1

Class #2 Recommendations from Alternatives North

Topic Number	Topic Description	Party Making Recommendation	Source	Recommendation Number	Party Recommendation is Directed To	Recommendation	Timing	Class #
9	Education, Training, Employment and Procurement	Alternatives North Coalition	J-ANC-00030	ANC_Rec_T9_01	MGP Proponents	Training programs and educational measures offered by the MGP Proponents should contribute to the long term employability of participants/employees.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	J-ANC-00030	ANC_Rec_T9_02	MGP Proponents	The MGP Proponents should develop targets and guidelines for training and employment that contribute to a fair distribution of economic opportunity. Regions/communities with lower employment rates and categories of persons with lower employment rates should be specifically targeted.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	J-ANC-00030	ANC_Rec_T9_03	MGP Proponents	MGP Proponents must develop and enforce northern hiring quotas and ensure their subcontractors adhere to these standards. The use of filing of income taxes in the NWT during the previous year could be used as a criteria for determining northern residency status.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	J-ANC-00030	ANC_Rec_T9_04	GNWT	The GNWT must develop a labour force development strategy in concert with non-governmental organizations and community agencies. This strategy should consider developing long-term employment skills and career counselling.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	J-ANC-00030	ANC_Rec_T9_09	Government of the Northwest Territories	The GNWT needs to coordinate programs and use best practices to sustain the economy in all communities. The "Saskatchewan Multi-Party Training Plan" is a useful model.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	J-ANC-00030	ANC_Rec_T9_10	Government of the Northwest Territories	Community-based monitoring programs should be developed under an independent research program. The results of this research should be applied to on-going employment, training and procurement program development.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	Status of Women	ANC_Rec_T9_11	MGP Proponents, Government of Canada and the Government of the Northwest Territories	The MGP Proponents, Canada and the GNWT must take immediate steps to develop an employment equity plan for the project with structures and mechanisms for audit and compliance. The plan should track the total numbers of women who apply, are interviewed, offered positions, and promoted. Subcontractors must be required to meet these standards. Penalties should be established for non-compliance by the proponents or contractors. The penalties could take the form of increased financial support for training programs for women.	All phases of the project	2

Topic Number	Topic Description	Party Making Recommendation	Source	Recommendation Number	Party Recommendation is Directed To	Recommendation	Timing	Class #
9	Education, Training, Employment and Procurement	Alternatives North Coalition	Status of Women	ANC_Rec_T9_12	MGP Proponents	The MGP Proponents should complete an identification of detailed quantifiable employment and training outcomes for women based on the analysis of data collected. Data should include: (1) a summary of personnel and training needs by occupational categories, (2) summary of availability rates for women, based on an analysis of labour force data disaggregated by sex and for all NWT communities, and (3) comparative analysis of the external labour force data against the personnel and training needs identified for the project.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	Status of Women	ANC_Rec_T9_13	MGP Proponents	The MGP Proponents should develop an employee training program specifically for women.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	Status of Women	ANC_Rec_T9_14	MGP Proponents	The MGP Proponents need to develop a worker support program, with a component specifically for women, that includes scholarships, incentives, internships and mentoring programs to encourage women to enter the industry and obtain jobs related to this project.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	Status of Women	ANC_Rec_T9_15	MGP Proponents	The MGP Proponents must establish an Employee and Family Assistance Plan to offer family support and individual counseling programs for workers at the worksite, and for project workers and their families in the community.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	Status of Women	ANC_Rec_T9_16	MGP Proponents	The MGP Proponents should contribute financially to the availability of child care and elder care to remove barriers to women working on the MGP.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	Status of Women	ANC_Rec_T9_17	MGP Proponents	The MGP Proponents must transport northern workers directly back to their home community, without any stopover in larger communities. Southern workers must also be flown directly south, without any stopovers in northern communities.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	Status of Women	ANC_Rec_T9_18	MGP Proponents	The MGP Proponents and trade unions involved in the MGP must promote harassment free work environments and provide training in areas of harassment, equality, cross cultural sensitivity, gender awareness and employment equity.	All phases of the project	2
9	Education, Training, Employment and Procurement	Alternatives North Coalition	Status of Women	ANC_Rec_T9_19	Government of Canada and the Government of the Northwest Territories	The Government of Canada and the Government of the Northwest Territories should develop further grant programs to support women getting into jobs related to this project and the natural resource sector.	All phases of the project	2

Topic Number	Topic Description	Party Making Recommendation	Source	Recommendation Number	Party Recommendation is Directed To	Recommendation	Timing	Class #
10	Project-related Expenditures and Economic Benefits	Alternatives North Coalition	J-ANC-00042	ANC_Rec_T10_01	Government of Canada and the Government of the Northwest Territories	The Government of Canada and the Government of the Northwest Territories should maximize revenue generation from the Mackenzie Gas Project by adjusting their respective royalty and taxation regimes prior to approval of the MGP. This is to include the capture of windfall profits during times of high gas prices. More specifically, the GNWT could implement a profitability surtax, a hydrocarbon production tax, a carbon tax and/or a capital investment tax on the Mackenzie Gas Project.	Before construction	2
10	Project-related Expenditures and Economic Benefits	Alternatives North Coalition	J-ANC-00042	ANC_Rec_T10_02	Government of Canada and the Government of the Northwest Territories	The Government of Canada and the Government of the Northwest Territories should not offer or provide royalty and tax breaks for the MGP if the objective of the breaks is merely to improve the profitability of the MGP Proponents.	All project phases	2
13	Responding to Socio-Cultural Impacts	Alternatives North Coalition	Status of Women	ANC_Rec_T13_01	MGP Proponents	The MGP Proponents must consult with women's groups and community women on all aspects of mitigating impacts on community well-being, including processes and approaches.	All project phases	2
13	Responding to Socio-Cultural Impacts	Alternatives North Coalition	Status of Women	ANC_Rec_T13_02	MGP Proponents and the Government of Canada	The MGP Proponents and the Government of Canada, through financial support to the Government of the Northwest Territories, must share the incremental costs of increasing and maintaining frontline services in health and social services, addictions and justice to meet additional demand due to the MGP.	All project phases	2
13	Responding to Socio-Cultural Impacts	Alternatives North Coalition	Status of Women	ANC_Rec_T13_03	MGP Proponents, Government of the Northwest Territories, NGOs and the RCMP	The MGP Proponents, the Government of the Northwest Territories, non-government organizations and the Royal Canadian Mounted Police must develop protocols on responsibility for service delivery in camps or worksites. Service delivery in communities must not be reduced because of MGP camp/worksites service needs.	Before construction	2
13	Responding to Socio-Cultural Impacts	Alternatives North Coalition	Status of Women	ANC_Rec_T13_04	MGP Proponents and the Government of Canada	The MGP Proponents and the Government of Canada must invest financially in community capacity to monitor and manage changes. There must be equal representation of women on monitoring boards or committees.	All project phases	2
13	Responding to Socio-Cultural Impacts	Alternatives North Coalition	N/A	ANC_Rec_T13_05	Government of the Northwest Territories	GNWT should impose rent control on existing properties to be applied during construction of the MGP but that allows for reasonable and justified cost increases. This measure should help reduce speculation in the housing market that could drive up prices for local residents.	Before construction	2

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13	Responding to Socio-Cultural Impacts	Alternatives North Coalition	N/A	ANC_Rec_T13_06	MGP Proponents, Government of Canada and the Government of the Northwest Territories	The Government of Canada and the Government of the Northwest Territories should develop social and economic transition plans (with funding from the MGP Proponents and both governments) as part of closure planning for major components of the MGP.	Before closure	2
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	Doug Ritchie, Tr. Vol. 45	ANC_Rec_T14a_01	Government of Canada and the Government of the Northwest Territories	The Government of Canada and the Government of the Northwest Territories must fully implement the Protected Areas Strategy and the Mackenzie Valley five-year action plan to help protect a network of culturally and ecologically representative areas.	Before construction	2
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_01	NEB, Government of Canada and the Government of the Northwest Territories	The National Energy Board must ensure that final land use plans have been approved with adequate funding for implementation in the NWT regions (Dehcho, Sahtu, Gwich'in and Inuvialuit) covered by the MGP before construction commences. Fulfilling this recommendation will also require the following: (1) INAC needs to amend the Canada Mining Regulations to ensure Mackenzie Valley land use plans are legally binding on all land uses. In the interim, the land withdrawals for the Gwich'in Land Use Plan conservation areas should be renewed indefinitely by INAC. (2) INAC needs to provide the Sahtu Land Use Planning Board with the resources and assistance necessary to expedite the review of the Draft Plan, required revisions, and final approval as quickly as possible. Once a Plan has been approved by the Sahtu, the federal and territorial governments should review and approve the Plan as quickly as possible, and in any event, before December 31, 2008. (3) INAC and GNWT need to approve the Dehcho Land Use Plan as quickly as possible and INAC should provide written policy direction to the MVLWB.	Before construction	2
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_02	Gwich'in Land Use Planning Board and the Inuvialuit Game Council	The Gwich'in Land Use Planning Board and the Inuvialuit Game Council should work co-operatively together and with other partners to develop an integrated environmental framework for the inner delta that includes enforceable conditions regarding thresholds (such as special management zone conditions) and ecologically representative protected areas. Such a plan should at minimum be reviewed every 5 years as required through the GLUP conditions	Before construction	2

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14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_03	NEB, Environment Canada and the GNWT	The NEB, Environment Canada and the GNWT need to negotiate an agreement on the regulation, monitoring and enforcement of air emissions from all MGP facilities and activities based on the maintenance of ecological integrity and human health. In the absence of any clear legislation or regulation, appropriate air emission standards need to be incorporated into NEB approvals for all MGP facilities and activities.	Before construction	2
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_04	GNWT, Environment Canada, DIAND and applicable Renewable Resource Management Boards	The GNWT, Environment Canada, INAC and applicable Renewable Resources Boards need to negotiate an agreement (possibly through an environmental agreement or as terms to NEB approvals) on the monitoring and management of wildlife in relation to all MGP facilities and activities.	Before construction	2
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_06	NEB, INAC and the CIMP Steering Committee	The NEB needs to ensure that INAC and the CIMP Steering Committee have developed a detailed operational plan, designed a responsible authority, passed regulations and provided secure and stable long-term funding to achieve complete CIMP implementation before construction of the MGP.	Before construction	2
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_01	NEB	The National Energy Board needs to open an office in the NWT in relation to its regulatory authority and responsibilities to the Mackenzie Gas Project.	All project phases	2

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14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_11	NEB, INAC and the LWBs	<p>The NEB, INAC and the Land and Water Boards need to employ the following closure and reclamation principles for the MGP: (1) Sustainability is the cornerstone and goal to ensure that the decisions made today do not take away or threaten the productivity and diversity of ecological systems or diminish the economic and social opportunities for future generations. (2) Full financial security with full cost accounting, no hidden subsidies and zero public liability. (3) Use of best available technology. (4) Avoidance of perpetual care situations. (5) Transparency and accountability of decision-making. (6) Conceptual reclamation plans approved prior to construction. (7) Recognition of the special role of communities and traditional/local knowledge. (8) Comprehensive, integrated life-cycle approach. (9) Consistency and coordination between responsible parties through legislative and/or regulatory changes or project-specific agreements (10) Establishment of mandatory planning and financial security requirements. (11) Use of preventative, mitigative and remedial actions to avoid any public liability.</p>	All project phases	2
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_12	NEB, INAC and the LWBs	<p>Implementing the principles described in ANC_Rec_T14a_11 will require the following priority initiatives: (1) Negotiation of a Memorandum of Understanding between INAC and the MVLWB regarding their roles and responsibilities for closure and reclamation. (2) Development of closure and reclamation guidelines and financial security calculation guidelines by the MVLWB to be used by all regional land and water boards in setting water license and land use permit terms and conditions. (3) That the NEB include requirements for reclamation plans, periodic revisions to such plans, and financial security in all Canada Oil and Gas Operations Act approvals related to the MGP and in the certificate(s) for the natural gas and liquids pipelines. (4) That all Responsible Authorities for the MGP require appropriate financial security in all the MGP approvals to fully implement the wildlife harvesting compensation provisions of the IFA.</p>	Before construction	2

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14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_13	MGP Proponents, Government of Canada, Government of the Northwest Territories, Aboriginal Governments	The MGP Proponents, Government of Canada, GNWT, and Aboriginal governments must negotiate environmental agreements to (1) provide a mechanism to confirm and implement agreed upon proponent commitments made during the Joint Review Panel process, (2) ensure coordination of review and approval of the design of environmental management plans and environmental monitoring programs, (3) allow for a coordinated approach to follow-up programs including evaluating effectiveness of mitigation measures, assessment of actual project effects against predicted effects, and identification of long-term trends and potential problems from monitoring program results that feed back into project management, (4) build public confidence in environmental performance through independent oversight and public reporting, and (5) provide a means for coordination of financial security for closure and reclamation.	Before construction	2
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_14	MGP Proponents, Government of Canada, Government of the Northwest Territories, Aboriginal Governments	The environmental agreements negotiated for the MGP should include the provisions outlined in Recommendation #15 of the report <i>A Review of Selected Environmental Management Issues for the Proposed Mackenzie Gas Project</i> (document J-ANC-00048 on the JRP Public Registry).	Before construction	2
14(b)	Socio-cultural and Economic Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00051, 00072 and 00073	ANC_Rec_T14b_02	GNWT and the MGP Proponents	The Government of the Northwest Territories and the MGP Proponents are to renegotiate the Socio-Economic Agreement to address the numerous concerns that have been raised including making SEA commitments binding and enforceable upon the MGP and to provide independent oversight and monitoring.	Before construction	2
16	Sustainability and Project Contributions	Alternatives North Coalition	J-ANC-00042	ANC_Rec_T16_03	Government of Canada and the Government of the Northwest Territories	The Government of Canada and the Government of the Northwest Territories are to create a Non-Renewable Resource Permanent Fund for the Northwest Territories to capture and invest revenues from the MGP and other current and future non-renewable resource development projects. The Fund should have clear and transparent rules including no cap on funding collected, allow for use of only the 'profits' from investment, and no individual citizen pay-outs.	Before construction	2

Topic Number	Topic Description	Party Making Recommendation	Source	Recommendation Number	Party Recommendation is Directed To	Recommendation	Timing	Class #
16	Sustainability and Project Contributions	Alternatives North Coalition	J-ANC-00071	ANC_Rec_T16_04	MGP Proponents and NEB	The MGP Proponents and the NEB need to reduce the maximum throughput of the pipeline to slow the pace and reduce the scale of the development to allow for more longer lasting benefits, to reduce negative socio-economic impacts and to reduce ecological footprints.	All project phases	2
16	Sustainability and Project Contributions	Alternatives North Coalition	J-ANC-00071	ANC_Rec_T16_06	MGP Proponents, NEB and the Government of Canada	The MGP Proponents, the NEB and the Government of Canada need to ensure that potential Northwest Territories customers receive first priority for purchasing natural gas and natural gas liquids produced by the MGP.	All project phases	2
16	Sustainability and Project Contributions	Alternatives North Coalition	J-ANC-00071	ANC_Rec_T16_08	Government of Canada and the Government of the Northwest Territories	The Government of Canada and the Government of the Northwest Territories are to develop the legal and commercial structures to enable a minimum 50 percent public ownership and control of the MGP.	All project phases	2
16	Sustainability and Project Contributions	Alternatives North Coalition	J-ANC-00071	ANC_Rec_T16_09	Government of Canada and the Government of the Northwest Territories	As an alternative to the MGP, the Government of Canada and the Government of the Northwest Territories are to investigate the export of natural gas through liquefaction and shipping from the Mackenzie Delta.	All project phases	2
16	Sustainability and Project Contributions	Alternatives North Coalition	J-ANC-00071	ANC_Rec_T16_10	NEB	The NEB needs to limit its project authorizations to maximum length of 5 years at which time the expected renewal applications for the MGP will provide an opportunity to conduct an analysis of the impacts of the MGP and the potential review and variance of terms and conditions attached to the authorizations.	All project phases	2
16	Sustainability and Project Contributions	Alternatives North Coalition	France Benoit, Tr. Vol. 45	ANC_Rec_T16_12	Government of Canada and the Government of the Northwest Territories	The Government of Canada and the Government of the Northwest Territories should ensure that revenue sharing and devolution agreements are in place before the pipeline is operational. If these agreements are not in place when the pipeline becomes operational then federal revenues from the MGP should be held in trust for the Government of the Northwest Territories until these agreements are concluded.	Before operations	2

Class #3 Recommendations from Alternatives North

Topic Number	Topic Description	Party Making Recommendation	Source	Recommendation Number	Party Recommendation is Directed To	Recommendation	Timing	Class #
2	Approaches to and Methods for Evaluating the Information in the EIS and Supplementary Submissions	Alternatives North Coalition	Status of Women	ANC_Rec_T2_03	MVEIRB and the CEAA	The Mackenzie Valley Environmental Impact Review Board and the Canadian Environmental Assessment Agency should develop guidance documents on gender-based analysis.	Near future	3
10	Project-related Expenditures and Economic Benefits	Alternatives North Coalition	N/A	ANC_Rec_T10_03	Government of the Northwest Territories	The Government of the Northwest Territories should develop and maintain an ongoing internal capacity to model changes in the MGP costs and assumptions in order to better assess financial and economic impacts. All information should be made available to the public.	All project phases	3
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_07	Government of Canada	The Government of Canada must ensure that boards and agencies responsible for the review and issuance of MGP approvals have full membership at all times, assuming timely nominations from all other parties	All project phases	3
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_08	Government of Canada	The Government of Canada must ensure that funding requirements are reviewed and sufficient funding provided to boards and agencies to address increased workloads should the MGP be approved.	All project phases	3
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_09	Government of Canada	The Government of Canada must ensure that a participant funding program is established, with adequate funding, for the Mackenzie Valley environmental review processes (including the Review Boards, Land and Water Boards and the NEB) to ensure meaningful public participation as soon as possible, and in any event before July 1, 2008	All project phases	3
14(a)	Environmental Management Plans, Monitoring and Follow-up Programs	Alternatives North Coalition	J-ANC-00048	ANC_Rec_T14a_10	NEB	The National Energy Board needs to prepare a communications strategy for the NWT to improve the public awareness and understanding of its roles and responsibilities. This strategy should include a new section on its website where applications, decisions, approvals, amendments, inspection reports and other relevant information be posted in the interest of openness, transparency and accountability.	All project phases	3
16	Sustainability and Project Contributions	Alternatives North Coalition	J-ANC-00042	ANC_Rec_T16_02	Government of Canada and the Government of the Northwest Territories	The Government of Canada and the Government of the Northwest Territories should not offer or provide royalty and tax breaks for oil and gas projects if the objective of the breaks is merely to improve the profitability of the projects.	All project phases	3

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16	Sustainability and Project Contributions	Alternatives North Coalition	J-ANC-00071	ANC_Rec_T16_05	Government of Canada	The Government of Canada renegotiate the North American Free Trade Agreement to allow the NWT and other regions to impose conditions on the MGP and other future energy developments to retain greater benefits, reduce socio-economic impacts and to avoid environmental effects.	All project phases	3
16	Sustainability and Project Contributions	Alternatives North Coalition	J-ANC-00071	ANC_Rec_T16_07	MGP Proponents, Government of Canada and the Government of the Northwest Territories	The MGP proponents, the Government of Canada and the Government of the Northwest Territories need to provide substantial research funding for the establishment of a value-added secondary petroleum industry in the Northwest Territories.	All project phases	3
16	Sustainability and Project Contributions	Alternatives North Coalition	France Benoit, Tr. Vol. 45	ANC_Rec_T16_11	Government of Canada	The Government of Canada needs to develop a Canadian energy policy to secure energy supplies for Canadian consumers and control Canada's greenhouse gas emissions.	As soon as possible	3
16	Sustainability and Project Contributions	Alternatives North Coalition	Kevin O'Reilly, Tr. Vol. 69	ANC_Rec_T16_13	Government of the Northwest Territories	The GNWT should engage its residents in the development of a comprehensive and inclusive economic strategy that considers contributions from the MGP and other non-renewable resource development.	All project phases	3
16	Sustainability and Project Contributions	Alternatives North Coalition	N/A	ANC_Rec_T16_14	Government of Canada, NEB, MVEIRB, Inuvialuit EIRB	The National Energy Board, the Mackenzie Valley Environmental Impact Review Board, the Inuvialuit Environmental Impact Review Board, and/or the Government of Canada should require that future reviews of large hydrocarbon developments in the NWT, including any additional fields related to the Mackenzie Gas Project, should undergo a single joint review.	Before next large project	3
16	Sustainability and Project Contributions	Alternatives North Coalition	N/A	ANC_Rec_T16_15	Government of Canada and the Government of the Northwest Territories	The Government of Canada and the Government of the Northwest Territories should develop a specific plan, with funding, to design and maintain independent scientific, socio-economic and policy research and expertise in the NWT through a science or research institute.	Before next large project	3