



Alternatives North

May 4, 2026

Pauline de Jong
Executive Director
Office of the Regulator of Oil and Gas Operations
Government of the Northwest Territories
PO Box 1320
Yellowknife NT X1A 2L9

Submitted Electronically

Dear Ms. de Jong:

Re: Revised Environmental Protection Plan Guidelines and Interpretation Notes

Please consider this letter as our comments on the “Revised Environmental Protection Plan Guidelines and Interpretation Notes” as noted in your March 16, 2026 letter sent to some Indigenous governments and non-governmental organizations. Please include Alternatives North in future such invitations for comments on proposed guidelines and interpretation notes.

Our detailed comments are found in the attachment but we wish to make three general points in this covering letter. We ask that the Office of the Regulator of Oil and Gas Operations (OROGO) conduct future opportunities for public comment using the Online Review System (ORS) at <https://new.onlinereviewsystem.ca/>. Although there is a separate page for OROGO reviews on this website, this specific review does not appear there. We would appreciate an explanation as to which OROGO public reviews are posted on the ORS and why this specific review is not found there.

We do not support the OROGO approach to these Revised Environmental Protection Plan Guidelines and Interpretation Notes (hereinafter referred to as Guidelines and Notes) where an operator sets out plans that are totally voluntary with no public reporting requirements.

A quick search of the OROGO revealed no posting of any Environmental Protection Plans or indeed anything, with the keyword ‘Plan’. The Guidelines and Notes do not require or make provision for any form of public review or comments on Environmental Protections Plans or updates. This is not consistent with the generally accepted practices of the co-management bodies across the NWT. We urge OROGO to adopt this best practice.

In the interest of transparency and accountability, we request a response from OROGO to our submission and comments and request copies or public postings and responses to other comments that are submitted.

Sincerely,

A handwritten signature in black ink that reads "Kevin O'Reilly". The signature is written in a cursive, flowing style.

Kevin O'Reilly

cc. Clerk, Standing Committee on Economic Development and Environment

Alternatives North Detailed Comments on the OROGO

Revised Environmental Protection Plan Guidelines and Interpretation Notes

May 2026

- Page 1, Introduction, Table 1. This Table is helpful in seeing what sections have been updated. However, it would be much more helpful if there was a third column that clearly stated the reasons or rationale for the changes. Some of this is mixed in with the changes covered in the first and second columns, but a third column with the rationale should be incorporated.
- Page 3, Introduction, Application. If these guidelines are subject to discretion by the Regulator as to whether they will be applied or not, the Regulator should provide public notice and reasons for decision as to why the guidelines are not to be applied to any individual case or class of cases.
- Page 4, Purpose and Scope of an Environmental Protection Plan, Purpose. The two current bullets do not reflect any public purpose for the Plans. Clearly Plans are required to build public confidence that oil and gas operations are conducted safely and the environment is protected. These purposes should be added to this section.
- Page 4, Purpose and Scope of an Environmental Protection Plan, Ownership. Although it is mentioned later in the Guidelines and Notes, it should be clearly stated that the applicant has the responsibility to ensure compliance with the EPP. A bullet requiring public reporting of any non-compliance and management responses should be added.
- Page 4, Purpose and Scope of an Environmental Protection Plan, New Section. Although there are sections that cover the type of operation and operational boundaries, there should be a section that requires an Environmental Protection Plan that reflects the environment in which it will operate including any significant species or special ecosystem attributes that may be impacted (e.g., karst topography, springs, wetlands).
- Page 5, Minimizing Regulatory Duplication. The current wording actually requires duplication. The Guidelines and Notes should allow some flexibility to allow plans submitted to the Lands and Water Boards to substitute for an EPP, and that the Regulator will make that determination public with reasons.
- Page 8, Overall contents, Adopted codes and standards. It is not clear whether any of the codes or standards that may be used by an applicant are subjected to any sort of independent verification or audit. It is also not clear why OROGO would simply accept any codes or standards without exercising any discretion as to their applicability or acceptability. If codes or standards are proposed by an applicant,

the onus should rest with the applicant to prove their applicability and acceptability. OROGO should rule on their applicability and acceptability in any individual circumstances and provide public reasons for decision.

- Page 8, Overall contents, Integration with other requirements. Although consistency with GNWT legislation are requirements of EPPs as discussed in the section, the *Environmental Protection Act* has not been reviewed or updated in many years, and air quality is very poorly covered in legislation and regulation. There should be an explicit requirement in the Guidelines and Interpretive Notes for monitoring and minimizing methane, other GHGs, and particulate emissions. Where an applicant intends to carry out flaring or incineration, there must be details on how and when this will be done, how emissions will be controlled, monitored and publicly reported.

There should also be discussion in the EPP as to how it relates to GNWTs Climate Change Strategic Framework, including international commitments to reduce greenhouse gas emissions.

Since the *Waters Act* is also well out of date, an applicant submitting an ERR should also demonstrate how they will minimize water use, maintain water quality and quantity, and take the increasingly large variations in water levels and rainfall events into account in their EPP.

- Page 8, Overall contents, Referring to other documents. The proposed wording where an applicant does not have to provide supporting documents is counterintuitive to openness and transparency. In addition, this lack of supporting documents may hinder opportunities for others to comment or review such information for its applicability or acceptability. We recommend changing the current approach to require submission of supporting documents.
- Page 10, Management system references, Management system verification. There are no requirements in this section or elsewhere, that require any form of public reporting in relation to the performance of the management system. At a minimum, there should be a requirement for a final report at the end of an operation on the performance of their management system and mandatory public non-compliance reporting. For operations of longer than one season in duration, annual public reporting should be required.
- Page 11, Identifying hazards and risks, As low as reasonably practicable (ALARP). OROGO apparently accepts the ALARP approach. It is unclear whether the public would accept ALARP if there is significant risk or concern or better technology available at a cost not considered economic by an operator. Alternatives North would prefer reference to the Precautionary Principle, given the remoteness and fragility of most of our landscapes and ecosystems. The public should have an opportunity to review and comments on any proposed use of ALARP by an applicant and OROGO.

- Page 12, Infrastructure critical to environmental protection, CAOEC Compliance. Canadian Association of Energy Contractors has recommended practices but it is unclear whether these have been subjected to any independent reviews or audits. It is also not clear whether OROGO has conducted its own review of these recommended practices for their applicability and acceptability in the NWT. If such reviews have been conducted by OROGO, we would like to see them.
- Page 14, Chemical substances, Environmental Protection Plan requirements. There does not appear to be any requirement for full public disclosure of the chemical make-up of all drilling fluids and what may be considered proprietary substances used during operations. We recommend this be added to this section.
- Page 16, Discharges into the environment, New Section. There is nothing in this section that requires any sort of public reporting of discharges into the environment. At a minimum, there should be a requirement for a discussion on how incidents and near-misses are to be communicated to the public at the time of, or as close as practicable, to the incident, and for a final public report that fully discloses all discharges (chemical substances, quantities, locations, any mitigation measures undertaken). For operations of longer than one season in duration, annual public reporting of discharge should be required.
- Page 17, Compliance monitoring and performance measurement, New Section. There is nothing in this section about mandatory reporting to OROGO of any non-compliance or any management responses. Such reporting should be a requirement and be made public.
- Page 18, Records related to environmental protection, New Section. There is nothing in this section about filing any of this information with OROGO for public accountability. We recommend an annual operations report that would cover or summarize [note that these bulleted item are taken directly from other provisions on this page]:
 - Records the operator maintained to demonstrate compliance with the Environmental Protection Plan;
 - Describe the process for reviewing and updating the Environmental Protection Plan;
 - Processes for communicating updates to the Environmental Protection Plan to employees, contractors, and service providers;
 - Emergency drills and exercises;
 - Incidents and near-misses;
 - Daily maintenance and operating activities critical to environmental protection;
 - The status of equipment and systems critical to environmental protection; and
 - Any other matter as directed by OROGO.

- Page 19, Submitting an Environmental Protection Plan. There is nothing in this section about OROGO intentions for any kind of public review or opportunity for public comment on what is submitted as an Environmental Protection Plan. This is not consistent with the generally accepted practices of the co-management bodies across the NWT. We urge OROGO to adopt this best practice.
- Page 20, Maintaining and Updating an Environmental Protection Plan. It is not clear what, if any, role there may be for the public in reviewing any updates. We recommend that the public be given an opportunity to review and comment on significant changes to any Environmental Protection Plan.

It is not clear how the EPP may relate to or will be coordinated with [proof of financial responsibility](#) and the assessment of risk or potential impacts of an operation. This relationship should be clearly spelled out in the EPP Guidelines and Interpretive Notes. Proof of financial responsibility should also include consideration of compliance with all approved EPPs and their related monitoring and public reporting provisions and costs.

There is no clear statement or commitment that OROGO will make draft or approved EPPs public through its public registry. Given our position that OROGO should provide an opportunity for public comment on draft EPPs, OROGO should clearly state that approved EPPs are public documents and will be posted without delay to its [Public Registry](#).