

NORTHWEST TERRITORIES–NUNAVUT SPILLS WORKING AGREEMENT



November 5, 2024

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RECORD OF AMENDMENTS *

No.	Amendment Description	Entered By / Date
1	NT/NU SWA Signed by all signatories replacing the 2014 SWA.	M. Martin (Co-Chair) November 5, 2024
2	SWA review by signatory legal/policy identified no concerns as of May 30, 2024. Signed off by all signatories between June-October 2024 and in place no later than October 2024 is anticipated	M. Martin (Chair) May 30, 2024
3	SWG Finalized Draft for final review and parties signatures. Changes included: <ul style="list-style-type: none"> Operational information was removed and put in the Terms of Reference for the Group. Appendix A 'Spill Reporting Threshold Table' has been removed and replaced with a statement requiring discussion with the appropriate regulatory authority. SWA general update to reflect changes and enhancements since 2014	M. Martin (Chair) - 18/May/2023
4	NWT spills response structure changed on April 1, 2014 to reflect the changes of devolution. Departments of Industry Tourism and Investment and Lands were added to the NT/NU SWA	M.Martin (Chair) - 1/Apr/2014
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GLOSSARY OF TERMS

Term	Definition
Agreement	Northwest Territories–Nunavut Spills Working Agreement
CIRNAC	Crown Indigenous Relations and Northern Affairs – NT and NU Regions
CCG	Canadian Coast Guard –Arctic Region
CER	Canada Energy Regulator
DFA	Northwest Territories Lands and Resources Devolution Final Agreement - 2014
ECC	Department Environment and Climate Change
ECCC	Environment and Climate Change Canada
GN	Government of Nunavut
GNWT	Government of the Northwest Territories
ILA	Inuvialuit Land Administration (Division of Inuvialuit Regional Corporation)
Lead Agency	Maintains oversight of the response efforts and coordinates inter-agency involvement.
NEEC	National Environmental Emergencies Centre
NT	Northwest Territories
NU	Nunavut
NWS	North Warning System
OFA	Operating Federal Agency (See Footnote 4 on Table 1 and Footnote 3 on Table 2)
OROGO	Office of the Regulator of Oil and Gas Operations
Parties	Government agencies, departments or organizations party to this Agreement, listed in section 2
RP	Responsible Party
SWG	NT-NU Spills Working Group
TC	Transport Canada
TOR	NT-NU Spills Working Group Terms of Reference

NORTHWEST TERRITORIES-NUNAVUT SPILLS WORKING AGREEMENT (NT/NU SWA)

1. BACKGROUND/PURPOSE/ GOALS

BACKGROUND

An emergency reporting system has existed in the Northwest Territories (NT) and Nunavut (NU) since the early 1970s. The first reporting system was maintained by the Government of the Northwest Territories (GNWT) and used for officially reporting different types of emergencies, including spills. However, because the system was not specifically designed for spill reporting, anything other than major spills tended to go unreported.

In 1979 a dedicated telephone line for reporting petroleum product and other hazardous material spills was initiated jointly by Indian and Northern Affairs Canada (INAC) and the GNWT. The Water Resources Division of INAC maintained the telephone line and the Environmental Services Division of the GNWT provided for the printing and supply of spill report forms.

The *Spills Working Agreement* and the attendant Spills Working Group was created as a direct result of a spill incident that occurred on a winter road near the City of Yellowknife in 1981 and resulted in the discharge of a large quantity of diesel fuel into a major river. At the time, spill response in the NT (which included what is now known as NU) was uncoordinated and, to further complicate matters, there were no distinct lines demarking regulatory jurisdictions between the various agencies. As a result, several regulatory agencies attended the spill scene, which took several days to clean up, each issuing a variety of orders to the responsible party.

The incident resulted in charges being laid by one of the regulatory agencies that was monitoring the spill cleanup. During the court case, the counsel for the defendant suggested that their client's ability to mount an effective cleanup operation was hampered by what they perceived to be mixed messages from the several regulatory agencies that attended the spill scene. While this argument did not alter the guilty verdict in the case, it did bring to light the need for a more coherent, coordinated, and consistent approach to the investigation of hazardous material spills by the various regulatory agencies in the NT. The decision in the trial required mandatory spill contingency planning by those engaged in the transportation, storage, and use of hazardous materials.

Consequently, an inter-agency meeting was held in Yellowknife to resolve the issues that came to light during the court case. The meeting established some overall objectives and developed an agreement that would:

1. Ensure all spills in the NT were reported to a central system that is publicly available (e.g. a phone-based Spill Line that is monitored 24-hours a day);
2. Establish an agreed-upon system whereby the process to identify a Lead Agency for all spills is well understood by all Parties;
3. Establish clear regulatory jurisdictions and identify those areas where there was jurisdictional overlap for determination of a Lead Agency;
4. Ensure that each Party to the Agreement respects the designation of the Lead Agency and all regulatory response efforts are coordinated through the Lead Agency; and
5. Foster communication and cooperation amongst all Parties to the Agreement.

The first Spills Working Agreement, which at the time was referred to as the Working Agreement on Government Response to Spills in the Northwest Territories, was signed in 1985. The original signatories included Indian and Northern Affairs Canada (INAC), the Government of the Northwest Territories (GNWT), Environment Canada (EC), the Canadian Coast Guard (CCG) and the Canada Oil and Gas Lands Administration.

The current NT/NU Spills Working Agreement (Agreement) signatories include the Government of Nunavut, the GNWT (Department of Environment and Climate Change), Crown Indigenous Relations and Northern Affairs Canada (NT), Crown Indigenous Relations and Northern Affairs Canada (NU), Environment and Climate Change Canada, Canadian Coast Guard, Transport Canada, the Office of the Regulator of Oil and Gas Operations, the Canada Energy Regulator, and the Inuvialuit Lands Administration. Additionally, the Department of National Defence Joint Task Force North and Fisheries and Oceans Canada while not signatories, have been an active participants and contributors to the Agreement.

The Agreement is nationally respected as a model example in terms of inter-agency cooperation and the realization

of common goals and objectives focused on environmental protection.

PURPOSE

The purpose of the Agreement remains consistent with the objectives established in 1981, which are to provide for a consistent approach to regulating spill response operations throughout the Northwest Territories (NT) and Nunavut (NU) by clearly articulating which agency will act as the Lead Agency in the event of a spill and providing a mechanism for interagency cooperation.

The Agreement provides a foundation for a consistent and cooperative approach to regulating spill response operations with the additional benefits of:

- Enhanced environmental protection;
- Effective regulatory agency cooperation; and
- Improved public awareness.

Nuclear and Radiological Emergencies are not contemplated as part of the agreement. Health Canada is the coordinating point for the Federal government's emergency response activities through the [Federal Nuclear Emergency Plan](#) (FNEP). The Department monitors the environment for radioactivity, provides advice to the provinces and territories on protective actions and proactively develops emergency response plans. Health Canada Duty Officer (Ottawa) can be reached via their answering service: 613-954-6651.

GOALS

The Goals of the Agreement are to:

- Ensure operation of a NT/NU centralized reporting system to notify government and regulatory agencies of spills in the NT, NU and the Arctic Offshore.
- Provide a consistent and reliable reporting service to promote continuous documentation of spill incidents.
- Achieve an effective NT/NU Spills Working Group.
- Promote compliance and awareness of 24-hour spill reporting in the NT, NU and the Arctic Offshore.
- Establish an agreed-upon system whereby the process to identify a Lead Agency for all spills is well understood by all parties.
- Enhance the cooperation and communication between regulatory agencies and the effectiveness of agency response.
- Facilitate the regulatory agencies, follow up to spills, enhance cooperation, avoid duplication of efforts, and promote effective use of existing resources.
- Allow for the cooperative administration of the NT/NU Spills Working Group.
- Allow for a Party to opt out of the Agreement or for a Party to be added to the Agreement.
- Provide a mechanism for amending this Agreement.
- Provide a mechanism for termination of this Agreement.

SPILLS WORKING GROUP

Parties to the agreement will designate representatives to the Northwest Territories - Nunavut Spills Working Group (SWG) to support the administration of the agreement. The Parties' representatives appointed to the SWG implement the Agreement guided by the Northwest Territories - Nunavut Spills Working Group Terms of Reference (TOR) and meet in person twice a year.

2. PARTIES TO THE AGREEMENT

Department of Environment
Government of Nunavut

Office of the Regulator of Oil and Gas Operations
Government of the Northwest Territories

Transport Canada
Prairie and Northern Region

Inuvialuit Land Administration

Crown Indigenous Relations and Northern Affairs Canada
NU Region

Department of Environment and Climate Change
Government of the Northwest Territories

Canadian Coast Guard
Arctic Region

Canada Energy Regulator

Environment and Climate Change Canada

Crown Indigenous Relations and Northern Affairs
Canada
NT Region

3. COMMITMENTS

- A) A 24-hour spill reporting service (call, email and online entry) will be maintained and used to notify all regulatory agencies of spills and subsequent updates in the NT and NU. Operational costs of maintaining this service are further described in Appendix A
- B) The 24-hour spill reporting service is supported by an NT/NU Spill Database to maintain continuous documentation of spill incidents and provides the public with access to available limited information on spill incidents. All Parties will endeavor to keep the NT/NU Spills Database up to date.
- C) Parties will endeavor to promote and publish standardized public messaging in relation to spills.
- D) All Parties recognize the importance of direct participation in the NT/NU Spills Working Group and will therefore strive to send representatives to the bi-annual meetings.
- E) The Lead Agency maintains oversight of the response efforts and coordinates inter-agency involvement, as described in Tables 1 and 2.
- F) Parties to this Agreement will endeavour to share information and coordinate inter-agency site visits.
- G) Unless otherwise agreed upon by the Parties to this Agreement, the administration of the group shall be jointly chaired by a representative of Government of Nunavut and a representative of the Government of the Northwest Territories. All decisions on the management and administration of the Agreement shall be made in accordance with the most current Terms of Reference for the NT/NU Spills Working Group.
- H) A Party may withdraw from this Agreement by providing written notice to each Party no later than sixty (60) days before March 31st of any year. A withdrawing Party shall pay its share of the costs of operating the 24 hour spill reporting service for the year ending March 31st. New Parties may subscribe to this Agreement at any time upon written agreement of a majority (>50%) of the Parties. The new Party will pay its share of any costs for the year ending March 31st or as determined by a majority of the Parties.
- I) This agreement will be reviewed annually and updated no less than every 5 years or as otherwise agreed upon by the SWG.
- J) This Agreement shall terminate upon written agreement of the majority (>50%) of the Parties.

4. SIGNATURES OF PARTIES TO THE AGREEMENT

Original signed and on file with the GNWT

September 12, 2024

Date

**Yvonne Niego
Deputy Minister
Department of Environment
Government of Nunavut**

Original signed and on file with the GNWT

October 31, 2024

Date

**Christian Marcoux
Superintendent
Arctic Region
Canadian Coast Guard**

Original signed and on file with the GNWT

September 12, 2024

Date

**Desmond Raymond
Regional Director
Prairie and Northern Region
Transport Canada**

Original signed and on file with the GNWT

November 4, 2024

Date

**Chris Loewen
Executive Vice President, Regulatory
Canada Energy Regulator**

Original signed and on file with the GNWT

November 1, 2024

Date

**Hans Lennie
Acting Director of Lands
Inuvialuit Land Administration**

Original signed and on file with the GNWT

October 23, 2024

Date

**Dr. Erin Kelly
Deputy Minister
Department of Environment and Climate Change
Government of the Northwest Territories**

Original signed and on file with the GNWT

June 26, 2024

Date

**Melanie Melo
Director
Environmental Emergencies Division
Environment and Climate Change Canada**

Original signed and on file with the GNWT

June 25, 2024

Date

**Pauline de Jong
Executive Director
Office of the Regulator of Oil and Gas Operations**

Original signed and on file with the GNWT

December 5, 2023

Date

**Charlotte Lamontagne
Acting Regional Director General
Nunavut Region
Crown Indigenous Relations and Northern Affairs
Canada**

Original signed and on file with the GNWT

October 25, 2024

Date

**Ron Pankratz
Regional Director General
Northwest Territories Region
Crown Indigenous Relations and Northern Affairs
Canada**

Table 1 - Lead Agency Designation for Spills in the NT.

<u>SPILL INCIDENT</u>	<u>LEAD AGENCY</u>
1. Spills on Commissioner's Land¹, Territorial Lands², Territorial Highways/Ice Crossings, Communities in NT	ECC-GNWT
Except:	
a) At Federal Facilities ³ not authorized under Federal or Territorial legislation.	OFA ⁴
b) In National Parks.	OFA
c) On rail line right-of-ways.	ECC- GNWT
d) On Federally Retained Lands that have been excluded under Schedule 7 Section D of the DFA.	CIRNAC
2. Inuvialuit private lands⁵ in the Inuvialuit Settlement Region as set aside under the Inuvialuit Final Agreement.	ILA
3. Spills on Water⁶ in NT	ECC-GNWT
Except:	
a) From ships and barges including refueling shore-based tanks, and mystery spills.	CCG/TC ⁷
b) To waters within areas that have been excluded under Schedule 7 Section D of the DFA.	CIRNAC
4. Spills to land and water from oil and gas exploration and production facilities and oil and gas pipelines⁸.	OROGO
Except:	
a) From CER regulated oil and gas exploration and production facilities and oil and gas pipelines.	CER

Footnotes

1. **Commissioner's Land** in the NT means land in the NT transferred by Order in Council to the GNWT and is, generally, land within a community, town or city.
2. **Territorial Land** in the NT means lands in the NT where there has been a transfer of administration and control of public lands to the Government of the Northwest Territories as defined in Chapter 3 section 3.1 of the DFA and does not include the lands listed in Schedule 4 or the excluded lands listed in Schedule 7 of the Devolution Final Agreement.
3. **Federal Facilities** means any facility owned by the Government of Canada. This designation does not include private dwellings leased by PSPC, or office and other complexes leased by PSPC located within the communities or on Commissioner's Land.
4. When an **Operating Federal Agency** is also recognized as a Responsible Party for spills to any receiving environment, including CCG and Canadian Forces vessels, except spills from any other federally operated vessels (e.g., RCMP, etc.) or, when the environment is not appropriately protected, there are no other agencies with relevant authorities, and the event is under ECCC's jurisdiction (*Fisheries Act, Canadian Environmental Protection Act, 1999 and Migratory Birds Conventions Act, 1994*), ECCC will be the lead.
5. **Inuvialuit private lands** are defined under sections 7(1)(a), 7(1)(b) of the Inuvialuit Final Agreement.
6. **Water** means both inland and arctic waters as defined in the *Waters Act, Mackenzie Valley Resource Management Act, and Arctic Waters Pollution Prevention Act*. Where a spill on land enters surface or ground water, the Lead Agency remains as the agency responsible for the spill on land.
7. **The Canadian Coast Guard (CCG)** is the Lead Agency for the response component of the *Canada Shipping Act, 2001* on behalf of the Canadian Government. **Transport Canada** is responsible for the management and governance of Canada's Marine Oil Spill Preparedness and Response Regime.
8. **Oil and gas exploration and production facilities and oil and gas pipelines:** This designation also includes operating pipelines, gas plants, refineries and wells.

Table 2 - Lead Agency Designation for Spills in NU.

<u>SPILL INCIDENT</u>	<u>LEAD AGENCY</u>
<p>1. Spills on Commissioner's Land¹, Territorial Roads, Communities</p> <p>Except:</p> <p>a) From facilities authorized under federal legislation. (i.e. landfills, mines, sewage and water systems)</p> <p>b) From federal facilities² not authorized under federal or territorial legislation.</p> <p>c) From CER regulated oil and gas exploration and production facilities and oil and gas pipelines⁴.</p>	<p>ENV-GN</p> <p>CIRNAC</p> <p>OFA³</p> <p>CER</p>
<p>2. Spills on Territorial Land⁵</p> <p>Except:</p> <p>a) From federal facilities³ not authorized under federal or territorial legislation.</p> <p>b) From CER regulated oil and gas exploration and production facilities and oil and gas pipelines.</p> <p>c) In national parks.</p>	<p>CIRNAC</p> <p>OFA</p> <p>CER</p> <p>OFA</p>
<p>3. Spills on Water⁶</p> <p>Except:</p> <p>a) From ships and barges, including refueling shore-based tanks, and mystery spills.</p> <p>b) From CER regulated oil and gas exploration and production facilities and oil and gas pipelines.⁴</p>	<p>CIRNAC</p> <p>CCG/TC⁷</p> <p>CER</p>

Footnotes

- Commissioner's Land** in the NU means land in NU which is described in the *Commissioner's Land Act*, R.S.N.W.T. 1988, c.C-11 as amended for NU pursuant to the *Nunavut Act* and is, generally, land within a community or town.
- Federal Facilities** means any facility owned by the Government of Canada. PSPC located within the communities or on Commissioner's Land. This designation does not include private dwellings owned or leased by PSPC, or office and other complexes leased by the Government of Canada
- When an **Operating Federal Agency** is also recognized as a Responsible Party for spills to any receiving environment, including CCG and Canadian Forces vessels, except spills from any other federally operated vessels (e.g., RCMP, etc.) or, when the environment is not appropriately protected, there are no other agencies with relevant authorities, and the event is under ECCC's jurisdiction (*Fisheries Act*, *Canadian Environmental Protection Act*, 1999 and *Migratory Birds Conventions Act*, 1994) ECCC will be the lead.
- CER regulated oil and gas exploration and production facilities and oil and gas pipelines:** This designation also includes operating pipelines, gas plants, refineries and wells.
- Territorial Land** means lands in NU that are vested in the Crown or for which the Government of Canada has power to dispose.
- Water** means both inland and arctic waters as defined in the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, and *Arctic Waters Pollution Prevention Act*. Where a spill on land enters surface or ground water, the Lead Agency is the agency responsible for the spill on land.
- The Canadian Coast Guard (CCG)** is the Lead Agency for the response component of the *Canada Shipping Act, 2001* on behalf of the Canadian Government. **Transport Canada** is responsible for the management and governance of Canada's Marine Oil Spill Preparedness and Response Regime.

Appendix A

NT-NU 24-Hour Spill Report Line Operation Cost Sharing

All Parties to this Agreement shall contribute to the costs of operating and publicizing the NT-NU 24-Hour Spill Report Line.

ECCC financial commitments to this Agreement are stipulated in the current CANADA-NORTHWEST TERRITORIES ENVIRONMENTAL OCCURRENCES NOTIFICATION AGREEMENT.

The ECC-GNWT, CIRNAC, and GN will share equally in paying 75% of the remaining costs, while the OROGO, CCG, CER, ILA, and TC will share equally in paying 25% of the remaining costs.

Appendix B
Schedule 1 – Spill Reporting for NT–NU Spills – Repealed

This agreement does not preclude any person from meeting the obligations or requirements of all applicable Federal, Territorial, and Municipal legislation.

Spill reporting in the Northwest Territories and Nunavut is coordinated through the NT–NU 24-Hour Spill Report Line.