

Energy & Natural Resources Regulatory Bulletin January 2021



WATER | WASTE | ENERGY

FEDERAL

Government of Canada Launches Consultations on new Canada Water Agency

The Government of Canada is establishing the [Canada Water Agency](#) (CWA) with the purpose to keep our water safe, clean, and well managed. The CWA will be established in collaboration with provinces, territories, Indigenous Peoples, and other partners. On 17 December 2020, the discussion paper “Toward the Creation of a Canada Water Agency”, was released by Environment and Climate Change Canada and consultation commenced for Canadians to provide input to help identify freshwater priorities. The discussion paper includes proposed freshwater objectives, and discussion on policy, climate change, Indigenous peoples, agriculture, economics, science, technology and more. Consultation will take place 17 December 2020 to 01 March 2021 with regional forums in February. Direction on how to sign up for the forums, and to read and respond to the discussion paper, can be found on [PlaceSpeak](#).

ALBERTA

Updated Record of Site Form and Remedial Action Plan Guide

Alberta Environment and Parks (AEP) has updated the [Record of Site Condition Form and Remedial Action Plan Guide](#). Users will now submit their Remedial Action Plan (RAP) as a part of their Record of Site Condition (RSC) form. The RCS form is now a PDF, and the RAP guide has been updated to incorporate these changes.

If the facility is regulated by the Alberta Energy Regulator (AER), users will continue to use the AER version of the form. Further questions regarding these changes can be sent Land.Management@gov.ab.ca.

Updated Master Schedule of Standards and Conditions

On 8 January 2021 the AEP posted the updated [Master Schedule of Standards and Conditions \(MSSC\)](#). Updates are purely administrative or for ease of reading, with no changes in policy. Private lands are not affected by this update.

Changes in numbering of standards and conditions from the previous MSSC can be found on the [OneStop Public Lands Standards and Conditions Change Key](#).

Alberta's Environmental Appeals Board Told to Expand Public Hearings

The Alberta Court of Appeal has informed the Environmental Appeals Board that they should have listened to wider public concerns regarding an energy services company's approval to dispose of radioactive waste. The [decision](#) has indicated that the board's interpretation of "directly affected" in section 91 and 95 of *Environmental Protection and Enhancement Act* is too restrictive.

BRITISH COLUMBIA

As-Drilled Survey Plan Changes

Effective 06 January 2021 the BC Oil and Gas Commission (the Commission) has implemented changes to the submission process for [As-Drilled Survey Plans \(ADSP\)](#). Information requirements per the [Drilling and Production Regulation](#) and the requirements for submission are included below.

The *Drilling and Production Regulation* (the Regulation) includes the following requirements:

- Section 35 (1) Within 14 days after the date of rig release of the drilling rig, a well permit holder must submit to the Commission the final as-drilled survey plan, showing the surface location and bottom hole location of the well and including the following for each:
 - a. Northing and easting coordinates, determined using the North American Datum of 1983, also known as NAD 83.
 - b. North and east offsets to the nearest corner of the spacing unit in which each is located and identifying the reference corner.

The requirements for submission are as follows:

1. The as-drilled survey plan shall be provided in its original size from the surveyor.
2. The surface and bottom hole locations, and the spacing unit reference corner shown on the plan shall be clearly labeled with the information required under the Regulation.
3. The as-drilled survey plan shall be submitted as a standalone PDF, using the ADSP submission type, via eSubmission.

The Commission is updating guidance documents related to the submission of as-drilled survey plans.

Pre-Engagement with First Nations

The Commission and Halfway River First Nation (HRFN) have [enhanced existing guidance](#) on pre-application engagement under the HRFN *Oil and Gas Consultation Agreement* (OGCA). This is part of the Commission's work with Treaty 8 First Nations on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). No changes have been made to the OGCA or the [consultation process](#).

Pre-engagement is not a requirement; however, the Commission is strongly encouraging pre-engagement as it is more effective when potential impacts to Aboriginal and Treaty rights have been addressed prior to the submission of permit applications.

Supplementary information has been added to [HRFN Categorization Worksheet \(Worksheet\)](#) and a [Pre-engagement Record Template](#) has been created which oil and gas applicants are encouraged to use and submit to the Commission to inform consultation on applications.



Submission Portal for Corporate Financial and Reserves Information Launched

On 04 January 2021 the Commission issued [Industry Bulletin 2021-01](#) regarding a Permittee Capability Assessment (PCA) being implemented to determine security deposit requirements for permit holders under Section 30 of the *Oil and Gas Activities Act* (OGAA). To support the PCA, the Commission is launching online submission for Corporate Financial and Reserves Information.

Revisions to the Dormancy and Shutdown Regulation (DSR)

Effective 18 December 2020 the Commission's Board of Directors, pursuant to the OGAA, approved some minor amendments to the [Dormancy and Shutdown Regulation](#) (DSR). The amendments are summarized below:

- Annual Work Plans and Annual Reports must now be submitted to the Commission in the form and manner specified by the Commission. All Annual Work Plans and Annual Reports must be [submitted](#) to the Commission via the eSubmission online portal.
- Sites where the well permit has been cancelled, declared spent, or expired, are now defined as former sites. Former sites are now included with the DSR and permit holders are required to include them in their closure activities. Work completed at former sites will count towards a permit holder's percent targets as set out in sections 15-18 of the DSR, as applicable.

Did You Know?

Environmental, Social, Governance (ESG) – considered a buzzword only a few short years ago, has gained significant traction in the last year as public interest and investor attention on ESG performance has surged. COVID-19 and a heightened focus on climate change have only intensified this dramatic uptake.

With the mounting pressure to access capital, the need to communicate ESG commitments and practices is no longer reserved for just larger, more visible public organizations. Companies, small and large, will likely begin to feel the pressure to adapt to ESG disclosure requirements and expectations, which demand greater transparency as they seek additional funding sources, debt, and/or insurance.

If the thought of incorporating ESG into your organization makes you anxious or feel extremely behind your peers (hint...you are not as late to the game as you may think), Integrated Sustainability can help you navigate through the uncertainty.

For more information, please read our recent article featured on EnergyNow, [Environmental, Social, Governance \(ESG\): How a commitment to ESG can help you gain access to capital](#), and contact our Director of ESG, Sustainability & Risk, Oksana Kielbasinski, at Oksana.Kielbasinski@IntegratedSustainability.ca or 1 (403) 681-1221.

