

## *Indian Oil and Gas Canada (IOGC)*

**Indian Oil and Gas Canada: Overview and Environmental Updates**

**Remediation Technologies Symposium 2023  
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## Indigenous Place Acknowledgement

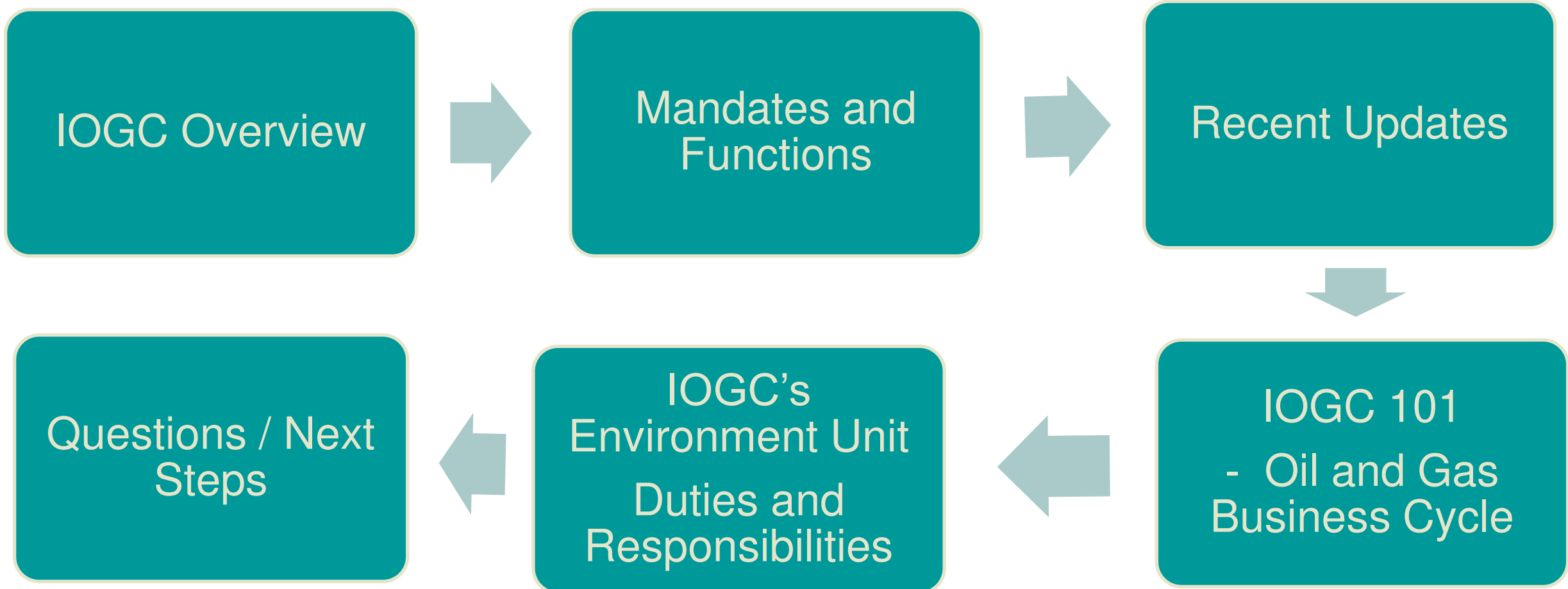
In the spirit of respect, reciprocity, and truth, we honour and acknowledge that the townsite of Banff is located on traditional Treaty 7 territory. These sacred lands are a gathering place for the Niitsitapi from the Blackfoot Confederacy, of whom the Siksika, Kainai, and Piikani First Nations are part; the Îyârhe Nakoda of the Chiniki, Bearspaw, and Goodstoney First Nations; the Tsuut'ina First Nation; the Métis Nation of Alberta, Region III within the historical Northwest Métis Homeland, and many others whose histories, languages, and cultures continue to enrich our vibrant community.

We acknowledge that we have much work to do to as we endeavor to build and strengthen our relationships with Indigenous Peoples in Canada.



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## Agenda



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# Indian Oil and Gas Canada Overview, Mandate and Main Function Presentation



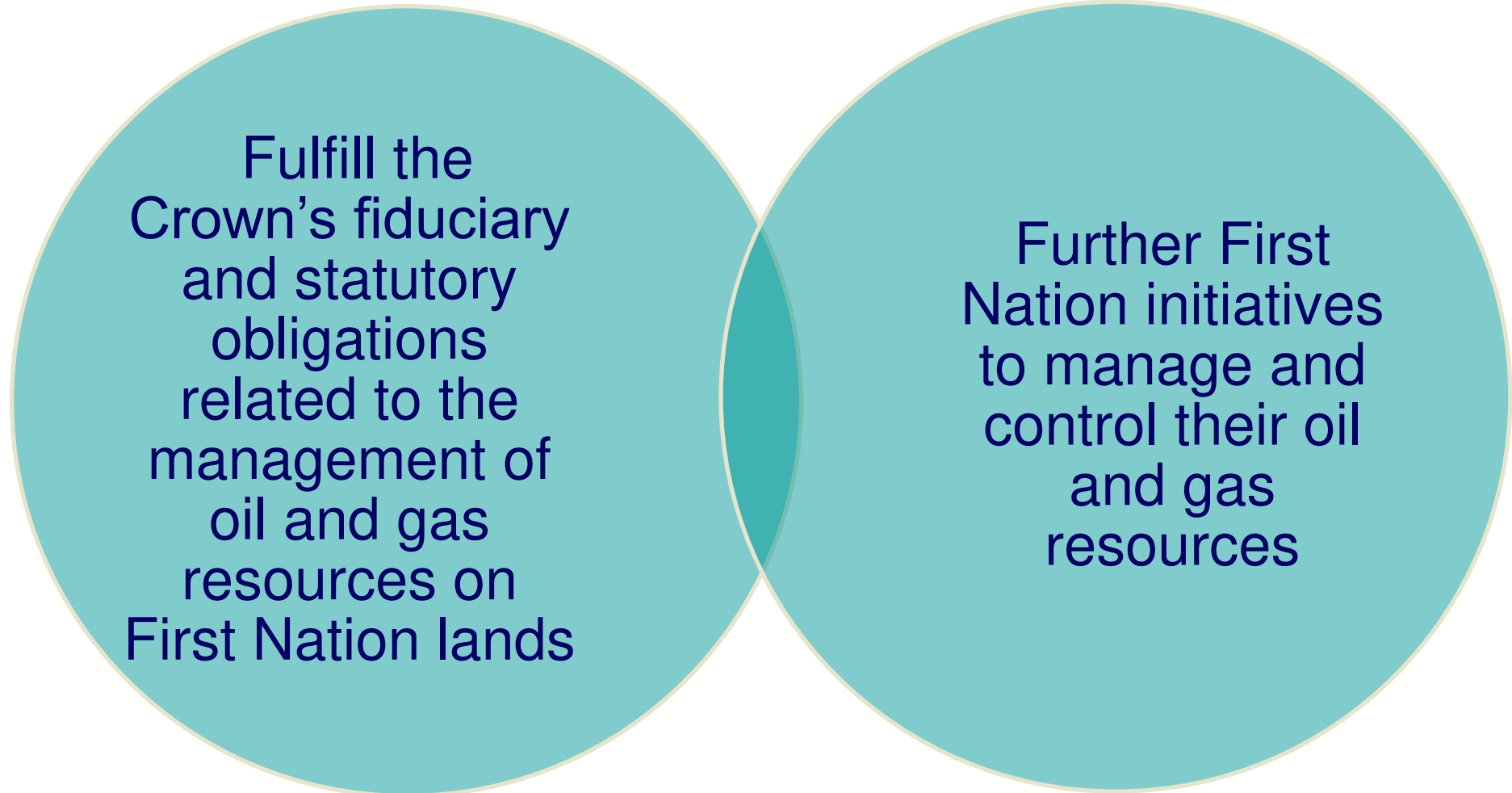
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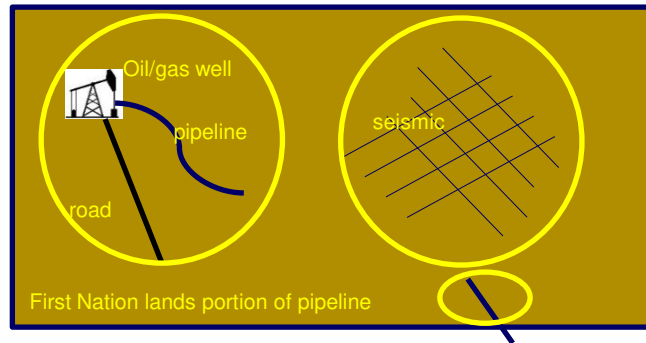
## IOGC Dual Mandate



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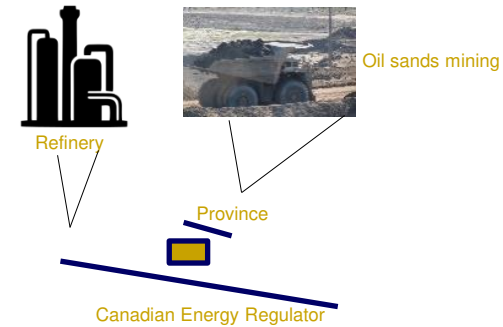
## Jurisdiction

### IOGC



**Manages and regulates oil and gas on designated First Nation lands**

### Other Regulators



**Outside of designated First Nation lands**

IOGC does not regulate:



Any oil and gas outside of First Nation lands



Midstream or downstream oil and gas

IOGC Jurisdiction:



Oil sands mining

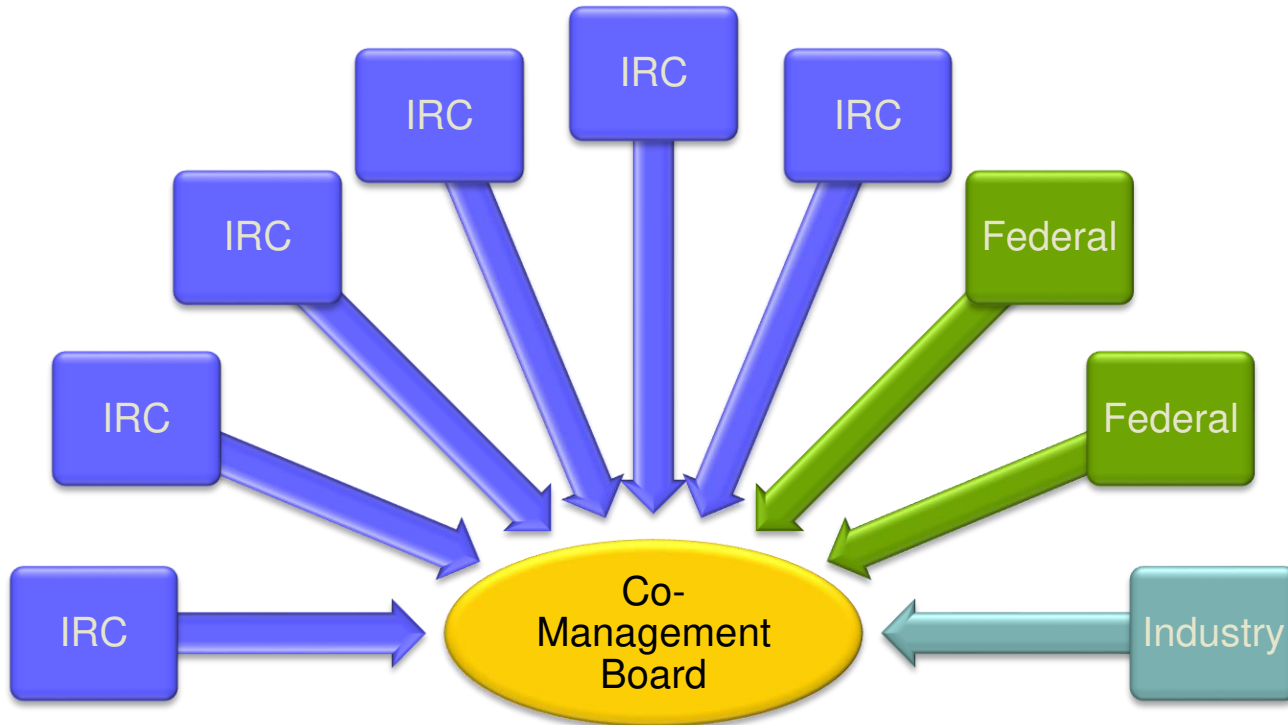


Renewable energy or alternative resources.  
IOGC regulates Helium



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## Co-Management Board



- 1996 Memorandum of Understanding established Co-Management Board as the first of three steps (co-management, delegation, and full management) towards First Nations managing their oil and gas resources.
- Indian Resource Council (IRC) is a First Nations organization that advocates on behalf of First Nations with oil and gas or the potential for such resources.



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## Service Delivery

...works closely with First Nations, industry and other governments as our clients and partners

...works closely with Chief and Council

### Indian Oil and Gas Canada

...requires Chief and Council approval for all agreements

...does **not** charge a fee to First Nations or retain a percentage of royalties/rentals for these services





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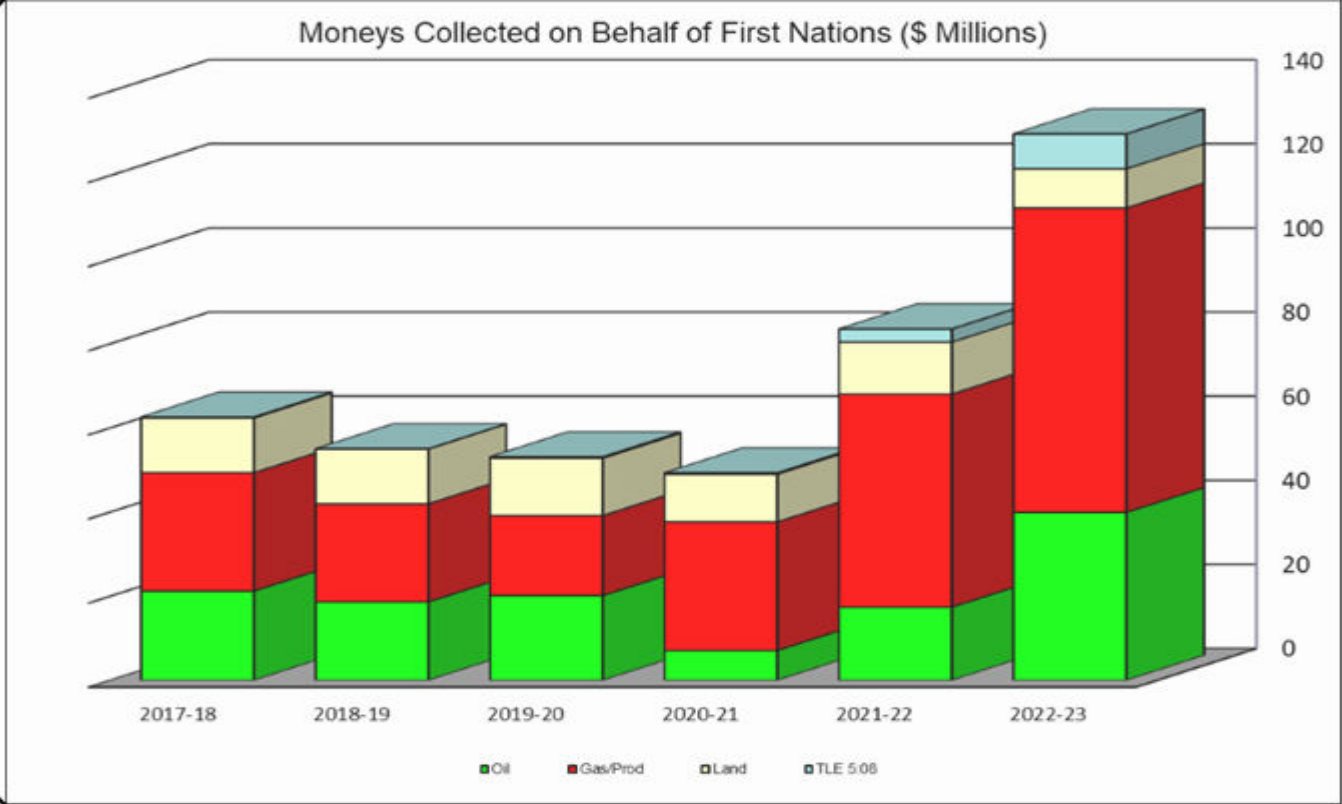
## Main Functions

- Negotiation, issuance, and administration of agreements between the Crown, First Nations, and industry.
- Conducting environmental reviews, inspections, reviewing environmental audits and reclamation applications, and coordinating remediation.
- Manage subsurface trespass, offset situations, non-productivity and surface land continuance.
- Assess potential for oil and gas resources, new technologies, alternative energy projects, royalty revenue forecasts.
- Conduct engineering and geology technical subsurface evaluations.
- Collecting royalty, bonuses, rentals and other revenues in trust for First Nations.
- On-going administration of agreements, ensuring legislative, regulatory and contract requirements are met.



# Excellence in Managing First Nation Oil and Gas Resources

- Royalties and other payments in the last six years: **\$400 million.**
- Number of First Nations in western Canada: 55



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# Indian Oil and Gas Canada Updates Presentation



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# Role in Liability Reduction Program



New Framework to Implement Section 78 (S78) of the Indian Oil and Gas Regulation



AER-IOGC New Intergovernmental Memorandum of Understanding



Emerging strategy, policy and agreement development to provide additional regulatory oversight in support of responsible abandonment of oil and gas pipelines on First Nation reserves



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## IOGC's Role in Liability Reduction Program

- Maximize the number of First Nation sites approved through the provincial programs by efficiently and effectively meeting IOGC's regulatory requirements
- Research the appropriate status of excluded wells that may be viable program candidates
- Deliver information as requested by First Nations to support their activities
- Ensure downhole and surface abandonment reports are received on time.
- Timely review and processing of Remediation Action Plans and Reclamation Applications.
- Complete post-closure reclamation inspections with the First Nation and surface contract holder .
- Review and process Surface Contract Surrender Applications



# New Framework to Implement Section 78 of the Indian Oil and Gas Regulations

- Section 78 of the IOGR is the first oil and gas regulations in place, that prescribe requirements for the timely closure of inactive oil & gas assets on First Nation lands within Canada
- S78 Triggers includes:
  - A well has been zonally abandoned and the company retains no other subsurface rights.
  - A subsurface contract ends or the lands within the contract are reduced.
  - Site has been determined to be currently used in a manner not purposed in the surface agreement.
  - A surface contract associated with another surface contract; the latter having been determined to trigger Sec 78. (e.g., borrow pit related to an abandoned well site, same for a pipeline).



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### AER-IOGC New Intergovernmental MOU

- Joint Inspections
- More communication and engagement
- Collaboration on compliant investigations/implementation, contaminant management and remediation
- AER-IOGC joint procedure document for managing closure nominations on First Nation Reserves
- Regular Meetings



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## Oil and Gas Pipeline Policy

- Pipeline is currently abandoned in place for most oil and gas projects, and multiple First Nations have indicated a desire for responsible pipeline abandonment on their lands.
- Section 78 of the Indian Oil and Gas Regulations (IOGR) and reflects the Crown's fiduciary role in responding to concerns raised by First Nations across Canada.
- Section 78: *If the lands in a surface contract area are no longer used for the uses for which the contract was granted, the holder must abandon any well and facilities in the area and remediate and reclaim those lands.*
- IOGC is currently working on pipeline policy to ensure all concerned parties play a role in management of pipelines after project end of life. The decision to remove or abandon pipelines will be guided by consistent principles to reduce any known or potential impacts.
- Engagement to occur with key partners and stakeholders on the policy intentions.





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# Indian Oil and Gas Canada Environment Business Unit



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## IOGC's Environment Business Unit

IOGC's Environment Business Unit's role includes:

**Project Applications and Environmental Review Forms**



**Operational Environmental Audits**



**Site Closure Remediation Plans**

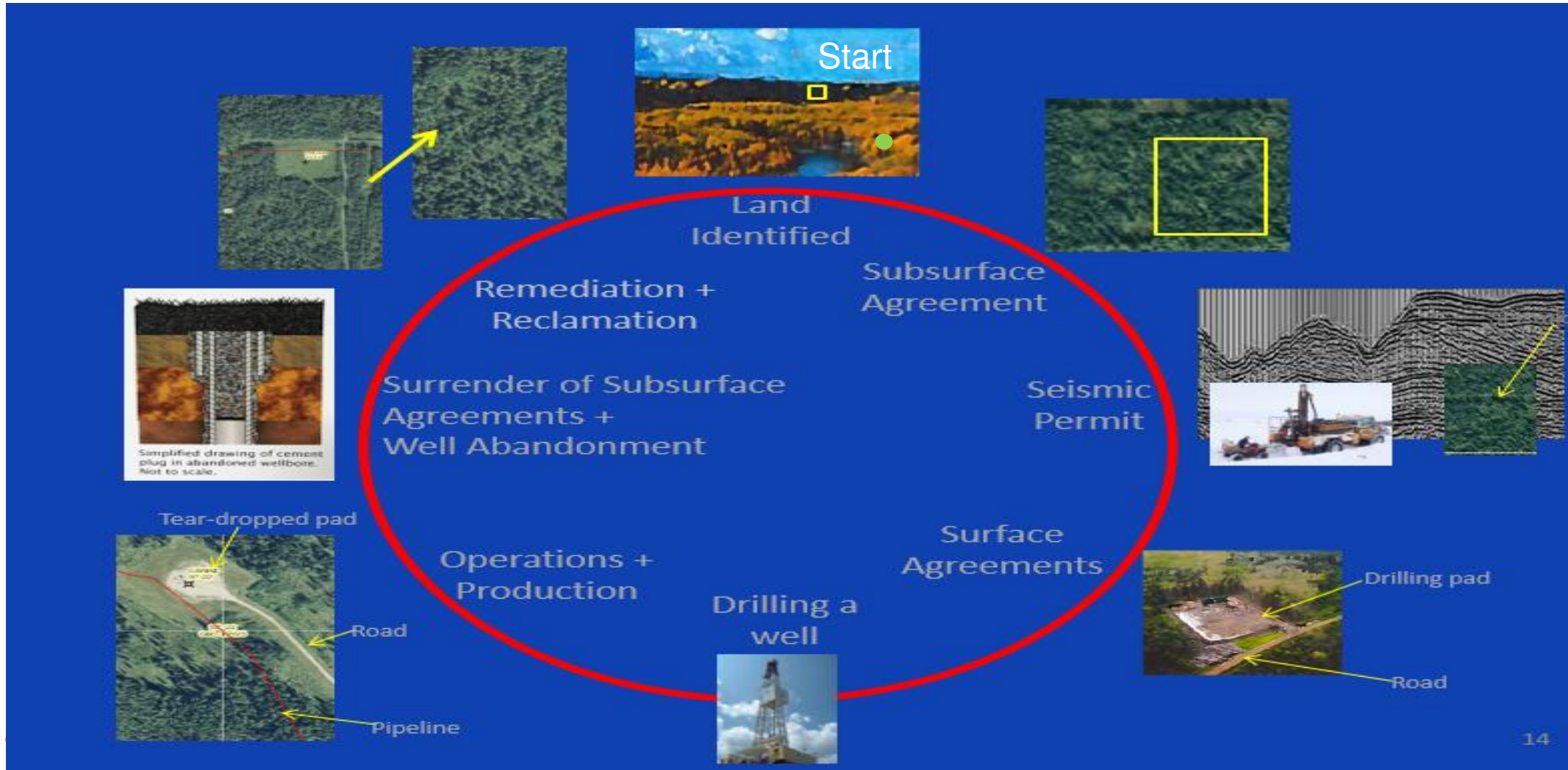


**Reclamation Applications and Inspection**



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## Oil and Gas Lifecycle



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## Project Application and Environmental Review Forms (ERF)

- Legislative authority (IAA 2019). First Nation Reserve Lands are designated as federal lands and require examination of adverse environmental impacts and implementation of mitigation measures.
- ERF submitted as part of surface lease application to IOGC and First Nation at the same time.
- New projects are posted on the IAA Public Registry for 30 calendar days for public comments to review the ERF, request for more information, accept or reject the project.
- IOGC's Environment Unit has 20 business days to review the ERF
- Seek confirmation from the First Nation that they agree with the project
- ERF form available on our website
- What leads to delays in the approval process



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## Operational Environmental Audits

- Purpose of environmental audits is for companies to demonstrate a systematic approach to the management of their environmental responsibilities during oil and gas operations.
- Timelines:
  - For surface leases, first audit due Dec 31 one growing season after lease construction and every five years thereafter
  - For ROW, first audit due Dec 31 two growing seasons after pipeline installation and every 10 years thereafter
- Audit must be performed by a qualified third-party environmental professional
- Contract holders responsible for tracking environmental due dates



# Remediation

- IOGC adopts the Alberta remediation framework with changes.
- Unique elements include:
  - default is CCME standards for agricultural land use be used for remediation unless otherwise stated
  - must meet CCME standards, if provincial and CCME standards, IOGC adopts the more conservative standard
  - risk assessment methodologies (e.g., AB SST) require discussion with IOGC and the Nation and demonstration of informed consent.
- Remediation Action Plan (RAP) Form and Guide currently being reviewed and updated. Request copy via email.
- Routine RAP and Non-Routine RAP
- Non-Routine RAP: potential to reach GW, potential to reach surface water, contamination at bedrock depth, beyond lease boundary, application of in-situ remediation technology, application of risk management/modelling, remediation over a 2-year period.
- Acceptance of AB methanol and barite guidelines.



# Reclamation

- Alberta reclamation framework applies to all Reserve lands across Canada.
- Reclamation Applications submitted as part of surface lease surrender package.
- IOGC's business standard is to review Reclamation Applications within **3 months and** coordinate the joint reclamation inspection within **18 months**.
- Joint site inspections with the First Nation are conducted for ALL sites.
- A First Nation Band Council Resolution (BCR) is required for:
  - Facilities to be left in place
  - Change in end land use, or
  - risk assessment approach to remediation.
- If the site passes the reclamation inspection, a reclamation inspection passed letter is issued.
- SK and AB regulators are accepting the IOGC Reclamation Pass Letter as an authorization to reduce provincial liabilities.
- IOGC's Lease Administration Business Unit requires additional time to process and finalize the surface contract surrender.



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- Discussion
- Questions



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Contact list by First Nation lands

*Indian Oil and Gas Act*, RSC 1985, c. I-7 and *Indian Oil and Gas Regulations*, SOR/2019-196



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