

The Facts on the GNWT's Draft Fracking Regulations

The GNWT has issued draft fracking regulations for public discussion over 90 days between April and June 2015. It is expected that the regulations will come into effect by the fall of 2015.

Confusing & Ineffective Regulations

- The GNWT's draft fracking regulations will apply to new applications to frack for exploration and production. They are part of regulations under the *Oil and Gas Operations Act* and the *Petroleum Resources Act*, and National Energy Board Filing Requirements. These relationships are unclear in the information released thus far.
- The draft regulations actually include many parts of the existing National Energy Board Filing Requirements word for word, but some regulatory requirements are left out entirely. Why?
- The draft regulations are only part of the picture so it is difficult to understand how they work with or improve other laws. Without clear, complete legislation, regulations, and authority how can northerners have ease of reference or confidence that the risks of fracking can be successfully managed to prevent damage to peoples' health and the land and water?

The draft fracking regulations:

- Require industry to provide descriptions and plans for air, water, wildlife and other land impacts, monitoring, and how they will try to prevent damage but NO provision for government or independent oversight of ACTUAL practices or the consequences in the case of violations.
- Require industry to provide descriptions or plans to manage waste, maintain air quality, manage spills, wells, geophysical hazards, seismic activity, and potable water but NO provision for government or independent enforcement of the ACTUAL practices or consequences in the case of violations.
- Call for a willingness to list "the chemicals used in the hydraulic fracture fluids and the predicted concentration ranges of those chemicals" but NO requirement for full public disclosure of the volume and type of all frac chemicals ACTUALLY used and recovered.
- Enable industry to REFUSE to publicly disclose water quality and annual environmental and safety reports or follow less demanding standards, if they are uneconomic.

Big Questions Before Deciding How to Frack are Ignored

The GNWT's rush to develop draft fracking regulations avoids the main question – to frack or not to frack? The practice of horizontal hydraulic fracturing is controversial for very good reason.

- Nova Scotia, New Brunswick, Newfoundland and Labrador, Yukon, and Quebec and several European countries have paused, banned, or put a moratorium on fracking.
- Northerners with concerns about fracking have spoken out clearly, but the GNWT is ignoring us.
 - The Dene Nation called for a moratorium on fracking in 2011.
 - The Gwich'in Tribal Council banned fracking in its territory in 2013.
 - The Sahtu Secretariat Inc. called for a comprehensive review of fracking in 2014.
 - The Akaitcho Government called for a ban on fracking in 2014.

- In 2014, over 800 northerners from 24 communities called on the GNWT to require that any land or water use applications involving fracking be evaluated through a full environmental assessment that includes public hearings.
 - Tulita petitioned the NWT Legislative Assembly in March 2014, calling for future fracking applications be put to a vote in the Sahtu.
 - The May 2014 'mock' NWT Elders' Parliament voted unanimously to place a moratorium on fracking in the NWT until impacts are better understood and government can manage the practice in a way that ensures the well-being of our land and communities.
 - Over 900 northerners have already signed a petition to be presented to the GNWT in May 2015, calling for a moratorium on fracking until a comprehensive review of the risks has been completed.
- The Council of Canadian Academies identified inadequate knowledge to understand the effects and fully manage the risks of fracking related to both surface and ground water, greenhouse gas emissions, and human health.¹
 - Experts on groundwater contamination have issued warnings about the lack of knowledge and monitoring of the extent to which methane released through repeated fracturing of shale rock will creep to the surface or into groundwater.²
 - Scientists tell us we must leave up to 80% of oil and gas in the ground and unburned (including all northern deposits), to avoid dangerous climate change. They direct us to renewable sources of energy like solar, wind, biomass, and hydro.³

The Facts Remain

Putting out questionable draft fracking regulations for discussion over a 90 day period in public engagement sessions does not negate the fact that:

- The GNWT has a constitutional duty to meaningfully consult with, and accommodate the concerns of First Nations. Short-term, public engagement sessions do NOT respect this duty;
- Fracking uses and pollutes a huge amount of water. The GNWT does NOT have legislation to protect our water;
- No methods currently exist to reclaim frac wastewater. It is forever toxic and must be managed forever. Storing it underground is risky to groundwater and the stability of geological formations;
- Extracting and burning more oil will add to greenhouse gas emissions and dangerous climate change, something Canada and other nations have agreed to avoid, and;
- Environmental protection and laws are under attack in the NWT and Canada in favour of industry and against the people and the land. Lack of comprehensive and rigorous legislation and authority puts us all at risk.

¹http://www.scienceadvice.ca/uploads/eng/assessments%20and%20publications%20and%20news%20releases/shale%20gas/shalegas_rif_en.pdf

²http://theyee.ca/News/2014/06/04/Fracking-Lacks-Groundwater-Monitoring/?utm_source=editor-tweet&utm_medium=twitter&utm_campaign=040614

³<http://www.nature.com/nature/journal/v517/n7533/full/nature14016.html>