

ENVIRONMENTAL IMPACT REVIEW BOARD

**ANNUAL ACTIVITY REPORT
1998 - 1999**

FOR THE PERIOD 1 APRIL 1998 - 31 MARCH 1999

**PRINTED IN INUVIK, NORTHWEST TERRITORIES, CANADA
JUNE 1999**

DEDICATION

The Environmental Impact Review Board wishes to recognize the outstanding service to the Inuvialuit of its former member Nelson Green, who passed away in a tragic accident in January. Many can not think of the *Inuvialuit Final Agreement* without thinking of Nelson. He was intimately involved with the negotiation of the claim as a director of the Committee for Original People's Entitlement (C.O.P.E.). Following the signing of the *Inuvialuit Final Agreement* he served on a number of the co-management groups, including the Environmental Impact Review Board. As one of three Inuvialuit members appointed at the time of the Board's inception in 1986, Nelson helped shape the environmental impact assessment process within the Inuvialuit Settlement Region. His contribution to the process over the following ten years was valued by his fellow Members, as is the legacy that he has now left for those who follow.

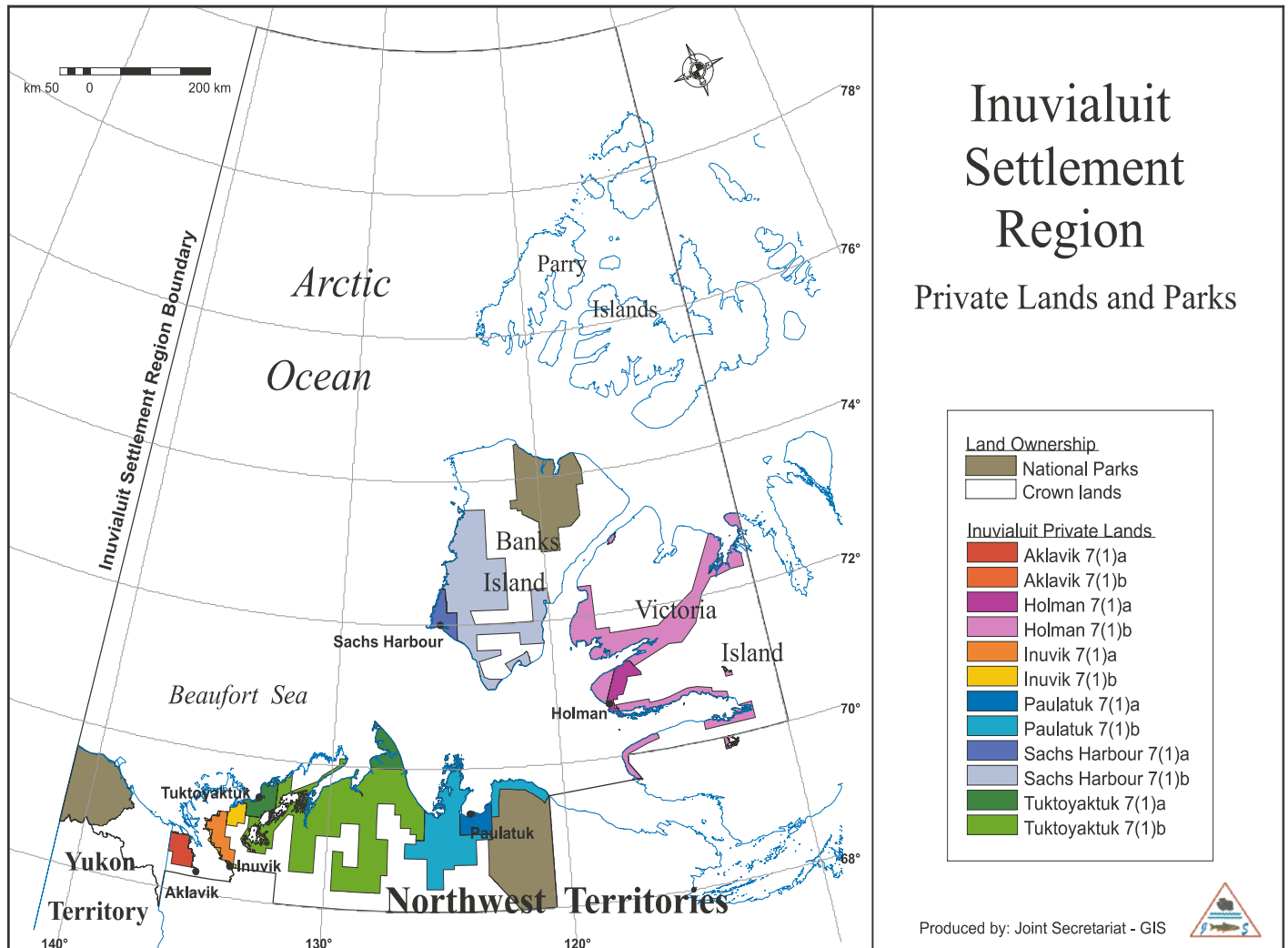


Figure 1. Private Inuvialuit Lands and Crown Lands within the Inuvialuit Settlement Region.

TABLE OF CONTENTS

DEDICATION	i
CHAIR'S COMMENTS	1
PERIOD OF REPORT	2
AUTHORITY OF THE ENVIRONMENTAL IMPACT REVIEW BOARD	2
MEMBERSHIP	2
MEMBERS DURING 1998/1999	3
ADMINISTRATIVE AND TECHNICAL ASSISTANCE	4
OPERATING PROCEDURES	4
ROUTINE OPERATIONS	5
ACTIVITIES	5
MEETINGS, WORKSHOPS, CONFERENCES	6
GUESTS	7
FINANCES	8
APPENDIX A: FINANCIAL SUMMARY	A-i

CHAIR'S COMMENTS

All members of the Board were dearly moved by the untimely death of our ex-Board member, Nelson Green, in January 1999. We will miss his wise counsel.

The EIRB held two meetings during the year, primarily to deal with the substitution of the Inuvialuit environmental review process established under the *Western Arctic (Inuvialuit) Claims Settlement Act* for the review provisions of the *Canadian Environmental Assessment Act*. At year end an MOU acceptable to both parties was ready for signature.

The Board did not hold any reviews during the year.

As Chair of the Board I wish to thank my fellow board members, in particular the departing Board members, Joey Amos and Noel Green, its secretary, Linda Graf, its advisors and the staff of the Joint Secretariat for their efforts to help the Board provide a fair but efficient review procedure for the Inuvialuit Settlement Region.

Robert Hornal
Chair

PERIOD OF REPORT

This report describes the affairs of the **Environmental Impact Review Board (EIRB)** for the fiscal period 1 April 1998 to 31 March 1999.

This is the twelfth annual activity report of the **EIRB**, marking the Board's thirteenth year of operation.

AUTHORITY OF THE ENVIRONMENTAL IMPACT REVIEW BOARD

The **EIRB** was established under the terms of the Inuvialuit Final Agreement (IFA) between Canada and the Committee for Original Peoples Entitlement (COPE), representing the Inuvialuit. The Inuvialuit Final Agreement was approved, given effect, and declared valid by the *Western Arctic (Inuvialuit) Claims Settlement Act* [S.C. 32 - 33 Elizabeth II, C.24.], on 28 June 1984.

As an environmental impact assessment and review body for any development referred to it pursuant to the Inuvialuit Final Agreement, the **EIRB** is structured so that both parties to the IFA are represented equally. The goals of the IFA that are directly relevant to **EIRB** operations are to ensure that the Inuvialuit are equal and meaningful participants in the Environmental Impact Screening and Review Process, and to protect and preserve the Arctic wildlife, environment, and biological productivity.

MEMBERSHIP

The **EIRB** is composed of seven people. Three members are appointed through Order-in-Council by Canada; three members are appointed by the Inuvialuit Game Council; and a Chair is selected by the Government of Canada with the consent of the Inuvialuit Game Council. Of the three members appointed by Canada, one is nominated by the Government of Yukon, one is nominated by the Government of the Northwest Territories, and one is selected by the Government of Canada.

There were two changes to the membership of the **EIRB** during 1998/99. Joey Amos resigned in June 1998 to accept the position of Executive Secretary to the Inuvialuit Game Council. Mr. Amos had been a Member since 1996. Appointed in 1996 was Noel Green, who remained a member until March 1999. Mr. Green continues to hold the position of Resource Person to the Paulatuk Hunters' and Trappers' Committee. Richard Binder of Inuvik and Eddie Okeena of Holman were appointed by the Inuvialuit Game Council to replace the outgoing members.

MEMBERS DURING 1998/1999

- Chair:** Robert Hornal, Vancouver, B.C.
Appointed by the Government of Canada (1992)
Present Term: 10 June 1998 to 9 June 2001
- Members:** Joey Amos, Inuvik, N.W.T.
Appointed by the Inuvialuit Game Council (1996)
Until: June 1998
- Peter Bannon, Yellowknife, N.W.T.
Nominated by the Government of the N.W.T.
Appointed by the Government of Canada (1992)
Present Term: 13 June 1998 to 12 June 2001
- Richard Binder, Inuvik, N.W.T.
Appointed by the Inuvialuit Game Council (1998)
Present Term: June 1998 to September 1999
- Tom Butters, Gillies Bay, B.C.
Appointed by the Government of Canada (1992)
Present Term: 13 June 1998 to 12 June 2001
- Herbert Felix, Tuktoyaktuk, N.W.T.
Appointed by the Inuvialuit Game Council (1995)
Present Term: September 1996 to September 1999
- Noel Green, Paulatuk, N.W.T.
Appointed by the Inuvialuit Game Council (1996)
Until: March 1999
- Eddie Okeena, Holman, N.W.T.
Appointed by the Inuvialuit Game Council (1999)
Present Term: 13 March 1999 to September 1999
- Andrew Williams, Whitehorse, Yukon
Nominated by the Government of Yukon
Appointed by the Government of Canada (1995)
Present Term: 7 July 1998 to 6 July 2001

ADMINISTRATIVE AND TECHNICAL ASSISTANCE

The **EIRB** receives administrative, technical, and clerical support from the Joint Secretariat (JS) in Inuvik. Full-time assistance is provided by the Resource Person - Environment, appointed by resolution of the **EIRB** to the office of Secretary. Independent expert legal counsel and technical advice are contracted as required.

Linda Graf has held the position of Secretary to the **EIRB** from November 1995 to the present time.

In addition to Ms. Graf, during the period of this report the following individuals provided assistance to the **EIRB**:

- Administrative:*** Norm Snow, Executive Director, JS
Peggy Madore, Senior Administrative Officer, JS
- Financial:*** Angela Hunter, Finance Officer/Travel Coordinator/Librarian, JS
- Clerical:*** Brigitte Wolki, Receptionist, JS
- Auditors:*** Avery Cooper and Company, Yellowknife, N.W.T.
- Legal Advisors:*** Ferguson Gifford Barristers and Solicitors, Vancouver, B.C.

OPERATING PROCEDURES

Persons who are interested in obtaining a copy of the **EIRB's** current *Operating Procedures* or who have questions about the **EIRB** should contact:

Secretary
Environmental Impact Review Board
Joint Secretariat - Inuvialuit Renewable Resource Committees
P.O. Box 2120
Inuvik, Northwest Territories, CANADA X0E 0T0

telephone: (867) 777 - 2828
fax: (867) 777 - 2610
email: eisceirb@jointsec.nt.ca

ROUTINE OPERATIONS

The **EIRB** held two regular meetings during the reporting period. The first was held on 15 September 1998 in Yellowknife. The second meeting was held on 3 - 4 February 1999 in Inuvik. In addition, a telephone conference was held on 9 December 1998 to discuss a draft Memorandum of Understanding between the EIRB and the Minister of Environment (refer to Activities 1).

ACTIVITIES

During the year the **EIRB** was involved in the activities noted below. No public reviews were held.

1. Substitution for Federal Review Process by the Inuvialuit Final Agreement Review Process, Ongoing

In February 1995, the **EIRB** wrote to Honourable Sheila Copps, former Minister of Environment, seeking agreement-in-principle for a substitution of the Inuvialuit Final Agreement environmental review process for the *Canadian Environmental Assessment Act* review process for developments of relevance to the Inuvialuit Settlement Region. In February 1998, the Honourable Christine Stewart, Minister of Environment, agreed that the **EIRB** review process addresses the key components of the *Canadian Environmental Assessment Act* and could substitute, on a case by case basis, for a review panel pursuant to the *Act*. Since that time and throughout the present reporting period, the **EIRB** continued to correspond with the Canadian Environmental Assessment Agency (CEAA) concerning a draft Memorandum of Understanding (MOU) between the **EIRB** and Minister of Environment regarding a substitution process. By December 1998, the Chair was granted the authority on behalf of the **EIRB** to sign the draft MOU which was slated to be brought before the Minister in February 1999. At fiscal year-end, the **EIRB** was awaiting further word from the CEAA on the progress of the document.

2. Development Projects within the Inuvialuit Settlement Region, Ongoing

During the reporting period, the **EIRB** followed the progress of current or proposed developments of relevance to the Inuvialuit Settlement Region, for example, the Inuvik Gas Project being carried out by the Inuvialuit Petroleum Corporation; the Darnley Bay Exploration Project being carried out by Darnley Bay Resources Limited; and the proposed all-weather road from Inuvik to Tuktoyaktuk, proposed by the Department of Transportation.

3. Inuvialuit Community Conservation Plans, Financial Support, May 1998 - March 1999

In May 1998, the Wildlife Management Advisory Council (NWT) [WMAC(NWT)] sought financial support from the co-management groups, including the **EIRB**, for the review and update of the Inuvialuit community conservation plans. The **EIRB** agreed to cover the expenses of EIRB Members who participated in the workshop as Working Group.

4. Yukon Development Assessment Process, September 1998 - February 1999

The **EIRB** followed the development of the Yukon Development Assessment Process (YDAP) during 1998/99. In December 1998 the Chair reviewed the first draft of the YDAP legislation and forwarded comments to the YDAP Commission. Of particular concern was the fact that the document did not recognize the Inuvialuit Final Agreement environmental screening process and seemed to wish to add a second process for the Yukon North Slope.

5. Use of Traditional Knowledge in Research, February 1999

In February 1999, the **EIRB** responded to an inquiry from the Wildlife Management Advisory Council (North Slope) [WMAC(NS)] regarding the use of traditional knowledge in the Inuvialuit Final Agreement environmental screening and review process. The **EIRB** informed WMAC(NS) that proponents were required to incorporate traditional knowledge into the environmental impact statement, in accordance with the *Operating Procedures*. In addition, and as a consequence of the inquiry, the **EIRB** decided to revise their *Operating Procedures* to clarify the difference between *traditional knowledge* and information arising from community consultation.

MEETINGS, WORKSHOPS, CONFERENCES

During the fiscal year, the **EIRB** attended the following meetings, workshops, or conferences.

1. International Association for Impact Assessment, Annual Meeting, 19 - 24 April 1998, Christchurch, New Zealand (Presentation)
2. Canadian Institute for the Administration of Justice, Hearing Process Course, 16 September 1998, Yellowknife (Participation)
3. Canadian Institute for the Administration of Justice, Decision Writing Course, 17 - 18 September 1998, Yellowknife (Participation)

-
4. N.W.T. Association for Impact Assessment Meeting, 24 September 1998, Telephone Conference (Participation)
 5. IFA Implementation Meeting, 5 November 1998, Edmonton (Participation)
 6. Mackenzie Valley Cumulative Impact Monitoring Program Workshop, 17 - 19 November 1998, Inuvik (Participation)
 7. Workshop on Community Consultation, 23 - 24 November 1998, Yellowknife (Presentation)
 8. 26th Annual Geoscience Forum, 25 - 27 November 1998, Yellowknife, N.W.T. (Display, Presentation)
 9. N.W.T. Association for Impact Assessment Meeting, 9 December 1998, Yellowknife (Participation)
 10. Inuvialuit Game Council Meeting, 10 December 1998, Inuvik, N.W.T. (Presentation)
 11. Environmental Impact Screening Committee, 3 February 1999, Inuvik N.W.T. (Observers)
 12. Arctic Borderlands Ecological Knowledge Co-operative, 1 - 3 March 1999 (Participation)
 13. Integrating Traditional Ecological Knowledge into Environmental Assessment, 14 - 18 March 1999, Banff, Alberta (Participation)
 14. Inuvialuit Community Conservation Plan Workshop, 22 - 24 March 1999, Inuvik (Participation)

GUESTS

1. Mr. Chris Lemon, Lawyer, Ferguson Gifford Barristers and Solicitors, Vancouver, B.C., 9 December 1998

Mr. Chris Lemon was asked to participate in a telephone conference held December 1998 during which the **EIRB** discussed the draft MOU between the **EIRB** and the Minister of Environment regarding approvals for substitution of process.

FINANCES

Funding for the Chair, Canada Member and the Secretary of the **EIRB**, and for reviews conducted by the **EIRB**, is provided by way of Contribution Agreements with the Department of Indian Affairs and Northern Development (DIAND). Funding for the Inuvialuit members is provided by way of a Contribution Agreement with the Government of the Northwest Territories. A summary of the finances is attached as Appendix A.

APPENDIX A

FINANCIAL SUMMARY

These unaudited financial summaries are for information purposes and should not be considered as definitive statements of account. For full financial details, the audited financial statements of the Joint Secretariat should be consulted. For further information, contact:

*Executive Director
Joint Secretariat - Inuvialuit Renewable Resource Committees
P.O. Box 2120
Inuvik, Northwest Territories
CANADA X0E 0T0*

ENVIRONMENTAL IMPACT REVIEW BOARD - CHAIR & CANADA MEMBER

**1998 - 1999 Contribution Agreements - DIAND
For the Year Ending March 31, 1999**

REVENUE

DIAND Contribution (Implementation Funds) **\$ 53,697**

EXPENDITURES

Chair - Honoraria 20,118
Chair - Per Diem 1,077
Chair - Travel 11,597
Chair - Accommodation 2,628
Office Costs 5,096
Meeting Costs 2,900
Telephone & Fax 684
Legal/Consulting 2,956
Insurance 718
Canada Member - Honoraria 163

47,937

EXCESS REVENUE (EXPENDITURE)

\$ 5,760

ENVIRONMENTAL IMPACT REVIEW BOARD - INUVIALUIT PARTICIPATION

For the Year Ending March 31, 1999

REVENUE

Government of the Northwest Territories (Implementation Funds) **\$ 34,417**

EXPENDITURES

Honoraria 12,233

Per Diem 5,279

Travel 23,270

Accommodation 6,797

Meeting Costs 2,033

49,611

EXCESS REVENUE (EXPENDITURE)

(\$ 15,194)

ENVIRONMENT ADMINISTRATION

**1998 - 1999 Contribution Agreements - DIAND
For the Year Ending March 31, 1999**

REVENUE

DIAND Contribution (Implementation Funds)	<u>\$101,026</u>
---	-------------------------

EXPENDITURE

Staff Salaries & Benefits	62,544
Office Consumables	4,961
Fixed Assets	10,992
Office Rent	10,780
Telephone & Fax	2,220
Meeting Costs	934
Travel	2,753
Accommodation	1,604
Per Diem	<u>607</u>

97,395

EXCESS REVENUE (EXPENDITURE)

\$ 3,631