

ENVIRONMENTAL IMPACT REVIEW BOARD

**ANNUAL ACTIVITY REPORT
1986/87 – 1987/88**

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CHAIRMAN'S COMMENTS

In the two years that the Board has been in operation we have found that implementing a Lands Claim Settlement under a new act is a complex process. However many of the participants now better understand what the I.F.A. was meant to do.

In the process of preparing for the Gulf Canada Hearing we were forced to develop our precepts and procedures. In doing so I have seen where some things must be done:

1. There is a definitive need to formalize the relationship of the Review process with those related functions of the Territorial and Federal Governments. Each Government must convince its organizations that the Inuvialuit Final Agreement must be taken into account in their operations and decisions.

I appreciate the "hands-off" approach of the governments of Canada and the Northwest Territories in administering the Board's operations. But in external matters such as dealing with other Departments or Agencies some high level help is needed in getting the Agreement incorporated into their operations in the Region.

2. The Inuvialuit the Territories and the Government of Canada must do some long range planning as to how the committees and Board will operate and be funded after the present Implementation funds are finished April 1, 1994. There needs to be some indication of the funding methods and amounts so that there can be a smooth transition from the Implementation Funds to the on-going operations.
3. The Inuvialuit and the Government of Canada should do an annual performance review of how successful the committees and the Board under the Agreement are in achieving their goals and objectives. This review should take a broad high-level approach to rate their performance and efficiency as well as the Inuvialuit's acceptance of the Committees and the Board.
4. The Inuvialuit, the Governments of the Territories and Canada, and the Board should come to an understanding in regard to the Wildlife compensation of Section 13. This is complicated because the N.W.T. already has a firm written policy on Compensation and there are several Federal Acts that require developers to pay compensation. In addition Canada under Section 13(16) must assume the developer's liability under certain circumstances.
5. The Inuvialuit must be trained to take up all of the positions of Managers for all of the operations set out in the Agreement.

PERIOD OF REPORT

This report covers the affairs of the Environmental Impact Review Board of the Inuvialuit Final Agreement for the two year period between April 1, 1986 and March 31, 1988.

AUTHORITY OF THE BOARD

The Environmental Impact Review Board was established under the terms of the Inuvialuit Final Agreement between Canada and the Committee for Original Peoples Entitlement. The Agreement became law under the Western Arctic (Inuvialuit) Claims Settlement Act S.C. 32-33 Elizabeth II, C. 24. 28 June 1984.

GOALS OF THE BOARD

The board operates within the scope of the Agreement to achieve the basic goals expressed in Section 1 of the Agreement:

- To preserve the Inuvialuit cultural identity and values within a changing northern society.
- To enable the Inuvialuit to be equal and meaningful participants in the northern society.
- To protect and preserve the arctic wildlife, environment and biological productivity.

MEMBERS

Ewan Cotterill	Appointed by the Government of Canada
Albert Elias	Appointed by the Inuvialuit Game Council
Nelson Green	Appointed by the Inuvialuit Game Council
Roger Gruben	Appointed by the Inuvialuit Game Council Resigned September 30, 1987
Ron Livingston	Appointed by the Government of Canada Designated by the Government of the Northwest Territories
Calvin Pokiak	Appointed by the Government of Canada on September 30, 1987
Mike Stutter	Appointed by the Government of Canada Designated by the Government of the Yukon Territory
Carson Templeton	Chairman, appointed by the Government of Canada with the consent of the Inuvialuit

BOARD POLICIES

The Board has developed certain rules for conducting its hearings:

- The Board requires that each potential developer submit an Environmental Impact Statement which will explain in detail the activities proposed and an estimation of what the impacts will be on the biological, physical and human environments. We will expect the developers to state what measures they will expect the developers to state what measures they will take to limit the impacts to the levels that they have predicted. The Beaufort Sea Environmental Assessment review Panel was a good regional planning exercise but it was not project specific. Therefore detailed Impact Assessments will be necessary for each development.
- Since developers will be limited in their ability to control social impacts the Board will question the governments involved as to how they will respond to social changes brought by the development in question and those that will follow it.

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- The Board will expect the government regulatory bodies to detail how they will monitor the development to see that the predicted level of impacts are not exceeded and how they will respond to unexpected circumstances.
 - The Board will strive to obtain from all the hearing participants an estimation of the positive and negative cumulative effects of all the events that will follow the development.
 - The I.F.A. requires that the Board consider any significant negative environmental impact regardless of whom it affects. The Agreement does not limit the Board to be concerned only with the interests of the Inuvialuit.

ADMINISTRATION OF THE BOARD

The Joint Secretariat was incorporated to supply administrative and technical support to the following Renewable Resource Committees of the Inuvialuit Final Agreement:

- The Inuvialuit Game Council
- The Environmental Impact Screening Committee
- The Environmental Impact Review Board
- The Fisheries Joint Management Committee
- The N.W.T. Wildlife Management Advisory Council

The Chairpersons of each of these bodies sits on the Board of Directors of the Joint Secretariat.

The Chairperson of the Board of Directors of the Joint Secretariat for the tow years covered by this report has been Mr. Winston W. Mair. The Chairperson elected by the Directors for the coming year is Mr. Alex Aviugana. The Executive Director of the Joint Secretariat is Dr. Norman Snow. Mr. Gary Wagner, an employee of the Joint Secretariat acts as Secretary of the Review Board. He is also Secretary of the Environmental Impact Screening Committee.

As of March 31, 1988 the budget and Contribution Agreements with the Canadian and Territorial Governments had run out and new ones were being processed. The new budget and contribution Agreement will include funds for the review Board from April , 1988 to March 31, 1991.

FINANCIAL AUDIT

The Joint Secretariat employs an independent audit firm to perform the annual report of its expenditures. The expenditures of the Review Board are included in this audit and are reported in the Annual Financial Report of the Joint Secretariat.

REVIEW BOARD OPERATIONS DURING THE PERIOD

During the period of this report the Review Board held seven two-day meetings and prepared its By-Laws, procedures and methods of operations.

The Board is now finalizing its operating procedures. These procedures will be listed in a booklet that will be given to potential applications, interveners, government departments and other interested parties. It will show how the Board intends to operate the hearings under the terms of the Inuvialuit final Agreement.

The Board and the Screening Committee found that there were problems with the operating procedures of Section 11 of the I.F.A.. They have made recommendations to the two parties of the I.F.A. as to how they should be corrected.

APPLICATIONS

Gulf Canada Ltd. – Proposed Production and Development Project. This preliminary application was received by the Screening Committee. It was in turn referred to the Review Board on February 15, 1987.

As both Gulf and DIAND expressed the desire to expedite the hearing process the board decided to proceed as if it were a final application. A hearing date was set for May 4, 1987. Advertisements and notices were prepared and the available literature was reviewed. The following consultants were hired:

Dr. Wayne Duval of E.S.I. Consultants – to report on and give evidence and opinions on biological impacts in the Beaufort Sea.

Dr. Andrew Thompson and Ms. Harriet Rueggeberg – to report on compensation and liabilities in various statutes and how they relate to the Compensation in Section 13 of the I.F.A..

Mr. Lindsay Staples – to prepare, as a part of the hearings, a workshop of the Settlement Region residents on socio-economic impacts.

Dr. Everett Peterson of Western Ecological Services – as writer in residence of the Board's Report of the Hearing.

Gulf then revised their application. Their final application was for a smaller project called the **Extended Formation Testing Program**. This application was submitted to the Screening Committee in late April 1987.

On May 4 the Screening Committee met and decided to refer the application to the Northwest Territories Regional Environmental Review Committee instead of the Review Board.

All preparations were cancelled at this point. The Board believed it should not continue the studies when it did not have an application before it and reluctantly cancelled the studies. Fortunately the

Government of the Northwest Territories commissioned Thompson and Rueggeberg to complete Phase One of their study. Additional studies on compensation will be required in the future.

A report was prepared by the Board that recorded the procedures used and research performed in considering the application and in preparation for the hearings. This report entitled "Preparation for Gulf Hearings 1987" is filed in the library of the Joint Secretariat in Inuvik.

Gulf Canada Ltd. – Tarsiut Caissons and Nalleck Base Scrap Metal Disposal. This application was made to Environment Protection of Environment Canada, which referred it to the Screening Committee. The Screening Committee referred it to the Review Board on August 7, 1987.

The application was to dump inert material into the Beaufort Sea, within the Inuvialuit Settlement Region. The Board advised Gulf that an Environmental Impact Statement was required for all applications coming before the Board. The Environmental Impact Statement has not yet been received.

Tuktoyaktuk Gas Project – A report from the Inuvialuit Petroleum Corporation titled "Revised Proposal for a Tuk Gas Project" dated September 1986 was received informally on November 22, 1986. It was understood that if the development proposal was to come before the Board formally that it would be treated with some urgency because the Northern Canada Power Commission needed to know by April 1, 1987 whether to order gas or diesel generators.

The Board studied the proposal briefly and advised the IPC that an Environmental Impact Statement would be required. A formal application has not been received.

Monenco/Interlog – Port at King Point. This application was made to DIAND for a Land Use Permit rather than a complete development proposal. DIAND referred it to the Screening Committee. They in turn sent it to the Board in November 1986. Along with the application was a considerable amount of literature about various environmental aspects of the area.

The Board advised the developer that a definitive Project Description and an Environmental Impact Statement and a referral from the Environmental Impact screening committee were required before it could hold hearings.

Neither a definitive Project Description nor an Environmental Impact Statement has yet been received.

HEARINGS

No hearings have been held during the period.