

ENVIRONMENTAL IMPACT REVIEW BOARD

**ANNUAL ACTIVITY REPORT
1999 – 2000**

FOR THE PERIOD 1 APRIL 1999-31 MARCH 2000

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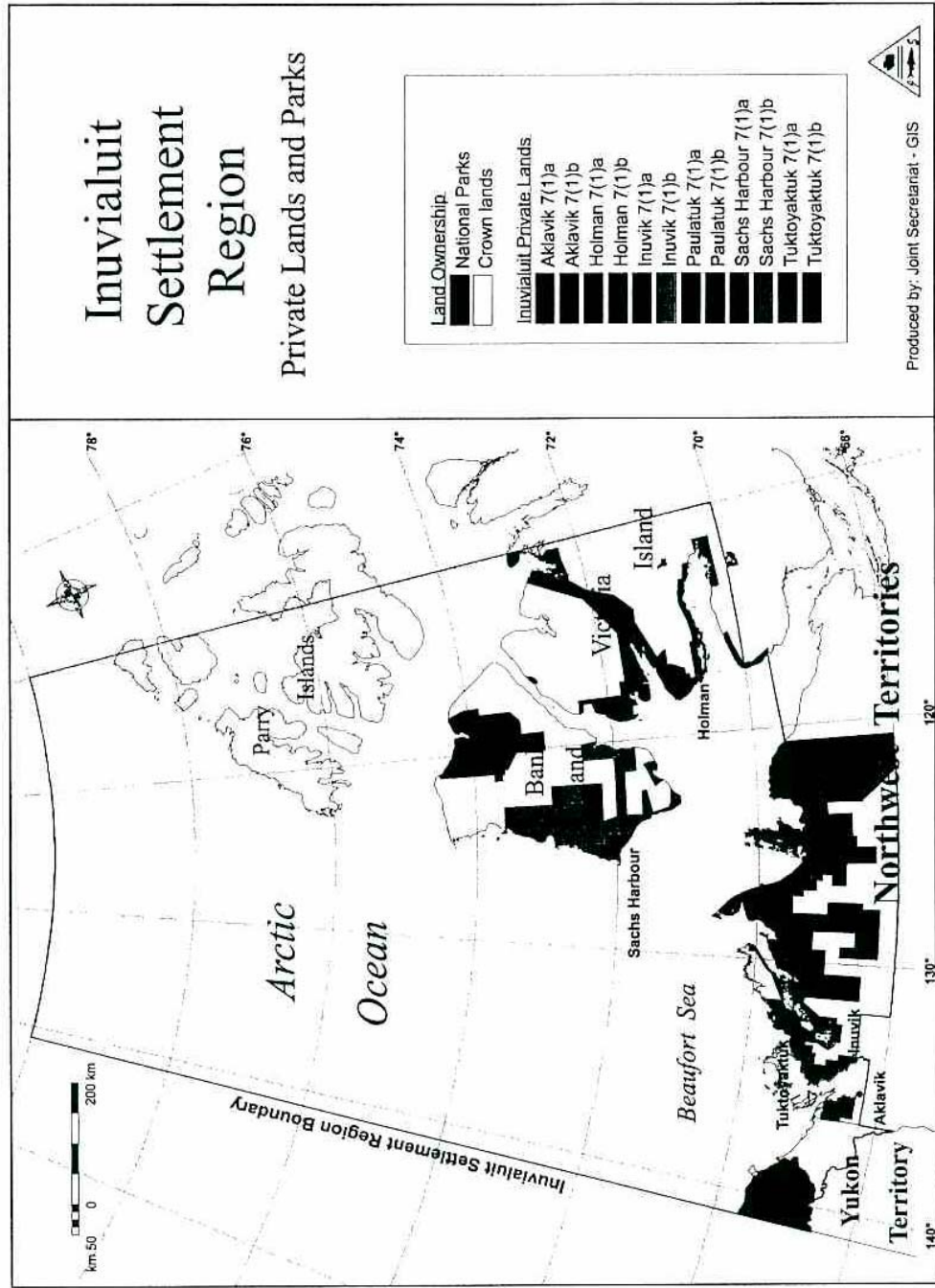


Figure 1. Private Inuvialuit Lands and Crown Lands within the Inuvialuit Settlement Region.

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CHAIR'S COMMENTS

The Environmental Impact Review Board (EIRB) held one regular meeting and four teleconferences during the year, primarily to deal with preparations for a review of the Kuñnek resource Development Corporation's proposal for the revitalization of the reindeer industry in the Beaufort Delta.

In December 1999, the **EIRB** and the Minister of Environment signed a memorandum of understanding concerning the substitution of the Environmental review process established under the Western Arctic (Inuvialuit) claims Settlement Act (CEAA).

In March 2000, the Inuvialuit Game Council appointed Mr. Jack Akhiatak to the **EIRB** to replace Mr. Eddie Okheena who resigned for business reasons.

As Chairman of the Board, I wish to thank my fellow board members, it's secretary, Linda Graf, it's 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.

Sincerely,



Robert Hernal
Chair

PERIOD OF REPORT

This report describes the affairs of the **EIRB** for the fiscal period 1 April 1999 to 31 March 2000. During its thirteen years of operation the **EIRB** has produced twelve annual activity reports.

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 Entitlements (COPE), representing the Inuvialuit. The IFA 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.

The IFA provides the groundwork for a two-stage Environmental Screening and Review Process that is carried out by the Environmental Impact Screening Committee and the **EIRB** [IFA Section 11.0]. The Environmental Impact Screening Committee conducts environmental screening of development activities proposed for the Inuvialuit Settlement Region. The **EIRB** carries out detailed environmental impact assessment and public review of development projects referred to it by the Environmental Impact Screening Committee pursuant to the IFA.

The **EIRB** is structured so that both parties to the IFA, the Inuvialuit and the Government of Canada, are represented equally. The goals of the IFA, directly relevant to the **EIRB** operations are:

- to preserve and Inuvialuit cultural identity and values within a changing northern society;
- to enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society;
- 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 the Government of 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.

The membership of the **EIRB** remained the same in 1999/2000 as in the previous reporting period with one exception. Eddie Okheena, who had been appointed by the Inuvialuit Game Council, resigned on 31 January 2000. Although Eddie had been with the **EIRB** for less than a year, the **EIRB** had benefited from his active participation at the meetings. The **EIRB** welcomed Jack Akhiatak as the new Inuvialuit Game Council appointee in mid February 2000.

MEMBERS DURING 1999/2000

Chair: Robert Hornal, Vancouver, B.C.

Appointed by the Government of Canada (1992)

Present Term: 10 June 1998 to 9 June 2001

Previous Terms: 9 June 1995 to 9 June 1998

9 June 1992 to 9 June 1995

Members: Jack Akhiatak, Holman, N.W.T.

Appointed by the Inuvialuit Game Council (2000)

Present Term: 15 February 2000 to 30 September 2002

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

Past Terms: 12 June 1995 to 12 June 1998

12 June 1992 to 12 June 1995

Richard Binder, Inuvik, N.W.T.

Appointed by the Inuvialuit Game Council

Present Term: September 1999, to 30 September 2002

Past 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

Past Terms: 12 June 1995 to 12 June 1998

12 June 1992 to 12 June 1995

Herbert Felix, Tuktoyaktuk, N.W.T.

Appointed by the Inuvialuit Game Council (1995)

Present Term: September 1999 to 30 September 2002

Past Terms: September 1996 to September 1999

September 1995 to September 1996

Eddie Okheena, Holman, N.W.T.

Appointed by the Inuvialuit Game Council (1999)

Present Term: September 1999 – 31 January 2000 (resigned)

Past Terms: 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

Past Terms: 6 July 1995 to 6 July 1998

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 the resolution of the **EIRB** to the office of the Secretary. Linda Graf has held the position of Secretary to the **EIRB** from November 1995 to the present time. Independent expert legal counsel and technical advice are contracted as required.

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

| | |
|-------------------------------|---|
| <i>Administrative:</i> | Norm Snow, Executive Director, JS Peggy Madore, Senior Administrative Officer, JS |
| <i>Financial:</i> | Angela Hunter, Finance Officer, JS |
| <i>Clerical:</i> | Brigitte Wolki, Receptionist, JS Myrna Button, Office Clerk/Librarian Suzanne Robinson, Administrative Assistant (until 4 Feb. 2000) Lucy Kudlak, Administrative Assistant, (7 Feb. 13 Mar. 2000) |
| <i>Computer:</i> | Michael Muller, GIS Operator |
| <i>Auditors:</i> | Avery Cooper and Company, Yellowknife, N.W.T. |
| <i>Legal Advisors:</i> | Ronald Veale of Veale, Kilpatrick, Austring, Fendrick & Fairman, Whitehorse, Yukon (until January 2000) Debra Fendrick of Austring Fendrick, Fairman & Parkkari Whitehorse, Yukon (from February 2000) |

Mr. Ron Veale relinquished his duties with the **EIRB** in January 2000 after being appointed to the Supreme Court of the Yukon Territory, Ms. Debra Fendrick provided legal counsel for the **EIRB** for the remainder of the year.

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 one regular meeting during 1999-2000 on 15 September 1999 in Inuvik.

Four telephone conferences were held on 19 November 1999, 23 December 1999, 13 March 2000 and 31 March 2000 primarily to deal with the referral of a development by the Environmental Impact Screening Committee.

ACTIVITIES

In addition to conducting public reviews, the **EIRB** takes part in other activities, as necessary, to advance the Environmental Review Process and the goals of the IFA. The following is a list of the activities of the **EIRB** of the last year.

- i. Substitution for the Federal Review Process by the IFA Review Process, April 1999 - March 2000

During spring 1999, the Chair continued his correspondence with the Canadian Environmental Assessment Agency (CEAA) seeking substitution of the *Canadian Environmental Assessment Act* review process by the IFA review process for developments of consequence to the Inuvialuit Settlement Region. The Chair's efforts culminated in the signing of the *Memorandum of Standing Between the Environmental Impact Review Board and the Minister of Environment concerning Approvals for substitution of Process* on 10 December 1999. The Agreement details the process that each party would follow should there be a request for substitution under Section 43 of the *Canadian Environmental Assessment Act*. As a result of the Agreement, relevant developments in the Inuvialuit Settlement Region may be subject to one, rather than two, environmental review process. It is a decision that is to be made by the Minister on a case-by-case basis. Un addition to avoiding duplication, the Agreement allows for both the **EIRB** and the Minister of Environment to fulfill their obligations under their respective legislation.

- ii. Review of the Guide to the Inuvialuit Settlement region for Mineral Prospectors and Developers, September 1999

The **EIRB** reviewed the draft *Guide to the Inuvialuit Settlement region for Mineral Prospectors and Developers* and forwarded comments to Ms. Nellie Cournoyea, Chair, Inuvialuit Regional Corporation and the Mineral Development Division of the Department of Indian Affairs and Northern Development to describe the steps and processes, including environmental assessment, that the mineral industry must go through when working in the Inuvialuit Settlement Region.

- iii. Beaufort-Mackenzie Mineral Development Area Website, November 1999

The Beaufort-Mackenzie Mineral Development Area Website is a joint project of the Department of Resources, Wildlife and Economic Development's Mineral, Oil and Gas Division; the Joint Secretariat; and the Inuvialuit Land Corporation. The site brings together mineral and petroleum resource information for the Inuvialuit Settlement Region Territories and assists industrial proponents in drafting informed project descriptions. The

EIRB directed Michael Muller, GIS Operator, to place their *Operating Procedures* and other papers of interest to developers on the website.

- iv. The Kuññek Review, November 1999 – ongoing.

On 18 November 1999, the EISC formally referred a proposal by Kuññek Resource Development Corporation for environmental review by the **EIRB**. The proposal is the fourth development to progress to the public review stage through the IFA environmental review process. It follows the Isserk review, concluded in 1989; the Kulluk review, concluded in 1992; and the Driftwood Lumber review, concluded in 1995. Given the draft Memorandum of Understanding between the **EIRB** (item i, above), the **EIRB** advised the Minister of Environment of the referral. The development was not referred for review under the *Canadian Environmental Assessment Act*.

Following initiation of the review process, the **EIRB** requested the release of relevant data from the Inuvialuit Harvest Study Management Committee and retained Dr. Robert White of the University of Alaska Fairbanks as a technical advisor. In particular, Dr. White was hired to examine aspects of the proposal relating to potential reindeer-caribou interactions and their impacts.

Kuññek Resource Development Corporation submitted a draft Environmental Impact Statement (EIS), titled *Revitalization of the Western Arctic Reindeer Herd*, in late February 2000. Eighteen individuals and groups registered as participants of the review, which enabled them to receive and comment upon relevant documents. Registered Participants were given until 10 April 2000 to submit comments about the draft EIS to the **EIRB**. The review continued into the next fiscal year.

- v. 5-Year Review of the *Canadian Environmental Assessment Act*, February – March 2000

Workshops were held across Canada in conjunction with the five-year review of the *Canadian Environmental Assessment Act*. Robert Hornal and Peter Bannon attended the public workshops in Vancouver and Yellowknife, respectively, and presented suggested changes on behalf of the **EIRB**. The **EIRB** also provided comments to the Inuit Tapirisat of Canada, who was to make a submission to the Canadian Environmental Assessment Agency on behalf of Canadian Inuit.

The **EIRB** identified the parallel screening and review process that the *Act* establishes, and which may apply to the Inuvialuit Settlement Region, as their main point of concern. In addition, the **EIRB** noted that the substation agreement between the **EIRB** and the Minister of the Environment, pursuant to section 43 of the *Act*, permits the Minister to allow the **EIRB** review process to substitute for the federal review process for relevant projects, but it does not guarantee that substitution would occur.

- vi. Yukon Development Assessment process (DAP), March 2000.

The **EIRB** continues to keep apprised on the progress of the Yukon Development Assessment Process (YDAP). The **EIRB** received an update from its Yukon Member in March 2000.

MEETINGS, WORKSHOPS, CONFERENCES

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

- i. The Hearing Process/Tribunal Governance, 10 May 1999, Vancouver (Participation)
- ii. Youth Ambassador Tour, 21 July 1999, Inuvik (Presentation)
- iii. Beaufort Sea Conference 2000, Inuvik, 14-18 September 1999 (Participation)
- iv. Gwich'in Land and Water Board Permitting and Water Licence Application Workshop, 22 September 1999, Inuvik, (Participation)
- v. Inuvialuit Game Council Meeting, 30 September 1999, Whitehorse (Presentation)
- vi. Cumulative Effects Assessment (CEA) Training, 13-14 October 1999, Vancouver (Participation)
- vii. Hunter and Trappers Committee Resource Persons Workshop, Inuvik, 18 October 1999 (Presentation)
- viii. Cumulative Effects Assessment Training Session, 16-17 November, Yellowknife (Participation)
- ix. Northern Sustainable Development Strategy, 18-20 November 1999, Yellowknife (Participation)
- x. 26th annual GeoScience Forum, 24-26 November 1999, Yellowknife, N.W.T. (Display)
- xi. Cumulative Effects Assessment and Management in the N.W.T., 7-9 December 1999, Yellowknife (Participation)
- xii. Wildlife Management Advisory Council (NWT) Meeting, 13 December 1999, Inuvik (Presentation)
- xiii. Inuvialuit Game Council Meeting, 17 December 1999, Inuvik, N.W.T., (Presentation)
- xiv. Yukon North Slope Long Term Research Implementation Workshop, 26 January 2000 (Participation)
- xv. Arctic Borderlands Ecological knowledge Co-op Fifth Annual Gathering, 21-24 February 2000, old Crow (Participation)
- xvi. Mining Millennium 2000 Conference, Toronto, 5-8 March (Display)
- xvii. Inuvialuit Game Council Meeting, 10 March 2000, Inuvik, 16-17 March 2000 (Participation)
- xviii. Cumulative Effects Workshop, Inuvik, 16-17 March 2000 (Participation)

GUESTS

- i. Dr. Tom Beck, Environmental Impact Screening Committee; and Dr. Norm Snow, Executive Director, Joint Secretariat, 19 November 1999

Dr. Tom Beck, Chair of the Environmental Screening Committee, was invited to provide the EIRB with background information and the rationale for referral by the Environmental Impact Screening committee of a project titled *Revitalization of the Reindeer Industry in the Beaufort Delta* (the Reindeer Project). As Executive director of the joint Secretariat, Dr. Norm Snow was invited to attend the meeting so that he might be apprised of the review.

- ii. Mr. Ron Veale and Ms. Debra Fendrick of Veale, Kilpatrick, Austring, Fendrick & Fairman, Whitehorse, Yukon, 19 November 1999

Mr. Ron Veale of Veale, Kilpatrick, Austring, Fendrick & Fairman, and his associate, Ms. Debra Fendrick, were asked to take part in the **EIRB's** telephone conference held 19 November 1999. Mr. Veale provided legal advice regarding referral of the Reindeer Project.

- iii. Ms. Debra Fendrick of Veale, Kilpatrick, Austring, Fendrick & Fairman, 23 December 1999

Ms. Debra Fendrick was asked to participate in a telephone conference held 23 December 1999, on behalf of the **EIRB's** legal counsel, Mr. Ronald Veale. Ms. Fendrick provided legal advice regarding the public review that was underway.

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 in 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

**1999 – 2000 Contribution Agreements – DIAND
For the Year Ending March 31, 2000**

REVENUE

DIAND Contribution (Implementation Funds) **\$56,859.00**

EXPENDITURES

Chair – Honoraria 20,544.73

Chair – Per Diem 1,332.80

Chair – Travel 8,988.22

Chair Accommodation 3,252.34

Office Costs 1,498.43

Meeting Costs 15,689.46

Telephone & Fax 397.52

Legal/Consulting 184.75

Insurance 718.00

Canada Member – Honoraria 87.50

52,693.75

EXCESS REVENUE (EXPENDITURE)

\$4165.25

ENVIRONMENTAL IMPACT REVIEW BOARD – INUVIALUIT PARTICIPATION

For the Year Ending March 31, 2000

REVENUE

Government of the Northwest Territories (Implementation Funds) **\$34,839.00**

EXPENDITURES

Honoraria 8,249.08

Per Diem 2,272.70

Travel 7,558.48

Accommodation 2,887.65

Meeting Costs 1,293.41

22,261.32

EXCESS REVENUE (EXPENDITURE)

\$12,577.68

ENVIRONMENTAL ADMINISTRATION

**1999 – 2000 contribution Agreements - DIAND
For the Year Ending March 31, 2000**

REVENUE

DIAND Contribution (Implementation Funds) **\$107,002.00**

EXPENDITURES

Staff Salaries & Benefits 66,946.12
Office Consumables 9,450.27
Fixed Assets 3,018.06
Office Rent 10,780.00
Telephone & Fax 2,128.04
Meeting Costs 593.46
Travel 6,220.72
Accommodation 1,703.27
Per Diem 875.55

\$101,715.49

EXCESS REVENUE (EXPENDITURE)

\$5,286.51

KUŇŇEK RESOURCE DEVELOPMENT CORPORATION REVIEW

**1999 – 2000 Contribution Agreements – DIAND
For the Year Ending March 31, 2000**

REVENUE

DIAND Contribution (Implementation Funds) **\$185,000.00**

EXPENDITURES

| | |
|---------------------------|-----------------|
| Chair – Honoraria | 4,347.00 |
| Canada Member - Honoraria | 175.00 |
| Staff Wages and Benefits | 9,015.54 |
| Inuvialuit - Honoraria | 813.68 |
| Inuvialuit – Per Diem | 7.70 |
| Advertising | 3,586.09 |
| Recruiting | 994.80 |
| Printing | 190.23 |
| Telephone & Fax | 48.20 |
| Courier | 1,421.78 |
| Office Costs | 794.88 |
| Services - Legal | <u>1,995.11</u> |

TOTAL EXPENSES **\$23,390.01**

EXCESS REVENUE (EXPENDITURE) **\$161,609.99**