

ENVIRONMENTAL IMPACT REVIEW BOARD

ANNUAL ACTIVITY REPORT 2000 - 2001

FOR THE PERIOD APRIL 1, 2000 - MARCH 31, 2001

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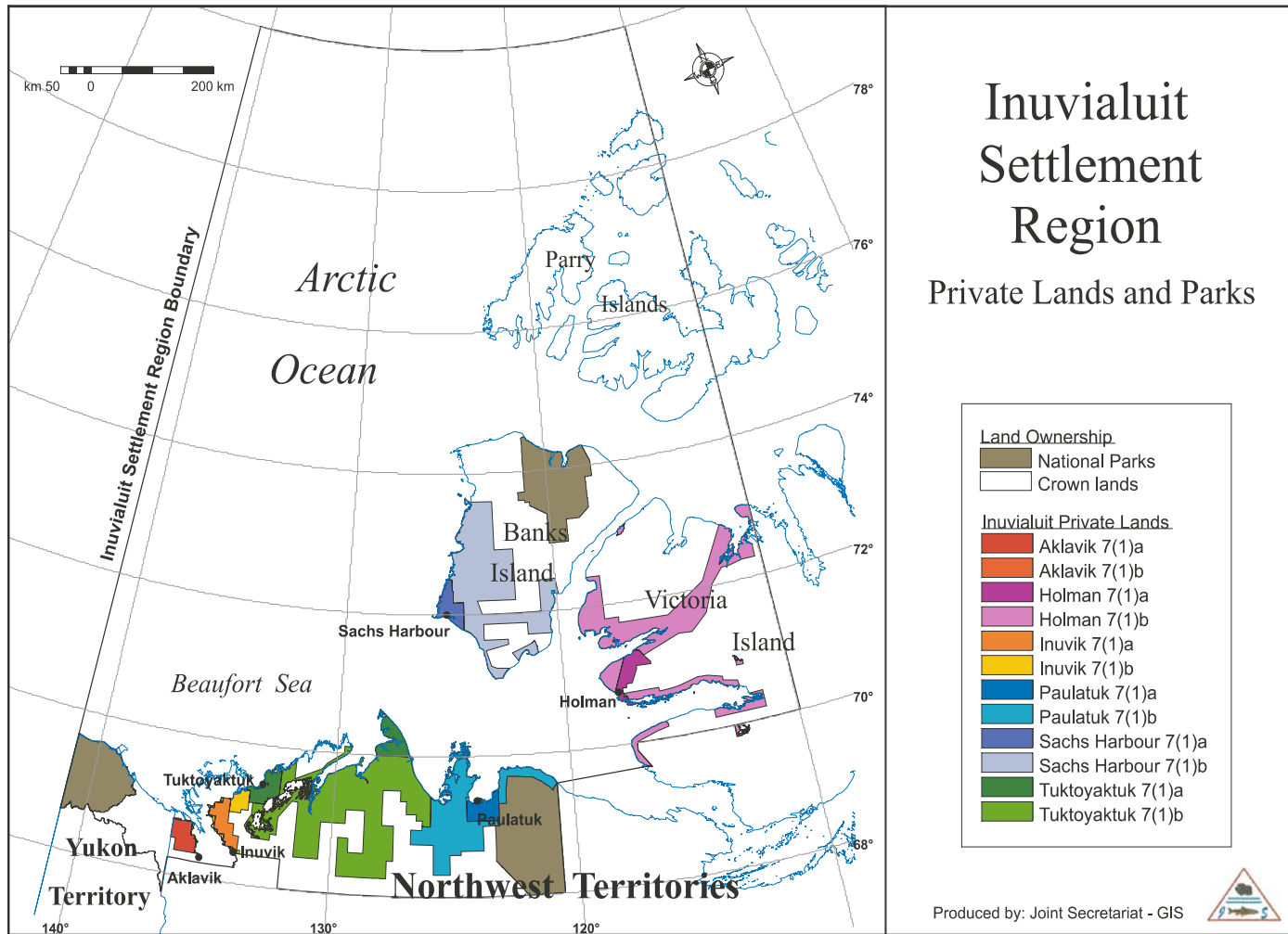


Figure 1. Private Inuvialuit Lands and Crown Lands within the Inuvialuit Settlement Region.

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CHAIR'S COMMENTS

The Environmental Impact Review Board (the **EIRB**) held four regular meetings during the year, two of which dealt with preparations for a review of the Kuñnek Resource Development Corporation's proposal for the revitalization of the reindeer industry in the Beaufort Delta. A panel was struck in June to conduct this review after the Board received an acceptable Environmental Impact Statement from the proponent. The Panel held public hearings in Inuvik from September 5-7, 2000 and met twice in person and twice by means of a conference call to consider its decision. The Panel's report was released December 5, 2000.

In order to prepare itself for the remainder of the Kuñnek review, the Board held public workshops in Inuvik on May 3, 2000, in Aklavik on May 11, 2000 and in Tuktoyaktuk on June 14, 2000. It also commissioned interviews with former reindeer herders and hired Dr. Robert White as a technical advisor.

As Chairman of the Board I wish to thank my fellow board members, the Board's staff, Linda Graf and Eric Chernoff, its advisors and the staff of the Joint Secretariat for their efforts to help the Board provide a fair and impartial review procedure for the Inuvialuit Settlement Region.

Sincerely,

Robert Hornal
Chair

PERIOD OF REPORT

This report describes the affairs of the **Environmental Impact Review Board (EIRB)** for the fiscal period April 1, 2000 to March 31, 2001. During its fourteen years of operation the **EIRB** has produced thirteen 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 Entitlement (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 June 28, 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 (EISC) and the **EIRB** [IFA Section 11.0]. The EISC 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 EISC 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 **EIRB** operations, are:

- to preserve 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, 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 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 2000/2001 as in the previous reporting period.

MEMBERS DURING 2000/2001

Chair:

Robert Hornal, Vancouver, B.C.

Appointed by the Government of Canada (1992)

Present Term: June 10, 1998 to June 9, 2001

Previous Terms: June 9, 1995 to June 9, 1998

June 9, 1992 to June 9, 1995

Members:

Jack Akhiatak, Holman, N.W.T.

Appointed by the Inuvialuit Game Council (2000)

Present Term: February 15, 2000 to September 30, 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: June 13, 1998 to June 12, 2001

Past Terms: June 12, 1995 to June 12, 1998

June 12, 1992 to June 12, 1995

Richard Binder, Inuvik, N.W.T.

Appointed by the Inuvialuit Game Council (1998)

Present Term: September 1999 to September 30, 2002

Past Term: June 1998 to September 1999

Tom Butters, Gillies Bay, B.C.

Appointed by the Government of Canada (1992)

Present Term: June 13, 1998 to June 12, 2001

Past Terms: June 12, 1995 to June 12, 1998

June 12, 1992 to June 12, 1995

Herbert Felix, Tuktoyaktuk, N.W.T.

Appointed by the Inuvialuit Game Council (1995)

Present Term: September 1999 to September 30, 2002

Past Terms: September 1996 to September 1999

September 1995 to September 1996

Andrew Williams, Whitehorse, Yukon

Nominated by the Government of Yukon

Appointed by the Government of Canada (1995)

Present Term: July 7, 1998 to July 6, 2001

Past Term: July 6, 1995 to July 6, 1998

ADMINISTRATIVE AND TECHNICAL ASSISTANCE

The **EIRB** receives administrative, technical, and clerical support from the Joint Secretariat (JS) in Inuvik. Full-time assistance has been provided by the Resource Person - Environment, appointed by resolution of the **EIRB** to the office of Secretary. Linda Graf held the position of Secretary to the **EIRB** from November 1995 to March 31, 2001. At the start of the fiscal year 2001/2002, the Resource Person - Environment position was split into two positions, so that both the EISC and **EIRB** will have a Resource Person primarily dedicated to providing them support. Ms. Graf will no longer be the Secretary to the **EIRB**, however she will remain at the JS as the Resource Person for the EISC.

During the course of the public environmental review of Kuññek Resource Development Corporation's "Revitalization of the Western Arctic Reindeer Herd", Eric Chernoff, Environmental Impact Assessment Resource Person, JS provided assistance to the **EIRB**. Mr. Chernoff continued assisting the **EIRB** with their regular business following the completion of the review to help Ms. Graf deal with an increased workload primarily related to heightened hydrocarbon activity in the Mackenzie Delta Region.

In addition to Ms. Graf and Mr. Chernoff, 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, JS
- Clerical:*** Brigitte Wolki, Receptionist/Travel Coordinator, JS
Bernice Joe, Receptionist, JS
Myrna Button, Office Clerk/Librarian
Mae Cockney, Administrative Assistant (April 4-27, 2001)
Lisa Beattie, Administrative Assistant (May 23 - September 25, 2001)
- Computer:*** Michael Muller, GIS Operator (until December 31, 2000)
Todd Slack, DFO-GIS Technician (October 2, 2000)
- Auditors:*** Avery Cooper and Company, Yellowknife, N.W.T.
- Technical Advisor (Kuññek Review):*** Dr. Robert White, Professor Emeritus/Director Emeritus, Institute of Arctic Biology, University of Alaska Fairbanks (April 1, 2000 - March 31, 2001)
- Legal Advisors:*** Debra Fendrick of Austring, Fendrick, Fairman & Parkkari Whitehorse, Yukon (from February 2000)

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: eirb@jointsec.nt.ca

[PLEASE NOTE OUR NEW EMAIL ADDRESS]

ROUTINE OPERATIONS

The **EIRB** held four regular meetings during 2000-2001 on April 13, 2000 in Whitehorse, June 15, 2000 in Inuvik, September 18, 2000 in Whitehorse and January 24-25, 2001 in Inuvik. Two of the meetings dealt primarily with preparations for the public environmental review of Kuñnek Resource Development Corporation's "Revitalization of the Western Arctic Reindeer Herd".

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 activities of the **EIRB** over the past year.

- i Yukon Development Assessment Process, Continued From 1999/2000 Fiscal Year

The **EIRB** continues to keep apprised on the progress of the Yukon Development Assessment Process. The **EIRB** received an update from its Yukon Member in September 2000 and January 2001.

- ii Kuñnek Resource Development Corporation's "Revitalization of the Western Arctic Reindeer Herd", Continued from 1999/2000 Fiscal Year - December 2000

The **EIRB** continued its public environmental review of the above-noted development during 2000. To hear comments about the proposed development from the affected communities and to prepare themselves to make a decision on the development, the **EIRB** held public workshops in Inuvik on May 3, 2000, in Aklavik on May 11, 2000 and in Tuktoyaktuk on June 14, 2000. In addition, the **EIRB** instructed JS staff to

conduct interviews with former herders who had experience reindeer herding in the Mackenzie Delta Region.

A Review Panel was struck on June 15, 2001, following the acceptance of an Environmental Impact Statement that was acceptable to the **EIRB** for the purposes of the review. Following a public hearing in Inuvik on September 5-7, 2000, the Review Panel met twice in person and twice via telephone conference to render a decision on the proposed development. The **EIRB** forwarded its recommendations to the governmental authorities competent to authorize the development on December 1, 2001, and made their recommendations public on December 5, 2001.

iii Criteria for the Husky Lakes/Cape Bathurst Areas, April 2000 - ongoing

According to the IFA, the **EIRB** is responsible for setting criteria for establishing acceptable environmental standards for development activities and evaluating a developer's standard of performance for the Husky Lakes/Cape Bathurst Areas. The **EIRB** began this task at its regular meeting in April 2000, and continued to work on this project at its meetings in September 2000 and January 2001.

iv Clarification on Public Environmental Review of Trans-Jurisdictional Developments, April 2000 - September 2000

The **EIRB** and EISC jointly requested clarification from the Inuvialuit Game Council and the Inuvialuit Regional Corporation on the environmental impact screening and review process for proposed developments that occur both in the Inuvialuit Settlement Region and adjacent jurisdictions. A draft legal opinion on this matter was received from Mr. John Donihee, Legal Counsel for the JS.

v Management of Cumulative Effects, April 2000 - ongoing

The **EIRB** met with the EISC in January 2001 to discuss recommendations made by Axy's Environmental Consulting Ltd. following their March 2000 workshop on cumulative effects, and to develop an approach for addressing cumulative effects. The **EIRB** and EISC decided to commission Kavik-AXYS Inc. to perform a capability review of the tools that are presently available to the **EIRB**/EISC for assessing cumulative effects. In addition Kavik-AXYS Inc., were commissioned to produce guidelines for the EISC/**EIRB** and developers on how to address cumulative effects when assessing or submitting a development proposal.

vi *Regulatory Guide for Oil and Gas Exploration and Development in the Inuvialuit Settlement Region, Northwest Territories, May 2000 - ongoing*

The Chair and Secretary commented on drafts of the above-noted document during the year. The document was a joint initiative of the Department of Indian Affairs and Northern Development, the Canadian Association of Petroleum Producers and the Inuvialuit Regional Corporation. The intent of the guide is to describe the steps that

are to be followed by developers seeking authorizations to explore for or to develop hydrocarbons in the Inuvialuit Settlement Region.

- vii Northwest Territories, Nunavut, Yukon Impact Assessment Conference, September 2000 - ongoing

The **EIRB** began planning a conference to discuss contemporary, common issues amongst relevant bodies and agencies involved with environmental impact assessments in Northwest Territories, Nunavut, Yukon. The conference was discussed at the **EIRB**'s regular meetings in April 2000, September 2000 and January 2001, and is being planned for October 2001.

- viii *Species at Risk Act*, September 2000

The **EIRB** reviewed the *Species at Risk* draft legislation and noted that it could have implications on the environmental impact screening and review process established under the IFA. The **EIRB** notified the Inuvialuit Game Council of their comments concerning the draft legislation.

- ix Draft Yukon North Slope Wildlife and Conservation Plan, Volume II, October 2000 - January 2001

The Chair reviewed the above-noted document on behalf of the **EIRB** and obtained a legal opinion as to whether the **EIRB** has the authority to undertake the various items identified within the draft plan. The legal opinion was forwarded to the Wildlife Management Advisory Council (North Slope).

- x Project on the Government of Canada's Obligations under the IFA, October 2000

The Chair was asked to provide comments on a project designed to determine the implementation status of the Government of Canada's obligations identified in the IFA. The Chair was asked specifically to comment on the sections of the IFA that are relevant to the **EIRB**.

- xi Consultation Report on the Management of Human Activities in Caribou Calving and Post-Calving Grounds, November 2000

The Chair was interviewed by consultants from Consilium and P.J. Usher Consulting Services concerning the management of human activities in caribou calving and post-calving grounds. The consultants were in the process of producing a consultation report for a departmental policy statement on this issue for the Department of Indian Affairs and Northern Development (DIAND).

- xii Coordination of Processes for the Environmental Assessment and Regulatory Review of a Mackenzie Valley Pipeline, November 2000 - ongoing

Several meetings were held throughout the 2000/2001 fiscal year to discuss how an environmental assessment of a pipeline down the Mackenzie Valley would be undertaken. The Chair and Secretary of the **EIRB** attended meetings to discuss this matter with the Chairs and staff of other groups and agencies involved in environmental assessment and regulatory review in the Mackenzie Valley.

- xiii New Technologies in Drilling Workshop, January 2000 - ongoing

The **EIRB** and EISC decided to co-host a workshop on *New Technologies in Drilling* to familiarize themselves with advances in drilling that have occurred in recent years and the environmental implications of drilling. The idea for the workshop came as a result of an anticipated increase in drilling in the Mackenzie Delta Region. Planning for the workshop began during the 2000/2001 fiscal year, following the **EIRB**'s January 2001 meeting.

- xiv Request on Information Concerning the **EIRB**'s Use of Traditional Knowledge, March 2001

The Gwich'in Renewable Resource Board requested information on how traditional knowledge is used in the environmental impact review process, and in particular, how traditional knowledge is used when the **EIRB** considers cumulative effects. The **EIRB** reviewed the request and provided a response.

MEETINGS, WORKSHOPS, CONFERENCES

During the fiscal year, the members and/or staff of the **EIRB** attended the following meetings, workshops, or conferences.

- i Northern Environmental Assessment Chairs Meeting, July 27, 2000, Yellowknife (Participation)
- ii Decision Writing and Procedures Course, September 4-5, 2000, Inuvik (Participation)
- iii Inuvialuit Game Council Regular Meeting, September 14-15, 2000, Whitehorse (Presentation)
- iv North Slope Conference, September 18-20, 2000, Whitehorse (Participation)
- v Environmental Assessment and Regulatory Processes in the Mackenzie Valley and the Inuvialuit Settlement Region Meeting, November 9-10, 2000, Inuvik (Participation)

- vi Coordination of Processes for the Environmental Assessment and Regulatory Review of a Mackenzie Valley Pipeline Meeting, November 21, 2000, Yellowknife (Participation)
- vii Geo-science Forum, November 22-24, 2000, Yellowknife (Display)
- viii Coordination of Processes for the Environmental Assessment and Regulatory Review of a Mackenzie Valley Pipeline Meeting, December 4, 2000, Yellowknife (Participation)
- ix Inuvialuit Game Council Regular Meeting, December 13-16, 2000, Inuvik (Presentation)
- x Coordination of Processes for the Environmental Assessment and Regulatory Review of a Mackenzie Valley Pipeline Meeting, February 28, 2001 - March 1, 2001 (Participation)
- xi Canadian Climate Impacts and Adaptation Research Network Inaugural Landscape Workshop, March 9, 2001, Ottawa (Participation)
- xii Bridging the Gap: Traditional Ecological Knowledge in Environmental Assessment, The Banff Center: Environmental Leadership Programs, March 12-14, 2001, Banff (Participation)
- xiii Inuvialuit Game Council Regular Meeting, March 15-16, 2001, Whitehorse (Presentation)
- xiv Climate Change in the Circumpolar North: Summit and Sustainable Technology Exposition, March 19-21, 2001, Whitehorse (Participation)
- xv Workshop on Environmental Assessment and Traditional Knowledge, March 20-21, 2001, Montreal (Presentation)

GUESTS

- i Ms. Debra Fendrick, of Austring, Fendrick, Fairman and Parkkari; and Dr. Robert White, Technical Advisor, Kuñnek Review, April 13, 2000, June 15, 2000, September 8, 2000 and September 17, 2000

Ms. Fendrick and Dr. White were invited to these meetings to provide advice to the **EIRB** on legal and technical matters related to the public environmental review of Kuñnek Resource Development Corporation's development known as "Revitalization of the Western Arctic Reindeer Herd".

ii Ms. Debra Fendrick, of Austring, Fendrick, Fairman and Parkkari; September 18, 2000

Ms. Fendrick was asked to attend the meeting to provide advice on legal matters related to regular **EIRB** business, including *Criteria for the Husky Lakes-Cape Bathurst Areas*, and the *Species At Risk Act*.

iii Dr. Robert White, Technical Advisor, Kuññek Review, November 27, 2000

Dr. White was asked to attend the meeting to provide advice to the **EIRB** on technical matters related to the public environmental review of Kuññek Resource Development Corporation's development known as "Revitalization of the Western Arctic Reindeer Herd".

iv EISC (Mr. Bill Klassen, Mr. Billy Day, Ms. Marsha Branigan, Mr. Alex Kaglik, Mr. Fred Wolki), January 24, 2001

The EISC Chair and Members met with the **EIRB** to discuss cumulative effects.

FINANCES

Funding for the Chair, Canada Member, Yukon Member and the Secretary of the **EIRB**, and for reviews conducted by the **EIRB**, is provided by way of Contribution Agreements with 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

**2000 - 2001 Contribution Agreements - DIAND
For the Year Ending March 31, 2001**

REVENUE

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

EXPENDITURES

Chair - Honoraria	25,072.84
Chair - Per Diem	1,902.54
Chair - Travel	17,639.06
Chair - Accommodation	3,794.88
Office Costs	1,534.81
Meeting Costs	2,977.81
Telephone & Fax	394.30
Legal/Consulting	700.52
Insurance	718.00
Canada Member - Honoraria	1,800.00
Canada Member - Accommodation	<u>81.76</u>

56,616.52

EXCESS REVENUE (EXPENDITURE)

\$242.48

ENVIRONMENTAL IMPACT REVIEW BOARD - INUVIALUIT PARTICIPATION

For the Year Ending March 31, 2001

REVENUE

Government of the Northwest Territories (Implementation Funds) **\$19,839.00**

EXPENDITURES

Honoraria 2,477.86

Per Diem 923.60

Travel 4,302.93

Accommodation 1,219.25

Meeting Costs 20.00

8,943.64

EXCESS REVENUE (EXPENDITURE)

\$10,895.36

ENVIRONMENT ADMINISTRATION

**2000 - 2001 Contribution Agreements - DIAND
For the Year Ending March 31, 2001**

REVENUE

DIAND Contribution (Implementation Funds) **\$107,338.50**

EXPENDITURE

Staff Salaries & Benefits 71,456.96
Recruiting 2,589.73
Office Consumables 9,491.53
Fixed Assets 628.04
Office Rent 10,780.00
Telephone & Fax 2,064.90
Meeting Costs 503.67
Travel 4,691.79
Accommodation 872.50
Per Diem 746.20

TOTAL EXPENSES **\$ 103,825.32**

EXCESS REVENUE (EXPENDITURE) **\$3,513.18**

KUŃŃEK RESOURCE DEVELOPMENT CORPORATION REVIEW

2000 - 2001 Contribution Agreements - DIAND For the Year Ending March 31, 2001

REVENUE

DIAND Contribution (Implementation Funds)	<u>\$ 226,609.00</u>
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EXPENDITURE

Chairman - Honoraria	10,259.43
Chairman - Per Diem	560.80
Chairman - Travel & Accommodation	13,701.12
Consulting & Legal	51,305.35
General & Office	15,587.24
Inuvialuit - Honoraria	7,963.06
Inuvialuit - Per Diem	2,676.30
Inuvialuit - Travel & Accommodation	17,456.35
Per Diem	548.75
Rent	6,218.70
Telephone	1,915.77
Transcription Costs	15,276.60
Travel & Accommodation	6,917.19
Wages & Benefits	64,614.56
Canada Member Expenses	3,938.60
Government of N.W.T. Member Expenses	6,496.05

TOTAL EXPENSES	<u>\$ 225,435.87</u>
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EXCESS REVENUE (EXPENDITURE)	<u>\$ 1,173.13</u>
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