# EIRB
# Environmental Impact Review Board

May 2024

# Environmental Impact Review Guidelines

The Environmental Impact Review Board (EIRB) conducts environmental impact reviews for proposed developments in the Inuvialuit Settlement Region that have the potential for significant adverse environmental effects.

The EIRB decides whether a project should proceed and, if so, under what specific terms and conditions. In making its decision, the EIRB considers the need for wildlife compensation, mitigation, and remedial measures.



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# PREAMBLE AND LIMITATIONS

The *Environmental Impact Review Guidelines* (*Review Guidelines*) are for the environmental impact review of proposed developments by the Environmental Impact Review Board (Review Board) in the Inuvialuit Settlement Region of the Northwest Territories, and the North Slope Region of the Yukon. The Review Board has established these *Review Guidelines* to provide guidance and direction to parties participating in the environmental impact review of proposed developments. The *Review Guidelines* explain the steps of the environmental impact review portion of the environmental impact screening and review process as outlined in Sections 11, 12 and 13 of the *Inuvialuit Final Agreement (IFA)*. For more information on the environmental impact screening portion of the process, which occurs before any environmental impact review, see Section 3 of these Review Guidelines and the Environmental Impact Screening Committee's *Environment Impact Screening Guidelines*.[1]

The *Review Guidelines* will assist the Review Board to fulfill the requirements and objectives of the *Inuvialuit Final Agreement* (IFA) in reviewing development proposals. The *Review Guidelines* will also assist a Developer in preparing and submitting information required by the Review Board for an Environmental Impact Review and help other Parties to the proceeding and to understand the process and their roles in it.

The Review Guidelines are not intended to provide a legal interpretation of the pertinent provisions of the *Inuvialuit Final Agreement*, and they do not limit the powers of the Review Board to establish and adopt by-laws and rules for its own internal management and procedures. The common-law duty of procedural fairness applies to all decision-making by and proceedings of the Review Board. The Review Board is responsible to deliver a fair and expeditious Environmental Impact Review process and can issue directives which depart from or are at odds with these Guidelines where necessary. Procedural fairness and other administrative functions of the Review Board are addressed in a companion document titled the *Rules of Procedure for the Environmental Impact Review Process of the Inuvialuit Final Agreement (*the *Rules)*.[2]

[1] http://www.screeningcommittee.ca/pdf/eisc_guidelines.pdf
[2] https://eirb.ca/wp-content/uploads/2015/03/April-2015-RULES-OF-PROCEDURE-FOR-THE-ENVIRONMENTALREVIEW-PROCESS-OF-THE-INUVIALUIT-FINAL-AGREEMENT.pdf

The *Review Guidelines* should be used in conjunction with the current version of the *Inuvialuit Final Agreement*. Any word or term defined in the *Inuvialuit Final Agreement* has the same meaning when used in the *Review Guidelines*.

The Review Board will review the *Review Guidelines* every five years. The latest version of the *Review Guidelines* will be posted on the Review Board website at https://eirb.ca/ as they become available. All users are encouraged to visit the Review Board website for updates and the latest information on the environmental impact review process.

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# 1. Introduction

These Environmental Impact Review Guidelines (Review Guidelines) replace all Operating Procedures previously used by the Environmental Impact Review Board (EIRB or the Review Board). The Review Guidelines describe the environmental impact review process under the Inuvialuit Final Agreement (IFA) in the Inuvialuit Settlement Region (ISR) including the North Slope Region of the Yukon, and provide information to a Developer, government authorities, Inuvialuit communities, other organizations, and the public regarding the procedures and information requirements of the EIRB for the environmental impact review of proposed developments.

These Review Guidelines are intended to provide guidance, information, and an indication of the expectations of the Review Board to a Developer whose development proposal is subject to the environmental impact review process. Further, specific direction and requirements will be provided to a Developer in the form of a Development-specific Terms of Reference for the Environmental Impact Statement; this specific direction will be issued as part of the environmental impact review process. A Terms of Reference Template, identifying typical Environmental Impact Statement (EIS) information requirements in more detail, may also be made available on the Review Board's website at www.eirb.ca.

## 1.1 Contact information

The EIRB is a co-management board established to deliver a public government function pursuant to the Inuvialuit Final Agreement (IFA).

The EIRB is located within the offices of the Joint Secretariat. The Joint Secretariat was established in 1986 to provide technical and administrative support to the Inuvialuit Game Council, the Environmental Impact Screening Committee, the EIRB, the Wildlife Management Advisory Council (NWT), and the Fisheries Joint Management Committee, which were all established by the IFA. The Joint Secretariat office is located in Inuvik, Northwest Territories.

Correspondence for the EIRB should be directed to:

Environmental Impact Review (EIR)
Coordinator Environmental Impact Review Board
Joint Secretariat, Inuvialuit Settlement Region eirb@jointsec.nt.ca
Inuvialuit Corporate Centre, Suite 204, 107
Mackenzie Road PO Box 2120
Inuvik, Northwest Territories, Canada X0E 0T0
Telephone: (867) 777-2828
Fax: (867) 777-2610

### 1.2 Accronyms and Abbreviations

The EIRB on-line Registry is accessible through the Review Board website at www.eirb.ca and contains all information relevant to the EIRB and any reviews that are before the Review Board. The following acronyms are used in the *Review Guidelines*.

| Abbreviation | Definition |
|---|---|
| **AHTC** | Aklavik Hunters and Trappers Committee |
| **CCP** | Community Conservation Plan |
| **COPE** | Committee of Original Peoples' Entitlement |
| **DFO** | Department of Fisheries and Oceans (Fisheries and Oceans Canada) |
| **ECCC** | Environment and Climate Change Canada |
| **EIR** | Environmental Impact Review |
| **EIRB** or Review Board | Environmental Impact Review Board |
| **EISC or Screening Committee** | Environmental Impact Screening Committee |
| **FJMC** | Fisheries Joint Management Committee |
| **HTC** | Hunters and Trappers Committees |
| **IFA** | Inuvialuit Final Agreement |
| **IGC** | Inuvialuit Game Council |
| **ILA** | Inuvialuit Land Administration |
| **IR** | Information Request |
| **IRC** | Inuvialuit Regional Corporation |
| **ISR** | Inuvialuit Settlement Region |
| **MOU** | Memorandum of Understanding |
| **NS** | North Slope |
| **NWT** | Northwest Territories |
| **OHTC** | Olokhaktomiut Hunters and Trappers Committee |
| **PHTC** | Paulatuk Hunters and Trappers Committee |
| ***Review Guidelines*** | These *Environmental Impact Review Guidelines* |
| ***Rules*** | *Rules of Procedure for the Environmental Impact Review Process of the Inuvialuit Final Agreement* |
| **SHHTC** | Sachs Harbour Hunters and Trappers Committee |
| **TLA** | *Territorial Lands Act* |
| **THTC** | Tuktoyaktuk Hunters and Trappers Committee |
| **VC** | Valued Component |
| **WMAC (NS)** | Wildlife Management Advisory Council (North Slope) |
| **WMAC (NWT)** | Wildlife Management Advisory Council (Northwest Territories) |
| **YESAA** | *Yukon Environmental and Socio-Economic Assessment Act* |
| **YESAB** | Yukon Environmental and Socio-Economic Assessment Board |

### 1.3 Definitions

The following terminology is used throughout the environmental impact review (EIR) process. Additional definitions relevant to the process may be found in section 1.1 of the *Rules*. For greater certainty, any word or phrase defined in the IFA has the same meaning when used in the Review Guidelines.

| Term | Definition |
|---|---|
| **Actual Wildlife Harvest Loss** | Provable loss or diminution of wildlife harvesting or damage to property used in harvesting wildlife. |
| **Chair** | The Chairperson of the Environmental Impact Review Board. |
| **Community Hearing** | An oral hearing held by the EIRB in an Inuvialuit community under Rule 2.7 of the *Rules*. |
| **Competent Authority** | Any government agency which provides funding and any department or agency that has the authority to issue a licence, permit or other authorization that would authorize in any way the carrying out of a development. |
| **Conservation** | The management of the wildlife populations and habitat to ensure the maintenance of the quality, including the long-term optimum productivity, of these resources and to ensure the sustainable utilization of the available harvest. |
| **Culture** | For the purposes of these guidelines, culture can be thought of as a way of life, a system of knowledge, values, beliefs and behaviour, passed down between generations. It encompasses the systems within which people live, play, work, and interact with one another and their surroundings on a day-to-day basis. Culture is reflected and embedded in practices, the built environment, and the relationships between people and their natural environment.<br><br>Culture includes physical elements that can be seen and touched (tangible cultural resources) and other elements that, while equally important, are non-physical, subjective, and knowledge- or value based (intangible cultural resources). |
| **Cumulative Effects** | Existing or likely positive or negative changes to the environment caused by a combination of past, present, and reasonably foreseeable future human-caused physical works and activities (including climate change) and natural processes that accumulate across space and time.” |
| **Developer** | A person, the government or any other legal entity owning, operating, or seeking to cause to be operated any development as defined in the IFA, and includes any co-contractant of such owner or operator. For greater certainty, "Developer" includes any Inuvialuit Developer. |

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|---|---|
| **Development** | (a) any commercial or industrial undertaking or venture, including support and transportation facilities related to the extraction of non-renewable resources from the Beaufort Sea, other than commercial wildlife harvesting; or<br>(b) any government project, undertaking or construction whether federal, territorial, provincial, municipal, local or by any Crown agency or corporation, except government projects within the limits of Inuvialuit communities not directly affecting wildlife resources outside those limits and except government wildlife enhancement projects. |
| **Development Description** | The description of the proposed development provided by the Developer in the EIS, as per Section 5.2.2 of the Guidelines. |
| **Environment** | Means the components of the Earth and includes:<br>(a) land, water, and air, including all layers of the atmosphere;<br>(b) all organic and inorganic matter and living organisms;<br>(c) the interacting natural systems that include components referred to in paragraphs (a) and (b); and<br>(d) the human environment, including socio-economic conditions, which are the components of an individual, family or community's economic activity, social relations, well-being, and culture. |
| **Environmental effect or impact (or effect or impact on the environment)** [3] | In respect of a development:<br>**a)** any change that the development may cause on the environment, and includes<br>○ any change in the bio-physical environment on the current use of lands and resources for traditional purposes by Inuvialuit;<br>○ any change it may cause to wildlife species, their habitat, or the residences of individuals of that species;<br>○ any change to present or future wildlife harvesting.<br>**b)** any change to the development that may be caused by the environment;<br>**c)** any change that the development may cause to the socioeconomic and cultural environments. |
| **Environmental Impact Review** | An examination of a proposal for a development undertaken by a Panel of the Review Board established under section 11, 12 or 13 of the Inuvialuit Final Agreement. |

[3] The terms impact and effect mean the same thing throughout these *Guidelines.*

| | |
|---|---|
| **Environmental Screening** | An examination of a Project Description submission undertaken by a Panel of the Screening Committee under subsection 11(1) of the Inuvialuit Final Agreement. |
| **Formal Hearing** | A formal hearing (in person or virtual) conducted by the EIRB under section 1.1 of the *Rules*. |
| **Future [wildlife] harvest loss** | Provable damage to habitat or disruption of harvestable wildlife having a foreseeable negative impact on future wildlife harvesting.<br>From IFA Section 13(2). |
| **Hearing** | A written hearing, a formal hearing, or a community hearing forming part of an Environmental Review Proceeding where the Review Board receives information or evidence, either orally or in writing, from the Parties and Members of the public. |
| **Information request** | A written request for information or particulars issued to a party to a proceeding under the authority of the EIRB in the course of an Environmental Review. |
| **Inuvialuit** | Those people known as Inuvialuit, Inuit or Eskimo who are beneficiaries as defined in the IFA. |
| **Inuvialuit community(ies)** | Any of the communities of Aklavik, Inuvik, Paulatuk, Sachs Harbour, Tuktoyaktuk, or Ulukhaktok. |
| **Inuvialuit lands** | All lands granted to the Inuvialuit by or pursuant to the Inuvialuit Final Agreement. |
| **Member of the public** | A person or organization other than a Party, who/which is permitted to participate in an environmental impact review. |
| **Panel** | Those members of the Review Board assigned to participate in an Environmental Review of a proposed development. |
| **Other Parties** | Organizations and boards that may also have information crucial to a Developer for the planning, design and implementation of a development proposal or related to the issuance of some form of authorization for development proposals. |
| **Party** | Any person or organization that registers for Party status to participate in an Environmental Impact Review. |
| **Proceeding** | An Environmental Review, or any part thereof and any process resulting in a determination by the Review Board Panel during an Environmental Review but does not include a business meeting of the Review Board. |
| **Record** | All admissible and relevant documents submitted to the Review Board during an Environmental Review Proceeding from the time a development proposal is referred until a review decision is made. |
| **Registry** | The paper copy or the electronic copy of the Record of documents established by the EIRB which contains all of the documents on the Record for a Proceeding. All of these documents will be publicly accessible unless a Party has sought and received from the Review Board the right to file the document on a confidential basis. |

| | |
|---|---|
| **Request for ruling** | A written request by a Party to the EIRB for a Ruling or order in a Proceeding. |
| **Rules** | The Rules of Procedure for the Environmental Impact Review Process under the Inuvialuit Final Agreement. |
| **Ruling** | A decision or order made by the Review Board in response to a Request for Ruling or in an oral hearing. |
| **Socioeconomic impact assessment** | The systematic analysis used during environmental impact review to identify and evaluate the potential social and economic impacts of a proposed development on the lives and circumstances of people, their families, and their communities. This includes health, culture, and well-being considerations. |
| **Term** | Definition |
| **Specialist** | An expert or technical advisor engaged by the EIRB to assist with an EIRB proceeding by providing expert advice, opinion, evidence or analysis. |
| **Traditional knowledge** | The unique collective knowledge of traditions the Inuvialuit have to sustain themselves and to survive in their environment over time. This information is passed on from one generation to the next within the Inuvialuit communities. |
| **Valued Component** | An important aspect of the environment that a development has the potential to impact. |
| **Written hearing** | A hearing where the Review Board receives information or evidence only in writing from the Parties and Members of the public. |

### 1.4 How to use the review guidelines

The *Review Guidelines* are laid out as follows:

- Section 2 identifies the goals, authorities and mandate provided by the IFA to the Review Board;
- Section 3 describes the transition between the initial Environmental Impact Screening and subsequent (if necessary) Environmental Impact Review processes in the ISR;
- Section 4 outlines principles underlying and steps involved in the six-phase Environmental Impact Review process, along with the roles and responsibilities of parties within this process; and
- Section 5 discusses general and specific information requirements of Environmental Impact Reviews, with specific emphasis on information the Developer needs to include in its Environmental Impact Statement.

Appendices to the *Review Guidelines* include:

Appendix A, which lists a number of organizations in the ISR and North Slope Yukon that may get involved in an environmental impact review, and their contact information.

Appendix B, which identifies where in the *Review Guidelines* factors required for consideration in the 2019 federal *Impact Assessment Act* are discussed. See Section 4.4.4 for more discussion on transboundary considerations.

These *Review Guidelines* are part of a larger package of guidance developed for EIRB. Of particular note, the *Rules of Procedure for the Environmental Impact Review Process of the Inuvialuit Final Agreement*[4] (the *Rules)* provides more detailed information on the procedural framework within which the EIRB operates and on how the Developer and other Parties to an EIR Proceeding can formally participate. All Parties should make themselves familiar with those *Rules*.

4 https://eirb.ca/wp-content/uploads/2015/03/April-2015-RULES-OF-PROCEDURE-FOR-THEENVIRONMENTAL-REVIEW-PROCESS-OF-THE-INUVIALUIT-FINAL-AGREEMENT.pdf

# 2. The Inuvialuit Final Agreement and the EIRB

In 1984, Parliament enacted the *Western Arctic Claims (Inuvialuit) Settlement Act*, thereby giving effect to the *Inuvialuit Final Agreement* (IFA). The IFA, which emphasizes the importance of wildlife and wildlife harvesting, is a land claims agreement within the meaning of section 35(3) of the *Constitution Act, 1982* and takes precedence over other legislation which may conflict or be inconsistent with it. The IFA established the Environmental Impact Screening Committee (EISC or Screening Committee) and the EIRB, which are responsible for environmental screening and environmental impact review, respectively, in the Inuvialuit Settlement Region and the Yukon North Slope.

The Inuvialuit settlement region is defined in the IFA and includes that portion of the Northwest Territories, Yukon and adjacent offshore area shown in Figure 1. This includes the Western Arctic Region and the Yukon North Slope lands.

The IFA cannot be changed without the approval of the Inuvialuit. A copy of the IFA (As Amended, Consolidated Version April 2005) and a legal description of the ISR and the Yukon North Slope can be found at: www.eirb.ca.

## 2.1 Goals of the Inuvialuit Final Agreement

The goals of the IFA are to preserve Inuvialuit cultural identity and values within a changing northern society, enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society, and to protect and preserve Arctic wildlife, environment and biological productivity.[5]

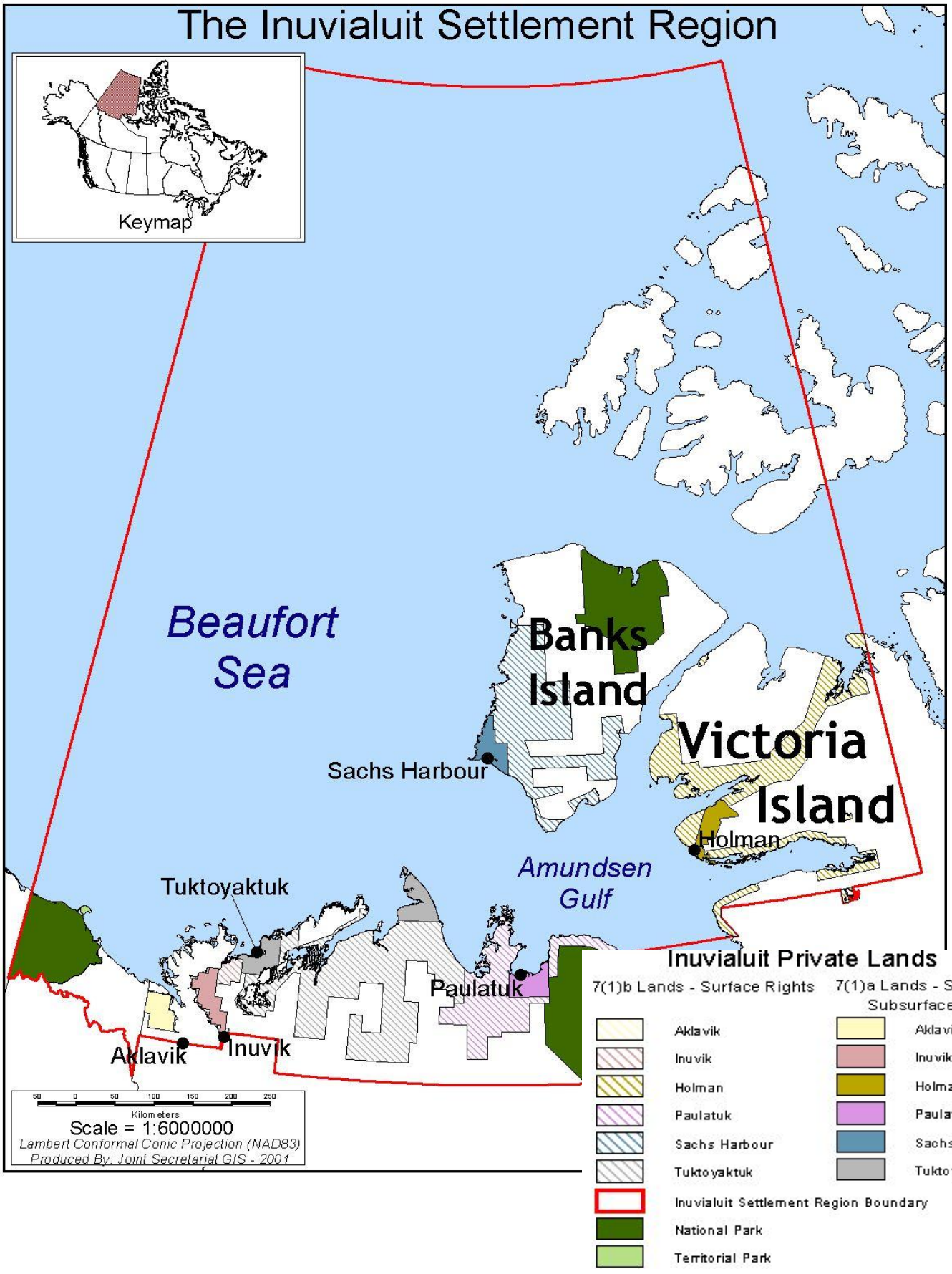
Promotion of these goals is an important part of the environmental impact review process. Table 1 identifies some relevant portions of these Review Guidelines where information requirements intended to contribute to the realization of these goals is identified.

*Table 1: IFA Goals and Relevant Guidelines Sections*

| IFA Goal | Relevant Sections of the EIRB Guidelines |
|---|---|
| Preserve Inuvialuit cultural identity and values | Section 5.1.7 (Impacts on Inuvialuit Culture) |
| Enable Inuvialuit to be equal and meaningful participants in economy and society | Section 5.1.9 (Sustainability); Section 5.1.10 (Impacts on Health, Social and Economic Conditions) |
| Protect and preserve Arctic wildlife, | Section 5.1.4 (Wildlife Impacts and Compensation) |

5 IFA Section 1.

**Figure 1: Inuvialuit Settlement Region**



## 2.2 EIRB Authorities and Mandate

The Review Board's authorities and mandate are limited to the environmental impact review process set up under the IFA.

### 2.2.1 EIRB Authorities

The EIRB operates exclusively within the scope of the authority assigned to it in Sections 11, 12 and 13 of the IFA, and reflected in the Board's bylaws, Rules and Guidelines.

### 2.2.2 EIRB Mandate

The EIRB is responsible for the conduct of the environmental impact review process under the IFA. The environmental impact review process considers the following in a reasonable and expeditious manner:

- Whether a proposed development should proceed, and if so with what terms and conditions (IFA sub-section 11(29)).
- Whether the development proposal should be subject to further review and, if so, the data or information required (IFA sub-section 11(29)).
- What mitigative and remedial measures [terms and conditions] are required and which measures are necessary to minimize any negative impact on wildlife harvesting (IFA subsections 10(3)11(29), 13(9) and 13(11)(b).
- The Developer's potential liability (in relation to wildlife harvesting loss) is estimated and determined on a worst case scenario and based on a balance of factors (IFA sub-section 13(11)(b).

### 2.2.3 Limitations on the Authorities and Mandate of the EIRB

The EIRB has discretion in how it conducts its environmental impact reviews and the determinations it comes to in making recommendations to government on whether a proposed development should proceed and under what conditions. Notwithstanding this, there are limits to the authorities and mandate of the EIRB that it is important for Parties to be aware of.

- The Review Board provides recommendations to specified government authorities on whether a development should proceed and under what terms and conditions. The Review Board is not the final decision-maker on a proposed development.

- The Review Board is not directly responsible for Crown consultation in relation to a proposed development, nor does it determine the adequacy of Crown consultation. This is the responsibility of the "competent government authorities" charged under the IFA to make decisions based on the Review Board's recommendation. The Review Board process, however, can assist with procedural aspects of consultation.
- The Review Board does not make determination on whether Inuvialuit or other Indigenous rights, as protected under the IFA and the Constitution Act, 1982, are likely to be subject to infringement from a proposed development (see Section 5.1.2).

- The Review Board's responsibilities do not extend into the issuance of regulatory permit or licence approvals, or monitoring, compliance or enforcement related to those permits, licences or other authorizations. These are responsibilities of other institutions and agents of the Crown.

# 3. The transition from Environmental Impact Screening to Environmental Impact Review Process in the ISR

This section provides a brief description of the transition from the environmental impact screening process to the environmental impact review process. For more information about the environmental screening process, please refer to the *Environmental Impact Screening Guidelines*[6] or contact the Screening Committee at www.screeningcommittee.ca.

The Screening Committee shall refer a proposed Development to the Review Board when:

- It has made a determination that the development could have significant negative impact and is subject to assessment and review under the IFA (IFA 11.17(c)).
- There is no government development or environmental impact review process that has already adequately encompassed the assessment and review function (IFA 11.18); and
- There is a government development or environmental impact review process that will adequately encompass the assessment and review function (IFA 11.19); and, the governmental review body declines to carry out such functions (IFA 11.20); or in the opinion of the Screening Committee the government development or environmental impact review process does not or will not adequately encompass the assessment and review function (IFA 11.20).

For any proposed development referred by the Screening Committee to the Review Board, along with the Project Description submission, the Screening Committee will also forward the Review Board a referral package containing:

- A Referral Decision Letter and Reasons for Decision document prepared by the Screening Committee that provides the reasons why the Screening Committee believe the proposed development needs additional environmental review.
- A copy of all information contained in the Screening Committee's Proceeding Record that was considered by the Screening Panel in making the screening decision.
- A contact list of Parties to the Proceedings of the Screening Committee.

6 http://www.screeningcommittee.ca/screening/operating_guidelines.html

# 4. Environmental Impact Review Process

The EIRB has created a public environmental impact review process consistent with and derived from the authority of the Inuvialuit Final Agreement (IFA) and which is designed to be flexible enough to enable the Review Board to reasonably and expeditiously complete each environmental impact review in a manner that reflects the scale of the proposed development, and its potential for social, economic, cultural and environmental effects.

This section of the Review Guidelines describes some of the key principles and responsibilities expected by the Review Board to guide the environmental impact review process, and then outlines the process the Review Board follows to complete an environmental impact review.

## 4.1 Principles of Environmental Impact Review in the ISR

The following principles have been identified by the Review Board as relevant to the environmental impact review process under the IFA. They are presented here in no particular order; all are important and should be considered by all Parties in their engagement in the process.

1) The IFA goals - preserving Inuvialuit cultural identity and values, enabling Inuvialuit to be equal and meaningful participants in economy and society, and protecting and preserving Arctic wildlife, environment and biological productivity - must be central to all reviews;

2) Traditional and local knowledge will be considered and given equal weight to western scientific knowledge (as per Section 1.4.1(iv) of the Rules);

3) Early engagement of Inuvialuit is key to the conduct of a meaningful environmental impact review, and should continue throughout all phases of the review;

4) Each proposed development will be assessed for how it contributes to and may negatively impact sustainable development;

5) Environmental impact reviews will be run by the Review Board consistent with the principles of natural justice and procedural fairness (as per Section 1.4.1 of the Rules), but also with flexibility appropriate to allow for a formal and informal, written and oral, process appropriate for Inuvialuit;

6) Adequate baseline and trend-over-time conditions analysis will be required to set the pre-Development context for each valued component (VC);

7) Inuvialuit harvesting rights and associated protection of wildlife and wildlife habitat will be a primary focus of all environmental impact reviews;

8) Project-specific and cumulative effects, including the effects of climate change, will be considered;

9) Social, economic, cultural and health conditions and well-being of Inuvialuit are a primary focus of the process;

10) The Developer is responsible to show that its proposed Development will not have or contribute to significant adverse effects on the environment;

11) It is the responsibility of the Developer to clearly identify all proposed mitigation, monitoring and adaptive management mechanisms committed to in relation to the development, and to show the likelihood of success of these measures to identify and manage environmental effects; and

12) The onus is on each Party, including the Developer, to show evidence to support their submissions and other assertions made within this process.

## 4.2 ROLES AND RESPONSIBILITIES OF PARTIES TO THE EIR

### 4.2.1 The Developer

The Developer must demonstrate knowledge of the following in relation to the proposed development and to demonstrate this understanding in its submissions to the environmental impact review process:

- Technical knowledge and understanding of the development and what is required to successfully complete the development.
- Technical knowledge and understanding of the proposed physical, biophysical and human environment settings and trends where the development would occur and what is proposed to reduce or eliminate potential adverse effects.

- An understanding of the traditional and cultural environments associated with the affected area.
- Knowledge and understanding of any issues and concerns raised by potentially affected groups and Parties to the Proceeding, including communities, competent authorities and other reviewers, and an indication of how these issues and concerns have been addressed in the EIS and how they will be addressed if the development were to proceed.

- Knowledge of the Developer's responsibilities with respect to the environmental impact review process and regulatory obligations.
- Knowledge and understanding of how the proposed development may affect the various land categories identified in a community's Community Conservation Plan and impact on candidate or existing protected areas.

- Knowledge and understanding of how the proposed development may affect the ecological context and conditions, and wildlife, wildlife habitat and wildlife harvesting.
- Details of any compensation being proposed for any significant negative impacts on present or future wildlife harvesting.

- Knowledge and understanding of how the proposed development may affect Inuvialuit individuals', communities' and regions' social, economic and cultural well-being and quality of life.
- Details of how the proposed development will contribute to sustainable development.

Inuvialuit organizations and various government departments and agencies may also be essential to assist the Developer in fulfilling its roles and responsibilities. The Developer must demonstrate it has appropriately engaged with the appropriate Inuvialuit organizations and government departments and agencies. See Section 5.1.1 for Review Board expectations re: Developer engagement with Parties.

### 4.2.2 Federal and Territorial Government Agencies

A variety of Federal and Territorial Government Agencies have responsibilities to bring forward information during an environmental impact review. These Agencies may have a regulatory role, where they issue permits, licences or other authorizations required for the development to proceed, or have expert information on or mandated protection/promotion responsibilities for a VC or both.

It is the Review Board's view that each Government Agency will engage in the environmental impact review process in a manner that is aligned with its departmental responsibilities.

In certain instances, a government may be the proponent of the development, as well as meeting some of the governmental responsibilities identified above. It is the Review Board's view that in such instances, the individual departments involved in regulating, VC protection/promotion, or expert advice provision in relation to the development, will continue to engage in the environmental impact review process in a manner that is aligned with its departmental knowledge and mandate.

### 4.2.3 Other Parties

There are several organizations and boards that may contribute to the ISR's environmental impact review process. These organizations and boards may also have information crucial to a Developer for the planning, design and implementation of a development proposal or related to the issuance of some form of authorization for development proposals.

Many of these organizations and boards will provide input to the environmental impact review process and are available to provide advice to a Developer planning to carry out activities in the ISR. Appendix A includes a list of some key organizations and institutions that are commonly involved in environmental impact review in the ISR.

## 4.3 Overview of the Environmental Impact Review Process

The environmental impact review is a six-phase process, as shown in Figure 2 below and in more detail in Figure 3 on the next page.

*Figure 2: The Six Phases of the Environmental Impact Review Process*

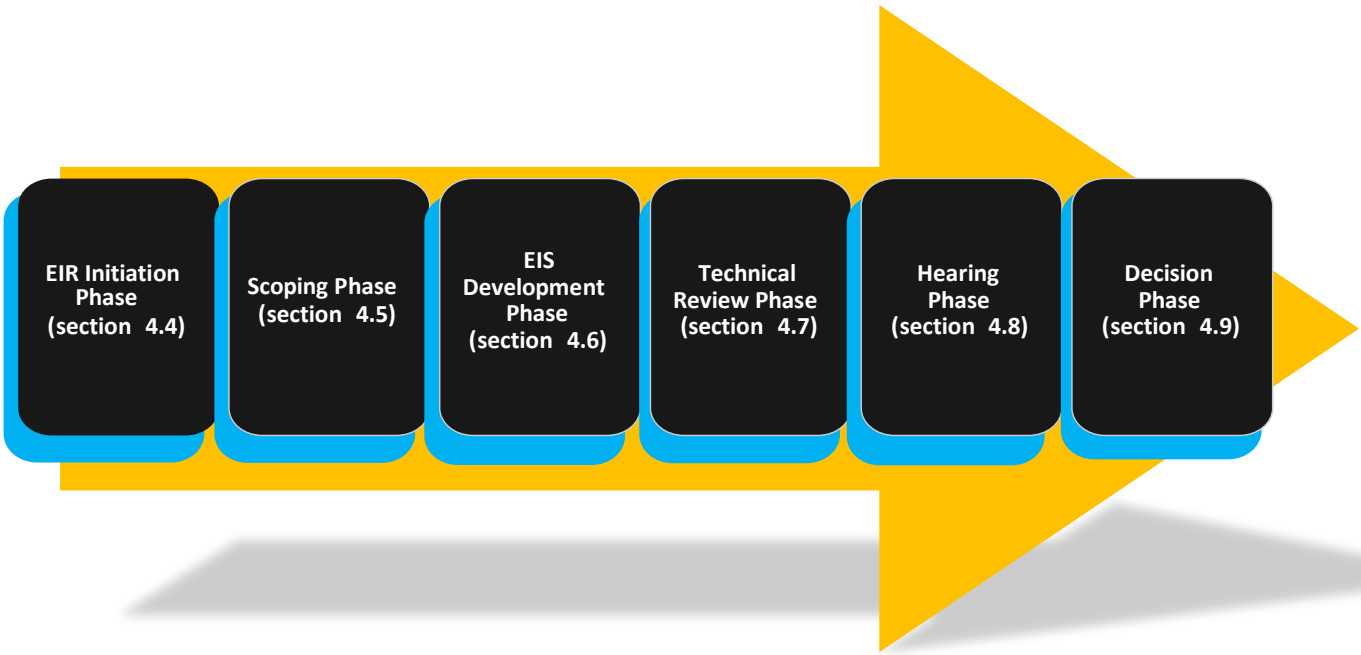
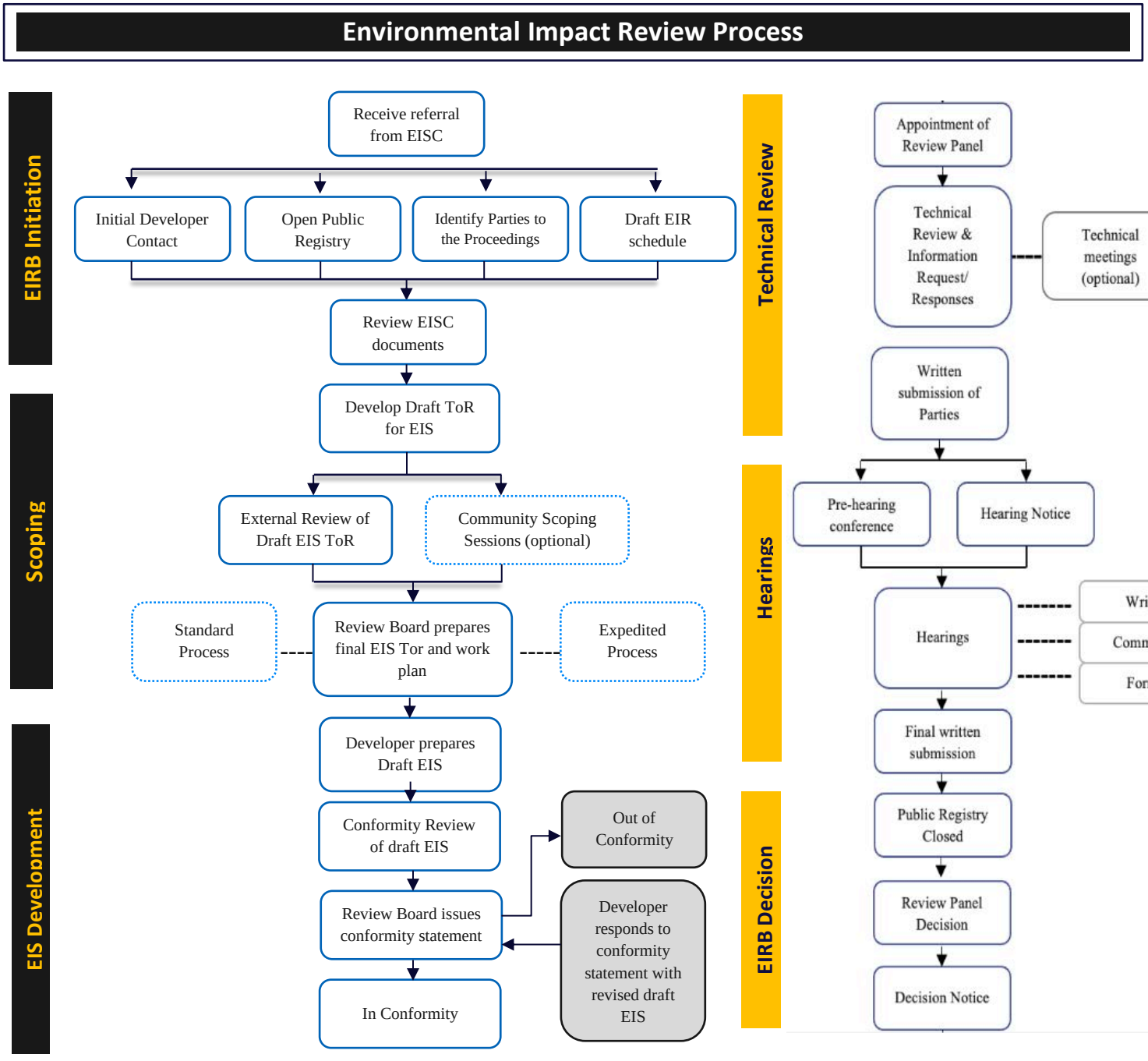


**Figure 3: The Environmental Impact Review Process**



### 4.4 Environmental Impact Review Initiation

Upon receipt of a referral package from the EISC, the Review Board will complete the following tasks:

#### 4.4.1 Initial Developer Contact

The EIR Coordinator[7] will forward a copy of these Review Guidelines to the Developer and arrange a face-to-face or virtual meeting to explain the Review Guidelines and to answer any questions about the environmental impact review process. Additional meetings will be held when deemed necessary.

The EIRB Board Members may not meet with the Developer or any Parties once the referral has been received. The EIRB will put a "Note to File" on the public registry summarizing any staff meeting with any developer or any parties in relation to an environmental impact review.

#### 4.4.2 Public Registry and Notice

The EIR Coordinator will:

- Establish a specific file on the EIRB On-line Registry website for the review of the development proposal;
- Publish a Public Notice of Referral; and
- Post the Project Description submission and all of the information in the EISC referral package on the EIRB On-line Registry website.

The public registry will include all documents relating to the environmental impact review. The public registry consists of the public record for the environmental impact review, which is the information that the Review Board considers when making its decisions. Items produced after the close of the public record, including the Review Board's Environmental Impact Review Report, are still placed on the public registry. Most of the documents on the public registry will also be placed online unless a Party provides information to the Review Board under confidential cover. For more information on confidentiality requests, see Section 1.6 of the Rules.

The Public Notice of Referral will also be published in other local media formats (e.g., television, newspaper, radio, internet).

#### 4.4.3 Identify Parties to the Proceedings

The Public Notice will invite organizations and individuals to register as Parties to the Proceeding, in accordance with Section 2.2 of the Rules. The Developer does not need to register as they are

7 The EIR Coordinator is a staff member assigned by the Review Board to administer the environmental impact review.

automatically a Party to the Proceeding. All organizations and individuals who register as a Party will be placed on the EIRB distribution list to receive documents relevant to the environmental impact review. Each Party is responsible for keeping itself apprised of the process stages, timelines and documents filed on the public record during the course of the EIR. Organizations and

individuals may register for Party status at any time up to the Pre-Hearing Conference.

Participant funding may be made available through Crown-Indigenous Relations and Northern Affairs Canada's Northern Participant Funding Program, or, as relevant, other federal funding programs such as the Impact Assessment Agency of Canada's Participant Funding Program..

Groups or individuals do not need to be Parties to the Proceeding in order to file documents with the Review Board on the public record or make a statement at an oral hearing. Submissions from Members of the Public will be accepted by the Review Board as per the Rules.

### 4.4.4 Transboundary Considerations

Development proposals in or impacting on the ISR or Yukon North Slope which have transboundary implications with any other jurisdictions (e.g., the Yukon, Nunavut, Mackenzie Valley, or Alaska) or which may require interaction with other environmental impact assessment authorities will be dealt with according to the law and agreements between jurisdictions.[8]

In some instances, there may be questions about the applicability of the federal Impact Assessment Act (2019) in relation to the proposed development within or impacting on the ISR. The Review Board process will carefully consider all factors required under this federal legislation, as shown in Appendix B. The Review Board will engage with the Impact Assessment Agency of Canada on a case-by-case basis where transboundary issues are raised.

The Review Board will initiate consultation with any external environmental impact assessment body during the scoping phase of the environmental impact review, and build any required transboundary requirements or collaborative actions into the Environmental Impact Review Schedule and Work Plan.

### 4.4.5 Draft Environmental Impact Review Schedule and Workplan

The EIRB will draft a Review Schedule and Work Plan as a guide to indicate when certain tasks related to the EIR process are anticipated to occur and be completed, and put it on the public record for comment within timelines specified by the Review Board. The EIRB recognizes there are some tasks in the EIR process over which it has no direct control – these are tasks that are the responsibility of

[8] For example, the EIRB and EISC signed a Memorandum of Understanding (MOU) with the Mackenzie Valley Review Board in 2005, which establishes a framework for cooperation between the three organizations. This document can be accessed at https://reviewboard.ca/reference_material/coop_agreements_and_mous

third parties such as the Developer and other Parties to the Proceeding. The Review Board may establish what it thinks are reasonable time periods for these third parties to fulfill their responsibilities, while maintaining a reasonable EIR schedule that supports the Review Board's IFA responsibilities for being expeditious in completing an EIR.

The Review Schedule and Work Plan associated with each EIR will be established by the Review Board once it has determined the scope of development and scope of assessment for conducting the EIR. The schedule will be reviewed throughout the EIR process and adjusted as may be required by decision of the Review Board or Review Panel (see Section 4.5.1).

The Review Board - and after the receipt of the accepted EIS (see Section 4.6.1 below), the development-specific Review Panel - will consider written requests, to adjust the scheduled timeframe for a particular task of the EIR. Any written request must be supported by adequate evidence and reasons for requesting the change to the EIR schedule. This is an example of a possible subject matter for a Request for Ruling to the Review Board.

**Requests for Ruling**

Any Request for Ruling must be accompanied by supporting evidence and reasons for requesting the ruling, and an indication of how the process will benefit from the ruling. This Requests for Rulings process allows Parties to make written submissions giving reasons for or against a change to the Work Plan or Schedule for the environmental impact review. The Review Board or Review Panel will consider the original Request for Ruling, and any responses to it, and make its decision, with supporting reasons, on the public record along with identification of any revisions to the EIR process as appropriate. Appendix A of the Rules provides further instructions for making a Request for Ruling**.**

### 4.5 Scoping the Environmental Impact Review

The scoping phase is the first substantive undertaking of the environmental impact review. Scoping refers to the process of identifying the key issues that need to be assessed, over what geographic area and what timeframe, for a proposed development. It is critical to "get the scope right" from the outset in the following areas, so that all Parties are focused on the same things in subsequent data collection, analysis, and assessment:

1. Scope of Development:
   This is all the physical works and activities required to be undertaken in order for the development to proceed as proposed. This includes direct and ancillary (supporting) physical works and activities. For example, a direct physical work and activity might be the construction and operation of an offshore drilling rig. An ancillary development may be the construction and operation of an onshore work camp to house the workers in support of that primary development or a temporary access road to that site.

   The Review Board will consider the information from the Project Description filed by the Developer with the EISC and will require input during the scoping phase on the scope of development that will be subject to the environmental impact review. If the Review Board finds that the Project Description is inadequate to fully understand the scope of development, it will request additional detailed information from the Developer on the scope of development.

2. Scope of Assessment, which includes:

a) Scope of issues: What VCs are most likely to be subject to interactions with the proposed Development, and how can changes to the VCs be measured through identification of indicators and measurable parameters;
b) Geographic scope: How big of an area may be subject to direct and indirect impacts from the proposed Development, for each VC; and
c) Temporal scope: How far back in time do we need to look to establish baseline conditions against which to assess change over time to date, and how far in the future should the assessment be required to predict Development-related impacts.

### 4.5.2 Integration of Screening Results

The Review Board will make sure that all relevant documents from the Environmental Impact Screening phase are included on the public registry for the environmental impact review, for consideration by all parties, including the Review Board, during the EIR scoping phase.

### 4.5.3 Development of and Comments on the *Draft Terms of Reference*

The Review Board will develop a draft Terms of Reference for the Environmental Impact Review of the development proposal (draft Terms of Reference) based on the Project Description submission, the referral package from the EISC, and any other information the Review Board has requested or considers relevant. The draft Terms of Reference will define the scope of the development and the scope of the assessment for completing the environmental impact review and identify the specific requirements the Developer must address in its Environmental Impact Statement (see Section 5).

The Board will finalize the Terms of Reference based on its discretion and the evidence on the public record during the scoping phase. This may include the identification of VCs that should be subject of a greater to lesser focus in the environmental impact review. For example, the Review Board may adopt a

"tiered" VCs approach, where "Key Lines of Inquiry" require the most focus, "Subjects of Note" merit slightly lower emphasis during data collection and analysis, and "Other Issues" require the least amount of focus. The decision whether to use a "tiered VCs" approach will be made by the Review Board on a case-by-case basis, and communicated with instructions in the Terms of Reference.

The draft Terms of Reference will be placed on the EIRB On-line Registry and circulated to the Parties, the Developer and the public for a review and comment period determined by the Review Board and included in the draft Review Schedule and Work Plan. The comments received will be considered by the Review Board for preparing and approving the final Terms of Reference.

### 4.5.4 Community Scoping Sessions

The Review Board may hold scoping sessions in the potentially affected communities through public meetings convened by the EIR Coordinator. The community scoping sessions will explain the environmental impact review process, allow the Developer to provide an overview of the development proposal, and enable the Review Board to receive any comments and concerns from the communities and the public about the proposed development and on the draft Terms of Reference.

Any community scoping sessions will be held before the review and comment period for the draft Terms of Reference. Community scoping sessions will be open to all Parties to the Proceeding, the Developer and the public.

### 4.5.5 Finalization of the Terms of Reference, environmental ImpacReview Schedule and Workplan

The Review Board will review all comments filed on the Draft Terms of Reference and Draft Review Schedule and Work Plan, and issue final Terms of Reference and Review Schedule and Work Plan for the environmental impact review to the Developer and on the public registry.

The Review Board will include specific instructions within the Terms of Reference on the following:

1) The scope of development for the purposes of the environmental impact review;

2) Requirements related to scope of assessment, which may include guidance on required information from the Developer related to specific VCs and the geographic and temporal scopes of assessment for each VC. It is up to the Review Board's discretion whether it defines specific VCs and geographic and temporal scopes of assessment that must be subject of the assessment, or leaves this for the Developer to determine in concert with the Parties, through the EIS development process; and

3) Specific information requirements required to be included in the Environmental Impact Statement (see Section 5).

### 4.6 Preparation and Acceptance of the Draft Environmental Impact Statement

Section 5 of these Review Guidelines identify general and specific information requirements for the development of the EIS by the Developer. The developmentspecific Terms of Reference will provide more detail.

While the Developer will generally be allowed to take the time necessary to complete both the EIS and any required revisions to it, these timelines must be reasonable under the specific circumstances. If there are unreasonable or unavoidable extensive delays in the issuance of the EIS or major changes to the Development Description in the interim, the EIRB reserves the right to re-review the Terms of Reference for the development, or make any other procedural decision that is fair and reasonable in the circumstances.

The Review Board strongly encourages the Developer to engage with the Parties in the design and conduct of studies and assessments to support the development of the Environmental Impact Statement. Further information on such expectations is provided in Section 5.1.1 of these Review Guidelines and the development-specific Terms of Reference.

The Developer can provide updates on progress toward the EIS through correspondence to the EIR Coordinator at any time. Questions of clarification on the application of the Terms of Reference are to be forwarded to the EIR Coordinator. Any communication between the Review Board staff and the Developer (and other Parties) will be placed on the public registry.

The Terms of Reference will direct the Developer to provide a certain number of digital and written hard copies of the draft and final EIS to the EIRB and to certain other Parties to the Proceeding, including community and land claim organizations and regulators.

#### 4.6.1 Conformity Review

Upon receipt of the draft EIS, the Review Board will conduct an EIS conformity review. The conformity review only looks at whether the draft EIS contains enough information on all the topics included in the final Terms of Reference to start the technical review phase; it does not determine the adequacy of the information to move to the hearings phase, which is the subject of the technical review phase itself.

##### 4.6.1.1 Conformity Statement

At the end of its conformity review, the EIRB will issue a Conformity Statement. The Review Board's conformity statement is focused on two considerations:

- Conformity: Have all the requirements of the Terms of Reference been included in the EIS?
- Adequacy: Is there enough information in the EIS to serve as an adequate foundation to start the technical review phase?

If the draft EIS is found to be in conformity with the Terms of Reference and adequate to initiate the technical review phase, the EIRB will accept the document and the EIR moves to the Technical Review Phase. In its Conformity Statement, the Review Board may also identify information gaps that need to be filled either in revisions to the EIS or in an addendum, while allowing the Technical Review Phase to proceed.

#### 4.6.1.2 Submission of the Revised Draft EIS

If the draft EIS is deemed deficient in the Conformity Statement, the Developer will revise the draft EIS based on the Conformity Statement and submit a revised draft EIS to the Review Board.

#### 4.6.1.3 Acceptance of the Revised Draft EIS

The EIRB will decide on the acceptability of the revised draft EIS using the same approach laid out in Section 4.6.1.1.

**Developer Withdrawal from the EIRB Process:**

If the Developer decides to withdraw from the EIRB for the proposed development, it is responsible to inform the Review Board with official correspondence, after which the Review Board will terminate the EIR process with notification on the public record.

### 4.7 The Technical Review Phase

The Technical Review Phase is the phase where the Review Board and Parties complete a technical review of the final EIS, make any information requests, and prepare any written submissions.

#### 4.7.1 Appointment of the Review Panel

After acceptance of the final EIS, the Chair of the EIRB will appoint a Review Panel of at least five (5) members of the Arbitration Board, two (2) of whom shall be designed by each of the intrested parties, and the Chairman or Vice-Chairman, as designated by the Chairman.

### 4.7.2 Information Request

The Information Request (IR) process is an opportunity for Parties to seek additional information and/or clarification in relation to the evidence from any other Party to the Proceeding, and for that Party to respond to the request. The IR process will be conducted in accordance with Section 1.9 and Appendix C[9] of the *Rules*. The IR process will be concluded prior to the deadline for Written Submissions, to allow all Parties to view all IR's and responses prior to completing their written submissions. The Review Board will determine whether to have more than one round of IRs at its discretion, including after reviewing responses to first round IRs.

Any Party to the environmental impact review can pose an IR to any other Party. IRs must be within the scope of the Proceeding, clear and concise, and avoid presentation of argument. The purpose is to gather new or clarify existing information, commitments, and analysis. The information sought might include information that would enable the Party to better understand the magnitude or other characteristics of a potential effect, fully understand the scope of a proposed development, the adequacy of baseline and trend-over-time data collected on a VC, or the nature and adequacy of a committed to mitigation, monitoring and/or accommodation/compensation measure.

### 4.7.3 Technical Meetings

As per Section 2.4.12 of the Rules, the Review Board or Review Panel may at any time during an environmental impact review, order that a technical meeting be convened on one or more topics. Technical meetings will be convened by the EIR Coordinator. The Review Board or Review Panel will not be present at technical meetings. All Parties will be invited to attend, and presentations from and the minutes of the technical meeting will be published on the Public Registry. Technical meetings are generally designed to narrow the focus of the Hearing Phase of the environmental impact review by seeking resolution of specified technical issues in advance, or at least further defining the remaining outstanding issues among the Parties.

### 4.7.4 Site Visits

At any time during an environmental impact review, the Review Board or Review Panel may schedule a site visit to the proposed development site.

[9] Appendix C of the *Rules* has Information Request instructions to assist Parties.

### 4.7.5 Amendments to the Environmental Impact Statement

The EIS can be amended by the Developer up until the end of the Technical Review Phase. The Developer is responsible to identify any proposed changes to the scope of development, mitigation, monitoring and accommodation commitments, or other changes material to the Review Panel's determinations. Any such amendments must be provided in advance of the deadline for Written Submissions from the other Parties. Any significant changes to the Development Description will require the Review Panel's approval and may affect the Review Panel's process and timetable for the proceeding.

### 4.7.6 Written Submissions

Written submissions are to be provided to the Review Panel prior to the start of the Hearing Phase on a timeline the Review Panel will communicate to all Parties. Written submissions are to be a concise documentation of the Party's evidence, views, issues, concerns, conclusions, and recommendations about the proposed development, with supporting evidence and reasons. Written submissions from Competent Authorities that will issue a license, permit or other authorization for the development will include any terms and conditions necessary to allow the development to proceed. Any other Parties are also invited to share their perspectives on required terms and conditions should the development be allowed to proceed. Written submissions will be posted to the EIRB On-line Registry, and all Parties will be able to review them prior to the Hearing Phase.

The Developer will be provided an opportunity to review other Parties' written submissions and respond in its own written submission. As part of the Developer's written submission, the Review Panel may also require the Developer to provide an updated list of commitments it has made for mitigation, monitoring and accommodation measures in relation to its proposed development.

### 4.7.8 The Hearing Phase

The purpose of the Hearing Phase is for the Review Panel to hear directly from the Developer, Parties, Inuvialuit, and the public, prior to making its determinations.

### 4.8.1 Pre-Hearing Conference

The Review Panel may convene a Pre-Hearing Conference, facilitated by the EIR Coordinator, in a location or locations to be determine by the Review Panel. Parties will be provided opportunities to attend the Pre-Hearing Conference via teleconference/videoconference, in person, or either, depending on the situation.

The Pre-Hearing Conference provides the opportunity to:

- Finalize the list of issues to be discussed at the Hearing.
- Seek a clear description or amplification of the issues to be discussed at the Hearing.
- Encourage the resolution of an issue by alternative means.
- Set a timetable for the exchange of information and for preparations for the Hearing.
- Adopt procedures to be used at the Hearing.
- Consider any matter that may aid in the simplification and disposition of the Hearing.

The Pre-Hearing Conference will be convened in accordance with Rules 2.6.5 and 2.6.6 of the *Rules*.

### 4.8.2 Hearing Notice

The Review Panel will issue a Hearing Notice at least 30 days in advance of any Community or Formal Hearing, as per Section 2.5.6 of the *Rules*. The Hearing Notice shall include as a minimum the following information:

- The date, time, place, and nature of the Hearing, whether a Formal or a Community Hearing.
- The matters to be considered at the Hearing.
- The opportunity for members of the public to participate.
- The date by which information to be considered in the Hearing must be filed.
- Any other information relevant to the conduct of the Hearing.

### 4.8.3 Types of Hearings

The Review Panel will convene its Hearings in accordance with Section 2.5 to 2.7 of the *Rules*.
The Review Panel may use any of the following types of Hearings:

- Community Hearing(s): A less formal oral hearing held by the EIRB in an Inuvialuit community under Rule 2.7 of the *Rules*; and
- Formal Hearing(s): A formal oral hearing conducted by the EIRB under section 2.6 of the *Rules*; or
- A Written Hearing: In some instances, particularly with Expedited Reviews, the Board may choose to convene a Written Hearing, where no face-to-face Hearing occurs, and the parties exchange written submissions, questions, and responses.

Proceedings with a Written Hearing may not include either a Community Hearing or a Formal Hearing. Environmental Impact Reviews with “oral” Hearings may have either or both Community and Formal Hearings. It is at the Board’s discretion to determine whether remote attendance at oral Hearings (e.g., via videoconference) can be accommodated on a case-by-case basis.
Any Party that makes a presentation at an oral hearing will be subject to questioning. The Review Panel may choose to exempt members of the public including Inuvialuit individuals, especially but not

necessarily limited to Elders, from follow-up questioning, or otherwise vary the *Rules* to facilitate the participation of Inuvialuit.

### 4.8.4 Final Written Submissions

At or after the Hearing(s), the Review Panel will publicly set a timeline for final written submissions. Final submissions are not to introduce any new evidence, but rather to summarize the Party's position in relation to the proposed development. The Review Panel will provide the Developer with the opportunity to respond to other Parties' final written submissions through its own final submission. The Review Panel will also require the Developer to provide in its final written submission an updated list of commitments it has made for mitigation, monitoring and accommodation measures in relation to its proposed development.

## 4.9 DECISION PHASE

### 4.9.1 Public Registry Closed

The conclusion of the Hearing Phase brings to an end the public portion of the EIR process. The EIRB On-line Registry will be closed soon after the hearing at a date decided by the Review Panel and communicated in advance to the Parties. The Review Panel will then convene in private to render a decision and complete its decision report.

### 4.9.2 Review Panel Decision

During the Decision Phase, the Review Panel may, upon notice to the Parties, make appropriate arrangements to seek clarification of any evidence or information on the EIRB On-line Registry without causing the Public Registry to be re-opened.

The Review Panel will consider all information contained on the Public Registry, which is the evidence of Record for the environmental impact review, in making its decision. The Review Panel treats equally the information and advice submitted which is based on science, local knowledge, and traditional knowledge.

The Review Panel will render a decision and complete its Decision Report and transmit it to the Competent Authority and the Developer. The Decision Report will then be released to the public. In addition to its reasons for decision, the Review Panel's Decision Report will present its recommendations to the Competent Minister in the form of a certificate.

In its final decision the Review Panel will recommend whether the proposed development should proceed as described in the final EIS and any amendments filed by the Developer prior to the close of the Public Record. The Review Panel's decision can take one of three forms:

- The Review Panel may recommend the proposed development proceed, subject to the implementation of recommended terms and conditions; The review Panel will then convene in private to render a final recommendation and complete its recommendation report.
- The Review Panel may recommend that the proposed development not proceed as proposed; or
- The Review Panel may recommend that the proposed development be subject
- to further assessment, and if so, the data or information required.[10]

If the Review Panel recommends that the proposed development should proceed, it shall also recommend terms and conditions, including related to the following topics:

- The ability to meet present economic, social, and cultural needs while preserving the natural environment for generations to come (i.e., sustainable development goals).
- Preserving the ability to continue with activities such as hunting, trapping, fishing (e.g., minimize conflicts or disruption of harvest practices and activities).
- Mitigative and remedial measures.
- Appropriate monitoring requirements.
- An estimate of the potential liability of the Developer in a Worst-Case Scenario.[11]

Any recommendations received from Parties in written submissions, or from the public, will also be considered in developing the recommended terms and conditions of the Review Panel.
If the Review Panel recommends that the proposed development should proceed, then terms and conditions relating to the mitigative, and remedial measures considered necessary to minimize any negative impact on wildlife harvesting will be recommended.[12]

The Review Panel will forward its decision with its reasons in writing to the regulatory authorities competent to approve the proposed development, to the Developer, to all Parties and, if required by the Impact Assessment Act (2019) under a substituted process, to the federal Minister of Environment and Climate Change Canada. The decision of the Review Panel will be made public in a press release and posted to the EIRB On-line Registry.

[10] IFA Section 11(29).
[11] Section 13(11)(b) of the IFA requires the EIRB to recommend to the government authority empowered to approve the proposed development, an estimate of the potential liability of the Developer. EIRB practice is for evidence to be required of financial responsibility of a developer (IFA ss. 13(13)) and to require the developer to put forward a realistic worst-case scenario complete with a reasonable estimate of the costs to clean up after the Worst Case Scenario and for compensation to Inuvialuit.
[12] As per IFA Section 13(11)(a).

### 4.10 What happens after a Review Panel Decision

The EIRB process is complete once the Review Panel issues its recommendations. As per sections 11(32) and 11(33) of the IFA, it is the role of the "governmental authority competent to authorize the development" to make final decisions. It is the role of that competent governmental authority to consider the recommendations of the Review Board and "decide whether or not, on the basis of environmental impact considerations, the development should proceed and, if so, on what terms and conditions, including mitigative and remedial measures".

# 5. Guidance on Environmental Impact Review Requirements

This section of the Environmental Impact Review Guidelines provides general and specific guidance to a Developer whose development proposal has been referred to the EIRB for environmental impact review, regarding information requirements for its Environmental Impact Statement (EIS). While the information a Developer submits to the EISC to satisfy the environmental screening process can be used to support submission requirements in the environmental impact review process, the EIRB will also issue specific directions to the Developer, in the form of Terms of Reference for the EIS, regarding specific submission requirements to satisfy the environmental impact review process.

The following information is intended to assist a Developer in preparing its EIS. This information can be superseded by more detailed instructions provided in the Terms of Reference Template (should it be issued by the Review Board), which in turn is superseded by development-specific Terms of Reference produced during the Scoping phase of each EIR. Figure 4 below illustrates this hierarchy of documents and directions to the Developer.

(IFA Section 11(32)).

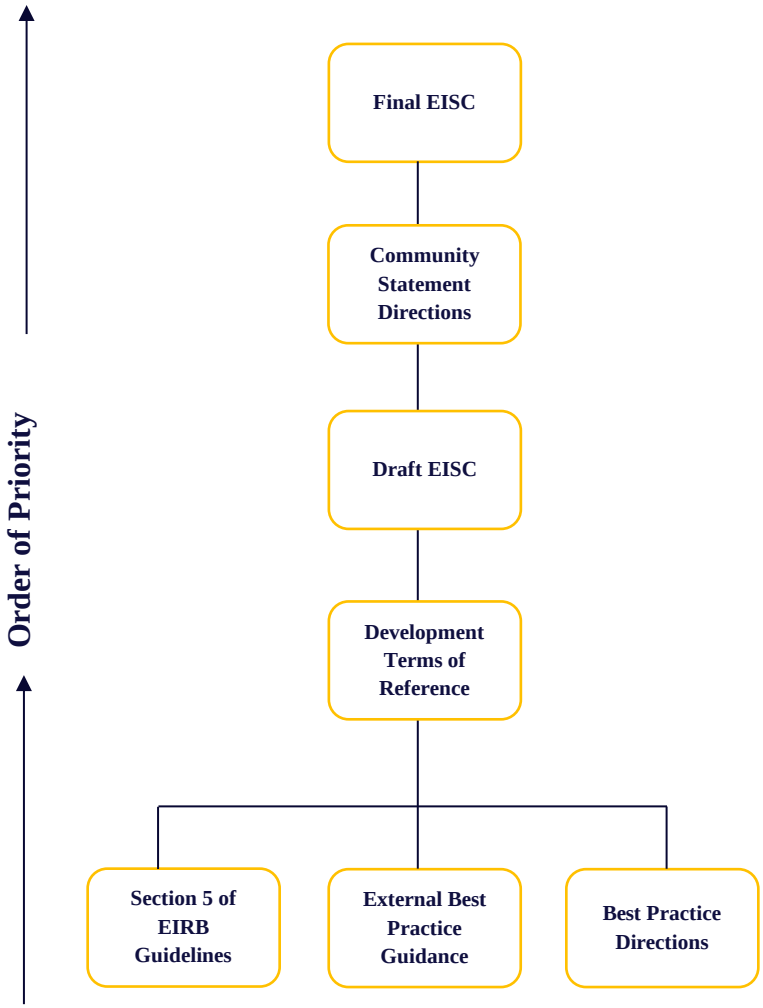



Figure 4: Order of Priority for Review Board Directions re: EIS Development (higher priority at top)

In all instances, if there are questions from the Developer or a Party about any of the general or specific considerations discussed below, contact the EIR Coordinator.

The general and specific considerations below assume that the development specific EIR is undergoing a **standard review**. In cases where an **expedited review** is being undertaken, some of the requirements may be removed or reduced in terms of level of effort expected from the Developer. This will be made clear in the development specific *Terms of Reference*.

### 5.1 General Considerations

The Review Board expects that the following ten general considerations will be integrated into each environmental impact review, in accordance with specific instructions given by the Review Board to the Developer in the development-specific Terms of Reference.

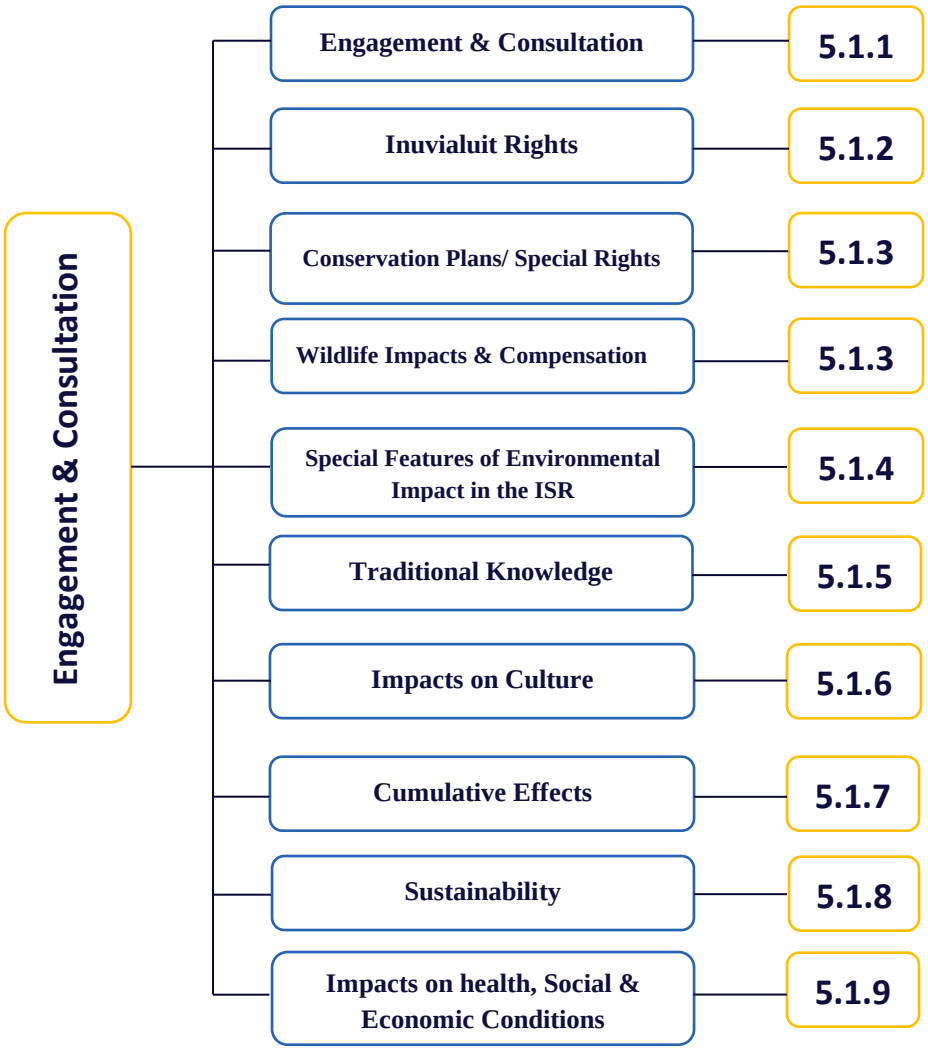



Figure 5: General EIR Considerations Required in the EIS

As a general note, in some instances, the Review Board refers the Developer to external guidance documents developed by other jurisdictions. The Developer should be aware that the Review Board may in part make its determinations on what information is required, and whether the information provided is adequate, on the basis of these best practice documents, and avail themselves accordingly.

### 5.1.1 Engagement and Consultation

The Review Board considers engagement and consultation an important element of the EIR process. The EIRB recognizes that the amount of engagement and consultation[13] needs to be appropriate for the size, location, complexity, and anticipated impacts of the proposed development. The EIRB expects the Developer to have engaged meaningfully with parties as required by these Guidelines and the development-specific *Terms of Reference*, prior to submitting its EIS.

Engagement appropriate for an EIR should include face-to-face engagement where feedback is sought from potentially affected parties and competent government authorities. Unless otherwise noted in the development-specific *Terms of Reference*, the Review Board leaves it to the Developer to determine which potentially affected Parties to consult with, and what is appropriate to present and explain in consideration of the proposed development and its anticipated effects.

The Review Board expects that potentially affected Parties will be given reasonable opportunity to engage the Developer in an interactive manner, and to learn about the proposed development and provide input or comment if they so wish.

Early engagement is critical and should have ensued prior to filing a Project Description with the EISC.[14] It is the expectation of the Board that the Developer will, prior to filing its EIS:

- Make all reasonable efforts to seek and understand the full nature of concerns expressed by affected and responsible Parties to the EIR; and
- Respond to those concerns and work with the Parties to jointly resolve issues and update the development plan accordingly.

The purpose of conducting public engagement and consultation before submitting a draft EIS is to:

1) Allow the Developer an opportunity to discuss the proposed development with potentially affected Parties, competent government authorities, and the public.
2) Address or resolve any concerns expressed about the proposed development.
3) Gather any local and traditional knowledge that might be relevant to the development. This information is normally obtained by dealing with the HTC in each community (see also Section 5.1.6).
4) Identify impacts of the development and demonstrate how the negative impacts will be mitigated and beneficial (positive) effects maximized.
5) Advise potentially affected Parties of the proposed development.
6) Inform the competent authorities of the proposed development.

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[13] The Developer is responsible for **engagement** of Parties in its planning for the development and gathering of materials for the EIS. This differs from **consultation**, which is a requirement of the Crown in its relationship to Indigenous peoples. Procedural aspects of Crown consultation can take place through the EIRB process but in the end it is the responsibility of competent government authorities. These authorities will identify themselves, and provide more information to Indigenous parties on how the EIRB process contributes to the Crown consultation process during the early phases of the EIRB process.

[14] For EISC guidance on engagement prior to filing a Development Description, see Section 4.2 of the *EISC Guidelines*, available at http://screeningcommittee.ca/pdf/eisc_guidelines.pdf

As part of its EIS submission, the Developer will be required to provide details to demonstrate the extent of its public engagement process. The Review Board suggests that all engagement sessions associated with the proposed development should be identified and recorded in writing, including the following:

1) Community, competent authority, or Party contacted.
2) Contact names.
3) Dates of contact.
4) Topic(s) of discussion, including all concerns and issues raised, reported in adequate detail for a third party to understand the nature of the concern or issue.
5) Any recommendations made by the Party.
6) Any commitments made by the Developer as a result of the engagement.
7) How the planning, design and/or implementation of the proposed development was influenced and/or changed by the engagement and by any issues and concerns raised.

The Developer is encouraged to verify its understanding of the engagement with the Party prior to filing documentation with the Review Board.

In addition to this engagement record, the Review Board may require a forward-looking engagement plan which describes how, when and what engagement will occur with Parties moving forward through the life of the proposed development. Specific requirements for the engagement record and the engagement plan will be identified in the *Terms of Reference*.

The Developer must make reasonable efforts to conduct the public engagement process and to include members of the public that may be affected by the development. However, the potentially affected Parties also have a duty to actively participate in the process and must take the opportunity to learn about the development and to comment on it. In cases where a Party is reluctant to engage with the Developer, the Developer's attempts to engage should be provided in detail in the engagement record.

In accordance with the Community Conservation Plan (CCP) for each community in the ISR, the local HTC would normally provide the collective view or comments of the community. However, the Review Board expects a Developer to consult with more groups than the HTC in each affected community (see Appendix A).

### 5.1.2 Impacts on Inuvialuit Rights[15]

Subject to laws of general application respecting public safety and conservation, sections 12 and 14 of the IFA give the Inuvialuit preferential right to harvest all species of wildlife, except migratory non-game birds and migratory insectivorous birds, for subsistence usage throughout the Yukon North Slope and the Western Arctic Region.

The EIRB is dedicated to enabling and protecting rights to beneficial use of wildlife for and by the beneficiaries of the IFA, and benefits of same to other residents, consistent with the sound principles of conservation, sustainability, and integrity of the ecosystem. As a result, part of the EIRB process

involves gathering of information so that adverse impacts on Inuvialuit rights as defined under the IFA can be avoided, mitigated, or accommodated for.

The EIRB is not responsible for determining whether infringement of Inuvialuit rights is likely, should the Development proceed. The EIRB does not have the authority to make legal determinations about who has rights, the scope of those rights, how they could/should be exercised, and final determination of whether those rights will be infringed upon should the Development proceed. This is the responsibility of the Crown, which has the duty to consult and, where necessary, accommodate for such impacts, and will decide of that after consulting with appropriate Inuvialuit parties, after the EIR process is complete.

However, information gathered in the Review Board's process can be used to assist in those Crown determinations. Current practice in the ISR is for the Crown to reach out to organizations representing Section 35 rights holders after an EIR is completed and ask for specific comments on such matters as impacts on the exercise of rights. The Crown may use information gathered during the EIR process to assist in making any necessary determinations before a final decision approving a development is made. The Crown relies on the regulatory process as part of its consultation, and issues correspondence at the start of the assessment process.

The Review Board may ask the Developer to consider how the mitigated form of its proposed development may affect Inuvialuit rights, particularly wildlife harvesting rights defined under the IFA. In preparation for this, the Developer should develop a strong understanding of what rights Inuvialuit beneficiaries have under the IFA, and the concepts that underlie rights impact assessment.[15] See also Section 5.1.4 on Wildlife Impacts and Compensation and Section 5.1.5.1 on Worst Case Scenario.

In addition, the Review Board may through its process come to an understanding based on the evidence placed before it during the EIR, of whether and how impacts on the exercise of rights can be mitigated, and if they cannot, whether the development is acceptable, and report these findings in its recommendations to the Competent Minister. This will support the Crown in its consultation process with rights holders and its ultimate decision in relation the proposed development.

[15] Principles and practical guidance associated with rights impact assessment can be found at https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guideimpact-assessment-act.html

### 5.1.3 Community Conservation Plans and Protected Areas

It is the responsibility of the Developer to be aware of, understand the purpose of and specific requirements and restrictions related to land use within, any area covered by a draft or completed land use or land management plan or any candidate or final Protected Area, which the proposed development may impact on. This is not limited to areas where the physical works and activities of the development will be located; it also includes areas subject to impacts from the development beyond its physical footprint.

Among the most important Plans and Protected Areas subject to the EIR process are the Community Conservation Plans, the Yukon North Slope Wildlife Conservation and Management Plan, and the Husky Lakes Special Cultural Area. That said, the Developer should respect and report on any areas of heightened importance and sensitivity to change identified by Inuvialuit or competent government authorities, and where these locations are subject to impacts from the proposed development, prioritize their assessment with rigor commensurate with their reported importance. In addition, the Developer should be aware of and show evidence in the EIS that its development will not negatively impact on any of the management plans for National or Territorial Parks.

#### 5.1.3.1 Community Conservation Plans

Each of the six Inuvialuit communities in the ISR have developed a Community Conservation Plan which reflects each Community's values and strategies for achieving conservation and management of renewable resources within the Community's planning area. In designating land management categories, the Inuvialuit communities have attempted to recognize priority land uses and activities, as well as areas of special ecological and cultural importance. Each area of importance has been given a letter designation corresponding to the categories below.

**Category A** - Lands and waters where there are no known significant and sensitive cultural or renewable resources. Lands shall be managed according to current regulatory practices.

**Category B** - Lands and waters where there are cultural or renewable resources of some significance and sensitivity but where terms and conditions associated with permits and leases shall assure the conservation of these resources.

**Category C** - Lands and waters where cultural or renewable resources are of particular significance and sensitivity during specific times of the year. These lands and waters shall be managed to eliminate, to the greatest extent possible, potential damage and disruption.

**Category D** - Lands and waters where cultural or renewable resources are of particular significance and sensitivity throughout the year. As with Category C, these areas shall be managed to eliminate, to the greatest extent possible, potential damage and disruption.

**Category E** - Lands and waters where cultural or renewable resources are of extreme significance and sensitivity. There shall be no development on these areas. These lands and waters

shall be managed to eliminate, to the greatest extent possible, potential damage and disruption. This category recommends the highest degree of protection for these lands.

The Developer is expected to have reviewed the most up-to-date Community Conservation Plan available that may apply to the area(s) where their proposed development is located and likely to impact on, specifically engaged with the appropriate communities and community organizations about any potential conflicts and demonstrate this in its EIS. Special emphasis will need to be given to impacts on Categories E, D, and C, in declining order of priority.

#### 5.1.3.2 Yukon North Slope Wildlife Conservation and Management Plan (YNSWCMP)

The Yukon North Slope Wildlife Conservation and Management Plan (YNSWCMP) is a key component of conservation on the Yukon North Slope and addresses specific requirements for development proposals on the Yukon North Slope.

Where applicable, a Developer is expected to have reviewed the most up to date YNSWCMP and engage with the HTCs in Aklavik and Inuvik and the WMAC(NS).

#### 5.1.3.3 The Husky Lakes Special Cultural Area

Section 8 of the IFA clearly identifies the importance of the Husky Lakes area, which has been defined as a "Designated Area" by the Inuvialuit Land Administration for its special historic, cultural, spiritual, and current use value to Inuvialuit. Special focus should be placed on impacts (direct or indirect) on the Husky Lakes whenever the proposed project's footprint, local study area or regional study area includes the Husky Lakes Special Cultural Area. The Developer should familiarize itself with the goal-oriented criteria identified by the Inuvialuit Land Administration in its "Husky Lakes Special Cultural Area Criteria", as these criteria may be used in the EIR process.[16]

Overall, the Developer is expected to identify any mitigation measures and commitments made to eliminate or reduce potential adverse impacts caused by the development to be identified category and/or management lands and waters, whether in the YNSWCMP, a CCP, or any other existing or candidate protected area.

### 5.1.4 Wildlife Impacts and Compensation

Subsection 13(1) of the IFA identifies two objectives related to wildlife protection and compensation:

[16] https://irc.inuvialuit.com/sites/default/files/Husky_Lakes_Special_Cultural_Area_Criteria.pdf

- To prevent damage to wildlife and its habitat and to avoid disruption of Inuvialuit harvesting activities by reason of development; and
- If damage occurs, to restore wildlife and its habitat as far as is practicable to its original state and to compensate Inuvialuit hunters, trappers, and fishermen for the loss of their subsistence or commercial harvesting opportunities.

In order to support these objectives, every proposed development under environmental impact review is subject to scrutiny as to its potential for adverse impacts on wildlife, wildlife habitat, and wildlife harvesting, and to the adequacy of Developer commitments to reasonable mitigative and remedial measures. To this end, the Review Board will require a Developer to provide sufficient information for it to determine the following, as required by section 13(11) of the IFA:

- Terms and conditions which may be required to minimize any negative impact on wildlife and wildlife habitat, and on present or future wildlife harvesting; and
- An estimate of the potential liability of the Developer for potential impacts to wildlife, wildlife habitat and wildlife harvesting, determined on a worst-case scenario, taking into consideration the balance between economic factors, including the ability of the Developer to pay, and environmental factors (see Section 5.1.5.1 for more on this topic).

A Developer is required to provide the following information in a submission:

- Description of any potential effects to wildlife species, wildlife habitat and wildlife harvesting activities, subject to engagement with and where possible, verification of findings by, impacted communities.
- Analysis of these potential effects and a determination of whether or not the effects could result in significant negative impacts, including on the wildlife species itself, the environment that sustains the wildlife and its habitat, and on Inuvialuit harvesting.
- Evidence to support these findings and conclusions.

#### 5.1.4.1 Wildlife Compensation

The objectives of Section 13 of the IFA are to prevent damage to wildlife and its habitat and to avoid disruption of Inuvialuit harvesting by development physical works or activities. If damage results from development within the ISR, then wildlife and its habitat will be restored as far as is practicable to its original state, and the Inuvialuit “shall be compensated for actual wildlife harvest loss resulting from development in the Inuvialuit Settlement Region”. If there is a possibility that damage to wildlife or wildlife habitat may occur, the EIRB must recommend terms and conditions relating to mitigative and remedial measures that are necessary to minimize the negative impact of a proposed development on

wildlife harvesting.[17] If damage does occur, the IFA provides for restoration of wildlife and its habitat, as well as compensation to the Inuvialuit for loss of actual wildlife harvest or future harvest loss.[19]

As per Section 13(15) of the IFA, a Developer's liability for wildlife harvesting losses is absolute. The EIRB will pay very close attention to any effects of development on present and future harvesting. In the pre-development context of an EIR, the onus is on the Developer to establish that the development will not likely cause or contribute to an adverse effect and, where these impacts do occur, the Developer will provide evidence that it will remediate and compensate appropriately for losses that do occur.
The Inuvialuit Harvest Study (IHS) may be a critical primary data source when researching wildlife compensation issues. The Inuvialuit Game Council (IGC), WMAC(NWT) and WMAC(NS), should be engaged by the Developer when attempting to understand the levels of harvesting by the Inuvialuit. See Sections 5.2.5.1 for more detailed information on mitigations for wildlife, wildlife habitat and wildlife harvesting.

### 5.1.5 Special Features Environmental Impact Review in the ISR

#### 5.1.5.1 Assessing Worst Case Scenario

The IFA states that the Developer's liability should be determined by the EIRB on a "worst case scenario, taking into consideration the balance of economic factors, including the ability of the Developer to pay, and environmental factors."[18]

Therefore, the Developer is required to describe a realistic "Worst Case Scenario" associated with the proposed development and the proposed action plan to adequately control the situation. In addition, the Developer may be required to give a preliminary estimation of liability based on effects on wildlife and wildlife habitat from the "worst case scenario" and establish whether they have sufficient funds or insurance for restoration of wildlife and wildlife habitat, and compensation.

#### 5.1.5.2 Financial Responsibility

As per Section 13(13) of the IFA, every Developer, other than a government but including a Crown Corporation, shall be required to prove financial responsibility (the ability to cover all costs of building, operating, closing, and decommissioning a proposed development) before being authorized to undertake any development in the Inuvialuit Settlement Region. The Review Board may require this proof as part of its *Terms of Reference* and may consider this evidence alongside the ability of the Developer to pay for remediating a Worst-Case Scenario as per section 5.1.5.1 above.

[17] IFA Section 13(11)(a). [19] IFA Section 13(15).
[18] IFA Section 13(11)(b).

### 5.1.6 Pitqusimik Ilisimaniq / Traditional Knowledge

Integration of Traditional Knowledge, also known as *Pitqusimik Ilisimaniq* among Inuvialuit, is required as part of an environmental impact review and will be given equal weight alongside other sources of information in EIR in the ISR, as per Section 1.4.1 of the *Rules*. The Developer is required to demonstrate how Traditional Knowledge was gathered, verified, and will be used in the planning, design, and implementation of the proposed development.

The EIRB recognizes that Traditional Knowledge is Inuvialuit intellectual property and needs to be respected and managed accordingly. This information should be considered carefully and not taken out of its cultural context.

To facilitate the maximization of Traditional Knowledge informing the decision process, EIRB has flexible rules that it can apply on a case-by-case basis, including accepting written Traditional Knowledge submissions under confidential cover (see Section 1.6 of the *Rules*).
A Developer is expected to demonstrate how Traditional Knowledge was used to influence the planning, design, and implementation phases of their proposed development. This should include details of how the Developer and Traditional Knowledge holders have worked together to share knowledge and gain insight into creating a better development proposal.

It is important to remember that Traditional Knowledge is not solely knowledge used to gather baseline and trend-over-time data about the environment. It is a way of seeing the world, a set of values, laws and norms that has allowed Inuvialuit to survive and thrive in the Arctic for millennia. It is uniquely sensitive to assessing the potential impacts of different courses of action. Developers should be prepared to show in the EIS how Traditional Knowledge and Traditional Knowledge Keepers, have been integrated into effects characterization and significance estimation. And where western science and Traditional Knowledge effects estimations differ, efforts should be made to share both in the EIS. Specific expectations regarding the gathering and integration of Traditional Knowledge in the EIS will be laid out in the *Terms of Reference*.

### 5.1.7 Impacts on Inuvialuit Culture

One of the primary goals of the IFA is to preserve Inuvialuit cultural identity and values within a changing northern society (IFA Section 1). Culture is a complex, overarching concept that includes many facets of a peoples' lives. As a result, every EIR will include a consideration of potential impacts on Inuvialuit culture, including both tangible (e.g., physical heritage resources) and less tangible (e.g., intergenerational knowledge transfer, connection to cultural landscape) cultural resources, to a degree commensurate with the proposed development's potential for adverse impacts on Inuvialuit culture, as determined through scoping.

It is important to note that while the protection of wildlife and wildlife harvesting is a central tenet of protecting Inuvialuit culture, it does not generally encompass the full sum of cultural impact assessment themes that may be affected by development.
It is expected that the Developer will engage directly with Inuvialuit and other appropriate parties in order to understand:

- Elements of Inuvialuit culture that may be impacted by the development, and via what development interactions and impact pathways.
- The current and trend-over-time conditions for those elements of culture that may see development-specific impacts, to understand the predevelopment state (i.e., the vulnerability/resilience to additional change) of those elements of culture.
- What mitigation, monitoring and compensatory measures the Developer is committed to applying in relation to those elements of culture which may be affected, along with provisions in place by other Parties to avoid, reduce or compensate for impacts on culture; and
- The likelihood, magnitude, and significance of residual impacts on culture, and which Parties are most likely to be impacted, should the development proceed.

Inuvialuit culture, like all cultures, changes over time. Developers are not expected to take responsibility for all changes that are occurring on Inuvialuit culture. However, Developers must recognize that:

a) Where Inuvialuit culture has already faced external pressures to change, that there may be vulnerabilities to future change that make those elements of culture more sensitive and important to proactively protect; and
b) There may be valid impact pathways from a development identified by Inuvialuit from their cultural perspective that the Developer may not fully understand, which should nonetheless be subject to assessment.

These impact pathways can be found: 1. On the land (through traditional cultural activities including but not limited to harvesting); 2. In the communities (through changing socio-cultural interactions); 3. In the home (changes at the family level); and 4. In the work environment (as Inuvialuit mix with non-Inuvialuit). Each of these “realms” may merit consideration in cultural impact assessment, on a case-by-case basis.

The development-specific *Terms of Reference* will include specific cultural impact assessment expectations for the Developer.

### 5.1.8 Cumulative Effects Assessment

Cumulative effects are the combined effects of past, present, and reasonably foreseeable future developments and other human-caused physical works and activities (including climate change) on VCs. Cumulative effects occur when the impacts of one development or activity combine with the effects of other past, present, and future developments and activities, and may result in larger overall impacts on the same VC.

The Developer is expected to assess the impacts of the proposed development in combination with other past, present, and reasonably foreseeable future human actions or natural processes, for any VC where a proposed development may have residual adverse effects.

The analysis of cumulative effects should allow for an understanding of the incremental contribution of all developments or activities and natural processes in the delineated Study Area(s), and of the proposed development alone, to total cumulative effects on the physical, biophysical, and human environment over the life of the proposed development, on a per-VC basis."

The assessment of cumulative effects on each VC should include at minimum:

- The biophysical and human environmental indicators on which the cumulative effects assessment is focused, including the rationale for their selection.

- Spatial and temporal boundaries for the cumulative effect assessment for each VC. Emphasize VCs with special environmental sensitivities or where significant risks could be involved.

- The sources of potential cumulative effects. Specify other developments or activities that have been or will be carried out that could produce effects on each selected component within the boundaries defined, and whose effects would act in combination with the residual effects of the proposed development. Reasonably foreseeable future development may include developments that have already been proposed but not developed, or additional development by the Developer or others that is deemed reasonably foreseeable due to its connection to the currently proposed development.

A reasonable degree of certainty should exist that the proposed developments and activities will proceed for them to be included. Developments and activities that are conceptual in nature or limited as to available information may be insufficiently advanced to require consideration in this assessment. However, the Developer may choose to include a consideration of hypothetical developments or future actions and development when appropriate. In either case, the Developer will be required to provide a clear rationale for inclusion or exclusion of developments and actions to be considered. In some instances, the Review Board may identify a minimum list of developments and/or "development scenarios"[19] that must be included in the cumulative effects assessment, in the *Terms of Reference*.

[19] Particularly in cases where a proposed development is part of what may turn out to be a larger production system (e.g., an offshore oil and gas exploration and development system), the Review Board may require consideration of a larger "development scenario", including multiple components of the total production system required for the development to be a

The cumulative effects should be placed in an appropriate regional context, considering regional plans, Community Conservation Plans, species recovery plans, management plans, objectives and/or guidelines. An effort should be made to reflect the aspirations of people and communities in the region in the cumulative effects assessment. The long-term sustainability of the physical, biophysical, and human environment is an overarching goal of environmental impact review, and the cumulative effects assessment should demonstrate any cumulative effects to this sustainability goal.

The development-specific *Terms of Reference* will include specific cumulative effects assessment expectations for the Developer.

#### 5.1.8.1 Development-Specific and Cumulative Effects - Climate Change Considerations

The climate in the Arctic has been changing rapidly in recent years due in part to human-caused climate change. Cumulative effects on climate, including reducing sea ice coverage and shortened seasons, alterations in wildlife populations, distribution, and behavior of animals on land, in freshwater, and in marine environments, which has impacted Inuvialuit wildlife harvesting and Inuvialuit safety when out on the land, water, and ice.
As a result, climate change must be factored into appropriate components of the EIR. These include factoring climate change into:

- Consideration of alternative means to undertake the development (certain alternative means may be more or less "insulated against" or "exposed to" climate change) – see Section 5.2.3.
- Consideration of accidents and malfunctions – see Section 5.2.8 - and worst-case scenarios: see Section 5.1.5.1.

- Consideration of how the environment may impact on the technical and economic feasibility and function of the development over time – see Section 5.2.8; and

- Consideration of changing development-specific and cumulative effects during the life of the development on a per-VC basis (e.g., will impacts on certain wildlife species increase or decrease with rising air temperatures, changing precipitation, or alteration of sea levels?).

The Developer is responsible to identify scientifically defensible climate change scenarios that are used consistently in its EIS. The Developer is also strongly encouraged to work with Inuvialuit to identify how climate change has impacted on – and may in the future impact on - Inuvialuit harvesting, culture and land and ice use patterns, among other considerations. Inuit observations and Traditional Knowledge of climate change will be considered equally alongside scientific information.

viable economic activity. This will be determined on a case-by-case basis. Where possible, past development-specific, regional, or strategic assessments that look at future development scenarios will be integrated into any such assessment.

The Developer is encouraged to be aware of Canada's expectations re: consideration of impacts of developments as they relate to Canada's international obligations to reduce emissions and combat climate change.[20] The development-specific *Terms of Reference* will include specific expectations for the Developer.

### 5.1.9 Sustainability/ Sustainable Development

Sustainable development is an overriding principle of environmental impact review in the ISR that must be considered when developing the EIS. Sustainable development is, "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" [21] (i.e., a pattern of resource use that aims to meet present economic, social, and cultural needs while preserving ecological processes and natural diversity for generations to come). In the ISR, all land uses shall be conducted in keeping with the policy of sustainable development in order to protect opportunities for wildlife harvesting.
What type of development is considered sustainable and the critical constituent parts of sustainable development may differ among different groups. The Developer is expected to engage with Parties to the EIR, especially Inuvialuit Parties, as to their expectations for how sustainability assessment should be conducted and what health, cultural, societal, Inuvialuit rights, economic and environmental values and aspirations are considered.

The Developer is encouraged to avail itself of principles related to "sustainability assessment" as put forward by the Impact Assessment Agency of Canada.[22] The development-specific *Terms of Reference* will include specific expectations for the Developer.

### 5.1.10 Impacts on Health, Social and Economic Conditions, and on Vulnerable Sub-Populations

One of the goals of the IFA is to enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society. It is well established that development activities can have both adverse and beneficial impacts on health, social and economic conditions. In addition, given historical and geographical factors, there are often systemic barriers to Inuvialuit being able to take full advantage of economic benefits that can come with industrial development. Inuvialuit social, health and economic conditions are such that Inuvialuit are at elevated risk of adverse impacts from the rapid changes that can occur with development. For all these reasons, the consideration of impacts on health, social and

[20] https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guideimpact-assessment-act/considering-environmental-obligations.html
[21] World Commission on Environment and Development. 1987. *Our Common Future.* Oxford University Press.
[22] https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guideimpact-assessment-act/guidance-considering.html

economic conditions, especially of Inuvialuit beneficiaries and other residents, is a primary focus in EIR. As a result, it is important for the Developer to recognize that the environment includes people, especially Inuvialuit beneficiaries, and that assessment of impacts on people are subject to the same level of effort and rigor as assessment of impacts on the physical and biophysical environment.

The degree of effort required for health, social and economic conditions assessment is dependent on a variety of factors. The Developer is encouraged to engage directly with Inuvialuit communities and groups, and government authorities with responsibilities for health, social and economic programming, during the early stages of development planning, to gauge the level of effort that will be required on these topics. In addition, tools, such as the Mackenzie Valley Review Board's "Level of Socio-Economic

Impact Assessment (SEIA) Test" for socio-economic impact assessment,[23] can be useful, especially when used in dialogue with parties with expertise in health, social and economic issues.
The Developer is encouraged to recognize that Inuvialuit communities, institutions, and service providers are experts regarding current conditions and changes over time (and potential future effects) in relation to health, social and economic conditions, and to emphasize collaborative work with these Parties in the conduct of this assessment.

The Developer will also be required to engage with Inuvialuit communities, institutions, and service providers to identify sub-populations that may be subject to either or both: greater vulnerability to adverse changes from the development (e.g., economic marginalization, changes to social division of labor, greater risk of mental or physical harm); and lower ability to take advantage of benefits from the development. The latter can come from lower socio-economic or education/training status, among other factors. Particularly vulnerable sub-populations can include, but may not be limited to: Elders, youth, women and girls, and full-time harvesters with limited involvement in the wage economy. This type of assessment is sometimes called "Gender-based Assessment Plus"; the Developer is encouraged to be aware of best practice guidance available on this type of assessment.[26] It is important for the Developer to provide evidence identifying how its proposed development has plans, policies and programs supporting the maximization of economic benefits that will be retained within the ISR.

The development-specific *Terms of Reference* will include specific expectations for the Developer on this topic.

[23] See Table 5 at pg. 22 of MVRB's *Socio-economic Impact Assessment Guidelines*, at https://reviewboard.ca/process_information/guidance_documentation/guidelines 26 See for example, https://www.canada.ca/en/impact-assessment-agency/services/policyguidance/practitioners-guide-impact-assessment-act/gender-based-analysis.html

### 5.2 Specific EIS Requirements

This section identifies standard EIS information requirements typical of most environmental impact reviews in the ISR. This information is presented for guidance purposes only. The specific direction on requirements that a Developer will have to meet will be provided in the *Terms of Reference* and may include some or all of the guidance provided here. In cases where there are differences between these *Review Guidelines* and the development-specific *Terms of Reference*, the *Terms of Reference* prevail. In the case of a **standard review**, all of the following will likely be required. In the case of an **expedited review**, only some of the following may be required and the level of detail expected will likely be reduced for some topics, and the Review Board will explicitly indicate in the development-specific *Terms of Reference* how much of these specific requirements are to be addressed.

The EIRB requires the Developer to submit an EIS which provides a Development Description, up to date information on the state of the physical, biophysical, and human environment prior to the development and how these have changed over time, and the Developer's committed-to mitigation to avoid, reduce and compensate for potential negative effects on these environments. The contents of the EIS are the responsibility of the Developer; however, the EIS must conform to the requirements of the *Terms of Reference* for the EIS issued by the Review Board. In other words, the Review Board tells the Developer what information is required; it is up to the Developer to determine in most cases how to gather/access and analyze this information. In some instances, the Review Board may identify specific methods, information sources, and engagement requirements. In all instances, the Review Board strongly encourages the Developer to make best efforts to maximize collaborative engagement of Inuvialuit Parties and responsible government authorities in the EIS development process.

The EIS will become the basis of the Technical Review and Hearing Phases of the EIR. The EIS should be as complete as possible before it is provided to the EIRB, to reduce the time required to address deficiencies. The adequacy of the information base provided by the Developer will, to a certain extent, control the time required to prepare for and conduct the remainder of the EIR.

**A note on Translation Requirements:**

For many Inuvialuktun is their first and preferred language. The Review Board will identify in the Terms of Reference which documents must be translated into Inuvialuktun or any other language.

### 5.2.1 Contacts

Provide contact names, addresses, phone numbers, fax numbers and e-mail addresses for all key staff, consultants or advisors involved with the development of the EIS.
Provide a list of required permits, licenses and other authorizations required for the development to proceed, along with the Competent Authorities involved in the regulation, monitoring or management of those activities.

### 5.2.2 Development Description

#### 5.2.2.1 Development Location

The Development Description should provide an adequate description of all proposed main and ancillary development activities, including at minimum the following:

1) Title of the proposed development.
2) Description of the proposed development area(s).
3) Detailed description of all proposed physical works and activities required for the development to proceed, including process technologies.
4) Detailed description of all development components, structures, and technologies.
5) Proposed access to the proposed development area, including whether any new access routes need to be developed, and identification of – and maps of - any access restrictions/safety zones that the development requires.
6) Quantification of the amount of new disturbance and existing disturbance.
7) Resource and material requirements, where they will be sourced from, and how and where they will be transported and stored.
8) Waste handling and removal, including toxic wastes.
9) Site plans and survey plans, including maps which clearly outline the proposed physical footprint associated with all direct and ancillary proposed development activities (e.g., access requirements, camp locations, storage facilities, aircraft landing strips and pads, infrastructure lines, waste storage/treatment areas, fuel storage locations).
10) A high-level description of any progressive reclamation and decommissioning/closure plans for the proposed development area(s).
11) Workforce requirements by phase, and associated transportation, shift length and housing information.

#### 5.2.2.2 Development Phases and Schedule

Describe all development phases and the proposed timing and implementation schedule of each phase, including estimated calendar "start/finish" dates and phase length in months or years. Phases should include pre-construction planning, construction, and operations (by phase if expansions are part of the proposed development), closure including pre-closure progressive reclamation if applicable, and post-closure institutional control periods.

### 5.2.3 Need For, Purpose of, and Alternatives Assessments

#### 5.2.3.1 Need for and Purpose of the Proposed Development

Provide a description of why the proposed development is proposed and what economic (and other) purposes it serves. This should be from the Developer's perspective, but should where possible identify how the proposed development will contribute to:

1) The three IFA Section 1 Goals; and
2) Relevant Sustainable Development goals set at the local, regional, territorial, and national levels.

#### 5.2.3.2 Alternatives To, and Alternative Means to Undertake, the Proposed Development

The Developer will identify any alternatives to the development that would meet the same purpose, that have been considered and rejected as the Developer's preferred option.
The Developer is responsible for assessing technically and economically feasible alternative means to undertake the proposed development. For example, this can include alternative means related to energy production, location of main and ancillary facilities, process technologies, workforce housing, site transportation and access, water sources, materials transportation, and waste management, among other considerations. For each alternative means considered, the Developer will provide:

- A list of any alternative means considered but rejected as economically or technically unfeasible, with supporting rationale.
- A clear and transparent set of criteria and weightings used in the alternative means assessment; and
- A transparent and defensible rationale for choosing the proposed undertaking as the preferred option, including all the advantages and disadvantages.

The Developer is encouraged to engage Inuvialuit and other Parties as early as possible in the consideration of alternative means to undertake the proposed development, preferably prior to filing a Project Description with the EISC. These Parties may be very interested in considering appropriate alternative means to reduce adverse effects and/or increase benefits accruing from the development to the ISR.

The Developer should provide evidence of how it engaged, and with which Parties, in consideration of alternative means to undertake the proposed development.
The Developer is encouraged to consider federal guidance on consideration of alternatives to, and alternative means to undertake, the proposed development.

### 5.2.4 Assessment Methods

The Developer will be required to identify its general approach to impact assessment. This will include:

- What VCs and associated indicators are used and how they were determined, including VCs considered and rejected, with a supporting rationale.
- The approach taken and criteria used in effects characterization and significance estimation, including the identification of thresholds or other means used to estimate significance.
- The Developer's approach to cumulative effects assessment, including a list of physical works and activities included in the scope of the cumulative effects assessment; and
- How the Developer engaged other Parties to the EIR in the assessment process.

More detail on issues like the spatial and temporal scope of assessment and how baseline and trend-over-time data collection was conducted, can be provided in the examination of individual VCs.

### 5.2.5 Valued Component-Specific Assessments

Typically, the Review Board will require the Developer to describe and conduct development-specific and (as necessary) cumulative effects assessments for each VC in the physical, biophysical, and human environment that may be affected by the proposed development in discrete sections of the EIS. This section identifies what is typically expected for each VC-specific assessment.

VCs will be identified by the Developer and, in some cases, required by the Review Board in the Terms of Reference. If the Developer believes that certain VCs identified by the Review Board do not apply to the proposed development, or if the Developer believes new VCs should be included, the Developer is responsible to clearly describe the reason and provide a valid justification in its response to the draft EIS Terms of Reference, for Review Board consideration prior to issuing the final Terms of Reference. Parties can weigh in on VCs using the same process.

Given the equal weight given to Traditional Knowledge in the EIR (see Section 5.1.6), the Board requires that the Developer engage impacted communities (primarily through their HTCs for biophysical and harvesting VCs) in relation to each VC.

#### 5.2.5.1 Requirements for Valued Component-Specific Assessments

The Developer is responsible for conducting appropriately rigorous and defensible, research and analysis to estimate the residual adverse and beneficial effects from the proposed development on each VC. While minimum requirements for each VC may be further specified in the Terms of Reference, each VC-specific assessment should include the following:

## 1. Study Areas

Identify (on maps and with description) the Local Study Area and Regional Study Area associated with the VC.

- The Local Study Area should encompass the area where direct impacts from the development may be measurable; and

- The Regional Study Area should encompass a larger area within which indirect impacts from the development may occur and mix with other cumulative effects causing physical works and activities.

The Local and Regional Study Areas for the VC should include a supporting rationale for their location and size. Describe and show on maps the development footprint (the actual physical area covered by all development-specific physical works and activities) in the context of the Local and Regional Study Areas.

## 2. Description of Baseline and Trend-over-Time Conditions

For each VC, the Developer is responsible for establishing an appropriate baseline and trend-over-time conditions set. It is not generally acceptable to simply describe current conditions, as these may have changed over time in ways relevant to understanding the vulnerability/resilience of the VC to future change. A rationale must be provided for how far back in time trend-over-time analysis is conducted for each VC. Uncertainties associated with understanding of current conditions and trends-over-time should be clearly articulated. The Developer should describe desktop and field studies, literature reviewed, and Parties engaged in gathering and collating baseline and trend-over-time conditions.

## 3. Potential Impacts

Identify all potential impacts that the proposed development could have on the VC. This should include identification of the aspect of the development that may interact with the VC (development interactions), and what potential changes this may cause to the VC (impact pathways and outcomes). Whether an impact has the potential to be beneficial (positive) or adverse (negative) – or in some cases, both, depending on the receptor - should be specified.

## 4. Apply Mitigation: Mitigative and Remedial Measures

The Developer will identify all mitigation measures it is committed to reduce or eliminate the negative impacts of the proposed development on each VC. Other mitigation measures committed to by other parties (e.g., government wildlife or habitat restoration measures) may also be applied. In addition to mitigation measures, remedial measures to offset or compensate for unavoidable impacts or which would be applied should impacts exceed predictions made in the EIS, should be described.

The Developer is responsible to show that its mitigative and remedial measures meet industry-recognized Best Management Practices (BMP's) to avoid or reduce impacts of proposed development on each VC.

**Mitigation of Impacts on Wildlife and Wildlife Habitat**

Given the harvesting rights of Inuvialuit, fully detailing all committed-to mitigative and remedial measures whose intended application is to protect those harvested species of the Inuvialuit Settlement Region that may be affected by a development are of heightened importance in the EIS.

Mitigative and remedial measures which would protect certain species which are not likely to be harvested but are deemed "important" in an ecological or other context, are also important. Federal or territorial designated species at risk are an example of this latter category. Species of concern should be identified from territorial and federal lists and from Community Conservation Plans.

The Developer is expected to have reviewed any territorial and federal lists of species of concern, and Community Conservation Plans and Management Plans that may apply to the area where their proposed development is located and/or impacting upon.

The Developer is required to identify all mitigative and remedial measures it is committed to minimize negative impacts to wildlife, wildlife habitat and wildlife harvesting. Mitigative measures that avoid or reduce impacts on these values, in that order of preference, must be shown.

In addition, remedial measures that offset or compensate for these impacts, although of lower priority than avoidance, should be identified. Mitigative measures can include design, location, operational processes, timing, and the preparation of contingency plans (including countermeasure and adaptive management plans). Remedial measures can for example include the implementation of contingency plans, restoration of wildlife and wildlife habitat, and compensation.

Measures that are built into the design of the development ("mitigation by design") should be included. For example, the Developer shall avoid harm to wildlife and wildlife habitat and damage to community travel routes through the timing of their operations, through careful selection of the location of their main camps and travel routes and through other mitigative measures.

## 5. Characterizing Residual Effects and their Significance

Residual effects are those that are estimated may occur from the proposed development after the application of all committed-to mitigative and remedial measures. The Developer will identify any residual effects and predict the significance and likelihood of their occurrence for each identified VC, describing and justifying the methods used to define the significance of residual effects and the likelihood of their occurrence.
The development-specific residual effects assessment should demonstrate whether biophysical, physical, or human environmental sustainability goals may be adversely affected by the development. Given the importance of Traditional and Local Knowledge in the EIR system, the Developer should provide evidence of how it engaged Inuvialuit Parties in characterization of effects, identification of thresholds of acceptable change, and associated estimation of impact significance.

## 6. Cumulative Effects Assessment

For each VC where measurable residual adverse effects are predicted, a cumulative effects assessment must be conducted. The Developer is responsible to:

- identify and justify all physical works and activities (past, present, and reasonably foreseeable in the future) which may have adverse effects on the same VC in the Regional Study Area.
- identify total anticipated cumulative effects of the proposed development in combination with these past, present, and reasonably foreseeable future physical works and activities (the Planned Development Case) and natural processes.
- describe the Developer's commitments to minimize potential cumulative effects, and
- estimate the significance of total cumulative effects in the Planned Development Case.

The proposed development's contribution to total cumulative effects should also be described by the Developer. The cumulative effects assessment should also demonstrate whether biophysical and human environment sustainability goals will be affected.

For more information on Review Board expectations re: cumulative effects assessment, see Section 5.1.7.

### 5.2.6 Environmental Monitoring and Management Plans

The Developer is responsible to identify and describe any monitoring and management plans which will be implemented should the development proceed. These can include many different plans associated with (for example) clean-up, reclamation, waste management and disposal, decommissioning, contingency, wildlife management, air quality, and water quality.
For each proposed management and/or monitoring plan, the Developer will indicate the purpose of the plan, the proposed methodology, and the proposed monitoring/implementation schedule. For the

purposes of an EIR, conceptual level monitoring plans may be adequate in some instances, while the Review Board may seek more detail in certain instances specified in the Terms of Reference.

The Developer should identify both compliance and environmental monitoring programs, and what role it is committed to having Inuvialuit and Traditional Knowledge data collection play in the development and implementation of its environmental monitoring and management plans.

The Developer is responsible to identify what follow-up monitoring and adaptive management plans it is committed to implement in relation to the development, when and how they would be applied, and what role, if any, other Parties will play in the planning, implementation, analysis, and application of adaptive management based on the results of the follow-up monitoring programs.

#### 5.2.6.1 Follow-up Monitoring and Adaptive Management Plans

The Developer should also identify any relevant thresholds at which adaptive management plans will be applied (e.g., for impacts greater than those predicted in the EIS), and associated management responses.

If there is a possibility that damage to wildlife or wildlife habitat may occur, the EIRB must recommend terms and conditions relating to mitigative and remedial measures that are necessary to minimize the negative impact of a proposed development on wildlife harvesting.

If damage does occur, the IFA provides for restoration of wildlife and its habitat, as well as compensation to the Inuvialuit for loss of actual wildlife harvest or future harvest loss. See also Section 5.1.5 for discussion of requirements related to Worst Case Scenario and the Developer's financial responsibility.

### 5.2.7 Accidents and Malfunctions and Emergency Response Plans

In addition to the "Worst Case Scenario", the Developer will be expected to identify realistic accidents and malfunctions that may occur as a result of the proposed development, including a high-level risk assessment for each, calculating the probability of occurrence, range of potential magnitude of effects, and the ability to manage the "failure mode".

To illustrate how accidents and malfunctions will be managed, the Developer will provide an outline of its Emergency Response Plans, including an annotated table of contents that clearly demonstrates the scope of these plans and what is committed to by the Developer.

### 5.2.8 Effects of the Environment on the Development

The Developer will provide an examination of how environmental changes, including climate change, may impact on the technical and economic feasibility/operability of the development. Non-exclusive effects of the environment on the development that may include:

- Permafrost thaw and associated geomorphological change.
- Warming temperatures or changes in precipitation levels and water access, control, and management issues.

### 5.2.12 Technical Supporting Documents

- Changing sea levels.
- Changes in the frequency and magnitude of extreme weather events such as storm surge; and
- Seismic activity.
- Coastal Erosion.
- Changes in Extreme precipitation.

The Developer is responsible to identify what the potential effects of identified potential environmental changes or incidents would be on the viability of operations, their likelihood of occurring within the lifetime of the development (incorporating realistic climate change scenarios), and what contingency plans are in place should these effects occur.

### 5.2.9 Progressive and Post-Closure Reclamation/Restoration, Abandonment and Clean-up

The Developer will identify and appropriately detail (with estimated timing, process steps, goals, and remediation standards to be applied) its plans for progressive (during operations) and post-closure reclamation, abandonment, and clean-up.

Given the importance of wildlife, wildlife habitat and wildlife harvesting under the IFA, any consideration of post-closure reclamation and restoration needs to include assessment of how during this phase of the development, the Developer is committed to restoring conditions for wildlife and wildlife habitat to a level that is consistent with the continuation of Inuvialuit traditional use of the area for wildlife harvesting.

### 5.2.10 Predicting the Development's Contribution to Sustainability

The Developer is required to include a summary section identifying how its proposed development will contribute, positively, negatively, and "net", to sustainability. The Developer should consider both identified adverse and beneficial effects in its consideration of its development's net contribution to sustainability.

The Developer will show evidence it has engaged with other Parties in a discussion of key elements of sustainability and identify the pillars of sustainability and criteria used in this assessment. See Section 5.1.9 for more discussion on sustainability assessment.

### 5.2.11 Reference List

A list of references used within the EIS is mandatory. Any document listed as a reference should be available to the Board or participants in a Review upon request.

The Developer shall include as technical supporting documents (in appendices to the EIS) any supplementary documentation necessary to support the analysis made in the EIS.

# APENDICES

**Appendix A – Key Organizations and Boards in the ISR**

**Appendix B – Impact Assessment Act Section 22 “Factors” and the EIRB Process**

# Appendix A: Key Organizations and Boards in the ISR

The following list of key organizations and boards in the ISR is not an exhaustive list. It includes some of the entities a Developer and other parties may wish to contact with respect to a development proposal.

**Co-Management Boards**
**Fisheries Joint Management Committee**

The Fisheries Joint Management Committee (FJMC) was established under subsection 14(61) of the Inuvialuit Final Agreement and consists of five members.
The roles and responsibilities of the FJMC are defined by the Inuvialuit Final
Agreement in subsections 14(61) to 14(72). The FJMC provides advice to the Inuvialuit and to the Department of Fisheries and Oceans on fishery management and related issues within the Inuvialuit Settlement Region. The FJMC works closely with government agencies, renewable resource user groups and resource councils and committees established under the Inuvialuit Final Agreement, as well as with other land claim groups on a variety of activities and programs. The FJMC provides advice on fisheries issues to the EISC, the EIRB and other appropriate groups.
The Fisheries Joint Management Committee can be contacted at: The Fisheries Joint Management Committee.
Box 2120
Inuvik, NT,
Canada, X0E
0T0 Tel: (867)
777-2828
Fax: (867) 777-2610 E-mail: fjmcrp@jointsec.nt.ca
Web Site: www.fjmc.ca

**Wildlife Management Advisory Council (North Slope)**

The Wildlife Management Advisory Council (North Slope) (WMAC (NS)) was established under subsection 12(46) of the Inuvialuit Final Agreement. The roles and responsibilities of the WMAC (NS) are defined by the Inuvialuit Final Agreement in subsections 12(46) to 12(57). The WMAC (NS) provides advice to the appropriate federal or territorial Minister on all matters relating to wildlife policy and the management, regulation and administration of wildlife, habitat and harvesting for the Yukon North Slope. WMAC (NS) determines and recommends appropriate quotas for Inuvialuit harvesting of game in the Yukon North Slope and advises on measures required to protect habitat that is critical for wildlife or harvesting. The WMAC (NS) also provides advice on issues pertaining to the Yukon North Slope to the Porcupine Caribou Management Board, the Yukon Land Use Planning Commission, the Environmental Impact Screening Committee, and the Environmental Impact Review Board.

A Secretariat office for the Wildlife Management Advisory Council (North Slope) is located in Whitehorse, Yukon.
Wildlife Management Advisory Council (North Slope)

P.O. Box 31539
Whitehorse, YT,
Canada Y1A 6K8
Tel: (867) 633-5476 Fax: (867) 633-
6900 E-mail:
wmacnwt@jointse c.nt.ca
Website:
www.wmacns.ca

**Wildlife Management Advisory Council (Northwest Territories)**

The Wildlife Management Advisory Council (Northwest Territories) (WMAC (NWT)) was established under subsection 14(45) of the Inuvialuit Final Agreement and consists of seven members. The WMAC (NWT) focuses on the conservation of terrestrial wildlife species (and polar bears) and birds. Their geographic area of jurisdiction is that part of the ISR within the Northwest Territories. The mandate of WMAC (NWT) is to advise appropriate ministers on all matters relating to wildlife policy and the management, regulation, research, enforcement and administration of wildlife, habitat and harvesting for the Western Arctic Region, within the NWT. It is the responsibility of the WMAC (NWT) to prepare conservation and management plans and to determine and recommend harvestable quotas. The WMAC (NWT) also reviews and advises the appropriate governments on existing or proposed wildlife legislation and any proposed Canadian position for international purposes that affect wildlife in the Western Arctic Region.
The Wildlife Management Advisory Council (Northwest Territories) may be contacted through: Joint Secretariat

P.O. Box 2120
Inuvik, NT,
Canada X0E
0T0 Tel: (867)
777-2828
Fax: (867) 777-2610
E-mail: wmacnwt@jointsec.nt.ca
Web site: www.jointsecretariat.ca

## Inuvialuit Organizations
## Inuvialuit Land Administration

The Inuvialuit Land Administration (ILA) is a division of the Inuvialuit Regional Corporation (IRC) and is responsible for managing and administering Inuvialuit owned lands in the ISR. Within the ISR the Inuvialuit have exclusive ownership of surface and subsurface rights to certain lands [Inuvialuit Final Agreement Paragraph 7(1)(a)] and surface ownership only in other areas [Inuvialuit Final Agreement Paragraph 7(1)(b)], collectively known as Inuvialuit Private Lands.
The Inuvialuit Land Administration may be contacted at:

Land Administrator
Inuvialuit Land
Administration
PO Box 290
Tuktoyaktuk, Northwest Territories, Canada
X0E 0C0 Telephone: (867) 977-7100
Fax: (867) 977-7101
Website: www.inuvialuitland.com

### Inuvialuit Game Council

The Inuvialuit Game Council (IGC) represents the collective Inuvialuit interest in all matters pertaining to the management of wildlife and wildlife habitat in the ISR. This responsibility gives the IGC authority for matters related to harvesting rights, renewable resource management and conservation. Officially, the IGC has been incorporated as a Society since April 20, 1983.
The Wildlife Management Advisory Council (Northwest Territories) may be contacted through: Joint Secretariat

P.O. Box 2120
Inuvik, NT,
Canada X0E
0T0 Tel: (867)
777-2828
Fax: (867) 777-2610
E-mail: igcjs@jointsec.nt.ca
Website:www.jointsecr etariat.ca

**Hunters and Trappers Committees**

Aklavik HTC
P.O. Box 133
Aklavik, NT,
Canada XOE
OAO Tel: (867)
978-2723
Fax: (867) 978-2815

Inuvik HTC
P.O. Box 1720
Inuvik, NT,
Canada XOE
OTO Tel: (867)
777-3671
Fax: (867) 777-2478

Sachs Harbour HTC
P.O. Box 79
Sachs Harbour, NT, Canada XOE OZO
Tel:
(867) 690-3028
Fax: (867) 690-3616

Tuktoyaktuk HTC
P.O. Box 286
Tuktoyaktuk, NT, Canada XOE 1CO
Tel:
(867) 977-2457
Fax: (867) 977-2433

Olokhaktomiut HTC
P.O. Box 161
Holman, NT,
Canada XOE OSO
Tel: (867) 396-
4808
Fax: (867) 396-3025

Paulatuk HTC
P.O. Box 39
Paulatuk, NT, Canada
XOE 1NO Tel: (867)
580-3004
Fax: (867) 580-3404

A Hunters and Trappers Committee (HTC) has been established in each of the six Inuvialuit communities by the Community Corporations. These committees are involved in:

1) Advising the IGC on local matters related to harvesting.
2) Making by-laws regarding harvesting rights.

3) Encouraging and promoting involvement conservation, research, management, enforcement, and utilization in relation to wildlife resources in the ISR.
4) Assisting the Wildlife Management Advisory Councils with data as needed.
5) Allocating established harvesting quotas locally.
6) Providing input to the environmental impact screening and review process by way of the following:

    a) Carefully reviewing all land use proposals and only giving their support to land use activities where they are consistent with the Community
    b) Conservation Plan.
    c) Through the HTC, IGC or the IRC, referring any developments on
    d) Inuvialuit Land that may be in conflict with the Community Conservation
    e) Plan to the environmental screening and review process.
    f) Consulting with a Developer on developments proposed within the community Planning Area.
    g) With the assistance of the IGC, familiarizing itself with the terms and conditions of any relevant Wildlife Compensation Agreements prior to signing off by the IGC, HTC and the Developer.
    h) Advising the EISC or ILA of community concerns regarding development developments in the community Planning Area.
    i) Developing a monitoring system with industry, transportation companies and local tourist operators to determine the numbers, impacts and rate of increase of activity to provide the data for increased regulations as required; and
    j) Ensuring that community harvest data are kept current in order to facilitate development of practical and fair Wildlife Compensation Agreements.

**Hunters and Trappers Committees Contact Information**

Hamlet and other Inuvialuit Organizations Contact Information. The Hamlets (and Town of Inuvik) are responsible for managing key aspects of municipal governance, and may have important information about health, social and economic conditions in the Inuvialuit communities.

Hamlet of Tuktoyaktuk PO Box 120
Tuktoyaktuk, NT X0E 1C0
Tel: (867) 977-2286
Fax: (867) 977-2110

Hamlet of Aklavik
PO Box 88
Aklavik, NT X0E 0A0
Tel: (867) 978-2351
Fax: (867) 978-2434

Town of Inuvik
PO Box 1160
2 Firth Street
Inuvik, NT X0E 0T0
Tel: (867) 777-8600
Fax: (867) 777-8601

Hamlet of Paulatuk
PO Box 98
Paulatuk, NT X0E 1N0
Tel: (867) 580-3531
Fax: (867) 580-3703

Hamlet of Sachs Harbour
PO Box 90
Sachs Harbour, NT X0E 0Z0
Tel: (867) 690-4351
Fax: (867) 690-4802

Hamlet of Ulukhaktok
PO Box 157
Ulukhaktok, NT X0E 0S0
Tel: (867) 396-8000
Fax: (867) 396-8001

Inuvialuit Cultural Centre
107 Mackenzie Road
Bag Service #21
Inuvik, NT X0E 0T0
Tel: (867) 777-2595

# Appendix B: Consideration of *Impact Assessment Act* "Factors" in ISR Environmental Impact Review

Under the federal Impact Assessment Act (IAA or the Act), all development-specific assessments must consider a number of factors defined under Section 22 of the Act. In instances where the Environmental Impact Review process under the IFA is substituted for the federal Act, these "Section 22 factors" must be considered. Table B-1 below shows how the Environmental Impact Review process in the ISR deals with those factors, with references to relevant portions of the Review Guidelines and the IFA.

For any proposed development with potential transboundary impacts involving the federal Act, the EIRB may require the EIS have a concordance table showing how it deals with each of these "Section 22 factors".

**Table B-1: *IAA* Section 22 Factors and the Environmental Impact Review Board Process**

| IAA Section 22 Factor | How the Factor Is Dealt with in the EIRB Process |
|---|---|
| 1. Changes to the environment, including effects of malfunction and accidents in connection to the project and cumulative effects | -requires consideration of all potential effects on the environment (Section 5.2.5), including: -consideration of accidents and malfunctions (Section 5.2.7), including a Worst-Case Scenario (Section 5.1.5.1)<br>-integration of cumulative effects as discussed in Sections 5.1.8 and 5.2.5.1 |
| 2. Changes to health, social or economic conditions (including malfunctions, accidents, and cumulative effects), including effects of malfunction and accidents in connection to the project and cumulative effects | -effects on (particularly Inuvialuit) health, social and economic conditions is a priority general consideration assessed as per Section 5.1.10 -Developers are encouraged to consider federal guidance on Health, Social and Economic Impacts[1]<br>-effects on the human environment are included in EIRB definition of environment and considered equally with effects on the physical and biophysical environment |
| 3. Mitigation measures for reducing the adverse effects of the project | -considered as discussed in Section 5.2.5.1 |
| 4. Impacts of the project on any Indigenous group and on the rights of Indigenous peoples | -considers impacts on Inuvialuit and other Indigenous users of lands within ISR and Yukon North Slope (as applicable)<br>-how Inuvialuit rights as defined under the IFA is a priority consideration as discussed in Section |

| IAA Section 22 Factor | How the Factor Is Dealt with in the EIRB Process |
|---|---|
| | 5.1.2<br>-impacts on rights is a responsibility of Crown consultation, but the Review Board requires information relevant to rights impacts be brought forward through its process<br>-Developers are encouraged to consider federal guidance on assessment of impacts on rights[1] |
| 5. The purpose and need for the project | -the Developer is required to present information on this as per Section 5.2.3.1; all Parties can weigh in on this issue and the Board will consider it in its deliberations |
| 6. Alternative means of carrying out the project | -consideration of "alternative means to" undertake the development is discussed further in Section 5.2.3.2<br>-Developers are encouraged to consider federal guidance on this topic[32] |
| 7. Alternatives to the project that are technically and economically feasible and are directly related to the project | -consideration of "alternatives to" the development as proposed, to meet the same purpose and need, is discussed in Section<br>5.2.3.2<br>-Developers are encouraged to consider federal guidance on this topic |
| 8. Indigenous knowledge | -weighed carefully and equally alongside western science as per Section 5.1.6<br>-Developers are encouraged to consider federal and territorial guidance on this topic |
| 9. The project's net contribution to sustainability | -priority consideration as discussed in Section 5.1.9<br>--Developers are encouraged to consider federal guidance on this topic[33]<br>-Distinct section on the development's net contribution to sustainability will be required in the EIS (Section 5.2.10) |
| 10. Contribution to Government of Canada's ability to meet its environmental obligations and commitments re: climate change | -priority consideration as discussed in Section 5.1.8.1<br>-Developers are encouraged to consider federal guidance on this topic[1] |
| 11. Any change to the designated project that may be caused by | -specific consideration discussed in Section<br>5.2.8 |

https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guideimpact-assessment-act/analyzing-health-social-economic-effects-impact-assessment-act.html

| IAA Section 22 Factor | How the Factor Is Dealt with in the EIRB Process |
|---|---|
| the environment | |
| 12. The requirements of the follow-up program proposed in respect to the proposed project | -specific consideration discussed in Section 5.2.6.1 |
| 13. Considerations related to Indigenous cultures | -priority consideration discussed in Section 5.1.7 |
| 14. Community knowledge provided in relation to the project | -local as well as traditional knowledge is collected by the Developer and through the EIRB process and placed on the public record |
| 15. Public comments | -the EIRB encourages wide engagement through its process and will capture public comments on the public record; the Developer is required to engage with the public |
| 16. Comments received from other jurisdictions… if and when the impact assessment of a designated project is referred to a review panel, and an offer by the Agency is extended to the jurisdiction to consult and cooperate with respect to the impact assessment | -transboundary cooperation is always sought by the Review Board, as discussed in Section 4.4.4 |
| 17. Relevant regional or strategic assessments | -will be considered on a case-by-case basis where this information is available; Developer will be required to identify existing assessments it integrated into its EIS work |
| 18. Assessments conducted by Indigenous governing bodies provided in relation to the proposed project | -The EIRB will consider all evidence filed by all Parties |
| 19. Regional studies or plans conducted by a jurisdiction (incl. Indigenous governing bodies) | -will be considered on a case-by-case basis where this information is available; Developer will be required to identify studies and plans it integrated into its EIS work |
| 20. The intersection of sex and gender with other identity factors | Developers are encouraged to engage a broad cross-section of Inuvialuit communities, and to consider federal guidance on this topic[1], see also Section 5.1.10 |
| 21. Any other relevant factor that the Impact Assessment Agency of Canada requires be taken into account | |

https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guideimpact-assessment-act/guidance-assessment-potential-impacts-rights-indigenous-peoples.html

https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guideimpact-assessment-act/guidance-need-for-purpose-of-alternatives-to-and-alternative-means.html https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guideimpact-assessment-act/guidance-considering.html