

Environmental Impact Review Board

MANDATE

The mandate of the Environmental Impact Review Board (EIRB) is to conduct reviews, through a public hearing process, of projects referred to it by the Environmental Impact Screening Committee (EISC) and recommend what development projects should move forward and any terms and conditions for those projects.

Proposed developments in the Inuvialuit Settlement Region (ISR) that have the potential for significant adverse environmental effects are referred to the EIRB. In making recommendations, the EIRB considers the need for wildlife compensation, mitigation measures and remedial measures.



Year At A Glance

5 meetings attended by members

- 1 Shared best practices workshop- MVIRB
- 1 Project – Updating the EIRB Guidelines

FOREWORD

It is my privilege to be the Co-Chair of the Environmental Impact Review Board.

The Board did not conduct any reviews during the Past Year. Its activities were restricted to administrative matters, ongoing training of members and, as required, public outreach and education in respect of the system of Environmental Impact Assessment (EIA) found in the Inuvialuit Final Agreement (IFA).

The past year was a challenging year, due to the COVID 19 pandemic, all in person meetings were cancelled. The Board did have a few meetings by teleconference. The EIRB did start on a project to update the current EIRB Guidelines. The EIRB went into a contract with Firelight Group, who has extensive experience in working with Impact Review Boards. This was a project that that board sees as a priority. This also gave the new members a good opportunity to learn more about what a Review board does and what is involved in a Review. The board also met with the MVIRB in early January of 2021. This was a good meeting to learn more about MVIRB and their Cultural best practices and community engagement when conducting a review. The EIRB looks forward to more meetings with MVIRB.

There was some turnover on the Board in early 2021 and we offer sincere thanks to past members, the Chair John Donihee, Yukon member Ian Robertson and Canada member Jim Umpherson. Currently the EIRB is waiting for the new appointments to fill these positions. The Board remains prepared to address any referrals which might result from the screenings in 2020/21.

Our Resource Coordinator, Jerome Gordon was hired in the fall of 2020.

Co-Chairs , Catherine Cockney, Ethel J. Gruben
Environmental Impact Review
Board

MEMBERSHIP AND OFFICERS

The EIRB was established under section 11(22) of the IFA and consists of seven (7) permanent members, three (3) appointed by Canada, three (3) appointed by the Inuvialuit and a Chairman appointed by Canada with the consent of the Inuvialuit. Of the three (3) appointed by Canada, each of the Governments of the Northwest Territories and the Yukon shall designate one (1).

Each member is appointed for a three-year term and is eligible for re-appointment.

Membership and Officers of the Environmental Impact Review Board during 2020/2021

Community	Position	Name	Appointment
Kingston, Ontario	Chair	John Donihee	Nominated and appointed by the Government of Canada Consent given from the Inuvialuit Game Council

Currently the EIRB is waiting for the new appointments

Inuvik, NT Cockney	Member	Catherine	Nominated by the Government of the Northwest Territories Appointed by the Government of Canada Present Term: October 31st, 2016 to October 30th, 2019 Previous Terms: Member since December 2006 Appointed by the Inuvialuit Game Council
Inuvik, NT	Member	Ethel-Jean Gruben	Present Term: October 1st, 2018 to September 30th, 2021 Previous Terms: Member since July 2015 Nominated by the Yukon Government Appointed by the Government of Canada
Whitehorse, YT	Member	Ian Robertson	Present Term: February 8th, 2018 to February 7th, 2021 Nominated and appointed by the Government of Canada
Yellowknife, NT	Member	Jim Umpherson	Present Term: March 2nd, 2018 to March 1st, 2021 Previous Terms: Member since 2011 Appointed by the Inuvialuit Game Council
Ulukhaktok, NT	Member	Robert Kuptana	Present Term: October 3rd, 2019 to September 30th, 2022
Inuvik, NT	Member	Debbie Gully	

Staff

Joint Secretariat Staff

The EIRB receives administrative, technical and clerical support from the Joint Secretariat (JS) office staff in Inuvik, NT.

JS Senior and Administration Staff

Executive Director	Melody Nice
Office Manager	Eunice Thrasher
Committee Program Manager	Jen Lam
Administrator	Bernice Joe
Casual Admin Staff	Dorothy Amos
Travel Coordinator	Shannon Jensen-Clark
Senior Finance Officer	Arsalan Milak
Finance Officer	Elianna Joe

BOARD ACTIVITIES DURING 2020/2021

Board Meetings

February 11, 2020

JS Boardroom – Inuvik, NT Chair: John Donihee

Participants: Jim Umpherson, Ian Robertson, Catherine Cockney, Ethel J. Gruben, Robert Kuptana

August 18, 2020

Zoom/ Teleconference – Inuvik, NT Chair: John Donihee

Participants: Ethel-Jean Gruben, Jim Umpherson, Catherine Cockney, Ian Robertson, Debbie Gully Robert Kuptana

November 04, 2020

Zoom / Teleconference – Inuvik, NT

Chair: John Donihee

Participants: Ethel-Jean Gruben, Jim Umpherson, Catherine Cockney, Ian Robertson, Debbie Gully, Robert Kuptana

January 07, 2021

Explore Hotel, Yellowknife- Teleconference

Chair John Donihee, Catherine Cockney, Ethel J. Gruben, Debbie Gully, Jim Umpherson, Ian Robertson, Robert Kuptana

March 25, 2021

Exporer Hotel, Yellowknife- Teleconference
Co- Chairs Catherine Cockney, Ethel J. Gruben
Robert Kuptana, Debbie Gully, Bruce McLean

Meetings attended by EIRB representatives in the 2020/2021 fiscal year:

Dates	Meeting Name	Attendees	Location
January 2021	EIRB / MVIRB	John Donihee, Catherine Cockney, Ethel J. Gruben, Debbie Gully, Robert Kuptana, Ian Robertson, Jim Umpherson.	Yellowknife

EIRB / MVIRB joint meeting

The Environmental Impact Review Board (EIRB) met with the Executive Director from the Mackenzie Valley Impact Review Board in early January. The purpose of the meeting was to meet some of the staff, and also to learn more about what the MVIRB does during a Review. The MVIRB shared a lot of what they have done in the past to include their Shared practices in Culture and Community engagement. This was a good tool to for the EIRB to consider in any upcoming reviews.

COVID-19 PANDEMIC

Due to the COVID-19 Pandemic Emergency in March 2020 staff were required to work from home, which interrupted previously scheduled meetings and business.

APPENDIX A: EIRB RESPONSIBILITIES UNDER THE IFA

IFA Section 11 – Roles and Responsibilities

11.(22) The Environmental Impact Review Board is hereby established to be the review body for any development referred to it pursuant to this Agreement. The Review Board shall have seven (7) permanent members, three (3) appointed by Canada, three (3) appointed by the Inuvialuit and a Chairman appointed by Canada, with the consent of the Inuvialuit. Of the three (3) permanent members appointed by Canada, each of the Governments of the Northwest Territories and the Yukon shall designate one (1). The representation of the Government of Yukon Territory for matters north of the watershed and of the Government of the Northwest Territories for matters in the Western Arctic Region shall increase as their respective jurisdictions increase and shall form a majority of appointees for matters exclusively within their respective jurisdictions. The membership of the Review Board may be increased or decreased from time to time at the discretion of Canada, but the same proportion of representation for Canada and the natives shall be maintained.

As amended by P.C. 1987-26, January 15, 1987

11.(23) The Review Board shall deal with each development subject to environmental assessment and review in accordance with the applicable provisions of this Agreement. For greater certainty, subsections (9) to (12) apply to the constitution of the Review Board panels, with such modifications as the circumstances require.

As amended by P.C. 1987-26, January 15, 1987

11.(24) The permanent members of the Review Board shall be appointed, remunerated and replaced by the respective appointing parties. The term of office of all permanent members, including the Chairman, shall be three

(3) years and they are eligible to be re-appointed on the expiration of the term.

11.(25) The remuneration required for the Inuvialuit members appointed to the Environmental Impact Review Board, referred to in subsection 11(24), and reasonable travel and accommodation costs, to attend regular meetings of the Review Board shall be reimbursed by the Government of the Northwest Territories, as provided through funding agreements between Canada and the Government of the Northwest Territories as are negotiated from time to time. These funding agreements shall not form part of the Agreement.

11.(26) Where any of the parties fails to nominate a sufficient number of persons within a reasonable time, the Review Board may discharge its responsibilities with such members as have been appointed.

As amended by P.C. 1987-26, January 15, 1987

11.(27) A person may be a member of both the Screening Committee and the Review Board.

11.(28) Canada shall provide to the Review Board the staff required to enable it to fulfil its functions. The Review Board may establish and adopt by-laws and rules for its internal management and its procedures.

11.(29) The Review Board shall expeditiously review all projects referred to it and on the basis of the evidence and information before it shall recommend whether or not the development should proceed and, if it should, on what terms and conditions, including mitigative and remedial measures. The Review Board may also recommend that the development should be subject to further assessment and review and, if so, the data or information required.

11.(30) Decisions of the Review Board shall be made by majority vote of the panel appointed, shall be in writing and shall be signed by all panel members.

11.(31) A register shall be kept of all decisions of the Review Board and the decisions shall be made available to the public on request.

11.(32) The decision containing the recommendations of the Review Board shall be transmitted to the governmental authority competent to authorize the development. That authority, consistent with the provisions of this section and after considering, among other factors, the recommendations of the Review Board, shall 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.

11.(33) If, pursuant to subsection (32), the competent governmental authority decides that further impact assessment and review is required, the proposed development shall be subject to further impact assessment and review based on the same or different information, requirements or specifications as the governmental authority considers appropriate.

11.(34) If the competent governmental authority is unwilling or unable to accept any recommendations of the Review Board or wishes to modify any such recommendations, it shall give reasons in writing within thirty (30) days, stating why it has not accepted the recommendations.

*As amended by
P.C. 1987-26,
January 15, 1987*

11.(35) The decision of the competent governmental authority shall be transmitted to the interested parties and made public.

11.(36) No licence or approval shall be issued that would have the effect of permitting any proposed development to proceed unless the provisions of this section have been complied with.

11.(37) For greater certainty, nothing in this section restricts the power or obligation of the Government to carry out environmental impact assessment and review under the laws and policies of Canada.