



ENVIRONMENTAL IMPACT SCREENING COMMITTEE

EISC Submission Number: [09/13-01]

December 11, 2013

Environmental Impact Review Board

The Joint Secretariat, Inuvialuit Settlement Region
P.O. Box 2120
Inuvik, NT
Canada X0E 0T0

ATTENTION: Jon Pierce, Chair

Dear Mr Pierce:

RE: BEAUFORT SEA EXPLORATION JOINT VENTURE DRILLING PROGRAM

This letter serves as official notification that the Environmental Impact Screening Committee (EISC) is referring the Beaufort Sea Exploration Joint Venture Program to the Environmental Impact Review Board (EIRB) for environmental impact assessment and review¹.

Although this proposed development appears to also be “*subject to a governmental development or environmental impact assessment process*”² (by the National Energy Board under the Canadian Environmental Assessment Act, 2012 and Canada Oil and Gas Operations Act), it is the opinion of the EISC that this review process will not adequately encompass the assessment and review process as set out within the Inuvialuit Final Agreement (IFA). Specifically (and as examples):

- The assessment and review process as conducted by the National Energy Board, involves an exercise of its responsibilities under the Canada Oil and Gas Operations Act and does not appear to require hearings or community consultations, which would be the kind of process which would be undertaken by the EIRB in order to ensure Inuvialuit participation in the review of this development.
- This process, as conducted by the National Energy Board is also restricted to those matters purely within the federal constitutional realm. Under the IFA, impact assessment must consider negative impact on wildlife, wildlife habitat and additionally, any negative impact on present or future wildlife harvesting.
- Only the IFA prescribed environmental impact review provisions the consideration of “*a worst case scenario*”³ when estimating the potential liability of the developer.

In making this referral, the EISC wishes to relay the following facts and concerns for

¹ IFA subsection 11(20)

² IFA subsection 11(19)

³ IFA subsection 13(11)

consideration by the EIRB.

- On September 16, 2014, Imperial Oil Resources Ventures Limited (IOL), on behalf of the Beaufort Sea Exploration Joint Venture, opened a file on the EISC Registry. IOL provided a formal Project Description and requested that the project proposal proceed immediately to Phase 2 of the Environmental Impact Screening process.
- On September 16, 2013, the EISC issued its Notice of Proceeding advising that the 45-day commenting period for stakeholders would run from September 16, 2013 to midnight October 30, 2013. On November 1, 2013, the EISC extended the Comment Period to midnight November 8, 2013; this extension was granted to accommodate a Party Status Request and allow for developer response to any comments posted by that party.
- On November 13-16, 2013 the EISC held its regular scheduled meeting.
- On November 15, 2013, the EISC decided that the Screening Record was complete for the purpose of making an EIS decision. The members noted serious concerns with the adequacy of project description submitted, the nature of the comments received and the lack of comments by parties who should have. The members noted that responses from parties seemed to assume (and in some cases recommended) the referral of the file to an Environmental Impact Review. The members elected to allow a Screening Panel (Panel) to resolve a decision.
- On November 15, 2013 a Panel was formed per the Inuvialuit Final Agreement (IFA)⁴. The Panel convened a separate meeting wherein they deliberated to determine if the proposed development, as described, could have a significant negative environmental impact, or whether the development if likely to cause a negative environmental impact, could have a significant negative impact on present or future wildlife harvesting.
- On November 16, 2013 the Panel advised their decision. The Panel resolved that the Beaufort Sea Exploration Joint Venture Program is a “*development of consequence to the Inuvialuit Settlement Region*”⁵, and further that “*the development could have significant negative impact and is subject to assessment and review*”⁶ under the Inuvialuit Final Agreement (IFA). The Panel advised that they came very close to deciding that the development proposal had deficiencies of a nature that warranted a termination of its consideration and the submission of another project description. We request that you review for details of Panel members concerns the attached copy of the EISC Decision Letter issued November 30, 2013.

In making this referral, the EISC expects that the EIRB will require of the developer, that they will (within the parameters of the environmental impact review):

- resolve the scope and methodology of this proposed development, and
- substantially complete the various management plans proposed

such that the Review Board will have the critical information before it to adequately inform its impact review and decision.

⁴ IFA subsection 11(19)

⁵ IFA subsection 13(7)

⁶ IFA subsection 11(17)(c)

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Original signed

John Ondrack
Chair

Attachments: EISC Decision Letter



ENVIRONMENTAL IMPACT SCREENING COMMITTEE

Submission Number: [09/13-01]

November 20, 2013

Imperial Oil Resources Ventures Ltd.

237 Fourth Avenue South West
P.O. Box 2480 Station "M"
Calgary, AB
Canada T2P 3M9

**ATTENTION: Sherry Becker, Beaufort / Eastcoast Opportunity Manager
Beaufort Sea Exploration Joint Venture**

Dear Ms Becker:

RE: BEAUFORT SEA EXPLORATION JOINT VENTURE DRILLING PROGRAM

During a meeting held November 13-16, 2013 the Environmental Impact Screening Committee (Committee) reviewed the screening record of the above noted project to determine if it was complete for the purpose of making an environmental impact screening decision.

The Committee considered the information contained in the developer's project description (PD), as well as the comments and advice received from other reviewers during the environmental impact screening of this proposed development. The Committee received comments and advice from:

Environment Canada
Fisheries and Oceans Canada
Fisheries Joint Management Committee
GNWT (Environment and Natural Resources)
Inuvialuit Game Council
Prince of Wales Northern Heritage Centre
Transport Canada
Wildlife Management Advisory Council (North Slope)
Wildlife Management Advisory Council (NWT)
World Wildlife Federation (Canada)
Yukon Territorial Government (Dept. of Environment, Parks Branch)

All of these communications are available for reference on the EISC Public Registry.

The Committee resolved that the record was complete for the purpose of making a decision and to close the Record. A Screening Panel (Panel) was formed per the Inuvialuit Final Agreement (IFA) and subsection 11(19). The Panel convened a separate meeting wherein they deliberated to determine if the proposed development, as described, could have a significant negative environmental impact, or whether the development is likely to cause a negative environmental impact, could have a significant negative impact on present or future wildlife harvesting.

The Panel later advised its decision, which was: *the development could have significant negative impact and is subject to assessment and review* [IFA subsection 11(17)(c)]. A copy of the decision form is attached. This file will be referred to the Environmental Impact Review Board per subsection 11(20) of the IFA.

The Panel, in advising its decision, has requested that the decision letter include the following as reasons for the decision:

1. The scope of the work as set out in the PD is incomplete. For example, there are significant decisions yet to be made on principal activities associated with the program. As a result the environmental effects, and the significance of these environmental effects, cannot be determined as required under the provisions of the IFA.
2. There are no management plans submitted, in draft form or otherwise. The proponent indicates that the forthcoming management plans will contain mitigation measures but the effectiveness of these proposed mitigation measures could not be properly evaluated, by the EISC, in the absence of the plans.
3. The record reflects significant concerns regarding measures to prevent oil spills and response to such spills. A lack of detail on oil spill impacts to valued components, mitigation measures to address and prevent spills (including worst case oil spill scenarios), and a lack of spill response plans precludes a meaningful EISC evaluation of the project, as presented.
4. The potential environmental values that may be affected are not adequately described, and therefore a suitable response to protect these valued environmental components is lacking.
5. The Panel has concerns that the consultations with Inuvialuit communities are incomplete at this time. The EISC is aware that further community consultations to collect Traditional Ecological Knowledge in Tuktoyaktuk are planned to support this project proposal. The Panel expects that the contributions from future public consultations within the Inuvialuit communities will contribute to the development of the management plans and mitigation measures.

The Panel also requested that the decision letter advise concerns with the adequacy of the project description submitted: the Panel expressed the expectation that the developer will resolve the scope of the development and substantially complete the various management plans proposed, such that the Environmental Impact Review Board will have the critical information before it to adequately inform its impact review and decision.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,



Darrell Christie
Environmental Impact Screening Coordinator

Attachments: EISC Decision Form
Cc. Distribution List

EISC Distribution List

Sherry Becker, Beaufort / Eastcoast Opportunity Manager
 Fisheries Protection Program, Fisheries and Oceans Canada
 Jennie Knopp, CBM Program, Joint Secretariat
 Conrad Baetz, Aboriginal Affairs and Northern Development Canada
 Paulatuk Hunters and Trappers Committee
 Joel Holder, Environment and Natural Resources, GNWT
 Patrice Stuart, Inuvialuit Land Administration
 Nelson Perry, Parks Canada
 Tuktoyaktuk Hunters and Trappers Committee
 Aklavik Hunters and Trappers Committee
 Steve Baryluk, Inuvialuit Game Council
 Richard Binder, Community Support Unit, Joint Secretariat
 Marsha Branigan, Environment and Natural Resources, GNWT
 Jennifer Smith, Wildlife Management Advisory Council (NS)
 Patrick Clancy, Environment and Natural Resources, GNWT
 Environment Canada
 Vic Gillman, Chair, Fisheries Joint Management Committee
 Sachs Harbour Hunters and Trappers Committee
 Inuvik Hunters and Trappers Committee
 Robert Jenkins, Aboriginal Affairs and Northern Development Canada
 Jennifer Lam, Inuvialuit Game Council
 Dave Ladret, Special Projects Officer, Yukon Territorial Government
 Perry Diamond, Energy, Mines, and Resources, Yukon Territorial Government
 Olokhatomiut Hunters and Trappers Committee
 James Malone, Resource Biologist, WMAC(NWT)
 Paula Smith, Environment Canada, CWS
 Jon Pierce, Chair, Environmental Impact Review Board
 Norm Snow, Executive Director, Joint Secretariat
 Shawna Kaglik, HTC Administrator, Joint Secretariat
 Mike Harlow, Inuvialuit Land Administration
 Christy Wickenheiser, National Energy Board
 Larry Carpenter, Chair, Wildlife Management Advisory Committee (NWT)
 Lindsay Staples, Chair, Wildlife Management Advisory Committee (NS)
 Frank Pokiak, Chair, Inuvialuit Game Council
 Aurora Research Institute
 Eli Nasogaluak, Environmental Impact Review Board
 John Ondrack, Chair, Environmental Impact Screening Committee
 GNWT Environmental Assessment and Monitoring
 David Abernethy, GNWT DOT
 Benoit Godin, Environment Canada
 Jim Stevens, Director, Mackenzie Valley Highway, DOT - GNWT
 Mark Dahl, Senior Ocean Disposal Officer, Environment Canada
 Glen Mackay, Prince of Wales Northern Heritage Centre
 Loretta Ransom, Senior Environmental Assessment Coordinator, EC
 EANorthNWT
 YESAB, Yukon Environmental and Socio-economic Assessment Board
 Eric Schroff, Director of Parks Branch, Yukon Government – Environment Yukon
 Liz Castaneda, NWT Water Board
 Meighan Andrews, Superintendent, EA Management Program – North, TC

Transport Canada, General Officer account

Peter Clarkson, Regional Director, Department of the Executive, GNWT

Tee Lim, Arctic Energy Solutions, Pembina Institute

Marie Adams, Senior Project Manager, CANNOR

David Alexander, CANNOR

NIRB, Nunavut Impact Review Board

Martin von Mirbach, Director, Canadian Arctic Program, WWF