



# ENVIRONMENTAL IMPACT REVIEW BOARD

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## FAQ Worst Case Scenario (WCS) Proceeding

### *Beaufort Sea Exploration Joint Venture Drilling Program*

#### General information on the EIRB and EA

##### **1. What is the function of the EIRB?**

The EIRB is a co-management Board established under the *Inuvialuit Final Agreement (IFA)*. Its function is to conduct environmental impact reviews (EIR) for proposed developments that are determined, by the Environmental Impact Screening Committee (EISC), to have possible significant negative environmental impacts. A Panel of the Board will hold public hearings for each referred proposed development and then prepare a report that will go to government decision-makers.

##### **2. What is the Inuvialuit Final Agreement?**

In 1984, the first comprehensive land claim entirely in the Canadian Arctic, in the Northwest Territories and the Yukon was completed. The IFA covers the Western Arctic Region of the Northwest Territories and the North Slope of the Yukon. The land claim settlement was passed into federal law as the Western Arctic (Inuvialuit) Settlement Act.

Three goals were recognized in concluding the Agreement:

- to preserve Inuvialuit cultural identity and values within a changing northern society;
- to enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society; and
- to protect and preserve Arctic wildlife, the environment and biological productivity.

To meet these goals, a co-management system was developed through the IFA. The EIRB is an integral part of this co-management system.

##### **3. Why the EIRB is conducting an environmental impact assessment on this project?**

The Environmental Impact Screening Committee (EISC) determined that the proposed development could have significant negative environmental impacts and referred the development to the EIRB for a public review under subsection 11(20) of the IFA.

#### **4. When will the Environmental Impact Review Board start and complete its review process?**

The process was initiated when the EISC determined that the proposed development could have significant negative environmental impacts and referred the development to the EIRB for a public review under subsection 11(20) of the IFA.

The EIRB timing for the review process depends on when the Developer's files the project Environmental Impact Statement and subsequent supplemental information required by the EIRB.

#### **5. What does the EIRB do with the information it collects during its review?**

All information (evidence) collected during the review is filed on the EIRB registry. On the basis of the evidence and information gathered through the review, the EIRB recommends whether or not the development should proceed and, if it should, on what terms and conditions, including mitigation 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.

### **Worst Case Scenario Proceeding**

#### **6. Why is the EIRB conducting a review of a Worst Case Scenario?**

A determination of the Worst Case Scenario for Beaufort Sea Exploration Joint Venture Drilling Program (the Development) is required for the Environmental Impact Review Board (EIRB) to fulfill its responsibilities as set out in the IFA. Specifically, the EIRB must prepare an estimate of the potential liability of a Developer determined on a Worst Case Scenario (*Paragraph 13(11)(b), IFA*).

To support the effective development and use of a Worst Case Scenario, the EIRB has decided to initiate work on the determination of the Worst Case Scenario in advance of an Environmental Impact Assessment.

#### **7. How will the EIRB conduct its review of a Worst Case Scenario?**

The EIRB released a Process Directive and Terms of Reference (ToR) for its review of a Worst Case Scenario. The Process Directive outlines the framework for the Proceeding and the ToR provides guidance and sets the scope of the review and information requirements and expectations of the EIRB of the Developer in preparing a description of the Worst Case Scenario.

The two documents are available on the EIRB registry at [www.eirb.ca](http://www.eirb.ca).



## **8. How were the Terms of Reference for the Worst Case Scenario developed?**

The Terms of Reference for the Worst Case Scenario were taken from the Revised Terms of Reference for the Environmental Impact Review, dated May 30, 2014. Comments from Inuvialuit people and communities, Registered Parties and the general public were considered by the EIRB in the finalization of the Revised Terms of Reference issued to the proponent on May 30, 2014.

## **9. What is a Worst Case Scenario Proceeding and when will it take place?**

The Worst Case Scenario Proceeding will be an opportunity for stakeholders and the public to provide evidence and/or comments orally or in written submissions to the EIRB on the Worst Case Scenario description submitted by the Developer.

The timing of the EIRB Worst Case Scenario Proceeding depends on the timing of the submission or public release of the Developer's Worst Case Scenario description.

Shortly after the Developer has made public its Worst Case Scenario description, the EIRB will issue a notice that will provide the date, time and location for the Worst Case Scenario Proceeding. The rules and procedures for the Proceeding will also be made public at that time.

## **10. How will the information collected during the Worst Case Scenario Proceeding be used?**

The information collected during the Proceeding is considered by the EIRB in the determination of the Worst Case Scenario pursuant to the IFA. The EIRB makes its determination public in a Report.

The Report by the EIRB resulting from the Worst Case Scenario Proceeding will include the EIRB's decision and conclusions regarding the determination of a Worst Case Scenario pursuant to the IFA. The Report may also include information on how the conclusions and recommendations by the EIRB resulting from the Worst Case Scenario Proceeding may be included in any future Environmental Impact Assessment by the EIRB and other regulators.

## **11. Is the information filed under the EIRB Worst Case Scenario Proceeding public information?**

The information filed with the EIRB during the Worst Case Scenario Proceeding is public information. The public can access this information by visiting the EIRB website at [www.eirb.ca](http://www.eirb.ca).



**12. What information does EIRB consider during the Worst Case Scenario proceeding?**

The EIRB considers evidence pertaining to the information required as outlined in the “Terms of Reference – Worst Case Scenario for the Beaufort Sea Exploration Joint Venture Drilling Program”.

**13. Will the EIRB consider the potential environmental impact of the Worst Case Scenario during the Worst Case Scenario Proceeding?**

The determination of a Worst Case Scenario by the EIRB, following the Proceeding, will be limited to the technical description of the Worst Case Scenario - this determination does not require impact assessment. An impact assessment of a Worst Case Scenario will be undertaken during the environmental assessment of the Development, which will follow the Developer’s submission of an Environmental Impact Statement.

**14. Who can participate in the Worst Case Scenario Proceeding?**

The Worst Case Scenario Proceeding will be open to Registered Parties and to the general public. Registered Parties will be given the opportunity present evidence and/or to provide comments to the Panel regarding the Worst Case Scenario submitted by the Developer. Time will be allocated to the general public for short oral presentations. Rules and procedures will be issued by the EIRB, in a Directive, prior to the proceedings.

The EIRB will consider in its deliberation all the comments it receives.

**15. Is there funding for people to take part in the Worst Case Scenario Proceeding of this project?**

At present time, there is no funding available.

