



ENVIRONMENTAL IMPACT REVIEW BOARD

April 16, 2015

Determination of Party Status, Public Review of the *Beaufort Sea Exploration Joint Venture Drilling Program* (EIRB Registry File No. 09/13-01)

Imperial Oil Resources Ventures Limited (“IORVL” or the “Developer”), on behalf of the Beaufort Sea Exploration Joint Venture, is proposing a program and associated support activities (“the Development”) that would involve drilling one or more wells within Exploration Licence 476 or 477 located in the Beaufort Sea in the offshore of the Inuvialuit Settlement Region. On September 16, 2013, IORVL submitted a project description of the Beaufort Sea Exploration Joint Venture Drilling Program to the Environmental Impact Screening Committee. By letter dated December 11, 2013, the Environmental Impact Screening Committee referred the proposed Development to the Environmental Impact Review Board (“EIRB”) for a public review. The EIRB has determined that the public review for this proposed development will have two components, the determination of the worst case scenario and the environmental impact assessment (EIA). .

The Inuvialuit Final Agreement (“IFA”) stipulates that the EIRB must prepare “an estimate of the potential liability of the Developer, 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.” (Section 13(11)(b)). To support the effective development and use of a worst case scenario, the EIRB decided to initiate early work on the determination of the worst case scenario, in advance of the environmental impact assessment that will be conducted by the EIRB following the submission of an Environmental Impact Statement by the Developer.

The EIRB has decided to make a determination respecting the requests for party status in the public review. To date, the EIRB has received 22 requests for party status and one request to file a submission as an “interested individual”.

The requests were made pursuant to Rules of Procedure dated 7 July 2011. Since then, the EIRB has updated the Rules of Procedure and posted them on the EIRB website at <http://eirb.ca/guidance-documents/>. The provisions respecting the determination of party status have not materially changed. Further, as with the previous Rules of Procedure, the updated Rules of Procedure are intended to meet the objectives of the IFA by establishing a procedural framework that ensures environmental assessment reviews meet the requirements of procedural fairness.

Environmental Impact Review Board

The Joint Secretariat – Inuvialuit Settlement Region

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Pursuant to section 2.2.1 of the Rules, the following entities are automatically granted Registered Party Status:

- ♦ The Developer proposing the Development which is the subject of an EIRB Proceeding;
- ♦ Government agencies, government departments and other Inuvialuit co-management organizations;
- ♦ Inuvialuit organizations;
- ♦ Inuvialuit communities; and
- ♦ Any authority competent to authorize the development in the Inuvialuit Settlement Region

Based on the application of section 2.2.1 of the Rules, the EIRB grants Party Status to the 19 entities or organizations listed in Appendix I (attached).

With respect to the remaining three organizations requesting Party Status as well as the individual seeking to make a submission, the EIRB makes the following determinations pursuant to sections 2.2.3, 2.6.4 and 2.7.1 of the Rules:

NATURAL RESOURCES DEFENSE COUNCIL (“NRDC”)

By letter dated April 30, 2014, Ms. Danielle Droitsch, Director, Canada Program, requested Party Status on basis of the NRDC’s long-time science and community-based work that has sought to empower indigenous communities as well as preserve endangered species in the Arctic.

If granted Party Status, the NRDC plans to “provide its expertise and experience with Arctic offshore drilling operations to ensure that the Developer’s environmental review is as detailed and robust as possible”. The NRDC also noted in its letter that any oil and gas development in the Canadian Beaufort Sea has the potential to have significant environmental impacts on U.S. waters as well as lands, and could influence future U.S. development plans in the area.

Based on the NRDC’s information and expertise (including the potential effects of oil and gas development on U.S. waters and lands) together with its proposed level of participation in the review process, the EIRB is prepared to grant the NRDC Party Status pursuant to section 2.2.3 of the Rules.

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WORLD WILDLIFE FUND – CANADA (“WWF – CANADA”)

By letter dated February 27, 2014, legal counsel to WWF-Canada, Mr. William Amos of Ecojustice, requested Party Status on the basis of WWF-Canada’s ongoing interest and expertise in relation to Arctic offshore development. In particular, Mr. Amos cited: (i) WWF-Canada’s participation in the National Energy Board’s Arctic Offshore Drilling Review; (ii) WWF’s contribution to the work of the Arctic Council, through its Protection of the Arctic Marine Environment (PAME) and Emergency Prevention, Preparedness and Response (EPPR) working groups; (iii) WWF’s engagement as a founding member of the Beaufort Sea Partnership; and (iv) WWF’s modeling of oil spill trajectories in the Beaufort Sea in order to inform decisions about oil spill response preparedness in the Inuvialuit Settlement Region.

If granted Party Status, WWF-Canada will participate by:

“... making written submissions and participating in hearings as opportunities arise. WWF’s staff, along with Ecojustice legal counsel and technical experts will submit evidence on technical matters, risk management and relevant law and policy considerations.”

Based on WWF-Canada’s information and expertise together with its proposed level of participation in the review process, the EIRB is prepared to grant WWF-Canada Party Status pursuant to section 2.2.3 of the Rules.

OCEANS NORTH CANADA

By letter dated February 28, 2014, Mr. Louie Porta, Science and Policy Advisor, Oceans North Canada requested Party Status on the basis of Oceans North Canada providing information and expertise in promoting “science- and community-based conservation of Canada’s northern seas and the resulting well-being of indigenous residents who rely upon its natural wealth”. Within the Inuvialuit Settlement Region, Oceans North Canada specifically supports the Inuvialuit Game Council’s Community Based Monitoring Program.

If granted Registered Party Status, Oceans North Canada will participate in the review process by supporting Inuvialuit communities through the provision of relevant information and expertise concerning the EIRB’s review and evaluation of the Program, including the worst case scenario.

Based on the information and expertise set out by Oceans North Canada together with its proposed level of participation in the review process, the EIRB is prepared to grant Oceans North Canada Party Status pursuant to section 2.2.3 of the Rules.

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CALVIN POKIAK

By e-mail dated August 18, 2014, Mr. Calvin Pokiak asked to make a submission at the appropriate time to the EIRB as an “interested individual”.

Under section 2.6.4 any member of the public may provide his views, in writing, to the Review Board in advance of the Hearing or make an oral presentation during that portion of the Hearing that has been set aside by the Review Board to hear the views of the public. Further, pursuant to section 2.7.1 of the Rules, the EIRB may hold informal community hearings to hear the views of any community potentially affected by a proposed development.

Based on Mr. Pokiak’s request, and pursuant to section 2.6.4 of the Rules, the EIRB invites Mr. Pokiak to provide any written information or comments to the EIRB at any point during the review process or in person at any public hearing or public proceeding.

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APPENDIX “I”

- 1 Aboriginal Affairs and Northern Development Canada
- 2 Aklavik Hunters and Trappers Committee
- 3 Canadian Northern Economic Development Agency- Northern Projects Management Office
- 4 Environment Canada
- 5 Fisheries and Oceans Canada
- 6 Fisheries Joint Management Committee
- 7 Government of the Northwest Territory - Environment and Natural Resources
- 8 Gwich'in Renewable Resource Board
- 9 Hamlet of Tuktoyaktuk
- 10 Inuvialuit Game Council
- 11 Inuvialuit Regional Corporation
- 12 Inuvik Hunters and Trappers Committee
- 13 Kitikmeot Inuit Association
- 14 Parks Canada
- 15 Paulatuk Hunters and Trappers Committee
- 16 Transport Canada
- 17 Tuktoyaktuk Hunters and Trappers Committee
- 18 Wildlife Management Advisory Council (North Slope)
- 19 Wildlife Management Advisory Council (NWT)

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