



## WILDLIFE MANAGEMENT ADVISORY COUNCIL (NWT)

27 June 2011

Elizabeth Snider  
Chair, Environmental  
Impact Review Board  
Box 2120  
Inuvik, NT X0E 0T0

Dear Ms Snider:

The following are the findings by the WMAC (NWT) Resource Biologist, submitted to the Environmental Impact Review Board (EIRB), with respect to the EIRB's Conformity Review of the Environmental Impact Statement for the Construction of the Inuvik to Tuktoyaktuk Highway, NWT, EIRB file number: 02/10-05 (EIS).

### Summary of findings

The WMAC (NWT) (the Council) Resource Biologist has conducted a conformity review of the EIS. This review was done in accordance EIRB's Terms of Reference for this EIS, dated 03 November 2010 (the November Terms of Reference). The focus during this review was constrained within the scope of the Council's mandate: all matters relating to wildlife policy and the management, regulation and administration of wildlife, habitat and harvesting (IFA section 14.60). It should be noted that the portion of the Council's mandate, with respect to harvesting, requires it to consider some socio-economic aspects of the EIS in so far as they relate to Inuvialuit requirements for: food and clothing; their usage patterns during harvesting; and their subsistence requirements for specific species (IFA section 14.36 ii a-c).

The findings of the review of this EIS are that it does not conform to two specific ToRs required by the EIRB. These findings were based on the EIRB's direction<sup>a</sup> that: "...the conformity review only looks at whether the draft EIS contains all of the information asked for in the final Terms of Reference, it does not determine the adequacy of the information for completing the environmental impact review...". Furthermore, and most significantly, given that the two ToRs that the EIS fails to conform to occur at an early stage in the EIS; the result of this failure is that subsequent ToRs, dependent on the information which would have been generated by the first ToRs, do not contain "...all the information asked for...". For greater certainty: these findings do not deal with the adequacy of the information in the EIS. These findings address an accumulated absence of information in the EIS.

### Discussion of findings

The primary ToR that the EIS does not conform to is the ToR: **6.4 Life of the Project** in the November Terms of Reference. The stated requirement is that the "...The Developer shall clearly describe the operational life of the Project..." yet in the EIS, the operational life of the project is described differently depending on the context of its use:

- Page 97 of the EIS, sub-section **2.8 Life of the Project**: The only phrase in this subsection that directly addresses the ToR requirement to define the operational life of the project is: "...The Highway is intended for permanent long-term use..."<sup>b</sup>

- Page 627 of the EIS, sub-section **5.2 Temporal Boundaries** (this part of the section dealing with cumulative effects assessment): In this subsection the operational life of the project is defined by the phrase: *"... the temporal (time frame) for the assessment will be the next four (4) to ten (10) years during which time the construction of the proposed Highway is anticipated to be completed and the Highway will have been in operation for up to six years..."* Note: there is no explanation provided in the EIS as to why the cumulative effects assessment for the Project/Highway has been limited to this very short time period.
- Page 572 of the EIS, "sub-section **4.3.2.1 Contribution to Gross Domestic Product and Direct Taxes**: In this subsection the operational life of the project is defined by the phrase: *... Table 4.3.2.1 summarizes the total anticipated economic effect (net present value) of the Highway, excluding oil and gas production, over an assumed 45-year lifespan..."*

The second ToR that the EIS does not conform to is: **ToR 11. Cumulative Effects Assessment**. The November Terms of Reference require that for this ToR: *"... The cumulative effects assessment must demonstrate to the Review Board that any long-term cumulative effects are adequately considered and can be successfully mitigated..."*. As noted, in the bullet above, the EIS sets an apparently arbitrary term (i.e., temporal boundary) of 6 years for the operational life of the Project/Highway. This prevents any long term assessment of possible cumulative effects on caribou from the Project. It also means that the EIS fails to address a third ToR requirement (within **ToR 11. Cumulative Effects Assessment**): the requirement for the EIRB to gain an understanding of the incremental combined contribution of future projects, over an operational lifespan for the Project/Highway that certainly exceeds the stated six years period used.

The effect of the failure of the EIS to conform to these two ToRs – on the life of project and the subsequent short time period used in the cumulative effects assessment – means that the scope of the information used is so circumscribed that resulting conclusions in the EIS are that any negative cumulative impacts of the Project/Highway for all Valued Ecosystem Components (VECs) are stated as *"Not Significant"*. This conclusion cannot be substantiated by the absence of information in the EIS. Furthermore there is well documented research in the literature<sup>c</sup>, which is not used in the EIS, on the cumulative effects of roads on caribou over much longer time periods than the 6 year operational life used in the EIS. Some of this relevant literature, not cited in the EIS, is specific to the study area and specific to cumulative effects assessment in the study area<sup>d</sup>.

With respect any comparison of environmental costs to economic benefits (i.e., **ToR 10.2.3 Regional and Local Economies**): the use of different lengths of time (i.e., the failure to address the **ToR 6.4 Life of the Project**) in the cumulative effects assessment and in the calculation of net present values makes any such comparison of the two results impossible as you are comparing "apples to oranges". This is another accumulated absence of information in the EIS and as such; it is a conformity failure for **ToR 10.2.3 Regional and Local Economies** that is a direct result of the conformity failure for **ToR 6.4 Life of the Project**.

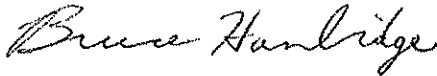
The initial conformity failure (in **ToR 6.4 Life of the Project**) and the resulting accumulated absence of information in cumulative effects assessment and evaluation of potential impacts of the Project/Highway on local regional and territorial economies (**ToRs 11. Cumulative Effects Assessment** and **10.2.3 Regional and Local Economies**) continues to cause increasing magnified follow-on effects in the ToRs dealing with: 1) Mitigation, Remedial Measures and Worst Case Scenario, and 2) Follow-up and Monitoring. Specifically, the conclusions reached in the economic and cumulative effects assessments result in an increasing absence of information for use in addressing these two subsequent ToRs. Not having this information present also prevents a later assessment of its adequacy in the Technical Review. This is significant in that the worst case scenario described in the EIS may not in fact be correct due to the inability to consider this stated accumulated absence of information.

## Conclusions:

The conformity failures discussed above need to be addressed as deficiencies in the Conformity Review since the EIS does not contain "...all the information asked for..." in the November Terms of Reference. There will still be requests for further information in the Technical Review however a clear and concise EIS with all ToRs addressed, as discussed above, will greatly reduce the volume of information that would have to be requested in the Technical Review.

Thank you for the opportunity to comment on this conformity review.

Yours truly



Bruce Hanbidge  
Chair  
WMAC (NWT)

Cc:

Larry Carpenter, Chair, WMAC (NWT)  
Norm Snow, Executive Director, Joint Secretariat

---

<sup>a</sup> Section 4.4 Conformity Review of the Environmental Impact Review Board: Environmental Impact Review Guidelines, 15 April 2011

<sup>b</sup> EIS, Page lix, TABLE D TERMS WITH THE SAME MEANING, describes the terms "Project" and "Highway" as terms with the same meaning that may be used interchangeably in the EIS.

<sup>c</sup> Three examples of literature, not cited in the EIS that deal with long term cumulative impacts of roads and other infrastructure on caribou are:

Murphy, M *et al.* Modeling energetic and demographic consequences of caribou interactions with development in the arctic. Rangifer, 2000 Special Issue No. 12, 107 – 109

Nellemann, C., Cameron, R. D. Cumulative impacts of an evolving oil-field complex on the distribution of calving caribou. Can. J. Zool. (1998) 76: 1425 – 1430.

Vistnes, I., Nellemann, C. The matter of spatial and temporal scales: a review of reindeer and caribou response to human activity, Polar Bio. (2008) 31: 399 – 407.

<sup>d</sup> Holroyd, P. *A Peak into the Future: Potential Landscape Impacts of Gas Development in Northern Canada* ©2005. The Pembina Institute, Box 7558, Drayton Valley, Alberta T7A 1S7 Canada. ISBN 0-921719-77-9

