



ENVIRONMENTAL IMPACT REVIEW BOARD

INFORMATION REQUESTS **(Round 2)**

DATE OF RELEASE: March 20, 2012

DISTRIBUTION: Developer and the Electronic On-line Registry (EOR).

PURPOSE: Information Request (IR) issued by the EIRB and Parties to the Review of the proposed Inuvik to Tuktoyaktuk Highway Project.

**DEADLINE FOR SUBMISSION
OF RESPONSES:** March 30, 2012

Information Request (IR) Number: 146

Development Activities in Husky Lakes Cape Bathurst Area

IR Number: 146

Source: EIRB

To: Developer

Subject: Development in Husky Lakes Cape Bathurst Area (IFA section 8 and Annex D Area Number 2)

Preamble

The Inuvialuit Final Agreement section 8(1) prohibits the approval of any development in Area Number 2 set out in Annex D of the Agreement. The IFA definition of development includes "any government project, undertaking or construction..." (see s.2 IFA). The exception for development in Area Number 2 of Annex D, set out in section 8(1) applies only to those activities that meet acceptable environmental standards as developed by the Environmental Impact Review Board (EIRB). The EIRB developed and circulated such standards in 2005 (Please see below).

Question

1. Please prepare and file a map at suitable scale which shows the location of the proposed right of way and all alternatives alignments and all proposed project activities and facilities in relation to Husky Lakes Area Number 2, as described in Annex D-2 of the IFA.
2. If any portion of the proposed highway, or any activity required to construct, operate or decommission the highway, is in Husky Lakes Area Number 2 please explain in detail how the proposed development and activity meets the environmental standards set out by the EIRB (EIRB 2005).

Criteria for Establishing Environmental Standards

and

Criteria for Evaluating a Developer's Standard of
Performance in the Husky Lakes Area (Area Number
2, Annex D, Inuvialuit Final Agreement)

DRAFT

Environmental Impact Review Board
Joint Secretariat–Inuvialuit Renewable Resource Committees
Inuvik, Northwest Territories, Canada

The Husky Lakes Area

The Husky Lakes Area (HLA) is that area of land and water defined in Annex D of the Inuvialuit Final Agreement (IFA)(Figure 1).

The HLA, an area with abundant plant and animal life, is one of the most desirable places to harvest renewable resources in the Inuvialuit Settlement Region (ISR). As such, this area is designated as a Management Category D in the Community Conservation Plans of Aklavik, Inuvik and Tuktoyaktuk. As stated in the Tuktoyaktuk Community Conservation Plan (CCP) (June 2000):

Category D *Lands and waters where cultural or renewable resources are of particular significance and sensitivity throughout the year ... these areas shall be managed so as to eliminate, to the greatest extent possible, potential damage and disruption. (Tuktoyaktuk CCP, p 19)*

The special status of the HLA has been recognized in the IFA. Section 8(1) states:

"With respect to [the Husky Lakes Area], approval for any development activity shall be withheld unless the developer proves that the proposed development activity meets acceptable environmental standards and accounts for his standard of performance. The criteria for establishing acceptable environmental standards for the project and evaluating the developer's standard of performance shall be set by the Environmental Impact Review Board."

This Draft document presents the criteria established by the Environmental Impact Review Board (EIRB) to fulfill its obligation. The Inuvialuit Land Administration (ILA) is responsible for developing a management plan for the HLA. It is the intention of the ILA and the EIRB that the management plan and these criteria will be compatible.

The fundamental principles of the IFA (as outlined in Section 1), under which the aforementioned criteria are created, are:

"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 the Arctic wildlife, environment and biological productivity."

Definitions

The EIRB uses the following definitions for the Husky Lakes Criteria:

- Criteria:** statements that provide specific instructions for establishing acceptable and responsible development standards
- Developer:** a person, legal entity or any government whether federal, territorial, provincial, municipal, local or Crown Agency owning, operating or causing to be operated any development in whole or in part in the Inuvialuit Settlement Region, including any sub-contractor or co-contractant of such person, entity, government or Agency. (IFA, Section 2)
- Development:** (a) any commercial or industrial undertaking or venture, including support and transportation facilities related to the extraction of non-renewable resources from the Beaufort Sea, other than commercial wildlife harvesting; or
- (b) any government project, undertaking or construction, excepting government projects within the limits of Inuvialuit communities not directly affecting wildlife resources outside those limits and except any government wildlife enhancement projects. (IFA, Section 2)
- Significant:** when an impact or effect goes beyond the limit defined for a standard, the outcome is considered to be significant.
- Standard:** a defined and measurable level of acceptable, desirable and environmentally responsible performance

Statement of Purpose for the Criteria

As mandated under section 8.(1) of the IFA, the EIRB is required to develop and approve criteria for establishing environmental standards and, similarly, criteria for evaluating a Developer's standard of performance in the HLA. The proposed criteria aim to encourage stringent environmental management standards while remaining reasonable and achievable.

Considerations for Developing Criteria

The criteria established by the EIRB are designed to be specific, concise, practical, and open to amendment as justified by implementation experience.

The intent of the criteria is that development activities should cause little or no disturbance rather than relying on remediation or clean-up actions after the project is over.

The EIRB expects that the criteria will guide agencies responsible for land and water management in the HLA when they are establishing standards for developers to work within the HLA.

The EIRB accepts the standards currently in place for the management of fish and wildlife within the HLA. Any changes to these standards will be subject to review by the Fisheries Joint Management Committee (FJMC) and Wildlife Management Advisory Council (WMAC (NWT)) and should be compatible with the CCPs.

The criteria established by the EIRB are goals and expectations for responsible environmental management in the HLA. Regulators can use these criteria to set measurable standards for managing development activities in the HLA.

The following criteria aim to maintain the natural habitat and the environment of the HLA.

Husky Lakes Area Criteria for Establishing Environmental Standards

Traditional and Beneficiary Usage

Developments shall not produce air conditions, vibrations, noise levels, or any other disturbance that interfere with beneficiaries' use of the HLA.

Development Footprint

Developments shall be carried out so that the area occupied by the project site is no larger than necessary. Ideally, after final remediation, there will remain no evidence of environment disturbance in and about the development site.

Land-Use Conflicts

Developments shall avoid conflicts with community and beneficiary use of the land. Traditional land use activities will have priority over development activities.

Archaeological and Heritage Resources

Developers must take all reasonable steps to identify, locate and protect known and unknown heritage resources in the Husky Lakes Area.

Flora

Developments will be carried out in such a manner that plants are preserved and undisturbed to the greatest extent possible. Reasonable efforts must be taken to identify and protect areas of rare, at risk, and traditional use plants in the Husky Lakes Area

Water Quality

Developments in the Husky Lakes Area must not result in any adverse impact to the ambient hydrological regime—taking into consideration seasonal variations.

Air Quality

Air emissions resulting from a development in the Husky Lakes Area must meet the most current Canadian and Northwest Territories air quality standards.

Soils

Developments must proceed in such a manner that the native soils and any imported project materials (e.g. aggregate, rock, crushed stone) are used in the most appropriate manner to minimize soil degradation and not significantly affect

other lands, water bodies, or marine areas. Every effort shall be made to preserve native soils.

Sediments

Developments must not disturb benthic soils and organic/inorganic materials in any manner that would adversely impact the water quality and/or quantity of that water body or feeding/receiving waters beyond seasonal variations.

Criteria to Evaluate Developers Environmental Performance:

Enforcement

The EIRB expects that any standards developed for the HLA will be enforced by the appropriate regulatory authority responsible for land and waters and will support the goals and intent of these criteria.

Environmental Management Systems

The EIRB expects the regulator to ensure all developers demonstrate that they have in place an Environmental Management System (EMS) which will among other plans include an emergency response plan and a wildlife management plan. At the request of the EIRB, the regulatory authorities will complete within a reasonable amount of time an audit that demonstrates that the developers are living up to their environmental commitments as laid out early in the development process of the project.

Performance

Measurable standards in support of each criteria will be established by management agencies or by planning authorities. Limits of acceptable deviation or change will be established for each standard. The environmental performance for any development will be evaluated against the limits established for each standard. Significant adverse impact will be determined if a measurable effect exceeds the limits established for any standard.

Review

The Criteria for Establishing Environmental Standards and Criteria for Evaluating a Developer's Standard of Performance in the Husky Lakes Area will be reviewed every five years or as needed. The review will be completed by the EIRB in consultation with other interested parties.

Acronyms and Abbreviations

CCP	Community Conservation Plan
EIRB	Environmental Impact Review Board
EMS	Environmental Management System
FJMC	Fisheries Joint Management Committee
HLA	Husky Lakes Area
IFA	Inuvialuit Final Agreement
ILA	Inuvialuit Land Administration
NWT	Northwest Territories
WMAC (NWT)	Wildlife Management Advisory Council (NWT)

Environmental Impact Review Board Joint Secretariat – Inuvialuit Renewable Resource Committees

**PO Box 2120
Inuvialuit Corporate Centre
107 Mackenzie Road, Suite 204, Room 205
Inuvik, Northwest Territories
Canada X0E 0T0
(867) 777-2828 (Phone)
(867) 777-2610 (Fax)
eirb@jointsec.nt.ca**