

**PUBLIC REVIEW
OF THE
GULF CANADA RESOURCES LIMITED
KULLUK DRILLING PROGRAM
1990 – 1992**

Environmental Impact Review Board
Inuvik, Northwest Territories

TABLE OF CONTENTS

1.0	<u>THE PUBLIC REVIEW</u>
1.1	Establishment of the Environmental Impact Review Board
1.2	Mandate of the Board
1.3	Procedures of the Board
1.4	Appointment of the Review Panel
1.5	Initiating the Public Review
1.6	Public Meeting
2.0	<u>PROJECT DESCRIPTION</u>
2.1	Overall Plan
2.2	Project Rationale
2.3	Drilling Unit
3.0	<u>APPLICATION TO BOARD</u>
4.0	<u>JURISDICTION OF BOARD</u>
4.1	Decision-Making Powers of Board
4.2	Onus of Proof
4.3	The Board's Interpretation of Its Mandate
4.4	Assessment of Risk
5.0	<u>BOARD'S DECISION</u>
5.1	Summary of Board's Decision
5.2	Rationale for Decision
6.0	<u>AREAS OF CONCERN</u>
6.1	Worst Case vs. More Probable Case
6.2	Operating Season
6.3	Mitigative and Remedial Measure
6.3.1	Contingency Planning
6.3.2	Offshore Containment and Disposal
6.3.3	Protection of Wildlife and Shorelines
6.3.4	Shoreline Cleanup
6.3.5	Government Intervention
6.4	Biological Effects

6.5	Liability/Wildlife Compensation
6.5.1	Board's Authority
6.5.2	Actual vs. Future Harvest Loss
6.5.3	Financial Responsibility
6.5.4	Gulf's Submission
6.5.5	Provisions of the IFA Governing Estimate of Potential Liability
6.5.6	Interpretation of IFA Provisions
6.5.7	Board's Decision Concerning 13 (11) (b)
6.6	International Implications
6.7	Government Regulation
7.0	<u>RECOMMENDATIONS</u>
7.1	Introduction
7.2	Recommendations
8.0	<u>APPENDICES</u>
	Appendix A – Public Notice
	Appendix B – List of Participants/Submitters
	Appendix C – Definition of Terms
	Appendix D – Glossary of Acronyms
	Appendix E – Curriculum Vitae of Board Members

1.0 THE PUBLIC REVIEW

1.1 Establishment of the Environmental Impact Review Board

The Inuvialuit Final Agreement (IFA), dated June 5, 1984, settled the land claim of the Inuvialuit in the Western Arctic Region of Canada. This Agreement was “approved, given effect and declared valid” by section 3 (1) of the Western Arctic (Inuvialuit) Claims Settlement Act, being Chapter 24, 32-33, Elizabeth II of the Statutes of Canada.

The Act further provided in section 3 (2) that the beneficiaries under the Agreement “shall have the rights, privileges and benefits set out in the Agreement”, and in section 4 that the provisions of the Act and of the Agreement will prevail over any other law applying to the Territory in the event of inconsistency or conflict.

Being a land claims settlement within the meaning of section 35 of the Constitution Act, 1982, the Agreement is thereby affirmed as an existing aboriginal right. In consequence of these statutory provisions, the terms of the Agreement are given a preferred status over all other federal and territorial laws within the defined Inuvialuit Settlement Region in the Western Arctic.

This Agreement is the basis of the Board’s mandate to review the **Gulf Canada Resources Limited Kulluk Drilling Program 1990-1992** (Gulf’s Drilling Program).

1.2 Mandate of the Board

Under the IFA, Gulf’s Drilling Program is a “development” within the meaning of section 2 and, as such, was subject to screening by the Environmental Impact Screening Committee (EISC), pursuant to the provisions of sections 11 and 13 of the Agreement. Section 11 (16) authorizes the EISC to refer the development to the Environmental Impact Review Board (the Board) for a public review and environmental impact assessment if the EISC determines that the development could have significant negative environmental impact, or negative impact on present or future wildlife harvesting [section 13 (8)].

By a letter dated March 4, 1990, from Gary Wagner, Secretary to the EISC, to James I. Livingstone, Chairman of the Board, the EISC referred Gulf’s Drilling Program to the Board for further environmental impact review and assessment (the Public Review). The reasons of the EISC for making the referral were concerns regarding the thoroughness of contingency planning and countermeasures in the event of an oil spill. As well, details of the plans for the second and third years of the proposed program were insufficient.

1.3 Procedures of the Board

Pursuant to the powers given to it by section 11(23) of the IFA to establish and adopt by-laws and rules for its internal management and procedures, the Board has enacted By-Law No. 1 and published its Operating Procedures. These documents, together with the IFA, contain the rules and guidelines that constitute the procedures of the Board. These Operating Procedures call for the appointment by the Chairman of Review Panels to conduct Public Reviews.

These Review Panels are to include the Chairman, two Inuvialuit Game Council appointees to the Board, one Member nominated by Canada, and one Member nominated by either the Government of the Northwest Territories or the Government of Yukon.

1.4 Appointment of the Review Panel

By means of letters dated March, 14, 1990, the Chairman appointed the following Board Members to comprise the Review Panel for the Public review of Gulf's Drilling Program:

James I. Livingstone	Chairman
Albert Elias	Inuvialuit Game Council
Mike Stutter	Government of Yukon
Ewan Cotterill	Government of Canada
Calvin Pokiak	Inuvialuit Game Council

The Review Panel conducts the Public Review on behalf of the Board.

1.5 Initiating the Public Review

In accordance with clause 6 (b) of the Operating Procedures, the Board caused a Public Notice dated April 10, 1990 to be published in regional newspapers and broadcast through local radio stations announcing that public meetings would commence in Inuvik on June 4, 1990. A copy of this Public Notice is attached as Appendix A to this Decision.

1.6 Public Meeting

Public meetings were held in Family Hall in Inuvik from June 4 to 9 and also on June 18, 1990. Those organizations and individuals who presented written submissions, and those who appeared at the meetings to present oral submissions, are listed in Appendix B.

Under the Board's Operating Procedures, the purpose of the public meeting is to determine whether the Board can make a decision to recommend approving or rejecting the development without holding a more formal public hearing. The public meeting procedures are designed to be informal, but sufficiently rigorous, to enable the Board to make a fully-informed decision in the event that it should decide that a full public hearing is not necessary.

In this case, detailed information concerning the development was obtained from Gulf Canada Resources Limited (Gulf) in the form of the document entitled **Gulf Kulluk Drilling Program 1990-1992: Submission to the Environmental Impact Review Board**. This document, together with a volume of appendices, contained the Environmental Impact Statement (EIS) required by the Board. Also provided were supplementary filings and written answers to questions that were addressed in writing to Gulf by the Board and by various submitters.

For the purpose of examining the material submitted by Gulf, the Board engaged three consultants: Dr. Rolph Davis to review environmental issues, Mr. William Scott to examine oil well drilling procedures, and Mr. Laurie Solsberg to comment on containment and cleanup of oil spills.

Legal counsel for the Board are Andrew R. Thompson and H.C. Ritchie Clark of Ferguson Gifford, Vancouver.

The proceedings of these public meetings were recorded and transcribed in order to provide a public record. This public record may be examined during normal business hours at the office of the Joint Secretariat, 107 Mackenzie Road, Inuvik Northwest Territories.

For a copy of the full report, please contact:

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