



Environmental Impact Review Board

Environmental Impact Review Guidelines

Approved for Use by the EIRB on:

April 29, 2011

This document is subject to final editorial review but is nonetheless in force.

Preamble and Limitations

The *Environmental Impact Review Guidelines* (Review Guidelines) are for the environmental impact review of proposed developments by the Environmental Impact Review Board in the Inuvialuit Settlement Region of the Northwest Territories, and the North Slope Region of the Yukon. The Review Board has established these *Review Guidelines* to provide guidance and direction to parties participating in the environmental impact review of proposed developments. The Review Guidelines explain the steps following environmental screening in the environmental impact screening and review process as outlined in Sections 8, 11, 12 and 13 of the Inuvialuit Final Agreement.

The Review Guidelines will assist the Environmental Impact Review Board to reasonably and expeditiously fulfill the objectives of the Inuvialuit Final Agreement and its enabling legislation, the *Western Arctic (Inuvialuit) Claims Settlement Act*, S.C. 1984, in reviewing development proposals. The Review Guidelines will also assist a Developer in preparing and submitting information required by the Environmental Impact Review Board for an Environmental Impact Review. The Review Guidelines are not intended to be a legal interpretation of the pertinent provisions of the Inuvialuit Final Agreement, and they do not limit the powers of the Environmental Impact Review Board to establish and adopt by-laws and rules for its own internal management and procedures. The Review Guidelines should be used in conjunction with the current version of the Inuvialuit Final Agreement.

Any word or term defined in the Inuvialuit Final Agreement has the same meaning when used in the *Review Guidelines*.

The common-law duty of procedural fairness applies to all decision-making by and proceedings of the Environmental Impact Review Board. Procedural fairness and other administrative functions of the Environmental Impact Review Board are addressed in a companion document titled the *Rules of Procedure for the Environmental Impact Screening and Review Process of the Inuvialuit Final Agreement*.

The Environmental Impact Review Board will review the Review Guidelines at a minimum every five years. The latest version of the Guidelines will be available on the Environmental Impact Review Board web site as they become available.

Readers are encouraged to visit the Environmental Impact Review Board web site at www.eirb.ca for updates and the latest information on the environmental impact review process.

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1. Introduction

These Review Guidelines replace all Operating Procedures previously used by the Environmental Impact Review Board (EIRB). The Review Guidelines describe the environmental impact review process in the Inuvialuit Settlement Region (ISR), and provides information to a Developer, government authorities, the Inuvialuit community, other organizations, and the public regarding the procedures and information requirements of the EIRB for the environmental impact review of proposed developments.

These Review Guidelines are intended to provide guidance, information and an indication of the expectations of the Review Board to a Developer whose development proposal is subject to the environmental impact review process. Specific direction and requirements will be provided to a Developer in the form of a *Terms of Reference for the Environmental Impact Statement*; this specific direction will be issued as part of the environmental impact review process.

The EIRB is a co-management board established to deliver a public government function pursuant to the Inuvialuit Final Agreement (IFA).

1.1 Contact Information

The EIRB office is located within the offices of the Joint Secretariat. The Joint Secretariat (JS) was established in 1986 to provide technical and administrative support to the Inuvialuit Game Council, the Environmental Impact Screening Committee, the EIRB, the Wildlife Management Advisory Council (NWT) and the Fisheries Joint Management Committee which were all established by the IFA. The JS office is located in Inuvik, Northwest Territories.

Correspondence for the EIRB should be directed to:

Environmental Impact Review (EIR) Coordinator
Environmental Impact Review Board
Joint Secretariat, Inuvialuit Settlement Region
Inuvialuit Corporate Centre, Suite 204, 107 Mackenzie Road
PO Box 2120
Inuvik, Northwest Territories, Canada X0E 0T0
Telephone: (867) 777-2828
Fax: (867) 777-2610
eirb@jointsec.nt.ca
www.eirb.ca

The EIRB on-line Registry (EOR) is accessible through the Review Board web site at www.eirb.ca and contains all information relevant to the EIRB and any reviews that are before the Review Board.

1.2 Acronyms

The following acronyms are used throughout the environmental impact screening and review process and may appear in this Review Guidelines manual.

Abbreviation	Definition
AHTC	Aklavik Hunters and Trappers Committee
CCP	Community Conservation Plan
COPE	Committee of Original Peoples' Entitlement
CWS	Canadian Wildlife Service, Environment Canada
DFO	Department of Fisheries and Oceans (Fisheries and Oceans Canada)
EC	Environment Canada
EIRB	Environmental Impact Review Board
EISC	Environmental Impact Screening Committee
ENR	Environment and Natural Resources (GNWT)
FJMC	Fisheries Joint Management Committee
GNWT	Government of the Northwest Territories
HTC	Hunters and Trappers Committees
IFA	Inuvialuit Final Agreement
IGC	Inuvialuit Game Council
IHS	Inuvialuit Harvest Study
IHTC	Inuvik Hunters and Trappers Committee
ILA	Inuvialuit Land Administration
INAC	Indian and Northern Affairs Canada
IRC	Inuvialuit Regional Corporation
ISR	Inuvialuit Settlement Region
JS	Joint Secretariat, Inuvialuit Settlement Region
MOU	Memorandum of Understanding
NS	North Slope
NWT	Northwest Territories
NWTWB	Northwest Territories Water Board
OHTC	Olokhtomiut Hunters and Trappers Committee
PHC	Pre-Hearing Conference
PHTC	Paulatuk Hunters and Trappers Committee
SHHTC	Sachs Harbour Hunters and Trappers Committee
SARA	<i>Species At Risk Act</i>
TLA	<i>Territorial Lands Act</i>
THTC	Tuktoyaktuk Hunters and Trappers Committee
WMAC(NS)	Wildlife Management Advisory Council (North Slope)
WMAC (NWT)	Wildlife Management Advisory Council (Northwest Territories)
YESAA	<i>Yukon Environmental and Socio-Economic Assessment Act</i>
YESAB	Yukon Environmental and Socio-Economic Assessment Board
YNSWCMP	Yukon North Slope Wildlife Conservation and Management Plan
YTG	Yukon Territorial Government

1.3 Definitions

The following definitions provide guidance for the purposes of the environmental impact screening and review process.

Term	Definition	IFA Section
Actual Wildlife Harvest Loss	Provable loss or diminution of wildlife harvesting or damage to property used in harvesting wildlife.	13(2)
Developer	A person, the government or any other legal entity owning, operating or causing to be operated any development in whole or in part in the Inuvialuit Settlement Region, and includes any co-contractant of such owner or operator. For greater certainty, "Developer" includes any Inuvialuit Developer.	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 whether federal, territorial, provincial, municipal, local or by any Crown agency or corporation, except government projects within the limits of Inuvialuit communities not directly affecting wildlife resources outside those limits and except government wildlife enhancement projects.	2
Inuvialuit	Those people known as Inuvialuit, Inuit or Eskimo who are beneficiaries under [the <i>Inuvialuit Final Agreement</i>] by reason of the settlement of their claim to traditional use and occupancy of the land in the Inuvialuit Settlement Region and who are represented by COPE and, where the context requires, includes the Inuvialuit Regional Corporation, the Inuvialuit Land Corporation, the Inuvialuit Development Corporation, the Inuvialuit Investment Corporation, the Inuvialuit community corporations and any other corporation, trust or organization controlled by the Inuvialuit that may be established by or pursuant to [the <i>Inuvialuit Final Agreement</i>]. For the purposes of the <i>Screening Guidelines</i> , the Inuvialuit includes the Inuvialuit Game Council and the Hunters and Trappers Committees.	2
Wildlife	Means all fauna in a wild state other than reindeer.	2

2. Inuvialuit Final Agreement

In 1984, Parliament enacted the *Western Arctic Claims (Inuvialuit) Settlement Act*, thereby giving effect to the Inuvialuit Final Agreement. The Inuvialuit Final Agreement, which emphasizes the importance of wildlife and wildlife harvesting, is a land claims agreement within the meaning of section 35(3) of the *Constitution Act, 1982* and takes precedence over other legislation which may conflict or be inconsistent with it. The Inuvialuit Final Agreement also establishes an **environmental impact screening and review process**, consisting of the Environmental Impact Screening Committee (EISC or Screening Committee) and the EIRB, which are responsible for environmental screening and environmental impact review respectively in the Inuvialuit Settlement Region (Figure 1). The Inuvialuit Final Agreement cannot be changed without the approval of the Inuvialuit.

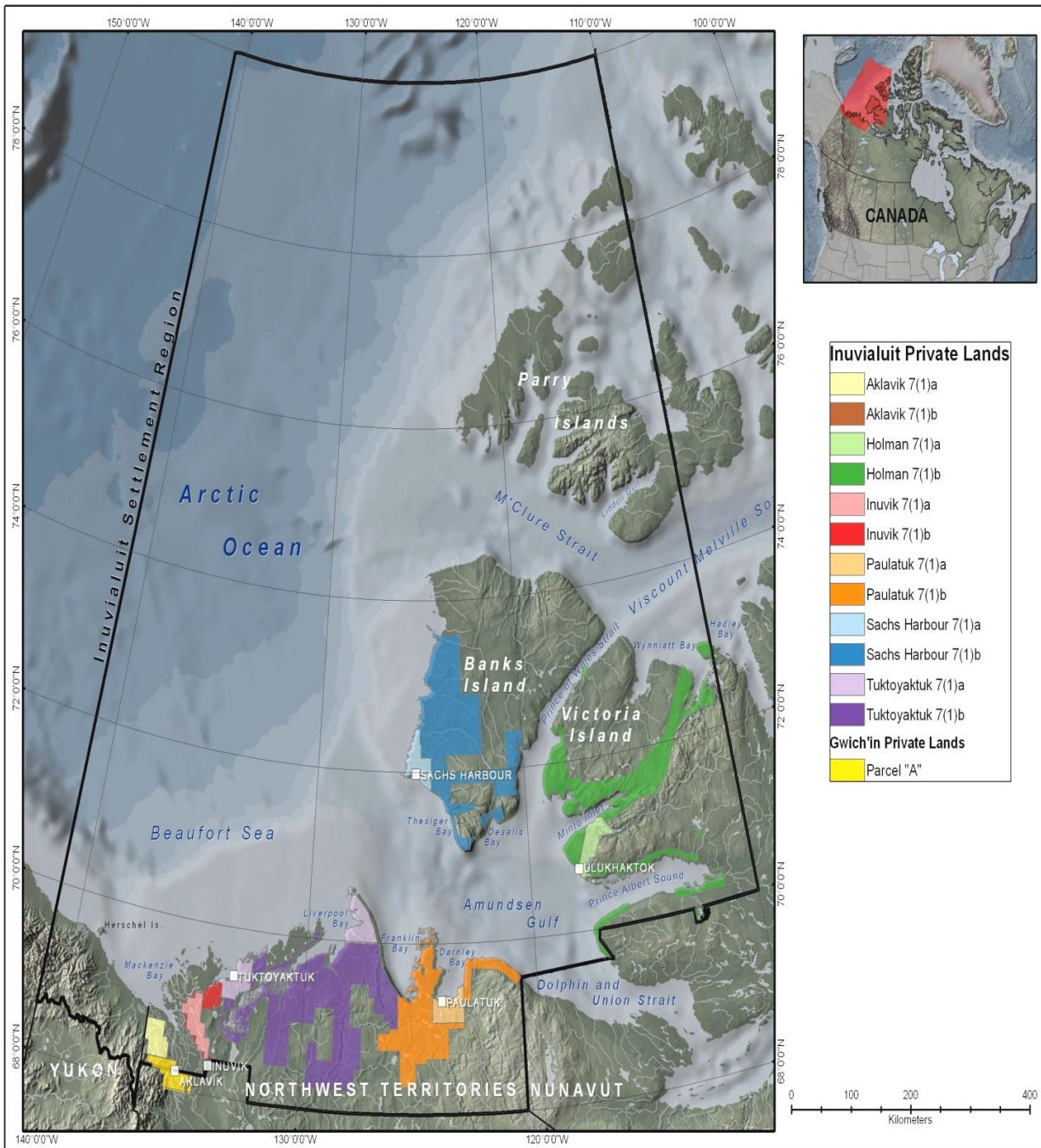
A copy of the Inuvialuit Final Agreement (As Amended, Consolidated Version April 2005) and a legal description of the ISR can be found at: www.eirb.ca.

2.1 Goals of the Inuvialuit Final Agreement

The goals of the Inuvialuit Final Agreement are:

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

Figure 1. Inuvialuit Settlement Region



2.2 EIRB Authorities and Mandate

2.2.1 EIRB Authorities

The EIRB operates exclusively within the scope of the authority assigned to it in Sections 8, 11, 12 and 13 of the Inuvialuit Final Agreement. Where:

- **Section 8** - subsections 8(1) and 8(7) enable the Review Board to establish acceptable environmental standards for any development activities and for evaluating a Developer's standard of performance for any development in the Husky Lakes area.
- **Section 11** - provides guidance for onshore and offshore activities, specifically:
 - Which developments are subject to the environmental impact screening and review process.
 - Which developments are not subject to the environmental impact screening and review process.
 - The establishment authorities of the EIRB.
- **Section 12** – provides guidance on development proposals occurring on the Yukon North Slope that are subject to the environmental impact screening and review process and also subject to the *Yukon Environmental and Socio-Economic Assessment Act (YESAA)*, as this area falls under a special conservation regime.
- **Section 13** - provides specific guidance on the assessment of the impact of development on wildlife, its habitat and on wildlife harvesting. The objective is to avoid the disruption of harvesting activities and to provide compensation for wildlife harvest loss.

The EIRB operating authorities are summarized in Appendix A.

2.2.2 EIRB Mandate

The environmental impact review process considers the following in a reasonable and expeditious manner:

- Whether a proposed development should proceed, and if so on what terms and conditions¹.
- Whether the development proposal should be subject to further review and, if so, the data or information required².
- What mitigative and remedial measures are required and which measures are necessary to minimize any negative impact on wildlife harvesting³.
- The Developer's potential liability (in relation to wildlife harvesting loss) is estimated and determined on a worst case scenario and based on a balance of factors⁴.

¹ Subsection 11(29)

² Subsection 11(29)

³ Subsections 11(29) and 13(11)(a)

⁴ Subsection 13(11)(b)

2.3 Key Organizations and Boards

There are several organizations and boards that exist in the ISR that may contribute to the environmental impact screening and review process. These organizations and boards may also have information crucial to a Developer for the planning, design and implementation of a development proposal or related to the issuance of some form of authorization for development proposals. Many of these organizations and boards will provide input to the environmental impact review process and are available to provide advice to a Developer planning to carry out activities in the ISR. A list of key organizations and boards can be found in Appendix B.

3. Environmental Impact Screening and Review Process in the ISR

The environmental impact screening and review process consists of the environmental screening process which is the responsibility of the Screening Committee, and the environmental impact review process which is the responsibility of the Review Board. For more information about the environmental screening process, please refer to the *Environmental Impact Screening Guidelines* document or contact the Screening Committee at www.screeningcommittee.ca.

3.1 Environmental Impact Review Basics

The Inuvialuit Final Agreement uses certain terminology, and describes certain instances where its environmental impact screening and review process applies. Section 1 of the Review Guidelines has a list of definitions from the Inuvialuit Final Agreement used by the Review Board which are specific to the environmental impact and review process established by the IFA.

3.1.1 Terminology

In addition to the IFA definitions, the following terminology is used throughout the environmental impact screening and review process and may also appear in these Guidelines.

“Actual wildlife harvest loss” means provable loss or diminution of wildlife harvesting or damage to property used in harvesting wildlife.

“Chair” means the Chairperson of the Environmental Impact Review Board.

“Clarification” means the process by which the Review Board seeks an explanation of any document or information which is on the Record without seeking new evidence or information in a Proceeding.

“Community hearing” means an informal oral hearing held by the EIRB in a community under Rule 3.8 of these Rules.

“Competent Authority” means any government agency which provides funding, a private land owner and any department or agency that has the authority to issue a licence, permit or other authorization that would authorize in any way the carrying out of a development.

“Cumulative Environmental Effects” means a positive or negative change to the environment that is caused by a human action in combination with other past, present and reasonably foreseeable actions; and, a cumulative environmental effect on Inuvialuit harvesting as a change to wildlife and wildlife habitat, and present or future harvesting opportunities caused by a human action in combination with other past, present and reasonably foreseeable actions.

“Developer” means a person, the government or any other legal entity owning, operating or causing to be operated any development in whole or in part in the Inuvialuit Settlement Region, and includes any co-contractant of such owner or operator. For greater certainty, “developer” includes any Inuvialuit developer.

“Development” means

- a) any commercial or industrial undertaking or venture, including support and transportation facilities relating to the extraction of non-renewable resources from the Beaufort Sea, other than commercial wildlife harvesting; or
- b) any government project, undertaking or construction whether federal, territorial, provincial, municipal, local or by any Crown agency or corporation, except government projects within the limits of communities not directly affecting wildlife resources outside those limits and except government wildlife enhancement projects.

“Development of consequence” means a proposed development that is likely to cause a negative environmental impact to the ISR.

“Development proposal” means an activity or project proposed by a Developer that may be subject to the environmental impact screening and review process.

“Direction on procedure” means a direction issued by the Review Board at any time in a Proceeding.

“Document” means any record in printed form and any record in electronic form, including any telecommunication or electronic transmission, capable of being reduced to a printed format, video or audio recordings and any records filed in a Proceeding.

“Environment” means the components of the Earth and includes:

- a) land, water and air, including all layers of the atmosphere;
- b) all organic and inorganic matter and living organisms; and
- c) the interacting natural systems that include components referred to in paragraphs (a) and (b).

Human environment includes socio-economic conditions, which are the components of an individual, family or community’s economic activity, social relations, well-being and culture.

“Environmental effect” means in respect of a development:

- a) any change that the development may cause on the environment, and includes
 - i. any change in the bio-physical environment on the current use of lands and resources for traditional purposes by Inuvialuit;
 - ii. any change it may cause to wildlife species, its critical habitat or the residences of individuals of that species;
 - iii. any change to present or future wildlife harvesting;
- b) any change to the development that may be caused by the environment;
- c) any change that the development may cause to the socio-economic and cultural environments.

“Environmental Screening” means an examination of a Project Description submission undertaken by a Panel of the Screening Committee under subsection 11(1) of the Inuvialuit Final Agreement.

“Environmental Review” means an examination of a proposal for a development undertaken by a Panel of the Review Board established under section 11 of the Inuvialuit Final Agreement.

“Exclusion list” means the list of classes or types of developments which the Screening Committee has determined would not have a significant negative impact on air, water, land or renewable resources and which are exempt from environmental impact screening and review. (subsection 11(2)(c) of the IFA).

“Formal hearing” means an oral hearing conducted by the EIRB under section 3.8 of these Rules.

“Future harvest loss” means provable damage to habitat or disruption of harvestable wildlife having a foreseeable negative impact on future wildlife harvesting.

“Hearing” means a written hearing, a formal hearing or a community hearing forming part of an Environmental Review Proceeding where the Review Board receives information or evidence either orally or in writing from the Parties and Members of the public.

“Hunters and Trappers Committee” (HTC) means an organization established by subsection 14(75) of the IFA.

“IFA” means the Inuvialuit Final Agreement as amended from time to time.

“Information Request” means a written request for information or particulars issued to a party to a proceeding under the authority of the EIRB in the course of an Environmental Review.

“Inuvialuit” means those people known as Inuvialuit, Inuit or Eskimo who are beneficiaries under this Agreement by reason of the settlement of their claim to traditional use and occupancy of the land in the Inuvialuit Settlement Region and who are represented by COPE and, where the context requires, includes the Inuvialuit Regional Corporation, the Inuvialuit Land Corporation, the Inuvialuit Development Corporation, the Inuvialuit Investment Corporation, the Inuvialuit community corporations and any other corporation, trust or organization controlled by the Inuvialuit that may be established by or pursuant to this Agreement.

“Inuvialuit community” means any of the communities of Aklavik, Inuvik, Paulatuk, Sachs Harbour, Tuktoyaktuk, or Ulukhaktok.

“Inuvialuit organization” means the Inuvialuit corporations, trusts or organizations controlled by Inuvialuit set out in section 2 of the IFA

“Member of the public” means a person or organization other than a Party, who is permitted to participate in an Environmental Screening or an Environmental Review Proceeding subject to these Rules.

“Panel” means those members of the Screening Committee or the Review Board and other members based on the provisions of the IFA, assigned to participate in an Environmental Screening or an Environmental Review of a proposed development.

“Party” means Inuvialuit and Inuvialuit organizations and communities, the Developer, authorizing authorities, government departments, and co-management organizations operating in the Inuvialuit Settlement Region who are granted Party status to participate in an Environmental Screening or Environmental Review subject to these Rules.

“Proceeding” means an Environmental Review, or any part thereof and any process resulting in a determination by the Review Board Panel during an Environmental Review, but does not include a business meeting of the Review Board.

“Project Description” means the submission that a Developer provides to the EISC in support of a proposed development that is to be screened by the Screening Committee, and includes a description of the proposed development, the environmental impact and cumulative effects analysis, the report on engagement and consultation and, proposed mitigation measures and commitments made by the Developer.

“Proposed development” means an activity or project proposed by a Developer that may be subject to the environmental impact screening and review process set out in sections 11, 12, and 13 of the IFA.

“Public notice” means an announcement related to a Proceeding made through newspaper, radio, community poster or other public means, according to such reasonable terms as are set out by the Screening Committee or the Review Board.

“Record” means all admissible and relevant documents submitted to the Screening Committee during an Environmental Screening Proceeding from the time the Project Description is accepted until a screening decision is made or all admissible and relevant documents submitted to the Review Board during an Environmental Review Proceeding from the time a development proposal is referred until a review decision is made.

“Registry” means the paper copy or the electronic copy of the Record of documents established by the EISC or by the EIRB which contains all of the documents on the Record for a Proceeding.

“Request for Ruling” means a written request by a Party to the EISC or EIRB for a Ruling or order in a Proceeding.

“Review Board” or “EIRB” means the Environmental Impact Review Board established by subsection 11(22) of the IFA, and includes a Review Panel thereof.

“Rules” means these Rules of Procedure for the Environmental Impact Screening and Review Process of the Inuvialuit Final Agreement.

“Ruling” means a decision or order made by the Screening Committee or the Review Board in response to a Request for Ruling or in an oral hearing

“Screening Committee” or “EISC” means the Environmental Impact Screening Committee established by subsection 11(5) of the IFA, and includes a Screening Panel thereof.

“Specialist” means an expert or technical advisor engaged by the EISC or the EIRB to assist with an EISC or EIRB proceeding by providing expert advice, opinion, evidence or analysis.

“Traditional harvesting” means the taking of natural renewable resources, which includes berries, plants, wildlife, birds, aquatic organisms and marine mammals, by Inuvialuit and Dene/Metis (ss. 11(1)(d)) for their personal use for food and clothing, and includes taking for the purposes of trade, barter and sale among Inuvialuit.

“Traditional knowledge” means the knowledge, innovations and practices of the Inuvialuit and other aboriginal peoples embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

“Wildlife enhancement project” means any government wildlife study or any activity intended to improve habitat or contribute to the management and increase of wildlife populations.

4. Environmental Impact Review Process

The EIRB has created a public environmental impact review process consistent with the Inuvialuit Final Agreement (IFA) that is designed to be flexible enough to enable the Review Board to reasonably and expeditiously complete its environmental impact review. This section of the *Environmental Impact Review Guidelines* describes the process the Review Board follows to complete an environmental impact review.

The environmental impact review process is illustrated in Figure 2 (found at the end of this chapter). The EIRB establishes a review schedule as a guide to indicate when certain tasks related to the review process are anticipated to occur and be completed. The EIRB recognizes there are some tasks in the review process which it has no direct control over – these are tasks that are the responsibility of third parties such as the Developer, Parties to the Proceedings and the public. The Review Board can establish what it thinks are reasonable time periods for these third parties to fulfill their responsibilities, while maintaining a reasonable review schedule that supports the Review Boards IFA responsibilities for being expeditious in completing a review. The schedule associated with a review will be established by the Review Board once it has established a reasonable scope of project and scope of assessment for conducting the review. The schedule is reviewed throughout the review process and adjusted as may be required.

4.1 Referral from the EISC

The Screening Committee shall refer a Project Description submission to the Review Board when:

- It has made a determination that the development could have significant negative impact and is subject to assessment and review under the IFA; and
- There is no government development or environmental impact review process that will adequately encompass the assessment and review function;
- There is a government development or environmental impact review process that will adequately encompass the assessment and review function; and, the governmental review body declines to carry out such functions; or
- In the opinion of the EISC the government development or environmental impact review process does not or will not adequately encompass the assessment and review function.

Along with the Project Description submission, the Screening Committee will also forward a referral package containing:

- A Referral Decision Letter and Reasons for Decision document prepared by the EISC that provides the reasons why the EISC believe the proposed development needs additional environmental review.
- A copy of all information contained in the Screening Committee's Proceeding Record that was considered by the Screening Panel in making the screening decision.
- A contact list of Parties to the Proceedings of the EISC.

Within 30-days⁵ of receipt of a referral for environmental impact review from the EISC, the Review Board will complete the following tasks.

⁵ Where reference is made to a number of days, it will mean calendar days. Where a time fixed falls on a statutory holiday or a Saturday or a Sunday, the time fixed shall extend to the following business day.

4.1.1 Initial Developer Contact

The EIR Coordinator will forward a copy of the Environmental Impact Review Guidelines to the Developer and arrange a meeting or telephone discussion to explain the Review Guidelines and to answer any questions about the environmental impact review process. Additional meetings or calls will be held when deemed necessary. However, neither the Chair nor Review Board Members may meet unilaterally with the Developer or any Parties once the referral has been received.

4.1.2 Public Registry and Notice

The EIR Coordinator will:

- Establish a specific file on the EIRB On-line Registry (EOR) site for the referred development proposal;
- Publish a Public Notice of Referral; and
- Post the Project Description submission and all of the information in the EISC referral package on the EOR site.

The Public Notice of Referral will also be published in other local media formats (e.g., television, newspaper, radio, internet), and will indicate if the environmental impact review will substitute for a review under a government development process or an environmental impact review process.

4.1.3 Identifying Parties to the Proceedings

The Public Notice will invite organizations and individuals to register as Parties to the Proceedings, in accordance with the Rules of Procedure. Parties already identified as a Party to the Proceedings of the EISC will automatically be considered a Party to the Proceedings of the EIRB. All organizations and individuals recognized as a Party will be acknowledged as such, and placed on the EIRB distribution list to receive documents relevant to the environmental impact review. Organizations and individuals may register as Parties at any time up to the Pre-Hearing Conference.

4.1.4 EIRB May Hire Specialists

The EIRB will identify the need to retain specialists required to provide support or expert technical advice to the Review Board and the Review Panel during the review. The selection of any external specialists will be completed through a fair and competitive process.

4.1.5 Environmental Impact Review Schedule

A schedule for the completion of the environmental impact review process will be established by the Review Board. The review schedule is a guide to indicate when certain tasks related to the review process are anticipated to occur and be completed. The EIRB recognizes there are some tasks in the review process which it has no direct control over – these are tasks that are the responsibility of third parties such as the Developer, Parties to the Proceedings and the public. The Review Board will establish reasonable time periods for these third parties to fulfill their responsibilities, while maintaining a reasonable review schedule that supports the Review Boards IFA responsibilities for being expeditious in completing a review.

The Review Board, and the Review Panel, will consider written requests, at any time during the review, to change the scheduled timeframe for a particular task of the review. Any written request must be supported by adequate evidence and reasons for requesting the change to the review schedule.

4.1.6 Procedural Meeting

The EIRB will meet to review and confirm the public review process and review schedule. The EIRB may also request additional information from the Developer in order to reach a decision on how to proceed with the environmental impact review.

4.2 Scoping the Environmental Impact Review

The Review Board will develop a draft Terms of Reference for the Environmental Impact Review of the development proposal (draft Terms of Reference) based on the Project Description submission, the referral package from the EISC and any other information the Review Board has requested or considers relevant. The draft Terms of Reference will define the scope of the project and the scope of the assessment for completing the environmental impact review, and identify the specific requirements the Developer must address in its Environmental Impact Statement.

4.2.1 External Review of Draft Terms of Reference

The draft Terms of Reference will be placed on the EOR and circulated to the Parties, the Developer and the public for a 30-day review and comment period. The comments received will be considered by the Review Board for preparing and approving the final Terms of Reference for the Environmental Impact Review of the development proposal.

4.2.2 Community Scoping Sessions (Optional)

The Review Board may hold scoping sessions in the potentially affected communities through public meetings convened by the EIR Coordinator. The community scoping sessions will explain the environmental impact review process, allow the Developer to provide an overview of the development proposal, and enable the EIR Coordinator to receive any comments and concerns from the communities and the public about the proposed development and on the draft Terms of Reference. Any community scoping sessions will be held during the 30-day review and comment period for the draft Terms of Reference. Community scoping sessions will be public events, open to all Parties to the Proceedings, the Developer and the public.

4.3 Preparation of the Draft Environmental Impact Statement

The Review Board will convey the final Terms of Reference to the Developer, and will give the Developer 90-days to prepare and submit a draft Environmental Impact Statement (EIS). The Developer may submit its draft EIS prior to the end of the 90-day response period, or the Developer may make a written request, supported by adequate evidence and reasons, for an extension to the response period. The Review Board will consider the request and if accepted, publically announce any changes to the 90-day response period and the Environmental Impact Review Schedule.

The Terms of Reference will also direct the Developer to provide a certain number of digital and written hard copies of the draft and final EIS to the EIRB and to certain other parties to the proceedings, specifically community and land claim organizations, and regulators.

4.4 Conformity Review

Upon receipt of the draft EIS, the Review Board will publically announce a 30-day conformity review period. 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.

4.4.1 Conformity Statement

At the end of the 30-day conformity review period, the EIRB will review the conformity comments and prepare a Conformity Statement. This statement will be released publically and sent to the Developer. The Developer will be allowed 45-days to address any identified deficiencies while preparing the revised draft EIS.

If there are no identified deficiencies, the EIRB will accept the document as the Final EIS and forego the 45-day response period.

4.4.2 Submission of the Revised Draft EIS

The Developer will revise the draft EIS based on the Conformity Statement and submit a revised draft EIS to the Review Board.

4.4.3 Acceptance or Withdrawal of the Revised Draft EIS

The EIRB will decide on the acceptability of the revised draft EIS.

4.4.3.1 *Withdrawal*

The Developer may choose to withdraw the EIS from consideration by the EIRB or the Developer may elect to re-submit the document under a revised schedule established by the EIRB, after consultation with the Parties.

4.5 Appointment of the Review Panel

After acceptance of the final EIS, the Chair of the EIRB will appoint a Review Panel from the members of the Review Board to complete the environmental impact review.

4.5.1 Revising the Environmental Impact Review Schedule

The Review Panel will consider the Environmental Impact Review Schedule and determine whether the timing of the remaining review tasks is appropriate. The EIR Coordinator, after receiving direction from the Review Panel, will make any adjustments to the Review Schedule for the completion of the environmental impact review process. The schedule will then be made public and posted to the EOR.

4.6 Technical Review and Information Request Processes

The Review Panel will establish the schedule and allow 90-days for completing the technical review process and 76-days for completing the information request process.

4.6.1 Technical Review Process

The technical review process is the time allotted for Parties to complete a technical review of the final EIS, make any information requests, and prepare any written submissions. Written submissions are to be a concise documentation of the party's views, issues, concerns, conclusions and recommendations about the proposed development, and supporting evidence and reasons for these views, issues, concerns, conclusions and recommendations. Written submissions from Competent Authorities that will issue a licence, permit or other authorization for the development should include any terms and conditions necessary to allow the development to proceed. Written submissions are to be provided to the Review Panel 14-days after the end of the 90-day technical review and information request timeframe. Written submissions will be posted to the EOR and all Parties will be able to review them prior to the Public Hearing.

Any member of the public wishing to make a written submission to or oral presentation before the Review Panel may do so in accordance with rule 3.7.4 of the Rules of Procedure. Any oral presentations will be made at the Public Hearing.

4.6.2 Information Request Process

The Information Request (IR) process is an opportunity for Parties to seek additional information and/or clarification from any other Party to the Proceedings, and for that Party to respond to the request. The IR process will be conducted in accordance with Part 1.9 of the Rules of Procedure. The IR process will be concluded 14-days prior to the completion of the 90-day Technical Review process to allow all Parties to view all IR's and responses prior to completing their written submissions.

4.6.3 Extension Request for Technical |Review and Information Request Processes

Parties may request an extension to the technical review and IR processes through the Requests for Rulings process described in Part 1.7 of the Rules of Procedure. Any request for an extension to the processes must also be accompanied by supporting evidence and reasons for requesting the extension, and an indication of how the process will benefit from the extension. This Requests for Rulings process allows Parties to make written submissions giving reasons for or against allowing an extension. The Review Panel will consider the extension request, and any other responses, and make its decision public along with a revised Review Schedule as appropriate.

4.7 Amendments to the Environmental Impact Statement

The final EIS can only be amended in exceptional circumstances and must be made through the Requests for Rulings process described in Part 1.7 of the Rules of Procedure. Any request for an amendment to the EIS must also be accompanied by supporting evidence and reasons for making the amendments, and an indication of how the proposed development will benefit from the amendments.

Any amendments the Developer wishes to make to the EIS must be requested following completion of the Technical Review and prior to the Pre-Hearing Conference, if one is held, or prior to the release of the Public Hearing Notice. If the Request for Ruling to amend the EIS is accepted, the Review Panel will determine whether to re-open the Technical Review and IR processes, and if so, for how long. The decision of the Review Panel will be posted to the EOR and circulated to all Parties, along with a revised Environmental Impact Review Schedule.

4.8 Pre-Hearing Conference (Optional)

The Review Panel may convene a Pre-Hearing Conference (PHC), facilitated by the EIR Coordinator, in a location or locations to be determined by the Review Panel. The decision to hold a PHC will be made based on the results of the Technical Review and IR processes.

The PHC provides the opportunity to:

- Finalize the list of issues to be discussed at the Hearing
- Seek a clear description or amplification of the issues in a Hearing
- Encourage the resolution of an issue by alternative means
- Set a time table for the exchange of information and for preparations for the Hearing
- Adopt procedures to be used at the Hearing
- Consider any matter that may aid in the simplification and disposition of the Hearing

The PHC would be convened in accordance with Rules 3.7.5 and 3.7.6 of the Rules of Procedure.

4.9 Hearing Notice

The Review Panel will issue a Hearing Notice at least 30-days in advance of the Public Hearing. The Hearing notice shall include as a minimum the following information:

- The date, time, place and nature of the Public Hearing, whether a formal or a community hearing.
- The matters to be considered at the Public Hearing.
- The opportunity for members of the public to participate.
- The date by which information to be considered in the Public Hearing must be filed.
- Any other information relevant to the conduct of the Public Hearing.

4.10 Public Hearings

The Review Panel will convene its Public Hearings in accordance with Part 3.7 or Part 3.8 of the Rules of Procedure.

4.11 Public Registry Closed

The conclusion of the Public Hearings brings to an end the public portion of the Environmental Impact Review process, and the EOR will be closed 14-days following the completion of the Public Hearings to allow Parties to complete their final written submissions. The Review Panel will then convene in private to render a decision and complete its decision report.

4.12 Review Panel Decision

The Review Panel will have 90-days to render a decision and complete its decision report. The Review Panel may, upon notice to the Parties, make appropriate arrangements to seek clarification of any evidence or information on the EOR without causing the EOR to be re-opened.

In its final decision the Review Panel will recommend whether the proposed development should proceed as described in the final EIS. Changes in the proposed development requested by the Developer prior to the Public Hearing or discussed during the Public Hearing will be taken into consideration.

If the Review Panel recommends that the proposed development should proceed, it shall also recommend terms and conditions including:

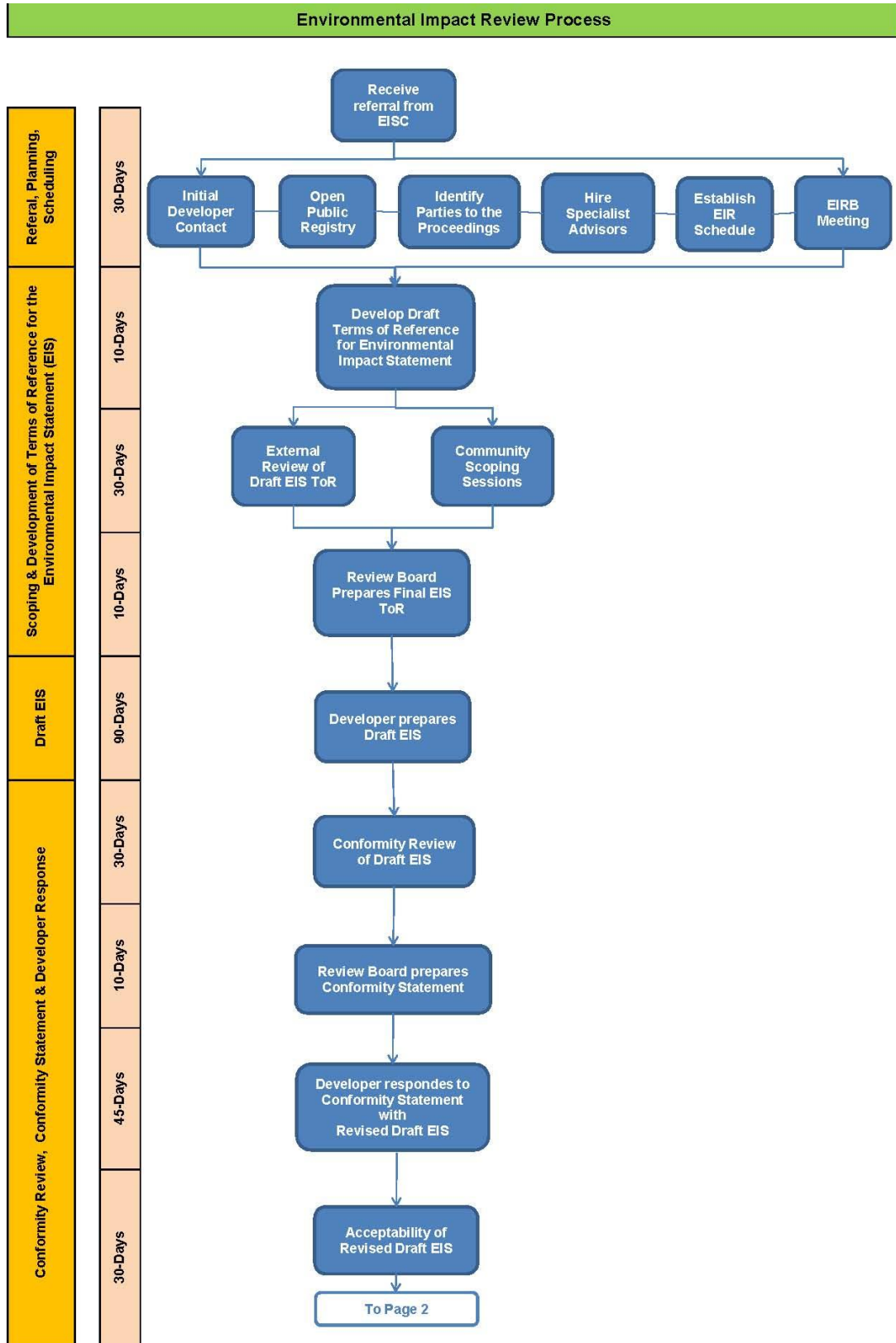
- The ability to meet present economic, social and cultural needs while preserving the natural environment for generations to come (i.e., sustainable development goals).
- Preserving the ability to continue with activities such as hunting, trapping, fishing (e.g., minimize conflicts or disruption of harvest practices and activities).
- Mitigative and remedial measures.
- Appropriate monitoring requirements.
- An estimate of the potential liability of the Developer (e.g., the Worst Case Scenario).

Any recommendations received from Parties in written submissions, or from the public, will also be considered in the recommended terms and conditions of the Review Panel.

The Review Panel will forward its decision with its reasons in writing to the regulatory authorities competent to approve the proposed development, to the Developer, to all Parties and, if required by the *Canadian Environmental Assessment Act* under a substituted process, to the Minister of the Environment.

The decision of the Review Panel will be made public in a press release and posted to the EOR.

Figure 2



5. Guidance on Environmental Review Requirements

This section of the *Environmental Impact Review Guidelines* provides guidance to a Developer whose development proposal has been referred to the EIRB for environmental impact review. While the information a Developer submits to the EISC to satisfy the environmental screening process can be used to support submission requirements in the environmental impact review process, the EIRB will issue specific directions to the Developer, in the form of Terms of Reference for the Environmental Impact Statement (EIS), regarding specific submission requirements to satisfy the review process.

The following information is intended to assist a Developer in preparing submissions that would assist the Review Board in making a review decision. Review is the second step in the environmental impact screening and review process outlined in the Inuvialuit Final Agreement. Therefore, a Developer is advised not to establish a specific development start date, but to allow sufficient time to complete the environmental impact screening and review process prior to any (seasonal or otherwise) anticipated development start date, in order to avoid unnecessary delays.

5.1 Roles and Responsibilities of a Developer

For all developments, a Developer is considered to be the authority for the development being proposed. A Developer is expected to have knowledge of the following in relation to the proposed development and to demonstrate this understanding in its submission to the environmental impact review process:

- Technical knowledge and understanding of the development and what is required to successfully complete the development.
- Technical knowledge and understanding of the proposed biophysical and human environment settings and trends where the development would occur and what is proposed to reduce or eliminate potential effects.
- An understanding of the traditional and cultural environments associated with the proposed development area.
- Knowledge and understanding of any issues and concerns raised by potentially affected parties and Parties to the Proceedings, including communities, competent authorities and other reviewers and an indication of how these issues and concerns have been addressed in the EIS and how they will be addressed if the development were to proceed.
- Knowledge of the Developers' responsibilities with respect to the environmental impact screening and review process and regulatory obligations.
- Knowledge and understanding of how the proposed development may affect the various land categories identified in a community's Community Conservation Plan.
- Knowledge and understanding of how the proposed development may affect the ecological context and conditions, and wildlife, wildlife habitat and wildlife harvesting.
- Details of any compensation being proposed for any significant negative impacts on present or future wildlife harvesting.
- Details of how the proposed development will contribute to sustainable development.

Inuvialuit organizations and various government departments and agencies may also be able to assist a Developer in fulfilling its roles and responsibilities. A Developer is expected to have fully consulted with the appropriate Inuvialuit organizations and government departments and agencies.

5.2 Engagement and Consultation

The Review Board considers engagement and consultation an important element of the environmental impact review process. The EIRB realizes that the amount of engagement and consultation needs to be appropriate for the size, location and complexity of the proposed development. The EIRB expects the Developer to have engaged and consulted to at least the extent described in section 8.2.3 prior to submitting its EIS.

5.3 Community Conservation Plans and Yukon North Slope Wildlife Conservation and Management Plan

5.3.1 Community Conservation Plans

Each of the six Inuvialuit communities in the ISR have developed a Community Conservation Plan which reflects each Community's values and strategies for achieving conservation and management of renewable resources within the Community's planning area. There are five general goals that were followed to develop these Plans:

1. **Identify and Protect Important Habitats and Harvesting Areas** - To identify important wildlife habitat, seasonal harvesting areas and cultural sites (for example, cabin sites) and make recommendations for their management.
2. **Land Use Decisions** - To describe the community process for making land use decisions and managing cumulative impacts which will help protect community values and conserve the resources on which priority lifestyles depend.
3. **Education** - To identify educational initiatives for the Inuvialuit and others interested in the area which will promote conservation, understanding and appreciation.
4. **Define Species Management** - To describe a general system for wildlife management and conservation and identify population goals and conservation measures appropriate for each species of concern in the planning area. This will be done using the knowledge of the community and others with expertise.
5. **Enhance Economy** - To enhance the local economy by adopting a cooperative and consistent approach to community decision making and resource management. This approach will help ensure economic stability and maintenance of all components of the Arctic ecosystem.

In designating land management categories, the Inuvialuit communities have attempted to recognize priority land uses and activities, as well as areas of special ecological and cultural importance. Land designations may be modified as additional information becomes available and provided the health and biological productivity of the planning area is maintained.

Each area of importance has been given a letter designation corresponding to the categories below.

- **Category A** - Lands and waters where there are no known significant and sensitive cultural or renewable resources. Lands shall be managed according to current regulatory practices.
- **Category B** - Lands and waters where there are cultural or renewable resources of some significance and sensitivity but where terms and conditions associated with permits and leases shall assure the conservation of these resources.
- **Category C** - Lands and waters where cultural or renewable resources are of particular significance and sensitivity during specific times of the year. These lands and waters shall be managed so as to eliminate, to the greatest extent possible, potential damage and disruption.

- **Category D** - Lands and waters where cultural or renewable resources are of particular significance and sensitivity throughout the year. As with Category C, these areas shall be managed so as to eliminate, to the greatest extent possible, potential damage and disruption.
- **Category E** - Lands and waters where cultural or renewable resources are of extreme significance and sensitivity. There shall be no development on these areas. These lands and waters shall be managed to eliminate, to the greatest extent possible, potential damage and disruption. This category recommends the highest degree of protection for these lands.

5.3.2 Yukon North Slope Wildlife Conservation and Management Plan

The Yukon North Slope Wildlife Conservation and Management Plan (YNSWCMP) is a harmonized plan with applicable Community Conservation Plans and the Ivvavik National Park Management Plan. The YNSWCMP is a key component of conservation on the Yukon North Slope and addresses specific requirements for development proposals on the Yukon North Slope.

5.3.3 CCPs, YNSWCMP and Environmental Impact Review

A Developer is expected to have reviewed the most up-to-date Community Conservation Plan available that may apply to the area where their proposed development is located, specifically consulted with the appropriate communities and community organizations about any potential conflicts, and demonstrated this in their submission. Where applicable, a Developer is expected to have reviewed the most up-to-date YNSWCMP and consulted with the appropriate groups responsible for maintaining it. The Developer is also expected to identify any mitigation measures and commitments made to eliminate potential damage, destruction and other impacts potentially caused by the development to identified category and/or management lands and waters.

5.4 Wildlife Impacts

The Inuvialuit Final Agreement, under s.13(7), requires that: “Every proposed development of consequence to the ISR that is likely to cause a negative environmental impact shall be screened by the Screening Committee to determine whether the development could have a significant negative impact on present or future wildlife harvesting”. Every development of consequence is to be given due scrutiny of, and attention to, all environmental concerns and to reasonable mitigative and remedial measures. In addition to considering all environmental concerns, the Review Board will also direct a Developer to provide sufficient information for it to determine the following, as required by section 13(11) of the IFA:

- Terms and conditions which may be required to minimize any negative impact on wildlife and wildlife habitat, and on present or future wildlife harvesting.
- An estimate of the potential liability of the Developer for potential impacts to wildlife, wildlife habitat and wildlife harvesting, 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.

A Developer is therefore required to provide the following information in a submission:

- Description of any potential effects to wildlife species, wildlife habitat and wildlife harvesting activities.

- Analysis of these potential effects and a determination of whether or not the effects could result in significant negative impacts.
- Evidence to support these findings and conclusions.

5.5 Traditional Knowledge

A Developer is expected to demonstrate how Traditional Knowledge was used to influence the planning, design and implementation phases of their proposed development. This should include details of how the Developer and Traditional Knowledge holders have worked together to share knowledge and gain insight into creating a better development proposal.

5.6 Cumulative Effects

A Developer is expected to assess the impacts of the proposed development in combination with other past, present and reasonably foreseeable future human actions or natural processes. And a Developer must also assess any cumulative effects on present and future Inuvialuit harvesting.

The cumulative effects assessment should demonstrate that any long-term cumulative effects are adequately considered and can be successfully mitigated. The cumulative effects assessment should also demonstrate whether biophysical and human environment sustainability will be affected. The analysis of the cumulative effects should allow for an understanding of the incremental contribution of all developments or activities in the delineated Study Area(s), and of the proposed development alone, to the total cumulative effect on the biophysical and human environment over the life of the proposed development. Cumulative impacts may occur when the impacts of one development or activity combine with the effects of other past, present and future developments and activities, and may result in different types of potential effects, such as synergistic, additive, induced and spatial or temporal overlap. Impact pathways and trends should be included and discussed. Linkage diagrams may be used to help illustrate and explain effect pathways; however, this must be used as a tool to easily identify the effect pathway and not as the process for demonstrating whether effect pathways occur or not.

The assessment of cumulative effects of the development should include the following, but may also address other items:

- Identify the biophysical and human environment components, or their indicators, on which the cumulative effects assessment is focused, including the rationale for their selection. Present spatial and temporal boundaries for the cumulative effect assessment for each component selected. Emphasize components with special environmental sensitivities or where significant risks could be involved.
- Identify the sources of potential cumulative effects. Specify other developments or activities that have been or will be carried out that could produce effects on each selected component within the boundaries defined, and whose effects would act in combination with the residual effects of the proposed development.
- Evaluate the likelihood of development by the Developer or others that may appear feasible because of the proximity of the Developer's infrastructure. Limit assessment to cumulative effects on the physical, biological, and human environments that are likely and for which measurable or detectable residual effects are predicted.

A reasonable degree of certainty should exist that the proposed developments and activities will actually proceed for them to be included. Developments and activities that are conceptual in nature or limited as to available information may be insufficiently developed to contribute to this assessment in a meaningful manner. However, the Developer may choose to include a consideration of hypothetical developments or future actions and development if considered appropriate. In either case, provide a clear rationale for inclusion or exclusion of developments and actions to be considered.

The Developer should describe the analysis of the total cumulative effect on the biophysical and human environment components over the lifespan of the proposed development, which requires knowledge of the incremental contribution of all developments and activities, in addition to that of the proposed development.

Potential effects are not necessarily the result of one development. While a development-specific assessment of cumulative effects is not responsible for assessing all external effects; the effects assessment must consider how a development-specific effect, or suite of development-specific effects, would interact with these external factors.

The Cumulative Effects Assessment should make clear the contribution of the proposed development to a total potential cumulative effect, and place potential cumulative development effects in an appropriate regional context, considering regional plans, community conservation plans, species recovery plans, management plans, objectives and/or guidelines in an integrated manner in order to understand the aspirations of people and communities in the region. The long term sustainability of biophysical and human environments is an overarching goal of environmental impact review, and the cumulative effects assessment should demonstrate any effects to this goal as a result of the proposed development.

The Review Board directs the Developer and Parties to the Proceedings to the cumulative effects assessment resources available on the EIRB web site⁶⁷⁸ as sources of useful information and guidance, as a starting point for addressing cumulative effects in the environmental impact review process.

⁶ Kavik-Axys (2002). *Cumulative Effects Assessment in the Inuvialuit Settlement Region: Current and Potential Capability*. Prepared for the Environmental Impact Screening Committee and the Environmental Impact Review Board, January, 2002.

⁷ Kavik-Axys (2002). *Cumulative Effects Assessment in the Inuvialuit Settlement Region: A Guide for Reviewers*. Prepared for the Environmental Impact Screening Committee and the Environmental Impact Review Board, January, 2002.

⁸ Kavik-Axys (2002). *Cumulative Effects Assessment in the Inuvialuit Settlement Region: A Guide for Proponents*. Prepared for the Environmental Impact Screening Committee and the Environmental Impact Review Board, August, 2002.

6. Guidance on Mitigative and Remedial Measures

This section of the *Environmental Impact Review Guidelines* provides direction to a Developer on preparing mitigative and remedial measures to minimize negative impacts to wildlife, wildlife habitat and wildlife harvesting.

6.1 Defining Mitigative and Remedial Measures

Mitigative and remedial measures are generally limited in their intended application to those harvested species of the Inuvialuit Settlement Region that may be affected by a development. Certain species which are not likely to be harvested, but are deemed "important" in an ecological, or other social context, are also included. Federal or territorial designated species at risk are an example of this latter category. Species of concern are identified from territorial and federal lists and from Community Conservation Plans. A Developer is expected to have reviewed any territorial and federal lists of species of concern, and Community Conservation Plans and Management Plans that may apply to the area where their proposed development is located.

Sustainable development is the overriding principle guiding the preparation of the mitigative and remedial measures. Sustainable development does not focus solely on environmental issues. Sustainable development, as defined in the Brundtland Report⁹ is, "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (i.e., a pattern of resource use that aims to meet present economic, social and cultural needs while preserving the ecological processes and natural diversity for generations to come). All land uses shall be conducted in keeping with the policy of sustainable development in order to protect the opportunities for wildlife harvesting.

There is a recognized sequence to the application of these measures:

Mitigation *A priori* (looking at causes) efforts to prevent or lessen potential adverse environmental effects that may occur.

Remediation *A posteriori* (looking at effects) efforts to correct or compensate for any adverse environmental effects that have occurred, and to prevent, lessen, or compensate for any adverse environmental effects that may occur in the future as a result of the environmental damage.

Thus mitigative measures would include design, location, operational processes, timing and the preparation of contingency plans (including countermeasure and adaptive management plans). Remedial measures would include the implementation of contingency plans, restoration of wildlife and wildlife habitat, and compensation.

⁹ World Commission on Environment and Development, 1987. *Our Common Future*. Oxford University Press.

6.2 What a Developer Should Consider

To properly address the requirement for mitigative and remedial measures, a development proposal submission should include:

- A description of any potential impacts to the biophysical and human environment, wildlife, wildlife habitat, and wildlife harvesting activities.
- A description of the proposed mitigation to reduce or eliminate potential impacts.
- An outline of emergency response plans and any management and monitoring plans proposed and/or required for the development to proceed (e.g., clean-up, reclamation, disposal, decommissioning, contingency, wildlife management, adaptive management, follow-up and monitoring).

Mitigation measures to be used to reduce the potential negative effects of a development should be identified as part of the EIS. Measures that are built into the design of the development can be included in the discussion of development activities. For example, all land users shall avoid harm to wildlife and wildlife habitat and damage to community travel routes through the timing of their operations, through careful selection of the location of their main camps and travel routes and through other mitigative measures. Descriptions of mitigative measures should be specific (i.e., mitigative measures that require actions or responses by the Developer should be explicitly identified and explained).

Such measures may include:

- Mandatory restrictions imposed by laws of general application, regulations and guidelines. Laws of general application include territorial or federal statutes which are justified for conservation or public safety reasons such as the NWT's *Wildlife Act* or the *Fisheries Act*.
- Voluntary measures taken by the Developer (e.g., to use a different technology, to change the timing of activity or to commit to suspending activities in certain circumstances).
- Attachment of terms and conditions to specific authorizations that are required and that can be enforced, such as authorizations under the *National Parks Act*, or *Species At Risk Act*,
- Regional mitigation measures (e.g., Beaufort Sea Beluga Management Plan, NWT Guidance for the Protection of Land, Forest and Wildlife – Oil and Gas Seismic Exploration, Yukon North Slope Wildlife and Conservation Plan, Community Conservation Plans, Marine Protected Areas, Herschel Island Management Plan, Ivvavik National Park Management Plan) that were considered and will be implemented by the Developer.

Other examples of mitigative measures include:

- Minimize the number of aircraft flights whenever possible.
- Plan routes that minimize or avoid flights over especially sensitive areas such as migratory bird sanctuaries, seabird colonies, breeding colonies, moulting areas, raptor nesting sites, caribou calving grounds, bear denning areas, marine mammal concentration areas.
- The Department of Environment, GNWT recommends that activities in the vicinity of bird colonies be restricted to the period when birds are not at the colony, that habitat within the colony is not disturbed, and that adequate distances (1 to 1.5 km) be maintained between aircraft flight lines and concentrations (flocks) of birds. Groups of birds need to be allowed enough time to move away from areas of ground-based operations before associated activities proceed.
- Development activities should not take place near or on caribou and muskox calving and post-calving areas during the period of April 1 to June 30 (muskox) and May 25 to July 15 (caribou). After July 15 they should avoid any areas known to have large aggregations of caribou.
- Use of small aircraft rather than large aircraft and fixed-wing aircraft rather than helicopters whenever possible

- Where there are several flights to the same location/area, the best possible flight corridor should be selected and used for all flights. This flight corridor should be selected based on avoidance of harvesters and concentrations of wildlife.
- When wildlife is observed, the pilot is not to go off course “to get a closer look.” This is considered harassment of wildlife, puts more stress on the animal(s), and may affect harvesting.
- In order to avoid disturbing grizzly and polar bears in their dens, it is recommended that operations not take place from November 1 to April 15 in areas identified each year by wildlife authorities as Grizzly and Polar Bear Denning zones. If operations are planned for this period a fall denning survey should be conducted, with the assistance of the Environment and Natural Resources Department of the GNWT, to identify active bear dens in the area, which would subsequently be avoided.
- The DFO often recommends a minimum altitude of 400 m (1200 ft) for flights over marine mammal habitat in this region. Recommended or required minimum altitudes may be higher in areas of particularly intense aircraft activity, in cases where flights are over marine mammal concentration areas, or at particularly sensitive times of their life cycle.
- Adhere to flight height restrictions as advised according to *Recommended Environmentally Acceptable Minimum Flight Altitudes* (Appendix C).

6.3 What the EIRB Recommends

The EIRB is required to recommend terms and conditions (in accordance with section 11(32) of the IFA) relating to the mitigative and remedial measures that it considers necessary to minimize any negative impact on present and future wildlife harvesting.

Where a proposal is referred to the EIRB, and if the Review Board recommends that the proposed development should proceed, then terms and conditions relating to the mitigative and remedial measures considered necessary to minimize any negative impact on wildlife harvesting will be recommended¹⁰. Recommendations brought forth by the EIRB are based on the principle to protect and preserve the Arctic wildlife, environment and biological productivity and the objectives set forth in the IFA¹¹: “to prevent damage to wildlife and its habitat and to avoid disruption of Inuvialuit harvesting activities by reason of development” and “if damage occurs, to restore wildlife and its habitat as far as is practicable to its original state and to compensate Inuvialuit hunters, trappers and fishermen for the loss of their subsistence or commercial harvesting opportunities.” The EIRB is also required to provide an estimate of the potential liability of the Developer¹² (i.e., section 7.4).

Remedial measures would include the implementation of contingency plans, restoration of wildlife and wildlife habitat, and compensation. Wildlife restoration options include restocking wildlife populations and habitat enhancement. Mitigative measures have been discussed in section 6.2.

¹⁰ Subsection 13(11)(a)

¹¹ Subsection 13(1)

¹² Subsection 13(11)(b)

7. Guidance for Wildlife Compensation and Preparing a Worst Case Scenario

This section of the *Environmental Impact Review Guidelines* provides direction to a Developer for preparing a *worst case scenario* for negative impacts to wildlife, wildlife habitat and wildlife harvesting. Direction is also provided on compensation.

A fundamental goal of the EIRB as set out in the Inuvialuit Final Agreement is to consider a probable scenario as a legitimate test by which to judge whether negative impacts can be minimized to acceptable levels by mitigative and remedial measures. With respect to the estimate of the Developer's potential liability, the Inuvialuit Final Agreement states that liability should be determined on a "worst case scenario, taking into consideration the balance of economic factors, including the ability of the Developer to pay, and environmental factors."¹³

7.1 Definitions

The following definitions provide guidance for the purposes of preparing a Worst Case Scenario.

Term	Definition	IFA Section
Actual wildlife harvest loss	Provable loss or diminution of wildlife harvesting or damage to property used in harvesting wildlife, or both.	13(2)
Conservation	The management of the wildlife populations and habitat to ensure the maintenance of the quality, including the long term optimum productivity, of these resources and to ensure the efficient utilization of the available harvest.	2
Exclusive right to harvest	The sole right to harvest the wildlife...to be allocated the total allowable harvest and to permit non-Inuvialuit to harvest any such wildlife. (IFA sections paraphrased)	12(24)(b)(c) 14(6)(b) to (d)
Fish	Includes shellfish, crustaceans and marine animals and the eggs, spawn, spat and juvenile stages of fish, shellfish, crustaceans and marine animals.	2
Furbearers	All species of game that are or may be harvested by trapping, e.g., beaver, wolves, fox, lynx, marten, fisher, wolverine, weasel, skunk, mink, muskrat, hares, red squirrel, ground squirrel, but does not include bears. (s. 2 IFA paraphrased)	2
Future wildlife harvest loss	Provable damage to habitat or disruption of harvestable wildlife having a foreseeable negative impact on future wildlife harvesting.	13(2)
Game	Wildlife other than fish, migratory non-game birds and migratory insectivorous birds.	2
Inuvialuit lands	All lands to be provided to the Inuvialuit by or pursuant to the Inuvialuit Final Agreement.	2
Inuvialuit Settlement Region	Means that portion of the Northwest Territories, Yukon Territory and adjacent offshore area shown in Annex A. (s. 2 IFA.) This includes the Western Arctic Region and the Yukon North Slope lands.	2
Migratory game birds	"Migratory insectivorous birds" and "migratory non-game birds" have the meanings assigned to them by section 3 of the <i>Migratory Birds Convention Act</i> , R.S.C. 1970, c. M-12.	2

¹³ Subsection 13(11)(b)

Term	Definition	IFA Section
Preferential right to harvest	With respect to the Inuvialuit, includes the right to harvest wildlife for subsistence usage and to be allocated, subject to conservation, quantities of wildlife sufficient to fulfill Inuvialuit requirements for subsistence usage before there is any allocation for other purposes in areas where the Inuvialuit will have harvesting rights.	12(24)(a) 14(6)(a), 2
Western Arctic Region	That portion of the Inuvialuit Settlement Region other than the Yukon Territory.	2
Wildlife	All fauna in a wild state other than reindeer.	2
Yukon North Slope	Those lands between the jurisdictional boundaries of Alaska and the Yukon Territory and the Northwest Territories, north of the height of land dividing the watersheds of the Porcupine River and the Beaufort Sea, and including adjacent nearshore and offshore waters and islands.	12(1)

The ISR is home to large populations of caribou, polar bears, whales, seals and occasionally walrus. It also supports important nesting and staging areas for millions of waterfowl and has thriving fresh- and saltwater fish populations. The Inuvialuit rely on country food for much of their diet and basic needs, a fact which has important cultural, health and economic implications. Most Inuvialuit spend at least some time harvesting renewable resources for domestic use as food, clothing and hunting materials. Some residents derive a portion of their income from sport and commercial harvesting, from arts and crafts made with harvested materials, and outfitting and guiding wilderness trips for tourists. The harvest generally follows the seasonal cycles of wildlife.

The EIRB is dedicated to enabling and protecting the beneficial use of wildlife for and by the beneficiaries of the Inuvialuit Final Agreement, and other residents, consistent with the sound principles of conservation, sustainability and integrity of the ecosystem.

7.2 Harvesting Rights

Subject to laws of general application respecting public safety and conservation, sections 12 and 14 of the Inuvialuit Final Agreement give the Inuvialuit preferential right to harvest all species of wildlife, except migratory non-game birds and migratory insectivorous birds, for subsistence usage throughout the Yukon North Slope and the Western Arctic Region.

7.3 Wildlife Compensation

The Inuvialuit have expressed concern that the environment be protected as it is essential to the maintenance of healthy wildlife populations, especially terrestrial and marine mammals, fresh and saltwater fish, and their habitats. Healthy wildlife populations remain vital to Inuit social, cultural and economic well-being. Respecting actual wildlife harvest loss, Inuvialuit who harvest renewable resources for subsistence purposes or who depend on hunting, trapping or fishing for a material part of their gross income have the right to obtain compensation for damage to or loss of harvesting equipment, for any material reduction in wildlife take or harvest, and for loss or reduction of hunting, trapping or fishing income proven to be caused by development.

The objectives of Section 13 of the IFA are to prevent damage to wildlife and its habitat and to avoid disruption of Inuvialuit harvesting activities by reason of development. If damage results from development within the ISR, then wildlife and its habitat will be restored as far as is practicable to its original state, and the Inuvialuit "shall be compensated for actual wildlife harvest loss resulting from development in the Inuvialuit Settlement Region"¹⁴. The onus shall be on the Developer to establish that the development did not cause or contribute to an adverse effect.

The cost of rehabilitation may, in some instances, be several orders of magnitude greater than the cost of compensation. If wildlife harvest loss results from development in the ISR, the Inuvialuit Harvest Study (IHS) may be the primary data source in quantifying wildlife compensation claims. However, in making any calculations under subsection 13(3), the Inuvialuit Game Council (IGC) and WMAC shall rely on the best evidence available as to the levels of harvesting by the Inuvialuit.

The first task after the impact occurs will be to determine the types of loss categories (type of species lost, subsistence or sport hunting losses, property losses) and the temporal extent of the loss. In the case of property loss or damage, compensation would be paid on the basis of replacement cost. The types of compensation for harvest loss that may be claimed include:

- Relocation of harvest activity. Most desirable but other areas may not have surplus stock.
- Reimbursement in kind. It may be difficult to acquire country foods in sufficient quantities over the long term. For example, if there is a loss of a certain fish species, reimbursement would be of another fish species or harvestable species that would be of similar value.
- Direct cash compensation. May be an option when relocation of harvest activity and reimbursement are impractical.

All claims for loss shall be made through the Arbitration Board, established by the Inuvialuit Final Agreement.¹⁵ The claimant shall be entitled to indicate his or her preference as to the type of compensation in making his or her claim. In making an award on the claim, the Arbitration Board shall estimate the duration of the impact of the development on wildlife harvesting and determine compensation accordingly. Saving in exceptional circumstances, the award for compensation should not be made with the intention of providing a guaranteed income in perpetuity and compensation should be on the basis of a diminishing scale for a limited time.

7.4 Liability and Worst Case Scenario

With respect to the estimate of the Developer's potential liability, the Inuvialuit Final Agreement says that it should be determined on a "worst case scenario"¹⁶. If there is a possibility that damage to wildlife or wildlife habitat may occur, the EIRB must recommend terms and conditions relating to mitigative and remedial measures that are necessary to minimize the negative impact of a proposed development on wildlife harvesting¹⁷. If damage does occur, the Inuvialuit Final Agreement provides for restoration of wildlife and its habitat, as well as compensation to the Inuvialuit for lost harvesting opportunities.

¹⁴ Subsection 13(3)

¹⁵ Section 18

¹⁶ Subsection 13(11)(b)

¹⁷ Subsection 13(11)(a)

Since compensation is payable for loss of actual wildlife harvest or future harvest loss under the legal liability provision of the Inuvialuit Final Agreement¹⁸, the EIRB is required to estimate the potential liability of the Developer based on a worst case scenario.

The Inuvialuit Final Agreement requires the EIRB to recommend, to the government authority empowered to approve the proposed development, an estimate of the potential liability of the Developer¹⁹, “taking into consideration the balance between economic factors, including the ability of the Developer to pay, and environmental factors.”²⁰

As set out in the Inuvialuit Final Agreement, “[w]here it is established that actual wildlife harvest loss or future harvest loss was caused by development, the liability of the Developer shall be absolute and he shall be liable without proof of fault or negligence for compensation to the Inuvialuit and for the cost of mitigative and remedial measures” detailed in s. 13(15)²¹ (i.e., the Developer must indicate whether they have sufficient funds or insurance for restoration of wildlife and wildlife habitat, and compensation). Under s. 13(16), if any Developer “fails to meet his responsibilities” for actual or future harvest loss, Canada, “where it was involved in establishing terms and conditions for the development, has a responsibility to assume the Developer’s liability for mitigative and remedial damages to the extent practicable.”²² This means that a federal agency or regulatory authority would be responsible for site cleanup and restoration.

7.4.1 Examples of Previously Defined “Worst Case Scenarios”

Driftwood Salvage Logging Operation

An application was submitted for a driftwood salvage logging operation along the Yukon’s North Slope, and an ice-road from Inuvik to King Point in support of a sawmill to be located at or near Inuvik. There was the possibility of some wildlife loss as a result of driftwood salvage logging operations, and the Developer proposed the threat to denning polar bears as the “worst case scenario”. Even with proper mitigative measures there remained a possibility that the worst case scenario would occur and there would be polar bear losses caused by the Development. It was the Panel’s opinion that the loss of three polar bears, a female and two cubs, was a reasonable estimate of the maximum extent of polar bear losses. The Panel believed that the loss of each polar bear could represent a loss of up to \$20,000 to Inuvialuit hunters. This was based on the value of a sport hunt to these hunters. The Panel, therefore, recommended that the Developer maintain a \$60,000 letter of credit in favour of the IGC as security for present and future wildlife harvest losses.

Seismic Surveys in the Mackenzie Delta

An application was submitted to conduct a seismic survey under sections of the Middle Channel, Reindeer Channel and East Channel of the Mackenzie River in August and September. A tug would be used to tow the airgun array. The Developer proposed a worst case scenario in its EIS, whereby a work barge would accidentally ground itself and spill its diesel fuel. The accidental grounding and fuel spill would result in residents avoiding consuming fish from the river because of the perception that the fuel would taint the fish, and the loss of harvesting of whitefish and inconnu during August and September and for the remainder of that fishing season. Inuvialuit Harvest Study data for Aklavik, Tuktoyaktuk and Inuvik indicated average annual broad whitefish and inconnu harvest levels over the period of 1995-2000, for the period of August to December, were 10,776 and 2,358 fish, respectively. The Panel estimated that

¹⁸ Subsection 13(15)

¹⁹ Subsection 13(11)

²⁰ Subsection 13(11)(b)

²¹ Subsection 13(15)

²² Subsection 13(16)

should the worst case scenario come to pass, the fish harvesting loss for the Inuvialuit for broad whitefish and inconnu would be \$328,350 [(10,776 + 2,358) x \$25 per fish]. Based on the evidence of insurance provided by the Developer, the Panel accepted that the Developer would have the ability to compensate for actual or future wildlife harvest loss should the worst case scenario take place.

7.5 Wildlife Habitat Restoration

Restoration includes post-development measures that would enhance recovery of harvested populations to pre-development levels. Determining the practicality and potential costs of restoration resulting from a “worst case scenario” requires:

- Identifying valued wildlife species. Valued wildlife species are limited to those harvested species of the ISR that may be affected by a development.
- Assessing wildlife species vulnerability and sensitivity to development. Vulnerability refers to the likelihood of key habitat being impacted and sensitivity refers to response at a population level (short-term or long-term) based on reproductive capacity.
- Evaluating the practicality of wildlife and wildlife habitat restoration options. Some options include relocation, restocking, cleaning and treatment of contaminated wildlife, enhancement of productive capacity of wildlife habitat, and harvest restrictions.
- Estimating the cost of implementing practical treatments. The cost estimation will be driven by evaluating the level of effort needed to ensure recovery of the wildlife population at a regional level.

8. Environmental Impact Statement

This section of the *Environmental Impact Review Guidelines* describes the minimum detailed submission contents which the EIRB would likely require in the Environmental Impact Statement submitted by a Developer. This information is presented for guidance purposes only. The specific direction on requirements that a Developer will have to meet would be provided in the Terms of Reference for the Environmental Impact Statement as part of the environmental impact review process, and may include some or all of the guidance provided here.

8.1 Goal Oriented Approach to Environmental Impact Review

The EIRB encourages a Developer to use a *goal oriented approach* to achieve sustainable human and biophysical environmental protection in the design, construction, operation and decommissioning of proposed developments. The Review Board has adopted a *goal oriented approach* to environmental impact review to encourage a more sustainable approach to development, by:

- Establishing performance goals for sustainable human environment and environmental protection.
- Allowing flexibility for a Developer to apply their own knowledge and experience to achieve these human environment and environmental protection goals and to demonstrate how their proposed development contributes to sustainable development.
- Encouraging innovation and performance beyond a prescriptive minimum.
- Assigning responsibility to a Developer for demonstrating sustainable human environment and environmental protection for all phases of a proposed development.

The Review Board will use the human environment and environmental protection goals as a measure against which the Developer's Final EIS will be evaluated.

8.2 Submission Requirements

The EIRB requires the Developer to submit an Environmental Impact Statement (EIS) which provides a project description, up to date information on the state of the biological, physical and human environments prior to the development, and the proposed mitigation to reduce potential negative effects on these environments. The contents of the EIS remain the responsibility of the Developer; however, the EIS must conform, at a minimum, to the requirements of the Terms of Reference for the EIS that will be issued by the Review Board during the environmental impact review process. The EIS will become the basis of the public environmental impact review. The EIS should be made as complete as possible before it is provided to the EIRB, in order to reduce the time required to address deficiencies. The adequacy of the information base provided by the Developer will, to a certain extent, control the time required to prepare for and conduct the review.

The information requirements identified in this chapter of the Environmental Impact Review Guidelines provides an indication of some of the information requirements that will be identified in the EIS Terms of Reference. This chapter does not replace the specific information requirements of the EIS Terms of Reference that will be issued for a development proposal referred to the EIRB.

8.2.1 Contacts

Provide contact names, addresses, phone numbers, fax numbers and e-mail addresses for all Parties involved with the proposed development. The Developer must identify the competent authorities involved in the regulation, monitoring or management of activities, associated with the proposed development.

8.2.2 Development Location

Identify and describe the location of the proposed development. Provide a map which clearly outlines the proposed area(s) of impact and identify all proposed development activities (e.g. access requirements, camp locations, storage facilities, aircraft landing strips and pads, infrastructure lines, waste storage/treatment areas, fuel storage locations).

8.2.3 Engagement and Consultation

The Review Board realizes that the amount of engagement and consultation needs to be tailored to the proposed development. Engagement and consultation appropriate for Environmental Impact Review should include face-to-face engagement where feedback is sought from potentially affected Parties through interactive dialogue. The Review Board leaves it to the Developer to determine which potentially affected Parties to consult with, and what is appropriate to present and explain in consideration of the anticipated effects of their development.

The Review Board expects that potentially affected Parties be given reasonable opportunity to engage the Developer in an interactive manner, and to learn about the proposed development and provide input or comment if they so wish. The purpose of conducting public engagement and consultation before submitting a draft EIS to the EIRB is to:

- Allow the Developer an opportunity to discuss the proposed development with potentially affected Parties and the public.
- Address or resolve any concerns expressed about the proposed development.
- Gather any local and traditional knowledge that might be relevant to the development. This information is normally obtained by dealing with the HTC in each community.
- Identify impacts of the development and demonstrate how the negative impacts will be mitigated.
- Advise potentially affected Parties of the proposed development.
- Inform the competent authorities of the proposed development.

As part of its EIS submission, the Developer will be required to provide details to demonstrate the extent of the Developer's public engagement process, to indicate what concerns or issues were resolved and to indicate what aspects (if any) of the development were modified in response to the concerns raised. The Review Board suggests that all consultations associated with the proposed development should be identified and recorded in writing, including the following:

- Community, competent authority or Party contacted.
- Contact names.
- Dates of contact.
- Topic(s) of discussion.
- Reason(s) for communication.
- Any commitments made by the Developer as a result of the consultations.
- How the planning, design and/or implementation of the proposed development was influenced and/or changed by the consultation and by any issues and concerns raised.

The Developer must make reasonable efforts to conduct the public engagement process and to include members of the public that may be affected by the development. However, the potentially affected Parties also have a duty to actively participate in the process and must take the opportunity to learn about the development and to comment on it.

In accordance with the Community Conservation Plan (CCP) for each community in the ISR, the local HTC would normally provide the collective view or comments of the community. However, the Review Board expects a Developer to consult with more than the HTC in each affected community.

8.2.4 Traditional Knowledge

The Developer is encouraged to demonstrate how Traditional Knowledge was gathered, verified and would be used in the planning, design and implementation of the proposed development.

8.2.5 Project Description

The Project Description should provide an adequate description of proposed development activities, including as a minimum the following:

- Title of the proposed development.
- Purpose of the proposed development.
- Description of the proposed development area(s).
- A strong rationale for choosing the proposed undertaking as the preferred option, including all the advantages and disadvantages.
- Alternative considerations, including the advantages and disadvantages of each alternative.
- Detailed description of proposed activities.
- Development components and structures.
- Access to the proposed development area.
- Quantification of the amount of new disturbance and existing disturbance.
- Resource and material requirements.
- Waste handling and removal, including toxic wastes.
- Site management.
- Site plans and survey plans.

8.2.6 Development Phases and Schedule

Describe all development phases and components and the proposed timing and implementation schedule of each phase.

8.2.7 Description of Biological, Physical, and Human Environments and Potential Effects

Identify all potential direct and indirect biological, physical and human elements which could be affected by the proposed development. Elements which should as a minimum be considered are outlined in Table 1. If the Developer believes that some elements listed in Table 1 do not apply to the proposed development, or if the Developer believes new elements should be included, clearly describe the reason and provide a valid justification. For each element, a goal statement has been developed with the intention of reducing the effects of the proposed development on the biological, physical and human environments.

Table 1 Biological, Physical, and Human Elements and Goal Statements

Element	Goal Statements
Migratory Birds and Habitat	Protect and avoid disturbance or destruction to migratory birds and their habitat throughout all phases of the proposed development.
Species at Risk	Avoid the loss, damage or destruction of species at risk and their key habitat throughout all phases of the proposed development.
Wildlife and Wildlife Habitat	Protect all wildlife and wildlife habitat and minimize habitat losses throughout all phases of the proposed development.
Fish and Fish Habitat	Protect all fish and fish habitat and establish a “no-net-loss” of fish habitat throughout all phases of the proposed development.
Vegetation	Maintain the diversity of all vegetation communities throughout all phases of the proposed development.
Water bodies and Wetlands	Conserve and avoid negative impacts to all water bodies and wetlands throughout all phases of the proposed development.
Soil	Protect and sustain soils and minimize losses through erosion throughout all phases of the proposed development
Surface water and Groundwater	Protect or minimize impacts to all ground and surface water throughout all phases of the proposed development.
Permafrost	Protect and minimize impacts to permafrost throughout all phases of the proposed development.
Noise	Minimize anthropogenic noises throughout the duration of the proposed development.
Climate Change	Minimize contributions to climate change throughout all phases of the proposed development.
Air Quality	Minimize air pollution throughout all phases of the proposed development.
Navigation	Avoid impeding navigation throughout all phases of development.
Wildlife Harvesting	Conserve species used for wildlife harvesting throughout all phases of the proposed development. Preserve ability to continue with activities such as hunting, trapping, fishing (e.g., minimize conflicts or disruption of harvest practices and activities, minimize disruption of animal movement patterns or change in behavior patterns (sensory disturbance)).
Culture, Heritage and Archaeology	Preserve culture, heritage and archaeology throughout all phases of development.
Communities	Avoid negative impacts to local communities throughout all phases of the proposed development
Human Health and Safety	Avoid negative impacts to human health and safety throughout all phases of development
Land Use	Protect important land use areas.

Element	Goal Statements
Participation Agreement (IBA)	Commitment from the Developer to participate (section 10 of the IFA.)
Other elements suggested by the Developer	TBD
Other elements required by the EIRB	TBD

8.2.7.1 *Biological, Physical and Human Environment Requirements*

Descriptions for the biological, physical and human environments should include the following:

1. Study Area(s)

Identify the study area associated with the proposed development. The study area will need to include the area(s) which will be impacted or could be impacted by the proposed development. Some developments or development components may require a local and regional study area.

2. Specific Element Requirements

Requirements and guidance for each element identified in Table 1 are provided in Table 2. The guidance provided in Table 2 is not exhaustive or necessarily complete for the purposes of environmental impact review. This information is provided as preliminary information to assist a Developer in identifying appropriate sustainability goals for the proposed development. The EIRB and/or the Developer may also decide to add elements or requirements when deemed necessary. Information for identified elements should include:

- Description of all desktop and field studies.
- Demonstration that all methodologies can be replicated.
- Demonstration that qualified individuals are leading, conducting, and collecting data and research.
- Clear demonstration of how results and conclusions were reached.
- Proof that all decisions and recommendations are defensible (e.g., based on valid evidence or legislation) and this should be clearly articulated in the EIS.

3. Detailed Map(s)

Provide a map(s) in GIS format which identify the following:

- Local and/or regional study area(s).
- Important habitat or migration routes for migratory bird species.
- Important habitat or migration routes for any species at risk.
- Important habitat or migration routes for wildlife species.
- Fish habitat including spawning, rearing, overwintering and cover.
- Locations of rare plants and vegetation communities.
- Topographic features.
- Water bodies and wetlands.
- Locations of different soil types and horizons.
- Locations of soils prone to wind and water erosion.
- Location and type of permafrost.
- Known trapping, hunting, fishing and berry/plant harvest locations.
- Cabins and/or camps.
- Important cultural, heritage or archaeology sites.
- Community locations.
- Existing land use.
- Environmentally significant areas.
- Management areas.

4. Identification of all Environmentally Significant Areas:

Identify all the environmentally significant areas within the study area and adjacent to the study area (i.e. National Parks, Territorial Parks, Wildlife Sanctuaries, CCP category lands).

5. Potential Impacts

Identify all potential impacts that the proposed development could have on each identified element.

6. Proposed Mitigation

Provide mitigation measures to reduce or eliminate the negative impacts of the proposed development on each identified element.

7. Residual Effects

Identify any residual effects and the significance and likelihood of occurrence of the residual effects for each identified element. Describe the plan to reduce or eliminate residual effects.

8. Determining Significance and Likelihood

Describe and justify the methods used to define the significance of residual effects and the likelihood of occurrence of the residual effects for each identified element.

9. Cumulative Effects

Identify any anticipated cumulative effects of the proposed development on each identified element. Describe the plan to minimize potential cumulative effects. The cumulative effects assessment should also demonstrate whether biophysical and human environment sustainability goals will be affected.

10. Best Management Practices

Describe the plan to implement standard and acceptable mitigation and Best Management Practices (BMP's) to reduce impacts of the proposed development on each identified element. Identify acceptable and standard BMP's to reduce potential impacts, residual effects and cumulative effects.

Table 2 Biological, Physical and Human Elements, Specific Requirements within the Study Area(s) and Guidance

Element	Specific Requirements within the Study Area(s)	Guidance
Migratory Birds and Habitat	<ul style="list-style-type: none"> • Important bird nesting, moulting and staging areas, such as coastlines, open sea (near shore and offshore sites), polynyas, coastal lagoons, bays, barriers islands and tidal marshes; • Historical migratory birds occurrences and critical/breeding habitat (if available); • Breeding bird surveys when development activities can interfere with breeding; • Identification of critical habitat; • List of potential migratory birds in the study area; • Identify the breeding season of all migratory birds; • Identify migration routes; • Identify colony locations (if applicable); • Identify bird sanctuaries and important bird areas (if applicable). • Identify all management areas (if applicable). 	<ul style="list-style-type: none"> • Consult with Environment Canada • Consult with NWT Government Biologists • <i>Migratory Birds Convention Act</i>, 1994: http://laws.justice.gc.ca/PDF/Statute/M/M-7.01.pdf • NWT <i>Wildlife Act</i>: http://www.justice.gov.nt.ca/pdf/ACTS/Wildlife.pdf • NWT Bird Sanctuaries: http://www.cws-scf.ec.gc.ca/habitat/default.asp?lang=En&n=E30FCEB1 • Important Bird Areas: http://www.ibacanada.com/ • NWT Bird Checklist: http://www.mb.ec.gc.ca/nature/migratorybirds/nwtbcs/index.en.html • Northern Landbird Program Strategy and Action Plan http://www.mb.ec.gc.ca/nature/migratorybirds/lb/dc32s00.en.html • Northern Shorebird Conservation Strategy: http://www.mb.ec.gc.ca/nature/migratorybirds/sb/dc31s00.en.html • NWT: Wildlife Management Information System http://www.enr.gov.nt.ca/live/pages/wpPages/wmis.aspx • Canadian Wildlife Service: http://www.ec.gc.ca/nature/Default.asp?lang=En&n=C5EDD32E Key Marine Habitat Sites: http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=EDE64CAE-69CA-4C9A-9A6E-55757C59DF36 • Key Terrestrial Habitat Sites: http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=4625F589-01A1-4A7B-BBCE-C8E36573B657
Species at Risk	<ul style="list-style-type: none"> • Historical occurrence of species at risk and critical/breeding habitat (if available); • Current documentation of species at risk and critical/breeding habitat; • List of potential species at risk; • Identify the breeding/denning season of all species at risk; • Identify movement corridors and migration routes; • Proposed action plan(s) if avoidance of species at risk is not possible; • Identify all management areas (if applicable). 	<ul style="list-style-type: none"> • <i>Species at Risk (NWT) Act</i>: http://www.enr.gov.nt.ca/live/pages/wpPages/Infobase.aspx • Species at Risk Public Registry: http://www.sararegistry.gc.ca/search/default_e.cfm • Consult with NWT Government Biologists • NWT: Wildlife Management Information System http://www.enr.gov.nt.ca/live/pages/wpPages/wmis.aspx • Canadian Wildlife Service: http://www.cws-scf.ec.gc.ca/ • Species at Risk in the Northwest Territories - 2010 edition: http://www.enr.gov.nt.ca/live/documents/content/Species at Risk in the NWT% 202010 Eng.pdf
Wildlife and Wildlife Habitat	<ul style="list-style-type: none"> • Historical wildlife occurrences and critical/breeding habitat (if available); • Wildlife field surveys; • Identification of critical habitat; • List of potential wildlife in the study area; 	<ul style="list-style-type: none"> • NWT <i>Wildlife Act</i>: http://www.justice.gov.nt.ca/pdf/ACTS/Wildlife.pdf • Consult with NWT Government Biologists • NWT: Wildlife Management Information System http://www.enr.gov.nt.ca/live/pages/wpPages/wmis.aspx • Canadian Wildlife Service: http://www.cws-scf.ec.gc.ca/

Element	Specific Requirements within the Study Area(s)	Guidance
	<ul style="list-style-type: none"> Identify the breeding season of all wildlife; Identify movement corridors and migration routes; Identify all wildlife management areas (if applicable). 	<ul style="list-style-type: none"> Migratory Birds habitat http://www.ec.gc.ca/nature/Default.asp?lang=En&n=C5EDD32E-I
Fish and Fish Habitat	<ul style="list-style-type: none"> Historical fish occurrences and habitat (if available); Fish and fish habitat assessment(s); List of potential fish species in the study area; Identify the spawning season of all potential fish species; Identify the known migration routes of fish; Identify all fisheries management areas (if applicable); Describe the compensation plan(s) if negative impacts to fish habitat cannot be avoided. 	<ul style="list-style-type: none"> <i>Fisheries Act</i>: http://laws.justice.gc.ca/PDF/Statute/F/F-14.pdf Consult with DFO: http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territoires-territoires/nt/os-eo-dfo-mpo-eng.htm Consult with NWT Government Biologists DFO Operational Statements for NWT: http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territoires-territoires/nt/index-eng.htm
Vegetation	<ul style="list-style-type: none"> Historical vegetation occurrences (if available); Identification of current vegetation communities; Rare plant survey; Percent cover of vegetation communities. 	<ul style="list-style-type: none"> NWT Rare Plants: http://www.enr.gov.nt.ca/live/pages/wpPages/Rare_Plants.aspx Species at Risk Public Registry: http://www.sararegistry.gc.ca/search/default_e.cfm <i>Species at Risk (NWT) Act</i>: http://www.enr.gov.nt.ca/live/pages/wpPages/Infobase.aspx Contact: sara@gov.nt.ca Terrestrial Ecozones of Canada: http://www.pc.gc.ca/apprendre-learn/prof/itm2-crp-trc/htm/ecozone_e.asp
Water bodies and Wetlands	<ul style="list-style-type: none"> Identify all water bodies and wetlands; Identify the species which are associated with these water bodies; Classification and delineation of wetlands (if applicable); Determine the hydrological function of all water bodies. 	<ul style="list-style-type: none"> The Canadian Wetland Classification System: http://www.portofentry.com/Wetlands.pdf Terrestrial Ecozones of Canada: http://www.pc.gc.ca/apprendre-learn/prof/itm2-crp-trc/htm/ecozone_e.asp Territorial Land Use Regulations: http://laws.justice.gc.ca/PDF/Regulation/C/C.R.C.,_c._1524.pdf <i>Territorial Lands Act</i>: http://laws.justice.gc.ca/PDF/Statute/T/T-7.pdf <i>Guidance documents on environmental assessment for wetlands</i>: http://www.ec.gc.ca/nature/default.asp?lang=En&n=132ADBFCI&parent=OC1743A2-4D49-4183-AC5F-IDE909D2FEBI
Soil	<ul style="list-style-type: none"> Classify all soils (order, group, family, series and type); Identify soil properties and structures (horizon descriptions and soil texture); Identify soils prone to water and wind erosion; Identify soils prone to compaction; Identify saline soils; Identify the soil stripping methods where 	<ul style="list-style-type: none"> The Canadian System of Soil Classification (most recent version) Terrestrial Ecozones of Canada: http://www.pc.gc.ca/apprendre-learn/prof/itm2-crp-trc/htm/ecozone_e.asp

Element	Specific Requirements within the Study Area(s)	Guidance
	applicable	
Surface water and Groundwater	<ul style="list-style-type: none"> Identify and quantify groundwater and surface water sources and flow regimes Identify and characterize the quality of groundwater and surface water sources. 	<ul style="list-style-type: none"> Canadian Water Quality Guidelines: http://www.ec.gc.ca/CEQG-RCQE/English/Cegg/water/ CCME Water Quality Guidelines http://www.ccme.ca/ourwork/water.html?category_id=101
Permafrost	<ul style="list-style-type: none"> Identify the location of permafrost. Identify areas where the proposed development could impact permafrost 	<ul style="list-style-type: none"> NWT CIMP: http://www.nwtcimp.ca/reports_water/snow_all.html Natural Resources Canada: http://atlas.nrcan.gc.ca/site/english/maps/environment/land/permafrost/1
Noise	<ul style="list-style-type: none"> Identify the anthropogenic sources of noise pollution associated with the proposed development; Quantify the local and regional ambient noise regime and existing noise sources. Identify the predicted areas of impact. 	<ul style="list-style-type: none"> Occupational exposure limits in Canada: http://www.ccohs.ca/oshanswers/phys_agents/exposure_can.html Guidance from the Energy Conservation Board in Alberta on noise: http://www.ecrb.ca/docs/Documents/directives/Directive038.pdf
Climate Change	<ul style="list-style-type: none"> Describe how the proposed development may contribute or not contribute to climate change. Identify other elements which could be impacted by climate change. 	<ul style="list-style-type: none"> NWT Climate Change: http://www.enr.gov.nt.ca/live/pages/wpPages/climate_change.aspx Canada's Climate Change Voluntary Challenge and Registry Inc. http://www.ghgregistries.ca/index_e.cfm
Air Quality	<ul style="list-style-type: none"> Quantify atmospheric conditions and predicted conditions; Identify existing and predicted ambient air quality and existing sources of air pollution; Identify and quantify any air contaminants of concern generated by the project and project related activities; Justify for or against developing regional atmospheric baseline. Identify the predicted areas of impact. 	<ul style="list-style-type: none"> NWT Air Quality: http://www.enr.gov.nt.ca/live/pages/wpPages/Air_Quality.aspx NWT Climate Change: http://www.enr.gov.nt.ca/live/pages/wpPages/climate_change.aspx Canada's Climate Change Voluntary Challenge and Registry Inc. http://www.ghgregistries.ca/index_e.cfm CCME Guidelines: http://www.ccme.ca/ourwork/air.html Alberta ambient air quality objectives and guidelines: http://environment.gov.ab.ca/info/library/5726.pdf Environment Canada's guidance document on batch incineration: http://www.ec.gc.ca/Jgdd-mw/default.asp?lang=En&n=F53EDE13-1
Navigation	<ul style="list-style-type: none"> Identify all rivers and water bodies which have the potential to be navigable for commercial, recreational or industrial purposes (e.g. canoe, vessel, kayak, raft). 	<ul style="list-style-type: none"> Navigable Waters Protection Program: http://www.tc.gc.ca/eng/marinesafety/oep-nwpp-menu-1978.htm
Wildlife Harvesting	<ul style="list-style-type: none"> Identify and describe the harvesting requirements of the local communities; Identify the hunting locations, trap lines, and fishing areas and associated cabins or camps (if available); Identify the hunting, trapping and fishing seasons. 	<ul style="list-style-type: none"> NWT Wildlife: http://www.enr.gov.nt.ca/live/pages/wpPages/Our_Wildlife.aspx Wildlife Management: http://www.enr.gov.nt.ca/live/documents/documentManagerUpload/Wildlife_Management_in_the_NWT.pdf

Element	Specific Requirements within the Study Area(s)	Guidance
	<ul style="list-style-type: none"> Describe the compensation plan(s) if the project has the potential to interfere with wildlife harvesting. 	
Culture, Heritage and Archaeology	<ul style="list-style-type: none"> Identify all cultural, heritage, and archaeological sites; Determine the current and historical purpose of identified cultural, heritage and archaeological sites; Conduct field assessments when these sites are identified. 	<ul style="list-style-type: none"> Summary of legislation protecting heritage resources in the Northwest Territories http://pwnhc.learnnet.nt.ca/programs/downloads/SummaryOfLegislation.pdf NWT Archaeological sites regulations http://pwnhc.learnnet.nt.ca/programs/downloads/NWTASR.E.pdf Guidelines for Developers http://pwnhc.learnnet.nt.ca/programs/downloads/guidelines_for_Developers.pdf Territorial Land Use Regulations: http://laws.justice.gc.ca/PDF/Regulation/C/C.R.C.,_c._1524.pdf NWT <i>Historical Resources Act</i>. http://pwnhc.learnnet.nt.ca/programs/downloads/historical_resources_act.pdf <i>Northwest Territories Act</i>: http://www.assembly.gov.nt.ca/live/documents/documentManagerUpload/nwtact.pdf
Communities	<ul style="list-style-type: none"> Identify all communities affected by the proposed development; Describe the advantages and disadvantages of the proposed development on these communities; 	<ul style="list-style-type: none"> NWT Community Contacts Listing: http://www.maca.gov.nt.ca/governments/index.asp
Human Health and Safety	<ul style="list-style-type: none"> Identify all the potential human health and safety concerns associated with the proposed development. 	<ul style="list-style-type: none"> Canadian Center for Occupational Health and Safety: http://www.ccohs.ca/ NWT <i>Public Health Act</i>: http://www.justice.gov.nt.ca/PDF/ACTS/Public%20Health.pdf NWT General Sanitation Regulations: http://www.justice.gov.nt.ca/PDF/REGS/PUBLIC%20HEALTH/General%20Sanitation.pdf NWT Water Supply Systems Regulations: http://www.justice.gov.nt.ca/PDF/REGS/PUBLIC%20HEALTH/Water%20Supply%20System.pdf Canadian Drinking Water Guidelines: http://www.hc-sc.gc.ca/ewh-semt/water-eau/drink-potab/guide/index-eng.php
Land Use	<ul style="list-style-type: none"> Identify and quantify existing and proposed land and resource use. 	<ul style="list-style-type: none"> Territorial Land Use Regulations: http://laws.justice.gc.ca/PDF/Regulation/C/C.R.C.,_c._1524.pdf <i>Territorial Lands Act</i>: http://laws.justice.gc.ca/PDF/Statute/T/T-7.pdf
Other elements required by the EIRB	<ul style="list-style-type: none"> TBD 	<ul style="list-style-type: none"> TBD

8.2.8 Environmental Monitoring Plans

Describe and identify any monitoring plans which will be implemented for any of the identified elements in Table 2. For any proposed monitoring plans, indicate the purpose of the plan, the proposed methodology and the proposed monitoring schedule.

8.2.9 Mitigative and Remedial Measures

Describe the potential impacts to the biological, physical and human environments, wildlife, wildlife habitat and wildlife harvesting activities and specify the proposed mitigation to reduce or eliminate potential impacts.

Describe remedial measures that are in place to correct or compensate for any adverse environmental effects that have occurred or that may occur in the future.

8.2.10 Worst Case Scenario

Describe potential and realistic “Worst Case Scenario” associated with the proposed development and the proposed action plan(s) to adequately control the situation(s).

8.2.11 Emergency Response and Management Plans

A Developer should provide an outline of any Emergency Response Plans, including an annotated table of contents that clearly demonstrates the scope of these plans and what would be committed to by the Developer. Environmental management plans, such as wildlife encounter and bear deterrence and safety plans and programs, and mitigation information also need to be included.

8.2.12 Post Development Reclamation, Abandonment and Clean-up

Identify plans for reclamation, abandonment and clean-up. Also, indicate whether a post development environmental assessment would be required for abandonment and reclamation.

8.2.13 Reference List

Include supplementary documentation necessary to support statements made in the EIS or assist in the evaluation of potential negative impacts. A list of references used within the EIS is mandatory. Any document listed as a reference can be requested as evidence.

APPENDICES

- **Appendix A - EIRB Authorities**
- **Appendix B – Key Organizations and Boards in the ISR**
- **Appendix C – Flight Altitude Guidelines**

Appendix A

EIRB Authorities

EIRB Authorities

EIRB Review

The EIRB has the authority to review and manage all proposed developments which require an environmental assessment under the IFA²³.

EIRB Membership and Review Panel Appointments

The EIRB must have 7 permanent members: 3 appointed by Canada (consisting of 1 member nominated from Yukon, 1 member nominated by the Government of the Northwest Territories, and 1 member nominated by the federal government), 3 appointed by the Inuvialuit and a Chairman appointed by Canada, with the consent of the Inuvialuit.²⁴

The EIRB has the authority to establish a panel for the review of any development referred to it pursuant to the IFA. The review panel must have 5 members: 2 appointed by Canada, 2 appointed by the Inuvialuit and the Chairman. However, the EIRB has the authority to include additional members on the panel if a known native organization which has a nearby land claims settlement believes that a proposed development under the screening process may have a significant negative environmental impact to native individuals using or living in the Inuvialuit Settlement Region. Additional members need to be agreed upon by the Inuvialuit and the adjacent native organization. The EIRB also has the authority to stop the addition of members once bordering land claims are settled, except where there are similar representation provisions by an Inuvialuit panel for bordering land areas in use by the Inuvialuit.²⁵

Guidance Material

The EIRB has the authority to create and adopt by-laws and rules for its internal use and procedures.²⁶

Decision Options

The Review Board shall expeditiously review all developments referred to it and on the basis of the evidence and information before it shall recommend whether or not the development should proceed and, if it should, on what terms and conditions, including mitigative 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.²⁷ The EIRB's decision with its recommendations is then transmitted to the "government authority competent to authorize the development."²⁸ The authority shall consider the EIRB's recommendations, among other factors and shall decide whether the development should proceed and, if so, on what terms and conditions.²⁹

²³ Section 11

²⁴ Subsection 11(22)

²⁵ Subsections 11(9) to 11(12) and 11(22) and 11(23)

²⁶ Subsection 11(28)

²⁷ Subsection 11(29)

²⁸ Subsection 11(32)

²⁹ Subsection 11(32)

Public Registry

The EIRB has the authority to establish a register of all their decisions. The register must be made available to the public³⁰.

Wildlife Impact Assessment

The Environmental Impact Screening Committee (EISC) may refer a specific wildlife impact assessment to the EIRB if the proposed development could have a significant negative impact on current or future wildlife harvesting. Upon referral by the EISC, the EIRB will recommend the following to the appropriate government authority³¹:

Terms and Conditions. The EIRB will recommend Terms and Conditions “relating to mitigative and remedial measures that it considers necessary to minimize any negative impact on wildlife harvesting”.³²

Developer’s Liability Estimate. The EIRB will recommend an estimate of the Developer’s potential liability associated with the proposed development. The estimate will be based on a worst case scenario and will consider “the balance between economic factors, including the ability of the Developer to pay, and environmental factors.”³³

³⁰ *Subsection 11(31)*

³¹ *Subsections 13(7) to 13(12)*

³² *Subsection 13(11)(a)*

³³ *Subsection 13(11)(b)*

Appendix B

Key organizations and Boards in the ISR

Key Organizations and Boards in the ISR

The following list of key organizations and boards in the ISR is not an exhaustive list, but does include some of the entities a Developer and other parties may wish to contact with respect to a development proposal.

Co-Management Boards

Fisheries Joint Management Committee

The Fisheries Joint Management Committee (FJMC) was established under subsection 14(61) of the *Inuvialuit Final Agreement*, and consists of five members. The roles and responsibilities of the FJMC are defined by the *Inuvialuit Final Agreement* in subsections 14(61) to 14(72). The FJMC provides advice to the Inuvialuit and to the Department of Fisheries and Oceans on fishery management and related issues within the Inuvialuit Settlement Region. The FJMC works closely with government agencies, renewable resource user groups and resource councils and committees established under the *Inuvialuit Final Agreement*, as well as with other land claim groups on a variety of activities and programs. The FJMC provides advice on fisheries issues to the EISC, the EIRB and other appropriate groups.

The Fisheries Joint Management Committee can be contacted at:

The Fisheries Joint Management Committee
Box 2120
Inuvik, NT, Canada, X0E 0T0
Tel: (867) 777-2828
Fax: (867) 777-2610
E-mail: fjmc-rp@jointsec.nt.ca
Web Site: www.fjmc.ca

Wildlife Management Advisory Council (North Slope)

The Wildlife Management Advisory Council (North Slope) (WMAC (NS)) was established under subsection 12(46) of the *Inuvialuit Final Agreement*. The roles and responsibilities of the WMAC (NS) are defined by the *Inuvialuit Final Agreement* in subsections 12(46) to 12(57). The WMAC (NS) provides advice to the appropriate federal or territorial Minister on all matters relating to wildlife policy and the management, regulation and administration of wildlife, habitat and harvesting for the Yukon North Slope. WMAC (NS) determines and recommends appropriate quotas for Inuvialuit harvesting of game in the Yukon North Slope and advises on measures required to protect habitat that is critical for wildlife or harvesting. The WMAC (NS) also provides advice on issues pertaining to the Yukon North Slope to the Porcupine Caribou Management Board, the Yukon Land Use Planning Commission, the Environmental Impact Screening Committee, and the Environmental Impact Review Board.

A Secretariat office for the Wildlife Management Advisory Council (North Slope) is located in Whitehorse, Yukon.

Wildlife Management Advisory Council (North Slope)
P.O. Box 31539
Whitehorse, YT, Canada Y1A 6K8
Tel: (867) 633-5476
Fax: (867) 633-6900
E-mail: wmacnwt@jointsec.nt.ca
Website: www.wmacns.ca

Wildlife Management Advisory Council (Northwest Territories)

The Wildlife Management Advisory Council (Northwest Territories) (WMAC (NWT)) was established under subsection 14(45) of the *Inuvialuit Final Agreement* and consists of seven members. The WMAC (NWT) focuses on the conservation of terrestrial wildlife species (and polar bears) and birds. Their geographic area of jurisdiction is that part of the ISR within the Northwest Territories. The mandate of WMAC (NWT) is to advise appropriate ministers on all matters relating to wildlife policy and the management, regulation, research, enforcement and administration of wildlife, habitat and harvesting for the Western Arctic Region, within the NWT. It is the responsibility of the WMAC (NWT) to prepare conservation and management plans and to determine and recommend harvestable quotas. The WMAC (NWT) also reviews and advises the appropriate governments on existing or proposed wildlife legislation and any proposed Canadian position for international purposes that affect wildlife in the Western Arctic Region.

The Wildlife Management Advisory Council (Northwest Territories) may be contacted through:

Joint Secretariat
P.O. Box 2120
Inuvik, NT, Canada X0E 0T0
Tel: (867) 777-2828
Fax: (867) 777-2610
E-mail: wmacnwt@jointsec.nt.ca
Web site: www.jointsecretariat.ca

Inuvialuit Organizations

Inuvialuit Land Administration

The Inuvialuit Land Administration (ILA) is a division of the Inuvialuit Regional Corporation (IRC) and is responsible for managing and administering Inuvialuit owned lands in the ISR. Within the ISR the Inuvialuit have exclusive ownership of surface and subsurface rights to certain lands [Inuvialuit Final Agreement Paragraph 7(1)(a)] and surface ownership only in other areas [Inuvialuit Final Agreement Paragraph 7(1)(b)], collectively known as Inuvialuit Private Lands.

The Inuvialuit Land Administration may be contacted at:

Land Administrator
Inuvialuit Land Administration
PO Box 290
Tuktoyaktuk, Northwest Territories, Canada X0E 0C0
Telephone: (867) 977-7100
Fax: (867) 977-7101
Website: www.inuvialuitland.com

Inuvialuit Game Council

The Inuvialuit Game Council (IGC) represents the collective Inuvialuit interest in all matters pertaining to the management of wildlife and wildlife habitat in the ISR. This responsibility gives the IGC authority for matters related to harvesting rights, renewable resource management and conservation. Officially, the IGC has been incorporated as a Society since April 20, 1983.

The Wildlife Management Advisory Council (Northwest Territories) may be contacted through:

Joint Secretariat
P.O. Box 2120
Inuvik, NT, Canada X0E 0T0
Tel: (867) 777-2828
Fax: (867) 777-2610
E-mail: igc-js@jointsec.nt.ca
Web site: www.jointsecretariat.ca

Hunters and Trappers Committees

A Hunters and Trappers Committee (HTC) has been established in each of the six Inuvialuit communities by the Community Corporations. These committees are involved in:

- advising the IGC on local matters related to harvesting
- making by-laws regarding harvesting rights
- encouraging and promoting involvement conservation, research, management, enforcement and utilization in relation to wildlife resources in the ISR
- assisting the Wildlife Management Advisory Councils with data as needed
- allocating established harvesting quotas locally
- providing input to the environmental impact screening and review process by way of the following:
 - carefully reviewing all land use proposals and only giving their support to land use activities where they are consistent with the Community Conservation Plan
 - through the HTC, IGC or the IRC, referring any developments on Inuvialuit Land that may be in conflict with the Community Conservation Plan to the environmental screening and review process
 - through its HTC, consulting with a Developer on developments proposed within the community Planning Area
 - with the assistance of the IGC, familiarizing itself with the terms and conditions of any relevant Wildlife Compensation Agreements prior to signing off by the IGC, HTC and the Developer
 - through its HTC, advising the EISC or ILA of community concerns regarding development developments in the community Planning Area
 - developing a monitoring system with industry, transportation companies and local tourist operators to determine the numbers, impacts and rate of increase of activity to provide the data for increased regulations as required
 - through its HTC, will ensuring that community harvest data are kept current in order to facilitate development of practical and fair Wildlife Compensation Agreements

Hunters and Trappers Committees Contact Information

Aklavik HTC
P.O. Box 133
Aklavik, NT, Canada XOE OAO
Tel: (867) 978-2723
Fax: (867) 978-2815

Olokhaktomiut HTC
P.O. Box 161
Holman, NT, Canada XOE OSO
Tel: (867) 396-4808
Fax: (867) 396-3025

Inuvik HTC
P.O. Box 1720
Inuvik, NT, Canada XOE OTO
Tel: (867) 777-3671
Fax: (867) 777-2478

Paulatuk HTC
P.O. Box 39
Paulatuk, NT, Canada XOE 1NO
Tel: (867) 580-3004
Fax: (867) 580-3404

Sachs Harbour HTC
P.O. Box 79
Sachs Harbour, NT, Canada XOE OZO
Tel: (867) 690-3028
Fax: (867) 690-3616

Tuktoyaktuk HTC
P.O. Box 286
Tuktoyaktuk, NT, Canada XOE 1CO
Tel: (867) 977-2457
Fax: (867) 977-2433

Appendix C

Flight Altitude Guidelines

Flight Altitude Guidelines

Summary of Environmentally Acceptable Minimum Flight Altitudes

Aircraft Type	Species / Situation	Recommended Altitude	Source
Not specified	Over areas likely to have birds	>650 m (2100 ft)	CWS (WMAC NWT)
Not specified	Over areas where birds are known to concentrate (sanctuaries, colonies, moulting areas)	>1100 m (3500 ft)	CWS (WMAC NWT)
Subsonic Aircraft	Over large mammals during ferry flights	>300 m (975 ft)	ENR (WMAC NWT)
Subsonic Aircraft	During wildlife surveys	>100 m (325 ft)	ENR (WMAC NWT)
Subsonic Aircraft	Aeromagnetic surveys in areas with large mammals	Timing should be restricted rather than altitude	ENR (WMAC NWT)
Not specified	When flying point to point in vicinity of caribou and other wildlife species	>610 m (2000 ft)	Transport Canada (WMAC NS)
Not specified	Over parks, reserves, and refuges	>610 m (2000 ft)	Transport Canada
Not specified	Over areas where there are belugas and bowhead whales	>300 m (975 ft)	FJMC
Not specified	Zone 1	>760 m (2500 ft)	Tourism Guidelines Beluga Management Plan (FJMC)
Not specified	Zone 2	>610 m (2000 ft)	Tourism Guidelines Beluga Management Plan (FJMC)

General Advice

- Consult with the local Hunters and Trappers Committees to identify and avoid known and active harvesting areas and activities.
- Minimize the number of flights whenever possible
- Fly at times when few birds are present (e.g., early spring, late fall, winter)
- Avoid large concentrations of birds (e.g., migratory bird sanctuaries, breeding colonies, moulting areas)
- Avoid especially sensitive areas such as seabird colonies and raptor nesting sites
- Plan routes that minimize flights over habitats likely to have birds
- Use small aircraft rather than large aircraft whenever possible
- Use fixed-wing aircraft rather than helicopters whenever possible
- Inform pilots of these recommendations and areas known to have birds
- Hovering or circling may greatly increase disturbance and must be avoided
- Caribou calving grounds should be avoided whenever possible
- Aeromagnetic surveys should be controlled to prevent disturbance to large mammals by restricting the timing of the surveys rather than the elevation. These surveys should not take place near or on calving and post-calving areas during the period of May 25 to July 15. After July 15 they should avoid any areas known to have large aggregations of caribou
- Animals reactions will depend on a variety of situations including aircraft type, noise levels, speed of travel, over flight frequency, and animal activity (e.g., loafing, feeding, traveling) and its surroundings (water depth and clarity, substrate). The EIRB may have to consider the circumstance of the activity on a case-by-case basis
- The DFO often recommends a minimum altitude of 400 m (1200 ft) for flights over marine mammal habitat in this region. Recommended or required minimum altitudes may be higher in areas of particularly intense aircraft activity, in cases where flights are over marine animal concentration areas or at particularly sensitive times of their life cycle
- Exceptions to these recommendations may be warranted for scientific studies (e.g., wildlife surveys) in which the benefits for conservation clearly outweigh the risks and should be evaluated on a case-by-case basis

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