

Environmental Impact Screening Committee

Environmental Impact Screening Guidelines

Approved for Use by the EISC:

March 31 , 2014

These Environmental Impact Screening Guidelines are revised to include further details of the EISC Pre-Screening process as well as an expanded definition for "Wildlife".

Preamble and Limitations

The *Environmental Impact Screening Guidelines* (Screening Guidelines) are for the screening of proposed developments by the Environmental Impact Screening Committee (Screening Committee or EISC) in the Inuvialuit Settlement Region of the Northwest Territories and the North Slope Region of the Yukon. The Screening Committee has established these *Screening Guidelines* to provide guidance and direction to parties participating in the environmental screening of proposed developments. The *Screening Guidelines* explain the first stage in the environmental impact screening and review process.

The *Screening Guidelines* are intended to ensure that the Environmental Impact Screening Committee expeditiously and effectively fulfills the goals of the Inuvialuit Final Agreement and its enabling legislation, the *Western Arctic (Inuvialuit) Claims Settlement Act*, S.C. 1984, in screening proposed developments. The *Screening 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 Screening Committee to establish and adopt by-laws and rules for its own internal management and procedures. The *Screening 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 *Screening Guidelines*.

The common-law duty of procedural fairness applies to all decision-making by and proceedings of the EISC. Procedural fairness and other administrative functions of the Screening Committee 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 Screening Committee will review the *Screening Guidelines* at a minimum every five years. The latest version of the Guidelines will be available on the EISC web site as they become available.

Readers are encouraged to visit the EISC web site at www.screeningcommittee.ca for updates and the latest information on the screening process.

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1. Introduction

These Screening Guidelines replace all Operating Guidelines and Procedures previously issued by the EISC. The Screening Guidelines include information on the Environmental Screening process in the Inuvialuit Settlement Region (ISR), and provide information for Developers, competent authorities, Inuvialuit communities, other organizations, and the public regarding the procedures and information requirements of the EISC for the screening of proposed developments.

The EISC is a co-management board established by the Inuvialuit Final Agreement to deliver a public government function.

1.1 Contact Information

The EISC is located within the offices of the Joint Secretariat, Inuvialuit Settlement Region (JS). The JS was established in 1986 to provide technical and administrative support to the Inuvialuit Game Council, the Environmental Impact Screening Committee, the Environmental Impact Review Board, the Wildlife Management Advisory Council (NWT) and the Fisheries Joint Management Committee. The Joint Secretariat office is located in Inuvik, Northwest Territories.

Correspondence for the EISC should be directed to:

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Joint Secretariat, Inuvialuit Settlement Region
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Inuvik, Northwest Territories, Canada X0E 0T0
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www.screeningcommittee.ca

The EISC Registry is accessible through the Screening Committee web site.

1.2 Acronyms

The following acronyms are used throughout the environmental impact screening and review process and may appear in the *Screening Guidelines*.

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	Fisheries and Oceans Canada (Department of Fisheries and Oceans)
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
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
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
YNS WCMP	Yukon North Slope Wildlife Conservation and Management Plan
YTG	Yukon Territorial Government

1.3 Definitions

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

Term	Definition	IFA Section
Developer	<p>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.</p> <p>For greater clarity, the EISC considers a <i>developer</i> to include outfitters, and government researchers, and researchers conducting research associated with a proposed or an on-going development.</p>	2
Development	<p>(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</p> <p>(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.</p>	2
Inuvialuit	<p>Those people known as Inuvialuit, Inuit or Eskimo who are beneficiaries under [the Inuvialuit Final 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 corporations or trusts controlled by the Inuvialuit that may be established by or pursuant to [the Inuvialuit Final Agreement].</p> <p>For the purposes of the <i>Screening Guidelines</i>, the Inuvialuit includes the Inuvialuit Game Council and the Hunters and Trappers Committees.</p>	2
Wildlife	<p>Means all fauna in a wild state other than reindeer. Wildlife includes all living things and especially mammals, birds, and fish that are neither human nor domesticated.</p>	2

2. Inuvialuit Final Agreement

The Inuvialuit Final Agreement establishes an **environmental impact screening and review process**, consisting of the Environmental Impact Screening Committee and the Environmental Impact Review Board (Review Board) that are responsible for environmental impact screening and environmental impact review respectively. Sections 11, 12 and 13 of the Inuvialuit Final Agreement provide guidance on the roles and responsibilities of the Screening Committee and Review Board.

Section 11 of the Inuvialuit Final Agreement provides specific guidance on:

- 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 and authorities of the Screening Committee; and
- the establishment and authorities of the Review Board.

Section 12 of the IFA provides additional guidance on development proposals occurring on the Yukon North Slope that are subject to the environmental impact screening and review process as this area falls under a special conservation regime.

Section 13 of the IFA 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.

Approved by the Parliament of Canada in 1984 pursuant to the *Western Arctic Claims (Inuvialuit) Settlement Act*, the Inuvialuit Final Agreement takes precedence over other legislation which may conflict or be inconsistent with it. The Inuvialuit Final Agreement is also protected under section 35 of the *Constitution Act, 1982*.

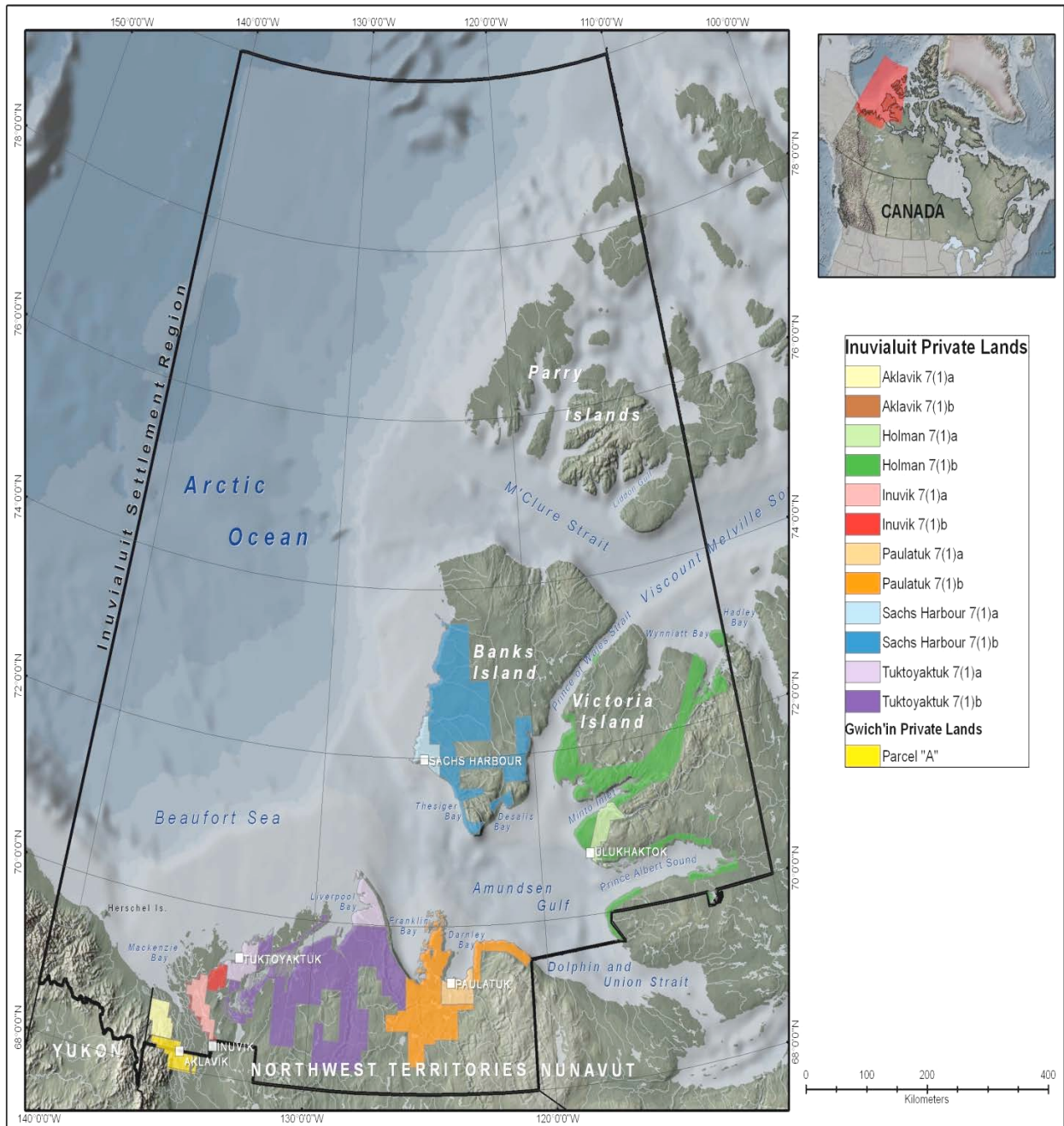
The Inuvialuit Final Agreement provides for financial compensation and ownership to the Inuvialuit of 91,000 square kilometres (35,135 square miles) of land including 13,000 square kilometres (5,019 square miles) with subsurface rights to oil, gas, and minerals (Figure 1). A copy of the Inuvialuit Final Agreement (As Amended, Consolidated Version, April 2005) and a legal description of the ISR can be found at: www.screeningcommittee.ca.

2.1 Goals of the Inuvialuit Final Agreement

The goals of the Inuvialuit Final Agreement as expressed by the Inuvialuit and recognized by Canada are to:

- 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 EISC Authorities and Mandate

2.2.1 EISC Authorities

The EISC operates exclusively within the scope of the authority assigned to it in sections 11, 12 and 13 of the Inuvialuit Final Agreement. The EISC operating authorities are summarized in Appendix A.

2.2.2 EISC Mandate

As part of the broader environmental impact screening and review process the EISC is required to fulfill its roles and responsibilities for the environmental impact screening of proposed developments in a reasonable and expeditious manner in accordance with the requirements of the Inuvialuit Final Agreement. The IFA requires the environmental impact screening process to consider:

- Whether a proposed development could have a significant negative environmental impact (sections 11(17) and 12(3)(a)).
- Whether any development of consequence that is likely to cause a negative environmental impact, could have a significant negative impact on present or future wildlife harvesting (section 13(7)).

2.3 Key Organizations and Boards

Numerous organizations and boards exist within the ISR that have a role related to the environmental impact screening and review process. Such roles may include providing information crucial to the planning, design and implementation of a proposed development or issuing some form of authorization for development proposals. Many of these organizations and boards will provide input to the environmental screening process and are available to provide advice to Developers planning to carry out activities in the ISR. A list of these organizations and boards is found in Appendix B.

3. Environmental Impact Screening Process

The EISC is responsible for the Environmental Impact Screening process, the first stage in the environmental impact screening and review process described in sections 11, 12 and 13 of the Inuvialuit Final Agreement. The goal of the environmental impact screening process is to ensure that proposed developments in the ISR do not have a significant negative impact on the environment, wildlife, wildlife productivity and harvesting. This section of the *Screening Guidelines* explains the common terminology used in the environmental impact screening and review process, whether a proposed development is subject to this process, and how the Screening Committee conducts and completes the Environmental Impact Screening process.

The companion document, *Rules of Procedure for the Environmental Impact Screening and Review Process of the Inuvialuit Final Agreement* (Rules of Procedure) provides information on the procedural framework within which the EISC operates and on how Developers and other Parties to the Proceedings of the EISC can formally participate in the environmental impact screening process.

3.1 Pre-Screening

“Pre-Screening” means an assessment undertaken to determine if a proposed project is subject to Environmental Impact Screening. Pre-screening is performed on all new files unless the project proponent requests the file proceed directly to Environmental Impact Screening.

3.1.1 Pre-Screening Committee

To meet the commitments and schedule of the EISC guidelines as expressed in section 2.2.2 above, a Pre-Screening Committee (PSC) has been established. The PSC reports directly to the EISC and is representational of the mandated structure of the EISC. Membership includes the Chair, one member appointed by Canada and one member appointed by the Inuvialuit Game Council.

3.1.2 The Role of the Pre-Screening Committee

The role of the PSC is to determine whether or not a project proposal requires an environmental impact screening. The pre-screening function is administrative and is required to determine:

- a) whether a particular application is “development” as defined in the IFA, and if so
- b) if it is “exempt” from screening as per the Exclusion List found in Appendix C of the EISC Guidelines, and if it is not
- c) advise the developer that the proposed development will be subject to an EIS.

3.1.3 The Pre-Screening Process

All proponents of proposed projects in the ISR, must complete an on-line questionnaire that officially registers the project on the EISC Public Registry, and informs the EISC about the activities associated with the proposed project (see section 3.2.2 – Step 2 below). The EIS Coordinator reviews the Project Summary Questionnaire (PSQ) to determine if it is complete for the purposes of pre-screening.

Members designated to pre-screen a file review the information supplied and determine if they have enough information to make a decision. If they do not they communicate their specific information needs to the EIS Co-ordinator with a copy to the other members designated on the file. The EIS Coordinator will contact the proponent or other appropriate party to obtain the sought after information and then advise all designated members on the file. Members then submit their decision forms, clearly indicating their reasons for decision, to the EIS Co-ordinator and the Chair.

3.1.4 The Pre-Screening Decision

The PSC makes the decisions described in section 3.3.1 below, specifically “Step 3: Pre-Screening Decision 1 – Development Determination”, and “Step 4: Pre-Screening Decision 2 – Exemption Determination”.

The Chair determines if there is clear and full consensus between the PSC members and if necessary facilitates discussions toward resolution. If consensus is attained the Chair will direct the EIS Coordinator to prepare and issue a decision letter. If consensus is not achieved, the Chair refers the file to the full EISC membership and seeks a quorum decision.

3.2 Environmental Impact Screening

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

3.2.1 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 Screening Committee.

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

“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 effect” 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 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.

“Direction on procedure” means a direction issued by the Screening Committee 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.

“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.

“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).

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

“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 EISC in the course of an Environmental Screening.

“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 and other members based on the provisions of the IFA, assigned to participate in an Environmental Screening 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.

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

“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.

“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.

“Registry” means the paper copy or the electronic copy of the Record of documents established by the EISC 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.

“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 in response to a Request for Ruling.

“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 to assist with an EISC 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/Métis (s.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 or habitat study or any activity intended to improve habitat or contribute to the management and increase of wildlife populations.

3.2.2 Further Guidance on “*What is a Development*”?

The IFA environmental impact screening and review process provisions are not triggered by applications for licences, permits or other authorizations. These provisions apply when a project is determined to be a “development” as defined by the IFA. Therefore, the EISC has no authority to screen projects that do not meet the IFA’s definition of “development”. The EISC will make a determination on whether a proposed activity or project is a “development” when an online Project Summary Questionnaire is submitted or when a Developer requests a determination by the EISC.

3.2.3 Developments Subject to the Environmental Impact Screening and Review Process

Developments subject to the environmental impact screening and review process include:

- Every proposed development of consequence to the ISR that is likely to cause a negative environmental impact.
- Every proposed development of consequence to the ISR that could have a significant negative impact on wildlife, wildlife habitat or, on present or future wildlife harvesting.
- All proposed developments relating to the Yukon North Slope.
- Proposed developments that the Inuvialuit have requested be screened (e.g., offshore developments, onshore developments on Crown land, non-renewable resource developments within the ISR including those on Inuvialuit private lands).
- Upon request of the Dene/Métis or the Inuvialuit, any proposed development in areas where traditional Dene/Métis harvesting may be adversely affected.

A government project is considered a “development” and is subject to screening if it is directly sponsored by, and conducted by, or under the day-to-day control of government or a government agency or corporation. Government research and infrastructure projects would meet this definition, whereas university projects, or projects by non-government organizations, if they are not commercial, would generally not be “developments”.

3.2.4 Developments not Subject to, or that are Exempt from, the Environmental Impact Screening and Review Process

Developments not subject to the environmental impact screening and review process include:

- Proposed developments carried out in response to a national emergency.
- Proposed developments carried out in response to an emergency such that carrying them out is in the interest of preventing damage to property or the environment, or are in the interest of public welfare, health or safety.
- Government projects within the limits of communities not directly affecting wildlife outside those limits.
- “Wildlife enhancement projects” as defined in these Guidelines.

Proposed developments not subject to the environmental impact screening and review process because they do not meet the definition of “development” in the Inuvialuit Final Agreement include any government habitat studies or any government studies intended to improve habitat, or contribute to the management and increase in wildlife populations.

There are also developments that are exempt from the environmental impact screening and review process by way of an Exclusion List established by the Screening Committee. Refer to Appendix C for the

list of developments which are considered not to have a significant negative impact on air, water, land or renewable resources in the ISR. If there are uncertainties as to whether a proposed development is included in the types of developments found on the Exclusion List the EIS Coordinator should be contacted.

3.2.5 Inuvialuit Organization's Referral of Proposed Developments to the EISC

The EISC must accept for screening a referral of a proposed development, should the Inuvialuit formerly make such a request¹:

- The Inuvialuit Game Council (IGC), on April 10, 1987, formally requested that environmental screening be conducted of all onshore developments on Crown lands and offshore developments within the ISR.
- On April 14, 2005, the IGC requested that all proposed non-renewable resource developments on Inuvialuit private lands be screened by the EISC.

The EISC interpretation of "Inuvialuit" for the purpose of referrals is essentially that Inuvialuit organizations and not individuals may make referrals. Individuals may make requests should they wish, to one of the Inuvialuit organizations.

Inuvialuit organizations recognized for the purpose of referrals are the:

- Inuvialuit Game Council (IGC)
- Inuvialuit Land Administration (ILA)
- Hunters and Trappers Committees (HTCs)

3.2.6 Development Proposals on the North Slope of the Yukon

Development proposals located on the North Slope of the Yukon that are subject to the environmental impact screening and review process may also be subject to the *Yukon Environmental and Socio-Economic Assessment Act* (YESAA). Developers are advised to consult the YESAB office in Dawson City Yukon and visit the YESAB web site <http://www.yesab.ca/>.

3.2.7 Obligation to Comply

Under IFA, section 11(36), "no licence or approval shall be issued that would have the effect of permitting any proposed development to proceed unless the provisions of [IFA section 11(36)] have been complied with". This requirement has the effect of requiring competent authorities to give notice of applications for licences, permits or other authorizations to the EISC, and these applications for proposed developments are subject to the EISC environmental impact screening process.

3.2.8 Trans-boundary Considerations

Developments occurring outside of the ISR may result in negative trans-boundary effects within the ISR. In these cases, Developers are legally bound to comply with the EISC screening process, as well as the applicable jurisdictional requirements. Developers should take note of the following special cases:

¹ Should the reader wish to determine whether these example referral requests are still in effect please contact the EIS Coordinator of the EISC.

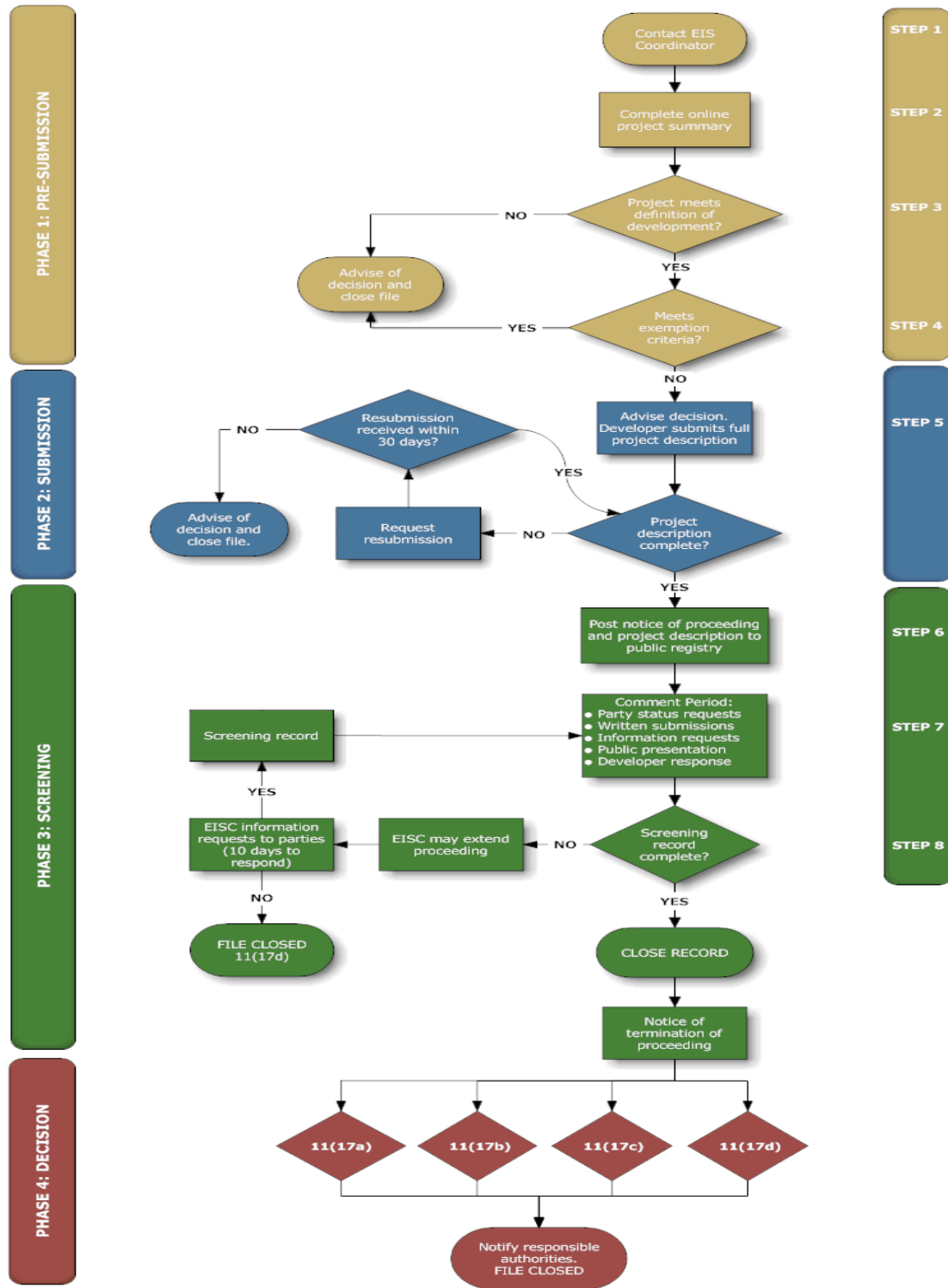
- Trans-boundary developments or developments impacting on the ISR but originating in the Gwich'in or Sahtu Regions may be subject to the provisions of the *Mackenzie Valley Resource Management Act*.
- Developments in Nunavut which may be trans-boundary, or may impact the ISR, may be subject to the Nunavut Impact Review Board process.
- Developments in Yukon which may be trans-boundary, or may impact the ISR or occur on the Yukon North Slope may also be subject to the provisions of the YESAA.

The EISC and EIRB signed a Memorandum of Understanding (MOU) with the Mackenzie Valley Environmental Impact Review Board in 2005, which establishes a framework for cooperation between the three organizations. The MOU can be accessed on the EISC web site.

3.3 Environmental Impact Screening Phases, Steps and Schedule

This subsection of the *Screening Guidelines* describes the various phases and associated steps followed by the Screening Committee to complete the environmental impact screening process. Figure 2 illustrates the phases and steps in the environmental impact screening process as described in this subsection. Please refer to the Rules of Procedure for information on how to formally participate in an environmental impact screening process.

Figure 2 - Environmental Impact Screening Phases and Steps



*DISCLAIMER

This figure represents the process under ideal conditions and is considered a general guideline. Parties are further advised to refer to the screening guidelines for detailed descriptions of each step. Additionally, the scale and complexity of proposed development, the completeness of the project description, and the ability of parties to review and respond to proposals may affect schedule timelines and decisions.

3.3.1 Phase 1 – Pre-Submission and Determination

There are four steps involved in this phase. Developers are reminded to register their development proposal on-line with the EISC regardless of whether the environmental impact screening process applies to the development or not.

Step 1 – Initial Developer Contact

A Developer may contact the EISC with any questions about the environmental impact screening process. Otherwise, a Developer may proceed directly to Step 2.

Step 2 – Complete the Online Project Summary Questionnaire

A Developer completes the on-line questionnaire that officially registers the project on the public Registry, and informs the EISC about the activities associated with the proposed project. In this step the Screening Committee considers new project proposals as well as Amendments to a Development previously screened (see s.3.5 below).

In the questionnaire, a Developer may request:

- i. That the proposed project proceed directly to Phase 2 of the environmental impact screening process as it is a development as defined by the IFA and not exempt from screening (a direct referral to Phase 2 must include a completed Project Description); or
- ii. That the proposed project be reviewed to determine whether it is subject to the environmental impact screening process, and/or whether it is exempt from screening.

Step 3 – Pre-Screening Decision 1 – Development Determination

Based on the information provided in the on-line questionnaire, the Pre-Screening Committee will determine whether the proposed project is a “development” as defined by the IFA, and

- i. If the proposed project is a development, then proceed to Step 4; or
- ii. If the proposed project is not a development, then inform the Developer, post the decision on the Registry and close the file.

Step 4 – Pre-Screening Decision 2 – Exemption Determination

This Step consists of two decisions regarding the proposed project:

Step 4.1 – Have the Inuvialuit requested a screening under the authority of s.11(1)(c) of the IFA?:

- i. If yes, then confirm decision with the Developer, request submission of a complete Project Description, and post the decision on the Registry; or
- ii. If no, then confirm the decision with the Developer and proceed to Step 4.2.

Step 4.2 – Is the proposed project exempt from environmental impact screening?:

- i. If yes, then confirm decision with the Developer, post the decision on the Registry and close the file; or

- ii. If no, then confirm the decision with the Developer and request submission of a complete Project Description, and post the decision on the Registry.

3.3.2 Phase 2 – Submission of a Project Description

Step 5 – Completeness decision on Project Description

In this phase the Screening Committee determines the completeness of the Project Description for the purposes of environmental impact screening:

- i. If not complete, return the submission to the Developer outlining the missing information and indicating the Developer has 30-days to submit a revised Project Description or the file will be closed. If the file is closed after 30-days and the Developer plans on submitting a revised Project Description, the environmental impact screening process must begin anew with Phase 1.
- ii. If complete, then confirm decision with the Developer, post the decision on the Registry, and proceed to Phase 3.

3.3.3 Phase 3 – Environmental Impact Screening

This phase is where the complete Project Description is screened.

Step 6 – Notice of Proceeding

The complete Project Description and notice of commencement of the environmental impact screening is posted to the Registry site.

Step 7 – 45-day Comment period

With the issuance of a Notice of proceeding, a 45-day comment period begins. During this period the following activities occur:

Step 7.1 - Party Status Requests

The Screening Committee will receive and register requests for status as a Party to the Proceedings of the environmental impact screening process. Please refer to Chapter 5 of these Guidelines for additional information on being a Party to the Proceedings.

Step 7.2 - Information Request Process

Parties may submit an Information Request (IR) to the Screening Committee at any time during the comment period, in accordance with Rule 1.9 of the Rules of Procedure. IRs should be specific to the kind of information that might be required by a Party. Such information might include information that would enable the Party to provide advice, for example, on the significance of an impact, or to enable a Party to fully understand the scope of a proposed development and any proposed mitigation measures. Accepted IRs will be posted to the Registry, along with the responses. The IR process will proceed for the first 35-days of the 45-day comment period only.

Step 7.3 - Post IR Process

Following completion of the IR process a Party to the Proceedings may request an opportunity to make a public presentation to provide clarification of information already submitted by that Party. If approved, the

EISC will post a notice to the Registry and notify the Parties to the Proceeding of the date and time of the presentation which will be open to the public.

Step 7.4 - Written Submissions of Parties

Parties are given until day 45 to provide any written submissions to the Screening Committee for consideration in the decision-making process. All information received will be posted to the Registry. All information contained on the Registry for a particular Proceeding is the evidence of Record the Screening Panel will consider in making its screening decision.

Step 8 – Record Completeness Determination

In this step the following actions will be completed:

- i. The Developer is given 10-days to respond in writing to any issues raised during the 45-day comment period.
- ii. Following this 10-day response period, the Screening Committee examines the Record of the Proceedings and determines if it is complete to allow it to be closed and a screening decision to be reached. At this stage and in extraordinary circumstances only, such as the late submission or extreme complexity of evidence, the Screening Committee may extend the Screening Proceedings in order to:
 - a. Consider the information contained in the Record;
 - b. Seek written clarification of any apparent issues; or
 - c. Issue IRs for any information gaps noted.
- iii. Once the Screening Committee determines the Record is complete, the Record is closed and a Notice of Termination of Proceeding is issued.
- iv. The Screening Panel is appointed from the members of the Screening Committee to complete the environmental impact screening process.

3.3.4 Phase 4 – Decision

This phase consists of the following step to complete the environmental impact screening process:

Step 9 – Screening Panel Decision

The deliberations of a Screening Panel will be private and confidential. The Screening Panel considers all of the information contained on the Record in its decision-making process, including:

- Any prior assessment of the proposed development that may have occurred.
- Information contained in a Developer's Project Description submission package.
- A complete list of the commitments made by the Developer.
- Any submissions received in relation to the Project Description and accepted by the EISC. Submissions include comments, IRs and any responses to posted comments and IRs.
- Any presentations or briefings received by the EISC regarding the Project Description.
- Whether any potentially significant negative environmental effects, negative effects on wildlife or negative effects on wildlife harvesting are identified.

The EISC's mandate is to undertake a preliminary assessment of a proposed development and its environmental effects to determine whether a proposed development "...could have a significant negative environmental impact". The EISC is not required to determine whether a proposed development will have a significant negative impact, rather the decision is whether it "could" have a significant negative environmental impact. This test of significance has a relatively low threshold which is appropriate at a preliminary environmental screening stage. If the EISC determines that the proposed development could have a significant negative environmental effect then the proposed development will be referred to an environmental impact review process for further assessment and review.

The EISC's assessment of significance includes consideration of the following criteria:

- Location of the environmental effect (e.g., is it located on Category D or E lands within a CCP; within or near critical wildlife habitat areas; or in or near important wildlife harvesting areas);
- Duration of the environmental effect (e.g., one day, seasonal or multi-seasonal);
- Timing of the environmental effect in relation to environmental issues (e.g., permafrost); wildlife (i.e., critical wildlife periods); wildlife harvesting (e.g., during important harvesting times);
- Frequency of activities within an environmental effect (e.g., is it a onetime event, or repetitive, or continuous over time?);
- Magnitude of the environmental effect (e.g., the extent of the potential effect of the activity on the environment or wildlife harvesting);
- Scale of the environmental effect (e.g., within a community, the ISR or a larger area);
- Nature of the environmental effect (e.g., direct impact, indirect impact or cumulative);
- Reversibility or irreversibility of the environmental effect (e.g., is the affected biophysical resource able to recover and over what time period?);
- Ecological context of an environmental effect (e.g., wildlife or wildlife habitat affected of important populations, implications on biological diversity);
- Wildlife harvesting context of the environmental effect (e.g., are areas where harvesting takes place impacted; the timing of the proposed activities relative to harvesting activities; are species or populations which are under harvest quotas potentially affected?); and
- Likelihood of the environmental effect occurring (e.g., what is the risk that the activity will impact on the environment, wildlife or wildlife harvesting?).

The Developer is responsible for providing sufficient information in its Project Description submission to enable the Parties to the Proceeding and the EISC to determine whether their proposed development could have a significant negative environmental effect. The Screening Panel relies on the information and advice from all of the Parties and treats equally the information and advice submitted which is based on science, local knowledge and traditional knowledge.

For more information on the EISC significance determination, please refer to Appendix E.

The Screening Panel shall expeditiously determine if the proposed development could have a significant negative environmental impact and shall indicate in writing to the governmental authority competent to authorize the development that, one of the following decisions.

11(17)(a) Decision

Where the Screening Panel determines that, "the development will have no such significant negative impact and may proceed without environmental impact assessment and review under the [IFAJ]".

The Panel shall take into account any prior government development or environmental impact review process that in the Committee's opinion adequately encompassed the environmental assessment and review function.

11(17)(b) Decision

Where the Screening Panel determines that, "the development, if authorized subject to the environmental terms and conditions recommended by the Screening [Panel], will have no such significant negative impact and may proceed without environmental impact assessment and review under the [IFA]".

Where the Screening Panel makes a section 11(17)(b) determination it does so on the expectation that its recommendations will be implemented by the competent authorities in order that the effect(s) predicted during the environmental screening would be mitigated. The Screening Committee acknowledges that the competent authorities can only implement those recommended terms and conditions which are within their legislative authorities.

Where the competent authority or authorities are unable to implement a recommendation, or recommendations, of the Screening Panel, it is expected that the Developer will implement the recommendation(s). The Developer must confirm in writing to the EIS Coordinator that it shall make best efforts to implement these recommendation(s).

11(17)(c) Decision

Where the Screening Panel determines that, "the development could have significant negative impact and is subject to assessment and review under the [IFA]".

Where a proposed development is, or may be subject to, a government development or environmental impact review process, the governmental authority responsible for that process shall provide the Screening Panel with sufficient information to allow the Screening Panel to make a determination as to whether the existing or planned process encompasses or will encompass the assessment and review function of the IFA.

Under section 11(19), if the Screening Panel determines that the existing or planned review process meets the environmental assessment and review function of the IFA and if the governmental authority responsible for the development or environmental impact review process accepts the referral of the proposed development, the Screening Panel shall refer the proposed development to the body carrying out that review process.

The Screening Panel will ask the governmental authority responsible for the review process to respond to the Screening Panel within a reasonable time with the information on the scope of the governmental review and whether it would accept the referral.

Under section 11(20) if, in the opinion of the Screening Panel, the governmental review process does not or will not adequately encompass the assessment and review function of the IFA, or if the review body declines to carry out the review, the Screening Panel shall refer the proposed development to the Review Board for a public review.

For proposed developments referred to the Review Board, Developers should contact the EIRB to obtain copies of the EIRB's *Environmental Impact Review Guidelines*. The EIRB may be contacted at: www.eirb.ca.

11(17)(d) Decision

The Screening Panel determines that, “the development proposal has deficiencies of a nature that warrant a termination of its consideration and the submission of another project description”. The Screening Committee shall return the Project Description to the Developer with its Reasons for Decision, and the Record will be closed. The Developer may submit a new development proposal and start the environmental impact screening and review process over.

Step 10 – Registry Record Closed

The Screening Panel’s Decision Letter and “Reasons for Decision” shall be posted on the Registry and provide to the authority or authorities competent to authorize the proposed development and to the Parties to the Proceeding. The Record will then be permanently closed.

3.3 Environmental Impact Screening Proceeding Extensions

This section describes the two ways for the Screening Committee to consider extensions to the Environmental Impact Screening Proceeding.

3.3.1 Extension Requests to the Environmental Impact Screening Proceeding

Requests for an extension to the Environmental Impact Screening Proceeding may be made by a Party, in accordance with Rule 1.7 of the Rules of Procedure, or by the Screening Committee in accordance with Rule 1.9.7 of the Rules of Procedure. The Screening Committee may consider an extension request for one or more of the following reasons:

- New information regarding the proposed development has been identified or received, and is considered material to the Screening Panel decision. This new information could be received during the comment period, as a result of an Information Request from a Party, or as a result of a change to the project design by the Developer.
- Circumstances out of the control of a Party have occurred that prevent an adequate review of the Project Description within the allotted comment period.
- The Developer has requested an extension with reasons and the EISC has accepted the request.

If the EISC grants an extension, the EIS Coordinator will:

- Post the extension decision to the Registry, along with a revised timeline for completion of the Environmental Screening Proceedings.
- Notify the Parties, that new information regarding a proposed development has been posted to the Registry.

3.3.2 EISC Screening Extensions

The Screening Committee may consider an extension to an Environmental Impact Screening Proceeding on its own motion, based on the following criteria:

- Changes to the Project Description are considered material and could affect the screening decision.
- More time is required to consider the Project Description and the advice and comments provided by the Parties during the comment period.
- Unresolved or outstanding questions/issues remain which prevent the Screening Panel from making a screening decision.

3.4 Changes to a Project Description during an Environmental Impact Screening Proceeding

A Developer may choose to change a Project Description prior to completion of the Environmental Impact Screening Proceeding. Developers planning on making changes to a Project Description submission should contact the EIS Coordinator for guidance. Failure to contact and consult with the EIS Coordinator prior to making a change may result in a delay to the Environmental Impact Screening Proceeding. Some changes may result in a requirement for resubmission of the Project Description including:

- Further refinement of design plans that result in any change in location, access or methods of construction or activity, or a change in the timing of the activities.
- A change to the Project Description that would result in a change to a regulatory authorization or a requirement for additional authorizations.
- An extension in schedule or duration of project.

If changes are made to the Project Description the Developer must submit an updated Project Description submission, or a detailed letter of clarification that corrects the original submission, at the completion of the 45-day comment period. Alternatively, a Developer may request an extension in order to prepare and submit an updated Project Description or letter.

Any correspondence with the EIS Coordinator regarding changes to a Project Description should have the words "**Project Description Change for ...**" in the subject line.

3.5 Amendments to a Development following completion of the EIS Process

With respect to regulatory authorizations, no amendments or new approvals should be authorized until the Screening Committee has considered the proposed amendment and made a determination as to whether an environmental impact screening is required.

Where a Developer needs to make a modification to a development either during the term of the development or at the end of the term of the authorization they may be required to file a new Project Description. If the proposed changes alter the location, duration, frequency, timing or any of the other significance criteria (s. 3.2.4) to an extent that may alter the original determination by the Screening Panel on the significance of the environmental effect of the development the Developer should consult with the

EISC. For example; the scope of the proposed development is enlarged or changed to include the development being located on Category D or E lands of a Community Conservation Plan or the scheduling of the planned activities is changed to take place during a critical wildlife period (e.g., calving, nesting).

Any correspondence with the EIS Coordinator regarding changes to a Project Description should have the words “**Amendments to a Development ...**” in the subject line.

3.6 Multi Year Development Proposals

Project Descriptions for multi-year development proposals have to include the required information as outlined in these Screening Guidelines for each planned year of the proposed development. The Screening Committee will consider multi-year development proposals only if there is sufficient information and details for the subsequent year(s) for a screening decision to be reached. If the Developer fails to provide the information or if the Screening Committee considers that the information is insufficient to allow the Screening Panel to reach a decision on the proposed development, the Environmental Impact Screening would be terminated.

4 Project Description Guidelines

This section of the Guidelines is intended to assist Developers in preparing a Project Description that will enable the Screening Committee to work through the environmental impact screening process and to enable the Screening Panel to make an environmental impact screening decision. The Project Description must be complete for the purposes of environmental screening in order to avoid unnecessary delays in the process.

In addition to providing the elements for the preparation of a Project Description, the following sections provide specific guidance on community and Party engagement, Community Conservation Plans and wildlife harvesting to assist Developers in the preparation of their Project Descriptions.

4.1 Responsibilities of Developers

The Screening Committee expects a Developer to have the knowledge and an understanding of the local, regional and territorial environment, the land use and wildlife harvesting activities of the Inuvialuit and First Nations using the ISR. This knowledge and understanding should be reflected in the Project Description and in the Developer's assessment of the potential environmental and wildlife harvesting effects of the proposed development. Proposed mitigation measures should address the environmental and wildlife harvesting issues important to the Inuvialuit and to other ISR residents.

4.2 Engagement and Consultation with Communities and Parties

The Screening Committee considers engagement and consultation with communities and with the Parties to be an important element during the preparation of the Developer's Project Description and during the Environmental Screening Proceedings. The amount of engagement and consultation needs to be tailored to the proposed development. The Screening Committee will not accept a Project Description in relation to which the Developer has made no effort to inform potentially affected Parties or communities. The Screening Committee does expect that potentially affected Parties or communities 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 EISC also expects that communities and affected Parties will participate in the consultation and engagement process with the Developer.

Engagement and consultation appropriate for environmental impact screening can range from simply providing information and requesting feedback, to face-to-face engagement where feedback is sought from affected Parties through interactive dialogue. The Screening Committee leaves it to the Developer to determine which groups and Parties to consult with, and what is appropriate to present and explain in consideration of the anticipated effects of their development. The Screening Committee also expects that the Developer will record the details and outcome of their efforts and include this in the Project Description. Developers should be aware that more than one community may have an interest in the proposed development. This interest may be a result of the use of shared resources and the potential environmental effect(s) on those resources or on wildlife harvesting.

In accordance with the Community Conservation Plan (CCP) for each community in the ISR, the local Hunters and Trappers Committee (HTC) would normally provide the collective view or comments of the community.

If there are any questions regarding community engagement and consultation, Developers are encouraged to contact the EIS Coordinator.

4.2.1 Engagement and Consultation and the Environmental Impact Screening Proceedings

The purpose of conducting public engagement before submitting a Project Description to the EISC is to:

- Allow the Developer an opportunity to discuss the proposed development with 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 effects of the development and demonstrate how the negative effects will be mitigated.
- Advise potentially affected Parties, communities, organizations and individuals of the proposed development.
- Inform the competent authorities of the proposed development to ensure that all required information is provided in the Project Description submission to allow these agencies to complete a screening response.

As part of its Project Description, the Screening Committee expects the Developer 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 public's concerns.

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. The Parties are expected to actively participate in the process and take the opportunity to learn about the development and to comment on it.

4.3 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 to the communities 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 in this document.

4.3.1 Conservation Plans and the Environmental Screening Process

Developers are expected to have reviewed any Community Conservation Plan (CCP) or Plans, or the Yukon North Slope Wildlife Conservation and Management Plan (YNS WCMP), that may apply to the area where the proposed development is located, to have specifically consulted with the appropriate communities and community organizations about any potential conflicts, and to have demonstrated this in their Project Description to the Screening Committee. Developers are also encouraged to confirm with the communities on how current the CCP or YNS WCMP information is.

4.4 Wildlife Harvesting

The Inuvialuit Final Agreement in 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". If the EISC Screening Panel makes a determination that a proposed development could have a significant negative impact, the proposed development would be referred for environmental review.

Developers are required to provide the following information in their submissions:

- Description of any potential effects to wildlife species, such as wildlife productivity, 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; and
- Evidence to support these findings and conclusions.

4.5 Project Description Submission Requirements

Developers are expected to prepare a written submission that contains the following information. The suggested content for the Project Description submission is found in Appendix F. Developers also need to complete the on-line environmental screening form found at www.screeningcommittee.ca.

Written submissions must clearly address the following requirements:

- A complete description for the proposed development.
- Scope, including the spatial extent and principle activities planned
- Maps (please refer to Appendix F, Section 19.0 below for specific visual information requirements and formats)
- Timelines and schedules
- Description of the environment in which the development is to take place
- Description of the community use of the proposed development area, including present wildlife harvesting activities/importance (e.g., CCPs or the YNS WCMP).
- An outline of Emergency Response Plans that includes an annotated table of contents that clearly demonstrates the scope of these plans and what would be committed to by the Developer.
- Wildlife Encounter and Bear management plans and mitigation information.
- Whether the development could have significant negative environmental effects and why.
- Whether the development could lead to the damage or loss of wildlife and wildlife habitat, or lead to the disruption of wildlife harvesting activities.
- Whether recommendations or mitigation measures committed to by the Developer may result in the development having no such significant negative environmental effects or significant negative effects on present or future wildlife harvesting.
- Demonstration of a logical process for completing impact and cumulative effects analysis.
- Written material should be concise and designed for a non-technical audience.
- For multi-year development proposals, provision of enough detailed project description information and analysis for all years of operation.

4.5.1 Written Submission Format

All written submissions to the EISC must be in a PDF file format. The Screening Committee may also, from time to time, require a certain number of printed copies of the written submissions in addition to the PDF file format.

5 Parties to the EIS Proceedings

This section of the *Environmental Impact Screening Guidelines* provides information on participation as a Party in the Proceedings of the environmental impact screening process.

5.1 Who is a Party to the Proceedings?

The following entities are included on the EISC's Distribution List and are automatically considered Parties to an EISC Proceeding:

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

These Parties must ensure that the EISC has current contact information for them. Any entities not automatically considered as Parties to an EISC Proceeding must apply to the EISC for Party status. The EIS Coordinator will acknowledge that all Parties, whether automatically considered a Party or that have applied to be a Party, are considered a Party to the Proceedings.

Those wishing to be recognized as a Party to the Proceedings and to receive notice and information regarding a particular proposed development should apply for Party status with the EISC in writing or on the website at www.screeningcommittee.ca.

5.2 Roles and Responsibilities of a Party to the Proceedings

The EISC relies on the input of Parties for information and advice regarding the proposed development and its potential environmental effects. Once the environmental impact screening process has started, Parties are expected to provide comments and/or advice in the form of written submissions to the Screening Committee.

In general, the Screening Committee is interested in receiving the following information from Parties wishing to contribute to an environmental impact screening process:

- An indication of whether the Party was consulted by the Developer.
- An indication of the issues and concerns the Party identified in the Developer's Project Description and whether they were communicated to the Developer.
- An indication of whether the mitigation measures proposed by the Developer would address the environmental or wildlife harvesting issues and concerns identified by the Parties.
- An indication of the outstanding issues identified by the Parties
- Any additional mitigation measures the Parties could suggest that would potentially avoid a negative environmental effect(s) or negative effect(s) on wildlife harvesting.
- Any other matter the Parties may want to advise the Screening Committee of which is within the Screening Committee's mandate.

Refer to Appendix G for additional guidance on the type of information useful to the Screening Committee in completing an Environmental Impact Screening.

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Appendices

Appendix A.	EISC Authorities
Appendix B.	Key Organizations and Boards in the ISR
Appendix C.	Exclusion List
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Appendix F.	Example Project Description Submission Content Guide
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Appendix H.	Information Request (IR) Form

Appendix A: Environmental Impact Screening Committee Authorities

Environmental Impact Screening Committee Authorities

This section explains the operating authorities of the EISC as provided by the Inuvialuit Final Agreement.

Developments Subject to Screening

The Inuvialuit Final Agreement, and its enabling legislation, the *Western Arctic (Inuvialuit) Claims Settlement Act*, S.C. 1984, c. 24, requires the preliminary environmental screening of onshore developments of consequence to the ISR that are likely to have a negative impact on the environment, or on present or future wildlife harvesting. A development is defined in s. 2 of the IFA as follows:

- (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.

The Inuvialuit Final Agreement further stipulates that "no licence or approval shall be issued that would have the effect of permitting any proposed development to proceed unless the provisions of [the Environmental Impact Screening and Review Process] have been complied with" [Subsection 11(36)]. This means that the authorizing authorities, regulators and Developers are obliged to await the outcome of the EISC screening process and, if necessary, the review process (conducted by government or Environmental Impact Review Board (EIRB)) prior to proceeding with the development. This means that the issuance of licences or other approvals for a development must wait until the EISC has made a screening decision. These obligations are independent of any other environmental impact assessment processes established by federal or territorial law that may also apply.

Other Developments Subject to Screening

The Inuvialuit Final Agreement explains and qualifies other developments that may be subject to screening. Subsection 11(1) adds that screenings may be required for

- (a) developments described in Subsection 13(7);
- (b) developments in the Yukon North Slope region described in Section 12;
- (c) developments in the Inuvialuit Settlement Region in respect of which the Inuvialuit request environmental impact screening; and
- (d) subject to any agreement between the Inuvialuit and the Dene/Métis, developments in areas including the Aklavik land selections where the traditional harvest of the Dene/Métis may be adversely affected, on request by the Dene/Métis or by the Inuvialuit.

Where requests for environmental impact screening of developments are made to the EISC under these subsections, it will be the responsibility of the EISC to advise the Developer and Parties that screening of the proposal has been requested, and of the information requirements of the EISC.

Impacts to Wildlife – Subsection 13(7)

The EISC is to screen developments having impacts on wildlife.

Subsection 13(7) states, “Every proposed development of consequence to the Inuvialuit Settlement Region 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.” This Subsection does not apply to developments on s. 7(1)(a) lands.

Yukon North Slope – Section 12

The EISC also has screening obligations related to the Yukon North Slope. Subsection 12(3) states the following:

Subject to Subsections (5) to (15):

- (a) all proposed developments relating to the Yukon North Slope shall be screened to determine whether they could have a significant negative impact on the wildlife, habitat or ability of the natives to harvest wildlife:
- (b) other uses within the Yukon North Slope shall be considered and may be permitted if it is shown that there would be no significant negative impact on wildlife, habitat or native harvesting.
- (c) other uses within the Yukon North Slope that may have a significant negative impact on wildlife, habitat or native harvesting shall be permitted if it is decided that public convenience and necessity outweigh conservation or native harvesting interests in the area: and
- (d) proposed developments relating to the Yukon North Slope that may have a significant negative impact shall be subject to a public environmental impact assessment and review process.

The *Yukon Environmental and Socio-economic Assessment Act* (YESAA) also needs to be consulted as to its application on the Yukon North Slope.

Referrals by Inuvialuit

Requests for environmental impact screening of specific developments may also come from the Inuvialuit (Paragraph 11(1)(c)). The Inuvialuit have interpreted this to mean “...the Inuvialuit Regional Corporation (IRC), the Inuvialuit Land Corporation, the Inuvialuit Development Corporation, the Inuvialuit Investment Corporation, the Inuvialuit community corporations and any other corporations or trusts or organizations controlled by the Inuvialuit...” ([Inuvialuit Final Agreement Section 2], as well as the Inuvialuit Game Council (IGC) and the Hunters and Trappers Committees (HTC)).

The Inuvialuit may also refer non-renewable resource and offshore types of developments to the EISC that they consider warrant a screening (Paragraph 11.(1)(c)). In letters dated April 10, 1987 and April 14, 2005, the IGC gave formal notice that all offshore developments within the ISR and all non-renewable resource developments on Inuvialuit private lands respectively were to be subject to screening.

Appendix B: Key Organizations and Boards Established Pursuant to the IFA

Key Organizations and Boards in the ISR Established Pursuant to the IFA

Co-Management Boards

The Inuvialuit and the governments of Canada, the NWT and the Yukon share equally in the management responsibilities in the ISR and designate or appoint members to each co-management body. For more information go to: <http://www.screeningcommittee.ca/resources/co-management.html>

In addition to the EISC and EIRB there are 3 other co-management organizations established pursuant to the IFA.

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, EIRB and other appropriate groups.

Fisheries Joint Management Committee
P.O Box 2120
Inuvik, NT Canada X0E 0T0
Tel: 867-777-2828
Fax: 867-777-2610

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) is responsible for the preparation of a wildlife conservation and management plan for the Yukon North Slope. 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.

Wildlife Management Advisory Council (North Slope)
P.O. Box 31539
Whitehorse, YT, Canada Y1A 6K8
Tel: (867) 633-5476
Fax: (867) 633-6900
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. The Council's 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 on 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.

Wildlife Advisory Council (NWT)
P.O Box 2120
Inuvik, NT Canada X0E 0T0
Tel: 867-777-2828
Fax: 867-777-2610

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.

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 was incorporated as a Society under the NWT Societies Ordinance on April 20, 1983.

For more information about the IGC and each HTC, and how to contact them, please visit the Joint Secretariat 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 in 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 Developers on developments proposed within the community Planning Area
 - with the assistance of the IGC, familiarizing themselves with the terms and conditions of any relevant Wildlife Compensation Agreements prior to signing off by the IGC, HTC and the Developer
 - through their HTCs, 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 their HTCs, ensuring that community harvest data are kept current in order to facilitate development of practical and fair Wildlife Compensation Agreements

For more information about the HTCs and how to contact them, please visit the EISC web site: www.screeningcommittee.ca

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: Exclusion List

Types of Proposed Developments Exempt from the Environmental Impact Screening and Review Process

Notwithstanding the inclusion of a type of development on the Exclusion List, Inuvialuit exercising their rights under s.11(1)(c) of the IFA may request an environmental screening of an exempt development. In extraordinary circumstances the Screening Committee may also decide, on its own motion that a development on the Exclusion List will be subject to an environmental screening. In any such case, the Screening Committee will provide reasons for its decision.

If there is any uncertainty as to whether a proposed development is included on the Exclusion List the Developer is advised to contact the EIS Coordinator.

Developments exempt from environmental screening include:

1. The extension of the term, renewal or amendment of an existing authorization, provided that the extension of term, renewal, or amendment would not, in the opinion of the EISC result in a significant negative environmental impact, or significant negative impact on wildlife harvesting or alter the original decision of the Screening Committee on the development.
2. Routine reconnaissance or monitoring programs conducted by regulatory authorities operating within their legislated mandates (e.g., government inspection activities in support of regulated activities, government data collection activities such as stream gauging readings, but not station establishment or decommissioning).
3. Routine supply and servicing operations where the operating permit has been previously subject to screening.
4. The operation and maintenance of a highway, as defined in the *Northwest Territories Motor Vehicles Act*, R.S.N.W.T. 1988, c. M-16, or its associated culverts, carried out on the highway right-of-way and which does not:
 - a. lengthen the highway;
 - b. widen the highway by more than 15 per cent; or
 - c. entail the deposit of waste into a water body.
5. The re-installation or modification of a floating wharf that will not entail the deposit of waste into a water body.
6. The demolition of a wharf that will not:
 - a. involve the use of explosives; or
 - b. entail the deposit of waste into a water body
7. The modification of a wharf, other than a floating wharf, or of a breakwater that is accessible by land, where the modification will not:
 - a. be carried out below the high-water mark of the wharf or breakwater;
 - b. involve dredging; or
 - c. entail the deposit of waste into a water body.

8. Routine military surveillance operations by small contingents of local Rangers which involve the establishment of observation posts of limited duration and limited aircraft support.
9. Outfitting activities in National Parks authorized by the Parks Canada Agency.
10. Aircraft landings in National Parks authorized by the Parks Canada Agency.
11. Outfitting activities in the Northwest Territories authorized under the NWT Tourism Act and Regulations.
12. Research projects identified, developed and implemented as a result of a previously screened Project Description and subsequently authorized.
13. All construction, operation and maintenance of all buildings and services within an established community. Bulk storage of fuel, power generation with nuclear fuels, wind farms or hydro power and any industrial activity are not exempt from Environmental Impact Screening.

Whereas Bulk Fuel Storage means: storage of fuel for resupply or resale but does not include individual residential or commercial users storing less than 80,000L.

Whereas Industrial activity means: activities where the aim is the manufacture, assembly or processing of goods or commodities or the exploitation of natural resources.

1. This includes the following:

- a. Land farms
- b. Manufacturing plant (steel, metal or chemical)
- c. Recycling Depot
- d. Hazardous waste or chemical storage or use
- e. Explosives storage
- f. Meat and fish production facilities (establishment or change in operation)
- g. Exploration, oil and gas, bulk sampling, mining and all associated mining activities
- h. Port development or improvements

2. This excludes the following:

- a. All institutional activities
- b. The following commercial activities:
 - i. Building supply centre
 - ii. Custom workshop
 - iii. Construction equipment yard
 - iv. Heavy equipment sales and rentals
 - v. Automotive commercial garage
 - vi. Extraction from existing quarries, but not expansion of existing quarries
 - vii. Home occupations – meaning any occupation, trade, profession, personal service, day care or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building
 - viii. House construction

14. Prospecting activities that meet all the requirements of the November 1, 1995 Letter of Agreement between the Inuvialuit Regional Corporation and the Department of Indian Affairs and Northern Development in relation to the issuance of prospecting permits and licences in the Inuvialuit Settlement Region.
15. Government-sponsored wildlife-related research, by virtue of having undergone review and approval via the IFA co-management process. For greater certainty, this exemption is limited to research projects which have been reviewed, and received conditional approval from the relevant HTC(s), and the appropriate IFA Co-management Boards i.e. (WMAC(NWT); WMAC(NS); FJMC).
16. Developments deemed by the Environmental Impact Screening Committee to not be of consequence to the Inuvialuit Settlement Region as they are not likely to cause significant negative environmental impact, or negatively affect present or future wildlife harvesting.

Appendix D: 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 Beluga Management Plan (FJMC)
Not specified	Zone 2	>610 m (2000 ft)	Tourism 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 EISC 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

Appendix E: Determination of Potential for Significant Negative Environmental Impact

Introduction

The Screening Panel considers three main questions when making significance decision. These are:

- Whether a proposed development could have a significant negative environmental effect.
- Whether a proposed development could have a significant negative effect on wildlife or wildlife habitat.
- Whether any development of consequence that is likely to cause a negative environmental effect could have a significant negative impact on present or future wildlife harvesting.

The threshold for determining significance is relatively low, appropriate for the screening level assessment required at this stage of the environmental impact screening and review process.

Overall, environmental impact screening and review is a systematic approach for identifying the environmental effects of a proposed development before they occur, allowing for their modification to prevent and/or minimize significant negative environmental effects. It is a planning tool integral to sound decision-making.

It is the Developer's responsibility to provide information and technical data in sufficient detail about the proposed development to permit an adequate preliminary assessment of the proposed development and its environmental impact. Developers should make their own determinations about significant negative environmental effects and whether their projects may result in significant negative effects to present and future wildlife harvesting. Developers should also demonstrate the likelihood of predicted impacts occurring and why.

The Parties to the Proceedings, including competent authorities authorized to allow the proposed development to proceed, will consider all of the information provided in the Developer's Project Description submission and provide any comments to the Screening Committee. Such comments may include, for example, the significance of environmental effects, the potential for significant negative effects to present and future wildlife harvesting, and the effectiveness of any proposed mitigation measures.

The project description submission guidelines in this document provide sufficient guidance for Developers to complete their submission with the appropriate level of detail for the environmental impact screening process.

General Guidance for Assessing Significance

The term "significance" is used in environmental assessment (EA) legislation worldwide as a criterion or threshold which, when crossed, triggers administrative action within the assessment process. The criterion or threshold of "significance" may be expressed in terms of:

- Standards and guidelines, such as regulatory licence limits.
- Goals or targets, such as overall reduction in number or reduction in collective total.
- Carrying capacity, such as limits to environmental resilience as determined in EA or cumulative effects assessment (CEA).
- Limits of acceptable change, for example, as determined in Community Conservation Plans.

The administrative action triggered by “significance” may include:

- The focus or scope of the screening.
- Application of mitigation measures.
- A determination of whether or not a project requires environmental review.
- A determination of whether or not a project should proceed.

In each of these instances, "significance" is used as a technical criterion, which makes using the term a highly context-specific task. For example, it is applied to the many formal, as well as subjective evaluations that are made throughout the assessment process.

Different Parties to the Proceedings will also have differing perceptions of significance. Those who experience environmental changes as a result of a project are likely to regard any clearly identifiable effect as “significant”, while regulatory agencies might have specific thresholds defined in legislation or regulations that signal whether or not a significant effect has occurred (e.g., meeting or exceeding a regulatory licence limit, or harmful alteration, disruption or destruction of biological habitats or resources). Determining what is of significance and what is not, is difficult, as the issue is often multi-dimensional and value-based. This is one reason why engaging in a consultation and engagement process and reporting the results, and reporting Developer responses to issues and concerns raised is important.

Best Practices

The determination of the significance of environmental effects, or of a project as a whole, is an extremely important aspect of the screening process. The determination of significance is typically based on:

- Existing environmental conditions and trends.
- Existing scientific, technical, traditional and other relevant information (e.g., Canadian Council of Ministers of the Environment (CCME) Guidelines, Flight Altitude Guidelines (Appendix D), Community Conservation Plans and wildlife management plans, WMAC (NS)).
- Relevant regulatory criteria, standards/objectives, guidelines and thresholds (e.g., Water Licence limits).
- Comments provided by Parties to the Proceedings.
- Professional judgement.

Significance can be determined qualitatively by applying a number of approaches and/or considering a number of different criteria, either implicitly or explicitly. There are a variety of approaches to the assessment of “significance”, including a regulatory/standards based approach; environmental quality or resource based approach; sustainability criteria based approach; and effects/criteria based approach. These various approaches can utilize a variety of scale, scoring methods to help make an overall determination of the significance of an effect or the project as a whole.

The consideration of alternatives to the project or the components of the project may also shed some light on finding ways of overcoming significant effects. In reality, the best place to consider alternatives is during the prefeasibility and feasibility planning stages of a project, where it is much easier to make significant changes to the project design.

Best practice principles for determining the significance of environmental effects include:

- Incorporate tests of significance at various stages. A systematic process should be followed in distinguishing clearly “as predicted” from “residual” effects. The first involves evaluating the significance of “as predicted” effects to define the requirements for mitigation and other impact management measures. The identification of residual effects is used in the cumulative effects assessment of a project.
- Use a systematic approach in which the choice of method is clearly related to the problem at hand and, and as far as possible, can be widely understood (i.e., use approaches that help to structure and focus evaluation of significance, such as the tabular formats and cross-effect matrices).
- Review available information to see if it is relevant to local use and application.
- Apply criteria that allow the attribution of significance in a rational, defensible and problem-relevant way, and identify the basis on which judgements are made. Defining specific criteria for determining effect significance, should include:
 - The assignment of significance in a rational way through discussion and consensus.
 - A measure of consistency necessary for the comparison of alternatives.
 - Documentation of the values and beliefs on which judgements are based.
- Where environmental conditions display shifts from their normal variability, a statistical significance threshold may need to be established to define an acceptable range of variation. This approach is often limited by the lack of knowledge concerning the nature of background variability (e.g., baseline conditions, trends) inherent in natural systems.
- Provide a straightforward, non-technical explanation of approach, including assumptions and qualifications, when more complex methodologies are used, (e.g., multi-criteria analysis).
- Apply technical criteria when the likely changes associated with a proposal can be predicted with reasonable accuracy (e.g., standards, environmental quality criteria and, in certain cases, risk assessment of probable adverse ecological or health impacts). References to biodiversity, sustainability considerations and carrying capacities are less easy to justify, more open to argument. However, given their increasing importance in environmental management decision making, this is an area where further work and clarification in guidance on effect evaluation is required.
- Distinguish between the ecological and social importance of impacts.
- Describe as necessary, the confidence levels in impact prediction and judgement that underlie the determination of significance.
- Use a “negotiated” approach when factual information is limited, there is a high degree of uncertainty or controversy regarding potential impacts. This can be science- or expert-based, or involve a broader cross-section of affected and interested parties. There is also an array of social impact assessment tools which can help to determine significance from a community perspective.

What the EISC Considers

In determining the potential for significant negative environmental impacts of proposed developments, the EISC considers, for example, the following questions:

Quantitative (measurable)	Qualitative (experience)
Is the proposed development in management category C, D or E lands as identified in Inuvialuit Community Conservation Plans?	Potential negative impacts to Inuvialuit culture and values due to potential impacts on wildlife and/or harvesting activities.
What effects will the project have on C, D or E lands?	

Quantitative (measurable)	Qualitative (experience)
Potential negative impacts to Inuvialuit culture and values. Is there a conflict with wildlife management plans developed through the Inuvialuit co-management process?	Disruption to Inuvialuit harvesting due to changes in wildlife and wildlife habitat. Disturbance to wildlife or wildlife habitat
Disruption to Inuvialuit harvesting due to changes in wildlife and wildlife habitat.	Past experience with similar types of developments
Is there the potential to exceed territorial and/or federal environmental quality standards or guidelines? What are the effects of exceeding quality standards or guidelines?	
Does the proposed development have the potential to exceed established thresholds or thresholds determined by the Developer for the purposes of impact analysis (e.g., CCME Guidelines, Flight Altitude Guidelines)?	
Is there potential for habitat loss, disturbance, or population decline for any species with special conservation status, keystone species or species harvested by the Inuvialuit, as determined by the WMAC (NWT or NS) and/or the FJMC?	
What is the ecological context in which the project is proposed to take place (i.e., is the area a critical wildlife habitat, wildlife sanctuary or an area previously disturbed)? Does the proposed project affect areas with particularly high biodiversity potential?	
Is the proposed mitigation feasible, practical and effective? Does the mitigation use best available and tested technology?	
Have established cumulative effects thresholds been reached?	Have environmental or harvesting changes been experienced from other developments within the same area?
Is there a consensus within the affected communities about the proposed development?	What do the affected communities say about the proposed development?
What is the advice of the Parties about the proposed development?	What do the Parties say about the project?

For many effects, there are no clear thresholds or quantifiable means of measuring them. For these, qualitative or experiential (life experience) means are used. This can include public consultation and asking people how much change they can tolerate. This is one reason why the engagement and consultation process is important to the environmental impact screening and review process.

Residual Effects

Residual effects typically refer to those effects remaining after mitigation has been applied to reduce the initial effect, and they are linked to potential cumulative effects. Residual effects should be described according to the following criteria:

- Geographic extent of the impact (i.e., localized or widespread).
- Duration of the impact or how long it will happen.
- Frequency of the impact or how often it will happen.
- Magnitude or how big is the impact relative to what is acceptable by communities for an impact.

Since it is not always easy to describe effects in a quantifiable manner, the EISC also accepts qualitative descriptions. Qualitative descriptions are based on the quality or character of an effect.

Likelihood

Once mitigation measures have been applied, any remaining effects are considered to be residual effects. These either cannot be mitigated, or are remaining after only a certain level of mitigation has been applied (e.g., reducing toxic stack/exhaust emissions to zero may be prohibitively costly and not justifiable for the project or by current regulatory standards). These residual effects contribute to cumulative effects, but they must also be considered for the specific project. A Developer needs to identify whether the residual effects are likely to occur, and if so under what conditions and to what extent.

Appendix F: Project Description Content Guide

Project Description Content

The following information requirements are presented as a suggested content guide for a Project Description. The EISC expects that the level of detail in a Developer's submission will vary depending on the stage of the development, the scope of the activities, the development's complexity, size, location and the duration of the proposed development.

1.0 Cover Letter

- A cover letter requesting a screening under the IFA Environmental Impact Screening and Review process, and including a contact name, address, telephone and email address for the Developer and the individual responsible for authorizing the development.

2.0 Title of the Proposed Development

- The Project Description should be clearly identified. The title should inform the reader as to the nature of the development. This title will be used in all subsequent correspondence.

3.0 Contact Name and Address

- Include the name of the Developer (company, government department or individual) and a contact name, address, telephone, fax, and email address.

4.0 Approvals – Regulatory and other Authorizations

- A list of all the authorizations, licences or permits that are required from governments (federal territorial, municipal), regulatory agencies and private landowners in order to proceed with the development.
- If it is a government project, the authority competent to authorize the development.
- The name address, telephone number, email address and fax numbers should be provided of the contact person within each organization who will authorize the proposed development.

5.0 Summary of the Project Description

- A plain language summary of the proposed development, the potential environmental and wildlife harvesting impacts, significance determination and the Developer's mitigation commitments.
- This summary can be used to facilitate community engagement and understanding of the proposed development and its environmental and wildlife harvesting implications for the ISR.

6.0 Summary of the Proposed Development

- Purpose of the proposed development
- Components of the proposed development including: transportation, staging, exploration, monitoring, reclamation, abandonment and decommissioning.
- Location, including any offsite activities related to the development
- Timing and scheduling of the proposed development i.e., key dates, or phases of the development. If multi-year, indicate timing and scheduling for each year is required

-
- Infrastructure, personnel and equipment requirements
 - Waste handling and disposal (garbage, sewage [black water and grey water], hazardous materials)
 - Fuel requirements, storage, transportation and handling (method of transfer)

7.0 Developer's Commitments

- A summary or a consolidated list of the Developer's commitments and associated implementation timelines for the development, including all mitigation measures

8.0 New Technology

- Explain any new technologies with references to experience in other areas, particularly northern experience with the technologies proposed.

9.0 Alternatives

- A rationale for the selected site of the proposed development and an indication of alternatives that were considered
- A rationale for the development activities and the alternatives that were considered and rejected should be included.
- A description and details regarding any new technologies or innovative procedures that may be used.

10.0 Description of the Biophysical Environment,

- Identify and describe in summary form the important biophysical resources that could be negatively impacted by the proposed development (i.e., climate, oceanographic resources, surface and ground waters, permafrost, vegetation, wildlife, sites of high biodiversity and special conservation status.
- Describe the state and condition of the environment and environmental components prior to the proposed development. This information can help distinguish between environmental changes that might otherwise be attributed to the development, from those that could be caused by something else or be natural variation.

11.0 Traditional and Other Land Uses/ Potentially Affected Communities

- Reference the relevant Community Conservation Plans and any updates or current information should be included
- Harvesting areas (i.e., hunting and berry picking) and harvest timing
- Sensitive wildlife harvesting areas and times
- Land designation category (CCP) should be included

12.0 Community Engagement and Consultation

- Demonstrated community engagement, a list of issues and concerns identified during the engagement, and how the development design and implementation is addressing the issues and concerns identified. (Refer to subsection 4.5)

13.0 Co-Management, Inuvialuit Organizations and Government Engagement and Consultation

- Demonstrated engagement with relevant government departments and agencies, Inuvialuit organizations and co-management organizations. A list of issues and concerns raised by these parties and methods the Developer proposes, or has already implemented, for dealing with them.

14.0 Analysis of Potential Significant Negative Environmental Impacts (refer to Appendix E)

- Identify those elements of the proposed development that could negatively impact on the important biophysical resources.
- Identify those elements of the proposed development that could negatively impact on resource harvesting activities.
- Assess the significance of the potential environmental impacts, including impacts on wildlife and wildlife habitat, before and after mitigation measures are implemented.
- Assess the significance of the potential impacts on wildlife and resource harvesting before and after mitigation measures are implemented.
- Rate the residual environmental and resource harvesting impacts to assess whether the proposed development could have a significant negative environmental impact or significant negative impacts on resource harvesting.

15.0 Cumulative Environmental Impacts

- the Developer should consider the following questions:
 - What other developments or activities are in the area (including past, present, and reasonably foreseeable developments and activities)?
 - Do the effects of the other developments or activities overlap with the effects of the proposed development?
 - What are the effects' interactions (i.e., describe the cumulative impact(s))?
 - If it is found that the cumulative environmental effects of this project, in combination with others are likely to be significant, further mitigation measures should be considered to reduce or eliminate the environmental effect.

16.0 Proposed Mitigation Measures to Address Potential Impacts

- Describe the proposed mitigation measures to address potential negative environmental impacts, impacts on wildlife and impacts on resource harvesting.
- Describe the mitigation that is required to manage the cumulative impact(s).
- These should include:
 - Waste management plans (garbage, sewage (grey and black water), hazardous waste)
 - Emergency response plans – outline of the Plan
 - Contingency plans (this should included but not limited to: fuel spills, blowouts, permafrost degradation, accidents or malfunctions)
 - Wildlife encounter management plans (including but not limited to: Bear Management Plans (Encounter and Response Guidelines, Inuvik Region, Department of Environment and Natural Resources, GNWT, and http://www.enr.gov.nt.ca/live/pages/wpPages/Safety_in_Grizzly_and_Black_Bear_Country.aspx)

-
- Wildlife and fisheries management plans to manage predicted long term environmental or harvesting impacts
 - Operation timing and scheduling of activities
 - Aircraft flight altitudes and landings
 - Adaptive management plans
 - A summary table of potential environmental/harvesting impacts with associated mitigation measures should be included.

17.0 Clean-Up, Reclamation, Disposal and /Or Decommissioning Plans

- Plans for clean-up, reclamation, disposal and or decommission of the various elements of the proposed development
- A decommissioning plan is necessary for all developments involving facilities construction (i.e., construction of permanent structures)

18.0 Other Environmental Assessments

- An indication of whether this proposed development has been subject to a previous environmental assessment,
- Provide a copy of the assessment and decision reports (where available).
- Indicate what changes to the development resulted from the environmental assessment process, the regulatory process, or the implementation of the development.

19.0 Visual information:

- Maps, charts and other visual aids containing information useful in determining the location, nature and extent of the proposed development, and for helping to determine any potential significant negative impacts. This information should include, but is not limited to, the following:
 - Previous and existing developments and infrastructure.
 - All Inuvialuit lands (7.(1)(a) and 7.(1)(b)).
 - Protected areas of any type.
 - CCP land designations.
 - Any transportation and/or access routes to or through the site.
 - Any sensitive aquatic and terrestrial areas (e.g., habitat, rearing, spawning/reproduction, feeding, harvest areas, SARA species locations).
 - Traditional use and culturally important areas.
 - Mapped coordinates of development proposals on 1:250,000 scale maps for general location and 1:50,000 scale maps for precise locations.
- For Project Descriptions in which the Developer has the capacity, the EISC requests that the geographic data also be provided in a digital form. Suggested geo-referenced data formats include: AutoCAD DXF, ESRI shapefiles, Arc Interchange (.E00) Files, or mid-mif. The provision of metadata is also required - with the minimum being the projection information and required values. The preferred file format is shapefile - decimal degrees (NAD83).

Appendix G: Submission Information for Parties to the Proceedings

Submission Information for Parties to the Proceedings

The following information requirements are provided as a guide for Parties to the EISC Proceedings for providing comments and /or advice on a proposed development subject to environmental screening.

The guide addresses four types of Parties to the Proceedings that are recognized as potentially having an interest in or that could be affected by, a proposed development in the ISR:

- Government agencies and co-management organizations
 - This Party type includes:
 - Authorities competent to authorize the development
 - Government agencies that have specialist and/or technical expertise in relation to the proposed development, or to the location of the development
 - Co-Management organizations that have specialist and/or technical expertise in relation to the proposed development, or to the location of the development
- Inuvialuit organization;
 - This Party type includes:
 - Inuvialuit Game Council
 - Hunters and Trappers Committees
 - Inuvialuit corporations
- Communities and community organizations
 - This Party type includes:
 - The six Inuvialuit communities, if they are affected by the proposed development
 - Community governments
- Members of the general public, who have been registered by the EISC as Parties to the Proceedings
 - This Party type includes:
 - Individual members of the public, including residents of the ISR
 - Non-governmental organizations
 - Aboriginal groups of adjacent jurisdictions who may be affected by the proposed development
 - Others not identified in the above types that may be affected by a proposed development.

These Parties are requested to provide, as a minimum, the following information in their written submissions.

General Information:

A cover letter including the Party's purpose and interest in the proposed development (i.e., which Party type do you fall into? How are you potentially affected by the proposed development?) For the submission, a contact name, address, telephone, and email address of the reviewer, and the individual responsible for completing the review should all be provided.

A clear explanation of the scope of the Party's advice on the Project Description.

Party Specific Information

Government and Co-management organizations

Information and/or technical data in sufficient detail should be provided to support an evaluation of the Developer's assessment of the potential environmental impacts, including potential cumulative effects of the proposed development. This information could include the following:

- An evaluation of any potential positive and negative environmental and biophysical impacts that may result from the development, and proposed methods to mitigate or avoid negative impacts.
- An evaluation of the Developer's commitments and associated implementation timelines for the development.
- Where a Party disagrees with any part of the Developer's submission, please provide rationale for these conclusions.
- Where possible, Parties are asked to suggest alternatives to components of, or for, the whole development, provide better mitigation suggestions where appropriate and provide suggested terms and conditions for consideration by the EISC that would reduce or eliminate significant impacts.
- If the Party is a governmental authority, please provide the scope of the regulatory instrument for which the authority has responsibility in relation to the proposed development (e.g., what components of the development do you regulate?)
- A clear explanation and rationale for any recommendations to the Screening Committee that may result in the development having no significant negative impacts.
- A summary and outcomes of any engagement and consultation opportunities the Party participated in with the Developer, including dates, location, and other participants.
- If an authorizing authority concludes there is insufficient information in the project description submission to reach a conclusion on these points, and any other points the authority deems relevant, an information request (IR) submission to the Screening Committee is appropriate. The IR request form can be found on the EISC web site www.screeningcommittee.ca .

Inuvialuit Organizations

- An evaluation of the human environment components in the development area, including traditional and other land uses and potentially affected communities.
- An assessment of the Developer's engagement and consultation efforts, a list of issues and concerns raised and methods the Developer proposes or has implemented for dealing with them.
- Where a Party disagrees with any part of the Developer's submission, please provide rationale for these conclusions. Where possible, Parties are asked to suggest alternatives to components of, or for the whole development, provide better mitigation suggestions where appropriate and provide suggested terms and conditions for consideration by the EISC that would reduce or eliminate significant impacts.

Communities and Community Organizations

- An evaluation of the proposed development and how it might affect the community and/or community services.
- An assessment of the Developer's engagement and consultation efforts, a list of issues and concerns raised and methods the Developer proposes or has implemented for dealing with them.

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- Where a Party disagrees with any part of the Developer's submission, please provide rationale for these conclusions. Where possible, Parties are asked to suggest alternatives to components of, or for the whole development, provide better mitigation suggestions where appropriate, and provide suggested terms and conditions for consideration by the EISC that would reduce or eliminate significant impacts.

Members of the Public (who have been registered by the EISC as Parties to the Proceedings):

- Any comments the member of the public wishes to submit about the proposed development.
- An evaluation of the proposed development and how it might affect the community and/or community services.
- An assessment of the Developer's engagement and consultation efforts, a list of issues and concerns raised and methods the Developer proposes or has implemented for dealing with them.
- Where a Party disagrees with any part of the Developer's submission, please provide rationale for these conclusions. Where possible, Parties are asked to suggest alternatives to components of, or for the whole development, provide better mitigation suggestions where appropriate, and provide suggested terms and conditions for consideration by the EISC that would reduce or eliminate significant impacts.

Appendix H: Information Request (IR)

Information Requests

Instructions on Making an Information Request (IR)

The purpose of Information Requests is to provide the EISC/EIRB with the information it needs to decide whether the proposed development is likely to have a significant adverse environmental effect. An Information Request is a tool for the Screening Committee/Review Board and the Parties to obtain additional information, clarification on issues, and to answer questions that arise during the Proceedings.

Information Requests can originate from and be directed at any of the Parties to the Proceeding. A Party can request information that is necessary for its technical analysis of the development's potential impacts. All IRs are subject to the Screening Committee's or the Review Board's approval. The Screening Committee or the Review Board will generally not accept any Information Requests outside the scope of the screening or the review.

Please provide the following information when making an Information Request:

IR Number: Number is assigned by EISC/EIRB

Source: Organization proposing the request (your organization)

To: Who the request is directed at (i.e. organization(s) expected to answer or provide information), e.g. the Developer or a government department.

Subject: What is the general subject of the request? (e.g., fish, water, cultural impacts, etc...)

Preamble

Provide background information and a rationale for your request. The preamble should identify any shortcomings of available information and how the requested information will be relevant. For example: "The Developer's correspondence to date describes various mitigation measures to minimize impacts on wildlife, but does not specify which measure is aimed at which species. To determine the effectiveness of proposed mitigation measures the species they are aimed at should be known".

Request

The question the Party is directed to answer. For example: "Please identify which mitigation measures are aimed at minimizing impacts on moose". A question may consist of several parts. Please make your questions as specific as possible.

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