Wildlife Management Advisory Council
North Slope

30 April 2014

John Pearce
Environmental Impact Review Board
107 MacKenzie Road,
Inuvik, NT X0E 0T0
VIA EMAIL: dloreen@eirb.jointsec.nt.ca

Dear Mr Pearce,

**Re: WMAC(NS) Comments Concerning *Draft Terms of Reference for the Environmental Impact Review (Environment Impact Statement Guidelines) – Beaufort Sea Exploration Joint Venture Drilling Program* Issued by the Environmental Impact Review Board**

Further to the Council's review of the Environmental Impact Review Board's draft terms of reference for the review of the Beaufort Sea Exploration Joint Venture Drilling Program ("the TOR"), the Council provides the following comments.

1. With regard to the methods applied in describing and assessing impacts on the environment, the TOR should explicitly require the use of high standards and best practices.

   Suggested revision:
   "Methods used to describe the environmental conditions and to identify and measure impacts on the environment should be consistent with high standards and best practice in the relevant subject area."

2. With regard to the principle of sustainability and consistent with the application of best practices in sustainability-based environmental assessment, additional guidance should be provided. Reconciling economic development, social equity and environmental quality is at the core of sustainable development. This guidance is consistent with the assessing the impacts of the proposed project against the overall Section 1 principles of the Inuvialuit Final Agreement.

   Suggested revision:
   "A project's contribution to sustainability can be evaluated on the basis of the following:
   - the extent to which a project makes a positive overall contribution towards

environmental, social, cultural and economic sustainability
    - how the planning and design of a project have considered how it affects achieving sustainable development
    - how monitoring, management and reporting systems have incorporated indicators of sustainability
    - the views of stakeholders and participants in the EIR process"

3. With regard to the description of baseline conditions for valued environmental and socioeconomic components (VESCs), a focus on current conditions is not sufficient to understanding the state of baseline conditions. When baseline descriptions are focused on current conditions they can be perceived as the "new normal." That approach ignores the importance of understanding the nature and extent of past changes as means of illuminating the sensitivity, vulnerability or perhaps resilience of what remains. In situations where social and ecological systems are to be affected, a crucial practical issue is whether any of those systems may be at or near a threshold to dramatic change that may compromise valued qualities or the delivery of valued goods and services. Identifying such thresholds is both important and difficult. While some present indicators may be revealing, often the most important information is historical – concerning the range of past fluctuations, the nature of and responses to past stresses, and the extent of past losses or gains of adaptive capacities (as provided, for example, by indigenous biodiversity and niche filling redundancies in ecosystems, and by the various aspects of social capital in human systems).

   Suggested revision:
   "In describing the existing environment, consideration must be given to its current state, including trends and recent changes. The description of the baseline, while necessarily relying on recent and current data and traditional knowledge, must recognize the dynamic nature of the environment. To assist in identifying and accounting for trends and changes in the environment that are not caused by the Project but that may either combine with those impacts related to the Project or cause a change to the Project:

    - describe any substantive changes to the physical, biological and human environment of the Project area that have occurred since circa 1970, to the extent known, and indicate whether those changes are ongoing;
    - specifically, describe any changes to wildlife and fish habitat and to distribution, movements or abundance since circa 1970, as appropriate;
    - describe how the environment has changed in relation to hydrocarbon exploration; predict the condition of the environment within the expected lifespan of the Project, if the Project did not proceed. Considerations shall include but not be limited to climate change and variability, permafrost distribution and characteristics, variation in wildlife and fish abundance and distribution, water quality, ecological connectivity and demographic and socio-economic trends; and
    - discuss substantive changes in Inuvialuit use of the land, and social and cultural conditions, to the extent know, since 1970. "

4. Interactions between VESCs and the interactive effects on those components are an important of impact assessment and assessing the overall implications of project

effects. Assessment of individual VESCs fail to address how effects combine (positively, negatively or neutrally) and the overall implications of these interactions.

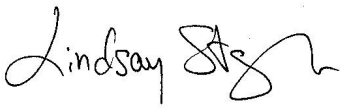
Suggested revision:
"Describe linkages between VESCs and related effects pathways resulting from Project-related impacts (e.g., how impacts on the biological environment could affect the human environment) and evaluate the significance of the interactive effects."

5. The TOR indicate the importance of spill risk analysis and in determining whether the Project is likely to cause significant environmental effects as defined by the Canadian Environmental Assessment Act (CEAA). The CEAA evaluation criterion requires assessment of two components to define risk: the severity of an adverse impact and the likelihood of an adverse impact occurring. Forecasting spill risk is challenging due to the many variables impacting risk and the uncertainties in forecasting future development affecting risk. To improve the accuracy of risk assessment, international risk assessment best practices have been developed. Given the significance of spill risk assessment in the review, these best practices should be applied to the review.

   Suggested revision:
   "Describe the best practices in forecasting and evaluating oil spill risk, and, specifically, how these have been applied in the Proponent's assessment of oil spill scenarios."

Thank you for your attention to these comments.

Sincerely,



Chair, WMAC(NS)