



INUVIALUIT GAME COUNCIL

July 20, 2016

Honourable Catherine McKenna P.C., M.P.
Minister of Environment and Climate Change Canada
200 Sacré-Coeur Boulevard
Gatineau, QC K1A 0H3
Via email: CEAA.EARReview-ExamenEE.ACEE@ceaa-acee.gc.ca

Re: Comments on Draft Terms of Reference for Review of environmental assessment processes

Dear Minister McKenna:

The Inuvialuit Game Council (IGC) was established by the Inuvialuit Final Agreement (IFA) and represents the collective Inuvialuit interest on matters related to wildlife and the environment. We appreciate the opportunity to comment on the draft Terms of Reference for the review of environmental assessment processes.

The Inuvialuit have submitted correspondence to yourself and your predecessors (enclosed for your convenience) indicating the Inuvialuit's interest in seeking an opportunity to amend the regulatory regime in the Inuvialuit Settlement Region (ISR) where duplication still exists between the *Canadian Environmental Assessment Act, 2012* (CEAA, 2012) and the environmental impact screening and review processes that are legally required by the IFA. CEAA, 2012 also legally requires environmental assessments in the ISR, which could result in two separate reviews for the same project. The CEAA, 2012 is therefore inconsistent with the IFA and furthermore was enacted without consultation with the Inuvialuit.

The ability for the Inuvialuit to submit comments to the Expert Panel being established appears to be irrelevant, or perhaps impossible by the indication that all comments related to amending northern environmental assessment regimes would be redirected to an undefined process being undertaken by the Minister of Indigenous and Northern Affairs Canada (INAC). This is not acceptable. The process launched by the Minister of INAC should also be informed by recommendations from the Expert Panel as a fundamental principle of a pan-

Canadian environmental assessment regime that at its basic level should be consistent.

The section on "Complementary Mandates" makes reference to the Minister of INAC having "launched a process to amend northern environmental assessment regimes." The IGC is unaware of any such effort being undertaken in the Inuvialuit Settlement Region and, if there is such an effort underway, it has been initiated without consultation with the Inuvialuit.

This review of environmental assessment processes provides an opportunity to have such processes across Canada be rooted in common fundamental principles that are applicable to all regions of the country, including the Arctic, such as ensuring the sustainability of natural, renewable resources. This would facilitate consistency in approach no matter where a development application is being assessed.

Thank you again for the opportunity to provide input into the draft Terms of Reference for the Expert Panel review.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Patrick Gruben', with a stylized flourish at the end.

Patrick Gruben
Chair

cc:

Duane Smith – Chair and CEO, Inuvialuit Regional Corporation

Encl.

- 1) March 11, 2009 correspondence from the Inuvialuit Game Council (IGC) and Inuvialuit Regional Corporation (IRC) to the Minister of Environment and Minister of Indian and Northern Affairs Canada
- 2) October 21, 2009 correspondence from the IGC and IRC to the Minister of Environment and Minister of Indian and Northern Affairs Canada
- 3) April 25, 2016 correspondence from the IGC to the Minister of Environment and Climate Change Canada



Inuvialuit Regional Corporation

March 11, 2009

The Honourable Jim Prentice, P.C., M.P.
Minister of the Environment
Les Terrasses de la Chaudière
10 Wellington Street, 28th Floor
Gatineau, Quebec
K1A 0H3

The Honourable Chuck Strahl, P.C., M.P.
Minister of Indian and Northern Affairs and Northern Development
10 Wellington Street, 21st Floor, Suite 2100
Gatineau, Quebec
K1A 0H4

Dear Ministers Prentice and Strahl:

RE: Changes to the *Canadian Environmental Assessment Act*

We understand that the Government of Canada is proposing changes to the *Canadian Environmental Assessment Act* (CEAA) in an effort to achieve regulatory efficiencies and more timely consideration of development proposals. As you may be aware, the Inuvialuit Settlement Region is the last area in northern Canada where duplication of CEAA and land claim based environmental impact assessment (EIA) processes still occurs.

Inuvialuit are also interested in regulatory changes which can increase the efficiency of the northern regulatory system, encourage investment in the North and strengthen the role of institutions established under the Inuvialuit Final Agreement (IFA). It is our view that changes to CEAA may present just such an opportunity.

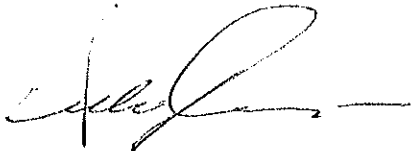
Inuvialuit Game Council
P.O. Box 2120, Inuvik, NT X0E 0T0

Inuvialuit Regional Corporation
Bag # 21, Inuvik, NT X0E 0T0

We would like to discuss the proposed changes to CEAA and opportunities for improvements in IFA based EIA processes with you and ask that you contact us so that appropriate arrangements to this end might be made.

Yours truly,

Inuvialuit Regional Corporation,

A handwritten signature in black ink, appearing to read 'Nellie Cournoyea', with a horizontal line extending to the right.

Nellie Cournoyea
Chair and Chief Executive Officer

Inuvialuit Game Council,

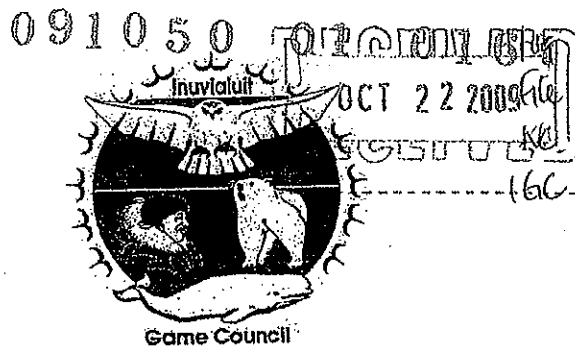
A handwritten signature in black ink, appearing to read 'Frank Pokiak', with a horizontal line extending to the right.

Frank Pokiak
Chair

cc: Lisa Raitt, Minister of Natural Resources Canada



Inuvialuit Regional Corporation



October 21, 2009

The Honourable Chuck Strahl, P.C., M.P.
Minister of Indian and Northern Affairs Canada
Les Terraces de la Chaudiere
10 Wellington Street, 21st Floor
Gatineau, Quebec
K1A 0H3

The Honourable Jim Prentice, P.C., M.P.
Minister of the Environment
Les Terraces de la Chaudiere
10 Wellington Street, 28th Floor
Gatineau, Quebec
K1A 0H3

Dear Ministers Strahl and Prentice:

RE: The Canadian Environmental Assessment Act

In March of this year we wrote to you to indicate that the Inuvialuit were interested in regulatory change that could improve the efficiency of the northern regulatory system. We remain interested in exploring opportunities to strengthen and improve institutions established under the Inuvialuit Final Agreement. We suggest that opportunities to achieve this goal be considered in concert with ongoing changes undertaken with respect to the *Canadian Environmental Assessment Act* (CEAA).

Unfortunately, we were not able to initiate these discussions this spring. We wish to renew our request for an opportunity to meet and to initiate the discussions necessary to improve environmental assessment while reducing the regulatory burden imposed on developments in the Inuvialuit Settlement Region. We ask that you contact us so that appropriate arrangements to this end can be made.

Yours truly,

Inuvialuit Regional Corporation

Nellie Gournoyea
Chair and Chief Executive Officer

Inuvialuit Regional Corporation
Bag Service #21, Inuvik, NT X0E 0T0

Inuvialuit Game Council

Frank Pokiak
Chair

Inuvialuit Game Council
P.O. Box 2021, Inuvik, NT X0E 0T0



INUVIALUIT GAME COUNCIL

April 25, 2016

The Honourable Catherine McKenna P.C., M.P.
Minister Environment and Climate Change Canada
Ottawa Ontario

Dear Minister McKenna:

RE: CEAA, 2012 in the Inuvialuit Settlement Region

I am Chairman of the Inuvialuit Game Council (IGC) established by the Inuvialuit Final Agreement (IFA) to act in the interests of Inuvialuit beneficiaries on matters related to wildlife and the environment. I am also a member of the board of the Joint Secretariat, incorporated to support the co-management tribunals established by the IFA, including the Environmental Impact Screening Committee (EISC) and the Environmental Impact Review Board (EIRB). As you may be aware, the IFA includes provisions establishing a comprehensive environmental impact assessment framework, which has been in operation since 1984.

I understand that you recently met with my colleague Duane Smith, the Chairman of the Inuvialuit Regional Corporation and that, among other things, you discussed the application of the *Canadian Environmental Assessment Act, 2012* (CEAA, 2012) in the Inuvialuit Settlement Region (ISR). I am also informed that your government intends to engage in a review of CEAA, 2012 in the near future. I write to offer you some indication of the views of IGC and Inuvialuit with respect to the application of CEAA, 2012 in the ISR.

CEAA, 2012 is inconsistent with the IFA and it was enacted entirely without consultation with Inuvialuit. As things stand at this time, it is possible that two separate reviews could be required for the same project under the IFA and CEAA, 2012. This overlap clearly violates the "one project one assessment" principle that has characterized environmental impact assessment approaches in Canada for several decades. The problems created by CEAA, 2012 in the ISR stem directly from Canada's failure to consult Inuvialuit when the legislation was being developed.

The Inuvialuit environmental impact assessment process set out in the IFA is based in federal law. The ISR is the only comprehensive land claims area in Northern Canada where duplication

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between CEAA, 2012 and the land claims based impact assessment system exists. It also bears noting that the IFA provides for a more comprehensive environmental impact assessment framework than the one presently in place under CEAA, 2012.

I conclude by registering the strong support of the IGC for the position Mr. Smith communicated to you on CEAA, 2012. It is time to remove the application of CEAA, 2012 from the ISR thus avoiding the environmental assessment process duplication, which could discourage economic growth in our region.

My staff would be pleased to meet with your officials to work cooperatively to ensure that a single, thorough, Inuvialuit impact assessment process is in place in the ISR.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Patrick Gruben', with a stylized flourish at the end.

Patrick Gruben
Chairman IGC

cc

Duane Smith – Chairman, IRC
Hon. Bob McLeod – Premier of the Northwest Territories
Hon. Wally Schumann – Minister, Environment and Natural Resources GNWT
Hon. Michael McLeod – MP, Northwest Territories
Herb Nakimayak – MLA, Nunakput
Robert C. McLeod – MLA, Inuvik Twin Lakes
Alfred Moses – MLA, Inuvik Boot Lake
Frederick Blake – MLA, Mackenzie Delta
IGC Members
JS Board Chairs