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EEYOU MARINE REGION IMPACT REVIEW BOARD

COMMISSION DE LA RÉGION MARINE D'EEYOU

CHARGÉE DE L'EXAMEN DES RÉPERCUSSIONS

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Guide 5

TERMINOLOGY AND DEFINITIONS GLOSSARY

EEYOU MARINE REGION IMPACT REVIEW BOARD

Guide 5

TERMINOLOGY AND DEFINITIONS GLOSSARY

EEYOU MARINE REGION IMPACT REVIEW BOARD

Contents

THIS IS NOT A LEGAL DOCUMENT.

The explanations and definitions are not legal definitions. In case of a discrepancy, the text of the Eeyou Marine Region Land Claims Agreement prevails.

To order copies of the EMRIRB Guides, kindly send a request by email: info-irb@eeyoumarineregion.ca

Note: The abbreviations 'EMRIRB' and 'the Board' are used interchangeably throughout this document in reference to the Eeyou Marine Region Impact Review Board.

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1. PROJECT TYPE DEFINITIONS

ALL-WEATHER ROAD/ACCESS TRAIL

A project with the objective of road construction for use in all seasons, or a project with the objective of providing vehicular access to an area of interest involving minimal alteration to the terrain.

HARVESTING ACTIVITIES

A project which involves the reduction of Wildlife into possessions, with the objective of harvesting animals from their natural habitats for traditional and commercial use. Harvesting activities include hunting, trapping, fishing as defined in the Fisheries Act, R.S.C 1985, c. F-14, netting, egging, picking, collecting, gathering, spearing, killing, capturing, or taking by any means.

INDUSTRIAL DEVELOPMENT

A project related to the manufacture, assembly, or processing of goods and commodities, the exploitation of natural resources, and operations involving hazardous materials. This includes, but is not limited to the following:

- a. Land farms and landfills (establishment and operation)
- b. Sewage lagoon
- c. Manufacturing plant (steel, metal or, chemical)
- d. Recycling depot
- e. Hazardous waste, or chemical storage or chemical use
- f. Bulk fuel storage >80,000 litres
- g. Quarries. The initial development or the expansion of an existing quarry and the disestablishment thereof where the same was not included as part of the initial screening
- h. Explosives storage
- i. Tanneries
- j. Meat and fish production facilities (establishment or change in operation)
- k. Exploration, bulk sampling, mining and all associated mining activities

INFRASTRUCTURE

A project with the objective of building offloading facilities constructed off the shoreline and connected to the mainland of the marine or fresh-water environment. Examples include a jetty, dock, break water, or port facility. Activities involve the construction of drill platforms, artificial island, floating drillship, and other structures that are constructed in a water body.

MARINE-BASED ACTIVITIES

Any activity occurring in the marine environment, such as vessel use associated with land-based activities or disposal at sea.

MINE DEVELOPMENT/BULK SAMPLING

■ MINE DEVELOPMENT

Any work or undertaking in which materials or ore containing minerals are removed from bedrock by any method, and most often associated with mills, concentrators, machinery, plants and buildings below or above ground belonging to or used in connection with a mine.

■ BULK SAMPLING

A project with the objective of extracting large samples of mineralized material. Samples are selected as representative of the potential mineral deposit. Activities may also involve crushing/milling (on a small scale).

MINERAL EXPLORATION

A project with the objective of exploring an area to find geological anomalies. It involves site reconnaissance (ground and/or air) to locate broad and fiscal mineral deposits. Activities may include prospecting, rock sampling, mapping, drilling, and other work (geophysical surveys, seismic surveys, geochemical surveys, stripping, trenching, assaying) involved in searching for or locating a mineral or petroleum resource.

More advanced mineral exploration projects have the objective of identifying size, grade, and physical characteristics of a mineral occurrence and assessing the economic and technical feasibility of developing the mineral deposit into a producing mine.

OIL AND NATURAL GAS EXPLORATION/ACTIVITIES

A project that includes:

- a. Exploration, such as seismic or geological mapping;
- b. Drilling of oil and gas wells; or
- c. Construction and operation of a pipeline, a gas processing plant, or any oil and gas facility.

■ OIL AND GAS EXPLORATION

The search for rock formations associated with oil or natural gas deposits and involving geological and geophysical prospecting and/or exploratory drilling and seismic surveys.

■ OIL AND GAS DEVELOPMENT

The construction, operation, significant expansion, decommissioning, or removal of oil and gas activities including well development.

PITS AND QUARRIES

A project with the objective of pitting, which involves the extraction of granular material (i.e., sands and gravels) and quarrying, which involves the removal of consolidated rock (i.e., bedrock, frozen soil).

SEISMIC SURVEY

A project with the objective of conducting a survey to map the depths and contours of rock strata by timing the reflections of sound waves released from the surface. Survey site locations may be offshore (not within 12 nautical miles of any coast), near shore, and extended onshore.

SITE CLEAN-UP/REMEDIATION

A project with the objective of site cleanups, which focuses on the remediation of chemically contaminated soils, stabilization of landfills and dumps, demolition/disposal of infrastructure and debris, and monitoring after cleanup is completed. Activities include the storage, removal, reduction, or neutralization of substances, wastes or hazardous materials at a site so as to prevent or minimize any adverse effects on the environment and public safety.

TOURISM ACTIVITIES

A project with the objective of conducting travel predominantly for recreational, sport, or leisure purposes within a designated area and limited time period. Tourism activities are associated with the travel to, or access of, wildlife, communities, and cultural or environmental features (e.g., cruise ship expeditions).

WINTER ROAD/WINTER TRAIL

A project involving the construction, operation, significant expansion, decommissioning, or removal of a road or trail.

■ **WINTER ROAD**

A project with the objective of building a road for winter use by leveling and compacting surface snow and ice. Winter roads are removed at end of the season.

■ **WINTER TRAIL**

A project with the objective of building a trail for winter use by a single pass of a tracked vehicle using a blade, if necessary.

PROTECTED AREAS

A project involving the creation of a Protected Area in the Eeyou Marine Region (i.e. National Marine Conservation Area). Associated activities may include feasibility studies and the legal processes of establishing a protected area.

SCIENTIFIC RESEARCH

A project with the objective of undertaking physical scientific research requiring government authorization or approval, involving a series of site activities comprised of observation of phenomena and measurement and collection of data necessary for scientific investigation in designated areas within a limited time period.

2. EMRIRB DEFINITIONS

ARCHAEOLOGICAL SITE

A site within the EMR of archeological, ethnographical, or historical importance, interest, or significance, or a place where an archeological specimen is found and includes explorers' cairns.

AUTHORIZATION

Any approval, permit, license, lease, certificate, or other written communication that is required to allow a project or a component of a project to proceed.

REGULATORY AGENCY

Any government agency, Grand Council of the Crees (Eeyou Istchee) Designated Organization (GDO), or other body that has the authority to issue a permit, lease, license, or grant approval to a Proponent to conduct some physical work or physical activity in relation to a project proposal.

BEST ENVIRONMENTAL PRACTICES

The application of the most appropriate combination of measures, including the most economically feasible, the best available technology, and the best scientific information available, to all stages of the project for the goal of attaining sustainable development.

BULK STORAGE OF FUEL

Storage of fuel for resupply or resale, not including individual residential or commercial users storing less than 80,000L.

COMBUSTIBLE WASTES

Garbage or waste material that can be burned easily (e.g., paper, food scraps, and wood).

CREE ZONE

Please refer to Chapter 5 of the EMRLCA for a description.

CREE/INUIT JOINT ZONE

Please refer to Chapter 5 of the EMRLCA for a description.

CRITICAL HABITAT

Defined by the Species at Risk Act, as a habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species' critical habitat in the recovery strategy or in an action plan for the species.

CROWN LANDS

Land(s) belonging to Canada or in respect of which Government has the power of disposition, including Marine Areas.

CUMULATIVE ENVIRONMENTAL ASSESSMENT (CEA)

The assessment of impacts on the biophysical and socio-economic environment that result from the incremental effects of a development when added to other past, present, and Reasonably Foreseeable Future Developments, regardless of what agency or person undertakes such other developments.

DISTRIBUTION LIST

A list compiled on a project-by-project basis to which information and correspondence is forwarded relating to any developments in the process of a specific project proposal application.

DOCUMENT

Includes anything in printed form, telecommunication or electronic transmission capable of being reduced to a printed format, and video or audiotapes.

ECONOMIC DEVELOPMENT

Efforts that seek to improve the economic well-being and quality of life of a community.

ECOSYSTEM

A community of living (biotic) organisms interacting with each other and with non-living (abiotic) support elements, such as solar energy, air, water, and soil.

ECOSYSTEMIC

Relating to the complex of a natural community of living organisms and its environment functioning as an ecological unit in nature.

EEYOU MARINE REGION (EMR)

Please refer to Chapter 4 of the EMRLCA for a description.

EEYOU MARINE REGION IMPACT REVIEW BOARD (EMRIRB)

The institution of public government established pursuant to Chapter 18 of the EMRLCA, also referred to as “the Board.”

EEYOU MARINE REGION LAND CLAIMS AGREEMENT (EMRLCA)

The land claims agreement signed on July 7, 2010 by the Grand Council of Crees (Eeyou Istchee), the Government of Canada, and the Nunavut Government (GN).

EEYOU MARINE REGION PLANNING COMMISSION (EMRPC)

The institution of public government established pursuant to Chapter 8 of the EMRLCA.

EEYOU MARINE REGION WILDLIFE BOARD (EMRWB)

The institution of public government established pursuant to Chapter 13 of the EMRLCA.

ELDER

Any member of the community recognized as such in accordance with local culture, customs and traditions or someone recognized for their experience in Cree culture, customs, and knowledge.

ENVIRONMENT

The components of the earth, including:

- a. Land, water, and air, including all layers of the atmosphere;
- b. All organic and inorganic matter and living organisms;
- c. The social, economic, recreational, cultural, and aesthetic conditions and factors that influence the life of humans and communities; and

Any part or combination of the components referred to in (a), (b), and (c) and the interrelationships between two or more of them.

ENVIRONMENTAL ASSESSMENT

Any of the following definitions could apply:

- a. The identification, description, assessment, and mitigation of the direct and indirect effects on: human beings, fauna, flora, soil, water, air, climate, and the landscape; the interaction of these factors; and on material assets, and cultural heritage.
- b. A process for identifying, predicting, evaluating, and mitigating the relevant effects of proposed projects and physical activities prior to major decisions and commitments being made.
- c. A tool to use in integrated planning of development proposals, policies, and programs.
- d. An activity designed to identify, predict, interpret, and communicate information about impacts and mitigation measures of proposed activities on human health and the well-being of the ecosystem.

ENVIRONMENTAL IMPACTS

Any positive or negative change in the biophysical and/or socio-economic environment caused by, or directly related to, a former, ongoing or proposed activity. There are 3 types of effects:

■ DIRECT IMPACTS:

Refer to changes in the environmental components that result from direct cause-effect consequences of interactions between the project activities and the environment.

■ INDIRECT IMPACTS

Result from cause-effect consequences of interactions between the environment and direct impacts. For example, the effect of pollution may not only be seen directly in the loss of local vegetation, but indirectly as a degradation of the health, culture, and social structure of the local people.

■ CUMULATIVE IMPACTS

Impact on the environment that results from the incremental impact of an action when added to other past, present, and Reasonably Foreseeable Future Development (e.g., past, existing, and proposed activities, including activities associated with the project under assessment). These changes occur over space and time and can be brought about by environmental effects that are additive or interactive.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

Termed "Impact Statement" under the EMRLCA, an EIS refers to a documented assessment of the environmental and socio-economic consequences and recommended mitigative actions of any project proposal expected to have significant environmental consequences, which is prepared by the Proponent.

GRAND COUNCIL OF THE CREES (EYYOU ISTCHEE)

The Corporation representing the Crees of Eeyou Istchee and signatory to the James Bay and Northern Quebec Agreement or any successor thereto.

GRAND COUNCIL OF THE CREES (EYYOU ISTCHEE) DESIGNATED ORGANIZATION (GDO)

The Grand Council of the Crees (Eeyou Istchee), or an organization designated by the Grand Council of the Crees (Eeyou Istchee) pursuant to Chapter 28 of the EMRLCA.

GREYWATER

Waste water generated from kitchen or washing facilities.

HAZARDOUS WASTE

A waste that contains any substance (solid, liquid, or gaseous) that is harmful or potentially harmful to life or the environment.

INFORMATION REQUEST

A written request for information or particulars made by the Board, or from one party to another.

INTERVENOR

Any interested party intending to participate in a Board hearing and play a role regarding any issues raised by the application, either by questioning other Parties or by bringing forward their own evidence.

LANDFARM

An area used for reclamation of soils contaminated by petroleum wastes and/or oily sludge through biological methods. Contaminated soils must not contain heavy metals, which must be disposed of at an approved facility.

LANDFILL

An engineered waste management facility at which waste is disposed of by placing it on or in land in a manner that minimized adverse human health and environmental effects.

LOCAL CREE TRAPPERS' ASSOCIATION

"Local Cree Trappers' Association" or "Local CTA" means the local Cree hunters, trappers, and fishermen association established or designated by the Cree Trappers' Association.

LOCAL STUDY AREAS (LSA)

That area where there exists the reasonable potential for immediate impacts due to project activities, ongoing normal activities, or to possible abnormal operating conditions.

MARINE AREAS

That part of Canada's internal waters or territorial sea, whether open or ice-covered, lying within the EMR, but not including inland waters. For greater certainty, the reference to internal waters or territorial sea includes the Seawater, seabed, subsoil, and Minerals below those internal waters or territorial sea.

MARINE PROTECTED AREA

A marine protected area established in the EMR in accordance with the Oceans Act, S.C 1996, c. 31 as amended from time to time.

MARINE RESOURCES

Organic and inorganic resources, including Land, water, and ice, located in, on, or under the EMR and including Wildlife inhabiting the EMR on a permanent, temporary, or seasonal basis.

MARINE SPECIES

Fishing including parts of fish, shellfish, crustaceans, or marine animals, and the eggs, sperm, spawn, larvae, spat, and juvenile stages of fish, shellfish, crustaceans, and marine animals.

MIGRATORY BIRD SANCTUARY

An area described in the Schedule to the Migratory Bird Sanctuary Regulations, C.R.C., c. 1036 of the Migratory Birds Convention Act, S.C 1994, c. 22.

MINISTER

Unless otherwise specified, means the federal or territorial Minister having the jurisdictional responsibility for authorizing a project to proceed.

MITIGATION

The actions taken including design, construction, schedule, and restorative measures, to control, reduce, or eliminate a potential adverse environmental effect of a proposed activity or project.

MONITORING

The systematic observation or tracking of an activity to determine whether it is proceeding or functioning as expected. Through monitoring, the accuracy of environmental impact predictions is assessed. A number of different monitoring activities are identified below:

■ EFFECTS MONITORING

Process of measuring and interpreting changes to environmental and socio-economic parameters to identify relevant project effects, and may involve assessing the accuracy of impact predictions contained in the project impact statements;

■ COMPLIANCE MONITORING

Process of determining whether and to what extent the land or resource use in question is carried out according to regulatory requirements, including terms and conditions contained in EMRIRB Project Certificates.

NATIONAL MARINE CONSERVATION AREA

An area that has been set aside as a National Marine Conservation Area under the Canadian National Marine Conservation Areas Act, S.C 2002, c. 18.

NATIONAL WILDLIFE AREA

A wildlife area described in the schedule to the Wildlife Area Regulations, C.R.C., c. 1609 of the Canada Wildlife Act, R.S., 1985, c.W-9.

NO-ACTION ALTERNATIVE

The future condition of the environment in the absence of the proposed project, also referred to as the “no-action alternative.” An assessment of the no-action alternative provides decision-makers with information about the consequences of not approving a project.

NON-COMBUSTIBLE WASTES

Waste material that cannot or should not be burned (e.g., metal, ceramic, and glass)

NORMAL COMMUNITY RESUPPLY

Marine transportation whose primary purpose is the delivery to communities in Eeyou Istchee of foodstuffs, household goods, construction materials for housing and other community-oriented facilities, and related goods and materials.

NOTICE FOR SCREENING

A statement issued by the EMRIRB to inform all interested Parties on a project’s Distribution List of the opportunity to submit public comments for screening.

NUNAVIK MARINE REGION IMPACT REVIEW BOARD (NMRIRB)

The institution established pursuant to Article 7 of the Nunavik Inuit Land Claims Agreement.

NUNAVUT IMPACT REVIEW BOARD (NIRB)

The institution established pursuant to Article 12 of the Nunavut Land Claims Agreement.

NUNAVUT WATER BOARD

The institution established pursuant to Article 13 of the Nunavut Land Claims Agreement.

OIL

Crude oil regardless of gravity, produced at a well head in liquid form and any other hydrocarbons except coal and gas and without limiting the generality of the foregoing, hydrocarbons that may be extracted or recovered from deposits or oil sands, bitumen, bituminous sand, oil shale, or from any other types of deposits on the surface or subsurface, or the seabed or its subsoil.

OVERBURDEN (ORGANIC SOIL, WASTE MATERIAL, TAILINGS)

The material that is above an area of economic interest that must be removed (i.e., rock, soil). It may be stored and used for other purposes such as restoration of the site post-project.

PARTY

The applicant or Proponent involved in the screening and/or review processes, and including any GDO, Intervenors, and the Public.

PRECAUTIONARY PRINCIPLE

If there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental and/or socio-economic degradation.

PROJECT CERTIFICATE

Refers to a certificate of approval issued by the EMRIRB pursuant to Sections 18.5.12 and 18.6.17 of the EMRLCA. Such a certificate authorizes a project or a component of a project to proceed and contains specific terms and conditions which must be implemented.

PROJECT PROPOSAL

A physical work that a Proponent proposes to construct, operate, modify, decommission, abandon, or otherwise carry out, or a physical activity that a Proponent proposes to undertake or otherwise carry out, such work or activity being within the EMR.

PROPONENT

In respect of a project proposal, means the person, body, or government authority that proposes the project.

SPECIALLY DEDICATED

An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means.

PUBLIC

Any potentially affected person in potentially affected communities, which includes individual members of an affected community, as well as organized community interest groups.

PUBLIC REGISTRY

An information system established to facilitate public access to records relating to environmental assessments conducted by the EMRIRB. The purpose of the Registry is to contain information about the conduct of environmental assessments, and to ensure that the information is accessible to the public in a timely and convenient manner. The Public Registry can be found on the EMRIRB website registry.

REASONABLY FORESEEABLE FUTURE DEVELOPMENTS

Those future projects or activities which are currently under regulatory review or will be submitted for regulatory review in the near future, as determined by the existence of a proposed project description, letter of intent, or any regulatory application filed with an Authorizing Agency.

REFERRAL FOR SCREENING

A statement issued by the EMRPC to request that the EMRIRB screen a new project proposal.

REGIONAL STUDY AREAS (RSA)

The area within which there is the potential for indirect or cumulative biophysical and socio-economic effects.

REGULATION

Includes an order, regulation, order in council, order prescribing regulations, rule, rule of court, form, tariff of costs or fees, letters patent, commission, warrant proclamation, by-law, resolution, or other instrument issued, made, or established in the execution of a power conferred by or under the authority of a statute, or by or under the authority of the Governor in Council or Commissioner-in-Executive Council.

SCOPING

The first step of the EMRIRB Review process involving all affected Parties that pinpoints significant issues warranting study and analysis. Scoping aims to identify those components of the biophysical and social environment which may be impacted by the project and for which there is public and/or professional concern. These components will then become the focus of the ensuing investigations.

SCREENING

An evaluation of a project proposal conducted to determine if a review is required and if so, what type.

SCREENING DECISION REPORT

A report that summarizes the results of a screening. A screening report usually contains a description of the project, the scope of project and assessment, and identification of the environmental effects, proposed mitigation measures, and the likely significance of the residual effects. It can also contain information on the analysis methodology, the public participation methods and results, and the monitoring program, if appropriate.

SEWAGE

Liquid and solid waste produced by the human body.

SIGNIFICANT

Significance is a consideration of the context of the project and the intensity of adverse effects, by giving particular regard to the following:

- a. the environmental sensitivity of the geographic area likely to be affected by the project;
- b. the historical, cultural, and archeological significance of the geographic area likely to be affected by the project;
- c. the extent of the effects of the project, including the geographical area that will be affected, the size of the affected human populations, and the size of the affected wildlife populations and related habitat;
- d. the extent of the effects of the project on other regional human populations and wildlife populations, including the extent of the effects on Inuit Harvesting activities;
- e. the magnitude and complexity of adverse effects;
- f. the probability of adverse effects occurring;
- g. the frequency and duration of adverse effects;
- h. the reversibility or irreversibility of adverse effects;
- i. the potential for cumulative adverse effects given past, present, and future relevant events;
- j. any other factors the EMRIRB considers relevant to assessing significance.

SOCIO-ECONOMIC EFFECTS

Refers to any of a variety of social and economic effects, including impacts upon the local economy, health, demographics, traditional way of life, cultural well-being, social life, archaeological resources, existing services and infrastructure, and local and regional government organizations.

SPECIES AT RISK

- a. An extirpated, endangered, or threatened species or aspecies of special concern listed on Schedule 1 of the Species at Risk Act (SARA);
- b. Species assessed as “at risk” by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC); and
- c. Species with territorial, regional, or local “at risk” status.

STANDING

Refers to a party's right to make a legal claim or seek judicial enforcement of a duty or right.

SUSTAINABLE DEVELOPMENT

Development that meets the needs of the present generation without compromising the ability of future generations to meet their needs.

TRADITIONAL KNOWLEDGE

Cumulative body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission. Specific Cree Traditional Knowledge is referred to as Cree Knowledge.

TRANSBOUNDARY

A project occurring or having an effect across the boundary of the Eeyou Marine Region, as defined in Chapter 4 of the EMRLCA.

TRANSBOUNDARY IMPACT

Impacts linked directly to project activities which occur across provincial, territorial, international boundaries or may occur outside of the EMR and which impacts the EMR.

TRANSLATION

Written communication transcribed from one language to another. Translation may include Eastern James Bay Cree, Inuktitut, Canadian official languages, or any other languages deemed relevant for the purposes of the Board.

VALUED ECOSYSTEM COMPONENTS (VECS)

Those aspects of the environment considered to be of vital importance to a particular region or community, including:

- a. Resources that are either legally, politically, publicly, or professionally recognized as important, such as parks, land selections, and historical sites.
- b. Resources that have ecological importance.
- c. Resources that have social importance.

VALUED SOCIO-ECONOMIC COMPONENTS (VSECS)

Those aspects of the socio-economic environment considered to be of vital importance to a particular region or community, including components relating to the local economy, health, demographics, traditional way of life, cultural well-being, social life, archaeological resources, existing services and infrastructure, and community and local government organizations.

WILDLIFE

All terrestrial, aquatic, avian, and amphibian flora and fauna *ferae naturae*, and all parts of products thereof.

3. ADDITIONAL EMRIRB INFORMATION

Several guides have been produced to provide information about the EMRIRB and the EMRIRB processes.

Guide 1—INTRODUCTION TO THE IMPACT REVIEW BOARD

Guide 2—PROJECT PROPOSAL SUBMISSION AND SCREENING PROCESS

Guide 3—REVIEW PROCESS

Guide 4—PROJECT MONITORING

Guide 5—TERMINOLOGY AND DEFINITIONS GLOSSARY

Guide 6—PARTICIPATING IN EMRIRB SCREENINGS

(available in English and Cree)

Guide 7—GUIDE FOR GOVERNMENT AGENCIES

Guides are all available at:
www.emrird.ca/resources/

Proponents should also review the Eeyou Marine Region Land Claims Agreement, especially Chapter 18, found on the EMR website.

4. CONTACT THE EMRIRB

EEYOU MARINE REGION IMPACT REVIEW BOARD

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4 Chief Isaiah Salt Road

Waskaganish Qc J0M 1R0

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Fax: 819.895.2474

E-mail: info-irb@eeyoumarineregion.ca

Website: <https://www.emrird.ca>

Public Registry: <https://emrpublicregistry.ca>

Design by Anouk Cree

Cree Communications

anoukcree@hotmail.com



NOTES

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