

**GNWT Response to:
NSMA IR#1 (ID2)**

Topic

Run Off Monitoring

Comment

(Submitted after Due Date) Proponent describes various pathways and corresponding mitigations for potential negative impacts from project runoff. Proponent includes in the mitigations: rock type verification and runoff monitoring at the quarries. NSMA is uncertain how the proponent is going to monitor runoffs from the roads as a way of verification of rock type and its acid-generating and/or metal leaching characteristics.

Recommendation

Please provide information (parameters, frequency, duration, location etc) about runoff monitoring along the constructed road.

GNWT Response

Geochemical verification of borrow source material is currently underway (see [W2016S0009](#) for further details). The results will identify which borrow sources will be suitable for construction use. Only material that has been cleared through the geochemical verification process will be utilized in the construction of the road in order to guarantee that the road surface material will not be susceptible to acid rock drainage or metal leaching. Because only non-acid generating rock/non-metal leaching material will be utilized, it is not necessary to monitor the chemical makeup of runoff from the roads. Monitoring of runoff will be conducted from an erosion and sediment control perspective; further details about this specific type of monitoring will be available in the ESC Plan that will be developed with the help of Project Co.

**GNWT Response to:
NSMA IR#3 (ID4)**

Topic

Implementation of fisheries regulations on shared water bodies

Comment

NSMA understands from the Response that some fish-bearing water bodies are located over Tłıchǫ Lands boundary. This means, when Tłıchǫ Government's fisheries regulations are in effect, one water body could be regulated by two different governments (GNWT and Tłıchǫ Government) and respective regulations.

Recommendation

Please provide, where it exists, information about how the two governments plan to coordinate regulations and enforcements of fisheries on the water bodies along the Tłıchǫ Lands boundary.

GNWT Response

NSMA is correct in the understanding that one water body along the boundary between Tłıchǫ and public land could be regulated by multiple governments. The Department of Fisheries and Oceans Canada (DFO) is the responsible management authority for fish and fish habitat in the NWT while the Tłıchǫ Government has the power to enact laws in relation to fishery activities in waters on Tłıchǫ lands (section 7.4.3 of the Tłıchǫ Agreement). The GNWT does not have the authority to manage fisheries in the NWT and therefore cannot speak to how fisheries management will be coordinated along the Tłıchǫ boundary near the proposed Tłıchǫ All-season Road. Although the GNWT does not manage fisheries, GNWT officers, under a Memorandum of Understanding with DFO, have been cross appointed to enforce sport fishing regulations and will continue to do so should the project proceed.

To provide clarity around the GNWT's role with regard to fisheries management, the GNWT has included federal Order in Council P.C. 1976-535 as an attachment to this information request response. DFO was called the Department of the Environment at the time the Order in Council was written.

FISHERIES ACT

P.C. 1976-535

WHEREAS the Minister of State (Fisheries) reports as follows:

That following discussions and correspondence with the Minister and representatives of the Department of Indian Affairs and Northern Development it has been indicated that the Northwest Territories Territorial Government desires to assume administration of the freshwater sport fishery in the Territories, **exclusive of salmon, Arctic char and other anadromous fish;**

That responsibility for enactment of all regulations under the *Fisheries Act* will remain with the Department of the Environment and other acts and regulations relating to environment or fisheries under the jurisdiction of the Department of the Environment will remain with the Department of the Environment;

That responsibility for enforcement of all above regulations **excepting those regulating sport fishing** will remain with the Department of the Environment. Enforcement of the regulations governing sport fishing will be carried out by employees of the Territorial government of the Northwest Territories who have, by Order in Council, been granted the *ex-officio* powers of a fishery officer, and by employees of the Department of the Environment;

That the Department of the Environment will retain responsibility for administration of commercial fisheries;

That the Department of the Environment will be responsible for any pollution abatement control measures pursuant to the acts and regulations administered by the Department of the Environment including the *Fisheries Act*;

That the Department of the Environment will retain responsibility for biological management of the fishery resource, including the harvests from sport, commercial and domestic fisheries;

That Fisheries research in the Northwest Territories will continue to be carried out by the Fisheries and Marine Service of the Department of the Environment;

That administration of the *Fish Inspection Act* and *Regulations* made thereunder relating to fish and fish products will remain with the Department of the Environment; and

That the Commissioner of the Northwest Territories will be responsible for printing, distribution, sales, revenue and accounting relating to the administration of the licensing system for the sport fishery in the Territory, and any revenue therefrom shall accrue to the Northwest Territories consolidated revenue fund, and the commissioner of the Northwest Territories will recommend to the Department of the Environment, Fisheries and Marine Service, any changes or amendments in the sport fishery regulations that the Commissioner deems necessary.

THEREFORE, HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, on the recommendation of the Minister of State (Fisheries) with the concurrence of the Minister of Indian Affairs and Northern Development, is pleased hereby to transfer the administration of the freshwater sport fisheries in the Northwest Territories and the laws and regulations relating thereto to the Northwest Territorial Government upon terms and conditions herein set forth, effective April 1, 1976.