

Review Comment Table

Board:	WLWB
Review Item:	GNWT-DOT - Tlicho All-season Road - Type A Land Use Permit and Type B Water Licence Application (W2016E0004 & W2016L8-0001)
File(s):	W2016E0004 W2016L8-0001
Proponent:	GNWT - DOT
Document(s):	Cover Letter (1 MB) LUP and WL Application (1 MB) GNWT-DOT DRAFT LUP and Conditions (276 KB) Project Description Report (PDR) (6 MB)
Item For Review Distributed On:	Apr 8 at 16:53 Distribution List
Reviewer Comments Due By:	May 30, 2016
Proponent Responses Due By:	July 4, 2016
Item Description:	<p>The Department of Transportation of the Government of the Northwest Territories (GNWT-DOT) submitted an application for a Type A Land Use Permit and Type B Water Licence to the Wek'èezhìi Land and Water Board (WLWB) on March 31, 2016. These applications are for the development of the Tlicho All-season Road, beginning from kilometre 196 on Highway 3 to the community of Whati. This all-season road is approximately 94 km long, 60 m wide with the alignment crossing 15 tributaries, and will require four bridges.</p> <p>Board staff have deemed the application complete on April 8, 2016.</p> <p>In this initial phase of the review process, the WLWB encourages reviewers to ask questions and provide comments and recommendations to the Board on the content of the Land Use Permit and Water Licence application, associated management plans, and the Draft Land Use Permit conditions (proposed by GNWT-DOT), and identify potential impacts of the Project and possible mitigations for the Preliminary Screening. The Proponent should attempt to clarify and/or resolve questions or issues identified by reviewers.</p>

	<p><i>Update (May 16, 2016): The Traditional Knowledge Study Report, referenced in section five of the Project Description Report, is now available here.</i></p> <p><i>Update (June 23, 2016): Please note the proponent response deadline has been extended an additional two weeks from the original review date to July 4th.</i></p>
<p>General Reviewer Information:</p>	<p>The appendices to the Project Description Report are accessible through the Online Registry:</p> <ul style="list-style-type: none"> • Appendix A - Access to Tlicho Lands GNWT TG joint letter • Appendix B - A Socio-Economic Issues Scoping Study • Appendix C - Nichols Economic Evaluation of the Tlicho Road • Appendix D - Motion 2015-018 • Appendix E - Engagement Plan and Log • Appendix E - Engagement Record Summaries • Appendix F - Tlicho Grand Chief to DOT Minister • Appendix G - 1 to 2500 Map Book of Proposed TASR Corridor • Appendix H - TASR Photo Presentation • Appendix I - Major Bridge and Culvert Conceptual Designs • Appendix J - Granular and Bedrock Prospects along Proposed TASR • Appendix K - Draft Quarry Operations Plan • Appendix L - Draft Spill Contingency Plan • Appendix M - Draft Wildlife and Wildlife Habitat Protection Plan • Appendix N - Draft Waste Management Plan • Appendix O - Landfill Authorizations from Whati and Behchoko • Appendix P - Kavik AXYS Terrain Alignment Sheets Route A 2008 • Appendix Q - 2014 DOT Ground truthing observations and photos • Appendix R - Tlicho Road Alignment Hydrologic and Hydraulic Study • Appendix S - Stantec Hydrotechnical Progress Report • Appendix T - Fisheries Protection Self-Assessment Serious Harm Determination • Appendix U - Stantec Archaeological Impact Assessment Report • Appendix V - Whati Micro-Economic Analysis of the All-Season Road • Appendix W - DOT Erosion and Sediment Control Manual • Appendix X - draft Fish and Fish Habitat Protection Plan • Appendix Y - Archaeological Site Chance Find Protocol • Appendix Z - Draft Emergency Response Plan • Appendix AA - Draft In-Field Water Analysis Plan

	<ul style="list-style-type: none"> Appendix BB - 11 x 17 Figures
Contact Information:	Bakhtiyor Mukhammadiev Jessica Pacunayen

Comment Summary

GNWT - DOT (Proponent)				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) GNWT-DOT Cover Letter to WLWB Recommendation Please see attached		
2	General File	Comment (doc) TASR Proponent Response Table (excel) Recommendation Please see attached		
3	General File	Comment (doc) GNWT-DOT Proponent Response Table (pdf) Recommendation Please see attached		
4	General File	Comment (doc) Updated Engagement Log Recommendation Please see attached		
5	General File	Comment (doc) Updated Engagement Record Recommendation Please see attached		
Community Government of Whati: Whati SAO				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) See attached Recommendation		
Environment and Climate Change Canada: Melissa Pinto				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) ECCC Cover Letter Recommendation See attached		

5	ECCC#1 - Monitoring Plan	<p>Comment The Project Description Report (PDR) does not contain a monitoring plan for water quality / erosion / sedimentation. A monitoring plan is essential to ensure that potential project effects related to water quality, erosion and sedimentation will be appropriately monitored, and to inform mitigation on a real-time basis. A comprehensive monitoring plan should be developed to include baseline monitoring, project monitoring (construction and post-construction), and upstream reference monitoring.</p> <p>Recommendation A monitoring plan for water quality, erosion, and sedimentation should be developed for the Tlic?ho All-Season Road (the Project). Baseline monitoring, project monitoring (construction and post-construction), and upstream reference monitoring will be essential components of the monitoring plan. Details should include, but are not limited to: monitoring locations, parameters, frequencies, test methods, compliance points, discharge objectives, and action levels that trigger specific management actions.</p>	<p>July 6: The draft In-Field Water Analysis Plan speaks to many of the comments. The Plan notes that it will be updated to include an appendix with the locations of the watercourse crossings and associated station numbers, to be set up at the commencement of construction. The Plan can be updated to indicate the management actions that would be implemented depending on the difference between the upstream and downstream turbidity levels. There is every expectation to have a monitoring plan in place for erosion and sediment controls as well as water quality (through the In-Field Water Analysis Plan) as they may be affected by construction activities. The In-Field Water Analysis Plan will be updated to include grab samples of TSS at select sites/time periods over the course of construction to ensure the turbidity testing remains comparable (utilized as a QA/QC method).</p>	
6	ECCC#2 - Baseline Data	<p>Comment Sufficient baseline data should be obtained prior to initiation of construction. The baseline dataset should reflect seasonal and inter-annual variation with respect to water quality at the project site and at appropriate upstream and downstream locations. Baseline data should be collected seasonally (spring, fall,</p>	<p>July 6: The proposed project is not expected to impact water quality at any of the watercourse crossings. Three years of seasonal monitoring is overly onerous and not necessary. The proposed project is operating under the notion that all watercourses crossed are considered pristine. Geochemical testing will ensure</p>	

		<p>and under ice) for water quality parameters. A minimum of three (3) years is recommended to collect sufficient baseline data.</p> <p>Recommendation The baseline dataset should represent a minimum of three (3) years of seasonal monitoring (spring, fall, and under ice) for water quality parameters.</p>	<p>material used to construct the road will not be susceptible to ARD/ML so obtaining background data at crossings pertaining to these parameters are unnecessary. A Spill Contingency Plan will be in place to prevent any spills of deleterious substances such as fuels. Should a fuel spill occur and enter the water, baseline data would not provide any useful information as it is already expected that fuel parameters would not be identified in the background samples. An in-field turbidity sampling plan will be in place during construction to monitor whether any potential granular input could be impacting the waterways. Baseline turbidity samples would not prove useful as unknown upstream events could result in changes on a daily/seasonal basis (such as permafrost slumping, fire related water impacts, etc.). When monitoring turbidity during construction, baseline data will be collected upstream of the activity at the same time as the downstream samples to provide surety of any differentiation. This methodology is typical and minimizes ambiguity in the data analysis, compared to trying to compare turbidity values taken years apart.</p>	
7	<p>ECCC#3 - Mitigation Measures for Water Quality;</p> <p>REFERENCES: Table 8-6 (Potential Water Quality and Quantity Impacts and</p>	<p>Comment It is noted that Table 8-6 (Potential Water Quality and Quantity Impacts and Mitigations) of the PDR contains some mitigation measures associated with the potential impacts on water quality affected by deposition of deleterious substances.</p>	<p>July 6: DOT agrees to including the following additional mitigation measures: Potential effects on water quality from project-related considerations will be characterized, prevented and mitigated. Surface water drainage will be directed away from watercourses. Erosion and</p>	

	Mitigations), Project Description Report	<p>Recommendation Table 8-6 (Potential Water Quality and Quantity Impacts and Mitigations) of the PDR should be updated to contain the following additional mitigation measures: - Potential effects on water quality from project-related considerations (including erosion, sedimentation, metal leaching [ML]/acid rock drainage [ARD] potential, ammonium explosives, concrete, wastewater, and fuels) will be characterized, prevented, and mitigated - Implementation of ammonia management best practices during use, storage, transport, and loading of ammonia explosives to mitigate impacts on water quality - Explosives containing ammonium will not be used in or near watercourses - Minimum of 100 m road setbacks from waterbodies and maximized use of vegetation buffers - Surface water drainage will be directed away from watercourses - Vegetation clearing will be minimized - Un-cured/partly-cured concrete will be isolated from watercourses - Erosion and sediment control measures will be maintained until disturbed areas have demonstrated to be stabilized - Fuel storage, dispensing and transferring will adhere to Indigenous and Northern Affairs Canada guidelines, and it should be noted that any tanks larger than 230 L capacity on Crown lands are regulated by Environment and Climate Change Canada (ECCC)'s Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations.</p>	<p>sediment control measures will be maintained until disturbed areas have demonstrated to be stabilized. Vegetation clearing will be minimized. Ammonia management best practices will be implemented during use, storage, transport, and loading of ammonia explosives to mitigate impacts on water quality should AN explosives be selected by the contractor for blasting operations. Should explosives use be required in or near watercourses, the contractor will make a reasonable effort to utilize explosives that do not contain ammonium. A 100 m road setback from waterbodies will be initiated wherever possible and vegetation buffers will be maximized. Should concrete be required (and cannot be precast), un-cured/partly-cured concrete will be isolated from watercourses. Fuel storage, dispensing and transferring will adhere to INAC guidelines. Tanks larger than 230 L on Crown lands will follow ECCC's Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations. Areas for cleaning equipment (including equipment used in concrete work) will be a minimum 30 m away (and 100 m where possible) from watercourses and will not drain into or toward watercourses. In instances where fuel storage does not already incorporate 110% containment (such as drums and jerry cans vs. the larger double-walled storage tanks), containment pads will be</p>	
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		Containment pad(s) and curbing designed to contain 110% of the storage volume will be provided for all fuel storage, dispensing and transfer sites. - Areas for cleaning equipment (including equipment used in concrete work) will be a minimum of 100 m away from watercourses and will not drain into or toward watercourses - Will prevent and mitigate impacts of road maintenance (including use of road salts) on waterbodies	provided for all fuel storage, dispensing and transfer sites.	
8	ECCC#4 - Turbidity Sampling; REFERENCES: Table 8-6 (Potential Water Quality and Quantity Impacts and Mitigations), Project Description Report	<p>Comment Table 8-6 (Potential Water Quality and Quantity Impacts and Mitigations) on page 8-26 of the PDR includes a bullet that describes turbidity sampling, which states: "Grab sampling will comply with CCME guidelines for turbidity. If at any time, downstream grab samples exceed CCME guidelines, workers will ensure the appropriate steps are followed with respect to the In-Field Water Analysis Plan." ECCC notes that the compliance with the Canadian Council of Ministers of the Environment (CCME) may be subject to upstream events not related to construction, and that differences in turbidity from upstream measurements should be evaluated when determining the need for further action.</p> <p>Recommendation Action levels for turbidity increases should be identified (i.e. what difference between upstream and downstream measurements would trigger mitigation or further investigation), in addition to giving consideration to</p>	<p>July 6: In the draft In-Field Water Analysis Plan (Appendix AA of PDR), it states that should the downstream samples register as 8 NTU or higher than the upstream samples, then the DOT Environmental Affairs Division will be immediately contacted for discussion and direction on further action. The Plan can be updated to indicate the management actions that would be implemented depending on the difference between the upstream and downstream turbidity levels (including immediate response triggers such as more frequent monitoring and assessment of mitigation measures). There is every expectation to have a monitoring plan in place for erosion and sediment controls, which would be a significant mitigation in keeping turbidity values below the threshold value.</p>	

		comparisons with CCME turbidity guidelines.		
9	ECCC#5- TSS / Turbidity Regression Curve	<p>Comment Field measurements of turbidity can be used as a real-time surrogate for measuring total suspended solids (TSS), a parameter which is otherwise determined in a laboratory. This relationship is site-specific, and should be developed using a TSS/turbidity regression curve. Periodically TSS samples should be collected and analyzed in a laboratory to validate or update the relationship. Use of a TSS/turbidity regression curve will allow earlier detection of project-related increases in TSS, thereby enabling more timely mitigation.</p> <p>Recommendation A TSS/turbidity regression curve should be developed to establish the site-specific relationship between turbidity field measurements and TSS lab measurements, and implemented for real-time monitoring of TSS. Periodically, TSS samples should be collected and analyzed in a laboratory to validate or update the relationship.</p>	<p>July 6: DOT does not agree with this recommendation. The amount of sampling required to establish a regression curve for each water crossing (typically at least 20 samples per site) does not make this a reasonable request given the nature and duration of the project. The usefulness of the regression curve to enable earlier detection is also not necessarily correct given the limited amount of time that construction will occur at each crossing in comparison to the time it would take to collect samples to develop the regression curve. The draft In-Field Water Analysis Plan will be an effective mitigation technique and mentions an increased sampling frequency when constructing around immediate water crossings. The Plan will be updated to include one set of confirmatory TSS (during construction around the immediate water crossing) to identify the ballpark relationship of TSS and turbidity at each site.</p>	
10	ECCC#6 - Erosion and Sediment Control Plans; REFERENCES: Section 10.6 (Sediment and Erosion Control Plan), Project Description Report; Section 3 (Erosion and Sediment	<p>Comment Section 10.6 (Sediment and Erosion Control Plan) of the PDR states that the Government of the Northwest Territories - Department of Transportation (the Proponent) will utilize the Erosion and Sediment Control Manual as its sediment and erosion control plan. Substituting a guidance manual for an implementation plan is not recommended. Site-specific erosion and sediment control plans will</p>	<p>July 6: DOT will be using the DOT ESC Manual as guidance in the development of an ESC plan, including monitoring, reporting and adaptive management. These DOT plans will be finalized by the contractor ensuring the contractor is fully aware and capable of the requirements in that plan, while DOT provides oversight while remaining accountable.</p>	

	Control Management Strategy), Appendix W: GNWT DOT Erosion and Sediment Control Manual	<p>need to be developed prior to construction to ensure correct implementation of the guidance manual. Section 3 (Erosion and Sediment Control Management Strategy) of the Erosion and Sediment Control Manual states "Erosion and Sediment Control Plans should be prepared by qualified firms or individuals for all GNWT-DOT transportation construction projects. Submitted plans and construction works must comply with the specifications set out in this manual... Within the project planning phase, the development of an effective ESC [erosion and sediment control] plan is a requirement for GNWT-DOT project managers and contractors...The EMP [Environmental Management Plan] includes an ESC Plan as a core element."</p> <p>Recommendation Erosion and Sediment Control Plans should be developed for this project, in accordance with the Erosion and Sediment Control Manual.</p>		
11	ECCC#7 - Environmental Management Plan; REFERENCES: Section 3 (Erosion and Sediment Control Strategy), Appendix W: GNWT DOT Erosion and Sediment Control Manual	<p>Comment The Erosion and Sediment Control Manual states that "The contractor is required to develop and implement an EMP detailing environmental protection measures. The EMP includes an ESC Plan as a core element."</p> <p>Recommendation An overarching Environmental Management Plan should be developed for the Project, in accordance with the Erosion and Sediment Control Manual.</p>	July 6: The management plans listed in Section 10 of the TASR PDR can be considered the overarching Environmental Management Plan; an additional EMP is not required.	

12	ECCC#8 - Surface Water Management; REFERENCES: Section 4.6 (Local Water Management), Appendix K: Quarry Operations Plan	<p>Comment Section 4.6 (Local Water Management) of the Quarry Operations Plan states that "The proposed quarry site is located on a ridge with a natural sloping terrain from the bottom to the crown. A natural buffer zone of approximately 100 m at the top of the ridge will remain. Positive drainage will be incorporated in the quarry design and benching approach as development progresses. The pit floor will also have a positive grade applied for drainage to flow and to minimize ponding effects. Grades will not exceed 4% to avoid adverse flow and erosion problems. The drainage will exit the pit floor to natural ground elevations at or near the entrance of the haul road to the quarry".</p> <p>Recommendation Section 4.6 (Local Water Management) of the Quarry Operations Plan should include a description of surface water management for pit drainage after the drainage exits the pit floor. It is important to ensure the pit drainage will not impact fish-bearing waters.</p>	<p>July 6: The information provided in Section 4.6 of the Quarry Operations Plan is for illustrative purposes only (as is stated on page 1 of the QOP). Final details can only be provided after final selection of the sources and with input from the contractor. The QOP will follow Lands' Guidelines. Should pit drainage be planned, appropriate management techniques will be utilized. These techniques include designing and constructing the quarry to drain naturally without ponding or the requirement for pumping, ensuring that water exits naturally through diffuse flow back into the natural environment with the avoidance of distinct run-off channels which could lead to erosion issues, and ensuring there will be buffer zones of undisturbed land and vegetation for the water to flow through prior to reaching watercourses. Site inspections will look for any erosion issues due to water leaving the quarry area and, if any are encountered, they will be addressed through the implementation of appropriate and sufficient counter measures such as silt fencing, sloping, diversions, etc. Spill prevention and response measures will be in place and, if a large spill were to unfortunately occur, measures will be taken at that time to prevent contaminated water from reaching watercourses. Quarry processes will not impact fish-bearing streams.</p>	
13	ECCC#9 - Ammonium-Nitrate	<p>Comment Section 6.3 (Explosives Usage) of the Quarry Operations Plan describes</p>	<p>July 6: The title of Section 6.3 of the Quarry Operations Plan can be revised to</p>	

	Management; REFERENCES: Section 6.3 (Explosives Usage), Appendix K: Quarry Operations Plan	<p>protective measures that will be taken to protect water quality from effects of ammonium explosives. The title should be revised to more accurately reflect the content of this section.</p> <p>Recommendation The title of Section 6.3 (Explosives Usage) of the Quarry Operations Plan should be revised to more accurately reflect the content of this section, such as 'Explosives Usage and Ammonium-Nitrate Management'.</p>	<p>state 'Explosives Usage and Ammonium-Nitrate Management.' Please note; however, that on page 1 of the draft QOP it states that a final QOP will be produced by the contractor responsible for blasting and that it is expected that the planning and operational details described within the QOP will change to reflect contractor requirements.</p>	
14	ECCC#10 - Sampling and Testing for ML/ARD	<p>Comment It is noted that the application does not include a description of the methods that will be used for sampling and geochemical testing for ML/ARD.</p> <p>Recommendation Applicable plans, including the Quarry Operations Plan, should include a description of the methods that will be used for sampling and geochemical testing for ML/ARD. These methods should address the following potential ML/ARD sources: rock at potential quarries, road cuts, quarry materials, and blast materials. All materials used for construction adjacent to surface waters should be of suitable quality such that acid drainage and metal leaching do not result in poor quality runoff to surface waters.</p>	<p>July 6: Section 10.11 of the TASR PDR describes the proposed Geochemical Analysis Plan. A consultant will be hired to analyze laboratory results and will indicate what parameters should be analyzed prior to sending samples to the laboratory during in-field geotechnical investigations. The Quarry Operations Plan indicates in Section 2.1.1 that "the geochemical characterization of each source will be attached the Plan, including the consultant's assessment of the material." The TASR PDR has stated that borrow source material will be selected to ensure the material is not highly susceptible to acid rock drainage and metal leaching. Material that is determined to be highly susceptible to ML/ARD production will not be used. Through the initial geotechnical investigation and including the QA/QC during construction will be used to achieve this. The design of the roadway is based on no cuts along the alignment so this should not be an issue. If road cuts were to be required, the rock would be tested prior to</p>	

			cutting to ensure the rock is not highly susceptible to ML/ARD. If the rock had a high percentage of sulphide, an effort would be made to avoid (i.e. reroute within right-of-way) that area. if not possible, the blasted rock would not be used for construction.	
15	ECCC#11 - Contingency Planning and Risk Assessment; REFERENCES: Section 2.1 (Site Description), Appendix L: Spill Contingency Plan	Comment It is noted that the Spill Contingency Plan (SCP) as indicated on Page i, "is being submitted in draft form to the WLWB [Wek'Å'ezhÅ-i Land and Water Board] to support the review of the Land Use Permit (LUP) and Water License (WL) applications for the TASR [Tlic'ho All-Season Road]". It is also noted on page 4 of the SCP that "further maps indicating storage locations of each hazardous material, probable spill locations and direction of flow on land and in water, catchment basins, locations of all response equipment, topography, approved disposal sites, and any other important on or off-site features will be provided at a later date by the Contractor when these details have been finalized". The SCP does not have substantive information on emergency response plans and procedures for the accidents and/or malfunctions that may occur during each phase of the Project. Without this information, there is a lack of understanding of how the Proponent and subcontractors will address their responsibilities for prevention, preparedness, response, and mitigation of project-related accidents, spills, releases, or discharges. The primary goal of	July 6: A final Spill Contingency Plan can only be submitted to the Board after the contractor has been hired and construction details, quarry locations, etc. have been finalized. The Spill Contingency Plan will adhere to the SCP guidelines as is required. As a contractual requirement, the successful contractor's SCP will only be approved by DOT after thorough review by the DOT Environmental Affairs Division to ensure the Plan adheres to GNWT mandates/standards. EAD will utilize the SCP guidelines as a guide in assessing the completeness of the Plan and ENR-EP will also review the final plan to ensure completeness and adherence to NWT guidelines. This final plan will then be reviewed by other regulating agencies once it has been filed with the Board.	

		<p>preparing and implementing an environmental emergency plan is to prevent emergency incidents from occurring and facilitate the undertaking of appropriate response activities in the event that an emergency event does occur. Modelling of, and planning for worst-case scenarios is an industry best practice that provides project proponents with the opportunity to demonstrate the extent of their emergency response preparedness planning abilities as well as their emergency response capacities.</p> <p>Recommendation Detailed worst-case scenario planning should be undertaken, and include risk assessment for all accident and malfunction scenarios likely to impact the various waterways. Spill contingency plans should incorporate sufficient detail to describe the Proponent's emergency preparedness and response capability; exercise plans and schedules to ensure the emergency response plans will work; and, defined triggers that will determine how and when the emergency response plans will be activated. An explanation of how the Proponent will ensure that their contractors meet the Proponent's due diligence standards in respect of oil and hazardous material spill prevention, preparedness, mitigation, response and restoration should be provided.</p>		
16	ECCC#12 - Potential Contaminants; REFERENCES: Section	<p>Comment It is noted on page 5 of the SCP that several materials used or generated by the Project may be potential</p>	<p>July 6: A final Spill Contingency Plan will be submitted to the Board after a contractor has been selected. The SCP will follow the</p>	

	<p>2.2 (Potential Contaminants), Appendix L: Spill Contingency Plan; Section 3 (Identification of Waste Types), Appendix N: Waste Management Plan</p>	<p>contaminants if released into the environment, including: - Fuels - gasoline and diesel - Lubricating oils and grease - Hydraulic and motor oil - Antifreeze and other coolants - Contaminated soil, snow/ice and/or water - Sewage It is stated in the Waste Management Plan (page 6) that "over the course of construction, several types of waste will or may be generated by equipment and crews working within the proposed TASR corridor, borrow sources and associated access roads". Accidents involving waste types listed in Table 1 of the Waste Management Plan, including waste solvents, waste oils and lead acid and alkaline batteries can negatively impact the surrounding environment and should also be considered as potential contaminants in the SCP. FUELS AND LUBRICANTS The Proponent should ensure that their contractors are aware and take all necessary precautions to prevent fuel leaks from equipment, and that they are responsible for preparing spill contingency plans in case of fuel spills. The Proponent should also ensure that their contractors are aware that under the MBR of the MBCA "No person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds". OIL AND WASTEWATER Strategies to minimize or prevent accidental or chronic releases of oil and waste product (e.g. hydraulic fracturing</p>	<p>SCP guidelines as is required. Fuelling and servicing of equipment will not take place within a minimum of 30 m (and 100 m where possible) of environmentally sensitive areas, including shorelines, wetlands, water bodies and watercourses. Measures for containing and cleaning up spills will be included in the SCP including a listing of equipment that will be available to contain and control spills. ENR-EP will be reviewing the final SCp to ensure completeness and adherence to the NWT guidelines.</p>	
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		<p>fluid) should be detailed in a mitigation program plan. The Proponent is required to demonstrate response preparedness and to identify provisions for ensuring mitigative measures would be implemented to eliminate or minimize sheens or slicks in the event of accidents and malfunctions involving the release of oil to water. HAZARDOUS MATERIALS AND WASTE Provisions for the management of hazardous materials and wastes (e.g. contaminated soil, sediments, waste oil) should be identified and implemented in order to ensure compliance with Section 36 (3) of the Fisheries Act, with the Canadian Environmental Protection Act (CEPA) and the Migratory Birds Regulations (MBR) under the Migratory Birds Convention Act (MBCA). ECCC offers recommendations for projects involving specific types of potential contaminants.</p> <p>Recommendation FUELS AND LUBRICANTS As a best practices standard, biodegradable fluids should be considered for use in place of standard petroleum products whenever possible and/or practicable. Fuelling and servicing of equipment should not take place within 30 meters of environmentally sensitive areas, including shorelines, wetlands, water bodies and watercourses. OIL AND WASTEWATER The following considerations should be factored into the development of a response plan that would help reduce impacts on the environment, wildlife and aquatic species:</p>		
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		<p>- Measures for containing and cleaning up spills (of various sizes) both at the project site and during transport to the site; - Listings of equipment that would be available to contain and control spills; - Specific measures for the management of all spills large and small (e.g., dispersement of sheens, etc.); - Mitigation measures to deter migratory birds from coming into contact with contaminated water; - Mitigation measures to be undertaken if migratory birds and/or sensitive habitat becomes contaminated with oil; and - The type and extent of monitoring that would be conducted in relation to various spill scenarios. HAZARDOUS MATERIALS AND WASTE The following mitigation recommendations should be considered with respect to the transport, storage, use and disposal of petroleum products and toxic substances which, when employed, may minimize the risk of chronic and accidental releases and impacts to the environment: - Developing contingency plans specific to the proposed undertakings in order to enable quick and effective responses to possible spill events. - Indicate how the contingency plans will be prepared, and response measures implemented, to reflect site-specific conditions and sensitivities. In developing a contingency plan, it is recommended that the Canadian Standards Association publication Emergency Planning for Industry CAN/CSA-Z731-03, be consulted as a useful reference. - All project</p>		
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		<p>personnel should be knowledgeable about response procedures. - Spill response equipment should be readily available on-site in an easily accessible location to ensure a quick and effective response to a spill event - All necessary precautions (including those specified below) should be undertaken to prevent a fuel spill from occurring, as even small spills can have harmful consequences to environmental components, wildlife and aquatic species. - Refueling and maintenance activities should be undertaken on level terrain, at least 30 metres from any surface water, on a prepared impermeable surface with a collection system to ensure oil, gasoline and hydraulic fluids do not enter surface waters. Waste oil should be disposed of in an approved manner at an approved facility. - Drums of petroleum products or chemicals should be tightly sealed to guard against corrosion and rust and should be surrounded by an impermeable barrier in a dry, water-tight building or shed with an impermeable floor.</p>		
17	<p>ECCC#13 - SARA General Prohibitions; REFERENCES: Table 1 (Wildlife and Wildlife Habitat Protection Regulatory Requirements), Appendix M: Wildlife and Wildlife Habitat Protection Plan</p>	<p>Comment The application of the general prohibitions of the federal Species at Risk Act (SARA) described in Table 1 is incorrect. The killing, harming or harassing of listed species (s.32), the damage and destruction of their residences (s.33), and the destruction of critical habitat (s.58) is prohibited under SARA. The prohibitions apply to all Threatened, Endangered and Extirpated species listed on Schedule 1 of SARA on federal lands and to migratory</p>	<p>July 6: Table 1 of the WMMP will be updated to reflect the correct SARA wording and will be submitted for approval prior to the start of construction.</p>	

		birds (as defined under the MBCA) and aquatic species (as defined under the Fisheries Act) everywhere they are found. Recommendation Table 1 of the Wildlife and Wildlife Habitat Protection Plan (WWHPP) should be updated with the correct application of the SARA general prohibitions.		
18	ECCC#14 - Incidental Take of Migratory Birds; REFERENCES: Section 4 (Wildlife and Wildlife Habitat Mitigation and Monitoring), Appendix M: Wildlife and Wildlife Habitat Protection Plan; Section 6.6.2 (Avian Species) and Table 8-5 (Potential Wildlife-Related TASR Impacts and Mitigation Measures),	Comment The application contains detailed mitigation measures to prevent incidental take of migratory birds during construction. However, it is unclear if these measures also apply to all phases of the project including operations and maintenance. Operations and maintenance activities during the migratory bird nesting period with a risk of incidental take that are of concern to ECCC include: vegetation clearing during right-of-way (ROW) maintenance, bridge and culvert maintenance, and stockpiling at quarries. Many species of migratory birds make extensive use of ROW habitats during the nesting period. Barn swallows utilize human made structures during the nesting period such as buildings, bridges and culverts, and Bank swallows may be attracted to habitat newly created at quarries and borrow pits (e.g. stock piles). Migratory birds (including swallows), their nests and eggs are protected under the MBCA. Further, both swallow species were recently assessed as "Threatened" by the Committee on the Status of Endangered Wildlife in Canada. Additional mitigation measures for some of these activities may	July 6: The LUP and WL applications for the proposed TASR are in relation to construction of the road. Operations and maintenance of the constructed highway would fall outside of the LUP and WL timeframes. During the operations and maintenance phase of the constructed highway, DOT will follow all applicable legislation, such as adhering to the migratory birds timing windows. DOT currently performs O&M on the vast NWT Highway System and recognizes activities such as vegetation clearing during right-of-way maintenance and bridge and culvert maintenance need to consider both the fisheries and migratory birds timing windows.	

		<p>need to be developed to prevent delays in construction and maintenance schedules.</p> <p>Recommendation The application of the proposed mitigation measures for all phases of the Project should be confirmed. The regional ECCC office should be contacted if additional mitigation measures need to be developed.</p>		
19	<p>ECCC#15 - Boreal Caribou;</p> <p>REFERENCES: Section 4 (Wildlife and Wildlife Habitat Mitigation and Monitoring), Appendix M: Wildlife and Wildlife Habitat Protection Plan; Section 8.7.1.5 (Species Related Effects) and Table 8-5 (Potential Wildlife-Related TASR Impacts and Mitigation Measures), Project</p>	<p>Comment See attached document referencing ECCC#15.</p> <p>Recommendation See attached document referencing ECCC#15.</p>	July 6: No comment.	
20	<p>ECCC#16 - Wood Bison; REFERENCES: Section 4 (Wildlife and Wildlife Habitat Mitigation and Monitoring), Appendix M: Wildlife and Wildlife Habitat Protection Plan;</p>	<p>Comment The proposed recovery strategy for the Wood Bison (<i>Bison bison athabasca</i>) in Canada was posted to the SARA Public Registry on May 6, 2016. The proposed recovery strategy identifies population and distribution objectives for Wood Bison as well as threats to their recovery. Insufficient information was available to identify Wood Bison critical</p>	July 6: The WMMP will be updated to be consistent with the proposed Wood Bison recovery strategy to the extent feasible.	

	Section 8.7.1.5 (Species Related Effects) and Table 8-5 (Potential Wildlife-Related TASR Impacts and Mitigation Measures), Project Des	habitat in the recovery strategy, but a schedule of studies to identify critical habitat is outlined. Recommendation The WWHPP should be updated to include and ensure it is consistent with the proposed Wood Bison recovery strategy.		
21	General File	Comment (doc) ECCC GNWT Meeting Minutes May 24-25, 2016 Recommendation See Attached		
22	General File	Comment (doc) ECCC Boreal Caribou Comment Recommendation See Attached		
23	General File	Comment (doc) Boreal Caribou Recovery Strategy Recommendation See Attached		

Fisheries and Oceans Canada: Tara Schweitzer

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	DFO Comments on the Land Use Permit and Water Licence Application	Comment (doc) DFO review of the Type A Land Use Permit and Type B Water Licence Application Recommendation Please see attachment.	July 6: (doc) Please see attached.	
2	DFO Additional Comments on Tlicho All-season Road - Type A Land Use Permit and Type B Water Licence Application	Comment (doc) Please see attached. Recommendation See attached.	July 6: (doc) Please see attached.	

GNWT - Lands: Jesse Davidson

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
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2	General File	Comment (doc) W2016E0004 - Draft LUP Conditions - Inspector Comments Recommendation		
7	General File	Comment (doc) GNWT Letter to WLWB_TASR_Cover Letter Recommendation		
3	GNWT-DOT Draft LUP Terms and Conditions; Section 26(1)(j) Protection of Historical, Archaeological, and Burial Sites: Condition 33 - Archaeological Buffer.	Comment There is one recorded archaeological site in the vicinity of the TASR. This site was revisited during the archaeological impact assessment (AIA) of the road right-of-way. Additional sites may be recorded through a future AIA of the proposed borrow sources associated with the TASR. Given that accurate location information is available for the recorded site, and will be recorded for sites identified through an AIA of the borrow sources, a minimum buffer of 30 m for archaeological sites is sufficient. Recommendation No recommended changes to Draft Condition 33.	July 6: No comment.	
4	GNWT-DOT Draft LUP Terms and Conditions; Section 26(1)(j) Protection of Historical, Archaeological, and Burial Sites: Condition 34 - Site Disturbance.	Comment No changes required. Recommendation No recommended changes to Draft Condition 34.	July 6: No comment.	
5	GNWT-DOT Draft LUP Terms and Conditions; Section 26(1)(j) Protection of Historical,	Comment The Prince of Wales Northern Heritage Centre has new telephone numbers. Recommendation Please update the	July 6: No comment.	

	Archaeological, and Burial Sites: Condition 35 - Site Discovery and Notification.	contact numbers to (867)-767-9347 extension 71251 or extension 71250.		
6	GNWT-DOT Draft LUP Terms and Conditions; Section 26(1)(j) Protection of Historical, Archaeological, and Burial Sites: Condition 36 - AIA.	<p>Comment An archaeological impact assessment (AIA) has been completed for the TASR right-of way. Pending the results of an Archaeological Overview Assessment (AOA) of the proposed gravel sources for the TASR, an AIA will be required in areas of the borrow sources with high archaeological potential.</p> <p>Recommendation Recommend replacing Condition 36 with the standard Archaeological Overview and AIA-High Potential conditions. These conditions should be specific to the proposed borrow sources for the TASR.</p>	July 6: Agreed.	

Natural Resources Canada - NRCan: Rachelle Besner

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Section 3 Regulatory Review and Approvals	<p>Comment (doc) A licence, issued by Natural Resources Canada's Explosive Regulatory Division under the Explosive Act, may be required for the storage of explosives based on information provided in the project description. The project description indicates that permits will be obtained for quarry sites and that explosives will be used at those sites. However, a magazine licence and the location of magazines for the storage of explosives is not specified. The Explosives Regulatory Division issues licences for explosives magazines but not for</p>	<p>July 6: (doc) NRCan provided a similar comment and recommendation during the Feb-March 2016 review of the draft PDR prior to submission. DOT added a sentence to section 3.1.4 prior to submitting its application to the WLWB to help address NRCan's comment. As exact construction methods and contractor details can only be finalized after funding has been secured, DOT has identified that authorizations may be required from both NRCan and WSCC. DOT has identified that the successful contractor will be responsible for obtaining the necessary permits and licences that</p>	

		<p>magazines that are located at or in a quarry in a province or territory that has provisions in its legislation or regulations to ensure the efficient inspection and control of explosives that are stored and used in quarries. It is therefore possible that a licence for explosives magazine(s) for this project, depending on location, would be issued by the Northwest Territories Worker's Safety and Compensation Commission rather than by Natural Resources Canada.</p> <p>Recommendation Additional information is required on the location of explosives magazines and the quarry sites in order to clarify if Natural Resources Canada will be a regulator for the explosives storage component of this project. In addition, please clarify if the Northwest Territories Worker's Safety and Compensation Commission will be giving a permit.</p>	<p>will allow them to transport and operate explosives where required. DOT added the following sentence to section 3.1.4 to help clarify: ""DOT recognizes that the WSCC must be contacted to receive a permit for all blasting within the NWT and that NRCan is to be contacted if magazine storage and/or use occurs outside of a quarry site.</p>	
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North Slave Metis Alliance: Shin Shiga

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	NSMA Comments and Recommendations on TASR	<p>Comment (doc) NSMA Letter Re: Consultation Regarding Proposed "Tlicho All-season Road"</p> <p>Recommendation See attached.</p>	July 6: (doc) Please see attached.	

Tlicho Government: Laura Duncan

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Tlicho Government Submission	<p>Comment (doc) Please See Attached</p> <p>Recommendation Please See Attached</p>	July 6: (doc) Please see attached.	

Wek' eezhii Renewable Resources Board: Boyan Tracz

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
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1	Species at Risk - Boreal Caribou	<p>Comment In TSAR PDR section 8.7.1.5 - Species Related Effects, Moose, Barren-ground and Boreal Woodland Caribou, it is mentioned that boreal caribou in the North Slave portion of the range may be at greater risk as there is currently <65% undisturbed habitat in the region, predominantly due to the impact of forest fires. For boreal caribou, the disturbance management threshold for undisturbed habitat in a range is 65%. As mentioned in the National Recovery Strategy, this threshold is considered a minimum threshold because at 65% undisturbed habitat there remains a significant risk that local populations will not be self-sustaining. The Draft Recovery Strategy for the Boreal Caribou in the Northwest Territories mentions that where the cumulative habitat disturbance surpasses the threshold for a self-sustaining population, management authorities may need to recommend to regulatory agencies and land use planning boards that development activities be scaled back or not approved in a particular area, until sufficient habitat comes back online to offset the new disturbance. Under the scenario provided in the PDR, the road is expected to add <1% of new disturbance to the North Slave portion of the range. The mitigation measures provided in PDR Table 8-5 include an approved Wildlife Management and Monitoring Plan (WMMP) that will be developed by referencing recovery strategies from</p>	<p>July 6: Please refer to the material that was submitted by ECCC with respect to the meetings that were held between ECCC and ENR on the topic of boreal caribou for an assessment on the habitat disturbance levels. (ECCC boreal caribou comment and ECCC GNWT meeting minutes) North Slave portion may be</p>	
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		<p>current wildlife committees to minimize effects to critical habitat, including the boreal woodland caribou range plan strategy when it has been finalized (note: this "range plan strategy" is assumed to be a reference to the boreal caribou recovery strategy as required under the Species at Risk Act NWT, with actions that will vary according to both the habitat and population conditions within each boreal caribou range in the NWT). Table 8-5 also mentions that current habitat disturbance levels within proposed TASR corridor suggests wildlife, such as caribou, will already be avoiding the area. The draft WMMP, under 4.1 Direct Habitat loss and Habitat Degradation, mentions that overall new habitat disturbance is expected to be low as the corridor has already been significantly impacted by recent forest fires and a previous winter road route with parts of the corridor having already been characterized as disturbed by Environment Canada's human disturbance mapping. The WMMP also mentions that the reclamation of the terrestrial portions of the current Tliche winter road (KM 0-60) will help to eventually offset some of the new habitat loss. The overarching concern is that boreal caribou critical habitat in the North Slave region is currently below the 65% threshold required for a sustainable population. Though expected to be less than 1%, the addition of the all-season road adds direct and indirect habitat loss, and associated negative impacts (e.g.</p>		
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		<p>access and increased probability of harvest and predation). The recovery strategy has not been finalized, reclamation takes time, forest fires are expected to continue to have considerable impacts, and monitoring of boreal caribou in the North Slave is at a nascent stage. This provides a scenario where achieving management goals for boreal caribou in the North Slave is difficult, notably as the trend in available critical habitat appears to be a negative one. The WRRB will work with GNWT-DOT and other partners in the development of a final WMMP. There should also be commitment from GNWT (DOT, ENR Forestry Division and Wildlife Division) and co-management partners (WRRB and TG) for rapid implementation of the boreal caribou recovery strategy specific to the North Slave Region.</p> <p>Recommendation Please provide further details on the approaches GNWT-DOT will use to compensate / offset for the loss of boreal caribou critical habitat.</p>		
2	Wildlife - Boreal Caribou	<p>Comment In the WMMP, 4.2.3 Caribou-Specific Disturbance Mitigation, Table 5, it is stated that: <i>"If it is clear that caribou will likely remain in the development area for extended periods the Wildlife Monitor may gently encourage individual or small numbers of caribou to move away from the area using methods pre-approved by ENR"</i> In the WMMP, Table 1, Wildlife and Wildlife Habitat Protection Regulatory Requirements, it is clarified that under the Wildlife Act: <i>"...no person shall, without a</i></p>	<p>July 6: GNWT-DOT recognizes the importance of protecting caribou and has not stated that caribou will be moved as a practicality to operations. Gentle moving would only be considered should it be deemed a safe and effective method by GNWT-ENR (the regulating agency for NWT wildlife). ENR has provided DOT with further details of what ""gentle encouragement"" could entail (see below) though approved methods would depend on the real-time field conditions. ENR's</p>	

		<p><i>permit, chase, disturb, or harass wildlife."</i> Appendix A, Table A, further clarifies that Sec. 55 of the Wildlife Act states:</p> <p><i>"Notwithstanding any other provision of this Act or the regulations, a person may chase wildlife away from a dwelling place, camp, work site, municipality or unincorporated community, or its immediate vicinity, if doing so is necessary to prevent injury or death to a person or damage to property."</i> Concerns about harassment of caribou (boreal and barren ground) have been voiced in a number of contexts, and have included concerns related to development (e.g. establishment and use of linear features such as roads), harvest (e.g. improper behaviours by inexperienced hunters), and monitoring (e.g. impacts of collars and surveys). Currently, there are no collars on boreal caribou in the North Slave region, and the increase in the number of collars on the Bathurst herd was the result of ongoing lengthy discussions. During boreal recovery strategy meetings discussions included how best to implement appropriate monitoring methods, ones which minimize impacts to boreal caribou while providing information necessary for management decisions. Lastly, the concept of "leaving the caribou alone" is repeatedly mentioned by Tlicho community members, as there is the belief that caribou (boreal and barren-ground) are already subject to a great degree of disturbance, and should not be subject to any more. The suggestion</p>	<p>Wildlife division has recommended that operations should be suspended to allow caribou to move away from development areas of their own accord, unless the safety of the caribou, the workers or equipment is at imminent risk. In such cases, it is recommended that the environmental monitor slowly approach the caribou by vehicle or make their presence known by calling out and waving their arms to encourage them to move away from the area. This approach should be sufficient to move caribou out of the area in most situations. It is possible that females may be unwilling to leave the area if they have a calf hiding nearby. In these cases, operations should be suspended and people should temporarily leave the area.</p>	
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		<p>to gently encourage boreal caribou to vacate a development area, though practical from an operations perspective, can be interpreted as somewhat contradictory to what is in the new NWT Wildlife Act, and somewhat problematic for a species considered to be threatened. Further details on what is viewed as appropriate would help to understand under what circumstances and for what actions a permit would be provided.</p> <p>Recommendation GNWT-DOT elaborate on the definition of “gently encourage” by providing specific examples of how boreal caribou would be convinced to move away from areas of activity.</p>		
3	Wildlife - Harvest Monitoring	<p>Comment PDR sections 8.7.1.4 and 8.7.1.5 recognize that there are concerns about increased levels of harvest and the potential impacts to ungulate species due to increased access. However, the same sections also indicate that monitoring data, notably with regards to population and harvest estimates, are somewhat lacking. Section 8.7.1.4 Wildlife Mortality mentions that : <i>“To protect wildlife, organizations such as WRRB, TG and GNWT Departments of Lands and ENR will need to continue to work together to develop guidelines and conditions for use within the Wek’èzhii area. Possible steps include the Tli?cho Government utilizing its authority to establish hunting regulations within Tli?cho lands as well as a public awareness program that would include signage along the proposed TASR corridor highlighting</i></p>	<p>July 6: The GNWT (via ENR) will approach the Barren-Ground Caribou Technical Working Group, which currently reviews information related primarily to barren-ground caribou, regarding possible approaches for monitoring wildlife harvest in relation to the TASR. As ENR and the Tli?cho Government are members of this working group, it is understood that there is a lot of internal expertise at the disposal of GNWT-DOT in finalizing a robust WMMP. It is understood that a component of the WMMP will include some form of wildlife population monitoring for caribou, moose and bison in the region given the potential changes in harvesting pressure.</p>	

		<p><i>hunting restrictions and discouraging excessive hunting along the corridor. Options for new check stations and better and more accurate community reporting are also being explored."</i> The WRRB agrees that the organizations listed need to cooperate in order to address concerns related to harvesting. The lack of accurate harvest data is of great concern, for without an understanding of the species, numbers, and locations of harvest, it is difficult to assess the impact of developments and their related access, in addition to the assessing the impacts of changing habitat conditions. Further, uncertainty with regards to the populations of ungulates, notably after the significant habitat changes in Wek'èezhìi due to forest fires, provides a scenario where informed management decisions are difficult because accurate and up-to-date information is not available. Accurate and timely monitoring of ungulate harvest needs to be a priority. The WRRB will work with ENR and TG and other partners to address concerns related to accurate and timely reporting of harvest.</p> <p>Recommendation GNWT-DOT approach the Barren-Ground Caribou Technical Working Group, which currently reviews information related primarily to barren-ground caribou, regarding possible approaches for monitoring wildlife harvest in relation to the TSAR.</p>		
4	Monitoring - Surface water	<p>Comment PDR section 6.7.1. Surface Water, it is stated that: <i>"The Wek'èezhìi</i></p>	<p>July 6: As the WLWB is the lead body for the TAEMP, GNWT-DOT will yield to the</p>	

		<p><i>Land and Water Board is currently undertaking the Tlicho Aquatic Ecosystem Monitoring Program, which may provide additional information on surface water characteristics surrounding the proposed TASR corridor. This program was initiated by the Wek'èezhìi Land and Water Board, Tlicho Government, GNWT's Cumulative Impact Monitoring Program (CIMP) and Wek'èezhìi Renewable Resource Board (NWTWS 2014)."</i> The WRRB appreciates the mention of the Tlicho Aquatic Ecosystem Monitoring Program (TAEMP) as a possible source of additional information on surface water characteristics. The TAEMP monitors aquatic ecosystems in Wek'èezhìi near each of the four Tlicho communities, and also aims to contribute to concurrent monitoring initiatives, including aspects of the the GNWT Water Stewardship Strategy, and the Marian Watershed Stewardship Program. The Marian program is also mentioned in the NWTWS 2014 reference under "Aboriginal Governments" providing a clarification that: <i>"This regional-scale project will address a monitoring gap between the high intensity monitoring undertaken by industry in and around their developments and relatively low intensity local monitoring done in or near Tlicho communities through programs such as the Tlicho Aquatic Ecosystem Monitoring Program (see above)."</i></p> <p>Recommendation GNWT-DOT approach organizations responsible for</p>	<p>WLWB to determine the level the TAEMP should be utilized with respect to the TASR.</p>	
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		implementation of community-led aquatic ecosystem monitoring programs in Wek'èezhii regarding monitoring of surface water quality surrounding the TSAR corridor.		
WLWB: Jessica Pacunayen				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	4.4 of PDR - Design Parameters for the Proposed TASR: TAC Guidelines	<p>Comment Guidelines for Development and Management of Transportation Infrastructure in Permafrost Regions by the Transportation Association of Canada (2010) provides a compendium of best practices for development, planning, design, construction management, maintenance and rehabilitation of transportation facilities in regions of northern Canada with permafrost terrain. There is no reference in the application to this guideline.</p> <p>Recommendation The guidelines are referenced by other GNWT-DOT applications for other infrastructure construction projects in the NWT. Please indicate if the best practices outlined in this document were also considered for the design parameters of the proposed TASR. If not, please reference any other relevant guidelines that were used.</p>	<p>July 6: These guidelines were consulted during the planning stage. The basic principle for embankment design in permafrost regions is to keep the construction ""footprint"" as minimum as possible. Some measures include avoiding cuts in soils, not doing stripping or grubbing and keeping the vegetative layer intact; keeping the side slopes gradual, etc. To avoid water ponding and to have an effective drainage and erosion control pattern, a number of culverts and bridges have been proposed. These will be installed using environmentally friendly construction techniques throughout the length of the roadway. In order to preserve permafrost, it was decided that the organic insulating layer should not be removed and reasonable attempts should be made to avoid disturbing drainage patterns.</p>	
2	8 of the PDR - Proposed Mitigation and Anticipated Environmental Impacts	<p>Comment Page 8-16 states "Because caribou are a highly valued species, an option to close parts of the proposed TASR if and when caribou are noted to be crossing the road may be implemented in order to prevent caribou mortality."</p> <p>Recommendation Has GNWT-DOT</p>	<p>July 6: The embankment design criteria for the entirety of the proposed TASR is similar to the caribou crossings described in DDEC's Ekati Diamond Mine Lynx Haul Road Caribou Crossings Design Plan (W2013D0006; MVEIRB EA1314-01); however, a 3:1 slope ratio has been</p>	

		considered caribou crossings as a potential mitigation measure as opposed to closing parts of the TASR?	planned for instead. ENR has stated that the substrate that makes up the embankment is more significant than the slope itself. As pit-run material will be used for embankment construction (typically 150 mm in size) and the granular base course material for the surface of the road will be 20 mm minus, this substrate will be equal to or better than the material used on the Lynx Haul Road Caribou Crossings. Therefore, the entirety of the proposed TASR will be designed in a manner that will enable wildlife (caribou, moose, bison, etc.) to cross. Boreal woodland caribou do not travel in large herds like barren-ground caribou; therefore it is difficult to establish a set crossing location as has been done for the barren-ground caribou at Ekati. It is also unlikely that barren-ground caribou will cross the TASR along the northern sections. A more appropriate mitigation measure is to ensure the embankment is appropriately designed to facilitate wildlife crossing along the entire length of the TASR, which has been accomplished with the current road design. DOT has also committed to leaving breaks in the snow banks every few hundred metres.	
3	8 of the PDR - Proposed Mitigation and Anticipated Environmental Impacts	<p>Comment Section 8.5: Terrain, Soil and Permafrost - "During geotechnical investigations, ice-rich permafrost areas will be identified and avoided if possible."</p> <p>Recommendation Does GNWT-DOT believe the result of the geotechnical investigations could change the alignment of the TASR? If so, please explain what</p>	<p>July 6: During the terrain assessment and corridor selection, the terrain specialist mostly avoided the ice-rich permafrost areas. It is not expected that geotechnical will drastically change the alignment. It is expected that alignment changes will be maintained within the 60 m corridor that has been proposed. The alignment is</p>	

		engagement will take place and what mitigations would be implemented to ensure the new alignment will not create significant environmental impacts.	located in the zone classified as "extensive discontinuous permafrost" but is also in the sub-zone classified as "low (<10%)".	
4	8 of the PDR - Proposed Mitigation and Anticipated Environmental Impacts	<p>Comment The proposed TASR is located within the zone of discontinuous permafrost.</p> <p>Recommendation Does GNWT-DOT believe that a Permafrost Monitoring Plan is necessary to monitor the permafrost conditions during construction and operation of the TASR? If not, please provide rationale.</p>	<p>July 6: The construction method of using geotextile between the existing ground and the embankment has been shown to be an effective mitigation for maintaining permafrost conditions. The design of the roadway is based on no cuts along the alignment and geotextile along with an embankment average fill height of 1.5 metres will be the measures to mitigate permafrost degradation. These construction methods provide the rationale as to why a Permafrost Monitoring Plan is not required. Depending on the financing method and the selected contractor, some permafrost monitoring (such as a PVC tube and temp logger) may be utilized as a best management practice at certain locations should any location be deemed high risk; however, this can only be decided upon and identified after the contract has been awarded.</p>	
5	Section 8.8 : Hydrology and Water Quality; Appendix AA: Draft in TASR In-Field Water Analysis Plan	<p>Comment Water quality monitoring during the TASR construction only includes turbidity sampling and testing.</p> <p>Recommendation Does GNWT-DOT believe any additional water quality parameters may be affected during construction or operation of the proposed TASR? If not, please provide rationale.</p>	<p>July 6: GNWT-DOT does not believe any additional water quality parameters may be affected during construction of the proposed TASR. Granular material utilized during construction of the TASR will first undergo geochemical testing to ensure the material is not susceptible to ARD or metal leaching so testing of these parameters within the watercourses should not be required. The Spill Contingency Plan should</p>	

			<p>be an effective method in mitigating any additional deleterious substances. Should a spill occur and the deleterious substance unfortunately managed to enter a watercourse, testing for the parameter in question would be reasonable. The Quarry Operations Plan and the Waste Management Plan should also be effective methods in managing potential explosives use and waste. Water quality grab samples upstream and downstream of the four major water crossings (on a to be established sampling regime) can be added to the In-Field Water Analysis Plan to demonstrate best management practices. The TAEMP may also be interested in monitoring the BMP WQ testing.</p>	
6	Appendix N: Draft Waste Management Plan	<p>Comment Board staff note that the Waste Management Plan states that "no waste fuel, oily rags, sewage or plastics (unless contaminated with food odours) will be incinerated."</p> <p>Recommendation The GNWT-DOT clarify whether or not it plans to incinerate plastics contaminated with food odours. If so, please provide rationale.</p>	<p>July 6: The final WMP can only be submitted after the contractor for the project has been selected to confirm their methods. At that time, more information on the types of materials to be incinerated can be provided to ensure incineration meets any potential air quality standards/regulations with respect to incineration that may be enacted during construction of the project. However, it is expected that plastics contaminated with food odours will be incinerated to prevent the odours from attracting wildlife, which can present a safety risk. It is expected that food contaminated plastics will be kept to a minimum and would include plastics from workers' lunches as an example. The final WMP will be reviewed by ENR's Environmental Protection section.</p>	

7	Appendix R : Tlich Road Alignment , Hydrologic and Hydraulic Study	<p>Comment There are 15 crossings noted in both the PDR and Appendix R. Board staff note 4 major crossings that require bridges in PDR (table 4-6 of PDR), but 5 major crossing were identified in the Appendix R (section 2.2 of study).</p> <p>Recommendation The GNWT-DOT clarify the difference between the number of major crossings and bridges as outlined in Appendix R: Stantec's Tlich Road Alignment, Hydrologic and Hydraulic Study and the TASR corridor identified in the PDR.</p>	<p>July 6: The 5th bridge crossing mentioned in Stantec's report (water crossing #12) was removed as DOT determined after analysis of the LiDAR and topographic analysis that it was possible to reroute the alignment. A culvert was then a suitable drainage method along the new section of road.</p>	
8	Appendix R : Tlich Road Alignment , Hydrologic and Hydraulic Study	<p>Comment The Study notes that debris accumulation and ice jamming have the potential to increase water levels at crossings and damage structures.</p> <p>Recommendation The GNWT-DOT provide the proposed mitigation for potential debris accumulation and ice jamming at bridges and culverts.</p>	<p>July 6: At bridge sites, the mitigation taken into account to prevent potential debris accumulation and ice jamming is the allowance of a minimum 1.5 metres of freeboard (distance between the bottom chord of the bridge and the high water levels). At culvert sites, if a channel is found to be particularly vegetated and full of debris, culvert size may be increased to accommodate. If beaver activity poses to be an issue, grates at culvert inlets may also be installed. Steam pipes may be installed in culverts to prevent icing and blockages. Additionally, 8 of the 12 culvert sites have secondary and tertiary culverts which will provide redundancy.</p>	
9	Appendix R : Tlich Road Alignment , Hydrologic and Hydraulic Study	<p>Comment Page 25 of Stantec's Study (Appendix R) states, "Fish passage and habitat was not considered as part of the project however this should be considered at the final design stage."</p> <p>Recommendation The GNWT-DOT confirm</p>	<p>July 6: DOT commits to fish passage and fish habitat protection measures. Section 6.7.3 of the PDR mentions that DOT conducted a fish friendly water crossing assessment for the proposed TASR (further detail available in Section 6.8). This</p>	

		that it commits to considering fish passage and fish habitat protection measures as recommended by the Study when preparing the Final Design.	assessment follows the DFO advice of culverts embedded 10% below the invert and that: culverts less than 25 m long, velocities should not exceed 1.0 m/s at 3DQ10; culverts greater than 25 m long, velocities should not exceed 0.8 m/s at the 3DQ10; and culverts greater than 40 m long, velocities may be limited to 0.6 m/s at the 3DQ10. DOT - Structures amended the culvert designs, increasing their size, in order to incorporate the standard DFO advice as the originally developed crossings by Stantec focused on just the hydrologic parameters. This amended design to ensure fish passage also mitigates issues related to nuisance beavers, debris and ice.	
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Yellowknives Dene First Nation: Alex Power

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	YKDFN Comments and Recommendations on TASR	Comment (doc) YKDFN Letter - Re: TASR LUP and WL Applications Recommendation See attached	July 6: (doc) Please see attached.	



July 4, 2016

BY EMAIL

Ryan Fequet
Executive Director
Wek'èezhìi Land and Water Board
1-4905 48th Street
YELLOWKNIFE NT X1A 3S3

Dear Mr. Fequet:

Proponent Response Submission to WLWB for the Proposed Tłıchǵ All-season Road (W2016E0004 & W2016L8-0001)

The Government of Northwest Territories' Department of Transportation (GNWT-DOT) has reviewed all comments and recommendations posted to the WLWB's Online Review System (ORS) and have compiled a spreadsheet with proponent responses in order to address the comments and recommendations posed during the public review period.

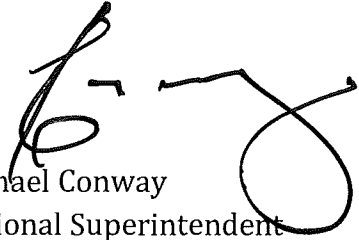
GNWT-DOT sought the advice and expertise of various GNWT departments during the authoring of proponent responses. As the project has been identified as a GNWT commitment under the 18th Assembly's Mandate, GNWT departments have been engaged in the development of the PDR and have continued to be involved in authoring proponent responses, where required. Draft responses were circulated to the internal GNWT Working Group for approval and have also been reviewed by the Deputy Ministers of the GNWT. As the Tłıchǵ Government has been an integral advocate of this proposed project, they have also reviewed the draft responses and have provided their insight and recommendations to ensure the submitted proponent responses are as accurate and thorough as possible.

Since GNWT-DOT's application of March 31, 2016 to the WLWB, the Department of Transportation and Tłıchǵ Government have continued the Tłıchǵ All-season Road engagement and consultation process. An updated Engagement Log (new entries have been highlighted in yellow) and Engagement Record (only new material) have been attached for your reference.

.../2

Should you have any questions, you may contact me at (867) 767-9089 ext. 31194 or by email at Michael_Conway@gov.nt.ca at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to be 'Michael Conway', written over the printed name.

Michael Conway
Regional Superintendent
North Slave Region


Attachment

c Mr. Russell Neudorf
Deputy Minister
Department of Transportation

Ms. Laura Duncan
Tłıchǵ Executive Officer
Tłıchǵ Government

1 **TASR WLWB ORS Comments Table**

2 Fisheries and Oceans Canada: Tara Schweitzer

3	ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff
4	1	DFO Comments on the Land Use Permit and Water Licence Application	<p> mment_DFO review of the Type A Land Use Permit and Type B Water Licence Application</p> <p>Recommendation Please see attachment.</p>		
5			<p>Comment The Proposed Tłıchɔ All-season Road Project Description Report notes in Section 3.2.1 that... DFO review is not required for this project. DFO's new self-assessment process indicates that projects do not require DFO review if they can avoid serious harm and meet the project activity and criteria specified on our website. DFO notes that the construction of watercourse crossings along the Tłıchɔ All-season Road will require the installation of new culverts and bridge crossings which will likely result in infilling below the high water mark (HWM). It is important to note that DFO's self-assessment process does not apply to new culvert or bridge installations where there will be new temporary or permanent fill placed below the HWM.</p> <p>Recommendation Therefore, a regulatory review pursuant to the Fisheries Act is recommended for these types of projects. To initiate this process a request for review form should be submitted to DFO along with crossing designs and locations. A request for review can be found at www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/index-eng.html. Once this information is received, DFO will review the project to determine whether the project is likely to result in serious harm to fish and if a Fisheries Act Authorization is required.</p>	<p><i>DFO's May 30, 2016 letter further defines DFO's position as it relates to their May 26, 2016 letter. As such their May 26th letter should be interpreted in context to their May 30th letter.</i></p> <p>DFO is not required to review this self-assessed proposal. It is DOT's position that the DFO legislation, policy and Fisheries Protection Program website does allow and provides adequate guidance for self-assessment of culverts and bridges, which has been completed for this file. DFO staff at a CanNor hosted federal family meeting on March 11, 2016 indicated that DFO were pleased to see the detail in a P3 project going through preliminary screening. At no time did DFO mention that all culverts in Canada now needed to be reviewed by DFO as all culverts involve fill. This position that all new bridges and culverts require a DFO review is not supported by the Fisheries Act, its policies or the Fisheries Protection Program website. Lacking such evidence of exclusion, DOT requests that DFO substantiate its claim that the self-assessment process does not apply to new culvert and bridge installations.</p> <p>The DFO tools and guidance in no way speaks to every culvert now requiring a DFO review. Through the self-assessment, it has been determined that this proposal will avoid serious harm to the fisheries, in concurrence with DFO's position that these works can be appropriately designed and constructed to avoid negative impacts to fish and fish habitat.</p>	
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DOT draws DFO’s attention to Appendices A through to BB, as there is much more detailed information there in relation to the fisheries assessment.

The Fisheries Act is a non-affirmative piece of legislation meaning there is no requirement for a review. There is no authority to require a request for review. With the DFO website encouraging self-assessment to mitigate impacts and rely on qualified environmental professionals, DOT questions the regulatory burden with the recommendation that the proponent request DFO review. This proposal is already self-assessed as not causing serious harm to fish that are part of or support a fisheries. This is supported by DFO as their letter agrees that this proposal can be appropriately designed and constructed to avoid negative impacts to fish and fish habitat.

There will be no channel realignments and all of the larger crossings will be bridged. Culverts will be sized to allow for fish passage. Erosion and sediment controls will maintain water quality as per the ECCC mandate.

DOT will work with DFO, as required, in order to ensure no serious harm to fish that are part of or support a fisheries in the construction of the TASR.

Comment DFO understands that preliminary fish habitat reconnaissance field investigations were conducted in 2014 at only six of the 16 watercourse crossing sites. Site specific information is required in order to assess potential impacts to fish and fish habitat at each crossing location. For example, typical information DFO requires include biological and physical characteristics of each project site (e.g., channel characteristics (width, depth, pattern, morphology), substrate type/composition, cover, etc.) including photos, predicted changes to fish habitat at each site, footprint of the project below the HWM and residual effects to fish and fish habitat after implementation of avoidance and mitigation measures. In addition, fish presence/absence for each watercourse is generally provided as opposed to general fish presence in the area, which may or may not be applicable to the crossing locations. DFO recognizes that some general fisheries and habitat information is provided; however, the overall detail for each watercourse crossing is insufficient for DFO to conduct a proper assessment of potential impacts to fish and fish habitat as a result of this project.

DFO's May 30, 2016 letter further defines DFO's position as it relates to their May 26, 2016 letter. As such their May 26th letter should be interpreted in context to their May 30th letter.

DOT's design and self-assessment process is based on the precautionary assumption that fish are present in all waters intersecting the TASR alignment. This practice is routine across the country and eliminates the need for costly and time consuming habitat and fisheries assessments. Based on the information available, such as the DFO document on fish stocks in the North Slave Region, DOT further assumes that even if fish are not physically or evidentially present in a given water body, that it contributes to the functionality of fish habitat. Having said that, it is important to note that the habitat is not critical as it is very common and homogenous habitat along the entire length of these watersheds.

During the preliminary design process, each culvert crossing was assessed as to hydraulic needs, and then enlarged to accommodate fish passage, ice management, debris management and nuisance beaver management. DOT does not see any need to do a fish habitat or fish assessment at this time as there is an assumption that fish are present and the work proposed, with mitigation, would not seriously harm fisheries. The recent advice from DFO regarding 3Q10 was and will continue to be incorporated into the sizing of the culverts to ensure fish passage.

It is DOT's position that rigorous scientific studies of habitat and fish species at these crossings are not warranted. The proposed culvert installations are very routine and the potential impacts are well understood and mitigatable using the best available technology that is economically available (BATEA). DOT has designed these crossings in accordance with the useful and relevant information in the Operational Statements to which DFO once adhered as they speak to protecting the habitat as well. Considering the design assumptions and the best practices that have been incorporated into the TASR, DOT holds that it has met and even exceeded its stewardship responsibilities with respect to any Aboriginal, commercial or recreational fisheries along the TASR.

DOT will work with DFO, as required, in order to ensure no serious harm to fish that are part of or support a fisheries in the construction of the TASR.

Comment *Section 4.4.3.2 Culverts in the Proposed Tłı̨chǫ All-season Road Project Description Report states that once geotechnical information is obtained and onsite studies can be completed, the culvert sizing will be finalized.*

Recommendation DFO recommends that GNWT-DOT submit these final detailed design drawings and associated calculations for the extent or size of direct footprint (temporary and permanent) for fish habitat impacts below the HWM for the 16 watercourse crossings. In addition, details regarding construction practices (i.e., how long cofferdams will be in place, materials used to construct cofferdams, maintenance of downstream flows, fish salvage activities, etc.) for any in-water works should also be provided.

DFO's May 30, 2016 letter further defines DFO's position as it relates to their May 26, 2016 letter. As such their May 26th letter should be interpreted in context to their May 30th letter.

Detailed design drawings of the major crossings will be available once funding and approval to proceed is granted, incorporating all regulatory requirements. The larger crossings span to the ordinary HWM with bridges. The watercourse that has a defined channel of 1.2 metres wide will have a 48 metre long bridge and the watercourse that has a defined channel of 26.6 metres wide will have a 100 metre bridge. Even with pilings/piers in the flood plain and even with potentially very minor cut and fill at the outside edges of the ordinary high water mark, the self-assessment has determined no serious harm to fish that are part of or support a fisheries due to the bridges, which clearly meets any obligation under the fisheries protection sections of the Fisheries Act.

The culverts are standard, typical and routine installations. The culverts being installed will likely be the only infrastructure within the entire subwatershed. In all cases, the roadway was aligned to cross the watercourses on the perpendicular and along an area where the watercourse was straight and the habitat at the locations were common throughout the entire pristine watershed.


DFO has routinely not reviewed culvert installations under the old Fisheries Act and especially under the new Fisheries Act as it has been determined that there is no serious harm to fish that are part of or support a fishery if crossings are properly installed on non-critical habitat.




As the TASR proposal is to build an all-season gravel two lane highway on an existing road footprint, it can be argued that a properly installed water crossing along this existing corridor will improve any potential fisheries by eliminating any current need to ford the crossings.


DOT does not yet have the detailed design crossing plans in terms of isolation techniques and fish salvage as this proposal is in the preliminary screening phase with the Land and Water Board. As crossing design and construction methodologies are all very routine and well understood, this information should not be required for any potential review at this time. Northern regulatory tools will be incorporated into the final project design and build, and many are referenced in the PDR, Appendix T (Fisheries Protection Self-Assessment Determination), Appendix X (draft Fish and Fish Habitat Protection Plan), Appendix W (DOT Erosion and Sediment Control Manual), Appendix I (Major Bridge and Culvert Conceptual Designs), Appendix L (Draft Spill Contingency Plan).

DOT will work with DFO, as required, in order to ensure no serious harm to fish that are part of or support a fisheries in the construction of the TASR.

12		<p>Comment DFO notes that in Appendix X Tłıchǵ All-season Road Fish and Fish Habitat Protection Plan Section 3.3, that Culvert size will be designed to allow passage of upstream movement of spawning sized fish... DFO recognizes the consideration for fish passage at these watercourse crossings; however, it is unclear what criteria GNWT-DOT will use to determine final fish passage design (i.e., the Culvert Master reports contained in Appendix R Tłıchǵ Road Alignment, Hydrologic and Hydraulic Study do not take into account fish passage criteria).</p> <p>Recommendation Copies of the culvert designs showing outlet velocities at the 3Q10 discharge for the target fish species (based on habitat suitability) should be provided to DFO.</p>	<p><i>DFO's May 30, 2016 letter further defines DFO's position as it relates to their May 26, 2016 letter. As such their May 26th letter should be interpreted in context to their May 30th letter.</i></p> <p>Each culvert is and will be designed to allow for fish passage as per the DFO 3Q10 velocity criteria recently provided by DFO and based on the work of Chris Katapodis, as outlined in Appendix T (Fisheries Protection Self-Assessment Determination). DOT assumes fish are present and will build culverts to address any potential fish passage issues as they relate back to the fisheries management objectives. As indicated in Appendix T and the PDR, the analysis is currently using <i>Esox lucius</i> (Northern Pike or Jackfish) as the baseline for weakest swimmer as they are weak swimmers and very prevalent within the NWT. In addition, enlarging the culvert sizes from what is required hydrologically will be done to accommodate not just fish passage, but debris, ice, and nuisance beaver management.</p> <p>DOT will continue to work with the Transportation Association of Canada/DFO working group to ensure the most current information in sizing of culverts for fish passage is used. DOT will continue to follow national advice and guidance from DFO on such a standard and routine practice as installing a culvert.</p> <p>DOT will work with DFO, as required, in order to ensure no serious harm to fish that are part of or support a fisheries in the construction of the TASR.</p>	
	13	<p>Comment It is DFO's overall opinion that watercourse crossings such as those proposed in this project can be appropriately designed and constructed in a manner that avoids negative impact to fish and fish habitat. However, it remains GNWT-DOT's responsibility to avoid causing serious harm to fish to be in compliance with the <i>Fisheries Act</i> . In the event that residual impacts remain after implementing mitigative measures and DFO determines a <i>Fisheries Act</i> Authorization is required, DFO will work with GNWT-DOT to establish appropriate offsetting measures to counterbalance any unavoidable serious harm as a result of this project.</p>	<p><i>DFO's May 30, 2016 letter further defines DFO's position as it relates to their May 26, 2016 letter. As such their May 26th letter should be interpreted in context to their May 30th letter.</i></p> <p>DOT is working within the current Fisheries Act, its policy and the Fisheries Protection Program website and has appropriately self-assessed the bridges and the routine culvert installations. DOT is well aware of its responsibilities regarding the Fisheries Act.</p> <p>DOT agrees with DFO that watercourses such as the ones in this proposal can be appropriately designed and constructed to avoid serious harm to fish and fish habitat. DOT feels that the TASR crossing designs achieve that goal. This was the conclusion reached when DOT utilized the advice on the Fisheries Protection Program website and through an appropriate self-assessment which indicated that a DFO review was not required, as per DFO policy.</p> <p>DOT will work with DFO, as required, in order to ensure no serious harm to fish that are part of or support a fisheries in the construction of the TASR.</p>	

14	2	DFO Additional Comments on Tłıchǫ	 Comment Please see attached.		
15		All-season Road - Type A Land Use	Recommendation See attached.		
16			Comment DFO and GNWT-DOT are planning a late-summer/fall site visit to the proposed all-season road route so that DFO can gain further insight to the watercourses to be crossed. DFO will work cooperatively with GNWT to ensure that the all-season road is designed and constructed in a manner that is in compliance with the <i>Fisheries Act</i> .	DOT looks forward to accompanying DFO staff on this site visit to facilitate an improved understanding of these northern waters.	
17			Comment DFO understands that some of the watercourses to be crossed by the all-season road are marginal fish habitat and the works proposed likely present low risk to fish and fish habitat. By following best practices and implementing mitigation measures, serious harm to fish and fish habitat will likely be avoided.	Agreed. It could be argued that some of the crossings involve systems that do not contribute to a fishery; however, DOT assumes fish are present and provides mitigation in the hope that it provides surety in the approval process as well as minimize regulatory burden by applying the required public funds to the construction of the crossings rather than studies.	
18			Comment With respect to the 16 watercourse crossings and site specific fish and fish habitat information request, DFO understands that, as the project moves forward, site specific information will be gathered in preparation of the final crossing design by the successful final bidder/contractor and submitted to DFO for review.	Detailed design drawings of the crossings will be available once funding and approval to proceed is granted. GNWT and the successful contractor will work cooperatively with DFO, as required, to ensure that the all-season road is designed and constructed in a manner than is in compliance with the Fisheries Act.	
19			Comment Some of the watercourse crossings need to be designed to pass fish. DFO understands that GNWT-DOT is committed to ensuring fish passage at those crossings and will incorporate mitigation measures that will likely avoid serious harm to fish and fish habitat, and such mitigation will be implemented at the final design phase. DFO will work with the contractor to ensure construction practices are carried out in a manner that avoids negative impacts to fish and fish habitat.	DOT identifies this statement as correct, and appreciates DFO staff coming to the north and working with the contractor, as required, to ensure construction practices are carried out in a manner that mitigates any potential serious harm to the fishery.	
20			Comment It is DFO's overall opinion that watercourse crossings such as those proposed in this project can be appropriately designed and constructed in a manner that avoids negative impact to fish and fish habitat. DFO will work with GNWT-DOT and the contractor to ensure that water crossings are in compliance with the <i>Fisheries Act</i> . In the event that residual impacts remain after implementing mitigative measures and DFO determines a <i>Fisheries Act</i> Authorization is required, DFO will work with GNWT-DOT to establish appropriate offsetting measures to counterbalance any unavoidable serious harm as a result of this project.	<p>DOT also remains confident that the project can be appropriately designed and constructed in a manner that avoids negative impact to fish and fish habitat. Through the application of the Fisheries Act, its policies, and the Fisheries Protection Program website, a self-assessment indicates that any potential fishery impacts can be mitigated with the application of advice such as those found on the Fisheries Protection Program website and in the many outdated but still useful DFO Operational Statements, many of them specifically tailored for the north.</p> <p>DOT agrees with the DFO opinion that watercourse crossings such as those proposed in this project can be appropriately designed and constructed in a manner that avoids serious harm to fish and fish habitat. DOT feels that the TASR crossing designs achieve that goal. This was the conclusion reached when DOT utilized the advice on the Fisheries Protection Program website and through an appropriate self-assessment which indicated that a DFO review was not required, as per DFO policy.</p>	
21	Natural Resources Canada - NRCan: Rachelle Besner				

22	ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
23	1	Section 3 Regulatory Review and Approvals	<p> mment A licence, issued by Natural Resources Canada's Explosive Regulatory Division under the Explosive Act, may be required for the storage of explosives based on information provided in the project description. The project description indicates that permits will be obtained for quarry sites and that explosives will be used at those sites. However, a magazine licence and the location of magazines for the storage of explosives is not specified. The Explosives Regulatory Division issues licences for explosives magazines but not for magazines that are located at or in a quarry in a province or territory that has provisions in its legislation or regulations to ensure the efficient inspection and control of explosives that are stored and used in quarries. It is therefore possible that a licence for explosives magazine(s) for this project, depending on location, would be issued by the Northwest Territories Worker's Safety and Compensation Commission rather than by Natural Resources Canada.</p> <p>Recommendation Additional information is required on the location of explosives magazines and the quarry sites in order to clarify if Natural Resources Canada will be a regulator for the explosives storage component of this project. In addition, please clarify if the Northwest Territories Worker's Safety and Compensation Commission will be giving a permit.</p>	<p>NRCan provided a similar comment and recommendation during the Feb-March 2016 review of the draft PDR prior to submission. DOT added a sentence to section 3.1.4 prior to submitting its application to the WLWB to help address NRCan's comment.</p> <p>As exact construction methods and contractor details can only be finalized after funding has been secured, DOT has identified that authorizations may be required from both NRCan and WSCC. DOT has identified that the successful contractor will be responsible for obtaining the necessary permits and licences that will allow them to transport and operate explosives where required.</p> <p>DOT added the following sentence to section 3.1.4 to help clarify: "DOT recognizes that the WSCC must be contacted to receive a permit for all blasting within the NWT and that NRCan is to be contacted if magazine storage and/or use occurs outside of a quarry site."</p>	
24	GNWT - Lands: Jesse Davidson				
25	ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
26					
27	2	General File	<p> mment W2016E0004 - Draft LUP Conditions - Inspector Comments</p> <p>Recommendation</p>	No comment.	
28					
29	7	General File	<p> mment GNWT Letter to WLWB TASR Cover Letter</p> <p>Recommendation</p>	No comment.	
30					
31	3	GNWT-DOT Draft LUP Terms and Conditions; Section 26(1)(j) Protection of Historical, Archaeological, and Burial Sites: Condition 33 - Archaeological Buffer.	<p>Comment There is one recorded archaeological site in the vicinity of the TASR. This site was revisited during the archaeological impact assessment (AIA) of the road right-of-way. Additional sites may be recorded through a future AIA of the proposed borrow sources associated with the TASR. Given that accurate location information is available for the recorded site, and will be recorded for sites identified through an AIA of the borrow sources, a minimum buffer of 30 m for archaeological sites is sufficient.</p> <p>Recommendation No recommended changes to Draft Condition 33.</p>	No comment.	
32					
33	4	GNWT-DOT Draft LUP Terms and Conditions; Section 26(1)(j) Protection of Historical, Archaeological, and Burial Sites: Condition 34 - Site Disturbance.	<p>Comment No changes required.</p> <p>Recommendation No recommended changes to Draft Condition 34.</p>	No comment.	
34					
35	5	GNWT-DOT Draft LUP Terms and Conditions; Section 26(1)(j)	<p>Comment The Prince of Wales Northern Heritage Centre has new telephone numbers.</p>	No comment.	

36		Protection of Historical, Archaeological, and Burial Sites: Condition 35 - Site Discovery and Notification.	Recommendation Please update the contact numbers to (867)-767-9347 extension 71251 or extension 71250.		
37	6	GNWT-DOT Draft LUP Terms and Conditions; Section 26(1)(j) Protection of Historical, Archaeological, and Burial Sites: Condition 36 - AIA.	Comment An archaeological impact assessment (AIA) has been completed for the TASR right-of way. Pending the results of an Archaeological Overview Assessment (AOA) of the proposed gravel sources for the TASR, an AIA will be required in areas of the borrow sources with high archaeological potential. Recommendation Recommend replacing Condition 36 with the standard Archaeological Overview and AIA-High Potential conditions. These conditions should be specific to the proposed borrow sources for the TASR.	Agreed.	
38	Tłıchq̓ Government: Laura Duncan				
39	ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
40					
41	1	Tłıchq̓ Government Submission	 Comment Please See Attached		
42			Recommendation Please See Attached		
43			Tangible Cultural Sites Finding The all-season road can impact positively on the access to the falls, promoting tourism and understanding of the sacred relationship that is held to this place. The one site that is to be avoided, Ewaashi, could be negatively impacted if there were notice made or taken of this site. Elders would prefer the site not be spoken about as this would lead to less attention be made of the area. Some modification of the route has already been made to give a wider berth to this site. These actions will mitigate any impact to the area. No grave sites have been identified along the TASR. Cultural Sites Mitigation The Community Government of Whatì is developing site access and a campground to the falls. The other site, Ewaashi, has been earmarked for avoidance and elders have not asked for any signs or special recognition of the location. It is anticipated that not doing anything (providing special road signs or interpretation) is the best approach to ensuring the spot remains avoided.	Agreed.	
			Trails/Portage Finding Numerous overland trails and waterroute traverse the area. Four forms of trails are identified. The portage T'oohtdeehotee is located next to the proposed bridge on Tsotidee. The portage is used by snowmobilers during winter and by paddlers and boaters during summer. The entry and exit of the portage is a valuable fishing site. Portage and Trails Mitigation Special designs to allow for safe road crossings where overland skidoo trails and water routes/portages cross the proposed road route. A potential road will likely increase the use of the existing trail network by harvesters. Pull-outs or platforms be considered at the access points of these trails, to facilitate access and avoid dangerous situations involving trucks and equipment parked alongside the road.	To meet the geometric design parameters for the proposed TASR, roadside pullouts are to be provided at approximately one half hour travel intervals. Consideration will be made to have these pullouts intersect with the access points of existing trails. Warning signage will be placed in areas where there will be portages and trails.	
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45		<p>Intangible Culture Finding The TASR could impact negatively on language, culture and way of life, given that people will not have such an isolated way of life.</p> <p>Intangible Culture Mitigation Since 2012, the Tłıchǵ Government has invested significantly each year into the Tłıchǵ Imbe Program. This eight week summer program promotes culture, language and way of life in the communities through the instruction of elders to young adults, the promotion of cultural activity, and the valuing of the traditional economy through establishment of employment annually. The Tłıchǵ Government also sponsors annual canoe trips, and many other culture programs that are continually occurring in the communities (e.g., handgame tournaments and cultural programming in the schools).</p>	No comment.	
46		<p>Fisheries Finding The all-season road would allow outsiders to access the Whatı fisheries on an ongoing basis. This could impact on fishery stocks. At the same time, if the Tłıchǵ Government is actively engaged in promoting economic development through tourism, there is the potential to support a local guiding economy. The Tłıchǵ Government recognizes that the PDR (Appendix T) identifies construction effects on fisheries, and has mitigated these effects to the satisfaction of the GNWT.</p> <p>Fisheries Mitigation The Tłıchǵ Government has the power to enact laws in relation to who may harvest fish in waters on Tłıchǵ lands. (7.4.3(a) of the Tłıchǵ Agreement). At this time, the Tłıchǵ Government is considering regulations to manage fisheries that might be impacted by the development of the All-Season Road.</p>	No comment.	
47		<p>Trapping/Hunting Finding Elders stated that current ungulate and fur-bearing animal populations inhabiting the area of the proposed road may move away due to noise, dust and pollution from an all-season road, and the introduction of new animal populations such as bison may cause caribou also to move. The elders' concern stems from the uncertainty of the sustainability of their hunting and trapping economy and way of life that would be introduced if animal populations declined from the area around K'agoo tilii.</p> <p>Trapping/Hunting Mitigation The Wildlife Monitoring and Management Plan will be revised to address specific bison concerns, and caribou and bison interactions. This Plan already includes mitigation measures to manage dust as it arises in construction and operation of the TASR. This linear disturbance has been in play for many years now, and the TASR will not add a new development or path into the region.</p>	TG and DOT will continue to work together in moving the project forward.	

48		<p>Water Finding The TASR is unlikely to impact on water quality or quantity, as it involves the construction and operation of a road. Mitigations are in place to minimize any impacts at water crossings.</p> <p>Water Quality Mitigation There was no need for a unique mitigation to be assigned, aside from those already considered in the PDR.</p>	No comment.	
	49	<p>Wildlife Finding There is recognition that the road may have impacts on the ungulate animal populations as, moose, boreal caribou, and fur-bearing animal, and limited new impact on barren-ground caribou. While the Tłı̨chǫ Government is very concerned for the well-being of caribou, we note that access to barren ground caribou will be marginally changed through the road (as harvesters can already use four wheeled vehicles on the already existing route). It may decrease the time associated with travel by as much as two hours. Documented wood and moose harvesting by outsiders already exists in the region. As stated above, this linear disturbance has been in play for many years now, and the TASR will not add a new development or path to the region.</p> <p>Wildlife Mitigation - The GNWT and Tłı̨chǫ Government commit to working together to develop regulations and policies, as well as to work very carefully on the Wildlife Management and Monitoring Plan, which is already in draft form. The Tłı̨chǫ Government has already identified guidelines to manage the construction of cabins and design of hunting, trapping, and fishing in the area, in order to minimize impacts on local animal populations. There are many mitigations discussed in Appendix M of the PDR, including: Table 2 Habitat Loss and Alteration; Table 3 General Wildlife Disturbance, Mortality and Wildlife-Human Interaction Mitigations; Table 4 Bird Specific Mitigation Measures; Table 5 Caribou Specific Mitigation Measures; Table 6 Bison Specific Mitigation Measures; Table 7 Bear Specific Mitigation Measures. The Tłı̨chǫ Government has a record of working closely to protect caribou, as evidenced in the joint approach taken with the GNWT to manage the barren ground caribou. The Tłı̨chǫ Government takes a "caribou first" approach to development. Appendix M, or the Wildlife Management and Monitoring Plan has a distance to go, and the Tłı̨chǫ Government commits to ensuring this occurs. For example, elders in Whatì have indicated that they are concerned that bison will travel further north and interact with caribou or moose, decreasing their presence in the region. Currently Table 6 (Bison Specific Mitigation Measures) does not focus on mitigations to prevent new access, and we will ensure that controls are implemented.</p>	TG and DOT will continue to work together in moving the project forward.	
50				

51		<p>Socio-Economic Mitigation Many people in Whatì have moved the dialogue from whether an all-weather road should be built, to where and how it should be built (determined in 2013), how and by whom it should be built and operated, and how to prepare the community for the benefits and risks all-season access will bring. This area is the one to which the most attention has been paid. It is because of the issues that were raised in the communities that a diverse set of mitigation measures have been identified. The Tłıchǵ Government and Community Government of Whatì have reviewed the outcomes of two research studies (TRTI 2016 and Socioeconomic Scoping Study 2015), and met on an ongoing basis with the Department of Transportation to discuss how to mitigate and monitor effects from the proposed all-season road to Whatì. The mitigations have been reviewed by the leadership of both the Tłıchǵ Government and Community Government of Whatì and accepted.</p> <p>The Tłıchǵ Government is fully committed to implementing the socioeconomic mitigation strategies identified, including committing the resources required for full and effective implementation.</p>	No comment.	
52		<p>Conclusion The Tłıchǵ Government commits to ongoing and extensive engagement in the process of review, design and implementation of mitigation measures. In particular, we expect to revise the Wildlife Monitoring and Management Plan to address the specific concerns raised by Tłıchǵ elders and community members.</p>	TG and DOT will continue to work together in moving the project forward.	
53	Wek' eezhii Renewable Resources Board: Boyan Tracz			
54	ID	Topic	Reviewer Comment/Recommendation	Proponent Response
				Board Staff Response

1	Species at Risk - Boreal Caribou	<p>Comment In TASR PDR section 8.7.1.5 - Species Related Effects, Moose, Barren-ground and Boreal Woodland Caribou, it is mentioned that boreal caribou in the North Slave portion of the range may be at greater risk as there is currently <65% undisturbed habitat in the region, predominantly due to the impact of forest fires. For boreal caribou, the disturbance management threshold for undisturbed habitat in a range is 65%. As mentioned in the National Recovery Strategy, this threshold is considered a minimum threshold because at 65% undisturbed habitat there remains a significant risk that local populations will not be self- sustaining. The Draft Recovery Strategy for the Boreal Caribou in the Northwest Territories mentions that where the cumulative habitat disturbance surpasses the threshold for a self-sustaining population, management authorities may need to recommend to regulatory agencies and land use planning boards that development activities be scaled back or not approved in a particular area, until sufficient habitat comes back online to offset the new disturbance. Under the scenario provided in the PDR, the road is expected to add <1% of new disturbance to the North Slave portion of the range. The mitigation measures provided in PDR Table 8-5 include an approved Wildlife Management and Monitoring Plan (WMMP) that will be developed by referencing recovery strategies from current wildlife committees to minimize effects to critical habitat, including the boreal woodland caribou range plan strategy when it has been finalized (note: this "range plan strategy" is assumed to be a reference to the boreal caribou recovery strategy as required under the Species at Risk Act NWT, with actions that will vary according to both the habitat and population conditions within each boreal caribou range in the NWT).</p>	<p>Please refer to the material that was submitted by ECCC with respect to the meetings that were held between ECCC and ENR on the topic of boreal caribou for an assessment on the habitat disturbance levels. (ECCC boreal caribou comment and ECCC GNWT meeting minutes)</p> <p>North Slave portion may be <65% but the NT1 range on a whole is at 66%. The National Recovery Strategy threshold of 65% is for the entire NT1 range and not just the North Slave portion. ENR has indicated that connectivity impacts are not believed to be a significant factor as the TASR is located at the edge of the NT1 range.</p> <p>The GNWT (as a whole) can confirm that it will commit to engage with WRRB and TG on the development of a range plan for the North Slave regional portion of the boreal caribou range in the near future. GNWT-DOT will seek input from the WRRB during the final development of the WMMP with respect to caribou management.</p> <p>As mentioned in the PDR, the reclamation of the first 60 km of the Tłıchǵ Winter Road System should help in offsetting some of the loss of boreal caribou critical habitat. Discussions with ENR, TG and WRRB during the final development of the WMMP with respect to caribou management may also identify additional opportunities to implement ecological and/or functional habitat restoration of other linear disturbances to offset the new disturbance within the North Slave portion of the boreal caribou range.</p>	
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56	<p>Table 8-5 also mentions that current habitat disturbance levels within proposed TASR corridor suggests wildlife, such as caribou, will already be avoiding the area. The draft WMMP, under 4.1 Direct Habitat loss and Habitat Degradation, mentions that overall new habitat disturbance is expected to be low as the corridor has already been significantly impacted by recent forest fires and a previous winter road route with parts of the corridor having already been characterized as disturbed by Environment Canada’s human disturbance mapping. The WMMP also mentions that the reclamation of the terrestrial portions of the current Tłıchʔ winter road (KM 0-60) will help to eventually offset some of the new habitat loss. The overarching concern is that boreal caribou critical habitat in the North Slave region is currently below the 65% threshold required for a sustainable population. Though expected to be less than 1%, the addition of the all-season road adds direct and indirect habitat loss, and associated negative impacts (e.g. access and increased probability of harvest and predation). The recovery strategy has not been finalized, reclamation takes time, forest fires are expected to continue to have considerable impacts, and monitoring of boreal caribou in the North Slave is at a nascent stage. This provides a scenario where achieving management goals for boreal caribou in the North Slave is difficult, notably as the trend in available critical habitat appears to be a negative one. The WRRB will work with GNWT-DOT and other partners in the development of a final WMMP. There should also be commitment from GNWT (DOT, ENR Forestry Division and Wildlife Division) and co-management partners (WRRB and TG) for rapid implementation of the boreal caribou recovery strategy specific to the North Slave Region.</p>		
57	<p>Recommendation Please provide further details on the approaches GNWT-DOT will use to compensate / offset for the loss of boreal caribou critical habitat.</p>		

2	Wildlife - Boreal Caribou	<p>Comment In the WMMP, 4.2.3 Caribou-Specific Disturbance Mitigation, Table 5, it is stated that: <i>"If it is clear that caribou will likely remain in the development area for extended periods the Wildlife Monitor may gently encourage individual or small numbers of caribou to move away from the area using methods pre-approved by ENR"</i> In the WMMP, Table 1, Wildlife and Wildlife Habitat Protection Regulatory Requirements, it is clarified that under the Wildlife Act: <i>"...no person shall, without a permit, chase, disturb, or harass wildlife."</i> Appendix A, Table A, further clarifies that Sec. 55 of the Wildlife Act states: <i>"Notwithstanding any other provision of this Act or the regulations, a person may chase wildlife away from a dwelling place, camp, work site, municipality or unincorporated community, or its immediate vicinity, if doing so is necessary to prevent injury or death to a person or damage to property."</i> Concerns about harassment of caribou (boreal and barren ground) have been voiced in a number of contexts, and have included concerns related to development (e.g. establishment and use of linear features such as roads), harvest (e.g. improper behaviours by inexperienced hunters), and monitoring (e.g. impacts of collars and surveys). Currently, there are no collars on boreal caribou in the North Slave region, and the increase in the number of collars on the Bathurst herd was the result of ongoing lengthy discussions. During boreal recovery strategy meetings discussions included how best to implement appropriate monitoring methods, ones which minimize impacts to boreal caribou while providing information necessary for management decisions.</p> <p>Lastly, the concept of "leaving the caribou alone" is repeatedly mentioned by Tłıchǫ community members, as there is the belief that caribou (boreal and barren-ground) are already subject to a great degree of disturbance, and should not be subject to any more. The suggestion to gently encourage boreal caribou to vacate a development area, though practical from an operations perspective, can be interpreted as somewhat contradictory to what is in the new NWT Wildlife Act, and somewhat problematic for a species considered to be threatened. Further details on what is viewed as appropriate would help to understand under what circumstances and for what actions a permit would be provided.</p> <p>Recommendation GNWT-DOT elaborate on the definition of "gently encourage" by providing specific examples of how boreal caribou would be convinced to move away from areas of activity.</p>	<p>GNWT-DOT recognizes the importance of protecting caribou and has not stated that caribou will be moved as a practicality to operations. Gentle moving would only be considered should it be deemed a safe and effective method by GNWT-ENR (the regulating agency for NWT wildlife).</p> <p>ENR has provided DOT with further details of what "gentle encouragement" could entail (see below) though approved methods would depend on the real-time field conditions.</p> <p>ENR's Wildlife division has recommended that operations should be suspended to allow caribou to move away from development areas of their own accord, unless the safety of the caribou, the workers or equipment is at imminent risk. In such cases, it is recommended that the environmental monitor slowly approach the caribou by vehicle or make their presence known by calling out and waving their arms to encourage them to move away from the area. This approach should be sufficient to move caribou out of the area in most situations. It is possible that females may be unwilling to leave the area if they have a calf hiding nearby. In these cases, operations should be suspended and people should temporarily leave the area.</p>	
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3	Wildlife - Harvest Monitoring	<p>Comment PDR sections 8.7.1.4 and 8.7.1.5 recognize that there are concerns about increased levels of harvest and the potential impacts to ungulate species due to increased access. However, the same sections also indicate that monitoring data, notably with regards to population and harvest estimates, are somewhat lacking. Section 8.7.1.4 Wildlife Mortality mentions that : “To protect wildlife, organizations such as WRRB, TG and GNWT Departments of Lands and ENR will need to continue to work together to develop guidelines and conditions for use within the Wek’èezhii area. Possible steps include the Tłıchʼ Government utilizing its authority to establish hunting regulations within Tłıchʼ lands as well as a public awareness program that would include signage along the proposed TASR corridor highlighting hunting restrictions and discouraging excessive hunting along the corridor. Options for new check stations and better and more accurate community reporting are also being explored.” The WRRB agrees that the organizations listed need to cooperate in order to address concerns related to harvesting. The lack of accurate harvest data is of great concern, for without an understanding of the species, numbers, and locations of harvest, it is difficult to assess the impact of developments and their related access, in addition to the assessing the impacts of changing habitat conditions. Further, uncertainty with regards to the populations of ungulates, notably after the significant habitat changes in Wek’èezhii due to forest fires, provides a scenario where informed management decisions are difficult because accurate and up-to-date information is not available. Accurate and timely monitoring of ungulate harvest needs to be a priority. The WRRB will work with ENR and TG and other partners to address concerns related to accurate and timely reporting of harvest.</p> <p>Recommendation GNWT-DOT approach the Barren-Ground Caribou Technical Working Group, which currently reviews information related primarily to barren-ground caribou, regarding possible approaches for monitoring wildlife harvest in relation to the TASR.</p>	<p>The GNWT (via ENR) will approach the Barren-Ground Caribou Technical Working Group, which currently reviews information related primarily to barren-ground caribou, regarding possible approaches for monitoring wildlife harvest in relation to the TASR. As ENR and the Tłıchʼ Government are members of this working group, it is understood that there is a lot of internal expertise at the disposal of GNWT-DOT in finalizing a robust WMMP. It is understood that a component of the WMMP will include some form of wildlife population monitoring for caribou, moose and bison in the region given the potential changes in harvesting pressure.</p>	
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4	Monitoring - Surface water	<p>Comment PDR section 6.7.1. Surface Water, it is stated that: “The Wek’èezhìi Land and Water Board is currently undertaking the Tłıchǫ Aquatic Ecosystem Monitoring Program, which may provide additional information on surface water characteristics surrounding the proposed TASR corridor. This program was initiated by the Wek’èezhìi Land and Water Board, Tłıchǫ Government, GNWT’s Cumulative Impact Monitoring Program (CIMP) and Wek’èezhìi Renewable Resource Board (NWTWS 2014).” The WRRB appreciates the mention of the Tłıchǫ Aquatic Ecosystem Monitoring Program (TAEMP) as a possible source of additional information on surface water characteristics. The TAEMP monitors aquatic ecosystems in Wek’èezhìi near each of the four Tłıchǫ communities, and also aims to contribute to concurrent monitoring initiatives, including aspects of the GNWT Water Stewardship Strategy, and the Marian Watershed Stewardship Program. The Marian program is also mentioned in the NWTWS 2014 reference under “Aboriginal Governments” providing a clarification that: “This regional-scale project will address a monitoring gap between the high intensity monitoring undertaken by industry in and around their developments and relatively low intensity local monitoring done in or near Tłıchǫ communities through programs such as the Tłıchǫ Aquatic Ecosystem Monitoring Program (see above).”</p> <p>Recommendation GNWT-DOT approach organizations responsible for implementation of community-led aquatic ecosystem monitoring programs in Wek’èezhìi regarding monitoring of surface water quality surrounding the TASR corridor.</p>	As the WLWB is the lead body for the TAEMP, GNWT-DOT will yield to the WLWB to determine the level the TAEMP should be utilized with respect to the TASR.	
63	WLWB: Jessica Pacunayen			
64	ID	Topic	Reviewer Comment/Recommendation	Proponent Response
65				Board Staff Response
66	1	4.4 of PDR - Design Parameters for the Proposed TASR: TAC Guidelines	<p>Comment Guidelines for Development and Management of Transportation Infrastructure in Permafrost Regions by the Transportation Association of Canada (2010) provides a compendium of best practices for development, planning, design, construction management, maintenance and rehabilitation of transportation facilities in regions of northern Canada with permafrost terrain. There is no reference in the application to this guideline.</p> <p>Recommendation The guidelines are referenced by other GNWT-DOT applications for other infrastructure construction projects in the NWT. Please indicate if the best practices outlined in this document were also considered for the design parameters of the proposed TASR. If not, please reference any other relevant guidelines that were used.</p>	<p>These guidelines were consulted during the planning stage. The basic principle for embankment design in permafrost regions is to keep the construction "footprint" as minimum as possible.</p> <p>Some measures include avoiding cuts in soils, not doing stripping or grubbing and keeping the vegetative layer intact; keeping the side slopes gradual, etc. To avoid water ponding and to have an effective drainage and erosion control pattern, a number of culverts and bridges have been proposed. These will be installed using environmentally friendly construction techniques throughout the length of the roadway. In order to preserve permafrost, it was decided that the organic insulating layer should not be removed and reasonable attempts should be made to avoid disturbing drainage patterns.</p>
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68	2	8 of the PDR - Proposed Mitigation and Anticipated Environmental Impacts	<p>Comment Page 8-16 states "Because caribou are a highly valued species, an option to close parts of the proposed TASR if and when caribou are noted to be crossing the road may be implemented in order to prevent caribou mortality."</p>	<p>The embankment design criteria for the entirety of the proposed TASR is similar to the caribou crossings described in DDEC's Ekati Diamond Mine Lynx Haul Road Caribou Crossings Design Plan (W2013D0006; MVEIRB EA1314-01); however, a 3:1 slope ratio has been planned for instead. ENR has stated that the substrate that</p>
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70			Recommendation Has GNWT-DOT considered caribou crossings as a potential mitigation measure as opposed to closing parts of the TASR?	<p>makes up the embankment is more significant than the slope itself. As pit-run material will be used for embankment construction (typically 150 mm in size) and the granular base course material for the surface of the road will be 20 mm minus, this substrate will be equal to or better than the material used on the Lynx Haul Road Caribou Crossings. Therefore, the entirety of the proposed TASR will be designed in a manner that will enable wildlife (caribou, moose, bison, etc.) to cross.</p> <p>Boreal woodland caribou do not travel in large herds like barren-ground caribou; therefore it is difficult to establish a set crossing location as has been done for the barren-ground caribou at Ekati. It is also unlikely that barren-ground caribou will cross the TASR along the northern sections. A more appropriate mitigation measure is to ensure the embankment is appropriately designed to facilitate wildlife crossing along the entire length of the TASR, which has been accomplished with the current road design. DOT has also committed to leaving breaks in the snow banks every few hundred metres.</p>	
71	3	8 of the PDR - Proposed Mitigation and Anticipated Environmental Impacts	<p>Comment Section 8.5: Terrain, Soil and Permafrost - "During geotechnical investigations, ice-rich permafrost areas will be identified and avoided if possible."</p> <p>Recommendation Does GNWT-DOT believe the results of the geotechnical investigations could change the alignment of the TASR? If so, please explain what engagement will take place and what mitigations would be implemented to ensure the new alignment will not create significant environmental impacts.</p>	<p>During the terrain assessment and corridor selection, the terrain specialist mostly avoided the ice-rich permafrost areas. It is not expected that geotechnical will drastically change the alignment. It is expected that alignment changes will be maintained within the 60 m corridor that has been proposed. The alignment is located in the zone classified as "extensive discontinuous permafrost" but is also in the sub-zone classified as "low (<10%)".</p>	
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73	4	8 of the PDR - Proposed Mitigation and Anticipated Environmental Impacts	<p>Comment The proposed TASR is located within the zone of discontinuous permafrost.</p> <p>Recommendation Does GNWT-DOT believe that a Permafrost Monitoring Plan is necessary to monitor the permafrost conditions during construction and operation of the TASR? If not, please provide rationale.</p>	<p>The construction method of using geotextile between the existing ground and the embankment has been shown to be an effective mitigation for maintaining permafrost conditions. The design of the roadway is based on no cuts along the alignment and geotextile along with an embankment average fill height of 1.5 metres will be the measures to mitigate permafrost degradation. These construction methods provide the rationale as to why a Permafrost Monitoring Plan is not required. Depending on the financing method and the selected contractor, some permafrost monitoring (such as a PVC tube and temp logger) may be utilized as a best management practice at certain locations should any location be deemed high risk; however, this can only be decided upon and identified after the contract has been awarded.</p>	
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75	5	Section 8.8 : Hydrology and Water Quality; Appendix AA: Draft in TASR	<p>Comment Water quality monitoring during the TASR construction only includes turbidity sampling and testing.</p>	<p>GNWT-DOT does not believe any additional water quality parameters may be affected during construction of the proposed TASR.</p>	

76		In-Field Water Analysis Plan	Recommendation Does GNWT-DOT believe any additional water quality parameters may be affected during construction or operation of the proposed TASR? If not, please provide rationale.	Granular material utilized during construction of the TASR will first undergo geochemical testing to ensure the material is not susceptible to ARD or metal leaching so testing of these parameters within the watercourses should not be required. The Spill Contingency Plan should be an effective method in mitigating any additional deleterious substances. Should a spill occur and the deleterious substance unfortunately managed to enter a watercourse, testing for the parameter in question would be reasonable. The Quarry Operations Plan and the Waste Management Plan should also be effective methods in managing potential explosives use and waste. Water quality grab samples upstream and downstream of the four major water crossings (on a to be established sampling regime) can be added to the In-Field Water Analysis Plan to demonstrate best management practices. The TAEMP may also be interested in monitoring the BMP WQ testing. □	
77	6	Appendix N: Draft Waste Management Plan	Comment Board staff note that the Waste Management Plan states that "no waste fuel, oily rags, sewage or plastics (unless contaminated with food odours) will be incinerated." Recommendation The GNWT-DOT clarify whether or not it plans to incinerate plastics contaminated with food odours. If so, please provide rationale.	The final WMP can only be submitted after the contractor for the project has been selected to confirm their methods. At that time, more information on the types of materials to be incinerated can be provided to ensure incineration meets any potential air quality standards/regulations with respect to incineration that may be enacted during construction of the project. However, it is expected that plastics contaminated with food odours will be incinerated to prevent the odours from attracting wildlife, which can present a safety risk. It is expected that food contaminated plastics will be kept to a minimum and would include plastics from workers' lunches as an example. The final WMP will be reviewed by ENR's Environmental Protection section.	
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79	7	Appendix R : Tłıchǵ Road Alignment , Hydrologic and Hydraulic Study	Comment There are 15 crossings noted in both the PDR and Appendix R. Board staff note 4 major crossings that require bridges in PDR (table 4-6 of PDR), but 5 major crossing were identified in the Appendix R (section 2.2 of study). Recommendation The GNWT-DOT clarify the difference between the number of major crossings and bridges as outlined in Appendix R: Stantec's Tłıchǵ Road Alignment, Hydrologic and Hydraulic Study and the TASR corridor identified in the PDR.	The 5th bridge crossing mentioned in Stantec's report (water crossing #12) was removed as DOT determined after analysis of the LiDAR and topographic analysis that it was possible to reroute the alignment. A culvert was then a suitable drainage method along the new section of road.	
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81	8	Appendix R : Tłıchǵ Road Alignment , Hydrologic and Hydraulic Study	Comment The Study notes that debris accumulation and ice jamming have the potential to increase water levels at crossings and damage structures.	At bridge sites, the mitigation taken into account to prevent potential debris accumulation and ice jamming is the allowance of a minimum 1.5 metres of	

82			Recommendation The GNWT-DOT provide the proposed mitigation for potential debris accumulation and ice jamming at bridges and culverts.	freeboard (distance between the bottom chord of the bridge and the high water levels). At culvert sites, if a channel is found to be particularly vegetated and full of debris, culvert size may be increased to accommodate. If beaver activity poses to be an issue, grates at culvert inlets may also be installed. Steam pipes may be installed in culverts to prevent icing and blockages. Additionally, 8 of the 12 culvert sites have secondary and tertiary culverts which will provide redundancy.	
83	9	Appendix R : Tłıchʔ Road Alignment , Hydrologic and Hydraulic Study	Comment Page 25 of Stantec's Study (Appendix R) states, "Fish passage and habitat was not considered as part of the project however this should be considered at the final design stage." Recommendation The GNWT-DOT confirm that it commits to considering fish passage and fish habitat protection measures as recommended by the Study when preparing the Final Design.	DOT commits to fish passage and fish habitat protection measures. Section 6.7.3 of the PDR mentions that DOT conducted a fish friendly water crossing assessment for the proposed TASR (further detail available in Section 6.8). This assessment follows the DFO advice of culverts embedded 10% below the invert and that: culverts less than 25 m long, velocities should not exceed 1.0 m/s at 3DQ10; culverts greater than 25 m long, velocities should not exceed 0.8 m/s at the 3DQ10; and culverts greater than 40 m long, velocities may be limited to 0.6 m/s at the 3DQ10. DOT - Structures amended the culvert designs, increasing their size, in order to incorporate the standard DFO advice as the originally developed crossings by Stantec focused on just the hydrologic parameters. This amended design to ensure fish passage also mitigates issues related to nuisance beavers, debris and ice.	
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85	Environment and Climate Change Canada: Melissa Pinto				
86	ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
87	1	General File	 Comment ECCC Cover Letter		
88			Recommendation See attached		
89	5	ECCC#1 - Monitoring Plan	Comment The Project Description Report (PDR) does not contain a monitoring plan for water quality / erosion / sedimentation. A monitoring plan is essential to ensure that potential project effects related to water quality, erosion and sedimentation will be appropriately monitored, and to inform mitigation on a real-time basis. A comprehensive monitoring plan should be developed to include baseline monitoring, project monitoring (construction and post-construction), and upstream reference monitoring. Recommendation A monitoring plan for water quality, erosion, and sedimentation should be developed for the Tłıchʔ All-Season Road (the Project). Baseline monitoring, project monitoring (construction and post-construction), and upstream reference monitoring will be essential components of the monitoring plan. Details should include, but are not limited to: monitoring locations, parameters, frequencies, test methods, compliance points, discharge objectives, and action levels that trigger specific management actions.	The draft In-Field Water Analysis Plan speaks to many of the comments. The Plan notes that it will be updated to include an appendix with the locations of the watercourse crossings and associated station numbers, to be set up at the commencement of construction. The Plan can be updated to indicate the management actions that would be implemented depending on the difference between the upstream and downstream turbidity levels. There is every expectation to have a monitoring plan in place for erosion and sediment controls as well as water quality (through the In-Field Water Analysis Plan) as they may be affected by construction activities. The In-Field Water Analysis Plan will be updated to include grab samples of TSS at select sites/time periods over the course of construction to ensure the turbidity testing remains comparable (utilized as a QA/QC method).	
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91	6	ECCC#2 - Baseline Data	<p>Comment Sufficient baseline data should be obtained prior to initiation of construction. The baseline dataset should reflect seasonal and inter-annual variation with respect to water quality at the project site and at appropriate upstream and downstream locations. Baseline data should be collected seasonally (spring, fall, and under ice) for water quality parameters. A minimum of three (3) years is recommended to collect sufficient baseline data.</p> <p>Recommendation The baseline dataset should represent a minimum of three (3) years of seasonal monitoring (spring, fall, and under ice) for water quality parameters.</p>	The proposed project is not expected to impact water quality at any of the watercourse crossings. Three years of seasonal monitoring is overly onerous and not necessary. The proposed project is operating under the notion that all watercourses crossed are considered pristine. Geochemical testing will ensure material used to construct the road will not be susceptible to ARD/ML so obtaining background data at crossings pertaining to these parameters are unnecessary. A Spill Contingency Plan will be in place to prevent any spills of deleterious substances such as fuels. Should a fuel spill occur and enter the water, baseline data would not provide any useful information as it is already expected that fuel parameters would not be identified in the background samples. An in-field turbidity sampling plan will be in place during construction to monitor whether any potential granular input could be impacting the waterways. Baseline turbidity samples would not prove useful as unknown upstream events could result in changes on a daily/seasonal basis (such as permafrost slumping, fire related water impacts, etc.). When monitoring turbidity during construction, baseline data will be collected upstream of the activity at the same time as the downstream samples to provide surety of any differentiation. This methodology is typical and minimizes ambiguity in the data analysis, compared to trying to compare turbidity values taken years apart.	
	7	ECCC#3 - Mitigation Measures for Water Quality; REFERENCES: Table 8-6 (Potential Water Quality and Quantity Impacts and Mitigations),	<p>Comment It is noted that Table 8-6 (Potential Water Quality and Quantity Impacts and Mitigations) of the PDR contains some mitigation measures associated with the potential impacts on water quality affected by deposition of deleterious substances.</p>	<p><i>DOT agrees to including the following additional mitigation measures:</i></p> <p>Potential effects on water quality from project-related considerations will be characterized, prevented and mitigated.</p> <p>Surface water drainage will be directed away from watercourses.</p>	

94		Project Description Report	<p>Recommendation Table 8-6 (Potential Water Quality and Quantity Impacts and Mitigations) of the PDR should be updated to contain the following additional mitigation measures: - Potential effects on water quality from project-related considerations (including erosion, sedimentation, metal leaching [ML]/acid rock drainage [ARD] potential, ammonium explosives, concrete, wastewater, and fuels) will be characterized, prevented, and mitigated - Implementation of ammonia management best practices during use, storage, transport, and loading of ammonia explosives to mitigate impacts on water quality - Explosives containing ammonium will not be used in or near watercourses - Minimum of 100 m road setbacks from waterbodies and maximized use of vegetation buffers - Surface water drainage will be directed away from watercourses - Vegetation clearing will be minimized - Un-cured/partly-cured concrete will be isolated from watercourses - Erosion and sediment control measures will be maintained until disturbed areas have demonstrated to be stabilized - Fuel storage, dispensing and transferring will adhere to Indigenous and Northern Affairs Canada guidelines, and it should be noted that any tanks larger than 230 L capacity on Crown lands are regulated by Environment and Climate Change Canada (ECCC)'s Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations. Containment pad(s) and curbing designed to contain 110% of the storage volume will be provided for all fuel storage, dispensing and transfer sites. - Areas for cleaning equipment (including equipment used in concrete work) will be a minimum of 100 m away from watercourses and will not drain into or toward watercourses - Will prevent and mitigate impacts of road maintenance (including use of road salts) on waterbodies</p>	<p>Erosion and sediment control measures will be maintained until disturbed areas have demonstrated to be stabilized.</p> <p>Vegetation clearing will be minimized.</p> <p>Ammonia management best practices will be implemented during use, storage, transport, and loading of ammonia explosives to mitigate impacts on water quality should AN explosives be selected by the contractor for blasting operations.</p> <p>Should explosives use be required in or near watercourses, the contractor will make a reasonable effort to utilize explosives that do not contain ammonium.</p> <p>A 100 m road setback from waterbodies will be initiated wherever possible and vegetation buffers will be maximized.</p> <p>Should concrete be required (and cannot be precast), un-cured/partly-cured concrete will be isolated from watercourses.</p> <p>Fuel storage, dispensing and transferring will adhere to INAC guidelines. Tanks larger than 230 L on Crown lands will follow ECCC's <i>Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations</i> .</p> <p>Areas for cleaning equipment (including equipment used in concrete work) will be a minimum 30 m away (and 100 m where possible) from watercourses and will not drain into or toward watercourses.</p> <p>In instances where fuel storage does not already incorporate 110% containment (such as drums and jerry cans vs. the larger double-walled storage tanks), containment pads will be provided for all fuel storage, dispensing and transfer sites.</p>	
95	8	ECCC#4 - Turbidity Sampling; REFERENCES: Table 8-6 (Potential Water Quality and Quantity Impacts and Mitigations), Project Description Report	<p>Comment Table 8-6 (Potential Water Quality and Quantity Impacts and Mitigations) on page 8-26 of the PDR includes a bullet that describes turbidity sampling, which states: "Grab sampling will comply with CCME guidelines for turbidity. If at any time, downstream grab samples exceed CCME guidelines, workers will ensure the appropriate steps are followed with respect to the In-Field Water Analysis Plan." ECCC notes that the compliance with the Canadian Council of Ministers of the Environment (CCME) may be subject to upstream events not related to construction, and that differences in turbidity from upstream measurements should be evaluated when determining the need for further action.</p> <p>Recommendation Action levels for turbidity increases should be identified (i.e. what difference between upstream and downstream measurements would trigger mitigation or further investigation), in addition to giving consideration to comparisons with CCME turbidity guidelines.</p>	<p>In the draft In-Field Water Analysis Plan (Appendix AA of PDR), it states that should the downstream samples register as 8 NTU or higher than the upstream samples, then the DOT Environmental Affairs Division will be immediately contacted for discussion and direction on further action.</p> <p>The Plan can be updated to indicate the management actions that would be implemented depending on the difference between the upstream and downstream turbidity levels (including immediate response triggers such as more frequent monitoring and assessment of mitigation measures). There is every expectation to have a monitoring plan in place for erosion and sediment controls, which would be a significant mitigation in keeping turbidity values below the threshold value.</p>	
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97	9	ECCC#5- TSS / Turbidity Regression Curve	<p>Comment Field measurements of turbidity can be used as a real-time surrogate for measuring total suspended solids (TSS), a parameter which is otherwise determined in a laboratory. This relationship is site-specific, and should be developed using a TSS/turbidity regression curve. Periodically TSS samples should be collected and analyzed in a laboratory to validate or update the relationship. Use of a TSS/turbidity regression curve will allow earlier detection of project-related increases in TSS, thereby enabling more timely mitigation.</p> <p>Recommendation A TSS/turbidity regression curve should be developed to establish the site-specific relationship between turbidity field measurements and TSS lab measurements, and implemented for real-time monitoring of TSS. Periodically, TSS samples should be collected and analyzed in a laboratory to validate or update the relationship.</p>	DOT does not agree with this recommendation. The amount of sampling required to establish a regression curve for each water crossing (typically at least 20 samples per site) does not make this a reasonable request given the nature and duration of the project. The usefulness of the regression curve to enable earlier detection is also not necessarily correct given the limited amount of time that construction will occur at each crossing in comparison to the time it would take to collect samples to develop the regression curve. The draft In-Field Water Analysis Plan will be an effective mitigation technique and mentions an increased sampling frequency when constructing around immediate water crossings. The Plan will be updated to include one set of confirmatory TSS (during construction around the immediate water crossing) to identify the ballpark relationship of TSS and turbidity at each site.	
98	10	ECCC#6 - Erosion and Sediment Control Plans; REFERENCES: Section 10.6 (Sediment and Erosion Control Plan), Project Description Report; Section 3 (Erosion and Sediment Control Management Strategy), Appendix W: GNWT DOT Erosion and Sediment Control Manual	<p>Comment Section 10.6 (Sediment and Erosion Control Plan) of the PDR states that the Government of the Northwest Territories - Department of Transportation (the Proponent) will utilize the Erosion and Sediment Control Manual as its sediment and erosion control plan. Substituting a guidance manual for an implementation plan is not recommended. Site-specific erosion and sediment control plans will need to be developed prior to construction to ensure correct implementation of the guidance manual. Section 3 (Erosion and Sediment Control Management Strategy) of the Erosion and Sediment Control Manual states "Erosion and Sediment Control Plans should be prepared by qualified firms or individuals for all GNWT-DOT transportation construction projects. Submitted plans and construction works must comply with the specifications set out in this manual... Within the project planning phase, the development of an effective ESC [erosion and sediment control] plan is a requirement for GNWT-DOT project managers and contractors...The EMP [Environmental Management Plan] includes an ESC Plan as a core element."</p> <p>Recommendation Erosion and Sediment Control Plans should be developed for this project, in accordance with the Erosion and Sediment Control Manual.</p>	DOT will be using the DOT ESC Manual as guidance in the development of an ESC plan, including monitoring, reporting and adaptive management. These DOT plans will be finalized by the contractor ensuring the contractor is fully aware and capable of the requirements in that plan, while DOT provides oversight while remaining accountable.	
99	11	ECCC#7 - Environmental Management Plan; REFERENCES: Section 3 (Erosion and Sediment Control Strategy), Appendix W: GNWT DOT Erosion and Sediment Control Manual	<p>Comment The Erosion and Sediment Control Manual states that "The contractor is required to develop and implement an EMP detailing environmental protection measures. The EMP includes an ESC Plan as a core element."</p> <p>Recommendation An overarching Environmental Management Plan should be developed for the Project, in accordance with the Erosion and Sediment Control Manual.</p>	The management plans listed in Section 10 of the TASR PDR can be considered the overarching Environmental Management Plan; an additional EMP is not required.	
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103	12	ECCC#8 - Surface Water Management; REFERENCES: Section 4.6 (Local Water Management), Appendix K: Quarry Operations Plan	<p>Comment Section 4.6 (Local Water Management) of the Quarry Operations Plan states that "The proposed quarry site is located on a ridge with a natural sloping terrain from the bottom to the crown. A natural buffer zone of approximately 100 m at the top of the ridge will remain. Positive drainage will be incorporated in the quarry design and benching approach as development progresses. The pit floor will also have a positive grade applied for drainage to flow and to minimize ponding effects. Grades will not exceed 4% to avoid adverse flow and erosion problems. The drainage will exit the pit floor to natural ground elevations at or near the entrance of the haul road to the quarry".</p> <p>Recommendation Section 4.6 (Local Water Management) of the Quarry Operations Plan should include a description of surface water management for pit drainage after the drainage exits the pit floor. It is important to ensure the pit drainage will not impact fish-bearing waters.</p>	The information provided in Section 4.6 of the Quarry Operations Plan is for illustrative purposes only (as is stated on page 1 of the QOP). Final details can only be provided after final selection of the sources and with input from the contractor. The QOP will follow Lands' Guidelines. Should pit drainage be planned, appropriate management techniques will be utilized. These techniques include designing and constructing the quarry to drain naturally without ponding or the requirement for pumping, ensuring that water exits naturally through diffuse flow back into the natural environment with the avoidance of distinct run-off channels which could lead to erosion issues, and ensuring there will be buffer zones of undisturbed land and vegetation for the water to flow through prior to reaching watercourses. Site inspections will look for any erosion issues due to water leaving the quarry area and, if any are encountered, they will be addressed through the implementation of appropriate and sufficient counter measures such as silt fencing, sloping, diversions, etc. Spill prevention and response measures will be in place and, if a large spill were to unfortunately occur, measures will be taken at that time to prevent contaminated water from reaching watercourses. Quarry processes will not impact fish-bearing streams.	
104	13	ECCC#9 - Ammonium-Nitrate Management; REFERENCES: Section 6.3 (Explosives Usage), Appendix K: Quarry Operations Plan	<p>Comment Section 6.3 (Explosives Usage) of the Quarry Operations Plan describes protective measures that will be taken to protect water quality from effects of ammonium explosives. The title should be revised to more accurately reflect the content of this section.</p> <p>Recommendation The title of Section 6.3 (Explosives Usage) of the Quarry Operations Plan should be revised to more accurately reflect the content of this section, such as 'Explosives Usage and Ammonium-Nitrate Management'.</p>	The title of Section 6.3 of the Quarry Operations Plan can be revised to state 'Explosives Usage and Ammonium-Nitrate Management.' Please note; however, that on page 1 of the draft QOP it states that a final QOP will be produced by the contractor responsible for blasting and that it is expected that the planning and operational details described within the QOP will change to reflect contractor requirements.	
105	14	ECCC#10 - Sampling and Testing for ML/ARD	<p>Comment It is noted that the application does not include a description of the methods that will be used for sampling and geochemical testing for ML/ARD.</p> <p>Recommendation Applicable plans, including the Quarry Operations Plan, should include a description of the methods that will be used for sampling and geochemical testing for ML/ARD. These methods should address the following potential ML/ARD sources: rock at potential quarries, road cuts, quarry materials, and blast materials. All materials used for construction adjacent to surface waters should be of suitable quality such that acid drainage and metal leaching do not result in poor quality runoff to surface waters.</p>	Section 10.11 of the TASR PDR describes the proposed Geochemical Analysis Plan. A consultant will be hired to analyze laboratory results and will indicate what parameters should be analyzed prior to sending samples to the laboratory during in-field geotechnical investigations. The Quarry Operations Plan indicates in Section 2.1.1 that "the geochemical characterization of each source will be attached the Plan, including the consultant's assessment of the material." The TASR PDR has stated that borrow source material will be selected to ensure the material is not highly susceptible to acid rock drainage and metal leaching. Material that is determined to be highly susceptible to ML/ARD production will not be used. Through the initial geotechnical investigation and including the QA/QC during construction will be used to achieve this. The design of the roadway is based on no cuts along the alignment so this should not be an issue. If road cuts were to be required, the rock would be tested prior to cutting to ensure the rock is not highly susceptible to ML/ARD. If the rock had a high percentage of sulphide, an effort would be made to avoid (i.e. reroute within right-of-way) that area. if not possible, the blasted rock would not be used for construction.	
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15	ECCC#11 - Contingency Planning and Risk Assessment; REFERENCES: Section 2.1 (Site Description), Appendix L: Spill Contingency Plan	<p>Comment It is noted that the Spill Contingency Plan (SCP) as indicated on Page i, "is being submitted in draft form to the WLWB [Wek'èezhii Land and Water Board] to support the review of the Land Use Permit (LUP) and Water License (WL) applications for the TASR [Tlic'ho All-Season Road]". It is also noted on page 4 of the SCP that "further maps indicating storage locations of each hazardous material, probable spill locations and direction of flow on land and in water, catchment basins, locations of all response equipment, topography, approved disposal sites, and any other important on or off-site features will be provided at a later date by the Contractor when these details have been finalized". The SCP does not have substantive information on emergency response plans and procedures for the accidents and/or malfunctions that may occur during each phase of the Project. Without this information, there is a lack of understanding of how the Proponent and subcontractors will address their responsibilities for prevention, preparedness, response, and mitigation of project-related accidents, spills, releases, or discharges. The primary goal of preparing and implementing an environmental emergency plan is to prevent emergency incidents from occurring and facilitate the undertaking of appropriate response activities in the event that an emergency event does occur. Modelling of, and planning for worst-case scenarios is an industry best practice that provides project proponents with the opportunity to demonstrate the extent of their emergency response preparedness planning abilities as well as their emergency response capacities.</p> <p>Recommendation Detailed worst-case scenario planning should be undertaken, and include risk assessment for all accident and malfunction scenarios likely to impact the various waterways. Spill contingency plans should incorporate sufficient detail to describe the Proponent's emergency preparedness and response capability; exercise plans and schedules to ensure the emergency response plans will work; and, defined triggers that will determine how and when the emergency response plans will be activated. An explanation of how the Proponent will ensure that their contractors meet the Proponent's due diligence standards in respect of oil and hazardous material spill prevention, preparedness, mitigation, response and restoration should be provided.</p>	<p>A final Spill Contingency Plan can only be submitted to the Board after the contractor has been hired and construction details, quarry locations, etc. have been finalized. The Spill Contingency Plan will adhere to the SCP guidelines as is required. As a contractual requirement, the successful contractor's SCP will only be approved by DOT after thorough review by the DOT Environmental Affairs Division to ensure the Plan adheres to GNWT mandates/standards. EAD will utilize the SCP guidelines as a guide in assessing the completeness of the Plan and ENR-EP will also review the final plan to ensure completeness and adherence to NWT guidelines. This final plan will then be reviewed by other regulating agencies once it has been filed with the Board.</p>	
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16	ECCC#12 - Potential Contaminants; REFERENCES: Section 2.2 (Potential Contaminants), Appendix L: Spill Contingency Plan; Section 3 (Identification of Waste Types), Appendix N: Waste Management Plan	<p>Comment It is noted on page 5 of the SCP that several materials used or generated by the Project may be potential contaminants if released into the environment, including: - Fuels – gasoline and diesel - Lubricating oils and grease - Hydraulic and motor oil - Antifreeze and other coolants - Contaminated soil, snow/ice and/or water - Sewage It is stated in the Waste Management Plan (page 6) that "over the course of construction, several types of waste will or may be generated by equipment and crews working within the proposed TASR corridor, borrow sources and associated access roads". Accidents involving waste types listed in Table 1 of the Waste Management Plan, including waste solvents, waste oils and lead acid and alkaline batteries can negatively impact the surrounding environment and should also be considered as potential contaminants in the SCP. FUELS AND LUBRICANTS The Proponent should ensure that their contractors are aware and take all necessary precautions to prevent fuel leaks from equipment, and that they are responsible for preparing spill contingency plans in case of fuel spills. The Proponent should also ensure that their contractors are aware that under the MBR of the MBCA "No person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds". OIL AND WASTEWATER Strategies to minimize or prevent accidental or chronic releases of oil and waste product (e.g. hydraulic fracturing fluid) should be detailed in a mitigation program plan. The Proponent is required to demonstrate response preparedness and to identify provisions for ensuring mitigative measures would be implemented to eliminate or minimize sheens or slicks in the event of accidents and malfunctions involving the release of oil to water.</p> <p>HAZARDOUS MATERIALS AND WASTE Provisions for the management of hazardous materials and wastes (e.g. contaminated soil, sediments, waste oil) should be identified and implemented in order to ensure compliance with Section 36 (3) of the Fisheries Act, with the Canadian Environmental Protection Act (CEPA) and the Migratory Birds Regulations (MBR) under the Migratory Birds Convention Act (MBCA). ECCC offers recommendations for projects involving specific types of potential contaminants.</p>	A final Spill Contingency Plan will be submitted to the Board after a contractor has been selected. The SCP will follow the SCP guidelines as is required. Fuelling and servicing of equipment will not take place within a minimum of 30 m (and 100 m where possible) of environmentally sensitive areas, including shorelines, wetlands, water bodies and watercourses. Measures for containing and cleaning up spills will be included in the SCP including a listing of equipment that will be available to contain and control spills. ENR-EP will be reviewing the final SCp to ensure completeness and adherence to the NWT guidelines.	
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113		<p>Recommendation FUELS AND LUBRICANTS As a best practices standard, biodegradable fluids should be considered for use in place of standard petroleum products whenever possible and/or practicable. Fuelling and servicing of equipment should not take place within 30 meters of environmentally sensitive areas, including shorelines, wetlands, water bodies and watercourses. OIL AND WASTEWATER The following considerations should be factored into the development of a response plan that would help reduce impacts on the environment, wildlife and aquatic species: - Measures for containing and cleaning up spills (of various sizes) both at the project site and during transport to the site; - Listings of equipment that would be available to contain and control spills; - Specific measures for the management of all spills large and small (e.g., dispersement of sheens, etc.); - Mitigation measures to deter migratory birds from coming into contact with contaminated water; - Mitigation measures to be undertaken if migratory birds and/or sensitive habitat becomes contaminated with oil; and - The type and extent of monitoring that would be conducted in relation to various spill scenarios. HAZARDOUS MATERIALS AND WASTE The following mitigation recommendations should be considered with respect to the transport, storage, use and disposal of petroleum products and toxic substances which, when employed, may minimize the risk of chronic and accidental releases and impacts to the environment: - Developing contingency plans specific to the proposed undertakings in order to enable quick and effective responses to possible spill events. - Indicate how the contingency plans will be prepared, and response measures implemented, to reflect site-specific conditions and sensitivities.</p> <p>In developing a contingency plan, it is recommended that the Canadian Standards Association publication Emergency Planning for Industry CAN/CSA-Z731-03, be consulted as a useful reference. - All project personnel should be knowledgeable about response procedures. - Spill response equipment should be readily available on-site in an easily accessible location to ensure a quick and effective response to a spill event - All necessary precautions (including those specified below) should be undertaken to prevent a fuel spill from occurring, as even small spills can have harmful consequences to environmental components, wildlife and aquatic species. - Refueling and maintenance activities should be undertaken on level terrain, at least 30 metres from any surface water, on a prepared impermeable surface with a collection system to ensure oil, gasoline and hydraulic fluids do not enter surface waters. Waste oil should be disposed of in an approved manner at an approved facility. - Drums of petroleum products or chemicals should be tightly sealed to guard against corrosion and rust and should be surrounded by an impermeable barrier in a dry, water-tight building or shed with an impermeable floor.</p>		
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115	17	ECCC#13 - SARA General Prohibitions; REFERENCES: Table 1 (Wildlife and Wildlife Habitat Protection Regulatory Requirements), Appendix M: Wildlife and Wildlife Habitat Protection Plan	<p>Comment The application of the general prohibitions of the federal Species at Risk Act (SARA) described in Table 1 is incorrect. The killing, harming or harassing of listed species (s.32), the damage and destruction of their residences (s.33), and the destruction of critical habitat (s.58) is prohibited under SARA. The prohibitions apply to all Threatened, Endangered and Extirpated species listed on Schedule 1 of SARA on federal lands and to migratory birds (as defined under the MBCA) and aquatic species (as defined under the Fisheries Act) everywhere they are found.</p> <p>Recommendation Table 1 of the Wildlife and Wildlife Habitat Protection Plan (WWHPP) should be updated with the correct application of the SARA general prohibitions.</p>	Table 1 of the WMMP will be updated to reflect the correct SARA wording and will be submitted for approval prior to the start of construction.	
116	18	ECCC#14 - Incidental Take of Migratory Birds; REFERENCES: Section 4 (Wildlife and Wildlife Habitat Mitigation and Monitoring), Appendix M: Wildlife and Wildlife Habitat Protection Plan; Section 6.6.2 (Avian Species) and Table 8-5 (Potential Wildlife-Related TASR Impacts and Mitigation Measures),	<p>Comment The application contains detailed mitigation measures to prevent incidental take of migratory birds during construction. However, it is unclear if these measures also apply to all phases of the project including operations and maintenance. Operations and maintenance activities during the migratory bird nesting period with a risk of incidental take that are of concern to ECCC include: vegetation clearing during right-of-way (ROW) maintenance, bridge and culvert maintenance, and stockpiling at quarries. Many species of migratory birds make extensive use of ROW habitats during the nesting period. Barn swallows utilize human made structures during the nesting period such as buildings, bridges and culverts, and Bank swallows may be attracted to habitat newly created at quarries and borrow pits (e.g. stock piles). Migratory birds (including swallows), their nests and eggs are protected under the MBCA. Further, both swallow species were recently assessed as "Threatened" by the Committee on the Status of Endangered Wildlife in Canada. Additional mitigation measures for some of these activities may need to be developed to prevent delays in construction and maintenance schedules.</p> <p>Recommendation The application of the proposed mitigation measures for all phases of the Project should be confirmed. The regional ECCC office should be contacted if additional mitigation measures need to be developed.</p>	<p>The LUP and WL applications for the proposed TASR are in relation to construction of the road. Operations and maintenance of the constructed highway would fall outside of the LUP and WL timeframes.</p> <p>During the operations and maintenance phase of the constructed highway, DOT will follow all applicable legislation, such as adhering to the migratory birds timing windows. DOT currently performs O&M on the vast NWT Highway System and recognizes activities such as vegetation clearing during right-of-way maintenance and bridge and culvert maintenance need to consider both the fisheries and migratory birds timing windows.</p>	
117	19	ECCC#15 - Boreal Caribou; REFERENCES: Section 4 (Wildlife and Wildlife Habitat Mitigation and Monitoring), Appendix M: Wildlife and Wildlife Habitat Protection Plan; Section 8.7.1.5 (Species Related Effects) and Table 8-5 (Potential Wildlife-Related TASR Impacts and Mitigation Measures), Project	<p>Comment See attached document referencing ECCC#15.</p> <p>Recommendation See attached document referencing ECCC#15.</p>	Extracted ECCC comments from the attached document and provided responses (see the lines below the Comment_Boreal Caribou Recovery Strategy attachment).	
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121	20	ECCC#16 - Wood Bison; REFERENCES: Section 4 (Wildlife and Wildlife Habitat Mitigation and Monitoring), Appendix M: Wildlife and Wildlife Habitat Protection Plan; Section 8.7.1.5 (Species Related Effects) and Table 8-5 (Potential Wildlife-Related TASR Impacts and Mitigation Measures), Project Des	Comment The proposed recovery strategy for the Wood Bison (Bison bison athabasca) in Canada was posted to the SARA Public Registry on May 6, 2016. The proposed recovery strategy identifies population and distribution objectives for Wood Bison as well as threats to their recovery. Insufficient information was available to identify Wood Bison critical habitat in the recovery strategy, but a schedule of studies to identify critical habitat is outlined. Recommendation The WWHPP should be updated to include and ensure it is consistent with the proposed Wood Bison recovery strategy.	The WMMP will be updated to be consistent with the proposed Wood Bison recovery strategy to the extent feasible.	
122	21	General File	 Comment ECCC GNWT Meeting Minutes May 24-25, 2016 Recommendation See Attached		
123	22	General File	 Comment ECCC Boreal Caribou Comment Recommendation See Attached		
124	23	General File	 Comment Boreal Caribou Recovery Strategy Recommendation See Attached		
125			Comment Following these discussions, ECCC was able to confirm that the level of habitat disturbance within NT1 is currently above the threshold identified in the recovery strategy and there was consideration for reasonable foreseeable projects and projected natural disturbance within the range. ECCC is reassured that the GNWT has considered cumulative impacts and restoration of habitat in their habitat planning within NT1. ECCC's role within an assessment of the environmental effects of a project is to provide technical advice and support to responsible authorities, such as the Wek'èezhìi Land and Water Board (WLWB), to assist in addressing SARA S.79 requirements. However, it should be noted that ECCC, as a SARA competent minister, also has certain specific obligations relative to species and critical habitat protection stemming from SARA itself, separate from the Mackenzie Valley Resource Management Act and the preliminary screening review process. For example, SARA provides measures for the protection of listed species (i.e. threatened, endangered or extirpated), their residences and critical habitat (sections 32, 33, 58 and 61 of SARA). Where such prohibitions apply a SARA permit may be required. □	No comment.	
126			Recommendation For the WLWB's information. Given that the NT1 disturbance level is very close to the threshold described in the recovery strategy, this issue needs to be closely monitored to ensure that there are no significance adverse effects to boreal caribou. ECCC will continue to work with the GNWT-ENR on this issue.	No comment.	
127	Community Government of Whatì: Whatì SAO				

132	ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
133	1	General File	 Comment See attached	No Comment.	
134			Recommendation		
135	Yellowknives Dene First Nation: Alex Power				
136	ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
137	1	General File	 Comment YKDFN Letter - Re: TASR LUP and WL Applications Recommendation	<p>The GNWT would like to acknowledge and thank the Yellowknives Dene First Nation (YKDFN) for its letter dated May 30, 2016 to the WLWB regarding the proposed TASR. Although the letter was directed to the WLWB, the GNWT wishes to respond to concerns raised by the YKDFN.</p> <p>The GNWT carefully considered YKDFN's comments with respect to potential adverse impacts on YKDFN's asserted or established Aboriginal and/or Treaty rights as a result of the proposed project. The GNWT has given full, fair and meaningful consideration to the views expressed by the YKDFN. It is the GNWT's view that the concerns raised by YKDFN can be addressed during the permitting process.</p> <p>Below provides a more detailed analysis of GNWT's consideration of YKDFN's concerns and comments raised in YKDFN's May 30 letter to the Board. In providing these responses to YKDFN's comments to the Board, the GNWT wants to ensure that YKDFN's concerns are addressed. The GNWT also wants to ensure that the Board, as the preliminary screener, has all the necessary information to ensure that the concerns of Aboriginal peoples, as well as the general public, are considered.</p>	
138			Comment (*Please refer to YKDFN's letter, submitted to the Board on May 30, 2016, to review it in its entirety. The following points summarize YKDFN's main concerns and are the areas where GNWT supplied a response.)		
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140		Comment 1. Potential barrier to wildlife movement	<p>YKDFN expressed concern that the TASR has the potential to create a barrier to wildlife movement, especially wintering barren-ground, woodland caribou, bison and moose. This issue was also raised to the Proponent during the pre-submission engagement process and considered. Given the location of the project on the periphery of the Boreal caribou range and outside of the Bathurst herd's current range, the project is unlikely to pose a barrier to movement that could impede connectivity of boreal and barren-ground caribou populations. To address this potential issue; however, the embankment design criteria for the entirety of the proposed TASR is similar to the caribou crossings described in Dominion Diamond Ekati Corporation's Ekati Diamond Mine Lynx Haul Road Caribou Crossings Design Plan (W2013D0006; MVEIRB EA1314-01). If the entire TASR has been designed to a standard that meets singular caribou crossing designs at Ekati, it is likely that the road will not create a barrier for wildlife but will instead facilitate wildlife crossing along the length of the TASR should wildlife happen to be in the area. It should also be noted that this alignment has already been in existence for many years.</p>	
			<p>Specific to caribou, the PDR (p. 5-2) outlines additional mitigation strategies that will be implemented by various regulating bodies; for example, ENR will continue to monitor caribou and implement strategies as needed, such as installing signage along road indicating caribou in the area or initiating temporary road closures for safe caribou passage.</p> <p>The GNWT is of the belief that this concern of the YKDFN is being addressed through the commitments and proposed mitigations and existing and planned accommodations. The GNWT, is however, pleased to commit to ensuring there is an opportunity for parties, including the YKDFN, to provide input into the WMMP prior to its approval.</p>	
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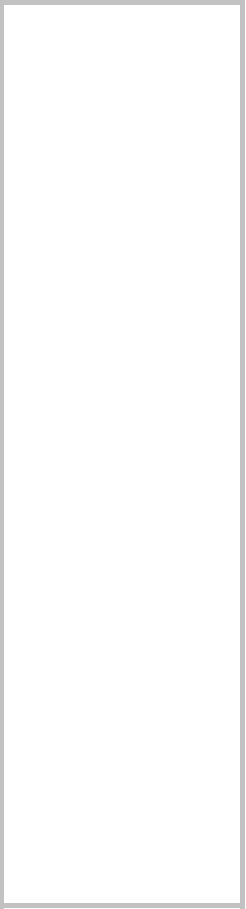
2. Potential impacts to Barren-ground and Woodland Caribou
Barren-ground Caribou:

The GNWT heard and understands the concerns raised by YKDFN and other Aboriginal governments and organizations with respect to the current decline of Bathurst caribou herd. The GNWT also heard and understands the concerns regarding the potential for the project to add to these impacts.

Similar concerns regarding the Bathurst herd were expressed during elder and harvesters interviews as part of the Tłıchǵ Government’s K’agòò tı́lı Deè` Traditional Knowledge Study for the Proposed All-Season Road to Whatì (2014). The GNWT, Tłıchǵ Government, and the Tłıchǵ Road Working Group believe that the Project is unlikely to add to the cumulative impacts currently experienced by the Bathurst herd for several reasons. First, the Bathurst caribou herd currently does not overlap the project area and has not for many years. While it is possible that the herd could begin to use the small portion (i.e. 15 km) of the periphery of the historic winter range that overlaps with the project at some point in the future, project mitigations that will be in place to manage impacts to other wildlife in the area will apply to managing any impacts to barren-ground caribou. Secondly, a substantial portion of the project’s footprint occurs along existing disturbance and the small amount of new disturbance and access related to the project in the historic winter range of the Bathurst herd are expected to be offset over time by vegetation recovery and reduced access along the current winter road to Whatì, which will be decommissioned.

There are a number of ongoing initiatives involving the GNWT and its partners, including the YKDFN, to address the current decline of the Bathurst caribou herd. A key initiative is the Bathurst Range Planning process for the Bathurst caribou herd, which will describe how the Bathurst range will be managed over time and help prepare for any future changes to habitat. GNWT is leading that collaborative process, in which YKDFN is an active participant. A structured decision making approach is being used to explicitly investigate tradeoffs in social, cultural, economic and ecological values associated with a range of approaches to managing disturbance on the range. Thresholds of acceptable change related to disturbance will be investigated through this process, which will also identify key indicators that can be tracked over time to monitor progress of plan implementation. The Bathurst Range Plan is expected to be finalized in 2018.

Another key piece is the Bathurst Caribou Herd Cooperative Advisory Committee which is a requirement of the Tłıchǫ Agreement. Once established, it will develop a long-term management plan of the Bathurst caribou herd that will address all issues of concern related to the herd including harvest, predator control and habitat management. Member organizations, which include representation from all Aboriginal user groups, including YKDFN, are currently reviewing the terms of reference for this group.



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Until a long term management plan for the Bathurst caribou herd can be developed, GNWT is working through the co-management processes outlined in the Tłıchǵ Agreement and the NWT *Wildlife Act* to implement interim management actions (2016 to 2019) that will support reversal of the Bathurst caribou herd's decline and promote an increase in the number of breeding females in the herd. On December 15, 2015 the Tłıchǵ Government and ENR submitted a *joint Proposal on Caribou Management Actions for the Bathurst Herd: 2016-2019* to the WRRB. Actions being considered include options for harvest management, establishment of a community-based predator management approach, and continued monitoring of the Bathurst caribou herd. The WRRB determined that a Total Allowable Harvest (TAH) on the Bathurst herd will be zero and they supported the community-based predator management approach. WRRB's recommendations on monitoring of the herd have yet to be released.

While these processes comprise GNWT's approach to managing habitat and other factors that affect the Bathurst herd on a large scale, the GNWT does not rely on these processes to identify how project impacts will be mitigated. Currently the GNWT does rely on the Proponent's development of a robust and effective WMMP to identify how potential project impacts to wildlife will be mitigated. The Proponent's preliminary WMMP will be revised and approved by the Minister of Environment and Natural Resources when it can be shown to contain the necessary elements to address impacts to wildlife and wildlife habitat.

The GNWT is pleased to commit to ensuring there is an opportunity for parties, including the YKDFN, to provide input into the WMMP prior to its approval.

146		<p>Boreal Woodland Caribou:</p>	<p>In their letter, YKDFN also noted concern about the potential impacts of the project on Boreal woodland caribou. The GNWT acknowledges that the TASR overlaps the peripheral range of Boreal woodland caribou, but does not believe that the project is likely to cause significant adverse impacts to the Boreal population.</p> <p>Woodland caribou is listed under the Species at Risk Act, and a recovery strategy has been developed by the GNWT for the Boreal population. The recovery strategy requires maintenance of 65% of undisturbed habitat within Boreal caribou range. The GNWT believes that the TASR, in combination with other new, approved, and proposed development projects would be unlikely to cause the total amount of undisturbed habitat to drop below that 65% threshold. In their submission to the WLWB, Environment and Climate Change Canada (ECCC) confirmed that the level of habitat disturbance is above the threshold for undisturbed habitat, and ECCC stated that they were reassured that the GNWT has considered cumulative impacts and restoration of habitat in their habitat planning. ECCC did acknowledge that this issue needs to be closely monitored and committed to continue to work with GNWT on this issue. The GNWT is committed to monitoring habitat disturbance and threshold levels and is currently developing a range plan for Boreal caribou. □</p>	
147		<p>3. Disturbance to important Yellowknives' archaeological sites</p>	<p>The PDR states that all applicable legislation for the construction of this project will be followed. In order to prevent the disturbance of archaeological sites during construction, an Archaeological Impact Assessment (AIA; Appendix U in the TASR Project Description Report) along the proposed alignment was completed. A similar investigation at borrow sources, where required, will be conducted. An Archaeological Site Chance Find Protocol (Appendix Y of the PDR) was also drafted, should a suspected historical or archaeological site or burial ground be discovered during the construction process. The draft Land Use Permit conditions also include provisions to ensure the protection of archaeological sites. GNWT is confident that this issue has been considered and suitable and sufficient mitigations implemented to prevent the disturbance of archaeological sites.</p>	

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		4. Lack of engagement of the YKDFN by DOT	<p>The YKDFN expressed concern that the YKDFN was not engaged during the pre-submission engagement phase. During the pre-submission phase, the GNWT followed the applicable policy and guidelines set out by the WLWB - the <i>Mackenzie Valley Land and Water Board (MVLWB) Engagement and Consultation Policy</i> (2013) and the <i>MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits</i> (2014). As per the MVWLB policy, the pre-submission engagement included all Aboriginal governments and organizations with established and/or asserted Aboriginal, Treaty and/or traditional use territory within the project area prior to submitting its application.</p> <p>Though GNWT did not include YKDFN in pre-engagement for the TASR as YKDFN's treaty area fell outside of the proposed project area, GNWT recognizes YKDFN's desire to be engaged on the project. GNWT will include YKDFN in all future engagement (e.g. items described in Engagement Plan such as project updates) and is willing to seek input from YKFDN during the finalization of the WMMP prior to its approval by the Minister of Environment and Natural Resources so that YKDFN can be confident that the project will not have any significant adverse effects to the environment, especially with respect to wildlife such as caribou, moose and bison.</p>	
North Slave Metis Alliance: Shin Shiga				
	ID	Topic	Reviewer Comment/Recommendation	Proponent Response
	1	General File	<p> comment NSMA Letter Re: Consultation Regarding Proposed "Tłıchǫ All-season Road"</p> <p>Recommendation</p>	<p>The GNWT would like to acknowledge and thank the North Slave Métis Alliance (NSMA) for its letter dated June 2, 2016 to the WLWB regarding the proposed TASR. Although the letter was directed to the WLWB, the GNWT wishes to respond to concerns raised by the NSMA.</p> <p>The GNWT carefully considered NSMA's comments with respect to potential adverse impacts on NSMA's asserted or established Aboriginal and/or Treaty rights as a result of the proposed project. The GNWT has given full, fair and meaningful consideration to the views expressed by the NSMA. It is the GNWT's view that the concerns raised by NSMA can be addressed during the permitting process.</p> <p>Below provides a more detailed analysis of GNWT's consideration of NSMA's concerns and comments raised in NSMA's June 2 letter to the Board. In providing these responses to NSMA's comments to the Board, the GNWT wants to ensure that NSMA's concerns are addressed. The GNWT also wants to ensure that the Board, as the preliminary screener, has all the necessary information to ensure that the concerns of Aboriginal peoples, as well as the general public, are considered.</p>

Comment Concerns regarding the impact on NSMA members' Aboriginal rights

As required by the policy and guidelines set out by the WLWB - the *Mackenzie Valley Land and Water Board (MVLWB) Engagement and Consultation Policy* (2013) and the *MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* (2014), the GNWT submitted its engagement plan and record with its application. The GNWT notes that the engagement summary with the NSMA that was listed on p.3 of the NSMA's June 2, 2016 letter is incomplete. Appendix E - Engagement Plan and Log and Appendix E - Engagement Record Summaries provides a complete summary of the various communications between DOT and NSMA. The engagement record also contains copies of all correspondence for reference.

The *MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* (2014), outlines that the engagement efforts, along with the Board's consultative process, contribute to meaningful engagement of affected parties. Engagement ensures that affected parties, including Aboriginal governments and organizations, are able to develop an understanding of a proposed project, provide feedback during the engagement process on issues of concern with regard to the project and work toward building a relationship with the proponent. Therefore, the proponent has a role to provide information pertaining to the project that will allow Aboriginal governments and organizations to consider and articulate whether the project may have a potential adverse impact on their asserted or established Aboriginal and/or Treaty rights.

154			<p>During pre-submission engagement, Aboriginal governments and organizations have a reciprocal duty to consider the information provided by the proponent and to participate in the consultation process.</p> <p>NSMA has made the following recommendation to the WLWB: <i>Recommendation</i> <i>That the Board agree with the Minister and the Supreme Court of the Northwest Territories that NSMA members have a good prima facie claim to Aboriginal rights north of Great Slave Lake, NWT, and direct the Proponent to undertake its consultation requirements on that basis.</i></p> <p>For clarity, in the 2013 Enge v Mandeville decision (paragraph 236) the court states that "the NSMA has a good prima facie claim to the <i>Aboriginal right to hunt caribou</i> on their traditional lands". The GNWT has undertaken extensive engagement and consultation with NSMA on this basis and those efforts, along with responses to the concerns raised in NSMA's most recent letter of June 2, 2016, are addressed within this Proponent Response Table.</p> <p>Finally, NSMA requested that the GNWT provide a preliminary assessment of the NSMA's asserted Aboriginal rights in the NWT. As stated in the GNWT-DOT May 26, 2016 letter to the NSMA, for more information on this matter, please contact Clayton Balsillie, Director of Aboriginal Consultation and Relations at the Department of Aboriginal Affairs and Intergovernmental Relations.</p>	
155		Comment (*Please refer to NSMA's letter, submitted to the Board on June 2, 2016, to review it in its entirety. The following points summarize NSMA's main concerns with respect to their second recommendation and are the areas where GNWT supplied a response.)		
156		NSMA believes the following points identify the TASR as having an adverse effect on the environment:	<p>GNWT has made multiple commitments and will undertake various proposed mitigation measures to prevent potential significant adverse effects to the environment. GNWT will continue to include NSMA in all future engagement (e.g. items described in Engagement Plan such as project updates) and is willing to seek input from NSMA during the finalization of the WMMP prior to its approval by the Minister of Environment and Natural Resources so that NSMA can be confident that the project will not have any significant adverse effects to the environment, especially with respect to wildlife such as caribou, moose and bison.</p>	

157		1. Baseline condition for Fortune Minerals' cumulative effects assessment has changed substantially.	Similar concerns regarding the Bathurst caribou herd were expressed during elder and harvesters interviews as part of the Tłıchǵ Government's Traditional Knowledge Study for the Proposed All-Season Road to Whatì (2014). The GNWT, Tłıchǵ Government, and the Tłıchǵ Road Working Group believe that the project is unlikely to add to the cumulative impacts currently experienced by the Bathurst herd for several reasons. First, the Bathurst caribou herd currently does not overlap the project area and has not for many years. While it is possible that the herd could begin to use the small portion (i.e. 15 km) of the periphery of the historic winter range that overlaps with the project at some point in the future, project mitigations that will be in place to manage impacts to other wildlife in the area will apply to managing any impacts to barren-ground caribou. Secondly, a substantial portion of the project's footprint occurs along existing disturbance and the small amount of new disturbance and access related to the project in the historic winter range of the Bathurst herd are expected to be offset over time by vegetation recovery and reduced access along the current winter road to Whatì, which will be decommissioned.	
			NSMA expressed concern that the cumulative effects assessment conducted by Fortune Minerals during the Environmental Assessment (EA) of its NICO mine is no longer relevant because of the change in baseline conditions, especially for the Bathurst caribou herd. Though it is correct that the baseline conditions for a cumulative effects assessment for the Bathurst caribou herd across the range have changed since Fortune Minerals' NICO EA, GNWT reiterates that the project is unlikely to add to cumulative effects on the annual range of the Bathurst herd for the reasons identified above. A robust WMMP should be effective in preventing any significant adverse effects on the environment during the construction and operation of the TASR.	
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		<p>2. Cumulative effects assessment should consider potential effects across the range of Bathurst caribou.</p>	<p>On page 5 of NSMA's letter, the NSMA states that a cumulative effects assessment should consider potential effects across the range of the Bathurst caribou herd. GNWT agrees that the annual range is the appropriate scale at which to conduct a formal cumulative effects assessment in the context of environmental assessment or herd management for barren-ground caribou; however, a full cumulative effects assessment is typically not required as part of an application for a land use permit and therefore has not been conducted for this project at this time. The GNWT notes that as stated in the PDR on p. 9-1, a preliminary evaluation of potential cumulative effects was conducted for the purposes of the preliminary screening process to provide regulatory decision-makers and land and resource managers with a suitable amount of detail to whether any additional mitigations are required.</p> <p>The GNWT is of the opinion that given the current range of the Bathurst caribou herd, the routing of a large portion of the road along previously disturbed habitat, the fact that new disturbance or access will likely be offset by the commitment to decommission the winter road to Whatì and mitigations outlined in the WMMP, the project is unlikely to contribute any additional cumulative effects on the Bathurst herd. Numerous mitigations and best management practices have been committed to in order to minimize impacts to wildlife from the construction and operation of the TASR.</p>	
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3. Proponent's reliance on other processes is unreliable.

The GNWT notes that the NSMA's statement on p.5 of its letter that "the cumulative effects response framework, on which the Proponent relies to mitigate potential adverse impacts from the TASR, does not exist" is only partially correct. The PDR identifies that Measure #8 from the Mackenzie Valley Environmental Impact Review Board's Reasons for Decision for Fortune Minerals' NICO project requires establishment of a working group (consisting of various parties, including the GNWT and Tłıchǵ Government) to develop a response framework for cumulative impacts with respect to barren-ground caribou to address NICO project-specific contributions to cumulative effects. While full implementation of this measure is dependent on advancement of the NICO project, GNWT has developed the broader Cumulative Effects Assessment, Monitoring and Management Framework (CEAMMF) for the Bathurst Herd which provides guidance for showing how various initiatives underway interact with development projects on the Bathurst caribou herd range to manage cumulative effects on the herd. The CEAMMF has been posted to the MVLWB registry for the Gahcho Kue process and the MVEIRB registry for the Jay environmental assessment. While Measure 8 of the NICO EA process is specific to that project alone, the overall CEAMMF developed by the GNWT will inform development of the approved WMMP for the TASR, which will include linkages to population level effects monitoring and connection to regional processes.

A key piece of the framework is the Bathurst Range Planning process for the Bathurst caribou herd, which will describe how the Bathurst range will be managed over time and help prepare for any future changes to habitat. GNWT is leading that collaborative process, in which NSMA is an active participant. A structured decision making approach is being used to explicitly investigate tradeoffs in social, cultural, economic and ecological values associated with a range of approaches to managing disturbance on the range. Thresholds of acceptable change related to disturbance will be investigated through this process, which will also identify key indicators that can be tracked over time to monitor progress of plan implementation. NSMA correctly points out that the Bathurst range planning process has not been finalized; however, the Bathurst Range Plan is expected to be finalized in 2018.

Another key piece in this framework is the Bathurst Caribou Herd Cooperative Advisory Committee which is a requirement of the Tłıchǵ Agreement. Once established, it will develop a long-term management plan of the Bathurst caribou herd that will address all issues of concern related to the herd including harvest, predator control and habitat management. Member organizations, which include representation from all Aboriginal user groups, including NSMA, are currently reviewing the terms of reference for this group.

Until a long term management plan for the Bathurst caribou herd can be developed, GNWT is working through the co-management processes outlined in the Tłıchǵ Agreement and the NWT Wildlife Act to implement interim management actions (2016 to 2019) that will support reversal of the Bathurst caribou herd's decline and promote an increase in the number of breeding females in the herd. On December 15, 2015 the Tłıchǵ Government and ENR submitted a joint Proposal on Caribou Management Actions for the Bathurst herd: 2016-2019 to the WRRB. Actions being considered include options for harvest management, establishment of a community-based predator management approach and continued monitoring of the Bathurst caribou herd. The WRRB determined that a Total Allowable Harvest (TAH) on the Bathurst herd will be zero and they supported the community-based predator management approach. WRRB's recommendations on monitoring of the herd have yet to be released.

With respect to NSMA's concern about the timeliness and application of a land use plan for the Wek'èezhìi Management Area, the 18th Assembly Mandate of the GNWT has given clear instruction for moving forward with respect to land use plans. It states:

- Using the Land Use and Sustainability Framework to be clear and transparent, we will:
 - Complete land use plans for all areas, including unsettled areas
 - Implement the agreed upon governance structure for land use planning on public land in the Wek'èezhìi Management Area.

Section 22.5.1 of the Tłıchǵ Agreement gives "government" (GNWT, Federal) the jurisdiction to establish a land use plan for public lands in the Wek'èezhìi Management Area.

The GNWT Department of Lands, coordinating with the GNWT, and working in collaboration with planning partners, will continue to work towards reaching agreement about an appropriate mechanism and beginning a process for land use planning for public land in the Wek'èezhìi Management Area.

While these processes comprise GNWT's approach to managing habitat and other factors that affect the Bathurst herd on a large scale, the GNWT does not rely on these processes to identify how project impacts will be mitigated. Currently, the GNWT does rely on the development of a robust and effective WMMP to identify how potential project impacts to wildlife will be mitigated. The preliminary WMMP will be revised and approved by the Minister of ENR when it can be shown to contain the necessary elements to address impacts to wildlife and wildlife habitat.

164			<p>The GNWT is of the belief that the NSMA's concerns are being addressed through the GNWT commitments and proposed mitigations as outlined in the PDR and through pre-submission engagement as well as existing and planning accommodations. The GNWT is; however, pleased to commit to ensuring there is an opportunity for parties, including the NSMA to provide input into the WMMP prior to its approval.</p>	
165		4. Proponent expects that Bathurst caribou migration route will not change.	<p>With respect to the NSMA's outlined concern regarding the assessment of the future use of the proposed project area by the Bathurst and Bluenose East caribou herds, the GNWT can confirm that it was not suggesting that Bathurst caribou would not reoccupy the area in the future. If the Bathurst caribou herd population increases, it is expected that it will likely reoccupy the project area in winter at some point in the future; the PDR states that mitigation may be required under such conditions. This will have to be considered in the next iteration of the WMMP. Recovery of the Bathurst herd is not likely to occur before completion of the Bathurst Range Planning process or results come in from studies that can inform mitigation practices.</p>	
166		<p>5. Impacts of increased access to wildlife by harvesters are not adequately assessed or mitigated.</p> <p>-and-</p> <p>6. Proposed mitigation measures of harvesting pressures on wildlife.</p>	<p>For NSMA's concerns #5 and 6, GNWT wishes to address them together. The GNWT heard and understands the NSMA's concern regarding the potential of the TASR to allow for greater access to wildlife by harvesters and their belief that this risk has not been adequately assessed or mitigated. GNWT acknowledges that while the proposed route follows an existing linear disturbance that is already used locally for hunting access, upgrading of that corridor to an all-season road will prolong access for Yellowknife area residents both for recreation and harvesting. Existing seasonal restrictions and bag limits on resident harvesting will help to limit the impacts of improved access.</p> <p>The NSMA also expressed concern that the proposed mitigation measure for harvesting will not be sufficient to mitigate pressures on wildlife from the proposed TASR, including the extension of the harvesting season on the Bathurst and Bluenose East herds. The proposed mitigation measure for harvesting pressures on wildlife as outlined in Measure #11 ("...the Tłı̨chǫ Government and Fortune Minerals will collaborate in ensuring that harvesting of caribou along the NICO Project Access Road does not occur") of the NICO Report of EA states that "the Review Board believes that the monitoring, mitigation and adaptive management measures...will prevent significant adverse impacts to the traditional harvest, caribou habitat and caribou populations as a result of the NICO project."</p>	

167			<p>The GNWT is of the opinion that a similar monitoring approach should be sufficient in combination with seasonal restrictions and bag limits on resident harvesting to address the concerns of the NSMA regarding harvesting pressures. GNWT acknowledges NSMA's concerns about the efficacy of harvest monitoring. It is important to note that harvest monitoring does not mitigate increased access; however, in combination with population level monitoring of target species it can be used to indicate when harvest is approaching unsustainable levels and provide a basis for management actions. Therefore, harvest monitoring and extension of population surveys for moose, bison and boreal caribou into the project area will be important for monitoring and mitigating road impact. It is GNWT's experience that collaboration and enhanced hunter awareness are key to improving harvest monitoring and GNWT will be working closely with the Tłıchǵ Government to develop and extend harvest monitoring efforts for all wildlife into the project area.</p>	
168		<p>7. Effects of road on wildlife is underestimated.</p>	<p>On page 8 of the NSMA letter, concern is raised regarding the impacts of traffic on the wildlife being underestimated. GNWT-DOT has estimated traffic to be 20-40 vehicles/day. This estimate stems from the vehicle estimate from Fortune Minerals' project and an extrapolation of the winter road traffic volumes. The GNWT believes this is a reasonable estimate.</p> <p>DOT and ENR's databases and methods for collecting vehicle-wildlife collisions differ, which clarifies the difference in numbers. Though there is a risk of bison-vehicle collisions, the difference in operating speed between Hwy 3 and the proposed TASR suggests collisions on the TASR will not be as likely. The WMMP will be updated to be consistent with the proposed Wood Bison recovery strategy to the extent feasible. The WMMP includes mitigations to prevent bison-vehicle collisions.</p> <p>With respect to the potential impact to wildlife movements from the TASR, GNWT-DOT has noted that the design standard of the road will be equal to or greater than the Ekati caribou crossings; therefore, the TASR should not pose a barrier to wildlife. The low traffic volume, relatively slow speeds and signage should help combat the suggested impacts of traffic on wildlife, in addition to the mitigations in the WMMP.</p>	

169			<p>Specific to caribou, the PDR (p. 5-2) outlines additional mitigation strategies that will be implemented by various regulating bodies; for example, ENR will continue to monitor caribou and if large groups appear in proximity to the road, signage will be installed indicating caribou are in the area or, if necessary, temporary road closures for safe caribou passage.</p> <p>In their letter, NSMA indicates that the level of habitat disturbance for Boreal caribou is above the threshold identified in the recovery strategy required by the Species at Risk Act (Boreal caribou is listed as Threatened), but noted concern that the critical threshold of 65% undisturbed habitat could be surpassed. The GNWT believes that the TASR, in combination with other new, approved, and proposed development projects, would be unlikely to cause the total amount of undisturbed habitat to drop below 65%. In their submission to the WLWB, ECCC confirmed that the level of habitat disturbance is above the threshold for undisturbed habitat and ECCC stated that they were reassured that the GNWT has considered the cumulative impacts and restoration of habitat in their habitat planning. ECCC did acknowledge that this issue needs to be closely monitored and committed to continue to work with GNWT on this issue. The GNWT is committed to monitoring habitat disturbance and threshold levels and is currently developing a range plan for Boreal caribou. The GNWT is confident that ECCC will continue to be involved in all SARA related issues regarding woodland caribou.</p>	
			<p>In response to NSMA's reference to the GNWT's participation in the Nunavut Impact Review Board process for the Back River Project, it is the GNWT's opinion that the NSMA's argument is misplaced. That project is entirely different in nature, season range and impacts and is not really comparable. The main reason for GNWT's participation in that review was concern about potential impacts during calving and post-calving, which are not applicable to the TASR.</p> <p>Overall, the GNWT is of the opinion that commitments and mitigations, processes such as those under the WRRB and processes currently in place are sufficient to prevent significant adverse impacts to wildlife from the TASR.</p>	
170		8. Some mitigation measures seem unfeasible.	<p>On page 10 of the NSMA letter, concern is raised that some mitigations proposed seem unfeasible. In response and upon further discussion, GNWT-ENR has identified that the suspension of operations when caribou are within 500 m of construction activities will be difficult to achieve in forested areas where line of sight is limited. The GNWT appreciates NSMA's comment and will discuss this mitigation measure further with GNWT-ENR to determine how it can be implemented in such areas.</p>	
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TASR ENGAGEMENT LOG

The Tłıchq Government, Whatì Community Government and Department of Transportation have done their best in populating the following engagement log. It is expected that there have been additional public sessions and meetings left unmentioned as Whatì consults on an ongoing basis about the proposed TASR and 30 years’ worth of consultation is difficult to track after the fact. As some discussions for this project have occurred prior to the 2013 Engagement Guidelines, some of the older engagement material may not be available or in the same standardized format as is now required. Previous engagement would have followed the guidelines and legislation required at that time.

Summary of Archival Findings re: Old Lac La Martre Whatì Road (see material attached)							
2008 ENGAGEMENT							
August 2008 Appendix B Community Meeting Notes from Kavik AXYS report (see material attached)							
August 2008 Appendix D Issues Raised and Input Provided during Public Meetings in Tłıchq Communities from Kavik AXYS report (see material attached)							
August 2008 Appendix E Issues Raised and Input Provided by Government, Resource Managers and Industry from Kavik AXYS report (see material attached)							
2015/2016 ABORIGINAL GROUPS ENGAGEMENT							
Date	Attendees	Engagement Activity Type (e.g. written notification, face-to-face, workshop, etc.)	Issue(s) Raised by Affected Party	Recommendation from Affected Party	Proponent Response to issue(s) – Indicate if issue(s) were resolved or not	Information materials provided to affected party (Y/N)	Written correspondence, meeting notes, and/or minutes (Y/N)
05/21/15 06/12/15 11/29/15 03/29/16	Acho Dene Koe First Nation	Written notification from DOT	N/A – No response	N/A	N/A	Y See attached	Y See attached
05/21/15 06/12/15 09/08/15 03/29/16	Dehcho First Nations	Written notification from DOT	N/A – No response	N/A	N/A	Y Same as ADKFN	Y See attached
05/21/15 06/12/15 09/08/15 03/29/16	Mountain Island Métis	Written notification from DOT	N/A – No response	N/A	N/A	Y Same as ADKFN	Y See attached
05/21/15 06/12/15 09/08/15 03/29/16	Northwest Territories Métis Nation	Written notification from DOT	N/A – No response	N/A	N/A	Y Same as ADKFN	Y See attached
05/21/15	North Slave Métis Alliance	Written notification from DOT	N/A – No Response	N/A	N/A	Y Same as ADKFN	Y See attached
06/12/15	North Slave Métis Alliance	Written notification from DOT	June 26, 2015 response letter (see attached).	Would like to be consulted. Would like to receive all materials on the topic including meeting notes from Whatì Special Inter- Agency Meeting from June 24, 2015.	Sent response letter July 13, 2015	Y See attached	Y See attached
07/22/15	North Slave Métis Alliance	Email correspondence from DOT	July 27, 2015 and July 29, 2015 response emails (see attached)	Clarify if this presentation is considered consultation or if it is an info session. Provide additional material on top of meeting notes from Whatì.	Sent response emails July 28, 2015 and July 29, 2015	Y Notes from Special Inter- Agency Meeting	Y See attached
07/29/15	North Slave Métis Alliance	Email meeting invite from DOT	July 29, 2015 response email (see attached)	Declined meeting invite as Board members not available.	Sent meeting cancellation email July 31, 2015	N	Y

							See attached
07/31/15	North Slave Métis Alliance	Written notification with follow up email from DOT	July 31, 2015 response email (see attached).	Thanked DOT for the material and looks forward to consultation.	Waiting for further correspondence from NSMA to continue with next steps.	Y Draft PDR	Y See attached
08/04/15	North Slave Métis Alliance	Email correspondence from NSMA	Requesting PDR digitally. Aug 4, 2015 emails identifying document downloads and additional email confirming receipt.	Provide digital copies of PDR.	Sent response email Aug 4, 2015 with attachments.	Y Electronic PDR	Y See attached
08/26/15	North Slave Métis Alliance	Email correspondence from DOT	Sept 4, 2015 response email but was not received until it was FW on Sept 21, 2015 (wrong addressee; see attached)	Asking for consultation funding		N	Y See attached
09/08/15	North Slave Métis Alliance	Written notification from DOT	Sept 18, 2015 response letter and Sept 21, 2015 FW email from Sept 4 (was originally sent from NSMA to NSMA when it should have been sent to DOT; see attached)	Asking for consultation funding	Sent response email Sept 21, 2015 re: not receiving Sept 4 email and asked to resend. Sent response email Sept 26, 2015 asking for an informal face to face meeting to discuss funding request.	N	Y See attached
09/27/15	North Slave Métis Alliance	Email correspondence from NSMA	Agreed to informal face to face lunch meeting on Sept 29, 2015	Asking for consultation funding	Face to face meeting occurred. Sent response letter Jan 27, 2016. (Delay in sending letter as a result of requiring legal counsel to draft response due to the requests during the meeting).	N	Y See attached
02/16/16	North Slave Métis Alliance	Email correspondence from NSMA	Requesting electronic PDR to be sent again. Reply email Feb 16, 2016 requesting old documents now and new later Download receipts from Shin Shinga and Kate Gower Feb 16, 2016	Provide digital copy of PDR from August 2015 Provide new digital copies Feb 25	Sent response email Feb 16, 2016 re: providing old Aug 2015 version or waiting for new final draft on Feb 25, 2016. Sent additional response email providing Aug 2015 digital PDR and to send new version Feb 25	Y August 2015 Electronic PDR	Y See attached
02/19/16	North Slave Métis Alliance	Written correspondence from NSMA	Response to DOT’s Jan 27/16 letter	Continue with engagement and provide updated PDR on Feb 25	As per Feb 16, 2016 email, DOT will provide updated PDR on Feb 25. Updated PDR provided on Feb 25/16.	Y February 2016 Electronic PDR	Y See attached
03/19/16	North Slave Métis Alliance	Written correspondence from DOT	March 24, 2016 response letter	Described next steps (4 points) to undertake deep consultation	DOT, in consultation with applicable GNWT departments will draft a letter in reply. It is expected that a response will only be able to be provided to NSMA in April (at the earliest). The level of detail required to respond to NSMA’s letter will require time as a result of the number of GNWT departments that will need to be consulted internally. The engagement and consultation process with NSMA will continue. DOT response letter sent: May 26, 2016	N	Y See attached
03/29/16	North Slave Métis Alliance	Written notification from DOT (application submission date)				N	Y See attached
2016 STAKEHOLDER ENGAGEMENT							
Date	Attendees	Engagement Activity Type (e.g. written notification, face-to-face, workshop, etc.)	Issue(s) Raised by Affected Party	Recommendation from Affected Party	Proponent Response to issue(s) – Indicate if issue(s) were resolved or not	Information materials provided to affected party (Y/N)	Written correspondence, meeting notes, and/or minutes (Y/N)
01/05/16	Fortune Minerals Ltd.	Written notification from DOT	Jan 15, 2016 response email Jan 18, 2016 email requesting link again	Requesting digital copy of PDR	Sent response emails Jan 15, 2016 re: link to electronic PDR. Resent electronic links Jan 18, 2016	Y Draft PDR	Y See attached
01/18/16	Fortune Minerals Ltd.	Email correspondence from Fortune	Jan 18, 21, 22, 25, 26, 2016 emails	Providing suggested changes to PDR	Sent response emails Jan 18, 24, 26, 2016 accepting suggested changes.	N	Y See attached

					Resolved.		
01/05/16	Tłı̨chq̓ Investment Corporation	Written notification from DOT	N/A – No Response			Y Draft PDR	Y See attached
01/05/16	Northwest Territories Power Corporation	Written notification from DOT	N/A – No Response			Y Draft PDR	Y See attached
01/05/16	Wek’èezhìi Renewable Resources Board	Written notification from DOT	Jan 22, 2016 sent response email Feb 2, 2016 sent response email acknowledging receipt of DOT email	Provided comments regarding the draft PDR	Sent response email Feb 2, 2016 re: incorporating comments. Resolved.	Y Draft PDR	Y See attached
01/05/16	NWT & Nunavut Chamber of Mines	Written notification from DOT	Jan 20, 2016 sent response email Jan 20, 2016 download receipt of electronic documents	Asking for draft PDR documents electronically	Sent response emails Jan 20, 2016 re: attaching PDR documents and responding re: sharing info. Resolved.	Y Draft PDR	Y See attached
02/25/16	GNWT (all departments)	Written notification from DOT	Provided in-depth review of draft application material. See Compiled Reviewer Comments Table TASR (Mar 2016)		Addressed reviewer comments and inserted changes into PDR.	Y Draft PDR	Y See attached
02/25/16	Federal Government (group of departments)	Written notification from DOT	Provided in-depth review of draft application material. See Compiled Reviewer Comments Table TASR (Mar 2016)		Addressed reviewer comments and inserted changes into PDR.	Y Draft PDR	Y See attached
03/11/16	Federal Government (group of departments)	Face-to-face presentation with Q&A session	No alarming issues or concerns raised		Provided appropriate answers when posed during presentation. Socioeconomic mitigations are being effectively mitigated.	Y PowerPoint Presentation	Y See attached
03/21/16	MVEIRB	Face-to-face presentation with Q&A session	No alarming issues or concerns raised	Ensure socioeconomic concerns are effectively mitigated	Provided appropriate answers when posed during presentation. Socioeconomic mitigations are being effectively mitigated.	Y PowerPoint Presentation (same as above)	N
Engagement Records from Tłı̨chq̓ Government							
Date	Attendees	Engagement Activity Type (e.g. written notification, face-to-face, workshop, etc.)	Issue(s) Raised by Affected Party	Recommendation from Affected Party	Proponent Response to issue(s) – Indicate if issue(s) were resolved or not	Information materials provided to affected party (Y/N)	Written correspondence, meeting notes, and/or minutes (Y/N)
07/24/06	DOT North Slave Region	Briefing Note	Tłı̨chq̓ Road Access Improvements				Y See attached
05/02/08	Whati Chief, Whati Municipal Employee, DOT, Tłı̨chq̓ government, Whati community members, Kavik AXYS (consultant)	Tłı̨chq̓ Winter Road Realignment Whati Community Meeting, February 5, 2008, Whati NT	Safety - Some areas might be subject to overflow which can create dangerous conditions for travel. Bridges and culverts will be needed for these areas.	Change of route	Resolved	Y	Yes Maps
05/02/08	Whati Chief, Whati Municipal Employee, DOT, Tłı̨chq̓ government, Whati community members, Kavik AXYS (consultant)	Tłı̨chq̓ Winter Road Realignment Whati Community Meeting, February 5, 2008, Whati NT	Inflation - inflation in the community is a concern as stores can charge high prices due to a lack of competition with other stores outside of the community	Socio-economic study	Resolved	Y	Y
05/02/08	Whati Chief, Whati Municipal Employee, DOT, Tłı̨chq̓ government, Whati community members, Kavik AXYS (consultant)	Tłı̨chq̓ Winter Road Realignment Whati Community Meeting, February 5, 2008, Whati NT	Contracts for Tłı̨chq̓ Business - Contracting opportunities for Tłı̨chq̓ residents will be very important for the new road project. For work occurring on Tłı̨chq̓ lands, Tłı̨chq̓ companies should have the priority to obtain contracts.	Socio-economic study	Resolved	Y	Y
05/02/08	Whati Chief, Whati Municipal Employee, DOT, Tłı̨chq̓ government, Whati community members, Kavik AXYS	Tłı̨chq̓ Winter Road Realignment Whati Community Meeting, February 5, 2008, Whati NT	Impacts to youth – Decisions regarding the new road realignment should consider impacts to the youth of the community. The youth will be most impacted by whatever is decided and should be fully informed and involved in any decisions made on the road project.	Socio-economic study	Under continuous review – consultation will be ongoing by the Whati Interagency committee	Y	Y

	(consultant)						
08/04/08	Behchokò Chief, Behchokò Senior Admin officer, Behchokò Community Members, Tłıchq Government, DOT, GNWT Department of the Executive, Kavik AXYS (consultant)	Tłıchq Winter Road Realignment Behchokò Community Meeting, April 8, 2008, Behchokò NT	Buffer zone – inquired why 2 km buffer zone would be required along the road route.	Route review with maps	Resolved	Y	Y
08/04/08	Behchokò Chief, Behchokò Senior Admin officer, Behchokò Community Members, Tłıchq Government, DOT, GNWT Department of the Executive, Kavik AXYS (consultant)	Tłıchq Winter Road Realignment Behchokò Community Meeting, April 8, 2008, Behchokò NT	Buffer zone – Tłıchq Government considering how to grant land use approval for a 2 km buffer zone along the new road realignment.	Route review with maps	Resolved	Y	Y
08/04/08	Behchokò Chief, Behchokò Senior Admin officer, Behchokò Community Members, Tłıchq Government, DOT, GNWT Department of the Executive, Kavik AXYS (consultant)	Tłıchq Winter Road Realignment Behchokò Community Meeting, April 8, 2008, Behchokò NT	Buffer zone – What consultation would be required with the DOT from other proponents who might want to access granular materials within the 2 km buffer zone.	Route review with maps	Resolved	Y	Y
08/04/08	Behchokò Chief, Behchokò Senior Admin officer, Behchokò Community Members, Tłıchq Government, DOT, GNWT Department of the Executive, Kavik AXYS (consultant)	Tłıchq Winter Road Realignment Behchokò Community Meeting, April 8, 2008, Behchokò NT	Route selection – inquired if route selection has been finalized by the DOT.	Route review with maps	Resolved	Y	Y
08/04/08	Behchokò Chief, Behchokò Senior Admin officer, Behchokò Community Members, Tłıchq Government, DOT, GNWT Department of the Executive, Kavik AXYS (consultant)	Tłıchq Winter Road Realignment Behchokò Community Meeting, April 8, 2008, Behchokò NT	Land use approvals - Noted that new road route could pass through Tłıchq community boundaries and might require specific land use approvals from the community government.	Route review with maps and Land Use Plan	Resolved	Y	Y
08/04/08	Behchokò Chief, Behchokò Senior Admin officer, Behchokò Community Members, Tłıchq Government, DOT, GNWT Department of the Executive, Kavik AXYS (consultant)	Tłıchq Winter Road Realignment Behchokò Community Meeting, April 8, 2008, Behchokò NT	Environmental monitoring - Rivers along the route will have to be monitored for environmental and fisheries impacts. Baseline data will also have to be collected. Tłıchq people should be hired to do this work.	Environmental monitoring approach review	Resolved	Y	Y
08/04/08	Behchokò Chief, Behchokò Senior Admin officer, Behchokò Community Members, Tłıchq Government, DOT, GNWT Department of the Executive, Kavik AXYS (consultant)	Tłıchq Winter Road Realignment Behchokò Community Meeting, April 8, 2008, Behchokò NT	Salvageable timber – During road construction, salvageable timber or wood should be set aside for use by Tłıchq residents.	Environmental and construction plan review	Resolved	Y	Y
08/04/08	Behchokò Chief, Behchokò Senior Admin officer, Behchokò Community Members, Tłıchq Government, DOT, GNWT Department of the Executive, Kavik AXYS (consultant)	Tłıchq Winter Road Realignment Behchokò Community Meeting, April 8, 2008, Behchokò NT	Spills and environmental risk – Environmental risks from a fuel spill on ice surfaces of winter roads are significant for water resources of the Tłıchq, Land based route would reduce the risk as spills are much easier to clean up.	Environmental monitoring approach review	Resolved	Y	Y
08/04/08	Behchokò Chief, Behchokò Senior Admin officer, Behchokò Community Members, Tłıchq Government, DOT, GNWT Department of the Executive, Kavik AXYS (consultant)	Tłıchq Winter Road Realignment Behchokò Community Meeting, April 8, 2008, Behchokò NT	Mining development – The new road realignment will benefit mining exploration activities within the Tłıchq region by providing longer and more reliable road access into exploration areas.	Review of Fortune Minerals plan	Resolved	Y	Y

08/04/08	Behchokò Chief, Behchokò Senior Admin officer, Behchokò Community Members, Tłı̨chq Government, DOT, GNWT Department of the Executive, Kavik AXYS (consultant)	Tłı̨chq Winter Road Realignment Behchokò Community Meeting, April 8, 2008, Behchokò NT	Hydroelectric facilities – The new road realignment will help power corporation operations with the Tłı̨chq region by providing longer and more reliable road access for resupply of hydroelectric facilities.	Discussion of hydro options	Resolved	Y	Y
15/04/08	Gamètì Chief, Gamètì Community members, DOT, Kavik AXYS (consultant)	Tłı̨chq Winter Road Realignment Gamètì Community Meeting, April 15, 2008, Gamètì NT	Caribou migration – Caribou migrate through the area of the proposed road realignment and was not sure if caribou would continue to migrate if new road realignment is constructed. More studies should be undertaken on caribou migration through the proposed project areas.	Environmental monitoring approach plan	Resolved and under continuous review	Y	Y
15/04/08	Gamètì Chief, Gamètì Community members, DOT, Kavik AXYS (consultant)	Tłı̨chq Winter Road Realignment Gamètì Community Meeting, April 15, 2008, Gamètì NT	Caribou migration – Caribou start migrating in May and that their migration route is usually west of Gamètì.	Environmental monitoring approach plan	Resolved and under continuous review	Y	Y
15/04/08	Gamètì Chief, Gamètì Community members, DOT, Kavik AXYS (consultant)	Tłı̨chq Winter Road Realignment Gamètì Community Meeting, April 15, 2008, Gamètì NT	Over hunting from better access – It is important that the new road realignment does not result in people abusing the animals from over hunting from the new road.	Environmental monitoring approach plan	Resolved and under continuous review	Y	Y
15/04/08	Gamètì Chief, Gamètì Community members, DOT, Kavik AXYS (consultant)	Tłı̨chq Winter Road Realignment Gamètì Community Meeting, April 15, 2008, Gamètì NT	Environmental monitoring – If the project is reviewed, wildlife and fisheries issues will have to be considered and monitoring of the environmental impacts from the road will be needed.	Environmental monitoring approach plan	Resolved and under continuous review	Y	Y
15/04/08	Gamètì Chief, Gamètì Community members, DOT, Kavik AXYS (consultant)	Tłı̨chq Winter Road Realignment Gamètì Community Meeting, April 15, 2008, Gamètì NT	Tłı̨chq employment – When construction of the new road begins, Tłı̨chq people need jobs and training to be employed in the construction of the road.	Socio-economic plan	Resolved and under continuous review	Y	Y
15/04/08	Gamètì Chief, Gamètì Community members, DOT, Kavik AXYS (consultant)	Tłı̨chq Winter Road Realignment Gamètì Community Meeting, April 15, 2008, Gamètì NT	Contracts for Tłı̨chq business – It is important that Tłı̨chq people receive contracting and employment opportunities for road construction.	Socio-economic plan	Y	Y	
12/05/08	Wekweètì Chief, Wekweètì Community members, Wek’èezhìi Land and Water Board, DOT, Kavik AXYS (consultant)	Tłı̨chq Winter Road Realignment Wekweètì Community Meeting, May 12, 2008, Wekweètì NT	Impacts to communities – The new road realignment could also bring more drugs and alcohol into the community.	Socio-economic study	Under continuous review – consultation will be ongoing by the Whatì Interagency committee	Y	Y
10/06/08	Behchokò Chief, Gamètì Chief, DOT, GNWT Department of the Executive, Kavik AXYS (consultant)	Tłı̨chq Winter Road Realignment Public Community Meeting, June 10, 2008, Yellowknife NT	Accidents/Emergencies - Pointed out the danger of the ice road presently used by the communities by bringing attention to the many lives that have been lost on it and also recalled a fatal accident.	Socio-economic study	Under continuous review – consultation will be ongoing by the Whatì Interagency committee	Y	Y
2009-2013	Tłı̨chq Executive Council	Chief Executive Council Meeting	The roads issues have been a standing agenda item for every CEC meeting through this period. The progress of the PDR planning has been on the agenda for the CEC who meet every 6 weeks.	Ongoing information	Ongoing engagement with the Tłı̨chq Government	Y	Y
21/03/13	Tłı̨chq Executive Council	Chief Executive Council Meeting, March 21-22 2013, Edmonton AB	Loss of land - if there are lands taken away for a road, what do we get for it? Will there be an exchange?	Land Swap being reviewed	Ongoing engagement with the Tłı̨chq Government	Y	Y
21/03/13	Tłı̨chq Executive Council	Chief Executive Council Meeting, March 21-22 2013, Edmonton AB	Loss of land - What does the Tłı̨chq Agreement say about this question? Does it mean we have less land now? Will we lose Tłı̨chq lands? It is vital to ensure that Tłı̨chq lands are not less than before.	Land Swap being reviewed	Ongoing engagement with the Tłı̨chq Government	Y	Y
21/03/13	Tłı̨chq Executive Council	Chief Executive Council Meeting, March 21-22 2013, Edmonton AB	Easements - What will the easements be for the Tłı̨chq Government	Land Swap being reviewed	Ongoing engagement with the Tłı̨chq Government	Y	Y
21/03/13	Tłı̨chq Executive Council	Chief Executive Council	Compensation - Will new lands be allocated in the case of loss of land for	Land Swap being reviewed	Ongoing engagement with the Tłı̨chq	Y	Y

		Meeting, March 21-22 2013, Edmonton AB	a road?		Government		
23/08/13	Community Government of Whati, DOT, Tłıchq Government,	Whati Community Government meeting, August 23 2013, Whati NT.	Road route – want to be sure the route is not in a culturally significant area.	Traditional Use Study	Ongoing engagement with the Tłıchq Government	Y	Y
04/09/13	Whati Chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Feasibility - What's it going to take, cost, and what is the feasibility of it.	Review of PDR approach	Resolved	Y	Y
04/09/13	Whati Chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Timeline for community to make decisions - There is going to be a lot of confusion before we take time to work things out; but the mine is ready to go ahead. Look at it as fast as we can. There is a lot of confusion for the community here.	Review of PDR approach	Resolved	Y	Y
04/09/13	Whati Chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Impacts to youth - There are more young people; even though as elders we say we can't do this and that, there's more impact on the young people. They have more to say and there is a lot more young people than the old ones. Confused what the impact might be on road options.	Socio-economic study	Under continuous review – consultation will be ongoing by the Whati Interagency committee	Y	Y
04/09/13	Whati Chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	NR impacts - The NR costs more and is more damaging: blasting the land and with the water				
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Communities need to be informed - We would need more information on what information you need to sort out and whatever you find you need to share with community here	Socio-economic study	Under continuous review – consultation will be ongoing by the Whati Interagency committee	Y	Y
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Impacts from any road - Lots of problems, accidents, loss of lives, many other impacts.	Socio-economic study	Under continuous review – consultation will be ongoing by the Whati Interagency committee	Y	Y
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Individual involvement of community members - Want questionnaires again at your expense. Go around town and ask about this road. A lot of mixed feelings among the youth and elders.	Socio-economic study	Under continuous review – consultation will be ongoing by the Whati Interagency committee	Y	Y
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Impacts to wildlife - Impacts on the animals	Environmental monitoring approach plan	Resolved and under continuous review	Y	Y
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Impacts from construction – Every time we speak about this, there always seems to be some measurements of impact. I don't want our land to be destroyed. I don't want the machine to tear up my land or pull up trees. To get things done with too much impact. They did a lot of cut lines for highway 3 and I did a lot of work on that. I can share more with you. This road is a very heavy impact for one of the communities here.	Environmental monitoring approach plan	Resolved and under continuous review	Y	Y
04/09/13	Whati Chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Consideration of Whati input - So when we discuss certain things here, are they going to be written down so someone else might get the hang of it and keep it? Are they going to follow what we say and do?	Consultation plan	Resolved and will be ongoing	Y	Y
04/09/13	Whati Chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Impacts to youth - How are we planning to live through it? Even though we don't have a year round road, we come to some problems with the young people here.	Socio-economic study	Under continuous review – consultation will be ongoing by the Whati Interagency committee	Y	Y
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Impacts to community - We have to ask ourselves these questions – children and the future and ask what it might be like for them. If we decide to build a road to the community, we might see a lot of problems with our community	Socio-economic study	Under continuous review – consultation will be ongoing by the Whati Interagency committee	Y	Y
04/09/13	Whati chief, Tłıchq Government,	Whati Road Community	Cost of road - NR where they might be lots of lakes and hills and ponds	Environmental monitoring approach plan	Resolved and under continuous review	Y	Y

	GNWT, Aurora College, Whati community members	Consultation Meeting, September 4 2013, Whati NT.	so those kinds of research, it might cost five times more, there is also a big question mark about where to go, and when they look at impacts like that it might cost more or less, but a new road will be costly				
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Impact to community from the mine - Another big question that came up what's going to happen once the mine is open, what's the community going to look like, are we going to be ready?	Environmental monitoring approach plan	Resolved and under continuous review	Y	Y
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Involvement of young people - Need young people here to hear what they think. They are the ones that are going to be impacted down the road and those minerals aren't going anywhere.	Socio-economic study	Under continuous review – consultation will be ongoing by the Whati Interagency committee	Y	Y
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Involvement of young people - How come there is no young people here? What happened? They didn't get the message or is this the norm that young people do not come to meetings?	Socio-economic study	Under continuous review – consultation will be ongoing by the Whati Interagency committee	Y	Y
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Involvement of young people - Very important to young people to express what they think about it and how they think about it. So this is just the research that we might be doing.	Socio-economic study	Under continuous review – consultation will be ongoing by the Whati Interagency committee	Y	Y
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Emergencies/Accidents - What will happen if there is an accident on the OAR because it is so far out? Would it be Behchokq or Whati? It's not in anyone's jurisdiction.	Socio-economic study	Under continuous review – consultation will be ongoing by the Whati Interagency committee	Y	Y
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Need for more community meetings - We need to know this is not the only meeting we are going to have here. We are going to have more meetings. Then we can get the young people involved. So that they are aware of what's coming ahead of them.	Consultation plan	Resolved and will be ongoing	Y	Y
04/09/13	Whati chief, Tłıchq Government, GNWT, Aurora College, Whati community members	Whati Road Community Consultation Meeting, September 4 2013, Whati NT.	Emergencies/Accidents - there have been a lot of accidents from sharp turns from YK to Providence. Those are the kinds of things we need to look at.	Consultation plan	Resolved and will be ongoing	Y	Y
Ongoing	Tłıchq Community Governments and Tłıchq Government	Ongoing	Standing agenda item to review any issues that emerge from the road. The GNWT works with the TG to bring issues forward, jointly briefs the leadership and then works together to resolve issues or information gather	Consultation plan	Resolved and will be ongoing	Y	Y
06/24/15	Whati Interagency Committee with GNWT and Tłıchq Government	Whati Road Community Consultation Meeting, June 24, 2015, Whati NT.	Meet to review all plans associated with the roads planning.	Consultation plan	Resolved and will be ongoing	Y	Y
06/24/15	Whati Interagency Committee with GNWT and Tłıchq Government	Whati Road Community Consultation Meeting, June 24, 2015, Whati NT.	Community Government of Whati has recognized that the growing of the community also means more housing is required.	Housing infrastructure needed	Planning will be ongoing	Y	Y
06/24/15	Whati Interagency Committee with GNWT and Tłıchq Government	Whati Road Community Consultation Meeting, June 24, 2015, Whati NT.	Whati reviewed all plans completed for managing all season road, including new Community Emergency Management Plan Developed a service contract to bridge local housing administration in Whati until a Local Housing Organization (LHO) can be formed this year. Actively assisting with efforts of maintaining and growing a Community Garden (not as big as Gamètì yet). ALL CG Council attended governance training in 2013 and 2015. Completed the 1st Volunteer Firefighter training in Whati in 10 years. Completed Whati's first Land Use Plan (with planned areas designated for future growth - residential, commercial, industrial). Completed 99% of the land transfers into the name of the Community Government of Whati (should have been completed in 2005). Completed a Resiliency Plan (first in Canada's North). Completed a 5 Year Strategic Plan (and almost updated for 2015). Completed a 5 Year Capital Plan (required by MACA). Complete renovations on the Culture Centre, Youth Centre, Arena, and Water Treatment Plant. Completed a Micro-Economic Study for Whati. Accountability Framework - Above Average Report	Consultation plan	Ongoing	Y	Y See attached minutes

OTHER	
01/12/16	Constructing and Maintaining the Tłıchq Winter Road: presentation by Michael Conway at Edzo classroom. Included Q&A which led to a discussion on climate change and alternatives to winter road. Proposed TASR was then discussed as a possible solution.
03/19/16	Tłıchq All-season Road webpage up and running: http://tlicho.ca/all-season-road Updates (such as the newsletter section) conducted on a regular basis.

TASR Engagement Record

(Updated June 20, 2016)

1. Emailed letter from M. Conway to NSMA, dated May 26, 2016
2. Email from L. Baran to M. Conway re: Whatì Interagency Committee meeting summary package, dated May 25, 2016 (includes attachments)
3. DOT-TG presentation from 3rd Whatì Interagency Committee meeting (includes TASR newsletters as handouts), May 4, 2016
4. TASR discussions in the Media (various)
5. 3rd TASR newsletter

Katie Rozestraten

Subject: FW: DOT Response to NSMA - TASR
Attachments: TASR DOT Response to NSMA.May 26 2016.pdf

From: Michael Conway
Sent: Thursday, May 26, 2016 11:33 AM
To: Bill Enge (billenge@nsma.net)
Cc: Laura Duncan (lauraduncan@tlicho.com); Russell Neudorf (Russell_Neudorf@gov.nt.ca)
Subject: DOT Response to NSMA - TASR

Good Morning Mr. Enge:

Please find attached a letter written in response to your letter of March 24th 2016 with respect to the Tlicho All Season Road project.

The original has been sent by mail.

Thanks,

Michael...

Michael Conway
Regional Superintendent
Department of Transportation
Yellowknife, Northwest Territories
867-767-9089 Ext 31194



May 26, 2016

North Slave Métis Alliance
Bill Enge
32 Melville Drive
PO BOX 2301
YELLOWKNIFE NT X1A 2P7

Dear Mr. Enge:

Tłıchǫ All-season Road

Thank you for your letter of March 24, 2016 and the review the NSMA undertook of the Tłıchǫ All-Season Road Project Description Report (PDR), prior to it being submitted to the Wek'èezhì Land and Water Board (WLWB) for consideration on March 31, 2016.

The GNWT also looks forward to continuing meaningful consultation with accommodation, if appropriate.

GENERAL MATTERS

Your letter addresses consultation procedure in some detail so we thought it might be useful to set out the GNWT's approach.

The GNWT acknowledges the constitutionally protected rights of Aboriginal peoples and is committed to ensuring that the GNWT respects Aboriginal and Treaty rights where a government action may adversely impact those rights.

The GNWT has a duty to consult and, where appropriate, accommodate Aboriginal peoples regarding their constitutionally protected rights.

This duty to consult focuses on the potential adverse impacts of GNWT government actions on asserted or established Aboriginal and/or Treaty rights, and is carried out by the GNWT to ensure the legal soundness of its decision-making, the maintenance of the "Honour of the Crown", and the promotion of "Reconciliation" between the Crown and Aboriginal peoples, and between Aboriginal interests and general public interests.

The GNWT takes its section 35 duty to consult very seriously and has publically stated its' approach to consultation with Aboriginal Governments and organizations (AGO) in "The Government of the Northwest Territories' approach to consultation with Aboriginal Governments and organizations" as follows.

[http://www.daair.gov.nt.ca/live/documents/content/Aboriginal Consultation Approach.pdf](http://www.daair.gov.nt.ca/live/documents/content/Aboriginal%20Consultation%20Approach.pdf)

As stated in this document, the GNWT follows a consultation process that consists of four basic stages.

The first stage is the pre-consultation assessment stage, which addresses the following questions:

- Does the duty to consult arise from the requirement contained in a land claim, self-government or interim measures agreement, section 35 or requirement of legislation or policy?
- What are the potential adverse impacts of the proposed GNWT's action on the asserted or established Aboriginal rights?
- Who should the GNWT be consulting with?
- What level of consultation is required?

Based on this assessment, the GNWT designs a tailor-made consultation process appropriate to the specific circumstance. The depth of consultation with each potentially adversely affected AGO may be quite different based on the pre-consultation assessment and may also be revised based on information received in-person or writing during the consultation process.

Although our engagement record on this matter was commenced quite some time ago as outlined in the PDR Appendix D: Engagement Plan and Log and Appendix E: Engagement Record Summaries, we are still at the stage where we are seeking the concerns of the NSMA about how the proposed project might adversely affect the right outlined in the Enge case, or indeed your wider asserted Aboriginal rights.

We have received some of those concerns in your letter. We are expecting that you may have additional ones or some clarification of ones provided perhaps as a result of points raised in our letter. This would be ideal to receive at this still-early stage of the project.

We have received some of those concerns in your letter. We are expecting that you may have additional ones or some clarification of ones provided perhaps as a result of points raised in our letter. This would be ideal to receive at this still-early stage of the project.

SPECIFIC MATTERS

1) Provision of Documents

We understand that the NSMA has been provided with the entire PDR package that is mentioned on page 4 of your letter and appreciate the thorough review the NSMA undertook. As you are aware, the Department of Transportation submitted the final PDR with land use permit and water licence application to the WLWB on March 31, 2016.

On page 5, you request a "thorough review" of cumulative effects, however, we believe that the PDR is the thorough review. Perhaps you would clarify what you mean by this. The PDR, (p. 9-1) states that DOT conducted a preliminary cumulative effects assessment to aid the preliminary screening process with the WLWB; to provide regulatory decision-makers and land and resources managers with a suitable amount of detail to assess whether the construction of the proposed Th̓chq̓ All-Season Road will contribute to cumulative effects in the Wek'èezhìi area and whether any additional mitigations are required. Therefore, the cumulative effects assessment was preliminary at this stage in the process because a full assessment is only really applicable if the project is being screened at a higher level (MVEIRB).

Also on page 5 and on page 8, you request "more information" about the migrating herds. As members of the Bathurst Caribou Range Plan Working Group, you would also have had access to the very latest studies and findings on that topic. Please notify us if that is not the case.

Concerning the Archaeology Impact Assessment (AIA), it is important to note that your concerns set out on page 7 regarding heritage are, in our opinion, in the context of asserted rights. These were not the subject matter of the Enge case and we regard the context you set out in your letter as being reflective and complementary to your current litigation. We would suggest that we do not necessarily have to be in agreement with the legal framing of your concerns to hear and consider them seriously in the context of consultation.

The AIA for the proposed Tłıchǫ All-Season Road was completed by Stantec at the request of the Department of Transportation. The AIA was conducted under Northwest Territories Class 2 Archaeologist Permit 14-009, issued by the Prince of Wales Northern Heritage Centre (PWNHC). It is our understanding that NSMA (Matt Hover, Environment and Resource Manager, NSMA) was consulted on the permit prior to it being issued on May 29th, 2014. As per the permit conditions, the NSMA would have been sent the final report, without redactions, in March 2015 to the attention of Matt Hover. If this is not the case, please let us know.

The AIA is designed to deal with artifact identification and potential protection. It is not about attribution. In fact, we are told by the PWNHC that, in the vast majority of cases, it is impossible to attribute an artifact to one Aboriginal group or another. With that in mind, we regard the AIA as a general study not focused on one group but instead focused on one area of the NWT.

As you indicated in your letter, the AIA posted on the WLWB Registry (Appendix U) includes two instances on maps on page 29 and 54 where the exact locations of the archaeology sites are redacted. It is PWNHC standard practice and permit conditions to not include exact locations, when conducting AIA in order to protect the culturally important sites; although as stated above, NSMA should have received a copy, without redactions, as part of the permit conditions.

If the NSMA has any additional knowledge of archaeological sites of significance to the NSMA, the GNWT would welcome this information.

2) Strength of Claim Assessment

For more information on this matter, please contact Clayton Balsillie, Director of Aboriginal Consultation and Aboriginal Relations at Department of Aboriginal Affairs and Intergovernmental Relations, at clayton_balsillie@gov.nt.ca.

Once again thank you for outlining your concerns for our consideration and evaluation. Please send any others you may have on the potential adverse impacts of the project on caribou or other matters.

Sincerely,



Michael Conway
Regional Superintendent
North Slave Region

- c. Mr. Russell Neudorf, Deputy Minister
Department of Transportation

Ms. Laura Duncan, Tłıchǵ Executive Officer
Tłıchǵ Government

Katie Rozestraten

From: Michael Conway
Sent: Wednesday, May 25, 2016 8:14 AM
To: Rhonda Batchelor; Stu Niven; Katie Rozestraten; Lee Stroman; Kevin McLeod
Cc: Jayleen Robertson; Russell Neudorf
Subject: FW: May 4, 2016 - Whati Special Inter-Agency Meeting Summary Package - Part 1
Attachments: 2016-05-04 Special Inter-Agency Meeting - Agenda.pdf; 2016-05-04 Chief Alfonz Nitsiza's Opening-Closing Comments.pdf; 2016-05-04 Attendance for the Special InterAgency Meeting.pdf; 2016-05-24 May 4 Meeting Summary.pdf

Information from recent Interagency meeting.

Michael Conway
Regional Superintendent
Department of Transportation
Yellowknife, Northwest Territories
867-767-9089 Ext 31194

From: Larry Baran [mailto:deputysao@whati.ca]
Sent: Wednesday, May 25, 2016 8:06 AM
To: Alex Nitsiza; Alfonz Nitsiza; Andy Tereposky; Anita Daniels; April Alexis; Bob Schnurr; 'Carolyn Coey'; Celine Zoe; Charlie Nitsiza; Clifford Daniels; Dan Acosta; Dan O'Neill; Darin Daniels; David Currie; Doreen Nitsiza; George Nitsiza; Ginger Gibson; Gord Bohnet; Grace Mackenzie; Henry Zoe; Jacynthia Rabesca; Janelle Nitsiza; Jasmine Blackduck; Jasper Lamouelle; Jay Pickett; Jim Stauffer; John B. Zoe; John Hazenberg; John Sarapnickas; Joseph Nayally; Judal Dominicata; 'Katie Rozenstraten'; Kelly Brenton; Kevin Armstrong; Kyla Wapass; Larry Baran; Laura Duncan; Leanne Moosenose; Lisa Nitsiza; Lois Stauffer; Lori Gresl; Louisa Beaverho; Marjorie Matheson-Maund; Mark Fraser; Marlene Wedawin; Mary-Ann Jeremick'ca; Mary Ann Jeremick'ca; Matthew Greeyes; Michael Conway; Myra Berrub; Neil LOGAN; Nora Doig; Patricia Gillis; Pushp Seth; Sara Nash; Shirley Ann Beaverho; Sjoerd van der Wielen; Sonny Zoe; Staff Sgt Chad Orr; Susan Nitsiza; Tammie Shaben; Ted Nitsiza; 'Tephaine Wedawin'; Vickie Francisco; Yvonne Doolittle
Subject: May 4, 2016 - Whati Special Inter-Agency Meeting Summary Package - Part 1

Greetings from the Community Government of Whati

Attached is the first part of a summary package of the Special Inter-Agency Meeting held in Whati on May 4th.

Included in this package are:

- a. The original agenda (1 page)
- b. A meeting summary (3 pages)
- c. Chief Alfonz Nitsiza's Opening & Closing Comments (4 pages)
- d. Attendance Participants Roll (3 pages)

The recorded notes from the meeting have yet to be completed however, when they are completed and received, I will forward copies to you.

There is no question that the potential for significant change is on the horizon for Whati and the Tłı̨chǫ Region so, again, we appreciate the sacrifice of time and calendar-juggling that everyone experienced to coordinate their attendance at this meeting. Thank you.

Kindest regards,

Larry Baran, Deputy SAO
Community Government of Whati
P.O. Box 71
Whati, NT X0E 1P0
(867) 573-3401 Work
(867) 573-3018 FAX
(867) 446-0092 Cell
deputysao@whati.ca

“It isn’t the mountain ahead of you that wears you down. It’s the pebble in your shoe.” (Muhammad Ali)



Community Government of Whatì

P.O. Box 71, Whatì, NT
X0E 1P0, Canada
(867) 573-3401 Phone
(867) 573-3018 FAX

Agenda **Special Inter-Agency Meeting** *In Preparation for the Tìjchq All Season Road into Whatì*

Date: May 4, 2016
Location: Whatì Culture Centre
Time: 11:30am to 3:30pm
Moderator: Jim Stauffer, Aurora College (Whatì Campus)

- 01 Welcome & Opening Remarks**
Chief Alfonz Nitsiza
- 02 Past Meeting - 2013 & 2015 - Summary of Actions**
Lisa Nitsiza and Larry Baran
- 03 Road Planning - Inter-Governmental Tìjchq All-Season Road Committee**
John B. Zoe, Sjoerd van der Wielen, and Michael Conway
- 04 Tìjchq Government & Community Government of Whatì Mitigations**
Ginger Gibson and Lisa Nitsiza
- 05 Agency Briefings - By Agency**
Round Table by each Agency
- 06 Community Questions (*as time permits*)**
- 07 Summary**
Chief Alfonz Nitsiza



Community Government of Whatì

P.O. Box 71, Whatì, NT
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May 24, 2016

Meeting Summary **Special Inter-Agency Meeting** *In Preparation for the Tłìchq All Season Road into Whatì*

On May 4, 2016, approximately 80 people gathered in Whatì to discuss the social and economic impacts of the Tłìchq All Season Road being constructed and providing year-round road access from Highway 3 to Whatì. Mr Jim Stauffer, Adult Education Instructor at the Whatì Campus of Aurora College, was selected as the Moderator.

Invited representatives at the meeting included:

- Community Government of Whatì Chief, Council, & Administration;
- Tłìchq Government Grand Chief, Executive Officers & Community Directors;
- Tłìchq Government Departments, including Planning, Economic Development, Training & Development Facilitation, Mines Liaison, Lands & Resources
- TCSA, including Education, Health, Social Services, Income Security, Career Development, Early Childhood Programming;
- GNWT Departments, including Government Services, Transportation, Airports, MACA, Housing;
- Tłìchq Investment Corporation;
- RCMP;
- Aurora College;
- Air Tindi;

Due to meeting size, general members of the public moved in and out of the Whatì Culture Centre during the session. At the end of the meeting, four elders spoke ... all in support of the road.

Three charter flights were booked for the meeting, along with the morning & afternoon Air Tindi flights scheduled for the day. Due to fires in Fort McMurray, Summit Air had to redirect some of their aircraft for emergency evacuation. They spread the passengers over two smaller charters, causing one of the flights to land in Whatì well after the meeting had started.

During his welcome, Chief Alfonz Nitsiza noted it was a perfect example of some of the challenges of living in an isolated community.

A short summary of the 2013 & 2015 Special Inter-Agency Meetings was provided by the Community Government.

Department of Transportation provided a short presentation on the current status of the Tłıchǫ All Season Road, including a historical component.

The Tłıchǫ & Community Governments jointly made a presentation on social and resource issues that have been determined as being a concern, and then discussed mitigation actions either planned or already underway.

Mr Stauffer opened a round-table discussion and invited the representatives to speak about their areas of responsibility.

It became apparent that, should the project be fast-tracked and contracts be issued in time for mobilizing on the 2017 ice road season (January/March 2017), most departments would not be prepared for the impacts on the community.

Areas of concern:

- Need for more Heavy Equipment Operator training for the Tłıchǫ Region. TG is arranging an initial session starting in July 2017 in Whatì.
- According to a Territorial formula, Mezi Community School has a capacity of 220 students, therefore they are only at 65% capacity.
 - Although some questioned that estimation, it was noted that a contingency plan could involve portable classrooms should it be required.
 - There was also question about increased students creating the need for more teachers, and whether there was adequate housing for the teachers.
- The Whatì RCMP Detachment is already at capacity, and there is no opportunity for growth in the current structure. Locating a site for another detachment has not been included in the Whatì Land Use Plan.
 - There are currently two RCMP residences and one temp RCMP residence in Whatì.
 - There is currently no plans for detachment expansion or additional residence construction.
 - In the interim, assistance with community-sponsored security patrols is very important.
- Lac La Martre Development Corporation reminded everyone that while an All Season Road will assist on the availability of product delivery, the reality is that new housing and building construction takes 2 years or more. *Note: Whatì currently has less than 20 subdivided but undeveloped residential building lots, and less than 10 lots that can be re-developed for new residences.*
- NWT Housing Corporation advised everyone that their normal cycle is 3 years from the time that the decision is made to proceed to the time they can move someone into the completed residence.

- Tlįchq Investment Corporation expressed their concerns that they would like to see more collaboration in training opportunities.
- TCA was asked about providing increased health care services in Whatì, including ambulance services. TCSA noted that Whatì is one of the few communities in the north that has a retired ambulance, currently used for medevac transport, and it could be pressed into service and they would be prepared to train local residents as EMTs.
- It was noted that two important partners were apparently over-looked and should have been extended invitations to be at the table: NorthwesTel and NTPC.
 - Internet services are currently questionable at certain times in the morning as demand increases.
 - Similarly, although the Community Government is investing in several energy and environmental alternatives, there is the potential for a significant increase on demands in the existing diesel-generation system.

Chief Alfonz Nitsiza thanked everyone for attending, and that it was a learning experience for many as Whatì proactively prepares for growth and change, and he looked forward to another similar meeting next year.

Please Note:

Chief Alfonz Nitsiza's opening & closing comments are attached separately. Also attached is an attendance sheet with contact information.

More detailed notes from the meeting will be circulated as soon as the recorder has then completed.

**May 4, 2016 - Special Inter-Agency Meeting
Chief Alfonz Nitsiza's Opening comments**

Good morning. Thank you, Elder, for the opening prayer.

I would like to welcome all of you here, as you know we still have another plane delay, so they will be here momentarily but that goes to show that we rely heavily on the plane here in Whati, not only here but other communities in the north where we don't have the connections to the highway systems. It is normal for us to delay or juggle things around so that everything works out okay. The people that are coming will do their presentations later on today. So, we will start.

Today we are here to talk about the intergovernmental Tìchq All Season Road. We have been talking about, thinking about and researching this road for many years. We have been working together in partnership with all the agencies that serve the people of Whati to prepare for this All Season Road. It is in our partnerships that build the trust we need to keep working together.

Let me give you an example: It was in 2013 when we heard through the Intergovernmental Agency that it was noted that Whati needed a full-time local social worker, a full-time local mental health worker, a local housing organization, a hotel & restaurant, and more attention for seniors accommodation. Our work together has helped us to make great steps forward on all these goals.

The Wek'èezhì Land and Water Board is reviewing the application for the proposed road and will decide what to do next. We have brought you all here together today to talk about how to be prepared for this road. This is the single most incredible crowd of people. You all work so hard on all of your programs, policies and you serve our people well.

Once the road is built, Whati will have access year round. There will be benefits, but we must also be prepared for the changes it will bring. We have been preparing. We have studied how the road could impact our community. We have asked our people what their concerns are and where the road should go. We have a socio-economic study already completed on how the road could affect our community. The study shows that the road will bring jobs and economic opportunities for our community. Yes, there are concerns. That is why we have been getting our community prepared. The Whati government has been working with the interagency working group since 2012. We are working with the RCMP, MACA, and the Tìchq Government to make sure our community is ready. The Whati government is committed to implement programs and measures to promote community health and resilience.

If we want this road now, it is our job now to say we want it. There is a lot that goes into this effort, a lot of planning, a lot of review, and we are going to need the funding to pay for this road. We are not asking for something we do not understand. We have studied this, our people have talked about this, we have listened to our Elders. As a community we have to show them what we want. If you want the road we must advocate for it. I am proud of our agencies, and welcome you all to our community today.

And there lots of people in departments, in our Tìchq Government departments, the Community Governments, as well as the Territorial Government, who done extra to make that this road happens. It's not there yet, but we know that the application is in front of the review board, and so we must continue to be prepared.

And I'd like to take this time to personally thank the local Department of Transportation Superintendent, Michael Conway for his support. He has been one person that has really pushed for this road for Whatl. I want to acknowledge him, and give him a round of applause for his contribution to this very important project.

There are many others as well, and that goes to show what can be accomplished through partnerships and working together. I've sat in a lot of meetings where we say 'Let's work together' and soon as the meeting is over, you walk out, and working together never happens. But it is true that in building relationships, relationships turns into trust, that's when things start happening. And that's what I saw with this Inter-Agency work, getting the people together, and good things will happen.

With that, I'd like to turn this over to my Grand Chief of the Tłjchq Government. Again, we are very grateful to have so many people here from different departments of governments and companies, people that want to know and see for themselves what this is all about. It is a great time. With that, I'll turn this over the Grand Chief. Mahsi.

May 4, 2016 - Special Inter-Agency Meeting Chief Alfonz Nitsiza's Closing comments

Mahsi. Thank you.

It was a great gathering here. This was our third time and the last count I received was that there were over 80 people here. When we first did this in 2013, there was about 40. And 2015 there was a little over 40 as well, so this time we doubled that. It shows that there is a lot of interest.

And, as Chief, I am very proud of this community and all of you, the agencies and how you serve our people here. We don't know how long the review of this road will take. It is at the review board right now, and they are looking at it. The public still has time to comment on that review until the end of this month. And today as I listened to everybody as they made their presentations and comments and here is what I've heard today:

- The road has the ability to build capacity in the community.*
- We need to have a real focus on economic development.*
- There are strong foundations and plans in place now.*
For example, there is training, with partnerships with hope and new training strategies. We all have a part in training.
- In Housing, we are happy that we now have a local presence (Local Housing Organization).*
- For families, there are parenting programs and many new services, such as community garden.*
- In economic development our Tłıchǵ Investment Corporation and our local businesses are working. They will be required and relied upon heavily when we build the road.*
- While Air Tindi services may be reduced, maybe we will become a Tłıchǵ force in north aviation.*
- For education and services as good, our schools and daycares are not at capacity.*
- And we know our ambulance service is growing and we will need to respond on the highway.*
- It is good to hear that the RCMP is committed to working in our communities.*

We still have needs and we have learned about them today. For example, we have heard:

- that justice needs a probation officer,*
- housing needs three year lead time for (new) housing to plan ahead and needs lands and family-size structures.*
- Internet services (need to be enhanced).*
- There needs to be stronger collaboration between agencies, and we want you to come and support us building it together.*

Thank you for coming today. And we will see you next year to continue this conversation.

I mentioned how important economic development is, because over many years, all the small communities were disadvantaged because we rely heavily on outside for everything. Programming dollars, either in municipal or education elsewhere. Never, never do we have enough money.

We as a Tłıchǵ Government also talk and advocate for our language and cultural way of life. Ten years into the Tłıchǵ Government and I see that there is limited improvement in those areas. We have limited resources, and that probably will not go away for some time yet. The only way I know

that we talk, the elder talk(ed) about the alcohol and drugs coming into every community, it's all over, we cannot lock everybody up. That's almost impossible. The social envelope in the Territorial Government is about \$300 Million a year. The money that goes to people at a lock-up in jail: One inmate costs over a \$100,000 per year. If a person gets sick because of drinking to excess or drugs and ends up in the hospital, it is a \$150 to \$170 a night for one bed. Those things are going up. And we talk about alcohol, drugs: I've heard it all. The stories behind it, for the last forty years that I've been in meetings. So what do you do? You know, we hear on the radio about homelessness. I think it's time for front-line agencies to think about how do we deal with these issues?

And as our leaders in the Tłıchǫ Government we truly believe that our language is slowly dying, right in front of us. And, the way out of this is through economic development. We have to educate our people so they can have jobs and try to fit into mainstream society. If the parents are working, the kids will grow up to see their parents working instead of on welfare. Now, some may not agree, but if we depend on somebody for everything, someday that service will be cut and what do you do?

So, I think just for a thought before you travel home, we need to do more in the communities, not only here (in Whati) but in all our regions. We've got lots of 'smarts' around the table, and we can share and I think that we can have a healthy community and a healthy people. And we will save the government money, and everybody benefits.

Mahsi Cho.

Recorded Attendance at the 2016-May-04 Special Inter-Agency Meeting

as on May 4, 2016

Name	Representing	Position	Email
1. Acosta, Dan.....	Community Government of Whati	(Recreation Programmer)	recprogram@whati.ca
2. Alexis, April.....	Tijchq Government - Whati	(A/Community Director)	aprilalexis@tlicho.com
3. Angel, Grace.....	NWT Housing Corp - Whati	(LHO Manager)	grace_angel@govt.nt.ca
4. Arrowmaker, Carol.....	Tijchq Government - Wekweèti	(Ec Dev Officer)	carolarrowmaker@tlicho.com
5. Baran, Larry.....	Community Government of Whati	(Deputy SAO)	deputysao@whati.ca
6. Barnett-Aikman, Shannon.....	Tijchq Community Service Agency	(Education)	shannon_aikmann@tlicho.net
7. Batchelor, Rhonda.....	Department of Transportation	(Director, Environment Affairs)	Rhonda_Batchelor@gov.nt.ca
8. Beaverho, Pierre.....	(Community Elder)	()	(None)
9. Black (Daniels), Anita.....	Tijchq Government - Behchokq	(Dir Community Programs)	anitadaniels@tlicho.com
10. Blackduck, Belinda.....	Tijchq Government - Gamèti	(Ec Dev Officer)	belindablackduck@tlicho.com
11. Blackduck, Jasmine.....	Tijchq Government - Behchokq	(Comm Svc Mgr, Trainee)	jasmineblackduck@tlicho.com
12. Brenton, Kelly.....	Tijchq Investment Corporation	(CEO)	Kbrenton@tlichoic.com
13. Conway, Michael.....	Department of Transportation	(Regional Superintendent)	Michael_Conway@gov.nt.ca
14. Champlain, Joseph.....	(Community Elder)	()	(None)
15. Daniels, Darin.....	Tijchq Community Service Agency	(Ambulance Team Lead)	darin_daniels@tlicho.net
16. Doolittle, Yvonne.....	Municipal & Community Affairs	(Regional Superintendent)	yvonne_doolittle@gov.nt.ca
17. Dryneck, Antonia.....	Tijchq Government - Yellowknife	(Note Taker)	(??)
18. Duncan, Laura.....	Tijchq Government - Yellowknife	(Executive Officer - TG)	lauraduncan@tlicho.com
19. Erasmus, Eddie.....	Tijchq Government - Yellowknife	(Grand Chief)	grandchiefediwa@tlicho.com
20. Football, Adeline.....	Tijchq Government - Wekweèti	(Community Director)	adelinefootball@tlicho.com
21. Francisco, Vickie.....	Tijchq Government - Behchokq	(Training & Dev Facilitator)	vickiefrancisco@tlicho.com
22. Flunkie, Alfred.....	Community Government of Whati	(Councillor)	(None)
23. Gibson, Ginger.....	Tijchq Government - Yellowknife	()	ginger.gibson@thefirelightgroup.com
24. Greyeyes, Matthew.....	Education, Culture & Employment	(Reg Mgr, Income Security)	Matthew_Greyeyes@gov.nt.ca
25. Harris, Elaine.....	Aurora College	()	eharris@auroracollege.nt.ca
26. Hope, Linsey.....	Tijchq Community Service Agency	(Education)	linsey_hope@tlicho.net
27. Hum, Jessica.....	Tijchq Government - Behchokq	(Land Use Planner)	JessicaHum@tlicho.com
28. Hunt, Sarah.....	Tijchq Investment Corporation	(Human Resources Manager)	shunt@tlichoic.com
29. Jeremick'ca, Mary Ann.....	GNWT	(Govt Services Officer)	Mary-Ann_Jeremick'ca@gov.nt.ca
30. Kakfwi, Jatonia.....	()	()	(None)

Recorded Attendance at the 2016-May-04 Special Inter-Agency Meeting

as on May 4, 2016

Name	Representing	Position	Email
31. Kralt, Margaret.....	Dillon Consulting	(TREDWG Consultant)	mkralt@dillon.ca
32. Lamouelle, Pamela.....	Tłıchq Government - Wekweètì	(Career Dev Officer)	pamela_lamouelle@tlicho.com
33. Mackenzie, Grace.....	Tłıchq Government - Behchokq	(Mines Liaison Coordinator)	Gracemackenzie@tlicho.com
34. Mackenzie, Violet.....	Tłıchq Government - Behchokq	(Translator)	(None)
35. MacKay, Jeff.....	RCMP - Whati Detachment	(Constable)	jeffery.mackay@rcmp-grc.gc.ca
36. Manlla-Arrowmaker, Jenny...	Tłıchq Government - Gamètì	(Career Dev Officer)	jennymantla@tlicho.com
37. Matheson-Maund, Marjorie..	Tłıchq Government - Yellowknife	(Implementation Facil.)	marjoriemathesonmaund@tlicho.com
38. McAndie, Darla	Air Tindi	(Manager Customer Services)	darla.mcandie@airtindi.com
39. Moosenose, Michel.....	Community Government of Whati	(Councillor)	(None)
40. Nayally, Joseph.....	Education, Culture & Employment	(Reg Mgr, Career Develop)	joseph_nayally@gov.nt.ca
41. Nevitt, Zabey.....	Tłıchq Government	()	zabeynevitt@tlicho.com
42. Nitsiza, Alex.....	Community Government of Whati	(Councillor)	amnsr@ssmicro.com
43. Nitsiza, Alfonz.....	Community Government of Whati	(Chief)	alfonznitsiza@tlicho.com
44. Nitsiza, Charlie.....	Fortune Minerals	(Whati Representative)	cinitiza@outlook.com
45. Nitsiza, Doreen.....	Community Government of Whati	(Recreation Coordinator)	recreationcoord@whati.ca
46. Nitsiza, George.....	Community Government of Whati	(Councillor)	georgenitsiza@tlicho.com
47. Nitsiza, Leon.....	Community Government of Whati	(Councillor)	(None)
48. Nitsiza, Lisa.....	Community Government of Whati	(SAO)	sao@whati.ca
49. Nitsiza, Susan.....	Tłıchq Government - Whati	(EDO)	susannitsiza@tlicho.com
50. Nitsiza, Ted.....	Tłıchq Government - Whati	(Lands & Resources Officer)	tednitsiza@tlicho.com
51. Rabesca, Claudia.....	Tłıchq Government - Behchokq	(Career Development Officer)	claudiarabesca@tlicho.com
52. Rabesca, James.....	Tłıchq Government - Behchokq	(Translator)	(None)
53. Rabesca, Jimmy.....	Community Government of Whati	(Councillor & Elder)	(None)
54. Rabesca, Patrica.....	NWT Housing	()	prabesca@hotmail.com
55. Richardson, Louise.....	Tłıchq Government - Behchokq	(Early Childhood Prog Mgr)	louiserichardson@tlicho.com
56. Rozestraten, Katie.....	Department of Transportation	(Environmental Analyst)	katie_rozestraten@gov.nt.ca
57. Sanders, Janet.....	RCMP - Whati Detachment	(Constable)	janet.sanders@rcmp-grc.gc.ca
58. Saturnino, Michael.....	Education, Culture & Employment	(Regional Superintendent)	Michael_Saturnino@gov.nt.ca
59. Sarapnickas, John.....	Mezi Community School - Whati	(Principal)	John_Sarapnickas@tlicho.net
60. Schnurr, Bob.....	Air Tindi	(Mgr Operations)	bobsc@airtindi.com
61. Simpson, Francis.....	(Community Elder)	()	(None)
62. Seth, Pushp.....	Community Government of Whati	(Finance Manager)	finance@whati.ca

Recorded Attendance at the 2016-May-04 Special Inter-Agency Meeting

as on May 4, 2016

Name	Representing	Position	Email
63. Stauffer, Jim.	Aurora College	(meeting facilitator)	jstauffer@auroracollege.nt.ca
64. Stauffer, Lois.	Air Tindi - Whati Airport	(Local Agent)	lois.whati@gmail.com
65. Stroman, Lee.	Department of Transportation	(Regional Airport Manager)	lee_stroman@gov.nt.ca
66. Tereposky, Andy.	NWT Housing Corp	(Regional Superintendent)	Andy_Tereposky@gov.nt.ca
67. van der Wielen, Sjoerd . .	Tijichq Government - Behchokq	(Lands Protect Mgr)	sjoerdvanderwielen@tlicho.com
68. Wapass, Kyla.	T.S.C.A. - Whati	(Community Social Worker)	Kyla_Wapass@tlicho.net
69. Wedawin, Marlene.	Tijichq Government - Whati	(Career Development Officer)	marlenewedawin@tlicho.com
70. Wedawin, Louis.	(Community Elder)	()	(None)
71. Wedawin, Tephania.	Tijichq Government - Whati	(Social/HBFP Coordinator)	tephaniewedawin@tlicho.com
72. Wettrade, Phoebe Ann. . .	Tijichq Government - Behchokq	(Career Development Officer)	phoebewetrade@tlicho.com
73. Wintringham, Samara. . .	Tijichq Investment Corporation	()	swintringham@tlicho.com
74. Zoe-Martin, Celine.	Tijichq Government - Behchokq	(Senior Director Admin)	czoemartin@tlicho.com
75. Zoe, Francis.	Community Government of Whati	(Translator)	(None)
76. Zoe, John B.	Tijichq Government - Yellowknife	()	johnbzoe@tlicho.com
77. Zoe, Sonny.	Community Government of Whati	(Councillor)	sonny_zoe@yahoo.com

Note: Attendance counts were completed throughout the meeting, to gauge public attendance along with people that signed the attendance form. At 1:34pm, there was 79 people. 2:59pm there was a count of 82 people.



Tłıchǫ All-season Road Whatì Special Interagency Committee

Presented by Transportation and Tłıchǫ Government May 4, 2016

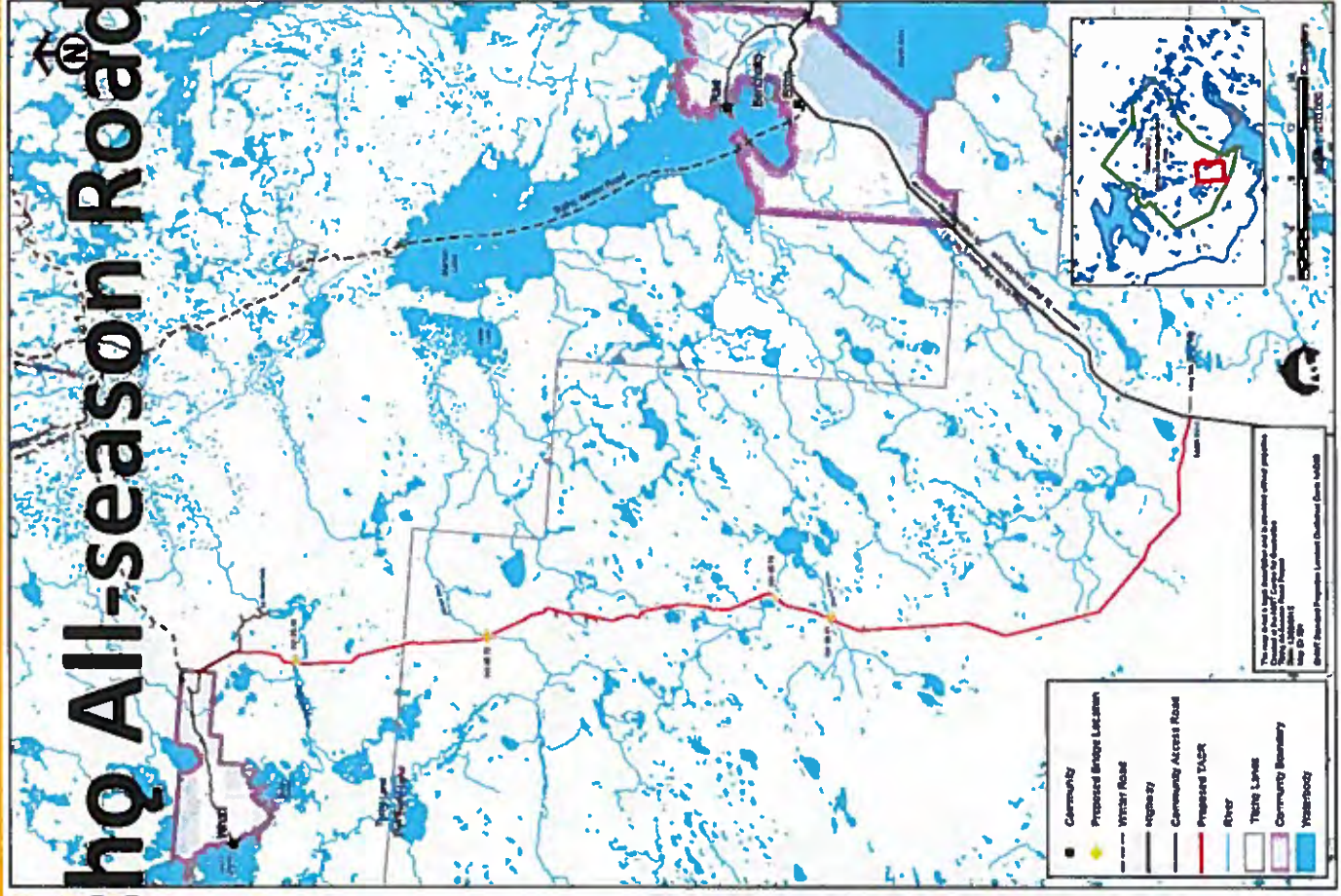
Government of
Northwest Territories

PURPOSE

- To update the Whatì Interagency Committee on final Project Description Report and submission to the Wek'èezhì Land and Water Board (WLWB)
- To assist the Whatì Interagency Committee on planning work



Tłıchǫ All-season Road Map



Wek'èezhìi Land and Water Board

- Water Licence: W2016L8-0001
- Land Use Permit: W2016E0004

<http://www.mvlwb.ca/Boards/WLWB/SitePages/registry.aspx>

<http://www.tlıcho.ca/all-season-road>

Project Overview

- GNWT and Tłıchǫ Government (TG) partnership (Working Group)
- 94 km long
 - starts at KM 196 off Hwy 3 (40 km southwest of Behchokǝ) to Whatı community boundary
- 60 m right-of-way
- 2 lane gravel road with 4 bridges
- Speed limit 70 km/h
- Traffic estimated at 20 to 40 vehicles/day
- 4-5 borrow sources with access roads near ROW (TBD)
- Camps may be needed and have been scoped into project



Road Engineering

- 2-4 years construction
- 15 water crossings along route
- 4 bridges, remaining crossings are culverts
- Culverts oversized to mitigate for fish passage, nuisance beavers and debris and ice management
- Crossings designed for hydraulic needs
- Route avoids cabins and culturally significant areas
- Most of route already well-established and disturbed by fires



Community Consultation

- Working together to advance the TASR as a joint priority of the GNWT, Tłıchq Government and Whatì Community Government
- Have held multiple meetings over a period of 10 years, including sessions in Whatì, to discuss road options, hear about impacts and discuss commitment to programs and services
- Reports have compiled Tłıchq views



Tłıchq Reports

- Traditional Knowledge Study for the Proposed All-Season Road to Whatì
- Eleke tse di – Watch Each Other: A Socio-Economic Issues Scoping Study for a Potential All-Weather Road to Whatì
- Whatì's Micro-Economic Analysis of the All-Season Road

Community Consultation: Summary of Topics Raised

- Increased distance to northern Tłıchq communities
- Wildlife and environmental effects
- Concern about caribou impacts
- Increased industrial development
- Increased access to fisheries
- Concern for social issues, such as more access to drugs and alcohol
- Community security, housing and social well-being
- Youth comments included fears about global economy, climate change, family absenteeism and rise of violence in the communities



Community Consultation: Summary of Topics Raised

- Opportunities community members were excited about:
 - Employment and training potential
 - Reduced cost of living
 - Economic development, such as restaurants and hotel
 - Increased mobility
 - Tłıchq All-season Road positive solution to climate change challenges
 - Improved access to relatives in adjacent communities



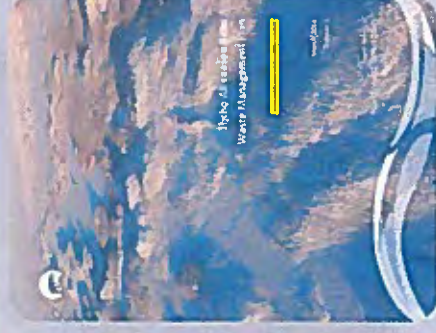
Positive Considerations

- 70 km/h speed limit on TASR will allow for a comparable drive time to communities despite increased distance
- TASR will bypass Marian Lake thereby allowing winter road construction to begin earlier for Gamètì and Wekwèètì (longer operating period)
- Committee established to construct a training plan in anticipation of future construction positions
- Motion 2015-018 and Whati's Special Interagency Committee will prepare Whatì for any potential changes as a result of an all-season road



Construction Management Plans

- Spill Contingency Plan
- Waste Management Plan
- Erosion and Sediment Control Manual
- In-Field Water Analysis Plan
- Fish and Fish Habitat Protection Plan
- Wildlife Management and Monitoring Plan
- Archaeological Site Chance Find Protocol
- Emergency Response Plan



Regulatory Process

- Application Process:
 - DOT submitted application March 31, 2016
 - Application deemed complete April 8, 2016
 - Public review period **open until May 30, 2016**
 - DOT responds to comments by June 20, 2016
- Wek'èezhìi Land and Water Board:
 - Reviews all material and decides next steps
 - a) Issues permits and licences;
 - b) Holds public hearings; or
 - c) Sends project to Environmental Assessment



Project Financing

- P3 Canada Fund or National Infrastructure Fund
 - P3 Canada evaluating project and will make funding decision at a later date



FURTHER INFORMATION

- Available from:

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Tłıchǫ Government

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Michael Conway

Regional Superintendent

Dept of Transportation

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michael_conway@gov.nt.ca



Masi Cho



Tłıchǫ All-Season Road. Hwy 3 to Whatı.



Overview

This newsletter, by the GNWT Department of Transportation and the Tłıchǫ Government, is the first in a series about the proposed Tłıchǫ All-season Road (TASR). It is meant to provide Tłıchǫ community members with information about the project. Each newsletter focuses on different topics and highlights the various processes that will limit environmental and social impacts to the surrounding area from the construction of the road.

Project Summary

- 94 km long
- 60 m right-of-way
- 2 lane gravel road with 4 bridges
- Speed limit 70 km/h
- Traffic estimated at 20 to 40 vehicles/day
- 4-5 borrow sources with access roads near ROW (TBD)
- Camp (150-person) needed near KM25 and KM50
- 2-4 years construction
- 15 water crossings along route (4 bridges, remaining are culverts)
- Crossings designed to protect fish
- Route avoids cabins and culturally significant areas
- Most of route already well-established and disturbed by fires

Wek'èezhìi Land and Water Board

Land Use Permit and Water Licence applications were submitted to the WLWB on March 31, 2016. Reviewers have until May 30, 2016 to provide comments about the project and the DOT has until June 20, 2016 to respond. The WLWB will then review all material and decide next steps (e.g. issue permits and licences, hold public hearings, or send project for an EA). http://lwbors.yk.com/LWB_IMS/ReviewComment.aspx?appid=10878

For more information, please contact:

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Dept of Culture and Lands Protection
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(867) 392 6381 ext 1351

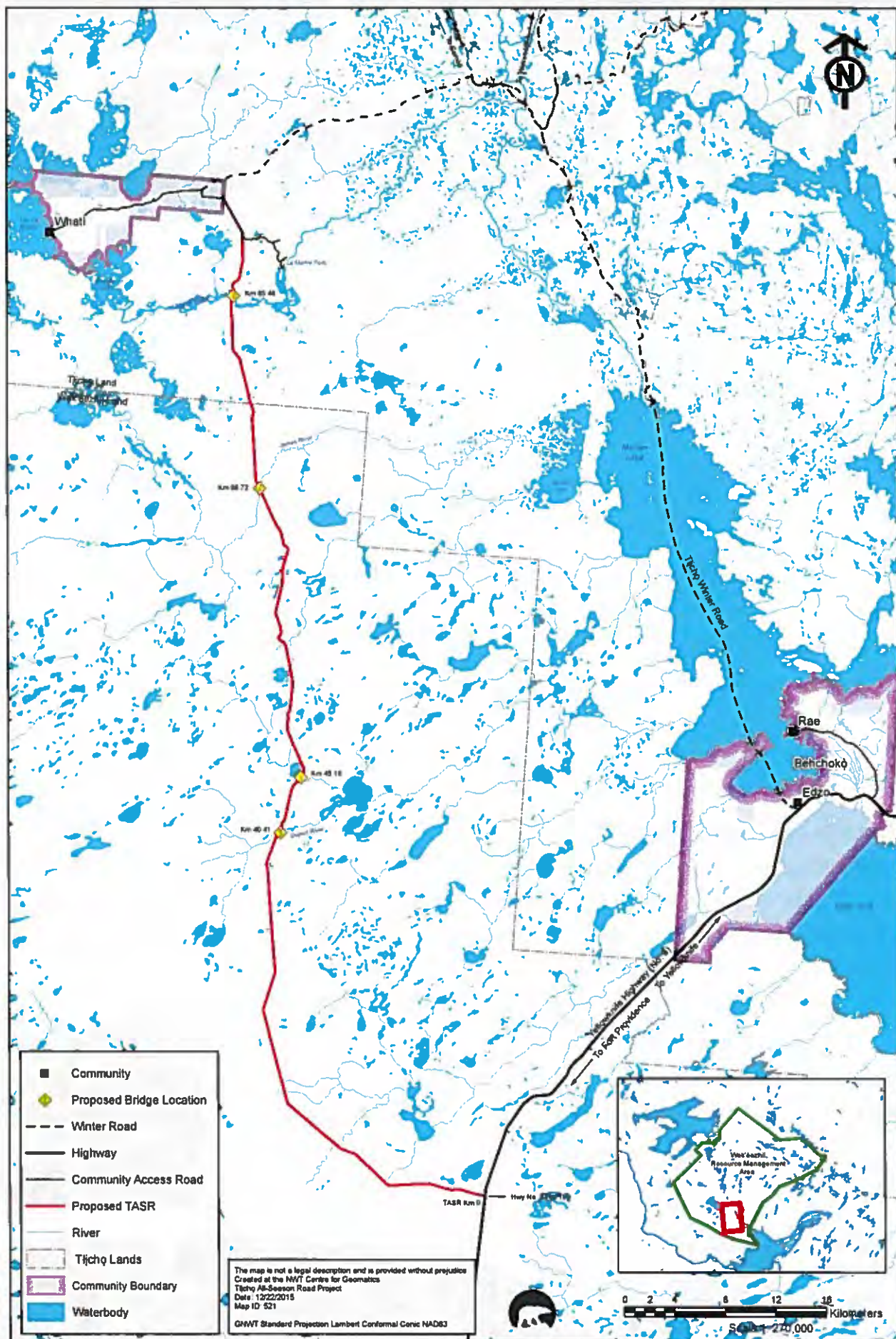
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April 2016 Vol. 1 No. 1

<http://tlicho.ca/all-season-road>

Map 1 Proposed Tłıchǫ All-Season Road (TASR) Corridor from Highway 3 to the Whati Community Government Boundary



Tłıchǫ All-Season Road. Hwy 3 to Whatı.



This newsletter, by the GNWT Department of Transportation and the Tłıchǫ Government, is one in a series about the proposed Tłıchǫ All-season Road (TASR). It is meant to provide Tłıchǫ community members with information about the project. Each newsletter focuses on a different topic and highlights the various processes that will limit environmental and social impacts to the surrounding area from the construction of the road.

Community Consultations

GNWT and Tłıchǫ Government have worked together on planning for the TASR. This has included hosting many meetings in the communities, including sessions in Whatı, to discuss road options, hear about impacts and discuss commitments to programs and services. Traditional knowledge and social impact reports have been developed by the Tłıchǫ Government (tlichoc.ca/all-season-road). Detailed community summaries are available in the TASR Engagement Record (Appendix E of Project Description Report).

Brief Summary of some of the Community Meetings	
Feb-June 2008: Tłıchǫ Winter Road Realignment Community Meetings in Whatı, Behchokǫ, Gamèti, Wekweètı, Yellowknife	Jun 2015: Whatı Special Interagency Committee
2009-2013: Tłıchǫ Executive Council Meetings	Jan 2016: Community Consultation Meetings in Wekweètı, Gamèti, Whatı, Behchokǫ
August 2013: Whatı Community Government Meeting (Whatı)	May 4, 2016 (upcoming): Whatı Special Interagency Committee
Sept 2013: Whatı Road Community Consultation Meeting (Whatı)	

Summary of Topics Raised

Concerns

- Increased distance to northern Tłıchǫ communities
- Concerns about caribou impacts
- Increased access to fisheries
- Concerns for social issues, such as more access to drugs and alcohol
- Wildlife and environmental effects
- Increased industrial development
- Community security, housing and social well-being

Opportunities

- Economic development, such as restaurants and hotel
- Tłıchǫ All-season Road positive solution to climate change challenges
- Employment and training potential
- Reduced cost of living
- Longer windows of time for winter roads to Gamèti and Wekweètı – improved access
- Increased mobility for students for sports and recreation

Mitigation measures that will be applied during construction that address the above topics will be discussed in future newsletters. Stay tuned to find out more!

For more information, please contact:

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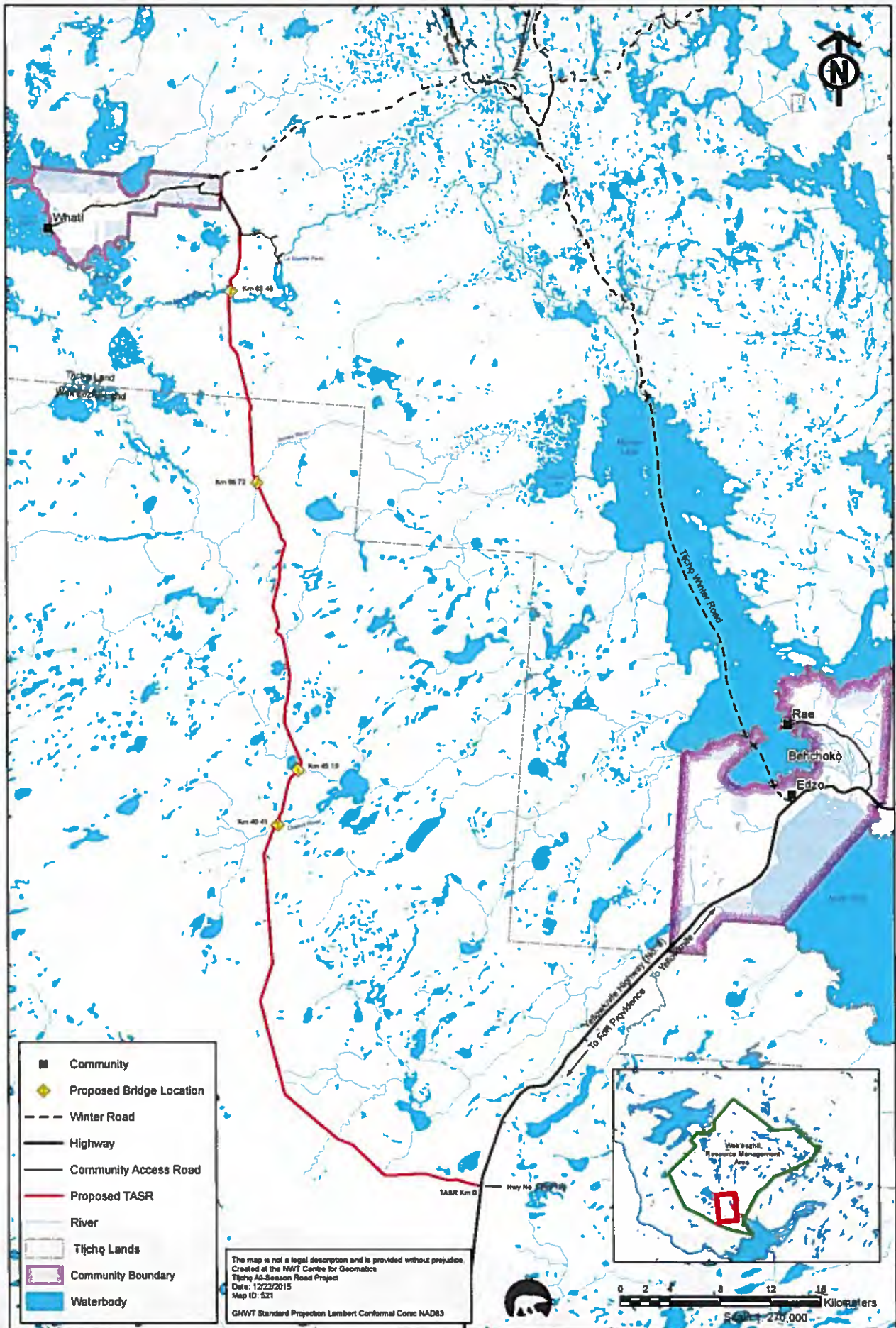
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April 2016 Vol. 1 No. 2

<http://tlichoc.ca/all-season-road>

Map 1 Proposed Tłı̄chǫ All-Season Road (TASR) Corridor from Highway 3 to the Whati Community Government Boundary



Not Everyone in Whati Wants All-Season Road to the Community

CBC Radio, Wednesday, April 6, 2016, 6:30 a.m.

PETER SKINNER, CBC: Not everyone in Whati wants an all-season road to the community. Last week the territorial government applied for the permits to build the road. Alphonz Nitsiza is the chief of Whati and he says some people are worried about an influx of drugs and alcohol, but Nitsiza says he has faith that most residents will be able to handle the change.

NITSIZA: There are lots of young people doing very well in the Tlicho Region. They have good jobs, they have to owe mortgages. Maybe they have a few drinks sometimes, but they don't go overboard. So how they got there is through education. The one that are critical, the one that makes lot of noise are the ones that needs to get educated and needs to have a job so that they can contribute to their government, but also be self-sufficient and that's what self-government is all about.

CBC: Nitsiza says the road will lower the cost of shipping and encourage people to open new businesses in the community. It's too soon to say when construction will start. Regulators still have to decide whether the construction of the road needs an environmental assessment.

CBC Radio, Wednesday, April 6, 2016, 7:30/8:30 a.m.

PETER SKINNER, CBC: The territorial government says it could cost as much as \$150 million to build an all-season road to Whati, but the government isn't asking the Tlicho to help pay for it. The CBC's Guy Quenneville reports.

QUENNEVILLE: Last week the GNWT applied for the permits to build the 94-kilometre road. It would go from Highway 3 near Behchoko to Whati, which is currently only accessible for a little more than two months a year via a winter road. The Tlicho Government has been lobbying hard for a permanent road for years. Here's Whati Chief Alphonz Nitsiza.

NITSIZA: Because we live in isolation, the road will kind of open up a lot of things for us to go out and to bring in materials, housing materials and other stuff. Not only that but the other benefit, more benefit will be bringing our youth out on sports activities or other cultural activities out to the other communities, which we can't do that often because of the costs.

QUENNEVILLE: But the Tlicho are not being asked to help pay for the road. Wally Schumann is the territory's Transportation Minister.

SCHUMANN: Well, I would say they did buy in, because they helped us develop the process and going through the TK stuff and the economic viability of this project moving forward. It would be no different than someone asking me, is the Sahtu going to pay for the Mackenzie Valley Highway?

QUENNEVILLE: Schumann says the GNWT is seeking money from the federal government, as much as 25 percent of the cost. If that's not successful, his department will seek more conventional financing. Guy Quenneville, CBC News, Yellowknife.

New

N.W.T. continues down \$150M road to Whati

Tlicho Government lobbied hard for all-season road to small community

By Guy Quenneville, [CBC News](#) Posted: Apr 06, 2016 1:16 PM CT Last Updated: Apr 06, 2016 1:16 PM CT

A proposed \$150 million all-season road to the Tlicho community of Whati is another step closer to reality, though it's still unclear how the Northwest Territories plans to pay for it.

Last week [the N.W.T. Department of Transportation applied for the permits](#) to build the 94-kilometre, two-lane gravel road to the community with a population of about 500.

The Whati road is one of several expensive infrastructure projects (including an all-weather highway from Wrigley and Norman Wells and the partial all-weather conversion of the ice road supplying the N.W.T.'s diamond mines) that the territory continues to plan for even as it predicts it will start posting a deficit in 2018.

The territory is hoping to receive money — as much as 25 per cent of the Whati road's cost — from the federal government's P3 Canada Fund.

P3 Canada is currently reviewing the government's proposal. If it passes on the project, "conventional financing will be considered," [according to the project description filed by the Department of Transportation](#).

Current winter road costs

The Whati road will begin at Highway 3, near Behchoko, and continue north.

It will replace Whati's current winter road, part of a wider Tlicho winter road system that is costing the territorial government more and more money to build every year because of unpredictable weather and warmer ice road conditions.

"It has been necessary to invest in costly new technologies and equipment over the past decade," according to the project description.

"In 2004 DOT paid \$1,050 per kilometre...while in 2014, DOT paid \$4,935 — 4.7 times the cost to construct the same road system."

Alfonz Nitsiza, the chief of Whati, says the permanent road will lower the cost of shipping goods in Whati, encourage locals to open up businesses and spur more travel from youth to sporting and cultural events in other communities.

But he said "it would be too early to determine if the Tlicho will pay in the project."

Tlicho not expected to chip in

Currently, all but 17 kilometres of the land along the proposed all-season road is territorial land, the rest belonging to the Tlicho Government.

According to a recent update from the Tlicho Government, "[We] will swap the land with the GNWT so that the full length of the road is on territorial lands. This will ensure that full liability for road operation rests properly with the GNWT."

The Tlicho government had final say on the route and co-hosted recent community consultations, but it's not being asked to chip in.

"I would say [the Tlicho] did buy in [already] because they helped us develop the process, going through the traditional knowledge stuff and the economic viability of this project," said Wally Schumann, N.W.T.'s minister of transportation.

"It would be no different than someone asking me, 'Is the Sahtu going to pay for the Mackenzie Valley Highway that's going through Sahtu and public lands?'"

Mine project near Whati

The N.W.T. government is not currently planning to extend the road to Gameti or Wekweeti, the other two communities in the Tlicho region.

But Fortune Minerals, which is trying to raise \$589 million to build a cobalt, gold and bismuth mine located about 49 kilometres north of Whati, says that if the Whati road goes ahead, that bodes well for Gameti.

That's because the \$35 million all-season road the company would build to its mine would cover roughly half the distance between Whati and Gameti.

"Building half [a Gameti] road is a fairly significant contribution to that road," said Robin Goad, president of Fortune Minerals.

And with a full road to Whati in place, Fortune Minerals' mine could join a very small group of mines enjoying a rare distinction in the North.

"This will also be one of the few mines developed in the Northwest Territories where labour can actually commute to the project on a daily basis," said Goad.

"That is highly attractive to Tlicho people."

Hard lobbying, senior N.W.T. government support

Nitsiza says the road's recent momentum can be credited to hard lobbying by the Tlicho Government and Monfwi MLA Jackson Lafferty, the only MLA to run unopposed in the fall's territorial election.

"We keep the pressure on in Whati," Nitsiza said, dating lobbying efforts back to his uncle and former Whati chief Johnny Nitsiza.

"[He] survived three plane crashes coming in and out of Whati. So he was very strong in making sure this Whati road stays on top of all the major issues we have."

But the support went further up the ladder, according to Nitsiza.

"MLA [Lafferty], when he was a minister in the last government, he was right alongside us supporting this project," said Nitsiza.

"There was a lot of different players behind the scenes. There are people in the department — I would not name names — but there are people in senior positions in the territorial government that really pushed too, as well."

Concerns about more 'children with weapons'

But Nitsiza concedes the project has not received unanimous support among people in the Tlicho region.

"An increase in social related issues (e.g. drugs and alcohol, etc.) was identified as a primary concern during the consultation tour," according to the project description.

"A youth of Whati attended the Behchoko community meeting...[and said] numerous social issues (e.g. children with weapons, drugs) are already prevalent within the community and that an all-season road would only exacerbate the situation."

Nitsiza says the community is prepared, pointing to one full-time drug and alcohol counsellor and one full-time child welfare worker who are already established in the community.

"Today, there are lots of young people doing very well in the Tlicho region. They have good jobs, their spouses also have permanent jobs, they have...mortgages, they know how to manage their money. Maybe they have a few drinks sometimes, but they don't go overboard. How they got there is through education.

"The ones that are critical, the ones that make lots of noise, are the ones that need to get educated and need to have a job, so that they can contribute to their government but also be self-sufficient. That's what self-government is all about."

It's not clear when construction could start on the Whati road — it remains to be seen whether the project will undergo an environmental assessment — but the territorial government expects construction could take up to four years.

Up to 150 workers will be needed to build the road.

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NWT continues down \$150M road to Whatì: CBC North April 6, 2016 Online

<http://www.cbc.ca/news/canada/north/whati-winter-road-permit-tlichio-1.3522499>

8 Comments

Commenting is now closed for this story.

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Piyo Lunge

So, Tli Cho government wants the GNWT to be fully liable for operation costs, Tli Cho government will not chip in to help pay for the costs, and Tli Cho government wants final say on the final route? Talk about having your cake and eating it too.

1 day ago 2 Likes

Like Share



Brrrrrr

pretty sad commentary on this and the previous assembly if this gets approved. Plenty of stuff being built with no tax base to support the operation and maint of it. Can hardly wait to see what they do for the electrical portion of this debt load cuz it's coming our way. You can bet on that.

1 day ago 1 Like

Like Share



Kodak42

The existing gravel roads are never graded before it freezes and the first 100 km out of YK is a joke. Let's spread the maintenance budget a little thinner.

1 day ago 0 Likes

Like Share



squeezer

@Kodak42

Existing gravel roads????? Try 2 months of winter road. Build the Mackenzie Valley Highway already... for the amount of oil revenue that has come out of the Sahtu the winter roads system should have been replaced decades ago, and we would be thrilled with ungraded gravel roads

23 hours ago 1 Like

Like Share



Grappazi

I look forward to being able to drive to there to do some fishing when this is done.

1 day ago 0 Likes

Like Share



Superdude23

They should just build a monorail. By god it put North Haverbrook on the map!

1 day ago 0 Likes

Flag

Like Share



mosquitobait

Toll every vehicle that uses the bridge

1 day ago 0 Likes

Like Share



JohnColford

Good initiative, good investment in support of jobs, the economy and the North. Well done.

1 day ago 0 Likes

Like Share

[Submission Policy](#)



Tilcho shared CBC NWT's post.

April 6 at 2:16pm · 🌐



CBC NWT

April 6 at 12:37pm · 🌐

The Whati road is one of several expensive infrastructure projects that the territory continues to plan for even as it predicts it will start posting a deficit in 2018.



N.W.T. continues down \$150M road to Whati

A proposed \$150 million all-season road to the Tilcho community of Whati is another step closer to reality, though it's still unclear how the Northwest Territories plans to pay for it.

CBC.CA

➦ Share

D'Arcy Arden and Margo Edjericon like this

Chronological ·



Leon Lafferty Just think how far ahead this road would have been if the Tilcho Government did not throw back 18 million to start the project in 2010/11.

April 6 at 4:09pm

GNWT pitches feds for road funds

Territorial government seeks millions for the Mackenzie Valley Highway project and Tlicho all-weather route

by John McFadden
Northern News Services
Somba K'e/Yellowknife

NWT MP Michael McLeod has confirmed the territorial government has formally applied for funding for the Mackenzie Valley Highway project and the Tlicho all-weather road project.

He shared that information with *News/North* prior to the Northern Aboriginal Business Association (NABA) luncheon at the Elk's Club in Yellowknife on April 6. The territorial government is asking for \$525 million to complete the Mackenzie Valley Highway between Wrigley and Norman Wells, according to Department of Transportation spokesperson Nick Hurst. The GNWT would pitch in \$175 million.

The department's estimate for the Tlicho road is about \$150 million.

"It is under consideration. It's being reviewed. It hasn't been rejected yet," said McLeod of the funding request. "It's up against a lot of other

projects right across Canada that are being considered at the same time."

Details of Tlicho road project

The Tlicho all-weather road would allow Whati, Wekweti and Gameti to be road-linked to the rest of the territory year-round, which would help reduce the high costs in that region, particularly of groceries.

McLeod's brother Premier Bob McLeod said there is a third road the territorial government wants to see built with help from the feds.

"We are working in conjunction with the Nunavut Government to build a road from Grays Bay, (160 kilometres east of Kugluktuk), to the Slave Geological Province (diamond mine region)," the premier said. "We see them (the roads) as strategic infrastructure developments that will facilitate future development ... which is the best way to reduce the cost of living."

Danny McNeely, the MLA

for the Sahtu, said the Mackenzie Valley Highway project is critical to the people he represents.

"A large portion of that road ... is within the Sahtu jurisdiction," McNeely said.

"With the road comes the benefits like a reduction in the price of groceries. You can just go to the store and see the prices on the shelves. That will give you an indication of how important the road is to the people of the Sahtu."

Mike Bradshaw, executive director of the NWT Chamber of Commerce, said the roads the GNWT wants to see built are critical to the economic health of the territory.

"We've been supportive of the transportation department's strategic plan for both the projects for several years," Bradshaw said. "The best way to take care of social investment is to have a successful economy so that you have dollars to reinvest in social programs and community well-being. Right now we don't have that. We



NWT MP Michael McLeod, left, talks road funding with Sahtu MLA Danny McNeely at the Northern Aboriginal Business Association luncheon on April 6 in Yellowknife.

need to get the economy kick-started."

Thom Jarvis, business services officer for the NWT Metis Dene Development Fund Ltd., said the two road projects are

music to his ears.

"Infrastructure investment and development can provide opportunities for our clients - smaller to mid-sized aboriginal-owned construction firms

and supplying outfits," Jarvis said. "There is a lot of opportunity and revenue generated from (transportation) projects in particular. A bit of good news right now will go a long way."

Tlicho gov't to build 8-room hotel in Whati this summer

Hotel will be located right next door to Whati's Tlicho Government office

By Guy Quenneville, [CBC News](#) Posted: Apr 11, 2016 5:00 AM CT Last Updated: Apr 11, 2016 6:17 AM CT

The investment arm of the Tlicho Government plans on building an eight-room hotel in the remote community of Whati this summer.

Alfonz Nitsiza, the chief of Whati, says the operation will allow the community to host larger groups than it's been able to in the past.

"We up to now have been using bed and breakfasts on the ground here and we have some trailers and some houses that we use to accommodate people," said Nitsiza.

"But we do miss out on a lot of requests" — including N.W.T. MLA caucus meetings and a shelved visit from the federal minister of education, he said.

The hotel will be located right next door to Whati's Tlicho Government office.

It's not the only construction project set to begin this summer: the Northwest Territories Housing Corporation is planning to build eight homes for stay-at-home seniors

A race against the road

The community is serviced by a winter road open for little more than one month a year.

That winter road typically closes in the middle of April, but Nitsiza is hopeful all the building materials for both projects will make it into the community.

The Department of Transportation closed the winter road briefly last week to plug two large cracks on Marian Lake with snow, then reopened the road to commercial traffic.

But Del Miller, a highway operations manager for the department, said drivers should be prepared for abrupt closures, and said some water-spewing cracks could prove too troublesome to plug and prompt the department to close the road for good this year.

Last week the territorial government applied for the permits to build an all-season road from the N.W.T.'s Highway 3 to Whati.

The proposed all-season road will bypass Marian Lake entirely.

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Fortune Minerals Announces Permitting Underway for Public Highway to Whati

04/11/2016

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Tesla validates EV demand while Fortune completes second tranche of private placement

Issued Capital: 255,649,007 (including shares issued pursuant to private placement below)

LONDON, ON, April 11, 2016 /CNW/ - **Fortune Minerals Limited (TSX: FT) (OTCQX: FTMDF)** ("Fortune" or the "Company") (www.fortuneminerals.com) is pleased to announce that the Government of the Northwest Territories ("GNWT"), Department of Transportation has submitted the requisite permit applications to the Wek'èezhli Land and Water Board, to build a public highway to the community of Whati. The application package was developed by the GNWT, with the support of the Tlicho Government for this 94-kilometre all-season road which would follow a former all-land winter road route to significantly reduce construction costs. Whati is 50 km south of Fortune's proposed NICO gold-cobalt-bismuth-copper development that has already received its environmental assessment approval for a mine and concentrator, and a spur road from the public highway to the mine.

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Key Highlights

- **Public highway to the community of Whati advancing**
- **Tesla Motors announced 325,000 pre-production orders for its Model 3 car validating electric vehicle growth and positively impacting cobalt demand**
- **Discussions for off-take and NICO project financing ongoing**
- **Fortune completes second tranche of \$1 million private placement**

Robin Goad, Fortune's President and CEO commented, "Our Company has been working with the GNWT and Tlicho government for many years to advance construction of a public highway to the community of Whati near the NICO development. With construction of this road, Whati will have reliable all-season access for community re-supply, while lowering the cost of living, improving the quality of life and promoting economic development and diversification. The Whati highway will also be a vital link to the NICO mine for its transportation needs as well as provide commutable employment to the nearby communities."

Fortune owns the vertically integrated NICO gold-cobalt-bismuth-copper development, comprised of a planned mine and concentrator in the Northwest Territories and refinery near Saskatoon to process concentrates from the mine to higher value products. The NICO project has already been assessed in a positive feasibility study and has received its environmental assessment approvals in the Northwest Territories and Saskatchewan. The NICO deposit mineral reserves will support a 21-year mine life at a mill feed rate of 4,650 tonnes of ore per day to produce 180 wet tonnes of concentrate per day for shipment to the refinery. Life of mine average annual production is projected to be 41,300 ounces of gold, 1,615 tonnes of cobalt contained in a battery grade cobalt sulphate heptahydrate, 1,750 tonnes of bismuth contained in ingots, needles and oxide, and 265 tonnes of copper.

Cobalt market expanding; Tesla continues to validate interest in vehicle electrification

The cobalt market has had compound annual growth of approximately 5 to 6% for the past two decades and in 2015 grew by 5.4%, more than double recent global GDP growth of 2.4% for the same period. Market growth has been driven primarily from the demand for cobalt in chemicals used to make lithium-ion rechargeable batteries needed to power portable electronic devices, electric vehicles and stationary storage cells. Battery chemical demand increased nearly 12% in 2015 and now accounts for approximately half of the world's annual cobalt production. Double digit growth of cobalt used in rechargeable batteries is expected to continue for the foreseeable future.

Supporting the positive outlook for cobalt, Tesla Motors made automotive history on March 31, 2016 with the launch of its Model 3 electric vehicle, receiving US\$325 million in deposits for 325,000 preorders of these cars in the first week. If these orders are converted into annual sales, production of the Tesla Model 3 would be comparable to the top selling vehicles in the U.S. Mainstream interest in electric vehicles has been validated by thousands of people lining up to make a US\$1,000 down payment for a car that will only be available in late 2017.

Analysts familiar with the cobalt market are projecting a supply deficit in 2016 because of the increased demand. Additionally, as demand continues to grow, cobalt supply is under pressure from its production primarily as a byproduct of nickel and copper mining – some mines for which have recently closed as a result of low primary metal prices. The risks to cobalt supply are further exacerbated by geographic concentration of supply and 65% of mine production currently sourced from the Democratic Republic of the Congo, a politically unstable country, and 52% of refinery production in China. This risk was recently addressed in the Assessment of Critical Minerals report to the U.S. Congress which identified cobalt as a critical mineral on a list that "have a supply chain that is vulnerable to disruption, and that serve an essential function in the manufacture of a product, the absence of which would cause significant economic or security consequences".

NICO is well positioned to become a reliable, vertically integrated North American source of battery grade cobalt chemicals with supply chain custody transparency and tax advantages under the North American Free Trade Agreement (NAFTA). Earlier in 2016 the Company delivered an ultra-pure cobalt sulphate sample for testing by a potential customer. Discussions for offtake agreements and project financing are ongoing.

The NICO deposit also contains a significant gold co-product from more than 1.1 million ounces of gold in its Mineral Reserve statement, as well as 12% of global bismuth reserves. Bismuth is a metal used in a broad range of industrial applications, particularly in the automotive and pharmaceutical sectors. It is an environmentally safe replacement for lead, which is subject to lead-toxicity concerns and legislation banning its use in potable drinking water sources and consumer products in solders, brasses, steel, aluminum and zinc galvanizing alloys, paint pigments and ceramic glazes. Notably, bismuth was also identified in the Assessment of Critical Minerals report to the U.S. Congress.

Fortune completes second tranche of \$1 million private placement

Fortune has completed the second tranche of its previously announced \$1 million private placement (see news release, dated March 9, 2016). A total of 14,285,713 newly issued common shares were placed with arm's length private investors at a price of \$0.035 per share. Proceeds of this financing will be used for general working capital purposes.

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The disclosure of scientific and technical information contained in this press release has been approved by Robin Goad, M.Sc., P. Geo., President and CEO of Fortune, who is a "Qualified Person" under National Instrument 43-101. The technical report on the feasibility study referred to above, entitled "Technical Report on the Feasibility Study for the NICO-Gold-Cobalt-Bismuth-Copper Project, Northwest Territories, Canada", dated April 2, 2014 and prepared by Micon International Limited, has been filed on SEDAR and is available under the Company's profile at www.sedar.com.

About Fortune Minerals

Fortune is a Canadian development stage mining company focused on advancing the vertically integrated NICO gold-cobalt-bismuth-copper project in the Northwest Territories and a related refinery the Company plans to construct in Saskatchewan. Fortune also owns the Sue-Dianne copper-silver-gold deposit located 25 km north of NICO and a potential future source of incremental mill feed to extend the life of the NICO mill. The Company also maintains the right to repurchase the Arctos anthracite coal deposits in northwest British Columbia that were recently purchased by a provincial Crown corporation.

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Julie Green
Member of the 18th Legislative Assembly
Representing Yellowknife Centre

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If I had \$150 million dollars...

April 12, 2016

Last week, the GNWT's Department of Transportation applied for the permits required to build an all-season road to Whati. When built, the 94 kilometre road will connect the community of 500 people with Highway 3 and the NWT road system. And it will stop within 50 kilometres of a poly-metallic deposit owned by Fortune Minerals that may one day become a mine. (Fortune Minerals needs to raise \$589 million to make that dream come true; its stock is trading for pennies a share.)

The hitch is that GNWT doesn't have \$150 million to spend on the road to Whati or any other road such as the Mackenzie Valley highway. But the finance minister is hoping to change that by finding \$150 million worth of budget cuts to bump up the operating surplus. Once a surplus is in place, it may be possible to find matching funds from the federal government to build the road. The looming budget battle is going to address this plan.

But is a road what Whati needs most? There are several indicators that it's not this piece of infrastructure that's most urgently needed. First, take a look at housing. According to GNWT's Housing Survey from 2014, Whati has the greatest need for housing, second only to nearby Gameti. The survey shows that 45 per cent of housing is inadequate, meaning it lacks one or all of the following: running water, an indoor toilet, bathing and washing facilities; or the house may need major repairs. An

additional 24 per cent of housing is unsuitable, meaning that it does not have enough bedrooms for the number of people who live in the home.

Let's take the rate of violent crime in Whati. It's more than twice as high as the territorial average. That number tells me the people in Whati live with significant trauma and are in need of healing. Money spent on mental health support and on the land healing programs would be well spent.

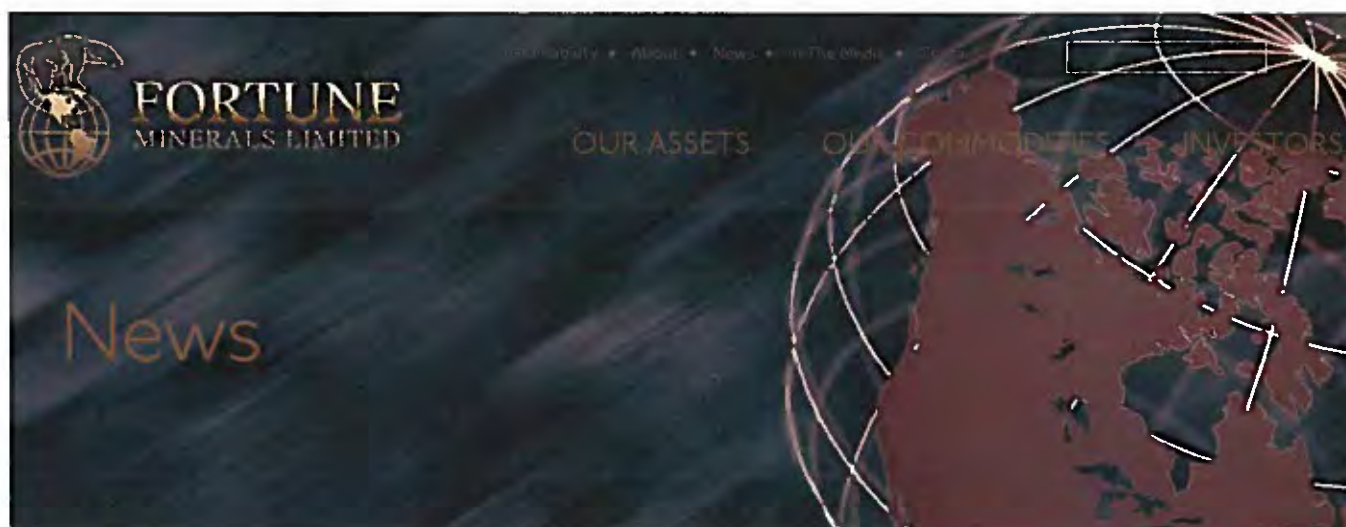


We also have an indication of Whati wants. In the community wellness plan that all four Tlicho communities collaborated on, the list of priorities includes the suggestions above, as well as bridging the intergenerational gap between elders and youth and fostering Tlicho culture. Not a word about a road.

If we take that \$150 million and divide it by the number of people in Whati, each man, woman and child in the community would have \$300,000 to spend. That money would buy a lot of housing, a lot of healing and a lot of culture. It could foster a sustainable economy built on traditional activities, create tourism opportunities, produce clean energy. But no, what GNWT has in mind for Whati is a road.

Blog

◀ Anti Poverty Roundtable Blog



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Fortune Minerals Announces Appointment of Former Minister David Ramsay to the Board of Directors

04/18/2016 **Rebuilding team for NICO development as public highway to Whati & cobalt market advance**

Issued Capital: 255,649,007

LONDON, ON, April 18, 2016 /CNW/ - **Fortune Minerals Limited (TSX: FT) (OTCQX: FTMDf)** ("Fortune" or the "Company") (www.fortuneminerals.com) announces the appointment of former minister of the Government of the Northwest Territories ("GNWT") Mr. David Ramsay to the Company's board of directors. Mr. Ramsay has more than 20 years of elected public office experience in the Northwest Territories, which included prominent cabinet positions in the Legislative Assembly. Prior to November 2015, he was Minister of Industry, Tourism and Investment that includes the preeminent mining portfolio, accounting for about 50% of private sector GDP in this jurisdiction. Mr. Ramsay has also served as Minister of Justice, Attorney General, Minister of Transportation and the Minister Responsible for the Public Utilities Board for the GNWT. Mr. Ramsay brings important political experience and business acumen to the board while Fortune works with three levels of government on road and power infrastructure initiatives that are important to the success of the Company's NICO gold-cobalt-bismuth-copper project.

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Key Highlights

- **David Ramsay appointed to Fortune's board of directors**
- **Public highway to the community of Whati advancing**
- **Tesla validates EV demand, positively impacting cobalt market**

"I am very excited to join the Fortune Minerals team at a critical stage in the development of the NICO project", said David Ramsay. "As the Minister responsible for mining in the previous Legislative Assembly, I have followed the progress of this vertically integrated project with interest and recognize its importance to sustain mining as a pillar of the Northwest Territories economy. Having a reliable Canadian solution to the impending supply deficit for cobalt will be critical to global electronics companies that need cobalt to make lithium-ion batteries used to power portable electronic devices, electric vehicles and stationary storage cells. It is gratifying to be part of a solution to air quality concerns and climate change by reducing our dependence on fossil fuels with the growth of automotive industry electrification."

As a 36-year resident of the Northwest Territories, David Ramsay has been involved with numerous businesses and was the recipient of the Young Entrepreneur Award from the Business Development Bank of Canada in 1996. He was first elected to public office in 1997 and served five years as a Yellowknife City Councillor, where he chaired the Corporate Services Committee and represented the City on the Diamond Task Force. Dave Ramsay was elected to the Legislative Assembly in 2003, representing the riding of Kam Lake in Yellowknife. In addition to serving in Cabinet, Mr. Ramsay was Vice President of the Pacific Northwest Economic Region ("PNWER") from 2011 to 2014, and President between 2014 and 2015. The PNWER is a statutory public / private partnership of Alaska, Idaho, Oregon, Montana, Washington, British Columbia, Alberta, Saskatchewan, Yukon and the Northwest Territories whose mandate is to increase the economic well-being and quality of life for all citizens of the region, while

maintaining the natural environment. Dave Ramsay is also President of RCS Limited and Northern Building Solutions and he is a director of Northern Gateway Consulting

Public highway to the community of Whati advancing

The GNWT - Department of Transportation has submitted applications to permit a 94-kilometre all-season public highway to the community of Whati (see Fortune news release dated April 11, 2016). This initiative, developed with the support of the Tlicho Government, would reduce the cost of living and improve the quality of life in the outlying Tlicho communities, while also promoting economic activity and diversification in the region. These communities are isolated and are currently serviced by winter ice roads, which have become unreliable and expensive to maintain because of climate change. Fortune has already received environmental assessment approval to build a spur road from Whati to its proposed NICO mine located 50 km north of the community to transport metal concentrates south to its proposed refinery for further processing

NICO project

Fortune owns the vertically integrated NICO gold-cobalt-bismuth-copper development, comprised of a planned mine and concentrator in the Northwest Territories and refinery near Saskatoon to process concentrates from the mine to higher value products. The NICO project has already been assessed in a positive feasibility study and has received its environmental assessment approvals in the Northwest Territories and Saskatchewan. The NICO mineral reserves will support a 21-year mine life at a mill feed rate of 4,650 tonnes of ore per day to produce 180 wet tonnes of concentrate per day for shipment to the refinery. Life of mine average annual production is projected to be 41,300 ounces of gold, 1,615 tonnes of cobalt contained in a battery grade cobalt sulphate heptahydrate, 1,750 tonnes of bismuth contained in ingots, needles and oxide, and 265 tonnes of copper.

Tesla validates EV interest, cobalt market expanding due to lithium-ion batteries

Cobalt is the dominant metal in the NICO project. The cobalt market has had compound annual growth of 5 to 6% for the past two decades and in 2015 grew by 5.4%, more than double global GDP growth of 2.4% for the same period. Market growth has been driven primarily by the demand for cobalt in chemicals needed to make lithium-ion rechargeable batteries. Battery chemical demand increased nearly 12% in 2015 and now accounts for approximately half of the world's annual cobalt production. Double digit percentage growth of cobalt used in rechargeable batteries is expected to continue for the foreseeable future. Supporting this positive outlook, Tesla Motors made automotive history on March 31, 2016 with the launch of its Model 3 electric vehicle, receiving US\$325 million in deposits from 325,000 pre-orders of these cars in the first week and validating mainstream interest in electric vehicles.

Analysts are projecting a supply deficit for cobalt in 2016 because of the increased demand. Additionally, as demand continues to grow, cobalt supply is under pressure, in part because it is produced primarily as a by-product of nickel and copper mining, and some high-cost mines have recently closed due to low base metal prices. The risks to cobalt supply are further exacerbated by concentration of supply with 65% of mine production currently sourced from the Democratic Republic of the Congo, a politically unstable country, and 52% of refinery production in China. This risk was recently addressed in the Assessment of Critical Minerals report to the U.S. Congress which identified cobalt as a critical mineral on a list that, "have a supply chain that is vulnerable to disruption, and that serve an essential function in the manufacture of a product, the absence of which would cause significant economic or security consequences."

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incremental mill feed to extend the life of the NICO mill. The Company also maintains the right to repurchase the Arctos anthracite coal deposits in northwest British Columbia that were recently purchased by a provincial Crown corporation.

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Editorial & Opinions

COMMENTS AND VIEWS FROM NEWS/NORTH AND LETTERS TO THE EDITOR

Build road to diamonds

Territory needs to focus on keeping existing mines alive
before supporting new ones

Northern News Services

There has been no shortage of reasons to celebrate in Whati over the last few weeks. On April 1 the community welcomed its 30th anniversary as a hamlet. In that same week the Department of Transportation applied for permits to build a 94-kilometre road to the Tilcho hamlet of 500 people from Highway 3.

The road will replace the winter road, which is becoming increasingly expensive to build and open for less than 90 days each year.

In addition to reducing the cost of having to make the winter road, the new two-lane gravel highway will provide tangible benefits for the community - from cheaper groceries to better opportunities for local businesses.

Perhaps more importantly from an economic perspective, it will pave the way for Fortune Minerals to open its NICO mine 50 km north of Whati, which has lobbied the territorial government to build infrastructure to help its project get off the ground.

Tom Hoefer, executive director of the NWT/Nunavut Chamber of Mines, told News/North the road to Whati embodies the best of both worlds: It reduces the cost of mining in the territory through the supply of infrastructure while reducing the cost of living and providing a much needed road to the community.

"In the best case, infrastructure might serve both," Hoefer said.

While the road to Whati may hold double benefits, the fact is even if the road is built the opening of the mine is not a sure thing. Which begs the question: why isn't the government doing more to push for infrastructure to the diamond mines that are currently driving the territory's economy?

According to a 2013 study, the three diamond mines operating northeast of Yellowknife at the time employed a total of 3,028 people - 1,548 of whom were Northerners - in 2011. De Beers' Snap Lake has since closed, leading to layoffs for 434 people, although Gahcho Kue is expected to start production this fall and hiring more people by the day.

To put that into perspective, the total number of Northerners employed at these sites is three



A map of proposed all-weather roads in the NWT. If the GNWT wants to build infrastructure that will help the economy it should focus on an all-weather road to the diamond mines northeast of Yellowknife.

times higher than the entire population of Whati.

With climate change, the winter road network to the mines some 300 km northeast of Yellowknife is under increasing threat. Warm weather forced the Tibbitt-to-Contwoyto winter road to close after only 42 days in 2006, forcing the mines to fly in supplies which ultimately cost four to eight times more per pound than transporting them by road.

The road opened a week a later than normal this year due to warmer weather and continue to be hampered by thinner ice conditions which means trucks must travel with lighter loads.

An all-weather road connecting Yellowknife to the diamond mines - and to other mineral rich areas along the NWT/Nunavut border, and even to Gray's Bay on the Arctic coast - is one of three major infrastructure projects being proposed by the GNWT.

Also on the list is the road to Whati and the \$525 million Macken-

zie Valley Highway, which would open up access to natural gas reserves. The idea of connecting communities in the Sahtu with roads is not without merit but with the price of oil and natural gas as low as they are at the moment the project just isn't economically worthwhile at the moment.

In contrast, the Slave Province diamond mine region is already a proven resource employing thousands of people. Or as Hoefer put it: "It's such a bread basket from mining perspective that it's the big prize."

Although it was recently touted by the premier as an important project in an interview with News/North, things have been relatively quiet on the diamond road front as of late.

If it really wants to get the most bang for its buck the GNWT should focus its energy on cultivating the bird in hand rather than the birds in the bush.

Increasing the lifespan of our diamond mines and ensuring the resource royalty tap remains open means the NWT will be in a better position to build the Mackenzie Valley Highway when higher gas prices return and make its construction more desirable.

THE ISSUE:
ROADS TO RESOURCES
WE SAY:
BUILD THEM NOW



Katie Rozestraten

From: Messenger Service
Sent: Tuesday, April 26, 2016 12:17 PM
Subject: Communiqué: Tłıchǫ Government and GNWT hold first Intergovernmental Meeting of the 18th Assembly / Le gouvernement tlıchǫ et le gouvernement des Territoires du Nord-Ouest tiennent leur première réunion intergouvernementale de la 18e Assemblée législative

La version française suit le texte anglais.

YELLOWKNIFE (April 26, 2016) – Premier Bob McLeod, Grand Chief Eddie Erasmus and Members of the Executive Councils of the Tłıchǫ Government and the 18th Legislative Assembly met together April 21 as agreed to in 'Working Together – the Tłıchǫ Government/Government of the Northwest Territories Intergovernmental Memorandum of Understanding'(Working Together).

This is the first intergovernmental meeting between the two governments since the start of the 18th Legislative Assembly. The Government of the Northwest Territories (GNWT) and the Tłıchǫ Government are committed to developing collaborative approaches to issues facing Tłıchǫ Citizens and fostering a strong government-to-government relationship.

Premier McLeod and Grand Chief Erasmus both agreed that the bilateral meetings provide an opportunity for both governments to work together to achieve greater understanding and develop solutions to issues that their governments face.

The meeting focused on areas of mutual interest, including:

- The GNWT provided an update on its fiscal situation
- The Tłıchǫ Government advised of their position on the Transboundary Water Management Intergovernmental Agreement
- Discussion occurred on the Tłıchǫ All-Season Road
- The importance of language and culture was discussed, and how this ties into Early Childhood Development
- The Economic Measures Review as required in Chapter 26 of the Tłıchǫ Agreement was discussed
- The GNWT committed to provide ongoing funding for the adequate operation of both phases of the Jimmy Erasmus Senior Home
- The Tłıchǫ Government and GNWT discussed the benefits of establishing a Joint Working Group on Housing
- A collaborative approach to communications on caribou management was discussed
- The GNWT provided updates on Federal/Provincial/Territorial Meetings which included Climate Change, Aboriginal Affairs Working Group and Violence against women and girls
- The GNWT Affirmative Action Statistics and Hiring Practices were also discussed

Working Together recognizes the importance of the government-to-government relationship between the Tłıchǫ Government and the GNWT. This was the sixth meeting between the two governments since it was initially signed in June 2012. It commits both governments to meet twice per year.

For more information:

Andrew Livingstone
Senior Cabinet Communications Advisor
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Communiqué : Le gouvernement tlı̨ch̨ et le gouvernement des Territoires du Nord-Ouest tiennent leur première réunion intergouvernementale de la 18^e Assemblée législative

Yellowknife, le 26 avril 2016 – Le premier ministre Bob McLeod, le grand chef Eddie Erasmus et des membres des conseils exécutifs du gouvernement tlı̨ch̨ et de la 18^e Assemblée législative se sont rencontrés le 21 avril en après-midi, comme convenu dans le protocole d'entente *Working Together* signé par les deux gouvernements.

Il s'agit de la première réunion tenue par les deux gouvernements depuis le début de la 18^e Assemblée législative. Le gouvernement des Territoires du Nord-Ouest (GTNO) et le gouvernement tlı̨ch̨ se sont engagés à consolider leurs relations bilatérales et à adopter des approches collaboratives pour relever les défis auxquels sont confrontés les citoyens tlı̨ch̨.

Le premier ministre McLeod et le grand chef Erasmus ont tous deux reconnu que les réunions bilatérales donnent aux deux gouvernements l'occasion de travailler ensemble afin de mieux se comprendre et de forger des solutions aux problèmes qu'ils affrontent respectivement.

La réunion a permis d'aborder diverses questions d'intérêt commun. Ainsi :

- Les participants ont reçu une mise à jour sur la situation financière du GTNO.
- Le gouvernement tlı̨ch̨ a exprimé sa position au sujet de l'Entente intergouvernementale sur la gestion des eaux transfrontalières.
- Les participants ont discuté de la route toutes saisons de la région des Tlı̨ch̨.
- Ils ont discuté de l'importance de la langue et de la culture, de même que du lien entre ces deux éléments et le développement de la petite enfance.

- Ils ont discuté de la révision des mesures économiques demandée au chapitre 26 de l'accord ṯḻicẖo.
- Le GTNO s'est engagé à poursuivre le financement des deux phases de la Maison de soins pour personnes âgées Jimmy Erasmus.
- Le gouvernement ṯḻicẖo et le GTNO ont discuté des avantages qu'il y aurait à mettre sur pied un groupe de travail conjoint sur le logement.
- Les participants ont discuté d'une approche collaborative de communication sur la gestion du caribou.
- Le GTNO a communiqué des mises à jour sur les réunions fédérales-provinciales-territoriales, notamment concernant les changements climatiques, le groupe de travail sur les affaires autochtones et la violence envers les femmes et les jeunes filles autochtones.
- Les statistiques sur le programme de promotion sociale et les pratiques d'embauche du GTNO ont également fait l'objet de discussions.

Le protocole d'entente *Working Together* reconnaît l'importance de la relation de gouvernement à gouvernement entre le gouvernement ṯḻicẖo et le GTNO. Il s'agissait de la sixième réunion entre les deux gouvernements depuis la signature du protocole en juin 2012, lequel engage les deux gouvernements à se rencontrer deux fois par année.

Pour plus d'information:

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New

Whati road not a subsidy to mining industry, says N.W.T. minister

Officials conduct site visit as territory awaits federal funding for all-weather road

By Ollie Williams, CBC News Posted: Jun 09, 2016 7:19 AM CT Last Updated: Jun 09, 2016 7:44 AM CT

The N.W.T. government denies a proposed all-weather road from Behchoko to Whati is a simple "subsidy to the mining industry."

Fortune Minerals wants to mine for cobalt, bismuth and other minerals at a site almost 50 kilometres north of Whati. The company says an all-weather road from Whati to the existing highway network is critical to the mine going ahead, and has asked the territory to look at building one.

The territory believes the road is worthwhile and will cost around \$150 million. Federal funding to help meet that cost has not yet arrived, but the project remains listed in the 2016-17 business plan for the N.W.T. Department of Transportation.

That business plan says building the road would "improve access to the community of Whati and facilitate existing and future economic opportunities in the region." An economic evaluation of the road, prepared in March last year, concludes the road's benefits would outweigh its costs by around \$12 million — but only if the mine goes into production and achieves the expected price for its output.

In the legislature this week, Yellowknife Centre MLA Julie Green questioned the road's economic worth and suggested it had been pencilled in for development without full consultation among MLAs.

Addressing transportation minister Wally Schumann, she said: "The economic benefit of the road alone without the mine is so small. Is this road, in fact, a subsidy to the mining industry?"

Schumann, in response, said the road was no such thing and had been brought forward by the Tlicho Government. He says the full caucus of MLAs, including Green, approved the road's inclusion in the government mandate months ago.

Road may be P3 project

Schumann added: "No decisions have been made on even if we're going to be building this road. We're still waiting to hear back from the federal government on infrastructure dollars. If we receive those funds, how we proceed will be something that the department will have to look at."

The territorial government wants to pursue building the road as a public-private partnership, or P3, and has been pressing ahead with preparations while it waits for federal cash.

Last summer, the territory submitted plans to the federal government's P3 advisory body for consideration. This week, officials from that federal body were in the N.W.T. to conduct a site visit and review the application in detail.

Permitting work for the road with the Wek'eezhii Land and Water Board has also begun.

Chief of Whati Alfonz Nitsiza previously told CBC News that residents of the community believe shipping costs could drop and new businesses could arrive if a road is built; but there are concerns over a possible influx of drugs and alcohol.

Fortune Minerals says the company would still need to invest in a spur road to the mine site, even if the all-weather highway is built.

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Whati road not a subsidy to mining industry, says N.W.T. minister CBC North Jun 9, 2016 7:44 AM CT

8 Comments

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Upnorthguy

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If it walks like a duck....

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squeezer

Another road to nowhere that costs millions and benefits very few, just like the Tuk road. There is a much greater benefit to extending the Mackenzie Valley Highway to the Sahtu, both in the amount of people it will benefit as well as the amount of economic development that would come out of this road. Time to spend money wisely instead of cowtowing to selected groups!

2 hours ago

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shehtah

time for the GNWT to be fiscally responsible, the road down the Mackenzie is the most viable from a resource development perspective the majority of the NWT residents live along the Mackenzie and the Transportation Strategy identifies the Mackenzie Hwy between Wrigley and Norman Wells as the most important and first major road infrastructure to be completed.

all politics aside we need to invest our money more responsibly..

23 hours ago

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**Mooseeater**

A multitude of accruing benefits is what makes a \$150mm road viable. Certainly linking a small and remote community alone, at this cost is not reason enough to justify building a road. Painting this initiative as a subsidy to mining is a ridiculous spin on what Gov'ts are suppose to do, which is help facilitate economic development.

My concern with a commitment to build the road is just what assurances does the GNWT actually have from Fortune Minerals, that if the road goes ahead that the mine will proceed?? Further to that what tangible benefits will accrue to all Northerners' from the development of the road and especially the mine, if it actually happens considering current mineral prices?

Let's not forget Deze Energy and all the \$\$ spent before a power purchase agreement was secured. [less](#)

22 hours ago

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**wile_e_cote**

This company has a high risk of failure. Their proposed margins were paper thin in 2014 and the prices have dropped since then. My guess is that this mine never gets built road or not.

21 hours ago

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**Berber**

The idea of a road is great; the idea of having a small hamlet in the quiet and natural environment at Whati exposed to an increase supply of alcohol and drugs around the year, and ongoing,, is not a good idea in my humble opinion>

People before profits!

16 hours ago

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ndubb2

"Addressing transportation minister Wally Schumann, she said: "The economic benefit of the road alone without the mine is so small. Is this road, in fact, a subsidy to the mining industry?"

The mining industry brings the territorial government revenues, it employs people who pay taxes and raise healthier kids because they aren't impoverished. The industry has subsidized arenas, community halls and more events than we can shake a stick at. If this road benefits the mining industry, terrific. We'll all be better off for it and maybe, by adding new infrastructure into the boonies, there will be ongoing responsible mining as a result.

[« less](#)

23 hours ago

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Yukoner10Xover

I don't necessarily have a problem with government opening up areas for developers. What I have a problem with is that these developers take millions upon millions of dollars out of our land and don't really put anything tangible back into the communities. I am sure most communities would have not problem if a community rec centre was call Whatever Gold Company Rec Centre :)

19 hours ago

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This newsletter, by the GNWT Department of Transportation and the Tłıchǫ Government, is one in a series about the proposed Tłıchǫ All-season Road (TASR). It is meant to provide Tłıchǫ community members with information about the project. Each newsletter focuses on a different topic and highlights the various processes that will limit environmental and social impacts to the surrounding area from the construction of the road.

3rd Whatì Special Interagency Committee Meeting – May 4, 2016

The Community Government of Whatì formed the Special Interagency Committee in June 2013. The Committee's task is to prepare the community for any potential changes as a result of an all-season road. This Committee has been responsible for engaging with the agencies that will be utilized to help with community preparations.

On May 4, 2016, the Committee met for a third time to discuss:

1. Do we have the plans to address increased service demands in Whatì?
2. Do we have the facilities and resources in Whatì to meet current and increased future demands?
3. Do we have people assigned and prepared to address the impacts from growth and change to Whatì?

Each agency was provided an opportunity to provide an update and identify where they needed additional resources. The floor was then opened for questions and comments from the public. Approximately 80 people were in attendance; double the attendance from previous years.

Areas Needing Development

Four main areas were identified as needing further resources: training, housing, families and economic development.

- Training initiatives are underway to increase skills in the region such as heavy equipment operations training, housing needs are being assessed, a new seniors facility is being planned and a new regional economic agency has been struck.
- Following the interagency meeting, each agency was requested to produce a brief report every 4-6 months to identify what has been accomplished. These updates will be circulated to all agencies to encourage stronger collaboration.
- New agencies that would deal with population growth were identified and should be considered to join the group, for example, Northwestel and NTPC, as greater strain is put on power and internet services.

Overall Outcome

Agencies have been developing plans and are developing capacity to deal with potential impacts from the community and changes within Whatì. All participants, including the public who spoke, supported the efforts being made by the various parties and the collaborative approach the Whatì Interagency Committee meetings provide. The next Interagency Committee meeting is scheduled for 2017; however, smaller working groups will meet throughout the upcoming year to develop and operationalize plans to manage any impacts from the construction and operation of the new road.



Community Government of Whatì

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Violet Camsell-Blondin, Chair
Wek'èezhìi Land and Water Board (WLWB)
#1, 4905 48th Street
Yellowknife, NT
X1A 3S3

May 30, 2016

Dear Ms. Camsell-Blondin:

RE: Tłìchq All-Season Road Project, W2016E0004/W2016L8-0001 - GNWT-DOT

The Community Government of Whatì has been an active agent in the move to consider the Tłìchq All-Season Road (TASR) to our community. We are very proud of a range of programs and strategies we have developed over the years to make Whatì a strong and resilient community.

When it became apparent that there may be the possibility of the all-season road into the community, we used the existing Inter-Agency Committee as a special forum to advance our preparation. In 2013, 2015 and again in 2016, we brought not only the local agency representatives together, but their supervisors and regional managers.

These meetings bring together all agencies that have a role in delivering and strengthening programs in our community. Attached is a summary of the most recent meeting here, and recommend the breadth of organizations attending be noted.

As a result of these meetings, policies, programs and strategies have been identified and completed, such as:

- In 2013 (with the assistance of the Conference Board of Canada, the Justice Institute of BC, and Royal Roads University), the Community Government of Whatì completed the first Resiliency Study in Northern Canada. That Study indicated both strengths and weaknesses in the resiliency of our community, and that information was rolled into our long-term community strategic planning;
- In 2014, we completed our first five year Strategic Plan (2014-2019).
- In 2014, we also completed the first Land Use Plan for Whatì;
- In 2013/2014, we updated of our Community Emergency Management Plan and completed table-top exercises ... which proved to be useful during the adjacent wildland fires of 2014;

- In 2015, we partnered with the other Tłıchǫ communities & the Tłıchǫ Government to form the Tłıchǫ Regional Economic Development Working Group, and developed a local/regional economic development strategy including the revival of the dormant local community futures, which will develop and grow economic and tourism opportunities in the region;
- In March 2016, Council completed the Whatì Strategic Plan (2016-2021), which is annually reported on and updated.

Notably, the Strategic Plan addresses the TASR, and every other goal in our plan promotes strong and resilient community development. For 2016, the Ten Top Goals are:

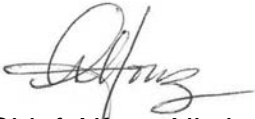
1. Professional Development
2. Prepare for All-Season Road
3. Hotel and Café
4. Arena - Gymnasium addition
5. Arena - Research artificial ice option
6. Strategically placed landfill berms and natural screening
7. Revive Community Futures
8. Daycare
9. Tłıchǫ Regional Economic Development Working Group
10. Form separate Economic Development Entity

Whatì is an active and vibrant Community Government recognized across Canada as a leader in promoting sustainable community development and growth. We are proud of our achievements, and look forward to many interesting and challenging years in which we put our plans into action.

The TASR has been on our Community Government agenda as a standing item since in the early 1990s, and we are not unaware of the risks and benefits it holds. The approach our government has taken is one which does not shy away from the risks. Instead, we actively plan for them to change them into opportunities.

We look forward to the outcomes of your Board's deliberations.

In Tłıchǫ Unity,



Chief Alfonz Nitsiza

cc: Jackson Lafferty, MLA - Monfwi

Laura Duncan, Executive Officer, Tłıchǫ Government
 Chief and Council, Community Government of Behchokō
 Chief and Council, Community Government of Gametì
 Chief and Council, Community Government of Wekweétì



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

Environmental Protection Operations Directorate
Prairie & Northern Region
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

May 30, 2016

ECCC File: 5300 000 048/001 and 5300 000 048/002
WLWB File: W2016E0004 and W2016L8-0001

Jessica Pacunayen
Regulatory Technician
Wek'eezhii Land and Water Board
1-4905 48th Street
Yellowknife, NT X1A 3S3

Via online submission

**RE: W2016E0004 and W2016L8-0001 – Government of the Northwest Territories:
Department of Transportation – Tlicho All Season Road – Type A Land Use Permit and
Type B Water Licence Applications**

Attention: Jessica Pacunayen

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Wek'eezhii Land and Water Board regarding the above-mentioned land use permit and water licence applications. ECCC's specialist advice is provided based on our mandate, in the context of the *Canadian Environmental Protection Act*, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Should you require further information, please do not hesitate to contact me at (867) 669-4733 or Melissa.Pinto@canada.ca.

Sincerely,

Melissa Pinto
Environmental Assessment Coordinator

Attachment(s): ECCC Comments Excel Sheet
ECCC Boreal Caribou Comment (ECCC#15)
Boreal Caribou Recovery Strategy
ECCC GNWT Meeting Minutes May 24-25, 2016

cc: Wade Romanko, Head, Environmental Assessment North (NT and NU)
ECCC Review Team

Canada

www.ec.gc.ca

Meeting Notes

Subject:

Tlicho All-season Road – Land Use Permit and Water Licence (W2016E0004 / W2016L8-0001)
Application Review – Boreal Caribou

Date:

May 24, 2016 2:30-3:30pm

Attendees:

Environment and Climate Change Canada (ECCC) and the Government of the Northwest Territories
Department of Environment and Natural Resources (ENR GNWT):

Bruce MacDonald, Acting Regional Director – Northern Region, CWS, ECCC
Myra Robertson, Head, Western Arctic Unit, CWS, ECCC
Jean-Francois Dufour, Environmental Assessment Officer, CWS, ECCC
Loretta Ransom, Senior Environmental Assessment Coordinator, EPOD, ECCC
Lynda Yonge, Director, Wildlife, ENR, GNWT
Brett Elkin, Manager, Wildlife Research and Management, Wildlife, ENR, GNWT
James Hodson, Wildlife Biologist, Wildlife, ENR, GNWT

Goal:


ECCC to seek additional information from ENR GNWT in order to complete full assessment of the Tlicho All-Season Road potential impacts to Boreal Caribou.

Discussion Summary:

- Parties summarized roles and responsibilities with respect to species at risk in consideration of the Boreal Caribou Recovery Strategy.
- ECCC requested clarification with respect to how close the habitat disturbance calculations currently are to the threshold of 65%.
- ECCC requested a more detailed breakdown of the information used to inform the calculations.
- ECCC requested clarification on biophysical attributes of the habitat along the route, whether habitat quality in respect to boreal caribou was considered in route selection, and whether there would be any potential impacts on habitat connectivity with the Tlicho All-Season Road (Appendix 1).
- ENR GNWT provided a status update of the Boreal Caribou Range Management planning process.

Follow-up Action item:

- ENR GNWT agreed to provide a more detailed breakdown of critical habitat disturbance estimates and factors considered in those estimates. This information was provided to ECCC for consideration on May 25, 2016 (Appendices 2 and 3).



Bruce MacDonald *May 27/16*



Lynda Yonge

Appendix 1. Clarification on biophysical attributes of the habitat along the route, whether habitat quality in respect to boreal caribou was considered in route selection and if there would be potential impacts on habitat connectivity (based on the meeting on May 24, 2016 as well as follow-up phone calls on May 25, 2016).

Question from ECCC: Was there a detailed quality assessment of the habitat lost directly by the TASR project, in relation to the biophysical attributes required by boreal caribou described in the boreal caribou recovery strategy?

Response from GNWT-ENR: There is no collar data information available in the North Slave Region to aid in describing boreal caribou use of the TASR area, including the identification of sensitive areas, such as calving grounds. It was noted that Traditional Ecological Knowledge may be able to fill this gap. Therefore, using the broad scale biophysical attributes described in Table H-1 of the recovery strategy is most appropriate. However, the description of this type of habitat is not specific enough to determine relative importance of the habitat. Generally speaking it was assumed that undisturbed habitat represents suitable habitat within NT1 range.

Question from ECCC: Was habitat quality with respect to boreal caribou considered in the route selection and how?

Response from GNWT-ENR: Biophysical attributes of caribou habitat were not considered in the route selection for reasons described above. However, the location of existing disturbed areas was considered in the preferred route selection as well as engineering and other environmental considerations (i.e. number of water crossings, etc.).

Question from ECCC: Would there be potential impacts on habitat connectivity for boreal caribou?

Response from GNWT-ENR: Without collaring data to determine boreal caribou use and movements within the TASR area, it is difficult to determine connectivity impacts with any great level of confidence. It was noted that Traditional Ecological Knowledge may be able to fill this gap. However, as the TASR is located at the edge of the NT1 range, connectivity impacts are not believed to be a significant factor.

Appendix 2. Details of current or proposed projects, in addition to fire disturbance, that were included in the cumulative undisturbed habitat assessment of 66% within the boreal caribou NT1 range (provided by GNWT-ENR to ECCC on May 25, 2016). Note that the predicted impact on undisturbed boreal caribou from the TSAR is 3,082 ha (i.e., 27 km going through undisturbed habitat with a 500 m buffer on either side plus 220 ha for borrow sites, page 8-18 in the Project Description Report).

	Area (ha)	Remaining area (ha) undisturbed	% of NT1 range	Leeway (Undisturbed - 65%)	Notes
NT1 Range	44,282,081.19				
Undisturbed habitat as of fall 2015 (based on fires from 1975-2015 and EC human disturbance footprint current to 2010)	29,221,426.15		65.99	438,073.38	This was used to describe NT1 range in TASR project description report.
New disturbance from major projects built after 2010 (Conoco Phillips, Husky, MGM, Explor and MVFL)	49,564.32	29,171,861.83	65.88	388,509.06	
New disturbance from projects major approved after 2010 but not yet built (2 FMA timber harvest sequences, Canyon Creek Access Road)	42,518.06	29,129,343.77	65.78	345,991.00	Buffered footprint for FMA timber harvesting represents 10 years of harvest
New disturbance from major proposed projects (Tlicho all-season road, CZN all-season road)	7,797.93	29,121,545.85	65.76	338,193.07	

Appendix 3. Estimate of the average annual habitat lost by forest fires and projections of old fires returning to an undisturbed state within the NT1 range (provided by GNWT-ENR to ECCC on May 25, 2016).

The annual habitat loss due to fire is quite variable. Historically, recurring 2-3 year pulses occur when fire activity is higher than average. The average annual fire loss is 310,000 ha within NT1.

Fire disturbance in NT1 ranged between 20-30% since 2005. This suggests that the 65% undisturbed target in the recovery strategy is achievable (Figure 1). However, under climate change fire disturbance is predicted to increase, particularly in western Canada.

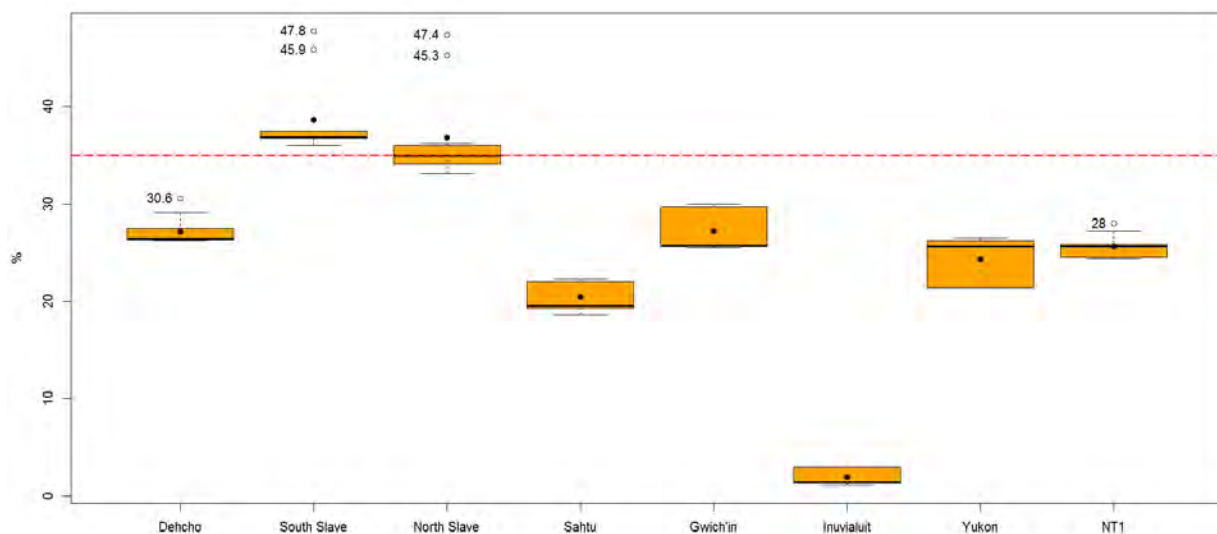


Figure 1: Variation in percentage of regional portions of the NT1 Boreal Caribou range covered by fires less than 40 years old for the period 2005-2015.

Assuming an average of 310,000 ha of new fire per year and the cumulative areas of old fires coming back online (Figure 2) over the short and long term within NT1, predictions¹ are:

- In 2022, there would be a net increase of ~1% in undisturbed habitat, or a total of ~66%
- In 2036, there would be a net increase of ~3% in undisturbed habitat, or a total of ~69%

¹ It is very difficult to predict natural disturbance into the future and estimates should be used with caution.

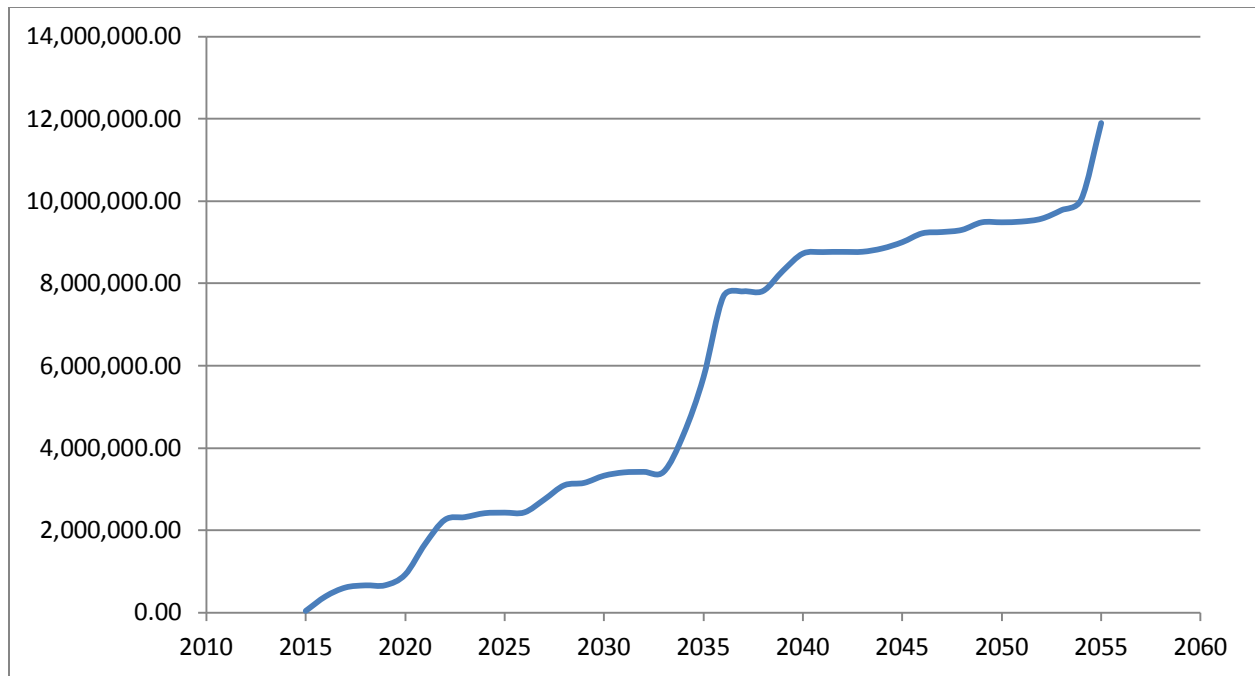


Figure 2: Cumulative area of old fires returning to an undisturbed state as described in the recovery strategy (i.e. >40 years old), not accounting for new fires after 2015.

ECCC#15 - Boreal Caribou;

REFERENCES:

Section 4 (Wildlife and Wildlife Habitat Mitigation and Monitoring), Appendix M: Wildlife and Wildlife Habitat Protection Plan;
Section 8.7.1.5 (Species Related Effects) and Table 8-5 (Potential Wildlife-Related TASR Impacts and Mitigation Measures), Project Description Report

Comments:

Subsection 79 (2) of the *Species at Risk Act* (SARA), states that during an assessment of the environmental effects of a project, the adverse effects of the project on listed wildlife species and its critical habitat must be identified, that measures are taken to avoid or lessen those effects, and that the effects need to be monitored. This subsection applies to all species listed on Schedule 1 of SARA, including woodland caribou (boreal population).

The Tlicho All-Season Road (TASR) project overlaps the Northwest Territories Range (NT1) as described in the "Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population, in Canada" posted on the Species at Risk Public Registry and attached to our submission.

The recovery strategy identifies boreal caribou critical habitat and the activities likely to destroy it. Critical habitat is defined as the habitat that is necessary for the recovery or survival of the listed wildlife species. Destruction would result if part of the critical habitat were degraded, either permanently or temporarily, such that it would not serve its function when needed by the species.

Critical habitat for boreal caribou is identified for the NT1 range in the recovery strategy as:

- the area within the range boundary that provides an overall ecological condition that will allow for an ongoing recruitment and retirement cycle of habitat, which maintains a perpetual state of a minimum of 65% of the area as undisturbed habitat; and
- biophysical attributes required by boreal caribou to carry out life processes.

The nature of boreal caribou critical habitat is such that the precise location of the 65% undisturbed habitat within the range will vary over time. The habitat within a range should exist in an appropriate spatial configuration so that boreal caribou can move throughout the range and access required habitat when needed.

Activities that are likely to result in the destruction of boreal caribou critical habitat, include, but are not limited to, the following:

- Any activity resulting in the direct loss of boreal caribou critical habitat. Examples of such activities include: conversion of habitat to agriculture, forestry cut blocks, mines, and industrial and infrastructure development.
- Any activity resulting in the degradation of critical habitat leading to a reduced, but not total loss of both habitat quality and availability for boreal caribou. Examples of such activities include: pollution, drainage of an area, and flooding.

- Any activity resulting in the fragmentation of habitat by human-made linear features. Examples of such activities include: road development, seismic lines, pipelines, and hydroelectric corridors.

The likelihood that critical habitat will be destroyed is increased if any one of these activities, or combination thereof, were to occur in such a manner, place and time, that after appropriate mitigation techniques any one of the following were to occur:

- compromises the ability of a range to be maintained at 65% undisturbed habitat;
- compromises the ability of a range to be restored to 65% undisturbed habitat;
- reduces connectivity within and between ranges;
- increases predator and/or alternate prey access to undisturbed areas; or
- removes or alter biophysical attributes necessary for boreal caribou.

The recovery strategy also specifies that each responsible jurisdiction manage the habitat disturbance within a range to achieve or maintain a self-sustaining local population through a range plan. The Government of Northwest Territories – Environment and Natural Resources (GNWT-ENR) is responsible for the day-to-day management of the Boreal Caribou in the Northwest Territories and is the lead for the development of the range plan for the NT1 range.

Of particular concern to Environment and Climate Change Canada (ECCC) in our review was the assessment of undisturbed habitat in the NT1 range. In the TASR Project Description Report, the undisturbed habitat was assessed at 66%, as of fall 2015, but lacked sufficient detail to ensure accuracy of estimate or to address long-term management of boreal caribou habitat within NT1. Exceeding the threshold set out in the recovery strategy could represent significant adverse effects, especially without a range management plan in place describing how the habitat will be managed over the long-term. A range plan or equivalent science-based evidence from the responsible jurisdiction is needed to determine significance of effect on boreal caribou.

To address these concerns, ECCC met with the GNWT- ENR on May 24, 2016 to discuss boreal caribou habitat within NT1 and seek clarification on the undisturbed habitat assessment provided in the TASR Project Description Report. ECCC also had subsequent follow-up calls on May 25, 2016. A summary of these discussions is attached to our submission.

Following these discussions, ECCC was able to confirm that the level of habitat disturbance within NT1 is currently above the threshold identified in the recovery strategy and there was consideration for reasonable foreseeable projects and projected natural disturbance within the range. ECCC is reassured that the GNWT has considered cumulative impacts and restoration of habitat in their habitat planning within NT1.

ECCC's role within an assessment of the environmental effects of a project is to provide technical advice and support to responsible authorities, such as the Wek'eezhii Land and Water Board (WLWB), to assist in addressing SARA S.79 requirements.

However, it should be noted that ECCC, as a SARA competent minister, also has certain specific obligations relative to species and critical habitat protection stemming from SARA itself, separate from the *Mackenzie Valley Resource Management Act* and the preliminary screening review process. For example, SARA provides measures for the protection of listed species (i.e. threatened, endangered or extirpated), their residences and critical habitat (sections 32, 33, 58 and 61 of SARA). Where such prohibitions apply a SARA permit may be required.

Recommendation:

For the WLWB's information.

Given that the NT1 disturbance level is very close to the threshold described in the recovery strategy, this issue needs to be closely monitored to ensure that there are no significant adverse effects to boreal caribou. ECCC will continue to work with the GNWT-ENR on this issue.



Fisheries and Oceans Canada
Pêches et Océans Canada

103 – 1800 11th Avenue
Regina, SK S4P 0H8

May 26, 2016

Your file Votre référence
W2016E0004 & W2016L8-0001

Our file Notre référence
16-HCAA-00272

Wek'èezhii Land and Water Board
Attn. Jessica Pacunayen and Bakhtiyor Mukhammadiev
1 – 4905 48th Street
Yellowknife, NT X1A 3S3

Subject: DFO Comments on the GNWT-DOT Tlicho All-season Road

The Fisheries Protection Program of Fisheries and Oceans Canada (DFO) would like to thank the Wek'èezhii Land and Water Board (WLWB) for the opportunity to provide comments on the Type A Land Use Permit and Type B Water License Application for the Tlicho All-season Road being proposed by the Government of the Northwest Territories and the Department of Transportation (GNWT-DOT).

As outlined in your request dated April 8, 2016, reviewers are invited to submit comments and recommendations to the WLWB by May 30, 2016. DFO is providing the following comments as requested by the WLWB as they relate to DFO's mandate. Specifically, DFO has focused our review and comments on the watercourse crossings along the road alignment.

DFO understands that GNWT-DOT is proposing a new 94 km long all-season road from kilometre 196 on Highway 3 to the community of Whati. The road will require 16 watercourse crossings of which four will be bridge crossings and 11 will be culvert crossings. Please see below for DFO's comments and recommendations:

1. The *Proposed Tlicho All-season Road Project Description Report* notes in Section 3.2.1 that *...DFO review is not required for this project*. DFO's new self-assessment process indicates that projects do not require DFO review if they can avoid serious harm and meet the project activity and criteria specified on our website. DFO notes that the construction of watercourse crossings along the Tlicho All-season Road will require the installation of new culverts and bridge crossings which will likely result in infilling below the high water mark (HWM). It is important to note that DFO's self-assessment process does not apply to new culvert or bridge installations where there will be new temporary or permanent fill placed below the HWM. Therefore, a regulatory review pursuant to the *Fisheries Act* is recommended for these types of projects. To initiate this process a request for review form should be submitted to DFO along with crossing designs and locations. A request for review form can be found at www.dfo-mpo.gc.ca/pnw-pppe/reviews-revues/index-eng.html. Once this information is received, DFO will

review the project to determine whether the project is likely to result in serious harm to fish and if a *Fisheries Act* Authorization is required.

2. DFO understands that preliminary fish habitat reconnaissance field investigations were conducted in 2014 at only six of the 16 watercourse crossing sites. Site specific information is required in order to assess potential impacts to fish and fish habitat at each crossing location. For example, typical information DFO requires include biological and physical characteristics of each project site (e.g., channel characteristics (width, depth, pattern, morphology), substrate type/composition, cover, etc.) including photos, predicted changes to fish habitat at each site, footprint of the project below the HWM and residual effects to fish and fish habitat after implementation of avoidance and mitigation measures. In addition, fish presence/absence for each watercourse is generally provided as opposed to general fish presence in the area, which may or may not be applicable to the crossing locations. DFO recognizes that some general fisheries and habitat information is provided; however, the overall detail for each watercourse crossing is insufficient for DFO to conduct a proper assessment of potential impacts to fish and fish habitat as a result of this project.
3. *Section 4.4.3.2 Culverts in the Proposed Tlicho All-season Road Project Description Report* states that *once geo-technical information is obtained and on-site studies can be completed, the culvert sizing will be finalized*. DFO recommends that GNWT-DOT submit these final detailed design drawings and associated calculations for the extent or size of direct footprint (temporary and permanent) for fish habitat impacts below the HWM for the 16 watercourse crossings. In addition, details regarding construction practices (i.e., how long cofferdams will be in place, materials used to construct cofferdams, maintenance of downstream flows, fish salvage activities, etc.) for any in-water works should also be provided.
4. DFO notes that in Appendix X *Tlicho All-season Road Fish and Fish Habitat Protection Plan* Section 3.3, that *Culvert size will be designed to allow passage of upstream movement of spawning sized fish...* DFO recognizes the consideration for fish passage at these watercourse crossings; however, it is unclear what criteria GNWT-DOT will use to determine final fish passage design (i.e., the Culvert Master reports contained in Appendix R *Tlicho Road Alignment, Hydrologic and Hydraulic Study* do not take into account fish passage criteria). Copies of the culvert designs showing outlet velocities at the 3Q10 discharge for the target fish species (based on habitat suitability) should be provided to DFO.
5. It is DFO's overall opinion that watercourse crossings such as those proposed in this project can be appropriately designed and constructed in a manner that avoids negative impact to fish and fish habitat. However, it remains GNWT-DOT's responsibility to avoid causing serious harm to fish to be in compliance with the *Fisheries Act*. In the event that residual impacts remain after implementing mitigative measures and DFO determines a *Fisheries Act* Authorization is

required, DFO will work with GNWT-DOT to establish appropriate offsetting measures to counterbalance any unavoidable serious harm as a result of this project.

If you have any questions concerning the above, please contact Tara Schweitzer at 306-780-8728 by telephone or by email at Tara.Schweitzer@dfo-mpo.gc.ca.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Thomas". The signature is fluid and cursive, with a large initial "J" and "T".

Jennifer Thomas
A/Regional Manager, Regulatory Review
Fisheries Protection Program

Cc. Tara Schweitzer, DFO Linear Development
Vince Harper, DFO Linear Development



May 30, 2016

Your file *Votre référence*
W2016E0004 & W2016L8-0001

Our file *Notre référence*
16-HCAA-00272

Wek'èezhii Land and Water Board
Attn. Jessica Pacunayen and Bakhtiyor Mukhammadiev
1 – 4905 48th Street
Yellowknife, NT X1A 3S3

Subject: Additional Comments - DFO Comments on the GNWT-DOT Tlicho All-season Road

The Fisheries Protection Program of Fisheries and Oceans Canada (DFO) is providing further comments, in addition to the May 26, 2016 letter that was submitted to Wek'èezhii Land and Water Board (WLWB) on the Type A Land Use Permit and Type B Water License Application for the Tlicho All-season Road being proposed by the Government of the Northwest Territories and the Department of Transportation (GNWT-DOT).

As a result of discussion between DFO and GNWT-DOT on May 30, 2016, DFO has an improved understanding of the proposed all-season road and the watercourse crossings. DFO is submitting the following additional comments:

1. DFO and GNWT-DOT are planning a late-summer/fall site visit to the proposed all-season road route so that DFO can gain further insight to the watercourses to be crossed. DFO will work cooperatively with GNWT to ensure that the all-season road is designed and constructed in a manner that is in compliance with the *Fisheries Act*.
2. DFO understands that some of the watercourses to be crossed by the all-season road are marginal fish habitat and the works proposed likely present low risk to fish and fish habitat. By following best practices and implementing mitigation measures, serious harm to fish and fish habitat will likely be avoided.
3. With respect to the 16 watercourse crossings and site specific fish and fish habitat information request, DFO understands that, as the project moves forward, site specific information will be gathered in preparation of the final crossing design by the successful final bidder/contractor and submitted to DFO for review.
4. Some of the watercourse crossings need to be designed to pass fish. DFO understands that GNWT-DOT is committed to ensuring fish passage at those

crossings and will incorporate mitigation measures that will likely avoid serious harm to fish and fish habitat, and such mitigation will be implemented at the final design phase. DFO will work with the contractor to ensure construction practices are carried out in a manner that avoids negative impacts to fish and fish habitat.

It is DFO's overall opinion that watercourse crossings such as those proposed in this project can be appropriately designed and constructed in a manner that avoids negative impact to fish and fish habitat. DFO will work with GNWT-DOT and the contractor to ensure that water crossings are in compliance with the *Fisheries Act*. In the event that residual impacts remain after implementing mitigative measures and DFO determines a *Fisheries Act* Authorization is required, DFO will work with GNWT-DOT to establish appropriate offsetting measures to counterbalance any unavoidable serious harm as a result of this project.

If you have any questions concerning the above, please contact Tara Schweitzer at 306-780-8728 by telephone or by email at Tara.Schweitzer@dfo-mpo.gc.ca.

Yours sincerely,

A handwritten signature in cursive script that reads "Jennifer Thomas".

Jennifer Thomas
A/Regional Manager, Regulatory Review
Fisheries Protection Program

Cc. Tara Schweitzer, DFO Linear Development
Vince Harper, DFO Linear Development

Draft Conditions for Annexation to Tłıchq All-season Road Land Use Permit # _____

¹ Part A: Scope of Permit



1. This Permit entitles Government of the Northwest Territories Department of Transportation (the holder) to conduct the activities described in the Tłıchq All-season Road Project Description Report at Latitude 62 28'54" to 63 10'37"N, Longitude 116 29'07" to 117 00'05" W.:
 - a) Construction of an all season highway;
 - b) Development and operation of quarries, including associated access roads;
 - c) The operation of summer and winter construction camps, including equipment, fuel, and material storage areas
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not absolve the Permittee from the responsibility for compliance with the requirements of all applicable federal, territorial, and municipal legislation.



Part B: Definitions (defined terms are capitalized throughout the permit)

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Mackenzie Valley Land and Water Board established under Part 4 of the *Mackenzie Valley Resource Management Act*.

Borehole - a hole that is made in the surface of the ground by drilling or boring.

Dogleg – the clearing of a line, trail, or right-of-way that is curved sufficiently so that no part of the clearing beyond the curve is visible when approached from either direction.

Drilling Fluids - any liquid mixture of water, sediment, drilling muds, chemical additives or other wastes that are pumped down hole while drilling and are specifically related to drilling activity.

Drilling Waste - all materials or chemicals, solid or liquid, associated with drilling, including drill cuttings and Drilling Fluids.

Durable Land - land that is able to withstand repeated use, such as gravel or sand with minimal vegetative cover.


Flowing Artesian Well - a well in which water:

- a) Naturally rises above the ground surface or the top of any casing; and

Summary of Comments on W2016E0004 - TASR - GNWT-DOT Draft LUP Terms and Conditions - Mar 31_16.pdf


Page: 1

 Number: 1 Author: clint_ambrose Subject: Highlight Date: 4/27/2016 9:25:51 AM

 Number: 2 Author: clint_ambrose Subject: Sticky Note Date: 4/27/2016 9:32:11 AM

The scope of the permit must include all activities that are prohibited by section 4 & 5 of the *Mackenzie Valley Land Use Regulations* and are listed in the PDR.

Please update the scope to include; d) Use of Explosives, e) Use of self-propelled earth moving equipment and equipment over 10 t, f) Use of single containers for the storage of petroleum fuel that have a capacity exceeding 4000 L, and g) Use of earth-drilling machinery.

 Number: 3 Author: clint_ambrose Subject: Sticky Note Date: 4/27/2016 9:34:28 AM

Tâichô

b) Flows naturally, either intermittently or continuously.

Fuel Storage Container - a container for the storage of **petroleum** or **allied petroleum products** with a capacity of less than 230 litres.

Fuel Storage Tank - a closed container for the storage of **petroleum** or **allied petroleum products** with a capacity of more than 230 litres.

Greywater - all liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities but not including toilet wastes.

Habitat - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

Inspector - an Inspector designated by the Minister under the *Mackenzie Valley Resource Management Act*.

Minister - the Minister of Indian Affairs and Northern Development.

Ordinary High Water Mark - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the "active channel/bank-full level" which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Permafrost - ground (soil or rock) that remains at or below 0°C for at least two consecutive years.

Secondary Containment - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled tanks, piping, liners, and impermeable barriers.

Sewage - all toilet wastes and Greywater.

Sewage Disposal Facilities - Sump(s) and/or Sewage collection tank(s) and/or storage containers designed to hold Sewage.

Spill Contingency Plan - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning* (April 2007), that describes the set of procedures to be implemented to minimize the effects of a spill.

Sump - a man-made pit or natural depression in the earth's surface used for the purpose of depositing waste material, such as non-Toxic Drilling Waste or Sewage, therein.

Toxic - a substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

Waste Management Plan (WMP) - a document, developed in accordance with the Board's *Guidelines for Developing a Waste Management Plan*, that describes the methods of waste management from waste generation to final disposal.

Watercourse - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

Part C: Conditions Applying to All Activities (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

	Condition	Category	Rationale
	¹ 6(1)(a) Location and Area		²
1.	The Permittee shall not conduct any part of the land-use operation within 300 metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board.	Avoid Cabins	<p>This condition may not be fully covered by the Private Property condition. The intent here is to protect traditional cabins particularly in cases in which ownership of the land or structure is not clear. Note: land use plans may provide specific buffer/setback distances.</p> <p>A setback of 300m has sometimes been used in the past, but any number may be used at the discretion of the Board.</p>
2.	The Permittee shall locate all camps on Durable Land or previously cleared areas.	Camp Location	<p>The intent is to minimize disturbance by locating camps, which are heavy use areas, on Durable Land that will endure repeated use. In addition, sites that have no vegetative ground cover can better withstand surface disturbance without the Permafrost melting and the ground surface settling. Durable land is defined in the definitions section.</p> <p>This is consistent with best practices outlines in the Department of Fisheries and Ocean's <i>Operational Statement on Mineral Exploration</i>.</p>
3.	Prior to the commencement of drilling, the Permittee shall submit the drill target locations on a 1:50,000-scale map with coordinates and map datum to an Inspector and the Board.	Drill Locations	Final drill target locations are often not known at the time the permit application is submitted, but an Inspector and the Board need to be informed of final drill target locations in order to: ensure that other conditions related to drilling are adhered to, keep a record on the public registry, and inspect drilling locations.
4.	The Permittee shall not conduct a quarry operation within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	Quarry Setback	<p>Inspector authorization as per MVLUR section 6(b).</p> <p>The intent of this condition is to prevent the deposition of sediment from quarrying that, if occurring near Watercourses, could affect water quality and fish Habitat. MVLUR paragraph 6(b) states that, "Unless expressly authorized by a permit or in writing by an Inspector, no Permittee shall excavate land within 100 metres of a Watercourse at a point that is below its Ordinary High Water Mark". The wording of this condition is more protective since it includes all land within 100 m of a Watercourse, not only "points below its Ordinary High Water Mark."</p>
5.	The Permittee shall not conduct this	Location of	The Permittee must submit, for approval, a



Number: 1 Author: clint_ambrose Subject: Highlight Date: 4/27/2016 9:37:48 AM





Number: 2 Author: clint_ambrose Subject: Sticky Note Date: 4/27/2016 10:58:43 AM

Please include the following condition from the Standard List;

Inspect Locations


Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area.

	land-use operation on any lands not designated in the accepted application.	Activities	written request, along with maps, for an amendment to this condition when changes to the area of operation are necessary. Private land, mineral claims, land claims, cultural sites, or other interests in land could be affected.
	26(1)(b) Time		
6.	At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 767-9188 ¹	Contact Inspector	<p>An Inspector must be notified in order to facilitate inspections to ensure that the Permittee is in compliance with the Terms and Conditions of the Permit. This initial contact is important to establish regular communication between the Permittee and an Inspector, as well as to confirm contact information for numerous other conditions that will require communication between the Permittee and an Inspector.</p> <p>The Board should also be notified, but it may not always be possible for the Permittee to contact the Board (e.g. depending on office hours, weekends, etc.) within specific timelines. The Identify Agent condition requires notification in writing to both an Inspector and the Board.</p>
7.	At least 48 hours prior to commencement of this land-use operation, the Permittee shall provide the following information, in writing, to the Board <u>and</u> an Inspector: (a) the name(s) of the person(s) in charge of the field operation; (b) alternates; and (c) all methods for contacting the above person(s).	Identify Agent	<p>This condition would be used where the applicant has not given the contractor's or field supervisor's names on the application because he does not know who they will be at the time of placing the application. Sometimes contracts are awarded after the LUP is issued, so the operating conditions can become part of the contract. Also, this information may change and must be updated with an Inspector and the Board.</p> <p>This written notice must be provided to both the Board and an Inspector.</p>
8.	At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: (a) the plan for removal or storage of equipment and materials; and (b) when final cleanup and reclamation of the land used will be completed.	Reports Before Removal	The intent of this condition is to inform an Inspector that the land-use operation is in the final stages of completion, as he/she may want to conduct an inspection before the Permittee leaves the work area and after final cleanup and restoration have been completed.
9.	The Board, for the purpose of this operation, designates March 31 , as spring break-up. 	Spring Break – up	<p>This condition is normally used in every permit where other conditions refer to spring break-up, such as shut down dates or removal of snow fills.</p> <p>An Inspector does not have legal authority to</p>

	Number: 1	Author: clint_ambrose	Subject: Typewritten Text	Date: 4/27/2016 9:39:23 AM
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767-9188

	Number: 2	Author: Clint_Ambrose	Subject: Highlight	Date: 4/10/2016 9:28:25 PM
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	Number: 3	Author: Clint_Ambrose	Subject: Sticky Note	Date: 4/10/2016 9:28:44 PM
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This date must be changed to April 15.

			<p>change this particular condition, therefore, it does not state ‘unless otherwise authorized in writing by an Inspector. However, as stated in conditions titled V-Notch Ice Bridges, Remove Snow Fills, and Sumps/Spring Break-up, an Inspector does have authority to waive or delay the requirement for debris removal (e.g. ice bridges/snow fills) and reclamation of Sumps, depending on the situation from year to year, as per MVLUR 9(2) and 8.</p> <p>The date should be set in consultation with an Inspector. A date of March 31 has sometimes been used in the past, but any date may be used at the discretion of the Board, considering the climate of the region and the local terrain.</p>
	26(1)(c) Type and Size of Equipment		
10.	The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the accepted application.	Only Approved Equipment	<p>This condition ensures that the potential impact on the land with respect to equipment type, size, and number, as listed in the application, are considered when selecting the permit conditions and approving the permit.</p> <p>Board staff, an Inspector, and the applicant should work together to see how likely changes in equipment are and whether such changes in equipment would trigger any other requirements (e.g. a water licence), change the environmental impacts and mitigations, and/or change the scope of the project, etc. Board staff should consult with an Inspector and the applicant to decide whether it is appropriate to include “type” and/or “size” and/or “number” – e.g. it some cases it may not be practical to include “number”. Using the word “similar” reduces enforceability (according to legal advice) but may be a practical solution for giving some amount of flexibility to Permittees, within reason, and relying on an Inspector’s discretion.</p>
	¹26(1)(d) Methods and Techniques	²	
11.	The Permittee shall Dogleg lines, trails and right-of-ways that approach public roads.	Dogleg Approaches	The intent of this condition is to maintain and preserve aesthetic values along navigable streams and public roads. This may also be used as an erosion control technique.
12.	The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm	Winter Roads	The intent of this condition is to protect mosses, grasses, and small shrubs on the overland portions of winter roads. A layer of snow, packed





Number: 1 Author: clint_ambrose Subject: Highlight Date: 4/27/2016 10:12:52 AM



Number: 2 Author: clint_ambrose Subject: Sticky Note Date: 4/27/2016 10:13:53 AM

Please include the below condition in the land use permit - Tree Screen;

The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads.

	of packed snow and/or ice at all times during this land-use operation.		in place, will help reduce the amount of winter kill of vegetation. Snow cover also adds to the life of the winter road by reflecting the sun's heat. Snow insulates the road surface preventing heat from penetrating the frost in the road bed. Ice may also be used, particularly where sufficient snow is not available.
13.	The Permittee shall not erect camps or store material other than that required for immediate use on the ice surface of a Watercourse.	Storage on Ice	The intent of this condition is to reduce the risk of pollution of Watercourses by not allowing camps or stockpiling of materials on ice. 'Watercourse', as defined in the MVLUR, includes all moving and standing water bodies.
	26(1)(e) Type, Location, Capacity, and Operation of All Facilities		
14.	The Permittee shall ensure that the land use area is kept clean at all times.	Clean Work Area	The intent of this condition is to instruct the Permittee to keep the land use area generally clean at all times. Cleanup should occur throughout the land-use operation, not only when the operation is complete.
	26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land		
15.	The Permittee shall install and maintain culverts such that scouring does not occur.	Culvert Size	<p>The installation of culverts, if not done correctly, can change the flow of water through and downstream of the culvert, resulting in scouring and erosion leading to the release of sediment into the water. Sediment deposited in water can affect water quality, fish, and other aquatic life. Elevated culvert entrances can cause scouring which may create an obstruction for migrating fish and result in destruction or fragmentation of fish Habitat.</p> <p>Wording of this condition is based on the DFO <i>Fact Sheet on Culvert Installations</i>.</p>
16.	<p>The Permittee shall insulate the ground surface beneath all structures, excepting water crossing structures, associated with this land-use operation to prevent:</p> <p>(a) any vegetation present from being removed; (b) the melting of Permafrost; and (c) the ground settling and/or eroding.</p>	Permafrost Protection 	This condition applies especially to operations conducted during summer in Permafrost regions and particularly where there are unstable soils having a high ice content that are covered with vegetation. The intent is for a mat to be laid down to protect the ground on which buildings, equipment, and for materials to be placed or stored, particularly buildings or structures that are heated.
17.	The Permittee shall minimize erosion	Progressive	This requires the Permittee to prevent and



Number: 1 Author: clint_ambrose Subject: Highlight Date: 4/27/2016 10:18:51 AM



Number: 2 Author: clint_ambrose Subject: Sticky Note Date: 4/27/2016 11:50:13 AM

Please include the following conditions;

Natural Drainage

The land-use operation shall not cause obstruction to any natural drainage.

Prevention of Rutting

The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface.

Suspend Overland Travel

The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting.

Vehicle Movement Freeze-Up

The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.




Number: 3 Author: clint_ambrose Subject: Cross-Out Date: 4/27/2016 10:16:04 AM



Number: 4 Author: clint_ambrose Subject: Sticky Note Date: 4/27/2016 10:16:33 AM

Wording deleted since it is different than the condition on the standard list.

	by installing erosion control structures where necessary.	Erosion Control	mitigate erosion throughout the life of the project. Inspectors will use their discretion to determine whether the efforts of the Permittee are satisfactory and consistent with best practices - e.g. a focus on preventing erosion rather than trying to stop or clean up sediment that has already been eroded.
18.	The Permittee shall, where flowing water from a Borehole is encountered: (a) plug the Borehole in such a manner as to permanently prevent any further outflow of water; and (b) immediately report the occurrence to the Board and an Inspector.	Flowing Artesian Well	<p>Flowing artesian wells resulting from drilling programs may affect adjacent land owners or cause erosion. Water flowing from bore holes could transport sediment or additives to surrounding lands or water bodies. The groundwater level may be affected, which could affect vegetation and/or impact surrounding well water levels.</p> <p>Inspectors can take immediate action if necessary, such as a field inspection to ensure that LUP conditions are being adhered to and that any risk to people or the environment is mitigated.</p> <p>The Board must also be notified to ensure that information is posted to the public registry and is available to inform future Board decisions and/or LUP conditions regarding development in the area.</p>
19.	The Permittee shall not use any material other than clean water and snow in the construction of ice bridges.	Ice Bridge Materials	The intent of this condition is to keep waste out of Watercourses. Logs, planks, sawdust, soil, etc. are prohibited because when frozen into the ice bridge, they become difficult, if not impossible, to remove before spring break-up.
20.	The Permittee shall not use any materials other than clean snow and water in the construction of snow fills.	Snowfill Materials	The intent of this condition is to keep waste out of Watercourses. Logs, planks, sawdust, soil, etc. are prohibited because they become difficult, to remove before spring break up. If not removed, they would be deposited into the Watercourse.
21.	Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all snowfills from stream crossings, unless otherwise authorized in writing by an Inspector.	Remove or V-Notch Snowfills	<p>Inspector authorization as per MVLUR section 9, which also requires cleanup and restoration of natural drainage.</p> <p>The intent of this condition is to prevent pollution and the alteration of drainage in streams. An Inspector can decide when and whether removal is necessary, or whether v-notching is preferable. In some cases, removal could damage the stream bank, thus v-notching would be preferable.</p> <p>This condition is consistent with the DFO</p>

			<p><i>Operational Statement on Ice Bridges and Snow Fills</i>, which recommends that: “Compacted snow should be removed from snow fills prior to the spring freshet”.</p> <p>Timing of cleanup and v-notching is provided by the Spring Break – Up condition.</p>
22.	Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and v-notch all ice bridges, unless otherwise authorized in writing by an Inspector.	V-notch Ice Bridges	<p>Inspector authorization as per MVLUR section 9, which also requires cleanup and restoration of natural drainage.</p> <p>The intent of this condition is to prevent pollution and the alteration of drainage in streams. V-notching of ice bridges is a best practice.. Timing of cleanup and v-notching is provided by the Spring Break – Up condition.</p>
23.	The Permittee shall not ford wet streams.	No Fording of Streams	<p>The intent of this condition is to prevent erosion of stream banks and stream beds and the deposition of sediment into streams. Sediment can affect water quality and harm fish and other aquatic life and their Habitat.</p> <p><i>DFO Operational Statement on Temporary Stream Crossings</i> recommends: “The use of temporary bridges or dry fording is preferred over fording in flowing waters due to the reduced risk of damaging the bed and banks of the Watercourse and downstream sedimentation caused by vehicles.”</p>
24.	The Permittee shall slope the sides of waste material piles, excavations, and embankments — except in solid rock — to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector.	Excavation and Embankments	<p>Inspector authorization as per MVLUR section 8, which requires that excavated material be replaced unless otherwise authorized by a permit or Inspector.</p> <p>This condition is applicable on public roads and in areas accessible by the public. Safety, aesthetics, and erosion prevention are the main factors. Sloping the sides of cuts, fills, and piles aids in stabilizing the soil and reducing erosion.</p>
	¹ 26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material	 ²	
25.	The Permittee shall maintain a record of all spills. For all reportable spills, as defined in the <i>NT-NU Spill Report Form</i> , the Permittee shall: (a) immediately report each spill to the	Report Spills	Spills must be reported in order to ensure adequate cleanup occur, necessary mitigation measures are implemented, and records are maintained. In addition to reporting spills to the spill report line, this condition also explicitly



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Number: 2 Author: clint_ambrose Subject: Sticky Note Date: 4/27/2016 10:28:01 AM

Please include the following conditions;

Chemicals

At least seven days prior to the use of any chemicals that were not identified in the accepted application, the MSDS sheets must be provided to an Inspector and the Board.

Drilling near water or on ice

When drilling within 100 metres of the Ordinary High Water Mark of any Watercourse, and when drilling on ice, the Permittee shall contain all drill water and waste in a closed circuit system for reuse, off-site disposal, or deposit into a land-based Sump or natural depression.

Drilling Waste


The Permittee may deposit non-Toxic Drilling Waste in a Sump or natural depression. Any Sumps or natural depressions used to deposit Drilling Waste must be located at least 100 metres from the high water mark of any waterbody, unless otherwise authorized in writing by an Inspector.


Drilling Waste Containment

The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses.

	24-hour Spill Report Line (867) 920-8130; (b) report each spill to an Inspector within 24 hours; and (c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days.		requires the Permittee to maintain records of all spills, to report each 'reportable' spill to an Inspector within 24 hours, and to submit reports to the Board and Inspector within 30 days regarding the spill and the Permittee's cleanup efforts.
26.	The Permittee shall dispose of all Toxic substances as described in the approved Waste Management Plan.	Waste Chemical Disposal	The Permittee's Waste Management Plan must describe the disposal methods for all Toxic substances. The methods and techniques for disposal will be subject to the approval of the Board, and there should be consultation with other agencies. This is a general Toxic disposal condition that refers to all chemicals, other than substances for which there are specific conditions (e.g. Drilling Waste). Toxic material may include brine, antifreeze, equipment fluids, Drilling Fluids/additives, etc.
27.	The Permittee shall dispose of all combustible waste petroleum products as described in the approved Waste Management Plan.	Waste Petroleum Disposal	This is the general condition for waste petroleum disposal. Petroleum products can pollute soil and streams if disposed of indiscriminately.
	26(1)(h) Wildlife and Fish Habitat		
28.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	Habitat Damage	The intent of this condition is to instruct the Permittee to take care when using machinery and vehicles so as to do the least damage possible to vegetation and other Habitat components. This is a general condition that applies to all land-use operations; specific measures to protect Habitat are required under conditions for waste management, erosion control, etc.
	26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage		
29.	The Permittee shall adhere to the approved Waste Management Plan and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	Waste Management	A Waste Management Plan must be submitted with the application. This condition requires implementation of the plan. Any proposed changes to waste management must be submitted to the Board for approval in a revised plan.
30.	The Permittee shall keep all garbage and debris in a secure container until disposal.	Garbage Container	This condition applies mainly to very small camps where the volume of garbage produced each day is not enough to warrant daily burning or removal. The purpose of containment is to stop wildlife from getting into the garbage. This condition can be used in conjunction with daily

			<p>burning, but it is especially necessary if burning is not done every day. Examples of a secure container may include: any container inside a building, a covered metal container, etc. Inspector will use his/her discretion to determine whether a container is adequate or not.</p>
31.	The Permittee shall dispose of all garbage, waste, and debris as described in the approved Waste Management Plan, unless otherwise authorized in writing by an Inspector.	Remove Garbage	<p>Inspector authorization as per MVLUR subsection 14(1), although the MVLUR refers specifically to garbage from a 'campsite'.</p> <p>The intent of this condition is to keep the land use area clean and to reduce pollution and associated impacts on land, water, fish, and wildlife.</p>
32.	The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.	Sewage Disposal	<p>The intent of this condition is to prevent contamination of land and water from Sewage and Greywater. If Sewage is not contained, it may affect water quality and be a risk to human health.</p> <p>This is a more generic version of the Sewage in Sump condition above, since some Permittees do not use Sump disposal (they may use incinerating toilets, dispose of Greywater and Sewage separately, etc.).</p> <p>If Sewage is to be deposited in a Sump, the general condition, Sumps From Water, would also apply; it specifies a 100-metre setback for all Sumps from any Watercourse.</p>
	26(1)(j) Protection of Historical, Archaeological, and Burial Sites		
33.	The Permittee shall not operate any vehicle or equipment within at least 30 metres of a known or suspected historical or archaeological site or burial ground. Where possible, the Permittee shall maintain a 150 metre distance from a known or suspected historical or archaeological site or burial ground.	Archaeological Buffer	<p>The intent of this condition is to protect cultural sites, whether known or suspected (pursuant to MVLUR section 6, which states that a buffer of 30 metres must be maintained). These archaeological conditions are all related to overlapping jurisdiction, but paragraph 26(1)(j) and section 6 of MVLUR give specific authority to the Board and the MVLUR to protect these sites. These three conditions (Archaeological Buffer, Site Disturbance, and Site Discovery and Notification) are normally included in all permits.</p> <p>The distance noted in this condition should be set in consultation with the PWNHC, land claim groups, and an Inspector. Minimum normal buffers established in regulations or</p>


			<p>recommended by PWNHC and land claim groups are as follows: MVLUR section 6 (30m), Sahtu Settlement Area (100m), Wek'èezhìi (150m).</p> <p>Exceptions can be added if there is an approved activity within the normal buffer – e.g. “....The Permittee shall not operate any vehicle or equipment within 70 metres of sites x12 and x14.”</p>
34.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	Site Disturbance	The intent of this condition is to protect cultural sites, whether known or suspected, consistent with condition below and with MVLUR paragraph 12(a).
35.	The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: (a) immediately suspend operations on the site; implement the Archaeological Site Change Find Protocol; and (b) notify the Board at (867) _____ or an Inspector at (867) 767-9188 ¹ and the Prince of Wales Northern Heritage Centre at (867) 920-6182 or 873-7688.	Site Discovery and Notification	This condition is intended to protect newly discovered archaeological sites and ensure they are registered with the Prince of Wales Northern Heritage Centre (PWHNC). MVLUR paragraph 12(a) requires notification of the Board or an Inspector but not direct notification of GNWT. Notification of PWHNC (GNWT) is an extra requirement, which is not in the MVLUR, that the Boards can use if desired. Inspectors are responsible for informing the Board if they are notified.
36.	Prior to any new land disturbance, the Permittee shall consult with the Prince of Wales Northern Heritage Centre to identify if an Archaeological Impact Assessment of the sites where disturbance is planned is required. The Permittee shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre should an Archaeological Impact Assessment be required.	AIA	<p>See rationale for Archaeological Overview, and:</p> <p><u>For larger projects with significant land disturbance</u> (i.e. a mine site, road, etc.), it is often appropriate to require an Archaeological Impact Assessment prior to any disturbance, rather than only an Overview to determine high/low potential.</p>
	26(1)(m) Fuel Storage		
37.	² The Permittee shall: (a) examine all Fuel Storage Tanks and containers for leaks a minimum _____ [e.g. once per day]; and (b) repair all leaks immediately.	Check for Leaks 	³ The frequency of checks would be designated by an Inspector or Board staff on the basis of quantity of fuel, type of container (e.g. top fed vs. bottom fed tanks), location, etc. The frequency of checks for Fuel Storage Tanks/containers that are in use should be more often than for stored fuel, since they may be

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Environment Canada's Regulations (*Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*) dictate the requirements of inspections necessary for tanks and piping systems and therefore this condition can be removed since the potential environmental concerns from fuel containers is mitigated by the above noted legislation. A statute or provision of a regulation doesn't need to be repeated in a permit.

			more likely to have leaks (due to being attached to hoses/fittings, container being temporarily out of Secondary Containment, etc). For example, checks could be required once per month for stored fuel that is not in use and once per day or week for fuel that is in use.
38.	The Permittee shall not place any Fuel Storage Containers or tanks within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	Fuel Near Water	<p>Inspector authorization as per MVLUR 6.</p> <p>The intent of this condition is to provide a buffer in order to prevent fuel spills from impacting surface water. This is consistent with MVLUR paragraph 6 (b); however, this condition is more protective since MVLUR only prohibits fuel within 100 metres of a Watercourse below its Ordinary High Water Mark. The Board, when considering the application, and an Inspector, during the operation, may authorize fuel storage within 100 metres of water under specific conditions (e.g. if moving fuel further poses a risk of leaks/spills, if there is a hill separating fuel from water, etc.).</p>
39.	The Permittee shall ensure that all Fuel Storage Containers have adequate Secondary Containment.	Fuel Cache Secondary Containment	<p>The intent of this condition is to ensure that fuel does not contaminate surrounding lands and waters. Containers may leak, so Secondary Containment is meant to contain any leaks and protect the environment while repairs and cleanup take place. Secondary Containment for large caches of fuel drums (e.g. 500) may be impractical; however, such large amounts of fuel should be stored in a proper storage tank, which must meet Environment Canada regulations.</p> <p>Definition of Fuel Storage Container - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 L.</p>
40.	The Permittee shall set up all refueling points with secondary containment.	Secondary Containment - Refueling	<p>Purpose & Rationale: to prevent spills, leaks, and drips from impacting the land during refueling. Refueling is a situation when there is the potential for spills.</p> <p>Practical & Enforceable: it is only a small inconvenience for the Permittee to use secondary containment during refueling. This will assist with compliance with the Fuel Containment condition as well.</p>
41.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	Fuel Containment	The intent of this condition is to state a general requirement for the Permittee that protects the land and water from fuel contamination. Fuel or petroleum product spills, if allowed to spread to surrounding lands or into streams, could harm




			vegetation and pollute soil and water. Through a combination of appropriate Fuel Storage Containers/tanks, storage locations, Secondary Containment, fuel transfer practices, spill prevention and Spill Contingency Planning, the Permittee must prevent the spread of petroleum products.
42.	1. The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.	Fuel on Land	2. The intent of this condition is to protect ice and water from fuel spills when mobile fuel equipment is in use on ice-covered Watercourses. This condition commonly applies to seismic operations and winter road construction. Storage of non-mobile fuel on ice is not permitted, except for immediate use, as stated in the general Storage on Ice condition.
43.	3. The Permittee shall have a maximum of _____ litres of fuel stored on the land use site at any time, unless otherwise authorized in writing by the Board.	Maximum Fuel On Site 	The intent of this condition is to ensure that the amount of fuel stored is consistent with the amount of fuel identified in the application. The liability on site, linked to the requirement for a security deposit, depends in part on the maximum amount of fuel on site at any time. In addition, the potential for impacts from spills, including worst case scenarios, is sensitive to the maximum amount of fuel on site at any time. Board approval would be required for substantial changes to the maximum fuel storage (i.e. >10 percent change).
44.	The Permittee shall adhere to the approved Spill Contingency Plan and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	Spill Contingency Plan	A Spill Contingency Plan must be submitted with the application. This condition requires that the Spill Contingency Plan be implemented in order to prevent contamination of land and water in case of any fuel spill. Any changes in fuel storage locations, volumes, container/tank types, chemicals to be used, etc. must be reflected in an updated Spill Contingency Plan.
45.	Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.	Spill Response	In order to prevent contamination of land and water in case of any fuel spill, Spill Contingency Plans and spill cleanup kits must be in place prior to commencement of operations.
46.	All equipment that may be parked for two hours or more, should have a haz-mat/drip tray under it or be sufficiently diapered. (Leaky equipment should be repaired	Drip Trays	The purpose of this condition is to prevent small leaks/drips from contaminating a site, especially parking areas used frequently at remote sites.


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Since the Applicant hasn't identified a Contractor for this land use operation, it would be difficult to determine the maximum of fuel required for this project as each Contractor may have different plans, or if the Applicant chooses to construct from both the north and south end of the TASR. To assist with a preliminary screening and to cover the intent of this condition, the Regulatory Officer should consider using 588,000 Litres for the screening since this is the volume stated in the application.

	immediately.)		
47.	The Permittee shall clean up all leaks, spills, and contaminated material.	Clean Up Spills	This is an explicit requirement to clean up all spills and leaks, whatever the size (e.g. drips on snow). This is a frequent item noted in inspection reports for drilling programs and winter roads. This is also related to the general requirement for adherence to a Spill Contingency Plan, as stipulated under the Spill Contingency Plan condition.
	26(1)(n) Methods and Techniques for Debris and Brush Disposal		
48.	The Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed prior to the expiry date of this permit.	Brush Disposal/ Time	Progressive disposal is necessary to keep a work area clean, particularly where there are aesthetic concerns, and it may assist with fire prevention. An Inspector will decide how much progressive disposal is necessary and satisfactory (in some cases disposal may be delayed), but final disposal is always required prior to the expiry of the permit.
49.	The Permittee shall not clear areas larger than identified in the accepted application.	Minimize Area Cleared	This condition would apply: (a) In areas of unstable or high ice content soils where removal of vegetation may result in erosion or subsidence; (b) In areas of merchantable or immature timber; and (c) In areas visible to the public. The condition may also be used in a general way to minimize disturbed areas and impacts on environment.
	¹ 26(1)(o) Restoration of the Lands	 ²	
50.	The Permittee shall dispose of all overburden as instructed by an Inspector.	Disposal of Overburden	Inspector authorization as per MVLUR section 8, which states that “Unless otherwise authorized by a permit or in writing by an Inspector, every Permittee shall replace all materials removed ...”. Waste soil (overburden) removed to expose useable or needed material is generally deposited next to the quarry or borrow pit. The best arrangement is a sloped, round, or oblong pile. An Inspector should authorize placement of waste piles where they are likely to cause the least damage to the environment and at the same time improve aesthetics. This condition is primarily for quarries, and it authorizes that excavated material need not be replaced, as per MVLUR section 8.



Number: 1 Author: clint_ambrose Subject: Highlight Date: 4/27/2016 10:50:46 AM







Number: 2 Author: clint_ambrose Subject: Sticky Note Date: 4/27/2016 10:51:21 AM




Please include the following condition;

Progressive Reclamation

The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so.

			This condition is an alternative to the Save and Place Organic Soil condition.
	¹ 26(1)(p) Display of Permits and Permit Numbers	 ²	
51.	The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.	Display Permit	The intent of this condition is to inform the Permittee how and where permits or copies are to be displayed.
52.	³The Permittee shall keep a copy of this permit on hand at all times during this land-use operation.	Copy of Permit ⁵	⁴The intent of this condition is to inform the Permittee how and where permits or copies are to be displayed. This condition is commonly used when there is no camp established in conjunction with the land-use operation and/or when it is desirable for the Permittee to be able to consult the permit immediately.
53.	Prior to the commencement of operations, the Permittee shall submit final environmental management plans (e.g. SCP, ESCP, WMP, WMMP, etc.) <i>(e.g. Waste Management or Spill Contingency or Engagement Plan)</i> in accordance with ____ Guidelines <i>(e.g. MVLWB's 2011 "Guidelines for Developing a Waste Management Plan" or Indian and Northern Affairs Canada's 2007 "Guidelines for Spill Contingency Planning" or MVLWB's 2013 "Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits")</i> to the Board for approval.	Submit Revised Plan	Condition to specifically require submission of a revised plan (waste, spill, engagement) if the plan submitted with the original application is not approved at the time the LUP is issued. Normally, these plans are approved at the time an LUP is issued, but depending on the extent of revisions required, it is up to the Board to determine whether to issue the LUP with a condition such as this or to delay issuing the permit until the revisions are complete and plans are approved.
54.	If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval.	Resubmit Plan	Condition to specifically require submission of a revised plan (waste, spill, engagement) if the plan submitted with the original application is not approved at the time the LUP is issued. Normally, these plans are approved at the time an LUP is issued, but depending on the extent of revisions required, it is up to the Board to determine whether to issue the LUP with a condition such as this or to delay issuing the permit until the revisions are complete and plans are approved.
55.	The Permittee shall adhere to the Engagement Plan, once approved, and shall annually review the plan and make any necessary revisions to	Engagement Plan	To ensure the Permittee follows through on the intent of the commitments made in the Engagement Plan.

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-  Number: 1 Author: clint_ambrose Subject: Highlight Date: 4/27/2016 10:54:00 AM
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-  Number: 2 Author: clint_ambrose Subject: Sticky Note Date: 4/27/2016 10:54:28 AM
Please include the following condition;

Summary of Changes
All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.
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-  Number: 3 Author: clint_ambrose Subject: Cross-Out Date: 4/27/2016 10:51:48 AM
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-  Number: 4 Author: clint_ambrose Subject: Cross-Out Date: 4/27/2016 10:51:55 AM
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-  Number: 5 Author: clint_ambrose Subject: Sticky Note Date: 4/27/2016 10:53:11 AM
Condition #51 is satisfactory and therefore this condition can be deleted.
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	reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.		
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MAY 30 2016

Mr. Ryan Fequet, Executive Director
Wek'èezhìi Land and Water Board
#1-4905 48th Street
Yellowknife, Northwest Territories
X1A 3S3

Dear Mr. Fequet:

**Preliminary Screening of Government of the Northwest Territories
Department of Transportation Application for Type 'A' Land Use Permit and
Type 'B' Water Licence, Tłıchǫ All-Season Road (W2016E0004 and
W2016L8-0001)**

In response to the Wek'èezhìi Land and Water Board (WLWB) request on April 8, 2016, to review the Government of the Northwest Territories (GNWT) Department of Transportation (DOT) Type "A" Land Use Permit and Type "B" Water Licence applications (W2016E0004 and W2016L8-0001) for the Tłıchǫ All-Season Road (the Project), the Government of the Northwest Territories (GNWT) provides the attached comments and recommendations.

Throughout the process of drafting the Project Description Report (PDR), DOT provided other GNWT departments with the opportunity to review and provide comments. GNWT departments reviewed the PDR during the fall of 2014, in June 2015, and in February 2016. Before submitting the applications, DOT incorporated these departments' comments and concerns into the final PDR.

After the WLWB circulated the applications for comment, all GNWT departments with responsibilities related to the Project reviewed the documents filed by DOT. The GNWT's comments are attached; comments were provided by Education, Culture and Employment (Prince of Wales Northern Heritage Centre) and Lands (Inspectors' comments on land use permit conditions).

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If the WLWB has questions related to this submission, please contact Melissa Pink, Manager, Project Assessment Branch, at (867) 767-9183 ext. 24069 or Melissa_Pink@gov.nt.ca; or Jesse Davidson, Project Assessment Analyst, at 867-767-9183 ext. 24070 or Jesse_Davidson@gov.nt.ca.

Sincerely,



Lorraine Seale
Director, Liabilities and Financial
Assurances
Department of Lands

Attachment



May 26th, 2016

Wek'eezhii Land and Water Board
Box 32, Wekweeti
NT X0E 1W0
www.wlwb.ca

By email: www.wlwb.ca

**Subject: Natural Resources Canada's (NRCan) Comments Regarding
Proposed Tlicho All-season Road- Type A Land Use Permit and Type
B Water Licence Application (W2016E0004 and W2016L8-0001)**

Hello,

Thank you for your invitation for comments sent on April 8th, 2016 regarding the
Proposed Tlicho All-season Road- Type A Land Use Permit and Type B Water Licence
Application (W2016E0004 and W2016L8-0001).

Please see the attached excel table for Natural Resources Canada comments.

If you have any questions concerning our comments, or if I may be of further assistance,
please call me at (343) 292-6746.

Sincerely,

(Original signed by)
Rachelle Besner
Senior Environmental Assessment Officer
Natural Resources Canada

cc: Pierre-Olivier Émond, Policy Analyst, Sustainable Mining and Materials Policy
Division

Attachment

NORTH SLAVE MÉTIS ALLIANCE

PO Box 2301 Yellowknife, NT X1A 2P7



June 2, 2016

Ryan Fequet
Executive Director
Wek'èezhii Land and Water Board
#1-4905 48th St.
Yellowknife, NT X1A 3S3
P: (867) 765-4589
E: rfequet@wlwb.ca

Via Email

Dear Mr. Fequet:

Re: Consultation Regarding Proposed "Tlicho All-season Road"

The Department of Transportation of the Government of the Northwest Territories (GNWT-DOT) submitted an application for a Type A Land Use Permit ("LUP") and Type B Water Licence ("WL") to the Wek'èezhii Land and Water Board (WLWB or the Board) on March 31, 2016. The WLWB has asked for comments and recommendations to be submitted to the Board on the content of the Land Use Permit and Water Licence application, associated management plans, and the Draft Land Use Permit conditions (proposed by GNWT-DOT). The Board asks for information on potential impacts of the Project and possible mitigations for the Preliminary Screening.

From materials available online, we understand that the primary objective of preliminary screening is to determine if a development proposal might have a significant adverse impact on the environment, or might be a cause of public concern (including concerns raised regarding impacts on Aboriginal rights).

Concerns regarding the impact on NSMA members Aboriginal rights

North Slave Metis Alliance (NSMA) is concerned that the proposed Tlicho All-Season Road (TASR) will adversely affect NSMA member's Aboriginal rights as Métis, and is concerned that the Crown has so far failed to fulfill its duty to consult with NSMA regarding these adverse effects. As stated in the Board's Engagement and Consultation Policy, the Crown has a duty to consult whenever it has knowledge, real

or constructive, of the potential existence of an Aboriginal right and contemplates conduct that might adversely affect it.¹

NSMA members have Aboriginal rights as Métis in the affected area

NSMA members are Métis people of the Great Slave Lake area of the Northwest Territories (NWT) with asserted Aboriginal harvesting rights recognized and affirmed under section 35(1) of the *Constitution Act*, 1982. The Minister of Aboriginal Affairs and Northern Development Canada (Minister), and the Supreme Court of the NWT, have both acknowledged that NSMA members have a good *prima facie* claim to the Aboriginal right to hunt caribou on their traditional territories in the area north of Great Slave Lake, NWT (North Slave Region), and are entitled to be consulted when those asserted rights may potentially be adversely impacted by a Crown decision.²

The GNWT has copies of the evidence before the Minister and the Supreme Court of the NWT that support this acknowledgement as well as further material supplied during consultations in 2013 and 2014.

The proposed TASR will be constructed in the region where both the Minister and the Supreme Court of the NWT found NSMA members exercise their Aboriginal rights as Métis.

Adverse Effects on NSMA Members' Aboriginal rights as Métis

On March 24, 2016, NSMA wrote to GNWT-DOT, describing the main concerns NSMA has with the proposed TASR including adverse impacts on caribou, cumulative adverse effects on wildlife and the environment, and a particular concern over the complete absence of any sensitivity to Métis ethnohistory in the archeologic reviews undertaken to date.³

The Crown has Failed to Fulfil its Duty to Consult

The scope of the Crown's duty to consult and accommodate is determined by the Crown's preliminary assessment of the strength of claim to the Aboriginal rights and the seriousness of the potential impact on those rights.⁴ If the Crown fails to complete a preliminary assessment and set the scope, the consultation cannot be meaningful because it is undertaken without a full and clear understanding of what the GNWT's obligations actually are.⁵

¹ Mackenzie Valley Land and Water Board, Engagement and Consultation Policy, June 1, 2003, Appendix E and F

² See: *Enge v. Mandeville*, 2013 NWTSC 33, paras 230 and 236 and Letter from the Minister to NSMA dated August 16, 2013 (enclosed)

³ See: Letter from NSMA to GNWT-DOT dated March 24, 2016 (enclosed)

⁴ Mackenzie Valley Land and Water Board, Engagement and Consultation Policy, June 1, 2003, Appendix E and F

⁵ *Enge v. Mandeville*, 2013 NWTSC 33, para 264

GNWT-DOT provided NSMA with two drafts of the Tlicho All-season Road Project Description Report: one in July 2015 and one in February 2016. Apart from this, the only consultation on the project has been

- an informal lunch meeting in September 2015 and a letter three months later summarizing GNWT-DOT's understanding of that meeting;
- two letters from NSMA to GNWT-DOT requesting meaningful consultation on the proposed Tlicho All-season Road (sent February 19, 2016) and describing the key adverse effects on NSMA members' Aboriginal rights (sent March 24, 2016); and
- a letter dated May 26, 2016 from GNWT-DOT to NSMA, in which the GNWT fails to provide the required preliminary assessment of NSMA members' strength of claim in the area affected by the proposed Tlicho All-season Road, and fails to provide any information regarding the scope of consultation.⁶

Recommendations

The Crown must undertake meaningful consultation with NSMA before the proposed Tlicho All-season Road project can go any further. GNWT-DOT's letter dated May 26, 2016 cannot be described as meaningful consultation, since:

- a. Although, directly asked to produce one, the GNWT has failed to provide a preliminary assessment of the strength of NSMA members' Aboriginal rights as Metis and has failed to clarify at what level it will consult with NSMA regarding NSMA's concerns

In April 2016, Fred Talen, the GNWT's Director of Negotiations, Negotiations Division, Department of Aboriginal Affairs and Intergovernmental Relations gave evidence under oath that the GNWT does not have a finalized strength of claim assessment of and for NSMA.

Until the Crown prepares a preliminary assessment and decides at what level it will consult with NSMA regarding NSMA's concerns, we are unclear how meaningful consultation, in keeping with the honour of the Crown, can be undertaken.

Recommendation: We encourage the Board to agree with the Minister and the Supreme Court of the Northwest Territories that NSMA members have a good *prima facie* claim to Aboriginal rights north of Great Slave Lake, NWT and work towards fulfilling the consultation requirements on that basis. We encourage the Board to engage in consultation that seriously considers and, wherever possible, demonstrably integrates NSMA's concerns into the proposed plan of action for the Tlicho All-season Road.

⁶ This engagement is recorded in the Appendix E to the Project Description Report submitted by GNWT-DOT on March 31, 2016. See also: Letter from GNWT-DOT to NSMA dated May 26, 2016 (enclosed)

- b. In its May 26, 2016 letter, the GNWT admits that further work needs to be undertaken, particularly with respect to assessing the cumulative effects on the Bathurst caribou by this project.

NSMA is ready, willing and keen to consult regarding the proposed Tlicho All-season Road. NSMA has described its main concerns regarding the project in its letter dated March 24, 2016 and provides further concerns below.

Recommendation: As set out below, NSMA believes an Environmental Assessment of the Proposed All-Season Road is in keeping with meaningful consultation on this project.

Concerns regarding the Tlicho All-season Road having an adverse effect on the Environment.

NSMA is concerned that the proposed Tlicho All-season Road will have significant adverse effects on the Environment, particularly with respect to the cumulative effects on Bathurst Caribou.

NSMA provides the following key points for the Board's consideration:

Baseline Condition for Fortune Mineral's Cumulative Effects Assessment has Changed Substantially

For the purpose of the Preliminary Screening, the proponent relied on the cumulative effects assessment conducted by Fortune Minerals during the Environmental Assessment ("EA") of their proposed Nico Mine. The EA concluded in 2013, that the Nico Project would have significant adverse impacts on the environment including Bathurst Caribou.

Since Fortune Mineral's Nico Project EA in 2013, the baseline condition for the cumulative effects assessment for environment, including Bathurst Caribou, has changed substantially. Namely, these are extensive loss of winter habitat and substantial reduction in population.

In 2014, the NWT including the North Slave Region experienced a record forest fire season that reduced winter habitat for Bathurst Caribou by 17%. This reduction in their habitat occurred in concert with significant swaths of winter range already unsuitable for the herd.

In 2015, a Bathurst Caribou calving ground photographic survey was conducted by the GNWT Environment and Natural Resources (ENR), showing continued and rapid decline of the herd's population. Compared to 2012 (last photographic survey conducted before 2015), the population of Bathurst Caribou declined at an extremely alarming rate of 35%. We should emphasize that this reduction was mounted on top of

the already low population in 2012 – at the time of Fortune Mineral's EA, aboriginal harvest restriction was already imposed.

With changes to the baseline conditions and the ongoing worsening survival challenges for Bathurst Caribou, NSMA believes that the proposed project should be referred to EA.

Cumulative Effects Assessment Should Consider Potential Effects across the Range of Bathurst Caribou

The proponent chose to only consider those impacts within the spatial vicinity of the proposed TASR (40km) for the purpose of cumulative effects review. This is misleading. Cumulative effects on species with a large range, such as Barren-ground Caribou, should be assessed on a range-wide scale. This means that the additional cumulative factors that affect the Bathurst Caribou must also be considered. In that respect, consideration of activities outside the 40km scope of the TASR must be taken into account, including mines in Nunavut and the NWT.

The Proponent's Reliance on Other Processes is Unreliable

The proponent relies on a number of processes outside of this TASR LUP and WL applications for assessment of impacts and proposed mitigations. Some of these referenced processes are incomplete or non-existent.

Section 9, Page 9 of the PDR refers to Mackenzie Valley Environmental Impact Review Board's ("the Review Board" or "MVEIRB") Measure #8 ("the Measure 8) in the 2013 Fortune Mineral's Report of Environmental Assessment (the "REA")⁷. The proponent asserts that "it is expected that the proposed TASR will incorporate any additional mitigations related to caribou as directed by the same working group (suggested in Measure 8) in order to manage the cumulative effects."⁸

To NSMA's knowledge, this Working Group does not exist. The modified Measure 8 references "a working group", but does not require an establishment of any specific "Working Group". Rather, the Measure 8 acknowledges that the GNWT "has taken a lead facilitating role in collaboratively developing timelines and workplans for this task (i.e. developing and implementing a cumulative effects response framework)".⁹ However, the cumulative effects response framework, on which the Proponent relies to mitigate potential adverse impacts from the TASR, does not exist.¹⁰

⁷ The Measure 8 was modified and approved after consultations. The modified Measure 8, issued on June 20, 2013 by the Review Board, does not assign co-chair roles to any groups as referenced in GNWT-DoT's PDR page 9-9.

⁸ GNWT-DoT TASR PDR March 2016 page 9-9

⁹ Modified Measure 8, MVEIRB June 20, 2013

¹⁰ *ibid*

The Proponent also refers to works conducted by Bathurst Caribou Range Planning Working Group ("RPWG"). The RPWG has not completed its process. The RPWG is still in the process of gathering relevant information, including Traditional Knowledge, from all participating parties. The purpose of RPWG is set out as follows:

"A Range Plan for the Bathurst caribou herd intends to:

- set caribou specific landscape management objectives across the herd's historical range to ensure that risk to herd habitat is adequately minimized;
- establish a framework for monitoring, evaluating and managing cumulative land disturbances such that these objectives are met and maintained; and,
- provide greater clarity and efficacy for land use management, planning, and regulatory processes that consider or impact caribou range.

Components of a Range Plan may include:

- a cumulative effects assessment and management (CEAM) framework that allows land managers and regulators to minimize, monitor, and respond to risks to caribou and caribou habitat;
- the identification of management zones and objectives particular to the different seasonal and functional habitat requirements;
- the identification of mitigation strategies that consider their performance in reducing risk to caribou and caribou habitat, and their impact on other valued components and uses of the range"¹¹

None of these objectives have been accomplished to date, nor does NSMA anticipate the completion of this process to be within the next 18 months.

Similarly, the Proponent suggests that there will be a timely completion of land use plan for the Wek'ëezhii Management Area, in coordination with stakeholders and planning partners.¹² We understand that the NSMA is either a planning partner or a stakeholder. In any case, NSMA has not been made aware of what has happened, or will happen, after the completion of the scoping study. NSMA is also aware, through attendance in the GNWT Land Use Planning Forum, that land use plans in the NWT have often taken many years, sometimes decades, before completion. Given the complexity of overlapping land claims in the Wek'ëezhii Management Area, the NSMA has ample reason to believe that the land use plan in the said area will require a substantial amount of time to complete.

In NSMA's view, the Proponent's reliance on outside processes, such as the Measure 8, RPWG, and land use plans, is problematic. These processes are still in the early stages of development, and cannot be used either as an assessment tool or as a

¹¹ draft Bathurst Caribou Range Plan Process Design, prepared by EcoBorealis Consulting Inc., S. Francis Consulting Inc., Salmo Consulting Inc., and Steve Kennett, February 13, 2014

¹² GNWT-DoT TASR PDR March 2016 page 9-10

mitigation mechanism for the proposed project. Indeed, the NSMA is of the opinion that the purpose of these various plans – response framework, range plan, and land use plan – is to have them in place *prior to* the approval of development projects, and not afterwards to mitigate damages already done to the environment.

In the absence of these plans, the NSMA recommends that the project should be referred to the EA for thorough, expert, and independent assessment of potential adverse impacts and the possible mitigation measures.

The Proponent Expects that Bathurst Caribou Migration Route Will Not Change

Currently, the main migration routes the Bluenose East (BNE) and Bathurst Caribou herds do not cross the proposed TASR. The Proponent expects that the migration routes of the Barren-ground caribou herds will not change until the diamond mines cease operations.¹³ This may or may not be demonstrable; however, for the purpose of impact assessment, it is unreasonable to assume that the migration routes will not change until “the distant future”¹⁴, and presume no direct impact will come from the road. Best practices require the assessment of potential adverse effects to be done conservatively to err on the side of caution, especially when the situation is *already* so dire.

Impacts of Increased Access to Wildlife by Harvesters Are Not Adequately Assessed or Mitigated

The PDR lists a number of potential risks associated with increased/improved access to wildlife by hunters.¹⁵ Improved access will increase predation and harvest risks to all traditionally harvested species; Barren-ground caribou, Boreal caribou, wood bison, moose, and other furbearers. While the existence of risks are acknowledged, the Proponent fails to assess the magnitude of the risks.

Unlike other new roads in the NWT, the proposed TASR is within an easy travel distance from a major population center (Yellowknife). There is a potential to introduce hundreds of hunters and recreational land users into the habitat of two ungulate Species at Risk (Boreal caribou and wood bison) without prior quantitative risk assessment.

Despite lacking an adequate risk/impact assessment, the Proponent is satisfied with hypothetical mitigation measures, including monitoring and regulating wildlife harvesting by the Tlicho Government in concert with the GNWT-ENR and Wek'èezhìi Renewable Resources Board (“WRRB”).¹⁶ With that in mind, the NSMA is concerned that the Proponent has not undertaken an appropriate risk/impact assessment, which is

¹³ *ibid* page 5-5

¹⁴ *ibid*

¹⁵ *ibid* section 8

¹⁶ *ibid*

required to design effective mitigation measures against negative impacts that the TASR may have on wildlife.

Proposed Mitigation Measures for Harvesting Pressures on Wildlife

The NSMA is particularly concerned about the efficacy of wildlife harvest monitoring programs. Difficulty with harvest monitoring and reporting in the NWT is a well-debated issue, and the Species at Risk Committee confirms the difficulty of accurately recording harvest levels.¹⁷ In the recent public hearing conducted by the WRRB, the WRRB staff biologist Boyan Tracz implied that Bluenose East Caribou herd cows are being harvested despite the bull-only harvest restriction, albeit with “very good reasons”.¹⁸ The GNWT-ENR BNE management proposal also states: “harvest reporting has been viewed [by] field workers as lower than actual with room for improving accuracy”, and goes on to say that there are no clearly identified accountability mechanisms for reporting and monitoring the harvest, nor consequences of a failure to comply.¹⁹ The NSMA understands and is familiar with the difficulty of harvest reporting. This, however, does not alleviate our concern with the proposed mitigation measures that include reliance on harvest reporting and monitoring. Therefore, we cannot rely on those approaches for the protection of Species at Risk and rapidly declining Barren-ground caribou herds.

Furthermore, the construction of the TASR would increase the harvesting season on the Bathurst and Bluenose East Caribou herds, by extending the hunting season for harvesters outside of Whati. The winter barren-ground caribou harvesting season was, to some extent, limited by the opening and closure of the southern portion of the winter road to Whati. By eliminating this limitation, the harvesting season may start earlier, and end later, exposing barren-ground caribou to increased harvest pressure. These effects should be considered in the EA of the project.

Effects of Road on Wildlife is Underestimated

NSMA thinks that the impact of traffic on wildlife is underestimated. The PDR does not provide rationale for the estimated level of traffic (20-40), nor does it provide a breakdown of the type of vehicles that will be using the road. The Proponent also did not consider potential traffic increases in the future; should additional developments happen (e.g. Mazenod Project), or the population of Whati increases.

According to the Fortune Mineral's 2013 REA, approximately 5 haul truckloads of ore concentrate, 3-4 truckloads of diesel, consumables, and other mine supplies, and other miscellaneous traffic for mine personnel etc will be travelling on TASR every day. Traffic volume described in the PDR (20-40 vehicles/day) does not differentiate types of

¹⁷ Species at Risk Committee, 2012, Species Status Report for Boreal Caribou in the NWT

¹⁸ WRRB public hearing on Bluenose East Caribou Management Plan, transcript of day 2, pp. 161-162

¹⁹ GNWT-ENR and Tlicho Government Joint-Proposal for Bluenose East Caribou to the WRRB, 2016

vehicles, which would matter for effects assessment to wildlife (i.e. large haul trucks create more noise and dust).

Wood Bison, Boreal caribou, and Bathurst Caribou will be especially susceptible to the impacts from the road.

Wood Bison has been assessed as “threatened” by the Species at Risk Committee in April 2016. Mackenzie Bison population of Wood Bison is approximately 700 animals, down from approximately 2,400. NSMA is particularly concerned that vehicle collisions comprise a significant portion of mortality for Mackenzie Bison. GNWT-DoT's analysis that the number of collision is decreasing since 2008 does not seem well-supported (see Figure 1 below).

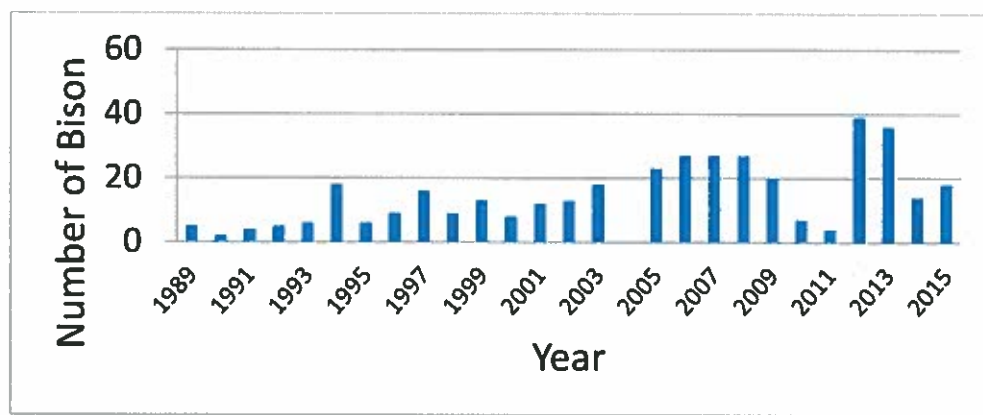


Figure 1: Number of bison killed in motor-vehicle collisions on NWT Highway 3 from 1989 to 2015, as reported to ENR²⁰

It is also noted that Mackenzie Bison appear to be moving west-wards, due to habitat degradation in the Bison Sanctuary near Fort Providence. That, and Wood Bison's preference to stay on or nearby the roads can attract Mackenzie Bison towards the TASR, increasing the likelihood of bison-vehicle collisions.

Boreal Caribou is another Species at Risk that utilizes the local study area of the TASR. The PDR assesses the undisturbed Boreal Caribou habitat at 66%, only 1% above the critical habitat required in the Boreal Caribou recovery strategy for the Boreal Caribou (as listed by the Species at Risk Report). This level of habitat disturbance is above the threshold identified in the recovery strategy. Reasonable foreseeable projects and projected natural disturbance within the range are likely to increase the level of disturbance, and possibly surpassing the 65% critical threshold.

Finally, Barren-ground caribou, such as Bathurst Caribou, are known to be sensitive to road and road traffic, and are adversely affected by them. Both NSMA and the GNWT-ENR went to great length to convince the Nunavut Impact Review Board to mitigate potential adverse effects of a road on caribou at a remote mine site in Nunavut²¹.

²⁰ GNWT-ENR Draft Mackenzie Bison Management Plan, 2016

²¹ Nunavut Impact Review Board public hearing on Sabina Gold and Silver's Back River Project, April 2016

Among other recommendations, both NSMA and the GNWT-ENR suggested that the trigger distance for cessation of disturbing activities should be set at the approximate distance of the Zone of Influence ("ZOI"). In the case of roads, the ZOI is estimated to be between 4-6 km away from the road, within which caribou will experience stressful conditions (which would then lead to reduction in reproductive capacities etc).

NSMA concludes that the combined effects of the traffic, the barrier effect of the road, and increased accessibility to the hunters can have detrimental effects on *already* suffering Bathurst and Bluenose East Caribou herds.

Some Mitigation Measures Seem Unfeasible

NSMA is of the opinion that the Proponent would require a much more detailed impact assessment before the project can move forward to the permitting stage. In that respect, the NSMA did not in great detail review the various management plans and mitigation measures the Proponent listed or appended in the PDR. In NSMA's view, thorough effects, particularly cumulative effects, assessment should precede the discussion about mitigations.

That said, one proposed mitigation measures in particular appears unlikely to be successful:

- Construction operations will be temporarily suspended when species at risk and barren-ground caribou are within 500 m of construction activities²²

While this mitigation measure may be somewhat consistent with GNWT-ENR's position during the aforementioned NIRB public hearing, the practicality of this measure is highly questionable in the boreal ecosystem. Line of sight from the construction site cannot be more than 500m in the forested areas. It is doubtful even an aerial monitoring could reliably detect Boreal Caribou in the summer. Unless the Proponent demonstrates that they can effectively monitor the movement of the animals of interest, this mitigation measure should not be considered effective.

Conclusion

In conclusion, the NSMA has the following two recommendations for the Board's consideration:

Recommendation 1

That the Board agree with the Minister and the Supreme Court of the Northwest Territories that NSMA members have a good *prima facie* claim to Aboriginal

²² GNWT-DoT PDR p. 8-23

rights north of Great Slave Lake, NWT, and direct the Proponent to undertake its consultation requirements on that basis

Recommendation 2

That the Tlicho All Season Road be referred to an Environmental Assessment.

Sincerely,



William (Bill) A. Enge

President

Email: president@nsma.net

Enclosures

Letter from the Minister to NSMA dated August 16, 2013

Letter from NSMA to GNWT-DOT dated March 24, 2016

Letter from GNWT-DOT to NSMA dated May 26, 2016

Ministre des Affaires autochtones
et du développement du Nord



Minister of Aboriginal Affairs and
Northern Development

Ottawa, Canada K1A 0H4

AUG 16 2013

Mr. William (Bill) A. Enge
President
North Slave Métis Alliance
PO Box 2301
YELLOWKNIFE NT X1A 2P7

Dear Mr. Enge:

In your letter of June 25, 2013, you request that Canada consider the decision of the Supreme Court of the Northwest Territories in *Enge v. Mandeville et al*, 2013 NWTSC 33 (*Enge 2013*). Canada has reviewed *Enge 2013* and has considered the potential effects that the Court's findings in *Enge 2013* may have on Canada's assessment of the strength of the North Slave Métis Alliance's (NSMA) claims to Aboriginal rights and also on Canada's approach to the North Slave Métis Alliance in devolution discussions.

In *Enge 2013*, the court finds, at paragraph 236, that "the NSMA has a good *prima facie* claim to the Aboriginal right to hunt caribou on their traditional lands." In light of this finding, Canada has revised its preliminary assessment of the strength of the North Slave Métis Alliance's claims to rights under section 35 of the *Constitution Act, 1982* as expressed in a June 21, 2013 letter to you from Mr. Wayne Walsh, Director of Devolution and Major Programs. In particular, Canada acknowledges that the North Slave Métis Alliance has a good *prima facie* claim to the Aboriginal right to hunt caribou on their traditional lands, and are entitled to an appropriate measure of consultation when that asserted right may potentially be adversely impacted by the Crown's action.

I wish to make clear that this revised assessment is not a determination by Canada that the North Slave Métis Alliance has any section 35 rights. The law relating to the duty to consult makes it clear that an assessment of the strength of the claim for the purposes of consultation is not a rights-determination process. At paragraph 178 of *Enge 2013*, the court confirms this approach and states "a preliminary assessment is not intended to be a conclusive determination of the status of the right but is intended to determine whether there is a *prima facie* basis for the claim." Furthermore, the Court was clear that its finding regarding the strength of the North Slave Métis Alliance's claim to a right to

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Canada

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harvest caribou is not a determination that the North Slave Métis Alliance has established such a right. At paragraph 230, the Court states that a "Final determination of the Applicant's and the NSMA's rights are not the subject of these proceedings and will be decided at another time, either through a negotiated treaty or further court proceedings."

In light of our revised preliminary assessment of the strength of the North Slave Métis Alliance's claims to Aboriginal rights, Canada has reconsidered the information provided by the North Slave Métis Alliance at the April 24 and 25 meeting and in your May 14, 2013 written submissions. In these discussions and documents, there is no information from the North Slave Métis Alliance to indicate that the Devolution Agreement will result in an adverse impact on the asserted right of the North Slave Métis Alliance to hunt caribou; nor has the North Slave Métis Alliance provided any information as to the nature of any potential adverse impact the Devolution Agreement may have on their asserted Aboriginal right to hunt caribou. Canada is of the view that the Devolution Agreement does not have any adverse impacts on any asserted wildlife harvesting right of the North Slave Métis Alliance or its members.

In your June 25, 2013 letter, you ask that Canada immediately consider a change in its approach to the North Slave Métis Alliance's status in devolution discussions. It is Canada's view that *Enge 2013* does not present any reason for Canada to change its approach to the North Slave Métis Alliance's eligibility to be a party to the Devolution Agreement. As Canada has previously advised the North Slave Métis Alliance, the criteria to become a party to the Devolution Agreement are set out in the relevant provisions of that agreement. In particular, the definition of the term "Aboriginal Organization" sets out the criteria which must be met in order for an Aboriginal group to be eligible to be an Aboriginal Party pursuant to Section 2.31 of the Devolution Agreement. The North Slave Métis Alliance do not meet the criteria necessary to fall within the definition of the term "Aboriginal Organization." The finding in *Enge 2013* that the North Slave Métis Alliance has a good *prima facie* claim to an Aboriginal right to hunt caribou in its asserted traditional territory does not change this.

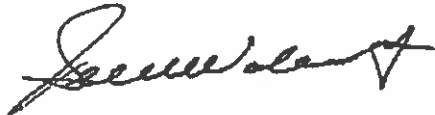
In conclusion, while *Enge 2013* has resulted in Canada revising its strength of claim assessment, this has not changed Canada's determination that the Devolution Agreement does not adversely impact any asserted rights of the North Slave Métis Alliance, including any asserted wildlife harvesting right; nor has *Enge 2013* changed the eligibility of the North Slave Métis Alliance to be a party to the Devolution Agreement.

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As you are likely aware, Canada and the other parties signed the Devolution Agreement on June 25, 2013. As we work toward implementation of this Agreement, I wish to advise you that Canada intends to consult the North Slave Métis Alliance in the coming months with respect to the legislation package necessary to implement the Devolution Agreement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bernard Valcourt', with a stylized flourish at the end.

Bernard Valcourt, PC, QC, MP

c.c.: The Honourable Bob McLeod, MLA
Mr. Gary Bohnet
Mr. Martin Goldney

NORTH SLAVE MÉTIS ALLIANCE

PO Box 2301 Yellowknife, NT X1A 2P7



March 24, 2016

Mr. Michael Conway
Regional Superintendent - North Slave Region
Dept. of Transportation
Government of the Northwest Territories
PO BOX 1320
Yellowknife, NT X1A 2L9
Ph: (867) 767 – 9089 Ext: 31194
Fax: (867) 873 - 0606
Email: michael.Conway@gov.nt.ca

Via Fax and Email

Dear Mr. Conway:

Re: Consultation Regarding Proposed "Tlicho All-season Road"

Thank you for your letter of March 18, 2016 which arrived at our office today, March 24, 2016. The North Slave Métis Alliance ("NSMA") appreciates the opportunity to review and comment on the Project Description Report for the Proposed Tlicho All-season Road dated February 2016, prepared by the Department of Transportation, Government of the Northwest Territories (the "February 2016 PDR").

As we discuss below, the Government of the Northwest Territories ("GNWT") has not fulfilled its duty to consult with NSMA regarding this project. In this letter, NSMA focuses on two areas of potential adverse effects on its members: the impact on caribou, and on cultural and heritage resources. This focus should not be taken to limit NSMA's concerns regarding the potential adverse effects of the project, but rather as two important subject matters we wish to bring to your attention in this letter.

We look forward to engaging in a meaningful consultation (and appropriate accommodation if need be) with the GNWT and the Department of Transport ("DoT") in a way that upholds the honour of the Crown prior to the Crown taking any further steps on this project that will impact on the section 35 Aboriginal rights of our members as Métis people of the Great Slave Lake area of the Northwest Territories.

Ph: (867) 873-NSMA (6762)

Fax: (867) 669-7442

Email: general@nsma.net

The Tlicho All-season Road

As we understand it, the proposed Tlicho All-season Road is 94km long and 60m wide. It will predominately follow an old military winter road. It begins at KM196 along Highway 3 and continues in a northwesterly direction to the community government boundary of Whati. It is designed for year round use. The proposal calls for a two lane gravel road, to be used by commercial and private vehicles, with a design speed of 80 km/h and a posted speed limit of 70 km/h. Traffic volume is estimated at 20 to 40 vehicles per day. The proposed footprint falls within the Wek'eezhii area. Approximately 17 km of the road is located on Tlicho private lands and the remainder is on Territorial lands. There are 15 tributaries along the route, including four major bridge crossings.

Impact on Caribou

The February 2016 PDR provides that both the Boreal Woodland caribou and the Barren-ground caribou - particularly the Bluenose East caribou herd - will be impacted by the Tlicho All-season Road. The affected caribou share ranges within the Tlicho All-season Road corridor. Woodland caribou, in particular, are noted as sensitive to human disturbance (noise, dust, smell and pollution). The caribou, in addition, will suffer from an increase in carnivore predation and human harvesting as the road becomes a "predator highway" into their ranges, as carnivores and hunters will use the road to improve their access to the herds. The February 2016 PDR presents the results of a preliminary cumulative effects review, but the cumulative effect of this and other projects in the area is unknown.

Impact on Cultural and Heritage resources

As defined under the *Mackenzie Valley Resource Management Act*, heritage resources include "archaeological or historic sites, burial sites, artifacts and other objects of historical, cultural or religious significance, and historical or cultural records." An archaeological impact assessment ("AiA") of the proposed Tlicho All-season Road corridor was conducted in 2014. We were disappointed to find that Appendix U of the AiA was redacted with a view to ensuring any significant areas remain confidential. We were also disappointed to find the AiA only references the importance of First Nation and Inuit perspectives.

An aerial reconnaissance and mapping study was conducted by DoT staff in early June 2014 to assess potential borrow sources (February 2016 PDR, at 4-32). A subsequent archaeological overview and/or AiA may be required at a later date "to address the archaeological potential amongst the chosen borrow sources, due to the typically high archaeological potential with high, well-drained, elevated features" (February 2016 PDR, at 7-2). Further appropriate archaeological permits will be obtained and any final investigation(s) will be completed under the direction of the Prince of Wales Northern Heritage Centre (February 2016 PDR, at ii).

DoT consultation with the Tlicho

The February 2016 PDR provides that DoT and the Tlicho Government have been working jointly on this project since 2011. They have formed a Tlicho Roads Steering Committee ("TRSC"). Since May 2013, the focus has been on an all-season road and consultation sessions between the GNWT and the Tlicho have included:

- June 2013 - An Inter-agency Committee.
- August 2013 - The Tlicho Roads Working Group (described as including DoT employees, Tlicho Government and other parties as necessary) ("TRWG") attended a meeting in Whati with the Chief and Council.
- September 4, 2013 – The TRWG attended a meeting with the community to discuss options.
- November 28, 2013 – A community meeting introducing the "TG road studies that were being conducted".
- November 2013-2014 – A traditional knowledge study outlining Tlicho traditional knowledge relevant to the project. The study was prepared and funded by a "Memorandum of Understanding" between the Tlicho Government and the GNWT (the "Tlicho TK Study"). The Tlicho TK Study provided information on the significance of the road location itself and the potential impact on known and unknown culturally sensitive and/or burial sites. The Tlicho TK Study also provided information on impacts to trapping, barren-ground and woodland caribou health and harvesting, moose and bison.
- November-December 2013 and March 2014 – Interviews and community meetings conducted for a socioeconomic impact assessment.
- June 2014 – DoT staff conducted an aerial reconnaissance and mapping study to assess potential borrow sources.
- August 2014 – Stantec conducted the AiA of the proposed Tlicho All-Season Road corridor.
- June 24, 2015 – A special inter-agency meeting in Whati in order for the community to discuss how it needs to prepare.
- July 2015 – Preparation of a draft Project Description Report for the Tlicho All-season Road.
- January 2016 – Tlicho Community Consultation Tour – Community consultation meetings conducted jointly with DoT and Tlicho Government. Lunch or supper was offered, interpreters were present, a project summary was available, a power point presentation was given with questions and answers afterwards.

DoT interaction with NSMA

The February 2016 PDR provides that NSMA is the only Aboriginal group, other than the Tlicho Government, who is attempting to engage with the GNWT and the DoT regarding the Tlicho All-season Road. DoT's interaction with NSMA regarding the Tlicho All-season Road began in May 2015 and has included:

- May 21, 2015 – DoT wrote to NSMA about the proposed Tlicho All-season Road.
- June 12, 2015 – DoT wrote a follow-up letter to NSMA asking NSMA to respond by June 26, 2015, if NSMA would like information relating to the Tlicho All-season Road.
- June 26, 2015 – NSMA wrote to DoT that it was ready, willing and keen to consult regarding the Tlicho All-season Road.
- July 31, 2015 – DoT provided NSMA with a draft version of the Project Description Report for the Tlicho All-Season Road (the "July 2015 PDR").
- September 29, 2015 – A DoT representative met NSMA representatives for a lunch meeting at Coyote's Bar & Grill in Yellowknife, NWT.
- January 27, 2016 – DoT wrote to NSMA regarding the September 29, 2015 meeting.
- February 19, 2016 – NSMA wrote to DoT to clarify the facts regarding the lack of consultation to date and to emphasize NSMA's continued interest in consulting on the Tlicho All-season Road.
- February 25, 2016 – DoT provided NSMA with the February 2016 PDR.
- March 24, 2016 – NSMA received a letter for DoT regarding NSMA's letter dated February 19, 2016.

DoT timeline for next steps regarding Tlicho All-season Road

The February 2016 PDR is written for the purpose of applying for a Type A Land Use Permit and Type B Water License from the Wek'eezhii Land and Water Board (the "WLWB"). The cover letter respecting the February 2016 PDR provides that DoT is expecting further responses from the Government of Canada, the GNWT and the Tlicho Government by March 16, 2016, and that DoT intends to have the entire package finalized and submitted to the WLWB by the end of March, 2016.

DoT and GNWT's Lack of Consultation with NSMA

No Preliminary Assessment

The GNWT says it is committed to consulting with and, where appropriate, accommodating Aboriginal Government Organizations including NSMA, on matters that may negatively impact on their members' Aboriginal or treaty rights. The NSMA understands, from an affidavit recently sworn by Fred Talen, the GNWT's Director of Negotiations, Negotiations Division, Department of Aboriginal Affairs and Intergovernmental Relations, that the GNWT follows four phases to consultation. Of particular relevance are: Phase 1: Pre-consultation Assessment, in which the GNWT determines whether the GNWT action has the potential to negatively affect an Aboriginal or treaty right; and Phase 2: Consultation Strategy Development, in which the GNWT identifies who should be consulted and how, considers the strength of claim assessment and determines the depth of consultation required.

However, NSMA has yet to be consulted respecting any strength of claim assessment by the GNWT and/or DoT regarding NSMA members' section 35 Aboriginal rights as Métis, and the potential of the Tlicho All-season Road development to negatively affect our members' Aboriginal rights as Métis. Failure to provide this assessment to NSMA contravenes both the GNWT's own consultation policy and the common law of the Northwest Territories, as articulated by Justice Smallwood in *Enge v. Mandeville* in 2013, where she provides at paragraphs 175 and 176:

[175] The failure of the GNWT or ENR to conduct a preliminary assessment of the strength of the NSMA's claim was an error of law. The inconsistency in the GNWT's approach to consultation tends to show that the consultation they undertook was not based on a full and clear understanding of the NSMA's asserted rights.

[176] As a matter of law and fairness, the NSMA were also entitled to a preliminary assessment conducted by the GNWT so that they could review it and provides comments on the preliminary assessment. Only then would they be in a position to approach the process with a clear understanding of the GNWT's conception of their rights.

NSMA is very concerned that the consultation process between DoT, GNWT and NSMA is being undertaken without a full and clear understanding of NSMA members' asserted section 35 Aboriginal rights as Métis. NSMA respectfully requests that DoT and GNWT either complete a preliminary strength of claim assessment of the asserted Aboriginal rights of NSMA members or immediately share an already completed assessment with the NSMA, so that we may review it and provide comments about its contents. Only then will all parties will be in a position to approach this consultation process with a clear understanding of the GNWT's conception of NSMA members' Aboriginal rights as Métis.

Adverse Impacts on Caribou

NSMA asserts the Aboriginal rights of its members as Métis in the region to the north and east of Great Slave Lake, NWT. The Supreme Court of the Northwest Territories has held that NSMA members have a good *prima facie* claim to the Aboriginal right as Métis to harvest caribou in the region that will be impacted by the Tlicho All-season Road. On February 2, 2015, the GNWT provided NSMA members with an allocation of the limited Aboriginal harvest of the Bluenose East caribou herd for the 2014-2015 harvest season, and further provided an allocation of the limited Aboriginal harvest of the Bluenose East caribou herd for the 2015-2016 harvest season. It follows that the Bluenose East caribou herd is now NSMA members' primary source of caribou bush meat, as there is no longer any harvest of the Bathurst caribou herd permitted. On March 5, 2015, the GNWT informed NSMA that if and when the Bathurst caribou herd sufficiently recovers to allow for a limited Aboriginal harvest on that herd, the GNWT is committed to providing NSMA with an equitable allocation of harvesting tags, akin to the allocation of tags for the Bluenose East herd in 2014-2015 and 2015-2016. NSMA currently sits on a number of committees dedicated to managing and preserving the health of both of these herds as well as the herds of the Woodland caribou affected by the Tlicho All-season Road.

NSMA is very concerned that the Tlicho All-season road will negatively affect these herds and thus adversely impact the Aboriginal rights held by NSMA members as Métis to harvest caribou. No one from DoT or GNWT has approached NSMA to consider and discuss these potential adverse impacts. NSMA specifically wishes to have more information regarding the migratory patterns of the herds so that we can make informed decisions about what measures to take to protect the herds from the negative effects the Tlicho All-season Road will have on them.

Further, the February 2016 PDR presents the results of a preliminary cumulative effects review. The review was not included in the July 2015 PDR, so we assume this preliminary review was undertaken between these two dates. The preliminary review references the proximity of Fortune Mineral's NICO project to the Tlicho All-season Road. The preliminary review also notes measure #8 of the Mackenzie Valley Environmental Impact Review Board's Reasons for Decision for Fortune Mineral's NICO project, which provided that a working group to develop a response framework for cumulative impacts with respect to barren-ground caribou would be required for implementation of the NICO project with a view to managing cumulative effects. NSMA sits on the Bathurst Caribou Range Planning Working Group which recommends habitat management approaches to reduce risks to caribou and frameworks for monitoring and managing cumulative habitat disturbance. Given the importance of these herds to NSMA members, the fragile state of the herds' health and NSMA's understanding of cumulative effects, NSMA would like a thorough review of the cumulative effects of the Tlicho All-season Road undertaken, before any further steps are taken on this project.

Adverse Impacts on Cultural and Heritage Resources

NSMA is very concerned that the 2014 AiA was undertaken without any consultation with NSMA. The AiA has a serious flaw. It makes no reference to Métis ethnicity and heritage. The Métis of the Great Slave Lake area have their ethnogenesis in the interplay between Aboriginal and European communities. The ethnic footprint left on Métis archaeological or historic sites, burial sites, artifacts and other objects of historical, cultural or religious significance is unique from that left by their Indian counterparts.

NSMA is also very concerned that sites, artifacts or objects of historical Métis ethnic heritage may be overlooked in archaeological assessments - such as in this AiA - if an empirical archaeological study is not undertaken. With that in mind, it was not until NSMA commissioned the 2001 report by Professor Marc Stevenson that it was confirmed that a Métis community had existed in the North Slave region of the NWT in the late 1700s which regularly hunted and relied on caribou.

NSMA respectfully requests that the 2014 AiA, without redactions, be provided to NSMA, and that NSMA be consulted regarding the education and planning respecting Métis cultural and heritage resources, before further work is done on the project.

No meaningful consultation with NSMA

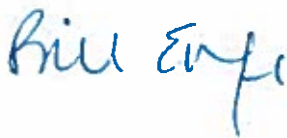
There has been multi-year, deep consultation and accommodation undertaken between the Tlicho and DoT, including a joint Tlicho/DoT "Tlicho Community Consultation Tour" which occurred in each of the Tlicho communities in January 2016. In contrast, the first time DoT contacted NSMA regarding the Tlicho All-season Road was in May 2015. A DoT representative had lunch with NSMA representatives at Coyote's Bar & Grill in September 2015, after which NSMA heard nothing regarding the project until NSMA received DoT's letter of January 27, 2016 and was provided with the February 2016 PDR on February 25, 2016. With that in mind, NSMA respectfully requests that DoT meaningfully consult with NSMA on the points discussed above prior to any further steps being taken on the Tlicho All-season Road project.

Next Steps

We respectfully request DOT undertake deep consultation, and if need be appropriate accommodation, with NSMA, prior to DOT submitting its application for land use permits and water licenses to the WLWB. The consultation would include, but not limited to, the following:

1. DoT and the GNWT must undertake a preliminary assessment of the strength of claim and the potential adverse effects of the Tlicho All-season Road on NSMA members' Aboriginal rights as Métis - or provide an already completed assessment – so that we may review it and provide comments about its contents. Only then will all parties will be in a position to approach this consultation process with a clear understanding of the GNWT's conception of NSMA members' Aboriginal rights as Métis.
2. DoT consult with NSMA regarding NSMA's concerns about the impact on caribou. NSMA specifically wishes to have more information regarding the migratory patterns of the herds so that we can make informed decisions about what measures to take to protect the herds from the negative effects the Tlicho All-season Road will have on them;
3. Given the importance of these herds to NSMA members, the fragile state of the herds' health and NSMA's understanding of cumulative effects, NSMA would like a thorough review of the cumulative effects of the Tlicho All-season Road undertaken, before any further steps are taken on this project; and
4. The 2014 AiA, without redactions, be provided to NSMA, and NSMA be consulted regarding the education and planning respecting Métis cultural and heritage resources, before further work is done on the project.

Sincerely,



William (Bill) A. Enge
President
Email: president@nsma.net

cc: **Mr. Russell Neudorf**, Deputy Minister, Department of Transportation
Ms. Laura Duncan, Tlicho Executive Director, Tlicho Government

May 26, 2016

North Slave Métis Alliance
Bill Enge
32 Melville Drive
PO BOX 2301
YELLOWKNIFE NT X1A 2P7

Dear Mr. Enge:

Tłıchǵ All-season Road

Thank you for your letter of March 24, 2016 and the review the NSMA undertook of the Tłıchǵ All-Season Road Project Description Report (PDR), prior to it being submitted to the Wek'èezhì Land and Water Board (WLWB) for consideration on March 31, 2016.

The GNWT also looks forward to continuing meaningful consultation with accommodation, if appropriate.

GENERAL MATTERS

Your letter addresses consultation procedure in some detail so we thought it might be useful to set out the GNWT's approach.

The GNWT acknowledges the constitutionally protected rights of Aboriginal peoples and is committed to ensuring that the GNWT respects Aboriginal and Treaty rights where a government action may adversely impact those rights.

The GNWT has a duty to consult and, where appropriate, accommodate Aboriginal peoples regarding their constitutionally protected rights.

This duty to consult focuses on the potential adverse impacts of GNWT government actions on asserted or established Aboriginal and/or Treaty rights, and is carried out by the GNWT to ensure the legal soundness of its decision-making, the maintenance of the "Honour of the Crown", and the promotion of "Reconciliation" between the Crown and Aboriginal peoples, and between Aboriginal interests and general public interests.

.../2

The GNWT takes its section 35 duty to consult very seriously and has publically stated its' approach to consultation with Aboriginal Governments and organizations (AGO) in "The Government of the Northwest Territories' approach to consultation with Aboriginal Governments and organizations" as follows.

[http://www.daair.gov.nt.ca/live/documents/content/Aboriginal Consultation Approach.pdf](http://www.daair.gov.nt.ca/live/documents/content/Aboriginal%20Consultation%20Approach.pdf)

As stated in this document, the GNWT follows a consultation process that consists of four basic stages.

The first stage is the pre-consultation assessment stage, which addresses the following questions:

- Does the duty to consult arise from the requirement contained in a land claim, self-government or interim measures agreement, section 35 or requirement of legislation or policy?
- What are the potential adverse impacts of the proposed GNWT's action on the asserted or established Aboriginal rights?
- Who should the GNWT be consulting with?
- What level of consultation is required?

Based on this assessment, the GNWT designs a tailor-made consultation process appropriate to the specific circumstance. The depth of consultation with each potentially adversely affected AGO may be quite different based on the pre-consultation assessment and may also be revised based on information received in-person or writing during the consultation process.

Although our engagement record on this matter was commenced quite some time ago as outlined in the PDR Appendix D: Engagement Plan and Log and Appendix E: Engagement Record Summaries, we are still at the stage where we are seeking the concerns of the NSMA about how the proposed project might adversely affect the right outlined in the Enge case, or indeed your wider asserted Aboriginal rights.

We have received some of those concerns in your letter. We are expecting that you may have additional ones or some clarification of ones provided perhaps as a result of points raised in our letter. This would be ideal to receive at this still-early stage of the project.

We have received some of those concerns in your letter. We are expecting that you may have additional ones or some clarification of ones provided perhaps as a result of points raised in our letter. This would be ideal to receive at this still-early stage of the project.

SPECIFIC MATTERS

1) Provision of Documents

We understand that the NSMA has been provided with the entire PDR package that is mentioned on page 4 of your letter and appreciate the thorough review the NSMA undertook. As you are aware, the Department of Transportation submitted the final PDR with land use permit and water licence application to the WLWB on March 31, 2016.

On page 5, you request a "thorough review" of cumulative effects, however, we believe that the PDR is the thorough review. Perhaps you would clarify what you mean by this. The PDR, (p. 9-1) states that DOT conducted a preliminary cumulative effects assessment to aid the preliminary screening process with the WLWB; to provide regulatory decision-makers and land and resources managers with a suitable amount of detail to assess whether the construction of the proposed Tłıchǰ All-Season Road will contribute to cumulative effects in the Wek'èezhìi area and whether any additional mitigations are required. Therefore, the cumulative effects assessment was preliminary at this stage in the process because a full assessment is only really applicable if the project is being screened at a higher level (MVEIRB).

Also on page 5 and on page 8, you request "more information" about the migrating herds. As members of the Bathurst Caribou Range Plan Working Group, you would also have had access to the very latest studies and findings on that topic. Please notify us if that is not the case.

Concerning the Archaeology Impact Assessment (AIA), it is important to note that your concerns set out on page 7 regarding heritage are, in our opinion, in the context of asserted rights. These were not the subject matter of the Enge case and we regard the context you set out in your letter as being reflective and complementary to your current litigation. We would suggest that we do not necessarily have to be in agreement with the legal framing of your concerns to hear and consider them seriously in the context of consultation.

The AIA for the proposed Tłıchq All-Season Road was completed by Stantec at the request of the Department of Transportation. The AIA was conducted under Northwest Territories Class 2 Archaeologist Permit 14-009, issued by the Prince of Wales Northern Heritage Centre (PWNHC). It is our understanding that NSMA (Matt Hover, Environment and Resource Manager, NSMA) was consulted on the permit prior to it being issued on May 29th, 2014. As per the permit conditions, the NSMA would have been sent the final report, without redactions, in March 2015 to the attention of Matt Hover. If this is not the case, please let us know.

The AIA is designed to deal with artifact identification and potential protection. It is not about attribution. In fact, we are told by the PWNHC that, in the vast majority of cases, it is impossible to attribute an artifact to one Aboriginal group or another. With that in mind, we regard the AIA as a general study not focused on one group but instead focused on one area of the NWT.

As you indicated in your letter, the AIA posted on the WLWB Registry (Appendix U) includes two instances on maps on page 29 and 54 where the exact locations of the archaeology sites are redacted. It is PWNHC standard practice and permit conditions to not include exact locations, when conducting AIA in order to protect the culturally important sites; although as stated above, NSMA should have received a copy, without redactions, as part of the permit conditions.

If the NSMA has any additional knowledge of archaeological sites of significance to the NSMA, the GNWT would welcome this information.

2) Strength of Claim Assessment

For more information on this matter, please contact Clayton Balsillie, Director of Aboriginal Consultation and Aboriginal Relations at Department of Aboriginal Affairs and Intergovernmental Relations, at clayton_balsillie@gov.nt.ca.

Once again thank you for outlining your concerns for our consideration and evaluation. Please send any others you may have on the potential adverse impacts of the project on caribou or other matters.


Sincerely,



Michael Conway
Regional Superintendent
North Slave Region

- c. Mr. Russell Neudorf, Deputy Minister
Department of Transportation

Ms. Laura Duncan, Tłıchǵ Executive Officer
Tłıchǵ Government

North Slave Metis Alliance: Shin Shiga			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	General File	<div><div>mment</div><div>NSMA Letter Re: Consultation Regarding Proposed "Tłıchǫ All-season Road"</div></div> <div>Recommendation</div>	<p>The GNWT would like to acknowledge and thank the North Slave Métis Alliance (NSMA) for its letter dated June 2, 2016 to the WLWB regarding the proposed TASR. Although the letter was directed to the WLWB, the GNWT wishes to respond to concerns raised by the NSMA.</p> <p>The GNWT carefully considered NSMA's comments with respect to potential adverse impacts on NSMA's asserted or established Aboriginal and/or Treaty rights as a result of the proposed project. The GNWT has given full, fair and meaningful consideration to the views expressed by the NSMA. It is the GNWT's view that the concerns raised by NSMA can be addressed during the permitting process.</p> <p>Below provides a more detailed analysis of GNWT's consideration of NSMA's concerns and comments raised in NSMA's June 2 letter to the Board. In providing these responses to NSMA's comments to the Board, the GNWT wants to ensure that NSMA's concerns are addressed. The GNWT also wants to ensure that the Board, as the preliminary screener, has all the necessary information to ensure that the concerns of Aboriginal peoples, as well as the general public, are considered.</p>

		<p>Comment Concerns regarding the impact on NSMA members' Aboriginal rights</p>	<p>As required by the policy and guidelines set out by the WLWB - the <i>Mackenzie Valley Land and Water Board (MVLWB) Engagement and Consultation Policy</i> (2013) and the <i>MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits</i> (2014), the GNWT submitted its engagement plan and record with its application. The GNWT notes that the engagement summary with the NSMA that was listed on p.3 of the NSMA's June 2, 2016 letter is incomplete. Appendix E - Engagement Plan and Log and Appendix E - Engagement Record Summaries provides a complete summary of the various communications between DOT and NSMA. The engagement record also contains copies of all correspondence for reference.</p> <p>The <i>MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits</i> (2014), outlines that the engagement efforts, along with the Board's consultative process, contribute to meaningful engagement of affected parties. Engagement ensures that affected parties, including Aboriginal governments and organizations, are able to develop an understanding of a proposed project, provide feedback during the engagement process on issues of concern with regard to the project and work toward building a relationship with the proponent. Therefore, the proponent has a role to provide information pertaining to the project that will allow Aboriginal governments and organizations to consider and articulate whether the project may have a potential adverse impact on their asserted or established Aboriginal and/or Treaty rights.</p>
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			<p>During pre-submission engagement, Aboriginal governments and organizations have a reciprocal duty to consider the information provided by the proponent and to participate in the consultation process.</p> <p>NSMA has made the following recommendation to the WLWB: <i>Recommendation</i> <i>That the Board agree with the Minister and the Supreme Court of the Northwest Territories that NSMA members have a good prima facie claim to Aboriginal rights north of Great Slave Lake, NWT, and direct the Proponent to undertake its consultation requirements on that basis.</i></p> <p>For clarity, in the 2013 Enge v Mandeville decision (paragraph 236) the court states that "the NSMA has a good prima facie claim to the <i>Aboriginal right to hunt caribou</i> on their traditional lands". The GNWT has undertaken extensive engagement and consultation with NSMA on this basis and those efforts, along with responses to the concerns raised in NSMA's most recent letter of June 2, 2016, are addressed within this Proponent Response Table.</p> <p>Finally, NSMA requested that the GNWT provide a preliminary assessment of the NSMA's asserted Aboriginal rights in the NWT. As stated in the GNWT-DOT May 26, 2016 letter to the NSMA, for more information on this matter, please contact Clayton Balsillie, Director of Aboriginal Consultation and Relations at the Department of Aboriginal Affairs and Intergovernmental Relations.</p>
		Comment (*Please refer to NSMA's letter, submitted to the Board on June 2, 2016, to review it in its entirety. The following points summarize NSMA's main concerns with respect to their second recommendation and are the areas where GNWT supplied a response.)	
		NSMA believes the following points identify the TASR as having an adverse effect on the environment:	GNWT has made multiple commitments and will undertake various proposed mitigation measures to prevent potential significant adverse effects to the environment. GNWT will continue to include NSMA in all future engagement (e.g. items described in Engagement Plan such as project updates) and is willing to seek input from NSMA during the finalization of the WMMP prior to its approval by the Minister of Environment and Natural Resources so that NSMA can be confident that the project will not have any significant adverse effects to the environment, especially with respect to wildlife such as caribou, moose and bison.

		1. Baseline condition for Fortune Minerals' cumulative effects assessment has changed substantially.	Similar concerns regarding the Bathurst caribou herd were expressed during elder and harvesters interviews as part of the Tłıchǵ Government's Traditional Knowledge Study for the Proposed All-Season Road to Whatì (2014). The GNWT, Tłıchǵ Government, and the Tłıchǵ Road Working Group believe that the project is unlikely to add to the cumulative impacts currently experienced by the Bathurst herd for several reasons. First, the Bathurst caribou herd currently does not overlap the project area and has not for many years. While it is possible that the herd could begin to use the small portion (i.e. 15 km) of the periphery of the historic winter range that overlaps with the project at some point in the future, project mitigations that will be in place to manage impacts to other wildlife in the area will apply to managing any impacts to barren-ground caribou. Secondly, a substantial portion of the project's footprint occurs along existing disturbance and the small amount of new disturbance and access related to the project in the historic winter range of the Bathurst herd are expected to be offset over time by vegetation recovery and reduced access along the current winter road to Whatì, which will be decommissioned.
			NSMA expressed concern that the cumulative effects assessment conducted by Fortune Minerals during the Environmental Assessment (EA) of its NICO mine is no longer relevant because of the change in baseline conditions, especially for the Bathurst caribou herd. Though it is correct that the baseline conditions for a cumulative effects assessment for the Bathurst caribou herd across the range have changed since Fortune Minerals' NICO EA, GNWT reiterates that the project is unlikely to add to cumulative effects on the annual range of the Bathurst herd for the reasons identified above. A robust WMMP should be effective in preventing any significant adverse effects on the environment during the construction and operation of the TASR.

		<p>2. Cumulative effects assessment should consider potential effects across the range of Bathurst caribou.</p>	<p>On page 5 of NSMA's letter, the NSMA states that a cumulative effects assessment should consider potential effects across the range of the Bathurst caribou herd. GNWT agrees that the annual range is the appropriate scale at which to conduct a formal cumulative effects assessment in the context of environmental assessment or herd management for barren-ground caribou; however, a full cumulative effects assessment is typically not required as part of an application for a land use permit and therefore has not been conducted for this project at this time. The GNWT notes that as stated in the PDR on p. 9-1, a preliminary evaluation of potential cumulative effects was conducted for the purposes of the preliminary screening process to provide regulatory decision-makers and land and resource managers with a suitable amount of detail to whether any additional mitigations are required.</p> <p>The GNWT is of the opinion that given the current range of the Bathurst caribou herd, the routing of a large portion of the road along previously disturbed habitat, the fact that new disturbance or access will likely be offset by the commitment to decommission the winter road to Whatì and mitigations outlined in the WMMP, the project is unlikely to contribute any additional cumulative effects on the Bathurst herd. Numerous mitigations and best management practices have been committed to in order to minimize impacts to wildlife from the construction and operation of the TASR.</p>
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		<p>3. Proponent's reliance on other processes is unreliable.</p>	<p>The GNWT notes that the NSMA's statement on p.5 of its letter that "the cumulative effects response framework, on which the Proponent relies to mitigate potential adverse impacts from the TASR, does not exist" is only partially correct. The PDR identifies that Measure #8 from the Mackenzie Valley Environmental Impact Review Board's Reasons for Decision for Fortune Minerals' NICO project requires establishment of a working group (consisting of various parties, including the GNWT and Tłıchǫ Government) to develop a response framework for cumulative impacts with respect to barren-ground caribou to address NICO project-specific contributions to cumulative effects. While full implementation of this measure is dependent on advancement of the NICO project, GNWT has developed the broader Cumulative Effects Assessment, Monitoring and Management Framework (CEAMMF) for the Bathurst Herd which provides guidance for showing how various initiatives underway interact with development projects on the Bathurst caribou herd range to manage cumulative effects on the herd. The CEAMMF has been posted to the MVLWB registry for the Gahcho Kue process and the MVEIRB registry for the Jay environmental assessment. While Measure 8 of the NICO EA process is specific to that project alone, the overall CEAMMF developed by the GNWT will inform development of the approved WMMP for the TASR, which will include linkages to population level effects monitoring and connection to regional processes.</p> <p>A key piece of the framework is the Bathurst Range Planning process for the Bathurst caribou herd, which will describe how the Bathurst range will be managed over time and help prepare for any future changes to habitat. GNWT is leading that collaborative process, in which NSMA is an active participant. A structured decision making approach is being used to explicitly investigate tradeoffs in social, cultural, economic and ecological values associated with a range of approaches to managing disturbance on the range. Thresholds of acceptable change related to disturbance will be investigated through this process, which will also identify key indicators that can be tracked over time to monitor progress of plan implementation. NSMA correctly points out that the Bathurst range planning process has not been finalized; however, the Bathurst Range Plan is expected to be finalized in 2018.</p> <p>Another key piece in this framework is the Bathurst Caribou Herd Cooperative Advisory Committee which is a requirement of the Tłıchǫ Agreement. Once established, it will develop a long-term management plan of the Bathurst caribou herd that will address all issues of concern related to the herd including harvest, predator control and habitat management. Member organizations, which include representation from all Aboriginal user groups, including NSMA, are currently reviewing the terms of reference for this group.</p>
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Until a long term management plan for the Bathurst caribou herd can be developed, GNWT is working through the co-management processes outlined in the Tłıchǵ Agreement and the NWT Wildlife Act to implement interim management actions (2016 to 2019) that will support reversal of the Bathurst caribou herd's decline and promote an increase in the number of breeding females in the herd. On December 15, 2015 the Tłıchǵ Government and ENR submitted a joint Proposal on Caribou Management Actions for the Bathurst herd: 2016-2019 to the WRRB. Actions being considered include options for harvest management, establishment of a community-based predator management approach and continued monitoring of the Bathurst caribou herd. The WRRB determined that a Total Allowable Harvest (TAH) on the Bathurst herd will be zero and they supported the community-based predator management approach. WRRB's recommendations on monitoring of the herd have yet to be released.

With respect to NSMA's concern about the timeliness and application of a land use plan for the Wek'èezhìi Management Area, the 18th Assembly Mandate of the GNWT has given clear instruction for moving forward with respect to land use plans. It states:

- Using the Land Use and Sustainability Framework to be clear and transparent, we will:
 - Complete land use plans for all areas, including unsettled areas
 - Implement the agreed upon governance structure for land use planning on public land in the Wek'èezhìi Management Area.

Section 22.5.1 of the Tłıchǵ Agreement gives "government" (GNWT, Federal) the jurisdiction to establish a land use plan for public lands in the Wek'èezhìi Management Area.

The GNWT Department of Lands, coordinating with the GNWT, and working in collaboration with planning partners, will continue to work towards reaching agreement about an appropriate mechanism and beginning a process for land use planning for public land in the Wek'èezhìi Management Area.

While these processes comprise GNWT's approach to managing habitat and other factors that affect the Bathurst herd on a large scale, the GNWT does not rely on these processes to identify how project impacts will be mitigated. Currently, the GNWT does rely on the development of a robust and effective WMMP to identify how potential project impacts to wildlife will be mitigated. The preliminary WMMP will be revised and approved by the Minister of ENR when it can be shown to contain the necessary elements to address impacts to wildlife and wildlife habitat.

			<p>The GNWT is of the belief that the NSMA's concerns are being addressed through the GNWT commitments and proposed mitigations as outlined in the PDR and through pre-submission engagement as well as existing and planning accommodations. The GNWT is; however, pleased to commit to ensuring there is an opportunity for parties, including the NSMA to provide input into the WMMP prior to its approval.</p>
		4. Proponent expects that Bathurst caribou migration route will not change.	<p>With respect to the NSMA's outlined concern regarding the assessment of the future use of the proposed project area by the Bathurst and Bluenose East caribou herds, the GNWT can confirm that it was not suggesting that Bathurst caribou would not reoccupy the area in the future. If the Bathurst caribou herd population increases, it is expected that it will likely reoccupy the project area in winter at some point in the future; the PDR states that mitigation may be required under such conditions. This will have to be considered in the next iteration of the WMMP. Recovery of the Bathurst herd is not likely to occur before completion of the Bathurst Range Planning process or results come in from studies that can inform mitigation practices.</p>
		5. Impacts of increased access to wildlife by harvesters are not adequately assessed or mitigated. -and- 6. Proposed mitigation measures of harvesting pressures on wildlife.	<p>For NSMA's concerns #5 and 6, GNWT wishes to address them together. The GNWT heard and understands the NSMA's concern regarding the potential of the TASR to allow for greater access to wildlife by harvesters and their belief that this risk has not been adequately assessed or mitigated. GNWT acknowledges that while the proposed route follows an existing linear disturbance that is already used locally for hunting access, upgrading of that corridor to an all-season road will prolong access for Yellowknife area residents both for recreation and harvesting. Existing seasonal restrictions and bag limits on resident harvesting will help to limit the impacts of improved access.</p> <p>The NSMA also expressed concern that the proposed mitigation measure for harvesting will not be sufficient to mitigate pressures on wildlife from the proposed TASR, including the extension of the harvesting season on the Bathurst and Bluenose East herds. The proposed mitigation measure for harvesting pressures on wildlife as outlined in Measure #11 ("...the Tłı̨chʔ Government and Fortune Minerals will collaborate in ensuring that harvesting of caribou along the NICO Project Access Road does not occur") of the NICO Report of EA states that "the Review Board believes that the monitoring, mitigation and adaptive management measures...will prevent significant adverse impacts to the traditional harvest, caribou habitat and caribou populations as a result of the NICO project."</p>

			<p>The GNWT is of the opinion that a similar monitoring approach should be sufficient in combination with seasonal restrictions and bag limits on resident harvesting to address the concerns of the NSMA regarding harvesting pressures. GNWT acknowledges NSMA's concerns about the efficacy of harvest monitoring. It is important to note that harvest monitoring does not mitigate increased access; however, in combination with population level monitoring of target species it can be used to indicate when harvest is approaching unsustainable levels and provide a basis for management actions. Therefore, harvest monitoring and extension of population surveys for moose, bison and boreal caribou into the project area will be important for monitoring and mitigating road impact. It is GNWT's experience that collaboration and enhanced hunter awareness are key to improving harvest monitoring and GNWT will be working closely with the Tłıchǵ Government to develop and extend harvest monitoring efforts for all wildlife into the project area.</p>
		7. Effects of road on wildlife is underestimated.	<p>On page 8 of the NSMA letter, concern is raised regarding the impacts of traffic on the wildlife being underestimated. GNWT-DOT has estimated traffic to be 20-40 vehicles/day. This estimate stems from the vehicle estimate from Fortune Minerals' project and an extrapolation of the winter road traffic volumes. The GNWT believes this is a reasonable estimate.</p> <p>DOT and ENR's databases and methods for collecting vehicle-wildlife collisions differ, which clarifies the difference in numbers. Though there is a risk of bison-vehicle collisions, the difference in operating speed between Hwy 3 and the proposed TASR suggests collisions on the TASR will not be as likely. The WMMP will be updated to be consistent with the proposed Wood Bison recovery strategy to the extent feasible. The WMMP includes mitigations to prevent bison-vehicle collisions.</p> <p>With respect to the potential impact to wildlife movements from the TASR, GNWT-DOT has noted that the design standard of the road will be equal to or greater than the Ekati caribou crossings; therefore, the TASR should not pose a barrier to wildlife. The low traffic volume, relatively slow speeds and signage should help combat the suggested impacts of traffic on wildlife, in addition to the mitigations in the WMMP.</p>

			<p>Specific to caribou, the PDR (p. 5-2) outlines additional mitigation strategies that will be implemented by various regulating bodies; for example, ENR will continue to monitor caribou and if large groups appear in proximity to the road, signage will be installed indicating caribou are in the area or, if necessary, temporary road closures for safe caribou passage.</p> <p>In their letter, NSMA indicates that the level of habitat disturbance for Boreal caribou is above the threshold identified in the recovery strategy required by the Species at Risk Act (Boreal caribou is listed as Threatened), but noted concern that the critical threshold of 65% undisturbed habitat could be surpasses. The GNWT believes that the TASR, in combination with other new, approved, and proposed development projects, would be unlikely to cause the total amount of undisturbed habitat to drop below 65%. In their submission to the WLWB, ECCC confirmed that the level of habitat disturbance is above the threshold for undisturbed habitat and ECCC stated that they were reassured that the GNWT has considered the cumulative impacts and restoration of habitat in their habitat planning. ECCC did acknowledge that this issue needs to be closely monitored and committed to continue to work with GNWT on this issue. The GNWT is committed to monitoring habitat disturbance and threshold levels and is currently developing a range plan for Boreal caribou. The GNWT is confident that ECCC will continue to be involved in all SARA related issues regarding woodland caribou.</p> <p>In response to NSMA's reference to the GNWT's participation in the Nunavut Impact Review Board process for the Back River Project, it is the GNWT's opinion that the NSMA's argument is misplaced. That project is entirely different in nature, season range and impacts and is not really comparable. The main reason for GNWT's participation in that review was concern about potential impacts during calving and post-calving, which are not applicable to the TASR.</p> <p>Overall, the GNWT is of the opinion that commitments and mitigations, processes such as those under the WRRB and processes currently in place are sufficient to prevent significant adverse impacts to wildlife from the TASR.</p>
		8. Some mitigation measures seem unfeasible.	<p>On page 10 of the NSMA letter, concern is raised that some mitigations proposed seem unfeasible. In response and upon further discussion, GNWT-ENR has identified that the suspension of operations when caribou are within 500 m of construction activities will be difficult to achieve in forested areas where line of sight is limited. The GNWT appreciates NSMA's comment and will discuss this mitigation measure further with GNWT-ENR to determine how it can be implemented in such areas.</p>



Tłıchǫ Government

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May 30, 2016

Violet Camsell-Blondin, Chair
Wek'èezhìi Land and Water Board
1, 4905 48th Street
YELLOWKNIFE, NT X1A 3S3

Dear Ms. Camsell-Blondin:

Tłıchǫ All-Season Road Project, W2016E0004/W2016L8-0001 – GNWT-DOT

A road to Whatì has been under consideration for more than 40 years. In 2011, the Tłıchǫ Government (TG) signed an MOU to work together with the Government of the Northwest Territories (GNWT) to plan for the Tłıchǫ All-Season Road (TASR), to support the GNWT in submission of a applications to the Wek'èezhìi Land and Water Board (WLWB), to grant access to Tłıchǫ lands and to support seeking financing for construction of the road.

The Tłıchǫ Government has undergone a multi-year process to consider this road. This has involved extensive community discussions jointly held with the GNWT which has allowed us to identify key valued components and concerns.

We have been engaged in many studies to identify potential adverse effects of the project on the key valued components, and then the Tłıchǫ Government, Government of the Northwest Territories and the Community Government of Whatì have jointly identified mitigation and monitoring mechanisms.

The Tłıchǫ Government is satisfied that there has been a meaningful and deep review of these issues through ongoing community dialogue, Tłıchǫ Government led studies, and the continual review and consideration of these issues at a societal level. The Interagency approach that we describe in this intervention has allowed citizens and agencies to move from the question of if a road will be built to how to be prepared for the road when it is built.

We look forward to continuing to work with the WLWB as the regulatory process for this important project proceeds.

In Tłıchǫ Unity,

Grand Chief Eddie Erasmus



Summary of review approach

The Tłıchq Government triggered studies, held public discussions and participated in Interagency Meetings (2013, 2015, 2016). These efforts allowed the Tłıchq Government to identify valued components, assess and identify trends and concerns, and design and assign mitigation and monitoring approaches.

In-depth community discussion

The Tłıchq Government led in depth community discussions throughout the process. All of these discussions were intended to inform decisions along the way, as well as to identify any sources of anxiety. There were a series of community sessions led by the Whatì Community Government, as well as Community Tours. In some of these sessions, break out groups with sub-populations were held. These break out groups, as well as the in-depth review through dedicated focus groups (MacDonald 2014) allowed the Tłıchq Government to identify core concerns and address them through targeted mitigations.

- August 10-12, 2010, Whatì Community Discussion, with break out groups for women, youth and harvesters.
- 2013 Interagency Working Group, first meeting along with a Whatì Public Forum (41 attendees)
- 2014, June 24, Interagency Working Group
- 2016 Community Tour (February) by Tłıchq Chiefs and Interagency Working Group (80 attendees), third meeting along with a Whatì Public Forum

Whatì Interagency Meetings

The Community Government of Whatì developed an Interagency Working Group, minutes to which were included in the PDR. The most recent minutes (May 2, 2016) are appended to this letter. These meetings have progressively turned from issues identification (2013), to issues management (2015 and 2016). As an example, the Commitments made in 2015 have been tracked, evaluated and reported on in 2016.

Surveys

Two surveys have been led in the community of Whatì. The 2011 survey (Nitsiza 2011) found more than 80% of eligible voters did show approval of an all season road. A 2006 Survey of 193 eligible voters surveyed, found 80% in favour and 20% against the all weather road (Community Government of Whatì Council Regular Meeting #CGRM06-06 (March 20, 2006).

Studies completed

There have been Tłıchq Government led studies that explore these issues in depth. They include:

- A Socio-Economic Scoping Study (MacDonald 2015);
- Traditional Use and Knowledge Study (TRTI 2015).

Summary of valued components

These studies, public discussions, and interagency meetings allowed the Tł̨ch̨q Government to identify valued components, assess and identify trends and concerns, and assign mitigation and monitoring approaches. In this section, a brief synopsis of the valued component, followed by potential impacts are identified. Where the Tł̨ch̨q people have identified the possibility of an impact or the need for an intervention, the Tł̨ch̨q Government and Community Government of Whatì assigned mitigation measures, including detail on who will be responsible, and how the mitigation will be monitored for effectiveness.

In 2015, the Community Government of Whatì and Tł̨ch̨q Government jointly assigned 10 mitigation measures. These measures have been tracked and reported on since. For example, in the May 2, 2016 interagency meeting, staff and consultants from both governments reported on implementation of these measures. Actions, policies, and management changes since the last Interagency meeting are identified in this intervention.

Cultural continuity, traditional knowledge and use

The 2010 Whatì community meetings, the TRTI study (2015), and the Socioeconomic Scoping Study (MacDonald, 2015) indicate that cultural continuity is of primary concern, particularly tangible and intangible culture.

Tangible cultural sites

There are two specific sites identified as important, namely the river and the falls Nàl̨l̨ and Ewaashì. Both sites are culturally significant. While the falls has been identified as a significant cultural site for tourism, the other site has been marked as an area to avoid. Ancestor's trails and the river have all been identified as important as well for cultural continuity.

The history is known—People know about stories and place names from the elders and Prophets about the region. There are so many burial sites in the region. “All the islands here have grave sites. It is a good place to live. We want to preserve this for the next generation.” (Male elder) (Whatì Community discussions 2010)

Finding – The all-season road can impact positively on the access to the falls, promoting tourism and understanding of the sacred relationship that is held to this place. The one site that is too be avoided, Ewaashì, could be negatively impacted if there were notice made or taken of this site. Elders would prefer the site not be spoken about as this would lead to less attention be made of the area. Some modification of the route has already been made to give a wider berth to this site. These actions will mitigate any impact to the area.

No grave sites have been identified along the TASR.

Cultural Sites Mitigation – The Community Government of Whatì is developing site access and a campground to the falls. The other site, Ewaashì, has been earmarked for avoidance and elders have not asked for any signs or special recognition of the location. It is anticipated that not doing anything (providing special road signs or interpretation) is the best approach to ensuring the spot remains avoided.

Trails

Numerous overland trails and water route traverse the area. Four forms of trails are identified: *ʔelà etò*, *Whaàhdòò etò*, *Màa t̥lì*, and *K'àgòò t̥lì*.

Portage

The portage T'ooheèhoteè is located next to the proposed bridge on Tsotìdee. The portage is used by snowmobilers during winter and by paddlers and boaters during summer. The entry and exit of the portage is a valuable fishing sites.

Mitigations for portage and trails:

Special designs to allow for safe road crossings where overland skidoo trails and water routes/portages cross the proposed road route.

A potential road will likely increase the use of the existing trail network by harvesters. Pull-outs or platforms be considered at the access points of these trails, to facilitate access and avoid dangerous situations involving trucks and equipment parked alongside the road.

Intangible culture

The reports and discussions indicate that the culture, language and way of life are a core aspect of identity in Whatì.

When a person visits Whatì in the summer, they are bound to run across an open door in the community where hand games are being practiced, hear the language being spoken, and see families spending time together over meals largely derived from the lands around them. (Socioeconomic Scoping Report, 2015)

People practice the culture and language—Youth talked of how it feels good to be T̥l̥ch̥q in the Monfwi area. They know about the past and the history through traveling on the land, when they learn about the stories around the lake and at the falls. Elders know all the names of the land, and they teach these names to the youth. People speak the language and take the time to practice the culture. “When something is going on in the community, everyone participates.” (Woman elder) In the community, the spirituality is being taught to the children and people practice traditional games, dances and songs. (Whatì Community discussions 2010)

People still travel on the trails of the ancestors—People travel to other communities by canoe and snowmobile, and the elders used to go by dog team. “We travel once a year to Rae to celebrate. All the footprints are still there on the path that was used. Importantly, “because there is no transportation, young people stay in the community.” (Male elder). People do travel to other areas, and other communities. They love to be out in the bush. (Whatì Community discussions 2010)

Finding – The TASR could impact negatively on language, culture and way of life, given that people will not have such an isolated way of life.

Intangible Culture Mitigation – Since 2012, the Tłıchǵ Government has invested significantly each year into the Tłıchǵ Imbe Program. This eight week summer program promotes culture, language and way of life in the communities through the instruction of elders to young adults, the promotion of cultural activity, and the valuing of the traditional economy through establishment of employment annually.

The Tłıchǵ Government also sponsors annual canoe trips, and many other culture programs that are continually occurring in the communities (e.g., handgame tournaments and cultural programming in the schools).

Fisheries

The 2010 Whatì discussion, along with the TRTI 2015 study, indicate that fishing is one of the main cultural and economic activities.

The land sustains everyone—“All the animals that we survive on are here.” (Male elder). There are berries, traditional medicines, and fur bearing animals, fish and caribou. People fish in every season and dry the fish. The area is good for fish harvesting. It is easy to travel to Edezhè for trapping, hunting and fishing. Caribou travel to the area, and hunters have travelled all over this area in the past by dog team. “In Whatì there is good wildlife and fish. We don’t want to go anywhere else. We love our land and community.” (Male elder) (Whatì Community Discussions 2010)

“Large groups of people gather each year and the numerous islands to set fishnets and prepare dry fish for the coming season.” (TRTI 2015)

Finding – The all-season road would allow outsiders to access the Whatì fisheries on an ongoing basis. This could impact on fishery stocks. At the same time, if the Tłıchǵ Government is actively engaged in promoting economic development through tourism, there is the potential to support a local guiding economy. The Tłıchǵ Government recognizes that the PDR (Appendix T) identifies construction effects on fisheries, and has mitigated these effects to the satisfaction of the GNWT.

Fisheries Mitigation –The Tłıchǵ Government has the power to enact laws in relation to who may harvest fish in waters on Tłıchǵ lands. (7.4.3(a) of the Tłıchǵ Agreement). At this time, the Tłıchǵ Government is considering regulations to manage fisheries that might be impacted by the development of the All-Season Road.

Trapping

Trapping is an important cultural and economic activity, particularly during spring and summer for beaver and muskrat, and during winter for fur-bearing animals. Winter traplines extend mainly from east to west crossing the road route, or along the road route itself (Map 5, TRTI 2015). The interconnected trail system intersperses the area. Traplines have been set from Whatì and Behchokǵ all the way to Edeèzhì (Horn Plateau). During the winter, trappers from Whatì generally use the following areas: (1) east from Whatì along Bòts’itì and Tsotìdeè towards ʔehtl’ètì (James Lake), following Maa tili; (2) south along the water system from Bòts’itì to ʔehtl’ètìtsoa and to Tsigaàtì, and further south to Weghałaaàtqodaàtì; and (3) south along K’agòò t̬lì where traplines are run on both east and west sides of the trail (Map 5: Harvesting). Harvesters from Whatì trap about halfway down K’agòò t̬lì. The southern part of the K’agòò t̬lì,

from Tsigaàtì to Highway 3, and the surrounding area are utilized mostly by trappers from Behchokò. A strategic point for the trappers is a cabin built by Joe Migwi, located along K'agòò t̬lì a few kilometres west of Highway 3. The cabin serves as base and as a landmark for trappers and hunters.

The main trapping areas (see Map 5: Harvesting) for the trappers from Behchokò generally are: (1) from ʔeht'ètì (James Lake) to Tsigaàtì, to Weghalaàtqodaàtì and further southwest to K'ishitì (Lac Levis); and (2) the trails from the southwest shore of ʔihdak'ètì (Marian Lake) following the numerous lakes and ponds to Joe Migwi's cabin on K'agòò t̬lì. From Joe Migwi's cabin the traplines follow K'agòò t̬lì north to ʔeht'ètidee. Several traplines have been made going both eastward and westward from K'agòò t̬lì, to numerous smaller lakes and ponds. Trails and traplines run west from the K'agòò t̬lì to Weghalaàtqodaàtì, and from the K'agòò t̬lì to Łetì. These are important as the trails connect with other trails in a westward direction towards K'ayetidee (Horn River) and Edeèzhì (Horn Plateau).

Hunting

Subsistence hunting of local ungulate species, as moose, boreal and barren-ground caribou is an important part of people's staple diet, way of life, and for cultural practice. Harvesters mainly hunt barren-ground caribou at Bòts'itì, and from Tsotidee along the trail past Ts'otitso to ʔeht'ètì (Map 5: Harvesting). Woodland caribou move throughout the entire study area, but the elders locate their main habitat in the centre of the study area, and mainly west of K'agòò t̬lì (Map 6: Animal Habitat). The areas south of Bòts'itì around the lake Ethletitso and the smaller lakes west of Tsigatì towards Whatì are identified as key woodland caribou habitat. The hunters mainly travel to these areas to hunt woodland caribou. Key moose habitat is east of ʔeht'ètitso toward ʔeht'ètidee. Also, moose frequently use the south side of Whatì, sharing the same habitat as woodland caribou. Moose hunting locations exist around the shore of Bòts'itì and along both sides of Tsotidee.

Finding: Elders stated that current ungulate and fur-bearing animal populations inhabiting the area of the proposed road may move away due to noise, dust and pollution from an all-season road, and the introduction of new animal populations such as bison may cause caribou also to move. The elders' concern stems from the uncertainty of the sustainability of their hunting and trapping economy and way of life that would be introduced if animal populations declined from the area around K'agòò t̬lì.

Mitigation: The Wildlife Monitoring and Management Plan will be revised to address specific bison concerns, and caribou and bison interactions. This Plan already includes mitigation measures to manage dust as it arises in construction and operation of the TASR. This linear disturbance has been in play for many years now, and the TASR will not add a new development or path into the region.

Water

There is clean water and no pollution—People love how the water is clean, safe and healthy, as well as the environment.

People can be active outside—People are active, out boating and fishing and in the bush with their families. There is a baseball field for recreation. Youth are out swimming and being out on the water.

Finding – The TASR is unlikely to impact on water quality or quantity, as it involves the construction and operation of a road. Mitigations are in place to minimize any impacts at water crossings.

Water Quality Mitigation – There was no need for a unique mitigation to be assigned, aside from those already considered in the PDR.

Wildlife

The TRTI 2015 study indicates wildlife roam in the region, including ungulate animal populations as boreal caribou, moose, barren-ground caribou, fur-bearing animals and others (Map 6, TRTI 2015). The Tłıchǫ elders and harvesters knowledge of the land and animals is documented in TRTI 2015, and it is clear that these animals are in an important relationship with the Tłıchǫ, one which requires careful and sustained stewardship.

Impacts that were identified in Appendix M: Wildlife Management and Monitoring Plan Potential impacts associated with construction and operation of the TASR include: 1) direct habitat loss, 2) habitat degradation and functional habitat loss due to noise, dust, spills of toxic or hazardous substances or other sensory disturbances, 3) injury or mortality due to vehicle collisions, 4) increased access to harvesters or wildlife-human interactions, and 5) wildlife attraction.

Finding – There is recognition that the road may have impacts on the ungulate animal populations as, moose, boreal caribou, and fur-bearing animal, and limited new impact on barren-ground caribou. While the Tłıchǫ Government is very concerned for the well-being of caribou, we note that access to barren ground caribou will be marginally changed through the road (as harvesters can already use four wheeled vehicles on the already existing route). It may decrease the time associated with travel by as much as two hours. Documented wood and moose harvesting by outsiders already exists in the region. As stated above, this linear disturbance has been in play for many years now, and the TASR will not add a new development or path into the region.

Wildlife Mitigation – The GNWT and the Tłıchǫ Government commit to working together to develop regulations and policies, as well as to work very carefully on the Wildlife Management and Monitoring Plan, which is already in draft form.

The Tłıchǫ Government has already identified guidelines to manage the construction of cabins and design of hunting, trapping, and fishing in the area, in order to minimize impacts on local animal populations. There many mitigations discussed in Appendix M of the PDR, including

- Table 2, Habitat Loss and Alteration
- Table 3, General Wildlife Disturbance, Mortality and Wildlife-Human Interaction Mitigations
- Table 4, Bird Specific Mitigation Measures
- Table 5, Caribou Specific Mitigation Measures
- Table 6, Bison Specific Mitigation Measures
- Table 7, Bear Specific Mitigation Measures

The Tłıchǵ Government has a record of working closely to protect caribou, as evidenced in the joint approach taken with the GNWT to manage the barren ground caribou. The Tłıchǵ Government takes a “caribou first” approach to development. Appendix M, or the Wildlife Management and Monitoring Plan has a distance to go, and the Tłıchǵ Government commits to ensuring this occurs. For example, elders in Whatì have indicated that they are concerned that bison will travel further north and interact with caribou or moose, decreasing their presence in the region. Currently Table 6 (Bison Specific Mitigation Measures) does not focus on mitigations to prevent new access, and we will ensure that controls are implemented.

Socioeconomic

Social, economic and cultural change is not necessarily either unidirectional or predetermined in nature. Different people in Whatì may experience the effects of change from an all-season road in positive and negative ways.

Many people see a number of positive impacts:

- Access to more and cheaper goods;
- Long-term transportation solution (especially with climate change);
- Job and economic development opportunities from the road and mine;
- Increased mobility; access to the outside world;
- Opportunities for employment in road building;
- Hospitality – hotels and restaurant;
- Housing for workers, people moving into Whatì;
- Access to road system; and
- The opportunity to grow as a community.

But people are also concerned about the following:

- Outsiders coming in – reduced safety and security and sense of community;
- Increased hunting, trapping and fishing pressures around Whatì and around the road route;
- Increased industrial development opened up by the road (not just the mine), and effects on the lands and water;
- Increased contamination risks;
- Reduced emphasis on local cultural/harvesting activities;
- Kids (especially) accessing drugs and alcohol;
- People leaving the community far too often; and
- Becoming like Behchokò (a strong stigma about social crisis in Behchokò was expressed).

Socio-Economic Mitigation – Many people in Whatì have moved the dialogue from whether an all-weather road should be built, to where and how it should be built (determined in 2013), how and by whom it should be built and operated, and how to prepare the community for the benefits and risks all-season access will bring. This area is the one to which the most attention has been paid. It is because of the issues that were raised in the communities that a **diverse set of mitigation measures** have been identified.

The Tłıchq Government and Community Government of Whatı have reviewed the outcomes of two research studies (TRTI 2016 and Socioeconomic Scoping Study 2015), and met on an ongoing basis with the Department of Transportation to discuss how to mitigate and monitor effects from the proposed all-season road to Whatı. The mitigations have been reviewed by the leadership of both the Tłıchq Government and Community Government of Whatı and accepted.

The Tłıchq Government is fully committed to implementing the socioeconomic mitigation strategies identified, including committing the resources required for full and effective implementation.

This section reviews the mitigation measure that was identified and passed through both the Tłıchq and Whatı Community Governments. It also includes an update on action taken since 2015 on the key issues.

Community Safety

Our goal is to strengthen community security and safety through resilient policing, policies and programs.

Community Safety 1: Community Government of Whatı is investigating two options to strengthen community security: Community Bylaw Officer and the Aboriginal Policing Program. This is an issue that needs to be addressed jointly the Tłıchq Government and the Community Government of Whatı.

Monitoring and Action (2016). There has been a full community by-law review (Community Government of Whatı), a first reading on traffic control by-laws to manage heavy trucks, and there are ongoing reviews of bylaw officer and aboriginal policing programs. There was a new security detail created at Christmas break and carnival.

Community Safety 2: There is a need to provide on-the-land treatment for substance abusers, using the healing power of the elders and the land. This is social issue that needs to be addressed by TCSA. The recommendation is to introduce the Nishi Program with funds from a variety of sources.

Monitoring and Action (2016). The Tłıchq Community Services Agency has begun on the land camps, and Whatı has begun community programs for healing people suffering from addictions.

Community Safety 3: There is currently a prohibition in place in Whatı. The Community Government of Whatı allocates a large sum to prohibition enforcement, which is often ineffective. The Community Government of Whatı would like to review the possibility of revisiting the prohibition ban, in favour of more proactive resilience strategies for managing alcohol and drug consumption in the community.

Monitoring and Action (2016). Prohibition was the subject of a 2016 public meeting. The RCMP have begun a program “Not Us” encouraging healthy activity by youth.

Economic Development

Our goal is to strengthen community economic development through programs and resources.

Ec Dev: The need has been shown for business acumen for local entrepreneurs, in order to maximize local procurement opportunities from the road and mine. The Tłıchq Government currently maintains a full-time Economic Development Officer who assists Tłıchq residents in establishing their own business. The Tłıchq Government needs to redirect this person to focus on local issues.

Monitoring and Action (2016). There has been a business license by-law implemented that will significantly reduce costs of business registration, as well as a reciprocal agreement between Behchokò and Whatì. 2016 marked the initiation of the Tłıchq Regional Economic Development Working Group with the mandate of economic development for the communities. Finally, Community Government of Whatì has contributed to local economic development through hiring brush cutters for road preparation.

Community Preparedness

Our goal is to prepare the community of Whatì for road development through programs, intergovernmental coordination and provision of resources.

Preparedness 1: The Community Government of Whatì coordinates an Interagency Committee, including MACA, the RCMP, the Community Government of Whatì and the Tłıchq Government that touches on issues related to community preparedness. Issues such as emergency response, programs, and the community and lands concerns are all brought to this forum. Reasonable discussions about costs, liabilities and insurance will need to be addressed at this forum. The parties commit to continuing this joint forum in order to coordinate among agencies.

Monitoring and Action (2016). This year, a range of new plans have been developed, including

- Strategic Plan to 2020
- Community Land Use Plan
- Community Emergency Plan

The interagency meeting has been held three times, and we anticipate it will continue to occur in 2017, with strong reporting from all agencies on actions taken, goal setting, and promotion of economic opportunities and benefits as an ongoing theme

Preparedness 2: The Community Government of Whatì commits to clear and ongoing communication with citizens in the region, using appropriate means. These may include door-to-door mail outs, newsletters, and public meetings.

Monitoring and Action (2016). This year marked a strong information dissemination and dialogue approach. For example, staff and consultants traveled into the communities in February 2016 to provide updates on roads planning. The Tłıchq All-season road website was launched, two newsletters were issued (Community Consultations and Project Summary), and public meetings were held.

Preparedness 3: Housing stock and condition is an ongoing barrier to community wellbeing and preparedness. There is insufficient information on housing and the barriers, but key issues to investigate include income support, home ownership, property management, and local organization, as well as financing. There is a local housing organization, but there needs to be further development and information gathered. The parties recommend a fact finding investigation on this topic, and further commitments to be made based on the findings. This issue should also be on the Tłıchǵ Chief Executive Council agenda, in order to propel action forward on this topic.

Monitoring and Action (2016). The Tłıchǵ Government and Minister Responsible for Housing have committed to establishing a Joint Working Group of Senior Officials to better understand and address housing concerns.

Preparedness 4: There is a need for locally agreed upon goals and plans for Community Well-Being. The Interagency Committee should develop a small set of community-based goals of resilience. As an example, the number of local gardens and the support of a community garden could be an example, with goals set for 2020 and 2025. The Community Government of Whatì commits to forming a small set of community goals through community planning, and then monitoring progress towards goals over time.

Monitoring and Action (2016). The Interagency Committee developed a small set of community based goals of resilience, and the Community Government of Whatì commits to forming community goals through community planning, and then monitoring progress towards goals over time.

Governance

Our goal is to prepare the citizens and governments for road development through development of predictable regulations, policies and support of services.

Gov 1: There is desire for design of regulations and policies to manage the construction of cabins and design of hunting, trapping, and fishing in the area, in order to minimize impacts on local animal populations. The GNWT and the Tłıchǵ Government commit to working together to develop clear guidance on this topic, and provide effective management.

Monitoring and Action (2016). There are now Cabin Land Use Guidelines: use of cabins is primarily intended for continued traditional use of Tłıchǵ people. Tłıchǵ Government is currently considering other regulations including fisheries management regulations and access restrictions for certain areas of Tłıchǵ lands.

Gov 2: The Tłıchǵ Government is developing a mineral policy for Tłıchǵ Lands, so that there is clear and predictable regulation in the region.

Monitoring and Action (2016). The Tłıchǵ Government is developing a Mineral Strategy that would apply to Tłıchǵ lands. We are currently developing a scoping paper that will be shared with GNWT, Boards, industry and Tłıchǵ citizens.

Closure

The Tłıchq Government identified issues raised by citizens and agencies concerning the proposed TASR. The vast majority of the issues are social and cultural in nature, and certainly access to wildlife and caribou are of note.

The Tłıchq Government is satisfied that there has been a meaningful and deep review of these issues through ongoing community dialogue, Tłıchq led studies, and the continual review and consideration of these issues at a societal level. The Interagency approach has allowed citizens to move from the question of if a road will be built to how to be prepared for the road when it is built.

The attention to the issues raised is remarkable. In 2013, the first Interagency Committee involved 45 people and focused on the gaps in programs and services, as well as on the impacts. In the 2016 Interagency Committee, the focus was on the strategies that have been developed and the tangible actions and outcomes that have been achieved this past year.

This multi year review by all levels of government and agencies, as well as through deep citizen engagement, has ensured that effects have been considered, evaluated and assigned a precise mitigation measure. As a result of this consideration of the issues, the Tłıchq Government is satisfied that the construction of the TASR will provide lasting economic benefits in the region, and that negative social and cultural effects have been properly identified and planned for.

Conclusion


The Tłıchq Government commits to ongoing and extensive engagement in the process of review, design and implementation of mitigation measures. In particular we expect to revise the Wildlife Monitoring and Management Plan to address the specific concerns raised by Tłıchq elders and community members.

References

Nitsiza, A 2011. Results of House-to-House Survey, as presented to Council.

MacDonald, Alistair. 2015. Socioeconomic Issues Scoping Study. Published online for the PDR as Appendix B.

TRTI. 2015. Traditional Knowledge Study Report. Published online for the PDR.

Tłıchǵo Government: Laura Duncan			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	Tłıchǵo Government Submission	 mment Please See Attached Recommendation Please See Attached	
		<p>Tangible Cultural Sites Finding The all-season road can impact positively on the access to the falls, promoting tourism and understanding of the sacred relationship that is held to this place. The one site that is to be avoided, Ewaashi, could be negatively impacted if there were notice made or taken of this site. Elders would prefer the site not be spoken about as this would lead to less attention be made of the area. Some modification of the route has already been made to give a wider berth to this site. These actions will mitigate any impact to the area. No grave sites have been identified along the TASR.</p> <p>Cultural Sites Mitigation The Community Government of Whatì is developing site access and a campground to the falls. The other site, Ewaashi, has been earmarked for avoidance and elders have not asked for any signs or special recognition of the location. It is anticipated that not doing anything (providing special road signs or interpretation) is the best approach to ensuring the spot remains avoided.</p>	Agreed.
		<p>Trails/Portage Finding Numerous overland trails and waterroute traverse the area. Four forms of trails are identified. The portage T'oohtdeehotee is located next to the proposed bridge on Tsotidee. The portage is used by snowmobilers during winter and by paddlers and boaters during summer. The entry and exit of the portage is a valuable fishing site.</p> <p>Portage and Trails Mitigation Special designs to allow for safe road crossings where overland skidoo trails and water routes/portages cross the proposed road route. A potential road will likely increase the use of the existing trail network by harvesters. Pull-outs or platforms be considered at the access points of these trails, to facilitate access and avoid dangerous situations involving trucks and equipment parked alongside the road.</p>	To meet the geometric design parameters for the proposed TASR, roadside pullouts are to be provided at approximately one half hour travel intervals. Consideration will be made to have these pullouts intersect with the access points of existing trails. Warning signage will be placed in areas where there will be portages and trails.

		<p>Intangible Culture Finding The TASR could impact negatively on language, culture and way of life, given that people will not have such an isolated way of life.</p> <p>Intangible Culture Mitigation Since 2012, the Tłıchǵ Government has invested significantly each year into the Tłıchǵ Imbe Program. This eight week summer program promotes culture, language and way of life in the communities through the instruction of elders to young adults, the promotion of cultural activity, and the valuing of the traditional economy through establishment of employment annually. The Tłıchǵ Government also sponsors annual canoe trips, and many other culture programs that are continually occurring in the communities (e.g., handgame tournaments and cultural programming in the schools).</p>	No comment.
		<p>Fisheries Finding The all-season road would allow outsiders to access the Whatı fisheries on an ongoing basis. This could impact on fishery stocks. At the same time, if the Tłıchǵ Government is actively engaged in promoting economic development through tourism, there is the potential to support a local guiding economy. The Tłıchǵ Government recognizes that the PDR (Appendix T) identifies construction effects on fisheries, and has mitigated these effects to the satisfaction of the GNWT.</p> <p>Fisheries Mitigation The Tłıchǵ Government has the power to enact laws in relation to who may harvest fish in waters on Tłıchǵ lands. (7.4.3(a) of the Tłıchǵ Agreement). At this time, the Tłıchǵ Government is considering regulations to manage fisheries that might be impacted by the development of the All-Season Road.</p>	No comment.
		<p>Trapping/Hunting Finding Elders stated that current ungulate and fur-bearing animal populations inhabiting the area of the proposed road may move away due to noise, dust and pollution from an all-season road, and the introduction of new animal populations such as bison may cause caribou also to move. The elders' concern stems from the uncertainty of the sustainability of their hunting and trapping economy and way of life that would be introduced if animal populations declined from the area around K'agoo tiliı.</p> <p>Trapping/Hunting Mitigation The Wildlife Monitoring and Management Plan will be revised to address specific bison concerns, and caribou and bison interactions. This Plan already includes mitigation measures to manage dust as it arises in construction and operation of the TASR. This linear disturbance has been in play for many years now, and the TASR will not add a new development or path into the region.</p>	TG and DOT will continue to work together in moving the project forward.

		<p>Water Finding The TASR is unlikely to impact on water quality or quantity, as it involves the construction and operation of a road. Mitigations are in place to minimize any impacts at water crossings.</p> <p>Water Quality Mitigation There was no need for a unique mitigation to be assigned, aside from those already considered in the PDR.</p>	No comment.
		<p>Wildlife Finding There is recognition that the road may have impacts on the ungulate animal populations as, moose, boreal caribou, and fur-bearing animal, and limited new impact on barren-ground caribou. While the Tłıchǵ Government is very concerned for the well-being of caribou, we note that access to barren ground caribou will be marginally changed through the road (as harvesters can already use four wheeled vehicles on the already existing route). It may decrease the time associated with travel by as much as two hours. Documented wood and moose harvesting by outsiders already exists in the region. As stated above, this linear disturbance has been in play for many years now, and the TASR will not add a new development or path to the region.</p> <p>Wildlife Mitigation - The GNWT and Tłıchǵ Government commit to working together to develop regulations and policies, as well as to work very carefully on the Wildlife Management and Monitoring Plan, which is already in draft form. The Tłıchǵ Government has already identified guidelines to manage the construction of cabins and design of hunting, trapping, and fishing in the area, in order to minimize impacts on local animal populations. There are many mitigations discussed in Appendix M of the PDR, including: Table 2 Habitat Loss and Alteration; Table 3 General Wildlife Disturbance, Mortality and Wildlife-Human Interaction Mitigations; Table 4 Bird Specific Mitigation Measures; Table 5 Caribou Specific Mitigation Measures; Table 6 Bison Specific Mitigation Measures; Table 7 Bear Specific Mitigation Measures. The Tłıchǵ Government has a record of working closely to protect caribou, as evidenced in the joint approach taken with the GNWT to manage the barren ground caribou. The Tłıchǵ Government takes a "caribou first" approach to development. Appendix M, or the Wildlife Management and Monitoring Plan has a distance to go, and the Tłıchǵ Government commits to ensuring this occurs. For example, elders in Whatì have indicated that they are concerned that bison will travel further north and interact with caribou or moose, decreasing their presence in the region. Currently Table 6 (Bison Specific Mitigation Measures) does not focus on mitigations to prevent new access, and we will ensure that controls are implemented.</p>	TG and DOT will continue to work together in moving the project forward.

		<p>Socio-Economic Mitigation Many people in Whatì have moved the dialogue from whether an all-weather road should be built, to where and how it should be built (determined in 2013), how and by whom it should be built and operated, and how to prepare the community for the benefits and risks all-season access will bring. This area is the one to which the most attention has been paid. It is because of the issues that were raised in the communities that a diverse set of mitigation measures have been identified. The Tłıchq Government and Community Government of Whatì have reviewed the outcomes of two research studies (TRTI 2016 and Socioeconomic Scoping Study 2015), and met on an ongoing basis with the Department of Transportation to discuss how to mitigate and monitor effects from the proposed all-season road to Whatì. The mitigations have been reviewed by the leadership of both the Tłıchq Government and Community Government of Whatì and accepted.</p> <p>The Tłıchq Government is fully committed to implementing the socioeconomic mitigation strategies identified, including committing the resources required for full and effective implementation.</p>	No comment.
		<p>Conclusion The Tłıchq Government commits to ongoing and extensive engagement in the process of review, design and implementation of mitigation measures. In particular, we expect to revise the Wildlife Monitoring and Management Plan to address the specific concerns raised by Tłıchq elders and community members.</p>	TG and DOT will continue to work together in moving the project forward.



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30 May 2016

Wek'eezhii Land and Water Board
Box 42 Wekweeti, NT
X0E 1W0

Re: land use permit application W2016E0004 & water license application W2016L8-0001

Dear Members of the Board,

The Yellowknives Dene First Nation (YKDFN) have a number of concerns regarding the proposed construction of the Tlicho all-season road to Whati. YKDFN's concerns centre on wildlife, archeological sites and consultation more generally.

The proposed project will create a barrier in the form of a raised road spanning the distance from Hwy 3 to Whati. YKDFN is concerned that this road will serve as a barrier to wildlife movement. Previously, it has been shown that roads and highways act as barriers to wildlife. The area in question serves as habitat for wintering barren-ground caribou, woodland caribou, bison and moose.

The potential effect that this project could have on caribou, both barren-ground and woodland, is of particular concern. As the Board is aware, barren-ground caribou numbers continue to decline with the Bathurst herd leading the race to the bottom. Likewise, woodland caribou have been listed as a *species at risk* under the Canadian Species at Risk act. The Bathurst herd and other caribou frequent the project area, adding further stress.

The barren-ground and woodland caribou both rely on mature old-growth forest habitat. In recent years this habitat has come under threat from an unprecedented frequency and intensity of wildfire activity. Add to this the impending threat of global warming, and the fate both these caribou species are in question.

The traditional territory of the Yellowknives (Chief Drygeese Territory) extends immediately south of the proposed project. The Yellowknives have a long history of using this area for harvesting; and a number of culturally significant site still exist there. YKDFN is concerned that the proposed project risks disrupting important Yellowknives' archeological sites.

Finally, we are concerned that the GNWT-DOT did not undertake engagement with the Yellowknives. It is clear that several potential impacts of this project would extend directly to



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YKDFN. YKDFN stands to be impacted by effects on wildlife and culturally significant sites and sees this as an oversight in consultation on the part of GNWT-DOT.

In conclusion, YKDFN is very concerned about the potential impacts that this project could have on its membership and their long-term ability to engage in traditional practices. While the concern is foremost with regard to caribou, it extends to other species; such as, moose and bison. YKDFN is also concerned with the potential impact this project could have on culturally important sites. Again, these are issues that could have been addressed earlier if the GNWT-DOT had consulted with YKDFN.

Respectfully,

Alex Power, MSc.
Regulatory and Research Specialist
Department of Land and Environment
Yellowknives Dene First Nation

Yellowknives Dene First Nation: Alex Power			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	General File	<div><div> mment YKDFN Letter - Re: TASR LUP and WL Applications</div><div>Recommendation</div></div>	<p>The GNWT would like to acknowledge and thank the Yellowknives Dene First Nation (YKDFN) for its letter dated May 30, 2016 to the WLWB regarding the proposed TASR. Although the letter was directed to the WLWB, the GNWT wishes to respond to concerns raised by the YKDFN.</p> <p>The GNWT carefully considered YKDFN's comments with respect to potential adverse impacts on YKDFN's asserted or established Aboriginal and/or Treaty rights as a result of the proposed project. The GNWT has given full, fair and meaningful consideration to the views expressed by the YKDFN. It is the GNWT's view that the concerns raised by YKDFN can be addressed during the permitting process.</p> <p>Below provides a more detailed analysis of GNWT's consideration of YKDFN's concerns and comments raised in YKDFN's May 30 letter to the Board. In providing these responses to YKDFN's comments to the Board, the GNWT wants to ensure that YKDFN's concerns are addressed. The GNWT also wants to ensure that the Board, as the preliminary screener, has all the necessary information to ensure that the concerns of Aboriginal peoples, as well as the general public, are considered.</p>
		Comment (*Please refer to YKDFN's letter, submitted to the Board on May 30, 2016, to review it in its entirety. The following points summarize YKDFN's main concerns and are the areas where GNWT supplied a response.)	

		<p>Comment</p> <p>1. Potential barrier to wildlife movement</p>	<p>YKDFN expressed concern that the TASR has the potential to create a barrier to wildlife movement, especially wintering barren-ground, woodland caribou, bison and moose. This issue was also raised to the Proponent during the pre-submission engagement process and considered. Given the location of the project on the periphery of the Boreal caribou range and outside of the Bathurst herd's current range, the project is unlikely to pose a barrier to movement that could impede connectivity of boreal and barren-ground caribou populations. To address this potential issue; however, the embankment design criteria for the entirety of the proposed TASR is similar to the caribou crossings described in Dominion Diamond Ekati Corporation's Ekati Diamond Mine Lynx Haul Road Caribou Crossings Design Plan (W2013D0006; MVEIRB EA1314-01). If the entire TASR has been designed to a standard that meets singular caribou crossing designs at Ekati, it is likely that the road will not create a barrier for wildlife but will instead facilitate wildlife crossing along the length of the TASR should wildlife happen to be in the area. It should also be noted that this alignment has already been in existence for many years.</p> <p>Specific to caribou, the PDR (p. 5-2) outlines additional mitigation strategies that will be implemented by various regulating bodies; for example, ENR will continue to monitor caribou and implement strategies as needed, such as installing signage along road indicating caribou in the area or initiating temporary road closures for safe caribou passage.</p> <p>The GNWT is of the belief that this concern of the YKDFN is being addressed through the commitments and proposed mitigations and existing and planned accommodations. The GNWT, is however, pleased to commit to ensuring there is an opportunity for parties, including the YKDFN, to provide input into the WMMP prior to its approval.</p>
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		<p>2. Potential impacts to Barren-ground and Woodland Caribou</p> <p>Barren-ground Caribou:</p>	<p>The GNWT heard and understands the concerns raised by YKDFN and other Aboriginal governments and organizations with respect to the current decline of Bathurst caribou herd. The GNWT also heard and understands the concerns regarding the potential for the project to add to these impacts.</p> <p>Similar concerns regarding the Bathurst herd were expressed during elder and harvesters interviews as part of the Tłıchǵ Government’s K’agòò tı́ı Deè` Traditional Knowledge Study for the Proposed All-Season Road to Whatì (2014). The GNWT, Tłıchǵ Government, and the Tłıchǵ Road Working Group believe that the Project is unlikely to add to the cumulative impacts currently experienced by the Bathurst herd for several reasons. First, the Bathurst caribou herd currently does not overlap the project area and has not for many years. While it is possible that the herd could begin to use the small portion (i.e. 15 km) of the periphery of the historic winter range that overlaps with the project at some point in the future, project mitigations that will be in place to manage impacts to other wildlife in the area will apply to managing any impacts to barren-ground caribou. Secondly, a substantial portion of the project’s footprint occurs along existing disturbance and the small amount of new disturbance and access related to the project in the historic winter range of the Bathurst herd are expected to be offset over time by vegetation recovery and reduced access along the current winter road to Whatì, which will be decommissioned.</p>
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There are a number of ongoing initiatives involving the GNWT and its partners, including the YKDFN, to address the current decline of the Bathurst caribou herd. A key initiative is the Bathurst Range Planning process for the Bathurst caribou herd, which will describe how the Bathurst range will be managed over time and help prepare for any future changes to habitat. GNWT is leading that collaborative process, in which YKDFN is an active participant. A structured decision making approach is being used to explicitly investigate tradeoffs in social, cultural, economic and ecological values associated with a range of approaches to managing disturbance on the range. Thresholds of acceptable change related to disturbance will be investigated through this process, which will also identify key indicators that can be tracked over time to monitor progress of plan implementation. The Bathurst Range Plan is expected to be finalized in 2018.

Another key piece is the Bathurst Caribou Herd Cooperative Advisory Committee which is a requirement of the Tłıchǫ Agreement. Once established, it will develop a long-term management plan of the Bathurst caribou herd that will address all issues of concern related to the herd including harvest, predator control and habitat management. Member organizations, which include representation from all Aboriginal user groups, including YKDFN, are currently reviewing the terms of reference for this group.

Until a long term management plan for the Bathurst caribou herd can be developed, GNWT is working through the co-management processes outlined in the Tłıchǵ Agreement and the NWT *Wildlife Act* to implement interim management actions (2016 to 2019) that will support reversal of the Bathurst caribou herd's decline and promote an increase in the number of breeding females in the herd. On December 15, 2015 the Tłıchǵ Government and ENR submitted a *joint Proposal on Caribou Management Actions for the Bathurst Herd: 2016-2019* to the WRRB. Actions being considered include options for harvest management, establishment of a community-based predator management approach, and continued monitoring of the Bathurst caribou herd. The WRRB determined that a Total Allowable Harvest (TAH) on the Bathurst herd will be zero and they supported the community-based predator management approach. WRRB's recommendations on monitoring of the herd have yet to be released.

While these processes comprise GNWT's approach to managing habitat and other factors that affect the Bathurst herd on a large scale, the GNWT does not rely on these processes to identify how project impacts will be mitigated. Currently the GNWT does rely on the Proponent's development of a robust and effective WMMP to identify how potential project impacts to wildlife will be mitigated. The Proponent's preliminary WMMP will be revised and approved by the Minister of Environment and Natural Resources when it can be shown to contain the necessary elements to address impacts to wildlife and wildlife habitat.

The GNWT is pleased to commit to ensuring there is an opportunity for parties, including the YKDFN, to provide input into the WMMP prior to its approval.

		<p>Boreal Woodland Caribou:</p>	<p>In their letter, YKDFN also noted concern about the potential impacts of the project on Boreal woodland caribou. The GNWT acknowledges that the TASR overlaps the peripheral range of Boreal woodland caribou, but does not believe that the project is likely to cause significant adverse impacts to the Boreal population.</p> <p>Woodland caribou is listed under the Species at Risk Act, and a recovery strategy has been developed by the GNWT for the Boreal population. The recovery strategy requires maintenance of 65% of undisturbed habitat within Boreal caribou range. The GNWT believes that the TASR, in combination with other new, approved, and proposed development projects would be unlikely to cause the total amount of undisturbed habitat to drop below that 65% threshold. In their submission to the WLWB, Environment and Climate Change Canada (ECCC) confirmed that the level of habitat disturbance is above the threshold for undisturbed habitat, and ECCC stated that they were reassured that the GNWT has considered cumulative impacts and restoration of habitat in their habitat planning. ECCC did acknowledge that this issue needs to be closely monitored and committed to continue to work with GNWT on this issue. The GNWT is committed to monitoring habitat disturbance and threshold levels and is currently developing a range plan for Boreal caribou. □</p>
		<p>3. Disturbance to important Yellowknives' archaeological sites</p>	<p>The PDR states that all applicable legislation for the construction of this project will be followed. In order to prevent the disturbance of archaeological sites during construction, an Archaeological Impact Assessment (AIA; Appendix U in the TASR Project Description Report) along the proposed alignment was completed. A similar investigation at borrow sources, where required, will be conducted. An Archaeological Site Chance Find Protocol (Appendix Y of the PDR) was also drafted, should a suspected historical or archaeological site or burial ground be discovered during the construction process. The draft Land Use Permit conditions also include provisions to ensure the protection of archaeological sites. GNWT is confident that this issue has been considered and suitable and sufficient mitigations implemented to prevent the disturbance of archaeological sites.</p>

		<p>4. Lack of engagement of the YKDFN by DOT</p>	<p>The YKDFN expressed concern that the YKDFN was not engaged during the pre-submission engagement phase. During the pre-submission phase, the GNWT followed the applicable policy and guidelines set out by the WLWB - the <i>Mackenzie Valley Land and Water Board (MVLWB) Engagement and Consultation Policy</i> (2013) and the <i>MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits</i> (2014). As per the MVWLB policy, the pre-submission engagement included all Aboriginal governments and organizations with established and/or asserted Aboriginal, Treaty and/or traditional use territory within the project area prior to submitting its application.</p> <p>Though GNWT did not include YKDFN in pre-engagement for the TASR as YKDFN's treaty area fell outside of the proposed project area, GNWT recognizes YKDFN's desire to be engaged on the project. GNWT will include YKDFN in all future engagement (e.g. items described in Engagement Plan such as project updates) and is willing to seek input from YKFDN during the finalization of the WMMP prior to its approval by the Minister of Environment and Natural Resources so that YKDFN can be confident that the project will not have any significant adverse effects to the environment, especially with respect to wildlife such as caribou, moose and bison.</p>
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