

**GNWT Response to:
MVEIRB IR#8**

Topic

Inspection and Enforcement

Comment

The developer's proposed mitigation for the protection of fish stocks potentially affected by the all-season road is inspection and enforcement by DFO under the Fisheries Act and regulations (PR #110 p3-59), as well as any inspection and enforcement by GNWT of the Sport Fishing Regulations. The proposed road is predicted to cause an increase in fishing pressure which will require inspection and enforcement. The developer has not provided evidence that existing inspection and enforcement agencies have planned for, or have the capacity to manage, the predicted increase in fishing activities in the area of the TASR.

Recommendation

Has the GNWT planned for additional inspection and enforcement capacity should this project proceed? If so, what are the details (timing, frequency, inspection activities, staff resources, etc.) for this monitoring and enforcement?

GNWT Response

Should this project proceed, the Government of the Northwest Territories (GNWT) will continue to enforce sport fishing regulations in the NWT in the same manner as it is currently doing. The GNWT has not planned for additional inspections and enforcement capacity with respect to enforcement of the *Fisheries Act* or its regulations in response to the potential construction of the road because the GNWT is not the management authority for fish and fish habitat in the Northwest Territories. The Department of Fisheries and Oceans Canada (DFO) is the management authority for fish in the NWT.

Page 3-59 of the Adequacy Statement Response provides the following information regarding fisheries management:

It is anticipated that DFO will continue to be able to manage regional fisheries resources and support sustainable fish populations in the NWT. DFO is the management authority for fish and fish habitat in the NWT. DFO is responsible for enacting all regulations under the federal Fisheries Act, and is responsible for the biological management of fishery resources, including the sport, commercial and domestic fisheries in the NWT. DFO is responsible for enforcing the Fisheries Act, although GNWT officers, under a Memorandum of Understanding with DFO, have been

cross appointed to enforce the sport fishing regulations. The GNWT-ENR administers sport fishing licences in the NWT. Fishing is managed as a public resource through territorial licensing requirements, and the establishment of season length, catch limits, and catch-and-release rules. It is also anticipated that the Tłıchǰ Government will further manage the fisheries on Tłıchǰ lands, including future fishing based tourism opportunities such as fishing lodges and guided fishing tours, where needed to ensure sustainable subsistence fishing is available for Tłıchǰ people.

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

**GNWT Response to:
MVEIRB IR#14**

Topic

Substance abuse and mitigations

Comment

The developer predicted the project is likely to cause residual adverse effects through pathways that increase social pressures, access to drugs and alcohol, and reduce residents' sense of safety and security (PR#110 p 5-59). The community of Whatì has identified substance abuse and bootlegging as a priority over the last two years and has created an action plan in collaboration with the RCMP (PR#110 p 5-19). The action plan is one of the developer's proposed mitigations for addressing social pressures exacerbated by increased access to drugs and alcohol and increased demand for policing and social services (PR#110 p 5-19). According to the developer, action plan implementation depends on the resources available, and if resource issues are raised, the RCMP will work with the community to address the issue (PR#110 p 5-19).

Recommendation

1. Will the action plan be updated to incorporate the likely adverse effects predicted? If so, when?
2. What aspects of this action plan will mitigate the effects that require increased demands for policing and social services, and will they be implemented at the outset of project operations?
3. Are resources sufficient for the action plan initiatives to effectively address the temporary spike of adverse effects predicted by the Aboriginal Governments, as soon as the road is open (PR#96 p34, 47)?

GNWT Response

1. The policing action plans are developed annually in partnership between the RCMP and community residents. The plans reflect priorities determined by residents and the RCMP, and would incorporate any emerging trends in community safety concerns. The plans are updated quarterly with actions that RCMP and community partners have taken to address priorities, and are adjusted to respond to emerging needs. In addition to the action plans, detachment commanders also provide monthly reports to community leadership that include more updated information on current trends in criminal offenses and policing activities in the community.
2. The policing action plans allow the community and the RCMP to jointly identify public safety concerns as well as the specific activities the RCMP and community

partners will take to address them. The plans include the policing priority, actions to be taken, resources required, who is to be accountable to meet the objective, a timeline for completion, and status updates. Each quarter, the actions and status of actions are updated, encouraging continued collaboration and accountability by all stakeholders.

3. The Department of Justice and the RCMP work closely together to ensure that the RCMP is resourced to respond to community safety pressures. Operationally, the RCMP has processes in place to respond to temporary surges in policing demands. If the RCMP requires additional resources to meet long-term needs, it is identified and addressed through strategic operations management discussion, and potentially the business planning process.

FISHERIES ACT

P.C. 1976-535

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

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

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

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

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

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

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

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

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

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

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