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Our file *Notre référence*
16-HCAA - 00272
Your file *Votre référence*
EA1617-01

Mackenzie Valley Environmental Impact Review Board
Attention: Mark Cliffe-Phillips, Executive Director
200 Scotia Centre
5102-50th Ave
Yellowknife, NT, X1A 2N7

Email: mcliffephillips@reviewboard.ca

Dear Mr. Cliffe-Phillips:

Subject: Fisheries and Oceans Canada – Final Closing Arguments for the Government of the Northwest Territories - Tłjchq All-Season Road Project (EA1617-01)

The Fisheries Protection Program of Fisheries and Oceans Canada (DFO-FPP) would like to thank the Mackenzie Valley Environmental Review Board (MVEIRB) for the opportunity to participate in its process for the review of the proposed Government of the Northwest Territories' (GNWT) Tłjchq All-Season Road Project (TASR).

DFO-FPP's attached closing arguments are based on our departmental mandate under the *Fisheries Act*, specifically the management and protection of fish and their habitat. DFO-FPP's closing arguments summarize the position put forward in our technical submission and during the Final Public hearing.

DFO-FPP trusts that our closing arguments will be helpful to the MVEIRB in their deliberations respecting the TASR project.

Yours sincerely,

Dale Nicholson
A/Regional Director General
Central and Arctic Region
Fisheries and Oceans Canada

Cc: Bev Ross, DFO - Winnipeg
Mark D'Aguiar, DFO - Yellowknife

Fisheries and Oceans Canada

Closing Arguments

Mackenzie Valley Environmental Impact Review Board

Government of the Northwest Territories – Tłı̨chǫ All-Season Road Project

The Fisheries Protection Program of Fisheries and Oceans Canada (DFO-FPP) is pleased to provide the following closing arguments to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) for the environmental assessment of Government of the Northwest Territories' (GNWT), Tłı̨chǫ All-Season Road (TASR) Project.

DFO-FPP has participated in the environmental assessment of GNWT's TASR project as an Intervener to assist the MVEIRB in their assessment of potential environmental impacts associated with this development proposal. DFO-FPP's primary focus in reviewing proposed developments in and around Canadian fisheries waters is to ensure that works, undertakings and activities are conducted in a manner that complies with the applicable provisions of the *Fisheries Act*.

Below is a summary of DFO-FPP's position related to DFO's mandate to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries. This summary is based on our review of all submitted documents, information collected during a joint Golder Associates-led site inspection with DFO and a local harvester from Whatı, and evidence provided prior to and during the Final Hearing and the Community Sessions on November 15-17th, 2017.

1. Water Crossings

DFO-FPP will expect the GNWT to implement all available best management practices to avoid and mitigate serious harm to fish as a result of water crossing construction and operation. This includes the appropriate design of water crossings to facilitate fish passage at both high and low flows, timing windows that incorporate spawning, incubation and hatch times for all species, sediment and erosion control, protection and replanting of riparian vegetation, and other forms of bank stabilization. Plans to avoid and mitigate serious harm to fish will be required to be submitted to DFO-FPP prior to construction should the project be approved to proceed.

DFO-FPP expects the GNWT to provide DFO with final detailed engineering plans for all water crossings, supported by measured or modeled stream flow data, for review prior to construction. DFO-FPP also expects the GNWT to have an appropriate water crossing

maintenance and monitoring plan in place to minimize the development of fish passage barriers over the life of the water crossings.

DFO notes that GNWT has committed to implementing all relevant guidance and best management practices, as well as developing, updating and implementing appropriate maintenance and monitoring plans to avoid and mitigate serious harm to fish.

DFO also notes that GNWT has committed to providing final detailed design and construction plans with detailed methodology of how each crossing will be constructed.

DFO-FPP has concluded that, provided the appropriate mitigation and monitoring plans are developed and adhered to, and applicable DFO guidance is followed, impacts to fish and fish habitat from the working, activities, or undertakings as a result of the construction of the water crossings along the Tłı̄ch̄q All-Season Road can be effectively managed and significant impacts to fish and fish habitat can be avoided.

2. Fisheries Management and Harvesting

DFO-FPP acknowledges concerns from the MVEIRB and the several communities regarding the potential overexploitation of large-bodied fish populations due to increased and improved road access to the watercourses crossed by the TASR Project.

DFO-FPP notes that it is the responsibility of DFO Fisheries Management and its co-management partners to manage fisheries resources along the highway corridor. The fisheries resources in the vicinity of the road are co-managed by Wek'eezhii Renewable Resources Board (WRRB), DFO-Fisheries Management and Tłı̄ch̄q Government and associated communities.

As stated in both DFO's final technical submission, and during the Final Public Hearing in Whatı̄, DFO Fisheries Management will work closely with the Wek'eezhii Renewable Resources Board (WRRB), Tłı̄ch̄q Government and associated communities, and GNWT to develop an appropriate plan to monitor and manage new impacts to fisheries from human fishing pressures created as a result of the operation of the Tłı̄ch̄q All Season Road.

DFO will also engage the co-management boards and affected Aboriginal groups to acquire relevant fisheries information, to identify priority Aboriginal subsistence fisheries/waterbodies where harvesting pressure may change as a result of increased

access through the development of an all season road, and will ensure that potential impacts are managed.

Conclusions

In conclusion, DFO-FPP believes that potential impacts to fish and fish habitat identified during the EA from the construction and operation of the water crossings can be avoided and/ or mitigated through the regulatory process. Furthermore, potential impacts to fisheries resources resulting from increased fishing access will be addressed through the co-development of an appropriate plan designed to specifically monitor and manage those impacts.

DFO would like to thank the MVEIRB for giving DFO-FPP the opportunity to provide input into the environmental assessment process for the TASR project.