



# **Guidelines for Considering Wildlife at Risk in Environmental Impact Assessment in the Mackenzie Valley**

***DRAFT***

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# 1 Introduction

## *1.1 Preamble*

Biological diversity is an essential component of healthy and functioning natural ecosystems. Diverse ecosystems are more resilient to changes in the environment, such as from climate change, disease outbreaks or the introduction of invasive species. Unfortunately, throughout Canada, human activities have led to circumstances where species are threatened and, consequently, biological diversity has been diminished. In some situations, the continued existence of an entire species depends on the fate of a small number of individuals. Where this occurs, if development is to be permitted, it must be carried out in a way that protects vulnerable species and promotes biological diversity.

Governments at the national, provincial and territorial level have recognized the threat posed to biological diversity. Responses to this issue have, among other things, resulted in the enactment of laws and policy to guide development, which in turn has influenced environmental impact assessment (EIA). EIA provides an opportunity to identify potential conflicts with vulnerable wildlife species early in development planning when options for avoiding or minimizing adverse environmental effects are still open. It also provides opportunities for the agencies responsible for undertaking the assessment, and the developer proposing the development, to work with the expert departments and other knowledgeable parties to ensure the most favourable outcome in respect of wildlife that may be at risk.

The Mackenzie Valley Environmental Impact Review Board (the Review Board) has issued these guidelines under the authority of s.120 of the *Mackenzie Valley Resource Management Act* (MVRMA)<sup>1</sup> to clarify legal obligations and to make the Environmental Impact Assessment process more responsive in addressing the issue of wildlife at risk in the Mackenzie Valley. Wildlife at risk in these guidelines is defined as those species listed under Schedule 1 of the federal *Species At Risk Act* (SARA)<sup>2</sup>, as well as those species that have been assessed by the

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<sup>1</sup> Section.120 of the MVRMA states that the Review Board may establish guidelines to outline how the EIA process should be conducted, including the form and content of reports.

<sup>2</sup> All references to SARA in this document refer to the federal *Species at Risk Act* unless otherwise noted

Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as being of ‘special concern’, ‘threatened’, or ‘endangered’<sup>3</sup>.

The guidelines discuss the requirements of the MVRMA and SARA that must be fulfilled when likely adverse effects to wildlife at risk are identified during the conduct of EIAs for proposed developments in the Mackenzie Valley, as well as the best practices for wildlife at risk that is under consideration for listing. The guidelines are consistent with federal guidance on the subject and are written recognizing that co-management boards, governments, communities and industry must cooperate to ensure the continued existence of wildlife species and the protection of habitat in the Northwest Territories.

The Review Board has produced these guidelines with substantial input from Environment Canada, the Government of the NWT’s Department of Environment and Natural Resources and Fisheries and Oceans Canada.

### **Purpose**

The ultimate purpose of these guidelines is to prevent adverse effects to wildlife at risk in the Northwest Territories by:

- Ensuring that applicable environmental protection legislation is complied with;
- Identifying and promoting the implementation of best environmental impact assessment practices in respect to wildlife at risk; and
- Encouraging early dialogue and project planning between developers, expert departments and communities prior to the initiation of a project.

### **Intended Audience**

The guidelines have been written for the following principal audiences:

- Developers proposing developments in the Mackenzie Valley
- Organizations involved in the EIA process of preliminary screening
- Organization involved in the EIA processes of environmental assessment and Environmental Impact Review

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<sup>3</sup> Definitions of specific terms used in these Guidelines are provided in Appendix A

## ***1.2 Overview of Guidelines***

These guidelines are organized in the following sections:

**Section 1** introduces the guidelines, outlines its purpose and identifies the intended audiences.

**Section 2** describes the legal requirements and legislative context for addressing wildlife at risk in the Mackenzie Valley.

**Section 3** discusses the roles, responsibilities and authorities of the various parties involved in the environmental impact assessment of wildlife at risk.

**Section 4** outlines the steps and best practices that developers are encouraged to consider during the early engagement and pre-application stage.

**Section 5** describes how organizations tasked with conducting the preliminary screening of developments can fulfill their responsibilities regarding wildlife at risk.

**Section 6** explains the Mackenzie Valley Environmental Impact Review Board's (Review Board) role in addressing wildlife at risk issues during environmental assessment and Environmental Impact Review.

In addition, there are six appendices at the end of the guidelines that are intended to provide developers, preliminary screeners and other interested parties with helpful tools.

## 2 Legal Context

Two federal laws, the Mackenzie Valley Resource Management Act and the federal Species at Risk Act, principally govern the EIA of developments in the Mackenzie Valley, as it pertains to wildlife at risk. Those laws impose duties on the agencies tasked with managing the EIA processes, specifically the preliminary screeners and the Review Board. In order to fulfill their duties in respect of wildlife at risk, those agencies may in turn require that developers proposing developments in the Mackenzie Valley meet certain requirements during the environmental impact assessment process.

While the information provided in this section summarizes the key legal requirements of these two laws, where further clarification is required, interested parties should refer directly to the actual laws. The territorial Species at Risk Act guides the territorial government's participation in the environmental impact assessment process. It does not however, direct the environmental assessment process itself, unlike the federal Species at Risk Act. In this document 'Species at Risk Act' or SARA' refers to the federal act only unless otherwise noted.

### ***2.1 The Mackenzie Valley Resource Management Act***

The MVRMA establishes processes for land use planning, land and water use regulation, environmental impact assessment, and environmental monitoring and auditing. Part Five of the MVRMA describes how environmental impact assessment is to be conducted within the Mackenzie Valley. There are three stages in the EIA process:

- Preliminary Screening – conducted by Land and Water Boards, government organizations, and certain Aboriginal organizations
- Environmental Assessment - conducted by the Review Board
- Environmental Impact Review - conducted by an independent panel struck by the Review Board

Part Five of the MVRMA requires that the environmental impact assessment process “*ensure that the impact on the environment of proposed developments receives careful consideration before actions are taken in connection with them.*” The environmental impact process is also

required to give regard to “the protection of the environment from the significant adverse impacts of proposed development”.

## ***2.2 The federal Species at Risk Act***

The purpose of the federal *Species at Risk Act* is to prevent wildlife species from becoming extirpated or extinct, to provide for the recovery of extirpated, endangered or threatened species, and to encourage management of species of special concern to prevent them from becoming at further risk. To help in achieving this goal, SARA imposes legal obligations on persons required to ensure that the environmental effects of a project are assessed and impacts mitigated in respect of those species listed under Schedule 1 of SARA, or the critical habitat<sup>4</sup> of those species. Section 79 of SARA describes the actions that must be taken by the environmental impact assessment authorities in respect of Schedule 1 listed SARA species. In the Mackenzie Valley, these obligations extend to the authorities who conduct the three stages of environmental impact assessment, specifically the preliminary screening agencies and the Review Board.

### Notification of Minister

79. (1) Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.

### Required action

(2) The person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.

### Definition of ‘person’ and ‘project’

(3) The definitions in this subsection apply in this section. “person” includes an association or organization, and a responsible authority as defined in subsection 2(1) of the *Canadian Environmental Assessment Act*. “project” means a project as defined in subsection 2(1) of the *Canadian Environmental Assessment Act*.

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<sup>4</sup> Critical habitat is the habitat necessary for the survival or recovery of a listed endangered, threatened or extirpated species on Schedule 1 of SARA and will be described within recovery strategies or action plans.

For SARA to function within the context of the MVRMA, these guidelines assume a certain interpretation of key definitions. For example, while SARA specifies that the term “person” includes federal Responsible Authorities as defined by the *Canadian environmental assessment Act*, it does not limit the definition of “person” to those agencies. These guidelines note that the MVRMA is a federal act of Parliament, and accordingly, any organization that conducts an assessment of the environmental effects of a development under the MVRMA has legal responsibilities under SARA. Therefore, when a board or government organization conducts any of the stages of EIA under Part Five of the MVRMA, it is assumed to be a “person” under ss.79(1) of SARA, with the responsibilities cited under ss.79(1) and ss.79(2).

These guidelines use the term “project” as referred to in s.79 of SARA as synonymous with the term “development” used in the Part 5 of the MVRMA. The latter is defined as “any undertaking, or any part of an undertaking, that is carried out on land or water...”.

The phrase “*an assessment of the environmental effects of a project*” is interpreted in these guidelines to include any of the three stages of environmental impact assessment process that are defined and described in Part 5 of the MVRMA. The general provisions of Part 5 of the MVRMA confirm this interpretation, specifically s114b) which states the process comprising of preliminary screening, environmental assessment and environmental impact review must “*ensure that the impact on the environment of proposed developments receives careful consideration before actions are taken in connection with them*”.

### ***2.3 Specific Actions Required by SARA s.79***

Section 79 of SARA requires that organizations conducting an assessment of the environmental effects of a project determine whether the project in question is likely to affect Schedule 1-listed species or their critical habitat. If such an effect is identified, SARA requires that the organization do the following:

- Provide early written notification to the competent minister or ministers if a listed wildlife species or its critical habitat is likely to be affected by a proposed development.
- Identify the adverse effects the project may have on listed wildlife species.

- If the development is permitted to be carried out, ensure that measures are taken to avoid or lessen those effects.
- Undertake monitoring to determine the effectiveness of mitigation and/or identify where further mitigation is required.
- Ensure that any monitoring or mitigation measures are consistent with any applicable and available species recovery strategies and action/management plans.

Sections 5 and 6 of these guidelines offers advice on how these requirements should be fulfilled during the preliminary screening, environmental assessment and environmental impact review stages of EIA.

## ***2.4 COSEWIC Assessed Species***

COSEWIC is a national committee of experts that assesses the conservation status of species that may be at risk in Canada. COSEWIC uses the best available scientific, Aboriginal and community knowledge to assess species and assign them to a category of risk. Species that have been assessed as ‘at risk’ by COSEWIC may then qualify for legal protection and recovery under SARA. The federal government decision to list a species under SARA Schedule 1 may include socio-economic or political considerations, but assessment of species by COSEWIC is based on biological considerations alone.

A number of the species assessed by COSEWIC as being of ‘special concern’, ‘threatened’, or ‘endangered’ are under consideration for listing on Schedule 1. Species assessed as at risk by COSEWIC, but not yet listed on SARA, should be considered during environmental impact assessment in a similar manner to SARA-listed species. This is not intended to shift focus or resources from SARA-listed species, but to recognize that species assessed by COSEWIC as at risk merit special attention during the EIA process.

In addition, COSEWIC-assessed species may become listed on Schedule 1 during an environmental impact assessment. In that case the legal obligations from the *Species at Risk Act* come into force immediately for environmental impact assessments already underway. Not including COSEWIC assessed species, therefore, carries the risk of delaying the process as



additional studies may be required. This is particularly true for longer processes such as Environmental Assessments or Environmental Impact Reviews.

## ***2.5 GNWT Status Ranks***

In addition to SARA listed and COSEWIC assessed species, the GNWT maintains a list of species that may warrant special protection. Some of the species included in the GNWT status ranks may not be at risk but are listed because not enough information is available to determine their actual status. There is no obligation to consider these in environmental impact assessments as wildlife at risk. The Review Board encourages developers of large, more longer term projects to include GNWT status ranked species in their monitoring activities to help establish the true status of these species.

### 3 Roles, Responsibilities and Authority

A number of organizations involved in environmental impact assessment in the Mackenzie Valley have specific roles, responsibilities and authority in respect of wildlife at risk.

#### Developer

A developer is the person or organization proposing a development that is subject to a preliminary screening, environmental assessment or environmental impact review. During the planning stage of the development, prior to applying for an authorization, the developer should consider possible adverse effects to wildlife at risk and should consult with expert departments or communities that might have applicable knowledge. At all stages of the EIA process, the developer will be required to identify the adverse effects that its proposed development may have on wildlife at risk and, where appropriate, may have to propose mitigation and monitoring. In general, the expected level of effort is relatively small at the screening stage, but increases with the level of assessment. However, if a developer fails to meet the expectations of the agency in charge of the EIA with regard to wildlife at risk, the requested authorization may not be granted, or the proposed development may have to undergo a higher level of scrutiny.

#### Preliminary Screeners

The preliminary screeners are the agencies responsible for completing a preliminary screening, which is an initial investigation into the potential effects of a development, including adverse effects on wildlife at risk. Preliminary screeners are tasked with deciding whether a proposed development *might* have a significant impact on the environment, or *might* be a cause of public concern<sup>5</sup>. This includes the consideration of impacts on wildlife at risk, or concerns stemming

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<sup>5</sup> In certain circumstances developments not requiring a licence, permit or other authorization that are proposed to be carried out by departments or agencies of the federal or territorial government, or by the Gwich'in or Sahtu First Nation or Tlicho Government may require preliminary screening. In such situations, these organizations will be responsible for screening their own developments and should follow the recommended practices described in these guidelines. The Review Board should be contacted for further clarification when these circumstances arise.

from such impacts. The preliminary screeners have the ability to refer projects under their authority to Environmental Assessment.

In order to meet the legal requirements of SARA and the MVRMA, preliminary screeners should ensure that proposed developments screened under their authority meet the practices described in these guidelines.

### Review Board

The Review Board is the agency responsible for conducting environmental assessments and for striking panels that conduct environmental impact reviews. The Review Board's processes typically involve a comprehensive examination of issues concerning potential environmental impacts or public concern. The adverse effects of developments on wildlife at risk are routinely considered in the Review Board's processes. In order for the Review Board to carry out its responsibilities it typically requests information from the developers, as well as from parties with scientific, traditional or local knowledge. The Review Board recommends whether a proposed development should proceed or not. It also has the authority to recommend mitigation measures to prevent, reduce or avoid potential adverse impacts to wildlife at risk. The Review Board can also recommend measures to establish monitoring and follow-up programs.

### Competent Ministers under SARA

The Competent Ministers are the Ministers identified in the federal *Species at Risk Act* as being responsible for the implementation of the federal *Species at Risk Act*. The Competent Ministers are the following:

**Minister of Environment** - The Minister of Environment is responsible for the overall coordination of the federal species at risk program. The Minister of Environment is also responsible for the protection and recovery of migratory birds and species at risk on federal lands other than those under the responsibility of the Minister of Fisheries and Oceans or those individuals under the responsibility of the Parks Canada Agency.

**The Minister for the Parks Canada Agency** – The Minister for the Parks Canada Agency is responsible for the development and management of recovery strategies for those species that

occur in national parks, national historic sites and other federal protected heritage areas under the authority of Parks Canada Agency. Currently, the Minister for Parks Canada is also the Minister of Environment.

**The Minister of Fisheries and Oceans** – The Minister of Fisheries and Oceans is responsible for the protection and recovery of aquatic species at risk under federal jurisdiction, other than species under the responsibility of the Minister of the Environment in the case of individuals found on National Wildlife Areas, and Parks Canada Agency. The Minister is responsible for implementing the necessary conservation and protection measures under the *Species at Risk Act* for aquatic species on the legal protection list. Aquatic species to be protected includes fish or marine plant species defined as such under the federal *Fisheries Act*, and those which have been assessed against COSEWIC's classification criteria.

#### Responsible Ministers under the MVRMA

Under the MVRMA, the Responsible Ministers are the ministers of federal or territorial government who, under federal or territorial law, have jurisdiction in relation to a proposed development. At the completion of an environmental assessment or environmental impact review, the Minister of Indian and Northern Affairs Canada (INAC<sup>6</sup>) consults with the Responsible Ministers regarding the aspects of the developments that come under their respective jurisdictions. If the Review Board, or a panel of the Review Board, makes recommendations concerning a development that is likely to affect wildlife at risk, the following agencies are designated as Responsible Ministers<sup>7</sup>:

- Federal Minister of the Environment
- Federal Minister of Fisheries and Oceans
- Federal Minister for the Parks Canada Agency
- Territorial Minister for Environment and Natural Resources

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<sup>6</sup>In certain cases reports are also submitted to the National Energy Board or the Tlicho Government

<sup>7</sup> These listed Responsible Ministers are for matters concerning Wildlife at Risk only. The same ministers or other ministers may be designated as Responsible Ministers for other environmental impact assessment matter.

## Expert Departments

Expert departments are agencies of the territorial and federal government which have specialized knowledge about aspect of wildlife, for which they may or may not have a management responsibility, that may assist in the conduct of EIAs by improving the accuracy of impact predictions and analysis. Expert departments are often called upon by the preliminary screeners or the Review Board to provide comments regarding the potential effects of proposed developments on wildlife at risk. The following government agencies are considered expert departments for matters regarding wildlife at risk:

**Federal Department of Environment Canada** - Environment Canada provides expert advice on migratory birds and species listed under Schedule 1<sup>8</sup> of the federal *Species at Risk Act*, as well as species assessed by COSEWIC as being of ‘special concern’, ‘threatened’, or ‘endangered’. As the overall coordinator of SARA and COSEWIC, Environment Canada is also the department that provides advice on meeting the requirements of SARA.

**Federal Department of Fisheries and Oceans** - Fisheries and Oceans Canada supports the EIA process by providing expert advice on aquatic species (including aquatic plants) listed under Schedule 1 of SARA or assessed by COSEWIC as being of ‘special concern’, ‘threatened’, or ‘endangered’.

**Territorial Department of Environment and Natural Resources (ENR)** – This department provides expert advice on vertebrate and plant wildlife at risk species, and their habitat, with the exception of aquatic species or migratory birds. Environment Canada shares its jurisdiction with ENR for a number of species and the two agencies may coordinate their advice to preliminary screeners or the Review Board during EIAs. ENR provides expert advice on species that are not clearly in any agencies’ jurisdictions, such as terrestrial invertebrates. ENR also works with the wildlife co-management bodies established in areas with settled land claims.<sup>9</sup>

**Parks Canada Agency** – Parks Canada provides expert advice on Schedule 1 SARA-listed species, as well as species assessed by COSEWIC, as being of ‘special concern’, ‘threatened’, or ‘endangered’ within lands administered by the agency.

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<sup>8</sup> Except for species where Parks Canada or DFO have jurisdiction

<sup>9</sup> Wek’èezhìi, Sahtu, Gwich’in Renewable Resource Boards.

## 4 Pre-application and early engagement stage

This section describes the recommended approach that developers should consider when gathering and providing information on wildlife at risk in the applications they intend to submit to authorizing agencies. Applications should provide information about wildlife at risk that is of sufficient quantity and detail to ensure that the preliminary screeners are able to fulfill their responsibilities. The submission of inadequate applications risks delays in approval.

Additionally, if a developer is of the opinion that its proposed development might be referred to environmental assessment on the basis of potential significant adverse effects to wildlife at risk or public concern, it is highly advisable to expend additional effort to ensure that the applications adequately address such effects and propose mitigation to prevent or minimize them. To failure to do so might increase the likelihood of a development being referred when this could have been avoided had an appropriate level of information been provided during the preliminary screening.

To avoid such consequences, developers are advised to prepare their applications in accordance with the following steps, although it should be noted that for many development proposals it may not be necessary to proceed beyond Step 1:

### Recommended steps for preparing authorization applications

1. Identify if the proposed development overlaps with the ranges of Wildlife at Risk
2. Identify any effects that the proposed development will have on Wildlife at Risk
3. Propose mitigation measures to avoid or minimize adverse effects on Wildlife at Risk
4. Propose monitoring efforts and adaptive management responses
5. Evaluate how proposed mitigation measures and monitoring programs fit with applicable species recovery strategies, action plans or management plans

#### **Step 1: Identify if the proposed development overlaps with the ranges of wildlife at risk**

When drafting their applications, developers should initially refer to the *Species at Risk in the NWT*<sup>10</sup> booklet, which is prepared by the wildlife experts within the federal and territorial

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<sup>10</sup> The Species at Risk in the Northwest Territories: A guide to NWT species legally listed under the federal Species at Risk Act and those under consideration for listing booklet is available at: [www.nwtwildlife.com](http://www.nwtwildlife.com)

governments. The booklet provides range maps showing the distribution and occurrence of wildlife at risk, describes the typical habitat for the species and discusses the potential threats to the species. As a follow-up procedure, developers are advised to contact the expert departments responsible for the species in question to confirm the information presented in the booklet and to receive any additional information (please refer to Appendix E for contact information). These agencies can make suggestions on how to identify wildlife at risk and their habitats for a project area, assist with predicting adverse effects, and help propose mitigation measures and monitoring procedures that are suitable for the scope of a given project. If the proposed development's footprint does not overlap with the ranges of wildlife at risk, no further actions are likely necessary. Appendix C provides information for developers on how to search for wildlife at risk, species ranges and critical habitat.

## **Step 2: Identify the proposed development's adverse effects on wildlife at risk**

If the proposed development potentially overlaps with the ranges of wildlife at risk the developer should identify possible adverse effects. While the potential adverse effects of a proposed development substantially depend upon the scale of the development, other aspects such as the sensitivity of the environment in which it will be located, as well as its timing, are also important contributing factors. Table 2 of Appendix F provides a list of considerations that may be relevant. Developers may wish to consider these when they conduct their initial assessment of adverse effects.

Expert departments are available to work with developers to identify potential adverse effects of proposed developments. Developers proposing larger projects, especially those with potentially significant and long term effects, are expected to expend more effort on their own. Table 1 suggests levels of effort that developers and expert departments may expend based on the scale of the project. The overall effort for small developments will usually be small and expert departments will provide the majority of the information required. As projects get larger, information requirements increase and developers will share a larger portion of the overall effort. This table provides very general guidance and particularly the scale of the project columns are only a rule of thumb.

**Table 1. Level of expected effort from the developer in the evaluation of potential adverse effects to wildlife at risk**

Scale of project			Level of effort and details required in preparing wildlife at risk section of authorization application	
	Approximate cost	Example	Developer	Expert Department
Small	<\$500,000	minor 1-2 year mineral exploration program	Developer can rely on government experts to help identify potential adverse effects and propose plans for mitigation and monitoring	Identify potential adverse effects and propose plans for mitigation and monitoring
Medium	~ \$500,000 - \$10,000,000	5-10 year advanced exploration program; intermediate 2-D seismic program	Depending on capacity, developer is expected to conduct some of its own investigations into wildlife at risk	Provide advice and assist in identifying potential adverse effects; propose plans for mitigation and monitoring.
Large	> \$10,000,000	development and operation of full scale mine; major 3-D seismic program)	Developer is expected to identify potential adverse effects and propose plans for mitigation and monitoring, often with the assistance of hired consultants	Government agencies remain a point of contact and provide recommendations regarding adverse effects, mitigation and monitoring

### **Step 3: Propose mitigation measures to avoid or minimize adverse impacts on wildlife at risk**

For each possible adverse effect identified, the developer should plan its development with specific mitigation efforts in mind. Ideally the approach to impact mitigation should be aimed at not only having a neutral effect, but it should be implemented, if possible, in a manner that promotes the well-being of wildlife at risk and contributes to their recovery. Adverse effects on wildlife at risk may not be significant, but notwithstanding the significance of the effect, they



should still be mitigated as a precaution. Unlike Part 5 of MVRMA, which requires an adverse effect to be significant in order for mitigation to be triggered, the federal *Species at Risk Act* does not make a distinction between significant and insignificant effects.

#### **Step 4: Propose monitoring efforts and adaptive management responses**

As noted in Section 2, these guidelines require that the agencies conducting environmental impact assessment consider imposing monitoring requirements to determine the effectiveness of mitigation and/or identify where further mitigation is required. Developers play an important role in ensuring that the agencies' responsibilities are addressed through development planning. If a developer establishes that adverse effects to wildlife at risk from its proposed development are possible, it should commit to monitoring such effects in its development applications.

Monitoring strategies for wildlife at risk will vary according to the species of concern and the scale of development proposed. For example, for a small development, a developer may simply commit to maintaining a log book for wildlife sightings; in other cases a developer may hire wildlife monitors. The developer's proposed monitoring program should be focused on impacts related to its own project. For larger and more significant projects, the development's contribution to cumulative effects can be included as part of a monitoring program, however proponents are not responsible to undertake regional baseline monitoring for wildlife at risk species; this is the job of government agencies.

Potential adaptive management responses to adverse effects observed during monitoring should be described in the authorization applications. Such responses will vary according to the type of project, its scale, the project management options available and the wildlife at risk present in the proposed development area.

#### **Step 5: Describe how proposed mitigation measures and monitoring programs fit with applicable species recovery strategies, action plans, management plans, and other recovery documents**

Prior to the completion of its development planning, and in advance of the submission of authorization applications, the developer should compare its proposed mitigation measures and

monitoring programs to existing and applicable species recovery strategies, action plans, management plans, and other recovery documents for any wildlife at risk under consideration. In general, this step will mainly apply to proposed larger developments, and in many cases, aspects of this step will have already been fulfilled as part of earlier steps.

Prior to contacting the Competent Ministers and expert departments, the developers should initially refer to the Species at Risk registry<sup>11</sup> to see if any recovery strategies are publicly available regarding the species in question. The developer may then choose to follow up its investigation by having a discussion with representatives of the Competent Ministers and expert departments to see how the proposed development activities fit within the context of any ongoing recovery strategies.

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<sup>11</sup> <http://www.sararegistry.gc.ca>

## 5 Preliminary Screening

Preliminary screeners are the agencies that carry out the first stage of environmental impact assessment. They must conduct their assessment duties in respect of wildlife at risk in a way that meets both the requirements of the federal *Species at Risk Act* and the MVRMA<sup>12</sup>. Preliminary screeners must also carry out these duties within timelines imposed by regulations or legislation. This section describes how preliminary screeners can fulfill such legislative responsibilities in a way that is also consistent with best practices for considering wildlife at risk.

### 5.1 Requirements for preliminary screeners

Preliminary screeners are required to ensure that proponents provide adequate information on wildlife at risk in the applications that are submitted. Preliminary screenings typically do not require original research, do not normally initiate any studies, and do not require as much rigorous analysis as would be expected for environmental assessments or environmental impact reviews.

#### Recommended steps for Preliminary Screener when considering Wildlife at Risk

1. Ensure that potentially affected Wildlife at Risk and habitat has been identified
2. Notify Competent Minister(s) if development overlaps with range of a Wildlife at Risk species
3. Determine whether the development is likely to affect Wildlife at Risk
4. Review and evaluate proposed mitigation measures to protect Wildlife at Risk
5. Review and evaluate proposed monitoring for Wildlife at Risk
6. Verify that mitigations and monitoring fit with species recovery strategies, action plans, management plans, or other recovery documents
7. Refer application to environmental assessment (7a) or proceed to the regulatory phase (7b)

Preliminary Screeners are advised to carry out the following steps in respect of wildlife at risk.

These steps are described in more detail below:

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<sup>12</sup> Adherence to the MVRMA also includes following the recommended procedures established in guidance material, such as this document, created under the authority provided in s120 of the MVRMA.

### **Step 1: Ensure that potentially affected wildlife at risk and habitat has been identified**

After receipt of an authorization application, the preliminary screeners will carry out an initial review to ensure its completeness. For Land Use Permits applications requested from a Land and Water Board, this usually occurs during a 10-day period following initial submission.

Completeness of the application is determined on the basis of a number of criteria. Where information is insufficient or absent regarding certain matters, this may provide grounds for the application to be returned to the developer for reconsideration and further work. In order to be deemed complete, the application should give consideration to any potentially affected wildlife at risk known to inhabit the area of the proposed development.

From the perspective of the Preliminary Screener, it is preferable that a developer clearly identify upfront whether, in its opinion, the proposed development is in an area where wildlife at risk are known to inhabit and what sorts of adverse effects are likely to occur. By declaring this at the onset, it will make it easier for the Preliminary Screener to carry out the remaining steps identified here.

However, if, based on the information provided in the authorization application, the Preliminary Screener is unsure whether wildlife at risk are present in the area in question then it is recommended that the preliminary screeners verify with the *Species at Risk in the NWT* booklet (or similar such information noted in Appendix C), as well as communicate directly with the Competent Ministers to clarify the matter. If this investigation identifies that wildlife at risk species are likely present in the vicinity of the proposed development, then the Preliminary Screener may choose to return the application to the developer for further consideration.

### **Step 2: Notify Competent Minister(s) if development overlaps with range of a wildlife species at risk**

Section 79(1) of SARA requires that every person or organization that conducts an environmental impact assessment provide early notification to the Competent Ministers if a proposed

#### Advantages of early notification

Providing early notification to Competent Ministers about potential effects to Wildlife at Risk is the recommended approach of these guidelines for the following reasons:

1. It alerts the Competent Ministers and expert departments in order that they can become engaged early in the preliminary screening process to best effect
2. It makes the most of the limited review time frames (42 days for Land Use Permits) so that reviewing agencies can help the Preliminary Screener determine whether impacts to Wildlife at Risk are likely
3. It is a precautionary approach, which assumes that

development is likely to affect a Schedule 1 listed wildlife species or its critical habitat. These guidelines also recommend that a similar procedure be taken in respect of species assessed by COSEWIC as being of ‘special concern’, ‘threatened’, or ‘endangered’.

These guidelines assume that *any* development proposed within the range of a wildlife at risk species requiring an authorization will trigger a notification requirement because, as stated in s79(1), it is “*likely to affect a listed wildlife species or its critical habitat*”. Therefore, if an application indicates that the proposed development overlaps with the range of wildlife at risk species then the appropriate Competent Minister should be notified in writing<sup>13</sup>. At this stage, the Preliminary Screener is not required to make a judgement on the characteristics or significance of the effect to wildlife at risk; that task will be carried on in subsequent stages and with the assistance of the Competent Minister, expert departments and other reviewers. The “Required action” of s79(2) of SARA does not need to be addressed at the notification stage, but can be incorporated in the later stages of the development’s review and, if necessary, through the terms and conditions of any approved authorizations. Table 2 provides the circumstances under which the Competent Ministers should be notified. The notification should occur as early as possible within the preliminary screening process; which, in the case of a Land Use Permit submitted to a Land and Water Board, is at the start of the 42-day period following the determination that the application is complete and “officially received”. Beyond meeting the legislative requirements of s79(1) of SARA, this initial notification to the Competent Ministers is intended to draw their attention to the proposed development under review and encourage their involvement in the preliminary screening of potential adverse effects through the provision of expert advice.

If the range of a SARA Schedule 1 listed species or COSEWIC-assessed species overlaps with the proposed development location, the appropriate Competent Minister indicated in Table 2 should be notified in writing. A notification letter should be sent even if the proposed development will likely have a positive effect on a wildlife at risk species. In some circumstances, two or more federal agencies may require notification. For example, if Whooping Crane might be affected by a proposed development, it is necessary to notify Parks Canada, because some of the critical habitat of the Whooping Crane is found within Wood Buffalo National Park, as well

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<sup>13</sup> Appendix D provides a sample notification letter template, as well as contact coordinates of the Competent Ministers.

as Environment Canada because the Whooping Crane is a migratory bird. The preliminary screeners should also consider distributing their notification letters to Renewable Resources Boards, should the proposed developments occur within settled land claim and self-government regions.

**Table 2 - Conditions under which the Competent Ministers agencies should be notified if a proposed development is likely to affect wildlife at risk species**

Competent Minister to Notify	Schedule 1 SARA Listed Species	COSWEIC Assessed Species
Environment Canada	<p>Migratory birds protected by <i>the Migratory Birds Convention Act</i> and their critical habitat</p> <p>All other species and their critical habitat not considered by DFO or Parks Canada</p>	Terrestrial species assessed by COSEWIC (if the species occurs outside of lands administered by Parks Canada)
Fisheries and Oceans Canada	Aquatic species and their critical habitats	Aquatic species assessed by COSEWIC
Parks Canada	Any species and their critical habitats found exclusively or partly in or on federal lands administered by the Parks Canada Agency	COSEWIC assessed species that occur on land or water administered by Parks Canada

### **Step 3: Determine whether the development is likely to affect wildlife at risk**

The preliminary screeners must determine whether the potential adverse effects on wildlife at risk and its critical habitat have been correctly assessed. This is a subjective test that requires the Preliminary Screener to exercise professional judgment with consideration of the evidence provided by the developer, expert advisors or traditional and local knowledge holders during the preliminary screening period. The determination should be made when the evidence is sufficient

to satisfy the test that the development is “is likely to affect” wildlife at risk. The following steps (4-7) are only required if a preliminary screener determines that the development is likely to affect a listed wildlife species; in general this will only occur for a limited number of developments.

#### **Step 4: Review and evaluate proposed mitigation measures to protect wildlife at risk**

The preliminary screeners should ensure that developers have proposed mitigation measures to avoid or minimize any predicted adverse effects to wildlife at risk. Mitigation measures that avoid adverse effects are preferred over those that minimize adverse effects. The adequacy of the mitigation measures proposed by the developer will be subject to review by expert departments and interested parties during the course of the screening. It will be the task of the Preliminary Screener to evaluate the potentially disparate opinions in order to determine whether the proposed mitigation will address concerns about adverse effects to wildlife at risk, or whether the development might be referred to an environmental assessment for a more rigorous investigation.

#### **Step 5: Review and evaluate proposed monitoring for wildlife at risk mitigation**

The preliminary screeners should consider any monitoring protocols proposed by the developer. The purpose of the monitoring programs referred to in these guidelines is for evaluating the effectiveness of mitigation and/or to identify where further mitigation is required. The Preliminary Screener will consider the opinions of the developer and reviewers, in addition to its own judgment, when determining if the proposed monitoring programs will be adequate to determine the effectiveness of mitigation and/or identify further mitigation required. If the proposed monitoring program fails to do this, the development might be referred to environmental assessment in order that the issue of mitigation monitoring is examined in greater depth.

The scale of the proposed monitoring programs must be appropriate for the scale of the project, the degree of concern regarding wildlife at risk, the level of uncertainty and the potential for adaptive management. Monitoring for small projects with low risk may simply involve noting the locations and frequency of observations of wildlife at risk during project activities, and recording

any actions taken to avoid contact or disturbance. Monitoring for large projects with high risk may involve regular, systematic surveys throughout the life of the project. If monitoring programs demonstrate that adverse effects of the development on wildlife at risk are greater than anticipated, appropriate adaptive management measures may be needed. Monitoring programs should be carried out by the developer for the most part, although programs carried out by other developers or government agencies may also provide relevant information. During preliminary screening, developers may commit to submitting, for regulatory approval, management plans that include provisions for monitoring and adaptive management regarding wildlife at risk.

#### **Step 6: Verify that mitigations and monitoring fit with species recovery strategies, action plans, management plans, or other recovery documents**

In completing the screening, the preliminary screeners will take into consideration any information provided to it from the Competent Minister regarding how the proposed development fits with any applicable recovery strategy documents. The Preliminary Screener will ensure that any recovery strategy documents made available to it are available on the public record. During the review period for the proposed development, the Competent Minister will advise the Preliminary Screener and may suggest terms and condition may have to be imposed in the authorizations to ensure consistency with existing plans.

#### **Step 7a: Refer application to environmental assessment**

At the end of the review period, the Preliminary Screener, as required in s125 of the MVRMA, must determine if a development should be referred to environmental assessment or not. If residual significant adverse impacts to wildlife at risk might<sup>14</sup> occur despite the imposition of mitigation measures, the Preliminary Screener may refer the development to the Review Board for an environmental assessment (please refer to Section 5.2 for discussion of the “might” test). Public concern may also be a trigger for an environmental assessment referral in some cases as well.

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<sup>14</sup> For developments proposed within municipal boundaries, the threshold for referral is when a significant impact is “likely” to occur



## Step 7b: Proceed to Regulatory Phase

If an environmental assessment is not going to be triggered then the application will be subject to regulatory approval. In developing authorization terms and conditions, the regulatory agencies, who in most cases in the Mackenzie Valley are also the preliminary screeners, will draw upon the conclusions of the preliminary screening and will, within the scope of their jurisdiction, ensure that mitigation and monitoring are enshrined as terms and conditions. This might include, for example, restrictions on the timing of development activities in order to avoid adverse effects during the critical life cycle periods of wildlife at risk or it might include permit conditions to protect wildlife habitat, such as prohibitions against the destruction of wildlife residences (i.e. nests or lodges). In certain circumstances, the regulatory agencies may require the submission of Wildlife Protection Plans or other such management plans that take into consideration a number of factors, including that of wildlife monitoring.

### ***5.2 Preliminary screening and the determination of “Might” vs “Likely”***

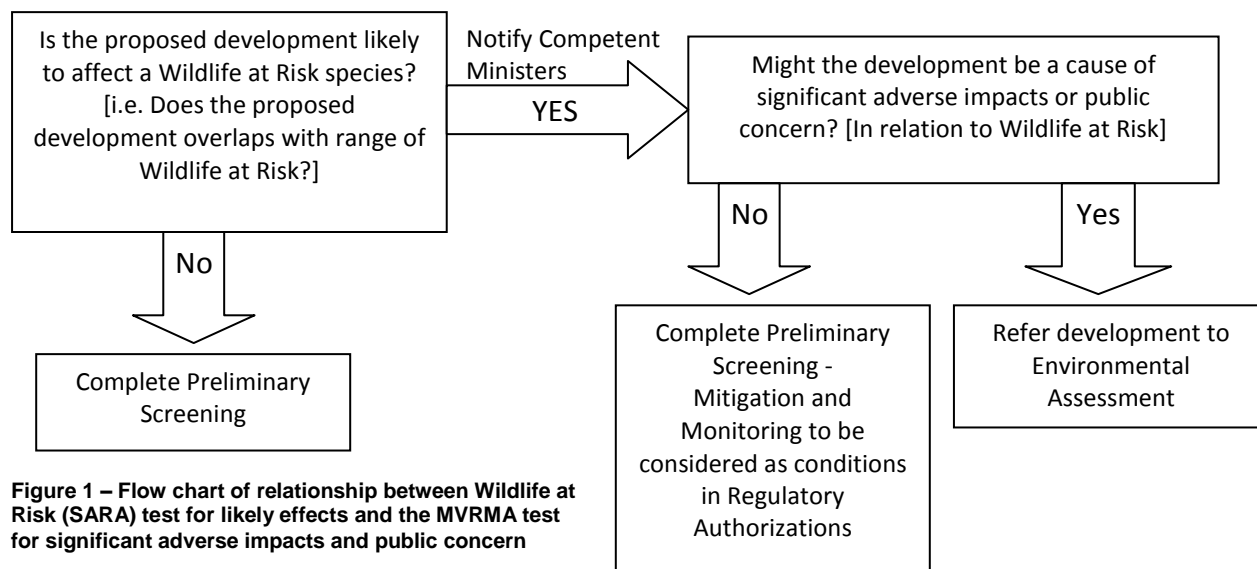
When making a determination concerning how a proposed development could impinge on wildlife at risk, the Preliminary Screener needs to satisfy two “tests”. The first test is a requirement of Section 79(1) of the federal *Species at Risk Act* and it obliges the Preliminary Screener to identify if a development is “*likely to affect a listed species or its critical habitat*”. If the development is “likely” to affect the species, then the provisions of s79(2) of SARA apply. The test required by SARA differs from the test required by the MVRMA due to a distinction in language and intent. The MVRMA test that usually<sup>15</sup> applies during preliminary screening is: Might the development be a cause of significant adverse impacts or public concern? If so, then the development must be referred to the Review Board for an environmental assessment. The test of SARA, which applies at all levels of environmental impact assessment, is: Is the project likely to affect a SARA Schedule 1 listed wildlife species or its critical habitat?<sup>16</sup>

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<sup>15</sup> Within municipal boundaries a different test applies during preliminary screening, as per MVRMA s.125 (2)(a) – although this is unlikely to be major concern for Wildlife at Risk.

<sup>16</sup> Section 128 of the MVRMA uses the term “likely” to set a threshold of proof for significance determinations in environmental assessments. However, according to the MVRMA s.125, preliminary screeners must determine not whether a project is *likely* to cause significant adverse impacts, but only whether it *might*. Detailed explanations of these terms are available in the Review Board’s Reference Bulletin titled *Operational Interpretation of Key Terminology in Part Five of the MVRMA*.

The SARA “likely” test implies a higher probability of occurrence than the MVRMA “might” test but the concept of significance is not considered in the SARA test. The effect need not be significant for the SARA test to be met. As noted before, these guidelines assume that *any* development proposed within the range of wildlife at risk species requiring an authorization will trigger a notification. If the development is likely to affect wildlife at risk, then SARA imposes certain responsibilities on the preliminary screeners regardless of whether or not that effect is significant (for Schedule 1 species). Figure 1 illustrates how the distinction between the two tests manifest themselves in the preliminary screening process. It should be again noted that for the purpose of these guidelines, the SARA test also considers species assessed by COSEWIC as being of ‘special concern’, ‘threatened’, or ‘endangered’.



### 5.3 Adapting wildlife at risk considerations in Authorization Applications

To improve the information concerning wildlife at risk provided in applications, preliminary screeners may elect to add new sections to their authorization applications that requires developers to complete a table similar to that found in Appendix B. This table requests information on wildlife at risk that will likely be affected by the proposed development, as well as a description of potential adverse effects on the species, and proposed mitigation and monitoring.

## 6 Environmental Assessment and Environmental Impact Review

This section describes how the Review Board or Panel of the Review Board can fulfill its responsibilities regarding wildlife at risk during an environmental assessment or Environmental Impact Review.

For developers that anticipate that their proposed developments will be subject to an environmental assessment or environmental impact review, it is advisable to review the Terms of Reference from recent past or active environmental assessments and environmental impact review<sup>17</sup>. This will provide useful examples of the type of work required of developers in preparation of Developers Assessment Reports and Environmental Impact Statements. Although Terms of Reference are issued on a case-by-case basis, developers and other parties may expect a consistent approach to be followed unless special considerations dictate otherwise.

### *6.1 Requirements for the Review Board or Review Panel*

The steps to be taken by the Review Board (or a Panel of the Review Board) are similar to those outlined for preliminary screeners in Section 5. If some actions, such as notification to Competent Ministers has already been completed (i.e. Step 2 of Section 5), then it will not be necessary to repeat the step. This section discusses the steps to be followed by the Review Board or a Panel of the Review Board when it conducts an environmental assessment or environmental impact review:

#### Recommended steps for considering Wildlife at Risk in Environmental Assessment and Environmental Impact Reviews

1. Verify appropriate action taken during Preliminary Screening
2. Notify Competent Minister(s) if development overlaps with range of Wildlife at Risk species
3. Determine whether the development is likely to affect Wildlife at Risk
4. Review and evaluate proposed mitigation measures to protect Wildlife at Risk
5. Review and evaluate proposed monitoring for Wildlife at Risk
6. Verify that mitigations and monitoring fit with species recovery strategies, action plans, management plans, or other recovery documents
7. Issue authorization or refer application to environmental assessment

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<sup>17</sup> Available at [www.reviewboard.ca](http://www.reviewboard.ca)

### **Step 1: Verify action taken during preliminary screening**

The Review Board reviews the preliminary screening public registry and preliminary screening report. It determines whether further action on wildlife at risk, e.g. notification of competent ministers, is required during the early stages of the environmental assessment.

### **Step 2: Notify Competent Minister(s) if development overlaps with range of wildlife at risk species**

In many cases new information may be available to the Review Board or a Panel of the Review Board that was not on hand during the preliminary screening. Such information may include, for example, an upgraded project description that reveals the possible presence of wildlife at risk within the vicinity of a proposed development. The Review Board will also carry out issue scoping exercises at the beginning of an environmental assessment or environmental impact review where representatives of expert departments, traditional knowledge holders and other knowledgeable persons may participate. Scoping exercises may provide new or expanded information about the presence of wildlife at risk. If this is the case, the Review Board must notify the appropriate Competent Minister as soon as possible once it appears likely that a proposed development's footprint overlaps with the range of wildlife at risk species.

It should also be noted that new information concerning the presence of wildlife at risk in the vicinity of a proposed development may not be revealed until the developer has submitted a Developers Assessment Report or Environmental Impact Statement. In such cases, the Review Board, or a Panel of the Review Board will send its notification letter to the Competent Minister when such information is made available to it.

### **Step 3: Determine whether the development is likely to affect wildlife at risk**

In order to determine if a development is likely to affect wildlife at risk, the Review Board (or Panel) will typically ensure that its Terms of Reference give specific consideration to such species by identifying them as valued components of the environment. The Terms of Reference for a proposed development will request that developers identify potential adverse effects to wildlife at

risk. In its response to the Terms of Reference, the developer is expected to identify the various pathways that might lead to adverse impacts occurring to wildlife at risk. Following the receipt of a Developers Assessment Report or Environmental Impact Statement, the Review Board (or Panel) will commence its own impact assessment with the assistance of other Parties, including expert departments and traditional and local knowledge holders. The Review Board (or Panel) will ascertain whether adverse impacts are anticipated, and if they are, then the Review Board (or Panel) must then determine how significant such impacts are likely to be.

**Step 4: Review and evaluate proposed mitigation measures to protect wildlife at risk**

As a consequence of its own impact predictions, the developer is expected to propose mitigation measures to avoid or lessen any anticipated adverse impacts to wildlife at risk. The Review Board (or Panel), taking into consideration the perspectives of the developer and other Parties, will evaluate the mitigation measures to determine if they will adequately address any adverse impacts. Where the Review Board (or Panel) is of the opinion that the developer's proposed mitigation measures are inadequate, it may instruct the developer to reconsider its proposed mitigation, or it may recommend that the approval of the development be conditional on the imposition of mitigations that the Review Board (or Panel) has itself identified.

**Step 5: Review and evaluate proposed monitoring for wildlife at risk**

Any programs identified by the developer to monitor the effectiveness of mitigation measures for wildlife at risk and/or to identify where further mitigation is required will be examined by the Review Board (or Panel) during the course of the assessment. Where the Review Board (or Panel) is of the opinion that the developer's proposed monitoring will not be adequate to determine how effective mitigation measures are in preventing or lessening adverse impacts to wildlife at risk, it may instruct the developer to reconsider its proposed monitoring, or it may recommend that the approval of the development be conditional on the imposition of monitoring programs that the Review Board (or Panel) has itself identified. The Review Board (or Panel) may also decide that a follow-up program is needed to protect wildlife at risk.

#### **Step 6: Verify that mitigations and monitoring fit with species recovery strategies, action plans, management plans, or other recovery documents**

Prior to completing its Report of environmental assessment or Report of the Review Panel, the Review Board (or Panel) will ensure that any mitigation measures or monitoring plans proposed by either it, or the developer, are consistent with existing recovery documents. To accomplish this, the Review Board (or Panel) may draw on the assistance of the expert departments through information requests, technical submissions, and requested attendance at technical sessions and hearings.

#### **Step 7: Submission of Report – Post Assessment Mitigation and Monitoring**

At the conclusion of the environmental assessment or environmental impact review, the Review Board (or Panel) will submit its report. The Review Board determines whether the development is likely to have a significant adverse impact overall and will take any impact, significant or not, on wildlife at risk into consideration in its report. If the development is to be approved subject to the imposition of recommended measures to mitigate significant adverse impacts to wildlife at risk, the Regulatory Authorities, particularly the Land and Water Boards, will be expected to adopt the recommendations as terms and conditions in their authorizations to the extent possible. Identified adverse impacts not characterized as significant might be captured in non-binding “suggestion”. Certain measures, such as wildlife monitoring, which do not typically have a regulatory home, may become the responsibility of the Federal Minister (for INAC), perhaps in association with the other Responsible Ministers for wildlife at risk.

## Appendix A – Abbreviation and Definitions

**COSEWIC** – means the Committee on the Status of Endangered Wildlife in Canada. This committee of experts assesses which wild species are in some danger of disappearing from Canada. Traditional knowledge is included wherever possible in preparing species assessments.

**Critical Habitat** means the habitat that is necessary for the survival or recovery of a Schedule 1 SARA-listed wildlife species and that is identified as the species' critical habitat in the recovery strategy or in an action plan for the species.

**Cumulative effects** means the changes to the environment caused by an action in combination with other past, present and future actions.

**Development** means any undertaking, or any part or extension of an undertaking that is carried out on land or water.

**Endangered species** means a species facing imminent extirpation or extinction.

**Extinct species** is one that no longer exists.

**Extirpated species** means a species which no longer exist in the wild in Canada, but exists elsewhere in the wild.

**Habitat** – The area or type of site where an individual or wildlife species naturally occurs or depends on directly or indirectly to carry out its life processes.

**Migratory Bird** means any species of bird identified in the *Migratory Birds Convention Act* (MBCA). Birds identified in the MBCA include waterfowl, seabirds and other aquatic birds, shorebirds, and songbirds. Other birds such as hawks, eagles, owls, grouse, ptarmigan, pelicans, ravens, and blackbirds are protected by territorial legislation.

**MVRMA** means the *Mackenzie Valley Resource Management Act*.

**NWT General Status Ranking Program** means the program to rank the general status of species occurring in the territory and identify species that require further detailed assessment by, for example, COSEWIC at a national level to provide a priority list of species that would require more detailed assessment

**Person** (as referred to in Sec 79 of SARA) means an individual, association or organization, and a responsible authority as defined in subsection 2(1) of the Canadian environmental assessment Act.

**Project means** in relation to a physical work, any proposed construction, operation, modification, decommissioning, abandonment or other undertaking in relation to that physical work.

**Review Board** means the Mackenzie Valley Environmental Impact Review Board.

**Species of special concern** mean a species that may become threatened or endangered because of a combination of biological characteristics and identified threats.

**Species** means a species, subspecies, variety or geographically or genetically distinct population of wildlife and, for the purpose of these guidelines, applies only to species which are native to Canada or with a range that extends into Canada.

**SARA** means the federal *Species at Risk Act*.

**Threatened species** means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction.

**Traditional knowledge** means aboriginal knowledge, developed and transmitted over many generations, of the environment, its use and management, and its value.

**Wildlife** means all living undomesticated organisms, and includes plants and animals, but excludes bacteria and viruses.

**wildlife at risk** means all species listed on Schedule 1 of the federal *Species at Risk Act* or species that have been assessed by COSEWIC as being of ‘special concern’, ‘threatened’, or ‘endangered’.



## Appendix B Template Form for Considering wildlife at risk in Preliminary Screening

For each species at risk for which range overlaps with the location of a project, a table similar to the one below should be completed during the preliminary screening:

Species Name List(s) - Status	Potential adverse effects	Proposed mitigation measures	Proposed monitoring activities	Describe how proposed plans conform with existing species recovery strategy, action plan, management plan, or other recovery documents

Table B.1. Sample table

Table B.2. Fictional Example – Whooping crane and Northern leopard frog

Species Name List(s) - Status	Potential adverse effects	Proposed mitigation measures	Proposed monitoring activities	Describe how proposed plans conform with existing species recovery strategy, action plan, management plan, or other recovery documents
Ie. Whooping Crane ( <i>Grus americana</i> ) SARA – Endangered COSEWIC – Endangered GSR – At Risk (Endangered)	Disturbance of cranes during the breeding season by noise from the development.	Operational only when birds are absent.		
	Cranes might hit power lines	Make power lines more visible to cranes (work with expert to determine the best method).	Survey power lines and record dead birds. To be developed in consultation with Environment Canada experts.	Environment Canada confirmed that proposed mitigation is adequate
	Increased pollutants entering the watershed of Whooping Crane critical habitat.	Reduce pollutant levels to below effluent guidelines.	Monitor effluent to ensure guidelines are met, to be developed in consultation with Environment Canada	

			experts. Develop a study to ensure WHCR productivity is not adversely affected, incorporate adaptive management.	
<p>Northern Leopard Frog</p> <p><i>Rana pipiens</i></p> <p>SARA: Special concern</p> <p>COSEWIC: Special concern</p> <p>GSR: Sensitive</p>	<p>Destruction of wetland breeding habitat.</p>	<p>Proponent will not destroy wetlands during construction.</p>	<p>Inspection to ensure that no wetlands are destroyed during construction.</p>	<p>No applicable plan or strategy exists in the NWT</p>

## Appendix C How to search for wildlife at risk, species ranges and critical habitat

This Appendix provides resources to help determine if a proposed development will affect wildlife at risk and/or their critical habitat, and answer the following questions:

- What are the species of wildlife at risk according to SARA, COSEWIC and the GNWT General Status Ranking?
- Which species have ranges that overlap with the location of the project or development?
- Is there any important habitat in or near the development area?

**Table C.1. Resources to help identify SARA Schedule 1 listed species and their ranges**

<p><b>SARA Registry and Canadian Wildlife Service (CWS) Species at Risk website</b></p> <p><a href="http://www.sararegistry.gc.ca">www.sararegistry.gc.ca</a></p>	<ul style="list-style-type: none"> <li>• List of SARA Schedule 1 species, status reports, recovery strategies and action plans</li> <li>• For the most current list of Schedule 1 species in the Northwest Territories:             <ol style="list-style-type: none"> <li>1) Go to SARA public registry: <a href="http://www.sararegistry.gc.ca/">http://www.sararegistry.gc.ca/</a></li> <li>2) Click on 'Advanced search'</li> <li>3) Check the following:                 <p>Range: Northwest Territories</p> <p>Taxonomy group: All</p> <p>Schedule: Schedule 1</p> </li> </ol> </li> <li>• Range maps are included in each species status report and will soon be available on the GNWT and EC websites: <a href="http://www.nwtwildlife.com/Publications/speciesatriskweb/default.htm">www.nwtwildlife.com/Publications/speciesatriskweb/default.htm</a></li> <li>• Recovery strategies, action plans and management plans can be found on this website</li> </ul>
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	<ul style="list-style-type: none"> <li>• Critical habitat will be identified in recovery strategies or action plans of each species</li> </ul>
<p><b>Contact the Canadian Wildlife Service</b></p>	<ul style="list-style-type: none"> <li>• E-mail: <a href="mailto:sara.north@ec.gc.ca">sara.north@ec.gc.ca</a></li> <li>• Telephone: (867) 669 – 4700</li> <li>• Address: 5204 – 50<sup>th</sup> Avenue, Suite 301, Yellowknife NT X1A 1E2</li> <li>• Ask for the Species At Risk Biologist</li> <li>• May have draft status reports for Species at Risk</li> </ul>

**Table C.2. Resources to help identify COSEWIC assessed species and their ranges**

<p><b>COSEWIC website</b></p> <p><a href="http://www.cosewic.gc.ca">www.cosewic.gc.ca</a></p>	<ul style="list-style-type: none"> <li>• For the current list of species being considered by the federal government for addition to SARA Schedule 1: <ol style="list-style-type: none"> <li>1) Go to the COSEWIC website: <a href="http://www.cosewic.gc.ca">www.cosewic.gc.ca</a></li> <li>2) Click on ‘Wildlife Species Assessment’</li> <li>3) Examine the ‘Assessment Results’, that describes species that were assessed at the most recent COSEWIC meeting, and the ‘Canadian Species at Risk’ document that describes all species that COSEWIC has assessed and where they are in SARA listing process.</li> </ol> </li> </ul>
<p><b>SARA registry</b></p>	<ul style="list-style-type: none"> <li>• Status reports for some species assessed by COSEWIC that have not been added to the SARA Schedule 1 list may still be found on SARA registry.</li> <li>• <a href="http://www.sararegistry.gc.ca">www.sararegistry.gc.ca</a></li> </ul>
<p><b>GNWT Environment &amp; Natural Resources</b></p>	<ul style="list-style-type: none"> <li>• NWT Species on assessed by COSEWIC</li> <li>• <a href="http://www.nwtwildlife.com/Publications/speciesatriskweb/default.htm">http://www.nwtwildlife.com/Publications/speciesatriskweb/default.htm</a></li> <li>• GNWT Spatial Data Warehouse (shows presence of SARA Schedule 1</li> </ul>

website	and COSEWIC assessed species in NWT) <ul style="list-style-type: none"> <li>• <a href="http://maps.gnwtgeomatics.nt.ca/portal/index.jsp">http://maps.gnwtgeomatics.nt.ca/portal/index.jsp</a></li> </ul>
Contact the Canadian Wildlife Service	<ul style="list-style-type: none"> <li>• Contact information in Table B.1</li> </ul>

Table C.3. Resources to help identify species ranked under the NWT General Status Ranking Program species and their ranges

NWT General Status Ranking Program	<ul style="list-style-type: none"> <li>• General Status Ranks of Wild Species in the NWT report</li> <li>• This report is updated every 5 years. (a copy of this publication can be downloaded)</li> <li>• <a href="http://www.enr.gov.nt.ca">www.enr.gov.nt.ca</a></li> </ul>
NWT Species Monitoring Infobase	<ul style="list-style-type: none"> <li>• Email: NWT_SOER@gov.nt.ca</li> <li>• Database can be searched by species, ecoregion and general status rank</li> <li>• <a href="http://www.enr.gov.nt.ca">www.enr.gov.nt.ca</a></li> </ul>
Contact GNWT Environment and Natural Resources	<ul style="list-style-type: none"> <li>• Contact information in Appendix D</li> <li>• Can provide a list of species under their jurisdiction</li> <li>• Recommendations on potential adverse effects, mitigation, and monitoring</li> <li>• Information on species ranges</li> </ul>

Table C.4. Other resources for investigating wildlife at risk

NatureServe Website	<ul style="list-style-type: none"> <li>• Distribution maps for birds, mammals and amphibians</li> <li>• <a href="http://www.natureserve-canada.ca/">http://www.natureserve-canada.ca/</a></li> </ul>
NWT-Nunavut Bird Checklist Survey	<ul style="list-style-type: none"> <li>• Information about the location of birds in the NWT</li> <li>• <a href="mailto:NWTChecklist@ec.gc.ca">NWTChecklist@ec.gc.ca</a></li> </ul>
Canadian Amphibian and Reptile Conservation Network	<ul style="list-style-type: none"> <li>• Species information and range maps for amphibians and reptiles</li> <li>• <a href="http://www.enr.gov.nt.ca">www.enr.gov.nt.ca</a></li> </ul>

## Appendix D Sample Notification Letter Template and Notification Addresses

The following template can be used to notify government agencies that a proposed project will likely impact a species of wildlife at risk and/or its critical habitat.

INSERT ADDRESS OF SENDER, DATE, ADDRESS OF RECIPIENT

Dear Mr./Ms. \_\_\_\_\_:

RE: Notification pursuant to the requirements of subsection 79(1) of the *Species at Risk Act* / notification regarding wildlife at risk.

Please be advised that (*name of organization or agency*), as responsible for the (*preliminary screening, environmental assessment etc.*) for (*name of project*), has determined that this proposed project is likely to affect the following listed wildlife species or its critical habitat:

Species	Status	List (Schedule 1, COSEWIC, NWT General Status Ranks)	Near Critical Habitat?
<i>Eg. Whooping Crane</i>	<i>Endangered</i>	<i>Schedule 1</i>	<i>Yes</i>

This determination is based on information from (*Information source, e.g., range on SARA registry overlaps with project, sightings, recent surveys, proponent's application materials etc.*).

Details about (*name of project*), located at (*location information*), are attached. At this point, the following mitigation measures and alternatives are being considered (*insert mitigation and/or alternative means of carrying out the project, if known*).



The proposed project is subject to a (*type of screening and/or environmental assessment*) under the (*applicable legislation*). Additional information about the screening/environmental assessment is available through the (*location, e.g., Assessment Registry*) at (*reference number*).

As part of your regular review of this project, please help (*name of organization conducting assessment*) to determine the likelihood that the proposed project would affect the species and/or their critical habitats listed in the table above. Also, please review any proposed mitigations and monitoring and provide expert advice in this area as well, including providing your views on whether these are consistent with any recovery planning undertaken for the species.

If you have any questions please feel free to call the contact for this assessment: (*name of contact, address, e-mail and phone number*).

Sincerely, *Organization Representative (Signatures of all appropriate regulators if applicable)*

## Notification Addresses (Competent Ministers):

### Parks Canada

If a **SARA-listed** species and/or its critical habitat occurs in lands administered by the Parks Canada Agency, the notification letter should be sent to Parks Canada Agency at the following address:

Environmental Assessment Scientist  
Western and Northern Service Centre  
Parks Canada  
145 McDermot Ave.  
Winnipeg, MB, R3B 0R9  
Phone: (204) 984-1929      Fax: (204) 983-0031

### Department of Fisheries and Oceans

If a **SARA-listed** species and/or its critical habitat is aquatic, the notification letter should be sent to the Department of Fisheries and Oceans at the following address:

Habitat Management Team Leader  
Fisheries and Oceans Canada  
Western Arctic Area  
101 5204-50th Avenue  
Yellowknife, NT X1A 1E2  
phone: (867) 669-4942  
fax: (867) 669-4940

## Environment Canada

For all other **COSEWIC-assessed** and **SARA-listed** species or their critical habitat, the notification letter should be sent to Environment Canada at the following address:

Environmental Assessment Coordinator  
Environmental Protection Operations Division  
Environment Canada  
Nova Coast Plaza, 5019-52 Street  
P.O. Box 2310  
Yellowknife, NT  
X1A 2P7  
Phone: (867) 669-4700      Fax: (867) 873-8185

## Appendix E: Contact Information for Government Agencies (Expert Departments)

### Government of the Northwest Territories (GNWT)

#### *Environmental Assessment Specialist –*

##### *Wildlife*

Wildlife Division, Environment & Natural  
Resources, GNWT

Box 1320

Yellowknife, NT X1A 2L9

Phone: (867) 920-8064

#### *Species at Risk Specialist*

Wildlife Division, Environment & Natural  
Resources, GNWT

Box 1320

Yellowknife, NT X1A 2L9

Phone: (867) 873 - 7588

#### *Wildlife Biologist – Ecosystem*

##### *Management*

Wildlife Division, Environment & Natural  
Resources, GNWT

Box 1320

Yellowknife, NT X1A 2L9

Phone: (867) 920-6327

### Environment Canada

#### *Environmental Assessment Coordinator –*

##### *Canadian Wildlife Service*

Environment Canada

Nova Coast Plaza, 5019-52 Street

P.O. Box 2310

Yellowknife, NT

X1A 2P7

Phone: (867) 669-4700

Fax: (867) 873-8185

#### *Species at Risk Biologist – Canadian*

##### *Wildlife Service*

Environment Canada

Nova Coast Plaza, 5019-52 Street

P.O. Box 2310

Yellowknife, NT

X1A 2P7

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# Appendix F: Selected tables from existing guidance

The following two tables are adapted from the environmental assessment *Best Practice Guide for Wildlife at Risk in Canada*, published by Environment Canada in 2004. Although not specific to the MVRMA process, this guide contains useful how-to advice of a general nature.

The entire original document may be viewed online at:

[http://www.cws-scf.ec.gc.ca/publications/eval/guide/EA\\_Best\\_Practices\\_2004\\_e.pdf](http://www.cws-scf.ec.gc.ca/publications/eval/guide/EA_Best_Practices_2004_e.pdf)

**Table 1: A summary of best practice guidelines**

*For considering wildlife at risk in environmental assessment*

**Initiating the project and assessment**

1. Consider relevant plans and strategies for conservation and sustainable development at the landscape, ecosystem, community and species levels. In this way, project siting, design and timing can be tailored to the habitat and residence requirements of all wildlife, including wildlife at risk.
2. When considering site or design alternatives, direct projects and physical activities away from biodiversity or extinction hotspots, rare ecosystems and other areas identified as conservation priorities.

**Scoping the assessment**

3. Investigate whether wildlife at risk—or their survival or recovery habitat or residences—are located within the project study area by referring to existing information sources, including wildlife experts, specialists and local and Aboriginal communities. Conduct field surveys if it is likely that wildlife species at risk are present in the study area or if wildlife data for the site are lacking or outdated. Document as part of the assessment all efforts to identify wildlife at risk.
4. Involve the appropriate government departments and specialists if wildlife at risk are an issue in the assessment or in the case of any uncertainty about whether they are an issue. Work through environmental assessment coordinators to make appropriate contacts.

### **Assessing environmental effects**

5. Identify wildlife species at risk as valued ecosystem components, and include them among the species selected to focus the assessment.
6. Describe project effects on wildlife at risk with rigour and detail, reflecting the current understanding of the ecology of species. Use status reports, recovery strategies, action plans and species management plans as main information sources where available, and consult with wildlife experts, specialists and local and Aboriginal communities. Consider all direct, indirect and cumulative effects in the analysis.

### **Mitigating adverse environmental effects**

7. Plan the project to avoid or minimize effects on all species designated as being at risk anywhere in Canada, as well as the habitat and residences that are essential to their survival or recovery.
8. Work out the best approach to mitigation on a case-by-case basis. Pay particular attention to recognized threats that negatively affect species populations and habitat requirements. The mitigation plan should be aimed at ensuring the survival of wildlife at risk and contributing to their recovery.

### **Determining the significance of residual adverse environmental effects**

9. Residual effects that will reduce the likelihood of achieving of self-sustaining population objectives or recovery goals should be deemed significant.
10. Apply the precautionary approach/principle when making decisions concerning significance of effects on wildlife species at risk.

### **Follow-up: Verifying accuracy of predictions and ensuring success of mitigation**

11. Verify the accuracy of predictions and ensure the success of mitigation measures for wildlife at risk through follow-up programs; plan contingencies and implement midcourse corrections if necessary to protect species.

**Table 2: Considerations for assessing effects on wildlife at risk**

<b>Environment description: characterization of wildlife at risk and their vulnerabilities</b>	<b>Proposed project/environment interactions</b>
Status/rank: global, national, provincial/territorial	
Population size and extent of occurrence . Size of area used . Percentage of range in Canada / province / territory?	What is the proportion of the population that uses the project study area?
Trend in population	How can the project influence these trends? What is the quantitative or qualitative assessment of population viability? How might the project affect this viability model?
Geographic distribution	What is the proportion of the extent of occurrence or area of occupancy represented by the study area?
Natural or human-induced threats that are thought to be negatively affecting species population viability	How can the project contribute to/affect these threats?
Potentially limiting intrinsic attributes: key characteristics of the species' life history or ecology that may make it particularly susceptible to disturbance and/or influence its recovery potential	How can the project affect these attributes?
Activities likely to affect individuals or populations	Does the project involve any of these activities? How many individuals or what proportion of the population might be affected? To what degree? Will other projects or activities intensify these effects?
Seasonality Also, climate extremes	Which project activities could interfere with seasonal activity? How? Which project activities and design features could contribute to increased stresses on species if climate extremes considered?

<p>Species interrelationships</p> <ul style="list-style-type: none"> <li>• Significance of the ecological/ecosystem role where the species occurs in significant numbers (keystone? ecologically dominant? significant role in ecosystem?)</li> <li>• Species that share the same threats and/or would benefit from recovery activities?</li> </ul>	<p>How might the project affect predator/prey and other species relationships?</p>
<p>Habitats and residences</p> <ul style="list-style-type: none"> <li>• Occupied habitats and areas that potentially may be utilized</li> <li>• Critical, survival or recovery habitat</li> <li>• Residences</li> <li>• Key habitat attributes</li> <li>• Trends in habitat</li> </ul>	<p>What types of habitat occur in the project study area? What proportion of the total survival or recovery habitat occurs in the study area? How might the project directly or indirectly influence these habitats/key habitat attributes? What effect might this have on individuals or populations?</p>
<p>Ecological processes and functions critical to the maintenance of habitats</p>	<p>How might the project influence these processes and functions?</p>
<p>Relevant policies or legal requirements</p>	<p>What are the requirements for species protection?</p>
<p>Goals, objectives, approaches for recovery</p>	<p>How can the project influence recovery of the species?</p>
<p>Ongoing recovery activities</p>	<p>How can the project influence ongoing recovery activities?</p>