

## Review Comment Table

<b>Board:</b>	MVEIRB
<b>Review Item:</b>	EA1617-01 Tłıchǫ All-season road: draft Terms of Reference and draft Adequacy Statement
<b>File(s):</b>	
<b>Proponent:</b>	GNWT - DOT
<b>Document(s):</b>	<a href="#">Draft Terms of Reference</a> (1 Mb) <a href="#">Draft Adequacy Review</a> (771 kb)
<b>Item For Review Distributed On:</b>	Sep 26 at 12:12 <a href="#">Distribution List</a>
<b>Reviewer Comments Due By:</b>	Oct 13, 2016
<b>Proponent Responses Due By:</b>	Oct 21, 2016
<b>Item Description:</b>	Draft Terms of Reference and draft Adequacy Statement for comment and review.
<b>General Reviewer Information:</b>	<p>The September 19, 2016 <a href="#">Notice of Proceeding</a> (PR#44) explains the Board's approach to the Terms of Reference and Adequacy Statement for the Tłıchǫ All-season Road EA. Please see the Notice of Proceeding and the introduction sections of the <a href="#">draft Terms of Reference</a> (PR#46) and <a href="#">draft Adequacy Statement</a> (PR#47) for further details regarding the purpose and complementary nature of these documents.</p> <p>Review Board staff has completed steps 1 and 2 outlined in the Notice of Proceeding. The developer and interested parties now have the opportunity to review the draft Terms of Reference and draft Adequacy Statement prepared by Review Board staff, as described under step 3 in the Notice of Proceeding.</p> <p>The purpose of this review is to allow parties to comment on Board staff's suggested content in the draft Terms of Reference and the draft Adequacy Statement. In particular, the Review Board is seeking comments on:</p> <ol style="list-style-type: none"> <li>1. the Scope of Development and Scope of Assessment described in section 2 of the draft Terms of</li> </ol>

<b>Reference;</b>	<p>2.the additional information requirements described in the draft Adequacy Statement.</p> <p>The content of these draft documents is not intended to limit in any way the scope of parties' comments they wish the Board to consider for the final documents. The Board is not bound by the content of the draft documents and will make its decisions about the final Terms of Reference and final Adequacy Statement based on all of the evidence on the record and the comments submitted by parties.</p> <p>As described in the Notice of Proceeding, once the information requirements in the Adequacy Statement are satisfied, the EA will be able to proceed to the information request phase, in which parties can pursue specific questions within the Scope of Assessment.</p>
<b>Contact Information:</b>	<p>Chuck Hubert 867-766-7052          Robyn Paddison (867)766-7062          Ruari Carthew (867) 766-7073</p>

## Comment Summary

GNWT - DOT (Proponent)				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	<p><b>Comment</b> <a href="#">(doc)</a> GNWT-DOT cover letter for ORS comments on the TASR-draft Adequacy Statement and draft Terms of Reference</p> <p><b>Recommendation</b></p>		
2	General File	<p><b>Comment</b> <a href="#">(doc)</a> GNWT communication with NSMA regarding the TASR Project. Document contains an October</p>		

		<p>20, 2016 letter from GNWT to NSMA and additional correspondence between GNWT and NSMA. Accompanies GNWT ORS comment #39.</p> <p><b>Recommendation</b> PROPGENFILE</p>		
3	General File	<p><b>Comment</b> (<a href="#">doc</a>) Support reference document for GNWT-DOT comment 38: "Forced Growth" definition</p> <p><b>Recommendation</b></p>		
4	General File	<p><b>Comment</b> (<a href="#">doc</a>) Excel file of GNWT-DOT ORS comments 1-39</p> <p><b>Recommendation</b></p>		
5	General File	<p><b>Comment</b> (<a href="#">doc</a>) Protocol for the review of water crossings proposed through the Forest Management Planning Process, from the Ontario Ministry of Natural Resources (April 2005)</p> <p><b>Recommendation</b></p>		
6	General File	<p><b>Comment</b> (<a href="#">doc</a>) Reference paper on DFO review of water crossings in the Ontario-Great-Lakes Area (April 10, 2007). Document represents a position statement meant to clarify the review and approval of water crossing projects under the</p>		

		Fisheries Act. <b>Recommendation</b>		
7	NSMA General File	<p><b>Comment</b> The GNWT has previously stated that there is no attribution associated with archaeological finds. In the majority of cases, it is actually impossible to attribute an artifact to one Aboriginal group or another. The GNWT's duty does not include attributing finds to any Aboriginal groups. The GNWT's view is that Aboriginal governments and organizations have an obligation to explain what asserted or established section 35 rights may be impacted by the proposed project. In the context of culturally important sites, this includes identifying with precision where those sites are located, and what potential adverse impact the project may have on those sites. To date, none of this information has been provided. In the GNWT's view, the onus must rest with Aboriginal governments and organizations - not the GNWT - to describe where these cultural sites are located and the potential adverse impacts on</p>		

		them, as it is the AGO's themselves that have this information. <b>Recommendation</b> n/a		
<b>GNWT - DOT: Katie Rozestraten</b>				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	dToR Glossary: operations	<p><b>Comment</b> The definition of operations provided in the Terms of Reference needs to be updated as it 1) does not capture the specific meaning of the word in the context of a highway and 2) incorrectly includes the maintenance phase as part of the operation phase. The operation phase and the maintenance phase of a highway are distinct phases which overlap in time and space but which consist of separate activities for separate purposes. The Board has informed the GNWT that it will be updating the definition of operation in the final Terms of Reference.</p> <p><b>Recommendation</b> The GNWT recommends the following: 1) The Board should adopt and include in the ToR the definition for maintenance from</p>		<p><b>Oct 28:</b> The Review Board recognizes the developer's distinction between the operations phase and maintenance phase, but also must define the "operations phase" as the project phase during which both maintenance and operation/use of the road will take place.</p> <p>See Section 2 of the <i>Terms of Reference</i> (PR#69), and Section 3.2.1 of the <i>Reasons for Decision for scope of Environmental Assessment</i> (PR#71) for more detail.</p> <p>Action: Glossary removed and definitions incorporated in the text.</p>

		<p>Section 1 of the Public Highways Act: "the preservation and repair of a highway and any other work necessary to keep a highway in serviceable condition." 2) The Board should adopt a definition of operation that is more specific to the context of the Project. The GNWT suggests that "operation" be defined as "the use of the highway for the purpose for which it was constructed, which is the transportation of people and vehicles."</p>		
2	<p>dToR Section 1.2 Referral to environmental assessment Item IV. "Uncertainty regarding the effectiveness of mitigation measures."</p>	<p><b>Comment</b> In applying the might test to the proposed Thçq All-season Road in the Review Board's Reasons for Decision, only three areas of concern are discussed. I. Change to access - new all-season access to the Community of Whatì, II. Impacts on existing social services, and III. Impacts on caribou. Under Impacts on caribou, it was stated that "Public concern has been expressed on the effectiveness of the proposed mitigation measures to address impacts on</p>		<p><b>Oct 28:</b> This comment reflects an incorrect interpretation of the 'might' test. Once a project has been elevated to environmental assessment, all potential effects of the project are examined through impact assessment to determine potential significant adverse effects. The uncertainty regarding effectiveness of mitigation for the purposes of this environmental assessment refers to uncertainty regarding mitigations applied for all valued components.</p> <p>Action: no change.</p>

		<p>Caribou." As per the Reasons for Decision, the might test was not described as being applied to a fourth item, the "uncertainty regarding the effectiveness of mitigation measures." As this fourth item was never formally described as being applied under the might test, item IV should not stand as its own category. Based on the details mentioned under Impacts on caribou, the "uncertainty regarding the effectiveness of mitigation measures" should be applied strictly for caribou.</p> <p><b>Recommendation</b> GNWT suggests that the Review Board i) remove item IV or ii) move the item under item III Impacts on caribou and/or iii) remove the repeated claim from the Adequacy Statement in all areas except in relation to caribou.</p>		
3	dToR Section 1.3 Legal context Paragraph 1	<p><b>Comment</b> Section 115(1) of the MVRMA also states that the process "shall be carried out in a timely and expeditious manner".</p> <p><b>Recommendation</b> Please amend Section 1.3 paragraph 1</p>		<b>Oct 28:</b> Action: Paragraph 1 in Section 1.3 in the <i>Terms of Reference</i> (PR#69) has been revised to capture the entire quote from subsection 115(1) of the MVRMA.

		to include the following: ...must "be carried out in a timely and expeditious manner and" must have regard for:...' These words should be added to the first paragraph of section 1.3 to capture the entire context of section 115 of the MVRMA.		
4	dToR Section 2.1 Scope of Development Bullet 1	<b>Comment</b> The road will be constructed to the Community Government of Whatì boundary not to the Whatì access road. <b>Recommendation</b> Indicate that it will be a public, all-season road from Highway 3 (km 196) to the community government boundary of Whatì .		<b>Oct 28:</b> Action: Incorporated comment and updated language from "Whatì access road" to "Community Government of Whatì boundary" in Section 2.1 of the <i>Terms of Reference</i> (PR#69)
5	dToR Section 2.2.1 Accidents and Malfunctions	<b>Comment</b> The draft ToR states that direction on accidents and malfunctions can be found in section 0. Clarification is required as to where this information can be found elsewhere in the ToR as section 0 does not exist. <b>Recommendation</b> Please provide the missing section where these details are discussed.		<b>Oct 28:</b> Action: The Review Board has corrected the reference section. Direction on accidents and malfunctions can be found in Section 4.1 of the <i>Terms of Reference</i> (PR#69), step 3d. Further information requirements for accidents and malfunctions are identified in the <i>Adequacy Statement</i> (PR#70) in sections 5.1 and 5.6.
6	dToR Section 2.2.3	<b>Comment</b> Page 2 of the Adequacy Statement states "that the GNWT-DOTs PDR		<b>Oct 28:</b> Action: Section 3 of the <i>Terms of Reference</i> (PR#69) has been updated to improve consistency, and the term "DAR" has

		<p>will serve as a partial impact assessment, to be combined with the developer's submission in response to this Adequacy Statement: together these two documents will replace the typical DAR requirement." However, the ToR references a DAR. Consistency between the ToR and AS is required. The ToR should identify that a DAR will not be produced but rather the hybrid document mentioned in the AS.</p> <p><b>Recommendation</b> Please ensure statements are consistent between the Adequacy Statement and the ToR along the lines of what is stated on page 2 of the AS, wherein the response to the AS and the GNWT-DOT PDR will serve together as the DAR.</p>		<p>been replaced by PDR and /or Adequacy Statement Response (ASR) where appropriate.</p>
7	<p>dToR Section 2.2.4 Temporal Scope of Assessment Paragraph 1 Last Sentence</p>	<p><b>Comment</b> "Because there is no closure phase planned for the project, the GNWT-DOT may select a suitable long-term temporal boundary for the operations phase that coincides with major project maintenance activities (e.g. bridge replacements)."</p> <p><b>Recommendation</b> The GNWT</p>		<p><b>Oct 28:</b> The GNWT will define the temporal scope, and provide rationale that considers party comments, for each valued component, as described in the <i>Terms of Reference</i> (PR#69).</p> <p>Action: "Because there is no closure phase planned for the project" was removed from section 2.2.4 of the <i>Terms of Reference</i>.</p>

		will define the temporal scope as appropriate for each of the identified topics within the Adequacy Statement.		
8	dToR Section 3.2 Line 1	<b>Comment</b> Section 115(1) of the MVRMA is incorrectly referenced. It should be 115.1. <b>Recommendation</b> Please correct the MVRMA section number to 115.1.		<b>Oct 28:</b> Action: Corrected to section 115.1.
9	dToR 4.2 Cumulative effects assessment steps Bullet 2	<b>Comment</b> Section 0 should possibly be section 4.1? <b>Recommendation</b> Please update section 0 to reflect the correct section number (4.1?).		<b>Oct 28:</b> Action: Section 0 corrected to 4.1.
10	dAS Section 1 Overview	<b>Comment</b> Section 4 describes the methodology not section 3. <b>Recommendation</b> Update section reference to 4 rather than 3 for assessment methodology.		<b>Oct 28:</b> Action: Corrected.
11	dAS Table 3-1 3.2 Incorporation of TK	<b>Comment</b> The adequacy note in Table 3-1 indicates that the incorporation of traditional knowledge is partially adequate. As there is no further explanation to what the partial adequacy represents, the GNWT would like to specify that the TK summary report identified in the ToR covers traditional knowledge utilized		<b>Oct 28:</b> The Board is encouraged by the collaboration between the Tłıchq Government and the developer and by the Tłıchq Government's comment that the developer's work in this area is satisfactory.  Providing evidence to demonstrate how traditional knowledge is incorporated into a developer's assessment report is a typical and standard environmental assessment requirement.

		<p>during the EA process to satisfy the VC requirements and is not a repetition of the material covered in the PDR.</p> <p><b>Recommendation</b> In order to avoid repetition and duplication of work from the preliminary screening process, the TK summary report will only apply to new material produced during the EA process.</p>		<p>Based on recent experience, the TK Summary asks the developer to provide evidence needed by the Board in a clear and concise manner, making specific linkages to potential impacts, mitigation measures, and/or project design. This requirement is so the Board can adequately consider such evidence, and traditional knowledge itself, in its determinations of significant adverse impacts, and meet its statutory responsibilities related to subsection 115(1) and section 115.1.</p> <p>Action: The Review Board revised the <i>Terms of Reference</i> (PR#69) and the <i>Adequacy Statement</i> (PR#70) to clarify what specific information is required, removed the requirement for a report in favor of a stand-alone section, and included bullets relating to traditional knowledge that has been submitted or conducted by an Aboriginal group or government, references to relevant sections of the Project Description Report, and any additional traditional knowledge that has not already been documented in the PDR (e.g. from YKDFN, NSMA , or DGGFN).</p>
12	dAS Table 3-1 3.2 Incorporation of TK	<p><b>Comment</b> An engagement plan is already in place for the proposed project and a commitment has since been made by the developer (as per July 4 Proponent Comments Table) to include YKDFN as</p>		<p><b>Oct 28:</b> The Review Board acknowledges that an engagement plan is in place.</p> <p>Action: "provide a plan" removed, and wording of Section 3.2 in the <i>Adequacy Statement</i> (PR#70) has been modified to clarify information requirement.</p>

		<p>they indicated after submission of the project application that they wished to also be consulted during the preliminary screening process. The adequacy note in Table 3-1 indicates that the incorporation of traditional knowledge is partially adequate; because the GNWT has already completed bullet 3 under Section 3.2 of the ToR with its engagement plan, the GNWT will not be producing an additional plan. <b>Recommendation</b> Bullet 3 from Section 3.2 of the ToR has already been completed by the GNWT. Please recognize that an additional plan should not be required as an engagement plan is already in place which includes the traditional knowledge holders. An additional plan would be a duplication of work.</p>		
13	dAS Table 3-1 3.6 Development description	<p><b>Comment</b> The Table 3-1 adequacy note for the ToR's 3.6 development description requires a detailed schedule for project activities (including estimated start time and duration for each activity and any seasonal timing constraints</p>		<p><b>Oct 28:</b> The Review Board acknowledges that it is not helpful to provide a start and end date for a schedule at this point in time. The Review Board is still interested in understanding the project schedule over the anticipated four years of construction. The PDR describes two scenarios for constructing the Project: working from both ends, or commencing from Highway</p>

		<p>and contingency planning). At this time, the GNWT can only offer the information it provided under section 4.6 Construction; subsection 4.6.1 Construction Strategy; and subsection 4.6.2 Construction Schedule of the PDR as financing has not been secured and a contractor has not been selected. It is estimated that the project will take up to four years to complete and that pending approval from the Legislative Assembly and procurement of funding, the GNWT anticipates to begin construction in a year. The GNWT is also supportive of the Th̄chq̄ Government's public comment with respect to dToR 3.6.</p> <p><b>Recommendation</b> Please remove the first bullet point in Table 3-1 with respect to section 3.6 of the ToR as the GNWT has provided the rationale for why this item cannot be addressed further at this time.</p>		<p>3 and working towards Whatì (e.g. PR#7 pp4-36 to 4-37). The choice of the scenario will have a corresponding impact on the duration of project activities with corresponding costs or benefits to affected valued components during the construction phase. In the example of working from both ends, the PDR suggests it could cut construction time "possibly in half" (PR#7 p 4-37). How the project is built and over what period of time have a bearing on the potential significance of Project effects. The Review Board requires more detail from the described schedule to better understand the potential impacts of the construction phase.</p> <p>Action: provide the detailed schedule for project activities, milestones, and speed of construction based on the schedule, as described in Table 3-1 of the <i>Adequacy Statement</i> (PR#70). If the GNWT-DOT is considering both scenarios, indicate the preferred scenario and provide an additional schedule for the secondary choice.</p>
14	dAS Section 5 Assessment steps from	<b>Comment</b> Table 5-2 Boreal Caribou Population Health indicates that 'ToR 4.1 step 1'		<b>Oct 28:</b> The interpretation is correct that the adequacy item requirement is for the identified step within the section and not for the section

	tables	<p>from section 4.1 of the ToR must be completed. Does this mean that only step 1 must be completed for that item and none of the subsequent steps are required? Table 5-6 Public safety indicates that 'ToR 4.1 step 3a, 3b, 3d' must be completed. Again, does this mean that for that row in the table, the assessment only applies to steps 3a, 3b, and 3d?</p> <p><b>Recommendation</b> Please confirm that the assessment steps listed for each of the topics listed in the tables are the only steps that must be completed in order to satisfy the Review Board's requirements.</p>		<p>entire.</p> <p>Action: None.</p>
15	dAS Section 5 Info held by Whatì and TG	<p><b>Comment</b> Appendix D of the PDR (Motion 2015-018) outlines the Thìchò Government and Community Government of Whatì commitments to manage impacts and maximize the benefits of the proposed all-season road. All information requests regarding socio-economic impacts should be directed to these governments. The GNWT can provide assistance to these governments</p>		<p><b>Oct 28:</b> The Review Board agrees that Thìchò Government and Community Government of Whatì can inform the EA with their perspective on potential socio-economic impacts resulting from the Project. The Review Board will issue relevant information requests (IRs) to these Governments to support the characterization of impacts that might result from the Project. IRs will have a November 30, 2016, deadline so that the GNWT can incorporate the information into its Adequacy Statement Response.</p> <p>Action: IR documents submitted to Thìchò</p>

		<p>directly as required.</p> <p><b>Recommendation</b> Please direct information requests to the Tłchq Government and Community Government of Whatì to inform the EA of potential socio-economic impacts that might arise from the TASR. The GNWT will continue to work with the Tłchq Government and the Community Government of Whatì throughout the EA.</p>		<p>Government and Community Government of Whatì (PR#73). The GNWT-DOT remains responsible for assessing and describing impacts, as per section 5 of the <i>Adequacy Statement</i> (PR#70), and will use responses to the IRs to help inform their Adequacy Statement Response.</p>
16	dAS Section 5 Info held by Whatì and TG	<p><b>Comment</b> This paragraph has introduced a new term (induced impacts) that is not utilized in the ToR. Section 2.2 of the ToR states that "the scope of assessment for this EA includes all potentially significant impacts that may result directly or indirectly from the Developer's proposed project".</p> <p><b>Recommendation</b> The GNWT would like to clarify that it will assess all potentially significant impacts.</p>		<p><b>Oct 28:</b> The Review Board agrees that the uncertainty around the term "induced" is not currently helpful in focusing the assessment to effects linked to the Project.</p> <p>Action: the description of the analysis is now on "indirect" impacts instead of "induced" impacts.</p>
17	dAS Section 5 Info held by Whatì and TG Last sentence	<p><b>Comment</b> It is unclear whether the information required under section 5.5, 5.6 and 5.7 is to be solely provided by the developer. Based on the final</p>		<p><b>Oct 28:</b> Information requests (IRs) to the Tłchq Government, the Community Government of Whatì, or any other party, are external to material requested in the <i>Adequacy Statement</i>. Information Requests for parties</p>

		<p>sentence of section 5, the Review Board intends to obtain additional information from the Community Government of Whatì and the Thìchò Government through information requests. If this statement is correct, what type of additional information will be requested and at what time will it be requested?</p> <p><b>Recommendation</b> Please clarify whether the IRs for Whatì and the Thìchò Government will be in addition to the material requested in sections 5.5, 5.6 and 5.7. Please clarify when this additional information will be requested and what the expected topics will be.</p>		<p>were requested in a timely manner so that GNWT-DOT can incorporate the information into its Adequacy Statement Response. <i>Board Information Requests to Aboriginal Groups (PR#74)</i> and <i>Board Information Requests to the Community Government of Whatì and the Thìchò Government (PR#73)</i></p> <p>Clarification: The IRs are in addition to the material requested in sections 5.5, 5.6 and 5.7.</p>
18	<p>dAS Section 5.1 Table 5-1 Fish habitat: water quality</p>	<p><b>Comment</b> Impacts to fish and fish habitat due to explosives will be fully mitigated by incorporating into the construction activities three documents regarding explosives and fish and fish habitat. In addition to incorporating the standard mitigation measures as per the Fisheries Protection Program website, the following</p>		<p><b>Oct 28:</b> The Review Board believes it is important for the developer to characterize water quality impacts that are specific to this Project. The Review Board has modified the request to focus on further characterizing impacts and the effectiveness of proposed mitigation measures.</p>

	<p>documents will be incorporated into any work with explosives on the TASR. The Project Description Report Appendix X - Fish and Fish Habitat Protection Plan, the 1998 Wright and Hopky DFO Guidelines for the use of Explosives in or Near Canadian Fisheries Waters, and the 2003 made in the north DFO lessons learned and summary guidance by Cott, Hanna and Dahl titled Discussion on Seismic Exploration in the Northwest Territories 2000-2003. Â By utilizing all available mitigation and avoidance of harm advice from DFO on explosives and specifically the use of explosives in the north, it would be reasonable to say that there will be no residual impacts and therefore no need for a residual impact assessment. The GNWT will also have an SNP that is established under the permitting process that ensures appropriate monitoring will be in place.</p> <p><b>Recommendation</b> Considering the application of all current</p>		
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		DFO advice and guidance on the use of explosives in or around water, including more specific northern advice and guidance and any new guidance and advice on the use of explosives DFO produces prior to construction, and with the use of explosives near water already addressed through the PDR, please consider removing the water quality adequacy item from Table 5-1.		
19	dAS Section 5.1 Table 5-1 Fish habitat: accidents and spills	<b>Comment</b> Accidents and spills have been addressed in the Project Description Report Appendix L: Spill Contingency Plan. The detailed plans include spills on ice and on water, contact lists and reporting requirements and the required on-site resources on standby to address any spill or accident potential. A SNP/AEMP monitoring program will also be in place during construction to monitor and adaptively manage any potential exceedances. In addition, the Project Description Report identifies detailed information in preventing spills such as sediment releases through		<p><b>Oct 28:</b> The Review Board acknowledges the referenced mitigation measures that could help reduce the impact from spills or accidents to fish habitat and water quality. The Review Board is looking for detail on how fish habitat and water quality might be affected by Project-related accidents and spills during its construction and operational phases. Understanding the kinds of potential impacts from this Project and the effectiveness of the proposed mitigations for these project-specific impacts is the intent of this requirement.</p> <p>Action: No change.</p>

		<p>Appendix W: Erosion and Sediment Control Manual. The Project Description Report Appendix Z: Emergency Response Plan speaks to detailed plans regarding fire, vehicle or mobile equipment incident, serious medical incident, and wildlife encounters.</p> <p><b>Recommendation</b> Considering the use of erosion and sediment controls, having a robust spill contingency plan and emergency response plan, please consider removing this section as it is well covered in the PDR. As for spills and accidents during operational phase, this is well defined in the spill reporting and in the existing processes for managing accidents and spills.</p>		
20	dAS Section 5.1 Fish Harvesting	<p><b>Comment</b> GNWT has contacted DFO and the Tłchq Government regarding fish harvesting pressure and important fishing areas. GNWT will work with DFO and the Tłchq Government on how they regulate this activity on Tłchq lands.</p> <p><b>Recommendation</b> As DFO and</p>		<p><b>Oct 28:</b> The Review Board will issue relevant Information Requests (IRs) to Aboriginal groups who have expressed an interest in the region of the project, and to relevant resource managers of Aboriginal fisheries. IRs will have a November 30, 2016, deadline so that the GNWT-DOT can incorporate the information into its Adequacy Statement Response.</p> <p>Action: The Review Board has developed</p>

		<p>the Tłıchǫ Government manage fish harvesting, please consider sending information requests to DFO and the Tłıchǫ government on any potential changes to fish harvesting and how they plan on managing the fisheries in that area. The GNWT will remain engaged with these governments and offer support where required.</p>		<p>information requests to the TG, CGW, YKDFN, NSMA, DGGFN and DFO to understand the fisheries and the effectiveness of management policies (PR#73 and PR#74). The developer will incorporate the responses from these IRs into their Adequacy Statement Response.</p>
21	dAS Section 5.3 Barren-ground caribou	<p><b>Comment</b> The length of the extended access to the caribou herds as a result of the road is still subject to evaluation as part of the assessment. Reference to "one month each year (2 weeks each at the beginning and end of the season)" should be removed from the second sentence as well as "by one month each year" in the third sentence.</p> <p><b>Recommendation</b> Please amend the second sentence of the 'Topic: Barren-ground caribou' paragraph to the following: "Although the current range of barren-ground caribou is north of the project, the project may extend the winter road season north of Whatì." Please also amend the</p>		<p><b>Oct 28:</b> Action: Range of barren-ground caribou has been modified to reflect the information from the Tłıchǫ Traditional Knowledge Report showing the historic range of caribou (PR#28 p36) and GNWT telemetry data (e.g. see YKDFN ORS comment 1).</p>

		third sentence of the same paragraph to: "The potential impact on barren-ground caribou populations from extending access to the herds by harvesters must be discussed."		
22	dAS Table 5-2 Boreal Caribou Population Health Adequacy 4.1	<p><b>Comment</b> Under section 3 of the ToR, it states that the developer should provide the rationale for any items that cannot be addressed. The GNWT would like to identify that it is not possible to provide population trends for boreal caribou within the North Slave region as the data does not currently exist and it would take multiple years to obtain population trend information. The GNWT can provide general population trends for the entire NT boreal caribou range. The GNWT will provide all the publically available relevant information it has during its assessment.</p> <p><b>Recommendation</b> Please recognize that boreal caribou population trends cannot be specific to the North Slave region and that the trends can only be applied to the entire NT</p>		<p><b>Oct 28:</b> The Board recommends that the GNWT consult with the WRRB and ECCC on boreal caribou ranges. If the parties can agree that trends can only be applied to the entire NT range, the Board will accept that conclusion with an associated rationale. If an agreement cannot be made, the Board will expect information specific to the North Slave region, as per the <i>Adequacy Statement (PR#70)</i>. The Review Board notes the distinction between the assessment of boreal populations and the assessment of disturbed habitat. The Review Board believes that anthropogenic disturbances, including fire, and climate change disturbances can be assessed in the North Slave Region and be used to interpret habitat disturbances in threshold determination. When reviewing habitat disturbances in the North Slave region, please note the additional considerations on interactions with fire for both impact- and cumulative effect assessments.</p> <p>Action: No change, unless with supporting rationale and consensus from ECCC and WRRB.</p>

		boreal caribou range.		
23	dAS Section 5.5 Traditional use and Way of Life	<p><b>Comment</b> There is no guarantee that increased access would result in more time away from the community and less time spent engaged in traditional activities. PR#19 does not specify this possibility is absolute.</p> <p><b>Recommendation</b> Please change "would result" to "may result".</p>		<b>Oct 28:</b> Action: Changed to "may result".
24	dAS Section 5.5 Traditional use and Way of Life	<p><b>Comment</b> The GNWT believes it is not appropriate for the GNWT to respond to Adequacy 4.1 for traditional use as it relates to the "perception of the land by traditional users". The GNWT believes it would be inappropriate for the GNWT to proclaim what people perceive. The GNWT also believes it is not appropriate for the GNWT to respond to Adequacy 4.1 for wildlife harvesting as it relates to "impacts and mitigations to traditional use and way of life of Whatì residents" as it would be improper for the GNWT to speak for the community members. These items are better directed to the Thìchq and</p>		<b>Oct 28:</b> Action: The Review Board will ask affected Aboriginal groups and resource managers on their perspective regarding project effects on their Aboriginal well-being and way of life. The Review Board developed information requests to the TG, CGW, YKDFN, NSMA, DGGFN and DFO to assess the quality of the fishery and the effectiveness of management policies. The developer will incorporate the responses to these information requests into their Adequacy Statement Response.

		<p>Whatì governments to respond to.</p> <p><b>Recommendation</b> As the GNWT believes it would be improper for the GNWT to respond to these items, please request the information from the Thçq and Whatì governments should the Review Board still require this information.</p>		
25	dAS Section 5.5 Traditional use and Way of Life	<p><b>Comment</b> Table 5-4 bullet 3 has an extra "from" at the beginning that can be removed.</p> <p><b>Recommendation</b> Remove the first "from" in the third bullet in Table 5-4.</p>		<b>Oct 28:</b> Action: Corrected.
26	dAS Table 5-4 Heritage and Cultural Resources ToR 4.1 step 1	<p><b>Comment</b> Standards for archaeological work in the Northwest Territories (NT) stem from the Archaeological Sites Act and Archaeological Sites Regulations. Such standards have been adhered to during the Archaeological Impact Assessment (AIA) of the TASR. The goal of the AIA was to identify all archaeological sites at risk of impact from the project, so that impacts to those sites can be avoided or mitigated in</p>		<p><b>Oct 28:</b> Action: The Review Board will clarify with Aboriginal groups with expressed interest in the Project on their perspective regarding project effects on their asserted rights and Aboriginal well-being. The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, DGGFN and DFO to assess the quality of the fishery and the effectiveness of management policies. The developer will incorporate the responses to these information requests into their response to this adequacy item. IRs will have a November 30, 2016, deadline so that the GNWT can incorporate the information into its Adequacy Statement Response.</p>

		<p>advance of project construction.</p> <p><b>Recommendation</b> Based on the results of the AIA, the GNWT has demonstrated that no archaeological sites will be impacted by construction of the proposed alignment. Furthermore, if any archaeological sites are identified by the pending AIA of the borrow sources, measures will be put in place to mitigate the risk of impact to these sites. As an added precaution, GNWT has drafted an Archaeological Site Chance Find Protocol (Appendix Y of PDR) to provide guidance to project staff in the unlikely event that an archaeological site is discovered during the construction process.</p>		
27	<p>dAS Table 5-4 Heritage and Cultural Resources ToR 4.1 step 1 (continued)</p>	<p><b>Comment</b> The GNWT notes with concern the concept that government is responsible for describing important heritage sites for YKDFN and NSMA that may be affected by the project. The GNWT's view is that Aboriginal governments and organizations (AGOs) have an obligation to explain what</p>		<p><b>Oct 28:</b> Action: The Review Board will clarify with Aboriginal groups with expressed interest in the Project on their perspective regarding project effects on their asserted rights and Aboriginal Well-being. The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, DGGFN and DFO to assess the quality of the fishery and the effectiveness of management policies. The developer will incorporate the responses to these information</p>

		<p>asserted or established section 35 rights may be impacted by the proposed project. In the context of culturally important sites, this includes identifying with precision where those sites are located, and what potential adverse impact the project may have on those sites. To date, none of this information has been provided. In the GNWT's view, it makes sense that the onus must rest with Aboriginal governments and organizations - not the GNWT - to describe where these cultural sites are located and the potential adverse impacts on them, as it is the AGO's themselves that have this information.</p> <p><b>Recommendation</b> Please remove ToR 4.1 step 1 as AGOs have an obligation to identify with precision where culturally important sites are located. The Review Board should direct the AGOs, by way of an information request, to provide the location of culturally important sites that fall within the proposed project area.</p>		<p>requests into their response to this adequacy item. IRs will have a November 30, 2016 deadline so that the GNWT can incorporate the information into its Adequacy Statement Response.</p>
28	dAS Table 5-4	<b>Comment</b> Standards for		<b>Oct 28:</b> Action: The Review Board will clarify

<p>Heritage and Cultural Resources Adequacy 4.1</p>	<p>archaeological work in the Northwest Territories (NT) stem from the Archaeological Sites Act and Archaeological Sites Regulations. Such standards have been adhered to during the Archaeological Impact Assessment (AIA) of the TASR. The goal of the AIA was to identify all archaeological sites at risk of impact from the project, so that impacts to those sites can be avoided or mitigated in advance of project construction.</p> <p><b>Recommendation</b> Based on the results of the AIA, the GNWT has demonstrated that no archaeological sites will be impacted by construction of the proposed alignment. Furthermore, if any archaeological sites are identified by the pending AIA of the borrow sources, measures will be put in place to mitigate the risk of impact to these sites. As an added precaution, GNWT has drafted an Archaeological Site Chance Find Protocol (Appendix Y of PDR) to provide guidance to</p>		<p>with Aboriginal groups with expressed interest in the Project on their perspective regarding project effects on their asserted rights and Aboriginal Well-being. The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, DGGFN and DFO to assess the quality of the fishery and the effectiveness of management policies. The developer will incorporate the responses to these information requests into their response to this adequacy item. IRs will have a November 30, 2016 deadline so that the GNWT can incorporate the information into its Adequacy Statement Response.</p>
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		project staff in the unlikely event that an archaeological site is discovered during the construction process.		
29	dAS Table 5-4 Heritage and Cultural Resources Adequacy 4.1 (continued)	<b>Comment</b> The GNWT notes with concern the concept that government is responsible for describing important heritage sites for YKDFN and NSMA that may be affected by the project. The GNWT's view is that Aboriginal governments and organizations (AGOs) have an obligation to explain what asserted or established section 35 rights may be impacted by the proposed project. In the context of culturally important sites, this includes identifying with precision where those sites are located, and what potential adverse impact the project may have on those sites. To date, none of this information has been provided. In the GNWT's view, it makes sense that the onus must rest with Aboriginal governments and organizations - not the GNWT - to describe where these cultural sites are located and the potential adverse impacts on them, as it is the AGO's themselves that		<b>Oct 28:</b> Action: The Review Board will clarify with Aboriginal groups with expressed interest in the Project on their perspective regarding project effects on their asserted rights and Aboriginal Well-being. The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, DGGFN and DFO to assess the quality of the fishery and the effectiveness of management policies. The developer will incorporate the responses to these information requests into their response to this adequacy item. IRs will have a November 30, 2016 deadline so that the GNWT can incorporate the information into its Adequacy Statement Response.

		<p>have this information. If and when this information is provided, the GNWT will review and respond appropriately.</p> <p><b>Recommendation</b> Please remove Adequacy 4.1 as AGOs have an obligation to identify with precision where culturally important sites are located and what potential adverse impacts the project may have on those sites. The Review Board should direct the AGOs, by way of an information request, to provide the location of culturally important sites that fall within the proposed project area and what potential adverse impacts the project may have on those sites.</p>		
30	<p>dAS Table 5-4 Heritage and Cultural Resources Adequacy 4.2</p>	<p><b>Comment</b> Standards for archaeological work in the Northwest Territories (NT) stem from the Archaeological Sites Act and Archaeological Sites Regulations. Such standards have been adhered to during the Archaeological Impact Assessment (AIA) of the TASR. The goal of the AIA was to identify all archaeological sites at risk of</p>		<p><b>Oct 28:</b> Action: The Review Board will clarify with Aboriginal groups with expressed interest in the Project on their perspective regarding project effects on their asserted rights and Aboriginal Well-being. The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, DGGFN and DFO to assess the quality of the fishery and the effectiveness of management policies. The developer will incorporate the responses to these information requests into their response to this adequacy item. IRs will have a November 30, 2016</p>

		<p>impact from the project, so that impacts to those sites can be avoided or mitigated in advance of project construction.</p> <p><b>Recommendation</b> Based on the results of the AIA, the GNWT has demonstrated that no archaeological sites will be impacted by construction of the proposed alignment. Furthermore, if any archaeological sites are identified by the pending AIA of the borrow sources, measures will be put in place to mitigate the risk of impact to these sites. As an added precaution, GNWT has drafted an Archaeological Site Chance Find Protocol (Appendix Y of PDR) to provide guidance to project staff in the unlikely event that an archaeological site is discovered during the construction process.</p>		<p>deadline so that the GNWT can incorporate the information into its Adequacy Statement Response.</p>
31	<p>dAS Table 5-4 Heritage and Cultural Resources Adequacy 4.2 (continued)</p>	<p><b>Comment</b> The GNWT notes with concern the concept that government is responsible for describing important heritage sites for YKDFN and NSMA that may be affected by the project. The GNWT's view is</p>		<p><b>Oct 28:</b> Action: The Review Board will clarify with Aboriginal groups with expressed interest in the Project on their perspective regarding project effects on their asserted rights and Aboriginal Well-being. The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, DGGFN and DFO to assess</p>

	<p>that Aboriginal governments and organizations (AGOs) have an obligation to explain what asserted or established section 35 rights may be impacted by the proposed project. In the context of culturally important sites, this includes identifying with precision where those sites are located, and what potential adverse impact the project may have on those sites. To date, none of this information has been provided. In the GNWT's view, it makes sense that the onus must rest with Aboriginal governments and organizations - not the GNWT - to describe where these cultural sites are located and the potential adverse impacts on them, as it is the AGO's themselves that have this information. If and when this information is provided, the GNWT will review and respond appropriately.</p> <p><b>Recommendation</b> Please remove Adequacy 4.2 as AGOs have an obligation to identify with precision where culturally important sites are located and what potential adverse impacts</p>		<p>the quality of the fishery and the effectiveness of management policies. The developer will incorporate the responses to these information requests into their response to this adequacy item. IRs will have a November 30, 2016 deadline so that the GNWT can incorporate the information into its Adequacy Statement Response.</p>
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		the project may have on those sites. The Review Board should direct the AGOs, by way of an information request, to provide the location of culturally important sites that fall within the proposed project area and what potential adverse impacts the project may have on those sites.		
32	dAS Section 5.6 Economic well-being Equity and vulnerability paragraph	<p><b>Comment</b> The Thchq Government and Community Government of Whatì have submitted letters indicating their full support for the proposed project. Despite some outstanding challenges and issues identified in the documents produced by these governments, both governments have clearly stated their support. (Note that this clear support was indicated after the mentioned documents were produced.)</p> <p><b>Recommendation</b> Please reassess whether this section is necessary after considering the more recent correspondence from TG and CGW.</p>		<p><b>Oct 28:</b> Understanding the extent of the "outstanding challenges and issues identified" Thchq Government and Community Government of Whatì is necessary to properly assess the potential impacts the Project may have on the well-being of residents of the Mackenzie Valley affected by the Project.</p> <p>Action: No change.</p>
33	dAS Section 5.6 Economic	<p><b>Comment</b> The GNWT is unable to "identify the most</p>		<p><b>Oct 28:</b> The Review Board has adopted for this EA the International Association of Impact</p>

<p>well-being Table 5-5</p>	<p>vulnerable groups in the community least likely to benefit from the Project or from reasonably foreseeable future economic activities" as there is no basis for GNWT to conclude that someone will not benefit from the Project. Furthermore, it is unclear as to what the "benefits" that are being referred to here are. The Community of Whatì would be in a better position to speak to this topic should the Review Board feel it is a topic that still requires discussion.</p> <p><b>Recommendation</b> Please remove the "equity and vulnerability" section of Table 5-5 as the GNWT cannot speculate on the most vulnerable groups in the community least likely to benefit from the Project or from reasonably foreseeable future economic activities as there is no basis for GNWT to conclude that someone will not benefit from the Project. An information request to the Community Government of Whatì could possibly better address this topic.</p>		<p>Assessment's (IAIA) definition of the term vulnerability. According to the IAIA guidelines on Socio-economic Impact Assessment, vulnerability is defined as "a situation or condition characterized by low resilience and/or higher risk and reduced ability of an individual, group or community to cope with shock or negative impacts. Vulnerability is associated with having low socio-economic status, disability, ethnicity, or one or more of the many factors that influence people's ability to access resources and development opportunities." The GNWT should use this definition when identifying potentially vulnerable groups.</p> <p>Reference: Vanclay, F., Esteves, A.M., Aucamp, I. &amp; Franks, D. 2015. Social Impact Assessment: Guidance for assessing and managing the social impacts of projects. Fargo ND: International Association for Impact Assessment. Page 106. Available online at: <a href="http://www.iaia.org/uploads/pdf/SIA_Guidance_Document_IAIA.pdf">http://www.iaia.org/uploads/pdf/SIA_Guidance_Document_IAIA.pdf</a></p> <p>Appendix B of the PDR provides a list of potential vulnerable groups affected by the Project (PR#7 Appendix B p54). The Review Board has additionally asked the Thchò Government and Community Government of Whatì to confirm the vulnerable groups and characterize the nature and extent of potential impacts they may experience from the Project, and how those impacts might be managed. The developer will incorporate the response from the information request into their consideration</p>
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				<p>of appropriate Project design and mitigation measures.</p> <p>Action: The developer will incorporate the response from the relevant information request to the Th̄ch̄q̄ Government and Community Government of What̄i into their consideration of appropriate Project design and mitigation measures to fulfill this adequacy item.</p>
34	dAS Section 5.6 Economic well-being Table 5-5	<p><b>Comment</b> The GNWT is unable to "describe any potential impacts and mitigation measures related to vulnerable groups as a result of anticipated economic benefits associated with the Project, including any corresponding impact on community cohesion" as it would be irresponsible for the GNWT to speculate on this topic. The Community of What̄i would be in a better position to speak to this topic should the Review Board feel it is a topic that still requires discussion. The GNWT cannot speculate on impacts on community cohesion.</p> <p><b>Recommendation</b> Please remove the "equity and vulnerability" section of Table 5-5 as the GNWT cannot</p>		<p><b>Oct 28:</b> Action: The Review Board has developed information requests (IR) to the Th̄ch̄q̄ Government (TG) and Community Government of What̄i (CGW) on potential impacts related to economic well-being and equity. The developer will incorporate the responses to these information requests into their response to this adequacy item. IRs will have a November 30, 2016, deadline so that the GNWT can incorporate the information into its Adequacy Statement Response.</p>

		speculate on impacts on community cohesion. An information request to the Community Government of Whatì could possibly better address this topic.		
35	dAS Table 5-6. Additional information requirements to assess potential impacts to Economic well-being	<p><b>Comment</b> Under 115(b) of the MVRMA, the Board has a responsibility to carry out the EA process while having regard for the protection of the social and cultural well being of residents and communities in the Mackenzie Valley. However, one of the purposes behind the EA process as per MVRMA (s.114(c)) is to "ensure the concerns of aboriginal people and the general public are taken into account in [the EA] process".</p> <p><b>Recommendation</b> Can the Review Board please provide evidence that demonstrates that the concerns related to economic well-being have been attributed to an Aboriginal people or the general public. If no link can be provided, the GNWT requests removal of the adequacy item.</p>		<p><b>Oct 28:</b> Under paragraph 115(1)(b) of the MVRMA, the Review Board has the responsibility to have regard to “the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley”. The Review Board does not have the obligation to provide evidence. The Review Board's requests for additional information set out in the Adequacy Statement are driven by its responsibilities under the MVRMA and analysis of the material on the record to date. The Review Board requires the additional information related to economic well-being to assess the likelihood and significance of impacts on this part of the environment. Action: None.</p>
36	dAS Section	<b>Comment</b> From an Access to		<b>Oct 28:</b> Understanding the demographics of

	<p>5.7 Stable and healthy communities Table 5-6 Public safety ToR 4.1 step 1</p>	<p>Information and Protection of Privacy Act perspective, the GNWT would not have the authority to collect the requested data for age and gender. <b>Recommendation</b> Remove "by age and gender" from the table as the GNWT does not have the authority to collect personal information of this nature.</p>		<p>travellers in and out of Whatì is important in assessing likely road users and is therefore important in assessing the potential adverse effect represented by an all-season road on public safety. The Review Board recognizes data collection limitations that the Developer may have as a Public Body under the <i>Access to Information and Protection of Privacy Act</i>. However, the Review Board notes conflicting information from the GNWT with respect to their ability to collect information of this nature. In the Environmental Impact Statement Terms of Reference for the Inuvik to Tuktoyuktuk Hwy., dated September 30, 2010, the GNWT was required to submit age and gender information in Section 10.2, Human Environment Components. (source: <a href="http://eirb.ca/wp-content/uploads/2015/03/033-1-EIS-Terms-of-Reference-30Sept2010.pdf">http://eirb.ca/wp-content/uploads/2015/03/033-1-EIS-Terms-of-Reference-30Sept2010.pdf</a>) The Review Board notes that the GNWT was able to provide this data in its response (e.g. refer to Table 3.2.6-1, Figure 3.2.6-1 and Figure 3.2.6-9, pp359-369). The GNWT has also provided age and gender related information in section 7 of its PDR (PR#7). The Review Board recommends that the GNWT work to the best of its abilities to complete the intent of this requirement, which is to gain a better understanding of the demographics of road users, and for the GNWT to work with responsible authorities to collect any necessary data that it is unable to collect itself.</p>
37	dAS Section	<b>Comment</b> The Community		<b>Oct 28:</b> Action: The Review Board has

	<p>5.7 Stable and healthy communities Table 5-6 Public Safety and Community Cohesion Adequacy 4.1</p>	<p>Government of Whatì and the Tłchq Government have identified concerns and mitigation measures outlined in Appendix B and Appendix D of the PDR. If there are additional concerns that should be raised, they may be best addressed to the Tłchq Government and the Community Government of Whatì. The GNWT can provide assistance to these governments directly as required and where appropriate to do so. <b>Recommendation</b> The Review Board identify the source of the concern so that it can be addressed appropriately by those best positioned to do so.</p>		<p>developed Information Requests (IR) to the Tłchq Government (TG) and Community Government of Whatì (CGW) on potential impacts related to public safety and community cohesion. The GNWT-DOT should incorporate the IR response from the TG and CGW into its Adequacy Statement Response. IRs will have a November 30, 2016, deadline so that the GNWT can incorporate the information into its Adequacy Statement Response.</p>
38	<p>dAS Section 5.7 Stable and healthy communities</p>	<p><b>Comment</b> The GNWT has a forced growth definition as it pertains to supplementary appropriation. Forced growth is: "Increased costs for the delivery of existing services, resulting from the uncontrollable impacts of realized population growth, demonstrable unit or service cost increases, rate increases or other realized demographic changes to client base." Should forced growth be demonstrated,</p>		<p><b>Oct 28:</b> Action: The Review Board has developed information requests (IRs) to the Tłchq Government (TG) and Community Government of Whatì (CGW) to help identify any community impacts that might arise as a result of population change and modified the requirement in Table 5-6 of the <i>Adequacy Statement</i> (PR#70) in reference to this comment: the developer will incorporate the IR response from the TG and CGW into its Adequacy Statement Response. IRs will have a November 30, 2016, deadline so that the GNWT can incorporate the information into its Adequacy Statement Response.</p>

		<p>supplementary appropriations may be considered as forced growth would fall under the exception for supplementary appropriations. These guidance documents demonstrate that there are already mechanisms in place to manage population growth as it relates to pressure on existing physical and social infrastructure. (Please see the attached document for further reference on the definition of forced growth.)</p> <p><b>Recommendation</b> Please direct information requests to the Thchq Government and Community Government of Whatì to inform the EA of potential socio-economic impacts that might arise from the TASR.</p>		
39	<p>General comment separate from dToR and dAS: NSMA Correspondence</p>	<p><b>Comment</b> The GNWT has become aware that there is a string of correspondence between NSMA, GNWT, and/or WLWB that may not yet be captured on the EA Registry. An updated engagement log and record will be provided at a later date as per the ToR. However, today the GNWT is providing a</p>		<p><b>Oct 28:</b> Action: Document posted to public registry (PR#72).</p>

		<p>missing string of correspondence between NSMA, GNWT and/or WLWB as an attachment to these comments/responses so that the Review Board may have the complete record to consider as it related to NSMA's October 7th letter which it cc'ed to the Review Board.</p> <p><b>Recommendation</b> Please see the attached correspondence and add it to the Registry.</p>		
<b>Gov of Canada: Umar Hasany</b>				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	GoC - NPMO - Cover Letter and Attachments	<p><b>Comment</b> (<a href="#">doc</a>) Cover letter and attached documents.</p> <p><b>Recommendation</b> N/A</p>	<b>Oct 20:</b> ( <a href="#">doc</a> ) No comment.	<b>Oct 28:</b> ( <a href="#">doc</a> ) No response required.
2	GoC - DFO - 1 Adequacy Statement, Section 5.1 Valued Component: Fish and Fish Habitat, Topic: Fish Habitat, Table 5-1	<p><b>Comment</b> In order to assess all potential impacts to fish and fish habitat, additional information is required, as DFO has previously commented, regarding physical impacts to fish habitat (including in-stream footprints of culverts and temporary footprints required during construction of bridges, if applicable, &amp; fish passage through culverts). This</p>	<p><b>Oct 20:</b> GNWT notes the language used by DFO states that 'an additional Adequacy item may be added'. GNWT believes that this addition is not necessary because of the following: DFO fisheries protection program manages legislation that does not allow for the serious harm to fish that are part of or support a fishery, as well as protect fish passage requirements as they relate to a fishery. Through the application of DFO policy and the DFO</p>	<p><b>Oct 28:</b> The Board understands that DFO may be interested in obtaining the specific spatial and temporal footprint of the project with regard to fish habitat, as well as the biological and physiological characteristics within that footprint. The Board understands that these are typical requirements of DFO, and that understanding biological and physiological characteristics of the site that is being impacted would aid DFO in determining the significance of potential impacts to specific sites. It is the Board's view that, at this time, the information</p>

		<p>information is required so that sufficient detail is provided to allow DFO to determine if residual impacts remain after implementing all mitigative measures. In order to carry out this assessment of impacts to fish habitat, site specific information is required for each watercourse crossing location, as previously noted in DFO comments. Typical information DFO requires include biological and physical characteristics of each crossing site.</p> <p><b>Recommendation</b> In Table 5-1 of the Adequacy Statement, an additional Adequacy item may be added under Fish Habitat to address Physical Impacts. Physical Impacts - Adequacy Steps 4.1 - Describe the potential impacts and mitigation measures related to the permanent alteration or destruction of fish habitat resulting from the watercourse crossings, including temporary or permanent footprints below the High Water Level, and basis for fish passage on culvert crossings.</p>	<p>website utilizing the self-assessment process, and seeking advice from a qualified environmental professional, this proposed Tłchq All-season Road will not seriously harm fish that are part of or support a fishery, and no DFO Fisheries Act review is required or needed under the law. DFO's policy encourages self-assessment which was completed and resulted in the finding that there will be no serious harm to fish for this proposal because of the extensive work on the crossing designs. DFO habitat protection policy branch in Ottawa verbally confirmed on October 19th that the use of the self-assessment process is still encouraged, no changes to it have been made, and proponents are encouraged to self-assess as per the status quo. Habitat assessments are not required for projects that involve no in-water work such as fully spanning bridges. Habitat assessments for typical culverts installed and sized correctly are not required, as per the DFO Fisheries Protection Program website describing self-assessment and the use of a qualified environmental professional as well as site or work type specific documents such as Condition 25 of the Ontario Crown Forest Sustainability Act, the 2009 DFO/MTO/MNR Protocol, and the 2007 DFO</p>	<p>on the record provided on page 4 in Appendix X, the project description, project video, Appendices S and X ,a possible DFO site visit that was slated for late summer/fall 2016 (WLWB ORS DFO ID#2), the DFOs previous commitment to work with GNWT- DOT and the contractor to ensure water crossings are in compliance with the <i>Fisheries Act</i> (WLWB ORS DFO ID#2), that the information the developer has provided regarding both biological and physiological characteristics, as well as potential impacts, is sufficient to move on to information request phase of the EA.</p> <p>However, it is the Board's view that the developer has yet to show that significant adverse impacts to fish and fish habitat will not occur, due to the fact that the developer has not, beyond reasonable doubt, made the critical connections between how the mitigations proposed will effectively (a) minimize impacts listed (PR#7 p. 8-29) and (b) protect the valued component within the context of the project. Rather than ask the developer to provide baseline data for water crossings, the Board will ask for the developer to clearly and specifically communicate their position on the connectivity between the biological and physical descriptions of water course crossings they have provided, the impacts that may apply at each stream crossing, their rationale for significance on the impact, how their proposed mitigation applies to that site, and what residual</p>
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			<p>memorandum on the Review of Water Crossings. The intent of the 2007 DFO memo to the various DFO partners such as provincial ministries including transportation, was to provide for greater consistency and clarity in the review and approval of water crossing projects under the Fisheries Act. Due to the recent changes to the Fisheries Act, it must be noted that some of these reference documents fall under the old Act focused on harmful alteration disruption or destruction of fish habitat whereas the new Act focuses on fish passage and serious harm to fish that are part of or support a fishery. The bridges are spanning the watercourses. The culverts proposed for the Tłıchǰ All-season Road are designed for fish passage, fish habitat, as well as climate change, beaver management debris and ice management. With the addition of a culvert, the watercourses will be altered, but not harmfully, and there will be no serious harm to fish that are part of or support a fishery. There will be no destruction of fish habitat associated with the culverts being installed as they are all sized to accommodate fish passage and will be sunk 10% below the invert enabling native bed-load material to accumulate in the culvert, taking advantage of the</p>	<p>impacts remain at that site. Additionally, the developer should make every effort to specify which best practices and which aspects of cited guidelines mitigate the impacts related to permanent alteration or destruction of habitat resulting from watercourse crossings for each impact, including temporary or permanent footprints below the High Water Level, and basis for fish passage on culvert crossings. Since the onus is on the developer to indicate that no significant impacts to each site exist, and if they are confident that the information they have gathered to date will support their alignment under the <i>Fisheries Act</i>, it is the Board's determination that the developer does not need to provide additional baseline data to DFO at this stage of development, but that DFO should be aware of the baseline conditions where water crossing exist by some means, prior to construction. Action: Section on physical impacts added to Table 5-1 of the Adequacy Statement to clarify how the project may impact fish habitat.</p>
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			<p>discontinuous permafrost. DFO has for years not been concerned with the installation of culverts and has for years provided advice which the GNWT is following. In addition to that, through the self-assessment process as outlined on the DFO web site involving Pathways of Effects, the utilization of a qualified professional, and incorporating all DFO fish habitat advice and mitigation measures as well as made in the north mitigations, we are confident there are no impacts to fish and fish habitat, let alone a serious harm to fish that are part of or support a fishery. Any temporary access will follow the DFO Operational Statement on Temporary Stream Crossing. Typically, any temporary crossings will be done in the winter when the waters are frozen solid, or in the summer when there is no flow. DOT has a wealth of experience and knowledge on building winter roads and winter road water crossings and has for years factored in DFO generic advice such as the Fish Screen Design Criteria for Flood and Water ruck Pumps, or the DFO Protocol for Winter Water Withdrawal from Ice-Covered Waterbodies in the NWT and Nunavut and the DFO Operational Statement on Ice Bridges and Snow Fills.</p>	
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3	<p>GoC - ECCC - 1 Topic: Baseline data Reference: Project Description Report (PDR) and Draft Terms of Reference (dToR)</p>	<p><b>Comment</b> Section 6.7.1 - Surface Water of the Project Description Report (PDR) lacks site-specific water quality data. In-stream field measurements (such as temperature, pH, conductivity and hardness) were collected between July 1-4, 2014 at water crossings along the proposed Tłchq All Season Road (TASR) (Section 6.7.3 Hydrology and Water Quality Analysis of Fieldwork). Additional relevant water quality parameters (including turbidity, nutrient and metals concentrations, suspended sediment levels, and dissolved oxygen levels) should also be collected. As a single sampling event provides only a snapshot of the baseline water quality, further baseline data collection is required to characterize the natural variability in baseline conditions. The PDR does not describe a plan to collect additional site-specific baseline water quality data to ensure that there is adequate baseline data in order for a monitoring program to detect project related impacts to water</p>	<p><b>Oct 20:</b> GNWT believes that any potential impacts to water quality at the watercourse crossings can be monitored, detected and mitigated without conducting three years of baseline data collection. GNWT believes there are several potential mechanisms whereby water quality could be impacted at a watercourse crossing including: spills during construction, high TSS runoff during construction, spills during operation, high TSS runoff during operations and leachate from construction materials. Impacts from these sources would be observed on the downstream side of the watercourse crossing and not on the upstream side. GNWT's monitoring programs will include collecting concurrent upstream and downstream samples from watercourse crossing locations and comparing the results. Elevated parameter concentrations in the downstream samples compared to the upstream samples would be indicative of a potential issue that would trigger an appropriate follow up action. GNWT is of the opinion that this monitoring program will more effectively detect project related effects than comparing downstream samples to baseline. GNWT notes that parameters such as turbidity may be influenced, potentially daily or</p>	<p><b>Oct 28:</b> Action: The Review Board has added the sentence, "The extent and quality of baseline data used to establish the baseline conditions for any monitoring program should be explained" to Section 8 of the TOR. This item was also added as a general requirement because it is relevant to all monitoring baseline datasets. Regarding baseline data collection, the Review Board will consider the baseline monitoring methods recommended by ECCC during future stages of this project. For the time being, the requirements of the Adequacy Statement are considered sufficient.</p>
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		<p>quality. Sufficient baseline data should be obtained prior to initiation of construction. The baseline dataset should reflect seasonal and inter-annual variation with respect to water quality at the project site and at appropriate upstream and downstream locations. Baseline data should be collected seasonally (spring, fall, and under ice) for water quality parameters. A minimum of three (3) years is recommended to collect sufficient baseline data.</p> <p><b>Recommendation</b> ECCC recommends that the Board include in the dToR a requirement for the Proponent to provide rationale to support the existing water quality baseline dataset. This is required to ensure that there is adequate baseline data (collected at the project site and at appropriate upstream and downstream locations) in order for a monitoring program to detect project related impacts to water quality. Any data gaps should be identified and addressed to permit</p>	<p>seasonally, by a number of factors, such as permafrost slumping and forest fire, which would not be considered project related, but which could cause a significant change to in-stream turbidities. The proposed upstream/downstream sampling protocol will more quickly and effectively identify the source of any increased turbidity as project related or from a non-project upstream event than would comparison against pre-event baseline data. Further, impacts from spills are also expected to be readily detectable using upstream/downstream sampling, and no less effective than if a baseline dataset were present, since the parameters of interest likely would not normally occur naturally in the environment. Further, the GNWT will be implementing a number of mitigation programs that will reduce the likelihood of water quality impacts, including: i) a Spill Contingency Plan will be in place to minimize the impacts from spills of deleterious substances such as fuels; ii) an in-field turbidity sampling plan will be in place during construction to monitor whether any potential granular input could be impacting the waterways; iii) post-construction monitoring will be conducted to confirm that sediment and erosion control measures such as re-</p>	
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		<p>characterization of baseline water quality conditions, including seasonal and inter-annual variability. ECCC recommends that the baseline dataset represent a minimum of three (3) years of seasonal monitoring (spring, fall, and under ice) for water quality parameters (including turbidity, nutrient and metals concentrations, suspended sediment levels, dissolved oxygen levels, pH, and temperature). Additionally, baseline sediment quality (metals, total organic carbon, particle size) should be characterized in depositional areas upstream and downstream of water crossings.</p>	<p>vegetation are effectively controlling site runoff; and iv) a geochemical testing program will be implemented to ensure that ARD/ML susceptible materials are not used for construction.</p>	
4	<p>GoC - ECCC - 2 Topic: Baseline conditions Reference: Draft Terms of Reference (dToR)</p>	<p><b>Comment</b> Section 4.1 Impact assessment steps of the dToR states, in part: For each valued component identified in section 2.2.2, the developer will complete an effects assessment, considering scientific and traditional knowledge as applicable, using the following methodology: 1. identify the natural range of the baseline conditions without the project,</p>	<p><b>Oct 20:</b> No comment.</p>	<p><b>Oct 28:</b> The Review Board agrees that seasonal, inter-annual, and spatial variability should all be considered. Action: Step 1 under Section 4.1 of the TOR was revised.</p>

		<p>considering variability and trends over time; In order to adequately characterize the baseline conditions to assess project effects, it is necessary to have datasets that consider seasonal and spatial variability. Additionally, appropriate parameters are necessary in order to characterize trends over time.</p> <p><b>Recommendation</b> ECCC recommends the Board revise Section 4.1 Impact assessment steps, in order to characterize the baseline conditions: 1. identify the natural range of the baseline conditions without the project, considering variability (including seasonal, inter-annual, and spatial variability for applicable/ appropriate parameters) and trends over time</p>		
5	<p>GoC - ECCC - 3 Topic: Valued Components - Species at Risk Reference: Draft Terms of Reference (dToR)</p>	<p><b>Comment</b> Table 1 of the dToR defines species at risk as federally and territorially listed species at risk within the scope of the assessment. Species under consideration for listing on the federal Species at Risk Act (SARA) may become listed during the life of the proposed</p>	<p><b>Oct 20:</b> As a matter of best practice, the GNWT is agreeable to amending the Table 1 footnote to include species under consideration for listing under the federal Species at Risk Act. Footnote would read: "Including federally and territorially listed species at risk and species under consideration for listing under SARA."</p>	<p><b>Oct 28:</b> This is a standard best practice and will be included. Action: A footnote was added below Table 1 to clarify that a "species at risk" in the TOR refers to both federal and territorial Species at Risk Act listed species and species considered "at risk", e.g. by the Committee on the Status of Endangered Wildlife.</p>

		<p>project.</p> <p><b>Recommendation</b> ECCC recommends that the Board include, as a matter of best practice, species under consideration for listing on SARA, such as those designated as "at risk" by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), in the Table in order to ensure these be considered as Valued Components and considered during the assessment in a manner similar to listed species. Consult the Species at Risk Registry (<a href="http://www.sararegistry.gc.ca">www.sararegistry.gc.ca</a>) to obtain the most current information on listed Species at Risk and species designated as at risk by COSEWIC.</p>		
6	<p>GoC - ECCC - 4 Topic: Mitigation Measures and Monitoring - Species at Risk Reference: Draft Terms of Reference (dToR)</p>	<p><b>Comment</b> Section 3.4 Developer commitments and mitigation measures of the dToR states that the developer has listed numerous mitigation measures and that the proponent will provide a commitments table listing all mitigation measures the developer will undertake</p>	<p><b>Oct 20:</b> The GNWT will ensure that it meets the requirements of Subsection 79(2) of SARA. Subsection 79(2) of SARA states: "The person must identify 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</p>	<p><b>Oct 28:</b> The Review Board acknowledges responsibilities under Subsections 79 (1) and 79 (2) of the Species at Risk Act (SARA). The Review Board is confident that the methods described, with a focus on SARA and Committee on the Status of Endangered Wildlife in Canada species, will allow for the identification of adverse effects on species at risk. Should the residual effects assessment identify outstanding issues, appropriate</p>

		<p>related to the TASR. The dToR also notes that the DAR [Developer's Assessment Report] will include a section that summarizes proposed follow-up, monitoring, and adaptive management plans and programs (Section 8 Follow-up and Monitoring Programs). Subsection 79 (2) of SARA, states that during an assessment of a project, the adverse effects of the project on listed wildlife species and their critical habitat must be identified, that measures are taken to avoid or lessen those effects, and that the effects need to be monitored. This subsection applies to all species listed on Schedule 1 of SARA, and as a matter of best practice to species designated "at risk" by COSEWIC (see ECCC comment above).</p> <p><b>Recommendation</b> ECCC recommends that the Board include in the dToR as part of the project assessment, as per subsection 79 (2) of SARA, a description of the monitoring proposed to determine the effectiveness of mitigation</p>	<p>taken in a way that is consistent with any applicable recovery strategy and action plans."</p>	<p>mitigation measures, including monitoring and adaptive management, will be considered. In past scenarios with uncertainty, the Review Board has included robust adaptive management plans to ensure effectiveness of mitigation. Action: Acknowledgement of responsibilities under SARA is in Section 5.4 of Adequacy Statement. See Section 8 of the ToR and Section 4.2 of the Adequacy Statement for additional considerations. Recovery strategies are available on the public record, and have been added to Appendix A.</p>
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		measures to ensure the Proponent clearly states how proposed mitigation and monitoring measures are consistent with applicable recovery strategies, action/management plans, COSEWIC Status Reports or any other literature available.		
7	GoC - ECCC - 5 Topic: Guidance - Species at Risk Reference: Draft Terms of Reference (dToR)	<b>Comment</b> Appendix A of the dToR lists available guidance material for resource management in the Mackenzie Valley. For information regarding the consideration of wildlife species at risk in the environmental assessment process, the following documents are available on ECCC's website: . Addressing Species at Risk Act Considerations Under the Canadian Environmental Assessment Act for Species Under the Responsibility of the Minister responsible for Environment Canada and Parks Canada ( <a href="http://publications.gc.ca/site/eng/364877/publication.html">http://publications.gc.ca/site/eng/364877/publication.html</a> ); . The Species at Risk Act Environmental Assessment Checklists for Species Under	<b>Oct 20:</b> No comment.	<b>Oct 28:</b> Action: These documents have been added to Appendix A of the TOR.

the Responsibility of the Minister Responsible for Environment Canada and Parks Canada  
([http://www.registrelep-sararegistry.gc.ca/document/default\\_e.cfm?documentID=2101](http://www.registrelep-sararegistry.gc.ca/document/default_e.cfm?documentID=2101))  
; . Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada  
([http://www.sararegistry.gc.ca/virtual\\_sara/files/policies/EA%20Best%20Practices%202004.pdf](http://www.sararegistry.gc.ca/virtual_sara/files/policies/EA%20Best%20Practices%202004.pdf)). While these SARA documents make specific reference to the Canadian Environmental Assessment Act and are currently being updated, much of their content may be relevant to other federal environmental assessment regimes in Canada's North such as the Mackenzie Valley Resource Management Act. The Board has also drafted "Guidelines for Considering Wildlife at Risk in Environmental Impact Assessment in the Mackenzie Valley". These draft guidelines are available at:  
[http://www.reviewboard.ca/process\\_information/guidance\\_doc](http://www.reviewboard.ca/process_information/guidance_doc)

		<p>umentation/draft_guidelines.php.</p> <p><b>Recommendation</b> ECCC recommends that the Board include these documents in Appendix A and encourages the Proponent to consult them while assessing potential impacts, and identifying mitigation and monitoring measures.</p>		
8	<p>GoC - ECCC - 6 Topic: Valued Component - Wildlife, including species at risk Reference: Draft Terms of Reference (dToR) and Draft Adequacy Statement</p>	<p><b>Comment</b> Table 1 of the dToR refers to the topic of birds under the wildlife (including species at risk) valued component, but Section 5.4 Valued Component: Wildlife, including Species at Risk of the draft Adequacy Statement only refers to birds that have a special conservation status. It is unclear if the potential impacts of the proposed TASR will be assessed for all birds, including migratory birds, or only for birds having a special conservation status. ECCC is responsible for implementing the Migratory Birds Convention Act, which provides for the protection of migratory birds through the Migratory Birds Regulations,</p>	<p><b>Oct 20:</b> GNWT notes that migratory birds, including waterfowl and forest songbirds, were not raised as concerns during the scoping sessions held in Whatì or Yellowknife. Mitigations for migratory birds were discussed in the PDR and draft WMMP and the Review Board has acknowledged the Proponent's preliminary work and has specified which topics require additional baseline information. GNWT recommends that migratory birds not be added to the adequacy statement.</p>	<p><b>Oct 28:</b> The Review Board has decided not to include impacts on migratory birds as an area of particular focus in this EA. As a result, the Adequacy Statement requires additional information regarding potential impacts to avian species at risk, but not separately for migratory birds. As noted in the Notice of Proceeding on the Review Board's Approach to the Terms of Reference, the content of the Adequacy Statement does not limit future information requests (IRs), as long as IRs are within the scope set out in the Terms of Reference. Action: For greater clarity, the Review Board has updated section 2.2.1 of the Terms of Reference to state that: "In considering the "impact of the development on the environment" and the MVRMA definition of "environment," the scope of assessment is focused on, but not limited to, impacts on the subset of the environment the Review Board has identified as requiring the most attention during the environmental assessment (i.e. the</p>

		<p>and to develop and implement policies and regulations to ensure the protection of migratory birds, their eggs and their nests. ECCC has identified impacts to migratory birds that require further assessment during this environmental assessment. Migratory birds may be impacted during construction and operation of the highway through vegetation clearance, dust and water management infrastructure, equipment noise, noise due to blasting at quarries and worksites, mortality due to vehicle collisions and risk from spills. The road may also increase aboriginal and resident hunting pressure on waterfowl as a result of increased access to the area. The Proponent has previously provided mitigation measures to prevent destruction and disturbance to migratory birds, nests and eggs during the construction phase. Additional consideration should be given to directing project and physical activities away from biodiversity hotspots, rare ecosystems and other areas</p>		<p>valued components in section 2.2.2)."</p>
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		<p>identified as conservation priorities for migratory birds.</p> <p><b>Recommendation</b> ECCC recommends that the Board include migratory birds, particularly waterfowl and forest songbirds, as Valued Components to be considered in this project assessment, not just avian species at risk.</p>		
9	<p>GoC - ECCC - 7 Topic: Baseline Information Requirements Reference: Draft Terms of Reference (dToR)</p>	<p><b>Comment</b> Section 5 Baseline Information Requirements of the dToR directs the developer to assess if sufficient baseline information is available to characterize the baseline conditions required to assess impacts to valued components. Section 4 Assessment Methodology also encourages the Proponent to refine impact predictions with the help of consultation and expert knowledge (including traditional knowledge). ECCC possesses monitoring data near the proposed TASR area that would enhance current impacts assessment for migratory birds, including avian species at risk. Preliminary results suggest detection of approximately 90 species of migratory birds</p>	<p><b>Oct 20:</b> The Review Board has acknowledged the Proponent's preliminary work and has specified which topics require additional baseline information. GNWT also notes that migratory birds, including waterfowl and forest songbirds, were not raised as concerns during the scoping sessions held in Whatì and Yellowknife. GNWT recommends that migratory birds not be added to the adequacy statement. The GNWT will engage with ECCC to discuss baseline data for avian species at risk if required when completing Adequacy 4.1 for Population health (Table 5-3 of dAS).</p>	<p><b>Oct 28:</b> The Board would support the engagement and would look forward to written updates or reports from the discussions. Action: The Board encourages ECCC and GNWT-DOT to meet to discuss baseline information.</p>

		<p>during monitoring in 2015-2016. A discussion with ECCC would further allow the Proponent to properly assess whether sufficient baseline information is available to inform the impact assessment for the proposed Project and, if needed, the adoption of common data collection and monitoring protocols (as encouraged in Section 8 Follow-up and Monitoring Programs of the dToR).</p> <p><b>Recommendation</b> ECCC recommends the Proponent engage ECCC to discuss the adequacy of the existing baseline information given the preliminary results of ECCC data.</p>		
10	<p>GoC - ECCC - 8 Topic: Clarification of Responsibilities Reference: Draft Terms of Reference (dToR)</p>	<p><b>Comment</b> Section 3.4 Developer commitments and mitigation measures of the dToR states the following: - Describe the purpose of the mitigation; and - Identify the responsible authority for implementing the mitigation measure. The last statement is confusing as the Proponent should be responsible for implementing all appropriate</p>	<p><b>Oct 20:</b> The Proponent is not responsible for implementing all appropriate mitigation measures. For example, some mitigations can only be completed by the Tłıchǫ Government or Community Government of Whatı as GNWT does not have the authority to implement some of the mitigations that have been agreed to. Proponent is fine with the current language in Section 3.4 of the ToR.</p>	<p><b>Oct 28:</b> Generally, mitigation measures are the responsibility of the proponent (GNWT - DOT); however occasionally, a third party may commit to certain mitigation measures. For example, for this Project, the Tłıchǫ Government and the Community Government of Whatı have committed to certain mitigation measures to reduce potential effects on communities. The Review Board requests that the GNWT-DOT clarify the responsible authority for each commitment or mitigation measure. Action: None</p>

		mitigation measures. <b>Recommendation</b> ECCC recommends that the Board clarify who is responsible for implementing the mitigation measures described in the last statement of Section 3.4 in the dToR.		
11	GoC - NRCan - 1 General comments	<b>Comment</b> List of federal, territorial and Tłchq Authorizations should be included in the project description to confirm Responsible Ministers. <b>Recommendation</b> Proponent should include list of federal, territorial and Tłchq authorations in project description.	<b>Oct 20:</b> No comment.	<b>Oct 28:</b> An anticipated list of authorizations is found in Section 3.1 of the PDR. The developer is asked to update this list with a complete listing including Tłchq Government permits/authorizations and any other authorizations not found in this list (i.e. Fisheries Authorization (see ToR 3.5, Adequacy Statement Table 3-1). Action: Bullet added to ToR s.3.5 and Table 3-1 of Adequacy Statement.

**North Slave Metis Alliance: Shin Shiga**

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	<b>Comment</b> <a href="#">(doc)</a> General file <b>Recommendation</b>		
2	General File	<b>Comment</b> <a href="#">(doc)</a> General file - signed <b>Recommendation</b>		

**Tłchq Government: Zabey Nevitt**

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
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1	dToR 2.2.3	<p><b>Comment</b> The Adequacy Statement will supplant the Terms of Reference, and the Developers Adequacy Statement will serve as the DAR, along with the GNWT-DOT PDR.</p> <p><b>Recommendation</b> Review Board, please ensure statements are consistent between the Adequacy Statement and the TOR, along the lines of what is stated on page 2 of the Adequacy Statement, wherein the statement and the GNWT-DOT PDR will serve together as the DAR.</p>	<p><b>Oct 20:</b> The Proponent agrees.</p>	<p><b>Oct 28:</b> The Board wishes to clarify that the Adequacy Statement will not “supplant” the Terms of Reference. As per the <i>Reasons for Decision on the Scope of Assessment</i>, “As noted in the Notice of Proceeding, the scope of assessment is broader than the specific information requirements in the Adequacy Statement and the content of the Adequacy Statement does not limit future information requests (IRs), as long as IRs are within the scope set out in Terms of Reference” (PR#71 p2)</p> <p>Action: The Terms of Reference and Adequacy Statement have been revised to improve consistency and clarity.</p>
2	dToR 3.2 Incorporation of traditional knowledge	<p><b>Comment</b> Tłıchǫ Government has been fully involved in carrying out TK research in the region, and the GNWT-DOT has integrated findings in a manner that is satisfactory. The Tłıchǫ Government is eager to ensure there is no duplication of effort.</p> <p><b>Recommendation</b> Review Board, please identify example TK Summary from previous Environmental Assessments, and confirm that no new work is required.</p>	<p><b>Oct 20:</b> The Proponent agrees.</p>	<p><b>Oct 28:</b> The Board is encouraged by the collaboration between the Tłıchǫ Government and the developer and by the Tłıchǫ Government's comment that the developer's work in this area is satisfactory.</p> <p>Providing evidence to demonstrate how traditional knowledge is incorporated into a developer's assessment report is a typical and standard environmental assessment requirement.</p> <p>Based on recent experience, the TK Summary asks the developer to provide evidence needed by the Board in a clear and concise manner, making specific linkages to potential impacts, mitigation measures, and/or project design.</p>

				<p>This requirement is so the Board can adequately consider such evidence, and traditional knowledge itself, in its determinations of significant adverse impacts, and meet its statutory responsibilities related to subsection 115(1) and section 115.1.</p> <p>Action: The Review Board revised the <i>Terms of Reference</i> (PR#69) and the <i>Adequacy Statement</i> (PR#70) to clarify what specific information is required, removed the requirement for a report in favor of a stand-alone section, and included bullets relating to traditional knowledge that has been submitted or conducted by an Aboriginal group or government, references to relevant sections of the Project Description Report, and any additional traditional knowledge that has not already been documented in the PDR (e.g. from YKDFN, NSMA , or DGGFN).</p>
3	dToR 3.6 Development description	<p><b>Comment</b> This section discusses the possible review of alternative development components, management systems or alternative locations. The Tłıchǫ Government worked carefully with the proponent considering alternatives.</p> <p><b>Recommendation</b> Review Board, please remove this requirement from the ToR, as it was well described in the</p>	<p><b>Oct 20:</b> The Proponent strongly agrees.</p>	<p><b>Oct 28:</b> One of the main purposes of the TOR is to define the specific information requirements for the developer (GNWT-DOT) to provide in response. In the case of the Tłıchǫ All-season Road project, much of this information has already been provide in the PDR. To address this unusual situation, the Review Board is releasing an Adequacy Statement, in addition to the standard TOR. The requirements in Section 3.6 of the TOR will remain; however, based on the information in the PDR, no additional information regarding project alternatives has been requested in the</p>

		<p>GNWT-DOT PDR. Further, there has been extensive alternatives assessment, and there is no need for further review of alternatives. These are primarily summarized in Section 4.3 of the PDR but are also discussed on some level in various sections of the entire PDR. For example, environmental considerations and management plans are discussed in the PDR. Section 5 mentions the considerations that were made with respect to bridges (for example).</p>		<p>Adequacy Statement. Action: None.</p>
4	<p>dToR 5.1 Valued Component Fish and Fish Habitat</p>	<p><b>Comment</b> Adequacy 4.2 states that there should be an estimate of the likely number due to increased access and pressure from road users. <b>Recommendation</b> Review Board, please confirm that there can be a range used to identify an estimate of likely number of road users.</p>	<p><b>Oct 20:</b> The Proponent agrees.</p>	<p><b>Oct 28:</b> The Review Board understands that this comment relates to Table 5-1, under the Topic of Fish Harvesting and with respects to the following direction: "Conduct residual impact assessment to address project effects on fish harvesting due to increased access and pressure from road users. Include an estimate of the likely number of additional users by category: Aboriginal, non-<i>Tłı̨chʔ</i> harvesters. NWT resident fishers . Non-NWT fishers" The Review Board confirms that a range can be provided, so long as the range provides a meaningful response in the spirit of the question and is supported with a rationale. Action: Specified that the Review Board would like to see this range in relation to the different groups that are already listed, and presented for</p>

				different seasons that may be meaningful for analysis (i.e. winter road season, peak fishing seasons etc.)
5	dAR - Section 5	<p><b>Comment</b> Information from Tłıchǫ Government and Whatı Community Government. This section refers to information that could be made available, or requested.</p> <p><b>Recommendation</b> These two governments request Information requests on these areas as soon as possible, so as to maximize our staff effort in one short period of time.</p>	<b>Oct 20:</b> The Proponent strongly agrees.	<b>Oct 28:</b> The Review Board has prepared these information requests. Action: Review Board will issue information requests to all applicable parties
6	dAR 5.3 Barren ground caribou	<p><b>Comment</b> Asks for the potential impacts and mitigations that could affect population recovery, and there are a range of management actions from other co-management Boards.</p> <p><b>Recommendation</b> There are existing management strategies in place for the herds, and the Board should identify whether reference to these strategies and their mitigation measures will be accepted. The Board should also indicate if any further mitigation should be identified, given that these strategies have</p>	<b>Oct 20:</b> No comment.	<b>Oct 28:</b> Section 117(2)(a) of the MVRMA states "every environmental assessment shall include a consideration of (a) the impact of the development on the environment." The additional assessment work required under Table 5-2 of the Adequacy Statement relates to the activities included in the scope of development and is needed to inform the Review Board's consideration of potential significant impacts on barren-ground caribou. The Review Board encourages the developer to consider the relevance of "existing management strategies," but the onus is on the developer to: (1) demonstrate how those strategies will mitigate the potential project-specific impacts, and (2) incorporate relevant strategies into the assessment of impacts following the

		<p>been developed considering the maximum harvesting pressure that the herds can sustain.</p>		<p>methodology described in section 4.1, 4.2, and 4.3 of the Adequacy Statement. The Review Board acknowledges the Reasons for Decision Reports prepared by the Wek'èzhii Renewable Resources Board (WRRB) for the Bathurst and Bluenose East herds. The WRRB states that: "Based on the available Aboriginal and scientific evidence, the [WRRB] believes the severity of the Bathurst caribou decline is unprecedented and that there is a risk that the herd will be extirpated within a few short years. Further, the [WRRB] feels that there is a risk that the Bluenose-East herd will follow the same path as the Bathurst herd and also face extirpation." (see <a href="http://www.wrrb.ca/news/wrrb-releases-reasons-decision-reports-part-b-bathurst-and-bluenose-east-caribou-herds">http://www.wrrb.ca/news/wrrb-releases-reasons-decision-reports-part-b-bathurst-and-bluenose-east-caribou-herds</a>). Where the WRRB Reasons for Decision reports provide recommendations on harvesting, or impacts and mitigations from developments, such as all season roads, these recommendations may be incorporated into the developer's assessment work, as described for "existing strategies" above. The severe decline and risk of extirpation of the Bathurst herd is the reason the requirements in the Adequacy Statement Table 5-2 specifically include consideration of impacts on population recovery. Where the WRRB Reasons for Decision reports provide recommendations on harvesting, or impacts and mitigations from developments, such as all season roads, these recommendations may form</p>
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				part of the response to Table 5-2. Action: A project specific assessment of impacts from direct mortality to barren-ground caribou as a result of increased harvest pressure from the TASR is required as directed in Table 5-2.
7	dAR 5.4 Species at Risk	<b>Comment</b> Habitat ranges of species at risk and potential to be in the project area are requested. <b>Recommendation</b> Review Board, please confirm that existing information will be sufficient for this section.	<b>Oct 20:</b> The Proponent agrees.	<b>Oct 28:</b> The specific additional information requirements are set out in section 5 of the Adequacy Statement. These requirements include additional impact assessment for specific pathways (e.g. competition, mortality, population health). Information regarding habitat ranges and potential presence of species in the project area needs to be sufficient to undertake the methodology specified in the ToR and Adequacy statement; beyond that, no additional information of this type is required at this time. Action: The developer is required to answer items in section 5 of the Adequacy Statement
8	dAR 5.4 Species at Risk	<b>Comment</b> Under population health, there is no clarity that it is referring to species at risk. <b>Recommendation</b> Review Board, please revise this section to make it clear that it is focused on Species at Risk.	<b>Oct 20:</b> No comment.	<b>Oct 28:</b> Where the WRRB Reasons for Decision reports provide recommendations on harvesting, or impacts and mitigations from developments, such as all season roads, these recommendations may form part of the response to Table 5-2.
9	dAR 5.5 Traditional use, culture and TK	<b>Comment</b> Refers specifically to cultural or archaeological sites under heritage and cultural resources. <b>Recommendation</b> Review Board, please confirm a DOT	<b>Oct 20:</b> No comment.	<b>Oct 28:</b> The intent of this adequacy requirement is to identify all important heritage resources that may be affected within the scope of assessment. The Review Board will issue an information request to Aboriginal groups with an expressed interest in the Project to identify

		comittment to employ best practices and following the standard procedures for Cultural Sites will be acceptable, rather than completion of new work.		any heritage resources that may be affected by the Project and to evaluate the potential impact from direct or indirect Project effects. GNWT has heritage resource specialists that can incorporate the responses to those information requests in response to this adequacy item. The Review Board expects the responses to these information requests will determine whether or not additional works are required. Action: None.
10	dAR 5.6 Economic Well Being	<b>Comment</b> This section calls for an understanding of vulnerable group. <b>Recommendation</b> Review Board, please define vulnerable group.	<b>Oct 20:</b> No comment.	<b>Oct 28:</b> IAIA defines vulnerability in its SIA Guidance Document as: a situation or condition characterized by low resilience and/or higher risk and reduced ability of an individual, group or community to cope with shock or negative impacts. Vulnerability is associated with having low socio-economic status, disability, ethnicity, or one or more of the many factors that influence people's ability to access resources and development opportunities. Action: The Adequacy Statement has been updated to define vulnerable group.
11	dAR 5.7 Stable and Health Communities	<b>Comment</b> This section calls for inter-community migration estimates. <b>Recommendation</b> Review Board, please confirm these can be sent in as a range based on expert guidance.	<b>Oct 20:</b> No comment.	<b>Oct 28:</b> The Review Board will accept a range with a supportive rationale and according to the methods outlined in section 4.1 of the Terms of Reference, step 3 (e.g. describing the technique and assumptions).
<b>Wek' eezhii Renewable Resources Board: Boyan Tracz</b>				
<b>ID</b>	<b>Topic</b>	<b>Reviewer Comment/Recommendation</b>	<b>Proponent Response</b>	<b>Board Response</b>

1	Assessment Methodology / Valued Components/ Cumulative Effects - Terminology	<p><b>Comment</b> The draft Adequacy Statement uses the terms “key” and “important” when discussing habitat, while the term “critical” is not used in the draft Adequacy Statement or draft Terms of Reference (TOR). As mentioned in the letter from Environment and Climate Change Canada (ECCC; PR34), an assessment of environmental effects must identify the critical habitat of extirpated, endangered, or threatened species, and if the project is carried out that measures are taken to avoid or lessen effects and monitor them. Measures must “...<i>be consistent with best available information including any Recovery Strategy, Action Plan or Management Plan in a final or proposed version; and respect the terms and conditions of the Species at Risk Act regarding protection of individuals, residences, and critical habitat of extirpated, endangered, or threatened species</i>”. ECCC provided Recovery Strategies and Management Plans as</p>	<p><b>Oct 20:</b> Agreed. GNWT recommends that the Review Board use terminology that is consistent with SARA.</p>	<p><b>Oct 28:</b> The Review Board agrees to be consistent and use the term "critical" habitat rather than "key" or "important".</p>
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		<p>attachments to the letter (final and draft versions).</p> <p><b>Recommendation</b> The term “critical” is used when discussing valued components which include extirpated, endangered, or threatened species in order to bring attention to the requirements under SARA.</p>		
2	Valued Components - Reference Materials	<p><b>Comment</b> See comment above.</p> <p><b>Recommendation</b> The draft NWT Boreal Caribou Recovery Strategy and the draft Mackenzie Bison Management Plan be included on the registry.</p>	<p><b>Oct 20:</b> The GNWT is in agreement to posting the draft NWT Boreal Caribou Recovery strategy. The draft Mackenzie Bison Management Plan can be posted when it is available.</p>	<p><b>Oct 28:</b> The Recovery Strategy for the Woodland Caribou (<i>Rangifer tarandus caribou</i>), Boreal population, in Canada (PR# 38) is on the public registry. If there is another caribou strategy the WRRB would like included, please provide it. The proposed Recovery Strategy for the Wood Bison (<i>Bison bison athabasca</i>) in Canada (PR#42) is also on the public registry, but the Review Board does not have a copy of the draft Mackenzie Bison Management Plan. Action: WRRB please provide a copy of this management plan and it will be posted on the public registry.</p>
3	Assessment Methodology / Valued Components/ Cumulative Effects - Fire	<p><b>Comment</b> Concern about the impact of fires is pervasive in the NWT, notably in the North Slave Region after the severe fires in 2014. It is understood that within the confines of the EA process cumulative effects are defined as being related to the proposed development in</p>	<p><b>Oct 20:</b> The GNWT will include consideration of interactions with fire in Sections 4.1 and 4.2 of the ToR.</p>	<p><b>Oct 28:</b> Action: Fire has been added to Section 4.1 and 4.2 of the TOR, and Section 4.3 of the Adequacy Statement.</p>

		<p>combination with other past, present and reasonably foreseeable future developments. However, other definitions of CE acknowledge that cumulative effects consider multiple interactions among anthropogenic and natural processes over time. The WRRB appreciates that though it is important to qualify and quantify the differences between natural and anthropogenic processes, it is also important to acknowledge potential interactions. To illustrate, the WRRB has particular interest in moose given the severity and extent of recent fires that resulted in changes in habitat, which in turn may affect moose distribution and population dynamics. In addition, restrictions in barren-ground caribou harvesting may lead to selection of moose by harvesters, harvest which may further be influenced by the changes in access that the TASR may facilitate. It is important that the MVEIRB provide clarity on where the</p>		
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		<p>impacts of fire should be included, specifically with regards to valued components, climate change, and cumulative effects.</p> <p><b>Recommendation</b> Clearly identify in the TOR and Adequacy Statement where fire-related information should be included to assist with addressing concerns about the (cumulative) impacts of fires; for example, under Section 4.1 of the TOR, points 1, 2 and 3c.</p>		
4	<p>Assessment Methodology / Valued Components/ Cumulative Effects - Coordination of Efforts</p>	<p><b>Comment</b> WRRB acknowledges that the Fortune NICO Mine project (including the NICO Project Access Road; NPAR) is mentioned in the PDR under cumulative effects. The inclusion of the NICO Project is especially relevant given that development of the NICO Project, including the NPAR, is contingent on the construction of the TASR. The WRRB also appreciates that in the draft Adequacy Statement Appendix A, 4.2 Cumulative Effects Assessment Steps, there is consideration of efforts towards coordination of monitoring and management to</p>	<p><b>Oct 20:</b> GNWT will identify opportunities for collaboration and coordination with other parties in the WMMP for the TASR.</p>	<p><b>Oct 28:</b> The Review Board sees the value in showing how coordination and cooperation with other parties has occurred, rather than identifying where these opportunities exist. The Review Board believes that the WMMP is the appropriate place for showing these initiatives. The Review Board will be interested to know, in addition to the requirements for cumulative effects assessment under the Terms of Reference and the Adequacy Statement, how the developer intends to align their cumulative effects assessment with other initiatives.</p>

		<p>contribute towards a regional approach to cumulative effects assessment. It is encouraging to see the MVEIRB recognize that project-specific considerations fall within a larger regional context. The WRRB believes TSAR EA process provides opportunities to show leadership on the coordination of monitoring and mitigation efforts, with benefits available to a number of parties. For example, coordination of boreal caribou-related monitoring and mitigation may allow for cost savings, as well as providing information which can be utilised for a variety of purposes. For example, information on boreal caribou distribution and vital rates is applicable to monitoring and mitigation related to the TASR and Fortune NICO EA processes, as well as expectations for management authorities under the National Recovery Strategy, the NWT Recovery Strategy, and the (to-be-developed) regional Action Plan for the North Slave Region. Efficient coordination</p>		
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		<p>can assist with efficient implementation of management actions, which during a time of fiscal constraints and legislated species at risk requirements is an approach to strive for.</p> <p><b>Recommendation</b> The developer clearly indicate how proposed cumulative effects approaches show coordination and cooperation with other parties, align with current initiatives, and build on / improve upon previous or current relevant cumulative effects initiatives.</p>		
5	Scope of Assessment - Temporal Scope	<p><b>Comment</b> The draft TOR clarifies that because there is no closure phase planned for the project, that the developer may select a suitable long-term temporal boundary for the operations phase that coincides with major project activities. Further, it is mentioned that when defining the temporal scope, the developer should consider a variety of time-related factors, including periods when valued components are most sensitive to potential impacts (e.g. migration periods and</p>	<p><b>Oct 20:</b> The GNWT will ensure the scope of assessment considers population highs and lows.</p>	<p><b>Oct 28:</b> A change in population size could result in changing distribution/range over the life of the project. This should be considered in the geographic and temporal scope. Action: "Shifts in distribution/range" was added in Section 2.2.4 of the Terms of Reference as an item for the developer to consider when defining the temporal scope.</p>

	<p>population cycles). Large scale fluctuations in barren ground caribou are recognized by both traditional and scientific knowledge. The length of time between periods of high numbers may vary regionally, but is generally considered to be between 30-100 years. To illustrate, traditional knowledge has documented high numbers in the Bathurst barren-ground caribou herd in the 1940's and 1980's, with population numbers low in the in-between period. Currently, the Bathurst and Bluenose-East barren-ground caribou populations are at low numbers, with some shifts in distribution also observed among the different migration periods (e.g. the winter range of the Bathurst herd currently being further north than historic observations). Given the extended lifetime of the proposed project, and potential for other proposed developments, there is a possible scenario where barren ground caribou populations again increase and/or shift</p>		
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		distribution to areas overlapping with the proposed project. This scenario subjects barren-ground caribou to the possibility of increased access, and increased hunting pressure. <b>Recommendation</b> In defining the temporal scope of the assessment the developer should consider barren-ground caribou population cycles.		
6	General	<b>Comment</b> The WRRB supports the comments provided by Fisheries and Oceans Canada and Environment and Climate Change Canada. <b>Recommendation</b> n/a	<b>Oct 20:</b> Please see the Proponent's responses to DFO and ECCC's comments for the Proponent's position.	<b>Oct 28:</b> No response required.
<b>Yellowknives Dene First Nation: Alex Power</b>				
<b>ID</b>	<b>Topic</b>	<b>Reviewer Comment/Recommendation</b>	<b>Proponent Response</b>	<b>Board Response</b>
1	adequacy report: barren ground caribou range	<b>Comment</b> In the adequacy report (5.3, Barren Ground Caribou) it states that the "range of barren-ground caribou is north of the project". GNWT-ENR caribou telemetry data and YKDFN traditional knowledge indicate that the project is within the winter range of barren-ground caribou. This risks the project	<b>Oct 20:</b> GNWT recommends that a suitable revision for this statement would be "Although the current range of barren-ground caribou is north of the project, the project may extend the winter road season north of Whatì."	<b>Oct 28:</b> Action: The Review Board has revised section 5.3 of the Adequacy Statement to state: "According to the Tł̨chq̨ traditional knowledge study report (PR#28 p36) and GNWT-ENR telemetry data, the project is within the winter range of barren-ground caribou."

		<p>understating the potential impact of the project on barren-ground caribou.</p> <p><b>Recommendation</b> remove the statement "Although the range of barren-ground caribou is north of the project".</p>		
2	archeological sights	<p><b>Comment</b> There have been a number of occasions where Yellowknives Dene archeological sites, artifacts and territories have been misattributed as Tłı̨chʔ (more commonly Dogrib in the cited literature). This seems to have primarily arisen out poorly-conducted anthropological work stating that the Yellowknives were "extinct" as a result of the 1928 flu pandemic.</p> <p><b>Recommendation</b> The proponent work with YKDFN to guard against the misattribution of artifacts and cultural sites.</p>	<p><b>Oct 20:</b> Standards for archaeological work in the Northwest Territories (NT) stem from the Archaeological Sites Act and Archaeological Sites Regulations. Such standards have been adhered to during the Archaeological Impact Assessment (AIA) of the TASR. The goal of the AIA was to identify all archaeological sites at risk of impact from the project so that impacts to those sites can be avoided or mitigated in advance of project construction. Based on the results of the AIA, the GNWT has demonstrated that no archaeological sites will be impacted by construction of the proposed alignment. Furthermore, if any archaeological sites are identified by the pending AIA of the borrow sources, measures will be put in place to mitigate the risk of impact to these sites. As an added precaution, GNWT has drafted an Archaeological Site Chance Find Protocol (Appendix Y of PDR) to provide guidance to project staff in the unlikely event that an archaeological site is discovered during</p>	<p><b>Oct 28:</b> The Review Board will be issuing information requests to parties regarding heritage and cultural resources.</p>

			<p>the construction process. The GNWT has previously stated that there is no attribution associated with archaeological finds. In the majority of cases, it is actually impossible to attribute an artifact to one Aboriginal group or another.</p>	
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