



VIA EMAIL

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

June 29, 2017

Dear Mr. Cliffe-Phillips:

RE: EA1617-01 Government of the Northwest Territories Tłı̨chǫ All-Season Road Federal Responses to Information Requests

The Canadian Northern Economic Development Agency's Northern Projects Management Office is pleased to submit responses to information requests on behalf of Fisheries and Oceans Canada and Environment and Climate Change for the above noted environmental assessment (EA). The responses are to the Mackenzie Valley Environmental Impact Review Board's information request numbers five and seven to Fisheries and Oceans Canada and the Wek'èezhii Renewable Resources Board's information request number 14 to Environment and Climate Change Canada that were submitted to the Online Review System on May 29, 2017.

The Government of Canada looks forward to continued participation in this EA.

Sincerely,

For Matthew Spence
Director General
Northern Projects Management Office
Canadian Northern Economic Development Agency

Attachments (2): 1. Federal Contact List (Annex A)
2. Federal IR Responses

Contact List from Federal Departments for Tłıchǝ All-Season Road EA

Northern Projects Management Office

Adrian Paradis
Senior Project Manager
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Email: Adrian.Paradis@cannor.gc.ca

Environment and Climate Change Canada

Melissa Pinto
Senior Environmental Assessment Coordinator
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Fisheries and Oceans Canada

Mark D'Aguiar
A/Senior Fisheries Protection Biologist
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Indigenous and Northern Affairs Canada

Kim Pawley
Manager, Environmental Assessment, Land Use Planning and Conservation
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Natural Resources Canada

Rachelle Besner
Senior Environmental Assessment Officer
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Fisheries and Oceans Pêches et Océans
Canada Canada

501 University Crescent
Winnipeg, Manitoba
R3T 2N6

June 28, 2017

Your file Votre référence
EA-1617-01

Our file Notre référence
16-HCAA-00272

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

Dear Mr. Cliffe-Phillips

Subject: Fisheries and Oceans Canada's Responses to the Mackenzie Valley Environmental Impact Review Boards (MVEIRB) Information Requests Resulting from Tł̨chǫ All-Season Road (TASR): Information Requests

The Fisheries Protection Program of Fisheries and Oceans Canada (DFO-FPP) received the Mackenzie Valley Environmental Impact Review Boards' (MVEIRB) request for Information Request (IR's) responses on May 29, 2017, with a response deadline of June 29, 2017.

DFO-FPP provides the following responses to MVEIRB's Information Request:

MVEIRB-IR-#5: MVEIRB Preamble

In response to an Oct 28, 2016 Review Board IR#1 (PR#74), the Department of Fisheries and Oceans Canada (DFO) stated that "there may or may not be concerns about potential overharvesting of certain fish stocks in the area but it is difficult to assess this further until there is a full inventory of fish presence and their season migration/occupancy/habitat use in these rivers" (PR#92 p1). However, DFO also stated that other parties may provide additional information, in response to the same Review Board IR, which would allow for further discussions regarding potential effects to fish.

MVEIRB Request: Is DFO aware of any information on the public registry for this EA that would allow DFO to assess fish stocks affected by the all-season road?

DFO is not currently aware of any information other than the Stewart (1997) 'A Review of the Status and Harvests of Fish Stocks in the North Slave Area, Northwest Territories' report on the public registry specific to the TASR file. DFO will continue to work with the proponent to acquire current, relevant, and up-to-date fish stock information for the watercourses potentially affected by the all-season road, as required for DFO to make a preliminary determination on *serious harm to fish* as defined by the *Fisheries Act*.

DFO notes that the fisheries resources in the vicinity of the road are co-managed by Wek'eezhii Renewable Resources Board (WRRB), DFO and Tł̓ch̓ communities. As such DFO will ensure that the proponent has engaged the co-management boards and affected Aboriginal groups to acquire relevant fisheries information and to discuss the potential impacts from the proposed all season road.

MVEIRB Request: *Further, can DFO clarify if the identified information topics (full inventory of fish presence and their season migration/occupancy/habitat) are required for DFO to provide its assessment?*

DFO Fisheries Management has identified the potential for overharvesting of certain fish stocks resulting from increased access from the all season road; should the project be approved. As such further assessment regarding the linkage between overharvesting from increased access will require a detailed inventory of:

- i. fish presence/species composition by waterbody;
- ii. any seasonal migration needs for fish;
- iii. occupancy and habitat use within all fish bearing watercourses.

MVEIRB Request: *What information is a priority?*

DFO notes that all fish bearing waters potentially affected by the TASR should be assessed for fish species composition and available habitat. This includes, but is not limited to a review of all available scientific and traditional knowledge on fish presence and habitat utilization/delineation.

DFO will work with the proponent throughout the EA process to ensure the Wek'eezhii Renewable Resources Board and Tł̓ch̓ communities are engaged to acquire relevant fisheries information and to identify priority Aboriginal subsistence fisheries/waterbodies that may be at increased risk from any harvesting pressure resulting from the proposed all season road.

MVEIRB Request: *Which water bodies are priorities to assess?*

There are currently no identified priority areas or Integrated Fisheries Management Plans (IFMP's) for the waterbodies in the vicinity of the TASR project at this time.

DFO will work with the proponent throughout the EA process to ensure the Wek'eezhii Renewable Resources Board and Tł̓ch̓ communities are engaged to acquire relevant fisheries information and to identify priority Aboriginal subsistence fisheries/waterbodies where harvesting pressure may change as a result of increased access through the development of an all season road.

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

In the Northwest Territories, DFO is responsible for setting and managing sport fishing limits (DFO Fisheries Management). Within the Wek'eezhii (Tłı̄chǫ) Management Area, the Wek'eezhii Renewable Resources Board is a co-management body that provides advice and recommendations to DFO regarding fisheries in the area and in the development of IFMPs and establishing fishery quotas/catch limits.

For enforcement of any set limits, DFO has an agreement with the Government of Northwest Territories (GNWT) - Environment and Natural Resources (ENR) such that ENR is responsible for issuing License's and they are the lead agency on sport fishing enforcement.

Since the TASR project is still under the EA review, DFO has not developed an enforcement plan to deal with new access into the area. Should the project be approved to proceed to regulatory phases, and a timeline for completion has been determined, DFO will work closely with the Wek'eezhii Renewable Resources Board and Tłı̄chǫ communities to develop an appropriate plan to address new and increased fishing access that occurs at that time. This will include sport, domestic and Aboriginal fisheries enforcement plans.

If you have any questions, please contact Mark D'Aguiar at 867-669-4911, or by email at Mark D'Aguiar@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Martyn Curtis
Regional Manager, Regulatory Reviews
Fisheries Protection Program

cc. Vince Harper, DFO-FPP
Tara Schweitzer, DFO-FPP



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

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

June 29, 2017

ECCC File: 5100 000 0048/002

MVEIRB File: EA1617-01

Simon Toogood
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Ave
Yellowknife, NT X1A 2N7

Via online submission:

http://lwbors.yk.com/LWB_IMS/ReviewComment.aspx?appid=11195

Dear Mr. Toogood,

RE: EA1617-01 – Government of the Northwest Territories: Department of Infrastructure – Tlicho All Season Road – Information Request Response (WRRB-IR #14)

Environment and Climate Change Canada (ECCC) has reviewed the information request submitted to the Mackenzie Valley Environmental Impact Review Board by the Wek'eezhii Renewable Resources Board regarding the above-mentioned project. ECCC's specialist advice is provided based on our mandate, in the context of the *Species at Risk Act*.

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

Sincerely,

[original signed by]

Cristina Ruiu
Acting Regional Director

Attachment(s): ECCC Information Request Response

cc: Georgina Williston, Head, Environmental Assessment North (NT and NU)
ECCC Review Team

Canada

www.ec.gc.ca

ECCC IR Response to WRRB-IR #14
Tlicho All Season Road – EA1617-01

As a competent minister under the federal *Species at Risk Act* (SARA), ECCC advises the Mackenzie Valley Environmental Impact Review Board (Review Board) on the consideration of species at risk in an assessment of the environmental effects of a project. Caribou (Barren-ground population) have been assessed as threatened by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) in November 2016 and are under consideration for listing on the federal SARA. As a matter of best practice, ECCC recommends that species under consideration for listing on the federal SARA, including those designated as “at risk” by COSEWIC, be considered during a project assessment in a manner similar to listed species under s.79.

Under subsection 79(1) of the federal SARA, the Review Board is required to notify the competent minister(s) in writing if the project is likely to affect a federal SARA listed wildlife species or its critical habitat. ECCC received notification from the Review Board related to the Tlicho All Season Road (TASR) Project on August 5, 2016 (PR#6). If Caribou (Barren-ground population) become listed under the federal SARA during the environmental impact assessment process, then there would be a legal requirement for the Review Board to send an additional notification letter for the species.

Under subsection 79(2) of the federal SARA, the Review Board must identify all adverse effects on listed species and critical habitat including direct, indirect and cumulative effects. This requirement is met by the Review Board through the inclusion of species at risk as valued components (VCs) in the environmental assessment (see Terms of Reference; PR#69). ECCC advises that proponents consider species assessed by COSEWIC but not yet listed under the federal SARA. While at the start of the TASR environmental assessment, COSEWIC had not completed its assessment for Caribou (Barren-ground population). However, Caribou (Barren-ground population) was included as a VC in the TASR environmental assessment due to its social, cultural and economic value in the Northwest Territories.

ECCC recommends that the Review Board establish measures to avoid or lessen and monitor adverse effects of the project on Caribou (Barren-ground population), similar to all federally listed species at risk as per subsection 79(2). This includes all adverse effects, not just those deemed significant during project assessment. This information was initially provided by the Proponent in the Adequacy Statement Response and associated management plans, as required by the Terms of Reference.

The Proponent’s characterization of effects and proposed mitigation will be reviewed by interested parties through the environmental assessment and form the basis of advice to the Review Board. The Review Board will make a determination in the Report of Environmental Assessment whether it will include measures to avoid, mitigate and monitor effects of the TASR Project on Caribou (Barren-ground population) as a matter of best practice, for this species under consideration for listing. ECCC recommends that measures are based on the best

available information for this species. Should Caribou (Barren-ground population) be added to the federal List of Wildlife Species at Risk during the TASR environmental assessment, the Review Board will need to ensure measures are taken to avoid or lessen and monitor the effects on this species.

Further information on responsibilities, best practices and ECCC's expectations regarding the consideration of wildlife species at risk in environmental assessment processes is available in the following documents:

- *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* (https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/policies/SARA-CEAA-LEP-LCEE-guide_0811_eng.pdf);
- *The Species at Risk Act Environmental Assessment Checklists for Species Under the Responsibility of the Minister Responsible for Environment Canada and Parks Canada* (http://www.sararegistry.gc.ca/virtual_sara/files/policies/SARA_EA_Checklist_0811_eng.pdf);
- *Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada* (http://publications.gc.ca/collections/collection_2014/ec/CW66-237-2004-eng.pdf).

While these federal SARA documents have not been updated and make specific reference to the *Canadian Environmental Assessment Act*, much of their content is still relevant and applicable to other federal environmental assessment regimes in Canada such as the *Mackenzie Valley Resource Management Act* (MVRMA).

Draft Guidelines for considering wildlife at risk (including SARA species) in environmental impact assessment in the Mackenzie Valley were also developed by the Review Board. These draft guidelines outline the roles and responsibilities of developers, regulators, expert government departments and the Review Board. The most recent version of these draft guidelines are available at:

http://www.reviewboard.ca/process_information/guidance_documentation/draft_guidelines.php.