

Review Comment Table - Errata

Board:	MVEIRB
Review Item:	EA1617-01 Tłchq All-season road: draft Terms of Reference and draft Adequacy Statement
File(s):	
Proponent:	GNWT - DOT
Document(s):	Draft Terms of Reference (1 Mb) Draft Adequacy Review (771 kb)
Item For Review Distributed On:	Sep 26 at 12:12 Distribution List
Reviewer Comments Due By:	Oct 13, 2016
Proponent Responses Due By:	Oct 21, 2016
Item Description:	Errata for draft Terms of Reference and draft Adequacy Statement for comment and review.
General Reviewer Information:	<p>The September 19, 2016 Notice of Proceeding (PR#44) explains the Board's approach to the Terms of Reference and Adequacy Statement for the Tłchq All-season Road EA. Please see the Notice of Proceeding and the introduction sections of the draft Terms of Reference (PR#46) and draft Adequacy Statement (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"> 1.the Scope of Development and Scope of Assessment described in section 2 of the draft Terms of

Reference;	<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>
Contact Information:	<p>Chuck Hubert 867-766-7052 Robyn Paddison (867)766-7062 Ruari Carthew (867) 766-7073</p>

Comment Summary

GNWT - DOT: Katie Rozestraten				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
26	dAS Table 5-4 Heritage and Cultural Resources ToR 4.1 step 1	Comment 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		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 or Project area to identify 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

		<p>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>Recommendation 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>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.</p> <p>Action: The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, and DGGFN to assess the potential for heritage resources becoming impacted by Project-related activities. 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>
27	dAS Table 5-4 Heritage and Cultural Resources ToR 4.1 step 1	<p>Comment The GNWT notes with concern the concept that government is responsible for describing important heritage sites for YKDFN and NSMA</p>		<p>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</p>

(continued)	<p>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 have this information.</p> <p>Recommendation 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,</p>		<p>interest in the Project or Project area to identify 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.</p> <p>Action: The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, and DGGFN to assess the potential for heritage resources becoming impacted by Project-related activities. 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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		to provide the location of culturally important sites that fall within the proposed project area.		
28	dAS Table 5-4 Heritage and Cultural Resources Adequacy 4.1	<p>Comment 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.</p> <p>Recommendation 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</p>		<p>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 or Project area to identify 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.</p> <p>Action: The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, and DGGFN to assess the potential for heritage resources becoming impacted by Project-related activities. 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>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>		
29	<p>dAS Table 5-4 Heritage and Cultural Resources Adequacy 4.1 (continued)</p>	<p>Comment 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</p>		<p>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 or Project area to identify 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: The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, and DGGFN to assess the potential for heritage resources becoming impacted by Project-related activities. 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</p>

		<p>- 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>Recommendation 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>		<p>incorporate the information into its Adequacy Statement Response.</p>
30	<p>dAS Table 5-4 Heritage and Cultural Resources Adequacy 4.2</p>	<p>Comment 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</p>		<p>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 or Project area to identify any heritage resources that may be affected by</p>

		<p>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>Recommendation 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>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.</p> <p>Action: The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, and DGGFN to assess the potential for heritage resources becoming impacted by Project-related activities. 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>
31	dAS Table 5-4 Heritage and	Comment The GNWT notes with concern the concept that		The intent of this adequacy requirement is to identify all important heritage resources that

<p>Cultural Resources Adequacy 4.2 (continued)</p>	<p>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 have this information. If and when this information is provided, the GNWT will review and respond appropriately.</p> <p>Recommendation Please</p>		<p>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 or Project area to identify 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.</p> <p>Action: The Review Board will develop information requests to the TG, CGW, YKDFN, NSMA, and DGGFN to assess the potential for heritage resources becoming impacted by Project-related activities. 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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		remove Adequacy 4.2 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.		
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Tłıchǫ Government: Zabey Nevitt

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
4	dToR 5.1 Valued Component Fish and Fish Habitat	<p>Comment Adequacy 4.2 states that there should be an estimate of the likely number due to increased access and pressure from road users.</p> <p>Recommendation Review Board, please confirm that there can be a range used to identify an estimate of likely number of road users.</p>	Oct 20: The Proponent agrees.	<p>Oct 28: 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-Tłıchǫ harvesters, NWT resident fishers, and non-NWT fishers"</p> <p>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.</p>

				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 different seasons that may be meaningful for analysis (i.e. winter road season, peak fishing seasons etc.)
8	dAR 5.4 Species at Risk	Comment Under population health, there is no clarity that it is referring to species at risk. Recommendation Review Board, please revise this section to make it clear that it is focused on Species at Risk.	Oct 20: No comment.	Species at risk section clarified.
10	dAR 5.6 Economic Well Being	Comment This section calls for an understanding of vulnerable group. Recommendation Review Board, please define vulnerable group.	Oct 20: No comment.	Oct 28: 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. Additionally, the Tłıchǫ Government has already provided description on vulnerable groups potentially affected by the Project (see. PR#7 Appendix B p54). The Review Board has asked the Tłıchǫ Government and Community Government of Whatı for confirmation on the identity of vulnerable groups in an information request. The Review Board expects responses to those information requests by November 30, 2016.

				Action: The Adequacy Statement has been updated to define vulnerability. The developer will use the IAIA definition of vulnerability and use it in selecting and rationalizing appropriate vulnerable groups. The developer will also consider the Tłı̨chʼo Government and Community Government of Whatı̨'s response to this information request when it responds to this adequacy item.
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Wek' eezhii Renewable Resources Board: Boyan Tracz

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
2	Valued Components - Reference Materials	Comment See comment above. Recommendation The draft NWT Boreal Caribou Recovery Strategy and the draft Mackenzie Bison Management Plan be included on the registry.	Oct 20: 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.	Oct 28: 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: GNWT please provide a copy of this management plan and it will be posted to the public registry.

Yellowknives Dene First Nation: Alex Power

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	adequacy report: barren ground caribou	Comment In the adequacy report (5.3, Barren Ground Caribou) it states that the	Oct 20: GNWT recommends that a suitable revision for this statement would be "Although the current range	Oct 28: Action: The Review Board has revised section 5.3 of the Adequacy Statement to state: "According to the Tłı̨chʼo traditional knowledge

range	<p>"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 understating the potential impact of the project on barren-ground caribou.</p> <p>Recommendation remove the statement "Although the range of barren-ground caribou is north of the project".</p>	<p>of barren-ground caribou is north of the project, the project may extend the winter road season north of Whatì."</p>	<p>study report (PR#28 p36), GNWT-ENR telemetry data and traditional knowledge from Yellowknives Dene First Nation, the project is within the winter range of barren-ground caribou."</p>
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