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May 17, 2006

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

Attention: Patrick Duxbury, Environmental Assessment Officer

**Re: EA0506-007 Paramount SDL 8, 2D Geophysical Program – Environment Canada
Response to IR**

IR Request from MVEIRB

IR Number: IR0506-007-6

Source: MVEIRB

To: Environment Canada

Preamble

Concerns were noted in the Hay River Community Scoping Hearing about the potential project specific and cumulative impacts of the SDL8 seismic exploration program on boreal caribou. As Environment Canada shares regulatory responsibilities for upholding the Species at Risk Act (SARA), the Review Board looks to Environment Canada as an expert advisor in helping to assess the potential significance of the SDL8 program on boreal caribou, a SARA-listed species.

Request

1. How important is the development area to boreal caribou?
2. Is enough known about the response of boreal caribou to industrial activities to assure Environment Canada that this development will not, directly or indirectly, affect the boreal caribou use of the area?
3. Is the SDL8 seismic program likely to adversely affect boreal caribou use of the area?
4. Is enough known about the response of boreal caribou to industrial activities, as well as the importance of the area to boreal caribou, to assure Environment Canada that the development will not, directly or indirectly, have implications at the population level?
5. Is the SDL8 seismic program on its own likely to adversely affect boreal caribou at the population level?
6. Is the SDL8 seismic program likely to contribute to an adverse cumulative effect on boreal caribou at the population level?
7. If the answer to the previous question (#6 above) is "yes", please specify what other past, present or reasonably foreseeable future activities also contribute to the cumulative effect.
8. What components, if any, of the SDL8 program are the potential sources of the impacts on boreal caribou?
9. If so, what are the characteristics of the impacts?
10. Can Environment Canada suggest practices or technologies that can reliably mitigate the

predicted impacts to boreal caribou?

11. To what degree can these mitigations reduce the impacts?

12. If Environment Canada cannot identify specific practices or technologies (#10 above), could it identify thresholds for levels of activities (such as cutline widths, crew sizes, or other activities that are part of the project) where, in Environment Canada's expert opinion, no adverse impacts to boreal caribou would be expected?

13. Can Environment Canada provide the Review Board with a summary of how other jurisdictions attempt to mitigate adverse impacts to boreal caribou caused by seismic exploration?

14. How successful have these mitigations proven to be in protecting caribou populations and habitat effectiveness?

Environment Canada Response

Environment Canada agrees that the proposed project should be assessed to determine if it may cause adverse effects to woodland caribou. Woodland caribou (boreal population) are currently listed as Threatened (Schedule 1) under the Species at Risk Act (SARA). Section 79 (2) of SARA states that during an assessment of effects of a project, the adverse effects of the project on listed wildlife species and its critical habitat must be identified, that measures are taken to avoid or lessen those effects, and that the effects need to be monitored. This section applies to all species listed on Schedule 1 of SARA.

Additionally, Section 79 (1) states that *"Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat."* For Woodland Caribou in the Northwest Territories, Environment Canada is the competent minister that needs to be notified.

In response to notification sent under 79(1) of the SARA, the department or agency representing the competent minister responsible for a species will indicate its likely involvement in the environmental assessment. Responsibility for some species may be shared with other jurisdictions.

Below are guidelines that indicate involvement of the competent minister after receiving a notification letter:

- The department or agency will provide expert advice when the information or expertise is available within the department or agency.
- When the information is not available, the department or agency will:
 - ▷ forward the referral to the provincial or territorial authorities that manage the species, with a copy to the responsible authority;
 - ▷ forward the referral to the recovery team or other appropriate expert, if advised by, or following notification of, the province or territory;
 - ▷ when the referral has been forwarded to the province or territory, or to the recovery team or other expert, the department or agency will request a copy of the advice provided by the other party in response to the responsible authority; and
 - ▷ the department or agency may continue to provide general comments on the assessment, depending on the circumstances.

This approach recognizes that responsibility for, and information on, species at risk is shared with other jurisdictions.

While the department or agency will provide specialist or expert information in their possession, including possible contacts where further information can be obtained, it remains the responsibility of the agency or department conducting the environmental assessment to ensure that the information acquired is sufficient to meet the requirements of the appropriate Acts.

In the case of this particular project, Environment Canada does not have the expertise to answer the detailed questions on the effects of the proposed project on woodland caribou in the Northwest Territories. Expertise and responsibility for this species lies within the jurisdiction of the Government of the Northwest Territories (GNWT). We understand that the GNWT is answering the same questions through another IR (IR0506-007-8) and will be providing more detailed responses to the questions.

MVEIRB may find the following industrial guidelines prepared for woodland caribou in Alberta and British Columbia useful.

Alberta guidelines:

<http://www.deer.rr.ualberta.ca/caribou/StrategicPlanandIndustrialGuidelinesSept2001.pdf>

British Columbia guidelines:

http://www.ogc.gov.bc.ca/documents/scek/Final_Reports/d-ECIM-Com-Axys-2004-19-Rep.pdf

Environment Canada would be pleased to answer any general questions that MVEIRB may have on Species at Risk and the proposed project.

Yours truly,



Kevin McCormick
Chief – Northern Conservation Division
Canadian Wildlife Service

cc: Lorraine Sawdon (Environmental Assessment Specialist, EPOD)
Myra Robertson (Environmental Assessment Coordinator, CWS)