

GNWT Comments on MVEIRB draft TOR for the Environmental Assessment of the Mackenzie Valley Highway, December 10, 2013

TOR reference	TOR Statement	Recommendation	Rationale
General	The draft TOR uses “study area”, “highway area”, etc. (Sections 5.1.4, 5.1.5, 5.2.1) when describing the area for which the existing environment is to be described.	The MVEIRB is requested to consistently use the term “study area” when referring to the area where baseline data collection and effects assessment are to occur.	The use of consistent terminology such as “study area” will help to prevent ambiguity and minimize misinterpretations during technical reviews.
General	The draft TOR submitted by the GNWT for consideration included the requirement to identify “Land requirements (footprint, location, permanent or temporary, ownership, zoning) in Section 3 and “The Developer shall identify all permits, licences or other regulatory approvals necessary for the different phases of the development. The Developer shall also document all land tenure agreements required for the development “in Section 4.	It is recommended that the TOR include a requirement to clearly identify the different land ownership along the route and the various permits, approvals and authorizations required by the development. It is further recommended that the TOR require clear articulation of the fit of the project and its ancillary works with applicable Land Use Plans.	It is important that the different jurisdictions and agencies with a responsibility for project approvals be identified to allow the parties to be confident that the GNWT is aware of all responsibilities and will follow accepted protocols and mitigations.
Section 3.1 Scope of Development	<p>“The development includes the following components: ...</p> <ul style="list-style-type: none"> • Construction of an 818 km all-season gravel highway from Wrigley to the Dempster Highway” 	The MVEIRB is requested to reword the bullet as “Construction of an 818 km all- season gravel highway from Wrigley to the Dempster Highway, much of which follows an existing seasonal public highway”	The GNWT would like the TOR to recognize that much of the proposed development will occur on an existing transportation corridor subject to existing activity.
Section 3.4 Temporal Scope	“For project specific (that is, non-cumulative) impacts, the temporal scope will include all phases of the highway lifespan including construction, operation, and in some instances reclamation, and extends until no	It is recommended that the statement in the draft TOR be modified as follows: “For project specific (that is, non-cumulative) impacts, the temporal scope will include all phases of the highway lifespan	Regular operations and maintenance on a highway is exempted from Preliminary Screening under the MVRMA. The GNWT would like to set a limit on the temporal scope of the project specific effects assessment and suggests that be when project activities

	potentially significant adverse impacts are predicted . “	including construction, operation, and in some instances reclamation, and extends until-regular maintenance activities and schedules have been established”	revert to regular operations and maintenance.
Section 5 – Existing environment	In the draft TOR submitted by the GNWT, Section 7.1.2 (Existing Conditions) the requirement for describing existing environmental conditions was prefaced with the following sentence “The Developer shall provide a description of existing conditions in sufficient detail to enable an understanding of how the VC might be affected (positively or negatively) by the proposed development.”	It is recommended that the sentence, “The Developer shall provide a description of existing conditions in sufficient detail to enable an understanding of how the VC might be affected (positively or negatively) by the proposed development”, be included as the introductory sentence in Section 5 “Description of the Existing Environment” of the TOR.	While the requirements for documenting existing conditions are quite detailed in Section 5 of MVEIRB’s draft TOR, it is possible that there may be other aspects of the existing environment that the parties feel should be documented. The recommended statement will provide guidance to help determine, when necessary, the relevance of including additional information about the existing environment.
Section 5.1.5 Fish and Fish Habitat	The TOR request the developer to: “Provide a description of the existing fish and fish habitat within the highway area, including: ... <ul style="list-style-type: none"> a description of fish habitat present at each of the planned water crossings, including references (such as photographs and diagrams) at those locations;...” 	It is recommended that this be modified as follows: <ul style="list-style-type: none"> For crossings where a new structure or existing structures will be modified, a description of fish habitat present, including references (such as photographs and diagrams);...” 	The MVH will utilize a number of bridges along the winter road and therefore not require any in stream or near stream work at these locations. It is suggested that this requirement be modified to apply only to crossings where in stream or riparian work presents the potential for effects to fish and fish habitat.
Section 6.3 – Life of the Project	Last bullet: “Discuss how government would respond to and manage the highway, if an increase in the number of heavy industrial users evolves over time (which may, for example, result in increased operation and maintenance costs).”	It is recommended that this requirement be modified as follows: “Discuss how government would respond to and manage the highway, if an increase in the number of heavy industrial users evolves over time (which may, for example, result in increased operation, protective services and maintenance costs).”	Increased use may require additional patrol and response services, all of which have a fiscal impact to the GNWT.

Sections 3.2.3 and 7.2 – Key Lines of Enquiry	In section 3.2.3 the KLI is “Caribou, moose and harvesting” while in 7.2 it is stated as “Wildlife harvesting, in particular, caribou and moose”. There is a need to be consistent as the two statements are quite different.	It is recommended that the MVEIRB clarify whether the focus of this KLI is on harvesting of caribou and moose; or caribou, moose and harvesting in general. Additionally, the KLI should be further clarified as to whether caribou refers to Barren- ground and/or boreal caribou.	This KLI needs to be clarified so it is clear to all parties and receives the focus intended by the Review Board.
Section 7.2.3 KLI Caribou and moose harvesting	Currently, the requirements for the caribou and moose in the KLI are less stringent than applied in Section 7.3.7 for wildlife in general.	<p>Pending clarification of the KLI as discussed above, the GNWT recommends that to be consistent, ensure that all of the bullets listed in Section 7.3.7 (Wildlife) are also addressed in section 7.2.3 with respect to moose and caribou. The following should be added to Section 7.2.3 for moose and caribou:</p> <ul style="list-style-type: none"> - Direct and indirect alteration of habitat including highway footprint impact; - habitat avoidance and effective habitat loss in relation to highway facilities or activities due to sensory disturbance - Wildlife mortality due to vehicle collisions; - Disruption of sensitive life stages or habitat (e.g., migration, calving, denning, overwintering); - Wildlife movement patterns, home ranges, distribution and abundance; - Predator-prey relationships; - Increased human-wildlife interactions; 	If caribou and moose are indeed a KLI then the requirements for the effects assessment on these VCs should be consistent with other wildlife species.
7.3.6 Fish and Fish Habitat	<p>“The developer will describe and evaluate potential impacts of the highway on valued components related to fish and fish habitat, including: ...</p> <ul style="list-style-type: none"> - Reclamation of in-stream and riparian work areas would be reclaimed after construction and maintenance during operations “ 	The MVEIRB should clarify the intent and requirements of this statement.	The wording of this requirement is unclear and all parties would benefit with a clearer statement on this topic.

Section 7.3.10 Biodiversity	The developer will describe the changes to the biodiversity of the Study Area(s) during construction, operations and any post-reclamation and the significance of these changes in a local and regional context. ...	It is recommended that this section be removed or renaming it to "Habitat Diversity" and removing bullets #3, 4, 5, and 6 as they are redundant with bullets in Sections 7.3.7, 7.3.8, and 7.3.9.	It would appear that these requirements are already captured under Wildlife, Birds, Fish and Vegetation sections.
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