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Development of an “interim” boreal caribou range plan for the Wek’èezhì region to satisfy Measure 6-1, Part 1 of the Tłı̨chǫ All Season Road Report of Environmental Assessment

This letter to members of the Wek’èezhì boreal caribou range plan working group is in reference to Measure 6-1, Part 1 required for the Tłı̨chǫ All Season Road (TASR) project (EA1617-01), its impact on the timeline for developing the Wek’èezhì boreal caribou range plan, and a proposed path forward to meet Measure 6-1, Part 1.

The TASR project underwent an environmental assessment (EA) conducted by the Mackenzie Valley Environmental Impact Review Board (the Review Board). The Review Board’s *Report of Environmental Assessment and Reasons for Decision* (the Report of EA) for the project¹ included three recommended measures pertaining to boreal caribou. Measure 6-1, Part 1 required completion of the Wek’èezhì boreal caribou range plan before the road was opened for public use. During the decision phase of the EA, the responsible ministers consulted to modify the wording of several measures, including Measure 6-1^{2,3}. On October 25, 2018, the GNWT’s Minister of Lands, on behalf of all responsible ministers, adopted the recommendation to approve the project, subject to the modified measures. As such, Measure 6-1, Part 1 (as modified by the responsible ministers) requires the following:

Measure 6-1:

Part 1: Develop and implement range plans

The GNWT-ENR will develop and implement a range plan for boreal caribou (tǫdzi) in the North Slave portion of the NT1 range, as required by the Recovery Strategy for the Boreal Caribou in the NWT. The GNWT-ENR will also develop and implement a range plan for any other region where boreal caribou (tǫdzi) may experience impacts related to the Project.

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¹ http://reviewboard.ca/upload/project_document/Final%20TASR%20REA%20April%2003.pdf

² http://reviewboard.ca/upload/project_document/Minister%27s%20Reasons%20for%20Decision%20on%20the%20meausres.pdf

³ http://reviewboard.ca/upload/project_document/Reasons%20for%20modifications_TASR.pdf

The range plan(s) will be developed collaboratively with Aboriginal groups and co-management partners. GNWT-ENR will complete and submit a range plan for the North Slave portion of the NT1 range to the Wek'èezhì Renewable Resources Board for review under section 12.5.1 of the Tłı̨chǫ Agreement a minimum of 90 days before the Project is opened for public use.

The GNWT will work collaboratively with the Tłı̨chǫ Government, and other relevant Aboriginal and federal land management authorities to manage habitat to achieve the habitat disturbance threshold set out in this range plan to the greatest extent possible. The GNWT will consult with applicable Aboriginal groups as required.

The measure calls for the boreal caribou range plan to be submitted to the Wek'èezhì Renewable Resources Board 90 days before the opening of the TASR. At the time the EA was concluded, and the measures were accepted by responsible ministers, the projected timeline for road construction was four years. This still allowed ENR to meet its target deadline of April 2022 to complete the Wek'èezhì range plan. However, since that date, the timeline for construction and opening of the road has been accelerated from four years to two years. With the scheduled TASR opening now tentatively advanced to November 2021, the range plan would need to be submitted by August 2021, which provides us with only one year to complete the plan. GNWT cannot request to modify the timeline in Measure 6-1, Part 1 once the responsible ministers have adopted the Review Board's recommendations, with modifications.

Our main concern with this situation is that the COVID-19 restrictions have delayed an important step in the range planning process, which is to hold community meetings to gather Indigenous knowledge about important areas for boreal caribou. ENR has contacted the Tłı̨chǫ Government, North Slave Métis Alliance and Yellowknives Dene First Nation to ask about when such meetings could take place, and it was indicated that October/November would likely be the earliest. These meetings cannot be held virtually, as elders and harvesters have indicated they don't wish to participate in on-line meetings –meeting in person is their preference. It was also pointed out that even if elders and harvesters agreed to virtual meetings - assuming they will be drawing or demonstrating areas on a map - it would be difficult to capture their drawings in a virtual context. Measure 6-1, Part 1 and the NWT boreal caribou range planning Framework commit ENR to collaborative development of the range plans, and ENR is committed to incorporating Indigenous knowledge into development of the range plans; therefore, holding community meetings is an essential step in the process that cannot be overlooked.

ENR will provide funding and support for Tłı̨chǫ Government, North Slave Métis Alliance and Yellowknives Dene First Nation to complete this work, and is committed to incorporating this information into the range plan as soon it can be shared with us.

Under the original circumstances (four year construction timeline for the TASR), it would still have been very difficult to meet the timeline in Measure 6-1. Now, with an advanced opening date of November 2021, combined with the delay in community meetings due to COVID, it is extremely unlikely ENR will meet the timeline required by Measure 6-1.

Therefore, we are proposing that an “interim” boreal caribou range plan be prepared for the Wek’èezhìì region. It would be based on the science and Indigenous knowledge information currently available and would be submitted to the WRRB by the required deadline of August 2021. The proposed “interim” range plan may only be in effect for 2 years (still to be confirmed), which would give GNWT, Indigenous groups and co-management partners additional time to complete a full range plan respecting the process set out in the Framework, and including full consideration of the Indigenous knowledge collected at future community meetings.

A draft timeline for a potential interim range plan (which also includes a draft timeline for the full range plan) is included for your review. We are intending to convene a working group meeting in the early fall to discuss this proposed approach.

If you have any feedback before the working group meeting, or require any further information, please contact Lisa Worthington at: lisa.worthington@gov.nt.ca or (867) 767-9237 ext. 53231.

We look forward to discussing the possibility of an interim range plan with you.

Sincerely,



James Hodson
Manager, Environmental Assessment & Habitat
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Attachment

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