



Box 32, Wekweètì, NT X0E 1W0
Tel: 867-713-2500 Fax: 867-713-2502

#1-4905 48th Street, Yellowknife, NT X1A 3S3
Tel: 867-765-4592 Fax: 867-765-4593
www.wlwb.ca

January 16, 2020

Mark Cliffe-Phillips, Executive Director
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre, P.O. Box 938
Yellowknife, NT, X1A 2N7

Dear Mark Cliffe Philips,

RE: Reporting Requirement of Environmental Assessment 1617-01

Measure 14-2 requires each regulatory authority that is wholly or partly responsible for the implementation of any measure in the Report of Environmental Assessment (EA) for the Tlicho All Season Road (TASR) Project (1617-01) to prepare an annual report on the implementation of measures taken by the regulator. The annual report should:

- a) describe the actions being undertaken to implement the measures or the part(s) of the measures for which the regulatory authority or government is responsible; and,
- b) explain how these actions, including those implemented through adaptive management, fulfill the intent of the EA measures, including consideration of the following questions:
 - i. How are implementation actions addressing a likely significant adverse impact on the environment?
 - ii. How effective are implementation actions at reducing or avoiding the impact or its likelihood?

The Wek'èezhìi Land and Water Board (WLWB or Board) has identified two relevant Measures that it is wholly or partly responsible for implementing:

1. Measure 9-3: Include Traditional Knowledge from all relevant groups ("the GNWT-ENR and Wek'èezhìi Land and Water Board will consider these findings in the Wildlife Management and Monitoring Plan and in permitting")
2. Measure 11-1 Permafrost Management Plan ("the plan will be submitted for review and approval to the Wek'èezhìi Land and Water Board prior to construction")

The Board appreciates the Review Board's desire to ensure Measures included within Reports of EA are both effective and appropriate. The Board agrees that it is important for the linkages between the environmental assessment and the permitting and licensing processes to be clear in the integrated co-management system in which we operate.

In response to Measure 14-2(a), the Board notes that its public registry contains a compilation of all actions the Board has taken following the issuance of permits and licences. These materials provide a comprehensive view of the Board's oversight of the project, including the consideration of management plans (e.g., the Wildlife Management and Monitoring Plan), monitoring programs, applications, and compliance. The Board believes the public registry provides the Review Board with the information necessary to evaluate the effectiveness of the Measures.

In response to Measure 14-2(b), the Board's Reasons for Decision¹ outline how the Board satisfied its obligations under s. 62 of the *Mackenzie Valley Resource Management Act* before regulatory approvals were granted. Further, it is the Board's view that its ongoing actions in relation to the TASR Project have been in conformity with the decisions on the Report of Environmental Assessment.

As an administrative tribunal with final decision-making authority on many aspects of the administration of the Government of the Northwest Territories Department of Infrastructure's authorizations, it is imperative the Board remains independent and impartial about the effectiveness of the conditions of WLWB authorizations. In our view reporting on the "effectiveness" of the Report of EA's Measures would call for a subjective evaluation of the performance of the proponent, government departments and the Board itself outside of the context of the evidence provided within a specific proceeding. For this reason, the Board has refrained from commenting further in response to Measure 14-2(b).

If you have any questions, please feel free to contact me at (867) 765-4589 or email at rfequet@wlwb.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Fequet', with a horizontal line extending to the right.

Ryan Fequet, Executive Director
Wek'eezhii Land and Water Board

¹ [W2016L8-0001 – TASR – Land Use Permit and Water Licence Applications – Reasons for Decision – May 30 19](#)