

OCT 09 2015

Mackenzie Valley Environmental Impact Review Board
Ms. JoAnne Deneron, Chairperson
@ Chubert@reviewboard.ca

Dear Ms. Deneron:

EA1314-01 Jay Project – Review Board request for progress report on environmental assessment measures for NWT barren ground caribou on operating mines in NWT

This letter is in response to the Review Board's letter of September 3, 2015 to the Department of Environment and Natural Resources (ENR) requesting the status of previous environmental assessment (EA) measures related to the Bathurst caribou herd. The Review Board requested an update on whether the measures listed have been carried out, if the measures carried out have been effective and, if not carried out, why not. Specific responses for each measure, suggestion, or follow-up program listed from the Gahcho Kué, Ekati Sable-Pigeon-Beartooth, and Snap Lake environmental assessments are attached and additional context is provided below.

GNWT's analysis of the measures indicates that almost all of them have been carried out in some form. Our analysis also indicated that the effectiveness of the measures is varied. For clarity, GNWT used the criteria described below to assess the measures.

The GNWT assigned one of three categories to each measure to determine if that measure, as written and adopted in the context of the responsible ministers' decision for that EA, had been carried out:

1. Implemented: each aspect of the measure had been carried out in some way.
2. Partially implemented: either a) part of the measure had been carried out; or, b) the entire measure had arguably been carried out, but in an arguably poor way.
3. Not implemented: no part of the measure appears to have been carried out.

In the absence of specific guidance on how to measure effectiveness, the GNWT relied on the Board's existing guidelines and the *Mackenzie Valley Resource Management Act* to develop criteria. The GNWT assessed the implementation of each measure listed using the following criteria:

- a) Does it address a likely significant adverse impact on a Valued Component?
- b) Does it reduce, control or eliminate the impact or its likelihood?

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- c) If it is for monitoring or research, does it draw a logical connection to mitigation/operations?
- d) Does it clearly identify who needs to do what?
- e) Have process considerations been adequately considered?

For each of the suggestions, recommendations, and follow-up programs included in the list, the GNWT provided information about implementation, but did not assess effectiveness. Where applicable, the GNWT's analysis considered records transferred from Aboriginal Affairs and Northern Development Canada as part of devolution.

GNWT expects that the Board, and many of the parties to the Jay EA, were hoping that this response would speak to whether the measures made a difference to the population status of the Bathurst herd. While the implementation of these measures has been beneficial in mitigating the impacts of the Gahcho Kué, Ekati Sable-Pigeon-Beartooth, and Snap Lake projects, and in contributing to the understanding of herd status and trends, GNWT is not able to make a more definitive statement in this regard. In the absence of experimental controls at the three projects, it would be difficult to determine how the herd would have been affected if the measures had not been implemented. As well, given the lack of certainty about the relative contribution of development to the recent population decline, and the lack of certainty about the other causes of the decline, tying the impact of the implementation of a specific measure to the herd's status would be very difficult. Outside of the environmental assessment process, the GNWT continues to work with its co-management partners on long-term management and range planning for the Bathurst herd.

As stated in our September 9, 2015 letter, GNWT acknowledges the importance of monitoring the implementation of measures and suggestions from previous EAs. GNWT believes that a collaborative, proactive approach would be beneficial for future exercises of this nature. We are willing to discuss methods, criteria, level of effort and other questions with the Board and other interested groups outside the context of the Jay EA.

Should you have any questions, please contact Ms. Kate Witherly at 867-873-7482 or kate_witherly@gov.nt.ca.

Sincerely,



Julian Kanigan,
A/Director, Conservation,
Assessment and Monitoring

c. Ms. Colleen Swords, Deputy Minister, AANDC