



Tłıchǫ Government

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CANNOR/GNWT

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Melissa.Pink@gov.nt.ca

Subject: Report of Environmental Assessment and Reasons for Decision - Jay Project EA1314-01

Dear Ms. Robertson and Ms. Melissa Pink:

I am writing to convey the response of the Tłıchǫ Government to the Report of Environmental Assessment and Reasons for Decision on the Jay Project, EA1314-01.

We concur with the Review Board that the Jay Project is likely to cause significant adverse project-specific and cumulative impacts to the Bathurst caribou herd.

The Tłıchǫ Government suggests the Review Board's REA with the assigned 22 measures be accepted, however we recommend that the Ministers first only adopt the recommendation with some minor measure modifications. We have suggested modifications for a few measures, as you will see in the attached review.

In Tłıchǫ Unity,

Grand Chief Eddie Erasmus

Tłıchǫ Government Modification of Measures

The Tłıchǫ Government recommends that there be minor measure modifications made, and we have provided recommended changes for the measures.

Measure 6-1 a): This measure reviews commitments from Dominion regarding minimization of effects.

Modification to address the spring migration: The Tłıchǫ Government recommends that greater precision be added to this measure in the matter of spring migration. Where there is any presence of caribou near the road, as observed by harvesters or drivers, the Tłıchǫ Government requires the immediate action of road closure until such a time as the spring migration is completed.

Measure 6-1-b): Road mitigations for caribou impacts. This measure recommends that Dominion will update and revise the Wildlife Effects Monitoring Plan with the appended Caribou Road Mitigation Plan according to GNWT requirements under section 95 of the *Wildlife Act*. Section 95 requires that there be a WEMP developed.

Modification: The Tłıchǫ Government recommends a timeline be set in the measure that requiring a binding timeline for the development of regulations, as required under Section 95 of the *Wildlife Act*.

Additional detail: Further, the TK Elders Group needs to be involved in design of the action levels, and on information collection, monitoring design and action levels associated with the WEMP. This measure relates to 6-5, and we recommend these duties be added to the duties required of the Independent Elders Advisory Group.

Measure 6-2 a) The Caribou Offset and Mitigation Plan has been identified as a duty of the GNWT. In the hearings, the GNWT stated that they have a schedule of three years to completion of regulations, meaning that they will be in place by the fall of 2018, at the latest.

Modification: The Tłıchǫ Government recommends a timeline be set in the measure that requiring a binding timeline for the development of regulations, *using the GNWT's own timeline*.

Measure 6-3: Air Quality Emissions Monitoring and Management. This measure requires the Dominion submit an updated Air Quality Emissions Monitoring and Management Plan for public review and approval process as required by the GNWT.

Modification: The Tłıchǫ Government recommends that a timeframe be set out in this measure.

Measure 6-4: Dustfall standards are to be developed to reduce adverse impacts from dustfall to caribou.

Modification: The Tłıchǵ Government recommends that dustfall standards be developed “in consultation with the EA parties.”

Measure 6-5: Establishment of the Traditional Knowledge Elders Group

Modification: The Tłıchǵ Government recommends that the word “independent” be added to this measure, so that this is given equivalency to Measure 4-4. Further, we concur the proponent funding and hosting this Independent Elders Working Group is appropriate. We also believe that a clause on information sharing should be added, so that the measure reads that reports will be provided from the Elders Working Group to the WLWB and regulatory authorities, as well as all parties, to keep parties aligned and informed of recommendations.

Further, we recommend the following duties be added to those required: review and design of the action levels for the WEMP, and on information collection, monitoring design and action levels associated with the WEMP.

Measure 6-6: Timely completion of caribou management plans.

Modification: This measure should require the assignment of funding and name the future Bathurst Caribou Herd Cooperative Advisory Committee.

Measure 9-1: Air Quality. We note that the Review Board commented “In its closing arguments, the GNWT stated that it does have the authority to regulate air quality and currently does not have enforceable air regulations, but committed to phasing in enforceable air regulations, starting in 2017 with incineration regulations (PR#693 p5).”

Modification: We recommend that Measure 9-1 include a timeframe requiring the agreed to 2017 release of regulations by the GNWT.

Measure 7-1: Traditional Knowledge Protocol.

Comment: We concur with this measure.

Modification: We believe the following suggestion (p. 152) for the development of a Traditional Knowledge Use Protocol should become a measure for the Aboriginal parties.