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Prairie & Northern Region
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ECCC File: 5300 000 048/003
MVEIRB File: EA1617-01

June 15, 2018

via email to: Mark.Hopkins@canada.ca Stephen.VanDine@canada.ca

Mark Hopkins / Stephen Van Dine
Director General, Environment and Renewable Resources/ Assistant Deputy Minister,
Northern Affairs Organization
15 Eddy Street
10th Floor
Gatineau, QC
K1A 0H4

Dear Mr. Hopkins/Van Dine:

RE: EA1617-01 – Government of the Northwest Territories, Department of Infrastructure – Tłıchq All Season Road – ECCC Analysis of Proposed Wording Changes to Measures 6-1, 6-2, and 6-3 from the Report of EA

As requested by Crown Indigenous Relations and Northern Affairs Canada (CIRNA), Environment and Climate Change Canada (ECCC) is providing the following analysis on the proposed modifications to measures 6-1, 6-2, and 6-3 from the Report of Environmental Assessment (REA) for the Government of the Northwest Territories, Department of Infrastructure proposed Tłıchq All Season Road, EA1617-01. ECCC is not a Responsible Minister (RM) for this project but has participated in all phases of the Environmental Assessment (EA) of the proposed Project as an official party to the EA providing specialist advice, information and knowledge on migratory birds and species at risk, including on boreal caribou to the Mackenzie Valley Environmental Impact Review Board (MVEIRB). This expert information and knowledge is being provided to support the Natural Resources Canada and CIRNA's decision, which is being made pursuant to section 130.1 of the *Mackenzie Valley Resource Management Act* (MVRMA).

As you may be aware, ECCC's 5-year Progress Report on the implementation of the 2012 Recovery Strategy, published in October 2017, showed that the total disturbance in the Northwest Territories Range (NT1) increased from 31% to 35% over a 5-year period. This increase in disturbance brings the NT1 range to the 65% undisturbed habitat threshold identified in the Recovery Strategy as one component of boreal caribou critical habitat. Most of the anthropogenic disturbance in NT1 is located in the southern half of the range, where the all-season road is being proposed. The 5-year Report also indicates that the population trend in NT1 is "unknown", but the best available information suggests that population trends differ in various parts of NT1 and that they

are stable or decreasing in the southern part of NT1. The Recovery Strategy recognizes that there is variation in habitat and population conditions between boreal caribou ranges across the Canadian distribution, and that it may be possible to establish a lower range specific threshold for some ranges and still maintain a self-sustaining population. The Department remains open to changes in the disturbance threshold if it is supported by science.

The Minister of Environment and Climate Change is required under the *Species at Risk Act* (SARA) to publish a report on the steps taken to protect any unprotected portion of critical habitat if she is of the opinion that protection is not in place. The April 2018 Progress Report on unprotected critical habitat for boreal caribou concluded that there remain gaps in protection in all jurisdictions, including in the Northwest Territories. In the spirit of devolution, the Government of Canada is negotiating with the Government of Northwest Territories to finalize a conservation agreement under SARA to accelerate timelines for range plan development and to formalize commitments to undertake recovery actions on the ground for boreal caribou. Through the conservation agreement, the Government of Canada is seeking to have the Southern NWT and Wek'èezhii regional range plans finalized in 2020 prior to the road opening in 2022.

The MVEIRB's recommended measures in the REA, are aimed at addressing its finding of significant adverse impacts to boreal caribou and at enabling the decision makers under the MVRMA to fulfill their responsibilities under s.79 of SARA.

Measure 6-1: Implementation of the Recovery Strategy for the Boreal Caribou in the NWT, and required range plans, for boreal caribou affected by the Project

6-1, Part 1: Develop and implement range plans

The GNWT-ENR will develop and implement a range plan for boreal caribou (tòdzì) in the North Slave region ~~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 (tòdzì) may experience impacts related to the Project.

The range plan(s) will be developed collaboratively with Aboriginal groups and comanagement partners. ~~The range plan(s) will be completed before the Project is opened for public use.~~ GNWT-ENR will submit a draft range plan for the North Slave portion of the NT1 range to the Wek'èezhii Renewable Resources Board for review under section 12.5.1 of the Tłı̨chǫ Agreement before the Project is opened for public use.

The GNWT-ENR will work with the Tłı̨chǫ Government, and other relevant Aboriginal and federal land management authorities to manage, to the greatest extent possible, the amount of undisturbed habitat in the North Slave region to ~~achieve the National Recovery Strategy recommended a threshold for critical habitat, or a threshold proposed by the GNWT-ENR, and approved by following engagement with Environment and Climate Change Canada and consultation with applicable Aboriginal groups, and approved in accordance with chapter 12 of the Tłı̨chǫ Agreement.~~

6-1, Part 2: Information and adaptive management requirements

For the area identified by the range plan(s) in measure 6-1, part 1 the following must be included in the development and implementation of the Recovery Strategy for the Boreal Caribou in the NWT and ~~or~~ range plan(s):

- monitoring of population trends, abundance and distribution;
- determination of population thresholds and triggers to inform adaptive management;

- harvest monitoring and reporting including Aboriginal harvesting and non-Aboriginal hunting;
- determining sustainable harvest levels;
- identifying critical habitat;
- ongoing habitat disturbance monitoring;
- an approach to setting and, to the greatest extent possible, meeting critical habitat objectives managing habitat disturbance thresholds for each range planning region; and,
- monitoring predator populations including densities, movements and predation rates.¹

Monitoring will meet the requirements of Appendix C. GNWT-ENR will work with the developer to adaptively manage Project impacts on boreal caribou (t̄odz̄i) (following guidance in Appendix B).

Measure 6-1: Completion of relevant range plans under federal recovery strategy before project opened for use, implementation of territorial recovery strategy and management of undisturbed habitat as required by federal recovery strategy (65%)

The changes as proposed above by GNWT aim to reflect co-management processes, commit to producing a draft range plan by the time the road is opened, and commit to establishing regional disturbance thresholds through the NWT co-management structure.

A range plan for this species is an important component for the management and recovery of Boreal caribou in the Northwest Territories. Project specific mitigation measures that are designed in consideration of existing or planned range plans would further support conservation and protection efforts being undertaken pursuant to SARA. The federal recovery strategy called for the development of range plans by responsible jurisdictions by October 2017.

ECCC is of the understanding that the GNWT will be modifying its proposal (see attached, Annex 1) to indicate that:

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'èezhii Renewable Resource Board for review under section 12.5.1 of the Tlicho Agreement a minimum of 90 days before the project is open for public use.

Should the GNWT make this modification, ECCC would not have any comments on the other proposed modifications for this measure. This change will more closely align with the intent of the original measure's timeframe and commits the GNWT to actions within their control.

Measure 6-2: Temporary no-hunting corridor for boreal caribou (t̄odz̄i) Determine sustainable harvest levels for boreal caribou (t̄odz̄i) and implement measures to ensure harvest is sustainable, if required

To mitigate significant adverse impacts from the project on boreal caribou (t̄odz̄i), the GNWT-ENR, in collaboration with Aboriginal groups and in accordance with the requirements of the Tlicho Agreement, will determine sustainable harvest levels for boreal caribou in the North Slave region. This will be done prior to the road being opened to the public. If current harvest levels are determined to exceed sustainable levels, or are observed to increase beyond sustainable levels once

the road is opened to the public, GNWT-ENR and Tłıchq Government will submit a wildlife management proposal under section 12.5.1 of the Tłıchq Agreement to the Wek'èezhì Renewable Resources Board to implement measures to ensure boreal caribou harvest in the region is kept within sustainable levels. Such measures may include establishment of a no-hunting corridor along the Project route.

The proposal will establish a temporary no-hunting corridor to reduce the take of boreal caribou (tòdzı) along the Project route. Only individuals exercising section 35 rights will be allowed to harvest boreal caribou (tòdzı) in this corridor.

The corridor will be established prior to the road being opened to the public. At a minimum, this hunting restriction will remain in place until the Recovery Strategy for Boreal Caribou in the Northwest Territories is fully implemented in the area of the range plan(s) required by measure 6-1, and sustainable harvest levels for the North Slave region are determined.

Measure 6-2: Temporary No-hunting Corridor for Boreal Caribou until sustainable harvest levels are established and recovery strategy is implemented

GNWT proposes modifications that would have them determining the sustainable harvest levels before the road is open and return through appropriate channels with alternate proposals if the harvest is shown to be unsustainable.

ECCC and other parties have all noted substantive knowledge gaps related to the information provided on the NT1 and Wek'èezhì/North Slave boreal caribou population during the EA. Decreasing population trends in the southern portions of the NT1 range have already been documented which may also apply to the Wek'èezhì/North Slave region. The Tłıchq All Season Road would facilitate access to the region, with corresponding increased hunting pressure.

The intent of the measure would facilitate the attainment of population objectives as set by the recovery strategy, which set a population objective to achieve and/or maintain a stable to increasing population trend over five years.

ECCC is of the understanding that the GNWT will be modifying its proposal to indicate that:

To mitigate significant adverse impacts from the project on boreal caribou (tòdzı), the GNWT-ENR, in collaboration with Aboriginal groups and in accordance with the requirements of the Tłıchq Agreement, will determine sustainable harvest levels for boreal caribou in the North Slave portion of the NT1 range prior to the road being opened to the public.

In that same period, if current harvest levels are determined to exceed sustainable levels, management action will be undertaken in conjunction with the Tlıcho Government.

Should the GNWT make this modification, ECCC would not have any comments on the other proposed modifications for this condition. This change will add more certainty and should management actions be required will ensure implementation within the timeframe of the original measure.

Measure 6-3: Habitat offset and restoration plan

The developer will offset effective boreal caribou (tòdzı) habitat lost because of disturbance from the Project. The offset calculation will, at a minimum, be based on the area of the right of way with a

~~2500 m buffer on each side.~~

The developer, with the involvement of GNWT-ENR, will prepare and implement a habitat offset plan. This plan will describe how the required habitat offset area (~~calculated as set out above~~) will be determined and how it will be achieved. In preparing the plan, the developer will collaborate with Tłıchǰ Government and the Wek'èezhì Renewable Resources Board, and consult with the following participants to this environmental assessment:

- Environment and Climate Change Canada;
- Yellowknives Dene First Nation; and,
- North Slave Métis Alliance.

The developer will make funding available to the parties to support this consultation and collaboration. The developer will submit a draft and a final plan as described below. Once approved, the developer will operate in accordance with the plan. The developer will submit a draft plan to the Wek'èezhì Renewable Resources Board for review under section 12.5.1 of the Tłıchǰ Agreement, a ~~minimum of 90 days~~ prior to commencement of construction. The developer will submit the final habitat offset plan to the Wek'èezhì Renewable Resources Board for review under section 12.5.1 of the Tłıchǰ Agreement, as soon as possible, and no later than 90 days prior to public use of the road. This final plan will include, at a minimum:

- the goals and objectives of the plan;
- a discussion on the expected effectiveness of mitigations and offsets;
- a decision framework to prioritize restoration areas, mitigations, and offsets, including references to the research on which the decision framework was based;
- a discussion of how any proposed mitigations or offsets align with the Recovery Strategy for the Boreal Caribou in the NWT and range plans;
- details of proposed ways to offset habitat disturbance including restoration sites, mitigation measures, offsets, forest fire fighting policies, or habitat management approaches;
- a description of the spatial scale of the proposed offset, the habitat quality and type, site specific restoration activities, and any challenges;
- a timeline for offsetting;
- a quantitative and qualitative assessment of the total area of boreal caribou habitat proposed for restoration and the timeframe required for restoration;
- a summary of consultation feedback that was integrated into the draft and final plans;
- a description of any Traditional Knowledge that was considered in the development of the plan, and how it was incorporated; and,
- a description of any resources provided to Aboriginal groups to support their involvement in the drafting of the final plan, and for any involvement in the implementation of the plan.

Measure 6-3: Development and implementation of a habitat offset plan using a 2500m buffer as a basis for the offset calculation.

GNWT proposes to remove the reference to a 2500m buffer as the basis for the offset calculation. In developing the offset plan the developer and the GNWT-ENR would determine the offset area and how the offset will be achieved in collaboration with the Tłıchǰ Government and the Wek'èezhì Renewable Resources Board.

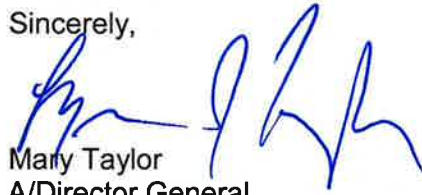
During the EA, parties requested that the developer consider habitat compensation in the North Slave portion of the NT1 range to offset Project impacts, as the amount of undisturbed habitat in this region is estimated at 55%. While ECCC did not provide this advice or suggest a 2500m buffer be used during the EA, ECCC is of the view that there

is scientific evidence to support a range of buffers to account for indirect habitat loss relative to sensory disturbance.

Without first consulting with the WRRB, who suggested the buffer and has responsibilities to review the habitat offset plan under 12.5.1 of the Tlicho Agreement, ECCC cannot form an opinion on the proposed modifications to this measure. However should the condition 6-3 be modified, a buffer should be established that is reflective of existing scientific and traditional knowledge.

Should you require further information or advice on these measure please contact Bradley Summerfield at (867)669-4707 or Bradley.Summerfield@canada.ca.

Sincerely,



Mary Taylor

A/Director General

Environmental Protection and Operations Directorate
Environment and Climate Change Canada

Annex 1:

PROPOSED MODIFICATIONS TO MEASURES FOR THE Tłıchǵ ALL-SEASON ROAD PROJECT

Measure 6-1: Implementation of the *Recovery Strategy for the Boreal Caribou in the NWT*, and required range plans, for boreal caribou affected by the Project

6-1 - Part 1: The responsible ministers agree with the Mackenzie Valley Environmental Impact Review Board (Review Board) that range plan(s) for boreal caribou in the North Slave region should be completed in a timely manner and acknowledge that the Review Board issued measure 6-1 in part because of the Review Board's concerns with the absence of range plans. As it is implied in the Report of Environmental Assessment (Report of EA) for the Tłıchǵ All-season Road (the Project) that range plans could address many of the Review Board's concerns, it is important that the implementation of measure 6-1 reflects the existing co-management system within which the Government of the Northwest Territories (GNWT) must work. In order to do so, the responsible ministers are suggesting modifications to measure 6-1.

The first modification clarifies that a range plan will be developed for the North Slave portion of the NT1 boreal caribou range, as the boreal caribou range does not overlap with the entirety of the North Slave region. GNWT recognizes that the measure calls for developing and implementing range plans in other regions where boreal caribou may experience impacts from the project, and the GNWT is committed to doing so.

The completion of range plan(s) will require collaboration and endorsement by Indigenous Governments and organizations (IGOs) and renewable resource boards. The GNWT cannot guarantee the outcome or the timing for completion of this necessary co-management process; therefore, the modifications are being proposed to reflect that completion of a range plan prior to the Project being opened for public use cannot be guaranteed by the GNWT. An achievable objective within the GNWT's control is the completion and submission of a range plan for the North Slave portion of the NT1 range for review under section 12.5.1 of the Tłıchǵ Agreement prior to the Project being opened for public use.

The third modification is intended to reflect that GNWT-ENR does not have the sole authority for land management decisions. The proposed modifications reflect that land and habitat management in the North Slave region is a shared responsibility between the GNWT, the Tłı̨chǫ Government, and the federal government.

As indicated above, the GNWT feels strongly that the development and establishment of any threshold for undistributed boreal caribou habitat within the North Slave region must respect established co-management processes and the Tłı̨chǫ Agreement. This is the underlying basis for the GNWT's proposed modifications in the third paragraph. While the 65% undisturbed habitat threshold established by Environment and Climate Change Canada (ECCC) under the federal *Species at Risk Act* applies to the NT1 range as a whole, it does not legally apply on a regional basis. Regional disturbance thresholds for different portions of the NT1 range must be determined and agreed to through established NWT co-management processes. While ECCC is a key player in that determination, ECCC does not have an approval authority in that regard. Modifications to the measure are proposed to reflect that determination of an undisturbed habitat threshold for the North Slave portion of the range will occur through those existing co-management processes, while also ensuring engagement with ECCC during that process.

6-1 - Part 2: A modification is being proposed by responsible ministers to Measure 6-1, Part 2 in order to avoid requiring that certain elements be included in range plans that are more appropriately addressed by implementation of the *Recovery Strategy for the Boreal Caribou in the NWT* (the "NWT Recovery Strategy") and vice versa (the proposed modifications has "and" replaced by "or" in the first sentence of Part 2 of the measure). Boreal caribou range plans are intended to focus on the management of natural and human habitat disturbance, whereas the NWT Recovery Strategy for boreal caribou addresses a broader range of issues including boreal caribou population monitoring and research, and management of boreal caribou harvest. An implementation agreement for the NWT recovery strategy has already been signed by the Conference of Management Authorities (CMA) that outlines actions that CMA parties have agreed to

implement over the next 5 years, many of which are captured in Measure 6-1, Part 2.

GNWT agrees with the requirement to monitor boreal caribou population trends and distribution, but notes that current monitoring methods used by GNWT to monitor boreal caribou population trends do not provide estimates of “abundance”. The first bullet of the measure has been modified to reflect this.

The third bullet was modified to reflect the changes the Tłıchǫ Government have proposed to Measure 9-1 (which the GNWT has no concerns with) which clarifies that Aboriginal harvest monitoring and reporting programs will be voluntary, and therefore GNWT-ENR cannot guarantee that harvest monitoring and reporting information required by Measure 6-1, Part 2 will include Aboriginal harvesting.

The 7th bullet was modified to reflect that disturbance thresholds will be set on a regional basis and uses language that is consistent with the proposed wording in Part 1 of Measure 6-1 to reflect that GNWT will work to the greatest extent possible to manage habitat disturbance within each range planning region to established thresholds, recognizing that GNWT does not have ultimate control over fires.

Measure 6-1, Part 1 current wording with problematic aspects highlighted and underlined	Proposed revised wording (highlighted in yellow)
6-1, Part 1 - Develop and implement range plans	6-1, Part 1 - Develop and implement range plans
The GNWT-ENR will develop and implement a range plan for boreal caribou (tǫdzı) in the North Slave region, as required by the <i>Recovery Strategy for the Boreal Caribou in the NWT</i> . The GNWT-ENR will also develop and implement a range plan for any other region where boreal caribou (tǫdzı) may experience	The GNWT-ENR will develop and implement a range plan for boreal caribou (tǫdzı) in the North Slave portion of the NT1 range , as required by the <i>Recovery Strategy for the Boreal Caribou in the NWT</i> . The GNWT-ENR will also develop and implement a range plan for any other region where boreal caribou (tǫdzı) may

<p>impacts related to the Project.</p> <p>The range plan(s) will be developed collaboratively with Aboriginal groups and co-management partners. <u>The range plan(s) will be completed before the Project is opened for public use.</u></p> <p><u>The GNWT-ENR will manage the amount of undisturbed habitat in the North Slave region to achieve the National Recovery Strategy recommended threshold for critical habitat, or a threshold proposed by the GNWT-ENR and approved by Environment and Climate Change Canada.</u></p>	<p>experience impacts related to the Project.</p> <p>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.</p> <p>GNWT will work with the Tłı̨chǫ Government, and other relevant Aboriginal and federal land management authorities to achieve the National Recovery Strategy recommended threshold for critical habitat to manage, to the greatest extent possible, the amount of undisturbed habitat in the North Slave portion of the NT1 range to a threshold proposed by the GNWT-ENR, following engagement with Environment and Climate Change Canada and consultation with applicable Aboriginal groups, and approved in accordance with chapter 12 of the Tłı̨chǫ Agreement.</p>
<p>Measure 6-1, Part 2 current wording with problematic aspects highlighted</p>	<p>Proposed revised wording (highlighted in yellow)</p>

<p>and underlined</p>	
<p>6-1, Part 2: Information and adaptive management requirements</p>	<p>6-1, Part 2: Information and adaptive management requirements</p>
<p>For the area identified by the range plan(s) in measure 6-1, part 1 the following must be included in the development and implementation of the <i>Recovery Strategy for the Boreal Caribou in the NWT</i> <u>and</u> range plan(s):</p> <ul style="list-style-type: none"> • monitoring of population trends, abundance and distribution; • determination of population thresholds and triggers to inform adaptive management; • harvest monitoring and reporting <u>including Aboriginal harvesting and non- Aboriginal hunting</u>; • determining sustainable harvest levels; • identifying critical habitat; • ongoing habitat disturbance monitoring; • <u>setting and meeting critical habitat objectives for each range; and</u>, • monitoring predator populations including densities, movements and predation rates.¹ <p>Monitoring will meet the requirements of Appendix C. GNWT-ENR will work with the developer to adaptively manage Project impacts on boreal caribou (t̄odzı) (following guidance in Appendix B).</p>	<p>For the area identified by the range plan(s) in measure 6-1, part 1 the following must be included in the development and implementation of the <i>Recovery Strategy for the Boreal Caribou in the NWT</i> <u>or</u> range plan(s):</p> <ul style="list-style-type: none"> • monitoring of population trends, <u>abundance</u> and distribution; • determination of population thresholds and triggers to inform adaptive management; • harvest monitoring and reporting <u>including Aboriginal harvesting and non- Aboriginal hunting</u>; • determining sustainable harvest levels; • identifying critical habitat; • ongoing habitat disturbance monitoring; • <u>an approach to setting and, to the greatest extent possible, managing habitat disturbance thresholds for each range planning region; and</u>, • monitoring predator populations including densities, movements and predation rates.¹ <p>Monitoring will meet the requirements of Appendix C. GNWT-ENR will work with the developer to adaptively manage Project impacts on boreal caribou (t̄odzı)</p>

(following guidance in Appendix B).

Measure 6-2: Temporary no-hunting corridor for boreal caribou (tɔdzi)

The responsible ministers agree with the Review Board that there is a need to determine sustainable harvest levels for boreal caribou in the North Slave region, and that measures to ensure harvest is sustainable are implemented, to the fullest extent required. Such actions may include, but not be limited to, a no hunting corridor along the road.

Established processes under the NWT *Wildlife Act* and the Tłıchǝ Agreement should be respected and used to first determine sustainable harvest levels, and then propose management actions, to the greatest extent required, to ensure that harvest remains within sustainable levels. Processes for considering and implementing harvest restrictions are laid out in the NWT *Wildlife Act* and regulations, and are done using a collaborative process that involves the full engagement and consultation with renewable resource boards and IGOs. The process to impose harvest restrictions is based on the demonstration of a conservation or safety concern that would support the need for management actions. Measure 6-2 as currently worded pre-supposes a need to implement a specific management action, without an assessment of sustainable harvest levels in the region and if required, without allowing the WRRB to review and make a determination on a management proposal. The GNWT is committed to undertaking this work and implementation of the measure would be legally binding in this regard. The responsible ministers are of the strong opinion that the co-management process, foundational to wildlife management in the NWT, be respected.

Reference to the implementation of the *Recovery Strategy for Boreal Caribou in the Northwest Territories* has been removed. There are established processes under the NWT *Species at Risk Act* to guide the implementation of the recovery strategy. The Conference of Management Authorities (which consists of renewable resources boards established under land claims, Tłıchǝ Government, GNWT and Government of Canada) develops consensus agreements respecting the implementation of management plans and recovery strategies. The recommended conservation and recovery

approaches and the Management Authorities' intent to undertake them constitute the Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories (2017)¹. The GNWT works with other management authorities to implement the actions under the Consensus Agreement and has intended to work with co-management boards to define sustainable harvest levels (Action 2.2.1).

Measure 6-2 current wording with problematic aspects highlighted and underlined	Proposed revised wording (highlighted in yellow)
<p>6-2 - Temporary no-hunting corridor for boreal caribou (t̥ɔdzı)</p>	<p>6-2 - Determine sustainable harvest levels for boreal caribou (t̥ɔdzı) and implement measures to ensure harvest is sustainable if required</p>
<p>To mitigate significant adverse impacts from the project on boreal caribou (t̥ɔdzı), the GNWT-ENR and T̥ıch̥ɔ Government will submit a wildlife management proposal under section 12.5.1 of the T̥ıch̥ɔ Agreement to the Wek'èezhì Renewable Resources Board.</p> <p><u>The proposal will establish a temporary no-hunting corridor to reduce the take of boreal caribou (t̥ɔdzı) along the Project route. Only individuals exercising section 35 rights will be allowed to harvest boreal caribou (t̥ɔdzı) in this corridor.</u></p> <p><u>The corridor will be established prior to</u></p>	<p>To mitigate significant adverse impacts from the project on boreal caribou (t̥ɔdzı), the GNWT-ENR, in collaboration with Aboriginal groups and in accordance with the requirements of the T̥ıch̥ɔ Agreement, will determine sustainable harvest levels for boreal caribou in the North Slave portion of the NT1 range prior to the road being opened to the public.</p> <p>In that same period, if current harvest levels are determined to exceed sustainable levels, management action will be undertaken in conjunction with</p>

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http://www.nwtspeciesatrisk.ca/sites/default/files/consensus_agreement_boreal_caribou_implementation_nov2417_signed.pdf

<p><u>the road being opened to the public. At a minimum, this hunting restriction will remain in place until the <i>Recovery Strategy for Boreal Caribou in the Northwest Territories</i> is fully implemented in the area of the range plan(s) required by measure 6-1, and sustainable harvest levels for the North Slave region are determined.</u></p>	<p>the Tłı̨chǫ Government.</p> <p>If harvest levels are observed to increase beyond sustainable levels once the road is opened to the public, GNWT-ENR and the Tłı̨chǫ Government will submit a wildlife management proposal under section 12.5.1 of the Tłı̨chǫ Agreement to the Wek'èezhì Renewable Resources Board for the timely implementation of any measures necessary to ensure boreal caribou harvest in the region is kept within sustainable levels.</p> <p>Such measures may include the establishment of a no-hunting corridor along the Project route.</p>
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Measure 6-3: Habitat offset and restoration plan

The responsible ministers agree with the Review Board’s determination that the developer should offset boreal caribou habitat that is effectively lost because of disturbance from the Project. As with Measures 6-1 and 6-2, Measure 6-3 as currently worded pre-supposes any determination by the WRRB, without allowing them to undertake their due process. Again, the responsible ministers are of the strong opinion that the co-management process, foundational to wildlife management in the NWT, be respected.

The proposed modifications will require that an appropriate offset area be determined by the developer in collaboration with the Tłı̨chǫ Government and the Wek'èezhì Renewable Resources Board (WRRB) and in consultation with Environment and Climate Change Canada (ECCC), Yellowknives Dene First Nation and North Slave Métis Alliance.

Modifications are also being proposed in order to allow sufficient time for the developer to collaborate and consult with required parties on a draft

offsetting plan. Responsible ministers do not see this as problematic, as the draft plan will still be submitted prior to the start of construction and will be, in all likelihood, implemented prior to the opening of the road for public use.

Measure 6-3 current wording with problematic aspects highlighted and underlined	Proposed revised wording (highlighted in yellow)
6-3 - Habitat offset and restoration plan	6-3 - Habitat offset and restoration plan
<p>The developer will offset effective boreal caribou (t̄qdzı) habitat lost because of disturbance from the Project. <u>The offset calculation will, at a minimum, be based on the area of the right of way with a 2500 m buffer on each side.</u></p> <p>The developer, with the involvement of GNWT-ENR, will prepare and implement a habitat offset plan. This plan will describe how the required habitat offset area (<u>calculated as set out above</u>) will be achieved. In preparing the plan, the developer will collaborate with T̄ıch̄q Government and the Wek'èezhì Renewable Resources Board, and consult with the following participants to this environmental assessment:</p> <ul style="list-style-type: none"> • Environment and Climate Change Canada; • Yellowknives Dene First Nation; and, • North Slave Métis Alliance. <p>The developer will make funding available to the parties to support this consultation and collaboration. The</p>	<p>The developer will offset effective boreal caribou (t̄qdzı) habitat lost because of disturbance from the Project. <u>The offset calculation will, at a minimum, be based on the area of the right of way with a 2500 m buffer on each side.</u></p> <p>The developer, with the involvement of GNWT-ENR, will prepare and implement a habitat offset plan. This plan will describe how the required habitat offset area <u>will be determined and how it will be achieved.</u> In preparing the plan, the developer will collaborate with T̄ıch̄q Government and the Wek'èezhì Renewable Resources Board, and consult with the following participants to this environmental assessment:</p> <ul style="list-style-type: none"> • Environment and Climate Change Canada; • Yellowknives Dene First Nation; and, • North Slave Métis Alliance. <p>The developer will make funding available to the parties to support this</p>

developer will submit a draft and a final plan as described below. Once approved, the developer will operate in accordance with the plan.

The developer will submit a draft plan to the Wek'èezhì Renewable Resources Board for review under section 12.5.1 of the Tłıchǫ Agreement, a minimum of 90 days prior to commencement of construction. The developer will submit the final habitat offset plan to the Wek'èezhì Renewable Resources Board for review under section 12.5.1 of the Tłıchǫ Agreement, as soon as possible, and no later than 90 days prior to public use of the road. This final plan will include, at a minimum:

- the goals and objectives of the plan;
- a discussion on the expected effectiveness of mitigations and offsets;
- a decision framework to prioritize restoration areas, mitigations, and offsets,
- including references to the research on which the decision framework was based;
- a discussion of how any proposed mitigations or offsets align with the Recovery Strategy for the Boreal Caribou in the NWT and range plans;
- details of proposed ways to offset habitat disturbance including restoration sites, mitigation measures, offsets, forest fire fighting policies, or habitat

consultation and collaboration. The developer will submit a draft and a final plan as described below. Once approved, the developer will operate in accordance with the plan.

The developer will submit a draft plan to the Wek'èezhì Renewable Resources Board for review under section 12.5.1 of the Tłıchǫ Agreement, prior to commencement of construction. The developer will submit the final habitat offset plan to the Wek'èezhì Renewable Resources Board for review under section 12.5.1 of the Tłıchǫ Agreement, as soon as possible, and no later than 90 days prior to public use of the road. This final plan will include, at a minimum:

- the goals and objectives of the plan;
- a discussion on the expected effectiveness of mitigations and offsets;
- a decision framework to prioritize restoration areas, mitigations, and offsets, including references to the research on which the decision framework was based;
- a discussion of how any proposed mitigations or offsets align with the Recovery Strategy for the Boreal Caribou in the NWT and range plans;
- details of proposed ways to offset habitat disturbance including restoration sites, mitigation measures, offsets, forest fire fighting policies, or habitat management approaches;

- management approaches;
- a description of the spatial scale of the proposed offset, the habitat quality and type, site specific restoration activities, and any challenges;
 - a timeline for offsetting;
 - a quantitative and qualitative assessment of the total area of boreal caribou habitat proposed for restoration and the timeframe required for restoration;
 - a summary of consultation feedback that was integrated into the draft and final plans;
 - a description of any Traditional Knowledge that was considered in the development of the plan, and how it was incorporated; and,
 - a description of any resources provided to Aboriginal groups to support their involvement in the drafting of the final plan, and for any involvement in the implementation of the plan.

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