

#	Measure Title	Measure Description	Proposed Modification	Rationale
2	Measure 5-2: Tłıchq monitoring, engagement and reporting of adverse health and well-being impacts	<p>5-2, Part 1: Tłıchq monitoring of adverse health and well-being impacts</p> <p>The Tłıchq Government and Community Government of Whatı, with the support of the developer, and in collaboration with the Tłıchq Community Services Agency, will establish and implement a framework to monitor and evaluate health and well-being impacts associated with the road, and will adaptively manage health and well-being impacts as described in Measure 5-1 and following guidance in Appendices B and C, for each year of construction and for a minimum of ten years of operations.</p> <p>Following ten years of Project operations, the Community Government of Whatı and Tłıchq Government in collaboration with the developer, will re-evaluate the need for, and frequency of, monitoring, engagement, reporting and adaptive management.</p> <p>If the monitoring of harvest success rates and availability of country foods in Whatı (in Measure 5-1, Part 1, above) indicates a declining trend in harvest success and the consumption of country foods, the Tłıchq Government and the Community Government of Whatı will develop and implement a strategy to improve availability of country foods for those most affected.</p>	<p><u>Tłıchq Government proposed modification:</u></p> <p>5-2, Part 1: Tłıchq monitoring of adverse health and well-being impacts</p> <p>The Tłıchq Government, Government of the Northwest Territories, Tłıchq Community Services Agency and Community Government of Whatı, with the support of the developer, and in collaboration with the Tłıchq Community Services Agency, will establish and implement a framework to monitor and evaluate health and well-being impacts associated with the road, and will adaptively manage health and well-being impacts as described in Measure 5-1 and following guidance in Appendices B and C, for each year of construction and for a minimum of ten years of operations.</p> <p>Following ten years of Project operations, the</p>	<p>The GNWT is the responsible authority for monitoring and evaluating health and well-being. They should be added, not simply as a collaborator, but as a government that has a duty to participate in monitoring.</p> <p>With respect to the wording regarding country foods, it is quite strict as well as being unclear. It could be read to require that the Tłıchq Government take action if there were decrease in country foods. For example, it could be interpreted to require providing financing to families for loss of country food access. The intent seems to be that there should be a planning approach set in motion if there is a demonstrated declining trend, in which case the Tłıchq Government is quite comfortable with developing a strategy. The language should be refined to provide further clarity and reduce the potential for misinterpretation.</p>

			<p>Community Government of Whatì, Government of the Northwest Territories, Tłı̨chų Community Services Agency and Tłı̨chų Government in collaboration with the developer, will re-evaluate the need for, and frequency of, monitoring, engagement, reporting and adaptive management.</p> <p>If the monitoring of harvest success rates and availability of country foods in Whatì (in Measure 5-1, Part 1, above) indicates a declining trend in harvest success and the consumption of country foods, the Tłı̨chų Government and the Community Government of Whatì will develop and implement a strategy to address the decline of country foods to improve availability of country foods for those most affected.</p>	
2 Part 2	Public Engagement	<p>5-2, Part 2: Public engagement</p> <p>The Tłı̨chų Government and Community Government of Whatì, with the participation of the developer, the P3 operator and the Tłı̨chų Community Services Agency, will meet with the residents of Whatì at least once per year to discuss:</p> <p>a) priority health and well-being impacts at the individual, family and community level related to the Project;</p>	<p><i>Tłı̨chų Government proposed modification:</i></p> <p>5-2, Part 2: Public engagement</p> <p>The Tłı̨chų Government, Government of the Northwest</p>	<p>We have added the GNWT and the TCSA as directly accountable in this measure. Our reasons for this addition and change are twofold: first, there are many programs and mitigations that fall to the GNWT and TCSA, and second,</p>

		<p>b) the effectiveness of programs or mitigations used to address these impacts; and, c) the need to adjust programs or implement additional mitigations.</p>	<p>Territories, Tłchq Community Services Agency and Community Government of Whatì, with the participation of the developer and the P3 operator and the Tłchq Community Services Agency, will meet with the residents of Whatì at least once per year to discuss: a) priority health and well-being impacts at the individual, family and community level related to the Project; b) the effectiveness of programs or mitigations used to address these impacts; and, c) the need to adjust programs or implement additional mitigations.</p>	<p>these two parties have always been a part of public reporting in the communities. As partners to this effort, it makes good sense to have the both the GNWT and the TCSA also reporting to the public.</p>
2, Part 3	Reporting	<p>5-2, Part 3: Reporting The Tłchq Government and Community Government of Whatì, with the support of the developer, will prepare and make publicly available an annual progress report on their efforts to mitigate impacts on health and well-being to the Community of Whatì. The report will describe engagement, current management and plans for future adaptive management. The findings of the report will be presented to the residents of Whatì, provided to the Whatì Inter-Agency Committee and provided to the Tłchq All-Season Road Corridor Working Group (see Measure 14-3).</p>	<p><i>Tłchq Government proposed modification:</i> 5-2, Part 3: Reporting The Tłchq Government, Government of the Northwest Territories, Tłchq Community Services Agency and Community Government of Whatì, with the support of the developer, will prepare and make publicly available an annual progress report on</p>	

			<p>their efforts to mitigate impacts on health and well-being to the Community of Whatì. The report will describe engagement, current management and plans for future adaptive management. The findings of the report will be presented to the residents of Whatì, provided to the Whatì Inter-Agency Committee and provided to the Tłı̨chų All-Season Road Corridor Working Group (see Measure 14-3).</p>	
6	Measure 5-6 Include Behchokq in accident response planning	The Government of the Northwest Territories will develop and implement an effective ground ambulance and highway rescue action plan along the road that will be designed in collaboration with the Tłı̨chų Government, Community Government of Whatì, and Community Government of Behchokq.	<p><i>Tłı̨chų Government proposed modification:</i> The Government of the Northwest Territories will develop and implement an effective ground ambulance and highway rescue action plan along the road that will be designed in collaboration with the Tłı̨chų Government, Tłı̨chų Community Services Agency, Community Government of Whatì, and Community Government of Behchokq.</p>	We propose to add the TCSA because the TCSA is partly responsible for the provision of an emergency health response solution. We believe this should be developed between TCSA and the GNWT, in consultation with the Community Government of Whatì and Behchoko Community Government.
8	Measure 6-1: Implementation	6-1, Part 1: Develop and implement range plans The GNWT-ENR will develop and implement a range plan for boreal caribou	<i>Tłı̨chų Government supports GNWT proposed modification</i>	There is a concern associated with timing, which is clearly identified in the GNWT rationale, which has been filed

	of the Recovery Strategy for the Boreal Caribou in the NWT, and required range plans, for boreal caribou affected by the Project	<p>(t̄odz̄ı) in the North Slave region, 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 (t̄odz̄ı) may experience impacts related to the Project. The range plan(s) will be developed collaboratively with Aboriginal groups and co-management partners. The range plan(s) will be completed before the Project is opened for public use.</p> <p>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.</p>		<p>separately.</p> <p>The GNWT has proposed a modification to this measure, which the T̄ıch̄q̄ Government has reviewed and supports.</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 Recovery Strategy for the Boreal Caribou in the NWT and 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 including Aboriginal harvesting and non-Aboriginal hunting; - determining sustainable harvest levels; - identifying critical habitat; - ongoing habitat disturbance monitoring; - setting and meeting critical habitat objectives for each range; and, - monitoring predator populations including densities, movements and predation rates. <p>Monitoring will meet the requirements of Appendix C. GNWT-ENR will work with the developer to adaptively manage Project impacts on boreal caribou (t̄odz̄ı) (following guidance in Appendix B).</p>	<i>T̄ıch̄q̄ Government supports GNWT proposed modification</i>	<p>This is not a measure that is consistent with our understanding of the T̄ıch̄q̄ Agreement.</p> <p>The T̄ıch̄q̄ Government is concerned that there is a requirement for aboriginal harvest monitoring. The GNWT is suggesting that there be a voluntary reporting approach, which is acceptable.</p> <p>The GNWT has proposed a modification to this measure, which the T̄ıch̄q̄ Government has reviewed and supports.</p>
9	Measure 6-2: Temporary no-	To mitigate significant adverse impacts from the project on boreal caribou (t̄odz̄ı), the GNWT-ENR and T̄ıch̄q̄ Government will submit a wildlife management	<i>T̄ıch̄q̄ Government supports GNWT proposed</i>	The T̄ıch̄q̄ Government refers to the NWT <i>Wildlife Act</i> and the T̄ıch̄q̄

	<p>hunting corridor for boreal caribou (t̄odzı)</p>	<p>proposal under section 12.5.1 of the T̄chq̄ Agreement to the Wek'èezhì Renewable Resources Board. The proposal will establish a temporary no-hunting corridor to reduce the take of boreal caribou (t̄odzı) along the Project route. Only individuals exercising section 35 rights will be allowed to harvest boreal caribou (t̄odzı) in this corridor.</p> <p>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.</p>	<p><i>modification</i></p>	<p>Agreement, both of which should be used first to determine sustainable harvest levels, following which management actions can be established, to the extent required, to ensure that harvest remains within sustainable levels.</p> <p>The GNWT has proposed a modification to this measure, which the T̄chq̄ Government has reviewed and supports.</p>
10	<p>Measure 6-3: Habitat offset and restoration plan</p>	<p>The developer will offset effective boreal caribou (t̄odzı) 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.</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 (calculated as set out above) will be achieved. In preparing the plan, the developer will collaborate with T̄chq̄ 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 developer will submit a draft and a final plan as described below. Once approved, the developer will operate in accordance with the plan.</p> <p>The developer will submit a draft plan to the Wek'èezhì Renewable Resources Board for review under section 12.5.1 of the T̄chq̄ Agreement, a minimum of 90</p>	<p><i>T̄chq̄ Government supports GNWT proposed modification</i></p>	<p>There is a concern associated with timing, which is clearly identified in the GNWT rationale, which has been filed separately.</p> <p>The GNWT has proposed a modification to this measure, which the T̄chq̄ Government has reviewed and supports.</p>

		<p>days prior to the 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 Tłı̨chǫ 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:</p> <ul style="list-style-type: none"> - 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. 		
13	Measure 8-1: Integrated Fisheries Management Plan	<p>Fisheries and Oceans Canada and the Tłı̨chǫ Government, with the support of the developer, will develop and implement an Integrated Fisheries Management Plan for fisheries in the project area. This will prevent significant adverse impacts from additional fishing pressure that will likely result from increased access via the Project.</p> <p>In designing the plan, Fisheries and Oceans Canada and the Tłı̨chǫ Government</p>	<p><u>Tłı̨chǫ Government proposed modification:</u></p> <p>Fisheries and Oceans Canada and the Tłı̨chǫ Government, with the support of the developer, will develop and</p>	<p>The Tłı̨chǫ Government has consulted with the Fisheries and Oceans Canada, and understands that an Integrated Fisheries Management Plan is a significant undertaking. We believe that the concern that underlies this measure</p>

	<p>will engage the Wek'èezhì Renewable Resources Board, the Community of Whatì and other affected Aboriginal groups. Fisheries and Oceans Canada and the Tłchq Government will submit the plan to the Wek'èezhì Renewable Resources Board for review under section 12.5.1 of the Tłchq Agreement.</p> <p>As part of this plan, Fisheries and Oceans Canada and the Tłchq Government, along with the above organizations, will complete the following work:</p> <p>a) Complete work to understand baseline fishery and harvest conditions. This work will include, at a minimum:</p> <ul style="list-style-type: none"> i. assessing yield and harvest; ii. identifying management issues; iii. establishing fisheries objectives; and, iv. clarifying management and stewardship arrangements. <p>b) Design and implement, with support of the developer, mitigation to prevent or manage project impacts (which may include a regulatory and compliance plan).</p> <p>c) Design and implement monitoring plans, meeting the requirements of Appendix C.</p> <p>d) Design and implement an adaptive management plan (following guidance in Appendix B). Fisheries and Oceans Canada and the Tłchq Government will provide opportunity for the working group (required by Measure 14-3) and other interested parties to review and comment on this plan.</p>	<p>implement an Integrated Fisheries Management Plan for fisheries in the project area. This will prevent significant adverse impacts from additional fishing pressure that will likely result from increased access via the Project.</p> <p>In designing the plan, Fisheries and Oceans Canada and the Tłchq Government will engage the Wek'èezhì Renewable Resources Board, the Community of Whatì and other affected Aboriginal groups will be engaged. Fisheries and Oceans Canada and the Tłchq Government will submit the plan to the Wek'èezhì Renewable Resources Board for review under section 12.5.1 of the Tłchq Agreement.</p> <p>As part of this plan, the following work will be completed: Fisheries and Oceans Canada and the Tłchq Government, along with the above organizations, will complete the following work:</p> <p>a) Complete work to</p>	<p>relates to over fishing, which the Tłchq Government believes will be adequately managed if there is a Fisheries Management Plan. We suggest removing the word “Integrated” so as not to confuse the tools that are needed in this context. An Integrated Fisheries Management Plan requires that there be a full stock assessment completed, which requires substantial assignment of resources, personnel, and time. A stock assessment is not required to manage the fisheries in the manner that is required or anticipated by the governments.</p> <p>The Tłchq Government also requires the removal of the requirement for the TG to consult with “other affected aboriginal groups.” This is properly the role of Fisheries and Oceans Canada.</p>
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			<p>understand baseline fishery and harvest conditions. This work will include, at a minimum:</p> <ul style="list-style-type: none"> i. assessing yield and harvest; ii. identifying management issues; iii. establishing fisheries objectives; and, iv. clarifying management and stewardship arrangements. <p>b) Design and implement, with support of the developer, mitigation to prevent or manage project impacts (which may include a regulatory and compliance plan).</p> <p>c) Design and implement monitoring plans, meeting the requirements of Appendix C.</p> <p>d) Design and implement an adaptive management plan (following guidance in Appendix B). Fisheries and Oceans Canada and the Tłchq Government will provide opportunity for the working group (required by Measure 14-3) and other interested parties to review and comment on this plan.</p>	
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14	<p>Measure 9-1: Monitoring harvest and managing wildlife to maintain successful harvest</p>	<p>9-1, Part 1: Aboriginal harvest monitoring and reporting program</p> <p>To mitigate impacts on Aboriginal harvesters and to effectively inform management of wildlife populations in the area of the Project, GNWT-ENR will work together with the Tłıchǫ Government and Wek'èezhìi Renewable Resources Board to develop and implement an Aboriginal harvest monitoring and reporting program.</p> <p>The harvest monitoring and reporting program will:</p> <ul style="list-style-type: none"> a) focus on boreal caribou, barren-ground caribou and moose population trends in areas accessed by winter roads and trails from the Project; b) be community-based and involve collaboration between Tłıchǫ Government and the developer; c) involve Traditional Knowledge holders and harvesters in monitoring wildlife harvesting trends; and, d) report on wildlife harvesting numbers and trends from monitoring checkpoints and/or other harvest monitoring methods annually to the Tłıchǫ Government, Wek'èezhìi Renewable Resources Board, GNWT-ENR and other wildlife comanagement partners. <p>The developer will fund this harvest monitoring and reporting related to the project. The harvest monitoring will meet the requirements of Appendix C.</p>	<p><i>Tłıchǫ Government proposed modification:</i></p> <p>1, Part 1: Aboriginal harvest monitoring and reporting program</p> <p>To mitigate impacts on Aboriginal harvesters and to effectively inform management of wildlife populations in the area of the Project, GNWT-ENR will work together with the Tłıchǫ Government and Wek'èezhìi Renewable Resources Board to develop and implement a non-mandatory Aboriginal harvest monitoring and reporting program.</p> <p>The harvest monitoring and reporting program will:</p> <ul style="list-style-type: none"> a) focus on boreal caribou, barren-ground caribou and moose population trends in areas accessed by winter roads and trails from the Project; b) be community-based and involve collaboration between Tłıchǫ Government and the developer; c) involve Traditional Knowledge holders and 	<p>The Tłıchǫ Government has significant concerns that this measure could potentially be read to require a mandatory aboriginal harvesting program.</p> <p>Chapter 10 of the Tłıchǫ Agreement confers broad rights on the Tłıchǫ with respect to harvesting. The Tłıchǫ have a rights to harvest all species of wildlife throughout Mowfi Gogha De Niitlee at all times of the year (10.1.1(a)); to employ any method of harvesting and possess and use any equipment for harvesting (10.2.1); to possess and transport harvested wildlife anywhere in Canada (10.4.1); etc. These rights are subject only to “limitations prescribed by or in accordance with the Agreement” (10.1).</p> <p>Mandatory harvest reporting by Tłıchǫ harvesters could constitute an impairment of the broad and largely unfettered right to harvest that the Tłıchǫ have under the Agreement. Mandatory harvest reporting imposed by the Review Board in the context of the TASR EA is not a limitation “prescribed by or in accordance with” the Tłıchǫ Agreement.</p>
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			<p>harvesters in monitoring wildlife harvesting trends; and,</p> <p>d) report on wildlife harvesting numbers and trends from monitoring checkpoints and/or other harvest monitoring methods annually to the Tłıchǫ Government, Wek'èezhì Renewable Resources Board, GNWT-ENR and other wildlife co-management partners.</p> <p>The developer will fund this harvest monitoring and reporting related to the project. The harvest monitoring will meet the requirements of Appendix C.</p>	<p>If this were revised to a voluntary program, which is our proposal, then the Tłıchǫ Government anticipates no conflict.</p>
15	Measure 9-2: Cultural sensitivity in work camps and communities	To mitigate the Project's impact on Tłıchǫ culture and well-being of Tłıchǫ residents, the developer will require that the P3 operator has culturally appropriate and specific policies in accordance with those set out by the Tłıchǫ Government, GNWT departments and federal government. The P3 operator will have policies and programs in place for employee cultural orientation, developed by the Tłıchǫ Government, for all non-Tłıchǫ residents, including awareness of special cultural norms and practices.	<p><u>Tłıchǫ Government proposed modification:</u></p> <p>To mitigate the Project's impact on Tłıchǫ culture and well-being of Tłıchǫ residents, the developer will require that the P3 operator has culturally appropriate and specific policies in</p>	<p>The key concern here is the use of the term "residents", which could confer on camp workers rights to harvest in the region that were never anticipated or considered in the negotiation of the Tłıchǫ Agreement.</p> <p>We therefore propose changing "residents" to "workers", so as not to</p>

			<p>accordance with those set out by the Tłıchǫ Government, GNWT departments and federal government. The P3 operator will have policies and programs in place for employee cultural orientation, developed approved by the Tłıchǫ Government, for all non-Tłıchǫ workers residents, including awareness of special cultural norms and practices.</p>	<p>suggest these harvesting rights are conferred on temporary workers.</p> <p>Further, the Program development should be responsibility of the developer, to be approved by the Tłıchǫ Government – not developed by the Tłıchǫ Government.</p>
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