



July 5, 2022

Mr. Robert Mills, Acting General Manager
Timberworks Inc.
PO BOX 27
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Dear Mr. Mills:

***Wildlife Act* Section 95(1) Determination of the Requirement for a Wildlife Management and Monitoring Plan for Timberworks Inc. Timber Harvesting**

The Department of Environment and Natural Resources (ENR) of the Government of Northwest Territories is aware that Timberworks Inc. has applied for a Land Use Permit (LUP) renewal associated with its proposed timber harvesting operations. The current permit (MV2015W0011) is set to expire on August 12, 2022. The Minister of ENR has considered the potential impacts to wildlife and wildlife habitat associated with Timberworks Inc. proposed timber harvesting operations as presented in previous submissions to the public registry of the Mackenzie Valley Land and Water Board (MVLWB) associated with the current LUP.

The Minister of ENR has determined that, in accordance with the *Wildlife Act* and for the purposes of requiring a Wildlife Management and Monitoring Plan (WMMP), the proposed project is likely to satisfy criteria (a), (b) and (d) of section 95(1) of the *Wildlife Act* which states:

“A developer or other person or body may be required, in accordance with the regulations, to prepare a wildlife management and monitoring plan for approval by the Minister, and to adhere to the approved plan, if the Minister is satisfied that a development, proposed development, or other activity is likely to

- (a) result in a significant disturbance to big game or other prescribed wildlife;*
- (b) substantially alter, damage or destroy habitat; and*
- (d) significantly contribute to cumulative impacts on a large number of big game or other prescribed wildlife, or on habitat.”*

Consistent with Section 3.1 of ENR’s WMMP Process and Content Guidelines, this project meets the criteria of a development that is ‘always’ likely to satisfy one or more paragraphs a-d) of section 95(1) of the *Wildlife Act*.

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The decision to require a WMMP is particularly related to concerns about the potential for the project to impact boreal caribou and their habitat. Boreal caribou are listed as a threatened species under both the federal *Species at Risk Act* and the *Species at Risk (NWT) Act*. Current levels of habitat disturbance within the southern Northwest Territories (NWT) range planning region exceed limits recommended in the NWT Framework for Boreal Caribou Range Planning.

In accordance with section 95(2) of the *Wildlife Act*, the WMMP submitted for approval must include:

- (a) a description of potential disturbance to big game and other wildlife included in the regulations, potential harm to wildlife and potential impacts on habitat;*
- (b) a description of measures to be implemented for the mitigation of potential impacts;*
- (c) the process for monitoring impacts and assessing whether mitigative measures are effective; and*
- (d) other requirements that are outlined in the regulations.*

The WMMP should be consistent with the current version (June 2019) of the ENR's WMMP Process and Content Guidelines.

Given that the project has been determined to trigger paragraphs (a), (b) and (d) of *Wildlife Act* section 95(1), in accordance with section 5.2 of the WMMP Process and Content Guidelines, ENR would typically require a Tier 3 WMMP that includes:

- a) a description of the impacts of the development on wildlife and wildlife habitat;
- b) a description of how those impacts will be mitigated;
- c) a description of mitigation monitoring;
- d) a description of project-specific wildlife effects monitoring; and
- e) a description of how the WMMP will contribute to regional-scale wildlife monitoring, and/or cumulative effects research, assessment, or management.

However, ENR recognizes that the timber harvesting industry is in early stages of development in the NWT and that habitat disturbance associated with timber harvesting will progress gradually over the first 5-year term of the Land Use Permit. As such, for this Land Use Permit application ENR will require Timberworks Inc. to have a Tier 1 WMMP.

When the land use permit comes up for subsequent renewal, ENR will expect Timberworks Inc. to take on a greater role in project-specific wildlife effects monitoring and to contribute to regional-scale wildlife monitoring and/or cumulative effects research, assessment, or management. A Tier 3 WMMP will be required at that time.

ENR notes that Timberworks Inc. has submitted an updated (revised March 1, 2022) Wildlife and Wildlife Habitat Protection Plan (WWHPP) as part of the LUP Renewal Application package submitted to the MVLWB. This plan may be accepted as a Tier 1 WMMP. ENR will rely on the Public Comment period for the LUP renewal application as the public review of the WMMP. ENR will also submit comments on the WWHPP during the Public Comment period.

Consistent with Section 4.5 of the WMMP Process and Content Guidelines and with the disclaimer provided on the MVLWB's Online Review System webpage for this file, ENR will be relying on the Board's process to help fulfil the Crown's duty to consult and will be assessing the adequacy of consultation and, if required, accommodations throughout the process leading up to the decision of whether to approve the WMMP.

Following the Public Comment phase, Timberworks Inc. will make any necessary revisions to the WMMP in response to the comments received and will submit the revised version of the WMMP to ENR for final approval. ENR will then provide Timberworks Inc. with a written notice of approval, conditional approval, or rejection of the WMMP within 30 calendar days. The notification will also be posted to the MVLWB public registry.

Please contact Dr. James Hodson, Manager, Habitat and Environmental Assessment, Wildlife and Fish Division at (867) 767-9237, extension 53227 or james.hodson@gov.nt.ca if you have any questions.

Sincerely,



For Erin Kelly, Ph.D.
Deputy Minister
Environment and Natural Resources

c. Minister Shane Thompson
Environment and Natural Resources

Dr. Brett Elkin
Assistant Deputy Minister, Operations
Environment and Natural Resources

Julian Kanigan
A/Assistant Deputy Minister, Environment and Climate Change
Environment and Natural Resources

Heather Sayine-Crawford
Director, Wildlife and Fish Division
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Tony Vermillion
Superintendent, South Slave Region
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Mike Gravel
Director, Forest Management Division
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Shelagh Montgomery
Executive Director
Mackenzie Valley Land and Water Board