



July 13, 2022

Mr. Bob Head
Manager
DIGAA Enterprises LTD. Woodlands Division
FORT PROVIDENCE NT X0E 0L0
E-mail: bobhead@northwestel.net

Dear Mr. Head:

Wildlife Act Section 95(1) Determination of the Requirement for a Wildlife Management and Monitoring Plan for Digaa Enterprises Ltd. Timber Harvesting

The Department of Environment and Natural Resources (ENR), Government of Northwest Territories (GNWT) is aware that Digaa Enterprises Ltd. has applied for a Land Use Permit (LUP) renewal associated with its proposed timber harvesting operations. The current permit (MV2015W0018) is set to expire on December 02, 2022. The Minister of ENR has considered the potential impacts to wildlife and wildlife habitat associated with Digaa Enterprises Ltd. 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.”*

This decision is consistent with previous correspondence with Digaa Enterprises Ltd. on March 03, 2017 (attached) that indicated that a Minister-approved WMMP would be required for the project when the LUP came up for renewal.

.../2

This decision is based in part on concerns about the potential for the project to impact boreal caribou and their habitat. Boreal caribou are considered a Threatened species in the NWT, and 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 (July 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, which 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 LUP. As such, for this LUP application ENR will require Digaa Enterprises Ltd.'s to have a Tier 1 WMMP.

When the LUP comes up for subsequent renewal, ENR will expect Digaa Enterprises Ltd.'s 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 encourages Digaa Enterprises Ltd. to consult the following resources in developing their Tier 1 WMMP:

- *WMMP Annotated Table of Contents* (www.enr.gov.nt.ca/en/annotated-table-contents-wmmp)
- *Draft Guidelines for exploration and development projects in boreal caribou habitat in the Northwest Territories* (www.enr.gov.nt.ca/sites/enr/files/resources/nwt_caribou_guidelines_bilingual_feb24_final_2_2_0.pdf)

ENR notes that Digaa Enterprises Ltd. stated in their LUP Renewal Application cover letter dated April 19, 2022, that a WMMP will be submitted to ENR independently from the LUP renewal application. However, ENR notes that a Wildlife and Wildlife Habitat Protection Plan, dated March 31, 2022, was submitted to the MVLWB as part of the LUP renewal application package. ENR requests clarification as to whether this is the same plan that Digaa Enterprises Ltd. intended to submit to ENR.

If this is the same plan that was intended to be submitted to ENR, then ENR will rely on the Public Comment period for the LUP renewal application as the public review of the WMMP. 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.

If this is not the plan that was intended to be submitted, then once ENR receives the WMMP from Digaa Enterprises Ltd. it will undergo a 30-day public review independent from the MVLWB process and ENR will rely on this 30-day review process to help fulfil the Crown's duty to consult.

In either case, ENR 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 review phase, Digaa Enterprises Ltd. 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 Digaa Enterprises Ltd. 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,



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

Attachment – March 3, 2017 Correspondence: Digaa Enterprises Limited Timber Harvest Sequence Plan Review and Boreal Caribou Concerns

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
Environment and Natural Resources

Tony Vermillion
Superintendent, South Slave Region
Environment and Natural Resources

Mike Gravel
Director, Forest Management Division
Environment and Natural Resources

Shelagh Montgomery
Executive Director
Mackenzie Valley Land and Water Board

John Bartlett
Consultant
JC Bartlett and Associates Ltd.