

August 22, 2019

Sandy Kalgutkar, Associate Deputy Minister
Department of Infrastructure
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Email:

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RE: Tłıchọ All-Season Road – Wildlife Management and Monitoring Plan, Version 3.3

Dear Mr. Wilson,

The Wek'èezhì Renewable Resources Board (WRRB) acknowledges receipt of the Government of the Northwest Territories' Department of Infrastructure's (GNWT-INF) responses on August 20, 2019 to the Board's August 19, 2019 recommendations regarding the Tłıchọ All-Season Road (TASR) Wildlife Management and Monitoring Plan, Version 3.3. The Board appreciates the quick turnaround by GNWT-INF to provide these responses; however, the WRRB is disappointed that many of its recommendations have been ignored. The Board lists below the recommendations that GNWT-INF should further consider in the course of the adaptive management process required for TASR:

- 1) The WRRB requested that the current list for large mammals of concern (*Tqdzı* (boreal caribou), *Dedıı* (moose), and *Ejie* (wood bison) be expanded to include *Sah Dezq̄q̄* (black bear), *Dıga* (wolf) and *Nq̄gha* (wolverine). GNWT-INF's response was *"These species were identified through consultation and confirmed through the environmental assessment and all WMMP review to date. The WMMP does not exclude any wildlife from monitoring, but these species were highlighted through engagement as the species most likely to be observed and to require a response through the WMMP. This clarification will be included in the next revision of the WMMP"*.
 - As per the Tłıchọ Agreement, the WRRB applies an ecosystemic approach to managing and monitoring wildlife and wildlife habitat. As such, the Board believes that the addition of *dıga* and *sah dezq̄q̄* is appropriate as these predators of *tqdzı*, *dedıı*, and *ejie* are likely be observed. Additionally, the WRRB believes that *nq̄gha* is an appropriate addition due to the likelihood of observing their presence near or at camps. The Board notes that the list for large mammals of concern is not consistent throughout the WMMP, i.e. *dıga* and *sah dezq̄q̄* are often already included. Therefore, to ensure consistency and to reflect the likelihood of a species being observed, the Board recommends that the list of large mammals of concern include *tqdzı*, *dedıı*, *ejie*, *dıga*, *sah dezq̄q̄*, and *nq̄gha*.
- 2) The WRRB requested that wording regarding undisturbed habitat in Wek'èezhì as a limiting factor in Section 2.8.1 of the WMMP be changed to "Undisturbed habitat in the Wek'èezhì

.../Page 2

region may be limiting, as it is already above or near the 35% disturbance threshold". GNWT-INF's response was *"The most recent analysis indicates that disturbance within the Wek'èezhì area of the NT1 range is approximately 34%. The specific wording of this section will be reviewed in the next revision of the WMMP"*.

- In Section 2.8.1 of the WMMP, the sixth sentence in the last paragraph on page 2-10 states *"Undisturbed habitat in the Wek'èezhì region may be limiting, as it is already above at or below the 65% disturbance threshold"*. This statement is incorrect. The WRRB recommends that this be changed to *"Undisturbed habitat in the Wek'èezhì region may be limiting, as it is already near or above the 35% disturbance threshold"*.
- 3) The WRRB requested the cautionary (buffer) zone for all construction activities around collared t̄q̄dzì, as noted in Appendix D of the WMMP, be increased to 4km from 2km for the late-winter period, and to 6km from 3km for the calving period, to provide residual protection to non-collared t̄q̄dzì by the collared animals, as well as protect collared t̄q̄dzì that may have moved during the 48 hour. GNWT-INF's response was *"The buffers of 2 km for the late-winter period and 3 km for the calving period are considered conservative buffers for limiting effects from human disturbance on boreal caribou based on the following information. Environment Canada (2011) demonstrated that boreal caribou avoidance is captured within a 500 m buffer around anthropogenic features. Dyer et al. (2001) noted that boreal caribou had maximum avoidance distances of 1,000 m from oil and gas wells and 250 m from roads. Similarly, Leblond et al. (2011) noted that boreal caribou avoided active roads by 1.25 km and Johnson et al. (2015) noted an avoidance distance of 1.8 km from roads. Polfus et al. (2011) also note that caribou avoid high use roads by approximately 2 km. The WRRB should note also the updated Pre-Clearing Wildlife Survey (Section 5.1.6), which confirms that a survey for wildlife will precede vegetation clearing by 48 hours (similar to the Late-Winter protocol). This revision made to Version 3.3 of the WMMP should provide the WRRB with confidence that construction methods will be respectful of caribou"*.

Additionally, the WRRB requested that the precautions set out in late-winter period, as noted in Appendix D of the WMMP, should also be taken during the summer, fall, and early to mid-winter seasons. GNWT-INF's response was *"The change to the Pre-Clearing Wildlife Surveys mentioned above already provides late-winter level protection to boreal caribou during the summer, fall, and early to mid-winter seasons. While it is agreed that all habitat is important to the health of caribou., the sensitive seasons were defined based on daily movement rates in the Status Report for Boreal Caribou (Species at Risk Committee 2012) and considering that it is easier for caribou to move away from disturbance during the summer, fall, and early to mid-winter seasons. Furthermore, Measure 10-2, Part 2 requires that construction activities consider sensitive periods for wildlife. Considering this requirement and the consensus that this approach has gained through the environmental assessment and recent review through the Wek'èezhì Land and Water Board, any changes to Appendix D would require more justification and consultation with other parties"*.

- As per the WRRB's Tłıchǫ Knowledge study on *Tǫdzı and the State of Their Habitat* (Legat et al 2019),¹ Tłıchǫ elders emphasized that decision-makers must consider and integrate the entire habitat needed by tǫdzı, instead of focusing on "identified seasonal ranges" with a certain time frame or perspective. That is, all habitat types are important at all times for the health of tǫdzı. Further, Tłıchǫ elders said that tǫdzı are very "secretive" and are often found in thick bush. If disturbed, rather than escaping, tǫdzı will usually remain very still. Therefore, as tǫdzı can be found throughout its range at any time, the Board recommends that to ensure effective residual protection to non-collared tǫdzı by the collared animals, as well as protect collared tǫdzı that may have moved during the 48 hours between visual surveys and a construction activity, the cautionary (buffer) zone for collared tǫdzı should be 4km for the late-winter period, and 6km for the calving period. Further, the WRRB recommends the precautions set out for the late-winter period should also be taken for the summer, fall and early to mid-winter periods.
- 4) The WRRB requested that visual surveys should occur during the calving season and be identified in Table 1 of Appendix D in the WMMP as collar data cannot be relied upon to identify all calving tǫdzı. GNWT-INF's response was *"The Wildlife Pre-Clearing Survey (Section 5.1.6 and Appendix F page F-20) already require visual surveys prior to any vegetation clearing. The Pre-Blasting Survey (Section 5.1.5 and Appendix F page F-16) already requires visual surveys for wildlife before blasting"*.
- To ensure consistency in Table 1 of Appendix D and ensure that both visual surveys and collar data are being used, the WRRB recommends the addition of the following to all construction activities during all time periods: *"At all times, the Environmental Monitors will conduct visual scans ahead of any operations to determine presence of tǫdzı"*.

The WRRB appreciates that the WMMP is intended to be based on adaptive management practices. As such, the Board would request these recommendations, as well as their recommendations made on August 19, 2019, be addressed in the next version of the WMMP. Please do not hesitate to call our office with any questions you may have.

Sincerely,



Joseph Judas
Chair

Cc Cameron Wilson, Superintendent
Department of Infrastructure, GNWT

¹ Legat, A., McCreddie, M., Nitsiza, C., & Nitsiza, C. Tǫdzı (Boreal Caribou) and the State of their Habitat. 2019. Prepared for the Wek'èezhìi Renewable Resources Board.

Hon. Robert C. McLeod, Minister
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