

From: [Sarah Elsasser](#)
To: [Roberta Judas](#)
Cc: [Anneli Jokela](#)
Subject: FW: Information Request to GNWT-INF from the WLWB re: TASR WMMP, Version 3.3
Date: July 31, 2019 8:35:01 AM

From: Sarah Elsasser
Sent: July 26, 2019 9:21 AM
To: Joyce Gourlay <Joyce_Gourlay@gov.nt.ca>
Cc: Ryan Fequet <rfequet@wlwb.ca>; Anneli Jokela <ajokela@wlwb.ca>
Subject: Information Request to GNWT-INF from the WLWB re: TASR WMMP, Version 3.3

Good morning Joyce,

In the WLWB's [Reasons for Decision for the TASR Licence/Permit](#), the Board required GNWT-INF to update their Wildlife Monitoring and Management Plan (WMMP) with revisions outlined in Table 2.

1. In regard to ECCC comment 13 of Table 2 ("ECCC recommends that this section be revised by removing "proposed" from the Wood Bison Recovery Strategy. ECCC recommends that the Proponent ensure that measures in the WMMP are consistent with all existing recovery strategies for species listed on the Species At Risk Act found in the project area"), GNWT-INF noted in the [WMMP Version 3.3 submission](#) that "Table 2 text was updated to address ECCC [sic] recommendation. Note: the relevant detail regarding bison and vehicle collisions did not change in the final version of the Recovery Strategy (Table 5 page 31)".

It is unclear from the GNWT-INF response whether the second part of the recommendation (that the GNWT-INF will ensure that measures in the WMMP are consistent with all existing recovery strategies for species listed on the *Species at Risk Act* and found in the project area) has been addressed.

The WLWB requests that: GNWT-INF confirm that measures in the WMMP are consistent with all existing recovery strategies for species listed on the *Species at Risk Act* and found in the project area.

2. In regard to ECCC comment 17 ("ECCC recommends that the Proponent: - consolidate information on pre-clearing bird surveys and develop survey protocols in a new section of the WMMP... for appropriate considerations when establishing buffer zones. - include the survey results in the annual report"), GNWT-INF responded that "...As clearing during the nesting season is not planned, the required information available to prepare a plan for contingency."

Furthermore, in Section 5.1.4, it is stated: "Clearing of vegetation is scheduled to occur outside of migratory bird breeding season. However, there may be instances where vegetation removal is required during this period due to schedule changes or unforeseen circumstances. In these cases, non-intrusive preclearing surveys are required".

The WLWB requests that GNWT-INF:

- a. **Clarify whether the nesting season referred to in the response to ECCC comment 17 is for all bird species at risk and migratory birds, or solely migratory birds.**
- b. **What is/are the date range(s) currently planned for vegetation clearing for the project?**
- c. **Elaborate on the potential reasons for “schedule changes or unforeseen circumstances” to the above which may result in vegetation removal occurring during the nesting period.**

The Board requests a response (email response will suffice) as soon as possible to the questions above, and preferably no later than end of day on Tuesday, July 30th. Should you have any questions, please don't hesitate to contact Board staff.

Regards,

Sarah Elsasser, Ph.D., PMP

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WLWB Request #1

The WLWB requests that: GNWT-INF confirms that measures in the WMMP are consistent with all existing recovery strategies for species listed on the *Species at Risk Act* and found in the project area.

Response to Request #1

A Recovery Strategy is a planning document that identifies what needs to be done to stop or reverse the decline of a species. They are prepared by ECCC, and are occasionally specific to a particular population or location rather than for the entire species. A Recovery Strategy precedes an Action Plan, which describes how the Recovery Strategy is to be implemented. Recovery Strategies do not generally provide guidance on how developers should mitigate or monitor species at risk, so there is no clear way to confirm that the WMMP is 'consistent' with Recovery Strategy. Regardless, the Recovery Strategies (and Action Plans where available) were reviewed for the species at risk that overlap with the Project, where available. This includes Boreal Caribou, Wood Bison, Little Brown Myotis, Common Nighthawk, Olive-Sided Flycatcher (five species).

This response is not intended to provide a comprehensive list of all the actions included in the Tłıchq ASR WMMP or by the GNWT that overlap with or support the Recovery Strategies. The approach used was to identify items in the Recovery Strategies that were relevant to the Tłıchq ASR or the Tłıchq Region, and show consistency with the WMMP. This response focuses on Section 6 of the Recovery Strategies, where broad strategies and general approaches to meet recovery objectives are provided. The relevant items in the Recovery Strategy were copied verbatim in the bullet lists [applicable actions for the Tłıchq ASR are provided in square brackets].

In some cases there are actions underway for the Tłıchq ASR that are relevant to the Recovery Strategy but which are not within the scope of the WMMP. In these cases, the relevant actions are also identified [in square brackets].

The available Species at Risk Act recovery strategies are provided here https://wildlife-species.canada.ca/species-risk-registry/sar/recovery/recoveryTimelines_e.cfm. Links to species-specific recovery plans are provided below.

Boreal caribou (both a Recovery Strategy and Action Plan are available)

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/woodland-caribou-boreal-2019.html#toc8>

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/action-plans/woodland-caribou-boreal-population-2018.html>

Report of EA Measure 6-1 specifically requires the implementation of the boreal caribou recovery strategy.

Section 6.1 of the Recovery Strategy identifies the following actions that have relevance to the WMMP:

- Development and implementation of operating guidelines for industrial development within boreal caribou ranges [The WMMP provides mitigation specific to boreal caribou, Appendix D in particular provides an operating procedure for when collared caribou are near the Project]

- Closed, restricted, and/or managed hunting by Indigenous and non-Indigenous people, on a voluntary basis or through regulations [addressed by Measure 6-2]
- Development of cooperative stewardship agreements and activities to support the management of Indigenous organizations and stakeholders in the monitoring, management, and conservation of boreal caribou [included in the Offsetting Plan, prepared in response to Measure 6-3]

Table 5 of the Recovery Strategy provides a general description of research and management approaches, the following of which are relevant to the WMMP:

- Develop range plans (see Section 7.3) that outline range-specific population and habitat management activities with measurable targets to achieve recovery goal [Measure 6-1 Part 1 requires the GNWT develop range plans]
- Undertake coordinated land and/or resource planning to ensure that development activities are planned (type, amount, and distribution) and implemented at appropriate spatial and temporal scales (e.g. consider sensitive periods/areas such as calving) [The Tłı̨chq ASR environmental assessment included an assessment of total disturbed area within the NT1 range and within the Wek'èezhìi Region, and WMMP Table 3 provides sensitive periods]
- Develop range-appropriate cumulative effects assessment approaches. Very large ranges (Northwest Territories (NT1), Far North (ON9), and Quebec (QC6)) will require different approaches [the Tłı̨chq ASR environmental assessment included a cumulative effects assessment and included all documented forest fires and anthropogenic disturbance within the NT1 range]
- Undertake coordinated actions to reclaim boreal caribou habitat through restoration efforts (e.g. restore industrial landscape features such as roads, old seismic lines, pipelines, cut-lines, temporary roads, cleared areas; reconnect fragmented ranges) [included in the Offsetting Plan, prepared in response to Measure 6-3]
- Assess the impact of natural disturbance (e.g. forest fire) on the long-term habitat management of boreal caribou ranges. Where necessary, incorporate short- and long-term boreal caribou habitat considerations, along with other considerations, into forest fire management [included in the Offsetting Plan, prepared in response to Measure 6-3]
- Determine the extent of current hunting, and the effects of hunting on boreal caribou local populations [WMMP Section 5.2.2 describes harvest monitoring]
- In consultation with Indigenous people, develop and implement harvest strategies, where required to achieve boreal caribou recovery [Measure 6-2 describes how the GNWT must determine sustainable harvest levels, in collaboration with Aboriginal groups]
- Monitor population size and/or trend, as well as changes in boreal caribou distribution over time and in relation to habitat condition and disturbance [WMMP Section 5.2.3 describes the population monitoring relevant to the Tłı̨chq ASR]

Wood Bison

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/wood-bison-2018.html#toc12>

From the Recovery Strategy Section 6

- Parks Canada and Government of the Northwest Territories have initiated a joint review of their Bison Control Area program to review its efficacy and success to date in meeting its objectives, and determine where improvements can be made [relevant, but outside of the scope of the WMMP]

- Several reintroduced free-ranging local populations (Aishihik, Hay Zama, Mackenzie) currently have highly managed hunts, where quotas are determined by the province/territory for both the Indigenous and non-Indigenous hunts. Quotas are based on herd population dynamics and socioeconomic factors to manage herd expansion and increase public acceptance [relevant, but outside of the scope of the WMMP]
- Management plans for several local populations have been completed or are in development (e.g., Cool 2006, Rowe 2006, Northwest Territories Environment and Natural Resources 2010, Harper et al. 2000, Government of Yukon 2012b) [relevant, but outside of the scope of the WMMP]
- Programs are in place in Fort Providence and Fort Liard (NT) to move bison out of communities (Northwest Territories Environment and Natural Resources 2010) [relevant, but outside of the scope of the WMMP]
- Public messaging and campaigns are in place in NT to reduce bison-related traffic accidents (Northwest Territories Environment and Natural Resources 2010) and bright, reflective collars have been tested on bison in BC to increase visibility on roadways (Leverkus 2012) [outside of the scope of the WMMP, but described in more detail in Section 2.5.2 of the WMMP]

From the Recovery Strategy Table 5:

- Monitor changes in population size for each local population through time, and attempt to determine reasons for declines in population size where they are observed (i.e., disease, predation, etc.) [WMMP Section 5.2.5 describes monitoring of bison populations surrounding the Project]
- Identify, evaluate, and implement measures to reduce collisions with vehicles on land and water [See Section 2.5.2 of the WMMP]
- Collaborate with Indigenous groups, land owners, land managers, government agencies and other relevant parties to promote, coordinate and implement habitat management and conservation efforts [relevant, but outside of the scope of the WMMP and undertaken by GNWT-ENR]

Little Brown Myotis

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/little-brown-myotis-2018.html#toc9>

From the Recovery Strategy Section 6

- Federally, provincially and territorially, bats are considered for land-use development project screening and permitting and during environmental assessments across Canada. Mitigation measures and pre- and post-development monitoring programs are established as necessary to minimize and evaluate adverse effects [The WMMP Sections 4 and 5 describe mitigation on monitoring for Little Brown Myotis, see specifically Section 5.1.4]
- The Government of the Northwest Territories is gathering baseline information on bats throughout Northwest Territories, searching for undiscovered hibernacula, and conducting WNS surveillance, population monitoring, and management planning at known hibernacula [relevant, but outside of the scope of the WMMP]
- Various partners (including Government of the Northwest Territories, Sahtu Renewable Resources Board, industry, academic researchers and community members) have erected acoustic bat recorders at several locations in the Sahtu, Dehcho, South Slave and North Slave

regions of the Northwest Territories to learn more about the distribution and activity patterns of bats in these regions [relevant, but outside of the scope of the WMMP]

From the Recovery Strategy Table 5

- Consider the species' requirements in management plans and policies for public lands, environmental assessments, and land-use (energy, forestry, mining, agriculture, etc.) planning initiatives [the Little Brown Myotis was considered in the Tłıchq ASR environmental assessment]

Common Nighthawk

https://wildlife-species.canada.ca/species-risk-registry/virtual_sara/files/plans/rs_common%20nighthawk_e_final.pdf (link to the html version was not working)

From the Recovery Strategy Section 6

- Common Nighthawk is considered and mitigative measures are established for land-use development projects and during environmental assessments across Canada [Common Nighthawk was specifically considered in the Tłıchq ASR environmental assessment, mitigation for migratory bird nests is described in Section 4.1 of the WMMP, monitoring for nests is described in Section 5.1.4]

Olive-Sided Flycatcher

https://wildlife-species.canada.ca/species-risk-registry/virtual_sara/files/plans/rs_olive-sided%20flycatcher_e_final.pdf (link to the html version was not working)

From the Recovery Strategy Section 6

- During environmental assessments and land-use development projects across Canada, Olive-sided Flycatcher is considered and mitigative measures are established [the Olive-Sided Flycatcher was considered in the Tłıchq ASR environmental assessment]

WLWB Request #2

- a. Clarify whether the nesting season referred to in the response to ECCC comment 17 is for all bird species at risk and migratory birds, or solely migratory birds.
- b. What is/are the date range(s) currently planned for vegetation clearing for the project?
- c. Elaborate on the potential reasons for “schedule changes or unforeseen circumstances” to the above which may result in vegetation removal occurring during the nesting period.

Response to Request #2

- a. The nesting season referred to in the response to ECCC comment 17 is intended to be protective of all bird species at risk and migratory birds, and the nesting season was confirmed by ECCC during the environmental assessment. Guidance on migratory bird nesting seasons was obtained from <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods/overview.html>
For clarity, while all of the bird species at risk for the Project are migratory, not all are listed in Article 1 of the Migratory Birds Convention Act. See Table 2.8.2 and Table 2 of the WMMP for more detail.
- b. The most recent construction schedule (Works Schedule Rev 3) was provided to the WLWB on July 29, 2019 and indicates locations and dates where clearing will be required. While the Schedule is subject to further revision, it includes dates of clearing specific to the road segments, quarries, borrow pits, rock cuts (see Works Schedule rows 62, 67, 87, 91, 98, 102, 106, 111, 142, 143, 147, 152, 156, 160, 201, 207, 211 and 2015). There are two rock cuts for which clearing is planned during the 2020 nesting season (at KM 18 and 35, lines 87 and 98 in the Works Schedule), but these are both anticipated to be completely within the right of way for Segment 2 which will be cleared in the early winter of 2019 (line 91 in the Works Schedule).
- c. Possible scenarios where schedule changes or unforeseen circumstances may require clearing during the nesting season include changes to quarry or road alignment in response to finding an archaeological site, cutting a fire break in case of forest fire or a helipad in case of emergency, for road geotechnical or stability reasons, in response to encountering permafrost with a high ice content, to avoid rutting or to provide additional buffer between construction activities or if areas requiring clearing with inaccessible to heavy equipment.