



Box 32, Wekweètì, NT X0E 1W0  
Tel: 867-713-2500 Fax: 867-713-2502

#1-4905 48<sup>th</sup> Street, Yellowknife, NT X1A 3S3  
Tel: 867-765-4592 Fax: 867-765-4593  
[www.wlwb.ca](http://www.wlwb.ca)

February 25, 2021

File: W2016E0004/W2020L8-0001

Ziaur Rahman  
Manager of Surface Design and Construction  
Department of Infrastructure  
Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife, NT X1A 2L9

Sent via email

Dear Ziaur Rahman,

**Re: TASR Wildlife Management and Monitoring Plan Version 4.2**

The Wek'èezhìi Land and Water Board (WLWB or the Board) met on February 25, 2021 and considered Version 4.2 of the Government of the Northwest Territories Department of Infrastructure's (GNWT-INF) Wildlife Management and Monitoring Plan for the Tłı̄ch̄o All-Season Road (TASR) Project.<sup>1</sup>

The Board has approved Version 4.2 of the Wildlife Management and Monitoring Plan. Please review the attached Reasons for Decision for further information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph Mackenzie".

Joseph Mackenzie  
Chair, Wek'èezhìi Land and Water Board

Copied: TASR Distribution List  
Attached: Reasons for Decision

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<sup>1</sup> See WLWB ([www.wlwb.ca](http://www.wlwb.ca)) Online Registry for [W2020L8-0001 – TASR – Wildlife Management and Monitoring Plan – Version 4.2 – Jan 29 21](#)



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## Reasons for Decision

Reference/File Number:	W2016E0004/W2020L8-0001 (previously W2016L8-0001)
Permittee/Licensee:	Government of the Northwest Territories Department of Infrastructure (GNWT-INF)
Subject:	Version 4.2 of the Wildlife Management and Monitoring Plan

## Decision from the Wek'èezhìi Land and Water Board Meeting of February 25, 2021

### **1.0 Decision**

The Wek'èezhìi Land and Water Board (WLWB or the Board) met on February 25, 2021 and considered Version 4.2 of the Government of the Northwest Territories Department of Infrastructure's (GNWT-INF) Wildlife Management and Monitoring Plan (WMMP) for the Tłjchq All-Season Road (TASR or the Project). The Plan is required by Part B, Condition 18 of Water Licence W2020L8-0001 and Condition of 53 of Permit W2016E0004.

In consideration of the submission, reviewer comments, and proponent responses, the Board has approved Version 4.2 of the WMMP.

### **2.0 Background**

The WLWB issued Type A Land Use Permit W2016E0004 and Water Licence W2020L8-0001 (previously W2016L8-0001) for the TASR Project to construct, maintain, and operate a 97 km long dual-lane gravel highway running from km #196 on Highway 3, near Behchokq, to the community of Whati.

### **2.1 Wildlife Management and Monitoring Plan**

Part B, Condition 18 of Water Licence W2020L8-0001 and Condition of 53 of Permit W2016E0004 requires GNWT-INF to comply with the Wildlife Management and Monitoring Plan, once approved. The purpose of the WMMP is to describe the proposed monitoring, mitigation, and adaptive management for managing effects of the TASR project on wildlife. As per Measure 10-2, Part 3 of the Mackenzie Valley Review Board's Report of Environmental Assessment (Report of EA) and Reasons for Decision for the TASR Project, GNWT-ENR is required to conduct an annual public review of the TASR WMMP. GNWT-ENR worked with the WLWB staff and the WRRB staff to coordinate the annual public review. The process for

the WMMP annual public review is outlined in the GNWT-ENR's August 26, 2020 letter.<sup>1</sup> A table outlining the process and timeline for the TASR WMMP annual public review and timing for subsequent versions was also included in the letter.

The GNWT-ENR's letter required GNWT-INF to submit Version 4.0 of the WMMP by September 15, 2020. Version 4.0 of the WMMP was received and distributed for public review on September 15, 2020. Comments on Version 4.0 were received by Environment and Climate Change Canada (ECCC), the Tłıchq Government (TG), and the Wek'èezhii Renewable Resources Board (WRRB). Board staff also submitted questions of clarification. On October 29, 2020, the proponent requested the deadline be extended from October 31, 2020 to November 6, 2020. The deadline was extended and responses from GNWT-INF were received on November 6<sup>th</sup>, 2020. Reviewer recommendations and proponent responses for Version 4.0 are available on the WLWB's Online Registry.<sup>2</sup>

It was noted after reviewer comments were submitted that the Yellowknives Dene First Nation (YKDFN) were unintentionally excluded on the WLWB's Distribution List for the public review of the WMMP Version 4.0. To ensure the YKDFN's input was gathered, GNWT-ENR requested specific input from the YKDFN on the WMMP within the WRRB's process of reviewing the WMMP.<sup>3</sup>

Version 4.1 of the WMMP was submitted to the WRRB for review and approval on November 6, 2020.<sup>4</sup> The WRRB communicated its decision on December 7, 2020 and approved Version 4.1 as submitted.<sup>5</sup> Another version of the WMMP (Version 4.2) was expected at the end of January 2021 following the WRRB's decision.

On January 29, 2021, the Board received Version 4.2 of the WMMP.<sup>6</sup> Depending on the scope of changes to Version 4.2, it was noted in GNWT-ENR's August 26, 2020 letter that the WLWB may determine that another public review period is required before a decision is made. Otherwise, it was expected that the GNWT-ENR and the WLWB would take up to 30 days to make a decision.

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<sup>1</sup> See WLWB ([www.wlwb.ca](http://www.wlwb.ca)) Online Registry for [W2016E0004 – TASR – Wildlife Management and Monitoring Plan – Annual Review – Aug 26 20](#)

<sup>2</sup> See WLWB Online Registry for [W2016L8-0001 – TASR – WMMP – V4.0 – Review Summary and Attachments – Nov 6 20](#)

<sup>3</sup> See WLWB Online Registry for [W2016E0004 – TASR – Wildlife Management and Monitoring Plan – V4.0 – Request for YKDFN Input – Oct 30 20](#)

<sup>4</sup> See WRRB ([www.wrrb.ca](http://www.wrrb.ca)) Online Registry for the [TASR WMMP Version 4.1](#)

<sup>5</sup> See WRRB Online Registry for its [Decision Letter on Version 4.1 of the WMMP](#)

<sup>6</sup> See WLWB Online Registry for [W2020L8-0001 – TASR – Wildlife Management and Monitoring Plan – Version 4.2 – Jan 29 21](#)

### **3.0 Reasons for Decision**

#### **3.1 Contents of Version 4.2 of the WMMP and Overall Decision**

As noted in the WMMP's history table, Version 4.2 includes:

- revisions from the Board's April 16, 2020 Decision letter (included in Version 4.0, 4.1, and 4.2);
- an independent review of the TASR WMMP report (included in Version 4.0, 4.1, and 4.2);
- 2019 Annual Water Licence Report (included in Version 4.0, 4.1, and 4.2);
- Migratory Bird Survey Report (included in Version 4.0, 4.1, and 4.2);
- Non-intrusive Bird Nest Sweep Protocol (included in Version 4.0, 4.1, and 4.2);
- Responses to comments from WRRB, TG, ECCC, and Board staff from the public review of Version 4.0 (included in Version 4.1 and 4.2); and
- Revised wording of section 2.8.2 (included in Version 4.2).

The Board reviewed the changes made from Version 4.0 to Version 4.2 and did not identify anything that it believes warrants an additional public review. Based on the information provided in Version 4.2, the responses provided during the public review, and in consideration of WRRB's approval of Version 4.1, the Board believes that the revised WMMP has satisfied the Board's intent and that there is nothing that would prevent the Board from approving Version 4.2 of the WMMP.

➤ ***Decision #1: The Board approves Version 4.2 of the Wildlife Management and Monitoring Plan.***

Below, the Board discusses areas of the WMMP where the Board believes either further direction or acknowledgement is required.

#### **3.2 Thermal Imaging Device Study**

The purpose of the thermal imaging pilot study is to determine if alternative measures (such as thermal imaging devices) could be used to detect large mammals during wildlife surveys on the TASR.<sup>7</sup> During the public review of Version 4.0 of the WMMP, the TG stated (TG comment 5) that the WMMP lacks details on methodology, types of devices to be compared, and study design (e.g., knowing environmental conditions and distance from observer could serve as key co-variables) that would be used to determine whether thermal imaging devices improves the detectability of wildlife. The TG recommended that the WMMP should be updated accordingly if a comparison has already been carried out or a standard approach has been established. GNWT-INF responded by saying that its primary contractor will "continue to opportunistically conduct the thermal imaging device pilot study during construction" and that additional details on the weather conditions, ambient temperature and estimated distance from the animal would be recorded and that details on devices would be provided in the Water Licence Annual Report."

It is unclear to date as to what monitoring has occurred using thermal imaging. As part of the Schedule 1, Condition 1 requirements for the Annual Report, GNWT-INF is required to include results of available

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<sup>7</sup> See WLWB Online Registry for [W2016L8-0001 – TASR – Annual Report – 2019 – Apr 28 20](#)

surveys and monitoring, such as caribou, bird, and moose surveys. According to the 2019 Annual report, opportunistic viewing using thermal imaging did not occur and the pilot study had yet to be completed. The Board acknowledges, however, that by the time the 2019 Annual Report would have been prepared, the Construction of the TASR had only been underway for a few months.

The Board believes that additional details on the devices and environment when thermal imaging devices are used should be provided in the next Annual Report. To assist environmental monitors, the Board believes Appendix F of the WMMP: Monitoring Protocols and Data Sheets, should also be updated to ensure that environmental details and distance to animal can be recorded if and when thermal imaging occurs and then later included in the Annual Report.

- ***Decision #2: The Board directs GNWT-INF include details on the study design (i.e., environmental conditions, temperature, distance from observer, etc.), thermal imaging devices, and methodology in the next Annual Report when thermal imaging takes place.***
- ***Decision #3: The Board directs GNWT-INF to include details on the study design (i.e., environmental conditions, temperature, distance from observer, etc.), thermal imaging devices, and methodology used for the thermal imaging device study in Appendix F of the next WMMP.***

### **3.3 Traffic Monitoring**

In the public review, TG stated (TG comment 6) that traffic monitoring (section 5.2.1) should be an “integral part of the initial design of wildlife effects monitoring” and is a “key dataset that will provide an important co-variate in analyses of wildlife responses” for primary objectives such as a, b, e, f, g, h, and i located in section 5.2 of the WMMP. The TG recommended that the WMMP should describe how the wildlife effects monitoring would explicitly incorporate traffic monitoring and how it would meet the requirements of the design and data analyses. In response to TG’s comment, GNWT-ENR (department also responsible for aspects of the WMMP) addressed how each of the objectives TG mentioned would or would-not rely on traffic monitoring to support each objectives. GNWT-ENR indicated that the traffic counter would allow assessment of how changes in distribution, habitat use, and movements of caribou (objective b) relate to variation in hourly or daily traffic volumes throughout the year and would provide higher temporal resolution than the collar data. Traffic counters would also be sufficient to determine spatial and temporal distribution of wildlife-vehicle collisions and sightings (objective g), but that additional counters would be necessary. GNWT-ENR indicated that at least one traffic counter would be installed approximately 50 km along the TASR alignment, and that the temporal resolution of this data would be sufficient to determine if traffic volume thresholds are exceeded. If daily traffic volumes are exceeded, monitoring would continue beyond the first 5 years of operations. GNWT-ENR also indicated that the department and GNWT-INF would install additional traffic counters at the north and south ends of the TASR alignment.

In response to the Independent Review of the TASR WMMP Report prepared by Paragon Wildlife Research and Analysis Ltd. attached as Appendix J of the WMMP, the GNWT committed to ensure that traffic counters would be placed at both ends of the TASR to ensure that vehicles that do not travel the full length are captured in measures of traffic volume.

The Board is satisfied with GNWT’s response in describing if and how traffic monitoring will be used and note that there will be future opportunities for groups such as the TG to provide feedback on the use of

traffic monitors. Although wildlife is not under the jurisdiction of the Board, wildlife habitat is. The Board would like to remind all parties that as per the approved Engagement Plan (Version 1.2),<sup>8</sup> GNWT-INF committed to consult with NSMA as well as the TASR Corridor Working Group on “specifics around traffic counters and potential changes to the WMMP”.

### **3.4 Corridor Working Group (CWG) and Adaptive Management**

The Board previously directed GNWT-INF to revise the WMMP to “reflect monitoring and adaptive management discussions of the Road Corridor Working Group”.<sup>9</sup> The Board has also expected that in future WMMPs, that GNWT-INF “identify all recommendations and advice by the Corridor Working Group received, how they were incorporated in to the WMMP, and provide justification for recommendations not adopted.”<sup>10</sup> Board staff were unaware of the mechanisms determined by the Corridor Working Group for incorporating recommendations into the WMMP and so during the public review of Version 4.0, Board staff asked GNWT-INF to specify how the Corridor Working Group advice is considered and incorporated into the WMMP and if it would make sense to have GNWT-INF have this process included in the next TASR working group agenda. GNWT-INF responded by saying that, although not “specifically stated in the CWG meeting agenda, discussions under ‘management and monitoring plans: updates, implementation, outcomes, constraints, concerns, and recommendations’ as well as ‘engagement plan’ are meant to identify pieces of advice from the CWG on the TASR monitoring and mitigation”. In GNWT-INF’s response to Board staff comment 4 and in Section 3 of the WMMP, GNWT-INF reiterates that “an objective of the draft Corridor Working Group Terms of Reference is to provide advice to the GNWT-INF on Tlicho ASR monitoring and mitigation results that may contribute to adaptive management” and that “as and when new additional traditional knowledge is provided...through the Corridor Working Group, it will be incorporated into future WMMPs for adaptive management”.

In the WRRB’s December 7, 2020 decision letter, the WRRB raised concern with the CWG not serving as a sufficient tool for adaptive management, specifically for Traditional Knowledge.<sup>11</sup> In its letter, the WRRB acknowledged however that the CWG had only existed for two years, and that the COVID-19 pandemic has forced the CWG to move online.

The Board agrees with the WRRB’s acknowledgement of the current circumstances and recognize that it may be challenging for GNWT-INF to gather input through the CWG, especially Traditional Knowledge. The Board notes that the CWG is only one of the many tools GNWT-INF has to solicit feedback and input from affected Parties or CWG members. As part of the approved Engagement Plan, Table 3 outlines engagement triggers and methods for Construction and Operation of the TASR states that at ‘any time as required by the parties or WLWB’, they are able to provide input. The Board encourages Parties and the GNWT-INF to continue to engage on topics that are important to them in meaningful ways and at a frequency that is useful in informing the TASR Project.

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<sup>8</sup> See WLWB Online Registry for [W2016L8-0001 – TASR – Engagement Plan – Version 1.2 – Oct 2 19](#)

<sup>9</sup> See WLWB Online Registry for [W2016L8-0001 – TASR – Management Plans – Reasons for Decision – Aug 23 19](#)

<sup>10</sup> See WLWB Online Registry for [W2016L8-0001 – TASR – WMMP V3.4 and Construction Plan V1.1 – Decision Letter – Apr 16 20](#)

<sup>11</sup> See WRRB Online Registry for its [Decision Letter on Version 4.1 of the WMMP](#)

Signed the 25<sup>th</sup> Day of February, 2021, on behalf of the Wek'èezhìi Land and Water Board



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Witness



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Joseph Mackenzie  
Chair, Wek'èezhìi Land and Water Board