



OCT 16 2017

MR. PAUL GUY *Paul*
DEPUTY MINISTER
DEPARTMENT OF INFRASTRUCTURE

Wildlife Act Section 95(1) Determination of the Requirement for a Wildlife Management and Monitoring Plan for the Tłıchǰ All-Season Road

The Minister of Environment and Natural Resources (ENR) has considered the potential impacts to wildlife and wildlife habitat associated with the Department of Infrastructure's (INF) proposed Tłıchǰ All-Season Road, as presented in the submissions to the public registry of the Mackenzie Valley Environmental Impact Review Board's (MVEIRB) environmental assessment of this proposed development.

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 Tłıchǰ All-Season Road is likely to satisfy criteria (a), (b) and (c) 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;*
- (c) pose a threat of serious harm to wildlife or habitat; or*
- (d) significantly contribute to cumulative impacts on a large number of big game or other prescribed wildlife, or on habitat."*

Please note that the Minister of ENR's determination of whether the development meets criteria in section 95(1) of the *Wildlife Act* is to be considered distinct from any conclusions about the significance of the impacts to wildlife and wildlife habitat of the project made by the Government of the Northwest Territories (GNWT) in the Adequacy Statement Response, as that document was prepared under the assumption that there would be a WMMP in place for the Tłıchǰ All-Season Road.

.../2

Therefore, the Minister of ENR requires INF to submit a WMMP for approval at least 60 calendar days prior to construction to allow sufficient time for a public review, and the approval process.

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.*

ENR acknowledges the draft WMMP INF posted to the public record for the Tłıchǰ All-Season Road environmental assessment and that additional commitments related to wildlife and wildlife habitat may arise going forward. ENR expects that the WMMP to be submitted by INF to ENR for approval shall address these commitments as well as any wildlife-related measures directed towards GNWT that may be contained in the MVEIRB's Report of Environmental Assessment, should the project be approved.

ENR will post the revised WMMP for public review for 30 calendar days, and based on the outcome of that review, ENR may require further revisions to the WMMP. Upon receipt of the final WMMP, ENR will provide INF a written notice of approval, conditional approval or rejection of the WMMP within 30 calendar days.



Dr. Joe Dragon
Deputy Minister
Environment and Natural Resources

- c. Mr. Fred Mandeville, Assistant Deputy Minister Operations
Environment and Natural Resources

Mr. Mark Cliffe-Phillips, Executive Director
Mackenzie Valley Environmental Impact Review Board

Mr. Ryan Fequet, Executive Director
Wek'èezhìi Land and Water Board

Ms. Jody Pellissey, Executive Director
Wek'èezhìi Renewable Resources Board

Dr. Brett Elkin, Director, Wildlife Division
Environment and Natural Resources