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Our File No.: 4336 001 009

March 9, 2012

Your File No.: EIRB 02/10-05

Eli Nasogaluak
Environmental Assessment Coordinator
Environmental Impact Review Board
Joint Secretariat – Inuvialuit Renewable Resources Committee
107 Mackenzie Road, Suite 204
P.O. Box 2120, Inuvik, NT
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Via Email at eirb@jointsec.nt.ca

RE: EIRB 02/10-05 – Hamlet of Tuktoyaktuk, Town of Inuvik, and the Government of the Northwest Territories – Construction of the Inuvik to Tuktoyaktuk Highway – Baseline Data Acquisition and Cumulative Impacts Assessment

Dear Mr. Nasogaluak,

Environment Canada (EC) has reviewed the information submitted in the Developer's Environmental Impact Statement (EIS), as well as the Developer's responses to IRs issued by the Board on January 16, 2012. EC notes that the Developer has identified a number of programs to collect further baseline data during the summer and fall of 2012 (summarized in response to EIRB IR#15) that may help to improve the impact prediction capability, and ultimately mitigation and monitoring of cumulative effects to species at risk.

It is important to note that EC is of the opinion that it is not necessary to delay the review process until the additional baseline information has been obtained. The purpose of this letter is to seek clarity on the timing and process with which the additional information will be considered during the review, as well as to verify the timing and opportunity for regulators and interested parties to review and comment on the additional information and provide recommendations that could help to further minimize impacts from the project.

According to the revised review schedule issued by the EIRB on December 20, 2011, public hearings for the project will occur in July/August 2012, written submissions by parties will be submitted by mid-August 2012, and the Board will issue its decision by mid-November 2012. Given this proposed review timeline, EC requests that the EIRB clarify:

1. The manner in which the information collected during baseline studies, proposed to occur during summer 2012, will be incorporated into the Board's review of the project.
2. The process by which the additional information will be used in refining the Wildlife Mitigation and Monitoring Plan and in the design and implementation of species mitigations considering the information obtained from the baseline studies may be

provided after parties have submitted their written submissions, and the Board has drafted its Report.

3. Whether regulators and interested parties will have the opportunity to review and comment on the information provided and to provide further recommendations based on this new information.
4. How further comments and recommendations from regulators and interested parties based on this new information will be considered by the Board in making its decision on the project.

EC agrees that this additional baseline information will be pertinent to the review and should be collected as the lack of adequate data to support the Developer's current cumulative effects assessment may challenge the Panel's ability to reach conclusions on significance of potential impacts to species at risk. EC notes that Section 10.1.5 of the Terms of Reference (TOR) for the EIS stipulates that all direct, indirect and cumulative effects should be considered for species at risk listed on Schedule 1 of the *Species at Risk Act* (SARA) and those designated at risk by COSEWIC.

Section 11 of the TOR directed the Developer to identify and assess the cumulative environmental and socio-economic effects of the project in combination with other past, present or reasonably foreseeable projects and/or activities within the Study Area(s). Specifically, the Developer was required to identify the sources of potential cumulative effects and to specify other projects or activities that have been or will be carried out that could produce effects on each selected VEC or VSC within the boundaries defined, and whose effects would act in combination with the residual effects of the project.

Whereas EC recognizes and respects that this review is being conducted under a substituted process, the department must continue to strive to meet obligations set out under paragraph 16(1)(a) of the Canadian Environmental Assessment Act (CEAA); that every environmental assessment (including assessment by a review panel) must consider "the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out" (Environment Canada and Parks Canada, 2010, pg. 39)¹. Since the definition of "environmental effect" includes any change a project may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, it is important that cumulative environmental effects on listed wildlife species are considered in the environmental assessment process). SARA establishes no explicit obligations to address cumulative environmental effects on listed wildlife species. However, many listed wildlife species are at risk precisely because of cumulative environmental effects that have occurred in the past, such as gradual loss of habitat. Thus, it is implicitly important in the cumulative environmental effects analysis that environmental assessments always consider the potential for cumulative environmental effects on listed wildlife species, the residences of their individuals and their

¹ Environment Canada and Parks Canada, 2010, "Addressing Species at Risk Considerations under the *Canadian Environmental Assessment Act* for Species Under the Responsibility of the Minister Responsible for Environment Canada and Parks Canada". Available at: www.ec.gc.ca/nature/default.asp?lang=En&n=132ADBFC-1&parent=0C1743A2-4D49-4183-AC5F-1DE909D2FEB1

critical habitat, in the context of the combined past threats the species have faced, as well as any additional present or future threats that can reasonably be expected to occur.

Should you have any questions or wish to discuss this further please do not hesitate to contact Stacey LeBlanc at (867) 669-4748 or Stacey.LeBlanc@ec.gc.ca.

Yours truly,

A handwritten signature in blue ink, appearing to read 'C Baraniecki', with a long horizontal flourish extending to the right.

Cheryl Baraniecki
Regional Director, EPO

cc: Dave Ingstrup (Regional Director, CWS)
Carey Ogilvie (Head, Environmental Assessment North, EPO)
Vanessa Charlwood (Head, Western Arctic Unit, EC-CWS)
James Hodson (Environmental Assessment Coordinator, CWS)
Stacey LeBlanc (A/Sr Environmental Assessment Coordinator, EPO)
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