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Our File No.: 4336 001 009  
Your File No.: EIRB 02/10-05

Eli Nasogaluak  
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Environmental Impact Review Board  
Joint Secretariat – Inuvialuit Renewable Resources Committee  
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Via Email at [eirb@jointsec.nt.ca](mailto:eirb@jointsec.nt.ca)

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

Dear Mr. Nasogaluak,

In response to your letter dated May 24, 2012, Environment Canada (EC) is pleased to provide the Environmental Impact Review Board (the Board) with an updated evaluation of the available evidence provided by the Hamlet of Tuktoyaktuk, Town of Inuvik, and the Government of the Northwest Territories (the Developer) in their responses to Round 2 – IRs #114 and 117, and an update on whether EC is in a better position to satisfy the *Canadian Environmental Assessment Act* (CEAA) requirement for a cumulative effects assessment for species at risk based on the new information provided. EC recognizes and respects that this review is being conducted under a substituted process, however the department must continue to strive to meet obligations set out under paragraph 16(1)(a) of the CEAA. While the new information provided by the Developer is helpful, the information is not yet complete from the perspective of a cumulative effects assessment and therefore does not fully satisfy the requirements of CEAA. The specific areas outstanding are outlined below.

**IR #114-1** requested the Developer to provide a quantitative summary of the direct footprints and indirect zones of influence for existing and foreseeable projects within the cumulative effects assessment area, broken down by habitat type.

The Developer has provided the direct footprints of the Highway and the proposed Mackenzie Gas Pipeline project as well as buffers of 100 m, 500 m, 1 km and 5 km around these projects. Footprints were identified by habitat type. Separate calculations were provided for the Highway Alternative 1 and 3, the Mackenzie Gas Pipeline Project, the Ikhil Pipeline, the Navy Road, and the Tuktoyaktuk to Source 117 Access Road. While this information is useful, the Developer did not provide an assessment of the combined impact of all of these projects and stated that the areas provided for each project cannot be summed together due to overlap between projects. This limits the utility of the data for the purpose of the cumulative impact assessment.

**EC recommends the Developer provide an estimate of the combined footprint (with and without buffers) from the Highway Alternative 1 and 3, the Mackenzie Gas Pipeline**

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**Project, the Ikhil Pipeline, the Navy Road, and the Tuktoyaktuk to Source 117 Access Road broken down by habitat type and accounting for overlap between projects.**

IR #114-2 requested the Developer to provide an assessment of cumulative direct habitat loss and indirect changes to habitat quality from sensory disturbance for each species at risk that was likely to occur in the cumulative effects study area, based on known habitat associations and current distribution. As noted by the Developer, EC provided GNWT-ENR with additional observational data on species at risk that it had available to assist the Developer with their cumulative effects assessment. This data included observations of Rusty Blackbird, Horned Grebe, Short-eared Owl and Peregrine Falcon from the following sources:

- EC-CWS - NWTNU Bird Checklist Data
- EC-CWS - Waterfowl Aerial Survey Data

The following publications were also forwarded to GNWT-ENR and KAVIK-STANTEC:

- Machtans et al. 2006. Retrospective comparison of the occurrence and abundance of Rusty Blackbird in the Mackenzie Valley, Northwest Territories. *Avian Conservation and Ecology* 2(1): 3.
- J.E. Hines, M.O. Wiebe Robertson. 2006. Surveys of Geese and Swans in the Inuvialuit Settlement Region, Western Canadian Arctic. 1989-2001. Occasional Paper No. 112
- J.E. Hines, B. Fournier, J. O'Neill. 2004. Spring and Fall Distribution of Waterfowl and Other Aquatic birds on the mainland of the Inuvialuit Settlement Region, Western Canadian Arctic, 1990-98. Technical Report Series No. 426
- B.J. Fournier, and J.E. Hines. 2005. Geographic Distribution and Changes in the Population Densities of Waterfowl in the Northwest Territories, Canada, 1976-2003. Technical Report Series No. 433

The Developer included the figures provided by EC-CWS noting Rusty Blackbird and Short-eared Owl observations made during aerial waterfowl surveys. It is important to note that these surveys only covered the northern half of the Developer's cumulative effects study area. The Developer did not include maps showing the observation data provided from the NWTNU Checklist program which suggests that these two species have been sighted throughout the assessment area. These omissions essentially downplay the potential occurrence of these species in the region. The Developer concluded that there would be no effects or residual impacts to Rusty Blackbird, Horned Grebe, Short-eared Owl or Peregrine Falcon and that therefore a cumulative effects assessment was not required for these species.

For Rusty Blackbird, the Developer states that the Highway alignment must avoid wetland habitats; however, Tables 1 and 3 of the IR response show that Alignment 1 and 3 will directly impact 32.65 ha and 30.33 ha of wetland habitat respectively.

Further to this information, IR #114-3 requested the Developer to provide an outline of how future baseline data collection will address deficiencies where current baseline data was inadequate to assess potential impacts to species at risk.

The Developer has indicated that they will develop habitat suitability maps for Rusty Blackbird, Horned Grebe, Short-eared Owl and Peregrine Falcon to further assess potential impacts to these species and identify further mitigation if needed. Habitat suitability maps will be based on



a vegetation classification system and a desktop review of current baseline data for these species. Aerial surveys of breeding waterfowl and raptors and confirmatory surveys for bird species habitat suitability maps are planned for June/July 2012. Validation of the vegetation classification system will also be carried out. It is stated within the IR response that *"The Developer expects to confirm its expectations of the absence of habitat suitable for species at risk for which it has not conducted a cumulative effects assessment (i.e., the project will have no effect and, therefore, there are no residual effects to assess with other existing or reasonably foreseeable projects)."* EC is of the view that because the Developer has yet to confirm the absence of Rusty Blackbird, Horned Grebe, Short-eared Owl and Peregrine Falcon along the proposed Highway corridor, including borrow sources and access roads, it cannot yet be concluded that a cumulative effects assessment for these species is unnecessary.

**To complete the analysis requested under IRs #114-1, #114-2 and #114-3, EC recommends that once the Developer has developed habitat suitability models and validated them with field surveys, revised estimates of direct and indirect habitat loss for each species at risk should be provided based on the combined footprints (i.e. accounting for overlap) of the projects presented in Tables 1-9.**

EC agrees with the proponent that cumulative effects assessments are not necessary for Polar Bear and Eskimo Curlew, as these species are unlikely to interact with or be affected by the proposed Highway.

EC notes that the EIRB has directed the Developer to provide copies of draft and final reports identified in Table 1 of their letter entitled "Directives to the Developer regarding the Review of the HAMLET OF TUKTOYAKTUK, TOWN OF INUVIK AND GNWT - CONSTRUCTION OF THE INUVIK TO TUKTOYAKTUK HIGHWAY, NORTHWEST TERRITORIES" (dated May 25, 2012). EC met with KAVIK-STANTEC on April 03, 2012 to discuss their proposed field programs for summer 2012. EC highlighted that since the expectations of impact assessment are generally higher for species at risk it might be more valuable to focus further field studies on these species if time and resources are limited. EC supports the Developer's intention to focus field studies on SARA-listed birds and waterfowl (due to their importance for harvesting), but notes that not all of the surveys listed in Table 1 may be essential to the impact assessment or technically feasible (e.g. spring waterfowl staging survey).

**IR #EC 117.2** requested the Developer calculate the area of new disturbance created by the Highway corridor, including a 500 m buffer on either side of the corridor that lies within the NWT North boreal caribou range.

The Developer has indicated that approximately 25 km of the Highway lies within the most recent boundary for the boreal caribou range identified by the NWT Species at Risk Committee in March 2012. This section of the highway corridor plus a 500 m buffer would cover an area of 3,590 ha within the boreal caribou range. The range boundary used in the Developer's IR response differs from that used in EC's proposed recovery strategy for boreal caribou. EC will need to reassess the potential contribution of the Highway corridor to disturbance in the NWT boreal caribou range once the final recovery strategy is released.

EC met with the Developer on June 13, 2012 to discuss the field work being planned for the 2012 field season. A note to file from this meeting will be submitted shortly to summarize the outcomes of this meeting. If existing data and data collected during field season 2012 are

analyzed and presented in the manner outlined in this letter, the Developer will likely be able to address EC's concerns with the cumulative effects assessment.

Should you have any questions or wish to discuss this information further, please do not hesitate to contact Stacey LeBlanc at [Stacey.LeBlanc@ec.gc.ca](mailto:Stacey.LeBlanc@ec.gc.ca).

Yours truly,

on behalf  
of.



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Environmental Protection Operations Directorate

cc: Dave Ingstrup (Regional Director, CWS)  
Carey Ogilvie (Head, Environmental Assessment North, EPO)