



FISHERIES JOINT MANAGEMENT COMMITTEE

Joint Secretariat – Inuvialuit Renewable Resource Committees

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October 1, 2012

Elizabeth Snider

Eli Nasogaluak

Gordon Stewart

Environmental Impact Review Board (EIRB)

P.O. Box 2120

Inuvik, NT X0E 0T0

Re: questions to the FJMC from the Tuktoyaktuk-Inuvik Highway Developer – Public Hearing in Inuvik, NT on Wednesday, September 19, 2012

Dear Ms. Snider, Mr. Nasogaluak, Mr. Stewart and EIRB Members,

The FJMC has reviewed the transcript of the Public Hearing that was held in Inuvik on the proposed Tuk-Inuvik Highway project on Wednesday, September 19, 2012.

In the transcript, there are several questions that were raised by the Developer after the FJMC's Community Resource Specialist, James Malone, presented the Committee's presentation at the Public Hearing on September 19. As Mr. Malone had only recently been exposed to this file for a short time, the responses he provided were as best he could or deferred for the FJMC to respond. As you are aware, the Committee is not comprised of technical experts. However, based on the concerns provided to us by the communities involved, we have reviewed the questions and provide to the EIRB our responses as follows:

1. What is the FJMC's understanding of information contained in the hydrological report and the detailed water crossing designs?

FJMC response: It is our understanding that further information will be made available on the hydrology of the stream crossings. However, as we do not have technical expertise in these areas, we would depend on those agencies and individuals who do to provide assessments of these areas. In particular, we would look to DFO as the regulator to identify requirements for stream crossing designs.

2. What would you expect in a hydrological assessment?

FJMC response: From our understanding, the Developer would delineate the drainage basin, utilize existing regional climate information and provide modeling information to inform those developing the design for each crossing. This information should also be available for the impact assessment. In addition, we would expect that this information would be made available to the appropriate biologists to evaluate the importance of the

potential impacts on the water bodies and fish stocks if present.

3. Is there anywhere where the Developer has filed information about mitigations to fish and fish habitat that FJMC is aware of?

FJMC response: Yes, we have reviewed the available material. The information provided is incomplete and at a superficial level. The difficulty is the Developer chose to ignore those aspects of the fishery outside the boundaries “mandated” by the Developer. This avoids an assessment of those fisheries which are likely to be impacted by the increased access the highway will provide.

4. Does FJMC have a role in reviewing applications for fisheries authorizations?

FJMC response: No, the FJMC does not have a formal role in reviewing applications for fisheries authorizations. The FJMC’s responsibility is to provide advice and recommendations on the management of fish and marine mammal resources in the ISR to address Objective 3 of the IFA. The fisheries resources of concern are those which are valued and known to the communities and might be affected by the development of the highway. It is the Developer’s responsibility to assess the fisheries resources and facilitate any remedial measures which might be required to minimize identified impacts to a level that would allow authorization under the *Fisheries Act*.

5. Has FJMC undertaken or participated in any fisheries harvest studies in the past?

FJMC response: Yes, to address the requirements under the IFA (Inuvialuit Harvest Study). Within the limited funds we have available, we have facilitated fisheries harvest studies often with the assistance of other organizations for the purposes related to the management of the resource and have invested additional resources to address specific community based requirements. A specific example is Husky Lakes, which is designated under Section 8.1 of the IFA as an area of special concern. A second example is the ongoing harvest study in support of the Beluga Management Plan.

6. Are you aware of any examples where developers have paid for project-specific harvest studies?

FJMC response: Other developers have paid for data collection related to fisheries management including ongoing monitoring throughout Canada. It has involved evaluation of subsistence and sport fishing of the resource or the collection of baseline data to support prudent management of post development impacts.

7. Can you indicate where the photo of the upright culvert was taken?

FJMC response: Please refer to the DFO’s response in the Public Hearing session on September 19, 2012. This is of particular concern as the Developer presented the Tuk-177 highway as an example of how they would go about developing and maintaining the Inuvik-Tuktoyaktuk Highway. However, the FJMC was not able to find a reference to the difficulties encountered with the crossings on the Tuk – 177 Highway in the lessons learned section as presented by the Developer. In their submission to the Panel, the Developer stated clearly that this is the “pilot” for the Inuvik – Tuk Highway (February 2012). Through proper assessment, design, installation and mitigation, it is these types of

incidences that we are seeking to avoid during and following the construction phase.

8. Can you describe the conditions of the photo (of the culvert)? In other words, was any water observed flowing through the culvert at such time the picture was taken?

FJMC response: Please refer to the DFO's presentation that was made at the Public Hearing on September 19, 2012.

9. Are you aware that it took less than a day for DoT contracting staff to resolve this issue (regarding the culvert on the Gravel Source 177 Road)?

FJMC response: From our understanding and review of available information, the response to the initial problem took greater than 48 hours. Subsequently in the fall of 2011, the culvert was perched due to the shortening of the culvert and remedial measures were required to provide fish passage. The final remediation of this issue was completed in May 2012. It is our understanding that the problems at this location have not been completely resolved, including the compression of the existing culvert (please refer to the DFO's comments on September 19, 2012).

The FJMC thanks the EIRB for providing a copy of the September 19 transcript on September 21, 2012. We appreciate the support that EIRB has provided in this matter to the Committee and to the Tuk-Inuvik Working Group (TIWG).

The Developer requested a meeting with the Committee in Whitehorse on September 28, 2012 to make a presentation and discuss the proposed highway project. The Committee is hopeful that they will undertake to address the areas of concern and to resolve the difficulties associated with restricting their impact assessment to the narrow corridor and construction phase of the highway such that the project may proceed in a timely and safe manner.

If you have any questions or concerns, please contact FJMC Member Brian Zytaruk at brian.zytaruk@amec.com or James Malone at (867) 777-2828 or at malonej@jointsec.nt.ca

Sincerely,



D.V. Gillman
Chair, Fisheries Joint Management Committee

cc: D. Parks, Contractor, Tuktoyaktuk-Inuvik Working Group – Inuvik
B. Zytaruk, Canada Member, FJMC – Inuvik
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