



FISHERIES JOINT MANAGEMENT COMMITTEE

Joint Secretariat – Inuvialuit Renewable Resource Committees

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October 4, 2012

Elizabeth Snider

Environmental Impact Review Board (EIRB)

P.O. Box 2120

Inuvik, NT X0E 0T0

Re: Tuktoyaktuk-Inuvik Highway Project

Dear Ms. Snider and EIRB Members,

The FJMC is appreciative of the difficult challenge the EIRB has in addressing the decision for the above project and would like to provide some points of clarification on the FJMC's position. The FJMC is not opposed to the highway and is aware of the benefits that will accrue from such an important project to the communities and to the ISR. That being said, the FJMC also wishes to ensure that the project is conducted in a manner that is safe and minimizes the impacts to fish and fish habitat resources that are of present and future value to the residents of the ISR.

To date, we are confident that the impacts to fish resources in the immediate corridor of the highway and the construction phase can be minimized and mitigated through known technical approaches as required by DFO. The Committee is also confident that the improved access provided by this highway will have a significant impact on known and valued fisheries already utilized by residents of the communities of Tuktoyaktuk and Inuvik. This may also apply to potential new fisheries. This has been the concern expressed to the FJMC since the inception of the project and stimulated the creation of a joint Tuk-Inuvik Working Group (TIWG) by the FJMC to ensure the opportunity for community input and planning to address these, and other concerns.

We are particularly concerned with the impacts to lakes supporting Lake Trout fisheries adjacent to the proposed highway route. In previous examples of improved access such as the Ingraham trail near Yellowknife, the results were immediate and large scale recreational fisheries flourished. Lake Trout populations are not able to withstand large scale fishing pressure due to their low growth and reproductive rates. In particular, improved access to the south basins of Husky Lake (which is already evident from the 177 section) may have significant implications for a lake trout fishery that is valued by the communities. So much so that it has special designation in Section 8.1 of the IFA.

SECTION 8: HUSKY LAKES / CAPE BATHURST AREAS

8.(1) With respect to Area Number 2 as shown in Annex D, approval for any development activity shall be withheld unless the developer proves that the proposed development activity meets acceptable environmental standards and accounts for his standard of

performance. The criteria for establishing acceptable environmental standards for the project and evaluating the developer's standard of performance shall be set by the Environmental Impact Review Board.

The Developer's position has been to restrict the scope of the project to the narrow construction corridor and to the timing of the construction phase. This approach allowed them to minimize those impacts requiring remedial measures. This approach does not recognize post construction impacts and would not address the impact on valued fisheries as a result of the increased access provided by the highway. In our interpretation, the above named section of the IFA allows the EIRB to indicate the scope of application which should include impacted areas beyond the construction corridor.

Furthermore, it is the FJMC's opinion is that it is the Developer's responsibility to assess the impacts associated with the increased access, assist in required remediation and post construction monitoring to ensure the success of their mitigation measures and to ensure there are no lasting effects from improved access to known fisheries. This has been accepted practice for Proponents conducting Environmental Assessments throughout many other jurisdictions in the world. As a public entity, their standard of performance should exceed the requirements and set an example for future Proponents and their developments.

We are pleased that the Developer has initiated discussions (October 1, 2012) with the FJMC following the September hearings in Inuvik. We are pleased with this decision as the Committee invited DOT in 2010 to participate in the Tuk –Inuvik Working Group (TIWG) and to address the recommendation provided by the FJMC for the creation of post construction community based fishing plans for known fisheries adjacent to the proposed route. Although not a guarantee, these fishing plans would do much to create awareness and enhance the prospects that the fisheries could be sustained for future generations. We believe the proponent has now recognized their responsibility to assess the impacts associated with increased access and facilitate the remediation of identified impacts. They have committed to provide funding and to work with the TIWG to develop a plan for the creation of fishing management plans for lakes of interest along the corridor. This plan should provide resources for the TIWG to hire the expertise for structuring the plan, include a community consultation and information plan, and establish at a minimum a three year monitoring program post construction to evaluate the success of the fishing plans.

The FJMC in its advisory capacity recommends that the EIRB consider any approval of the developer's proposal include these commitments as a condition of that approval. Those conditions should identify their responsibility to assess the zone of impact that encompasses known or potential highly valued fisheries adjacent to the highway corridor that may be impacted by improved access afforded by development and operation of the proposed highway. This should also require the development of necessary remedial measures and monitoring for a prescribed period of three years after initial commissioning of the highway. The FJMC would hope that the conditions of approval would include this requirement as well as the consideration of performance bonds for a known period post construction. The FJMC within its limited resources remains committed to assisting these efforts where possible and addressing community recommendations and concerns in regard to these areas and their fisheries.

If you have any questions or concerns, please contact me at (519) 482-7478 or vgillman@cabletv.on.ca or James Malone at (867) 777-2828 or at malonej@jointsec.nt.ca

Sincerely,

A handwritten signature in black ink, appearing to read "D.V. Gillman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

D.V. Gillman
Chair, Fisheries Joint Management Committee

cc: D. Parks, Contractor, Tuktoyaktuk-Inuvik Working Group – Inuvik
B. Zytaruk, Canada Member, FJMC – Inuvik
F. Pokiak, Chair, IGC – Inuvik
L. Carpenter, Chair, WMAC-NWT – Inuvik
N. Snow, Executive Director, Joint Secretariat – Inuvik