

September 7, 2012

VIA EMAIL

Eli Nasogaluak
Environmental Impact Review Coordinator
Environmental Impact Review Board
PO Box 2120 Inuvik, NT X0E 0T0

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Dear Mr. Nasogaluak,

Re: Clarification of Department of Environment and Natural Resources in the Inuvik to Tuktoyaktuk Highway Project

This is the response to your letter of August 29, 2012 regarding clarification of the role of the Department of Environment and Natural Resources (ENR) in the Inuvik to Tuktoyaktuk Highway Project.

First, the Developer for the Inuvik to Tuktoyaktuk Highway Project includes the Government of Northwest Territories (GNWT) Department of Transportation (DOT), the Town of Inuvik and the Hamlet of Tuktoyaktuk. While it is true DOT is a department within the GNWT, the developer team does not formally include any other GNWT department. The supporting evidence for the Inuvik to Tuktoyaktuk Highway Project, in particular the assessment of project effects, is fully the responsibility of DOT and its development partners.

The Minister of ENR is responsible for the coordination of all GNWT departments during interventions in an Environmental Assessment. Each GNWT department has a specific mandate and the involvement of departments varies with the type of project. Therefore, ENR coordinates and submits evidence on behalf of all departments although each department originates and approves the evidence. For example, ENR also has a specific mandate for wildlife and vegetation management in the NWT including the Inuvialuit Settlement Region (ISR). Other departments have responsibilities for delivery of health services or policing services.

As this Project is the first public highway to undergo an environmental assessment in the NWT, the Deputy Minister of Transportation and Deputy Minister of ENR agreed ENR's Environmental Assessment and Monitoring Section would coordinate support of GNWT departments to provide advice and information to the Developer.

For example, GNWT departments reviewed the draft Terms of Reference for the project and identified specific comments and advice to the Developer (EIRB Public Registry 090-1 and 09-2). These comments included identification of available socio-economic statistics and wildlife data. Once the final Terms of Reference was established, GNWT departments endeavoured to provide the most current information to the Developer. This included information not available to the public such as an unpublished version of the Ecological Regions of the Southern Arctic boundaries.

As a member of the Northern Project Management Office's (NPMO) NWT Project Working Group, ENR supports the principle of engagement of federal and territorial departments with proponents during an assessment. ENR recommended NPMO convene a meeting of the Developer and federal/territorial departments to discuss issues with the draft EIS in April 2010. This meeting led to the Developer initiating a number of contracts for a variety of studies including terrain, fish and fish habitat, vegetation, wildlife and wildlife habitat, and archaeological impact assessment. The GNWT ENR has continued to encourage the inclusion of other government departments, in particular Environment Canada, in the review of project design and early review of results.

During the drafting of the EIS, the GNWT departments reviewed the wildlife/vegetation and socio-economic baseline sections and encouraged federal departments to review sections under their mandates. This included the provision of data and identification of appropriate literature. The Developer was responsible for decisions on what to include in the EIS. GNWT departments did not review the assessment of project and cumulative effects and are not accountable for representing these matters.

The GNWT departments also provided advice to the Developer during the Conformity Request and Information Request phases. In particular, GNWT departments provided an understanding of the NWT's 17th Legislative Assembly priorities [098-01], GNWT Social Programming [097-1] on November 18, 2011 as well as responses to several Information Requests (IRs) [163-1, 165-1, 169-1, 170-1]. The GNWT departments, in these various submissions, clearly identified when it was providing advice to the Developer versus evidence representing those departments. GNWT departments also clearly identified any discussions with the Developer to ensure adequate protection of wildlife resources and specific follow-up programs that are beyond the scope of any proponent.

Regarding the Panel's request for additional clarification of socio-economic mitigation and monitoring, the GNWT departments' submissions described their role in planning and providing social programming including a description of collaboration with the Inuvialuit Regional Corporation (IRC). The IRC, independently, also provided clarification of activities it is

conducting. The primary point of the GNWT's submission was to make it clear that socio-economic programming is based on the entire NWT, with or without the Developer's project. This consideration was a fundamental principle in the Government's Response to the Joint Review Panel recommendations for the Mackenzie Gas Project (November 2010). For example, regarding the mandate of the Department of Health and Social Service, the Governments' Response explained: *"Planning for the delivery of health care in the NWT is based on the provision of appropriate access to safe, quality patient focused care. This system planning takes into consideration projected increases in demand related to emerging issues such as: an aging population, increased prevalence of chronic disease, changes in health status, as well as increases in economic development. Our service delivery model and planning is structured in a way that maximizes our existing health care professionals and factors in advances in technology. As the NWT health and social services system functions as an integrated territorial system, the development of a specific coordinated health care plan related solely to one project would not be in the best interests of the NWT population as a whole".*

Similarly, other departments have existing legal or contractual requirements. In the Governments' Response, the Department of Justice stated: *"The Government of the Northwest Territories has a twenty-year contract with the Government of Canada regarding provision of policing services by the Royal Canadian Mounted Police (RCMP) and works closely with the RCMP "G" Division on an ongoing basis to identify appropriate resources and services required. The contract has specific provisions relating to standards of policing services and a process for adjusting resources including the number and location of detachments. The Government of the Northwest Territories will work with the RCMP "G" Division to ensure project related demands for policing services are responded to in a manner that does not impact existing services in communities in the Northwest Territories."*

GNWT departments have indicated that additional 'commitments' are not necessary for individual projects including the Developer's project as the departments are already required to monitor and respond to changing socio-economic conditions under legislation, contractual obligations and policy. Given that the Inuvik to Tuktoyaktuk Highway Project is intended to remain in place indefinitely, it is even more important to maintain flexibility in service planning and delivery.

To assist with clarifying the mandates of GNWT departments the following documents are attached:

- Department of Justice 10-Year Strategic Plan 2012 – 2022 (June 2012)
- Department of Health and Social Services – Building on our Foundation 2011 – 2016 – A strategic plan for the NWT Health and Social Services System (August 2011)
- Department of Health and Social Services – A Shared Path Towards Wellness (Mental Health and Addictions Action Plan 2012- 2015)
- Department of Health and Social Services – Northwest Territories Health Status Report (August 2011)

These documents provide greater clarity of the mandates and roles of these departments and are not related to an assessment of the Project under review. A similar strategic plan for the Department of Education Culture and Employment was provided to the public registry.

The directions provided in the Panel's letter of August 10, 2012 and letter of August 29, 2012 indicate the Panel has determined the steps it believes will derive the appropriate evidence for its assessment of the project. The GNWT will not submit any additional evidence on September 7, 2012 but will focus on its efforts on preparing departments for engagement at the Inuvik Public Hearing and Tuktoyaktuk Community Hearing.

At this time, the draft agendas do not specifically provide for the questioning of the wildlife and socio-economic staff requested by the Panel. As the Panel seems to have provided an overlapping request to the Developer regarding socio-economic experts, the GNWT recommends the GNWT departmental representatives identified in our letter of August 23, 2012 sit as a panel with DOT experts at the Inuvik Public Hearing on the morning of the first day.

As indicated in past correspondence, GNWT socio-economic departments can discuss the statistical information provided in the EIS but not the assessment of effects. However, GNWT departments can more fully respond to Panel questions regarding how the socio-economic programming responds to effects from any project. The alternative is for the GNWT to provide a brief presentation highlighting our past evidence as a panel of departments.

For the Tuktoyaktuk Community Hearings, the GNWT departments will charter to the community on the morning of the first day and will be available for questions based on the pre-hearing conference discussion. The GNWT will also reconsider the list of representatives sent to the Panel on August 23, 2012.

Please contact me at gavin_more@gov.nt.ca or 867-873-7107 if you have any questions regarding the attached submission.

Sincerely



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Environmental Assessment and Monitoring
Environment and Natural Resources