



Mr. William (Bill) Enge
President
North Slave Métis Alliance
PO BOX 2301
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DEC 16 2016

Dear Mr. Enge:

**North Slave Métis Alliance Members'
Strength of Claim Preliminary Assessment**

The Government of the Northwest Territories (GNWT) Department of Aboriginal Affairs and Intergovernmental Relations (DAAIR) is writing to provide an update on the release of the results of the GNWT's preliminary assessment of the North Slave Métis Alliance (NSMA) members' asserted Aboriginal rights claim in the Northwest Territories (the "preliminary assessment"). The anticipated timeline for the release of the results of the preliminary strength of claim has been updated and we now hope to provide the results early in the New Year.

As stated in the October 20, 2016 letter to NSMA, GNWT conducted the preliminary assessment following direction from the courts in the *Enge v. Mandeville et al* decision (2013 NWTSC 33). The GNWT is in the process of finalizing the preliminary assessment. The results of the preliminary assessment will help inform the GNWT's pre-consultation assessment as outlined in Step 1 of the GNWT's Approach to Consultation with Aboriginal Governments and Organizations, when considering a proposed government action that has the potential to adversely impact the asserted Aboriginal rights of NSMA members.

The GNWT is committed to meeting with NSMA representatives to discuss the results of the preliminary assessment after they have been disclosed to the NSMA in writing.

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With respect to the Tłıchǫ All-Season Road (TASR, the Project), the GNWT encourages NSMA's continued participation in the TASR environmental assessment (EA), and notes that NSMA has raised concerns with respect to caribou and Métis heritage resources. The GNWT has stressed that it will rely on the environmental assessment process being undertaken by the Mackenzie Valley Environmental Impact Review Board (MVEIRB) and the Wek'èezhì Land and Water Board (WLWB) to learn more from each Aboriginal government and organization about the nature of their concerns on Aboriginal and Treaty rights relating to the TASR and the geotechnical investigations.

The expectation from the GNWT is that Aboriginal governments and organizations, including the NSMA, will utilize this opportunity to raise concerns and be willing to discuss ways in which those concerns can be mitigated, in order to ensure that those concerns are heard, considered, and accommodated, as appropriate. This is in keeping with the theme that courts have stressed on numerous occasions regarding the reciprocal obligation on Aboriginal governments and organizations to clearly describe the potential adverse impacts on Aboriginal and/or Treaty rights in consultation processes that are made available to them. The EA being undertaken by MVEIRB and the preliminary screening by WLWB are processes that courts have already affirmed provide an excellent opportunity for an Aboriginal government or organization to: express its interests and concerns regarding impacts on section 35 rights; ensure that the concerns are seriously considered; and, when possible, have those concerns integrated into the proposed project in the form of project accommodations.

The GNWT takes its duty to consult on section 35 asserted or established Aboriginal and/or Treaty rights very seriously and continues to encourage the NSMA to inform the GNWT of potential adverse impacts on the NSMA's asserted Aboriginal rights as Métis through the EA processes, as it would do for any other Aboriginal government or organization that have codified rights through a historic Treaty or modern comprehensive land claim agreement.

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If you have any questions or require any additional clarification regarding this letter, I can be reached at the contact information below.

Sincerely,

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Intergovernmental Relations
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c. Mr. Gary Bohnet
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Ms. Shaleen Woodward, A/Deputy Minister
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Mr. Russell Neudorf, Deputy Minister
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Mr. Ryan Fequet, Executive Director
Wek'èezhì Land and Water Board

Mr. Bret Wheler, Senior EA Policy Advisor
Mackenzie Valley Review Board

Mr. Terry Hall, Director
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