



Grand Chief Ken Kyikavichik
Gwich'in Tribal Council
P.O. BOX 1509
INUVIK NT X0E 0T0

Dear Grand Chief Ken Kyikavichik,

by EMAIL

Environmental Assessment of the proposed Mackenzie Valley Highway Project (MVEIRB File EA1213-02)

Purpose of this letter

The Gwich'in Tribal Council's (GTC) recent application to Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) Northern Participant Funding Program (NPFPP) indicated that the proposed Mackenzie Valley Highway (MVH) Project (the Project) may impact your members' claims, rights, and/or title. The Government of Canada believes that the Project benefits from the insights and input of people who will be impacted by the Project. We are particularly interested in knowing whether the Project will impact your members' ability to exercise their established Aboriginal and/or treaty rights and, if so, how any adverse effects might be accommodated. The Government of Canada would like to learn more regarding what these potential impacts of the Project may be so it can determine the appropriate level of consultation that is required.

The purpose of this letter is to:

1. Notify you of the upcoming steps and any related engagement efforts for the environmental assessment process;
2. Initiate conversation with the GTC to discuss potential adverse impacts on your members' ability to exercise their established Aboriginal and/or treaty rights resulting from the proposed Project; and,
3. Advise you that the Crown relies, to the extent possible, on the Review Board's process to fulfill the Crown's duty to consult, and if appropriate, accommodate, should such a duty exist.

Additionally, the Government of Canada would like to encourage GTC to fully participate in the Review Board's environmental assessment process as a primary means to share such information.

Funding

We note that Crown-Indigenous Relations and Northern Affairs Canada has granted the GTC \$123,759.00 under the NPFPP to support meaningful participation in the Review Board's MVH Project environmental assessment process.

Background on the Project

The Government of the Northwest Territories' (GNWT) Department of Infrastructure, acting as the developer, is proposing to advance the MVH Project; construction and operation of a 321 km all-season gravel highway between Wrigley and Norman Wells.

The GNWT referred the Project to environmental assessment in 2013. The Mackenzie Valley Environmental Impact Review Board (Review Board) issued the current Terms of Reference for the Project in 2015. The Department of Infrastructure reinitiated the Review Board's environmental assessment process with the submission of the Developer's Assessment Report (DAR) on October 12, 2023. It is important to note that the scope of the Project has changed since its 2013 referral. What was originally an application to extend the MVH from Wrigley to the Dempster Highway is now a Project to construct and maintain the highway from Wrigley to Norman Wells.

Information on this environmental assessment is available on the Review Board's public registry at: <https://reviewboard.ca/registry/ea1213-02>.

Crown's approach to Consultation

The Review Board is the main instrument established to carry out environmental assessments and environmental impact reviews in the Mackenzie Valley. The Government of Canada relies on the Review Board's process as the primary means to fulfill consultation and accommodation obligations for decisions related to the environmental assessment of the Project. By relying on the Review Board's process, we integrate the Review Board's statutory consultation responsibilities, as set out in the Review Board's Reference Bulletin on consultation and engagement in environmental impact assessment ([Reference bulletins | Review Board](#)) with our approach.

On December 13, 2023, the Northern Projects Management Office (NPMO), on behalf of the Government of Canada (Canada), confirmed Canada's participation in the MVH Project environmental assessment. The associated summary of federal roles and status for EA1213-001 can be found attached to that letter.¹

Throughout the Review Board's process, the Government of Canada actively monitors and tracks all statements made by any party on potential Project impacts. This includes statements made by Indigenous Groups/Organizations on potential impacts on asserted or established Aboriginal and/or treaty rights and related interests. Any issues or feedback provided during the Review Board's environmental assessment process will be given full and thorough consideration. If a duty to consult, and if appropriate, accommodate is determined to be owed, the Government of Canada will include additional direct consultation, if and when required.

¹ [NPMO to MVEIRB – Federal Participation in the Environmental Assessment of the Mackenzie Valley Highway Project \(EA1213-001\), Dec 13, 2023.](#)

How to participate

It is important that GTC share, through the Review Board's process, any potential adverse impacts that you identify to your established Aboriginal and/or treaty rights as a result of the Project. Your participation in this process is important to:

- Help the Review Board and all other parties to the environmental assessment, understand how the Project could affect your members; and
- Allow your concerns to be considered and potentially addressed by the Review Board.

When raising adverse impacts, we kindly ask you to clearly set out:

- a. The specific right(s) that may potentially be adversely impacted;
- b. The specific potential adverse impact(s), including timing, geographic extent, and other relevant considerations; and
- c. How the potential adverse impact(s) could best be mitigated.

Any issues or feedback provided during the Review Board's environmental assessment process or received during the decision phase of the environmental assessment process will be given full and thorough consideration prior to any decision being made.

Next steps

The Review Board has provided its Draft Workplan for the MVH Project assessment. It can be found on the Review Board's public registry at: <https://reviewboard.ca/registry/ea1213-02>. A revised workplan is expected in the near future.

Canada contacts

The Northern Projects Management Office of the Canadian Northern Economic Development Agency will be the consultation coordinator for Canada for the environmental assessment. If you have any questions for Canada, please contact Shannon Allerston, Project Manager, at shannon.allerston@cannor.gc.ca or 867-445-7230.

Sincerely,

Lisa Dyer
Director General
Northern Projects Management Office

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