

VIA EMAIL AND FAX

Grand Chief George Mackenzie  
Tłı̨ch̨o Government  
PO Box 412  
BEHCHOKO, NT X0E 0Y0

MAR 29 2018

Dear Grand Chief Mackenzie:

**Aboriginal consultation on the Report of Environmental Assessment for the proposed Tłı̨ch̨o All Season Road (EA1617-01)**

In its March 29, 2018 *Report of Environmental Assessment and Reasons for Decision* (REA), the Mackenzie Valley Environmental Impact Review Board (the Review Board) recommended that the Government of the Northwest Territories' (GNWT), as represented by the Department of Infrastructure (the developer), proposed Tłı̨ch̨o All Season Road Project (the Project) be approved, subject to the implementation of the mitigative measures and the GNWT developer's commitments as listed in the REA.

The REA is available at this link: <http://reviewboard.ca/registry/ea-1617-01>

The Review Board's environmental assessment process (EA) provides for the consideration of expressed concerns relating to a project. Under section 35 of the *Constitution Act* (1982) and with specific respect to the Project's EA, the GNWT and the Government of Canada (Canada) have joint Aboriginal consultation responsibilities. The GNWT and Canada are continuing to work collaboratively in assessing the Project, and consider the EA to be the most effective means for all Indigenous Governments and Organizations to identify, and potentially address, concerns with the Project. As identified in the October 7<sup>th</sup> 2016 letter to the Tłı̨ch̨o Government (MVEIRB PR#49), the responsible ministers (RMs) from both governments with jurisdiction related to the Project rely on the EA to assist in fulfilling the duty to consult and, where appropriate, accommodate with respect to potential adverse impacts of the Project on asserted or established Aboriginal and/or Treaty rights.

As the EA coordinator for the GNWT, the Department of Lands' Project Assessment Branch (PAB) is collaborating with the federal Crown consultation co-ordinator, the Canadian Northern Economic Development Agency's Northern Projects Management Office (NPMO) for this Project. PAB and NPMO are consulting the Tłı̨ch̨o Government to determine whether the EA addresses the concerns that the Tłı̨ch̨o Government identified to date regarding potential adverse impacts of the Project on established Tłı̨ch̨o Treaty rights. We note that the Tłı̨ch̨o Government participated as a party in the Review Board's EA. The Review Board conducted a thorough and inclusive EA, with opportunities in the EA to:

- participate in scoping of issues for the EA;
- make information requests;
- provide submissions;
- present and ask questions at the November 2017 public hearing, and;
- provide closing arguments in December 2017.

The GNWT and Canada are seeking to consider any unaddressed concerns that the Tłıchǫ Government may have with the Review Board's recommended measures and the Developer's commitments as written in the REA with regards to potential adverse impacts of the Project on established Tłıchǫ Treaty rights. The GNWT and Canada are not seeking to revisit the EA; rather both governments are seeking the Tłıchǫ Government's response to the following questions:

- Are there any specific activities or components of the Project, which, after considering the recommended measures, developer's commitments, and other content in the REA, you may identify as still having the potential to adversely affect your established Treaty rights?
- If so, please specify the nature of any and all outstanding concerns regarding potential adverse impacts, and which established Treaty rights you see as being potentially affected, in your response letter - including any concerns you raised at any point previously in the EA that remain outstanding in your view; and
- Please specify what additional steps you would recommend to address the potential adverse impact.

The GNWT Minister of Lands will sign the final decision letter responding to the Review Board's recommendation and REA on behalf of all RMs under section 130 of the *Mackenzie Valley Resource Management Act* (MVRMA). The Department of Infrastructure and its Minister, as the department leading the GNWT in the role of proponent, will not participate in this decision-making process.

PAB will act as the single point of contact for the Tłıchǫ Government during this consultation process. PAB will share all Project-related correspondence between the Tłıchǫ Government and GNWT with the appropriate GNWT and federal departments. The GNWT and Canada will respond to correspondence jointly or separately, as appropriate.

The Tłıchǵ Government also has decision-making authority for the proposed Project under section 131.1 of the MVRMA, and the RMs will work with the Tłıchǵ Government as appropriate during the decision period.

It is important to note that to date no ministerial decisions have been made regarding the Review Board's recommendation in the REA. Your input is important for informing the ministers' decisions relating to the Project.

Please provide your written comments directly to PAB's Project Assessment Analyst for the Project via email at [Darren.Campbell@gov.nt.ca](mailto:Darren.Campbell@gov.nt.ca), by April 30, 2018. If you have questions about the process outlined above, please contact Mr. Campbell at (867) 767-9180, Ext. 24024.

Thank you for your timely attention to this matter.

Sincerely,



Kate Hearn  
Assistant Deputy Minister  
Planning and Coordination  
Lands  
GNWT



Teresa Joudrie  
A/ Director-General  
Northern Projects Management Office  
Canadian Northern Economic  
Development Agency  
Government of Canada

- c: Mr. Gary Bohnet, Principal Secretary, Office of the Premier of the Northwest Territories
- Mr. Mike Aumond, Secretary to Cabinet/Deputy Minister, GNWT Executive and Indigenous Affairs
- Mr. Willard Hagen, Deputy Minister, GNWT Department of Lands
- Mr. Mark Hopkins, Director General, Natural Resources and Environment Branch, Indigenous and Northern Affairs Canada

Mr. Patrick O'Neill, Director General, Explosive Safety and Security Branch, Natural Resources Canada

Ms. Georgina Williston, Head, Environmental Assessment North, Environment and Climate Change Canada

Mr. Tom Hoggarth, Regional Director, Ecosystem and Fisheries Management, Fisheries and Oceans Canada

Mr. Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board