

# **NORTH SLAVE MÉTIS ALLIANCE**

**32 Melville Drive Yellowknife, NT X1A 0G2**



April 30, 2018

Kate Hearn  
Assistant Deputy Minister  
Planning and Coordination  
Department of Lands  
Government of the Northwest Territories

Teresa Joudrie  
Assistant Director-General  
Northern Projects Management Office  
Canadian Northern Economic development Agency  
Government of Canada

## **Via Email**

Dear Ms. Hearn and Ms. Joudrie;

## **RE: Report of the Environmental Assessment for the Tlicho All-Season Road**

The North Slave Métis Alliance (NSMA) received a letter, dated March 29, 2018, from you respecting the Report of Environmental Assessment (REA) for the proposed Tlicho All-Season Road (TASR). As representatives of the Responsible Ministers, I understand that your offices are conducting Aboriginal consultation respecting NSMA members' Aboriginal rights under section 35 of the *Constitution Act* (1982), specific to the proposed TASR project and its Environmental Assessment (EA).

NSMA reviewed the record of the EA and the REA, and have the following concerns:

### **1. Lack of Participant Funding**

The NSMA does not receive any core funding to support our operations, nor did we receive project specific participant funding to participate in the EA. It is imperative that this policy gap be filled for the NSMA to adequately participate in regulatory processes, including the TASR EA.

For this project, we had two sources of funding we could draw on. One was the Government of the Northwest Territories (GNWT) Interim Resource Management Assistant Program Resource Pressure Fund (IRMA-RPF). In 2017-18, the IRMA-RPF allowed the NSMA to hire one full-time staff to review all natural resource management issues in the Mackenzie Valley. The second funding was the Traditional Knowledge study fund we received from the GNWT Department of Infrastructure (DOI). This funding came at the eleventh hour of the EA, and was restricted in scope to the Traditional Knowledge study – no additional staff or scientific expertise could be obtained using this fund.

This is a recurring issue for the NSMA, and it severely restricted our ability to participate in the TASR EA process. Without the ability to fully participate, it is difficult to say conclusively whether our concerns have been fully addressed by the EA.

We further note that the Review Board found significant adverse effects on Boreal Caribou, notably in relation to NSMA members' Aboriginal right to hunt them. That said, discussions and decisions on mitigation and adaptive management (Wildlife Management and Monitoring Plan, or WMMP) for wildlife are still to follow. In order to assess whether the WMMP would address the expected significant adverse impacts of the TASR on our members' Aboriginal rights, NSMA will need funding specific to the TASR regulatory processes. The funding needs to be flexible to allow NSMA to obtain additional scientific and Traditional Knowledge capacities.

## 2. Whole Government Approach

In this EA, the project proponent took a "whole government approach", where, rather than the GNWT DOI being the proponent, the GNWT as a whole became the sole proponent. On this topic, the NSMA agrees with the REA that separating (firewalling) the government departments by respective mandates is the more appropriate approach, because in the past:

"[t]his enabled the governments' expert departments to better participate in the EA and meeting the legal responsibilities of their mandates, and their responsibilities to represent the general public interest. This approach was preferable to the one taken by the GNWT in this EA, in terms of transparency, robust project design, the provision of useful information to parties and the Review Board and serving the public interest. In future EAs where it is the developer, this would be a preferable approach for the GNWT (or GNWT-INF) to take." (PR#286)

In fact, the "whole government approach" exerted even more resource pressure on the NSMA to properly assess how significantly the proposed TASR impacts our members' s.35 Aboriginal rights. This is because of the resulting lack of transparency and independent expertise from the GNWT Department of Environment and Natural Resources, which the Review Board observed as follows:

*"In this EA, the Review Board has had to rely on other organizations outside of the GNWT which tried to step up and provide information on subjects within the mandate of expert GNWT departments. For example, the Wek'èzhì Renewable Resources Board and North Slave Métis Alliance provided particularly useful evidence on wildlife that, in effect, helped to partially address the void left by the lack of direct participation of the Department of Environment and Natural Resources as a party to the EA." (PR#286)*

For these reasons, in the future, including for the regulatory processes following the TASR REA, the NSMA asks the GNWT to take the approach the REA recommends, whereby the GNWT "internally separate[s] (or "firewall[s]") government interests as a developer from potentially conflicting departmental public responsibilities" (PR#286). For clarity, NSMA asks that, moving forward, the GNWT DOI be the sole proponent for all the upcoming regulatory processes for the TASR, including the process for the WMMP under s.95 of Wildlife Act.

NSMA appreciates this opportunity to provide our comments on the REA, and looks forward to participating in the next steps of the proposed TASR approval process.

Sincerely,



Marc Whitford  
Vice President, NSMA

CC: Mr. Mark Cliffe-Phillips, Executive Director, Mackenzie valley Environmental Impact Review Board  
Mr. Darren Campbell, Project Assessment Analyst, GNWT Department of Lands