

VIA EMAIL AND FAX to DISTRIBUTION LIST

OCT 25 2018

Grand Chief Gladys Norwegian
Dehcho First Nations
P.O. Box 89
FORT SIMPSON NT X0E 0N0

Dear Grand Chief Norwegian:

Responsible ministers' decision on the Report of Environmental Assessment (EA 1617-01) for the GNWT's Tłı̄chų All-Season Road Project

The responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) and, separately, the Tłı̄chų Government, have recently concluded the decision phase for the environmental assessment of the GNWT's proposed Tłı̄chų All-Season Road.

As you are aware, in 2016, the GNWT, led by the Department of Transportation (now Infrastructure), proposed the construction of a 94 kilometer all-season road (the Project) from kilometer 196 of Highway 3, west of Behchokò, north to the existing all season road near Whatì. After referring the Project to environmental assessment (EA) the Mackenzie Valley Environmental Impact Review Board (Review Board) began its EA on July 21, 2016. The GNWT and Canada wrote to the Dehcho First Nations in October and August of 2016 to advise you of potential government decisions relating to this Project. The letters also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project.

In concluding its EA process, the Review Board released its *Report of Environmental Assessment and Reasons for Decision* (Report of EA) on March 29, 2018. The GNWT and Canada wrote to you at that time in order to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the Report of EA. Responsible ministers also asked the Dehcho First Nations if the Report of EA addressed concerns as they relate to potential Project impacts on your members' asserted or established Aboriginal and/or Treaty rights.

On June 23, after the Tłıchq Government and responsible ministers entered into consult to modify processes with the Review Board, responsible ministers wrote to the Dehcho First Nations seeking the Dehcho First Nations' views as to whether any of the responsible ministers' or Tłıchq Government's proposed modifications to the measures would impact your asserted or established Aboriginal and/or Treaty rights. The responsible ministers sent a further letter on September 17, 2018 setting out the final proposed modifications. Responsible ministers again asked whether the proposed modifications would impact your asserted or established Aboriginal and/or Treaty rights. The Dehcho First Nations did not respond to any correspondence from the responsible ministers.

The decision phase, which spanned from March to October 2018, ended for responsible ministers on October 25, 2018, when the GNWT's Minister of Lands, as the Minister with delegated authority under the *Mackenzie Valley Resource Management Act*, on behalf of all responsible ministers, after consulting the Review Board, adopted the Review Board's recommendation, with modifications. For certainty, the decision was that the Tłıchq All-Season Road Project be approved, subject to the developer's commitments, measures as modified by the responsible ministers, measures as modified by the Tłıchq Government, and the Review Board's *Report of Environmental Assessment and Reasons for Decision* wording of all other measures.

In making their decision, responsible ministers considered all comments made by IGOs; responsible ministers did not hear from the Dehcho First Nations during the EA, or after the Report of EA was issued. Responsible ministers have concluded that the duty to consult and accommodate the Dehcho First Nations for the purposes of the Tłıchq All-Season Road EA1617-01 has been fulfilled.

Responsible ministers emphasize that consultation and accommodation with respect to your asserted or established Aboriginal and/or Treaty rights does not end with the responsible ministers' decision on the EA of the Project. The Project will now proceed to regulatory and other post-environmental assessment processes, which will include opportunities for Indigenous governments and organizations to offer input on authorizations and management plans and help ensure that potential adverse impacts to Aboriginal and Treaty rights, as necessary, are accommodated. The responsible ministers encourage Dehcho First Nations to participate in the Wek'èezhìi Land and Water Board's permitting and licensing processes, the Department of Infrastructure's

continuing consultation and engagement initiatives, the public review of the Wildlife Management and Monitoring Plan and any other post-EA processes relating to this Project.

If you have any questions about the decision please contact Melissa Pink at the GNWT's Department of Lands, Project Assessment Branch at Melissa.Pink@gov.nt.ca or phone 867-767-9180 ext. 24021.

Sincerely,



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



Diane Billingsley
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

Dr. Joe Dragon, Deputy Minister, GNWT Department of Environment and Natural Resources

Mr. Mark Hopkins, Director General, Natural Resources and Environment Branch, Crown-Indigenous Relations and Northern Affairs Canada

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

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