

September 23, 2016

EA1617-01

Laura Duncan
Tłıchǵ Executive Officer
Box 412, Behchokò, NT
X0E 0Y0

Sent via email

Dear Ms. Duncan,

Re: Review Board responsibilities under section 127.1 of the MVRMA

Thank you for your letter of August 17, 2016. In it you ask for detail on “the process MVEIRB will carry out to discharge its responsibilities under section 22.2.11 of the Tłıchǵ Agreement.” Section 22.2.11 of the Tłıchǵ Agreement is essentially mirrored by section 127.1 of the *Mackenzie Valley Resource Management Act* (MVRMA), which requires that: the Review Board consult with the Tłıchǵ Government prior to completing an environmental assessment (EA) for a development that is to be carried out on Tłıchǵ lands.

Developments to be carried out on Tłıchǵ Lands:

The Government of the Northwest Territories’ (GNWT) proposed Tłıchǵ All-Season Road project is partly on Tłıchǵ Lands. A joint letter from the GNWT and Tłıchǵ Government to the Wek’ èezhii Land and Water Board dated March 24, 2016 states that the Tłıchǵ Government intends to grant the GNWT access to the approximately 17 km of Tłıchǵ Lands needed for the proposed project. The joint letter also refers to preparations to negotiate an exchange of lands whereby all of the lands underlying the proposed project would come under the administration and control of the GNWT.

The Review Board acknowledges the “land swap” intentions described in the joint letter; however, for the purposes of EA1617-01, the Review Board will consider the proposed project to be partly on Tłıchǵ Lands until any such transfer of land ownership occurs.

Review Board process to fulfill responsibilities under the MVRMA:

To implement its statutory responsibilities under the MVRMA, including s. 114, 115, and 115.1, as well as 127.1, the Review Board’s EA process provides numerous opportunities for meaningful engagement and involvement, including:

- Subscription to our public registry and online review system;
- In-person scoping sessions and written review of a draft terms of reference for the EA;
- Written information requests and in-person technical sessions; and
- Public hearings (including written submissions, in-person presentations and questioning, and written closing arguments).



Through the EA process, the Review Board will work to identify and address any concerns the Tłıchǫ Government may have about the aforementioned development proposal. The Review Board will also rely on the Tłıchǫ Government to engage in the EA process and put its concerns forward. In this respect, the Review Board finds your letter of August 17, 2016 encouraging: particularly the clarification that the Tłıchǫ Government will participate in and provide input to the EA process at the points established by the Review Board's work plan.

Tłıchǫ Government's decision-making under section 131.1 of the MVRMA:

In your letter, you also refer to the exercise of the Tłıchǫ Government's decision-making authority under section 22.2.29 of the Tłıchǫ Agreement and section 131.1 of the MVRMA. Following the completion of the EA, the Review Board will provide its report of environmental assessment and reasons for decision – including any recommendations made under subparagraph 128(1)(b)(ii) of the MVRMA – to the Tłıchǫ Government, in accordance with paragraph 128(2)(c).

Please contact Mark Cliffe-Phillips at mcliffephillips@reviewboard.ca or 766-7055 if you have any questions.

Regards,

Mark Cliffe-Phillips
Executive Director