

**Tłıchǫ Government**

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • [www.tlicho.ca](http://www.tlicho.ca)

December 21, 2016

## **Tłıchǫ Government**

Responses to the Information Requests submitted by the Review Board to  
Aboriginal Governments and Organizations (PR#74)

Prepared for the **Tłıchǫ All-season Road** (EA 1617-01)



## List of Acronyms

CGB	Community Government of Behchokò
CGW	Community Government of Whatì
CJBS	Chief Jimmy Bruneau School
DOT	Department of Transportation
EA	Environmental Assessment
ENR	Environment and Natural Resources
GNWT	Government of the Northwest Territories
HEO	Heavy Equipment Operators
IR	Information Request
ITI	Industry, Tourism and Investment
MACA	Municipal and Community Affairs
NWT	Northwest Territories
PDR	Project Description Report
Review Board	The Mackenzie Valley Environmental Impact Review Board
SAO	Senior Administrative Officer
SEIA	Socio Economic Impact Assessment
TASR	Tłıchọ All-Season Road
TCSA	Tłıchọ Community Services Agency
TG	Tłıchọ Government
TK Study	Traditional Knowledge Study
TREDWG	Tłıchọ Resource and Economic Development Working Group
WRRB	Wek'eèzhì Renewable Resources Board

**List of Tables**

Table 1-1: Anticipated Impacts and Level of Risk to Key Waterbodies.....7

Table 3-1: Heritage and Cultural Sites within a 5KM LSA of the proposed Tłıchǵ All-Season Road .....21

**List of Figures**

Figure 2-1: Telemetry Data of Barren-ground Caribou Locations from 1993 to 2003..... 15

Figure 3-1: Heritage and Cultural Sites within a 5KM LSA of the proposed Tłıchǵ All-Season Road .....20

**List of Appendices**

Appendix A: Tłıchǵ Government and Whatı Community Government Commitments.....31

## **IR Number 1 – Fish Harvesting**

**References:** Whatì Community Scoping Meeting (PR#19 p6), Project Description Report (PR#7 p5-7), draft Adequacy Statement (PR#47 p10), GNWT ORS recommendation #20

**Preamble:** The GNWT-DOT described the potential for harvesting of fish by non-Tłıchǫ residents and advised that over harvesting would be prevented by following appropriate territorial and federal regulations. During the community scoping meeting in Whatì in August 2016, community members stated that increased harvesting pressure on Aboriginal fisheries as a result of the new all-season access was a priority issue. In its response to the draft Terms of Reference and Adequacy Statement, GNWT-DOT suggested that the Review Board ask Aboriginal organizations and fisheries management organizations to give their views on potential changes to fish harvesting and how they plan to manage (DFO, TG, WRRB) fisheries in the area.

### **Information Request:**

Please list potential aboriginal fisheries in waterbodies along the road route, as well as Lac La Martre. Evaluate and describe the potential for changes to harvesting pressure on these aboriginal fisheries as a direct or indirect result of the construction and operation of the TASR (for example as a result of increased access to aboriginal fisheries off of the road). Please describe how any listed changes will affect harvesters and impact the affected fishery. Provide any suggestions for mitigation measures to reduce any perceived significant impact or improve management of the fishery and describe how and why the mitigation measure is effective.

---

### **IR 1 Response:**

Fishing remains a central cultural and economic activity for Tłıchǫ people. Harvesting fish is an activity that occurs year round. Fish are considered to be a secure source of food, which is relied on in times when meat may not be attainable. As such, fishing, fish species, and fishing locations are crucial to the Tłıchǫ way of life.

A number of key fishing locations along the TASR were identified in the Traditional Knowledge Study (PR#28) in Map 3 (page 19) and Map 5 (page 31), and in sections 3.1 through 3.3. Primary Aboriginal fisheries along the proposed TASR route include:

- Tsołıdeè (Lac la Martre River) and Bòts'ıtı (Boyer Lake) are important areas for fishing year-round, considered a secure source of fish; elders are concerned about over-fishing by non-Tłıchǫ with easier access;
- The river from Whatì to Nàłııtı (waterfalls on Tsołıdeè) is actively used for fishing. Large populations of white fish and grayling can be found here;
- Both sides of the portage at T'ooohdeèhoteè are recognized as valuable fishing areas (grayling, suckers, and whitefish) May to freeze-up;
- ?elà etò canoe route on Tsołıdeè is highly used for fishing in summers;
- Lakes K'ıshıtı (Lac` Levis) and Łıetı are noted as good fishing` locations; and



Tourism Plan reveals decreasing demand for angling vacations over the past decade, and forecasts that lodge-based fishing retreats will continue to decline<sup>2</sup>. The fishing lodge on Whatì, however continues to meet its maximum occupancy every year with 150 visitors. Overall, though, the industry of sport fishing is widely distributed across the NWT with its revenue steadily decreasing. This suggest that the overall market for fly-in destination fishing is narrowing and split between many locations. So while there may be potential for future tourism opportunities for the community of Whatì on Lac la Martre, there is no real reason to expect an all-season road would lead to a drastic influx of sport fishers and anglers in the region.

Overall, the construction of the TASR is thus likely to contribute to an increase in access to fishing sites. Table 1-1 below outlines the anticipated impacts and level of risk to each key waterbody outlined in the TK Study.

---

[http://spectacularnwt.com/sites/default/files/fish2nwt\\_competitiveanalysisovernightsportfishingfinal.pdf](http://spectacularnwt.com/sites/default/files/fish2nwt_competitiveanalysisovernightsportfishingfinal.pdf)

<sup>2</sup> Government of the Northwest Territories. 2015. Tourism 2015: New Directions for a Spectacular Future, February 2011. Industry, Tourism and Investment.



Waterbody	Area likely to see increased access in all-season road scenario	Ease of access: current/future TASR scenario	Fish abundance and species	Attractiveness to outside fishers: current/future TASR Scenario	Overall Change in pressures: current/future TASR scenario
Gòlo Tì Deè (Marian River)	Possible increase due to easier boat access at the Lac la Martre River (approximately 30 km downstream); activity likely to concentrate at the mouth of the river.	<p>Current: low as there is limited access, unless one is canoeing or boating to the site from Whatì or Behchokò</p> <p>Future: moderate due to increased access for boaters at the Falls boat launch; starting at the bridge would eliminate two portages previously required to access the Marian River</p>	High abundance of species, including whitefish and pickerel spawning that attracts people in the spring time.	<p>Current: High due to historical importance of the site and being along traditional canoe routes.</p> <p>Future: Moderate as access for both Tłchq and non-Tłchq will be made easier with access to the boat launch at the Falls; the Marian River is approximately 30km downstream of the TASR at the Lac la Martre River; it is an active place for Tłchq fishers.</p>	<p>Current: Low as there are not many portages along this route, low pressure due to lower access.</p> <p>Future: Low, most activity will likely be at the mouth of the river; may not see much change as it is far from the road; unlikely to see a big rush of people going down river, however the number of canoers may increase.</p>
Bòts'itì (Boyer Lake)	Likely increase as the lake is next to Whatì; is currently accessible by the winter road.	<p>Current: accessible from winter road, is approximately 2.8 km south of the road and accessible by boat in summer.</p> <p>Future: likely to see an increase in access by non-Tłchq people fishing in this area due to location.</p>	High abundance of whitefish, lake trout, burbot, jackfish, and pickerel, among other species.	<p>Current: High for Tłchq citizens due to close proximity to Whatì, low for non-Tłchq citizens</p> <p>Future: High due to its close proximity to Whatì and easier access from road to the community.</p>	<p>Current: High as it is close to Whatì and accessible by winter road.</p> <p>Future: High as people will be able to access this site with a vehicle; can access the site before reaching Whatì; possible future tourism opportunity due to close proximity to Whatì</p>

<b>Waterbody</b>	<b>Area likely to see increased access in all-season road scenario</b>	<b>Ease of access: current/future TASR scenario</b>	<b>Fish abundance and species</b>	<b>Attractiveness to outside fishers: current/future TASR Scenario</b>	<b>Overall Change in pressures: current/future TASR scenario</b>
James River (intersects at south point of Campbell trail; the river at ʔehtʼètideè is used for fishing grayling)	Bridge proposed to cross here, likely increase of roadside fishing	<p>Currently: Access is limited to traveling on trails and it is further from Whatì than Tsotìdeè</p> <p>Future: Increased access with bridge, increased roadside fishers</p>	High abundance: Trout, whitefish, jackfish, among other species	<p>Current: Low due to location south of Whatì and being accessible only via winter and summer trails.</p> <p>Future: Low as it is along the TASR route, however access expected to be mostly roadside fishers</p>	<p>Current: Low pressure due to low access</p> <p>Future: Low increase with road because it is at a bridge, however low concern for Tḥchḳ</p>
Lakes K'ishitì (Lac` Levis) and Łietì	Low as these lakes are very far from the road, over 50 kilometers away.	<p>Current: low access due to distance</p> <p>Future: Unlikely fishing impacts due to distance from road (over 50 kilometers)</p>	Known as a good fishing site by elders, specific species unknown.	<p>Current: Low due to distance from all Tḥchḳ communities.</p> <p>Future: Low due to distance from TASR road route.</p>	<p>Current: Low due to distance.</p> <p>Future: Low due to distance from TASR; no impact expected.</p>

As noted above, several of the locations will have limited impact due to their distance from major population centers, accessibility to other fishing locations closer to home, locations better known to NWT populations and lack of accessibility to fishing locations. The Tłıchǵ Government does not anticipate these fisheries (such as Lakes K'ishitì, Łıetı, and Gòlo Tì Deè) to experience significant changes or effects.

Locations with the higher anticipated impacts due to increased access (such as Tsòtì, Tsotìdeè, Marian River and Bòts'ıtı) are located within Tłıchǵ lands. While these fisheries have potential to be impacted on a greater level due to increase in access to non-Tłıchǵ citizens and non-residents, the TG also recognizes that these places hold a strong potential for future tourism opportunities. The TG has repeatedly expressed its strong interest in developing tourism opportunities within the Whatì region – fishing being a key component to that strategy – with the advent of an all-season road.

In terms of limiting the number of non-resident and non-Tłıchǵ fishers in the area, the Tłıchǵ Government has the tools to deal with this and has the jurisdiction to restrict access to Tłıchǵ lands and area, particularly during sensitive periods of time such as spawning. For example, the Tłıchǵ Government may consider daily catch limits for non-Aboriginal harvesters. Access limitations are developed in accordance with the *Tłıchǵ Agreement* and its associated Land Use Plan. Currently, commercial hunting and fishing has zoned out of the TASR area as per the Tłıchǵ Land Use Plan (section 5, pages 35 through 36), except for the existing fishing lodge across Lac la Martre from Whatì. As such, the TG has the mechanisms in place and the mandated authority to manage those impacts.

Overall, the mixture of healthy fish stocks, low numbers of increased fishers and access limitations will minimize the effect of the TASR on fish harvesting pressure to low levels. We also have established a community based monitoring program, the Marian Watershed Stewardship Program. This is an ongoing program where TG trains Tłıchǵ people to be the eyes and ears on the land. The program also includes a fish camp and a workshop with elders where we discuss results and future steps

TG has already described its ability to control fish harvesting above. This section identifies additional recommended mitigation and the commitments already in place by the GNWT to reduce impacts on fish, fish habitat and fishing.

The elders in the TK Study emphasized that building bridges across the rivers – avoiding direct contact with the water bodies – will greatly minimize impacts if the river themselves remain untouched. They further stated that the timing and construction of the TASR must avoid peak migration periods of certain fish species in efforts to reduce disturbance (page 23). Of particular importance is ensuring that the bridge crossing the Lac la Martre River is west of the portage at T'ooheèhoteè to avoid disruption to this critical passage (this is confirmed in the PDR, page 5-3).

The GNWT-DOT have identified a number of mitigation measures pertaining to fish species and habitat. Table 8-6 the PDR (page 8-27) states:

- Bathymetric surveys will be conducted at potential water sources requiring more than 100 m<sup>3</sup> to be withdrawn over the course of one ice-covered period (i.e. for camp use) and the DFO Protocol for Winter Water Withdrawal from Ice-covered Waterbodies in the Northwest Territories and Nunavut (2010) will be followed
- Bridges and culverts will be designed to withstand a 1 in 100 year flood flow rate
- Equalization culverts will be installed at least every 500 m to prevent ponding
- Geothermal investigations will ensure areas with permafrost are avoided and/or geotextile is used to prevent any possible melting which could contribute to changes in water volume
- Road design criteria has considered an appropriate slope ratio along the proposed TASR to ensure slopes do not erode during a rain event
- Water withdrawals from local waterbodies for use in camps and dust suppression will follow the appropriate guidelines (DFO's Protocol for Winter Water Withdrawal in NWT) to ensure water volume is not negatively affected
- Regular maintenance will occur along the TASR to ensure culverts are clear of debris (including ice during spring thaw)
- Borrow sources will be selected with a preference for already disturbed sites (e.g. impacted by recent forest fires) to reduce the possibility of erosion and changing drainage patterns
- Lands' Northern Land Use Guidelines: Pits and Quarries will be followed, including: not excavating pits below water table and ensuring water management structures can accommodate for peak periods of thaw and precipitation
- Ponding in pits will be avoided by installing drainage ditches or channels to prevent any possible permafrost degradation.

These are the relevant mitigation measures for fisheries. The Tłı̨chǫ Government is committed to ensuring the protection and management of fishing sites and fish species throughout the construction and operation of the TASR. With the GNWT mitigations noted above and the TG's controls over access and harvest limits discussed further above, the TG anticipates only low residual impacts to occur in regards to fisheries. Given the health of our fish stocks, we do not expect to see a noticeable decline in fish stocks or harvest success for Tłı̨chǫ citizens, and any adverse effect will be balanced by economic development associated with tourism revenues.

## **IR Number 2 – Perception of the Land**

**References:** draft Adequacy Statement (PR#47 p16), GNWT ORS recommendation #24

**Preamble:** Table 5-4 of the draft Adequacy Statement requires GNWT-DOT to assess the potential impacts on traditional use and way of life, specifically to describe potential impacts on how the operation of the road would affect the perception of the land by traditional users. GNWT-DOT advised in its comments on the draft Adequacy Statement that it is improper for GNWT to speak for the community members and that the question is better directed to TG and the community of Whatì.

**Information Request:** Please describe and evaluate potential direct or indirect impacts and mitigation to traditional use and way of life from the proposed all-season road including from:

- anticipated disturbances to wildlife and wildlife movement associated with the operation of an all-season road affecting the perception of the land by traditional users; and
- a change in perception of the land resulting in changes to traditional use or value of the area.

### **IR 2 Response:**

#### *Anticipated disturbance*

The Review Board IR asks us to anticipate disturbances to wildlife and wildlife movement associated with the operation of an all-season road. This is an entirely speculative question until such time as the GNWT files its response to the adequacy statement regarding effects on the biophysical species in question. The TG can only respond to this question about indirect effects on our way of life and traditional use once the underlying change in wildlife and wildlife movement – when the degree of likely impact on each species or species group listed in the Adequacy Statement – has been estimated by the Proponent as part of the ongoing process. The establishment of likelihood of the biophysical change is not the responsibility of the TG to determine. It is the responsibility of the proponent – the GNWT – and we will examine their biophysical effects assessment before making any estimation of spin-off effects on the human environment of the Tłıchǵ.

When we do consider that question, there are several important factors that will be taken into context, and TG is willing to raise them here to begin the discussion.

Firstly, barriers to movement of wildlife may be presented by a long linear development. However, this is mitigated by the fact that the right-of-way of the TASR has existed for decades. The TASR right of way is not entirely new development; indeed, as GNWT fly-over footage shows, it is already a primarily cleared area<sup>3</sup>.

---

<sup>3</sup> The fly-over video of the TASR can be viewed online at <http://www.Tłıchǵ.ca/all-season-road>

Secondly, we do anticipate an all-season road to provide new opportunities for Tłıchǰ harvesters to access Tłıchǰ lands, which is generally considered a positive, or beneficial, effect regarding traditional harvesting and perception of land. The All-Season Road will open up new territory previously inaccessible most of the time and provide the ability to explore large expanses of bush. This opening up of territory is likely to excite many Tłıchǰ citizens – particularly younger harvesters – who want to expand their understanding of the cultural landscape, and discover (or rediscover or have more regular access) areas with valuable game, fish and food plant harvesting opportunities. It is well recognized that our elders also have concerns with the very same opportunity, more because of outside harvesters coming in than increased use by Tłıchǰ citizens. We are addressing these concerns in our mitigations:

Mitigation 10: To ensure effective management, the TG will investigate the need for regulations and policies to manage the construction of cabins and design of hunting, trapping, and fishing in the area, in order to minimize impacts on local animal populations. The Tłıchǰ Government and the GNWT commit to work together to provide clear guidance on this topic.

Third, the issue of effects on wildlife has been subject of high concern, diligence and focus by Tłıchǰ Government from the outset of the planning process. We have stated that the Tłıchǰ Government, as well as Tłıchǰ harvesters, are concerned about the all-season road's potential to impact wildlife, both from a) the road itself (i.e. noise, dust, pollution, possible contamination), and b) the likely increase in non-Tłıchǰ people to the area.

In this diligence, Tłıchǰ Government has contributed to the identification of multiple impact pathways that are subject to the GNWT's ongoing biophysical effects assessment on wildlife. For example, we have flagged that noise, dust and smells from an all-season road could have negative impacts on the presence of fur-bearing animals in the region, such as marten, lynx, and wolverine, as well as ungulates, such as moose and caribou. Even though bison already frequent the area, elders are concerned that the road may introduce bison more frequently and in larger numbers. This is a concern for Tłıchǰ elders because "moose and especially woodland caribou avoid bison, due to its smell" (TK Study 2014, p 38).

The TASR is located in boreal woodland caribou range (TK Study 2014, p. 38). The findings from the TK Study coincide with the conclusions formulated by the GNWT-DOT:

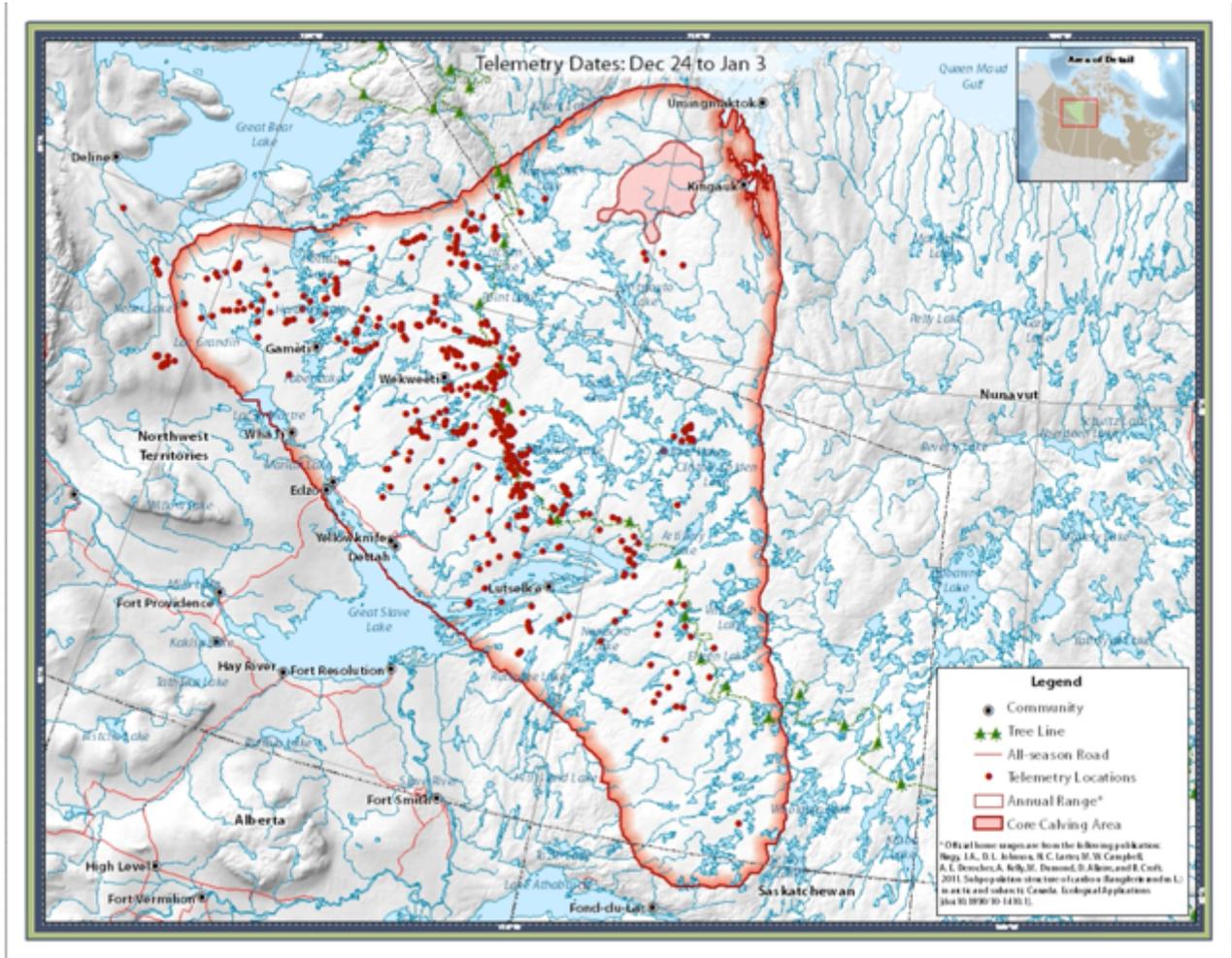
"Linear disturbances such as roads, seismic lines and pipeline rights-of-way can increase predation and harvest risk to boreal woodland caribou by increasing access by predators, such as wolves and grizzly bears" (PDR, page 6-26).

The GNWT-DOT goes on to affirm that "human-made linear features such as roads have been documented to facilitate the movement of predators, including wolf and bear, across the landscape which has resulted in increased predation rates on boreal woodland caribou" (PDR, p. 8-19). The risks of increase in predation extends to other furbearing animals in the region, such as marten, lynx and wolverine, which is a concern for Tłıchǰ trappers who rely

on these species for traditional and economic purposes. As stated previously, it is worthy of note that the right-of-way already exists in a relatively cleared state throughout the Project Footprint area, so the increase in predation may not be as extreme as a scenario in which a right-of-way (and clearing) did not previously exist.

Barren-ground caribou have migrated through the TASR area during the winter in the past (TK Study 2014, p. 35-37), but not recently. Tł̓ch̓ elders and harvesters have observed that barren-ground caribou currently prefer to stay north and haven't ventured south in the last ten years. Part of their migration has altered partly due to population decline. If population increases in future, elders have said that the area might be again used by caribou. Figure 2-1 shows 2013 telemetry data of barren-ground caribou, revealing their preferred habitat north of Whatì.

Figure 2-1: Telemetry Data of Barren-ground Caribou Locations from 1993 to 2003<sup>4</sup>



For Tłı̄chǫ elders, changes in barren-ground caribou migration continue to be a concern. The 2014 TK Study concluded the following:

“Increased development on caribou habitat has critical impacts on the migration patterns and abundance of barren-ground caribou. The harvesters have personally experienced this change in the recent years, and have needed to travel further north towards Grandin Lake and Gamèti to be able to hunt barren-ground caribou” (TK Study, p. 38).

This reliance on areas north of Whatì brings up an additional potential impact pathway of effects of having more people access an extended winter road season to the north, as a result of the TAsR. According to GNWT (PDR page 5-10), an all-season road to Whatì will

<sup>4</sup> Map is a screenshot taken of video from displaying telemetry data of barren-ground caribou locations from 1993 to 2003. The image displayed represents telemetry data from 2013. Video provided to the TG from GNWT-ENR.

extend the ice road season to Gamètì and Wekweètì by approximately 6 weeks. This extension may also extend the access to barren-ground caribou habitat. People will be able to drive to Gamètì a little later in the season and the potential is there to hunt the bluenose East caribou on their migration back to the calving grounds. While this potential should not be taken lightly, we do note that currently the harvest of Bluenose east is heavily restricted. All Aboriginal harvesters that harvest the Bluenose east herd in the Wek'eèzhì need authorization cards from the ENR; the herd is completely restricted for non-Aboriginals and outfitters. The likelihood of people driving six or more hours from Yellowknife, for example, to engage in an illegal activity with extremely strict and punitive restrictions in place, is highly questionable. Even though the winter road season will be extended, TG WRRB and ENR are keeping a very close eye on the herd and harvesting activity, and if stricter measures are needed, they will be implemented.

The elders have also expressed concern about a potential decrease in the practice of culture and tradition in an all-season road scenario. Our TK Study cites our elders stating concerns about increased pressure on harvesting from non-Tłıchǫ hunters. While there are strict regulations in place for harvesting barren-ground caribou, moose and woodland caribou do remain a concern. Whatì may likely experience more people coming for moose, similar to what Behchokǫ is seeing on Marian Lake and Russell Lake. Tłıchǫ leadership has expressed concern about the current open-status of hunting on Tłıchǫ land, particularly by non-Aboriginal and non-Tłıchǫ hunters. With the strict regulations around caribou, it is possible that pressure to moose will increase, especially from non-Aboriginal peoples. Mitigation 10 outlines the Tłıchǫ Government's commitment to develop "policies to manage the construction of cabins and design of hunting, trapping, and fishing in the area, in order to minimize impacts on local animal populations."

Due to there being a limited number of existing roads in the North Slave region for accessing the broader landscape, there is likely to be an increase of outside traffic on an all-season road. The Tłıchǫ Government has committed to a mitigation measure in order to reduce impacts on local wildlife populations and provide effective management:

Mitigation 10: To ensure effective management, the TG will investigate the need for regulations and policies to manage the construction of cabins and design of hunting, trapping, and fishing in the area, in order to minimize impacts on local animal populations. The Tłıchǫ Government and the GNWT commit to work together to provide clear guidance on this topic.

In relation to the Review Board's question about changing perception of the land, Tłıchǫ citizens are used to roads on the landscape and use of those roads, both all-season and winter roads. There is no stigma against harvesting along or in proximity to existing roads, and no innate perception of contamination of animals harvested near existing roads. There may be an innate reluctance to shoot animals near a road for safety and legal reasons. This could be a mitigated reduction on harvesting pressures and may encourage harvesting in more "bush" areas alongside or perpendicular to, but well off, the all-season road.

Tłchq harvesters generally do not see harvesting from the road as either a primary activity or something that would be subject to any sort of stigma. In other words, it is likely to occur in an all-season road scenario, but not in an overly energetic, focused manner; more in an opportunistic way during non-harvesting related travel or in transit to planned harvesting locations further into the bush, facilitated by the all-season access road (e.g., parking the truck by the side of the TASR and moving off on snowmobile and ATV). In the case of the latter, the knowledge of the landscape in this portion of the Tłchq territory will likely be extended through more common use over time, an actual benefit to Tłchq residents.

All in all, Tłchq members don't prefer for harvesting by the side of the road for cultural reasons (e.g. desire to be in the bush, to have peace and solitude on the land). There will likely be a strong tendency for Tłchq citizens to move away from the arterial corridor that is the TASR and into more bush areas – on foot, via quad or snowmobile. As a result, negative interactions with outsiders (whose numbers are not expected to be high due to distance from major population centers) are likely to be minimized and peaceful enjoyment of the land is not likely to be adversely affected more than in a low and occasional fashion. To the contrary, the most likely change in the perception of the land for most Tłchq will be a reconnection (or new connection for some) to a portion of the Tłchq cultural landscape that has been relatively inaccessible, increasing the number of areas available within which to practice the Tłchq mode of life on the land.

### **IR Number 3 – Heritage Resources and Culturally Important Sites**

**References:** PDR (PR#7 p 7—1, 8-30-32), draft Adequacy Statement (PR#47 p16), GNWT ORS recommendations #26-31

**Preamble:** The draft Adequacy Statement asks the developer to describe and predict impacts to important heritage resources for Aboriginal groups that may be directly or indirectly affected by the construction and operation of the Tłıchq All-season Road and its related activities. In its comments on the draft Adequacy Statement, GNWT states that it is the Aboriginal Groups and organizations that have the responsibility to identify culturally important sites in the project area and to propose mitigation. GNWT therefore suggests that the Review Board ask Aboriginal governments and organizations to provide the location of culturally important sites within the project area.

**Information Request:** Please provide the location of heritage resources and culturally important sites in the project area that are likely to be directly or indirectly affected by the Project. In addition, please evaluate potential impacts to any identified heritage resources and recommend mitigation if appropriate.

The Review Board respects the confidentiality of culturally important sites and heritage resources; the intent of this question is for the Review Board to ensure any potentially affected site has been reviewed and that decisions on the Project can be made with the safety of the heritage resource in mind. If a potentially affected heritage resource is identified, please indicate to the Review Board if you would like the information kept confidential and not submitted to the Public Registry.

#### **IR 3 Response:**

The Traditional Knowledge Study conducted by the Tłıchq Government in response to the TASR proposal, revealed a number of cultural value sites within the vicinity of the TASR, as shown in Map 4 (page 26) of that report. These sites are described in sections 3.4 through 3.6 of the TK Study, and include important Tłıchq trails, water routes, sacred sites, and burial locations.

Cultural value sites were identified by 16 elders and harvesters from Whatì and Behchokò during the data collection for the TK Study. Data collection methods involved two focus groups, 15 individual interviews and two verification workshops with the elders and harvesters. Section 2.0 of the TK Study outlines the methods and data collection process for these sites in details. Information was mapped on paper maps with the elders during the interviews and focus groups and later digitized into a GIS. It should be noted that these sites were not ground-truthed (i.e. they were not mapped with elders on the land) and therefore the locations are considered approximate. Site information and approximate locations are described in the elder's stories and words, which are respected as true.

The elders state in the TK Study (sections 3.4 through 3.6) that heritage sites – such as spiritual sites and burials, in addition to trails and trail networks. Trails are used frequently

by Tłıchǫ citizens for travelling, hunting and trapping, and accessing important places. Most trails travel in an east-west direction, meaning many of them will intersect with or cross the proposed road, which is primarily a north-south route.

Key trails near the TASR include:

- ʔelà etò is the canoe/boat route that travels east from Whatì along Tsoṭideè, to Marian River;
- Maa ʔlıı is a popular skidoo route for travelling between Whatì and Behchokò.
- Whaàhdòò etò refers to Ancestors' trails. The elders refer to the trail from the southwest shore of Marian Lake to Joe Migwi's cabin on K'agòò ʔlıı, and further southwest towards Łıetı, as an Whaàhdòò etò; and
- K'agòò ʔlıı means a tractor trail. There are two tractor trails in the study area: The Old Airport Road from Whatì to Highway 3 is referred to as K'agòò ʔlıı, as is the Campbell trail, that goes from Whatì to ʔeht'èṭı in an easterly direction

Key culturally important places near the TASR include:

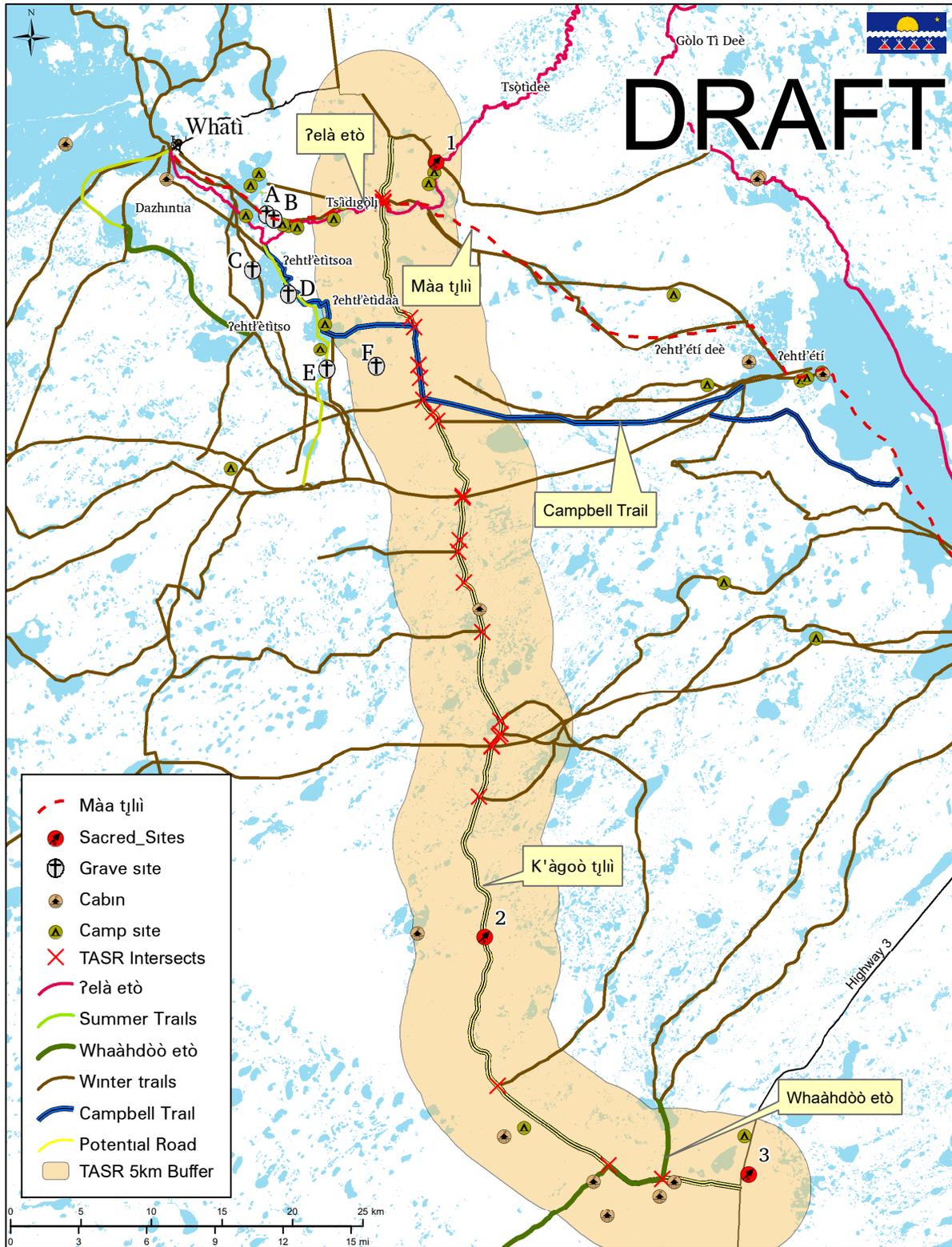
- Ewaashì: a sensitive site as the elders are unsure as to what type of spirits or beings may dwell there and suggest not talking about it;
- Burial Sites: Six gravesites are identified on Map 4 (page 26); and
- Kweyì ıgoèʔaa Wets'ats'idì: this is a culturally sensitive location approximately 40 kilometers south of Edzo on Highway 3, off of the proposed all-season road route.

Figure 3-1 and Table 3-1 below illustrate the approximate location of heritage resources and culturally important sites identified in the TK study within a five kilometer local study area (LSA) centered on the TASR corridor. Five kilometers is used because it represents an approximate distance that is easily travelled in a day from a point of origin (e.g., a road or trail) by foot, and back again, such as when hunting or trapping<sup>5</sup>. A five kilometer LSA is a reasonable spatial approximation of use surrounding a transportation value. It is possible that Tłıchǫ values may be directly or indirectly affected within this area.

---

<sup>5</sup> Candler, Craig, Rachel Olson, and Steven DeRoy. 2010. *As Long as the Rivers Flow: Athabasca River Knowledge, Use and Change*. Edmonton: Parkland Institute, University of Alberta.  
Olson, Rachel and Georgina Chocolate. 2012. *Ası Edee T'seda Dıle: Tłıchǫ Nation Traditional Knowledge and Use Study*. Tłıchǫ Research and Training Institute: Tłıchǫ Government.

**Figure 3-1: Heritage and Cultural Sites within a 5KM LSA of the proposed Tłıchǫ All-Season Road**



**Table 3-1: Heritage and Cultural Sites within a 5KM LSA of the proposed T̄h̄ch̄q̄ All-Season Road**

Line Item	Heritage Resource/ Cultural Site	Site Type	Intersects with Road (Approximate)		Approximate Distance from Road	Visibility from Road	Significance of Risk to Site	Mitigation
			X	Y				
1	Cabin	Habitation	-	-	1.57 km	No	Low	No mitigation required
2	Cabin	Habitation	-	-	0.28 km	No	Low	No mitigation required
3	Cabin	Habitation	-	-	0.17 km	No	Low	No mitigation required
4	Cabin	Habitation	-	-	1.19 km	No	Low	No mitigation required
5	Cabin	Habitation	-	-	2.85 km	No	Low s	No mitigation required
6	Cabin	Habitation	-	-	2.44 km	No	Low	No mitigation required
7	Cabin	Habitation	-	-	4.73 km	No	Low	No mitigation required
8	Camp	Habitation	-	-	3.63 km	No	Low	No mitigation required
9	Camp	Habitation	-	-	3.18 km	No	Low	No mitigation required
10	Camp	Habitation	-	-	2.97 km	No	Low	No mitigation required
11	Camp	Habitation	-	-	2.91 km	No	Low	No mitigation required
12	Ewaashì	Cultural	-	-	Unknown	No	Uncertain as the exact location is unknown; elders do not wish to talk about it or provide the location.	Need to ignore this site, and not remark upon it. It is not culturally appropriate to set a mitigation. Elders have noted that the current road alignment will not impact the site and are not willing to discuss this matter further Therefore, it is not culturally appropriate to add further mitigation.
13	Fish camp	Habitation	-	-	3.48 km	No	Low	No mitigation required
14	Gravesite	Cultural	-	-	2.96 km	No	Low, not along a trail	No mitigation required, as not on the road.
15	River crossing	Cultural	-	-	2.53 km	No	Low	DOT has designed river crossing to avoid coming into direct

Line Item	Heritage Resource/ Cultural Site	Site Type	Intersects with Road (Approximate)		Approximate Distance from Road	Visibility from Road	Significance of Risk to Site	Mitigation
			X	Y				
								contact with river and constructing occurring between appropriate fishing windows (GNWT PDR page 5-3).
16	Sacred area	Cultural	-	-	3.16 km	No	Low	No mitigation required
17	Tetoti	Place name	-	-	2.95 km	No	Low	No mitigation required
18	Ṯicẖo Place name	Place Name	-	-	0.13 km	No	Low	No mitigation required
19	Tunnel	Cultural	-	-	1.15 km	No	Low as the site is already disturbed	No mitigation required
20	Wall tent	Habitation	-	-	1.03 km	No	None as this is a non-permanent habitation site	No mitigation required
21	ʔelà etò (canoe route along Tsotìdeè)	Trail	-116.9753755	63.10943971	-	Yes	Low	No mitigation required
22	K'àgòò ṯlì (Old Airport Road)	Trail	<i>TASR route</i>		-	Yes	High (loss of trail to new road)	Net loss, but likely increased usability of the corridor for Ṯicẖo and non-Ṯicẖo citizens.
23	Màa ṯlì (skidoo trail)	Trail	-116.9755257	63.1124612	-	Yes	Moderate, increase in access to both Ṯicẖo and non-Ṯicẖo citizens	Design of the road, and other mechanisms such as river crossings, signage or pullouts, will be done so that there is safe crossing of the road.
24	Dogsled trail, hunting alongside it	Trail	-116.9752399	63.11000293	-	Yes	Moderate, increase in access to both Ṯicẖo and non-Ṯicẖo citizens	Same as above.

Line Item	Heritage Resource/ Cultural Site	Site Type	Intersects with Road (Approximate)		Approximate Distance from Road	Visibility from Road	Significance of Risk to Site	Mitigation
			X	Y				
25	Dogsled trail, hunting alongside it	Trail	-116.9752436	63.10994658	-	Yes	Moderate, increase in access to both Tłıchǰ and non-Tłıchǰ citizens	Same as above
26	Skidoo trail	Trail	-116.8130228	62.77903349	-	Yes	Moderate, increase in access to both Tłıchǰ and non-Tłıchǰ citizens	Same as above
27	Skidoo Trail	Trail	-116.9000146	62.97030895	-	Yes	Moderate, increase in access to both Tłıchǰ and non-Tłıchǰ citizens	Same as above
28	Trail	Trail	-116.8376153	62.83562756	-	Yes	Moderate, increase in access to both Tłıchǰ and non-Tłıchǰ citizens	Same as above
29	Trail to hunting and trapping dog team	Trail	-116.6660263	62.49602427	-	Yes	Moderate, increase in access to both Tłıchǰ and non-Tłıchǰ citizens	Same as above
30	Trap line	Trail	-116.8650962	62.92158528	-	Yes	Moderate, increase in access to both Tłıchǰ and non-Tłıchǰ citizens	Same as above
31	Trap line	Trail	-116.8711876	62.88705578	-	Yes	Moderate, increase in access to both Tłıchǰ and non-Tłıchǰ citizens	Same as above
32	Trap line	Trail	-116.9320878	63.03040267	-	Yes	Moderate, increase in access to both Tłıchǰ	Same as above

Line Item	Heritage Resource/ Cultural Site	Site Type	Intersects with Road (Approximate)		Approximate Distance from Road	Visibility from Road	Significance of Risk to Site	Mitigation
			X	Y				
							and non-Tłıchǫ citizens	
33	Trapline	Trail	-116.8644531	62.92266029	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
34	Trapline	Trail	-116.8130192	62.77071036	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
35	Trapline	Trail	-116.9197085	62.98364578	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
36	Trapline	Trail	-116.8253256	62.76287116	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
37	Trapline and skidoo path	Trail	-116.5921771	62.4873078	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
38	Trapping	Trail	-116.8426061	62.73091777	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
39	Trapping and Hunting	Trail	-116.9755301	63.10904133	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above

Line Item	Heritage Resource/ Cultural Site	Site Type	Intersects with Road (Approximate)		Approximate Distance from Road	Visibility from Road	Significance of Risk to Site	Mitigation
			X	Y				
40	Trapping and Hunting	Trail	-116.8650962	62.92158528	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
41	Trapping and Hunting	Trail	-116.8130228	62.77903349	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
42	Trapping and Hunting	Trail	-116.8711876	62.88705578	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
43	Trapping and Hunting	Trail	-116.9000146	62.97030895	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
44	Trapping and Hunting	Trail	-116.863071	62.86778173	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
45	Trapping and Hunting	Trail	-116.824826	62.76348019	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
46	Trapping and Hunting	Trail	-116.8690427	62.89451197	-	Yes	Moderate, increase in access to both Tłıchǫ and non-Tłıchǫ citizens	Same as above
47	Trapping and Hunting	Trail	-116.905429	62.97589564	-	Yes	Moderate, increase in access to both Tłıchǫ	Same as above

Line Item	Heritage Resource/ Cultural Site	Site Type	Intersects with Road (Approximate)		Approximate Distance from Road	Visibility from Road	Significance of Risk to Site	Mitigation
			X	Y				
							and non-Tłchq citizens	
48	Trapping and Hunting	Trail	-116.9237127	62.99758215	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
49	Trapping and Hunting	Trail	-116.9375073	63.03624254	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
50	Trapping and Hunting	Trail	-116.9320878	63.03040267	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
51	Trapping and Hunting	Trail	-116.8644531	62.92266029	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
52	Trapping and Hunting	Trail	-116.9754631	63.10917416	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
53	Trapping and Hunting	Trail	-116.5921771	62.4873078	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
54	Trapping and Hunting	Trail	-116.8130192	62.77071036	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above

Line Item	Heritage Resource/ Cultural Site	Site Type	Intersects with Road (Approximate)		Approximate Distance from Road	Visibility from Road	Significance of Risk to Site	Mitigation
			X	Y				
55	Trapping and Hunting	Trail	-116.8376153	62.83562756	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
56	Trapping and Hunting	Trail	-116.8152116	62.76923129	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
57	Trapping and Hunting	Trail	-116.8179274	62.5469545	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
58	Trapping and Hunting	Trail	-116.9197085	62.98364578	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
59	Trapping and Hunting	Trail	-116.8253256	62.76287116	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
60	Trapping and Hunting	Trail	-116.8426061	62.73091777	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
61	Trapping and Hunting	Trail	-116.9260124	63.00554349	-	Yes	Moderate, increase in access to both Tłchq and non-Tłchq citizens	Same as above
62	Trapping trail Approximate	Trail	-116.8179274	62.5469545	-	Yes	Moderate, increase in access to both Tłchq	Same as above

Line Item	Heritage Resource/ Cultural Site	Site Type	Intersects with Road (Approximate)		Approximate Distance from Road	Visibility from Road	Significance of Risk to Site	Mitigation
			X	Y				
							and non-Tùchọ citizens	
63	Whaàhdòò etò (Ancestors' trails)	Trail	-116.6660263	62.49602427	-	Yes	Moderate, increase in access to both Tùchọ and non-Tùchọ citizens	Same as above
64	Winter trail	Trail	-116.9260124	63.00554349	-	Yes	Moderate, increase in access to both Tùchọ and non-Tùchọ citizens	Same as above

In addition to the TK Study conducted by the Tłıchǫ Government, an Archaeological Impact Assessment (AIA) (PR#7, Appendix U) was conducted on the TASR by Stantec for the GNWT-DOT. This study involved a ground reconnaissance via helicopter across the length of the TASR, ground trothing of areas with high archaeological potential and shovel testing. In their findings, no newly recorded sites were discovered. One pre-recorded archaeological site, KgPo3, was revisited. A map of this site (Figure 5-1) can be found on page 29 of the GNWT AIA report. The AIA describes this site as follows:

“Site KgPo-3 is an indigenous historic site that was identified on the south side of the La Martre River to the east of the Old Airport Road. When identified in 1986, the site was called a portage/campsite (Fourth Portage), and features identified consisted of a path and hearth.

**Evaluation.** During the current study, the site location was revisited. Evidence of recent use was observed at the site, including several clearings, a survey marker, metal scaffolding, an oil drum and modern hearth, and various pieces of contemporary debris (green glass bottle). Two shovel tests were excavated within the proposed right-of-way adjacent to the location of site KgOp-3. No cultural materials were observed. Given the relatively recent nature of the materials identified, this site is perceived to have low heritage value, although should the road routing change and the site is proposed for impact, community consultation should be conducted to ensure that the community does not have concerns with the impact of this location.

**Recommendations.** As the site will not be impacted by the Project, no further study is recommended relative to the Project.” (2014, page 28)

Mitigations outlined by the GNWT-DOT in Table 8-8 the PDR (page 8-33) related to heritage resources and culturally important sites include:

- Overfishing, hunting and cabin erection by non-residents and/or tourists, which may damage Tłıchǫ culture and land
  - Tłıchǫ Government will continue to manage cabin construction on Tłıchǫ lands through the mechanisms that have been put into place by way of the Tłıchǫ LUP
  - ENR will enforce the NWT’s fishery regulations which are in place to prevent overfishing of any one area
  - ENR will enforce the NWT’s hunting regulations which are in place to prevent overharvesting of any one area
  - Lands will continue to conduct a land use scoping study of the Wek’èezhì Management Area, which could help to establish land use guidelines in the Wek’èezhì area in the future
  - TG and/or the Community Government of Whatì will erect signage to prevent damage to culturally significant areas (such as the La Martre Falls)

These are the relevant mitigation measures for heritage values and cultural sites. The Tłchq Government will also review a project specific chance discovery and known site mitigation protocols for both important cultural sites and physical heritage resources. The Tłchq Government is committed to ensuring the protection and management of cultural heritage sites throughout the construction and operation of the TASR.

## **Appendix A: Tłıchq Government and Whatı Community Government Commitments**

The Tłıchq Government and Community Government of Whatı have reviewed the outcomes of two research studies, and met on an ongoing basis with the Department of Transportation to discuss how to monitor and mitigate effects from the proposed all weather road to Whatı. The following mitigations have been reviewed and accepted by the leadership of both the Tłıchq Government and Community Government of Whatı. This commitments list has been authorized by the Whatı Community Government and Tłıchq Government as commitments to manage impacts and maximize the benefits of the proposed all weather road.

### **MOTION #: 2015-018**

Moved by Councilors Sonny Zoe, seconded by Councilor Jimmy Rabesca, that Council note for the record that Administration reviewed the effects of an All-Season Road as outlined in the DRAFT '*Tłıchq Government and Community Government of Whatı Commitments*' report as submitted to Council on February 16, 2015, and have accepted the report and proposed mitigations.

**CARRIED**

The Tłıchq governments are in favour of the all season road as it will:

- create year-round employment for maintenance for 6 to 8 people
- enable more business in Whatı to be feasible, also assisting in employment
- enable the cost of living in Whatı to be reduced because currently people have to fly anything in or fly out for services.

### Community Safety

Our goal is to strengthen community security and safety through resilient policing, policies and programs.

- 1) The Community Government of Whatı is investigating two options to strengthen community security: Community Bylaw Officer and the Aboriginal Policing Program. This is an issue that needs to be addressed jointly by the Tłıchq Government and the Community Government of Whatı, as well as other supportive agencies.
- 2) There is a need to provide on-the-land treatment for substance abusers, using the healing-power of the elders and the land. This is a social issue that needs to be addressed collectively, and one recommendation is to introduce the Nishi Program by accessing a variety of funding sources. In most cases, social issues are "community issues" that at the very least require community input into the solution. TCSA should be viewed for a tool or an organization that has resources to help communities.
- 3) There is currently an alcohol prohibition in place in Whatı. Annually, TCSA, the RCMP and the GNWT allocates a large sum to prohibition enforcement and responding to the negative impacts which are most often ineffective. The Community Government of Whatı would like to review the possibility of revisiting the prohibition ban, in favour of

more proactive resilience strategies for managing alcohol and drug consumption in the community.

### Economic Development

Our goal is to strengthen community economic development through programs and resources.

- 4) The need has been shown for increased business acumen for local entrepreneurs, in order to maximize local procurement opportunities from the road and mine. The Tłıchǵ Government currently maintains Economic Development Officers (EDO) in the communities who assist Tłıchǵ residents in establishing their own businesses. It may create a larger benefit for the Tłıchǵ Government to redirect each local EDO to focus on local economic development issues.

### Community Preparedness

Our goal is to prepare the community of Whatì for road development through programs, intergovernmental coordination and provision of resources.

- 5) The Community Government of Whatì has an active Community Emergency Management Plan and completes regular training and exercises of staff, Council, and various community members. In 2014, the relevance of this training and preparedness was graphically demonstrated as wildland fires came within 5 km of the community.
- 6) The Community Government of Whatì is an active supporter of a local Inter-Agency Committee which includes the RCMP, Health, various TCSA agencies, and the Tłıchǵ Government. Whatì Inter-Agency responds to issues related to community preparedness. Issues such as emergency response, social programs, and the community & lands concerns are all brought to this monthly forum. Reasonable discussions about costs, liabilities and insurance will need to be addressed at this forum. Both parties commit to continuing this community forum in order to coordinate among agencies.
- 7) The Community Government of Whatì commits to clear and ongoing communication with citizens in the region, using appropriate means. These may include posters, door-to-door mail-outs, newsletters, as well as public meetings.
- 8) Housing stock and condition is an ongoing barrier to community well-being and preparedness. There is insufficient information on housing and the barriers, but key issues to investigate include income support, home ownership, property management, and local organization, as well as financing. A Local Housing Organization (LHO) is being established in Whatì, and the Tłıchǵ Government has signed a MOU with the GNWT on Housing, forming the Working Group – Housing.
- 9) There is a need for locally agreed-upon goals and plans for Community Well-Being. The Whatì Inter-Agency Committee should develop a small set of community based goals of resilience. As an example: A number of local gardens, and the support of a community garden, could be an example, with goals set for 2020 and 2025. The Community Government of Whatì commits to forming a small set of community goals during the

2015 Strategic Planning process (March 6 & 7), and then monitoring progress towards goals over-time.

### Governance

Our goal is to prepare the citizens and governments for road development through development of predictable regulations, policies and support of services.

- 10) To ensure effective management, the TG will investigate the need for regulations and policies to manage the construction of cabins and design of hunting, trapping, and fishing in the area, in order to minimize impacts on local animal populations. The Tłıchǫ Government and the GNWT commit to work together to provide clear guidance on this topic.
- 11) The Tłıchǫ Government will develop mineral policy for Tłıchǫ Lands, so that there is clear and predictable regulation in the region.

### TCSA

Our goal is to provide the communities with greater awareness and education tools on health related issues affecting our communities.

- 12) The Tłıchǫ Community Services Agency commits to providing more information for local health nurses on a range of health issues, such as sexually transmitted infections, among other issues.

### Municipal Collaboration

Our goal is to promote ongoing collaboration between municipal governments through in order to best deal with changes, challenges and impacts in our communities.

- 13) There will be annual coordination between the Councils of Whatì and Behchokò to ensure that any changes and impacts are being collectively considered, addressed and managed.