

November 10, 2023

Chief Steve Vital  
Nahanni Butte Dene Band  
GENERAL DELIVERY  
NAHANNI BUTTE NT X0E 2N0

Dear Chief Steve Vital,

**by EMAIL**

**Initiation of Consultation by the Government of the Northwest Territories and Canada on the Environmental Assessment of the proposed Mackenzie Valley Highway Project (MVEIRB File EA1213-02)**

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Thank you for your October 13, 2023 response to the Government of the Northwest Territories (GNWT's) October 13, 2023 request to identify a main point of contact for consultation correspondence by the GNWT and the Government of Canada (Canada) on the Environmental Assessment of the proposed Mackenzie Valley Highway Project (MVEIRB File EA1213-02).

**Purpose of this letter**

The purpose of this letter is to:

1. Notify you of, and invite you to participate in, the upcoming steps of the environmental assessment process and any related engagement efforts of the developer;
2. Initiate formal Crown consultation with the Nahanni Butte Dene Band on the future decision that will be made by the GNWT and Canada regarding the environmental assessment of the Mackenzie Valley Highway (the Project). The decision, made at the end of the environmental assessment, will be in response to the Mackenzie Valley Environmental Impact Review Board's (Review Board) Report of Environmental Assessment and Reasons for Decision, as required under the *Mackenzie Valley Resource Management Act* (MVRMA); and
3. Advise you that the Crown is relying, to the extent possible, on the Review Board's process to fulfill the Crown's duty to consult, and if appropriate, accommodate.

## **Background on the Project**

The GNWT's Department of Infrastructure, acting as the developer, is proposing to advance the Project, construction and operation of a 321 km all-season gravel highway, between Wrigley and Norman Wells. The GNWT referred the Project to environmental assessment in 2013. The Review Board issued the current Terms of Reference for the Project in 2015. The Department of Infrastructure has reinitiated the Review Board's environmental assessment process with the submission of the GNWT's Developer's Assessment Report on October 12, 2023.

Information on this environmental assessment is available on the Review Board's public registry at: <https://reviewboard.ca/registry/ea1213-02>.

In addition to the joint territorial and federal consultation process for the environmental assessment of the Project, the Department of Infrastructure is conducting its own separate consultation process with Indigenous governments and Indigenous organizations. The Department of Infrastructure, as a government entity developer, has a duty to consult with Indigenous governments and, if appropriate, accommodate potential adverse impacts to asserted or established Aboriginal and/or treaty rights resulting from constructing and operating the Project. We encourage you to participate in the Department of Infrastructure's consultation efforts because the developer is best placed to address concerns related to project design and construction.

## **Our approach to consultation with Indigenous Peoples**

The GNWT and Canada have a duty to consult with Indigenous governments and Indigenous organizations and, if appropriate, accommodate potential adverse impacts to asserted or established Aboriginal and/or treaty rights resulting from the decision by the territorial government and federal government on the Review Board's Report of Environmental Assessment. The GNWT and Canada rely on the Review Board's process as the primary means to fulfill our consultation and accommodation obligations for our decision related to the environmental assessment of the Project. By relying on the Review Board's process, we integrate the Review Board's interim engagement and consultation policy (<https://reviewboard.ca/reference-library-page/policies-and-standards>) with our approach.

In reaching our decision on the Review Board's recommendation, we will also consider the developer's efforts to hear, through its engagement and consultation activities, how the Project could have potential adverse impacts on your asserted Aboriginal and Treaty rights.

Throughout the Review Board's process, the GNWT and Canada actively monitor and track all statements of adverse impacts on asserted or established Aboriginal and/or treaty rights made by Indigenous governments and Indigenous organizations. Canada and the GNWT share information received with each other, including information received by the GNWT in its role as developer.

### **How to participate?**

In addition to participating in the developer's consultation efforts, it is important that you share, through the Review Board's process, any potential adverse impacts that you identify to your asserted Aboriginal and Treaty rights as a result of the Project. Your participation in this process is important to:

- Help the Review Board, as well as GNWT, Canada, and all other parties to the environmental assessment, understand how the Project could affect you; and
- Allow your concerns to be considered and potentially addressed by the Review Board.

When raising adverse impacts, we kindly ask you to clearly set out:

- a. The specific right(s) that may potentially be adversely impacted;
- b. The specific potential adverse impact(s), including timing, geographic extent, and other relevant considerations; and
- c. How the potential adverse impact(s) could best be mitigated.

Any issues or feedback provided during the Review Board's environmental assessment process or received by the GNWT or Canada during the decision phase of the environmental assessment process will be given full and thorough consideration prior to any decision being made by the GNWT and Canada.

### **Funding**

Crown-Indigenous Relations and Northern Affairs Canada closed a Northern Participant Funding Program call for applications on November 2, 2023. The funding is intended to provide resources to facilitate meaningful and informed participation in the Board's assessment process. Although the application is now closed, those who missed the deadline are encouraged to reach out if interested in participant funding. Additional information is available on the [Review Board's public registry](#).

### Next Steps

At the end of the Review Board's process, after the Review Board issues its Report of Environmental Assessment and Reasons for Decision, the GNWT and Canada will send you another letter. At that time, we will want to receive your views, in writing, about whether the Review Board's recommendation, including any measures and the developer's commitments, provides meaningful accommodation to any potential adverse impact(s) from the Project on your asserted Aboriginal and Treaty rights.

Your views will inform the Responsible ministers' decision on the Review Board's recommendation. If you identify in your response that there remain potential adverse impacts on your asserted Aboriginal and Treaty rights that were not meaningfully accommodated, the applicable ministers within the GNWT and Canada will assess whether they believe the accommodation provided is meaningful. The GNWT Department of Infrastructure, as the developer, will not participate in this assessment.

The Department of Infrastructure (the developer for the Project) will be excluded from the internal government decision-making process on the Review Board's recommendation but may be required to provide additional information to the decision makers if requested to do so under the provisions of the MVRMA.

### Canada and GNWT contacts

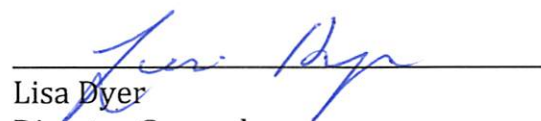
The Project Assessment Branch of the Department of Environment and Climate Change will be the consultation coordinator for the GNWT for the environmental assessment. If you have any questions for the GNWT, please contact Lorraine Seale, Director, Impact Assessment and Security Management, at [Lorraine\\_seale@gov.nt.ca](mailto:Lorraine_seale@gov.nt.ca) or 867-767-9180 ext. 24020.

The Northern Projects Management Office of the Canadian Northern Economic Development Agency will be the consultation coordinator for Canada for the environmental assessment. If you have any questions for Canada, please contact Krista Magee, A/Senior Project Manager, at [krista.magee@cannor.gc.ca](mailto:krista.magee@cannor.gc.ca) or 867-334-4565.

Sincerely,



Lorraine Seale  
Director  
Impact Assessment and Security Management



Lisa Dyer  
Director General  
Northern Projects Management

c. Distribution List

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