



## **Tłıchǫ Government**

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December 15, 2017

Mark Cliffe-Phillips  
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Mackenzie Valley Environmental Impact Review Board  
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### **Re: Closing Argument for the Tłıchǫ All-Season Road (EA-1617-01)**

Dear Mr. Cliffe-Phillips:

The Tłıchǫ Government is providing the Mackenzie Valley Environmental Impact Review Board (the Review Board) with its closing argument for the Tłıchǫ All-Season Road (TASR) environmental assessment. In our review of all the issues, while we have identified concerns, we do not believe that the TASR will cause significant impacts.

Preparing our closing argument required us to reflect deeply on the comments brought forward by Tłıchǫ citizens at the public hearings in Whatı. What was clear from the public hearings is that Whatı residents are highly informed about the potential benefits and impacts that can come from the all-season road.

The TASR has been a community-driven project since its inception almost 30 years ago. The project has been a continuous collaboration between the Tłıchǫ Government, Community Government of Whatı and the Government of the Northwest Territories. We have worked—and will continue to work—closely with the Tłıchǫ Community Services Agency, RCMP and the Whatı Interagency Working Group to develop and implement community programs and strategies. These relationships have helped us to best predict, prepare for, and adaptively manage impacts related to the TASR.

Through careful planning and adaptive management, the community of Whatı is well-prepared for an all-season road. We will continue to invest in research, resources and personnel during the construction and operation of the all-season road.

The Tłıchǫ Government is grateful to have participated in this review. We look forward to reading the Report of Environmental Assessment and Reasons for Decision from the Review Board.





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Sincerely,

A handwritten signature in blue ink, appearing to read "Tammy Steinwand-Deschambeault". The signature is fluid and cursive, with a period at the end.

**Tammy Steinwand-Deschambeault**  
Director, Department of Culture and Lands Protection

c.c. Michael Conway, Regional Superintendent, Department of Transportation  
Simon Toogood, Mackenzie Valley Environmental Impact Review Board



# Closing Argument for the Tłıchq All-Season Road

December 15, 2017

EA 1617-01

Prepared by the Tłıchq Government

Submitted to the Mackenzie Valley Environmental Impact Review Board

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## List of Acronyms

The Agreement	Tłıchq Land Claims and Self Government Agreement
GNWT	Government of the Northwest Territories
<i>MVRMA</i>	<i>Mackenzie Valley Resource Management Act</i>
RCMP	Royal Canadian Mounted Police
Review Board	Mackenzie Valley Environmental Impact Review Board
SAO	Senior Administrative Officer
TASR	Tłıchq All-Season Road
TCSA	Tłıchq Community Services Agency

## 1.0 Introduction

The Tłıchq Government and Community Government of Whatı have been working collaboratively with the GNWT for close to 30 years to advance the construction of an all-season road. Together, the Tłıchq Government and Community Government of Whatı have conducted a thorough review of all project materials, and—after careful planning—are well-prepared for an all-season road. We intend to continue our practice of adaptive management.

## 2.0 Governance

The Tłıchq Agreement recognizes that Tłıchq people are in the best position to make decisions on what will bring about the best future for our people and communities. The Agreement gives the Tłıchq Government the jurisdiction and authority to implement laws and develop its own strategies, as well as control and effectively manage activity on Tłıchq lands.

In 2010, the Intergovernmental Working Group was established to ensure that the proposed all-season road meets the right criteria for management, mitigation and engagement. Members of the working group include the Tłıchq Government and the Minister of Infrastructure, requiring senior leaders to meet once every year to review plans and proposed activities, which is a testament to the level of engagement between government bodies throughout the TASR EA process.

The Whatı Interagency Working Group was developed in 2013 pursuant to an MOU. The intent of this working group is to prepare for, and respond to, issues related to community preparedness, emergency response, social programs, and other community and land-related concerns. The Interagency Working Group is comprised of various departments and members of the Tłıchq Government, Chief Executive Council, Community Government of Whatı, the TCSA, RCMP and other community partners when needed.

A crucial role that the Interagency Working Group plays is in facilitating relationships, dialogue and transparency between the various agencies and governments in the Tłıchq region. In 2017, members of the GNWT-INF department attended the annual meeting to discuss plans and the regulatory process for the all-season road. These engagements and interactions are crucial for ensuring that the Tłıchq Government and Tłıchq communities are well-informed about the project and are actively engaged in the process.

Tłıchq people are well-informed about the potential benefits and impacts of an all-season road, and have the knowledge and authority to make a decision on the project. An all-season road is a solution that will help advance our people on the journey to self-reliance and independence.

### 3.0 Social Issues

The Tłıchq Government recognizes that the road to Whatı will bring changes, both positive and negative. With respect to positive changes, an all-season road will encourage people to stay in the community by providing residents with meaningful employment, practical skills training, lowering the overall cost of living, creating opportunity for tourism ventures, and improving resident access to social services.

Some of the negative changes will be from increased access to drugs and alcohol, and increased pressures on the RCMP. The Tłıchq Government, TCSA, Community Governments of Behchokq and Whatı, and the GNWT have been working together to proactively develop programs, policies and approaches to manage these issues – and adapt – where needed. We will continue to do so in the future.

We acknowledge the concerns raised in the community hearings, such as concerns for safety, and increased access to drugs and alcohol, among others.

#### *Airplane safety*

“Two times I went out for a meeting to Behchokq in Rae ... and the plane couldn’t land. I don’t know what happened but had to go back to Yellowknife ... one of the fins wasn’t working good ... Last year about 40 people were in the plane and I went around two times here and went back to Yellowknife ... the pilot said that everything’s there and they can’t land because of the weather.” Sophie Williah, November 17, 2017.

“We got lost on a plane three years ago... just close to Yellowknife the pilot was saying that and all the ice went on the plane, there was just icy and they keep going down ... he put the plane, pulled out of it, just ever loud ... when the place could land he said to hold onto the chair hold onto the chair good. He’s going to try and land it and then keep it going like that and final they landed, all the ice came out that place. That’s why we’re asking for a road, all-weather road.” Elder Jimmy Rabesca, November 17, 2017.

#### *Drug and alcohol use and trafficking*

The Tłıchq Government is aware that drugs and alcohol consumption and addiction are already a concern. Further, crime indicators have generally trended upwards in the small communities, over the last decade. The Tłıchq Government has been working through the Interagency Committee to understand how to manage these issues, and the governments collectively have been working on strategies to manage addictions, and reduce the pressures for vulnerable people in particular.

“Now they talk about all the drugs, alcohol. I heard them talking about it and they're right. And when the winter road comes – when all-weather road comes and it will be good if it's all watched for it. But us who are living in Whatı, if we get all-weather road and we talk about it among each other in Whatı, drug and alcohol, if we talk about it it's going to be good.” Elder Pierre Beaverho, November 17, 2017.

“If anything happened by drinking with the alcohol with my kids or my grandkids, it's going to be hard.” Richard Williah, November 15, 2017.

“We are basically giving our consent to those who are running big drug mules and criminals to come forward and continue the drug trafficking that already being done right now with even much worser narcotics along with the drug abuse that is already going on around the community. We will be consenting and agreeing with the fact that this road could increase these young youth addictions that are starting.” Rheanna Smith (youth), November 17, 2017.

Tłıchq citizens also spoke of the possible benefits and opportunities that could occur with an all-season road:

#### *Economic opportunities*

“There are a lot of reasons that the elders spoke about in the past; that's why we need the road. We need to open up. We are already doing that, but only on the short season ... We need jobs. If there's a fear about certain things we're the people we can talk about it.” Alex Nitsiza, November 15, 2017.

“So we're trying to work towards education, training, to make sure there's training for the people, for the youth to come. Employment, that there is employment for them. As a small isolated community as community government of Whatı, there's not so many jobs.” Lisa Nitsiza, November 15, 2017.

“Any opportunity training that is up I take and I have a lot of skills. I have a lot of hats on me. It's just that there is no opportunity. So once the road opens up, there'll be a lot of opportunities for such – people such as I.” Lisa Marie Zoe, November 15, 2017.

#### *Reducing social isolation*

“As a mother and as a wife and a daughter who would like to see my family more often, it's difficult. By having this road, it increases the chances of everything. We have the potential to have the sporting trips. We have the potential in our youth to proceed in the sports they wish to do.” Lisa Nitsiza, November 17, 2017.

“Like one, education it's going to go high for sure. All the field trips, I know, our principal here wants to take the students out on trips but it's going to cost a lot of money and I never grew up going through that, trips. And imagine if I did, my life could've been better right now ... education, that's all I care about for the kids here.” Lennie Nitsiza, November 17, 2017.

*Reduced cost of living*

“It's always good to have a winter road. It's served its purpose for its time and now it's come to an end or some good reason ... the all-season road is coming in to our community, I guess, and all the services our community is going to [improve] for sure. Definitely we're going to have a lot of heavy items has been delivered. If a person wants to build a big infrastructure, big, you know, materials are coming in, you know, that -- and then transport I guess could be delivered easy compared to what it was on the winter road.” Elder Charlie Jim Nitsiza, November 17, 2017.

“Every winter road and this is when the large purchases are brought in, your fridge, your couch, your beds, your stoves, even TVs if you wish. The other times throughout the year freight is costly, groceries. I work, my husband works. I'd rather spend my money on food than any other thing; that's on behalf of every parent in this building and this community as well. They'd rather purchase for food.” Lisa Nitsiza, November 17, 2017.

“And the other thing is the groceries. It's going to go cheaper ... food's everything. We need food to provide for our family.” Lennie Nitsiza, November 17, 2017.

The Tłıchq agencies and governments have all committed themselves to managing these issues proactively. The Interagency Working Group meets annually in each of the four communities to address issues related to community preparedness, emergency response, and social programs, as well as community and land concerns. The Whati Interagency Working Group will continue to report on these issues and adaptively respond to concerns.

The Community Governments also work closely with the RCMP, and receive monthly data reports on community activity. Larry Baran, the Senior Administrative Officer (SAO) in Behchokq (and former SAO of Whati), spoke to the continual monitoring and adaptive management approach the Tłıchq Government is taking:

“In November of 2016 the Community Government of Behchokq held a ... plebiscite to repeal the liquor prohibition. Working with – through interagency, we work with a variety of departments, TCSA, RCMP and so forth. And we did anticipate that we would have a significant spike in activity. The liquor prohibition was officially lifted by the legislature as of April 1st. For the first three months, we noticed no difference. There was a spike over the summer months during the assembly and gathering that was held in Behchokq and according to the people that were providing emergency response and RCMP response, they were from visitors to the community. So, we have anticipated that we are looking at a one year change.” Larry Baran, November 17, 2017.

## 4.0 Health

The Tłıchq Government recognizes that the road to Whatı may bring some negative changes to the people’s health, such as increased sexually transmitted infections, increased access to drugs and alcohol, and addictions. As we heard from the women of Whatı on the first day of our hearing, however, the road will also provide children and elders with access to health services that have never been available to them before.

The Review Board identified in the hearings a concern that socio-economic issues might arise in Gamèti and Wekweèti. The Community Governments have all implemented an interagency approach, which we believe will serve to identify, manage and adapt to new issues as they arise.

In a remote community, accessing services for children with special needs is especially difficult. Community members spoke about the challenges they face in knowing who to seek out for support, accessing specialists, and being able to travel to appointments.

“I have a 14 year old that is visually impaired; is not able to read and write. And my eight-year-old is able to read and write and, it hurts me the fact that we have lack of support in our community and our children should be a priority for our future, regardless disability or not. And it's like I'm screaming out of a tunnel. I don't know who to contact, who can help me out on to getting the resources that my kids need. Not only for myself but for other people, other families that are going through the same situation as I am.” Lisa Marie Zoe, November 15, 2017.

“One example is that we do have children that have disability need, like, speech therapists, all these kind of stuff that could be provided here if we do have the road, and that's one thing that came into my mind.” Mary Ann Jeremicka, November 17, 2017.

Social programs are also seen as a barrier with the existing winter road network. Tłıchq citizens are eager for themselves and their kids to participate in sports and education programs if an all-season road is built.

“What we'd like to see is more education, more programs, sporting trips for the youth to attend, spike kick, super soccer, swimming competition is available and hockey. More family visits. That's hard to just to hop on a plane and go ... a family of four for one way is \$980, times that by two.” Lisa Nitsiza, November 17, 2017.

Promoting stable and healthy communities is another priority for the Tłıchq Government. The Tłıchq Government supports the TCSA health/parenting programs in Whatı. This includes addictions and recovery programs, parenting courses and sexual health programming. These programs, which were developed in collaboration with the RCMP, the Tłıchq Government, TCSA and Community Government of Whatı, will be adaptively managed as health concerns emerge, and when the road is in operation.

## 5.0 Culture

The road to Whatı has the potential to increase the connection between communities, allowing improved access to Tłıchq lands for Tłıchq citizens. The road will increase the opportunity and accessibility for Tłıchq harvesters, especially youth, to practice Tłıchq culture and connect more easily with the land. Issues related to the exchange of land and the building of cabins are addressed here, as well as more general concerns associated with culture.

As the Review Board is aware, a 17-kilometer section of the TASR runs across what is currently Tłıchq lands. The Tłıchq Government and the GNWT have engaged in discussions and determined that, when the TASR is operational as a public highway, the corridor of Tłıchq lands across which it runs should be transferred to the GNWT. In order to accomplish this, and in order to ensure that the GNWT has the necessary access to Tłıchq lands to undertake the construction of the TASR, GNWT and the Tłıchq Government have entered into the “Tłıchq All-Season Road Land Exchange, Use and Access Agreement.” This Agreement has been executed by the GNWT Minister of Lands, the GNWT Minister of Infrastructure, and by the Grand Chief for the Tłıchq Government.

The Agreement provides that GNWT will have the right to access and use Tłıchq lands for the purposes of construction of the TASR. The Agreement is for the purposes of the construction of the road, it does not allow for the construction of cabins or other activities not related to the road.

The Agreement further provides that, following completion of the TASR and the necessary surveys, a strip of Tłıchq lands 60 meters wide and approximately 17 kilometers in length will be conveyed to the GNWT. In exchange, an area of Crown land of equivalent size will be conveyed to the Tłıchq Government and will become Tłıchq lands. This land exchange ensures that GNWT will own the land across which the TASR runs, while also ensuring that the total quantum of Tłıchq lands is unaltered.

The Tłıchq Government has authority and jurisdiction to manage cabins and access to Tłıchq lands. Tłıchq citizens have the right, as per the Tłıchq Agreement, to build a cabin anywhere on Tłıchq lands. The Tłıchq Government has an internal process in place to manage this.

Cabin construction and leases outside of Tłıchq lands is under the jurisdiction of the GNWT, which has developed the draft *Recreational Land Management Framework* (GNWT 2017) and the *Land Use and Sustainability Framework* (GNWT 2014) to address recreational uses of public land.

We acknowledge the youth’s concerns regarding the potential for the all-season road to impact Tłıchq culture:

“As we young are trying our best to keep our language and culture, Strong Like Two People, if we do good on with this then you people, we are agreeing to destroy what we've built.” Quinton Bishop (youth), November 17, 2017.

The elders spoke at length about the importance of sharing their stories in order to remain a strong Tłıchq Nation, and continue the Tłıchq way of life.

“They used to make a pound dry meat and they used to make a pound – they used to do hides. They used to fix caribou hide and everything; that's how it used to work with our Elders. But this is the old time. If I say more it's going to be ever ... if you guys listen to our stories like that in the future, you guys help us, it's going to be good. It's going to be helping you guys to speak about these things.” Elder Pierre Beaverho, November 17, 2017.

“When we tell our stories ... we should be strong. That's how our family will survive.” Elder Francis Simpson, November 16, 2017.

For some elders, the road is seen an opportunity to invest in the youth and future generations. As elder Charlie Apples stated, we need to “start building the road for the new generation” (November 16, 2017).

## 6.0 Wildlife

The road is proposed along an already cleared tractor trail; it is not viewed as an intrusion on untouched lands. The Tłıchq Government, however, recognizes there is potential for wildlife to be affected by the road to Whatì. The road may be a deterrent for wildlife with noise, dust or as a more visible linear path through the land with heavier traffic.

Tłıchq harvesters have noted that both woodland and barren-ground caribou migration patterns have changed over the past decade.

“There used to be lots of caribou. There used to be lots of caribou and going back and forth. Now it's different. I used to set the nets. We used to live there for caribou when there's lots of caribou. Sometime when the caribou comes around again there's lots. It was just full...” Elder Charlie Apples, November 16, 2017.

“And then now that because the forest fire took its toll and now that the [boreal caribou] feeding area is all burnt and all that the caribou and the moose and caribou don't come around anymore closer to where they used to roam ... that burned all the way in the area now that the caribou have moved away to a different where the patches hasn't burned.” Elder Narcisse Bishop, November 17, 2017.

“I'm just telling you a story of what my grandpa told me. Before, how many years ago we had winter road two years. We go on the vehicle ... On the winter road there used to be Woodland caribou going around. And now this winter road ... there too it's burned down so maybe that Woodland caribou went to a different direction. So they should know by what they put on the collar.” Elder Francis Simpson, October 16, 2017.

At the same time, the road to Whatì will provide improved access to Tłıchq lands for Tłıchq citizens. Improving access to Tłıchq lands will promote citizens', harvesters' and youths' connection to Tłıchq language, culture and way of life.

“Here, we live here in Whatì. That's how we survive. And caribou, that's how we survive with all the animals ... that's how we grew up ... with the fish and all the stuff.” Elder Archie Nitsiza, November 17, 2017.

“Our Elders, our young people, would be better if ever listen to each other.” Elder Pierre Beaverho, November 17, 2017

We understand that there will be mitigation and adaptive management in place through the various agencies and authorities. We are collaborating on the design of these programs – programs that are centered on traditional knowledge – and we will look to adapt them as concerns arise.

“If there's going to be some animals out on the road, you guys are trying to help us. I thank you very much about helping us in here. Over there it's going to be where the all-weather it's going to be. It's going to be ... [where] animals are going to be. It's going to be moose and rabbit, everything. All the ptarmigan, everything is going to be in around living there. And it's going to be road over there. And it would be good if you guys would really watch out we would be really happy if you watch out for that in here.” Elder Francis Simpson, November 16, 2017.

We support a corridor working group to advise and communicate on issues about monitoring and mitigations for the road. The Tłıchq Government does not support an oversight body – we have the tools and jurisdictions within our Agreement to manage this project. The management authorities from our Agreement have our support and we will continue to work with them to protect our lands and resources. It is important to acknowledge the Tłıchq Government's jurisdiction, authority and ability, enshrined within the Tłıchq Agreement, to implement laws, develop its own strategies as well as to control and effectively manage uses of the land.

## 7.0 Fish

The Tłıchq Government recognizes the potential for fishing to increase in the project area with the construction of the Tłıchq All-Season Road. This creates both an opportunity for our people to work on tourism opportunities but also creates a potential impact on the fishery.

“Even the whitefish it seems to be getting smaller every year. Now, the one time where we used to have some 6-inch mesh or 5-inch mesh and that, you know, we’re getting 4-inch mesh because the fish size are getting smaller.” Elder Charlie Jim Nitsiza, November 17, 2017.

“People used to come visit us ... and so he [my grandpa] give them some fish and give them fish for their dogs. And for us when we'd get lots of fish and they come stay with us, they eat beside us. We'll cook fish for them. We used to live good.” Elder Charlie Apples, November 16, 2017.

In order to effectively manage fisheries, the Tłıchq Government will work closely with the Department of Fisheries and Oceans and co-management partners to develop monitoring and management strategies based on traditional knowledge and scientific data. The Tłıchq Government understands that there will be support from the GNWT in this regard (as indicated in the hearings). The “GNWT is not going to be developing the plan but will be supportive and participate in the development of the plan under the direction of Fisheries and Oceans Canada and the Tłıchq Government...” (p. 39, day 3)

“Now we have, like, a big lake and deep water. We got good fish year-round so I guess our neighbors and our relatives from our community want to come and fishing in our area, they’re always welcomed. And that doesn't necessarily mean that the influx of the population is increased because of that.” Elder Charlie Jim Nitsiza, November 27, 2017.

Elders have told us about the healthy fish stocks in the lakes, rivers and streams. Their knowledge and firsthand experience in examining water crossing options allows us to predict that the impacts on fisheries in a future Tłıchq All-Season Road scenario will be minimal.

“There's lots of fish. We love our fish here; that's how we live, with our fish.” Elder Pierre Beaverho, November 17, 2017.

The Tłıchq Government will continue to rely on the knowledge of elders, fishermen, and harvester-monitoring programs to ensure we do not impact this resource. We will continue to apply adaptive management to fisheries monitoring as needed.

## 8.0 Closing

The Tłıchq Government recognizes there will be impacts from an all-season road, and we have carefully considered them. We have developed—and are continuing to develop—strategies and programs to monitor these impacts throughout the construction and operations of the Tłıchq All-Season Road, with Elders and community members leading the way. We have many commitments and mitigations being developed, some of which are already in place, in order to manage potential impacts. We will continue to adaptively manage impacts as they arise.

“I was born here in Whatı, all my life, and what I think about the all-season road is that I think it's nice to go in and out to Rae to see my family in Yellowknife. And that's all I got to say. I strongly agree.” Len Football (youth), November 17, 2017.

The Tłıchq Government and Community Government of Whatı have agreed to a series of commitments in effort to minimize and manage impacts from the Tłıchq All-Season Road. These commitments and mitigations are detailed in the Tłıchq Government's Technical Report (PR# 216):

- Appendix C: Tłıchq Government and Whatı Community Government Commitments
- Appendix D: Commitments Agreed to in the August 2017 Technical Session
- Appendix E: Commitments Agreed to After the November 2017 Technical Session

In the November 2017 public hearings, the Tłıchq Government supported an additional commitment made by the GNWT, with respect to emergency preparedness:

Commitment 1: Government of the Northwest Territories is committed to meeting with and working with key stakeholders, including the Community Government Whatı, the Tłıchq Community Services Agency and the Tłıchq Government to work toward the development of an effective ground ambulance and the highway rescue. (Review Board, public hearings, November 17, 2017).

This is a community led project. The Community Government of Whatı and the Tłıchq Government care about the land and the people who will be impacted. We are working together to prepare strategies that will minimize the impacts and maximize the benefits for the community of Whatı.

“This is something that we should really cherish that we're involved. And one of the things that I'm very proud of is that all the research that's done for the caribou, the Woodland caribou, the fish, the plants, what would happen and how it happened. All these things are very good information and this is where the elders came in big time because they're the one with the knowledge. They're the one with the degree that

have ideas as what's going on in our community, around our community on our land. So that's one thing that I really wanted to express.” Mary Ann Jeremicka, November 17, 2017.

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