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SENT ELECTRONICALLY ONLY

By Way Of: cfairbairn@reviewboard.ca

RE: MACKENZIE VALLEY HIGHWAY – ENVIRONMENTAL IMPACT REVIEW (EA 1213-02)

Acho Dene Koe First Nation writes to provide comments on proceedings of the proposed Mackenzie Valley Highway (EA1213-02) that will connect Wrigley to Norman Wells with a gravel all-season road.

This project represents a once-in-a-generation type project and, with that, will bring significant opportunities and challenges to the territory. It is, therefore, essential that in the development of this project, deliberate effort be made to consider the full spectrum of impacts this project will have on communities within the Northwest Territories.

Acho Dene Koe First Nation's Traditional Territory and waters span three jurisdictions: British Columbia, the Yukon Territory, and the Northwest Territories. Our main community is currently settled in Fort Liard, north of the British Columbia-Northwest Territories border, still, our members continue to use and occupy our Traditional Territory as a whole. As our ancestors did, we hunt, trap, fish, and gather for food, social, cultural, and trading purposes throughout our Traditional Territory. We assert Aboriginal rights, including title, throughout our Traditional Territory.

Our rights and our Traditional Territory are affected by the proposed development.

Acho Dene Koe First Nation Treaty and Aboriginal Rights

In 1922, our ancestors adhered to Treaty 11, and these rights are constitutionally protected under s. 35(1) of the *Constitution Act, 1982*. Among other things, Treaty 11 protects our right to pursue our usual vocations of hunting, trapping and fishing. When signing Treaty 11, our ancestors were assured that this liberty would not be taken away or curtailed. Any erosion of our ability to hunt, trap, and fish would be a serious infringement of our Treaty rights.

The courts have cast serious doubt on whether Treaty 11 extinguished Aboriginal title to the land. In *Re: Paulette's Application*, the trial judge found that "notwithstanding the language of the two treaties [8 and 11,] there is sufficient doubt on the facts that aboriginal title was extinguished."¹

More recently, the Federal Court recognized that the Federal Government's failure to set aside reserves for Smbaa K'e First Nation was a fundamental breach of Treaty 11, and Smbaa K'e continued to have a strong *prima facie* case for Aboriginal title, which elevated the Crown's duty to consult with them.² We maintain that our Aboriginal rights, including Aboriginal title, have never been ceded, abandoned, or extinguished in any part of our Traditional Territory.

¹ *Re: Paulette's Application*, [1973] 6 W.W.R. 97 (N.W.T.) [*Re: Paulette's Application*] at paras 84 and 116.

² *Smbaa K'e Dene First Nation v. Duncan*, 2012 FC 204 at para 139 [*Smbaa K'e Dene First Nation*].

Aboriginal rights, which include title, are constitutionally protected legal rights, pursuant to s. 35(1) of the *Constitution Act, 1982*. Aboriginal rights include priority use rights to resources (e.g., fish, wildlife, trees, traditional medicines, and foods). Aboriginal title confers on the rights-holding group the exclusive right to decide how the land is used and the right to benefit from those uses, subject to the restriction that the uses must be consistent with the group nature of the interest and the enjoyment of the land by future generations.³

Acho Dene Koe First Nation holds constitutionally protected Treaty rights, asserts Aboriginal rights within our Traditional Territory, and takes seriously any infringement of our rights.

Crown's Duty to Consult

Where the Crown has "knowledge, real or constructive, of the potential existence of the Aboriginal right or title and contemplates conduct that might adversely affect it", the Crown has a duty to consult with the First Nation⁴.

The Acho Dene Koe First Nation currently uses, and has historically used, our Traditional Territory for fishing, hunting, trapping, and gathering. Acho Dene Koe First Nation has negotiated and signed an Agreement in Principle with Canada and the Government of the Northwest Territories and continues to negotiate a modern treaty based on our inherent right to self-government. Consistent with *Sambaa K'e Dene First Nation*, the Acho Dene Koe First Nation has a strong prima facie title claim, and as a result, the Crown's consultation obligations are on the high end of the spectrum.

Development and resource exploitation have already significantly impacted and infringed on our Treaty and Aboriginal rights and title, and any new developments will continue to do so in a compounding manner. An infringement cannot be justified without meaningful consultation and accommodation, which may include compensation.

The Acho Dene Koe First Nation expects and intends to enter full, meaningful consultation with the Government of Northwest Territories before any decision that has the potential to infringe on our Treaty or Aboriginal rights. The importance of protecting our Treaty and Aboriginal rights and of preserving natural resources cannot be overstated.

Mackenzie Valley Highway

The Mackenzie Valley Highway represents a once-in-a-generation type project, the magnitude of which will result in permanent changes to many communities within the Northwest Territories and not just those along the development. We recognize this development may bring some positive changes, including job opportunities, lower cost of living, and new industries and businesses, such as tourism. In connecting the Sahtu to southern portions of the territory, the highway may provide increased opportunities for residents to travel to connect with family members and seek medical assistance or services previously only accessed seasonally or via costly air service.

However, many adverse impacts will also accompany this project.

Those impacts directly related to project construction or maintenance activities, such as habitat destruction and disruption, land transformation, and vehicular incidents, should be focal points of this assessment and resulting mitigation efforts. Those more tangentially or indirectly related to the project, serving as secondary impacts (e.g., impacts to community health and well-being, changes in traditional practices and economies, and access to drugs and alcohol), can be difficult to fully appreciate and avoid. For example, the highway may increase the

³ *R. v. Sparrow*, [1990] 1 S.C.R. 1075 and *Delgamuukw v. B.C.*, [1997] 3 S.C.R. 1010; *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44.

⁴ *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511 at para. 35

overall amount of traffic entering the Northwest Territories, increasing the potential for vehicular incidents, wildlife disturbance, crime, and access to harmful substances, which may appear anywhere increased traffic is experienced. As a result, through this assessment, effort must be afforded to ensure that risks and adverse impacts are fully understood and minimized for all communities, including those communities' peripheral to or, like Acho Dene Koe First Nation, become pass-through areas. Similar effort is necessary to ensure that all communities impacted by this development receive appropriate net benefits to accommodate them but also to help the NWT as a whole flourish while mitigating the likely cumulative impacts of development. To best understand the impacts, a cumulative effects study ought to be conducted, and the impact on Treaty and Aboriginal rights, including our rights to hunt, harvest, and fish, should be accounted for. In so doing, the MVEIRB and the GNWT must reflect on the words of Justice Burke in *Yahey v. British Columbia*: "with more and more takings and development it becomes harder and harder for the Crown to fulfill its promise to Indigenous people that their modes of life would not be interfered with."⁵

Our Community's Potential Relationship to the Highway

Acho Dene Koe First Nation is in the southwest corner of the Northwest Territories and Dehcho Region, with our Traditional Territory extending into northern British Columbia and eastern Yukon. Our community's main population center is in Fort Liard, home to more than 450 people. Fort Liard is located approximately 330 km from the project's southern terminus (Wrigley). Though the impacts on our community may be less or more tangential compared to communities along the proposed corridor, it does not mean that these impacts won't be meaningfully felt.

Our community is located along the Highway 7 corridor (and Highway 77 in British Columbia), which is the main transportation route from British Columbia into the Northwest Territories. This route provides a critical link for our community, allowing for the transport of goods from southern parts of Canada, as well as providing access for our members to goods and services in Fort Nelson and elsewhere. Highway 7, along with Highway 1 and Highway 5, serve as the three primary transportation routes for traffic into the territory, and by extension, to the Mackenzie Valley Highway (from outside the territory). As a primary impact of this project on our community, we see this project driving increased traffic through Acho Dene Koe First Nation Traditional Territory along Highway 7.

In considering the full impacts of this project, we offer the following key concerns and recommendations for the project to support identifying and mitigating potential impacts. Additionally, Appendix A at the end of this letter outlines specific feedback based on the Developer's Assessment Report, for consideration by the Developer (GNWT) as well as the Mackenzie Valley Review Board.

We, however, preface our analysis and commentary of potential concerns and impacts by noting the lack of meaningful road traffic predictions included in the Developer's Assessment Report. It is imperative to have a detailed understanding of potential changes in traffic flow to and from the proposed Mackenzie Valley Highway, especially as it relates to out-of-territory transport. Further studies, including traffic modelling, are imperative to understand the full extent of the expected impact and, therefore, to inform mitigation discussions.

Impacts on Health and Well-being of Acho Dene Koe First Nation Members

The relationship between adverse impacts on health and well-being and major infrastructure and resource development projects has been documented frequently across Canada⁶. Without mitigations in place, there is a positive correlation between the occurrence of such projects and crimes (including assault and sexual assault),

⁵ *Yahey v British Columbia*, 2021 BCSC 1287 at para 520.

⁶ Stienstra, D., Levac, L., Baikie, G., Stinson, J., Clow, B., & Manning, S. (2016). *Gendered and intersectional implications of energy and resource extraction in resource-based communities in Canada's North*. Canadian Research Institute for the Advancement of Women.

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sexually transmitted infections (STIs), changes to family dynamics, as well as a decline in the exercise of traditional practices.⁷

These changes in health and well-being are associated with increases in transient workers or persons associated with a project, rotational work, changes in access to the land and opportunities to practice traditional activities⁸.

Frequently, these impacts manifest disproportionately against women and members of the 2SLGBTQQIA community, because of domestic or intimate partner abuse, human trafficking, as well as reduced benefit realization from fewer education or job opportunities.⁹

Sections 13.1-13.5 of the Calls to Justice from the Missing and Murdered Indigenous Women and Girls report, speaking to the extraction and development industries, draw direct attention to these risks.

13.1 We call upon all resource-extraction and development industries to consider the safety and security of Indigenous women, girls, and 2SLGBTQQIA people, as well as their equitable benefit from development, at all stages of project planning, assessment, implementation, management, and monitoring.

13.2 We call upon all governments and bodies mandated to evaluate, approve, and/or monitor development projects to complete gender-based socio-economic impact assessments on all proposed projects as part of their decision making and ongoing monitoring of projects. Project proposals must include provisions and plans to mitigate risks and impacts identified in the impact assessments prior to being approved.

13.3 We call upon all parties involved in the negotiations of impact-benefit agreements related to resource-extraction and development projects to include provisions that address the impacts of projects on the safety and security of Indigenous women, girls, and 2SLGBTQQIA people. Provisions must also be included to ensure that Indigenous women and 2SLGBTQQIA people equitably benefit from the projects.

13.4 We call upon the federal, provincial, and territorial governments to fund further inquiries and studies to better understand the relationship between resource extraction and other development projects and violence against Indigenous women, girls, and 2SLGBTQQIA people. At a minimum, we support the call of Indigenous women and leaders for a public inquiry into the sexual violence and racism at hydroelectric projects in northern Manitoba.

13.5 We call upon resource-extraction and development industries and all governments and service providers to anticipate and recognize increased demand on social infrastructure because of development projects and resource extraction, and for mitigation measures to be identified as part of the planning and approval process. Social infrastructure must be expanded, and service capacity built to meet the anticipated needs of the host communities in advance of the start of projects. This includes

⁷ Stienstra, D., Manning, S. M., Levac, L., & Baikie, G. (2019). *Generating prosperity, creating crisis: Impacts of resource development on diverse groups in northern communities*. *Community Development Journal*, 54(2), 215–232

⁸ Shandro, J. A., Veiga, M. M., Shoveller, J., Scoble, M., & Koehoorn, M. (2011). *Perspectives on community health issues and the mining boom–bust cycle*. *Resources Policy*, 36(2), 178–186.

⁹ Stienstra, D., Manning, S.M, Levac, L (2020). *More Promise than Practice: GBA+, Intersectionality and Impact Assessment*.

*but is not limited to ensuring that policing, social services, and health services are adequately staffed and resourced.*¹⁰

The Developer's Assessment Report details potential impacts, with a lens on disproportionate gender-based or identity-based effects within the Project Development Area (PDA), Local Assessment Area (LAA), and Regional Assessment Area (RAA), however, generally, we find that the geographic scope of the assessment does not appropriately consider farther afield (both upstream and downstream of the proposed development) locations which may still realize these impacts. The Northwest Territories is unique in considering the potential impacts of a highway project. Notably, the low roadway density, and overall lack of significant roadways mean that road-based traffic flow into the territory is highly constrained, with Highway 1, Highway 5, and Highway 7 serving as the only three major access points into and out of the territory. All out-of-territory traffic increases resulting from the Mackenzie Valley Highway will not simply originate in Fort Simpson (the southern-most community along Highway 1 considered within the RAA) but instead will flow from British Columbia or Alberta via Highway 7 and Highway 1 or 5, respectively. This overall increase in traffic flow, including through gravel rather than paved roads, must be considered and accounted for in the assessment.

In addition to traffic, a related issue is increased population density. Acho Dene Koe First Nation communities are already experiencing housing shortages, as is the Northwest Territories more generally. Though industry may bring economic opportunities, it also brings people who may be inclined to stay in border areas (between the Territory and British Columbia or Alberta). Acho Dene Koe First Nation itself is situated on the border of the province of British Columbia and Northwest Territories and is near Highway 7. The current infrastructure is not sufficient to support more bodies. Further, more people, depending on where they settle, may have a further cumulative impact on our ability to exercise our Treaty and Indigenous rights and pursue our traditional way of living. The introduction or expansion of industry must come hand in hand with realistic considerations of what the territory and our Indigenous peoples can tolerate.

Our concern regarding the geographic extent of the RAA (and thereby the assessment) as it relates to community health and well-being is an important one since the exclusion of effects assessment in communities such as Fort Liard limits the understanding the increase in traffic flow (and associated effects) will have on our community. Further, while we note that the Developer has identified several plans to work with impacted communities following the assessment to further understand impacts and develop programming to minimize those impacts on health and well-being proactively, the geographic extent describing which communities will be considered is not clearly defined. As a result, we are concerned that our community may be in a position where we are burdened with increased traffic and population density, leading to adverse impacts on health, community well-being, and our Treaty and inherent Indigenous rights, without these impacts being effectively understood, monitored, or responded to with adequate resources. We see the potential for this project to present unmitigated residual effects to our community.

In considering the geographic extent of adverse effects on community health and well-being, to properly understand the impacts of this project, we request that the Developer conduct additional baseline analysis and modelling to capture existing and predicted community health and well-being within all communities along Highway 1, 5, and 7. Further, we call on the Developer to clarify the Well-Being Adaptive Management Plan, Safety and Security Plan for Vulnerable Members, and other relevant plans to ensure that all communities along the Highway 1, 5, and 7 corridors be monitored for adverse impacts to the community health and well-being, as well as ensure proactive measures are in place to mitigate potential impacts, and further measures to respond to changes in community health and well-being. This includes but is not limited to defining pathways for

¹⁰ Native Women's Association of Canada. (2019). *Missing and Murdered Indigenous Women and Girls Calls for Justice*. <https://nwc.ca/assets-knowledge-centre/Web-MMIWG-calls-to-justice..new.pdf>

collaborative program development with community leadership, appropriate resourcing and capacity for community programming, monitoring mechanisms, and triggers for action.

Impacts on the Exercise of Rights Along the Highway 7 Corridor

Overall, increased traffic, especially by transport trucks along roadways in the Northwest Territories, may increase stress to wildlife due to high-speed vehicles, noise, vibration, light, dust, and vehicular collisions.¹¹

Increased road traffic and the associated increase in noise and human activity have been linked to a reduction in effective habitat availability for some wildlife species, which may deter wildlife harvested for food, as well as furbearing animals targeted by Acho Dene Koe First Nation trappers.

Additionally, the increased abundance of tourists, or transient persons through the Highway 7 corridor, and people moving to these areas may increase pressures on wildlife and fish due to increased hunting and fishing by non-Acho Dene Koe First Nation members. As a result, hunt and harvest opportunities for our members are likely to experience an overall decline.

The Highway 7 corridor is an important transportation corridor for Acho Dene Koe First Nation members. Additionally, the access that this corridor provides to the heart of Acho Dene Koe First Nation territory makes it a hot spot for historic and contemporary activity by Acho Dene Koe members. In Section 13.4.2.3 of the Developer's Assessment Report, the Developer suggests that traffic noise will not exceed the applicable threshold, triggering residual effects. We question this approach as for some, especially Elders within our community who recall Acho Dene Koe First Nation before significant highway development, any amount of road noise would be considered an intrusion and, therefore, could drive change behavioural patterns and the exercise of traditional practices within earshot. We suggest that contrary to the findings of the assessment report, Acho Dene Koe First Nation will experience adverse impacts to their inherent Aboriginal Rights because of effects that reasonably will alter their ability to exercise their rights.

Using previously collected information, Acho Dene Koe First Nation has identified many instances where sites of importance to Acho Dene Koe First Nation, where members conduct protected activities, or which are otherwise of interest to Acho Dene Koe First Nation are in near proximity to Highway 7. In summary, 49 cabins, 2 berry picking sites/areas, 12 trailheads, 8 trapline areas, and 4 moose/caribou/sheep hunting areas, are found within 500 m of Highway 7. Additionally, the corridor passes through important ungulate winter range habitat in British Columbia.¹²

Acho Dene Koe First Nation members use cabins along the Highway 7 corridor as central bases for hunting, fishing, berry picking activities, as well as recreation. The areas are already under threat from the cumulative impacts of historic oil and gas development, infrastructure, and logging. As a result, the protection of these lands is vital to the fabric of the Acho Dene Koe First Nation culture. Degradation by direct or further contributions to cumulative impacts continues to erode this fabric and damages our members' ability to discharge their Treaty and Aboriginal rights. The impacts that will be realized if this proposed project is authorized will negatively and irreversibly change how Acho Dene Koe First Nation members interact with our territory.

¹¹ Government of Northwest Territories (Environment and Natural Resources). 2016. *NWT State of the Environment Report*. <https://www.enr.gov.nt.ca/en/nwt-state-environment-report> [link not working, I have only found the highlight report from 2016: https://www.gov.nt.ca/ecc/sites/ecc/files/state_of_environment_highlights_2016.pdf]

¹² British Columbia, Ministry of Forest, Lands, Natural Resource Operations and Rural Development – Wildlife and Habitat. 2021. <https://catalogue.data.gov.bc.ca/dataset/ungulate-winter-range-approved>

Increased Business Development Opportunities – Road Construction and Maintenance

The Mackenzie Valley Highway will be one of the largest public infrastructure projects in the history of the Northwest Territories. It is essential that, where possible, economic development benefits be offered back to Indigenous communities in the Sahtu and Dehcho, as well as others across the Northwest Territories, in priority to those outside of the territory.

The Acho Dene Koe First Nation sees economic benefits as an important offset for unavoidable or unmitigable impacts to communities in the Sahtu and Dehcho, which includes Acho Dene Koe First Nation. Therefore, we request that the Developer make clear targets and commitments for Indigenous inclusion in all aspects of the project, to ensure benefits to those communities are maximized.

Increased Business Development Opportunities – Community-Owned Businesses

One of the greatest potential benefits of the Mackenzie Valley Highway to our community is the economic opportunity that it presents.

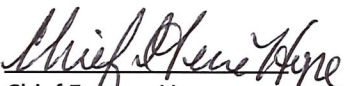
The potential increase in traffic through the Highway 7 corridor is expected to bring more tourists and industry. As Fort Liard is the only settlement with services between Fort Liard and the Nahanni Butte turnoff, our community is well situated to attract motorists as they pass to and from the Mackenzie Valley Highway. As a result, there is potential for economic benefits through the sale of fuel, food, supplies, and crafts, as well as services related to tourism or industry (e.g., vehicle maintenance).

In ensuring that communities such as Acho Dene Koe First Nation are well positioned to realize these benefits, we note there is a need for the Developer, with support from other Government of Northwest Territories departments, to develop programming to ensure community-owned businesses can attract and service this traffic. This includes appropriate programming to support business development, marketing, and capital. If you have any questions concerning our response, I will ask that you email our Lands Office at lands@adkfirstnation.ca

Thank you.

Yours truly,

ACHO DENE KOE FIRST NATION


Chief Eugene Hope

Cc. Brad Morrissey, Manager of Business Development (ADK Holdings Ltd)
Nick Leeson, Legal Counsel
Mark MacDougall, Lands Director (Consultant – Shared Value Solutions)
Chirag Patney, Lands Manager (Consultant – Shared Value Solutions)
Council

Appendix A: Specific Comments Regarding the Developers Assessment Report

Reference	Comment	Recommendation
<p>Section 5.5.9.1 Traffic Volumes</p>	<p>For the purposes of the assessment, the Developer anticipates an average traffic volume of 50 vehicles per day (of various sizes) and will include: Local traffic travelling between communities, commercial traffic needed for community operations and resupply, traffic associated with operating small businesses, such as tourism, and industrial traffic to support exploration, development, operations and/or closure and reclamation of natural resource developments, such as oil and gas or forestry.</p> <p>We are concerned that the Developer does not appear to provide any rationale for why the number 50 vehicles per day was selected, nor is there a detailed breakdown of estimates of the point of origin or destination of the vehicles (i.e., an elaboration of the composition of anticipated traffic). Without this information, it is difficult to understand the broader impacts of this project beyond the limited extent of the highway corridor/RAA.</p> <p>We anticipate that the impact will be significantly higher than 50 vehicles, especially at the lower ends of the highway, including the connecting roads such as Highway 7, which passes through our Traditional Territory. In this case, and as a result of the increased noise, traffic, and general activity, animals, including the boreal caribou, on which we traditionally rely and have Indigenous rights to hunt and trap, will invariably go even further afield to escape the increased commotion of the roadway. This is particularly concerning given the sensitive nature of many of these animals, including their endangered or threatened statuses. We surmise that the 0.03% disturbance</p>	<p>We request that the Developer provide a baseline characterization of traffic on roadways reasonably considered to be leading to/from the future Mackenzie Valley Highway (specifically, Highway 1, 5, and 7). Additionally, as part of the effects assessment, we request that the Developer provide predicted traffic flows (broken down seasonally) for the Mackenzie Valley Highway as well as Highway 1, 5, and 7 leading to/from it.</p> <p>Estimates of traffic flow should be substantiated by existing or foreseeable development, migration, tourism, and/or other factors, or draw on comparable examples elsewhere in the Northwest Territories/Canada.</p> <p>When considering the disturbance to animal habitat, impacts, including increased traffic upstream and downstream of the development area, must be taken into account.</p>

	<p>estimation in the DAR is significantly too low and fails to account for the cumulative effects of the development. The impacts of the project, upstream and downstream, cannot be overstated and must be properly considered by way of this assessment.</p>	
<p>Section 8.2.1 Assessment Areas</p>	<p>The Regional Assessment Area (RAA) is defined as areas where potential direct, indirect, and induced effects of the Project may occur, which includes the communities in the Sahtu Region that are outside of the LAA, as well as the communities of Fort Simpson, Fort Good Hope Délı̄në and Colville Lake.</p> <p>We recognize the inherent difficulty of establishing an RAA for a project of this nature, especially given the unique context of the Northwest Territories and the population centres that exist. Indirect or induced effects may extend along the Highway 1 and Highway 7 corridors all the way to the respective borders with Alberta and British Columbia, as a result of increased traffic and flow of goods from more southern Canada.</p>	<p>We recommend that elements of the RAA be extended to consider impacts on all communities along the Highway 1 and 7 corridors to the borders with Alberta and British Columbia. This extension should consider the potential impacts of the project through construction and operation on public safety and social pressures (e.g., drugs, alcohol, crime, gender-based violence, and the spread of infectious diseases such as sexually transmitted infections (STIs)).</p>
<p>Section 8.2.2 The Project Will Affect the Availability of Drugs and Alcohol</p>	<p>The Developer proposes, as a mitigation measure to anticipated social pressures during construction and operations and maintenance, a commitment to establish a Mackenzie Valley Highway Well-Being and Adaptive Management Plan that includes measures to address the project’s effects on community wellness and substance abuse and bootlegging.</p>	<p>We acknowledge this Plan as an important step but are concerned that this plan has not been developed and, therefore, is not available for review and comment. There is a serious concern that it will not be a satisfactory form of mitigation. The intended methodology to be used is ambiguous, and it is unclear whether it will appropriately address all effects associated with community well-being (for instance, human trafficking and violent crimes – which may exist as co-morbidities with increased drug and alcohol availabilities, are not described).</p> <p>This Plan must be co-developed with affected communities and be developed before final approval of this project.</p>

<p>Section 8.2.3 The Project Will Affect Public Safety</p>	<p>The Developer acknowledges that coinciding with the highway construction, operation, and maintenance will lead to an increase in the number of traffic accidents that will lead to serious injury or death. We agree with this, as well as the assessment that there are significant gaps in the ability for aid to be rendered in the event of accidents as a result of limited communication and emergency infrastructure.</p> <p>We want to highlight that in addition to those identified gaps, even in situations where an incident occurs near a population centre, existing health and emergency resources are very limited in most instances along Highway 1 and 7, leading to the proposed MVH. As a result, existing health and emergency resources may be easily overwhelmed by both surges and patients due to serious incidents, or generally by the increase in volume due to increased flow of traffic.</p>	<p>The Developer must consider the potential impacts on emergency and health resources in established population centres along the entirety of the Highway 1 and 7 corridors leading to (in addition to those found along) the proposed MVH.</p> <p>ADKFN foresees instances in which increased traffic entering the Northwest Territories from British Columbia may tax the already limited resources in Fort Liard as it is one of only a few population centres between Fort Nelson, British Columbia and Fort Simpson en route to the MVH.</p>
<p>Section 8.2.4 The Project is Likely to Result in Change in Demands for Social Infrastructure and Services</p>	<p>The Developer concludes that the effects of the project on changes in demands for social infrastructure and services (including policing and crime, health services, and social services) during all phases are expected to be adverse but of low magnitude, irregular, infrequent and reversible, therefore not significant.</p> <p>We disagree with this finding, as it overlooks much of the findings of the previous two subsections that note significant adverse effects on public safety and the availability of drugs and alcohol. We generally agree that incidents themselves may be irregular, as they may correspond with the presence of people, goods, or substances in a given location; however, given the severely limited resources in nearly all population centres in the Northwest Territories (excluding Yellowknife), a surge event in crime or demand on health services, may have lasting effects</p>	<p>We request that the Developer recognize that existing social resources may not be positioned effectively to handle increased demand volume or surge events and that these effects, although may be irregular, may be seasonal, locally of higher magnitude, and in some if not many instances irreversible through the life of the project. As a result, these effects may result in adverse impacts to communities that may be locally if not globally significant.</p> <p>Further analysis must be conducted on additional resource needs along the Highway 1 and 7 corridors as well as in communities along the proposed MVH project.</p>

	on the health and well-being of others in the community or general public.	
Section 8.2.6.1 The Project Will Positively Affect Local Employment and GDP, and there will be Measures to Maximize Local and Indigenous Employment	<p>The Developer states that it is anticipated that 50% of the 200-330 person contractor workforce will be from the Sahtu and Dehcho communities or elsewhere in the NWT, with the remaining coming from outside of the NWT. Additionally, in addressing concerns that southerners (those from outside of the NWT) will be hired for positions unless NWT residents are prioritized, an MVH Contractor Training and Employment Plan will be developed.</p> <p>Unfortunately, commitments to develop an employment plan fall short of explicitly making commitments to ensure that a specific proportion of Indigenous persons and/or NWT residents will be hired/contracted for this project. As a result, without firm commitments, we cannot consider this benefit realized.</p>	We request that the Developer, make firm minimum benefit goals for Indigenous members and NWT residents, as well as other commitments regarding training and contracting NWT-owned businesses. These goals must be made clear and binding as part of the evaluation process such that it can feed into an overall assessment of net-project effects.
8.2.7 The Project Will have Several Positive Effects and Minimal Adverse Effects on Local Businesses	We generally agree with the Developer that local businesses will largely experience neutral or positive effects as a result of this project. Further, as part of the MVH Contractor Training and Employment Plan, there will be measures to support local hiring and business to support the realization of benefits for local businesses.	As part of the MVH Contractor Training and Employment Plan, the Developer, with support from relevant organizations and agencies within the Northwest Territories, should outline robust measures that can ensure local businesses maximize benefits, including but not limited to opportunities supporting marketing, capital growth, and diversification, that may have both direct and indirect benefits for communities as they may be able to better service increased traffic in the territory, generate wealth, and serve the communities in which they are located it.
8.2.9 The Project Will Have Minimal Effects on Harvesting and the Traditional Economy	The Developer concludes that this project will have minimal effects on harvesting and the traditional economy. Acho Dene Koe First Nation, like many other communities in the Northwest Territories, relies heavily on traditional and rights-based harvest, as well as economies that are derived from those practices. We anticipate that our community will benefit to an extent from	In considering the impacts this project will have on harvesting and traditional practice, it is important that the local context be considered along the major transport routes connecting to the MVH. This includes assessing the potential direct impacts of the increased presence and occupation of non-members/non-residents on perceptions or use of the land.

	<p>commercial aspects of these practices as increased traffic through our community en route to the MVH will result in increased sales of crafts which use natural products such as fur, bark, stones, etc., however, we caution that the adverse impacts of increased traffic along Highway 7 should not be understated. Specifically, with the construction of Highway 7, our Traditional Territory was bisected. This changed how our community was able to access our lands, shifting away from water-based access to road-based access. With this shift, many of our members shifted to areas where they practiced traditional activities (e.g., hunting, fishing, and trapping) and erected temporary or permanent structures along the highway corridor.</p> <p>With the increase in traffic entering the Northwest Territories through British Columbia along Highway 7, we are concerned that lands used for cabins, staging and lands used for the exercise of rights may be disturbed, or adversely affected by increased traffic, and the presence of non-members. We can foresee the possibility of increased resource harvest pressures, as well as increases in transient occupation of lands and, in some instances, vandalism or unauthorized occupation of member-owned dwellings that occur along the Highway 7 corridor. These instances may, in turn, result in conflicts or modifications in behaviour among our members to avoid certain areas, resulting in shifts or reductions in traditional practices. As made clear by the aforesaid, there are serious cumulative adverse impact concerns that will affect various elements of our traditional way of life and our Treaty and Indigenous rights.</p>	
<p>Section 9.1.1 Summary of Assessment</p>	<p>The Developer elaborates on their determination that the Project's adverse effects are not significant even though</p>	<p>Impacts on public safety and social pressures are inherent in a project such as this but must be considered</p>

	<p>residual effects on public safety and social pressures are identified as specific. Specifically, they rationalized this determination by citing the many other effects that are identified as not significant, as well by noting that the Government of Northwest Territories will develop and implement follow-up and monitoring activities, including the development of a well-being adaptive management plan that will support the development of measures to address the adverse effects of the Project.</p> <p>We take issue with this determination and are concerned that the Developer has not fully considered the potential effectiveness of monitoring and follow-up measures. Within the Canadian context, substance abuse (especially those related to opioids such as fentanyl), alcoholism, and gender-based/intimate partner violence in Indigenous communities and vulnerable populations are considered at epidemic levels. To an extent communities within the Northwest Territories have been shielded where strict controls on availabilities of drugs and alcohol can be implemented (such as in remote communities), however, in other communities such as ours we have seen the impacts of substance abuse and violence adversely alter our community fabric. This is echoed elsewhere in Canada, especially in Indigenous communities and among vulnerable populations.</p> <p>We are concerned that many communities, including the Government of Northwest Territories as a whole, are not effectively positioned or supported to deal with the societal changes that will accompany the increased flow of people and traffic (along with societal pressures that accompany them). As a result, while public safety and social pressures are indeed identified as</p>	<p>more so given their disproportionate impact. As a result, we believe that the Developer must take additional measures to work with communities to flesh out meaningful strategies to anticipate and react to impacts on public safety and social pressures on a near territory-wide basis. We believe that this effort must be taken as part of the Environmental Impact Assessment process to consider the overall impacts and effects rather than simply establishing commitments to act on it at a later date.</p>
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	<p>significant adverse effects, the ability of the Developer (with the backing of the entire territorial government) may be understating the potential adverse impacts and overstating the collective ability of communities and Government of Northwest Territories to mitigate these impacts.</p>	
<p>Section 9.5.3.2 Mitigation</p>	<p>The Developer notes that community members and leadership in Norman Wells and Tulita indicated there was a need to address existing health needs and service issues before the project is operational. In response, GNWT has committed to developing a Community Readiness Strategy that will include a Well-Being Adaptive Management Plan to address these concerns.</p> <p>This commitment has not been fleshed out into a plan that can be evaluated for effectiveness, and therefore, we raise concerns about whether it is indeed a suitable mitigation measure. Additionally, no information is provided about the implementation timeline or the geographic extent that will be covered by this plan.</p>	<p>We recommend that GNWT provide additional information in the form of a draft plan, terms of reference, or plan framework that allows ADKFN and other parties to review the efficacy of the plan.</p> <p>Further, we request that GNWT provide additional information about the temporal and geographic extent of the plan, as well as associated monitoring and adaptive management efforts. This information is critical to ensure that project-related effects in the PDA, LAA, RAA and beyond are appropriately identified, mitigated and responded to.</p>
<p>Section 13.1.1 Regulatory and Policy Setting</p>	<p>Section 13.1.1 outlines the Developer's approach to set thresholds for the acoustic environment. We find this approach flawed as it does not consider the full extent of the relationship Indigenous persons exercising their rights may have within the environment of their respective territory as they relate to the holistic experience.</p>	<p>Nuisance noise is far more nuanced and personal than the Guidelines and thresholds propose. Specifically, in areas such as the Northwest Territories, the soundscape is largely dominated by natural sounds. Any anthropogenically derived sounds may be viewed as an intrusion and may cause Acho Dene Koe First Nation members and animals on which we rely to exercise our inherent Indigenous rights to avoid areas. Therefore, we recommend the threshold for vehicular traffic be considered a long-term community annoyance, or one that is considered an annoyance at any point it is observed outside of the highway right-of-way.</p> <p>We further request additional analysis of increases in road traffic throughout</p>

		the Highway 7 corridors, recommending applicable mitigation measures to minimize impacts on those exercising rights within the nearby Highway corridor.
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