

February 27, 2024

Notice of Proceeding

EA 1213-01 Mackenzie Valley Highway

RE: Transfer of materials relevant to the Tłı̄ch̄q All Season Road to the public register for the Mackenzie Valley Highway

1. Overview

This Notice of Proceeding describes the Review Board's intent to bring materials from the public domain and the public register (the public registry) of the Tłı̄ch̄q All Season Road (TASR)¹ environmental assessment onto the public registry for the Mackenzie Valley Highway (EA-1213-01).

2. Background

The Review Board maintains a public registry of all documents produced, collected, or received for each environmental assessment (EA) that it conducts.² The public registry includes the information that the Review Board bases its determinations and recommendation on. The Review Board has the authority to consider any matter that it deems relevant to the assessment of a proposed development.³

The recent TASR EA examined the impacts of constructing and operating an all-season road that has many similarities to the proposed Mackenzie Valley Highway. For example, both EAs examine projects that:

- replace a seasonal winter road with the construction of an all-season highway;
- connect small, primarily Indigenous NWT communities to the all-season road network; and,
- are in boreal caribou habitat and areas of traditional land use.

¹ Now called the Tłı̄ch̄q Highway

² See subsection 142.1(1) of the *Mackenzie Valley Resource Management Act*.

³ See paragraphs 115(2) and 117(2)(e) of the *Mackenzie Valley Resource Management Act*.

The Review Board understands that, despite all these similarities, there may be relevant differences in context or impacts which require thoughtful consideration. It may consider any lessons that are applicable.

The TASR EA process was consultative and participatory. The Review Board made determinations of significant adverse impacts, and recommended mitigation measures which were approved by the GNWT. There are also several years of post-construction and operation monitoring information relevant to the TASR project that describe the implementation and effectiveness of those measures. Neither the Review Board's determinations about, nor lessons learned from, the construction and operation of the TASR appear to have been fully incorporated into the Developer's Assessment Report for the Mackenzie Valley Highway. The Review Board believes the TASR EA presents a relevant and valuable learning opportunity.

3. The Review Board will transfer necessary and relevant materials to the public registry for the Mackenzie Valley Highway EA

To ensure that the Review Board has the best, most relevant and current information to inform its determinations and recommendation, **it will transfer materials from the public registry of the TASR EA and the public domain onto the public registry of the Mackenzie Valley Highway EA.** This information will help the Review Board run an efficient and effective EA process and improve the assessment. It will also help the public, communities, Indigenous Governments, and all parties participate in a more effective and informed way. The specific materials that the Review Board will place on the public registry and consider in the assessment include:

- materials from the public registry of the TASR EA, including the:
 - Report of Environmental Assessment (PR#299⁴)
 - EA Measures Reports from both the Government of the Northwest Territories and the Tłı̨ch̨ Government (PR#350, 351)
 - other EA documents listed and described in Attachment A (below)
- materials in the public domain relevant to the construction and monitoring of the Tłı̨ch̨ All Season Road, including reports from the TASR Corridor Working Group

4. Next steps

At any time during the EA, the Review Board can request or require additional relevant information from the Government of the Northwest Territories, both in its role as the

⁴ Public Registry numbers cited in these bullets refer to the numbers of the items on the TASR registry, not the numbers of the items on the Mackenzie Valley Highway public registry.

Notice of Proceeding: Transfer of materials relevant to the Tłı̨chǫ All Season Road
to the public register for the Mackenzie Valley Highway



developer and under section 22 of the *Mackenzie Valley Resource Management Act*. This may include future EA Measures Reports from the follow up program or reports from the TASR Community Working Group. As with this Notice of Proceeding, the Review Board will give the developer and parties opportunity to comment if and when it plans to add these to the Mackenzie Valley Highway public registry.

5. Contact information

Parties are welcome to comment on the Review Board's proposal to move relevant materials from the TASR EA onto the public registry for the Mackenzie Valley Highway EA. Any party that has questions or comments about this proposal should contact Catherine Fairbairn, Sr. Environmental Assessment Advisor, at (867) 766-7054 or cfairbairn@reviewboard.ca by **March 8, 2024**.



Attachment A

Documents transferred from Tłı̨chǫ All-season Road public registry (EA1617-01) to the Mackenzie Valley Highway public registry (EA1213-02)		
Public Register Number	Document and hyperlink from Review Board public register	Document Description
Report of EA reasons for decision and final measures		
#286	Report of Environmental Assessment and Reasons for Decision	Review Board <i>Report of Environmental Assessment and Reasons for Decision</i> (corrected April 16, 2018) with recommended measures
#342 #344	GNWT Minister Decision Minister's Reasons for modification of measures	GNWT final wording of measures and reasons for decision for the GNWT Tłı̨chǫ All-season Road GNWT Minister reasons for modification of measures
#343 #347	Tłı̨chǫ Government Decision TG decision correction to measure 8-1	Tłı̨chǫ Government final wording of measures and reasons for decision for the Tłı̨chǫ All-season Road
Project Agreement		
#358	Project Agreement Tłı̨chǫ all-season road 2019	Project Agreement between GNWT and contractor outlining legal requirements for contractor to fulfill measures and commitments made by GNWT during EA. Link from GNWT 2019 EA measures reporting
Annual measures reporting		
#351	GNWT 2018 EA measures reporting	GNWT 2018 annual report- measure implementation
#350	TG 2018 EA measures reporting	TG 2018 annual report on implementation of measures
#358	GNWT 2019 EA measures reporting	GNWT 2019 annual report- measure implementation
#359	TG 2019 EA measures reporting	TG 2019 annual report - measure implementation
#360	GNWT 2020 EA measures reporting	GNWT 2020 annual report- measure implementation
#361	TG 2020 EA measures reporting	TG 2020 annual report - measure implementation
#365	GNWT 2021 EA measures report	GNWT 2021 annual report- measure implementation
#367	GNWT 2022 EA measures report	GNWT 2022 annual report- measure implementation
#368	TG 2022 EA measures report	TG 2022 annual report - measure implementation

Tłı̄chǫ Highway Corridor Working Group		
#364 #363	CWG Terms of Reference Update MVRB letter to GNWT re including socio-economic issues in CWG	ToR updated to include socio-economic issues as well as environmental
(GNWT website, not on MVRB register)	GNWT INF Corridor Working Group Minutes	GNWT 2022 EA measures report mentions the Tłı̄chǫ Highway Corridor Working Group meetings but does not provide links. CWG meeting minutes are on a GNWT website.
GNWT website	CWG minutes December 12, 2019 CWG minutes July 7, 2020 CWG Minutes December 1, 2020 CWG minutes June 16, 2021 CWG Minutes December 15, 2021 CWG Minutes June 13, 2022 CWG Minutes December 7, 2022	Tłı̄chǫ Highway Corridor Working Group minutes individual file links from GNWT website (not on MVRB register)
Social and Economic		
#269	Indigenous communities and industrial camps	Indigenous communities and industrial camps report 2017
#7	Socio-economic issues scoping study 2015	Socio-economic issues scoping study for all-season road prepared for Tłı̄chǫ Government
#29	Whatı̄ Disaster Resilience Plan 2015	Community Government of Whatı̄ Disaster Resilience Plan
Wildlife Management and Monitoring Plan - harvesting		
#354	Review of Wildlife management and Monitoring Program 2019	
	WMMP Annual review letter ECC to INF 2019	Annual WMMP review with conformance table (linked in document) to ensure EA commitments for mitigation are included as well
(GNWT website, not on MVRB registry)	WMMP reports and WL Reports GNWT ECC	GNWT EA measures report mentions WMMP version 5.2 and Water Licence Report but the documents are on the GNWT website:
#367	GNWT 2022 EA measures report	WMMP version 5.2, has a link in the GNWT 2022 EA measures report
#367	GNWT 2022 EA measures report GNWT Boreal caribou population model report Boreal caribou sustainable harvest report Sustainable harvest fact sheet	The GNWT 2022 measures report has links to a population model report and to a sustainable harvest report and fact sheet (from measure 6-2)

Boreal caribou, range planning and habitat offsetting		
#367	Boreal caribou interim range plan - Wek'èezhì	Link from 2022 GNWT EA measures report
#367	Framework for boreal caribou range planning	Link from 2022 GNWT EA measures report
#367 (WRRB website)	Caribou Offset Plan for Tłı̄chǫ Highway	Link from GNWT EA measures report (measure 6-3) on the WRRB registry
GNWT website	Guidelines for development in boreal caribou habitat	Guideline for exploration and development in boreal caribou habitat (GNWT Guideline)

