



VIA EMAIL

OCT 25 2018

President Clem Paul  
Mountain Island Métis  
P.O. Box 11051  
YELLOWKNIFE NT X1A 3X7

Dear President Paul:

**Responsible ministers' decision on the Report of Environmental Assessment (EA 1617-01) for the GNWT's Tłı̨chǫ All-Season Road Project**

The responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) and, separately, the Tłı̨chǫ Government, have recently concluded the decision phase for the environmental assessment of the GNWT's proposed Tłı̨chǫ All-Season Road.

As you are aware, in 2016, the GNWT, led by the Department of Transportation (now Infrastructure), proposed the construction of a 94 kilometer all-season road (the Project) from kilometer 196 of Highway 3, west of Behchokǫ, north to the existing all season road near Whatı̨. After referring the Project to environmental assessment (EA) the Mackenzie Valley Environmental Impact Review Board (Review Board) began its EA on July 21, 2016. The GNWT and Canada wrote to the Mountain Island Métis in October and August of 2016 to advise you of potential government decisions relating to this Project. The letters also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project.

In concluding its EA process, the Review Board released its *Report of Environmental Assessment and Reasons for Decision* (Report of EA) on March 29, 2018. The GNWT and Canada wrote to you at that time in order to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the Report of EA. Responsible ministers also asked the Mountain Island Métis if the Report of EA addressed concerns as they relate to potential Project impacts on your members' asserted Aboriginal and/or Treaty rights.

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On June 23, after the Tłıchǫ Government and responsible ministers entered into consult to modify processes with the Review Board, responsible ministers wrote to the Mountain Island Métis seeking the Mountain Island Métis' views as to whether any of the responsible ministers' or Tłıchǫ Government's proposed modifications to the measures would impact your asserted Aboriginal and/or Treaty rights. The responsible ministers sent a further letter on September 17, 2018 setting out the final proposed modifications. Responsible ministers again asked whether the proposed modifications would impact your asserted Aboriginal and/or Treaty rights. The Mountain Island Métis did not respond to any correspondence from the responsible ministers.

The decision phase, which spanned from March to October 2018, ended for responsible ministers on October 25, 2018, when the GNWT's Minister of Lands, as the Minister with delegated authority under the *Mackenzie Valley Resource Management Act*, on behalf of all responsible ministers, after consulting the Review Board, adopted the Review Board's recommendation, with modifications. For certainty, the decision was that the Tłıchǫ All-Season Road Project be approved, subject to the developer's commitments, measures as modified by the responsible ministers, measures as modified by the Tłıchǫ Government, and the Review Board's *Report of Environmental Assessment and Reasons for Decision* wording of all other measures.

In making their decision, responsible ministers considered all comments made by IGOs; responsible ministers did not hear from the Mountain Island Métis during the EA, or after the Report of EA was issued. Responsible ministers have concluded that the duty to consult and accommodate the Mountain Island Métis for the purposes of the Tłıchǫ All-Season Road EA1617-01 has been fulfilled.

Responsible ministers emphasize that consultation and accommodation with respect to your asserted Aboriginal and/or Treaty rights do not end with the responsible ministers' decision on the EA of the Project. The Project will now proceed to regulatory and other post-environmental assessment processes, which will include opportunities for Indigenous governments and organizations to offer input on authorizations and management plans and help ensure that potential adverse impacts to Aboriginal and Treaty rights, as necessary, are accommodated. The responsible ministers encourage Mountain Island Métis to participate in the Wek'èezhìi Land and Water Board's permitting and licensing processes, the Department of Infrastructure's continuing consultation and engagement initiatives, the public review of the Wildlife Management and Monitoring Plan and any other post-EA processes relating to this Project.

If you have any questions about the decision please contact Melissa Pink at the GNWT's Department of Lands, Project Assessment Branch at [Melissa Pink@gov.nt.ca](mailto:Melissa.Pink@gov.nt.ca) or phone 867-767-9180 ext. 24021.

Sincerely,



Kate Hearn  
Assistant Deputy Minister  
Planning and Coordination  
Department of Lands  
Government of the Northwest Territories

c:

Mr. Gary Bohnet, Principal Secretary, Office of the Premier of the Northwest Territories

Mr. Mike Aumond, Secretary to Cabinet/Deputy Minister, GNWT Executive and Indigenous Affairs

Mr. Willard Hagen, Deputy Minister, GNWT Department of Lands

Dr. Joe Dragon, Deputy Minister, GNWT Department of Environment and Natural Resources

Mr. Mark Hopkins, Director General, Natural Resources and Environment Branch, Crown-Indigenous Relations and Northern Affairs Canada

Mr. Patrick O'Neill, Director General, Explosives Safety and Security Branch, Natural Resources Canada

Mr. Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board

Mr. Ryan Fequet, Executive Director, Wek'èezhì Land and Water Board





VIA EMAIL AND FAX

Chief Darryl Boucher-Marlowe  
Łutselk'e Dene First Nations  
P.O.Box 28  
ŁUTSELK'E NT X0E 1A0

OCT 25 2018

Dear Chief Boucher-Marlowe:

**Responsible ministers' decision on the Report of Environmental Assessment (EA1671-01) for the GNWT's Tłıchų All-Season Road Project**

The responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) and, separately, the Tłıchų Government, have recently concluded the decision phase for the environmental assessment of the GNWT's proposed Tłıchų All-Season Road.

As you are aware, in 2016, the GNWT, led by the Department of Transportation (now Infrastructure), proposed the construction of a 94 kilometer all-season road (the Project) from kilometer 196 of Highway 3, west of Behchokò, north to the existing all season road near Whatì. After referring the Project to environmental assessment (EA) the Mackenzie Valley Environmental Impact Review Board (Review Board) began its EA on July 21, 2016. The GNWT and Canada wrote to the Łutselk'e Dene First Nation in October and August of 2016 to advise you of potential government decisions relating to this Project. The letters also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project.

In concluding its EA process, the Review Board released its *Report of Environmental Assessment and Reasons for Decision* (Report of EA) on March 29, 2018. The GNWT and Canada wrote to you at that time in order to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the Report of EA. Responsible ministers also asked the Łutselk'e Dene First Nation if the Report of EA addressed concerns as they relate to potential Project impacts on your members' asserted Aboriginal and/or Treaty rights.

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On June 23, after the Tłıchq Government and responsible ministers entered into consult to modify processes with the Review Board, responsible ministers wrote to the Łutselk'e Dene First Nation seeking the Łutselk'e Dene First Nation's views as to whether any of the responsible ministers' or Tłıchq Government's proposed modifications to the measures would impact your asserted Aboriginal and/or Treaty rights. The responsible ministers sent a further letter on September 17, 2018 setting out the final proposed modifications. Responsible ministers again asked whether the proposed modifications would impact your asserted Aboriginal and/or Treaty rights. The Łutselk'e Dene First Nation did not respond to any correspondence from the responsible ministers.

The decision phase, which spanned from March to October 2018, ended for responsible ministers on October 25, 2018, when the GNWT's Minister of Lands, as the Minister with delegated authority under the *Mackenzie Valley Resource Management Act*, on behalf of all responsible ministers, after consulting the Review Board, adopted the Review Board's recommendation, with modifications. For certainty, the decision was that the Tłıchq All-Season Road Project be approved, subject to the developer's commitments, measures as modified by the responsible ministers, measures as modified by the Tłıchq Government, and the Review Board's *Report of Environmental Assessment and Reasons for Decision* wording of all other measures.

In making their decision, responsible ministers considered all comments made by IGOs; responsible ministers did not hear from the Łutselk'e Dene First Nation during the EA, or after the Report of EA was issued. Responsible ministers have concluded that the duty to consult and accommodate the Łutselk'e Dene First Nations for the purposes of the Tłıchq All-Season Road EA1617-01 has been fulfilled.

Responsible ministers emphasize that consultation and accommodation with respect to your asserted Aboriginal and/or Treaty rights do not end with the responsible ministers' decision on the EA of the Project. The Project will now proceed to regulatory and other post-environmental assessment processes, which will include opportunities for Indigenous governments and organizations to offer input on authorizations and management plans and help ensure that potential adverse impacts to Aboriginal and Treaty rights, as necessary, are accommodated. The responsible ministers encourage Łutselk'e Dene First Nation to participate in the Wek'èezhìi Land and Water Board's permitting and licensing processes, the Department of Infrastructure's continuing

consultation and engagement initiatives, the public review of the Wildlife Management and Monitoring Plan and any other post-EA processes relating to this Project.

If you have any questions about the decision please contact Melissa Pink at the GNWT's Department of Lands, Project Assessment Branch at [Melissa.Pink@gov.nt.ca](mailto:Melissa.Pink@gov.nt.ca) or phone 867-767-9180 ext. 24021.

Sincerely,



Kate Hearn  
Assistant Deputy Minister  
Planning and Coordination  
Department of Lands  
Government of the Northwest Territories

c:

Mr. Gary Bohnet, Principal Secretary, Office of the Premier of the Northwest Territories

Mr. Mike Aumond, Secretary to Cabinet/Deputy Minister, GNWT Executive and Indigenous Affairs

Mr. Willard Hagen, Deputy Minister, GNWT Department of Lands

Dr. Joe Dragon, Deputy Minister, GNWT Department of Environment and Natural Resources

Mr. Mark Hopkins, Director General, Natural Resources and Environment Branch, Crown-Indigenous Relations and Northern Affairs Canada

Mr. Patrick O'Neill, Director General, Explosives Safety and Security Branch, Natural Resources Canada

Chief Edward Sangris, Yellowknives Dene First Nation

Chief Ernest Betsina, Yellowknives Dene First Nation

Chief Louis Balsillie, Deninu K'ue First Nation

Mr. Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board

Mr. Ryan Fequet, Executive Director, Wek'èezhìi Land and Water Board





VIA EMAIL AND FAX

OCT 25 2018

Chief Louis Balsillie  
Deninu K'ue First Nation  
PO Box 1899  
FORT RESOLUTION NT X0E 0M0

Dear Chief Balsillie:

**Responsible ministers' decision on the Report of Environmental Assessment (EA1617-01) for the GNWT's Tł̨chq̨ All-Season Road Project**

The responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) and, separately, the Tł̨chq̨ Government, have recently concluded the decision phase for the environmental assessment of the GNWT's proposed Tł̨chq̨ All-Season Road (EA1617-01).

As you are aware, in 2016, the GNWT, led by the Department of Transportation (now Infrastructure), proposed the construction of a 94 kilometer all-season road (the Project) from kilometer 196 of Highway 3, west of Behchok̨, north to the existing all season road near Whatì. After referring the Project to environmental assessment (EA) the Mackenzie Valley Environmental Impact Review Board (Review Board) began its EA on July 21, 2016. The GNWT and Canada wrote to the Deninu K'ue First Nations in October and August of 2016 to advise you of potential government decisions relating to this Project. The letters also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project.

In concluding its EA process, the Review Board released its *Report of Environmental Assessment and Reasons for Decision* (Report of EA) on March 29, 2018. The GNWT and Canada wrote to you at that time in order to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the Report of EA and to ask the Deninu K'ue First Nations if the Report of EA addressed concerns as they relate to potential Project impacts on your members' asserted Aboriginal and/or Treaty rights.

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On June 23, after the Tłıchǫ Government and responsible ministers entered into consult to modify processes with the Review Board, responsible ministers wrote to the Deninu K'ue First Nations seeking the Deninu K'ue First Nation's views as to whether any of the responsible ministers' or Tłıchǫ Government's proposed modifications to the measures would impact your asserted Aboriginal and/or Treaty rights. The responsible ministers sent a further letter on September 17, 2018 setting out the final proposed modifications. Responsible ministers again asked whether the proposed modifications would impact your asserted Aboriginal and/or Treaty rights. The Deninu K'ue First Nation did not respond to any correspondence from the responsible ministers.

The decision phase, which spanned from March to October 2018, ended for responsible ministers on October 25, 2018, when the GNWT's Minister of Lands, as the Minister with delegated authority under the *Mackenzie Valley Resource Management Act*, on behalf of all responsible ministers, after consulting the Review Board, adopted the Review Board's recommendation, with modifications. For certainty, the decision was that the Tłıchǫ All-Season Road Project be approved, subject to the developer's commitments, measures as modified by the responsible ministers, measures as modified by the Tłıchǫ Government, and the Review Board's *Report of Environmental Assessment and Reasons for Decision* wording of all other measures.

In making their decision, responsible ministers considered all comments made by IGOs; responsible ministers did not hear from the Deninu K'ue First Nations during the EA, or after the Report of EA was issued. Responsible ministers have concluded that the duty to consult and accommodate the Deninu K'ue First Nations for the purposes of the Tłıchǫ All-Season Road EA1617-01 has been fulfilled.

Responsible ministers emphasize that consultation and accommodation with respect to your asserted Aboriginal and/or Treaty rights do not end with the responsible ministers' decision on the EA of the Project. The Project will now proceed to regulatory and other post-environmental assessment processes, which will include opportunities for Indigenous governments and organizations to offer input on authorizations and management plans and help ensure that potential adverse impacts to Aboriginal and Treaty rights, as necessary, are accommodated. The responsible ministers encourage Deninu K'ue First Nation to participate in the Wek'èezhìi Land and Water Board's permitting and licensing processes, the Department of Infrastructure's continuing

consultation and engagement initiatives, the public review of the Wildlife Management and Monitoring Plan and any other post-EA processes relating to this Project.

If you have any questions about the decision please contact Melissa Pink at the GNWT's Department of Lands, Project Assessment Branch at [Melissa.Pink@gov.nt.ca](mailto:Melissa.Pink@gov.nt.ca) or phone 867-767-9180 ext. 24021.

Sincerely,



Kate Hearn  
Assistant Deputy Minister  
Planning and Coordination  
Department of Lands  
Government of the Northwest Territories

c:

Mr. Gary Bohnet, Principal Secretary, Office of the Premier of the Northwest Territories

Mr. Mike Aumond, Secretary to Cabinet/Deputy Minister, GNWT Executive and Indigenous Affairs

Mr. Willard Hagen, Deputy Minister, GNWT Department of Lands

Dr. Joe Dragon, Deputy Minister, GNWT Department of Environment and Natural Resources

Mr. Mark Hopkins, Director General, Natural Resources and Environment Branch, Crown-Indigenous Relations and Northern Affairs Canada

Mr. Patrick O'Neill, Director General, Explosives Safety and Security Branch, Natural Resources Canada

Chief Edward Sangris, Yellowknives Dene First Nation

Chief Ernest Betsina, Yellowknives Dene First Nation

Chief Darryl Boucher-Marlowe, Łutselk'e Dene First Nation

Mr. Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board

Mr. Ryan Fequet, Executive Director, Wek'èezhìi Land and Water Board

VIA EMAIL AND FAX to DISTRIBUTION LIST

OCT 25 2018

Grand Chief Gladys Norwegian  
Dehcho First Nations  
P.O. Box 89  
FORT SIMPSON NT X0E 0N0

Dear Grand Chief Norwegian:

**Responsible ministers' decision on the Report of Environmental Assessment (EA 1617-01) for the GNWT's Tłıchǫ All-Season Road Project**

The responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) and, separately, the Tłıchǫ Government, have recently concluded the decision phase for the environmental assessment of the GNWT's proposed Tłıchǫ All-Season Road.

As you are aware, in 2016, the GNWT, led by the Department of Transportation (now Infrastructure), proposed the construction of a 94 kilometer all-season road (the Project) from kilometer 196 of Highway 3, west of Behchokǝ, north to the existing all season road near Whatı. After referring the Project to environmental assessment (EA) the Mackenzie Valley Environmental Impact Review Board (Review Board) began its EA on July 21, 2016. The GNWT and Canada wrote to the Dehcho First Nations in October and August of 2016 to advise you of potential government decisions relating to this Project. The letters also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project.

In concluding its EA process, the Review Board released its *Report of Environmental Assessment and Reasons for Decision* (Report of EA) on March 29, 2018. The GNWT and Canada wrote to you at that time in order to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the Report of EA. Responsible ministers also asked the Dehcho First Nations if the Report of EA addressed concerns as they relate to potential Project impacts on your members' asserted or established Aboriginal and/or Treaty rights.

continuing consultation and engagement initiatives, the public review of the Wildlife Management and Monitoring Plan and any other post-EA processes relating to this Project.

If you have any questions about the decision please contact Melissa Pink at the GNWT's Department of Lands, Project Assessment Branch at [Melissa.Pink@gov.nt.ca](mailto:Melissa.Pink@gov.nt.ca) or phone 867-767-9180 ext. 24021.

Sincerely,



Kate Hearn  
Assistant Deputy Minister  
Planning and Coordination  
Department of Lands  
Government of the Northwest Territories



Diane Billingsley  
A/ Director-General  
Northern Projects Management Office  
Canadian Northern Economic  
Development Agency  
Government of Canada

c:

Mr. Gary Bohnet, Principal Secretary, Office of the Premier of the Northwest Territories

Mr. Mike Aumond, Secretary to Cabinet/Deputy Minister, GNWT Executive and Indigenous Affairs

Mr. Willard Hagen, Deputy Minister, GNWT Department of Lands

Dr. Joe Dragon, Deputy Minister, GNWT Department of Environment and Natural Resources

Mr. Mark Hopkins, Director General, Natural Resources and Environment Branch, Crown-Indigenous Relations and Northern Affairs Canada

Mr. Patrick O'Neill, Director General, Explosives Safety and Security Branch, Natural Resources Canada



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President Danny Peterson  
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Pehdzéh Kı First Nation  
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Chief Joachim Bonnetrouge  
Deh Gah Got'ie Band  
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President Clifford McLeod  
Fort Providence Métis Local  
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FORT PROVIDENCE NT X0E 0L0

Chief Lloyd Chicot  
Ka'a'gee Tu First Nation  
P.O. Box 4428  
HAY RIVER NT X0E 1G3

VIA EMAIL AND FAX

OCT 25 2018

Chief Edward Sangris  
Chief Ernest Betsina  
Yellowknives Dene First Nation  
PO Box 2514  
YELLOWKNIFE, NT X1A 2P8

Dear Chief Sangris and Chief Betsina:

**Responsible ministers' decision on the Report of Environmental Assessment (EA1617-01) for the GNWT's Tłı̄chų All-Season Road Project**

The responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) and, separately, the Tłı̄chų Government, have recently concluded the decision phase for the environmental assessment of the GNWT's proposed Tłı̄chų All-Season Road.

As you are aware, in 2016, the GNWT, led by the Department of Transportation (now Infrastructure), proposed the construction of a 94 kilometer all-season road (the Project) from kilometer 196 of Highway 3, west of Behchokò, north to the existing all season road near Whatì. After referring the Project to environmental assessment (EA) the Mackenzie Valley Environmental Impact Review Board (Review Board) began its EA on July 21, 2016. The GNWT and Canada wrote to the Yellowknives Dene First Nation in October and August of 2016 to advise you of potential government decisions relating to the Project. The letters also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project.

In concluding its EA process, the Review Board released its *Report of Environmental Assessment and Reasons for Decision* (Report of EA) on March 29, 2018. The GNWT and Canada wrote to you at that time in order to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the Report of EA and to ask the Yellowknives Dene First Nation (YKDFN) if the Report of EA addressed the concerns of the YKDFN as they relate to potential Project impacts on your asserted Aboriginal and/or Treaty rights.

On June 23, after the Tłı̨chǫ Government and responsible ministers entered into consult to modify processes with the Review Board, responsible ministers wrote to the YKDFN seeking the YKDFN's views as to whether any of the responsible ministers' or Tłı̨chǫ Government's proposed modifications to the measures would impact your asserted Aboriginal and/or Treaty rights. The responsible ministers sent a further letter on September 17, 2018 responding to your letter of July 17, 2018 and setting out the final proposed modifications to the measures. Responsible ministers again asked whether the proposed modifications would impact your asserted Aboriginal and/or Treaty rights. YKDFN did not respond directly to the September 17, 2018 letter.

Today, October 25, 2018, the GNWT received a letter from the YKDFN noting that capacity issues made it impossible to respond before the decision is made on the Tłı̨chǫ All-Season Road Project. The letter also notes YKDFN's ongoing concerns regarding IRMA [Interim Resource Management Assistance] funding being insufficient to address YKDFN's lack of capacity and that consultation and accommodation efforts are lacking. Responsible ministers note that consultation is ongoing in relation to the Project and continues into many post-EA processes.

While participation of the YKDFN in post-EA processes is at YKDFN's discretion, responsible ministers acknowledge the requirement for funding in measures 6-3 and 9-1. The responsible ministers also recognize that the Department of Infrastructure (Infrastructure) has funded a Traditional Knowledge study, which YKDFN is currently completing; Infrastructure has committed to using the study, as applicable, in Project design, and effects monitoring and management. Infrastructure is also required to provide YKDFN support as part of the implementation of measures 6-3, 9-3, and 14-3. Finally, during the EA, Infrastructure made several commitments that ensure YKDFN has representation on the Tłı̨chǫ All-Season Road Corridor Working Group, another venue for YKDFN to raise concerns so that they may be accommodated, as applicable.

The responsible ministers thank the YKDFN for its participation throughout the EA of the Project. During the decision phase, responsible ministers from the territorial and federal governments considered correspondence and participation from Indigenous governments and organizations throughout the EA. In making their decision, the responsible ministers have carefully considered the YKDFN's comments throughout the EA, giving fair consideration to the views expressed. Responsible ministers share the view that concerns YKDFN has raised with respect to potential adverse impacts on the YKDFN's asserted Aboriginal and/or Treaty rights as a result of the Project have been

adequately accommodated through the EA process, including the Report of EA and consult-to-modify process undertaken by responsible ministers.

The decision phase, which spanned from March to October 2018, ended for responsible ministers on October 25, 2018, when the GNWT's Minister of Lands, as the Minister with delegated authority under the *Mackenzie Valley Resource Management Act*, on behalf of all responsible ministers, after consulting the Review Board, adopted the Review Board's recommendation, with modifications. For certainty, the decision was that the Tłı̄chǫ All-Season Road Project be approved, subject to the developer's commitments, measures as modified by the responsible ministers, measures as modified by the Tłı̄chǫ Government, and the Review Board's *Report of Environmental Assessment and Reasons for Decision* wording of all other measures.

Responsible ministers would like to take this opportunity to state the importance of other processes and mechanisms in place to prevent likely significant adverse impacts on the environment and accommodate potential adverse impact to asserted Aboriginal and/or Treaty rights of the YKDFN. The responsible ministers also emphasize that consultation and accommodation with respect to your asserted Aboriginal and/or Treaty rights do not end with the responsible ministers' decision on the environmental assessment of the Project.

The Project will now proceed to regulatory and other post-environmental assessment processes, which will include opportunities for Indigenous governments and organizations to offer input on authorizations and management plans and help ensure that potential adverse impacts to Aboriginal and Treaty rights, as necessary, are accommodated. The responsible ministers encourage YKDFN to participate in the Wek'eezhii Land and Water Board's permitting and licensing processes, the Department of Infrastructure's continuing consultation and engagement initiatives, the public review of the Wildlife Management and Monitoring Plan and any other post-EA processes relating to this Project.

Thank you again for taking the time to provide your views.

If you have any questions about the decision, please contact Melissa Pink at the GNWT's Department of Lands, Project Assessment Branch, at [Melissa.Pink@gov.nt.ca](mailto:Melissa.Pink@gov.nt.ca) or phone 867-767-9180 ext. 24021.

Sincerely,



Kate Hearn  
Assistant Deputy Minister  
Planning and Coordination  
Department of Lands  
Government of the Northwest Territories



Diane Billingsley  
A/ Director-General  
Northern Projects Management Office  
Canadian Northern Economic  
Development Agency  
Government of Canada

c:

Mr. Gary Bohnet, Principal Secretary, Office of the Premier of the Northwest Territories

Mr. Mike Aumond, Secretary to Cabinet/Deputy Minister, GNWT Executive and Indigenous Affairs

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Dr. Joe Dragon, Deputy Minister, GNWT Department of Environment and Natural Resources

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Chief Darryl Boucher-Marlowe, Łutselk'e Dene First Nation

Chief Louis Balsillie, Deninu K'ue First Nation

Mr. Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board

Mr. Ryan Fequet, Executive Director, Wek'èezhì Land and Water Board

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VIA EMAIL AND FAX

Grand Chief George Mackenzie  
Tłı̨chǫ Government  
PO Box 412  
YELLOWKNIFE NT X0E 0Y0

OCT 25 2018

Dear Grand Chief Mackenzie:

**Responsible ministers' decision on the Report of Environmental Assessment (EA 1617-01) for the GNWT's Tłı̨chǫ All-Season Road Project**

As you know, the responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) and, separately, the Tłı̨chǫ Government, have recently concluded the decision phase for the environmental assessment of the GNWT's proposed Tłı̨chǫ All-Season Road (EA1617-01). We understand that both prior to the application being submitted to the Wek'èezhìi Land and Water Board and during the environmental assessment (EA), non-decision making departments within the Tłı̨chǫ Government worked closely with the Department of Infrastructure to address concerns as they arose with the Project.

As you are aware, in 2016, the GNWT, led by the Department of Transportation (now Infrastructure), proposed the construction of a 94 kilometer all-season road (the Project) from kilometer 196 of Highway 3, west of Behchokò, north to the existing all season road near Whatì. After referring the Project to EA the Mackenzie Valley Environmental Impact Review Board (Review Board) began its EA on July 21, 2016. The GNWT and Canada wrote to the Tłı̨chǫ Government in October and August of 2016 to advise you of potential territorial and federal government decisions relating to the Project. The letters also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project.

In concluding its EA process, the Review Board released its final *Report of Environmental Assessment and Reasons for Decision* (Report of EA) on March 29, 2018. The GNWT and Canada wrote to you at that time in order to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the Report of

EA and to ask the Tłıchǵ Government if the Report of EA addressed the concerns of the Tłıchǵ Government as they relate to potential Project impacts on Tłıchǵ members' Treaty rights. In response, the Tłıchǵ Government noted no outstanding concerns that could not be dealt with outside of the Tłıchǵ Government's own decision making process.

On June 23, after the Tłıchǵ Government and responsible ministers entered into consult to modify processes with the Review Board, responsible ministers wrote to the Tłıchǵ Government seeking the your views as to whether any of the responsible ministers' proposed modifications to the measures would impact your Treaty rights. The responsible ministers sent a further letter on September 17, 2018 responding to your letter of July 23, 2018, thanking you for your support of responsible ministers' proposed modifications and setting out the final proposed modifications to the measures. Responsible ministers again asked whether the proposed modifications would impact your Treaty rights. The Tłıchǵ Government did not respond to the September 17, 2018 letter.

The responsible ministers thank the Tłıchǵ Government for their active participation throughout the EA of the Project. During the decision phase, responsible ministers from the territorial and federal governments considered correspondence and participation from Indigenous governments and organizations throughout the EA. In making their decision, the responsible ministers' have carefully considered the Tłıchǵ Government's comments throughout the EA, giving fair consideration to the views expressed. Responsible ministers share the view that concerns Tłıchǵ Government's has raised with respect to potential adverse impacts on your Treaty rights as a result of the Project have been adequately accommodated through the EA process, including the Report of EA and the consult-to-modify process undertaken by responsible ministers and the Tłıchǵ Government, as a decision maker.

The decision phase, which spanned from March to October 2018, ended for responsible ministers on October 25, 2018, when the GNWT's Minister of Lands, as the Minister with delegated authority under the *Mackenzie Valley Resource Management Act*, on behalf of all responsible ministers, after consulting the Review Board, adopted the Review Board's recommendation, with modifications. For certainty, the decision was that the Tłıchǵ All-Season Road Project be approved, subject to the developer's commitments, measures as modified by the responsible ministers, measures as modified by the Tłıchǵ

Government, and the Review Board's *Report of Environmental Assessment and Reasons for Decision* wording of all other measures.

Responsible ministers would like to take this opportunity to state the importance of other processes and mechanisms in place to prevent likely significant adverse impacts on the environment and accommodate potential adverse impact to Treaty rights of the Tłı̨chǫ Government. The responsible ministers also emphasize that consultation and accommodation with respect to your Treaty rights do not end with the responsible ministers' decision on the environmental assessment of the Project.

The Project will now proceed to regulatory and other post-environmental assessment processes, which will include opportunities for Indigenous governments and organizations to offer input on authorizations and management plans and help ensure that potential adverse impacts to Aboriginal and Treaty rights, as necessary, are accommodated. The responsible ministers encourage the Tłı̨chǫ Government to participate in the Wek'èezhìi Land and Water Board's permitting and licensing processes, the Department of Infrastructure's continuing consultation and engagement initiatives, the public review of the Wildlife Management and Monitoring Plan and any other post-EA processes relating to this Project.

Thank you again for taking the time to provide your views.

If you have any questions about the decision, please contact Melissa Pink at the GNWT's Department of Lands, Project Assessment Branch, at [Melissa.Pink@gov.nt.ca](mailto:Melissa.Pink@gov.nt.ca) or phone 867-767-9180 ext. 24021.

Sincerely,



Kate Hearn  
Assistant Deputy Minister  
Planning and Coordination  
Department of Lands  
Government of the Northwest Territories



Diane Billingsley  
A/Director-General  
Northern Projects Management Office  
Canadian Northern Economic  
Development Agency  
Government of Canada

c:

Mr. Gary Bohnet, Principal Secretary, Office of the Premier of the Northwest Territories

Mr. Mike Aumond, Secretary to Cabinet/Deputy Minister, GNWT Executive and Indigenous Affairs

Mr. Willard Hagen, Deputy Minister, GNWT Department of Lands

Dr. Joe Dragon, Deputy Minister, GNWT Department of Environment and Natural Resources

Mr. Mark Hopkins, Director General, Natural Resources and Environment Branch, Crown-Indigenous Relations and Northern Affairs Canada

Patrick O'Neill, Director General, Explosives Safety and Security Branch, Natural Resources Canada

Mr. Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board

Mr. Ryan Fequet, Executive Director, Wek'èezhìi Land and Water Board

Laura Duncan, Tłıchǫ Executive Officer, Tłıchǫ Government.



VIA EMAIL AND FAX

OCT 25 2018

President Garry Bailey  
Northwest Territories Métis Nation  
P.O. Box 720  
FORT SMITH NT X0E 0P0

President Ken Hudson  
Fort Smith Métis Nation  
P.O. Box 720  
FORT SMITH NT X0E 0P0

President Trevor Beck  
Hay River Métis Council  
10 Industrial Drive  
HAY RIVER NT X0E 0R6

President Arthur Beck  
Fort Resolution Métis Council  
P.O. Box 137  
FORT RESOLUTION NT X0E 0M0

Dear Presidents:

**Responsible ministers' decision on the Report of Environmental Assessment (EA 1617-01) for the GNWT's Tłıchǵ All-Season Road Project**

The responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) and, separately, the Tłıchǵ Government, have recently concluded the decision phase for the environmental assessment of the GNWT's proposed Tłıchǵ All-Season Road.

As you are aware, in 2016, the GNWT, led by the Department of Transportation (now Infrastructure), proposed the construction of a 94 kilometer all-season road (the Project) from kilometer 196 of Highway 3, west of Behchokǵ, north to the existing all season road near Whatı. After referring the Project to environmental assessment (EA) the Mackenzie Valley Environmental Impact Review Board (Review Board) began its EA on July 21, 2016. The GNWT and Canada wrote to the Northwest Territories Métis Nation in October and August of 2016 to advise you of potential government decisions relating to this Project. The letters also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project.



In concluding its EA process, the Review Board released its *Report of Environmental Assessment and Reasons for Decision* (Report of EA) on March 29, 2018. The GNWT and Canada wrote to you at that time in order to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the Report of EA. Responsible ministers also asked the Northwest Territories Métis Nation if the Report of EA addressed concerns as they relate to potential Project impacts on your members' asserted Aboriginal rights.

On June 23, after the Tłı̨chǫ Government and responsible ministers entered into a consult to modify process with the Review Board, responsible ministers wrote to the Northwest Territories Métis Nation seeking the Northwest Territories Métis Nation views as to whether any of the responsible ministers' or Tłı̨chǫ Government's proposed modifications to the measures would impact your asserted Aboriginal rights. The responsible ministers sent a further letter on September 17, 2018 setting out the final proposed modifications. Responsible ministers again asked whether the proposed modifications would impact your asserted or established Aboriginal and/or Treaty rights. The Northwest Territories Métis Nation did not respond to any correspondence from the responsible ministers.

The decision phase, which spanned from March to October 2018, ended for responsible ministers on October 25, 2018, when the GNWT's Minister of Lands, as the Minister with delegated authority under the *Mackenzie Valley Resource Management Act*, on behalf of all responsible ministers, after consulting the Review Board, adopted the Review Board's recommendation, with modifications. For certainty, the decision was that the Tłı̨chǫ All-Season Road Project be approved, subject to the developer's commitments, measures as modified by the responsible ministers, measures as modified by the Tłı̨chǫ Government, and the Review Board's *Report of Environmental Assessment and Reasons for Decision* wording of all other measures.

In making their decision, responsible ministers considered all comments made by IGOs; responsible ministers did not hear from the Northwest Territories Métis Nation during the EA, or after the Report of EA was issued. Responsible ministers have concluded that the duty to consult and accommodate the Northwest Territories Métis Nation for the purposes of the Tłı̨chǫ All-Season Road EA1617-01 has been fulfilled.

Responsible ministers emphasize that consultation and accommodation with respect to your asserted Aboriginal rights do not end with the responsible ministers' decision on the EA of the Project. The Project will now proceed to regulatory and other post-

environmental assessment processes, which will include opportunities for Indigenous governments and organizations to offer input on authorizations and management plans and help ensure that potential adverse impacts to Aboriginal and Treaty rights, as necessary, are accommodated. The responsible ministers encourage NWT Métis Nation to participate in the Wek'èezhii Land and Water Board's permitting and licensing processes, the Department of Infrastructure's continuing consultation and engagement initiatives, the public review of the Wildlife Management and Monitoring Plan and any other post-EA processes relating to this Project.

If you have any questions about the decision please contact Melissa Pink at the GNWT's Department of Lands, Project Assessment Branch at [Melissa.Pink@gov.nt.ca](mailto:Melissa.Pink@gov.nt.ca) or phone 867-767-9180 ext. 24021.

Sincerely,



Kate Hearn  
Assistant Deputy Minister  
Planning and Coordination  
Department of Lands  
Government of the Northwest Territories



Diane Billingsley  
A/ Director-General  
Northern Projects Management Office  
Canadian Northern Economic  
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Dr. Joe Dragon, Deputy Minister, GNWT Department of Environment and Natural Resources

Mr. Mark Hopkins, Director General, Natural Resources and Environment Branch,  
Crown-Indigenous Relations and Northern Affairs Canada

Mr. Patrick O'Neill, Director General, Explosives Safety and Security Branch, Natural  
Resources Canada

Mr. Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact  
Review Board

Mr. Ryan Fequet, Executive Director, Wek'èezhìi Land and Water Board

VIA EMAIL AND FAX

OCT 25 2018

President Bill Enge  
North Slave Métis Alliance  
PO Box 2310  
YELLOWKNIFE, NT X0E 0Y0

Dear President Enge:

**Responsible ministers' decision on the Report of Environmental Assessment (EA1617-01) for the GNWT's Tłıchǵ All-Season Road Project**

The responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) and, separately, the Tłıchǵ Government, have recently concluded the decision phase for the environmental assessment of the GNWT's proposed Tłıchǵ All-Season Road.

As you are aware, in 2016, the GNWT, led by the Department of Transportation (now Infrastructure), proposed the construction of a 94 kilometer all-season road (the Project) from kilometer 196 of Highway 3, west of Behchokǵ, north to the existing all season road near Whatı. After referring the Project to environmental assessment (EA) the Mackenzie Valley Environmental Impact Review Board (Review Board) began its EA on July 21, 2016. The GNWT and Canada wrote to the North Slave Métis Alliance (NSMA) in October and August of 2016 to advise you of potential government decisions relating to this Project. The letters also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project.

In concluding its EA process, the Review Board released its *Report of Environmental Assessment and Reasons for Decision* (Report of EA) on March 29, 2018. The GNWT and Canada wrote to you at that time in order to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the Report of EA. Responsible ministers also asked the NSMA if the Report of EA addressed concerns as they relate to potential Project impacts on NSMA members' asserted Aboriginal rights.

On June 23, after the Tłıchq Government and responsible ministers entered into consult to modify processes with the Review Board, responsible ministers wrote to the NSMA seeking the NSMA's views as to whether any of the responsible ministers' or Tłıchq Government's proposed modifications to the measures would impact your asserted Aboriginal rights. The responsible ministers sent a further letter on September 17, 2018 responding to your letter of July 19, 2018 and setting out the final proposed modifications to the measures. Responsible ministers again asked whether the proposed modifications would impact your asserted Aboriginal rights. NSMA did not respond to the September 17, 2018 letter.

The responsible ministers thank the NSMA for its active participation throughout the EA of the Project. This letter is in response to the NSMA's April 30, 2018 letter and outlines some of the considerations taken by responsible ministers in reaching their decisions with respect to the Review Board's recommendation in the Report of EA.

In the April 30, 2018 letter, NSMA stated that the Report of EA may not address all potential impacts from the Project on NSMA's asserted Aboriginal rights, but that this could not be determined at that time due to lack of participant funding. NSMA focused its comments on the Review Board's findings of significant adverse impacts to boreal caribou, and the ability of the NSMA to hunt. Notably, the letter states "in order to assess whether the WMMP [Wildlife Management and Monitoring Plan] would address the expected significant adverse impacts of the TASR on our members' Aboriginal rights, NSMA will need funding specific to the TASR regulatory processes. The funding needs to be flexible to allow NSMA to obtain additional scientific and Traditional Knowledge capacities."

While participation of the NSMA in post-EA processes is at NSMA's discretion, responsible ministers acknowledge the requirement for funding in measures 6-3 and 9-1. The responsible ministers also recognize that the Department of Infrastructure (Infrastructure) has funded a Traditional Knowledge study, which NSMA has completed; Infrastructure has committed to using the study, as applicable, in Project design, and effects monitoring and management. Infrastructure is also required to provide NSMA support as part of the implementation of measures 6-3, 9-3, and 14-3. Finally, during the EA, Infrastructure made several commitments that ensure NSMA has representation on the Tłıchq All-Season Road Corridor Working Group and gives NSMA the ability to provide input into the WMMP. NSMA also participated in the initial review of the WMMP.



The NSMA's August 30, 2018 letter also noted that the "whole of government approach exerted even more resource pressure on the NSMA to properly assess how significantly the proposed TASR impacts our members s.35 Aboriginal rights."

Responsible ministers would like to reiterate the Department of Infrastructure's statements during the public hearing, where it was stated "*despite the fact that GNWT is the Developer for the project, it does not take away any authorities, responsibilities from any other department that --regulatory authorities that might be vested in any other department. We still need to go and get permits, authorizations required just as a developer would from other parts of the GNWT.*"

All responsible ministers' and other government departments' authorities remain intact regardless of how government chooses to organize its approach to EA; all departments participated in the EA in areas related to their respective mandates. Governments are committed to engaging the NSMA and the public to continue to explain their roles and responsibilities during EA and other regulatory processes, in a fair, transparent manner. With respect to assessing whether the Report of EA addresses the potential Project impacts on NSMA asserted Aboriginal rights, the selected approach to the EA should not impede NSMA's assessment.

During the decision phase, responsible ministers from the territorial and federal governments considered correspondence and participation from Indigenous governments and organizations throughout the EA. In making their decision, the responsible ministers have carefully considered the NSMA's comments throughout the EA, giving fair consideration to the views expressed. Responsible ministers share the view that concerns NSMA has raised with respect to potential adverse impacts on the NSMA's asserted Aboriginal rights as a result of the Project have been adequately accommodated through the EA process, including the Report of EA and consult-to-modify process undertaken by responsible ministers.

The decision phase, which spanned from March to October 2018, ended for responsible ministers on October 25, 2018, when the GNWT's Minister of Lands, as the Minister with delegated authority under the *Mackenzie Valley Resource Management Act*, on behalf of all responsible ministers, after consulting the Review Board, adopted the Review Board's recommendation, with modifications. For certainty, the decision was that the Tłı̨chų All-Season Road Project be approved, subject to the developer's commitments, measures as modified by the responsible ministers, measures as modified by the Tłı̨chų

Government, and the Review Board's *Report of Environmental Assessment and Reasons for Decision* wording of all other measures.

Responsible ministers would like to take this opportunity to state the importance of other processes and mechanisms in place to prevent likely significant adverse impacts on the environment and accommodate potential adverse impacts to asserted Aboriginal rights of the NSMA. The responsible ministers also emphasize that consultation and accommodation with respect to your asserted Aboriginal rights do not end with the responsible ministers' decision on the environmental assessment of the Project.

The Project will now proceed to regulatory and other post-environmental assessment processes, which will include opportunities for Indigenous governments and organizations to offer input on authorizations and management plans and help ensure that potential adverse impacts to Aboriginal and Treaty rights, as necessary, are accommodated. The responsible ministers encourage the NSMA to participate in the Wek'èezhii Land and Water Board's permitting and licensing processes, the Department of Infrastructure's continuing consultation and engagement initiatives, the public review of the WMMP and any other post-EA processes relating to this Project.

Thank you again for taking the time to provide your views.

If you have any questions about the decision, please contact Melissa Pink at the GNWT's Department of Lands, Project Assessment Branch, at [Melissa.Pink@gov.nt.ca](mailto:Melissa.Pink@gov.nt.ca) or phone 867-767-9180 ext. 24021.

Sincerely,



Kate Hearn  
Assistant Deputy Minister  
Planning and Coordination  
Department of Lands  
Government of the Northwest Territories



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Mr. Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board

Mr. Ryan Fequet, Executive Director, Wek'èezhìi Land and Water Board

VIA EMAIL AND FAX

OCT 25 2018

Chief Peter Marcellais  
Nahanni Butte Dene Band  
General Delivery  
NAHANNI BUTTE NT X0E 0N0

Dear Chief Marcellais:

**Responsible ministers' decision on the Report of Environmental Assessment (EA 1617-01) for the GNWT's Tłı̄chų All-Season Road Project**

The responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) and, separately, the Tłı̄chų Government, have recently concluded the decision phase for the environmental assessment of the GNWT's proposed Tłı̄chų All-Season Road.

As you are aware, in 2016, the GNWT, led by the Department of Transportation (now Infrastructure), proposed the construction of a 94 kilometer all-season road (the Project) from kilometer 196 of Highway 3, west of Behchokò, north to the existing all season road near Whatì. After referring the Project to environmental assessment (EA) the Mackenzie Valley Environmental Impact Review Board (Review Board) began its EA on July 21, 2016. The GNWT and Canada wrote to the Nahanni Butte Dene Band in October and August of 2016 to advise you of potential government decisions relating to this Project. The letter also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project.

In concluding its EA process, the Review Board released its *Report of Environmental Assessment and Reasons for Decision* (Report of EA) on March 29, 2018. The GNWT and Canada wrote to you at that time in order to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the Report of EA and to ask the Nahanni Butte Dene Band if the Report of EA addressed concerns as they relate to potential Project impacts on your members' asserted or established Aboriginal and/or Treaty rights.



On June 23, after the Tłıchǵ Government and responsible ministers entered into consult to modify processes with the Review Board, responsible ministers wrote to the Nahanni Butte Dene Band seeking the Nahanni Butte Dene Band's views as to whether any of the responsible ministers' or Tłıchǵ Government's proposed modifications to the measures would impact your asserted or established Aboriginal and/or Treaty rights. The responsible ministers sent a further letter on September 17, 2018 setting out the final proposed modifications. Responsible ministers again asked whether the proposed modifications would impact your asserted or established Aboriginal and/or Treaty rights. The Nahanni Butte Dene Band did not respond to any correspondence from the responsible ministers.

The decision phase, which spanned from March to October 2018, ended for responsible ministers on October 25, 2018, when the GNWT's Minister of Lands, as the Minister with delegated authority under the *Mackenzie Valley Resource Management Act*, on behalf of all responsible ministers, after consulting the Review Board, adopted the Review Board's recommendation, with modifications. For certainty, the decision was that the Tłıchǵ All-Season Road Project be approved, subject to the developer's commitments, measures as modified by the responsible ministers, measures as modified by the Tłıchǵ Government, and the Review Board's *Report of Environmental Assessment and Reasons for Decision* wording of all other measures.

In making their decision, responsible ministers considered all comments made by IGOs; responsible ministers did not hear from the Nahanni Butte Dene Band during the EA, or after the Report of EA was issued. Responsible ministers have concluded that the duty to consult and accommodate the Nahanni Butte Dene Band for the purposes of the Tłıchǵ All-Season Road EA1617-01 has been fulfilled.

Responsible ministers emphasize that consultation and accommodation with respect to your asserted or established Aboriginal and/or Treaty rights do not end with the responsible ministers' decision on the EA of the Project. The Project will now proceed to regulatory and other post-environmental assessment processes, which will include opportunities for Indigenous governments and organizations to offer input on authorizations and management plans and help ensure that potential adverse impacts to Aboriginal and Treaty rights, as necessary, are accommodated. The responsible ministers encourage Nahanni Butte Dene Band to participate in the Wek'èezhì Land and Water Board's permitting and licensing processes, the Department of Infrastructure's

continuing consultation and engagement initiatives, the public review of the Wildlife Management and Monitoring Plan and any other post-EA processes relating to this Project.

If you have any questions about the decision please contact Melissa Pink at the GNWT's Department of Lands, Project Assessment Branch at [Melissa.Pink@gov.nt.ca](mailto:Melissa.Pink@gov.nt.ca) or phone 867-767-9180 ext. 24021.

Sincerely,



Kate Hearn  
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Department of Lands  
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Dr. Joe Dragon, Deputy Minister, GNWT Department of Environment and Natural Resources

Mr. Mark Hopkins, Director General, Natural Resources and Environment Branch, Crown-Indigenous Relations and Northern Affairs Canada

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Mr. Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board

Mr. Ryan Fequet, Executive Director, Wek'èezhii Land and Water Board