NIHTAT GWICH'IN COUNCIL

October 30, 2026

Mark Cliffe-Phillips
Executive Director
Mackenzie Valley Environmental Impact Review Board
by email: mcliffephillips@reviewboard.ca

Re: Nihtat Gwich'in Council Submission on the Mackenzie Valley Highway Environmental Assessment Terms of Reference

Dear Mr. Cliffe-Phillips,

On behalf of Nihtat Gwich'in Council ("NGC"), please find attached NGC's report in response to the Mackenzie Valley Environmental Impact Review Board ("Review Board") invitation for comments on the revised scope and Terms of Reference for the proposed Mackenzie Valley Highway.

The attached report, researched and compiled by Nihtat's technical team, draws upon historical and contemporary information, including ground truthing and engagement sessions held in Inuvik in October 2026 with NGC, Nihtat harvesters, Elders and Indigenous Knowledge Guardians.

The report highlights the views of Nihtat Participants on the cultural, social, environmental and economic value components they consider essential for inclusion in the revised Mackenzie Valley Highway Terms of Reference.

NGC looks forward to these values being reflected in the revised Terms of Reference and to continued engagement with the Review Board, the Government of the Northwest Territories and the Government of Canada throughout the environmental assessment and consultation processes.

Please direct any questions regarding this submission to Nihtat's Mackenzie Valley Highway Environmental Assessment Lead, Charlie Palmer, at cpalmer@legacyenv.ca.

Sincerely,

Kelly McLeod
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Nihtat Gwich'in Council

Chris Smith
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NIHTAT GWICH'IN COUNCIL

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Nihtat Gwich'in Council Submission on the Revised Scope and Terms of Reference for the Mackenzie Valley Highway

OCTOBER 30, 2026

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1. Introduction

This report presents the findings of a review of historical and contemporary information relevant to the proposed Mackenzie Valley Highway and the re-scoping of the Terms of Reference for Environmental Assessment EA1213-02. The review examined the original 2013 environmental assessment framework and Terms of Reference, the subsequent Developer's Assessment Report (DAR), and the September 2026 revisions proposed by the Government of the Northwest Territories to extend the project scope from Wrigley to the Dempster Highway. The purpose of the review was to examine the existing assessment framework in relation to the expanded project scope and identify the cultural, social, environmental and economic values that Nihtat Participants consider essential to the revised Terms of Reference.

Historical and Contemporary Documentary Review

The report draws upon historical project descriptions, environmental assessment documents, land use planning materials, Treaty and land claim provisions, scientific research and contemporary land use information. The documentary review included the following principal sources:

- **Mackenzie Valley Environmental Impact Review Board (MVEIRB), 2026.** *Terms of Reference EA1213-02, Mackenzie Valley Highway Project, Wrigley to Dempster Highway.* Revisions proposed by the Government of the Northwest Territories, September 2026.
- **Government of the Northwest Territories (GNWT), 2026.** *Mackenzie Valley Highway Project, Project Description Mapbook.*
- **Gwich'in Land Use Planning Board (GLUPB), 2003.** *Nành' Geenjit Gwitr'it T'igwaa'in / Working for the Land: Gwich'in Land Use Plan.*
- **Government of the Northwest Territories (GNWT), 2026.** *Mackenzie Valley Highway Project, Revised Developer's Assessment Report, Chapter 5: Detailed Project Description, Draft for Engagement.* September 2026. MVEIRB Public Registry EA1213-02, PR 437.
- **Gwich'in Tribal Council and Government of the Northwest Territories (GTC and GNWT), 2011.** *Project Description Report for the Construction of the Mackenzie Valley Highway, Gwich'in Settlement Area, Northwest Territories.* May 2011.
- **Imperial Oil Resources Ventures Limited et al., 2004.** *Environmental Impact Statement for the Mackenzie Gas Project.* Submitted to the National Energy Board.
- **Canada and Gwich'in Tribal Council, 1992.** *Gwich'in Comprehensive Land Claim Agreement.* Volume II, Appendix F, Schedule XVII, Expropriation of Gwich'in Lands for the Proposed Mackenzie Highway.
- **Gwich'in Tribal Council, 2018.** *Gwich'in Land Management and Control Guidelines.* June 2018.
- **Gwich'in Lands Department, 2026.** *Trails, Cabins, Archaeological Sites and Cultural Use Mapping.* Internal information accessed September 2026. The underlying mapping and culturally sensitive information are not reproduced in this report.
- **NASA Arctic Boreal Vulnerability Experiment (ABoVE), undated.** *Discovering Datasets at a Regional Level, ABoVE Domain.* Prepared by Beverly Bolster and Mary Banner. Received 2026.

Contemporary Land Use Mapping and Community Ground Truthing

The examination of Gwich'in trails, cabins, archaeological sites and cultural use mapping was supplemented by direct community engagement and ground truthing undertaken in Inuvik in October 2026 with Nihtat harvesters, Nihtat Elders and Nihtat Indigenous Knowledge Guardians. This process provided an opportunity to examine historical and contemporary land use information alongside the knowledge, observations and experiences of Nihtat Participants concerning harvesting, wildlife movement, cultural practices, environmental changes and the continued use and stewardship of Nihtat's homeland.

The examination of these mapping resources, together with the information gathered through direct ground truthing, forms an important foundation for identifying the additional cultural, social, environmental and economic value components that Nihtat Participants consider essential for inclusion in the revised Mackenzie Valley Highway Terms of Reference. These components reflect the historical and contemporary use of Nihtat's homeland and identify matters requiring specific consideration within the environmental assessment, beyond those addressed in the original assessment framework.

Application to the Revised Terms of Reference

The report highlights the views of Nihtat Participants on the essential cultural, social, environmental and economic value components that they consider necessary for inclusion in the revised Mackenzie Valley Highway Terms of Reference. These components address Treaty and harvesting rights, Nihtat's homeland, cultural continuity, Indigenous Knowledge, wildlife and habitat protection, community wellness, economic participation, land tenure, governance responsibilities, and cumulative and induced effects. Their inclusion is intended to strengthen the existing assessment framework by ensuring that the developer examines potential direct, indirect, cumulative and induced impacts on Nihtat's homeland, Nihtat Participants and Nihtat families. Particular importance is placed on contemporary environmental baseline information, the incorporation of Nihtat Indigenous Knowledge, and the recognition that cultural, social, environmental and economic values are interconnected. The report provides a foundation for ensuring that the revised Terms of Reference reflect the historical and contemporary use of Nihtat's homeland and the values identified by Nihtat Participants as essential to the environmental assessment process.

2. Nihtat Gwich'in Treaty Rights, Homeland and Governance Context

2.1 Nihtat Treaty and Constitutional Rights

Nihtat Gwich'in Council ("NGC"), as a Designated Gwich'in Organization ("DGO") under the *Gwich'in Comprehensive Land Claim Agreement* ("GCLCA"), exercises responsibilities grounded in the collective Treaty rights of Nihtat Participants. These rights were affirmed in Treaty 11, further outlined and modernized through the GCLCA, and reaffirmed under Section 35 of the *Constitution Act, 1982*. NGC's responsibilities therefore arise from constitutionally protected Treaty rights, not discretionary administrative roles, and must be fully integrated into all socio-economic and environmental assessment, design and approval processes for the Mackenzie Valley Highway ("MVH").

Canada and NGC have formally commenced the process toward a Nihtat self-government agreement, with the explicit goals of self-autonomy, self-governing authority, long-term self-sufficiency and the full expression of Nihtat's right to self-determination. This process affirms Nihtat's status as a rights-holder government and reinforces the requirement that all major projects within Nihtat's homeland be assessed in a manner consistent with Nihtat's emerging governance responsibilities and future jurisdiction.

Projects such as the MVH are multi-generational in nature. Their impacts will extend across decades and will directly shape the social, cultural, economic and environmental conditions experienced by Nihtat Participants and future generations. As Inuvik is Nihtat's homeland, the socio-economic values, cultural practices, community wellness conditions and social impacts experienced by Nihtat Participants cannot be generalized or treated as interchangeable with other communities. The proponent must therefore accept and assess Nihtat-specific socio-economic, cultural and social impacts as distinct, rights-bearing considerations arising from Nihtat's Treaty relationship with the Crown and Nihtat's movement toward self-government.

These realities must be reflected in the Terms of Reference and in all stages of the environmental assessment, including route selection, socio-economic analysis, cultural impact assessment, Indigenous Knowledge integration, mitigation development and long-term monitoring.

2.2 Nihtat Homeland Authority

Inuvik is the homeland of the Nihtat Participants and lies entirely within Gwich'in Settlement Area ("GSA"). Within this collective tenure system, NGC exercises autonomous decision-making responsibilities specific to Nihtat's homeland, ensuring that the rights, interests and obligations of Nihtat Participants are fully represented in all decisions affecting Inuvik and any project or activity with potential impacts on Nihtat Participants. Engagement with the GTC does not replace or satisfy the requirement for direct engagement with NGC, whose role as a DGO carries distinct and non-substitutable authority within its homeland.

2.3 Gwich'in Tribal Council and the DGO Governance Structure

The Gwich'in Tribal Council ("GTC") was established upon finalization of the GCLCA in 1992.

Under the GCLCA, DGOs hold autonomy within their respective homelands. This governance structure requires that decisions affecting a specific homeland, including environmental and socio-economic assessments, land use planning, project design, and cumulative effects analysis, involve direct

engagement with the relevant DGO. For the MVH assessment, GNWT and Canada must therefore recognize NGC as the rights-holder government responsible for representing Nihtat's homeland-specific socio-economic, cultural and environmental interests. Engagement with the GTC alone does not meet this obligation.

2.4 Gwich'in Settlement Lands

Gwich'in lands are lands held collectively for the benefit of all Gwich'in Participants and administered through the GTC in accordance with the GCLCA. These lands, which shall be referred to throughout as Gwich'in settlement lands, reflect the shared rights, responsibilities and interests of all Gwich'in, including Nihtat Participants. The assessment of the Mackenzie Valley Highway must fully account for this collective ownership and the obligations arising from it.

2.5 Gwich'in Historical Occupation and Land-Based Systems

The Nihtat Gwich'in have occupied and used lands across the Northwest Territories since time immemorial. Historically, Gwich'in territories extended from interior Alaska through the Yukon and into the Mackenzie Valley to the Arctic coast. Today, Nihtat Gwich'in reside primarily in Inuvik, while maintaining close cultural and familial ties with Gwich'in communities within the GSA, Alaska and the Yukon.

For millennia, Gwich'in societies developed complex land-based systems of subsistence, governance, trade and cultural practice. Fishing, trapping, gathering and hunting formed the foundation of a sustainable northern economy and cultural identity. The land and waters provided food, medicines, shelter, clothing, tools and ceremonial materials, forming an integrated system of cultural continuity and community well-being.

2.6 Colonial Impacts and Disruptions

Colonial impacts reached Gwich'in territory later than in many other Indigenous regions, but their effects were profound across all Gwich'in communities, including Nihtat. European contact in the late 18th century, followed by the establishment of a Hudson's Bay Company post at Fort McPherson in 1840, disrupted long-standing Indigenous trade networks and introduced epidemics that severely reduced Gwich'in populations.

The discovery of the Norman Wells oil field in 1920 was a major catalyst for the federal government's decision to negotiate Treaty 11 in 1921. Canada sought legal clarity and jurisdiction over lands required for resource extraction and transportation along the Mackenzie River. As a result, Treaty 11 was initiated in direct response to emerging industrial interests rather than to address Gwich'in needs or rights. Many Treaty promises intended to support Gwich'in cultural continuity and adaptation to rapid change were not fulfilled, resulting in exclusion from emerging regional economies and exposure to significant environmental and cultural impacts. Development activities contributed to degradation of rivers, lakes and lands, and disrupted vadzaih (caribou) migration, mating and calving.

In 1954, construction of the Distant Early Warning ("DEW") Line brought thousands of workers, heavy equipment and military infrastructure into Arctic regions, with particularly significant and lasting impacts on Nihtat's homeland of Inuvik. The DEW Line consisted of 58 radar and communication sites across Alaska, the Canadian Arctic and Greenland, and Inuvik served as a central hub for construction, operations and later transition to the North Warning System. This activity introduced large-scale industrial

development, southern infrastructure, airports and wage economies into the region, often with minimal consultation and inconsistent local employment.

The project produced substantial environmental, social and economic disruption, including contamination, landscape disturbance and long-term ecological impacts that required extensive remediation decades later. These cumulative processes eroded long-standing Gwich'in systems of economic self-sufficiency and land-based governance.

The sustained impacts of Treaty 11, resource-driven development, and Cold War infrastructure contributed to the political momentum that led to negotiation and finalization of the GCLCA in 1992.

2.7 Modern Treaty and Restoration of Rights

This sustained advocacy led to the negotiation and finalization of the GCLCA in 1992, which reaffirmed Gwich'in rights and established a modern Treaty framework for land management, harvesting, governance and participation in decisions affecting Gwich'in lands. The GCLCA provides the legal and constitutional foundation for NGC's role in the MVH assessment.

Recently, Nihtat Gwich'in voted to enter into self-government negotiations. The mandate, exercised within the Treaty-recognized governance system detailed above that affirms the inherent right of Gwich'in self-government, reflects a collective decision by the Nihtat Gwich'in to advance greater autonomy, jurisdiction and decision-making authority within their homeland.

While the specific chapters to be negotiated have not yet been finalized, the scope of self-government for Nihtat Gwich'in will encompass areas essential to self-determination, self-reliance and self-sufficiency. These include governance functions, cultural stewardship, land-based responsibilities, community well-being, and the ability to design and administer institutions that reflect Gwich'in values, laws and ways of life.

Across all Gwich'in communities, the pursuit of self-government reflects a shared commitment to restoring and strengthening Indigenous governance systems that were disrupted through colonial processes, resource-driven development and the incomplete implementation of Treaty 11. For Nihtat Gwich'in, self-government is a homeland-specific expression of this broader Nation-level movement, ensuring that decisions affecting Inuvik and surrounding Gwich'in settlement lands are made by Nihtat Gwich'in in accordance with their rights, responsibilities and cultural foundations.

The MVH assessment must therefore recognize NGC as a rights-holder government whose authority is evolving within a modern Treaty and self-government context. Any impacts on land, water, harvesting, cultural continuity or community well-being intersect directly with areas of emerging NGC jurisdiction. As NGC advances toward self-government, regulatory processes must ensure that NGC's homeland-specific authority is fully respected, and that decisions do not pre-empt or undermine the governance powers being negotiated.

2.8 Cultural Foundations: Vadzaih and Interdependence

Among all resources, vadzaih (caribou) hold central cultural, spiritual and economic significance. Large herds moved across Gwich'in lands for thousands of years, providing nourishment, clothing, shelter, tools and trade goods. Every part of the vadzaih was used. Gwich'in creation narratives describe Gwich'in and vadzaih as originating from a single being, each created with a piece of the other's heart, reflecting a profound spiritual and ecological relationship.

This relationship is characterized by reciprocal responsibility: vadzaih sustain Gwich'in communities, and Gwich'in protect vadzaih habitat and harvest only what is needed. This cultural foundation is essential to understanding the socio-economic and environmental impacts of the MVH. Any disruption to vadzaih movement, habitat or harvesting practices constitutes a direct impact on Gwich'in cultural continuity and Treaty-protected rights.

3. Mackenzie Valley Highway Terms of Reference Review

3.1 General Terms of Reference Comments

The GCLCA anticipates the Mackenzie Valley Highway through the GSA. Schedule XVII is a notice of intent to expropriate Gwich'in lands for the proposed highway and leaves the final alignment open to be determined subject to consultation, public review, and engineering considerations (GCLCA 1992, Appendix F, Schedule XVII). The Gwich'in Land Use Plan similarly treats the highway as "a permitted use in all zones of the Plan," to be reviewed by the Planning Board once the route is determined (GLUPB 2003, s. 4.2.5, p. 41).

In 2011, GTC and GNWT jointly selected the northern corridor, (i.e., Route Option A, the "2011 PDR Route") following the route studied for the proposed Mackenzie Gas Project rather than the 1970s federal alignment, as the preferred alignment (GTC and GNWT 2011, pp. ii, 6-6) (Figure 1).

Study and assessment of the Mackenzie Valley Highway is necessary prior to approval, and the involvement of the Nihtat Gwich'in is expected. The topics for the studies and assessment as proposed here amend those proposed in previous versions of the Mackenzie Valley Highway by adding the modern impact assessment factors needed to build a full understanding of the risks, opportunities, and means to mitigate impacts of the project on the Nihtat Gwich'in.

4. Specific Terms of Reference Comments

4.1 Revisions to Terms of Reference

Nihtat Gwich'in suggested changes to specific sections of the Terms of Reference are described below.

Scope (s. 3.1)

Excluded from the scope of the project is "use of existing and authorized municipal, commercial, or public infrastructure and services (including health services, per comments from GNWT during the 1 October 1, 2026 meeting), such as municipal solid waste and wastewater facilities, transportation services and the Mackenzie Valley Winter Road." In respect of these exclusions Nihtat Gwich'in expects the proponent to describe in the application how the project will be constructed and operated / maintained to avoid such use by the workforce and contractors.

Key Lines of Inquiry (ss. 3.2.3 & 7.2)

Nihtat Gwich'in expects the proponent to produce a fulsome understanding of "local social and economic considerations", which as currently very broadly described falls short of meeting modern impact assessment expectations for describing:

- opportunities and benefits that will be realized by the Nihtat Gwich'in;
- GBA+ assessments of disproportionately affected members of the Nihtat Gwich'in and other parts of the community;
- the increase in, and controls for, human trafficking of members from the Nihtat Gwich'in community as a result of the Mackenzie Valley Highway; and
- housing availability (availability and cost).

These considerations are developed further as social value components in Section 7.4.

Alternatives (s. 3.5)

The Nihtat Gwich'in expect a stronger description of the requirements for alternative assessment to also include:

- alternatives for construction and operation;
- an assessment of the alternatives to the project, in addition to the alternative means of executing it; and
- a comparison of the route options in the Gwich'in Settlement Area against defined selection criteria, including environmental, cultural, land tenure and engineering considerations (see our further comments on this point in Section 6).

Design Basis (s. 6.3)

The Nihtat Gwich'in expect the Gwich'in Land Use Plan (2003) to be added to the list of inputs for design. Alignment with planning objectives in the Gwich'in Land Use Plan needs to be required by the Terms of Reference for incorporation into the design. The Plan provides that once the highway route is determined, the Planning Board "shall review the Plan to assess the impact of the highway on other land uses and may propose amendments" (GLUPB 2003, s. 4.2.5, p. 41). The Terms of Reference should require the developer to describe how this review will be coordinated with the assessment.

The Terms of Reference should also require the proponent to describe the Describe the delivery model (design-build or design-build-operate or other) and provide assurance how implementation of that model will follow the methods agreed during EIA (e.g., Tuktoyaktuk Highway blind corners, surfacing method, culvert crossings failed to follow the assessment provided design and failed to deliver a reliable road).

Local Social and Economic Considerations (s. 7.2.1)

Economic benefits and opportunities for employment and contracting accruing to the Nihtat Gwich'in should be incorporated into the Terms of Reference. The Terms of Reference should require the proponent / developer to identify specific employment, training, contracting and business opportunities for Nihtat Participants and Nihtat businesses during construction, operation and monitoring.

Caribou, Moose and Harvesting (s. 7.2.2)

The proponent should add a before after control impact study to systematically sample and evaluate habitat for and populations of caribou, moose and other harvest animals before construction, after construction and during ongoing maintenance. Boreal woodland caribou, which are scarce in the area and listed as Threatened under the Species at Risk Act, should be specifically included. The boreal caribou movement analysis prepared for the southern portion of the project (MVEIRB PR 163, 2024) should be extended to the Gwich'in Settlement Area.

Cumulative Effects Assessment (s. 10):

The proponent must include induced cumulative effects from projects and activities that might be expected given the governments' objectives for catalyzing growth but are not within the definition of reasonably foreseeable. Absent this consideration, missing from the evaluation of cumulative impacts will be an examination of how military, mining and other activities that are said to benefit from and or be the driver for needing the Mackenzie Valley Highway have a cumulative impact.

4.2 Nihtat Gwich'in Value Components

The following value components identify the cultural, social, environmental, economic, rights-based and governance considerations that Nihtat Participants consider essential to the revised Terms of Reference for the Mackenzie Valley Highway environmental assessment.

These components are intended to strengthen the existing Terms of Reference by identifying the specific matters the developer must examine, including potential direct, indirect, cumulative and induced effects on Nihtat's homeland, Nihtat Participants and Nihtat families.

4.2.1 Rights Based Value Components

Treaty Rights

Assess potential effects on Treaty 11 rights, rights under the Gwich'in Comprehensive Land Claim Agreement, Section 35 rights, harvesting rights and the continued exercise of land-based practices. Examine how changes in caribou and moose populations, harvesting opportunities, traditional land use and access to culturally important areas may affect the continued exercise of these rights. (ss. 7.2, 7.3.13)

Self-Government

Examine potential effects on Nihtat's existing and emerging governance responsibilities, decision making interests and future jurisdiction, without prejudging self government negotiations. Assess how proposed changes in land use, access and the management of lands and resources associated with highway development may affect Nihtat's governance interests. (s. 7.3.14)

Nihtat's Homeland and Specific Impacts

Identify and assess impacts specific to Nihtat's homeland, including the relationship between highway development, Inuvik, Nihtat Participants and their traditional and contemporary use of lands and resources. Examine changes in land use, access to traditional areas, existing land uses and potential conflicts between highway related development and the continued use of lands and resources by Nihtat Participants. (s. 7.3.14)

4.2.2 Cultural Value Components

Land Use and Occupancy

Assess potential effects on historical and contemporary harvesting areas, cabins, camps, cultural sites, burial sites, traditional travel routes and continued land use and occupancy. Examine changes in caribou and moose harvesting areas, accessibility of traditional land use locations, potential disturbance to cultural sites and conflicts between highway development and existing land uses. (ss. 7.2, 7.3.13, 7.3.14)

Cultural Continuity

Examine potential effects on intergenerational knowledge transfer, Elder and youth participation in land-based activities, cultural practices and the continued transmission of cultural knowledge. Assess how changes in traditional land use and access to country foods may affect the ability of Nihtat families to maintain harvesting practices, cultural activities and the transmission of land-based knowledge between generations. (ss. 7.3.12, 7.3.13)

Indigenous Knowledge

Incorporate Nihtat Indigenous Knowledge concerning wildlife, terrain, water systems, climate, culturally sensitive areas and route avoidance into baseline studies, impact predictions and mitigation measures, consistent with Nihtat research and information protocols. Examine Indigenous Knowledge relating to terrain, soils, permafrost, wildlife and wildlife habitat, vegetation, culturally important plant species, traditional land use areas and environmental changes observed by Nihtat Participants. (ss. 7.3.1, 7.3.8, 7.3.9, 7.3.13)

4.2.3 Environmental Value Components

Wildlife Movement

Assess potential effects on caribou, moose, fish and other species relied upon by Nihtat Participants, including migration, seasonal movement, feeding, habitat connectivity and harvesting opportunities. Examine potential changes to caribou and moose movement corridors, seasonal migration patterns, wildlife crossings, fish movement and passage, wildlife habitat use and the effects of highway construction, traffic, noise and increased access on wildlife behaviour and harvesting opportunities. (ss. 7.2, 7.3.7, 7.3.8)

Habitat Integrity

Examine habitat fragmentation, disturbance, changes in access, effects on sensitive and relatively undisturbed areas, and the potential for increased human activity. Assess potential loss or alteration of wildlife habitat, vegetation communities, sensitive plant species, habitat connectivity and changes to habitat resulting from road construction, clearing, increased human access and associated development. (ss. 7.3.8, 7.3.9)

Water and Terrain

Assess potential effects on muskeg, permafrost sensitive terrain, drainage, hydrology, water crossings, fish passage and the stability of lands and water systems. Examine terrain and soil conditions, permafrost stability, erosion, sedimentation, changes to drainage patterns, watercourse crossings, fish habitat, fish passage and potential effects of highway construction and maintenance on aquatic environments and surrounding terrain. (ss. 7.3.1, 7.3.7)

4.2.4 Social Value Components

Housing Stability

Assess potential effects of construction and associated population changes on housing availability, affordability, rental costs and potential displacement of Nihtat families and Elders. Examine the combined pressures of highway construction, associated workforce requirements and reasonably foreseeable development on housing availability, rental markets and existing community infrastructure. (s. 10)

Crime and Community Safety

Examine the potential for increased crime, substance use, traffic related safety concerns, policing demands and other pressures on community safety associated with construction and improved highway access. Assess the combined effects of highway construction, increased traffic, workforce movements and development facilitated by improved transportation access on policing, emergency response and community safety. (s. 10)

Human Trafficking

Assess potential risks of trafficking, exploitation and associated vulnerabilities arising from workforce movements, construction camps, increased transportation access and induced development. Examine whether the combined effects of temporary workforces, increased transportation access and reasonably foreseeable development may increase risks of exploitation and trafficking in Inuvik. (s. 10)

Youth Vulnerability

Examine potential effects on youth safety, exposure to exploitation, substance use and crime, and the adequacy of existing youth programs and protective services. Assess potential cumulative effects of workforce movements, increased traffic and induced development on youth safety and the capacity of existing community support services. (s. 10)

Community Wellness

Assess potential effects on mental health, addictions, family stability, access to health services and demands on community and social support systems. Examine the relationship between changes in access to country foods, traditional harvesting opportunities and community wellness, together with the

combined effects of highway development and other reasonably foreseeable activities on health and social services. (ss. 7.3.12, 10)

4.2.5 Application to the Revised Terms of Reference

The Nihtat Gwich'in value components are intended to inform and strengthen the revised Mackenzie Valley Highway Terms of Reference by identifying the essential cultural, social, environmental, economic, rights based and governance considerations that must guide the environmental assessment.

These components are intended to be incorporated into the relevant existing sections of the Terms of Reference, particularly Section 7, Key Lines of Inquiry, Section 10, Cumulative Effects Assessment, and Section 11, Follow Up and Monitoring.

For each applicable value component, the environmental assessment must require the developer to:

1. Establish baseline conditions using available historical and contemporary information, including Nihtat Indigenous Knowledge and information provided by Nihtat Participants, Elders, harvesters and Indigenous Knowledge Guardians. Baseline information must address terrain, soils, permafrost, fish and fish habitat, wildlife and wildlife habitat, vegetation, country foods, traditional land use and existing land uses, as applicable to the value component being assessed.

2. Identify and assess potential impacts arising from highway construction, operation, maintenance and associated activities, including direct and indirect cultural, social, environmental and economic effects. The assessment must examine how changes in wildlife, habitat, terrain, fish passage, vegetation, country food availability and land use may affect Nihtat Participants and their continued use of Nihtat's homeland.

3. Examine cumulative and induced effects associated with past, existing and reasonably foreseeable developments and activities, including changes in land access, harvesting, wildlife movement, community conditions and economic opportunities. The assessment must consider interactions between changes to wildlife and wildlife habitat, country foods, cultural and traditional land use, existing land uses and additional activities facilitated by highway development.

4. Evaluate the significance of predicted effects, including the nature, extent, duration, reversibility and potential consequences of impacts on Nihtat's homeland, Nihtat Participants, Nihtat families and the continued exercise of Treaty and harvesting rights. The assessment must consider whether changes to caribou and moose movement, fish habitat, vegetation, land access and traditional land use could affect multiple Nihtat value components simultaneously.

5. Identify mitigation measures to avoid, reduce or address adverse effects, including measures informed by Nihtat Indigenous Knowledge and the cultural, social, environmental and economic values identified by Nihtat Participants. Measures must address relevant risks to wildlife movement, habitat connectivity, fish passage, permafrost stability, vegetation, harvesting access and cultural land use areas.

6. Establish monitoring and follow up requirements to evaluate predicted impacts, determine the effectiveness of mitigation measures and identify opportunities for Nihtat Participants and Nihtat businesses to participate in environmental monitoring and related activities. Monitoring must

address relevant changes to wildlife movement, fish and fish habitat, terrain and permafrost, vegetation, country food availability, traditional land use and other identified effects, with opportunities for Nihtat participation in monitoring and review of results.

7. Identify information gaps and uncertainties, including outdated baseline studies, insufficient Indigenous Knowledge, changing environmental conditions and areas requiring additional research, field studies or engagement with Nihtat Participants. The assessment must identify deficiencies in available information concerning terrain, soils, permafrost, wildlife populations and movement, fish habitat, vegetation, country foods, traditional land use and cumulative effects.

8. Distinguish Nihtat specific impacts from broader regional impacts, ensuring that the assessment considers the distinct cultural, social, environmental, economic and governance interests of Nihtat Gwich'in Council and Nihtat Participants. Regional findings concerning wildlife, habitat, land use and cumulative effects must be examined in relation to their specific consequences for Nihtat's homeland and Nihtat Participants.

The environmental assessment must consider these value components individually and collectively, recognizing that changes to wildlife, harvesting, land access, cultural continuity, community wellness and economic conditions may be interconnected.

The assessment must also identify where existing information is insufficient to adequately evaluate potential effects and establish the additional studies, information and engagement necessary to address those deficiencies.

The purpose of these revisions is to ensure that Nihtat's value components are incorporated as substantive environmental assessment requirements, rather than treated solely as general community concerns or consultation topics. This will provide a clearer basis for assessing the potential consequences of the Mackenzie Valley Highway on Nihtat's homeland, Nihtat Participants and the cultural, social, environmental and economic values that must be considered throughout the environmental assessment process.

5. Mackenzie Valley Highway Route Selection

Nihtat Gwich'in understand the route options for the section of the Mackenzie Valley Highway passing through the Gwich'in Settlement Area. The proponent proposed terms of reference is silent on these options, and on the methods and timing for achieving a preferred route. Given the considerable uncertainty created by such widely varying route options, and the likely level of effort required of the Nihtat Gwich'in to engage in the process to determine the preferred route, the Terms of Reference needs to force a description of process to achieve a preferred route. This includes an explanation of the criteria for selection, when and by what means route selection is to occur, and how specific engagement on the route selection will be conducted.

Variance from that jointly selected corridor selected by GTC and GNWT in 2011 demands more study, deeper consultation, and more time to reach consensus than for the northern route (Route Option A) previously determined in conjunction with the Nihtat Gwich'in. Such variance will extend the duration of the approval process over a route that has already been studied.

The Nihtat Gwich'in have a strong preference for the northern route for the Mackenzie Valley Highway, referred to as "Route Option A (2011 PDR Route)" in the GNWT's draft updated Project Description (GNWT 2026, Section 5.1.1, p. 2). The northern route, preferred by the Nihtat Gwich'in for the following reasons, is Route Option A which runs north of Travaillant Lake, follows the Mackenzie Valley Fibre Link and the corridor studied for the proposed Mackenzie Gas Project and onnects to the Dempster Highway approximately 20 km southeast of Inuvik.

- Following an existing disturbance corridor reduces impacts from developing a new and additional corridor in untouched landscape. Co-siting linear infrastructure is a common and preferred approach to reducing impacts and building resilience by making access for maintenance and communication on the same route.

  Route Option A "follows the Mackenzie Valley Fibre Link and the previously proposed corridor for the Mackenzie Gas Project pipeline" (GNWT 2026, Section 5.1.1). The fibre link was completed in 2017 (GNWT 2017) and is an existing linear disturbance in this corridor; the Mackenzie Gas Project pipeline was not built. Consolidating linear infrastructure in a single corridor was the basis of GTC and GNWT's 2011 route selection and was stated as a preference in the Land Use Plan, to "reduce the overall impact on the land, wildlife, habitat, traditional land use areas and cultural values in the GSA" (GTC and GNWT 2011, p. ii).

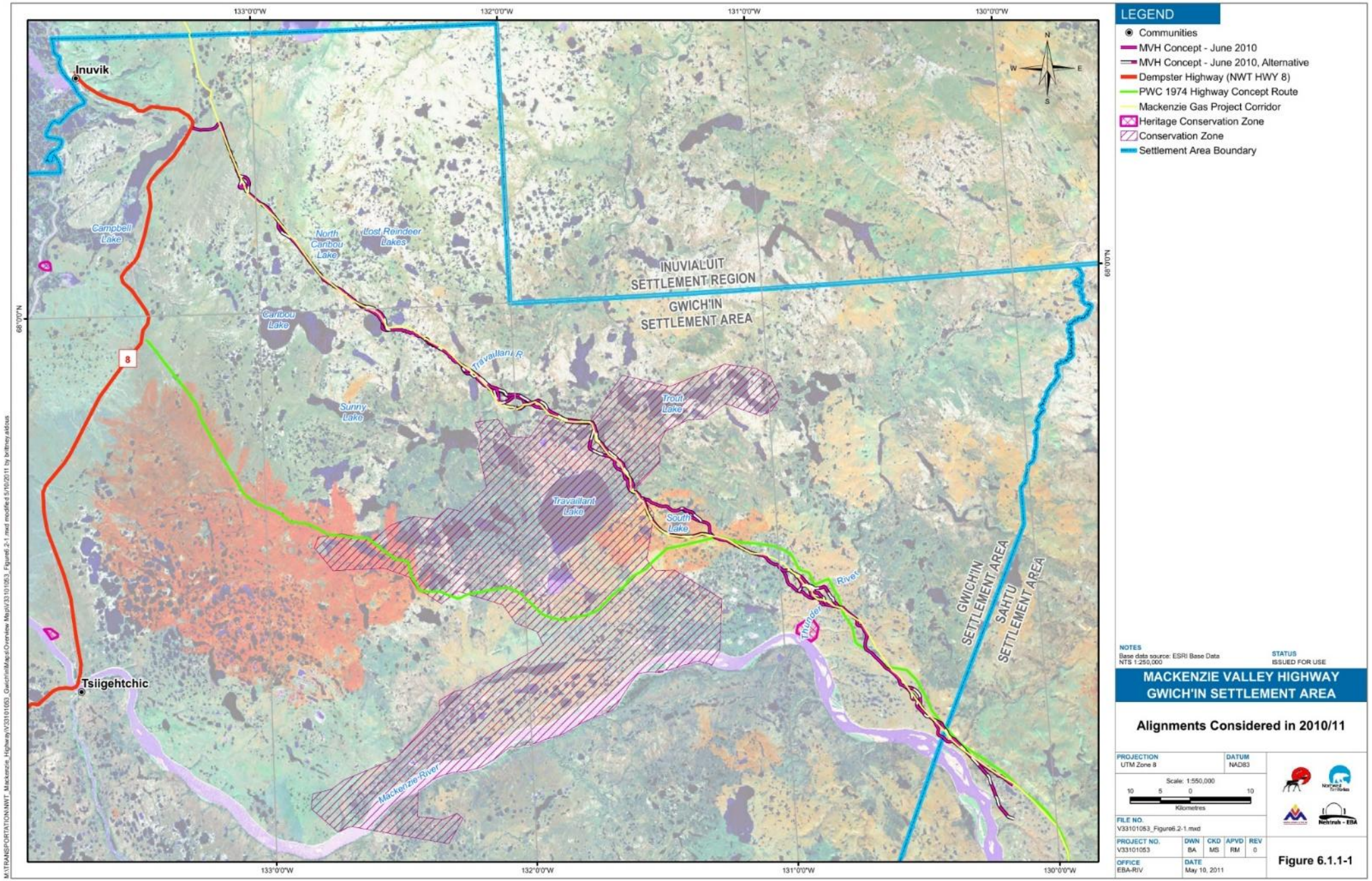
- Existing data used for study of the pipeline and fibre-optic corridors provide information that is not available for the understudied southern routes

  Route Option A is the only option supported by both MVH-specific field studies (the 2010 routing study and the June 2010 engineering, environmental and archaeological field program; GTC and GNWT 2011, pp. 6-7 to 6-8) and the detailed baseline studies completed for the Mackenzie Gas Project, which GTC and GNWT found "transferrable to the Highway project" (GTC and GNWT 2011, p. 6-6). The southern routes rely largely on survey and design work from the 1970s, completed before the Gwich'in Land Use Plan was in place (GTC and GNWT 2011, pp. 6-2, 6-6). The alignments (Figure 1) that were considered by GTC and GNWT in 2010/11: the 1974 Public Works Canada route (the basis of Route Option C), which runs south of Travaillant Lake through the Heritage Conservation Zone, and the northern MVH Concept route (now Route Option A), which follows the Mackenzie Gas Project corridor north of Travaillant Lake (GTC and GNWT 2011, Figure 6.1.1-1).

- Gwich'in community members consulted at the time the northern corridor was jointly selected by GTC and GNWT stated that "the alignment that follows the proposed pipeline is preferable over the 1970s proposed highway route" (GTC and GNWT 2011). This route avoids:
    - culturally-important and valuable routes / trails and sites connecting to the Mackenzie River; and
    - private land intersects (i.e., more expropriation would be needed on other routes)

Variance from the northern route will extend the duration of the impact assessment and the time before the road is completed. Rationale for any option, especially one that varies from the 2011 GTC–GNWT preferred route, needs to be required by the terms of reference.

Figure 1. Alignments considered in 2010/11 in the Gwich'in Settlement Area. Source: GTC and GNWT 2011, Figure 6.1.1-1, p. 6-3.



6. Closing

The Nihtat Gwich'in remains committed to participating in the review and approval of the Mackenzie Valley Highway; per our responsibility to our Participants and stewards of the land, and the agreements with governments made under the *Gwich'in Comprehensive Land Claim Agreement*. We look forward to your response, and ongoing involvement in this important project in the Gwich'in Settlement Area.