

August 6, 2024

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SENT ELECTRONICALLY ONLY

By Way Of: cfairbairn@reviewboard.ca

**RE: MACKENZIE VALLEY HIGHWAY – ENVIRONMENTAL IMPACT REVIEW (EA 1213-02),
FOLLOW – UP DISCUSSION**

Acho Dene Koe First Nation writes to provide further comments on proceedings of the proposed Mackenzie Valley Highway (EA1213-02) that will connect Wrigley to Norman Wells with a gravel all-season road. Comments are prepared following a discussion on the project that took place on June 18, 2024, between the Government of Northwest Territories ("The Proponent"), DRPA Canada (Consultant on behalf of the Proponent), and Acho Dene Koe First Nation.

Mackenzie Valley Highway

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

However, many adverse impacts will also accompany this project. Those impacts directly related to project construction or maintenance activities, such as habitat destruction and disruption, land transformation, and vehicular incidents, should be focal points of this assessment and resulting mitigation efforts. Those more tangentially or indirectly related to the project, serving as secondary impacts (e.g., impacts to community health and well-being, changes in traditional practices and economies, and access to drugs and alcohol), can be difficult to fully appreciate and avoid. For example, the highway may increase the overall amount of traffic entering the Northwest Territories, increasing the potential for vehicular incidents, wildlife disturbance, crime, and access to harmful substances, which may appear anywhere increased traffic is experienced. As a result, through this assessment, effort must be afforded to ensure that risks and adverse impacts are fully understood and minimized for all communities, including those communities peripheral to or, like Acho Dene Koe First Nation, become pass-through areas. Similar effort is necessary to ensure that all communities impacted by this development receive appropriate net benefits to accommodate them but also to help the NWT as a whole flourish while mitigating the likely cumulative impacts of development. To best understand the impacts, a cumulative effects study ought to be conducted, and the impact on Treaty and Aboriginal rights, including our rights to hunt, harvest, and fish, should

be accounted for. In so doing, the MVEIRB and the GNWT must reflect on the words of Justice Burke in *Yahey v. British Columbia*: “with more and more takings and development it becomes harder and harder for the Crown to fulfill its promise to Indigenous people that their modes of life would not be interfered with.”¹

Consideration of Acho Dene Koe First Nation’s Concerns

Acho Dene Koe First Nation representatives had an opportunity to meet with representatives of the Developer and DPRPA to further articulate the concerns that Acho Dene Koe First Nation highlighted in our initial review of the Developer’s Assessment Report², and discuss opportunities the Developer’s plans to mitigate concerns. Chief among our concerns are the potential for adverse social effects to impact, as well as maximizing benefits for economic opportunity for communities along primary transportation corridors that connect the proposed project to southern Canada. These concerns and opportunities are not intended to diminish or draw attention away from more direct impacts of the project, but rather articulate the need to ensure that a complete accounting of adverse and beneficial impacts is completed, both as part of the assessment and through implementation of the project.

As apparent in our discussion with the Government of Northwest Territories and DRPA Canada, the intention is to implement an “Adaptive-Management Approach” towards mitigating potential negative socio-economic impacts that may result from the project’s undertakings. However, we feel as currently understood, this approach has limitations, relying heavily on responding to observed effects within the Regional Assessment Area. While it is important to have adaptive management mechanisms in place to respond to unforeseen issues, it is equally important to proactively address potential negative impacts. We recommend the implementation of specific programs designed to anticipate and reduce potential negative impacts, in conjunction with an adaptive-management approach mechanism.

Furthermore, we feel that the project is limited by the geographic scope of the undertaking within the Project Development Area (PDA), Local Assessment Area (LAA), and Regional Assessment Area (RAA). Generally, we find that the geographic scope of the assessment does not appropriately consider the farther afield locations that may still realize impacts from this project. The nature of this project facilitates the flow of goods and people well beyond the PDA, LAA, or even RAA, with that are the movement of possible effects. Further, the Northwest Territories is unique in considering the potential impacts of a highway project. Notably, the low roadway density, and overall lack of significant roadways mean that road-based traffic flow into the Territory is highly constrained, with Highway 1, Highway 5, and Highway 7 serving as the only three major access points into and out of the Territory. All out-of-Territory traffic increases resulting from the Mackenzie Valley Highway will not simply originate in Fort Simpson (the southern-most community along Highway 1 considered within the RAA) but instead will flow from British Columbia or Alberta via Highway 7 and Highway 1 or 5, respectively. This overall increase in traffic flow through these three highway corridors and their corresponding effects must be appropriately considered within the scope of this assessment, and where appropriate avoidance and mitigation measures must be implemented. In restating this concern for the Board’s consideration, we emphasize the need for appropriate assessment to be conducted to examine the effects of traffic and transience through Acho Dene Koe First Nation, and

¹ *Yahey v British Columbia*, 2021 BCSC 1287 at para 250.

² Letter from Acho Dene Koe to Review Board, February 27, 2024.

https://reviewboard.ca/upload/project_document/ADK%20Letter%20to%20MVEIRB.pdf

where effects are possible, including our community within meaningful plans for preventative and reactionary programming aimed at minimizing adverse effects and maximizing opportunity.,

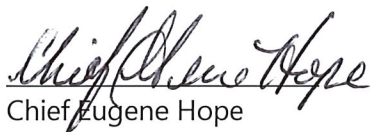
We understand that the Government of Northwest Territories intends to, or has already, commenced working groups to discuss the socio-economic impacts of the project and economic involvement in the project works. In the spirit of collaboration and relationship building, Acho Dene Koe First Nation requests to be involved in these Working Groups. The effects of increased transient persons travelling through our Traditional Territory, as identified above, may adversely impact Acho Dene Koe First Nation.

If you have any questions concerning our response, I would ask that you email our Lands Office at lands@adkfirstnation.ca

Thank you.

Yours truly,

ACHO DENE KOE FIRST NATION



Chief Eugene Hope

Cc. Nick Leeson, NWT Counsel (Lawyer, Woodward and Associates)
Brad Morrissey, Manager of Business Development (ADK Holdings Ltd)
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