



# Pehdzeh Ki First Nation

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January 30, 2025

**Re: EA1213-02 Mackenzie Valley Highway, Government of the Northwest Territories**

**Review Board Information Request 07 (Round 2), to Pehdzeh Ki First Nation**

The Review Board's questions to PKFN are in italics.

*1. Which stretches of road alignment has PKFN indicated need to be rerouted? Please describe:*

- a. the general area(s) and length of the proposed route that needs to be moved to address PKFN's concerns, and*
- b. details of where the route should be moved to, if applicable.*

- a) The route should be rerouted from the beginning of the winter road to the boundary of the Sahtu Dene and Métis Settlement Agreement, approximately 100km. PKFN does not comment on the route north of the Agreement boundary.
- b) The all-season highway should generally follow the Enbridge Pipeline route. From the beginning of the winter road, the route should bend to the east and travel into higher ground near the base of Cap Mountain.

*2. What are the reasons for requesting the route realignment?*

PKFN seeks realignment to mitigate the proposed MVH's negative impacts, as identified by members based on our Indigenous knowledge.

We seek a route that will respect the cultural, historical, and environmental significance of the land, reduce infringements to our Aboriginal and Treaty rights, and provide a more reliable, sustainable transportation corridor than the winter road route.

## **Aboriginal and Treaty rights infringement**

Our members predict that the project would have a very severe negative impact on their hunting, fishing, trapping, and spiritual practices. We hold rights to these practices under both Dene and Canadian laws.

The winter road route follows the east edge of the Mackenzie River (Dehcho). Archaeological evidence shows our use and occupation of these areas for thousands of years. Our Indigenous knowledge explains our continuous high use and occupation of the east side of the Dehcho since before the signing of Treaty 11 in 1921.

Furthermore, the watercrossing areas on the winter road route are centres of high biocultural diversity. They have particular significance and sensitivity for harvesting, cultural, archaeological, and spiritual uses.

The winter road route and associated infrastructure was originally created without consideration of its impacts on our land use, water bodies, archaeological sites, or spiritual uses. They have already caused significant impacts to wildlife, plant life, and to the harvesting that PKFN members hold rights to and depend upon. We have observed further negative impacts from the recent bridge upgrades. For example, we have observed that the loud noises made by the permanent bridges during freeze and thaw have scared away moose.

The winter road and its associated infrastructure has also already caused significant ongoing impacts to PKFN's ability to access and use sacred cultural and spiritual locations.

Allowing permanent year-round access to the route will increase these impacts, increase outsider interference, and interfere with our abilities to pass to future generations the knowledge, language, and laws that flow from these areas and how we use them.

#### **Impacts on moose**

The winter road route travels through muskeg areas that moose and PKFN depend upon. Year-round access to moose habitat will increase pressure on the moose population. A higher elevation route farther east from the Dehcho will have less impact on moose habitat and less pressure on moose populations. Negative impacts on moose will interfere with our members' abilities to provide for their families.

#### **Permanent Infringements on Ndeh and decision-making authority**

The GNWT is making decisions that permanently affect PKFN's unceded territory and infringe upon our Aboriginal title to our Ndeh.

The proposed route will permanently negatively impact our land management and conservation goals for our Ndeh, which have been in development, in discussion with the GNWT, for over 2 decades and are based on our Dene knowledge, values, and responsibilities.

One of our most important Dene legal principles is our responsibility to protect our Ndeh. Our Elders, in past land use planning, envisioned that infrastructure would be kept to a single corridor in order to protect our Ndeh and future generations from its negative impacts. The proposed route makes this impossible.

#### **Ground safety and stability problems**

We know the winter road route in all seasons and disagree with the GNWT's desktop analysis. Our members are familiar with dramatic ground slumping, instability, erosion, slide problems, drainage

system problems, and permafrost degradation on the low-lying, wetland and clay-based winter road route.

We observe that these problems are increasing as climate change accelerates. The long construction timeline for the proposed MVH will mean that the ground changes and problems will be even more significant before the road is completed. The winter road route is unreliable and unsafe and will be extremely difficult and expensive to maintain as an all-season road. The Enbridge pipeline route, on the other hand, was already selected for all-season suitability.

#### **Borrow source sites**

Proposed borrow sites along the winter road route include sacred locations. Alternate borrow sites would be available upon a higher inland route.

#### **New Access to our Ndeh**

Highway design must consider how to manage increased visitor access to our Ndeh. A higher elevation inland route east of the winter route would significantly mitigate the impacts of increased visitor access to the invaluable areas and water systems near the Dehcho and along the winter road route. Our members are deeply concerned about increased access to recreational and illegal harvesting, overharvesting, overfishing, and visitor disrespect to sensitive areas.

#### **Tourism benefits to higher route**

A higher elevation inland route will allow scenic landscape views that are not possible on the winter road, benefiting tourism. The winter road route has no vistas like these.

*3. Has GNWT proposed re-routing to address your concerns? If so, where and how?*

The GNWT has consistently told us that re-routing is only possible within the proposed 1km winter road corridor.

We look forward to providing more detail to the GNWT and the Review Board.

Mahsi,

for  SAO

Chief Jamie Moses