



Pehdzeh Ki First Nation

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March 17, 2025

Mark Cliffe-Phillips, Executive Director
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre, 5101 50th Ave
PO Box 938
Yellowknife, NT X1A 2N7

Dear Mr. Cliffe-Phillips,

Re EA1213-02: Request for Ruling by Review Board to accept IK confidentially

Requested Ruling and Grounds for Ruling

Pehdzéh Kì First Nation requests a Ruling under Rule 63 for the Review Board to accept confidential Indigenous knowledge in written form.

Relevant Facts

We would like to share information that includes all three elements of traditional knowledge identified by the Review Board:

- a) knowledge about the environment;
- b) knowledge about use and management of the environment; and
- c) values about the environment.¹

We would like to share this information because we want the Review Board to understand the importance and sensitivity of areas affected by the proposed MVH route. The information shows that the Project area and Local Assessment Area critical use areas upon which our members depend. It will help explain our prediction that the MVH route will interfere with our abilities to exercise our Aboriginal and Treaty rights relating

¹ MVEIRB, *Guidelines for Incorporating Traditional Knowledge into the Environmental Impact Assessment Process*, 2005, p. 6, s. 1.3 (1-3).

to traditional land uses, including harvesting, land management, cultural and spiritual uses, and Dene education.

We request confidentiality because the information includes sensitive information about our Ndeh, including information regarding sites of intangible significance. As set out in our February 19, 2025 letter, we are in the difficult position of having to disclose private information to uphold our responsibility to protect our Ndeh.

Our concerns come from experience. One spiritually significant location is no longer accessible because of bridge construction. Our members cannot do what we are supposed to do in relation to that place. We still mourn this loss. PKFN is extremely concerned about potential harm to other areas of importance. We also want the Board to understand why realignment is a reasonable and necessary mitigation measure.

The information has been or will also be shared with GNWT-Infrastructure and/or their consultants under our 2025 MVH Confidentiality Agreement.

If the Review Board decides to accept our information confidentially, we will provide summaries for the Public Registry. We can also indicate how to refer to the confidential information for the remainder of the assessment.

Regarding ATIPP Requests

We understand that information received confidentially by the Review Board may be subject to requests under the *Access to Information and Protection of Privacy Act*, SNWT 1994, c 20. Disclosure without our authorization would cause irreparable harm to inter-governmental relationships, as contemplated by s. 16(1) of that act, and may cause harm to conservation as contemplated by s. 19.

If the Review Board is required by law to disclose our confidential information, we request prompt notice so that we may seek a protective order or other remedy. If the Review Board becomes ultimately required by law to disclose our information, we request that the Review Board use reasonable efforts to ensure that our knowledge would receive appropriate confidential treatment.

Attachments

We have attached our documents and understand they will be treated confidentially until the Board has reached a decision. If the Board rules against our request, we will withdraw our documents and consider how it is possible to proceed.

Please do not hesitate to contact me with any questions.

Mahsi,

A handwritten signature in black ink, appearing to be 'J. Moses', written in a cursive style.

Chief Jamie Moses