



# Pehdzeh Ki First Nation

Box 56  
Wrigley, NT X0E 1E0  
Phone: 867-581-3321  
Toll Free: 1-855-813-5223  
Fax: 867-581-3229  
Band 756

March 4, 2025

Mackenzie Valley Environmental Impact Review Board  
200 Scotia Centre  
Box 938, 5102-50th Ave  
Yellowknife, NT X1A 2N7

## **Re EA 1213-02: Maskwa Engineering Alternate Route Engineering Study**

Please find attached a report from Maskwa Engineering: "The Mackenzie Valley Alternate Highway Route Alignment: A Study on Physical Viability". Confidential information has been redacted.

Pehdzeh Ki First Nation commissioned this study because GNWT-Infrastructure has not considered routing outside the proposed 1-kilometre corridor. We believe that realignment is necessary to mitigate the highway's negative impacts, as identified by our members based on our Indigenous knowledge.<sup>1</sup>

Most projects cannot just be moved to mitigate significant impacts, but for the MVH it is possible. We propose realignment from the beginning of the highway extension to approximately the boundary of the Sahtu Dene and Metis Comprehensive Land Claim Agreement. We make no comment regarding alignment in Sahtu settlement lands.

Maskwa's engineers conclude that "an alternate all season highway alignment is viable".<sup>2</sup> The report states that:

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<sup>1</sup> See PR321 – Response from PKFN to MVEIRB-7, for more detail.

<sup>2</sup> Maskwa Engineering: "The Mackenzie Valley Alternate Highway Route Alignment: A Study on Physical Viability", at pp. 3, 18.

Maskwa Engineering has identified a route that will result in higher embankment stability, ease of accessing construction material, less impact to traditional lands, and lower risk of sediment and erosion concerns.<sup>3</sup>

Also, “the route respects the cultural, historical, and environmental significance of the land”, and “is designed to provide a more reliable and sustainable transportation corridor.”<sup>4</sup>

### Longstanding alignment concerns

We disagree with the developer’s statement that at the time of writing the DAR, PKFN had only ever made “casual mention” of an alternate route.<sup>5</sup> The 1999 MVH environmental scoping report includes comments from our leaders that a highway extension “will affect wildlife, cultural heritage sites, fish spawning sites, and fish migration habitat” and “the alignment... should not necessarily follow [the] winter road route”.<sup>6</sup>

Our alignment concerns and suggestions are also included in the 2012 Project Description Report (PDR).<sup>7</sup> The authors made this recommendation:

[There is an] important amount of activities occurring on the territory near the MVH corridor and along the riverbanks of the Mackenzie River.... For this reason, as currently proposed, the future all-weather road in the Dehcho section of the MVH extension Project has the potential to directly affect traditional activities along the route, as it will intersect high-use areas identified by the DLUPC. For this reason, additional realignment proposals, relocating the future all-weather road further inland, were suggested.... At this stage of the design process, these suggestions have not been considered, however it is highly recommended to take them into account during the later stages [emphasis added].<sup>8</sup>

We have consistently raised our alignment concerns with Infrastructure representatives, including, for example, in our meeting with then-Minister Diane Archie on Dec. 15, 2022.

We have also repeatedly asked the GNWT to expand field study areas to collect data that would make it possible to meaningfully compare different alignments. We have been concerned for several years that the GNWT’s ongoing collection of data relating only to the winter road route has already foreclosed serious consideration of other options.

### Importance of interests at stake

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<sup>3</sup> Maskwa p. 3.

<sup>4</sup> Maskwa p. 4.

<sup>5</sup> PR283: Transcription – Technical Sessions Day 1, p. 38, lines 8-11.

<sup>6</sup> PR325: GeoNorth Limited and Golder Associates, “Mackenzie Valley Highway Extension: Scoping, Existing Information and the Regulatory Regime”. (1999), for GNWT Department of Transportation, at pp. 20-21.

<sup>7</sup> Dessau, *Mackenzie Valley Highway Extension/ Pehdzeh Ki Ndeh – Dehcho Region: Project Description Report*. (2012). See, for example: s. 3.5.3.3, p 37; s. 3.6.1, p. 39; s. 3.6.4.3, p. 43-44; s. 4.1.1.1, p. 75.

<sup>8</sup> PDR p. 75.

I would like to emphasize the seriousness of PKFN's interests that are at stake. The highway will interfere with our members' abilities to exercise our constitutionally-protected Aboriginal and Treaty rights, including harvesting rights, and our abilities to pass them on to future generations. Any interruption to our harvesting risks a food security crisis as every household depends on it. Harvesting is essential to our physical, social, economic, cultural, and spiritual well-being. In our small community, everything must be considered in an interconnected way. One change pulls on all the other threads of our community fabric.

**No confidence in predicted impacts**

Our view is that the GNWT's predicted impacts on our N'deh, our members, our abilities to exercise our rights, and on road stability, are incorrect for several reasons. First, the DAR has significant information gaps regarding our N'deh, our reliance on it, and our community's circumstances, so the conclusions are unreliable. Second, the GNWT is using incorrect standards for assessing impacts, including cumulative impacts, and their significance. Third, we do not have confidence in the GNWT's proposed mitigation measures, based on our own experience; on how vague and aspirational the measures are; and because the measures are reactive, not preventative. We understand that the Review Board has requested more detail from the GNWT on proposed mitigations.<sup>9</sup>

PKFN is actively working to provide more information to the GNWT and the Review Board. We are concerned that the assessment will proceed and complete before it is possible to deeply consider our concerns, knowledge, and accommodations.

We look forward to further discussion.

Mahsi,

A handwritten signature in black ink, appearing to be 'Jamie Moses', with a long horizontal stroke extending to the right.

Chief Jamie Moses

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<sup>9</sup> PR318: Review Board Cover Letter to GNWT – IR Round 2 – re MVH Mitigation.