



Chief Jesse (Jamie) Nekeneyia-Moses  
Pehdzeh Ki First Nation  
Wrigley, NT X0E 1E0

Dear Chief Jesse (Jamie) Nekeneyia-Moses

by EMAIL

## **Response to Pehdzeh Ki First Nation Comments on the proposed Mackenzie Valley Highway Project (MVEIRB File EA1213-02)**

---

The Northern Projects Management Office (NPMO) extends its congratulations on your recent election as the new Chief of Pehdzeh Ki First Nation (PKFN). The Government of Canada (NPMO and the federal departments involved in the review of the proposed Mackenzie Valley Highway Project [MVH Project]) would like to take this opportunity to welcome you to the role and invite PKFN to follow up with NPMO if there are any questions or concerns regarding consultation on the proposed MVH Project. We look forward to working with you.

The roles of the Government of Canada and the Government of the Northwest Territories (GNWT) in the MVH Project assessment were outlined in the initiation of consultation letter sent to PKFN on November 10, 2023.<sup>1</sup> That initiation of consultation letter for the environmental assessment of the proposed MVH Project also provided information on how the Government of Canada uses the Mackenzie Valley Environmental Impact Review Board's (MVEIRB) process to help fulfill our consultation obligations and invited PKFN to participate in the MVEIRB environmental assessment process.

On February 29, 2024, former Chief Lloyd Moses responded to the initiation of consultation letter noting concerns about an overlap issue between the Sahtú and the Dehcho.<sup>2</sup> On March 1, 2024, PKFN made a similar comment to the MVEIRB through the Online Review System for the review of the MVH Project Developer's Assessment Report, referring to the "48.6 km" that needs to be discussed.<sup>3</sup>

The Government of Canada understands that the overlap issue mentioned by PKFN refers to Sahtú Settlement Land parcels located between the Blackwater River and the Saline River and along the proposed MVH Project route.

The Government of Canada would like to take this opportunity to address the above-noted concerns raised by former Chief Lloyd Moses by explaining that it views matters related to overlapping claims

---

<sup>1</sup> [Initiation of Consultation by the Government of the Northwest Territories and Canada on the Environmental Assessment of the proposed Mackenzie Valley Highway Project \(MVEIRB File EA1213-02\), November 10, 2023.](#)

<sup>2</sup> [PKFN Response to Initiation of Consultation Letter, February 29, 2024.](#)

<sup>3</sup> [PKFN Comment through the Mackenzie Valley Highway Developer's Assessment Report Online Review System, March 1, 2024.](#)

beyond the scope of the MVH Project environmental assessment and the project-specific Crown consultation. PKFN's concerns have been shared with federal negotiators and can be more appropriately addressed through bilateral discussions with Sahtú Dene and Métis and through the existing Dehcho Process modern treaty negotiations.

The MVEIRB has jurisdiction to consider and recommend measures on the development of the proposed MVH Project. It does not have the authority or power to address matters related to modern treaties or other comprehensive agreements between Indigenous peoples and the Crown.

Project-related consultation is not an exercise in recognizing rights. Aboriginal rights are formally recognized by the Crown through treaties, court decisions, and other constructive arrangements. Project-related consultation is about working together to understand the effects of Crown conduct in a particular context, in this case, as a decision-maker and regulator on the MVH Project, which involves meaningfully seeking to understand how this specific project has the potential to negatively impact Aboriginal rights and how best to address, mitigate and/or accommodate these potential impacts.

As referenced in our November 10, 2023 letter,<sup>4</sup> the Crown intends to rely on the MVEIRB process as a primary means to fulfill our consultation and accommodation obligations for our decision related to the environmental assessment of the MVH Project. The Government of Canada encourages PKFN to share any information regarding potential adverse MVH Project impacts on PKFN's asserted Aboriginal and treaty rights as well any proposed mitigation measures through the MVEIRB process. This will enable all parties that are participating in the environmental assessment process (including the Crown) to properly understand how the MVH Project could affect PKFN's asserted Aboriginal rights and interests and allow your concerns to be considered and properly addressed by MVEIRB, the proponent (the GNWT's Department of Infrastructure) and the Crown.

The Government of Canada would like to assure PKFN that any issues or feedback provided during the MVEIRB environmental assessment process will be considered, and any unresolved concerns can be addressed during post-assessment consultation and prior to any decision being made.

### **The Sahtú Dene and Métis Comprehensive Land Claim Agreement (Sahtú Agreement)**

The Sahtú Dene and Métis Comprehensive Land Claim Agreement (1993) provides the Sahtú Dene and Métis title to 41,437 square km of land in the Northwest Territories, including 1,813 square km of subsurface minerals that may be found within, upon or under such lands. The agreement also provides for the negotiation of community-based self-government agreements.

---

<sup>4</sup> [Initiation of Consultation by the Government of the Northwest Territories and Canada on the Environmental Assessment of the proposed Mackenzie Valley Highway Project \(MVEIRB File EA1213-02\), November 10, 2023.](#)

Chapter 13 of the Sahtú Agreement speaks to the rights of non-Sahtú Aboriginal peoples with harvesting rights in the Sahtú settlement area. This includes provisions to ensure that traditional harvesting by other Aboriginal peoples who have harvested in the settlement area can be accounted for and accommodated.

Chapter 28 of the Sahtú Agreement also speaks to opportunities for sharing wildlife harvesting and wildlife management rights under the agreement with adjacent Aboriginal groups. While the Dehcho First Nation is not explicitly mentioned in this chapter, the Government of Canada encourages Indigenous governments and organizations with overlapping traditional territories to enter into overlap discussions directly with each other as a way to address their individual and mutual interests.

### **Dehcho Process**

The Government of Canada notes the ongoing modern treaty negotiations between the Government of Canada, the Dehcho First Nations, and the GNWT. The objective of the Dehcho Process negotiations is to clarify rights and provide clarity and certainty with respect to Dehcho First Nations' land, resources and self-government rights in the Northwest Territories.

As identified in the Deh Cho First Nations Framework Agreement, the scope and content of Dehcho Aboriginal rights and title, beyond the provisions in Treaty 11, including the location of settlement land parcels, tenure, and overlapping rights generally form part of the modern treaty negotiations process. The Government of Canada understands that PKFN is part of the Dehcho First Nations and is of the opinion that the Dehcho Process modern treaty negotiations are the appropriate avenue to address PKFN's concerns regarding overlap.

If PKFN has any additional or future questions regarding the Federal Crown Consultation process for the MVH Project, please contact Shannon Allerston, Project Manager, at [shannon.allerston@cannor.gc.ca](mailto:shannon.allerston@cannor.gc.ca) or 867-445-7230.

Sincerely,

Adrian Paradis  
A/Director General  
Northern Projects Management Office

c. Distribution List

Distribution List:

Joanna Ankersmit  
Director General, Natural Resources and Environment Branch  
Crown-Indigenous Relations and Northern Affairs Canada

Andrew Randall  
Regional Director, Ecosystem Management,  
Fisheries and Oceans Canada

Mary Taylor  
Director General, Environmental Protection Operations Directorate  
Environment and Climate Change Canada

Rinaldo Jeanty  
Associate Assistant Deputy Minister of Lands and Mineral Sector  
Natural Resources Canada

Shari Currie  
Director General, Prairie and Northern Region,  
Transport Canada

Ron Pankratz  
A/Regional Director General, Northwest Territories Region  
Crown-Indigenous Relations and Northern Affairs Canada

Chantal Roberge  
National Director, Environmental Health Program  
Health Canada

JoAnne Deneron  
Chairperson  
Mackenzie Valley Environmental Impact Review Board