

**Environmental Assessment Hearings
Imperial Oil Resources Ventures Ltd.
Dehcho Geotechnical Program
Trout Lake Community Hearing**

Tuesday, November 30th, 2004

[Note: The following notes have been produced by Review Board staff are intended to provide readers with an understanding of presentations and discussions at the Trout Lake community environmental assessment hearing for the Imperial Geotechnical Program in the Dehcho. These are not meant to be taken as verbatim. In the interests of providing these notes to participants promptly, they have not undergone fine editing. Please notify Alan Ehrlich at the Review Board if there are any MAJOR oversights or omissions].

Meeting commenced at 1:15 pm

MVEIRB Vice-Chair Gabrielle Mackenzie-Scott (hearing Chairperson) went through agenda proposed by Sambaa K'e First Nation (SKFN). Agenda approved with additional presentation by Imperial Oil Resources Ventures Ltd. (IORVL).

Opening prayer delivered by Elder Edward Jumbo.

Opening Remarks by SKFN Chief Dennis Deneron

(Opening comments first delivered in South Slavey). [In English] Chief Deneron welcomed everyone to Trout Lake and thanked everyone for coming. Introduced counselors, Elders and development corporation directors. Margaret Jumbo and Violet Sanguez translating for SKDB. Introduced Peter Redvers, Traditional Knowledge consultant.

Opening Remarks by Gabrielle Mackenzie Scott

Chairperson Gabrielle Mackenzie-Scott stated that the Board came to conduct environmental assessment on Imperial Winter Geotechnical Program. She said that "the most important thing is we hear from the community from Trout Lake. It is important that members tell us what they want. We take what we hear. If you don't say anything we don't have anything to go by". Chairperson Scott described the agenda, and opportunity for presentation of community issues.

Gabrielle Mackenzie-Scott: Information we hear from you today will only be part of record for this proceed. The Review Board will look at all both hearing evidence and the

written public registry when making a decision. We want everyone to be comfortable when speaking to the Review Board. We do have translators so speak slowly and loudly.

Elder Joe Punch- [as translated]: When we come together to have a big meeting, we are here to listen carefully to one another. In the past there have been quite a few meetings, and lots of people lately. We keep participating because this is a very important subject to us. In the past we had meetings with oil companies and come to the community. We went through hundreds of meetings with still more to come. We have to take these things seriously and concentrate carefully on what we say because this development activity will go for a long time. We've been compiling TK for over ten years, and are we are still waiting for it to be listened to.

Gabrielle Mackenzie-Scott restates this is not Mackenzie Gas Project hearing, but is specific to the proposed geotechnical program. Recognized connection between two projects. Notes importance of focusing information on winter geotechnical program. "We look forward to listening to your views. We do have Imperial oil here and would like Jim Hawkins to introduce his staff".

Jim Hawkins : Described how he will be leading group today, joining Dee Brandes (Community Liaison), Carl Warner (Biologist with AMEC consulting), Jim Poplin (Engineering and construction leader), Wayne Shalagan (counsel), and other Imperial staff in the audience.

Gabrielle Mackenzie-Scott: Notes attendance sheet, requests translators speak loudly for people who are taking notes, and asks people who want to speak please say names first for record.

Chief Deneron: [Translated Jim Hawkins's introduction].

SKFN Traditional Knowledge Study Presentation

Peter Redvers: Worked for Sambaa K'e for 7 years now. Involved in TK study for past 2 years for the MGP.

Peter Redvers: Gabrielle had mentioned that the board wanted to hear from community members about the pipeline and about their concerns. If the people here had to sit and tell everything they knew about the corridor and the land in the corridor area and their concerns, we would be sitting here for two weeks. There is that much knowledge and information out there.

So, as a way of capturing all of the knowledge in the community, the Elders, the harvesters know about that corridor area and to ensure all of the concerns are properly documented, this community decided/agreed with funding from Imperial to carry out a TK study related to the proposed project.

[handed out confidential study to board members]

Peter Redvers: Gave a brief overview/summary of the TK project because many community issues related to Imperial winter geotechnical program are rooted in or based on community knowledge. Information/concerns were gathered over a period of almost a year. This study resulted in a very detailed report that was presented to Imperial formally in May of this year. A copy of that, with confidentiality restrictions in place, will be presented later today to the MVEIRB so you have a good and detailed understanding of connection that this community has to the land.

Peter Redvers: I've given a copy of the presentation (which is itself a summary) to the Board to move through it more quickly. Just intended to provide an overview, because they would like to move to some video footage to have Elders and harvesters talk about the land. This is what it is about-- about land being used for traditional purposes. It is good land. So would like to move through this quickly.

Very simply, the band/community developed a TK policy, negotiated an agreement with Imperial to do a TK study and went through a very detailed process of gathering and putting information together in report form. There were four main parts to the project: scoping/planning, information gathering and Violet played a key role in that, there were also group interviews with Margaret (translating), ground truthing, and a final report.

The planning involved community meeting but also a decision was made to videotape the right of way so it could be shown to all community members for engaging and connecting people to that area. Part of this what you will be seeing. The information gathering included many individual interviews. There was a series of community meetings to talk about things as a group including showing of the video tape took six months to carry out that work. All of the interviews and the meetings were done in Dene Gah Te (sp?), where representatives of the MGP were brought back to meetings so that community members had a better understanding of the project, to map wildlife, cultural values etc. in the pipeline corridor.

The third part of the study was a ground truthing trip out in the corridor area. There were 13 people. Info from tracks of the caribou, GPS and other important information about sites and watershed were also collected. And all of the information and a lot of digital mapping work was brought together in a final report. Before the report was finalized, we had a community meeting, in December of last year, and read through and translated every single one of the recommendations. Also read through a summary of the information gathered to ensure that was in fact how the community felt and how they wanted things said.

The report presented information in four watershed areas. The Elders here today, and harvesters expressed strong statements about the importance of water to life, to the plants, animals and people. Fromt Sambaa K'e to border of Alberta, there were four watershed areas and the information in the report was grouped according to those watershed areas. The first watershed would be the Samba Lia (sp?) watershed in the Sambaa K'e

traditional land use area . Creeks north of the winter road crossing generally flow into that area. Samba Liea has tremendous traditional value as it is the only river that flows out of this highly used area, and still used for hunting trapping and gathering purposes. It's only that stretch of maybe 30 km. It is excellent habitat for beaver, fish, caribou, moose, traditional plants, and sandhill crane. A very rich stretch of land. A number of those key sites and valleys were identified and contained within the report.

The second watershed area is between the road and Keotse'e and moves in a westerly direction, but it doesn't flow into Sambal Liah. It moves cross country and ends in the Mackenzie River. <points out caribou tracks> This area had the highest concentration of woodland caribou during that ground truthing trips, as well as nesting sites, and good timber areas for cabins and good trapping country. Environmental and cultural value areas have been mapped and identified in the report.

Watershed C is the most sensitive area along the proposed corridor. When you get closed to K'eotsee the watershed shifts from NE direction. There are about 4-5 creeks that feed in a SW direction, into K'eotsee and (Trout?) Lake and directly into the river that flows beside the community of Samba K'e.

Government named that lake after an aircraft mechanic who lived in Yellowknife at the time. The traditional name Ke'otsee is related to the giant who actually formed many of the lakes and rivers in the area. It is a very old name and an example of how traditional knowledge is ignored, when you can have a name for a lake for so many years and the government can just come in and give it a name without any consultation.

When you look at this map (map of K'eotsee) it is fairly obvious there is a huge number of environmental and cultural values that surround that lake with nesting sites, moose, historic use...etc. It is a very very special area for the Samba Ke people.

The (4th) watershed is south of K'eotsee. The land shifts again and the watershed here now starts to flow the east toward Kidilia, the upper Kakisa River. All of these creeks flow into the Kakisa through an area of Taklic (?) and Tathlina Lake. Certainly the reason Julian Landry (of Kakisa) has joined today. People in the TK study recognized in the study that the watershed did flow eastward and we were hoping the Kakisa people could speak to their concerns at some point.

Traditionally this was an important travel route and area of Samba Ke area, and the Kakatoo people from Tathlina, although more recently the Samba K'e Dene have used it more than other communities. Again, this is a very rich country, good for moose, and porcupine (which is prized by the Samba K'e people) and good fur and trapping area in that country.

Based on this report, the community made a series of recommendations. In the document the Review Board members have there is a summary of the recommendations. I have inserted a copy of the pages from the report that provide more detail. These relate to protection of land, water, wildlife, values in area, use of traditional place names,

traditional land use for a long period of time, plants vegetation , and water. All these things have people have addressed by the community. There are some important statements made. Those recommendations need to be considered very seriously by the Board for something like the winter program because that will have an impact on that land area.

Elder Joe Punch (English): Speak in from experience with the first oil company that came here, we started with a meeting. I was there. They said we they were being told by Ottawa, "if you ever go to Trout Lake, let the people say that it is Dene land, and the oil company shouldn't say this and that". And this is truly what they were told. We shouldn't have been treated that way when the big shots were here, being told where they could to put the pipeline. Developers and Ottawa shouldn't be boss of the Dene land. What the Dene say, you've got to obey. And it was as Peter (Redvers) said about K'eotsee. You can check with Morris (?) in Ft. Simpson-- he is a guy you have to see. , There is 400-500 person camp proposed, and they want to drain water from Trainor Lake. If anyone wants to drain that lake, they had better call and talk to us first.

I'm glad this time we're being talked to, since it is Dene land. We are not against you. But since other work has been done on uour land, there is a three month period with no water in creeks. Trout Lake was low. Traynor Lake us only a few miles upstream. I 'm concerned. Dene are the bosses of their land, and have seen the land drying up for the last few years. If the watershed in K'eotsee dries up it will affect Trout Lake because it is downstream. If you put a 900 person camp their water needs could have serious impacts.

We probably still have 100 more meetings with oil companies to go. We've got to be clear and honest here.

[Short break. Resume 2:55 pm with presentation of SKFN video.]

Video narrated by Chief Deneron:

Video taken flying up the trout river – going to Enbridge pipeline crossing. Includes:

- Sambaalia and Winter Road
- Deehaacho – between Trout River and winter road – fish beaver etc "big creek"
- Original camp and heater station site
- Winter road crossing boggy area
- Wet country, swampy lots of bogs
- Enbridge ROW South of Winter Road
- Hard ground in area shown popular, jack pines dense, site community proposed for heater station and camp, already existing on hard ground don't have to deal with swamps, building up base etc. About 3 km south of winter road.
- Helicopter pad and winter road
- Between winter road and K'eotsee
- Low swampy area, woodland.

Vick John: The reason why we are really protecting those swamps, this time of the year , is because there are always caribou in that area. They like swampy areas for different

kinds of soft vegetation. In summer time there is always bird nesting in those areas (sandhill crane and geese).

Edward Jumbo: About 10 years before the pipeline, they were getting ready and some people said "well if they are going to put pipeline anyway our people might benefit from it". Most people did not want one because it might destroy animals and all the land the animals live on. Then they thought about it long time, and when the pipeline was put in, around Ft. Simpson, families living across Fort Simpson were promised there would be benefits but they never came. None of the Elders that were there exist anymore. For our future generations, we want something done so they won't suffer in the future. We want there to be many animals, and plants on the earth for the animals to feed on. If we destroy the vegetation and all the lakes and streams there will be nothing left, and we don't want things destroyed. Lots of people say when a big project comes, that we want money from it. We may want benefits, but the main thing we want to see is our land strictly protected. We want to keep all the creeks that run toward the lakes and rivers, we can see they feed Trout Lake and its people. We also want to protect what is flowing toward Kakisa. We want to protect everyone downstream, along the Mackenzie River. The protections we want are not just for us, it's for everyone downstream. If all the water, animals, and fish get destroyed, what will we live on? All we have to look at all that.

Video: ROW Relocation (Chief Deneron) – Important legends exist about the area being shown. We don't want it destroyed.

Edward Jumbo – This is the area of the porcupine. There is a hill there the shape of a porcupine. Legends of it have been around for centuries, and we don't want it destroyed. It is also an area where the caribou are.

Chief Deneron: (re: Rejected gravel pit area) – Community said no to this area. There are a lot of meadows and low ground. Lots of animals that use that area. It's a nesting site. From here to Traynor Lake and Trout Lake is important caribou habitat, with many lichens. These are also all trapping areas.

Vick John – We want protected areas. When hunters go on land and go hunting bring back caribou and moose, not only one family has the meat. Once it is brought back, everyone shares. That we want the pipeline developers to be careful, for example to watch out how you cross creeks and rivers

Chief Deneron: New study on species at risk show boreal woodland caribou is on that list.

Peter Redvers: (Showing the area where the MGP was originally proposed, and getting close to K'eotsee): Based on TK and discussion, Imperial made a decision to move the MGP corridor 2.5 km further east.

Chief Deneron (narrating video):

- The original camp site area was rejected. That is where the 900 man camp was originally proposed but due to area being swampy, low ground, community rejected it and wanted to propose it on harder ground.
- K'eotsee – The creeks are really good for fishing.
- From where they put the pipeline in, you don't see any beaver dams anymore but off it you see them off,

Edward jumbo: When they have people working on the pipeline and flying around, be careful with starting up fire in their camps. In summer they were too careless, and a fire started close by his cabin. It burned two of his tin boats and almost lost his cabin but they caught the fire on time.

Peter Redvers: This was part of the summer geotechnical program. Further explained fire situation:– 11000 hectares. And still burning. This was something unresolved in summer investigative work, and the community hasn't received any information back from RWED about it. It serves as an example of things that can happen with projects. Land is so dry, anyone operating on the land needs to take special care and have careful monitoring in place.

Peter: Here's the proposed gravel pit. [Shows area where two gravel pits are proposed right in the K'eotsee watershed]. Edward still expressed concerns about the gravel pit at community meeting last night. [Video: ROW relocation south] Here's where the MGP would move away from Enbridge and move straight south through a high ridge country. All of the cutlines you can see are from oil and gas exploration from the 1950s to the 1970s, all done with no consultation. Cuts through people's trap lines and cabins. People made comments quite often, that this communities' experience makes them know that they do not want that repeated. [Video ends showing Alberta border]

Elder Joe Punch - Encana company had 20 rigs around the lake. We meeting with them. They wanted to drill in middle of lake, and we said no.

Peter Redvers: All the Sambaa K'e traditional land use went below the AB border, but the TK study ended there at AB border.

Gabrielle: Do Board members or people from public about questions about the TK study and the video footage related from presentation?

John Stevenson: Regarding the gravel pits – the two on the east side of lake and the one south, there were concerns about what was proposed. What are the concerns?

Chief Deneron – There are many concerns about water, creeks and streams. And there are sacred areas around there. We don't want those areas disturbed, and we don't want the water quality that is running toward K'eotsee diminished.

John Stevenson: The ROW has shifted east, and said you were happy about that. Is that because of the shift resulting in the gravel pits also being moved?

Chief Deneron – The gravel pits are not moved. The community has proposed that the camp to be moved northward.

Peter Redvers – The ROW and the 900 man camp was moved along the current ROW. The community feels the camp needs to be moved right out of the watershed. The gravel pits are still proposed.

Dolphus Jumbo: Where the pipeline is located – on the slope from the river to the lake- I would like to see moved to the other side, where the slope is toward the east, away from the lake, especially those old creeks running into Traynor Lake. I would like to see that moved further, so that if there is spill there is a lot of way to move it away from the watershed. That is bad enough for me to be concerned, about the pipeline there and the spill, the 900 man camp where the water goes down to the lake, the mess to clean up and everything. That is my concern.

<Peter Redvers hand out SKFN issues paper:>

Chief Deneron: We are worried about water quality. Since the previous pipeline, cause problems. We used to get sucker runs, but since they put it in we don't have sucker runs or white fish anymore. That is the kind of water quality change we are worried about. Two creeks running beside either side of it..

Elder Edward Jumbo: Back 2 years ago, hunters went up to up K'eotsee, they went boating down river, and saw white stuff – and dead fish, with bear tracks that showed bears avoiding and not eating them. Animals know if something die suspiciously and, bears wouldn't even eat the fish. The hunters came back and called Renewable Resources, which flew out there, but couldn't land and wasn't able to see anything. They came back weeks later and everything was gone. Community is worried about water quality and how the fish died. Oxygen was gone. We don't usually see massive numbers of fish die. This is just an example of community fears from development. No reports came from that incident. This fire we had, 26 km down, about 16, 000 hectares, there were trees in river, charcoal and stuff blocking rivers. Don't know if Renewable Resources took note. Now we have to have a water reservoir. It took 4 years to fill it, when they had the chance to drain the water they found fish in there. Two years later, they found a fox floating in there, and found another, and drained it and found another! Blocked it off to a fox, scrubbed it clean, and wash it with chlorine now. All because we couldn't keep using our traditional water sources .

Gabrielle Mackenzie Scott: The TK study reported burial sties. Usually when you go into a region, people say this is where my ancestors were buried, this is where we raised our children. Is that reported in the TK study?

Edward Jumbo: Those are things we identified. For the burial areas, we identified where the ancestors were buried. We held workshops on the land, and took the kids and everyone, closed down town and went out in the spring time and go out on the land. We

went to this one area where grandparents were buried and where we live off the land. It's for future generations to use the land too. That is what they've done.

Chief Deneron: SKFN does a lot of on land activities. We take two weeks off for fall hunting. We take 10 days off for winter time trapper training. Lots of people go boating- 50 people. In the spring time the whole community goes. In the summer time, everyone goes out there. We do workshops to bring Elders to land. When you are out there there is focus. It strengthens the community a lot.

Violet Sanguet – Not all the TK information was put in report, just the info important to the project. A lot of information has been collected from members, but just some was included in report.

4:15 10 min break

4:34 Hearing resumed with IOVRL Presentation

Julian (Allan) Landry: Would like to provide insight into community and how MVEIRB works. One of the concerns with the MVEIRB recommendations is that they are not only done by Review Board, but are also the product of work done by communities or surrounding communities to a review. Some Review Board recommendations may be good, and some may be bad, but at the end of the day, people have to understand it is the Minister of DIAND that has the final say. If you really wonder what the MVEIRB stands to do, reads its missions and processes from MVEIRB publications, and you will also read the requirement for Ministerial approval. You kind of wonder where the break is between the Board and DIAND. You wonder if it is supposed to be an independent body from the federal and territorial government when in reality it is not.

Gabrielle Mackenzie-Scott: What does this have something to do with the EA proposal in front of us? We are discussing the IOVRL geotechnical program. We said at the beginning we were going to focus on that. Will this lead to information on the EA that we are here for?

Julian Landry: This has to do with the process we are doing here today. At the end of the day, when you do your submissions, and you are going to make some recommendations about the project and how you should see as going ahead or not, at the end of the day the Minister has the say. I am just trying to let the people know that. A lot of time and effort is being put into this process. The MVEIRB says it has jurisdiction, but how can you have jurisdiction if the Minister can override it? When the people put all their efforts and concerns into the project, at the end of the day the Minister can scratch out your submission. Because I have had dealings with it 4 years of it, I find it is very frustrating to see input from the people to go into the Board's position, to come up with recommendations, and then the Minister can just go and scratch it out. The people's time has to be valued, whether its for a day or two days. This project is going to affect our lives for the next 50 years.

This is a new document – the TK working document – that's where we are discussing things, hoping to get it ours (Kakisa's?) done by February for watershed area. We have concerns, and we have already addressed them to the board. Basically what we are trying to do is take the lead from what our chief discussed, and some of the impacts are going to happen in the watershed. I want to put that out to the people here in Trout Lake. The process is an "iffy" process, and the Minister has final say. So much work is put out in TK project, work like we are doing here today. To me, it really doesn't do justice to you who are sitting in front of us, listening to us, when the Minister is 4000 miles away.

We need more emphasis on accommodating First Nations. The Review Board is the arm of the minister, and you have to be more accommodating to First Nations, legally. Not just on the face of it. Those are the things I am looking to deal with by legal counsel. I'm taking our information across to the Review Board. I am finding out what is going on here today. We have to put these things across to our legal counsel, to keep a record of it, just in case things come about from it as they have in the past.

[Chief Deneron translates]:

Gabrielle Mackenzie-Scott: Julian Landry has raised some issues. There is a need for clarity here. John Donihee will explain the Review Board process, in terms of why we are here and why we came to be.

John Donihee: The Review Board is established by the MVRMA. That act is something that parliament of Canada had passed because of the Gwich'in and Sahtu land claims. I realize there is an issue of the MVRMA in the Dehcho. It is the Review Board's understanding that the MVRMA applies in the Dehcho. That results in the Board coming to Sambaa Ke to speak to you today. Mr. Landry is right that the final decision maker in this process is the Minister of DIAND, and other ministers. What happens is when this hearing is over, the Review Board will write a report and send it to the Minister of DIAND. The way this law, the Act, works is that Imperial needs a land use permit and a water license to do the winter geotechnical program. Before they can do that, this EA process needs to be completed. Without those permits and license, Imperial oil cannot do this program. Until the EA process is finished they can't have those licenses and permits.

The Review Board will listen to what you are telling them. If the Board is convinced there are significant impacts, negative results from what IOL plans to do on the land or the water, the Board can make recommendations to the Minister of DIAND so those effects are reduced or avoided. They can tell IOL to do things in a different way. They can even tell the Minister that IOL cannot do the program at all. So it is very possible the information you give to the Board will result in making some recommendations to the Minister, and those recommendations will change the way IOL will do its project to reduce the impacts on the land the water. That is why the Board is here today. I would just conclude by saying that although MR Landry is right that the Minister has the final decision, I hope you understand why what you say to the Review Board will help the Minister make a good decision about the land and the water

Danny Bayha: Q fro John Donihee: The board came in to force in 1998. In that history of all the EAS the board has done, have any Board decisions been rejected by the minister?

John Donihee: There have been talking about how to do those things with federal departments. Sometimes we don't understand how they do their business when the Board writes recommendations. More often than not, when the Board makes recommendations to the Minister, the Minister accepts them. If he does accept them, the law requires that the recommendations must be put into the licenses. So the project is affected by the way the assessment is done.

John Donihee: Mr. Landry said the Minister could just reject what the review board says. At this stage in the legal process, if the Minister rejects recommendations of the Review Board, there would need to be a Environmental Impact Review. What would happen is there would be another formal review of this project.

Peter Redvers: The community wants to raise specifically the issues from the community meeting yesterday. We can either do that now or after Imperial's presentation. The community doesn't want to lose the opportunity to get these issues and recommendations on the record.

Gabrielle Mackenzie-Scott: We will keep the order on the amended agenda.

Charlie Snowshoe: Ladies and gentleman, you heard what Peter Redvers was saying about the old ways of the oil companies coming in. We had no say, especially when that pipeline went through Norman Wells. I was VP of Dene Nation at that time, and our former president said at that time, this pipeline went through by the oil companies talking to the people on the street. That's it for the consultation they used to strike the pipeline down from Normal Wells to wherever. Since that time we have been working, in all the communities along the valley, to get together as Dene and Métis. Since that time, we've come up with a lot of new rights.

Since that time, we have come up with people to work on this process. We had a working group right along the Mackenzie valley, to find a way to protect the Mackenzie Valley watershed. Not the Mackenzie valley alone, the whole watershed. In that working group, they had the First Nation people right along the Mackenzie valley, plus they had other people working in there that were born and raised in the Northwest Territories, in the Mackenzie valley. It was these people that fought to set up the Mackenzie Valley Act.

Since that time, they formed a Review Board, which has already been explained to you. Since that time 1998, the MVRMA was approved by the government. I was appointed by my claimant organization, the Gwich'in. I was appointed by them. Our Elders spoke out. The perfectly clear thing they mentioned was they wanted to protect the land and the water and what's on the water and what's on the land. Thinking about that, I went to put my name down. I got appointed and have been up to today. The Board Members I have

here are truly working for us, and have a clear understanding of the government system. They have been around. Some of them have their education, they have university degrees. Some have Aboriginal spouses. Some of them are raising their own kids within these areas.

Keeping all this in mind, if the government was going to kick us around, I wouldn't be sitting here. It's too bad that some people have no recognition for us. They don't think much of us, is what my friend (Landry) over there seems to be saying.

I've heard here people saying that you found some fish floating around one spring. If they contacted us in Yellowknife, we would have checked in on it. I have the experience with northern contamination. I would be right there to find out what's going on.

The last thing I am going to say, right now, right in front of your eyes, is that the government is playing their games today. They are not doing their job. The reason for that may be that they don't care. So give us a break, you guys. We are here to try to help you as best you can. Never mind the Minister in Ottawa. We make recommendations, and it was asked how many times recommendations came back from the minister... The answer was pretty much never. I am an old timer with the Indian movement in the NWT. So I have pretty good knowledge of what's going on.

Edward Jumbo: Thank you for coming to our community. From the time that Charlie was talking about, in the beginning, I (Edward) was a leader from Trout Lake as a subband of Liard and went a lot of meetings. What has been passed on from old-timers, we still follow. It is more powerful than the government. Now that we are all working together, we will have a strong power among one another to work together.

Julian Landry— My comments weren't meant against the Review Board. They do come up with some good recommendations. My comments are about what happens after that (after the Review Board's report goes to the Minister). The community then gets frustrated when they see what good work we do together, and then the Minister deletes that. Its when it gets beyond the Board to the Minister, it downplays what they do and their recommendations at the end of the day. They do good work. I have seen their recommendations. The bad part is when it goes higher up.

Developer's Presentation

IORVL – Jim Hawkins – Thanks to chairperson, Chief Deneron, Elders and community members for inviting us in. Thank to ladies who prepared the a wonderful lunch we had. Thanks to Mr. snowshoe for his passion for the importance of what is in front of him. And, thank you for everyone in the room instead of being outside this beautiful day.

Before I get into presentation, I would like to make a brief comment about the info we have heard. Particularly about the fire. Certainly it is very disturbing and very alarming to have a fire come so close to your home. That was the first time any of our contingent has heard about that and I understand that some adjustments are being proposed. The

community has indicated, and the board indicated, they intend to review the materials distributed and would like to discuss them at some length. We are certainly prepared and welcome the opportunity to do so. In order to make sure we have sufficient time to do that, as I go through my materials, I will skip some of the pages. Please don't think I am hurrying over it, or hiding any of it. Please read through it. I am just trying to make sure the board and community has time to listen to our responses to the materials they are going to present.

I'd like to talk about the differences between the MGP and the project we are here to talk about here today. The MGP begins with the drilling of many deep wells thousands of feet deep in the Inuvialuit settlement region. Production facilities are placed onto of these wells, again in the Inuvialuit settlement region. A series of pipelines connect all these together and take the fluids to a gas plant near Inuvik. At this gas plant near Inuvik, the fluids are separated into two different streams, one of which is a liquid like the butane in a butane lighter. That butane goes in a small pipeline to the Norman wells, where it hooks up with the Enbridge pipeline through the Gwich'in settlement area and the Sahtu settlement where it hooks up with Enbridge pipeline in Norman wells. The other fluid is natural gas. It goes through a larger pipeline, 30 inches wide, and goes through the Gwich'in, Sahtu, Dehcho and just into Alberta, where it will hook up into Trans-Canada distribution system for north America. That is not what we are here to talk about today.

Jim Hawkins: The communities will have many opportunities to provide their views on the MGP over the next year, some of the advertising for the MGP are showing up in the newspapers which are showing some of the process for the environmental review of the MGP and in the next few weeks you should see the NEB advertising for the MGP. For those of you who have seen the applications we have filed for the MGP it is a pile of paper that is about (demonstrates chest height) that high. The program we are talking about today is a very small application. (shows geotech application binder). I'll try and spend a few minutes now to explain what the geotechnical program is. The slides are in the booklet, and there are some more copies on the table.

Our Geotechnical investigation program is one of many studies that we need to conduct to design the MGP. We began this session in Trout Lake Hearing about the TK study that had been conducted, a study Imperial is proud to play a small role in; a study that was exceptionally well done. It represents the first of these that has been done in any of the communities along the valley. I congratulate the authors of that work and I am proud Imperial was able to play a role in that.

When we design a pipeline system we try and balance equally the TK and the western scientific knowledge and try to give the two equal weight. The TK from the communities on the one hand and the engineering studies that come from Imperial in the other. We will use both the TK studies and the geotechnical investigation program. We will use them both to make the MGP better. To do this, we will go to a number of sites with a small drilling rig, like the ones in the presentation and on posters-- small drilling rig that goes on the back of a truck. We will go to a number of sites and drill small holes 10-20 ft deep and take small samples of the soil to determine if that is a good place to put a

pipeline, cross the river or put gravel. When we are finished we will fill in all the holes and restore the sites.

To begin, we will set up four camps- 2 in the Dehcho north 2 in the Dehcho south. We have completed work like this in the past 2 winters in the Inuvialuit settlement region, in the Gwich'in, in the Sahtu. There is a picture in the presentation from Inuvialuit settlement region. Our slide shows some of the activities near Trout Lake. We won't go into detail here. I wanted to point out on Wrigley slide, if we do drilling and find a spot that could be a good site for gravel to do a somewhat larger test pit to see what the gravel is like. This slide shows (site restoration) what the sites look like when they are finished in the winter and the next summer. These sites are inspected by the community environmental monitors, by our project environmental inspector and by DIAND two times at end of program and again at end of summer. If any restoration is needed that will be done in close consultation with regulating authorities and communities.

Throughout the process, we have tried to involve the public in making the geotechnical investigation program as good as it can be. We provided information to communities listed, we provided them a draft plan for operations, made presentations, and made an updated presentation plan based on what they heard. We filed our application with the Water Board, and it was distributed to communities in Oct. and Nov. In addition, we had many informal meetings with people, throughout 7 months through June 2003 – Jan. 2004.

I was pleased to hear the community recognized we had made some changes in response to the information they had provided. Like the Elders in this community and the other communities along the Mackenzie Valley, we believe we have to protect the people, the land and the wildlife that lives on the land and in the water. We believe there are benefits associated with this program. One of the responsibilities of the Review Board is to consider the benefits this program will generate. There are benefits to Dehcho businesses, and individuals.

Doing this program will help us do a better job designing the MGP through the Dehcho lands. As we look for gravel, communities will become aware of gravel sources in the Dehcho. Dehcho communities will get business as we buy goods and services from them. In closing, 1) results will let us design and construct MGP better; 2) For this, we have designed and improved the program better with community input; 3) The program will bring advantages to communities; 4) Safeguards are in place by monitors and inspectors; 5) Imperial and contractors will conduct all programs with respect for people, land and wildlife. Would like to talk about community issues before taking questions. [Chair approves].

Edward Jumbo: Wants to thank everyone for their courtesy and time that was put into research and is very grateful that you (Jim Hawkins) are talking and everyone is considering the land water and people and the air we breathe. Not just for our community, but on behalf of all mankind. We must remember that this is just a small corner of the world, but we are like a spoke in a much larger wheel.

Jim Hawkins: Masi.

Gabrielle Mackenzie-Scott: Since we are really behind in our schedule, we aren't going to take questions right now. Let's go on to have the community table their issues and allow for questions later.

Chief Deneron: The SKFN paper distributed comes from a series of meetings, including yesterday's. We had a 4 hour meeting, and all these things came out of that meeting. In dealing with these kinds of issues, we hold a meeting, we think it through thoroughly and have discussion after discussion. This paper is what came from it all.

Peter Redvers: I won't read through these word for word, but I ask the Board to review the document in depth and to put it on the public record, with one exception. These are the key points decided by the communities. Even with yesterday's meeting, the issues have been coming forward through the TK study, are not new and many have already been tabled. These are the outstanding and unresolved issues. These represents the issues where there is some difference of views relating to the geotechnical program.

The first issues relates to environmental monitoring. This community has held one position ever since they first sat down with Imperial over a year ago. Experience has shown us that sometimes what a company says and actually does is different. The only way they can truly know what is actually happening is for community members to go out as environmental monitors and can report back to the community on what is actually happening. The community is concerned both about environmental monitoring during actual work activities. The community is also very concerned there be some baseline information established before industrial activities on land, whether the changes observed are natural or whether they are caused by that short program.

The community is committed to long term environmental monitoring in part to establish baseline data and is working with RWED and DU to start establishing some baseline information along with TK information that can track environmental changes over a long period of time. The community in discussions yesterday recognized the winter works of the geotechnical program is very short and there is not enough time for long term baseline studies before the activity is proposed to begin. IORVL appears has agreed to use environmental monitors hired by Sambaa K'e. The training of those monitors still needs to be addressed. So the community's position has been these monitors are independent, report to Sambaa K'e, and are provided with adequate training prior to start of work. The community wants them to go out into field at least 1 month before the start of any work activity to get information about what's there, especially regarding woodland caribou, before and after the geotechnical work to establish if there have been any impacts.

With the second item, relating to facilities and borrow sites, the Sambaa K'e Dene Band and the community has, for a long time, serious problems with a 900 man camp and fuel storage in the K'eotsee watershed and recommend it be moved north outside the K'eotsee

watershed. I will ask community members because I am repeating myself and making recommendations based on yesterday's meeting.

The community is wanting strong assurance from IOL that they are in fact still pursuing alternative sites, and that means during the geotechnical program, to see whether sites north of the site will be appropriate or necessary. With respect to the borrow sites just east of K'eotsee, and we saw those sites on the video, that is a tough issue for the community. The original position of the community and TK report was that there would be no borrow site development in the K'eotsee watershed. That was the position taken in the TK study.

SKDB is still very concerned about any development in the K'eotsee watershed. However, knowing and acknowledging there is a shortage of gravel in this area, and fearing the risks of an all or nothing position, the community was talking yesterday is cautiously willing to consider looking or investigating those borrow sites with one important condition attached. This might not apply to the investigations, but in the long term, are developing inside K'eotsee, the Samba K'e Dene Band will must responsibility for development of any sites with respect for environment of K'eotsee.

The third item is winter road preparations and upgrading. I speak as someone from outside community. I have seen how Samba K'e loves its winter road and relies on the winter road, open only for a short period of time, and very well used. The community has taken over the maintaining the road from Fort Simpson and is very proud of the work it does in maintaining that road. Since Nov. of last year, with the winter geotech application, the community over and over again has stated that the road is not adequate for the geotech program with the road construction and maintenance techniques used right now. This includes use by small drilling equipment, trucks etc. It is not capable of handling that load. It is a snow base not an ice base. The community has offered to negotiate the upgrading of that road, but to date no meaningful response has been received from IORVL or the Dept of Transportation.

At this point, even if there was a decision to put an ice base on that road, it isn't certain if the water permits could be obtained in time, or given the low water, even if there is enough water to draw from the creeks to do that.

Peter: I am wondering if Dolphus ([Dolphus Jumbo] president of development corp. and Doug Bryshun, acting general manager) has any comments?

Doug Bryshun: Peter has gone over some of the issues that are certainly important to the community about the winter road. Samba K'e development Corporation is the contractor for the winter road and this is the third year we've maintained it. Our actual budget to build the 126 km is \$77000 to build, maintain and decommission the road \$5500 to build, \$20000 to maintain – and \$5000 to decommission the entire road and entire season. For comparison purposes, a typical oil field construction is \$2500 per kilometer. That would mean for the 45 km to be used for program it would be \$100,000 to build the road to industry standards. Maintenance of a typical oil field construction,

grater, drag and water truck grater \$125-150/hr and grater \$95/hr compared to \$250/day for winter road that they have. Most contractors won't start equipment at -40 below for \$250.

The winter road issue is more than just economics. There is very sincere safety concern with the winter road. The winter road is very narrow in many areas, and this is specifically a concern in bringing in wide equipment where one vehicle has a hard time coming down winter road let alone passing vehicles that size. There are no pull outs for many kilometers, and the road is too narrow to pass oncoming traffic. People have to back up on narrow snowfield road to allow for people to come on. This is also a fuel issue and a safety issue of not hitting the ditch. There are many blind corners with extremely low visibility. [slides showing]. There are blind hills where eskers have to be crossed, especially if you are coming in from the Mackenzie River. There are major creek crossings in the area we used for this project. Both creeks are subject to heavy overflow especially when subject to constant heavy loads. Also, this year with the low water levels, the creeks are very low. They are frozen to the creek bed and so we have water draining on top of the ice creating overflow conditions.

[Doug Bryshun points out picture how narrow road is in some places], There is no way anyone could pass one another on that road, let alone a 12 ft wide camp or a 14 ft excavator.

So what problems will the road use by the project cause? As Peter mentioned, this is a snow road. Last year, when we were operating and maintaining this road. Enbridge conducted a small project on their ROW hauling gravel with their tandem trucks. The result was broken surface of road, pounding out snowfills, leaving large gaps of snowfills and long rut-like damages to road to the surface.

Gabrielle Mackenzie-Scott: Noting the time, could you please submit your speaking notes to the Board for to provide us with details?

Doug Bryshun: Will provide notes, and will first have to revise them because they are rough.

Doug Bryshun: The increase in traffic from the Imperial geotech project will cause damage to snow, and compaction to the road. The water ice road built to industry standard would be more suitable to this project as opposed to what we have over the year. Low visibility is dangerous recommended ROW visibility be improved where there are turns. Also, because of the overflow issues and issues with rivers being crossed, there should be the installation of prefabricated Bailey bridges as opposed to the culvert snowfield type construction. Just as an example of issue of overflow of creeks in concern. We had a bunch of professions wrestlers come to town, and they got stuck in overflow in -35c below, late at night, after heavy trucks crossed the river. Another suggestion is a community forum to advise of heavy traffic. A way to let regular traffic know what is coming down the road to facilitate safety.

Finally, I'd just like to point out, the dev corp. takes issues with IR 2.10B responses. All responses are totally unrealistic, and inconsistent with SKDC. Responses from DOT consistent with official office winter road foreman rather than actual contractors who take care of road. For the record, GNWT never once contacted SKDC as contractor who constructs and maintains its road to ask for opinions on impacts the program would have on road and the cost of those impacts.

DOT's Rod Gunderson of Fort Simpson replied to my questions over the telephone that "I have no idea to those responses provided. The questions were the right questions to ask but the wrong answers were given". Challenges board to question that person who made those responses in Fort Simpson hearing.

Peter Redvers: SKDB's fourth point is about community and harvester compensation. This is an issue where the Board needs to step in. The issue of compensation is a tough one to negotiate with industry in general, and not only with IORVL. IORVL will compensate only for a damaged trap or a cabin they bump into and only at a replacement cost. That is the position of industry to date. The community, over a series of meetings, has discussed the issue of compensation and agreed the way it must work for any work done on Sambaa K'e lands there would be compensation package for both the community as a collective and individuals. Sambaa K'e band would manage that, the band would hold some of it for the community as a whole and others would go to individuals who are impacted by the development, including by developers such as the winter geotechnical program.

The community has been stuck in a sense because industry, not only IORVL have stayed to policy when the issue is referred to the MVIERB, and because it is considered and inherent right issue it is referred to negotiations. That is not the way it should happen. Because in the Dehcho the issue of Aboriginal treaty rights has not been settled the inherent rights are still in place. They have to be acknowledged within the regulatory process and they have to be protected in some way. SKFN have put forward a package and includes not just cash payments, but also training and other types of benefits. Encourages IORVL to seriously consider the package. And, there needs to be a federal representative at the table to ensure Sambaa K'e rights are respected.

With respect to socio economic benefits, the position is consistent with the pipeline working group. There needs to be significantly more flexibility in negotiating awarding contracts to ensure there are benefits to community. We will like to note on pg 10 of the IORVL presentation, they noted under benefits Dehcho opportunities to bid on work. That is not an opportunity, that is a right that communities have and that shouldn't be considered a benefit.

With respect to item 6, it is very straightforward, respecting the fact the company has engaged with IORVL through the TK study. Probably more than other communities, it has managed to influence the project and that is probably a good thing. However, on the remaining issues where there are issues, it is unfortunate that there has not been more movement. The community feels it is not enough. The consultation negotiation process

needs to have a federal representative in ongoing discussions to ensure rights of Samba K'e are protected.

With respect to 6 b although this issue was raised and discussed at meeting, we learned today IORVL was never informed of the fire incident, although RWED was supposed to investigate it and apparently they have not informed Imperial. For that reason, having spoken to Dennis, the band is willing to have items 6b and discussions about that item removed from the record and hope IORVL will have that opportunity to have discussions with RWED. Have it in at least in the notes but removed from the record. [To Elder Edward Jumbo:] This not the end of the issue, Edward. It will be pursued by the community and, I suspect, Imperial.

Gabrielle Mackenzie-Scott: Thank you for presentation. Question period. For anyone who wants to ask a question of these issues.

Doug Bryshun: question to Imperial: Imperial made it clear to the group that the MGP is separate from this project. However would it be correct to summarize that during the winter field geotechnical project is a necessary component of the MGP?

Jim Hawkins: No, I would not characterize it as a necessary part of the MGP. It is an important and very useful part of the MGP. We will use the information to improve the design and construction plans. It is not a set of work that, if not completed, we would not be able to proceed.

Doug Bryshun: I would like ask, to following your point that this is not about the MGP, that after that statement that you continued to refer to the MGP no less than 6 times and referred to document no less than 7 times. Communities might have a tendency to view this project and the MGP project as one project. Can you understand how that happens?

Jim Hawkins: Yes, I can understand how difficult it is, not only for community but also for regulators and even ourselves. The MGP is big and complex. It needs a lot input into to make it as good as it can be. It needs input from TK and geotechnical program to make it better. I am sure it is very confusing to see how it all fits together. I tried my best to describe the MGP and the geotechnical project. If I wasn't 'clear I will try again.

Julian: I am confused, and I don't get confused very often. If the geotech program is not important to the MGP then why are we sitting here discussing it, if it is not related to the pipeline project? I would like some clarification on that.

Jim Hawkins: I am sorry if my words weren't clear. Yes the results are important and relevant. The question was were they absolutely necessary. They are very important and we very much want to run this program. In the event that we don't get the results we can proceed. We want to go that way and collect the data and that is why it is important.

Julian: That's what we have been told. But this is all about the MGP. If you don't really need this information to go ahead, why even bother then, if you don't really need it, if you say it is nice to have but you don't need it for the mega project?

Jim Hawkins: Let me try answering that question. First example from a river crossing site. We are proposing to drill some holes might be a good spot for a river crossing. We don't know what the ground is like, for horizontal drilling crossing of that river, we would like to know what the soil conditions are. They may be full of boulders. That would make it difficult. If we found that during geotechnical program, we could look at finding a different site. If we don't have the information, we do have some other options. We could go to the field, attempt it and find out in a very difficult and very expensive environment that that is bad environment. Example two, borrow sites, we look to find out if there is gravel there. We may find that there is no gravel. We drilled a number of these sites and there was no gravel, and we weren't able to use the site.

Julian: Basically you are saying you do have to do this. That is what we are hearing.

Gabrielle: [To Jim Hawkins] The community has their issues that they put forth and wanted some response that that.

Peter Redvers: These are key questions for the community, having put a lot of time and efforts into TK study and negotiating. Do you have a response for the issues that you are prepared to share at this meeting and if not, when would you have a response to those issues?

Jim Hawkins: The list of community concerns that was provided to us, we just received when we came into this room. We haven't had an opportunity to review them in detail. I expect there are some responses to this meeting, there are others we would like to take time to give you the best possible response. If the chairman of the Review Board would grant us a short recess, as a project group we could talk about which ones we are able to answer here now.

Gabrielle Mackenzie-Scott: Short Recess.

[start up hearing again at 7:30 pm]

John Donihee: We have received a document handed to us dated Nov 30, 2004, entitled "presentation":. I'd like to mark it as exhibit 1 so it can go on the record.

Peter Redvers: SKDB would like 6b (about the fire) to be removed from the record.

John Donihee: We do understand 6b can be just stricken, or reproduce it and email it to Alan and he can put it on the record.

Jim Hawkins: First of all, I certainly appreciate all the hard work the community put in this very thorough composition, putting it together, writing up and presenting it to us. I

acknowledge that. It is also important for us to respect this document, to give it same consideration that went into it. There are many new ideas that require responses which we would like to consider. In this circumstance, and it is getting late at night, to go through all of these issues right here and now will be very difficult. IORVL will respond to all of these concerns. I would like to make some brief comments on each point.

Jim Hawkins: First, regarding environmental monitors: The approach we have taken in other areas in which we have conducted these programs have served both the interests of Imperial and the communities very well. A very key component is that the environmental monitors are not employees of IORVL. They are employees of the communities. The communities hire those monitors to safeguard their interest, and the monitors help IORVL. IORVL reimburses the communities for the cost of those environmental monitors. That is the approach they have taken. Some of the other points mentioned in #1, are the subject of ongoing components of benefits negotiations and would be very difficult to come to a conclusion on for all the detail points here. We are committed to working towards putting a benefits agreement in place.

Regarding the 2nd point, first paragraph on the facilities site, the geotechnical investigation site is not looking at any of the larger camp sites for the MGP. That is not part of this program and is not something they are looking at. We will commit to have the MGP people looking at camps are very aware of the points raised by the community and aware of the issues raised by the community. Regarding the 2nd part of 2nd point, we acknowledge and thank the community in its assistance in supporting the investigation of these two gravel sources. We don't know if there is any gravel there or not. That is the point, to look for the gravel. If there is no gravel, there is not gravel pit development. If there is gravel, then the arrangements that need to be in place will be part of the MGP and there will be ample opportunity for the community to be engaged in those discussions.

Regarding the winter road, the presentation materials we found very interesting, some new ideas were put forward. Apart from saying we would commit to repairing any damage we do, we do need to take some time to understand what was being proposed and put some thought into how we would respond. I was very impressed by the pride of the SKDC that it takes in the winter road and the pictures illustrated very well some of the challenges that we face.

Point #4 is the community and harvester compensation. This point is being addressed as part of the benefits negotiations that are on going. There are new ideas being presented here, ones we will have to spend the time to thoughtfully consider and respond to them in a manner that matches the effort in preparing the recommendations.

Regarding Point #5, Socioeconomic benefits, this is very much a part of ongoing benefits discussions we are having and in particular our contractual approaches are complex and require a fair bit of time discuss. And I don't believe the best interests of the Board are served by us debating this here tonight.

Finally, point #6: consultation and negotiation. We agree and thank SKFN for the considering the consultation and negotiation that has taken place. Important progress has been made and we agree there are still some issues that need to get resolved. We got from you new ideas on how to get things done- we will need time to carefully consider them.

My closing comment to this is that even without signed harvester compensation and benefits agreement, we still can provide compensation and we still can provide benefits. In the event approvals are granted and agreements aren't completed, we will continue with approaches we have taken elsewhere (for example in other regions if the trappers have a claim, if we by accident wreck a trap line or damage his catch we will compensate for actual losses and that is the approach we would certainly take in the Dehcho).

The Board will consider the information that is before it, the testimony the exhibits and ultimately it will make its recommendations for approvals and recommendations. Some of these things may make it in its approval conditions. We will commit to continue to work toward a benefits agreement which will discuss thoroughly all the items discussed here.

Peter Redvers: For the record, two things in particular. The last couple of days, particularly yesterday and today, the community has made three concessions. One of these is to consider borrow pit in K'eotsee, the second is to put off longer term baseline studies in return for advanced public monitoring, and the third is to take off the table the issue of fire. In return for that the community is asking for environmental monitoring, and that issue has been put to IOL formally since March 2004, asking for advance monitoring to establish some kind of baseline information out there. It is a reasonable request

The issue of facility of borrow sites has been formally on the table since March 2004, although the issue was discussed back in Oct 2003, where the K'eotsee watershed map was submitted to IORVL with a clear identification of the K'eotsee watershed as a community protected area. Regarding the K'eotsee borrow pits, the concession only made if IORVL makes a commitment to work toward an agreement that if there is gravel in the site, Samba K'e can develop those sites as a way of economic benefit and particularly to ensure done in a way that protect environment, in a way that is acceptable to community.

The issue of the winter road has been with IORVL for a long time. There has been considerable correspondence on that over the issue. It is amazing that IORVL hasn't acted on it, as it is in the developers interest. You won't be able to get your equipment to the site if that road isn't upgraded. It's that simple.

The draft community harvester agreements submitted to IORVL only received any response after submitted they were submitted to MVEIRB.

Doug Bryshun: This was submitted to Paul McGregor, last Wednesday, and we got a response on Friday.

Peter Redvers: Imperial has held the document since September 2004. Regarding this, and points 4 & 5 and the winter road, DoT must take responsibility for some of that as well. Points 4 & 5 are found in item 6. That is simple- the community has engaged in good faith with IORVL. There are certain issues where clearly there is a fundamental difference in opinion. Recognizing it is the legal obligation of the government to accommodate First nation issues, it calls on the Review Board, if it is appropriate agency, to come to the table and assist in moving these issues forward, so that these issues and interests including inherent right interest can be moved forward.

The reason for TK overview at beginning and video was to really clearly express to IORVL and the Review Board what I have had the opportunity to witness for the last years: How important and valuable the land is to this community. The community is simply asking that its inherent aboriginal treaty rights be respected and it is the legal obligation of the government, through its agencies, to ensure this happens.

On a final note I guess, I think Imperial can attest to the fact that this community has been very accommodating and has stepped up to the plate, negotiating in good faith to find common ground. It would expect that would continue on those issues and that the federal government would step up to the plate also, to ensure the communities' rights are respected in the process.

Danny Bayha: For clarity, a question to Peter. Regarding exhibit 1, on item number 2, you have mentioned the geotechnical program in the first sentence. For this EA, we are dealing with the geotechnical investigation program. Can you please describe the link between the program and the 900 man camp you discussed.

Peter Redvers: The simple response is that on the maps currently the site is still located in a site not accepted to band. The community recommends as part of program that IORVL include an assessment of other sites for that camp, preferably north outside of the K'eotsee watershed.

John Donihoo: Two questions to Jim Hawkins. Before Thursday, can you file a description of your monitoring program for the Inuvialuit and Gwich'in program, in response to SKDB item number 1? We would be interested in knowing how that works, training, going out to sites before the Imperial geotechnical program starts. Can you provide that description so we can understand that a little better?

Jim Hawkins: Yes, we are prepared to do that.

John Donihoo: We will take that as undertaking number one that will be satisfied by Thursday. You didn't indicate any response to most points put forward by community. Is that all we will hear from you this week, or is there any more the Board will hear before the hearings are completed on Thursday?

Jim Hawkins: A number of the issues raised are complex and require ongoing discussions between IORVL and Sambaa K'e band. I do not believe we will be able to put in place all the final agreements by the time the hearings are done. We will not commit to a timeframe for all these points by the end of these hearings.

Danny Bayha: This community had a meeting on the investigation of borrow pits. What the position of the community is is that they don't want any borrow pits in the K'eotsee watershed, but I wasn't very clear what the "but" was. Can you explain the position, so we can understand what would be acceptable.

Peter Redvers: The original position of the SKDB through the TK study was no facility borrow site in the K'eotsee watershed. The community is also aware that there are limited gravel sources in the corridor area, so the community, in the discussion yesterday, decided that it is willing to consider the borrow pits in the geotechnical investigations and onward, but only with the condition (discussed in next round of pipeline assessment maybe) that it cannot be by any outside contractor. If they go in and develop the pits using their own resources, under their own control, they feel that they could be certain that this could be done in a way that is respectful for the spiritual, cultural and ecological importance of the area. This is partly because of mistrust, about not trusting that the developer has a real understanding of the value of the watershed. One final point is that the community wants this on the record, that there is some cautious agreement for the geotechnical work in that area, provided it is with the conditions attached, so that IORVL can't say it is a new issue at another hearing down the road. That needs to be understood.

Doug Bryshun: Can IORVL describe to the community, to Elders, to younger people, to middle age people, as an impacted community on page 10 of Imperial's presentation, describe how having the opportunity to bid on contracts translates to "benefits to the people". During discussions on the 5 conditions IORVL uses to assess bids, the community's preference is last. In the document they talk about respect. Need IORVL to describe how the opportunity to bid on contract translates to actual benefits for the people. It is important for people to understand that.

Jim Hawkins: I am not clear where the notion arose that community interests come last. That is most certainly not the intention. Our intention is to give preferences first to Dehcho businesses, to give preferences to Dehcho businesses that are close to where the work is. We have been clear to that in all of our discussions with the communities.

Doug Bryshun: I will table the document that was submitted to us in our negotiations that clearly indicate that community interest comes last.

Jim Hawkins: Might we see your document please?

Doug Bryshun: I don't have it. It has been tabled by IORVL in our negotiations.

John Donihee: We will show it to Mr Shalagan and discuss whether we can file it. That means you need to get it to us before the end of the hearings.

Charlie Snowshoe: As of last year when you were working in the Gwich'in and Sahtu areas we were given a report of the Colt KBR. Who is that?

Jim Hawkins: Colt KBR is an engineering contractor that we have hired for the geotechnical program. They are a contractor to Imperial oil.

Gabrielle: Are there any other closing comments? Any remarks from presentation of TK study?

Chief Deneron: We would like to thank the Review Board for coming to Trout Lake. It sometimes takes meetings like this that keep on going for long time to communicate clearly. Thanks to IORVL for coming. Thanks to Julian Landry and all my members and Elders for coming and sitting this long. Thanks to Peter and to our translators. I am pleased to present the chair with the work we have done for the MGP the TK study.
[Presents TK study document]

Gabrielle Mackenzie-Scott: I would to thank everybody for sitting for a long time. You have made us feel really welcome here. I will make very few closing comments because it is late. Chief Deneron, and Elders – on behalf of the Board thanks for the hospitality and for helping us today in understanding the geotechnical program impacts. Thank IORVL for there presentation as well. This concludes this hearing.

[Hearing concluded at apx. 8:30 pm]

