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2 MACKENZIE VALLEY ENVIRONMENTAL  
3 IMPACT REVIEW BOARD  
4  
5 SELWYN PROJECT MINERAL EXPLORATION OF  
6 HOWARD'S PASS, NWT  
7 Environment Assessment 0708-001  
8  
9 PUBLIC HEARING  
10  
11 Panel Members:  
12 Board Chairperson Richard Edjericon  
13 Board Member Danny Bayha  
14 Board Member Darryl Bohnet  
15 Board Member John Ondrack  
16 Board Member Fred Koe  
17  
18 HELD AT:  
19  
20 Arthur Mendo Arena  
21 Tulita, NT  
22 April 7, 2009  
23 Day 1 of 1  
24  
25

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1 APPEARANCES  
2  
3 John Donihee )Board Counsel  
4 Martin Haefele )Board Staff  
5 Nicole Spencer )  
6 Jessica Simpson )  
7  
8 Justin Himmelright )Selwyn Resources Ltd.  
9 Rick Farnell )  
10  
11 David Livingstone )INAC  
12 Charlotte Henry )  
13  
14 Loretta Ransom ) GNWT  
15  
16 Lee Montgomery )Parks Canada  
17 Dana Haggarty )  
18  
19 Rocky Norwegian ) Sahtu Secretariat  
20 Howard Townsend ) Inc.  
21 Daryn Leas ) Legal counsel for  
22 TDLC  
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	LIST OF UNDERTAKINGS		
1			
2	No.	Description	Page
3	1	For Selwyn to advise whether the	
4		permit from Yukon Government with	
5		respect to air emissions, does it	
6		fall within the CCME Canada-wide	
7		standards for mercury, dioxin, and	
8		furan emissions and to provide the	
9		answer within two (2) weeks.	66
10	2	INAC to indicate, within two (2)	
11		weeks, the nature of the withdrawal,	
12		whether it includes the subsurface	141

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1 --- Upon commencing at 1:05 p.m.

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THE CHAIRPERSON: Good afternoon, ladies and gentlemen. I would like to welcome everyone to the Selwyn Project Mineral Exploration of Howard Pass, NWT Environment Assessment here in the community of Tulita, and the Environmental Assessment number is 0708-001.

Before I start this public Hearing in the community, I would like to ask Morris Mendo to come up to the front here to do the opening prayer.

(OPENING PRAYER BY ELDER MORRIS MENDO)

14 THE CHAIRPERSON: Okay. Mahsi. I would  
15 like to call this public Hearing to order. It is now  
16 1:07, April 7, 2009. EA number, again, 0708-001, Selwyn  
17 Project public Hearing in the community of Tulita.  
18 Before I do my opening comments and  
19 introduction, I just wanted to also just do some  
20 recognition first, and it is always good that we do that  
21 in communities we go to and pay our respects.  
22 So I just want to recognize we have Rocky  
23 Norwegian with the Tulita Development Land Corporation.  
24 He is the president. I believe he is here. Okay.  
25 Mahsi, Rocky.

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7

1 Again I just want to also recognize Leon  
2 Andrew, Tulita Land Corporation. He is here. Mahsi.  
3 And as well we have Daryn Leas. He is also the legal  
4 counsel for TDLC here for -- I think Daryn is here. Hi,  
5 Daryn.

6 Moving on, I also have Ethel Blondin-  
7 Andrew, former MP for the Northwest Territories, our  
8 western arctic chair, and she is now the chair for SSI  
9 and director vice-president of Tulita Development Land  
10 Corporation.

11 And we also have elders from the Yukon  
12 Pelly Crossing. We have Danny Joe from the Yukon. I  
13 just want to recognize him as well. Mahsi.

14 And we also have people representing the  
15 Ross River, Norman Storrich. And Norman Baric -- I  
16 apologize for not saying it right, but Barichello, Ross  
17 River; Sam Donnessay, Watson Lake, Yukon. And also we  
18 have recognition of Tanya McIntosh. She has come back to  
19 the community, too, as well, so it is good to see you  
20 again Tanya. Mahsi.

21 And Joel Isles, I think is a -- yes, he is  
22 here.

23 And we just had walked in, we also have  
24 the Grand Chief Frank Andrew. Just a recognition of  
25 Frank Andrew. Mahsi.

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8

1 Before we start, I also wanted to  
2 recognize everybody around the Public Hearing here today.  
3 Before I do that, I wanted to start off probably with our  
4 recorder here, and I will work my way around, and then I  
5 will do the back including recognizing our translator.  
6 Then I will go into my opening comments.

7 So I will get my recorder -- before we do  
8 that I would like to recognize Clarence Campbell as well,

9 Tulita Land Corporation, Mahsi.  
10 And, so we will proceed. I would like to  
11 ask our recorder your name, and then we will move on this  
12 way.  
13 THE COURT REPORTER: Wendy Warnock.  
14 THE CHAIRPERSON: Wendy Warnock is our  
15 recorder. And I could just move around the table here,  
16 then I will go to my back, and I'll close off with my  
17 Board members. This would be for the record as well.  
18 MS. ETHEL BLONDIN-ANDREW: I'm Ethel  
19 Blondin-Andrew, chair for SSI.  
20 MR. LEON ANDREW: Leon Andrew, Board of  
21 Director, TDL.  
22 MR. ROCKY NORWEGIAN: Rocky Norwegian,  
23 president for the Fort Norman -- or Tulita District Land  
24 Corporation.  
25 MR. DARYN LEAS: Daryn Leas, legal

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9

1 counsel for Tulita District Land Corporation.  
2 MR. HOWARD TOWNSEND: Howard Townsend,  
3 land's advisor for SSI.  
4 MR. JUSTIN HIMMELRIGHT: Justin  
5 Himmelright, vice-president environment/community affairs  
6 for Selwyn Resources.  
7 MS. LORETTA RANSOM: Loretta Ransom,  
8 environment and natural resources with the Government of  
9 the Northwest Territories.  
10 THE CHAIRPERSON: Thank you. I will move  
11 to my back, start with my MVEIRB legal counsel.  
12 MR. JOHN DONIHEE: John Donihee, legal  
13 counsel for the Review Board.  
14 MS. NICOLE SPENCER: Nicole Spencer,  
15 Review Board staff.  
16 MR. MARTIN HAEFELE: And Martin Haefeale,  
17 also with the Review Board staff.  
18 MS. JESSICA SIMPSON: Jessica Simpson,  
19 community liaison with the Review Board.  
20 THE CHAIRPERSON: And also I would like  
21 to recognize Lucie-Anne Yakeleya, our translator, and our  
22 only translator, so we will be taking our cue from her  
23 today, if I am going too fast or too slow, so I will be  
24 asking you guys to slow down or speed up.  
25 Anyway I am going to move on here now. I

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10

1 would like to go to our Board members. I will start off  
2 on my far right and work to my left.  
3 MR. DARRYL BOHNET: Darryl Bohnet, Board

4 member.  
5 MR. DANNY BAYHA: Danny Bayha, Board  
6 member.  
7 MR. JOHN ONDRACK: Hello everyone. John  
8 Ondrack, Board member, Yellowknife.  
9 MR. RICHARD EDJERICON: My name is  
10 Richard Edjericon. I'm chairman for Mackenzie Valley  
11 Impact Review Board.  
12 MR. FRED KOE: Fred Koe, Board member.  
13 THE CHAIRPERSON: Okay, thank you.  
14 Moving on, I guess we will start the Public Hearing  
15 process here. But before I do that, I want to do my  
16 opening remarks, kind of give you a bit of a background  
17 about where we are at with this process we are at now.  
18 I will go from my opening comments here.  
19 Before we begin, I would like to give you a bit of  
20 background as to what we are doing here today, and to  
21 provide some direction on how this hearing will proceed.  
22 As you are aware, the Review Board is  
23 conducting an environment assessment on Selwyn Resources  
24 mineral exploration project in the Howard Pass.  
25 Let me give you a bit of background on

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1 what has occurred so far, and where we are in the EA  
2 process. Selwyn Resources submitted a land use permit  
3 application to the Sahtu Land and Water Board for mineral  
4 exploration in April 2007.  
5 The Sahtu Secretary Incorporated referred  
6 the development to the Review Board for an environment  
7 assessment on behalf of Tulita District Land Corporation  
8 in June 2007.  
9 On June 18, 2007, the Review Board  
10 notified the developer that an environment assessment was  
11 started. This notification was distributed to  
12 potentially interested parties, and published on the  
13 Review Board online public registry.  
14 The Review Board also placed an ad in the  
15 News North. The Review Board then held a community  
16 scoping session on October 10th in Tulita, and October  
17 11th in Norman Wells, 2008.  
18 From what the Review Board learned at the  
19 scoping session, it produces a term of reference that  
20 sets out instructions to the developer on what  
21 information to gather. The Review Board first issued  
22 this as a draft on October 31st, 2007, and finalized it  
23 on January 25th, 2008.  
24 The developer then produced a developer's  
25 assessment report answering the questions in the terms of

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1 reference, and gave it to the Review Board on June 27th,  
2 2008.

3 By August 25th, 2008, the Review Board  
4 issued the first round of Information Requests, referred  
5 to as IRs, to seek additional information on some issues.

6 The developer responded on September 25th,  
7 2008, and by October 31st the Board issued a second round  
8 of Information Requests to which the developer responded  
9 by December 5th, 2008.

10 Due to unforeseen administrative issues,  
11 the Review Board gave SSI until the end of 2008 to submit  
12 additional Information Requests, if needed.

13 On January 5th, 2009, SSI submitted a  
14 number of comments and suggestions related to terms and  
15 conditions of land use permits.

16 On February 3rd, 2009, the Review Board  
17 announced that it will hold a public Hearing here in  
18 Tulita on April 7, 2009.

19 To help prepare for this Hearing, Review  
20 Board staff organized a pre-hearing telephone conference  
21 on Monday, March 23rd, 2009. During this pre-hearing  
22 conference parties identified how much time they would  
23 need for their presentation, and what the main issues  
24 would be they will talk about. And today, the agenda is  
25 based on this meeting.

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13

1 All written materials related to the  
2 environmental assessment are on the Review Board public  
3 registry, and have been made available to all parties.

4 The Review Board recognizes that this  
5 process requires a lot of effort by everyone involved,  
6 and we would like to thank all the parties for having  
7 input in this time, resources and efforts to get us  
8 together here today. I would also like to thank our  
9 staff Nicole for putting that together, and her help  
10 organizing this meeting here today. Nicole Spenser is  
11 our coordinator in this area.

12 Today we will all have an opportunity to  
13 hear directly from the parties and the public about  
14 potential impacts from the development.

15 We have set aside time for members of the  
16 general public to present their views about whether  
17 impacts may be caused by this proposed development.

18 After we have completed the Public  
19 Hearing, the Board will consider all of this information  
20 and any other information on the public registry.

21 We will then decide whether there is  
22 enough information on the public record to determine  
23 whether significant adverse impacts on the environment  
24 or significant public concerns are likely.

25 If the Review Board decides there is

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1 enough information, we will advise the parties of the  
2 closing dates for the public record.

3           After the public record is closed, the  
4 Review Board will deliberate and write a report of an  
5 environmental assessment and reasons for decision  
6 document.

7           If the Review Board decides there is not  
8 enough information, the Review Board may ask for  
9 additional information from the parties or the developer  
10 before the closing of the public record.

11           I also have a few housekeeping items I  
12 would like to review with you. First of all, all the  
13 parties have seen the agenda. I would ask you to please  
14 limit your presentation to the time that you agreed upon  
15 in the agenda.

16           This Hearing will be adjourned no later  
17 than 7:30 p.m. this evening, and all the parties must  
18 have the opportunity to speak.

19           After each presentation there is a set  
20 order in which groups can speak and ask questions based  
21 on the order of presentation in the agenda. First, the  
22 parties to the EA will be allowed to ask questions in the  
23 order they have been presented. Then the Review Board  
24 staff and counsel. And finally, the Review Board members  
25 themselves may ask questions of the presenter.

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1           All speakers should identify themselves by  
2 name and who they represent each time they speak.  
3 Although this is a community Hearing, I ask that all  
4 questions be directed through the chair and that  
5 questions and answers remain respectful at all times.

6           Finally, I would like to mention that  
7 there will be a transcript of this Hearing. We will tape  
8 the session and we are asking all parties to submit their  
9 presentation to the Board if they have not done so. All  
10 this information will be available on our public  
11 registry.

12           Thank you for your participation and we  
13 look forward to an informative day.

14           So that would be my opening comments, and  
15 just I mentioned a little bit earlier, so whenever you  
16 speak, because we have a translator here as well, we've  
17 just got to be mindful of that so that we could keep up  
18 to her. And I will take my cue from her. If she needs a  
19 break, then I will take a break just so that she has an  
20 opportunity to rest a little bit there.

21                   And at the same time, I would like to ask  
22 that, again, you know, all your questions will be coming  
23 through the Chair, then I will pass it on, so that it is  
24 duly noted and recorded as well.  
25                   So with that, those are my opening

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16

1 comments, and the recognition of people in the hall. And  
2 I am going to proceed now with the presentation by the  
3 developer with a question-and-answer period.

4                   And I believe part 1, Justice Himmelright,  
5 I think you are up.

6

7                   (BRIEF PAUSE)

8

9                   MR. JUSTIN HIMMELRIGHT: Thank you, Mr.  
10 Chairman. I'm going to ask if Rick Farnell might be able  
11 to join me. We'll transition straight through my  
12 presentation into -- into his, if that's okay.

13                   THE CHAIRPERSON: Yes, I have no problem  
14 with that.

15

16 PRESENTATION BY SELWEYN RESOURCES LTD.:

17                   MR. JUSTIN HIMMELRIGHT: My name is  
18 Justin Himmelright. I'm the Vice-President of  
19 Environment and Community Affairs for Selweyn Resources.

20                   I wanted to open my comments today with a  
21 thank you to the Board, to the community members, and all  
22 of the parties who have participated in the environmental  
23 assessment process to this point.

24                   I understand also that we are on webcast  
25 today, and so I send my greetings out to those watching

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17

1 on webcast. For more information about the -- the  
2 company, you can reach us on our website at  
3 [www.selweynresources.com](http://www.selweynresources.com) and our phone number at the  
4 office is 604-801-7240.

5                   The Chair has provided a good recap of the  
6 process to date starting in April of 2007. Prior to  
7 April of 2007, Selweyn Resources visited the community.  
8 This was in October of 2006. We held an open house and  
9 answered questions at that time, and also did some work  
10 toward traditional knowledge research which led forward  
11 into our application in April of 2007.

12                   I wanted to make some comment on the --  
13 the nature of the application that's under review, a  
14 class B land use permit, essentially for the drilling of  
15 one hundred (100) drill holes, diamond drill holes for

16 mineral ore exploration purposes. The term of the permit  
17 is approximately five (5) years I believe, that's the  
18 duration allowed.

19           So starting in October of 2006 leading to  
20 April of 2009, a period spanning three (3) years, and  
21 there's seventy-four (74) documents now on the public  
22 registry for this application. And there's a -- a  
23 considerable amount of work that has been done by a lot  
24 of parties on evaluating our project, and I thank  
25 everybody for their -- their due diligence, their --

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18

1 their questions and comments. It's been a very good  
2 process.

3           Today we're going to hear presentations  
4 from a number of different parties: Parks Canada;  
5 Government of the Northwest Territories; Indian and  
6 Northern Affairs; and the Sahtu Secretariat.

7           On the public registry, we also have  
8 comments from Fisheries and Oceans Canada, and from the  
9 Prince of Wales Heritage Centre.

10           The -- the process to date has examined a  
11 lot of issues, and as I've mentioned, there's a lot of  
12 information that has been put forward onto the public  
13 registry.

14           Coming up to the -- the pre-hearing  
15 conference, which was held last week, these were sort of  
16 the -- the remaining outstanding issues, so you can  
17 imagine there's a -- a fair bit more information behind  
18 all of these.

19           And at this point based on the -- the  
20 comments that have come forward and been put onto the  
21 registry, Fisheries and Oceans Canada, the Prince of  
22 Wales Heritage Centre, Parks Canada, and -- yeah, and  
23 those parties are at a point where they feel they have no  
24 further concerns.

25           The -- the process that we are engaging in

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19

1 this afternoon, I honestly find a little bit awkward in  
2 the order of the presentations, in that in order to  
3 address some of these things I, in a sense, have to  
4 preempt what others are going to say after me.

5           So I think that what I'll do is I will  
6 speak to these things in a general fashion, and then  
7 following each presentation I'll come forward and -- and  
8 make comments on some of the issues that have been  
9 raised, if that's -- that's okay?

10           In regards to environmental monitoring,

11 there have been issues raised by the Sahtu Secretariat  
12 and the Tulita District Land Corporation.

13           Our general process on environmental  
14 monitoring is that we have on-site -- qualified on-site  
15 environmental staff who monitor day-to-day operations  
16 according to our licence and permit regulations and  
17 according to our own Standard Operating Procedures.

18           We also have regular regulatory  
19 inspections by the -- the folks in charge of inspecting  
20 on our licences.

21           We are engaged in regards to the Tulita  
22 District and the Sahtu Secretariat concerns around  
23 environmental monitoring. I think it's worth noting that  
24 we are engaged in negotiations with the Tulita District  
25 Land Corporation on an agreement that will address

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1 environmental monitoring as well as many other issues.

2           Concerns also brought forward in regards  
3 to reclamation from Sahtu Secretariat. A general comment  
4 on our reclamation process. We -- we practice concurrent  
5 reclamation, meaning that, as areas are disturbed we  
6 follow up afterwards to reclaim them. We will use native  
7 species to the area, and where possible, we have local  
8 stock for -- in -- in an example, willow plantings, or --  
9 or things of that nature.

10           It's a site-specific prescription type of  
11 work, so where we're working in Alpine might require a  
12 slightly different process than sub-Alpine, and so on, so  
13 it's specific to the -- to the site. And there's follow-  
14 up review of the site afterwards to gauge success.

15           One (1) of the concerns that has been  
16 brought forward is around involvement of the GNWT and the  
17 TDLC in the reclamation process, and -- and yeah, we're --  
18 -- we are perfectly happy to collaborate on that as -- as  
19 we are able.

20           In regards to access restrictions, there's  
21 a number of comments that have been brought forward which  
22 I think blend, or cross over, into a separate permitting  
23 process related to an access road that we had in front of  
24 the Mackenzie Valley Land and Water Board.

25           It's important to note that access issues

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21

1 related to the land use permit that is at question today,  
2 there is no outside access, so there is no risk of  
3 increased access for hunters and -- and other land users  
4 as a result of our drilling application.

5           The access concerns that have been raised

6 in this process are related more to the land use permit  
7 on an access road, which has already been issued, and the  
8 mitigations that we have proposed in terms of controlling  
9 access on that land use permit have been addressed  
10 through that -- through that process.

11 In regards to heritage resources, we've  
12 had some conversation now with the Prince of Wales  
13 Heritage Centre. They are satisfied with our Standard  
14 Operating Procedure, to which we made a few revisions.

15 The -- a typical process on our part is  
16 that areas that are to be disturbed are -- are  
17 reconnoiter prior to -- to disturbance. If heritage and  
18 archaeological resources are recognized in the area, then  
19 we avoid the area and record its location and notify the  
20 appropriate regulator, in this case, the Prince of Wales  
21 Heritage Centre.

22 We are -- as the project moves forward and  
23 into different stages of development, a higher intensity  
24 of due diligence is practised in the form of an  
25 archeological overview assessment and impact assessment

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22

1 but that would come at a later stage in project  
2 development.

3 In regards to trans-border issues, these  
4 are, I think, broader issues than what the proponent can  
5 address. The nature of trans-border agreements are  
6 between governments and we are moving appropriately, I  
7 believe, according to the process that has been laid out  
8 for us by the regulators.

9 There is a cooperation agreement in place  
10 between the Yukon Environment and Socioeconomic  
11 Assessment Board and the Mackenzie Valley Environmental  
12 Impact Review Board. And I think that this project is, I  
13 believe, the first time that that cooperation agreement  
14 has been enacted and used so, in effect, we are  
15 addressing trans-border issues through a cooperation  
16 agreement between the Boards.

17 In -- in practical application of trans-  
18 border issues, Selweyn recognizes that certainly caribou  
19 don't recognize the borders and issues of air sheds and -  
20 - and things like that do need to be addressed. And we  
21 are open to working cooperatively and collaboratively  
22 with the parties who have interest in those issues. We  
23 just don't feel like we can address the -- you know, the  
24 -- the regulatory oversight I guess of -- of our  
25 assessment; that's not up for us to -- to comment on, I

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23

1 suppose.

2 In regards to wildlife, through the whole  
3 process, going right back to the very beginning, wildlife  
4 issues and, in particular, caribou, have -- have really  
5 stood out as a key concern for many people with our  
6 development and we take those concerns very seriously and  
7 we have been studying the caribou and the wildlife in  
8 that area going back to 2006/2007.

9 And I thought it would be very instructive  
10 for all the parties to understand the -- both the nature  
11 and intensity of the studies that we've carried out, as  
12 well as some of those results because I think they will  
13 inform in regards to -- to mitigations.

14 So in keeping with that, I -- I'd like to  
15 turn the microphone over to -- to Mr. Rick Farnell, who  
16 is our consultant on caribou studies, and Mr. Farnell  
17 will provide an overview of the studies we have completed  
18 and what some of the results are.

19 With that, I'll conclude my statements.  
20 Thank you, Mr. Chairman.

21 THE CHAIRPERSON: Thank you very much.  
22 Moving on to you.

23 MR. RICHARD FARNELL: I'm Rick Farnell.  
24 I'm a wildlife biologist who worked for the Yukon  
25 Department of Environment for twenty-eight (28) years and

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24

1 I was responsible for all the research and management  
2 activities to be coordinated for the study of twenty-  
3 three (23) different populations in the current Yukon,  
4 but they don't, like Justin say, recognize borders.

5 So I ended up working inner-  
6 jurisdictionally with BC and NWT and, of course,  
7 internationally with Alaska. I've been involved in five  
8 (5) caribou recovery programs to secure populations that  
9 were rapidly declining. And in the course of my work, I  
10 did a lot of research, and I'm -- I'm published in peer  
11 review journals and -- and a lot of reports.

12 And I retired in 2006 and one (1) of the  
13 things -- I used to screen a lot of land use activity in  
14 the interest of caribou, particularly caribou were  
15 involved, and I always found it pretty chaotic. I didn't  
16 think that people really had any order in what the kind  
17 of information it was they needed to make a dec -- a  
18 proper decision, and there was not much known about how  
19 we can mitigate any possible adverse effects.

20 So when I left the government I was kind  
21 of not, you know, satisfied with -- with how we did  
22 things. So when Justin approached me two (2) years ago  
23 on behalf of Selwyn to come and work with them on their  
24 environmental assessment work as a senior biologist, I  
25 felt that this was a really good opportunity for me to

---

1 kind of set the bar. And hopefully working through  
 2 Selwyn, make a blueprint, if you will, on how proper  
 3 baseline studies, environmental assessment work, and  
 4 mitigation measures should take place around mining.

5                   So with that interest, I'm going to show  
 6 you today what work we have accomplished over the last  
 7 two (2) years.

8                   And in my talk I'm going to be talking  
 9 about two (2) caribou herds that are pivotal to the area,  
 10 and that's the Finlayson herd and the Nahanni herd and to  
 11 try and give you as much background as I hope you -- you  
 12 need to make decisions, and then I will go on into  
 13 Selwyn's -- the intensive studies we've done over the  
 14 last two (2) years.

15                   You know in a broader sense, in Canada  
 16 caribou are ranked by the committee on endangered species  
 17 as four (4) eco types, and the caribou of the Mackenzie  
 18 and Selwyn mountains and Northwest Territories and BC are  
 19 known as the northern mountain eco type.

20                   And of concern in Canada is the Boreal  
 21 caribou and the southern mountain eco types because there  
 22 are extrapolating from a huge portion of the range and,  
 23 basically, the -- in most quadrants they're going right  
 24 off the map.

25                   And, so COSEWIC has -- has ranked them as

1 endangered -- or threatened species, and there are huge  
 2 management plans, and all kinds of research activity  
 3 taking place, to try and get them off the threatened  
 4 species list, or at least not become endangered.

5                   The caribou we're talking about today in  
 6 the northern mountain population are ranked as "special  
 7 concern." And under COSEWIC, what that means is you  
 8 can't just ignore them.

9                   Am I speaking too loud?

10                   MR. JOHN ONDRACK: No, just slower.

11                   MR. RICHARD FARNELL: Okay. I've got a  
 12 lot -- I've got a lot of information to go through so I --  
 13 - I'll take it easier.

14                   Yeah, so "special concern," what it really  
 15 means is you can't just ignore these populations. You  
 16 really have to be out in front of what's going on. You  
 17 have to monitor harvest; you have to monitor the  
 18 population size; and the direction it's taking and not  
 19 let them become threatened.

20 So that's kind of the umbrella framework that we have to  
 21 manage these populations.

22                   And I see this slide is not coming across  
 23 real sharply but the herds we're concerned with here is

24 the Finlayson and the Nahanni. We assessed the work done  
25 on the Redstone herd, which is now actually thought to be

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27

1 two (2) herds based on satellite radio telemetry work,  
2 the Carcajou and the Moose Horn herds, and we find them  
3 pretty far well north of the Howard Pass region. So we  
4 focussed all our work on Finlayson and the Nahanni herd.  
5 This is a -- a distribution map of the  
6 Finlayson herd. You can see Ross River over here, and  
7 the boundary. Here's the claim block of Selwyn's, and  
8 some features about this herd -- well, first of all, I've  
9 personally studied this herd for twenty-eight (28) years.  
10 We've had radio telemetry study on them, and population  
11 dynamics study, and they have been very intensively  
12 managed.

13 And a couple things here, this is the  
14 winter range of the population. Most caribou summer  
15 south of the Robert Campbell Highway, or in the Macavoy  
16 (phonetic) area, or the St. Cyr range. And they're a  
17 much more lower density up in the -- in the Selweyn  
18 Mountains.

19 So about two thirds (2/3) of the herd  
20 spend this calving summer and fall in the southern part  
21 of the range, and then move on to a winter range either  
22 side of the Campbell Highway in the Pelly and Ross River  
23 lowlands.

24 And I just want to make a comment about  
25 this area. That -- that distribution on winter range

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28

1 actually corresponds to a snow shadow effect on the east  
2 side of the Pelly Mountains here, so, it's an area of  
3 high lichen abundance and very low snow and all the  
4 outlying areas are -- are deep snow.

5 Given that, I can't urge enough that  
6 winter range on caribou herds is extremely critical  
7 habitat. The -- the need of the animals for most of the  
8 year for abundant lichens and in a very -- they're most  
9 confined, as you can see, distribution is when they are  
10 most vulnerable to human effects. So, my red light goes  
11 off when I see something going in winter range.

12 Just to give you an example, here's a  
13 distribution of the herd in 2007 during a census survey  
14 all along the Campbell Highway, and this is just how  
15 confined they are in late winter.

16 So there are things, as a wildlife  
17 manager, that I get concerned about, like wildfires,  
18 because lichens take about 60 years to recover. And

19 there are two large wildfires on the range over here and  
20 over here that -- in the 1990s that, really, the whole  
21 area should be put in high alert suppression status.  
22                   These are things that have to be done  
23 through government but are vital management  
24 considerations for the well being of the caribou herd.  
25 So enough said on the -- my concerns about winter range.

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29

1                   Right here we have a bar graph of the calf  
2 survival pattern in the herd. The herd was at very low  
3 numbers and heavily harvested back in 1982. We embarked  
4 on a seven (7) year wolf control project to rebuild the  
5 herd and the cow/calf ratio increased from on seventeen  
6 (17) to, on average, fifty (50) calves per hundred (100)  
7 cows in response to that.  
8                   Wolves recovered in about a four (4) year  
9 period and, consequently, cow/calf ratios went down, and  
10 for a time, they held a very stable pattern. The line  
11 here represents what would be a stable caribou herd at  
12 twenty-six (26) calves per hundred (100) cows.  
13                   After about 1998, they started -- calf  
14 survival started going down and I have no, you know, big  
15 explanation for why that's happening, maybe it's some  
16 climate effects, or whatever, but the population is in  
17 decline on average.  
18                   These are popu -- by the way, you can see  
19 by the former chart there are annual rut counts carried  
20 out every year on that population, so, it is always  
21 monitored. And you can see here that there have been  
22 five (5) census surveys. These are very expensive, like  
23 seventy (70), ninety thousand dollar (\$90,000) surveys,  
24 carried out using a technique called the stratified  
25 random quad rack technique that is highly repeatable, and

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1 even has a statement of the precision of the estimate  
2 with a plus or minus.  
3                   And as a result of the wolf control, the  
4 herd went to almost six thousand (6,000), and thereafter  
5 it -- it's done a long slow drag decline. But the  
6 interesting part here is in this window here, when it was  
7 averaging twenty-six calves per hundred (100) cows, the  
8 herd was experiencing an extremely high level of hunting  
9 harvest from the Yukon public.  
10                   And in fact, the number of animals missing  
11 from here to here probably equals the harvest. And I  
12 don't think the decline would have happened had it not  
13 been for excessive harvest.

14                   After 1998, very strong conservation  
15 measures were taken and the herd is now on a very strict  
16 stringent permit hunt quota system and First Nations are  
17 voluntarily reducing their harvest, and rate of decline  
18 has clearly slowed.

19                   And in the end, there are more caribou  
20 here than when we started, before the wolf control, so  
21 there's lots of latitude for people with management  
22 responsibility to stabilize this situation perhaps  
23 through community-base trapping or whatever people come  
24 up with to ensure the -- the stability -- sustainability  
25 of the Finlayson herd and -- and secure it.

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31

1                   Through this intensive management period  
2 there was a lot of other very, very valuable research  
3 activity that took on -- took place going into the past  
4 and presently and ongoing and so, for example, those  
5 population trend counts and population estimates will  
6 continue, so we'll always know what direction the  
7 Finlayson herd is going in.

8                   Harvest is continually monitored and its  
9 effect and it has been reduced. We have a lot of work  
10 here in predator/prey relationships. Following the wolf  
11 control, not only did we learn so much from the wolf  
12 control, but the -- all the wolves were rad -- all the  
13 wolf packs were radio collared. We know about their  
14 dens, for example, we have confidential data on den sites  
15 on the Yukon side, and we know a lot about the pre --  
16 prey relationships and what's the driving force in the  
17 population dynamics of this herd.

18                   And throughout all this survey work, we  
19 have massive GIS projects on the distribution and range  
20 use patterns of the herd. We also have -- a lot of  
21 information was collected on their food habits and -- and  
22 the quality of forage in their range.

23                   We have data on animals that were shot,  
24 collected and -- and studied through necropsy with a very  
25 broad range of -- of data on body condition, like fat,

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1 pregnancy rate, weights of calves, and -- and this sort  
2 of thing, and that's been carried out on two (2) other  
3 herds to compare to.

4                   So while I'm going through this, just  
5 think of things we can fall back to when -- when we have  
6 some questions about, you know, the welfare of those  
7 caribou because this is baseline data going back to the  
8 early 1980s.

9                   We have also genotyped both herds in our  
10 area, and that's been compared to a very large database  
11 on their genetic makeup, their genetic diversity, and how  
12 healthy they are that way and how they are related to one  
13 another.

14                   And perhaps we're going to find out more  
15 about what their founding population was and whether they  
16 have ever bottlenecked in time. These are -- other clima  
17 -- climatic data are really important ecologically to  
18 understand what human impacts would be on a population  
19 because features like hard winters and late springs can  
20 also direct the direction of a caribou herd probably more  
21 so than what human effects are.

22                   So, we also have a lot of data that I  
23 cannot present today without taking up way too much time  
24 on climatic effects that are on the herd. And moreover,  
25 we have an ongoing collection of livers and kidneys to

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33

1 look at heavy metal concentrations in caribou that form a  
2 tremendous baseline that can be looked back upon should  
3 there be any questions about any changes.

4                   For example, I was collecting radio cesium  
5 from the Finlayson herd. Muscle tissue have an assayed  
6 radio cesium comes from the 1950s bombing fallout from --  
7 from the South Pacific and it's in the food caribou  
8 lichen food change at low levels. Then when Chernobyl  
9 went off, the national people came straight to me because  
10 I had baseline data prior to Chernobyl whether it got in  
11 the North American caribou or not, so, you never know  
12 with some of this stuff.

13                   But anyway, I just want to emphasise at  
14 this point that the Finlayson herd has had an extremely  
15 high level of research that exceeds most any caribou herd  
16 in North America with a three (3) decade record of a  
17 broad range of information that we can draw upon should  
18 questions arise surrounding someone's development or any  
19 other activities applied.

20                   And so here's the relevant facts that come  
21 out of here. One (1) thing I would like to stress that  
22 there is a lot of research on Boreal caribou that  
23 specialists will come up and -- and cite, but Boreal  
24 caribou live in a tempered zone. They're very cryptic  
25 animals. They won't even open large spaces. They're

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34

1 disbursed. They have adaptive very unique life  
2 histories.

3                   In my first picture from the Avalon

4 Peninsula of Newfoundland to Unimak Island in Alaska,  
5 caribou behave differently. They have adaptive. They're  
6 a cosmopolitan species that adapted to very par --  
7 particular ecological environmental conditions where they  
8 live.

9           Given that, we should be very careful  
10 about trying to extrapolate what's happening to the  
11 Boreal caribou, and how they behave, and applying it to  
12 the northern mountain population.

13           The northern mountain population live in  
14 upland habitats, not peat bogs and forest. They are very  
15 gregarious animals, and how human effects may apply to  
16 them is not necessarily how it would to Boreal caribou.  
17 In fact, there's actually less known about human effects  
18 on the northern mountain population caribou than there is  
19 the Boreal caribou.

20           So, I've already made my points for the  
21 most part here. We are able to capitalize on an enormous  
22 data base respecting this herd that is representative of  
23 the herds in the region. So, having one (1) intensively  
24 studied herd helps us to think about what we'll do with  
25 the neighbouring -- around the neighbouring herds because

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1 of what we've learned with another representative  
2 population.

3           I'm moving on to the Nahanni herd now,  
4 which ranges east of the Finlayson herd range. This data  
5 is not as comprehensive as I'm portraying it here. It's  
6 conventional radio collared data, but there are -- is a  
7 lot, lot more data available on the range use of this  
8 herd with satellite telemetry that I just didn't have  
9 access to, and be able to apply on this -- on this map  
10 yet, but there is a lot more.

11           And through that study they've -- we've  
12 found that we definitely have a distinct herd down here  
13 called the Coal River herd, and another smaller one  
14 called the La Biche herd further to the south.

15           Here's the Howard Pass area, the Cantung  
16 Road. And we see that the herd largely calves summer and  
17 fall in the Selwyn Mountains, and then migrates down the  
18 Nahanni River to winter range in the vicinity of Virginia  
19 Falls area. And this is a smaller population.

20           There is less research that has been  
21 carried out on it. It only goes back to the mid 1990s,  
22 and we -- this is the cow/calf ratios that have been  
23 found. And they have been variable, but in recent years  
24 low. And I'll have to come back to that when I show our  
25 results in the Selwyn work.

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36

1                   There was a population estimate carried  
2 out here in 2001. I was part of that study, and we  
3 actually counted seven hundred and eighty-one (781)  
4 caribou, but the extrapolation is really large, 1.46.  
5 And it -- it predicts that there's eleven hundred and  
6 forty (1,140) caribou in that herd, and I would be really  
7 suspect of that data, even though I'm responsible for it.  
8 I have to caution people that that herd may not have been  
9 that big in 2001 because we only had eleven (11) radio  
10 collars to work with to do an extrapolation with.

11                   So it's -- it's pretty weak. And I -- I  
12 know, in fact, there's another survey planned this fall  
13 using far, far more rigorous techniques to get at the  
14 population size of this herd. And you know, I look  
15 forward to getting that.

16                   But cow/calf ratio has been low, and the  
17 bull/cow ratio is low, and that shows me there's heavy  
18 hunting going on in the herd when your bull/cow ratio  
19 gets low. And also if you have chronic low recruitment,  
20 bulls, even as calves, don't survive as fast, or as well  
21 as -- as cows, and the -- the bull ratio goes down.

22                   So I've got a suspicion here that we have  
23 a declining population that's pretty heavily hunted, and  
24 -- and we -- we would like -- we need more data, we need  
25 a better population estimate, and we need continued trend

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37

1 count on this herd to make the right decisions.

2                   So what's going on now is there's been a  
3 collaboration with Parks Canada, the GNWT, First Nation,  
4 Yukon Department of Environment, and ourselves, actually  
5 through Selwyn would have assisted in this work.

6                   And last fall, thirty (30) satellite  
7 collars were deployed on the herd to learn more about the  
8 Nahanni herd's range use.

9                   Continued fall composition counts we've  
10 participated in the last two (2) years of composition  
11 counts on the herd, and this population estimate survey  
12 in '09 should improve our database to make more adequate  
13 decisions about, you know, how the herd should be managed  
14 in the broader sense.

15                   So there's a chance -- boundary herd that  
16 ranges in Howard Pass during the summer, and actually to  
17 a lesser extent in the rut. And the herd is primarily in  
18 Nahanni National Park, which could have a very -- you  
19 know, how the park is managed could have a very large  
20 influence on how that herd goes.

21                   And our -- our demographic data don't look  
22 good, and continued harvest will accelerate the decline  
23 of this population, I'm thinking, and further monitoring  
24 needs to be carried out.

25                   So I'm going to move on to Selwyn studies

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1 that we began two (2) years ago. And since the herd --  
2 the Howard Pass area is extremely deep snow country, the  
3 herd can't possibly -- the caribou can't possibly -- the  
4 caribou can't possibly winter there, the snows are  
5 prohibitively deep.

6           So we find caribou in the Selwyn  
7 Mountains, Howard Pass area in calving, post-calving and  
8 -- and during the rut. We set up a study area around --  
9 so you'll see the -- the -- whoop, I've got the wrong --  
10 does this go back - good. The claim block area is here,  
11 this is Howard Pass, there's the NWT border.

12           We set up a -- a survey area around the  
13 activity of the exploration and potential mine  
14 development there, and we carried out calving, post-  
15 calving and rut counts in this area in both years.

16           But in addition, to learn a bigger picture  
17 of caribou prevalence, characteristics, behaviour and  
18 abundance in the area, we added a control area to the  
19 north and a control area to the south during the post-  
20 calving, because the post-calving period is when we think  
21 we need to -- we need to really know as much as we can.

22           During calving, female cari -- Woodland  
23 caribou disperse in the mountains. They make themselves  
24 hard to find to avoid predators. They space out from one  
25 another and they go into high rocks and out on big brown

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1 spots that camouflage them and the calf against the snow  
2 and it makes them mosaic of -- of hard to get, hard to  
3 find, hard to see places for them. They spread their  
4 scent out into the wind, and predators down in the  
5 valleys really have a hard time finding them at calving,  
6 when the calf is really vulnerable.

7           The calving period is -- is from May 7th  
8 to June 8th, with a median peak at May 17th. Any  
9 conditions one would want to impose would be in those  
10 periods, and that's data based on -- on some pretty good  
11 reliable research with captive rearing of animals on  
12 range with a survey of the Finlayson herd, and this data  
13 is also the same as for the Denali herd in Alaska. So I  
14 think it's a very reliable window.

15           But we should point out that on June 8th  
16 you might have one (1), and on May 7th you might have one  
17 (1), but most of them fall either side of May 17th, I'd  
18 say in that two (2) week period.

19           So in '07 we conducted a calving survey of  
20 the -- that middle area I showed the RSA or Regional

21 Study Area, which reflects the project area. It includes  
22 a survey from the 14th and 15th of June.  
23                   Now this is after calving is over. And I  
24 wanted a survey in the area to look at the relative  
25 abundance of cow caribou in the project region, because

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1 this may reflect how many caribou are actually calved in  
2 the area. So this is like an early post-calving survey,  
3 it's not during the calving period. And during that  
4 time, we found seventy-five (75) caribou in that mountain  
5 block in sixteen (16) groups ranging from 1 to 11 percent  
6 and they were predominantly cows.

7                   So we thought, well, let's get in closer  
8 to calving. And -- and that's an actual picture above XY  
9 in the Howard Pass area and what it looks like in that  
10 region during calving. We went in May 29th in the latter  
11 part of calving and we could only find ten (10) caribou  
12 during calving, seven (7) cows and three (3) calves.  
13 They were wide -- so wide spread that there just -- there  
14 just weren't -- there just weren't any caribou in the  
15 area to speak of.

16                   And when it comes to regulating something  
17 like that, I'm not sure how you would go about it because  
18 I know it's counter intuitive to think that -- the  
19 calving season is a key reproductive period for any  
20 species, but these animals disburse so widely that I'm  
21 not sure how -- what you would do about it, that their --  
22 their strategy not only makes it difficult for predators  
23 to find them, biologists can't find them either.

24                   Now, on the other hand, the post-calving  
25 period is a very, very important time up in the Selweyn

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41

1 Mountains for these caribou herds because this is the  
2 short period of the year where they can get most of their  
3 nutrition. The forage becomes very high quality, the  
4 cows are lactating, the high protein in the diet makes  
5 for good milk yield, and bulls have to, and cows have to,  
6 increase their body mass and fat content in order to get  
7 through the breeding season in a hard winter where the  
8 diet is more carbohydrate and starch and less nutritious.

9                   So anything that would compromise, you  
10 know, or constrain caribou during the calving period has  
11 a strong potential to have a negative effect. And during  
12 this period, caribou are not -- you know, optimally  
13 foraging, but also escaping insect harassment by getting  
14 up on wind-blown slopes, and -- and particularly getting  
15 on snow patches have become very important habitat for

16 them to not only escape flies, but to thermal regulate.  
17           It also helps us count them in the post  
18 calving because during hot sultry afternoons, most  
19 caribou are going to be on snow patches and easy to find.  
20 So we flew an early post-calving survey in '07 on June  
21 27th and we found a total of two hundred (200) caribou  
22 around the project area in thirty-four (34) groups, the  
23 largest group being forty-eight (48).  
24           Another point I'd like to make about --  
25 about calving -- or post-calving period is that any human

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42

1 stimuli, when you have larger groups, is going to affect  
2 more individuals than it is when they're widely spread  
3 and disbursed.  
4           So I'm a little bit concerned that, you  
5 know, whatever we do is going to affect more animals  
6 during the post-calving period, as well as, you know, not  
7 be a good time to displace them or have any adverse  
8 effects.  
9           So we carried out a survey in '07 using  
10 our -- our project area in the two (2) controls, and  
11 please take note, the project area is much larger than  
12 the other two (2), so naturally, you know, we found a  
13 large number of animals, two hundred and twenty-three  
14 (223) in the -- in the project area, or 37 percent.  
15           In '07 we found more caribou, two hundred  
16 and fifty-three (253) to the south. Now this is -- and  
17 then we found a hundred and twenty-seven (127) in the  
18 north. So there's the Itsi Mountains, just to give you  
19 an idea, and the head of the Highland River. That is a  
20 very large block. It represents pretty well all the  
21 caribou activity in the Selweyn Mountains.  
22           We returned in '08 and there was a bit of  
23 a shift in abundance, fewer in the north, which is  
24 natural, the caribou move around. We flew a survey at  
25 almost the same date. It was the 15th the year before

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1 and the 13th, 14th, the next day, under the same survey  
2 conditions. We found three hundred and sixty-one (361)  
3 caribou around the project area, and still quite a large  
4 number to the south of the project area.  
5           We also -- two (2) things: Want to know  
6 what's going on in the Howard Pass area during the rut,  
7 and we also want to make sure that the populations are  
8 assessed at the population level. So, in order to do  
9 that we have to work collaboratively with the government  
10 when they're doing their annual counts.

11                   And, so we carried out rut counts with the  
12 government making sure we got our -- our study area  
13 covered and assisting them with their total count of the  
14 herd.

15                   So in '07 we counted over ten (10) -- over  
16 a thousand (1,000) caribou in the Finlayson herd, but the  
17 vast majority of these during the rut, 94 percent were  
18 actually south of the Robert Campbell Highway - way, way,  
19 way away from the project area.

20                   In that year, we found an increase in  
21 cow/calf ratio. Remember it was averaging only seventeen  
22 (17); that year it was almost thirty-one (31).

23                   And then we did the count on the Nahanni  
24 herd and we found three hundred and eighty-nine (389).  
25 Clearly, a smaller herd. And another poor calf --

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44

1 calf/cow season; seventeen (17) calves per hundred (100)  
2 cows.

3                   In it we found a total of fifty-seven (57)  
4 caribou in a fifteen (15) -- or how many groups, let's  
5 see, not many. But we found fifty-seven (57) caribou in  
6 the project area that are probably Nahanni herd caribou.  
7 I think the Finlayson animals move closer to winter range  
8 by the rut and are out of the area.

9                   We did the same -- we replicated the same  
10 survey in -- in '08. We counted over seven hundred (700)  
11 caribou in the Finlayson herd. Again, most of which were  
12 down in the Pelly Mountains south of the Campbell  
13 Highway. Cow/calf ratio went down to sixteen (16) calves  
14 per hundred (100) cows.

15                   The government folks were counting south  
16 of the project area, and they counted two hundred and  
17 forty-five (245). And we counted the project area, and  
18 we had more caribou this year. We got a hundred and  
19 fifty-one (151). And when we add these two (2), we get  
20 pretty well the same number of caribou, three hundred and  
21 ninety-six (396) that we had last year.

22                   Plus the fact that the government folks  
23 put five (5) radio collars out in the project area, and  
24 they all went to the Nahanni winter range supports the  
25 notion that these are all Nahanni caribou in the project

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1 area during the rut.

2                   I hope that gives you some overview of the  
3 relative abundance of caribou in the area, and their  
4 behaviour. You know, I want to conclude by saying that  
5 we have a lot of really good data going back a long ways

6 to be able to make good -- good representation of the  
7 conditions that were there before any development took  
8 place.

9                   We have a lot of survey work. The ones  
10 that we've developed as -- with Selwyn and the existing  
11 surveys that can be replicated at any time. So we're on  
12 standard with what -- what we're doing with this  
13 comparative baseline studies.

14                   And clearly these two (2) herds are an  
15 important feature in the area, and they have to be --  
16 have to be, you know, conserved.

17                   The -- the post-calving period is what we  
18 think is the most important time of year to be focussed  
19 on any potential possible adverse effects.

20                   It -- there -- another note is there  
21 appears to be, looking at the north control and the south  
22 control, a lot of high quality habitat for the caribou.  
23 Should some form of displacement take place from  
24 activity, there appears to be a lot of alternate range in  
25 which -- for them to go to.

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1                   The data all combined with our assessment  
2 work and the existing data can help us eventually build a  
3 spacial model using zone of influence criteria to try and  
4 predict, you know, what activity in the Howard Pass area  
5 may result in.

6                   And the -- the radio telemetry work being  
7 carried out now with the satellite collars will help us  
8 get better informed information on the long-term use of  
9 these animals, and identify better mitigative  
10 possibilities that could take place.

11                   We're looking at two (2) herds that are in  
12 decline, I believe, and it's really -- you know, we  
13 really want to support governments in -- in dealing with  
14 these management issues and -- and solving the problem.

15                   And it's going to really take the -- for a  
16 -- strong focus on the responsible agencies to deal with  
17 that. And with all that said, are there any questions?

18                   THE CHAIRPERSON: Thank you, Rick.

19                   I guess what I will do is, the two  
20 presentation by the developer, there were two (2) parts;  
21 one (1) on broader issues by Justin and the caribou  
22 research by yourself Rick. And thank you for your  
23 presentation.

24                   The questions and the order, what I will  
25 do is I will ask if there is any questions from Parks

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1 Canada. I believe it is Lee Montgomery. Is Lee here?  
2 Do you have any questions? Can I get a  
3 mic here. And please state your name.

4  
5 QUESTION PERIOD:

6 MS. LEE MONTGOMERY: My name is Lee  
7 Montgomery of Parks Canada. I have a question of Justin.  
8 I think that you mentioned that there  
9 would not be public access on the road. I wonder if you  
10 could go into any details regarding how that might be  
11 managed?

12 THE CHAIRPERSON: Thank you for your  
13 question. I would like to go back to the developer, one  
14 of you want to answer that; Justin?

15 MR. JUSTIN HIMMELRIGHT: I think we need  
16 to be careful to keep separate the licence that's under  
17 discussion today and this issue of access on the -- on  
18 the road.

19 The land use permit for the access road  
20 and the rehabilitation of the access road has been  
21 issued, and the terms of access control are built into  
22 the plans surrounding that -- that permit.

23 So just so long as we are remembering to  
24 keep separate what this Hearing is about and -- and that  
25 particular issue, I will speak to the access control

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1 provisions that we've put forward under the land use  
2 permit governing the access road.

3 The land status on that access road which  
4 goes from Tungsten, Northwest Territories to the Howard's  
5 Pass area is, in essence, a public road. There are  
6 leaseholders on Flat Lakes who currently use that road to  
7 access their recreation leases. And there are  
8 recreational users that use that road to this day. It  
9 was built in the -- the late 1970s and early '80s, in  
10 part with federal funds. And it has been not maintained  
11 by any public government since that time.

12 So when Selwyn Resources moved forward to  
13 rehabilitate that road for access to our property, we  
14 determined that although the -- the roadbed itself may be  
15 essentially public access that people are currently  
16 using, there were a number of bridge structures along the  
17 way that we could interpret, in essence, private  
18 property.

19 By rebuilding and rehabilitating those  
20 bridge structures, we are the physical owners of that  
21 asset and the liabilities associated with that asset  
22 would also rest with us. So, we determined that it would  
23 be legally possible to block access along that road by  
24 controlling access on the bridges.

25 The methodology that we are looking at

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1 currently is one that will allow the current level of use  
 2 to continue, that is, there is access at this point for  
 3 snow machines and quads and not pickup trucks or -- or  
 4 larger vehicles because of the nature -- or the -- the  
 5 condition of the road as it stands today.

6           So, our objective was to -- to be able to  
 7 allow the current level of use to continue. And so the -  
 8 - the access blockages on the -- on the bridges cannot be  
 9 complete and total access blockages because the result of  
 10 that, we believe, would be to have quads and/or snow  
 11 machines or other pieces of equipment that are trying to  
 12 move down that road going off of the road and down into  
 13 the creeks and -- and driving through the creeks.

14           So, we don't want to be precipitating  
 15 damage to potential fish habitat as a result of bridge  
 16 barricades. So, the methodology that we're looking at is  
 17 some form of large cement lock blocks placed on the  
 18 bridges that, you know, folks like Selweyn Resources  
 19 going to use the road will need to have some form of  
 20 heavy equipment, a low -- low-boy or a HIAB or something  
 21 that'll be able to move them so that they'll be able to  
 22 use the road and -- and the bridge at the same time.

23           So that's the idea that we are working  
 24 with at this time. And, of course, with the presence on  
 25 the road and monitoring people's movements on it and how

1 it's being used, that's an adaptive management situation  
 2 where, you know, we are going to adjust the way that we  
 3 do things according to the results that -- that we see.

4           And we'll -- we will be sticking to, or  
 5 abiding by our objective, which is the current level of  
 6 activity on that road consists of some recreational road  
 7 users and some people accessing their leases, and that  
 8 should be allowed to -- to continue, but we don't want to  
 9 see, obviously, an increase in -- in heavy use and  
 10 increase in -- in heavy hunting or, you know, those sorts  
 11 of things.

12           That we will be doing what we can through  
 13 the control on the bridges to maintain the current level  
 14 of use.

15           THE CHAIRPERSON: Thank you very much,  
 16 Justin.

17           Back to Parks Canada. Is there any  
 18 further comments and questions? Yes, please state your  
 19 name.

20           MS. DANA HAGGARTY: My name is Dana  
 21 Haggarty. I'm with Parks Canada and Nahanni National  
 22 Park Reserve.

23           As you'll see from our presentation a

24 little bit later this afternoon, Parks Canada is also  
25 quite concerned about the post-calving time period.

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1 I'm hoping that either Rick or Justin can  
2 elaborate on the exact time period in the calendar year  
3 that they expect post calving to be going on the pro --  
4 project area, as well as how they would determine when  
5 calving is actually -- or post calving is actually  
6 occurring in the project area on a year-to-year basis, as  
7 well as if they plan to alter their activities at all  
8 during this time period.

9 THE CHAIRPERSON: Thank you, Dana, for  
10 your question from Parks Canada.

11 I want to go to Rick Farnell.

12 MR. RICHARD FARNELL: You can see by the  
13 second survey on the 27th of June that the numbers had  
14 picked up in the project area, and picked up even more so  
15 on the 15th of July.

16 So if I was to put out a date that I think  
17 is the, well, we'll call it post-calving period,  
18 recognizing there's always going to be some kind of  
19 variability going on naturally, it would probably be the  
20 month of July.

21 And as for, you know, mitigating human  
22 activity relative to the post-calving period with caribou  
23 in the Howard Pass area, I have not recommended anything  
24 to the -- to the Company yet, thinking more ahead of  
25 actual development because the advance exploration

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1 activity is really casual.

2 We do not have a lot of research on  
3 aircraft activity relative to caribou, for example, other  
4 than military overflight studies in Alaska and Labrador  
5 where they're flying at mach II, just above the ground  
6 level and authorities with, you know, military aircraft.

7 There's very little out there on -- on,  
8 you know, helicopter-borne activity, so I have to work  
9 with my own observations over time and try and give you  
10 an expert's opinion.

11 And trust me, I have harassed more caribou  
12 than you can imagine with a helicopter over half of my  
13 life. I've net gunned them, and probed them, and pushed  
14 them, and never caused a direct mortality from just  
15 flying over the animals. We have accidentally in capture  
16 and handling observations, and that's thousands of  
17 animals with a net gun. And that mortality percentage is  
18 1 percent. And we've tracked that diligently.

19                   The -- the thing is when you come on --  
20 you know, I'm doing wildlife survey, once a year I'll fly  
21 over a group of -- go over Finlayson caribou, most of the  
22 herd, once a year.  
23                   I think the whole thing about that is it's  
24 all about frequency and intensity. And the frequency and  
25 intensity of use I've seen thus far in the project area

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1 has been a certain level but, for example, I've sat on  
2 the end of the XY airstrip waiting for conditions and  
3 seen planes landing repeatedly on -- with fuel hauls and  
4 two (2) helicopters working off of the pad on the end of  
5 the airstrip and watching caribou feeding less a  
6 kilometre away that don't even pick their heads up.  
7                   Now, if I were to walk up there, they'd  
8 probably pick their heads up, and get close to them and  
9 see some ground-base stimuli that looks like a predation  
10 risk, that might have an effect, but, the aircraft didn't  
11 seem to bother them.  
12                   Now, that said, I got to tell you about  
13 when I do think there was threshold met. And that was  
14 something I saw in -- in the southern part of the  
15 Finlayson herd where there's much higher density south of  
16 the Campbell Highway.  
17                   There was a record staking rush took place  
18 in 1995 when sixteen thousand (16,000) claims went in to  
19 a concentrated area; that's a hundred and fifty (150)  
20 guys were out there with nine (9) helicopters. In a  
21 short period of time, they had to go to every claim  
22 block, sixteen thousand (16,000) of them three (3) times.  
23                   And so you can imagine the human scent,  
24 the ground-base activity, the amount of aircraft activity  
25 that took place. And when we did this subsequent rut

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1 count in October, we found very few caribou on the  
2 plateaus. They were all down in the trees.  
3                   And we, clearly, that this was too much  
4 activity at a bad time of year and we had to learn from  
5 this experience. But staking rushes don't happen that  
6 often. And it caught us totally by surprise. I don't  
7 know if it affected the reproductivity of the population  
8 in any way but, surely, it did push them off the  
9 mountains.  
10                   But that's not advance exploration.  
11 Advance exploration may be putting a crew out in the  
12 morning, picking it up in the afternoon. And that's --  
13 that's pretty casual by comparison.

14                   So, I guess what I'm saying is I don't  
15 think the kind -- the hundred (100) drill site holes in  
16 five (5) years is going to result in the kind of  
17 activity. And this is a personal professional call  
18 because there's nothing in the literature on this. I  
19 don't think it's going to result in an adverse effect as  
20 long as it's at that level, an advanced exploration level  
21 and there isn't a staking rush taking place.  
22                   MR. JUSTIN HIMMELRIGHT: I'll carry on.  
23                   THE CHAIRPERSON: Go ahead there, Justin.  
24                   MR. JUSTIN HIMMELRIGHT: Thank you. I --  
25 you know, as -- as Rick has identified, that post-calving

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1 period being in the month of July, and I think that what  
2 we're -- we're talking about, we don't think that there  
3 is likely to be an adverse effect as a result of -- of  
4 the land use permit that's under -- under application.  
5                   All the same, the application of, you  
6 know, being conservative and cautious comes into play.  
7 And -- and our objective is going to be, clearly, not to  
8 be disturbing those animals.  
9                   So what we're -- what we're talking about  
10 is that -- for that month of July our -- any aerial-based  
11 activity that the pilots are going to be on -- on special  
12 notice, as it were, of -- of caribou in the area, and  
13 they're going to have to adjust their behaviour  
14 accordingly.  
15                   In addition to that, the -- the onsite  
16 environmental monitors were -- are -- are given some  
17 authority, if you like, to observe the shoulder periods  
18 on either side of July given that -- you know, that the --  
19 - the presence or arrival of caribou in those areas may  
20 not start on July 1 and end on July 31. There may be a  
21 week on either side where we start to see movement.  
22                   So there -- there is a -- an ability on  
23 either side of that period in July for the environmental  
24 monitors who are onsite or the crews that are onsite to  
25 be alerting pilots to -- to caribou moving into the area

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1 or moving out.  
2                   So I think that that was what we were  
3 thinking about by way of being very conservative in our --  
4 - in our mitigation approach.  
5                   THE CHAIRPERSON: Okay. We are going to  
6 stop at 2:30 for a break, in about five (5) minutes.  
7                   Is there any further questions from Parks  
8 Canada? None, okay.

9 Moving on to questions from the GNWT,  
10 Loretta Ransom?  
11 MS. LORETTA RANSOM: Yes, I do have one  
12 (1) question.  
13 THE CHAIRPERSON: Please proceed and  
14 state your name again.  
15 MS. LORETTA RANSOM: It's related to  
16 access, and it's a question that applies to the Yukon,  
17 but given the trans-boundary nature of the project,  
18 hopefully, this will still be relevant.  
19 I'm just wondering if you have any  
20 intentions of eventually building a road that connects to  
21 either the Robert Campbell or the North Canal Road in the  
22 Yukon, and if you do, when, and also, how accessible  
23 would this road be to harvesters?  
24 THE CHAIRPERSON: Thank you for your  
25 question; to the developer.

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1 MR. JUSTIN HIMMELRIGHT: I think, once  
2 again, I'd have to -- to stress the -- the nature of the  
3 permit that's under Hearing today. Those are broader  
4 questions that are -- are much farther down the road in  
5 terms of a -- of a development time line for a project  
6 like this.  
7 We're talking about a hundred (100) drill  
8 holes on a -- on an exploration program in the Northwest  
9 Territories, so trans-boundary nature, I -- I'm not  
10 seeing it.  
11 Those issues of connector roads to the  
12 North Canal and to the Robert Campbell Highway are --  
13 there's nothing really that I could -- I could speak to  
14 in terms of those options at this point.  
15 Certainly, we have identified the fact  
16 that over the long-term we're going to need to be able to  
17 move materials in and out of the area, and so those are  
18 alternatives that we -- we are looking at, but we're  
19 nowhere near having any form of a detailed plan that I  
20 could begin to address those issues.  
21 THE CHAIRPERSON: Just as a reminder, as  
22 I refer to you, if you do not mind just stating your name  
23 for the record just so the recorder has that.  
24 Back to the GNWT. Just state your name  
25 again.

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1 MS. LORETTA RANSOM: It's Loretta Ransom  
2 and I have no further questions. Thank you.  
3 THE CHAIRPERSON: Okay, with that, I am

4 going to ask for a break for ten (10) minutes. We will  
5 come back at twenty (20) to 3:00 and we will continue on  
6 with questions.

7

8 --- Upon recessing at 2:30 p.m.

9 --- Upon resuming at 2:45 p.m.

10

11 THE CHAIRPERSON: I would like to call  
12 the Hearing back to order. Before I move on to the next  
13 people that want to ask questions, I just want to also  
14 acknowledge a couple more people here.

15 I have Eddie McPherson (phonetic) Jr. with  
16 the Fort Norman Metis Land Corporation. Also, I have  
17 Keith Hickling, GNWT NR. Frank Pope, he is with the  
18 GNWT, if he is here. Yes. And I also had a chance to  
19 briefly speak to Lee Montgomery with Parks Canada.  
20 Pleased to meet you earlier. And we also want to -- I  
21 believe Judith Rightbird (phonetic) was just here. I'd  
22 like to recognize her as well.

23 Okay. Moving on, it was also noted a  
24 little bit earlier that we're on webcast. At this time  
25 the webcast is not working. We weren't able to get the

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1 lines in here properly, so it's not working right now.  
2 But anyway, moving on to -- the developers just gave  
3 their presentation, so we're into questions and answer.

4 And the next person I have from the INAC  
5 is Charlotte Henry. Is there any questions for the  
6 developer?

7 MS. CHARLOTTE HENRY: No, we don't have  
8 any questions.

9 THE CHAIRPERSON: None at this time,  
10 thank you.

11 Would the Sathu Secretary Incorporated,  
12 Howard Townsend, for the developer?

13 MR. HOWARD TOWNSEND: No questions at this  
14 time.

15 THE CHAIRPERSON: Thank you. I'm going  
16 to move on to MVEIRB staff. Is there any questions for  
17 the developer?

18 MR. MARTIN HAEFELE: Yes, there's a  
19 question. And it's Martin Haeefele from the Review Board  
20 staff.

21 And I would like to just know if you have  
22 any experience with the recovery rates of regrowth or  
23 anything in that area, as you are proposing to use Cats  
24 to move the drills, and you talked about reclamation. I  
25 just wanted to know if you had any experience as -- at

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1 what time -- in what time frame these trails may, you  
2 know, revert to essentially or substantively a natural  
3 state?

4 THE CHAIRPERSON: To the developer, Mr.  
5 Himmelright.

6 MR. JUSTIN HIMMELRIGHT: We have  
7 experience, I guess on a couple of different fronts in  
8 regards to vegetative recovery in those -- in those  
9 areas.

10 On the first, the work that was done by  
11 previous operators, Placer Development through the '70s  
12 and early '80s, at the time that we ventured onto the  
13 property in 2005, those trails and pads and so on that  
14 had been the evidence of their work on the -- on these  
15 claims were, essentially, not evident on the landscape.

16 They were grown over. Where there had  
17 been micro changes in topography, if you like, you know,  
18 where they had cut a road or something like that, that  
19 was still evident, clearly, but vegetative growth was --  
20 was complete, regrowth was complete at that point. So  
21 that's a twenty-five (25) year time span, that's quite  
22 long.

23 In terms of our direct reclamation work  
24 that we've done, we have found that on drill pads in  
25 alpine areas, that within a two (2) year time period we

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1 have, I guess, I'm not a reclamation specialist, but I'll  
2 call it micro growth, if you like. We have a fine layer  
3 of -- of small vegetative matter growing over top of --  
4 of the drill pad area.

5 And then with our successes on -- one (1)  
6 of the things we found to be very successful is Willow  
7 plantings up there, and we've used those in a lot of  
8 areas, and our success rate is -- I think it's somewhere  
9 in the order of about 85 percent.

10 So it responds quite well to the  
11 reclamation we've been applying.

12 MR. MARTIN HAEFELE: Thank you.

13 THE CHAIRPERSON: Is there any further  
14 questions from the MVEIRB staff?

15 MR. JOHN DONIHEE: Yes, Mr. Chairman,  
16 it's John Donihee, Board Counsel.

17 Mr. Himmelright, in the submission made by  
18 the Government of Northwest Territories they raised some  
19 questions about open burning on the Yukon side of the  
20 border and possible concerns that might generate in  
21 relation to air quality on the NWT side of the border.

22 I wonder if you can give us some sense of  
23 just how much material might be moving back across to the  
24 Yukon side? How much burning is going on, and some sense  
25 of how much of an issue this might be from the company's

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1 perspective?

2 THE CHAIRPERSON: Thank you, Mr. Donihee.  
3 To the developer, Mr. Himmelright.

4 MR. JUSTIN HIMMELRIGHT: I think there's  
5 a couple of aspects to that -- to answer that question.  
6 The first is that the -- the open burning  
7 that is being done on the Yukon side of the border is  
8 being done under permit from Yukon Environment, according  
9 to their standards and according to the process and --  
10 and regulatory regime that is in effect over there.  
11 The -- the -- I'm going into details here.  
12 I believe that anything between 5 kilograms and 50  
13 kilograms per day requires an air emissions permit, which  
14 is the permit that we have. Anything over 50 kilograms  
15 per day requires an environmental assessment to be done  
16 before a permit can be issued by Yukon Environment.  
17 And I would assume, given what we've seen  
18 on this -- on this environmental assessment, that when we  
19 come to that stage of development that the cooperation  
20 agreement between the MVEIRB and YESAB will be invoked  
21 again, if and when we come to that -- that point.  
22 In practical application what are we  
23 talking about there? We're talking about a 45 gallon  
24 drum that is being used to burn kitchen waste once a day.  
25

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1 THE CHAIRPERSON: Thank you for your  
2 question. Mr. Donihee, any other questions from MVEIRB  
3 staff or legal counsel?

4 MR. JOHN DONIHEE: Yes, Mr. Chairman.  
5 John Donihee.  
6 Again, the Hearing submission from GNWT  
7 indicates that both NWT and Yukon are signatories to a  
8 Canada wide -- or they apply -- let's see now, they --  
9 I've got this right -- they -- they adhere to CCME Canada  
10 wide standards for emissions for mercury, dioxins, and  
11 furan.  
12 I'm just wondering if you can tell us the  
13 permit that you have on Yukon's side, does that ensure  
14 that the kinds of thing that you're doing from a burning  
15 standpoint fall within the requirements of those  
16 standards, do you know that?

17 THE CHAIRPERSON: Thank you, Mr. Donihee.  
18 To the developer, Mr. Himmelright.

19 MR. JUSTIN HIMMELRIGHT: No, I don't have  
20 an answer for that question. I think the Yukon

21 Environment is probably the appropriate people to answer.  
22 THE CHAIRPERSON: Thank you, Mr.  
23 Himmelright.  
24 Mr. Donihee, any further questions?  
25 MR. JOHN DONIHEE: Yes, sir.

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1 Well, thank you, Mr. Himmelright. But I  
2 think actually you're here and Yukon Environment isn't,  
3 so I'd like to ask you to undertake to find out about  
4 that Canada wide standard for mercury, dioxin, and furan.  
5 And would you undertake to do that and  
6 send the Board the answer to that question?  
7 THE CHAIRPERSON: Thank you, Mr. Donihee.  
8 Mr. Himmelright, to the developer.  
9 MR. JUSTIN HIMMELRIGHT: If you can state  
10 clearly for me what the question is exactly?  
11 THE CHAIRPERSON: Thank you, Mr.  
12 Himmelright.  
13 Mr. Donihee, can you repeat your question,  
14 please?  
15 MR. JOHN DONIHEE: Thank you, Mr.  
16 Chairman. John Donihee.  
17 Mr. Himmelright, I would ask you to find  
18 out whether the permit that you indicate Selwyn holds  
19 from Yukon Government with respect to air emissions or  
20 regulates your air emissions so that they fall within the  
21 CCME Canada-wide standards for mercury, dioxin, and furan  
22 emissions.  
23 THE CHAIRPERSON: Thank you, Mr. Donihee.  
24 Mr. Himmelright...?  
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1 (BRIEF PAUSE)  
2  
3 MR. JUSTIN HIMMELRIGHT: To confirm, the  
4 question is whether or not the burning permit that is  
5 held by Selwyn and issued by Yukon Environment conforms  
6 to the CCME air quality regulations for mercury, dioxins,  
7 and furans?  
8 MR. JOHN DONIHEE: Mr. Chairman, if I  
9 may, I'll just clarify that.  
10 THE CHAIRPERSON: Sure. Go ahead there,  
11 Mr. Donihee.  
12 MR. JOHN DONIHEE: It's not whether the  
13 permit conforms to it, it's whether the permit requires  
14 your burning activities to conform to those standards.  
15 THE CHAIRPERSON: Thank you.

16 MR. JOHN DONIHEE: And again, I don't  
17 believe there's actually a regulation. It's a CCME  
18 standard not a -- not a regulation. Just to be clear  
19 about it.  
20 And perhaps, Mr. Chairman, while I'm at,  
21 Mr. Himmelright, do you think it would be possible to get  
22 that information to the Board within, say, two (2) weeks?  
23 THE CHAIRPERSON: Thank you, Mr. Donihee.  
24 When you say "two (2) weeks" are we talking about, this  
25 is the undertaking number 1?

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1 MR. JOHN DONIHEE: Yes, sir.  
2 THE CHAIRPERSON: Okay. Going to the  
3 developer, Mr. Himmelright?  
4 MR. JUSTIN HIMMELRIGHT: Yes.  
5 THE CHAIRPERSON: Very good.  
6  
7 --- UNDERTAKING NO. 1: For Selwyn to advise whether  
8 the permit from Yukon  
9 Government with respect to  
10 air emissions, does it fall  
11 within the CCME Canada-wide  
12 standards for mercury,  
13 dioxin, and furan emissions  
14 and to provide the answer  
15 within two (2) weeks.  
16  
17 THE CHAIRPERSON: Well, this undertaking  
18 that has been requested be two (2) weeks from today to  
19 have this information to our office in Yellowknife at the  
20 MVEIRB office. Thank you.  
21 Is there any further questions from Mr.  
22 Donihee?  
23 MR. JOHN DONIHEE: Yes, Mr. Chairman, I  
24 have some question -- a couple of questions for Mr.  
25 Farnell.

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1 Sir, I first just want to clarify because  
2 I may have missed it when you began your presentation,  
3 but you indicated that you had worked for a long time for  
4 Yukon Government, but I take it now you're actually a  
5 consultant or you're here as an advisor to Selweyn  
6 Resources Limited?  
7 THE CHAIRPERSON: Thank you, Mr. Donihee.  
8 To the developer, Mr. Farnell.  
9 MR. RICHARD FARNELL: That's correct.  
10 THE CHAIRPERSON: Mr. Donihee...?

11 MR. JOHN DONIHÉE: Thank you, Mr.  
12 Chairman. John Donihee.

13 Mr. Farnell, are -- are you familiar with  
14 the activity that's taking place on the Yukon side of the  
15 border, the Selweyn activity that's happening at their  
16 sites there, as well as the activity that's happening or  
17 proposed for the NWT side of the border?

18 And here, I'm not talking about what's  
19 happening down on the Nahanni Range Road, and I'm just  
20 talking about this particular permit that's in front of  
21 the Board at the moment.

22 THE CHAIRPERSON: Thank you, Mr. Donihee.  
23 To the developer, Mr. Farnell.

24 MR. RICHARD FARNELL: I'm familiar with  
25 the area. I've spent time in their camps and conducted

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1 surveys throughout the entire region in the last two (2)  
2 years, some of which would have covered parts of the  
3 Northwest Territories.

4 THE CHAIRPERSON: Thank you, Mr. Farnell.  
5 Mr. Donihee...?

6 MR. JOHN DONIHÉE: Thank you, Mr.  
7 Chairman. John Donihee.

8 Mr. Farnell, I just really -- you  
9 expressed a view, I guess, or an opinion earlier in  
10 response to a question, I believe, from Parks Canada  
11 about the -- your professional opinion about the effects  
12 of aircraft activity or disturbance on these caribou, and  
13 I just want to, I guess, make sure that that opinion -- I  
14 was going to ask you if that opinion is being expressed  
15 with an understanding of what would actually be involved  
16 in these, you know, conducting these hundred (100) drill  
17 holes that are being proposed under this land use permit.

18 So, you know, we have a proposal for  
19 advanced exploration on the NWT side, which involves  
20 using Cats, and helicopters, and other aircraft, and that  
21 sort of thing. When you expressed your opinion, you just  
22 said -- well, you know, I got the impression you were  
23 talking about, you know, the way things worked when you  
24 were a biologist for the government.

25 And I guess I'm asking you to reconsider

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1 what you said about the disturbance and to indicate  
2 whether the opinion you expressed applies as well to the  
3 disturbance that might come from the activities that  
4 Selweyn is actually proposing on the Northwest Territory  
5 side.

6 THE CHAIRPERSON: Thank you, Mr. Donihee.  
7 To the developer, Mr. Farnell.  
8 MR. RICHARD FARNELL: I'm finding that  
9 question a bit complex. Yes, I -- I expressed an opinion  
10 based on a range of activities that I've witnessed over  
11 time on helicopter overflights respecting caribou.  
12 I've also watched the Selweyn activities.  
13 Selweyn has environmental staff onsite. When we fly our  
14 surveys, all the pilots are brief on -- and they're  
15 highly professional pilots, on what is acceptable and  
16 unacceptable activity.  
17 I mean, this is to the point that when we  
18 fly surveys, one (1) thing the company does is they --  
19 they record all observations of animals around the two  
20 (2) camps. For example, if we see a bear within so many  
21 kilometres of camp, we inform people.  
22 They have weekly safety meetings, which is  
23 a really good time to bring up any issues about people's  
24 behaviour respecting wildlife or any cautions that should  
25 be put forth.

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1 I -- am I getting to your answer here?  
2 THE CHAIRPERSON: Mr. Donihee...?  
3 MR. JOHN DONIHEE: Thank you, Mr.  
4 Chairman. John Donihee. I'm sorry I rambled on too long  
5 with that question. Let me just ask it straight up.  
6 Do you think that the activities  
7 associated with drilling the hundred (100) holes that  
8 Selweyn is proposing on the NWT side will cause a  
9 significant impact on caribou in that area?  
10 THE CHAIRPERSON: To the developer, Mr.  
11 Farnell.  
12 MR. RICHARD FARNELL: Great, that's  
13 direct, thanks. No, I don't.  
14 THE CHAIRPERSON: Thank you, Mr. Farnell.  
15 Mr. Donihee, any further questions?  
16 MR. JOHN DONIHEE: No, sir. Thank you,  
17 Mr. Chairman.  
18 THE CHAIRPERSON: Thank you very much for  
19 that.  
20 Moving on to Board members. To my far  
21 right, I have Board member Mr. Darryl Bohnet.  
22 MR. DARRYL BOHNET: Darryl Bohnet. I  
23 have no questions.  
24 THE CHAIRPERSON: Thank you very much.  
25 Moving on to his left, I have Board member Danny Bayha.

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1 MR. DANNY BAYHA: Yes, thank you, Mr.  
2 Chairman. I just have a few questions. Thank you.  
3 Earlier you mentioned the fact that you  
4 have SOP, which is Standard Operating Procedures, that  
5 you follow. In your study, did you take into  
6 consideration over the past few years that -- that  
7 Selwyn's been operating on the Yukon side, the amount of  
8 wildlife sightings that has been done?  
9 And -- and was that part of your  
10 conclusions when you made some of those conclusions that  
11 you had in this study? I don't know. One (1) of you can  
12 answer that. Thank you.  
13 THE CHAIRPERSON: Thank you, Mr. Bahya.  
14 Moving to the developer, Mr. Himmelright  
15 or Mr. Farnell.  
16 MR. JUSTIN HIMMELRIGHT: And by the --  
17 Justin Himmelright for the Selwyn Resources.  
18 By the "study," I'm -- I'm going to assume  
19 that we're talking about the caribou studies in  
20 particular that -- that Mr. Farnell has been speaking to.  
21 In regards to SOP or Standard Operating  
22 Procedures, those are built around a variety of different  
23 information sources and, quite often, we'll rely on  
24 government publications in terms of what best practices  
25 are. We'll rely on manufacturer's information in the

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1 cases of pieces of equipment and so on and so on.  
2 But one (1) component of the information  
3 that is applied is site-specific information that is  
4 gathered during the course of activities. And as an  
5 example, on our SO -- our SOP for wildlife habitat and  
6 wildlife protection, that Standard Operating Procedure  
7 today is a different look than what it was two (2) years  
8 ago because we have accumulated information about the  
9 nature of wildlife resources on the project site, and we  
10 have modified our Standard Operating Procedure to be  
11 specific to the site and the project at -- at hand.  
12 THE CHAIRPERSON: Thank you very much,  
13 Mr. Himmelright.  
14 Moving to Board member Danny Bayha.  
15 MR. DANNY BAYAH: Thank you, Mr. Chair.  
16 Danny Bayha, Board member.  
17 So I guess maybe, Rick, the -- the  
18 question I guess still is the fact that has you -- have -  
19 - I'm sur -- I'm sure there's the history of wildlife  
20 sightings in the area, and has that been incorporated  
21 into the study.  
22 And maybe another question, any of the  
23 First Nations, affected First Nations, some of their  
24 traditional knowledge, how has that been incorporated  
25 into some of your conclusions in this study? Thank you.

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1 THE CHAIRPERSON: Thank you, Mr. Bayha.  
2 To the developer, Mr. Himmelright.

3 MR. RICHARD FARNELL: Okay. The wildlife  
4 observation chronology listing is -- is very much a part  
5 of the baseline studies and the environmental assessment  
6 work. First Nation input into the -- in the traditional  
7 knowledge I think is being sought after presently. Is it  
8 not?

9 MR. JUSTIN HIMMELRIGHT: I'll continue  
10 with that. Justin Himmelright for Selwyn Resources. The  
11 -- the status I suppose of formal traditional knowledge  
12 studies on -- on the project area, we have a traditional  
13 knowledge study that was completed for the purposes of  
14 this land use permit with the Tulita district.

15 And we are currently in the process of  
16 developing a traditional knowledge with the CASCA on the  
17 -- on the Yukon side. In participating in the surveys,  
18 as an example, for the caribou surveys work that has been  
19 done, we have had participation from -- from folks from  
20 Ross River in those surveys.

21 And that's a -- I guess a kind of a  
22 general practice. We applied that also in the context of  
23 the archeological work that we did most recently in the  
24 Yukon, also involving people from the community.

25 THE CHAIRPERSON: Thank you, Mr.

1 Himmelright. For the record, Mr. Farnell spoke first for  
2 the developer.

3 Back to Mr. Bayha, Board member.

4 MR. DANNY BAYHA: Thank you. Danny  
5 Bayha, Board member. So in -- in the -- in your studies,  
6 presently, there really wasn't any -- in your  
7 conclusions, there wasn't any attempt to try to have some  
8 input from the First Nations? At least if -- if there's  
9 some -- some conclusions in there, I just wanted to make  
10 sure that if -- if these conclusions were shared with the  
11 First Nations and the communities as well as CASCA First  
12 Nations and Tulita.

13 And if that information, you have given --  
14 got feedback from the -- from the communities, for  
15 example, there's -- there's Tulita we know Resources  
16 Council that certainly has some issues I think with  
17 caribou and -- and their expertise, and with ENR as well.

18 So I'm just curious if that was done?  
19 Thank you.

20 THE CHAIRPERSON: Thank you, Mr. Bayha.  
21 To the developer.

22 MR. JUSTIN HIMMELRIGHT: On the -- in  
23 regards to the -- the data on the Yukon side and our

24 conversations with the -- with the CASCA, the  
25 conclusions, if you like, of the study, have not been

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1 formally presented to date.  
2 In regards to the works that were done  
3 with the Northwest Territories surveys, those reports --  
4 reports from those surveys were sent to Renewable  
5 Resource councils. We have no comments from them in  
6 regards to those studies as of yet.  
7 THE CHAIRPERSON: Thank you, Mr.  
8 Himmelright.  
9 To the Board member Danny Bayha, any  
10 further questions?  
11 MR. DANNY BAYHA: Thank you, Mr. Chair.  
12 I just have one (1) final question.  
13 In some of your submissions to the Board  
14 you've mentioned that should permits be issued for this  
15 project, that you would attempt to involve Sahtu in terms  
16 of economic benefits for this project.  
17 To date, what kind of commitment can you  
18 make to the communities that you will involve them fully,  
19 economically, at the present time should this project go  
20 ahead? Thank you.  
21 THE CHAIRPERSON: Thank you, Mr. Bayha.  
22 To the developer, Mr. Himmelright.  
23 MR. JUSTIN HIMMELRIGHT: Justin  
24 Himmelright, for Selwyn Resources.  
25 We are currently negotiating an agreement

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1 with the Tulita District Land Corporation, which involves  
2 the -- addresses the issue of economic benefits. And I  
3 think that, certainly, it is our clear intention to  
4 complete that agreement in good faith and to -- to honour  
5 it in good faith.  
6 THE CHAIRPERSON: Thank you, Mr.  
7 Himmelright. Any further questions from Mr. Bayha?  
8 MR. DANNY BAYHA: Yes, fin -- one final  
9 comment, or question. Thank you, Mr. Chair.  
10 In -- in this agreement, I just want to be  
11 clear, it is really not my intention to delve into the  
12 specifics of that agreement, but, I just wanted to be  
13 sure that if this is a soc -- an economic agreement not  
14 an environmental agreement, am I clear? That's the  
15 question. Thank you.  
16 THE CHAIRPERSON: Thank you, Mr. Bayha.  
17 To the developer, Mr. Himmelright.  
18 MR. JUSTIN HIMMELRIGHT: Justin

19 Himmelright for Selwyn Resources.  
20                   And I want to be equally cautious in terms  
21 of delving into the details of -- of that, you know,  
22 what's in that agreement that there -- those are, I  
23 think, negotiations yet to be concluded, and we don't  
24 want to prejudice those.  
25                   There have been issues that have been

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1 raised, and we will hear about, through the course of  
2 this Hearing, in regards to environmental oversight, if  
3 you like, or monitoring which are being discussed through  
4 that table.  
5                   And there are issues of economic and  
6 social, as well, that are being discussed through that  
7 table. So I -- I hope that answers that question. I'm a  
8 little bit uncomfortable with going into that, into the  
9 details of what exactly is included there, without having  
10 some clearance or discussion with the -- with the Tulita  
11 district to do so.  
12                   THE CHAIRPERSON: Thank you, Mr.  
13 Himmelright. Any further questions, Mr. Bayha?  
14                   MR. DANNY BAYHA: Thank you. No more  
15 further questions, thank you.  
16                   THE CHAIRPERSON: Thank you. Board  
17 member Danny Bayha.  
18                   I'll go to my next Board member, Mr. John  
19 Ondrack.  
20                   MR. JOHN ONDRACK: Thank you. John  
21 Ondrack speaking. I have -- I'm going to reserve at this  
22 point in time my questions for later in this session.  
23 Thank you.  
24                   THE CHAIRPERSON: Thank you very much,  
25 Mr. Ondrack.

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1                   To my left, Mr. Fred Koe, Board member  
2                   MR. FRED KOE: Yeah, mahsi. Fred Koe.  
3 Mr. Bayha's already asked the two (2) questions I was  
4 going to ask about environmental monitoring and about  
5 economic and business opportunities, so thank you.  
6                   THE CHAIRPERSON: Okay. To the  
7 developers, thank you very much for your presentation.  
8                   And next up on the presentation list I  
9 have is the Government of Northwest Territories. Oh, I  
10 am sorry. We have Parks Canada. For the record, before  
11 you start, can you state your name for the record and  
12 then we will go into your presentation. Thank you.  
13

14 PRESENTATION BY PARKS CANADA:

15 MS. LEE MONTGOMERY: Good afternoon. On  
16 behalf of Parks Canada I would like to thank the Board  
17 for inviting us here today to make our presentation. Our  
18 presentation will be split in two (2) sections. Dana  
19 Haggarty, who is the Park ecologist from Nahanni National  
20 Park Reserve will address the caribou studies and  
21 findings.

22 And myself, Lee Montgomery, the Northern  
23 Negotiations Advisor out of the park establishment branch  
24 in Yellowknife, I will speak on the proposed  
25 Naats'ihch'oh National Park Reserve. What we'll cover

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1 here in our -- our presentation are Parks Canada's  
2 interests in the region.

3 I'll speak specifically on the  
4 Naats'ihch'oh National Park Reserve proposal regarding  
5 conservation values; the chronology of events leading us  
6 to where we are right now today in negotiations with the  
7 Tulita groups. I'll give a brief description of our  
8 impact and benefit plan, discussions, and short comments  
9 on preexisting mineral interests with regard to new park  
10 proposals.

11 Dana will then discuss the South Nahanni  
12 caribou herd; caribou and overflight mitigations and  
13 caribou project interactions.

14 Parks Canada interests in the southwest  
15 corner of the Northwest Territories are the nation --  
16 Nahanni National Park Reserve. There is a park reserve  
17 existing on the South Nahanni River. And there is also  
18 discussion about expanding that existing park reserve.

19 Parks Canada is interested in protecting  
20 nationally significant examples of Canada's heritage and  
21 a representative sample of the MacKenzie Mountains is  
22 part of that mandate. If we are successful in  
23 negotiations with the Tulita group, we will also be  
24 establishing Naats'ihch'oh National Park Reserve. And  
25 that is in the Sahtu settlement area.

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1 Both are park reserves, you'll note, and  
2 by that we mean that they are "without prejudice" to  
3 future Aboriginal Treaty claims that may be settled.

4 Here is a map of the land withdrawal for  
5 the Naats'ihch'oh National Park Reserve. And you can  
6 also see on the left-hand corner of that map the -- the  
7 road and also shown in red are the existing mining  
8 interests.

9                   The Naats'ihch'oh conservation values,  
10 primary amongst them of course, are protecting the  
11 headwaters of the South Nahanni River, and as I  
12 mentioned, the area is presently in an interim land  
13 withdrawal.

14                   The area has very good grizzly bear  
15 habitat, over half of the area has moderate grizzly pop -  
16 - bear populations, a quarter (1/4) has high  
17 concentrations, and there are also areas that support  
18 very high densities.

19                   The upper Nahanni and Redstone herds of  
20 Woodland caribou are in the -- are in the area, and Dana,  
21 of course, will get into the caribou momentarily. There  
22 is also Dall's sheep range and Trumpeter swan habitat.

23                   And in our meetings last -- last week here  
24 in Tulita, we also heard from some of the Elders that  
25 there are mountain goats in the area.

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1                   I'll just run through a chronology of the  
2 events that have -- have led us to the Naats'ihch'oh  
3 National Park Reserve proposal.

4                   Since 1987, Parks Canada has been on  
5 record with an interest in expanding the present Nahanni  
6 Park Reserve to better protect the watershed.

7                   June 15th, 2007 Parks Canada requested the  
8 support of the Sahtu Dene and Metis for the interim land  
9 withdrawal. The corporations that are involved and are  
10 parties to the impact benefit agreement are Tulita Land  
11 Corporation, Fort Norman Metis Land Corporation, and  
12 Norman Wells Land Corporation.

13                   And there today a number of people here  
14 with whom we are negotiating our impact benefit  
15 agreement, Ethel Blondin-Andrew, Leon Andrew, Rocky  
16 Norwegian, Frank Andrew, and Frank Pope and -- am I  
17 missing anybody? They are part of the negotiations  
18 representing Land Corps. and Renewable Resource Councils.

19                   The Parks Canada also requested the  
20 support of the Government of the Northwest Territories  
21 for the interim land withdrawals, and we received support  
22 allowing us to proceed to request the land withdrawal.

23                   In 2007 a group of -- of Elders met and  
24 discussed the area and provided Parks Canada with a  
25 proposal for the name for the park, which would be

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1 Naats'ihch'oh National Park Reserve. Those Elders were  
2 assisted by Leon and Ethel.

3                   In 2007, as well, a mineral and energy

4 resources assessment was completed; that report is  
5 publically available if anybody should wish copies. It's  
6 a very large document but we can make it available  
7 electronically.

8                   January 17th Parks Canada and the Land  
9 Corporations entered into a Memorandum Of Understanding  
10 to work on a -- on an impact and benefit agreement.

11                   Later that year, 2008, in February, an  
12 Order in Council was put through to withdraw those lands,  
13 and they are withdrawn until March 31st, 2012. And what  
14 that means is there would be no new land dispositions  
15 possible in the area until that date, during which time  
16 we will proceed in negotiations with the Tulita groups.  
17 We are hoping to conclude those negotiations by the end  
18 of 2009, at least with a conditional agreement.

19                   I've spoken a couple of times of the  
20 impact and benefit plan that we are negotiating; that is  
21 something that is prescribed by the Sahtu Dene and Metis  
22 comprehensive land claim agreement. In the section on  
23 national parks, Parks Canada is required to negotiate an  
24 impact and benefit plan prior to the establishment of any  
25 national park.

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1                   Within that plan we are addressing a  
2 cooperative management committee; that would be a  
3 committee working with Parks Canada and the First  
4 Nations. The park reserve will -- will contain and the  
5 plan will address the continuation of -- of aboriginal  
6 harvesting rights.

7                   And we are also discussing economic and  
8 employment opportunities within the park and the park  
9 infrastructure, which would involve a visitor centre  
10 which will be either located in Tulita or Normal Wells  
11 pursuant to the MOU that has been signed.

12                   And we are also discussing mitigations --  
13 mitigation of any possible negative impacts of the park  
14 on Tulita groups. The negotiations are proceeding well  
15 on a bimonthly basis with youth and Elders and  
16 representatives of the Land Corporations, the Renewable  
17 Resource Councils, the Chief of the Tulita band, Sahtu  
18 Secretariat Incorporated, and -- and Parks Canada.

19                   With regard to mining interests in a  
20 national park, the Canada National Parks Act does not  
21 allow for mini -- mineral exploration or mining within  
22 the park. A couple of options that are familiar to us  
23 are park boundaries which would excluding mining  
24 operations or, conversely, willing buyer/willing seller  
25 approach.

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1 I'll pass it over now to Dana.  
2 MS. DANA HAGGARTY: Thanks, Lee. My name  
3 is Dana HAGGARTY. I'm the park monitoring ecologist for  
4 Nahanni National Park with Parks Canada.  
5 As Rick described earlier, the South  
6 Nahanni herd is one (1) of three (3) caribou herds that  
7 are found in and around the park boundaries of Nahanni  
8 National Park Reserve.  
9 And this map, which is very similar to one  
10 (1) that Rick showed, shows the range of the South  
11 Nahanni herd. These data are collar locations from a  
12 study that was done in the 1990s and written up in 2001  
13 by Belixson and Manso (phonetic).  
14 The black dots that you can make out show,  
15 clearly, that the overwintering habitat is in and around  
16 Nahanni National Park Reserve. And then in the spring  
17 and the summertime and fall, they move to the north and -  
18 - and west, using ranges up in the mountains and overlap  
19 with the Selweyn project area.  
20 I've been looking at the calve-to-cow  
21 ratios, which Rick has also already shown us. I've been  
22 analysing this data for our State of the Park Report that  
23 we're currently working on at Nahanni National Park  
24 Reserve.  
25 This is a report that Parks have -- have

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1 to produce every five (5) years. And in the report, we  
2 report on various measures, such as this one (1), the  
3 ratio of calves to cows, and each measure will be  
4 assigned a status of good, fair, or poor as we assess it,  
5 based against various thresholds.  
6 The thresholds here are shown in -- the  
7 upper line is actually yellow, the -- that colour doesn't  
8 come through well here, and the lower line is the red  
9 threshold level, and these two (2) lines are drawn at  
10 twenty-six (26) and thirty (30) calves per cow, which are  
11 based on Yukon government regulation -- or sorry,  
12 guidelines, as well as assigned to literature for a  
13 sustainable caribou population.  
14 So when we analyse this data, we show that  
15 the -- the South Nahanni herd is likely in a state of  
16 decline and will be assessed as having a poor condition  
17 in our upcoming State of the Park Report.  
18 This decline in caribou effects the  
19 ecological integrity of the Nahanni -- greater Nahanni  
20 ecosystem, which includes Nahanni Nation Park Reserve, as  
21 well as the Naats'ihch'oh Park proposed area.  
22 As a result of this concern for the South  
23 Nahanni herd, Parks Canada has partnered with the Yukon  
24 and the Government of the Northwest Territories to do  
25 additional research in -- and monitoring on this herd.

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1 Last fall, we did a rut count and also collared thirty  
2 (30) animals. And we plan to census the herd next fall.  
3 Selwyn is aware of the presence of caribou  
4 in the project area, as is made -- was made very clear in  
5 Rick's presentation. And they've done a number of  
6 surveys that Rick described earlier and that -- which are  
7 also described in their developer assessment report.  
8 Post calving is a -- a life history period when the  
9 caribou are present in the project area.  
10 It's also a period when they're highly  
11 sensitive to disturbance because the young are vulnerable  
12 and mother's have high energetic requirements. Post  
13 calving for northern mountain caribou in this area  
14 happens in July.  
15 Selwyn has committed to following the  
16 Flying in Caribou Country Guidelines developed by the  
17 Yukon Government. I just wanted to take a -- a moment to  
18 highlight the guidelines that I think are particularly  
19 pertinent in this situation. And I'll just read directly  
20 off of this slide here. And these are taken right out of  
21 the Flying in Caribou Country Guidelines.  
22 "Herds that are in decline or in the  
23 process of recovering from past  
24 declines may require special attention  
25 to ensure their long-term persistence."

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1 We would say that this would apply to the  
2 South Nahanni herd.  
3 "Areas where caribou have been seen in  
4 the past should be avoided.  
5 Maintain over-flight altitudes greater  
6 than 600 metres during sensitive times  
7 of the year.  
8 Avoid flights or alter flight paths to  
9 avoid important area especially during  
10 sensitive time periods."  
11 And the post-calving time period is noted  
12 to be a highly sensitive time period.  
13 We've been in discussion with Selwyn over  
14 the past few weeks about how they intend to apply these  
15 guidelines, and we're satisfied that -- that the Flying  
16 In Caribou Guidelines will provide adequate mitigation  
17 even during the post-calving season that we're most  
18 concerned with. Thank you.  
19 THE CHAIRPERSON: Thank you, Parks  
20 Canada, Ms. Montgomery and Ms. Haggarty. I believe that

21 is right? Okay.  
22 MS. DANA HAGGARTY: Haggarty.  
23  
24 QUESTION PERIOD:  
25 THE CHAIRPERSON: Haggarty, okay. Thank

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1 you. Okay. Moving on to questions. I would like to go  
2 to questions for Parks Canada, starting off the GNWT,  
3 Loretta Ransom.  
4 MS. LORETTA RANSOM: It's Loretta Ransom.  
5 We have no questions from the GNWT.  
6 THE CHAIRPERSON: Thank you. Moving on  
7 to INAC. I have Charlotte Henry.  
8 MS. CHARLOTTE HENRY: No questions.  
9 THE CHAIRPERSON: No questions. Thank  
10 you. Moving on to SSI, Howard Townsend.  
11 MR. HOWARD TOWNSEND: No questions, Mr.  
12 Chairman.  
13 THE CHAIRPERSON: Okay. Thank you.  
14 Moving on to MVEIRB staff, any questions?  
15 MS. NICOLE SPENCER: No questions. Thank  
16 you.  
17 THE CHAIRPERSON: MVEIRB legal counsel?  
18 MR. JOHN DONIHEE: Thank you, Mr.  
19 Chairman. John Donihee. I have no questions.  
20 THE CHAIRPERSON: Before I go to the  
21 Board members I am going to go back to the top of the  
22 list.  
23 Any questions from the developers?  
24 MR. JUSTIN HIMMELRIGHT: I just have one  
25 (1) question. In regards to the Naats'ihch'oh Park

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1 creation, is there any opinion from the presenters in  
2 terms of what effect that would have on the Selwyn  
3 Resources project?  
4 THE CHAIRPERSON: To Parks Canada.  
5 MS. LEE MONTGOMERY: At -- at present,  
6 the two (2) options that I mentioned are the ones that we  
7 would be considering: Either a boundary drawn to exclude  
8 the project, or willing buyer/willing seller, and the  
9 question of the road is another matter which I understand  
10 is not under consideration today.  
11 THE CHAIRPERSON: Thank you, Ms.  
12 Montgomery.  
13 Any further questions from the developer?  
14 MR. JUSTIN HIMMELRIGHT: No questions.  
15 THE CHAIRPERSON: Okay. Thank you very

16 much. Moving on to Board members. To my far right, Mr.  
17 Darryl Bohnet, any questions?  
18 MR. DARRYL BOHNET: Good afternoon.  
19 Darryl Bohnet. Can you help me with the interpretation  
20 of Naats'ihch'oh, what does it mean?  
21 THE CHAIRPERSON: Thank you, Mr. Bohnet.  
22 To Parks Canada, Ms. Montgomery.  
23 MS. LEE MONTGOMERY: It refers to the --  
24 the mountain at the Moose Ponds, which is the most  
25 prominent feature there. And I believe I should -- I

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1 should turn to Leon for this, I believe that it signifies  
2 a quill, as in a porcupine quill.  
3 THE CHAIRPERSON: Thank you, Ms.  
4 Montgomery.  
5 Mr. Bohnet, is there any further questions  
6 you have?  
7 MR. DARRYL BOHNET: No, that's fine.  
8 Thank you.  
9 THE CHAIRPERSON: Okay, thank you.  
10 Moving on to Board member, Mr. Danny Bayha.  
11 MR. DANNY BAYHA: Thank you, Mr. Chair.  
12 I just had a couple questions, hopefully short.  
13 Earlier you mentioned in -- in the --  
14 Dana, I think you mentioned about the -- the threshold  
15 that the Yukon Government has, it's a guideline, I  
16 understand.  
17 Now, that threshold, is that just very  
18 specific for the South Nahanni caribou herd or is that --  
19 can be applied over for every caribou herd in that  
20 vicinity? Thank you.  
21 THE CHAIRPERSON: Thank you, Mr. Bayha.  
22 To Parks Canada, Ms. Montgomery.  
23 MS. DANA HAGGARTY: Dana Haggarty from  
24 Parks Canada. I'll answer that.  
25 The guideline is applied to all herds in

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1 the -- in the Yukon that they manage, and it's currently  
2 thirty (30) calves per hundred (100) caribou is  
3 considered a sustainable level. However, I understand  
4 that that -- that guideline is being reviewed currently.  
5 There's also information from the  
6 literature, some work that Rick has been involved in with  
7 other people, that actually show that twenty-six (26) per  
8 hundred (100) calves per cow is probably the -- the level  
9 that's more scientifically defensible.  
10 So when I was developing our -- our

11 environmental monitoring -- ecological integrity  
12 monitoring program, I adopted those two (2) levels as the  
13 thresholds that we'll be using in our State of the Park  
14 Report with which to measure the -- the caribou  
15 population against.

16 THE CHAIRPERSON: Thank you, Ms.  
17 Haggarty. Mr. Danny Bayha...?

18 MR. DANNY BAYHA: Thank you, Mr. Chair.  
19 Danny Bayha, Board member.

20 And the other question I had, you've seen  
21 the study that the -- the proponent has proposed up there  
22 on -- on some of the conclusions.

23 Do you agree with some of the conclusions  
24 that has been made as to the effects of this project on  
25 the declining caribou herd that's presently shown? Thank

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1 you.

2 THE CHAIRPERSON: Thank you, Board  
3 member, Mr. Bayha. Parks Canada, Dana Haggarty...?

4 MS. DANA HAGGARTY: I would agree with --  
5 with that. We're comfortable with the mitigations that  
6 the company is putting forward.

7 THE CHAIRPERSON: Mr. Bayha...?

8 MR. DANNY BAYHA: Thank you. In another  
9 note, on the interim land withdrawal that you're talking  
10 about for the -- for the park itself, is that including  
11 subsurface as well as surface? Thank you.

12 THE CHAIRPERSON: Thank you, Mr. Bayha.  
13 Parks Canada, Ms. Montgomery...?

14 MS. LEE MONTGOMERY: I am not absolutely  
15 certain, but I believe so --

16 THE CHAIRPERSON: Thank you.

17 MS. LEE MONTGOMERY: -- both surface and  
18 subsurface. In fact, 90 percent certain.

19 THE CHAIRPERSON: Thank you, Ms.  
20 Montgomery.

21 MR. DANNY BAYHA: Chair, can I request  
22 that that be Undertaking Number 2, to have that  
23 information provided to the Board? Thank you.

24 THE CHAIRPERSON: Okay, Mr. Bayha, Board  
25 member, how much time are you looking at requesting for

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1 that?

2 MR. DANNY BAYHA: Well, however it takes.  
3 I think maybe -- okay, maybe we could wait for that  
4 question later on in the presentations. Thank you.

5 THE CHAIRPERSON: So you are going to

6 withdraw that undertaking at this moment?  
7 MR. DANNY BAYHA: Yes, Mr. Chair, I will  
8 do that for now. Thank you.  
9 THE CHAIRPERSON: Okay, is there any  
10 further questions, Mr. Bayha?  
11 MR. DANNY BAYHA: No further questions.  
12 Thank you.  
13 THE CHAIRPERSON: Okay. Thank you, Mr.  
14 Bayha. Next to Board member, Mr. John Ondrack.  
15 MR. JOHN ONDRACK: Thank you, Mr. Chair.  
16 I'm beginning to realize I should have asked my question  
17 earlier, but I think I can get to it this way. I'm a bit  
18 of a statistics guy, so I observed what was going on in  
19 the previous presentation.  
20 I observed that the study frequency is  
21 represented in some of the charts, it was declining. I  
22 observed positively, though, that Selweyn has begun to  
23 contribute to studies on caribou.  
24 So I guess the question I would ask is:  
25 Like adaptive management requires that there's

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1 observations happening about what is happening on the  
2 ground, and I wonder if you could characterise to me just  
3 your comfort level with -- with the -- your ability to do  
4 the research that's required today as opposed to ten (10)  
5 years ago?  
6 THE CHAIRPERSON: Thank you, Mr. Ondrack,  
7 Board member.  
8 To Parks Canada, Mr. Montgomery or Ms.  
9 Haggarty.  
10 MS. DANA HAGGARTY: Dana Haggarty, from  
11 Parks Canada. Presumably this is related directly to the  
12 caribou projects?  
13 THE CHAIRPERSON: Mr. Ondrack...?  
14 MR. JOHN ONDRACK: It is, it's related to  
15 this -- well, it appears that the South Nahanni herd has  
16 received a great deal of -- of study. Wait, I have that  
17 wrong, it was the other herd. They are part of it, and  
18 they're getting a heck of a lot more study than -- than  
19 the barren land caribou in the Territories.  
20 But I guess what I'm trying to get at is  
21 that, we're all sitting in this room and all -- all have  
22 interests about caribou. And it -- I'm -- I'm trying to  
23 have it stated, one way or another, whether we're in good  
24 condition with respect to the commitments that are being  
25 made by all the parties toward the research that needs to

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1 be done to continue to know whether we're making the  
2 right decisions.  
3                   Is that a fair question?  
4                   MS. DANA HAGGARTY:    Yeah.  
5                   THE CHAIRPERSON:    Sorry. Thank you, Mr.  
6 Ondrack. You can go ahead, Ms. Montgomery -- oh, sorry,  
7 Haggarty.  
8                   MS. DANA HAGGARTY:    Yeah, Dana Haggarty,  
9 Parks Canada. Thanks for clarifying that.  
10                  I think that we're making some very good  
11 progress. It's advantageous that we've got a very strong  
12 partnership between the Yukon Ministry of Environment,  
13 the Government of the Northwest Territories and Parks  
14 Canada.  
15                  We've also had involvement from the  
16 Canadian Parks and Wilderness Society to help fund the  
17 project. And industrial partners such as Selwyn and  
18 North American Tungsten, who've both largely contributed  
19 in kind support.  
20                  North American Tungsten put up the crews  
21 for the fall work this -- this year, and in 2007, Selwyn  
22 partnered with Yukon Environment to do the rut count  
23 surveys. So that -- because caribou work is very  
24 expensive, it's an isolated and very mountainous hard to  
25 get to part of the country that we're talking about.

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1 It's -- it's an expensive project to -- to undertake.  
2                  The rut count surveys will only get us  
3 part of the -- part of the story. They're good in terms  
4 of a relative abundance monitoring tool, but what we  
5 really do require is additional location data through  
6 satellite collars and additional -- or more current  
7 census work.  
8                  And that work is being planned for 2008 --  
9 2009, this fall. However, it's -- it's still tricky.  
10 We're putting together bits of money here and there. And  
11 I think -- I can only say that the only way to do this  
12 research is by pooling money from all of the  
13 jurisdictions that are involved.  
14                  THE CHAIRPERSON:    Thank you, Ms.  
15 Haggarty. Board member, Mr. John Ondrack?  
16                  MR. JOHN ONDRACK:    Thank you, Mr. Chair.  
17 Then I have perhaps one (1) more question.  
18                  It strikes me over and over again that the  
19 issue we have in this room, and in other rooms and other  
20 developments, is that of interaction. And I wonder what  
21 work is being done to determine the realities of the  
22 interaction of development with -- with animals.  
23                  Caribous -- the caribou we'll pick right  
24 now, but, I mean, is there any studies going on, or -- or  
25 contemplated that would attempt to look at this

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1 interactive response that's going on, because we're doing  
 2 far too much guessing?

3 THE CHAIRPERSON: Thank you, Board  
 4 member, Mr. Ondrack. To Parks Canada, Ms. Haggarty.

5 MS. DANA HAGGARTY: Parks Canada is  
 6 currently not doing any research right into the  
 7 interactions. It's an area that is of interest. The  
 8 northern mountain caribou are a species of special  
 9 concern, as Rick Farnell pointed out in his presentation.

10 And that cumulative effects and -- type of  
 11 scenario, and interactions with industry is something  
 12 that was raised as a -- an area that needs to be worked  
 13 on and will be highlighted in the Northern Mountain  
 14 Caribou Management Plan.

15 The Yukon Government is probably the  
 16 jurisdiction that's the furthest along with regard to  
 17 research and monitoring of this particular eco type of  
 18 caribou. And I know they have done some research on  
 19 other herds.

20 Rick actually might be able to speak more  
 21 directly about since he was -- used to be involved in --  
 22 with the Yukon Environment on those kinds of projects.

23 THE CHAIRPERSON: Thank you, Ms.  
 24 Haggarty. Mr. John Ondrack...?

25 MR. JOHN ONDRACK: Thank you, Mr Chair.

1 This is sort of what I'm getting at is we're talking  
 2 about monitoring on the ground. And I -- I believe that  
 3 monitoring is fine, but the observations made by one may  
 4 not be the same as made by someone else. And there's --  
 5 there's ground for knowledge in this area.

6 I guess what I'm struggling with has been  
 7 recommendations by some parties that -- that local  
 8 monitors be on the ground. And this is the issue. It's  
 9 the interaction and the judgment of -- of the result.

10 So, are these -- is this sort of  
 11 discussion something that is going on as we speak right  
 12 now in -- in this agreement that was alluded to earlier?  
 13 I guess you wouldn't know that. Nor would I.

14 THE CHAIRPERSON: Okay, John, was that  
 15 still your question?

16 MR. JOHN ONDRACK: I think I've stopped  
 17 asking questions, and I've inappropriately expressed a  
 18 view. Thank you, Mr. Chair.

19 THE CHAIRPERSON: Okay. Very good.  
 20 Thank you.

21 I want to move on to Mr. Fred Koe, Board  
 22 member.

23 MR. FRED KOE: Mahsi, Mr. Chair. Fred

24 Koe. That's the trouble with being last on the line, all  
25 the questions get asked. But I have an issue that just

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1 needs some clarification.

2 Just from the chronology of events, the  
3 developer I believe applied in June 2007, the land  
4 withdrawal for the park also happened in June 2007, and  
5 then the Order in Council for the withdrawal of the lands  
6 was February 2008.

7 So, at the end of the day, and -- and  
8 we're dealing with a specific application, who gets  
9 preference? Which -- try to clarify, we deal with the  
10 application, but events are happening after and at the  
11 same time. So if a park is declared, you know, the two  
12 (2) options that the Parks Canada mentioned was whoever,  
13 willing buyer/willing seller, or you have to change the  
14 boundaries.

15 But the application from a developer  
16 occurred -- happened before this, I'm assuming. So I  
17 just need some clarification.

18 THE CHAIRPERSON: Thank you, Mr. Koe. We  
19 will go to Parks Canada to help clarify Mr. Koe's  
20 questions.

21 Ms. Haggarty or Ms. Montgomery...?

22 MS. LEE MONTGOMERY: Lee Montgomery  
23 speaking. I'm -- I'm not that familiar with the  
24 chronology of events regarding the Selwyn proposals. But  
25 perhaps I could clarify, the land withdrawal is an

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1 interim land withdrawal that is in place until 2012 and  
2 as such, it is just proposed area for -- for a national  
3 park reserve.

4 There have been no boundaries determined,  
5 at this point, as to what that actual reserve may be.  
6 And that will come subsequently following and during  
7 negotiations with -- with the Tulita groups.

8 When those boundaries are determined,  
9 there will be a decision made within the Federal Cabinet  
10 and, of course, GNWT approval is required at that time.  
11 And work will be done with regard to how the mining  
12 interests will be addressed but none of those issues have  
13 been determined at this point.

14 THE CHAIRPERSON: Thank you, Ms.  
15 Montgomery. To Board member, Mr. Fred Koe.

16 MR. FRED KOE: That's all I need right  
17 now, Mr. Chair. Thank you.

18 THE CHAIRPERSON: Very good. Thank you.

19 Thank you very much for your presentation.  
20 I am going to call for a break now till  
21 four o'clock. Then we are going to go to Government of  
22 Northwest Territories for -- we will take a break to give  
23 the translator a break, as well. Thank you.  
24  
25 --- Upon recessing at 3:46 p.m.

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1 --- Upon resuming at 4:02 p.m.  
2  
3 THE CHAIRPERSON: We are just going to  
4 wait for our interpreter. But before, I forgot to  
5 recognize a couple more people as well, so I just want to  
6 make mention we also have from INAC David Livingstone. I  
7 believe he is here somewhere. I just want to recognize  
8 him as well. And Janet Bayha, I just want to recognize  
9 her as well. She is just on her way out, so we will say  
10 hi to her.  
11 But we are just waiting for the translator  
12 to show up. But before she shows up, we are getting too  
13 serious here, so I have to add a little humour. A friend  
14 of mine from the Hay River Reserve, Joe Tambour, at one  
15 (1) time he told me, he said, hey, Rick, he says, you  
16 know who is the most respected man on the reserve.  
17 Boy, I didn't really know who it was. I  
18 thought it was the Chief. He said, no. Then I said,  
19 Elders. No. Then I said, oh, gees, I do not know, maybe  
20 the band council. He said, no. I said, I do not know  
21 who. He said me, the bingo caller.  
22 So we are just waiting for our translator  
23 here, then we will proceed into the next part of the  
24 agenda, which is the GNWT presentation.  
25 We will wait for a couple more minutes

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1 here.  
2  
3 (BRIEF PAUSE)  
4  
5 THE CHAIRPERSON: Our translator has gone  
6 to the store, so she will be right back. What I would  
7 like to do is maybe just ask the couple Elders that we  
8 have here if it is okay to proceed with the English  
9 version of the PowerPoint presentations of GNWT, then  
10 allow our translator to come back and join us.  
11 And if not, we could probably wait for her  
12 to come back. I just wanted to see -- just to  
13 accommodate the Elders, as well. (NATIVE TONGUE SPOKEN).

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(BRIEF PAUSE)

THE CHAIRPERSON: Unless somebody else wants to come up and help and translate then would make it easier, as well.

(BRIEF PAUSE)

THE CHAIRPERSON: I think, Ethel, we should just proceed because it is a matter of time. I think maybe what we could do is we will just go ahead

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1 with the English version. It is already recorded anyway  
2 and, you know, I think SSI will have an opportunity to  
3 ask questions, as well. You know, but we were trying to  
4 accommodate the Elders, at this point, as well. So if it  
5 is not an issue, we would like to move on.  
6 MS. ETHEL BLONDIN-ANDREW: (NATIVE  
7 LANGUAGE SPOKEN). I said that if is hard I'll put words  
8 in your ears. He said, no, don't do that. Yeah.  
9 (NATIVE LANGUAGE SPOKEN). He said it's really hard for  
10 him to hear the -- what they mean in English, so he needs  
11 --  
12 THE CHAIRPERSON: Okay. What we will do  
13 then is we will just wait five (5) more minutes and then  
14 we will --  
15 MS. ETHEL BLONDIN-ANDREW: Yeah.  
16 THE CHAIRPERSON: -- try and track her  
17 down just so that --  
18 MS. ETHEL BLONDIN-ANDREW: Yeah.  
19 THE CHAIRPERSON: -- you know we want to  
20 be fair. So, yes.  
21 MS. ETHEL BLONDIN-ANDREW: Yeah. She'll  
22 be back.  
23 THE CHAIRPERSON: Okay. We will give  
24 five (5) more minutes, but in the meantime I will tell  
25 you another interesting comment. Another humour.

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1 Anyway, a friend of mine, George Tuckaroo  
2 (phonetic) was in Yellowknife. I do not know if you guys  
3 were there for the talent show in Yellowknife about two  
4 (2) weeks ago. Anyway, he was saying that this guy went  
5 up to him thinking that he was a medicine man.  
6 So he said, I want you to fix my hearing.  
7 So he said, Okay. So he put his hand around his ear, he  
8 started chanting and everything, and everything, and



4 advanced exploration currently underway in the Yukon.  
5 Their application was reviewed by the Yukon Environmental  
6 Socioeconomic Assessment Board, who I will refer to as  
7 YESAB. The NWT reviewed the project application material  
8 and provided comments to YESAB before their  
9 recommendations report were filed with the Department of  
10 Energy, Mines and Resources with the Yukon Government.

11 Energy, Mines and Resources filed their  
12 decision document on Friday, April 3rd, this past Friday.  
13 The report accepted, replaced and removed various YESAB  
14 recommendations. We commend YESAB for opening  
15 communication with MVEIRB in recognition of the  
16 cooperation agreement between the two (2) Boards, as well  
17 as the boun -- trans-boundary nature of the project, as  
18 well as MVEIRB efforts to include YESAB in this stage of  
19 the EA.

20 Although the majority of activities will  
21 be occurring in the Yukon, there is potential for the NWT  
22 to be affected by those activities in addition to  
23 activities that could occur in the NWT.

24 This project is a prime example of a  
25 trans-boundary activity. The trans-boundary nature

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1 results in different regulators and potential management  
2 approaches and standards; because of this, there is a  
3 potential for inconsistency between the Yukon and NWT  
4 permitting requirements.

5 For example, the YESAB Recommendations  
6 Report does not reference Federal species at risk  
7 legislation. The Yukon decision report overturned a  
8 requirement for monitoring of wildlife encounters and  
9 monitoring the effects of the project with respect to  
10 impacts on wildlife and wildlife habitat. However, they  
11 indicate that this would normally be a directive to a  
12 proponent in a permit.

13 It is important that the project be viewed  
14 in its entirety. Best practices that benefit the  
15 environment and people should be identified and  
16 fulfilled.

17 Given the trans-boundary nature of the  
18 project, wildlife management is one (1) of the main  
19 concerns for the GNWT. The four (4) areas of concern  
20 that I will talk about today are:

21 1. Mitigated measures aimed at minimizing  
22 the effects of the project on wildlife and wildlife  
23 habitat;

24 2. Improvements on infrastructure will  
25 increase hunter access to wildlife;

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1                   3. Disturbance of mountain caribou during  
2 critical times, such as calving, post calving, and rut;  
3                   4. Reporting of wildlife sightings and  
4 activity.

5                   I will now discuss these points further.  
6                   Mitigative measures need to be in place to  
7 ensure effects of the project on wildlife and wildlife  
8 habitat are minimized. We commend Selweyn for having  
9 company-wide standard operating procedures in place to  
10 address the protection of wildlife and wildlife habitat.

11                   We also commend the development of a  
12 wildlife protection plan for the road connecting the  
13 Tungsten Mine location to the Selweyn area of  
14 exploration, as required by the Mackenzie Valley Land and  
15 Water Board; however, we believe that more detail is  
16 required.

17                   We recommend Selweyn develop a wildlife  
18 protection plan in collaboration with the Governments of  
19 the Yukon and Northwest Territories to ensure consistent  
20 plans and policies for wildlife and habitat protection  
21 are followed through. This would help Selweyn meet the  
22 differing requirements of the various regulators in the  
23 Yukon and NWT.

24                   Improvements on infrastructure, such as  
25 road development, will increase hunter access to

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1 wildlife. There may be increased pressure on mountain  
2 caribou from hunter access via transportation corridors  
3 found on the western side of the Mackenzie Mountains.  
4 Population dynamics and trends for mountain caribou are  
5 not well understood and data indicates some populations  
6 may be in decline.

7                   Current plans indicate Selwyn's  
8 willingness to limit use of access roads by hunters.  
9 Details with regards to effective methods to limit access  
10 can be best accommodated in a Wildlife Protection Plan.

11                   We recommend Selwyn work with the Yukon  
12 and NWT Governments to establish a way to effectively  
13 minimize private use of roads and trails on the Yukon  
14 side in order to decrease the effects of hunting pressure  
15 on caribou herds.

16                   As previously noted, population levels of  
17 mountain caribou are not well understood. Disturbance of  
18 mountain caribou during critical times, such as calving,  
19 post calving, and rut are a concern to the Government of  
20 the Northwest Territories. Development-related  
21 disturbance can decrease caribou fitness, reproductive  
22 potential, and calf recruitment.

23                   We recognize that Selwyn has committed to  
24 the following Standard Operating Procedures:

25                   1. If wildlife are visible within 500

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1 metres of a road while driving a vehicle, stop the  
2 vehicle and turn off the ignition. Wait until the animal  
3 has left the area before proceeding.

4           2. During aerial operations it is  
5 important to recognize, avoid, or minimize disturbance to  
6 sensitive wildlife and habitats, including sensitive  
7 seasons such as caribou calving.

8           We recommend during critical times for  
9 mountain caribou, Selwyn cease all development activities  
10 when wildlife are within 500 metres of operations.

11           In the past, the GNWT has found the  
12 sharing of wildlife logs from various companies on a  
13 regular basis to be very successful. Selwyn has  
14 committed to keeping a wildlife log.

15           We commend Selwyn for their commitment to  
16 report wildlife sightings and interaction with  
17 development via a wildlife log.

18           We recommend that the log be made  
19 available to Governments of the Yukon and NWT on a  
20 regular basis. The details of this process can be  
21 formalized in a Wildlife Protection Plan.

22           Canada-wide standards for mercury  
23 emissions and for dioxins and furans have been endorsed  
24 by the Canadian Council of Ministers of the Environment.  
25 The Governments of Canada, NWT and Yukon are signatories

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1 to the standards.

2           The GNWT does not support the practice of  
3 open burning of unsegregated solid waste because the  
4 resulting emissions is inconsistent with the commitment  
5 to meet those standards.

6           Selwyn's permits in the Yukon allow for  
7 open burning of food waste, package -- packaging  
8 materials, wastepaper, food scraps, sorbent pads and  
9 rags. This open burning results in the production of  
10 persistent bio-accumulative and toxic air contaminants.

11           While Selwyn is complying with its  
12 permits, these contaminants are transported through the  
13 air and, ultimately, deposited to land and water. Given  
14 the proximity of the Selwyn operations to the Yukon/NWT  
15 border, the potential for contaminant deposition in NWT  
16 is possible.

17           We recommend Selwyn incorporate  
18 appropriate incineration equipment for disposal of waste  
19 other than untreated wood and paper. This would ensure  
20 Selwyn is meeting the Canada-wide standards.

21                   The GNWT believes that the mineral  
22 exploration project proposed by Selwyn is not like -- not  
23 likely to have a significant impact on unrecorded  
24 archaeological sites in Howard's Pass. However, if the  
25 project does advance past exploration into development,

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1 future archeological overview and impact assessments will  
2 be required to facilitate the management of archeological  
3 sites.

4                   We commend Selwyn for their commitment to  
5 promote the long-term management of archeological sites  
6 and their development area by agreeing to:

7                   1. Meet with the GNWT to discuss the need  
8 for archeological overview and impact assessments well in  
9 advance of project construction if they plan to expand  
10 their activities to the mineral development phase at a  
11 future date.

12                   2. Update their Standard Operating  
13 Procedures on heritage preservation to reflect North --  
14 Northwest Territories' regulations and agencies. The  
15 updated procedures would be submitted to the GNWT for a  
16 review.

17                   Selwyn's project filings with YESAB and  
18 the Mackenzie Valley Land and Water Board and MVEIRB  
19 demonstrate an intent to collect baseline information and  
20 apply some environmental protection guidance through  
21 Standard Operating Procedures.

22                   The GNWT believes that all encompassing  
23 mech -- an all encompassing mechanism is required to meet  
24 the requirements of regulators and resource management  
25 authorities of the Yukon and NWT. An example of an all

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1 encompassing mechanism would be a single environmental  
2 management plan and its associated programs.

3                   The GNWT recommends Selwyn develop and  
4 implement an environmental management plan, including a  
5 Wildlife Management Plan that anticipated -- a plan that  
6 anticipates, prevents, mitigates and manages conditions  
7 which have a potential to adversely affect the  
8 environment.

9                   An environmental management plan is a  
10 formal framework of programs, plans and procedures for  
11 environmental protection activities that can cover the  
12 lifespan of a project from exploration through  
13 construction, operations and maintenance, and contributes  
14 to the planning for the decommissioning or closure phase.

15                   It provides an important communication

16 link between the proponent, their employees, contractors  
17 and regulators. The regulatory objective is to ensure  
18 company compliance with legislation, regulations and  
19 approvals, and in doing so, ensures the companies  
20 managing the environmental issues.

21                   We recognize Selwyn is complying with the  
22 requirements for the Yukon portion of their advanced  
23 exploration project and that they have participated fully  
24 in the MVEIRB environmental assessment to date.

25                   However, we also recognize the company's

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1 desire to eventually proceed to mine production. There  
2 are steps that can be taken now, such as the ones  
3 recommended in this presentation, that would not only  
4 benefit the exploration stage of the Selwyn project but  
5 could, potentially, in the long run, facilitate their  
6 efforts to develop resources further.

7                   The GNWT is committed to assisting Selwyn  
8 in fulfilling the recommendations I have presented here  
9 today.

10                   I would like to conclude my presentation  
11 by saying thank you to the Board again for the  
12 opportunity to present here today, and I would like to  
13 thank the community of to -- Tulita for your hospitality.  
14 Thank you.

15                   THE CHAIRPERSON: Thank you, Ms. Ransom,  
16 for your presentation on behalf of the Government of the  
17 Northwest Territories.

18                   You did mention in your opening comments  
19 that, you know, this presentation was all put together by  
20 your staff and expert people in different areas.

21                   But anyways, I want to go into questions,  
22 as previously mentioned earlier, and I just want to make  
23 sure that the people understand that she is not an expert  
24 in some of these areas, so, I guess you will do your best  
25 to answer those questions.

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1                   Moving on, I want to go into questions to  
2 Ms. Ransom in regards to her presentation.

3                   I have on the list here, INAC. Charlotte  
4 Henry, is there any questions for the GNWT?

5  
6 QUESTION PERIOD:

7                   MS. CHARLOTTE HENRY: No, no questions.

8                   THE CHAIRPERSON: There's no questions?  
9 Okay, no questions from INAC.

10                   Is there any questions from SSI, Mr.

11 Howard Townsend?

12 MR. HOWARD TOWNSEND: Mr. Chairman, no  
13 questions.

14 THE CHAIRPERSON: Very good. Thank you.

15 Is there any questions from the developers  
16 to GNWT on their presentation?

17 MR. JUSTIN HIMMELRIGHT: I'm wondering if  
18 it would be all right -- Justin Himmelright for Selwyn  
19 Resources, if it would be all right if I just respond to  
20 some of the content in the presentation. I don't know  
21 that it necessarily constitutes a question.

22 THE CHAIRPERSON: Please proceed.

23 MR. JUSTIN HIMMELRIGHT: In regards to  
24 the trans-boundary nature of the project, as I mentioned  
25 earlier, the license that's under review here today is

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1 exclusively within the Northwest Territories, and that's  
2 why we're in front of MVEIRB.

3 The trans-boundary -- in reality, the  
4 trans-boundary, you know, effect, if you like, of the  
5 project is -- is a complicated issue, and I don't know  
6 that the proponent, Selwyn Resources, necessarily is the  
7 vehicle or the entity that can address it. Those are  
8 issues between governments.

9 And I made reference earlier to the  
10 cooperation agreement that exists between the two (2)  
11 environmental assessment boards in the Yukon and the  
12 Northwest Territories, and that has been invoked in this  
13 case and it has been used, so, it seems that the trans-  
14 boundary complications are -- are being addressed through  
15 that cooperation agreement.

16 In regards to a potential for  
17 inconsistency, I think that's an inevitable --  
18 inevitability in this case, given that we have two (2)  
19 separate jurisdictions with two (2) very different  
20 governmental bodies. And I don't know who is going to  
21 appropriately address that.

22 From -- from Selwyn's point of view,  
23 inconsistency across the operation is not desirable. It  
24 makes it very difficult when you realise the physical  
25 realities of the project where you can be standing in one

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1 (1) jurisdiction in one (1) moment, and take five (5)  
2 steps, and be standing in a different jurisdiction in  
3 another moment. So inconsistencies in operations and  
4 that kind of a physical reality are -- are not our  
5 desire.

6                   And our method of -- of resolving that  
7 issue is through those Standard Operating Procedures,  
8 which we use in view of the totality of regulation that -  
9 - that governs our site and our project. And we build  
10 those Standard Operating Procedures on the basis of those  
11 regulations such that we can instruct staff and  
12 contractors in a single methodology, in a single  
13 appropriate process, that governs the way that they do  
14 their work rather than say, do it this way over here, and  
15 then when you go over here, do it this way. That's too  
16 confusing and causes considerable issues, so that's the  
17 purpose of our Standard Operating Procedures.

18                   In regards to the Yukon process that  
19 Loretta was referring to on the -- the Yukon exploration  
20 license, as an update, that license was issued yesterday  
21 and the copies of it are available. If MVEIRB would like  
22 to have copies of that, I'm sure that those can be  
23 provided.

24                   I want to react to this statement:  
25                   "that the current documents do not

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1                   contain enough detail so as to provide  
2 guidance for Selwyn staff or ensure  
3 protection of wildlife and wildlife  
4 habitat."

5                   I think that it's very important to  
6 recognize that that -- there's a judgment call involved  
7 there. And certainly, the proponent must have some say  
8 as to what is adequate in guiding their staff toward  
9 protecting wildlife.

10                   And the analogy that I will use is one of  
11 guiding a helicopter pilot to move a load. You ask the  
12 helicopter pilot to move a load from point A to point B,  
13 you don't tell him how to do it. It is his decision as  
14 how to do that most safely and according to the practices  
15 that apply to him.

16                   So in that analogy the same, I think,  
17 applies to the Selwyn operations. We have a -- a  
18 requirement to manage our staff and contractors according  
19 to the rules and regulations that apply to us. And we  
20 need to have the flexibility to address those as  
21 appropriately as we can with the staff and contractors we  
22 have.

23                   There are several references throughout  
24 the presentation. I'll take an example here,  
25 transportation corridors on the western side of the

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1 Mackenzie Mountains. There are no transportation  
2 corridors on the western side of the Mackenzie Mountains  
3 that reach our project.

4           There was some discussion or question  
5 earlier to us about access to the North Canal or the  
6 Robert Campbell Highway and, as I indicated, those are --  
7 those are development questions that are far down the  
8 road and are not a part of the scope of this assessment.

9           The proponent -- the recommendation that:  
10           "The proponent shall commit to working  
11           with Yukon and NWT environmental staff  
12           to establish a way of effectively  
13           minimizing private use of roads and  
14           trails on the Yukon side."

15           I -- I wonder how the Yukon regulators  
16 would -- would react to that recommendation? I think  
17 they certainly have their own views in terms of the use  
18 of roads in the Yukon. And while we're happy to be a  
19 part of a collaboration, I -- I think that they might  
20 have some -- some opinions on that.

21

22   (BRIEF PAUSE)

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24           MR. JUSTIN HIMMELRIGHT: I think on the  
25 issue of the opening burning, that, we've addressed.

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1 There's an undertaking to that earlier in the -- in the  
2 proceedings.

3           No further comments. Thank you.

4           THE CHAIRPERSON: Thank you, Mr.

5 Himmelright. For the -- those were not questions, but  
6 more or less comments and clarification.

7           And I will go back to the presenter GNWT,  
8 Ms. Ransom. Did you want to add any comments to that?

9           MS. LORETTA RANSOM: It's Loretta Ransom  
10 with GNWT.

11           I don't have any comments right now. I'll  
12 just have to think about what Mr. Himmelright has said.  
13 And if I do, I'll bring those forward.

14           THE CHAIRPERSON: Thank you. Moving on  
15 to the next list of questions to the GNWT on their  
16 presentation that I have is Parks Canada, Ms.  
17 Montgomery...?

18           MS. LEE MONTGOMERY: No questions.

19           THE CHAIRPERSON: There is no questions?  
20 Very good.

21           Moving on to MVEIRB, is there any  
22 questions or comments? If not staff, MVEIRB legal  
23 counsel?

24           MR. JOHN DONIHEE: Thank you, Mr. Chair.  
25 Staff had no questions. I just have one (1).

1 Ms. Ransom, you've heard Mr. Himmelright  
 2 take great pains to distinguish the application that's in  
 3 front of the Board in this EA from the previous matters  
 4 that apparently have already resulted in the land use  
 5 permit and water licence that were issued for the other  
 6 operation that's already in place for the -- the road,  
 7 the Nahanni Range road, and yet GNWT has a recommendation  
 8 in its submission to the Board that addresses the road.

9 My understanding is that's not in front of  
 10 the Board right now. I guess I'm wondering how it is you  
 11 feel -- or GNWT may think that the Board can do something  
 12 about that in this proceeding.

13 THE CHAIRPERSON: Thank you, Mr. Donihee.  
 14 GNWT, Ms. Ransom...?

15 MS. LORETTA RANSOM: It's Loretta Ransom.  
 16 I was just wondering if you could just refer me to  
 17 exactly which recommendation, please.

18 MR. JOHN DONIHEE: It's John Donihee,  
 19 Board counsel. Yes, the -- sorry, just a second here.  
 20 Excuse me for a second, I'll just find it. Yeah, sorry,  
 21 it's John Donihee again.

22 It begins on your slide number 8. You  
 23 start to talk about improvements on infrastructure,  
 24 increasing hunter access to wildlife. And then, you  
 25 know, your recommendation on slide 9 seems to follow from

1 that, and I'm -- I'm just wondering how that helps the  
 2 Board in dealing with this application for drilling,  
 3 which is going to be aircraft supported.

4 THE CHAIRPERSON: Thank you, Mr. Donihee.  
 5 GNWT, Ms. Ransom...?

6 MS. LORETTA RANSOM: Loretta Ransom. I  
 7 think that that recommendation came out because we, I  
 8 guess as a group, took on the perspective of, as I keep  
 9 mentioning, the trans-boundary -- trans-boundariness  
 10 (phonetic) of the project.

11 And through talking to our wildlife  
 12 biologists, and as well as the biologists in the Yukon,  
 13 it just seemed that that was one (1) of their major  
 14 concerns and so we decided to address it here today, even  
 15 though we do understand that's it's not necessarily part  
 16 of MVEIRB's focus right now. Thank you.

17 THE CHAIRPERSON: Thank you, Ms. Ransom.  
 18 Mr. Donihee...?

19 MR. JOHN DONIHEE: John Donihee. Thank  
 20 you, Mr. Chairman. I have no further questions.

21 THE CHAIRPERSON: Okay, thank you.  
 22 Moving on to Board members. To my far right, Mr. Darryl  
 23 Bohnet...?

24 MR. DARRYL BOHNET: Thank you, Mr. Chair.  
25 I have no questions.

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1 THE CHAIRPERSON: Thank you, Mr. Bohnet.  
2 Moving on to Board member Danny Bayha.  
3 MR. DANNY BAYHA: Thank you, Mr. Chair.  
4 I just have one (1) question here.  
5 On your -- your recommendation on slide  
6 11, you recommend that you commit -- that the company  
7 commit to ceasing all development activities when  
8 wildlife are within 500 metres, so that would include all  
9 animals in that area.  
10 Would that be a safe assumption for that  
11 recommendation? Thank you.  
12 THE CHAIRPERSON: Thank you, Mr. Bayha.  
13 Ms. Ransom, GNWT...?  
14 MS. LORETTA RANSOM: Loretta Ramson here.  
15 I would say that's correct, particularly at the drilling  
16 sites. They -- that's what we're referring to.  
17 THE CHAIRPERSON: Thank you, Ms. Ransom.  
18 Mr. Danny Bayha...?  
19 MR. DANNY BAYHA: Okay. And as well, in  
20 the second -- in that same slide you have  
21 "commitment to cease development  
22 activities during critical times for  
23 mountain caribou."  
24 So that's specifically to mountain caribou  
25 and not the other caribou herds that are in that area?

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1 THE CHAIRPERSON: Thank you, Mr. Bayha.  
2 Ms. Loretta Ransom, GNWT...?  
3 MS. LORETTA RANSOM: Loretta Ransom.  
4 That is correct.  
5 THE CHAIRPERSON: Thank you. Mr. Danny  
6 Bayha...?  
7 MR. DANNY BAYHA: And one (1) final  
8 question.  
9 It seems, you know, we have an all  
10 interest in trying to somehow be helping to preserve the  
11 -- help preserve and -- and maintain caribou herds that  
12 are in an area, not only on the Yukon side, as well as  
13 the Territories, we all have that hope.  
14 And I'm -- the question, I guess, is -- is  
15 the GNWT making any efforts to -- to start this dialogue  
16 with the Yukon Government to try to have these  
17 consistencies in -- in regulation and wildlife monitoring  
18 programs.

19                   Is that something that's on the radar of  
20 the GNWT to try to do that? Because as far as -- yes,  
21 there is on the regulation side or the environmental, we  
22 have -- the Board has made some attempts, but on the  
23 regulation side, I'm -- I'm not sure if that's the case.  
24                   So is -- is there -- would you like to  
25 comment on that, please? Thank you.

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1                   THE CHAIRPERSON: Thank you, Mr. Danny  
2 Bayha.  
3                   GNWT, Ms. Ransom....?  
4                   MS. LORETTA RANSOM: It's Loretta Ransom.  
5 I can't speak to anything outside of this project, but  
6 with respect to the Selwyn project that we're discussing  
7 here, there have been efforts for the Yukon biologists,  
8 as well as Parks Canada, and the GNWT, to get together  
9 and start discussions. We are also hoping to get  
10 together with Selwyn in the future and also continue  
11 discussions.  
12                  THE CHAIRPERSON: Thank you. Any further  
13 questions, Mr. Danny Bayha?  
14                  MR. DANNY BAYHA: Thank you. No further  
15 questions.  
16                  THE CHAIRPERSON: Okay. Moving on to  
17 Board member Mr. John Ondrack.  
18                  MR. JOHN ONDRACK: Thank you, Mr. Chair.  
19 John Ondrack, Board member.  
20                  My question is -- questions I guess, and  
21 observations, are again in Slide 11, and the  
22 recommendations to cease all development activities when  
23 wildlife are within 500 metres. I'll pick on that one  
24 first.  
25                  This is sort of what I was alluding to

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1 earlier. It's my understanding that this particular  
2 recommendation exists and is applied when considering  
3 migration of caribou, under the presumption that when you  
4 see one (1) there are more on their way and they're on  
5 their migration route. And it is applied -- or often  
6 brought to bear in the NWT for barren-land caribou.  
7                  The problem I have with this is sort of  
8 that. We've had a great deal of discussion about caribou  
9 and their habits in this area and when they're going to  
10 be there. And I'm going to actually have to, if I may,  
11 ask a question of the developer or Mr. Farnell as to,  
12 first, whether this is a practical thing that can be  
13 done, with respect to safety and so on.

14 I mean, you've -- you've got a drill rig  
15 out there, that's what we're talking about, and you're  
16 just going to shut it down when you see an animal within  
17 500 metres.

18 Is it practical? And, Mr. Farnell, is it  
19 meaningful?

20 THE CHAIRPERSON: Okay. Thank you, Board  
21 member, Mr. John Ondrack.

22 I am going to refer this question over to  
23 the developer, Mr. Farnell.

24 MR. JUSTIN HIMMELRIGHT: Justin  
25 Himmelright, for Selwyn Resources.

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1 In some sense this recommendation is  
2 already a component of the Selwyn operations and I  
3 believe Ms. Ransom referred to commitments that are  
4 already in place that are reflective somewhat of this  
5 recommendation that are a part of our standard operating  
6 procedures, I believe.

7 In a literal inter -- interpretation that  
8 recommendation honestly would be impossible to enforce  
9 and I'll tell you why. Wildlife would include ground  
10 squirrels and ptarmigan and many other small creatures,  
11 as well. So we need to be more specific as to what  
12 animals specifically.

13 And in our standard operating procedures  
14 we outline species specifically that are a part of some  
15 list of -- a recommended list of endangered or -- or  
16 species of concern. So we address specifically which  
17 wildlife.

18 And to cease all development when -- when  
19 wildlife are within 500 metres, we have camps up there  
20 with people in them and wildlife will frequent within 500  
21 metres of those camps, so if ceasing all development  
22 means doing what? Shutting down the camps and evacuating  
23 everybody?

24 So in terms of being more prescriptive  
25 into what activity specifically, with those things being

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1 addressed I think it -- it could be done. But I -- I  
2 believe that in fact it is being done at this point, as a  
3 result of our standard operating procedures.

4 And I know there was a second part to that  
5 question, but I -- I'd have to ask for a reiteration -- I  
6 think more technical based and probably more in Rick's  
7 field.

8 THE CHAIRPERSON: Thank you, Mr.

9 Himmelright.  
10 I will go back to Board member, Mr. John  
11 Ondrack.  
12 MR. JOHN ONDRACK: Thank you, Mr. Chair,  
13 and thank you, Justin. I actually didn't observe how  
14 broad this was because I had caribou on the brain.  
15 And my concerns are, for everyone, is that  
16 these recommendations come forward from responsible  
17 ministers, from parties, and we have to think about  
18 exactly what I said. We can't just toss them into our --  
19 our results. And -- and I want -- I say that because,  
20 you know, it need -- it all needs to be consistent and  
21 meaningful. The examples that I -- I'm aware of is  
22 winter drilling, where you just can't shut down the drill  
23 for very long, you've got a total loss ou -- situation  
24 going on, and that sort of thing.  
25 So it -- it seems that you've got some

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1 sort of standard operating procedure you've agreed to and  
2 you're working through it.  
3 However, I still -- the other ques -- part  
4 of my question was, is whether, in Mr. Farnell's opinion,  
5 the ceasing of operation of this drill rig would -- has  
6 an impact, a positive impact, shall we say, a significant  
7 positive impact?  
8 THE CHAIRPERSON: Thank you, Board  
9 member, Mr. John Ondrack.  
10 I am going to go to the developer. Based  
11 on the GNWT presentation, I am going to go to Mr.  
12 Farnell.  
13 MR. RICHARD FARNELL: I really have no --  
14 no basis why one would set 500 metres as some threshold  
15 difference -- or distance, where you would have to stop  
16 operational activity, or construction, or whatever. And  
17 the reason I say that is because I would have to know  
18 what's happening. Is this a convoy of trucks coming down  
19 the highway? Is there athreat of direct mortality to  
20 the animals. Is this something slight like a geologist  
21 walking across the ridge, or a drill rig, like you say,  
22 which is going to shut down eventually and -- and move  
23 away?  
24 It's just I find no basis for it. I know  
25 -- know nothing in the literature that says that 500

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1 metres is a threshold, and even something like that would  
2 have be correlated on a table of different types of  
3 activities. And there is this sort of thing in the

4 literature, but it's based on -- it's activity driven.  
5 And so, you know, I -- I just find no way of sinking my  
6 teeth into it and telling Selwyn, Oh, you better start  
7 regulating this because caribou are within a half a  
8 kilometre.  
9                   So it -- it's just so weak, I -- I have no  
10 idea how they could implement it or, you now, I -- I  
11 could support it either.  
12                   THE CHAIRPERSON: Thank you, Mr. Farnell.  
13 I will go back to Board member, Mr. John Ondrack.  
14                   MR. JOHN ONDRACK: Thank you, Mr. Chair.  
15 I guess -- I guess I don't know who I am. It's John  
16 Ondrack here, by the way, sorry.  
17                   I think this had to do with the drill rig  
18 itself and with caribou in particular because the  
19 wording's only slightly changed. And I guess if I have -  
20 - I'm going to let this Hearing proceed. If -- if I have  
21 more information that I require, we will do it  
22 afterwards. Thank you very much, everyone.  
23                   THE CHAIRPERSON: Thank you, Mr. Ondrack,  
24 for your questions. And I guess I wanted to ask the GNWT  
25 if you want to add a comment to the discussion that just

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1 took place?  
2                   Ms. Ransom...?  
3                   MS. LORETTA RANSOM: It's Loretta Ransom  
4 here. I -- I guess I just want to say that it -- that  
5 recommendation was mainly related to caribou. And if you  
6 look at the procedure that I read out, it was mainly  
7 referring to a vehicle driving. And as far as I  
8 understand, most of the activities in -- in the NWT will  
9 be by helicopter, so there'll probably be less driving.  
10                   And we just wanted to address the  
11 activities that are going on in the NWT and what best  
12 practices can you use to prevent any harm to wildlife.  
13 And that sort of forms the basis of that recommendation.  
14 Thanks.  
15  
16                   (BRIEF PAUSE)  
17  
18                   THE CHAIRPERSON: Thank you. Thank you,  
19 Loretta, for your comments. I'm going to go to Board  
20 member, Fred Koe.  
21                   Mr. Koe...?  
22                   MR. FRED KOE: I have no questions.  
23                   THE CHAIRPERSON: Thank you very much,  
24 Loretta, for your presentation, on behalf of the  
25 Government of the Northwest Territories. And we'll go

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1 onto the next item of the agenda and presentation, unless  
2 you had final comments? None? Okay.

3 MS. LORETTA RANSOM: No, thank you.

4 THE CHAIRPERSON: Okay. Thank you,  
5 Loretta.

6 Moving on, I have the next part is Indian  
7 and Northern Affairs Canada.

8

9 (BRIEF PAUSE)

10

11 MR. DAVID LIVINGSTONE: Mr. Chair, David  
12 Livingstone; do you want us to proceed?

13 THE CHAIRPERSON: Oh, sorry. Yes, please  
14 proceed.

15

16 PRESENTATION BY INAC:

17 MR. DAVID LIVINGSTONE: I don't want to  
18 do anything without your permission now.

19 I'm David Livingstone. I'm the Director  
20 of Renewable Resources and Environment in Indian and  
21 Northern Affairs in Yellowknife. And I've got a -- a few  
22 people with me. I'll introduce them and then get into  
23 the presentation.

24 So with me at the table here is Charlotte  
25 Henry. She's the project lead for Indian and Northern

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1 Affairs, from the Environment and Conservation Division.  
2 We have Jen Arsenault (phonetic) from the Water Resources  
3 Division, in the audience; Fraser Fairman, from Minerals  
4 and Petroleum Directorate; Armand Johnson (phonetic) and  
5 Tom Bradbury (phonetic) from the Norman Wells sub-  
6 district office; and we've got Alex Bernard (phonetic)  
7 from the Department of Justice, as well.

8 So I'll get into our presentation. It'll  
9 be fairly short and sweet, I hope.

10 So just to -- to outline the points, we  
11 did a technical analysis, and I'll -- I'll cover that, of  
12 the -- the project. And I thought to save some time,  
13 hopefully, we would address some of the issues raised by  
14 SSI and others in the course of our presentation, and  
15 perhaps deal with them now rather than later. So on the  
16 technical analysis standpoint we reviewed all the  
17 materials, we've participated in the process since its  
18 outset, and we focussed on those issues within DIAND's  
19 mandate, predominately land and water, and we've looked  
20 at the developer's operating procedures.

21 I should say too that -- that the  
22 Department has been involved in the review of the  
23 predecessor projects in that area, in the Howard's Pass  
24 area, so we're familiar with the operating environment  
25 broadly.

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1                   So, in a nutshell, our -- our technical  
2 analysis did not identify any likely significant effects  
3 of this project from the land and water standpoint. We  
4 feel that the -- the project, if it does proceed to the  
5 regulatory stage, the -- the effects can be managed  
6 appropriately.

7                   I'll get into briefly, some of the issues  
8 that -- that were raised by SSI. The security deposit is  
9 a concern and it's -- it's a concern that's not unique to  
10 this project, obviously. People are quite concerned that  
11 adequate security be posted for development activities,  
12 and the Department shares that concern.

13                   Let me just point out that the Sahtu Land  
14 and Water Board is responsible for setting security for  
15 land use permits and for water licences in the Sahtu, and  
16 that we would -- if asked, we would provide a cost  
17 estimate to the Sahtu Land and Water Board if the project  
18 proceeds, and outline what -- what we would expect that -  
19 - that it would cost Canada to remediate the site if  
20 necessary.

21                   In the -- the Application of security  
22 deposits, if it -- if it becomes necessary for the Crown  
23 to step in and access security to clean up a site and  
24 remediate a site, we're of course bound by the  
25 legislation, the NWT Waters Act, the Mackenzie Valley

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1 Resource Management Act, and so on. But in the course of  
2 making decisions, we would, I think automatically consult  
3 with people involved, people who are concerned about the  
4 particular sites, and -- and make our decisions  
5 accordingly.

6                   The -- the road has come up a number of  
7 times, the -- the existing permitted road. We recognize  
8 the concern related to abandonment, but that -- that  
9 particular project, as others have noted, is outside the  
10 scope of -- of this -- this particular review. We  
11 haven't identified any -- any cumulative effects that --  
12 that would tie it back in, so we would recommend that --  
13 that based on, at least our -- our assessment, that  
14 measures related to the road not be included in the  
15 Review Board report; of course, that is the discretion of  
16 the Board.

17                   There's been some discussion too about  
18 public access. And it's the Department's position that -  
19 - that the public has a right to access and use roads no  
20 matter who the -- the operator of that road is. So,

21 basically, there is the right to public access.  
22 Now, the developer in this case can -- can  
23 monitor, and there may be other mitigative measure  
24 available through other government agencies, to ensure  
25 that the effects of increased access are manageable. But

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1 in terms of access on the road itself, there are no laws  
2 in the NWT restricting access.

3 The draft Sahtu Land Use Plan: Land use  
4 plans, whether in draft form or final, are -- are of  
5 course useful documents to -- to refer to. However,  
6 they're not binding until they've been approved by the  
7 rel -- respective government agencies, and -- and SSI as  
8 well, in this case.

9 So until the Sahtu Land Use Plan is  
10 approved by all parties, it -- it's not binding. It  
11 doesn't mean that it -- it should be -- the draft should  
12 be ignored, but it isn't legally binding. And we  
13 understand that we'll be seeing another draft with the  
14 Sahtu Land Use Plan at the end of May this year. We look  
15 forward to that.

16 In any case, sa -- land use plans, when  
17 approved, respect existing third-party rights, and that  
18 would include Selwyn's claims and leases.

19 Relocation: Again, the road is outside  
20 the -- the scope of -- of this EA. So I recognize the  
21 concerns, but not -- in our view, not relevant to the --  
22 this particular environmental assessment.

23 And a recording -- agreement of recording  
24 of fuel cache locations: Yeah, it's a standard land use  
25 permit condition and we would certainly encourage the

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1 developer to work with the Land Corp. to identify and  
2 record suitable cache locations. And we'd also encourage  
3 the developer to continue to work with the Land Corp. on  
4 reclamation.

5 Now, it's not the -- the disturbed land is  
6 not going to recover quickly and it's not going to  
7 recover without some assistance, if -- if we wanted to  
8 recover as quickly as possible. But it's important to  
9 use the -- if we're going to consider introducing  
10 enhanced remediation techniques, to us the -- the proper  
11 species. And I think the folks who live in this area  
12 would have a -- the best idea about what species would be  
13 most appropriate and -- and the Land Corp. could -- could  
14 certainly be helpful in working with the developer and  
15 the agencies, government agencies, on that point.

16                   Similarly, wildlife monitoring, and in  
17 particular -- just had a short discussion on the calving  
18 -- caribou calving issue that the Land Corp. and -- and  
19 monitors could -- could be very helpful to the developer,  
20 in terms of advising and monitoring with respect to  
21 wildlife.  
22                   And that concludes our presentation, Mr.  
23 Chair. We're open to questions.  
24                   THE CHAIRPERSON: Thank you for your  
25 presentation, from INAC, Mr. David Livingstone, and also

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1 from Charlotte Henry. Thank you very much for your  
2 presentation.  
3                   I want to go to questions from the people  
4 here. I want to go to SSI, Howard Townsend. Is there  
5 any questions for INAC?  
6  
7 QUESTION PERIOD:  
8                   MR. HOWARD TOWNSEND: We have no  
9 questions at this time, Mr. Chairman.  
10                  THE CHAIRPERSON: Thank you very much.  
11 Moving on to the developers, Mr. Himmelright, or Mr.  
12 Farnell...?  
13                  MR. JUSTIN HIMMELRIGHT: Justin  
14 Himmelright for Selwyn Resources. We have no questions.  
15 Thank you.  
16                  THE CHAIRPERSON: Thank you. Moving on  
17 to Parks Canada, we have Lee Montgomery. Is there any  
18 questions from Parks Canada?  
19                  MS. LEE MONTGOMERY: We have no  
20 questions.  
21                  THE CHAIRPERSON: No questions. Thank  
22 you. Going down to GNWT, Loretta Ransom. Is there any  
23 questions for INAC?  
24                  MS. LORETTA RANSOM: We have no  
25 questions. Thank you.

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1                   THE CHAIRPERSON: Thank you. Moving on  
2 to MVEIRB staff. Is there any questions for INAC?  
3                   MS. NICOLE SPENCER: No questions. Thank  
4 you.  
5                   THE CHAIRPERSON: Okay. Moving on to  
6 MVEIRB legal counsel, Mr. Donihee.  
7                   MR. JOHN DONIHEE: No questions, Mr.  
8 Chairman.  
9                   THE CHAIRPERSON: Thank you. Moving on  
10 to MVEIRB Board members. To my far right, Mr. Darryl

11 Bohnet.  
12 MR. DARRYL BOHNET: Thank you, Mr. Chair.  
13 I have no questions.  
14 THE CHAIRPERSON: Thank you. Moving on  
15 to Board member, Mr. Danny Bayha.  
16 MR. DANNY BAYHA: I just have a few  
17 questions. Thank you.  
18 MR. DAVID LIVINGSTONE: And we were on  
19 such a roll, too.  
20 MR. DANNY BAYHA: I didn't ask a question  
21 yet. Thank you, Mr. Chair. Danny Bayha, Board member.  
22 Earlier I asked the question and -- and I  
23 think I just -- remember the question was about the lan -  
24 - land withdrawal of Parks Canada, whether you're aware  
25 if it's subsurface, as well, or surface?

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1 Would you -- if you have any answers to  
2 that, it would great. Thank you.  
3 THE CHAIRPERSON: Thank you, Mr. Bayha.  
4 Mr. David Livingstone...?  
5 MR. DAVID LIVINGSTONE: David  
6 Livingstone. I -- I would be very surprised if it did  
7 not include the subsurface, but I -- I'd just suggest  
8 that -- I mean, we could undertake to -- to look into  
9 that if -- if the Board would like?  
10 THE CHAIRPERSON: Thank you, Mr. David  
11 Livingstone. Mr. Danny Bayha...?  
12 MR. DANNY BAYHA: Yes, Mr. Chair, if  
13 that's acceptable I -- I would take that as Undertaking  
14 Number 2.  
15 THE CHAIRPERSON: Can you just for the  
16 record state the undertaking, Mr. Bayha?  
17 MR. DANNY BAYHA: That would -- to  
18 clarify the -- the nature of the withdrawal, whether it  
19 includes the subsurface and I'm -- automatically think  
20 surface, but does that it include subsurface, as well.  
21 Thank you.  
22 THE CHAIRPERSON: Mr. David Livingstone,  
23 is it possible to try and have this done two (2) weeks  
24 from today?  
25 MR. DAVID LIVINGSTONE: Yeah. I think we

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1 can do that.  
2 THE CHAIRPERSON: Thank you very much.  
3  
4 --- UNDERTAKING NO. 2: INAC to indicate, within two  
5 (2) weeks, the nature of the

6 withdrawal, whether it  
7 includes the subsurface

8  
9 THE CHAIRPERSON: Board member, Danny  
10 Bayha, any further questions?

11 MR. DANNY BAYHA: Okay. I -- just  
12 another question, I think. In general terms I think this  
13 project sort of highlights or underscores the needs for a  
14 cooperative approach to help manage wildlife and -- of  
15 all kinds, and especially caribou.

16 And I think if -- is there any attempt by  
17 INAC in this case to try to do that, in collaboration  
18 with GNWT, about wildlife management programs that could  
19 be helpful in addressing some of the issues that might be  
20 a struggle for Selwyn? As we are aware -- we were  
21 enlightened by Parks Canada, it's a very expensive  
22 process.

23 So is that something INAC possibly could  
24 be -- in cooperation with the other government  
25 departments, undertake to be helpful in doing? Thank

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1 you.

2 THE CHAIRPERSON: Thank you, Mr. Bayha.  
3 Mr. David Livingstone, INAC...?

4 MR. DAVID LIVINGSTONE: David  
5 Livingstone. Well, as I've said before, perhaps in front  
6 of this Board, we're from Diand, we're here to help. And  
7 I got the same reaction, I think.

8 Certainly we're -- we're quite prepared to  
9 assist where we can in other agencies, but as -- as the  
10 Board is -- is well aware, Diand does not have a direct  
11 wildlife management mandate. But if -- if GNWT and --  
12 and Yukon Government and other parties are -- are  
13 interested in including us in those discussions, we're --  
14 we're certainly open to that.

15 THE CHAIRPERSON: Thank you, Mr.  
16 Livingstone.

17 Mr. Danny Bayha...?

18 MR. DANNY BAYHA: Thank you. Danny  
19 Bayha, Board member.

20 The -- one (1) of the questions that I --  
21 that was recommended -- or one (1) of the recommendations  
22 by GNWT was that the proponent follow the Canada-wide  
23 standards of the CCME guidelines for dioxins and furans.

24 Those -- is that a standard part of a lot  
25 of land use permits if burning is an issue in each

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1 permit? Are you aware of that -- that that's happening  
2 in the territories? Thank you.

3 THE CHAIRPERSON: Thank you, Mr. Bayha.  
4 Mr. David Livingstone, with INAC...?

5 MR. DAVID LIVINGSTONE: David  
6 Livingstone. I might have to -- to call on our  
7 inspectors for this one.

8 I think land use permits normally include  
9 conditions, with respect to incineration, but whether  
10 they go into the -- the monitoring of emissions from  
11 those activities, I -- I don't think so. It's a bit of  
12 an -- area emissions in the NWT are a bit of a gap in the  
13 -- the legislative framework and -- and as others have  
14 pointed out, the CCME guidelines are just that, they're  
15 guidelines.

16 I think it would probably -- the  
17 incinerator issue is -- is one (1) thing, and that --  
18 that, I believe is normally a land use permit condition,  
19 or conditions. The regulation of air emissions, that's a  
20 trickier one, and I suspect it would be best dealt with  
21 through perhaps a proponent undertaking, that sort of  
22 thing, not a -- I don't think there's an easy legal  
23 mechanism on that.

24 But just let me ask if the inspectors  
25 would have anything to add to that.

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1 (BRIEF PAUSE)

2  
3 THE CHAIRPERSON: Would you please come  
4 up and just state your name for the record and -- okay.

5 MR. TOM BRADBURY: Tom Bradbury, with  
6 INAC.

7 We -- we don't see that in our terms and  
8 conditions currently. I believe that, from what I know,  
9 it was regulated by the GNWT, but I can't be sure about  
10 that either. But it has not been in any of the terms and  
11 conditions to-date and in a licence or permit.

12 THE CHAIRPERSON: Thank you, Mr. David  
13 Livingstone.

14 Okay, I'll go back to Mr. Danny Bayha,  
15 Board member.

16 MR. DANNY BAYHA: Thank you. Thank you  
17 for that clarification.

18 And one (1) final question I think I have  
19 to ask, because there's some indication that roads cannot  
20 be -- public roads cannot be restricted, but our winter  
21 roads are restricted. They say we can't travel on it  
22 after midnight or before ten o'clock, or whatever.

23 So I just want some input from you if  
24 that's the case or not, thank you, legally?

25 THE CHAIRPERSON: Thank you, Mr. Bayha.

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1                   Mr. David Livingstone of INAC...?  
2                   MR. DAVID LIVINGSTONE:   David  
3 Livingstone.   Me and my big mouth, hey?  
4                   You know, I think it's probably from a  
5 safety perspective that -- that those conditions apply.  
6 It's -- it -- and I -- I really couldn't speculate as to  
7 whether you could actually be charged if -- if you  
8 didn't.  
9                   I think the -- the principle applies that  
10 the public has access to all roads in the NWT, and -- and  
11 there may well be GNWT legislation that allows the GNWT  
12 to restrict access for strictly safety reasons. But you  
13 would really need to talk to the GNWT to get a definitive  
14 answer.  
15                   THE CHAIRPERSON:   Thank you, Mr. David  
16 Livingstone.  
17                   Any further questions, Mr. Danny Bayha,  
18 Board member?  
19                   MR. DANNY BAYHA:   Thank you. Thank you,  
20 David. Thank you, Mr. Chair.  
21                   THE CHAIRPERSON:   Okay. Moving on to  
22 Board member, Mr. John Ondrack. Any questions?  
23                   MR. JOHN ONDRACK:   No questions.  
24                   THE CHAIRPERSON:   Thank you, Mr. Ondrack.  
25                   Moving over to Board member, Mr. Fred Koe.

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1                   MR. FRED KOE:   No questions.  
2                   THE CHAIRPERSON:   Okay. Thank you, Mr.  
3 David Livingstone for your presentation, and Charlotte,  
4 for help putting the presentation together. Thank you  
5 very much.  
6                   Moving on to -- the next part on the  
7 agenda I have is Sahtu Secretariat Incorporated. If you  
8 could set up and please proceed.  
9  
10                   (BRIEF PAUSE)  
11  
12                   MR. HOWARD TOWNSEND:   Mr. Chair, if it's  
13 -- this is just a suggestion, but would you prefer for us  
14 to be the first after supper, or do you want us to do it  
15 before supper?  
16  
17                   (BRIEF PAUSE)  
18  
19                   THE CHAIRPERSON:   Thank you. I guess you  
20 must be hungry, that is why you want a break. However,  
21 since the supper is here, we will break until six  
22 o'clock. And then, immediately right after supper, we  
23 will proceed with your presentation. And then right

24 after that we have public presentation and statements  
25 from the public as well. So maybe if people have other

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1 concerns that we might have missed, we could pick that up  
2 a the same time.  
3           Okay. So we will break until six o'clock  
4 for now. And then six o'clock sharp we will start.  
5 Thank you.  
6  
7 --- Upon recessing at 5:20 p.m.  
8 --- Upon resuming at 6:02 p.m.  
9  
10           THE CHAIRPERSON: Okay, I would like to  
11 call this Hearing back to order. It is now 6:02.  
12           Next on the agenda we have is the Sahtu  
13 Secretariat Incorporated. They have a presentation here.  
14 Also, giving the presentation is -- we have Rocky  
15 Norwegian. And we also have Howard Townsend that is  
16 going to be doing the presentation as well.  
17           But for now, I will go ahead and turn the  
18 floor over to Rocky Norwegian. He's the Tulita  
19 Development and Land Corporation President. Maybe you  
20 can correct me if I am wrong, but anyways, please proceed  
21 there, Rocky.  
22  
23 PRESENTATION BY SAHTU SECRETARIAT INCORPORATED:  
24           MR. ROCKY NORWEGIAN: Yeah, good  
25 afternoon. My name's Rocky Norwegian. I'm the President

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1 for the Tulita District Land Corporation. First of all,  
2 I'd like to welcome you all into our beautiful community  
3 here and to thank all the people that make this happen,  
4 and also to the -- to the cooks that put on a beautiful  
5 supper for us.  
6           With that, I'd like to go on. On behalf  
7 of the Tulita District Land Corporation, I'm pleased to  
8 make some introductory comments, and then I will ask our  
9 technical person, Howard Townsend, here, to present our  
10 submissions that outlines our concerns with respect to  
11 Selwyn Resource's Application for the land use ap --  
12 permit for certain mining activities in the Howard Pass  
13 area.  
14           At the -- at the outset of my comments, I  
15 confirm that the Tulita District Land Corporation and  
16 Selwyn relo -- Resources Limited have been engaged in  
17 discussions for the negotiations of the Cooperation  
18 Agreement. Although there are some difficult issues, I'm

19 pleased to report that these discussions have proceeded  
20 constructively.

21           The objective of this Cooperation  
22 Agreement for -- or for the Tulita District Land  
23 Corporation and Selwyn to work together.

24           A. To understand traditional Tulita  
25 District Dene and Metis values and culture, and Selwyn's

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1 resources business culture, and values related to the  
2 Selwyn project;

3           B. To advance the achievement of social  
4 and economic development of the Tulita District Dene and  
5 Metis members, communities, and governments and to  
6 minimize cumulative adverse environmental and social  
7 economic effects of the Selwyn project on the Tulita  
8 District Dene and Metis lands.

9           D. To achieve the successful permitting,  
10 financing, opening, and profitable oper -- operation,  
11 closure, and reclamation of the Selwyn project.

12           4. We hope that these discussions will be  
13 finalized shortly in the Cooperation Agreement presented  
14 to our members for their review and consideration.

15           As set out in submissions, we have  
16 substantive concerns about the permit application, and as  
17 a result, we requested that the Sahtu Incorporated --  
18 Secretariat Incorporated refer Selwyn Resource's  
19 Application for environmental assessment by the Review  
20 Board, pursuant to Section 126 -- 126(2)(b) of the  
21 Mackenzie Valley Resource Management Act. We have  
22 concerns about potential impacts to the area, concerns  
23 about activities located in a proposed conservation zone  
24 that's set out in the Sahtu Land Use Pla -- Land Use  
25 Plan, the draft Sahtu Land Use Plan, concerns about

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1 impacts on the proposed expansion of the national park.

2           So therefore, we support the effects of  
3 the Review Board to hold this community Hearing. It is  
4 an important opportunity for their -- for the community  
5 and our members to learn and be informed about the  
6 proposed activities and hav -- have an opportunity to  
7 raise -- to raise concerns.

8           We encourage Selwyn Resources to engage  
9 with the communities and their members. We need to  
10 develop a constructive working relationship in order to  
11 address their concerns and provide benefits and  
12 opportunities to the Tulita District -- District Dene and  
13 Metis members and their businesses.

14                   How can such a relationship be developed?  
15                   Firstly, each party must be committed to  
16 develop and maintain a relationship.  
17                   Secondly, each party must be willing to  
18 understand and respect the other -- other parties and  
19 respe -- perspectives and concerns. There must be  
20 willing -- they must be willing to work together to  
21 address those concerns.  
22                   In particular, the development of such a  
23 constructive working relationship must be informed by the  
24 legal principles established by our courts, with respect  
25 to duties to consult and accommodate, as well as the

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1 provisions of the Comprehensive Land Claim Agreement, if  
2 app -- applicable.  
3                   I confirm that the Tulita District Land  
4 Corporation is committed to establish such a relationship  
5 with Selwyn Resources. In closing, we look to the review  
6 Board to satisfactorily -- satisfactorily address our  
7 concerns relating to the environment. Thank you.  
8                   If there's any questions or anything we  
9 have our technical, Howard Townsend, and also our legal  
10 counsel here for any questions. Thank you.  
11                   THE CHAIRPERSON: Thank you, Mr.  
12 Norwegian.  
13                   Going on to the presentation, I am going  
14 to ask Howard Townsend to proceed with his presentation.  
15                   MR. HOWARD TOWNSEND: Thank you, Mr.  
16 Chairman.  
17                   After the signing the of the Sahtu Dene  
18 and Metis Comprehensive Land Claim Agreement in 1993, the  
19 Sahtu settlement area was divided into three (3)  
20 districts. Each district was to own and manage the land  
21 and resources of its district on behalf of all of Sahtu  
22 Dene and Metis participants to the claim.  
23                   While quite a large portion of this land  
24 base is still under the ownership of the Crown there are  
25 certain rights that all participants to the claim enjoy

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1 on these lands. There are certainly heritage sites,  
2 spiritual sites, the rights to harvest, hunt, fish, and  
3 gather, and certainly the right of consultation and  
4 accommodation.  
5                   The Shuht'a Got'ine, Mountain People, or  
6 the Kah'sho Got'ine, Big Willow People, have  
7 traditionally used this region for a very long time. In  
8 more recent times, the lands encompassing this area have

9 been used by the people from Norman Wells and Tulita, or  
10 Fort Norman.

11           The wildlife in this area of are of  
12 concern and used by them. The Sahtu collectively  
13 selected three (3) parcels, numbers 119, 120, and 121,  
14 within an area that boundaries the Yukon, and indeed is  
15 also of interest to the Ross River Dene. Those parcels  
16 were not selected by accident. In honestly, the reasons  
17 for their selection have not been given to me.

18           I mention this because the Application  
19 referenced that interviewees did not appear to know or  
20 would not reveal various aspects of the traditional  
21 knowledge for this area. This failure to understand the  
22 traditional knowledge for this area or the people's  
23 wishes was a weakness of the consultation process. As a  
24 result, we're all here today.

25           This is a slide of -- it's out of the

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1 Sahtu Atlas. And you can see the trails; they're all  
2 over the settlement area, including the region under  
3 discussion.

4           We've identified nine (9) items of current  
5 concern to us regarding this industrial Application. As  
6 time and development progress there will likely be other  
7 issues that should be discussed. Consultations should be  
8 ongoing with respect to the land, the resources, and the  
9 people. We ask that you listen to our concerns today  
10 carefully.

11           The TDLC, Tulita Development Land  
12 Corporation, maintains that Selwyn Resources must provide  
13 a sufficient security deposit, so that any impacts  
14 resulting from it's activities will be reclaimed fully,  
15 including the decommissioning or closing of any roads,  
16 trails, or drill sites. The amount of the security  
17 deposit must be commensurate with the costs to remediate  
18 the impacts.

19           As a region, we are living in the  
20 reclamation of other mines, such as Port Radium and  
21 Sawmill Bay. We want our next mine not to be a burden to  
22 the taxpayer.

23           For this reason, we would appreciate a  
24 flow chart be developed showing what should be protected  
25 by security deposit at each stage of this mine's

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1 development through to final abandonment. A second flow  
2 chart would be appreciated that shows the roles of each  
3 government department in the administration of a mine

4 development, explaining, for instance, what a security  
5 deposit is, what they are for, how they are calculated,  
6 when they should be collected, and by whom, when they  
7 should be checked to ensure they are enough, and when  
8 they should be used or returned.

9           This project is at early stage of  
10 development and already we have roads, bridges, and  
11 sites, without security deposits in place. All  
12 communities, level of governance, and industry need to  
13 understand what is involved in a mine site reclamation.

14           But it's not just the steps in  
15 reclamation. We all need to understand clearly who has  
16 which roles and responsibilities. We all need to be  
17 assured that the company or proponent, if you will, is  
18 being held fiscally accountable every step of the way.  
19 We also need to know which government department is  
20 accountable to ensure each step.

21           This is the bottom page of the first page  
22 of Pacifica's application, now Selwyn. That portion  
23 blown-up refers to Mining Lease 2878 and 2879; were part  
24 of a large ongoing exploration by Placer Dome and US  
25 Steel, in both Yukon and the Northwest Territories, from

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1 '72 to '81, the Howard's Pass Project.

2           Pacifica Resources -- Pacifica, has  
3 recently entered into an agreement to option the Howard's  
4 Bay -- the Howard's Pass project from Placer Dome and US  
5 Steel, and purchase 100 percent ownership of the  
6 property. During the course of the exploration program,  
7 approximately 57,000 metres of trenches were dug with  
8 bulldozers. There's 1,600 metres to the road -- to a  
9 mile by the way, so that's well over 3 miles.

10           Approximately 50 kilometres of haul roads  
11 and two (2), approximately 500 metre air strips were  
12 constructed. Two hundred and eighteen (218) diamond  
13 drill holes were drilled on surface, and thirty-two (32)  
14 were drilled underground, approximately fifteen thirty  
15 (1530), almost a mile of added and cross drills were  
16 excavated.

17           And a 78 kilometres, 4 metre, wide all-  
18 weather access road was constructed to the Nahanni Range  
19 Road near the Cantung mine. This is the application  
20 under discussion.

21           Previous authorities predate the Sahtu  
22 Dene and Metis Comprehensive Land Claim Agreement.  
23 Consultation did not occur prior to 1993. Pacifica, and  
24 now Selwyn Resources, owns all of the assets and  
25 liabilities. There is extensive work done in the Sahtu

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1 settlement area.

2           This is the top of the second page of that  
3 same Application. The exploration and road construction  
4 work performed on these claims was allowed by DIAND under  
5 several land use permits, all expired. A DIAND permit to  
6 obtain water without a licence, file number there, also  
7 now lapsed. The mining company currently holds the  
8 liability for these sites. All permits have expired.

9           The very fact that the previous holders of  
10 these properties were able to leave roads on site,  
11 without abandonment or reclamation, or the monies to do  
12 either, begs us to better now. At no time should  
13 assumptions be made, and at no time should there be  
14 anything less than perfect clarity regarding the ability  
15 to reclaim a proposed project.

16           Restorative plant species may not be the  
17 species required for final reclamation. Site inspections  
18 to determine the reclamation prescription should not --  
19 or should include a GNWT representative, as well as  
20 someone from Tulita District Land Corporation. Final  
21 inspections will not take place after only one (1)  
22 growing season.

23           There are three (3) views in -- in that  
24 reference, taken on sites being disturbed, and they refer  
25 to sites being rehabilitated, reclaimed, or restored. A

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1 rehabilitated site involves creating an alternative  
2 ecosystem on a site that has been greatly deteriorated.  
3 An example is where lands have been used for a mine or  
4 tailings. These sites require plants to add nutrients  
5 into the soil first before the site can support other  
6 plants that will be able to survive.

7           There may be several attempts to  
8 rehabilitate the site. Once established, it may be  
9 several years and stages before the site has reached the  
10 level of reclamation wanted.

11           A reclaimed site is one that still has a  
12 lot of its natural soil capacity. It can be returned to  
13 its original or similar land use without as much  
14 difficulty as a rehabilitated site. The plant health,  
15 types, and amounts of different species, their heights  
16 and density of the plants, must all be assessed to  
17 determine the sites health before the site can be said to  
18 be satisfactorily reclaimed. It may become a health  
19 site, but not necessarily the same as what was there.

20           A restored site is a site that has more or  
21 less the same types of plants as the original site.  
22 There may still be some evidence that the site has a  
23 human footprint, for at least the short-term. It is the  
24 level of use that shows the least amount of impact.  
25 Because we can never be sure of the impacts of our

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1 actions on the land, we cannot accept that reclamation  
2 will be achieved with one (1) administration of grass  
3 seeds in one (1) season, and require only one (1)  
4 inspection.

5           Regarding the recent application to  
6 reclaim five (5) bridge approaches, and the applic -- the  
7 file is there -- we note that a road which is located on  
8 the lands applicable to Selwyn Resource's application for  
9 the land use permit was previously abandoned by a former  
10 holder of the claims and leases, and as a result, this  
11 road has not yet been reclaimed properly. Therefore, the  
12 TDLIC requires assurances that this abandoned road and  
13 other roads, trails, and drill sites, will be reclaimed  
14 fully, and that funding is set aside to complete such  
15 reclamation work.

16           Selwyn Resources has applied to reclaim  
17 five (5) bridge approaches. While we acknowledge that  
18 they hold these bridges, we also believe that they are  
19 responsible for other developments held in conjunction  
20 with their mining project. The inherited the road that  
21 was principle to the placing of those bridges. The roads  
22 must either be abandoned properly, put to bed, if you  
23 will, or reclaimed.

24           A site that is abandoned or put to bed may  
25 have the road bed left in place, and features, such as

---

1 bridges and culverts, pulled to accommodate natural  
2 drainage, in the absence of regular maintenance. Areas  
3 that may suffer from erosion will still have to be dealt  
4 with to prevent that also.

5           Roads that are -- are to be abandoned  
6 should still require a reclamation deposit to ensure  
7 their eventual reclamation, in the event the company does  
8 not come back. A site that is to be left permanently  
9 must be fully reclaimed, as if no one will ever be back.  
10 The reclamation plan must cover all disturbed areas,  
11 final vegetation, and any drainage concerns.

12           Getting back to the Application for  
13 abandonment, as applied for, we ask that the Company  
14 review the choice of its route as built and applied for  
15 abandonment and consider whether this is the route that  
16 they want to spend moneys on to abandon, as opposed to  
17 reclaim. In the long run, maybe now is the time to  
18 review the best choice of route for the eventual mine.  
19 There is and should be the obligation to eventually  
20 reclaim the road, unless the government assumes it as one

21 of the region's highways.  
22           Reclamation funds for the Northwest  
23 Territories must be placed in an account within a  
24 jurisdiction of the Northwest Territories or be a form of  
25 irrevocable credit accessible to the GNWT.

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1           At a reclamation workshop several years  
2 ago in Whitehorse there was a presentation by the Yukon  
3 Territorial Government on the negative impacts of benefit  
4 agreements. As understood from that presentation, it is  
5 -- if a company goes into receivership, the receiver  
6 complies with the laws of the jurisdiction of the  
7 company's head office. The Yukon Territorial Government  
8 discovered from their experience that money set aside for  
9 reclamation were in fact disbursed to address other  
10 financial claims, such as lost wages, made against the  
11 company.

12           To ensure that the mine site rec --  
13 reclamation is never compromised by similar circumstances  
14 in the NWT, we ask that the reclamation funds be of a  
15 form that is irrevocable within the jurisdiction of the  
16 Northwest Territories and accept the -- accessible to the  
17 Government of the Northwest Territories.

18           The TDLC has concerns about the use of  
19 roads and trails constructed by Selwyn Resources by third  
20 par -- by third parties and the impacts caused by such  
21 access relating to wildlife.

22           Firstly, Selwyn Resources must be required  
23 to have discussions with the TDLC, with respect to the  
24 proposed route of any road or trail. Such discussions  
25 must be commenced prior to the construction of such roads

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1 or trails.

2           Secondly, these roads and trails must be  
3 commissioned -- decommissioned, or gated, or otherwise  
4 closed as appropriate, in order to prevent such access.

5           The area being developed by the applicant  
6 is as a direct result of prospecting and mineral claims  
7 process. It was not advocated by the people of the  
8 region, regardless of how valuable the resource may be.  
9 The people have used this region for harvesting,  
10 recreational, and spiritual purposes. They're entitled  
11 to these lands for these reasons, even if they do not own  
12 the surface or the subsurface by title. The options for  
13 access, the restrictions attendant to the access, the  
14 timing of that access, and other aspects should be  
15 respectful of their wishes, so as not to impair their

16 rights.

17                   The TDLC maintains that wildlife sightings  
18 must be reported to Sahtu environmental or wildlife  
19 monitors, as well as to Selwyn Resources Environmental  
20 staff or the camp manager. Furthermore, the Sahtu  
21 environmental and wildlife monitors must be on site for  
22 the duration of any activities related to this project.

23                   The sole role of the wildlife monitor is  
24 to monitor wildlife, and the sole role of environmental  
25 monitor is to monitor the company's actions. Both must

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1 have the ability to report to the TDLC daily. Monitors  
2 are to be the employees of TDLC or the Tulita Renewable  
3 Resources Council, not Selwyn Resources.

4                   As of about 2006, environmental monitoring  
5 was recognized as an occupational standard in the  
6 Northwest Territories. We are strong supporters of  
7 environmental monitors being placed on all research,  
8 industrial, and commercial activities on the lands and  
9 waters of the Sahtu settlement area.

10                   Environmental monitors are the eyes and  
11 ears of the district land corporation, as well as the  
12 communities. They are able to alert the proponent and the  
13 TDLC communities to potential concerns before they become  
14 serious issues. While they are a cost of doing business  
15 for the proponent, we would think that they would welcome  
16 the ability to convey information back quickly and easily  
17 in the spirit of developing trust and a long and lasting  
18 relationship.

19                   Environmental monitors watch the company's  
20 employees, their actions, and their equipment. Wildlife  
21 monitors specialize in monitoring the wildlife and  
22 habitat being impacted. They protect both the wildlife  
23 resource and often the company's employees. Wildlife  
24 monitors watch the wildlife and the habitat. They  
25 protect life.

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1                   Both should be able to be available for  
2 every shift worked by the company. They certainly are  
3 not incidental, occasional, or company employees.

4                   The TDLC maintains that Selwyn Resources  
5 must be required to halt its activities at critical  
6 wildlife times, such as periods of calving and rutting.  
7 It is not satisfactory for Selwyn Resources to  
8 voluntarily have no work periods as it sees fit. This  
9 should not be left to the Company's discretion. The land  
10 use permit must specify such times.

11                   Discretionary timing constraints make it  
12 difficult for field supervisors. If called upon to  
13 exercise such discretion, the cost of downtime must be  
14 weighed against the sightings of a few animals. We  
15 believe that regulatory shutdowns remove this burden from  
16 the individuals as well as making it easier to enforce.

17                   The TDLC maintains that activities  
18 undertaken by Selwyn Resources must be guided and  
19 consistent with the current draft of the Sahtu land use  
20 plan. In a perfect world we would abide by the approved  
21 Sahtu land use plan. In the absence of an approved plan  
22 the best guidance or direction available, we believe, is  
23 the current draft of that plan.

24                   Use of the draft Sahtu land use plan is  
25 the best available body of knowledge to aid in consensus.

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1 It does not replace consultation, but it certainly  
2 assists in the process and we support its use  
3 wholeheartedly. We ask others to respect our wishes and  
4 to work with us in this regard.

5                   The TDLC maintains that any work  
6 undertaken by Selwyn Resources in or around water must  
7 comply with the Fisheries Act of Canada and other related  
8 legislation. The TDLC also maintains that mining wastes  
9 from any drill sites should not be capable of flowing  
10 into any creek or water body that could lead to a fishery  
11 habitat at any time of year.

12                   Mineral expiration involves drilling where  
13 more than one (1) mineral may be present. We understand  
14 that muds, clays, or lubricants, used in the drilling  
15 process may be harmless. The cuttings that come to  
16 surface or the fluids with them may not be so harmless.  
17 Unless those fluids or cuttings are tested and proven  
18 safe, we ask that any poss -- possibility of them getting  
19 into waterways be prevented.

20                   We wish to quote from the fisheries Act of  
21 Canada, Section 35:

22                   "No person shall carry on any work or  
23 undertaking that results in the harmful  
24 alteration, disruption, or destruction  
25 of fish habitat."

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1                   And fish habitat means spawning grounds,  
2 nursery, rearing, food supply, and migration areas on  
3 which fish depend directly or indirectly in order to  
4 carry out their -- their life processes. Water  
5 frequented by fish means Canadian Fisheries waters.

6                   As other industries such as forestry and  
7 the oil and gas industry cannot ford water bodies and  
8 disturb banks and shores needlessly, we see no reason for  
9 this Company to do likewise. We ask the Company to  
10 propose temporary crossings that will minimize  
11 disturbance, especially in mountain areas that are very  
12 sensitive and subject to water level fluctuations.

13                   The Applicant wishes to reuse a road that  
14 is considered environmentally unacceptable. Suggested  
15 mitigating conditions by government agencies were  
16 frustrated by conflicting conditions prohibiting road  
17 relocation, gating, and clos -- or closure. The TDLC  
18 suggests that road relocation to an environmentally  
19 better location be considered at this time also. The  
20 road may have to be relocated in stages of development,  
21 comparable with the stages of expiration development to  
22 facilitate the economy of the expiration, the logistics  
23 for equipment, and disturbance to wildlife.

24                   We believe that the Company had the  
25 ability to build 2 kilometres of road per year for about

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1 five (5) years, which will add 10 kilometres of road. We  
2 also believe that there's going to be trails between some  
3 of these drill sites by ground equipment. So we do see a  
4 link between these things.

5                   Just as every seismic line does not make a  
6 good road, every exploration trail should not be deemed  
7 the best location for a road. The exploration trail may  
8 not have been placed in the best location  
9 environmentally, or even for the loads that will  
10 eventually use it. These trails certainly were not  
11 offered to the regulatory bodies for consideration, nor  
12 to the people that live here. Why should we be expected  
13 to accept them now?

14                   Realistically we may be able to consider  
15 the relocation of these roads in developmental stages.  
16 This does not shut down the proposed activity, but at the  
17 same time, addresses placing the final road in the best  
18 possible location. It addresses long-term reclamation  
19 and the potential for impacts on wildlife and other  
20 resources.

21                   Our records suggest that only two (2)  
22 research permits have been issued to or near Selwyn in  
23 the Northwest Territories. We have a Selwyn project for  
24 fisheries baseline Study, and we have Michael Pope's  
25 study, Sequence, Chemo- and Biostratigraphic Study, of --

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1 long title.

2           The TDLC wishes to remind the Applicant  
3 that under the Scientist's Act of the Northwest  
4 Territories, all research activities are regulated, and  
5 that consultation is an integral part of that process.

6           The PowerPoint by Pacifica presentations  
7 infer a large amount of research has or will be done. To  
8 date, we know of only the two (2) projects listed above  
9 as being possibly related to Selwyn. Are there others?  
10 And this is from a presentation in 2006, and  
11 environmental studies were referred to. 2007,  
12 environmental studies referred to; 2008, 2009, 2010, '11  
13 and '12.

14           We are concerned that a body of knowledge  
15 is being developed with -- about our lands and resources  
16 through unauthorized activities. We are also concerned  
17 that activities may be taking place without using or  
18 considering this information. Why carry out fisheries  
19 studies and not consider them in the development of work  
20 in those same water bodies?

21           We have experienced whole baseline studies  
22 being developed without the participation of the First  
23 Nations on which those lands and resources were being  
24 studied. That is just plain wrong. There is six (6)  
25 volumes, and that's what we got back from one (1)

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1 scientific permit letter for follow-up information.

2           Fuel caches, the application refers to  
3 several fuel caches being created. These must be  
4 recorded and agreed to prior to being established. Fuel  
5 caches have been washed away from sites that pilots  
6 thought were perfectly safe. Local knowledge would have  
7 saved the environment and also saved the Company money.

8           In case of forest fire or search and  
9 rescue operations, the location of fuel caches can be  
10 very important. For site abandonment or recl -- or  
11 reclamation, the locations are necessary for the recovery  
12 of barrels that can damage the environment.

13           We have addressed our concerns regarding  
14 our historical interests to this land and our right to be  
15 consulted. We are very concerned about the unrealistic  
16 security deposits and lack of government -- lack of  
17 government and corporate accountability regarding these  
18 deposits.

19           We cannot accept the approach taken  
20 towards abandonment and reclamation. Access developed at  
21 the exploration stage should not dictate the routes  
22 necessary for the mining operation under full production,  
23 nor should the public be committed to such informal  
24 access. A company should not be expected to, nor allowed  
25 to self-monitor, when sensitive wildlife is being

1 impacted.

2 Mineral exploration, we believe, is a  
3 century behind other industries in their use and respect  
4 for water - that must change.

5 We'll succeed with our land use plan.  
6 Companies and government can either work with us now, or  
7 endure the working environment when their activities  
8 finally become accountable later. We'd rather work  
9 cooperatively now.

10 Access roads should not be grandfathered  
11 trails from the past. Scientific research without our  
12 consultation is against the law in the Northwest  
13 Territories. Fuel caches must be reported for several  
14 reasons, and we have stated the obvious.

15 We welcome questions and -- and comments.  
16 And we thank all those participating in this hearing. We  
17 believe this dialogue is long overdue. Mahsi cho.

18

19 QUESTION PERIOD:

20 THE CHAIRPERSON: Thank you, for the  
21 presentation made by the Sahtu Secretariat Incorporated.  
22 Mr. Rocky Norwegian and Howard Townsend, thank you for  
23 your presentation.

24 I am going to ask for questions now, as  
25 previously done. I am going to go ahead and ask in the

1 order that I have been doing it all evening, is that the  
2 next questions from the developers to the SSI on their  
3 presentation, if there is any questions from the  
4 developers.

5 MR. JUSTIN HIMMELRIGHT: As previously  
6 with the GNWT presentation -- it's Justin Himmelright for  
7 Selwyn Resources -- I'd just like to make a few comments  
8 on the presentation, and may not necessarily be  
9 questions. If that's okay?

10 THE CHAIRPERSON: Please proceed.

11 MR. JUSTIN HIMMELRIGHT: And I don't have  
12 slide numbers, I'm sorry, but I'm -- I'm going to refer  
13 to the slide in which -- the listing of previous  
14 activities between 1972 and 1981.

15 And just to clarify, that in our original  
16 land use permit application there's a request for an  
17 explanation of any historic activity on the project site.  
18 And I believe that that information that was provided  
19 pertains to the entire property, not just those claims  
20 and leases in the Northwest Territories.

21 In regards to the -- the number on two --  
22 on trenching, 5,700 metres, I would guess that that is  
23 likely a typographical error and it should probably say

24 5,700 cubic metres, not linear metres. Trenching would  
25 typically be measured in a volume estimate, not a linear

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1 estimate.

2           In regards to the reclamation, concerns  
3 put forward by the SSI, as mentioned earlier in our  
4 presentation, we have a process in place for a  
5 reclamation. It has -- it appeared to be successful so  
6 far, but we're certainly game for collaborative activity  
7 on reclamation.

8           I think that the concerns regarding the  
9 access road have been touched on a number of times in the  
10 proceedings today, so I'll just ro -- withhold comment on  
11 -- on the access road.

12           In regards to the wildlife monitors, as  
13 confirmed earlier that is a component of the negotiations  
14 of the Cooperation Agreement with the Tulita District.

15           In regards to concerns on the Fisheries  
16 Act and protection of waterways, our standard operating  
17 procedures and the mitigations that we put forward in the  
18 application are fairly explicit in that regard. And  
19 Fisheries and Oceans Canada, at this stage, has said that  
20 they have no further concerns, given the -- the diligence  
21 that the proponent has put forward.

22           In regards to scientific research, I'm not  
23 sure who Michael Pope is and I have no knowledge of that  
24 study. In regards to the fisheries baseline study, that,  
25 yes, was us. There was also studies that were done with

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1 permits under the Wildlife Act. In each of those cases,  
2 the baseline study design description was shared with the  
3 renewable resource boards. A comment period was allowed.  
4 The results of those studies have also been shared with -  
5 - with the renewable resource boards.

6           In terms of the volume of research, there  
7 has been no invasive scientific research in the Northwest  
8 Territories, with the exception of the wildlife studies.  
9 Sitting on the proximity of the border, as we do, we have  
10 lots of opportunity to record information about what we  
11 see on the other side of the border.

12           So I would be remiss to not say that while  
13 there may not be scientific research per se, there's  
14 certainly inventory information that we're aware of on  
15 the Northwest Territory side of the border, which we are  
16 more than happy to share and discuss with -- with all  
17 parties.

18           In regards to fuel caches, I believe there

19 are standard regulations in place under the Mackenzie  
20 Valley Resource Management Act, regarding size and  
21 reporting of fuel caches.  
22 And those are all my comments. Thank you.  
23 THE CHAIRPERSON: Thank you for your  
24 comments, Mr. Himmelright.  
25 To SSI, did you guys want to comment on

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1 that, or can I just go ahead to the next group?  
2 MR. HOWARD TOWNSEND: Next speaker, Mr.  
3 Chairman.  
4 THE CHAIRPERSON: Very good. Thank you  
5 very much.  
6 Moving on to Parks Canada, who I have Ms.  
7 Montgomery. Any comments, questions?  
8 MS. LEE MONTGOMERY: No questions.  
9 THE CHAIRPERSON: Thank you. Government  
10 of the Northwest Territories, Loretta Ransom?  
11 MS. LORETTA RANSOM: No questions.  
12 Thanks.  
13 THE CHAIRPERSON: Thank you.  
14 I want to go to INAC, Mr. David  
15 Livingstone?  
16 MR. DAVID LIVINGSTONE: No questions.  
17 THE CHAIRPERSON: Okay. Thank you.  
18 Next one I have is MVEIRB staff, is there  
19 any questions for SSI?  
20 MR. MARTIN HAEFELE: Yes, indeed there is.  
21 Mr. Townsend, you referred on a number of occasions to  
22 access road and trails not being allowed to become the --  
23 the road alignment. And I was just wondering if you  
24 could clarify it for me, if you are talking indeed about  
25 the Nahanni Range Road, or if you're talking about other

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1 trails in -- in development area?  
2 THE CHAIRPERSON: Thank you. Moving on  
3 to Sahtu Secretariat, Howard Townsend.  
4 MR. HOWARD TOWNSEND: Mr. Chairman,  
5 through you to the person that made the question, I've  
6 noted on the maps that the -- the legends don't -- aren't  
7 very clear as to where one road starts and the other  
8 stops. The scale is one (1) to fifty thousand (50,000).  
9 The legend is a bit lacking.  
10 So I'd have to say that we -- we have a  
11 concern with all of the roads and trails, as several of  
12 them were put in before the claims, so we weren't  
13 consulted, and we feel that they should all be reviewed.

14 THE CHAIRPERSON: Thank you. We'll go  
15 back to MVEIRB staff, but if you don't mind, can you  
16 state your name for the record?  
17 MR. MARTIN HAEFELE: Thank you. It's  
18 Martin Haefele, Review Board staff, and thank you for the  
19 answer.  
20 THE CHAIRPERSON: Thank you, Martin.  
21 Moving on to MVEIRB legal counsel, Mr.  
22 John Donihee.  
23 MR. JOHN DONIHEE: Thank you, Mr.  
24 Chairman. John Donihee. I have no questions.  
25 THE CHAIRPERSON: Thank you, Mr. Donihee.

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1 Moving on to Board members.  
2 Board member, Mr. Darryl Bohnet?  
3 MR. DARRYL BOHNET: Mr. Chair, as your  
4 rookie on this Board, I have a question for the proponent  
5 rather than the presenters. I wonder if you'll -- I'd  
6 seek your indulgence to pose it?  
7 THE CHAIRPERSON: Please proceed.  
8 MR. DARRYL BOHNET: Today we heard a lot  
9 about Standard Operating Procedures, SOPs, for employees  
10 and contractors, and I'm interested in you describing how  
11 you managed that whole process.  
12 I'm interested in how you monitor, what  
13 you do for compliance, what's the consequences or  
14 penalties if there is non-compliance with your -- your  
15 employees or your contractors? Thank you.  
16 THE CHAIRPERSON: Thank you, Mr. Bohnet.  
17 Go to the developer.  
18 MR. JUSTIN HIMMELRIGHT: Justin  
19 Himmelright, for Selwyn Resources. That's a -- that's a  
20 presentation onto itself, but I'll try my best to explain  
21 the entire process.  
22 We have a -- the driving force behind what  
23 we call our Environmental Management System is our  
24 environmental policy on -- our policy on environmental  
25 and social responsibility. And that is available in the

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1 Application documentation, and as well on our website as  
2 a piece of -- of public information.  
3 That policy sets up a framework of -- of  
4 continual improvement, whereby we have a toolbox of -- of  
5 different tools that apply to environmental standards.  
6 We have Standard Operating Procedures, we have our  
7 licences and permits in which the regulations are -- are  
8 in place. We have environmental incident report forms.

9 There's a number of different tools that are engaged in  
10 that.

11 For the implementation of those tools, we  
12 also have a number of different avenues to do that. And  
13 -- and specifically, if we take the example of  
14 contractors on the job site, the terms and conditions of  
15 our licences, and our standard operating procedures are  
16 incorporated into the contracts that they sign. So that  
17 if in fact they're in violation of -- of those -- of  
18 those tools, if you like, of the standard operating  
19 procedures, or the regulations, they're also in violation  
20 of their contract. And that has its own repercussions  
21 that are -- that are business related.

22 In terms of employees, they are expected  
23 to adhere to those standard operating procedures and  
24 violations -- deliberate violations of those standard  
25 operating procedures would be subject to typical --

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1 what's the words I'm looking for -- staged disciplinary  
2 action. So a warning, a strike 2, strike 3, you're out,  
3 kind of an approach, as -- as we're sort of required to  
4 do, if you life, by standard labour code or something  
5 like that. So it's -- it's tied in that way.

6 The -- the adherence of -- of management  
7 staff in a lot of case, myself, as an example, as a  
8 registered professional biologist, or our VP of  
9 Exploration, as a registered professional geologist,  
10 we're all required to adhere to certain ethical standards  
11 by our professional associations and are held accountable  
12 to that. So in violation of environmental standards or  
13 something like that where -- where charges are laid, we  
14 are risking our professional association, so we have an  
15 incentive in that fashion.

16 So that's the implementation side of that  
17 toolbox. The steady improvement or the continual  
18 improvement cycle goes from there, where on a case-by-  
19 case basis, or on an annual basis, we will sit down and  
20 review the tools. We will review the implementation  
21 procedures. We will look at the incidents that may have  
22 occurred throughout the year, what the causative pathways  
23 were for those incidents, and what corrective actions are  
24 needed in order to -- in order to ensure that -- that we  
25 don't see a repeat. And then that's cycled right back

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1 through to a modification of whatever the -- the  
2 standard operating procedure or whatever the -- the tool  
3 happens to be in case. So that's the -- that's the

4 cycle.  
5                   The -- the development of the -- of a  
6 standard operating procedure -- and we can look back over  
7 time on the -- the wildlife and wildlife habitat standard  
8 operating procedure, which have evolved since 2006. And  
9 -- and it has evolved in response to comments that we've  
10 received from regulators, comments that we've received  
11 from community interactions, new publications that had  
12 been released. The Flying in Caribou Country, as an  
13 example, was a relatively new publication from the Yukon  
14 Government.  
15                   So we both monitor the development of --  
16 of new best practices on an industry wide basis, as well  
17 as take comments and -- and input from other stakeholders  
18 in devising what those standard operating procedures look  
19 like.  
20                   So I hope that answers your question.  
21 THE CHAIRPERSON: Thank you, Mr.  
22 Himmelright.  
23                   Board member, Darryl Bohnet...?  
24 MR. DARRYL BOHNET: Yes, thank you.  
25                   Is the monitoring of the standard

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1 operating procedures an internal company activity, or is  
2 there a requirement for external reporting of violations  
3 of -- of SOPs?  
4                   THE CHAIRPERSON: Thank you, Mr. Bohnet.  
5 Go back to the developer, Mr. Himmelright.  
6                   MR. JUSTIN HIMMELRIGHT: Justin  
7 Himmelright, for Selwyn Resources.  
8                   The -- the internal reporting  
9 requirements, we have a -- a standardized internal  
10 environmental incident reporting requirement. And we  
11 spell out very, very tight thresholds for internal  
12 purposes that are well below, if you like, the -- what  
13 would be considered to be a -- an externally reportable  
14 environmental incident.  
15                   The -- and those externally reportable  
16 environmental incidents, quite often those thresholds  
17 would be set by regulation, would be set by a permit  
18 condition. So what we'll do is we will -- we will figure  
19 out where tho -- what those thresholds are that require  
20 us to report externally and we will work internally to  
21 set even tighter restrictions, because it's the near  
22 misses that we want to catch, right? We want to be ahead  
23 of the -- we want to be ahead of the game.  
24                   So we have an internal reporting process,  
25 which is more stringent than the external reporting

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1 process, which is more stringent than the external  
2 reporting process. Thank you.  
3 THE CHAIRPERSON: Thank you, Mr.  
4 Himmelright.  
5 Mr. Darryl Bohnet, Board member...?  
6 MR. DARRYL BOHNET: That's good. Thank  
7 you very much.  
8 THE CHAIRPERSON: Thank you. Moving on  
9 to Board member, Mr. Danny Bayha.  
10 MR. DANNY BAYHA: Thank you. Well, I  
11 just had a question for the presenters. Danny Bayha,  
12 Board member.  
13 Some of the issues that you presented and  
14 some of the possible recommendations and some of the  
15 issues that you've raised, seem to be a lot to do with  
16 the regulations of the land use permits. Have you given  
17 some thought on -- obviously, these issues have not been  
18 addressed in the current regulatory system, as I take it.  
19 I'm assuming.  
20 Is that a correct assumption? Thank you.  
21 THE CHAIRPERSON: Thank you, Mr. Bayha.  
22 We will go back to the Sahtu Secretariat Incorporated,  
23 Mr. Howard Townsend.  
24 MR. HOWARD TOWNSEND: Thank you, Mr.  
25 Chairman, you too, Mr. Bayha.

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1 Some of these same concerns have been  
2 raised in a review of the Government of the Northwest  
3 Territories mining reclamation guidelines. They have  
4 been raised there and elsewhere, workshops, what have  
5 you. But it seemed appropriate to address them at this  
6 time in this venue as well.  
7 THE CHAIRPERSON: Thank you, Mr.  
8 Townsend.  
9 Mr. Danny Bayha...?  
10 MR. DANNY BAYHA: Thank you. And -- and  
11 to that, there -- the -- the actual regulatory process of  
12 this, the permitting process, that would -- will or will  
13 not follow this proceeding, is that something you are  
14 planning to have a great amount of input into that  
15 process as well? For example, the Water Board permitting  
16 process. Thank you.  
17 THE CHAIRPERSON: Thank you, Mr. Bayha.  
18 I go back to Mr. Townsend.  
19 MR. HOWARD TOWNSEND: Mr. Chairman, I  
20 don't believe I can address that at this time. I'm not  
21 sure what my direction will be from my supervisors  
22 regarding that.  
23 THE CHAIRPERSON: Okay, thank you, Mr.  
24 Townsend.  
25 Mr. Bayha...?

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1                   MR. DANNY BAYHA:    Okay, thank you.  And  
2 this is -- question is more for the proponent, and it's  
3 just in following with the questions Mr. Bohnet, a Board  
4 member, has asked.

5                   On the standard operating procedures, does  
6 that include the -- if there's a spill on NWT side,  
7 there's a spill guy -- phone line that you have to phone,  
8 and have you had any experience in that, using that phone  
9 line, and how involved is the communities in -- when this  
10 happens, in terms of support, in terms of monitoring?

11                   Is that something that has been  
12 contemplated or -- or built into your plan?  Thank you.

13                   THE CHAIRPERSON:    Thank you, Mr. Bayha.  
14 I am going to go to the developer, Mr. Himmelright.

15                   MR. JUSTIN HIMMELRIGHT:    Just Himmelright  
16 for Selwyn Resources.

17                   We have had no experience with using that  
18 phone line to date.  We have had no permits for activity  
19 in the Northwest Territory, so there's not been any  
20 opportunity for spills either.

21                   In regards to reporting of spills, it is a  
22 component of our spill plan in the Northwest Territories,  
23 and in the Yukon as well, that the -- the communities are  
24 on the reporting list for all of the entities that are  
25 con -- that are contacted in the event of a spill.

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1                   THE CHAIRPERSON:    Thank you, Mr.  
2 Himmelright.

3                   I will go to Mr. Danny Bayha.

4                   MR. DANNY BAYHA:    Thank you.  I have no  
5 further questions.

6                   THE CHAIRPERSON:    Thank you.  Moving on  
7 to Mr. John Ondrack, Board member.

8                   MR. JOHN ONDRACK:    Thank you, Mr. Chair.  
9 John Ondrack, Board member.  I have no further questions.

10                   THE CHAIRPERSON:    Okay, thank you.  
11 Moving on to Board member, Mr. Fred Koe.

12                   MR. FRED KOE:    Fred Koe, Board member.  I  
13 have a question under the application that's under  
14 consideration, which I believe is a Class B land use  
15 permit.

16                   And there's a lot of reference to security  
17 deposits in your presentation.  So I was wondering, is  
18 that -- the issue of security deposits, is that an issue  
19 that's permitted under the licensed applica -- or the  
20 issuance of a licence or is this something over and above

21 that?

22 THE CHAIRPERSON: Thank you, Mr. Koe. I  
23 am going to go back to Sahtu Secretariat Incorporated,  
24 Mr. Howard Townsend.

25 MR. HOWARD TOWNSEND: Thank you, Mr.

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1 Chairman. The proposed activity is one hundred and  
2 sixteen (116) drill sites. There are going to be trails.  
3 We have no breakdown on the security deposit, have no  
4 comprehension of -- of -- I believe, if memory serves me  
5 right, the initial estimation was something like eighty-  
6 three thousand dollars (\$83,000), and it was reduced to  
7 about seventy-two thousand dollars (\$72,000).

8 I have no comprehension of how that  
9 security deposit was arrived at, or the justification to  
10 reduce it. Seventy-two thousand dollars (\$72,000) will  
11 hard -- hardly get you a couple of charters in there to  
12 look at it. So yeah, we have a concern with the security  
13 deposit.

14 We also have a concern that the rest of  
15 the site is not secured as well, and is going through  
16 several regulatory bodies. But at this time, for this  
17 proposed activity, we have no breakdown or understanding  
18 of the security deposit.

19 THE CHAIRPERSON: Thank you, Mr.  
20 Townsend.

21 Mr. Fred Koe...?

22 MR. FRED KOE: Okay, Mahsi. Fred Koe.  
23 Because I'm trying to get clarification as a -- if the  
24 security deposit is a condition of the permit, or is it a  
25 condition of the process or review that we're under now?

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1 I'm not sure, maybe our legal counsel can -- can assist  
2 me here.

3 THE CHAIRPERSON: Thank you, Mr. Fred  
4 Koe.

5 Mr. Donihee, MVEIRB legal counsel...?

6 MR. JOHN DONIHEE: Thank you, Mr.  
7 Chairman. John Donihee.

8 My understanding is that the Sahtu Land  
9 and Water Board has the option of imposing a security  
10 requirement at the time that the -- they make the  
11 decision on the land use permit. And at that time -- I  
12 mean what -- what's happening now, of course, is there's  
13 an EA and the Board will write a report and send it to  
14 the Minister.

15 And if the Board were to recommend that

16 security be held under a land use permit, in order to  
17 offset some concern about some kind of a significant  
18 impact, then the Land and Water Board would be -- and the  
19 Minster were to accept that, then the Land and Water  
20 Board would have to -- have to include security in the  
21 permit.

22                   Inevitably, the -- the Land and Water  
23 Board has the discretion to do so anyway. And in most  
24 instances, when they have applications in from of them,  
25 they do look at questions related to whether or not

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1 security is appropriate, and they base their decision on  
2 the evidence that they have at that point in time.

3                   THE CHAIRPERSON: Thank you, Mr. Donihee.  
4 Board member, Fred Koe...?

5                   MR. FRED KOE: Mahsi. Fred Koe.

6                   Earlier in the opening presentation Selwyn  
7 Company stated that they have their own monitors. So I  
8 just want to ask the representative of the companies to -  
9 - who they're using as monitors and -- and really what  
10 are they doing, because there's a lot of issues raised on  
11 that aspect?

12                   THE CHAIRPERSON: Thank you, Mr. Fred  
13 Koe.

14                   I'm going to go to the developer, Mr.  
15 Himmelright.

16                   MR. JUSTIN HIMMELRIGHT: Justin  
17 Himmelright, with Selwyn Resources.

18                   The monitors -- we have a -- we have a  
19 function within the staffing component on the job site,  
20 which in previous years has carried the label of  
21 Environmental Compliance Coordinator.

22                   And the Environmental Compliance  
23 Coordinator job function is diverse. There are a number  
24 of, obviously, regulation and permits that apply to our  
25 operations. They have some responsibility for monitoring

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1 the operation to ensure compliance. They -- they have a  
2 function of quality control, I suppose, on environmental  
3 procedures. They have a function of education of  
4 contractors and employees on the site. They have a  
5 function of collecting environmental baseline data for  
6 the purposes of future development planning. So they  
7 have a -- a diversity of -- of tasks.

8                   Typically -- I mean these are employees of  
9 the company, and typically they have been in the past  
10 people with -- with a bachelor's degree in some form of

11 environmental science and somewhere in the order of one  
12 (1) to five (5) years experience in the field.  
13 Now, that's a -- a bit of a profile on  
14 what we have currently, in terms of environmental  
15 monitoring. Recognizing that a number of issues have  
16 been raised by SSI in regards to the independence of  
17 those monitors and I believe there's a -- a number of  
18 issues there, and just to say that the issue of  
19 environmental monitoring at the project site is a  
20 component of our cooperation negotiations with the Tulita  
21 district.  
22 THE CHAIRPERSON: Thank you, Mr.  
23 Himmelright.  
24 Mr. Fred Koe...?  
25 MR. FRED KOE: I'm finished. Mahsi.

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1 THE CHAIRPERSON: Thank you. At this  
2 time, I want to thank the Sahtu Secretariat Incorporated,  
3 Mr. Rocky Norwegian and Mr. Howard Townsend, for your  
4 presentation. Mahsi, and for your presentation.  
5 And coming to the end of the agenda, I  
6 have public presentation and statements regarding Selwyn  
7 Project Mineral Exploration in Howard Pass, NWT. I'll  
8 allow public presentation to -- anybody that is  
9 interested in saying something to our Board may come up  
10 to the table here and make your presentation or if you  
11 have comments.  
12  
13 (BRIEF PAUSE)  
14  
15 THE CHAIRPERSON: Okay. It does not look  
16 like there is anybody that is going to come up to make a  
17 presentation and statement. Then we are going to go into  
18 closing comments, but maybe what we could do is we'll  
19 take a short break, ten (10) minutes, and we will wrap up  
20 our Hearing.  
21 So we will take a ten (10) minute break.  
22  
23 --- Upon recessing at 7:00 p.m.  
24 --- upon resuming at 7:10 p.m.  
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1 THE CHAIRPERSON: Okay. I think we  
2 pretty well have everybody back. We are going to wrap up  
3 this Hearing at 7:30. We said that earlier in my opening  
4 comments.  
5 So I am going to ask that we give a few

6 minutes to each presenter, some closing comments. So I  
7 want to start off with the developers from Selwyn to come  
8 forward, and or sit there and do your closing comments.  
9 So I will give you a few minutes to do  
10 that. Thank you.

11  
12 CLOSING COMMENTS BY SELWYN RESOURCES LTD.:

13 MR. JUSTIN HIMMELRIGHT: Thank you, Mr.  
14 Chairman.

15 Mahsi Cho everybody for having us here  
16 today, and -- and this opportunity to share a little bit  
17 about the project, to hear your -- what your concerns are  
18 and an opportunity to respond to them.

19 I think it was -- it was a very good  
20 process to go through today and I hope that our  
21 presentations and the information that we provided was --  
22 was helpful and on the mark, in terms of addressing the --  
23 - the concerns of the audience and the concerns of -- of  
24 the Environmental Impact Review Board.

25 I'm not sure what the -- the intention is

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1 here in -- in closing up, but this -- this facility, but  
2 Selwyn Resources will stay on hand as long as we can  
3 after this procedure, or after this process is closed up,  
4 just to talk with people and -- and discuss the project  
5 generally. We do have to be in the air, I think, by  
6 8:30, or nine o'clock, so -- but we'll -- we'll stick  
7 around for if people want to talk to us some more.

8 Thank you very much. Mahsi cho.

9 THE CHAIRPERSON: Thank you, Mr.

10 Himmelright.

11 Next I have Parks Canada for closing  
12 comments. Ms. Montgomery...? Can you use the mic,  
13 please and state your name?

14  
15 CLOSING COMMENTS BY PARKS CANADA:

16 MS. LEE MONTGOMERY: Lee Montgomery from  
17 Parks Canada. I'd like to thank the Board and all the  
18 presenters for a very informative afternoon. And I hope  
19 that the information that we've shared today helps  
20 everybody in moving forward and meeting all the interests  
21 involved. Thank you.

22 THE CHAIRPERSON: Thank you.

23 Moving on to INAC. I would like to call  
24 up Mr. David Livingstone, please, for closing comments.

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1 CLOSING COMMENTS BY INAC:  
2 MR. DAVID LIVINGSTONE: Yes, David  
3 Livingstone.  
4 I'd just like to thank the community, and  
5 the Board, and everybody involved for the smooth hearing  
6 today. I've been involved in review board hearings since  
7 before the re -- Review Board began; this was smooth, so  
8 thank you, Mr. Chair. I thank -- I thank the Board and I  
9 thank the community for hosting us.  
10 THE CHAIRPERSON: Thank you, Mr. David  
11 Livingstone.  
12 What I wanted to do was ask -- but before  
13 I do my closing comments, maybe SSI, Mr. Howard Townsend,  
14 or Mr. Rocky Norwegian, or Ethel.  
15  
16 CLOSING COMMENTS BY SAHTU SECRETARIAT INCORPORATED:  
17 MR. ROCKY NORWEGIAN: Yeah, thank you,  
18 Mr. Chair. Yeah, I'd just like to -- to thank everyone  
19 here, and I'll thank the Board, to -- and to also let  
20 everyone know that this has been -- this hearing has been  
21 -- has been very useful to us. It's been -- it's  
22 something that helps the community understand more. And  
23 it's times like this that you -- you seem to get out all  
24 the issues, so -- so that -- so it's a chance for people  
25 to -- to hear all the concerns that are out there.

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1 And with that, I'd just like to thank you  
2 all. Thank you.  
3 THE CHAIRPERSON: Thank you, Mr. Rocky  
4 Norwegian.  
5 Last but not least, I have the GNWT,  
6 Loretta Ransom, closing comments.  
7  
8 CLOSING COMMENTS BY GNWT:  
9 MS. LORETTA RANSOM: This is Loretta  
10 Ransom with the GNWT.  
11 I guess, like everyone else, I just want  
12 to say thank you to everyone and that we look forward to  
13 hearing back from the Board, and as well as communicating  
14 with Selwyn further. Thank you.  
15 THE CHAIRPERSON: Okay, thank you. I  
16 want to, just out of probably respect for the host Chief  
17 for this community, I would like to ask Frank Andrew to  
18 say a couple comments, and I will do my closing comments,  
19 just out of respect.  
20  
21 (THROUGH INTERPRETER INTO ENGLISH)  
22  
23 GRAND CHIEF FRANK ANDREW: Good evening.  
24 What we are talking about in this community, we are  
25 talking about what our life -- what our future will be,

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1 what our -- what our children will have in their future.  
 2 And we -- it's important that we work good together on  
 3 this land.

4                   And we've discussed many things today and  
 5 we -- and we listened to what you say, and we're people  
 6 who live here in Tulita since we settled our land claims,  
 7 we are trying to make it work for us as a people here.

8                   But still, there are twice that hearings  
 9 like this have happened here in our community. And since  
 10 we've completed our land claims, we are hoping that  
 11 things go our way; that is one of the reasons we worked  
 12 on our land claims, we settled our land claims. But it  
 13 doesn't seem to be going that way all the time. Whenever  
 14 we work on something, we have to see something before we  
 15 talk about it.

16                   And it's -- I want to thank all the people  
 17 that came here today to meet with us and I hope that you  
 18 have a safe journey back to your communities.

19

20                   (INTERPRETATION CONCLUDED)

21

22                   GRAND CHIEF FRANK ANDREW:     ....there's an  
 23 Elder here from the Yukon. He's from Pelly Bay. And you  
 24 know, he's related to the Andrew family and the Peter  
 25 family and everybody, and he said he's been here seventy

1 (70) years ago, when they walk over this side with the  
 2 moose-skin boat. So we went over to sit with him for a  
 3 little bit before he goes back.

4                   But it's a great honour to meet him.  
 5 That's an uncle from the Yukon, you know. I want to  
 6 thank him very much from my heart. He brings lots of  
 7 memory back as he talks about my father, my uncles, all  
 8 of them, you know. It's hard to think that far back, but  
 9 it's still something that still move within you to see  
 10 relatives of that many years.

11                   So that's why the land to us is very  
 12 important. The animal to us is very important.

13                   Seventy (70) years ago, that's a long  
 14 time. And he's here within a couple hours he said. But  
 15 when he went back to the Yukon it took him one (1) year  
 16 to get back from here to there that time.

17                   Everything is different these days, even  
 18 people is different these days. We've got to be able to  
 19 work together on everything we're doing. And it has to  
 20 be true and honesty has to be there with -- with us,  
 21 because the land claim agreement is what that's supposed  
 22 to work for us. And this is the second time we're here  
 23 and -- we're on a hearing here in Tulita.

24 I don't know how many of that we want to  
25 go through. So when a company that want to deal with

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1 people in Tulita, they should come way ahead of time, sit  
2 together and work things out. You're wasting more money  
3 just to sit here.  
4 I look for lots of money as Chief, but I  
5 can't find it. I don't know how all of you come here.  
6 My people have been looking for money to play hand games  
7 here and to support our young people. Nothing. That's  
8 what land claim is supposed to do for me, but it's going  
9 the other way around instead.  
10 So I just wanted to say that and I wanted  
11 to welcome the Elder from Whitehorse here, even though  
12 he's going home pretty soon. But I also wanted to  
13 welcome all of you. I didn't have time to say that at  
14 the start, so Mahsi cho.  
15 THE CHAIRPERSON: Mahsi, Chief Frank  
16 Andrew.  
17 I guess I'll do my closing comments, and  
18 then I'm going to call the Elder from the Yukon to do  
19 closing prayer after I'm done.  
20 But before I do that, I want to say thank  
21 you to the people that were able to put this meeting  
22 together here in Tulita. You know, the supper tonight  
23 that was provided, it was prepared by Violet Rigley, and  
24 I wanted to say Mahsi for that. It was a good supper for  
25 everybody here.

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1 Our translator, Lucie-Anne Yakeleya -- and  
2 I was telling Lucie a little bit earlier that I was down  
3 in Edmonton the other day and we were eating at the  
4 Japanese Village there and they have Yaki Yaki Shrimp, so  
5 I have got tongue tied there for a moment. So, anyway  
6 she was laughing at me, so -- anyway, I was teasing her.  
7 Anyway, Mahsi for that, Lucie, and I  
8 really appreciate your help.  
9 And people from Pido Production, Trevor  
10 Bourque, thank you for help with the mics and the  
11 translation booth for us together here today, and for all  
12 the equipment.  
13 Also, I want to thank the Review Board  
14 staff for help putting this meeting together and briefing  
15 all the Board members and preparing all the documents for  
16 us so that we're fully informed about what happened here  
17 today. And we had a very good meeting yesterday, so I  
18 want to thank our staff.

19                   But the staff that are with us today is  
20 our Senior Environmental Office, is Martin Haefele,  
21 Nicole Spencer, and Jessica Simpson. I want to say thank  
22 you for help in putting this together for us.  
23                   Also, we travel with our legal counsel to  
24 help understand the Mackenzie Valley Resource Management  
25 Act, and who helps us out on a lot of files we have, so I

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1 want to thank Mr. John Donihee, our MVEIRB legal counsel.  
2                   And most importantly, I want to say thank  
3 you to all of the parties, the presenters, that came up  
4 and gave us -- you bring your presentations, your issues,  
5 and concerns.  
6                   So this Hearing, Selwyn Project Public  
7 Hearing, April 7, 2009 -- I got Chair's remarks, so I  
8 guess at this point again, I took this opportunity to  
9 thank everybody for helping out at this Hearing. And I  
10 want to say thank you to everybody again.  
11                   And who participated in this Hearing in  
12 the various aspects of the EA process, if you have not  
13 done so already, we ask you to submit your presentation  
14 in writing for the public record and for the Board  
15 reference.  
16                   The Review Board will now take what it  
17 heard today, as well as what was written in the  
18 submission into consideration. Once the Board decides  
19 whether there is enough information on the public record  
20 we will issue a direction on procedure and inform the  
21 parties. The Board intends to move the process along in  
22 a thorough and expedient manner.  
23                   Thank you very much for participating in  
24 this Hearing.  
25                   For those of you who have travelled here

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1 safe -- and I we pray that we all make it home safely  
2 tonight from this Public Hearing.  
3                   And now I would like to ask our Elder from  
4 Pelly Crossing, I believe, Danny Joe to come up on our  
5 behalf and do closing prayer.  
6  
7                   (CLOSING PRAYER BY ELDER DANNY JOE)  
8  
9                   THE CHAIRPERSON: Mahsi. It is 7:26. I  
10 hereby close this meeting here today on the Selwyn  
11 Project Environment Mineral Exploration, Howard Pass  
12 Environmental Assessment, 0708-001, closed. Mahsi.  
13

14 --- Upon adjourning at 7:26 p.m.

15

16 Certified correct,

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20 Wendy Warnock

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