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MACKENZIE VALLEY ENVIRONMENTAL

IMPACT REVIEW BOARD

SIDON INTERNATIONAL RESOURCES CORP.

and

CONSOLIDATED GOLD WIN VENTURES INC.

ENVIRONMENTAL ASSESSMENTS

Panel Members:

Board Chairperson	Gabrielle MacKenzie-
	Scott
Member	Jerry Loomis
Member	Danny Bayha
Member	Charlie Snowshoe
Member	Nora Doig
Member	John Ondrack
Member	Richard Edjericon

HELD AT:

Copper Room, Yellowknife Inn

Yellowknife, NT

April 4th, 2007

Day 2 of 2

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5	Alan Ehrlich)
6	Vern Christensen)
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9	Laurence Stephenson)Adventures and Sidon
10	Greg McKillop)International
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12	Greg Empson)Yellowknives Dene
13	Phillip Moon Sun)First Nation
14	Rachel Crapeau)
15	Louie Azzolini)
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17	Sheryl Grieve)North Slave Metis
18	Ed Jones)Alliance
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LIST OF UNDERTAKINGS

1	2 No.	Description	Page No.
3	1	For INAC to table the comprehensive report re the Robinson Trucking vehicle that went through the ice.	224
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6	2	INAC to provide Board with a current map of mineral leases, mineral claims, and surface leases for the area by the end of next week.	235
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10	3	Developer to provide Board with a map confirming the site on Zigzag Lake.	303
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1 --- Upon commencing at 9:11 a.m.

2

3 THE CHAIRPERSON: Welcome back to the
4 second day of Hearing for Consolidated Gold Win Ventures
5 and Sidon International Resource Corporation.

6 I have a few housekeeping items before we
7 start. We do have a sign-up sheet. It's very important
8 that you put your name on the sign-up sheet for each day.
9 So if you haven't done so, please do that during the
10 break.

11 We also had a request in terms of the
12 agenda. Yesterday when we left we said we were going to
13 have a question period for Yellowknife Dene First Nation
14 but Steve Ellis requested that Treaty 8 Tribal
15 Corporation's presentation be moved up because he has
16 some personal things that he needs to take care of. His
17 son is sick.

18 So with that exception, what I've done is
19 I'm going to move Steve Ellis' presentation up and then
20 we'll go back to the question period for the Yellowknives
21 Dene Elders.

22 So if Steve, you can proceed, that would
23 be great.

24

25 (BRIEF PAUSE)

1 THE CHAIRPERSON: If you can just hold --
2 Steve, if you can just hold one (1) minute. We'd like to
3 open this Hearing with an opening prayer. If I can have
4 an Elder do an opening prayer for us?

5

6 (OPENING PRAYER)

7

8 THE CHAIRPERSON: Masi cho. Steve, you
9 can proceed.

10

11 PRESENTATION BY TREATY 8 TRIBAL CORPORATION:

12 MR. STEVE ELLIS: Well, first of all I'd
13 just like to thank the Board for accommodating my need to
14 fly out earlier this morning. My young boy got a bad
15 reaction to a vaccination shot, so I'd -- I'd like to get
16 home and see him; that being said, I'll be relatively
17 brief. I'll try to keep this to ten (10) minutes.

18 Just to start, I think it's important to
19 put this all in context. The Review Board here, the
20 purpose we're here for these two (2) days is -- what the
21 question that the Review Board is asking itself is that
22 will the devol -- or the exploration activities proposed
23 by Sidon and Consolidated Gold Win have any significant
24 impact that cannot be mitigated.

25 So that's the question that you guys are

1 tasked with -- with answering here. I think that from
2 what I've seen and I think what other people have seen
3 from the presentations that the proponents gave
4 yesterday, as well as some of the questioning that came
5 from the parties around the table, specifically from the
6 Yellowknives as well, that perhaps we do not have the
7 information in front of us to confidently answer that
8 question.

9 I think that the Board itself asked some
10 questions that -- to that degree, and I think it was John
11 Ondrack that said that in some instances we're being
12 asked to proceed on trust that the proponent will do its
13 homework after permits are being issued -- are issued to
14 it.

15 I think it's important to remember that in
16 many other instances where exploration companies propose
17 activities in the Northwest Territories and the Akaitcho
18 Territory, that it is typically the case where they come
19 forward with a lot more substantive information than
20 these two companies have come forward with at this
21 present time.

22 So I think I would just like to echo the
23 sentiments again of Mr. Ondrack that a little more work
24 upfront that does not require a land use permit would go
25 a long way to earn that trust that's needed for the --

1 these exploration activities to potentially proceed.

2 Now, the Review Board is asking the
3 question: Will this development have any significant
4 impact that cannot be mitigated? But, the First Nations
5 -- okay, talking too fast -- but the First Nations -- I'm
6 trying to get it done in ten (10) minutes -- but the
7 First Nations are asking a whole different question and
8 that question is:

9 How will the body of activity in the
10 shoreline zone -- in the shoreline zone I'm talking about
11 from Dettah to Gros Cap and then on to Talthelei Narrows
12 -- it was the area that was defined in the previous EAs
13 for this area -- how will the body of activity in the
14 shoreline zone impact the ability of the people to
15 practice a way of life?

16 And that's what we're hearing from -- from
17 the testimony of the Elders. That's what we're hearing
18 from the Yellowknives. That's what you're going to hear
19 from the Metis. That's what you're going to hear from
20 the Deninu Kue First Nation. That's what you're going to
21 hear at all these hearings; in fact, you've heard them at
22 many other hearings and you will hear them in the future.

23 Now, maybe the Board can't answer that
24 question. It's not really in your mandate to answer that
25 question. But the reality is that as we proceed with --

1 into the future in the north here that someone has to
2 step out and answer the question or else we're going to
3 be doing this over and over and over again. We're going
4 to be talk -- comparing apples to oranges asking
5 different questions, and I think we'll be back here again
6 and again hearing the same thing from the same people and
7 it's not going to solve any of the -- any of the
8 outstanding issues.

9 So what I'd like to focus on today is how
10 can the Review Board do -- what -- what can you guys do
11 to encourage some action on this issue; the issue
12 specifically being how can the First Nations have some
13 guarantees that their way of life will persist?

14 So I think that the Review Board can in
15 fact take a few measures that will encourage the
16 responsible authorities to -- to move in the right
17 direction there. So that's the focus of my presentation.

18 I basically have three (3) key messages.
19 Now, this is basically a very quick summary of the -- the
20 body of the presentation.

21 The first is that the Review Board should
22 require an adequate cumulative effects assessment of
23 Sidon's and CG -- I call it CGV -- I hear it's being
24 called CGW but for the purpose of my presentation I'll
25 call it CGV -- on these exploration activities upon the

1 shoreline zone prior to the completion of an EA.

2 Second -- secondly, and this -- this
3 suggestion comes in two (2) forms or is broken down into
4 two (2) prongs I guess, that the Review Board should make
5 the following measures:

6 The first that no permits and licences
7 should be issued in the shoreline zone until the Federal
8 obligation to consult regarding rights-based assertions
9 have been adequately disposed of. And I understand that
10 you guys only can make recommendations to the Minister
11 but I would hope that your recommendations carry some
12 weight.

13 The second is that no permits, licences,
14 should be issued in the shoreline zone until conservation
15 and land use planning is completed.

16

17 (BRIEF PAUSE)

18

19 MR. STEVE ELLIS: So first I begin with
20 the issue of cumulative effects.

21

22 (BRIEF PAUSE)

23

24 MR. STEVE ELLIS: The -- I think this
25 Board has heard a lot of testimony in the past during the

1 EAs of Snowfield, North American General Resources, and
2 CGV about the importance of this area to the Akaitcho
3 Dene, specifically the Yellowknives. That's been made
4 imminently clear and I think that to expect the First
5 Nations to come time and time again for every little new
6 exploration project, to come time and time again and
7 prove the importance of this area to the -- to -- to the
8 Board is somewhat redundant. I don't think that that
9 needs to be done. I think it's abundantly clear that
10 that area is extremely important to their way of life.

11 Secondly, we've seen a lot of development
12 or exploration activity in the shoreline zone. We have
13 Snowfield, North American General Resources, Consolidated
14 Gold Win. Further down between Gros Cap and Talthelei
15 Narrows you've got Kodiak who has been drilling for a
16 couple of years, proposals from Avalon, 27 Capital
17 Corporation, Trigon Exploration. The list will continue
18 to grow.

19 And interesting enough New Shoshoni is --
20 is speculating to re-apply in exactly the same area that
21 was refused three (3) years ago.

22 So this issue is not going to go away. So
23 -- and the issue is not one of just Sidon and
24 Consolidated Gold Win. It's how do all these exploration
25 activities together impact upon a cultural and natural

1 landscape; that's the question that needs to be asked and
2 it's not being addressed here.

3 Neither the Proponents nor the regulatory
4 authorities have done an adequate environmental
5 assessment and I submit that in the absence of a
6 cumulative effects assessment it's impossible for the
7 Review Board to determine whether the activities proposed
8 by the two (2) companies will have any significant impact
9 upon the shoreline zone. The information is just not
10 there.

11 So I suggest that the Review Board require
12 a full and complete cumulative effects assessment of the
13 Sidon and Consolidated Gold Win projects in the relation
14 to their activities, and other activities is the
15 shoreline zone. And I think that this assessment should
16 be completed prior to the completion of the EA.

17

18 (BRIEF PAUSE)

19

20 MR. STEVE ELLIS: The second is the issue
21 of Crown consultation. Now the Review Board is an
22 institution of public government, I think we can all
23 agree on that. We can also agree that the Review Board
24 is responsible for implementing a portion of a Federal
25 statute.

1 Now, it is certainly the opinion of the
2 Treaty 8 Tribal Corporation that the Review Board has an
3 obligation to consider the progress and results of rights
4 based consultations, Crown consultations, in their
5 determinations as to whether to recommend the issuance of
6 permits and licenses within the Akaitcho Territory.

7 It may not be our responsibility to that
8 Crown consultation, but I think it is a responsibility to
9 keep an eye on how that consultation is progressing, and
10 what the results of that consultation are.

11 I think that Review Board itself
12 understands that the Crown's failure to dispose of its
13 obligation to conduct rights based consultations in
14 Akaitcho, and specifically, the shoreline zone, is -- is
15 limiting and restricting your ability to -- to fulfill
16 your mandate.

17 This has been made clear in the reports of
18 environmental assessment for Snowfield and the previous
19 environmental assessments in this area. And, in fact,
20 you -- this Board made a recommendation to the Minister,
21 or should -- I should say a suggestion to the Minister
22 encouraging the Minister to take some action on that
23 issue. But to date nothing has been done.

24 So with respect to both Sidon's and
25 Consolidated Gold Win's proposed activities, the Crown to

1 date has not disposed of its obligations vis-a-vis rights
2 based consultations.

3 There can be no doubt that there are
4 existing Aboriginal treaty rights in that area. We heard
5 some poignant testimony yesterday from the Elders and
6 land users in that area speaking to how those rights are
7 currently being infringed. There has been no --
8 absolutely no proactive approach developed to deal with
9 that. It is a Federal obligation to protect those
10 constitutionally entrenched rights.

11 So you're faced with the following
12 situation, that if you make your determination that a
13 permit can be issued with some terms and conditions, you
14 are necessarily prejudicing the exercise of those rights.

15 So I suggest that the Review Board
16 communicate to the Crown that it cannot complete
17 environmental assessments in the shoreline zone, or
18 indeed, in the broader Akaitcho Territory, in the absence
19 of a process whereby rights' infringements are assessed
20 and adequate accommodations are implemented.

21 So in this instance, I would recommend
22 that to the issuance of permits -- to decide on
23 Consolidated Gold Win does not occur until the Review
24 Board is satisfied that the Crown has disposed of its
25 obligations to protect those rights.

1 So I would -- finally, in the -- in the
2 yellow there, I believe that the Review Board should make
3 a measure, not a suggestion but a measure, requesting
4 that rights based consultations be satisfactorily
5 completed and infringements accommodated by the Crown
6 prior to completing these, or any other EA processes in
7 the shoreline zone.

8 So it's a way that the Review Board can do
9 its part to hold the regulatory -- regulatory authorities
10 responsible and put their feet to fire a little bit.
11 It's in your interest, it's in the First Nation's
12 interest, it's in the northern -- North's interests.

13 Finally, conservation and land use
14 planning. The Tlicho Dene in Canada are in the process
15 of designing land and resource planning and governance
16 regimes in their territories through the Akaitcho
17 process. This area is unsettled, this process in
18 incomplete.

19 The Yellowknives Dene have clearly and
20 officially identified the shoreline zone -- again, the
21 area from Dettah to Gros Cap and on to Talthelei Narrows
22 -- as an area they are striving to conserve as a natural
23 and cultural landscape. They have formally indicated
24 this to the Federal Crown.

25 They are -- the areas -- well, some of you

1 may know that the Akaitcho has gone through a process
2 where they have negotiated some interim land withdrawals
3 in the Akaitcho Territory. It's important to note that
4 if the area between Wool Bay, Drybones Bay and Gros Cap
5 had not been already alienated through the issuance of
6 mineral claims and mineral leases that there be
7 absolutely no question that the Yellowknives Dene would
8 have insisted that those areas be contained within the
9 interim land withdrawals.

10 But as it stands, interim land withdrawals
11 do not -- well, existing rights are not affected by
12 interim land withdrawals. So those lands were alienated
13 prior to the Yellowknives being able to identify them for
14 protection.

15 Again, I bring it back to the Board, this
16 Board itself, in -- in 2003 or 2004, when it came up with
17 its reports of environmental assessment from the previous
18 developments in that area -- Snowfield, North American
19 and Consolidated Gold Win -- they recognized this -- this
20 very gap and they made this following suggestion to --
21 they made the suggestion to the Minister that no permits
22 be issued in the shoreline zone until some land use
23 planning had -- had occurred in that area. Nothing's
24 been done.

25 So as it stands, continued exploration in

1 the shoreline zone necessarily prejudices the outcomes of
2 conservation and land and resource governance planning by
3 effectively removing lands and resources from
4 identification and consideration by First Nations -- but
5 not only First Nations, by Canada.

6 So to conclude this section, the Review
7 Board must make a measure requesting that Akaitcho
8 planning initiatives vis-a-vis conservation and land use
9 in the shoreline zone be completed prior to further
10 consideration of permits and licences in the region.

11 Now the Review Board has much, as with the
12 crown consultation issue, made suggestions to the
13 Minister that some action be taken here. Nothings been
14 done. I'm just echoing, I guess, the Review Board's
15 sentiments here and -- and suggesting that a stronger --
16 stronger words be used with the Minister, I suppose. So
17 instead of a suggestion, make firm recommendations, take
18 some action.

19 So finally in conclusion, I would say that
20 in 2003 the exploration activities in the shoreline zone
21 underwent EAs. The fundamental issues raised during the
22 2003 processes remain completely unresolved.

23 Number 1, rights continue to be infringed
24 and rights based consultations are not happening.

25 Number 2, the shoreline zone is being

1 compromised due to death by a thousand cuts. If it was
2 just Sidon going in there it might not be a problem. If
3 it was CGB going in there it might not be a problem. But
4 it's the body of all this exploration that may be a
5 problem and we need to look in that context at this.

6 Third, long term planning for the
7 shoreline zone in order to ensure that the hopes and
8 aspirations of Aboriginal peoples and other northerners
9 are being respected has not occurred. It's completely
10 willy nilly, unplanned development in the Akaitcho
11 Territory as it stands.

12 So the Review Board reportedly serves the
13 interest of the people and the communities of the NWT.
14 It is an institution of public government. It must
15 uphold this responsibility. So I would say in the
16 interest of proceeding wisely and sustainably, it is
17 imperative that the measures outlined in this
18 presentation are completed prior to any further
19 consideration of permits and licenses in the shoreline
20 zone.

21 We do not need yet another rushed,
22 unplanned development regime that ignores the concerns of
23 First Nations and other northerners, is uncertain for
24 industry, and results in little benefit for present and
25 future generations. That's all I have. Thank you.

1 QUESTION PERIOD:

2 THE CHAIRPERSON: Thank you, Steve. What
3 I am going to do is, we will have a question period for
4 you before you leave. So I am just going to go through
5 the list of interested parties. I will ask developers if
6 they have any questions or no question. Maybe you can...

7 MR. GREG MCKILLOP: We have no questions.

8 THE CHAIRPERSON: Have Yellowknife Dene
9 First Nation, any questions?

10 MR. GREG EMPSON: Just one (1) question
11 for clarification, if I may, Madam Chair.

12 Steve, you indicated in -- in your slide
13 and it's under conservation and land use planning and I'd
14 just like a little clarification on this issue. I'll
15 quote what you said here. You said:

16 "The areas are so important that
17 Akaitcho is willing to use a portion of
18 its limited quantum for interim land
19 withdrawal to gamble on the chance that
20 some of the claims might lapse into
21 protection."

22 Can you just elaborate on that a little
23 bit for us, please?

24 MR. STEVE ELLIS: Yeah, during the
25 negotiation of the -- sorry, Steve Ellis here. During

1 the negotiation of the interim land withdrawals, there
2 was a certain amount of land quantum that could be
3 identified for protection. So it was -- what was being
4 negotiated was not so much how much quantum, but where
5 that quantum would be applied throughout the Akaitcho
6 Territory.

7 One of the first areas that the
8 Yellowknives identified to be protected was -- through
9 the interim land withdrawals -- was the areas between
10 Wool Bay and -- and Gros Cap, specifically Drybones and
11 Moose Bays.

12 They were informed at that time that land
13 withdrawals do not apply where -- or existing interests,
14 in other words, existing mineral leases, existing mineral
15 claims, will effectively be grandfathered in. So that
16 land withdrawals, even if the quantum was used to cover
17 those areas, it wouldn't really apply.

18 So that -- that information was in fact
19 brought back to the Yellowknives Elders and they said,
20 Well, why waste your quantum in this area because it's
21 not going to apply anyways? But the Yellowknives Elders
22 said that that area is so important we don't care if we
23 waste our quantum there. We'd rather make a symbolic
24 gesture, cover that area with that interim land
25 withdrawal and, hopefully, maybe some of those claims

1 will lapse within the five (5) years. The leases won't
2 lapse; they're twenty-one (21) years. So they'll outlast
3 the land withdrawal.

4 But it was more of a symbolic gesture to
5 show that look, we really wanted these areas in here.
6 We've been precluded from selecting them, but we're going
7 to put them there -- in there anyways just to indicate to
8 whoever that that area is -- is critically important. So
9 that's -- that's what's going on there.

10 MR. LOUIE AZZOLINI: Further questions
11 from the Yellowknives Dene and my name is Louie Azzolini.

12 Could you clarify the status of
13 discussions with the Federal Government regarding land
14 use planning in this area, perhaps?

15 MR. STEVE ELLIS: Currently there's no
16 formal land use planning process in the Akaitcho
17 Territory. There's been some discussion about Phase 2 of
18 the interim land withdrawal process. So Phase 1 was the
19 actual negotiation of interim land withdrawals. It's not
20 complete yet. We don't have land withdrawals yet. Phase
21 2 would be okay, now we've got five (5) years to breathe
22 a little bit, let's start looking at some -- some zoning
23 in the Akaitcho Territory.

24 So those discussions are just beginning.

25 THE CHAIRPERSON: If there's no further

1 questions from the Yellowknife Dene First Nation, I'm
2 going to move on to North Slave Metis Alliance.

3 Do you have any questions?

4 MS. SHERYL GRIEVE: No, thank you.

5 THE CHAIRPERSON: Prince of Wales
6 Heritage Centre?

7 MR. GLEN MACKAY: We have no questions.

8 THE CHAIRPERSON: Department of Fisheries
9 and Ocean?

10 MR. ERNIE WATSON: No questions, thank
11 you.

12 THE CHAIRPERSON: Deninu Kue First
13 Nation...?

14 Indian and Northern Affairs...?

15 MR. DAVID LIVINGSTONE: No questions.

16 THE CHAIRPERSON: The Government of
17 Northwest Territories, Environment and Natural Resources?

18 MS. LORETTA RANSON: No questions.

19 THE CHAIRPERSON: Okay. Environment
20 Canada...?

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: I'm just going to move
25 on since there's no response from Environment Canada.

1 I have the Review Board Members, whether
2 they would like to ask questions and then just members of
3 public. So, I'll just go around the table here.

4 Any questions from the Review Board? I'll
5 begin with Charlie Snowshoe.

6 MR. DANNY BAYHA: I'm Danny Bayha, from
7 the Review Board. Thank you for the presentation, Steve.
8 I just had a question. You -- you mentioned something
9 about Crown consultation and the Board should ensure that
10 that has taken place prior to any kind of work that -- in
11 that area.

12 How do you propose the Review Board gauge
13 that this Crown consultation has taken -- adequately been
14 taken place?

15 MR. STEVE ELLIS: That's a very good
16 question. I think -- I think the role that the Review
17 Board can take is to give a push to -- to DIAND to
18 develop a model for Crown consultation -- there's --
19 there's no model yet --and -- and begin to implement it.
20 I don't think the Review Board has the role to decide
21 whether Crown consultation is -- if it's being done well
22 or not. I think what the Review Board can do though, is
23 consider the results of consultation and decide if you're
24 comfortable proceeding or not with that.

25 Now -- right now you're not being provided

1 with any information on -- on -- in that regard. I think
2 it's really up to -- it's a dialogue that the First
3 Nations and the Crown need to have between themselves and
4 that you guys have -- should have a role in observing and
5 -- and using the results of that -- that discussion.

6 So that's what I would say. I -- I would
7 say that's -- in the absence of anything it's very hard
8 for you guys to proceed or if you do proceed, it
9 potentially jeopardizes people's rights.

10 MR. DANNY BAYHA: Thank you. The other
11 question I had goes back to the -- the cumulative
12 assessment study that you suggested be put in.

13 I guess the question is -- I mean,
14 assessment -- a properly -- study to be done in your
15 mind, how long do you think that would take?

16 MR. STEVE ELLIS: I think in my mind I
17 think it's -- I think we've got get away from the -- the
18 thought that each individual proponent should come in and
19 do its own environmental assessment, engage its -- its
20 effects based on what else is going on there.

21 I think we have to have a much more
22 proactive approach that should be led by perhaps the
23 GNWT, perhaps -- perhaps Canada where they select
24 different zones in this area -- it's -- it's clearly the
25 shoreline zone; we're also in discussions with INAC for

1 the Thelon area which is undergoing some similar
2 pressures -- that there should be zone-specific
3 environmental studies undertaken by the regulatory
4 authorities.

5 I'm not sure how long they would take but
6 in order to do a good job up front to look at what has
7 happened in the past, what's happening now, what's
8 reasonably foreseeable in the future. It's very hard to
9 say but I would say that to get the job done properly
10 we're talking about six (6) months to a year, yeah.

11 MR. DANNY BAYHA: Thank you.

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON: Jerry Loomis, do you
16 have a...

17 MR. JERRY LOOMIS: No questions.

18 THE CHAIRPERSON: Nora Doig...?

19 MS. NORA DOIG: No questions.

20 THE CHAIRPERSON: John Ondrack...?

21 MR. JOHN ONDRACK: Thank you, Madam
22 Chair. John Ondrack, Board Member.

23 Steve, I'm going to go back to where Danny
24 was. I'm concerned -- actually I'm a bit surprised that
25 the Crown consultations are just at the stage they are

1 and they are behind closed -- closed doors.

2 For us to consider progress we have to be
3 informed of what's going on. Do you have a concept of --
4 of how that might occur? I mean, most of these things
5 are completely private and we don't know what's going on
6 so we then -- then need to be in these hearings and
7 hearing evidence brought forward from both sides as to
8 what's going on.

9 What are your thoughts on how we're going
10 to keep our ear on -- on these issues?

11 MR. STEVE ELLIS: I mean, that's
12 something that I wrestle with as well, but I think the --
13 the Land and Water Board has taken a bit of leadership on
14 that and what they've been doing is if an assertion comes
15 forth from First Nations saying, Look, our rights are
16 being infringed here, we need -- we need to take care of
17 this, they effectively stop the clock as they put it.

18 They stop -- they press "pause". They
19 notify DIAND saying, Look, there's a -- there's an
20 allegation of infringements here, do your business and
21 tell us what the results of that business are.

22 And then -- so potentially that's
23 something that this Board could do and at the end of the
24 process be provided with some documentation saying that
25 this is the results of the consultation. Now, the

1 problem with that process so far is that First Nations
2 and -- and the Crown are not seeing eye-to-eye on what
3 actually goes on when it goes to INAC, right. So there
4 needs to be a bunch of work done there.

5 But I think ultimately that one would hope
6 that a good process could be developed between First
7 Nations and the Crown, so that when it goes away from the
8 Review Board, or the Land and Water Board, it can be
9 looked there and then at the end you can have some
10 confidence that the documents you are getting end that
11 list the results of the consultation are, in fact,
12 reflective of what the First Nations and the Crown have -
13 - have -- have come to some terms on.

14 I'm not sure if that answers your
15 question, but it's something that's -- that's not an easy
16 thing to -- to just throw out there, but that's -- that's
17 how I see things going.

18 MR. JOHN ONDRACK: I'll just make a
19 comment on that. Thanks, Steve. Essentially I'm
20 concerned with -- with the -- with an organization like
21 ours skewing the balance of those -- of those
22 discussions. I mean, the key thing is to keep things in
23 balance and -- and progressing. And so I'm a little
24 troubled with the same subject, how we're going to deal
25 with it.

1 I appreciate your comments, thank you.

2 THE CHAIRPERSON: Richard Edjericon, do
3 you have any questions?

4 MR. RICHARD EDJERICON: No questions, my
5 questions have been asked already.

6 THE CHAIRPERSON: Okay, I'm just going to
7 move on to the staff and legal counsel, do you have any
8 questions?

9 MR. JOHN DONIHÉE: Thank you, Madam
10 Chair. John Donihee for the Review Board.

11 Mr. Ellis, I just want to start off by
12 clarifying, you -- you've made a presentation on behalf
13 of the Treaty 8 Tribal Counsel. I understand you're the
14 head of the Akaitcho pre-screening office set up under
15 the IMA, is that correct?

16 MR. STEVE ELLIS: That is correct.
17 That's the Akaitcho office is under the sub-office of the
18 Treaty 8 Tribal Corporation.

19 MR. JOHN DONIHÉE: And so for purposes, I
20 think, of the recommendations that you have made and
21 you're speaking on behalf of the Treaty 8 Tribal
22 Corporation and so, we're at the next level up then in
23 terms of who you are representing today?

24 MR. STEVE ELLIS: Yeah, today I -- I'm
25 representing the three First Nations, which are the

1 Yellowknives, Lutsel K'e, and Deninue Kue.

2 MR. JOHN DONIHÉE: John Donihee. Thank
3 you, sir. In January you made a presentation to the
4 Review Board at the UR Energy hearing in Lutsel K'e, and
5 you co-presented with Mr. Jodouin, who is counsel to the
6 Treaty 8 Tribal Counsel and you addressed section 35
7 issues there. And I note today, as well, that you've
8 been quite sensitive to the difficulties -- I guess I'll
9 use that word "difficulties," with respect to the role of
10 the Review Board in all this.

11 But nevertheless, you're making a
12 recommendation to the Review Board to address this matter
13 of section 35 consultation in a measure, and I think you
14 are probably aware that in order for the Review Board to
15 recommend a measure, it has to find a significant impact
16 of some sort.

17 So I'm just wondering if you can tell us,
18 in your words, what you think the impact is that would be
19 addressed by this measure.

20 MR. STEVE ELLIS: Well, I think the
21 impact is infringements of constitutionally protected
22 rights. I mean, that's -- there's assertions that this
23 is happening; it's happening here. It's the same --
24 every single hearing, we hear the same thing. We have --
25 we have assertions that there's impacts upon the practice

1 of aboriginal treaty rights; that is the -- that is the
2 impact, and that's not something that the Review Board
3 has the mandate to deal with. So that's the problem.

4 So, it's not expected that the Review
5 Board can go forth and consult and accommodate to deal
6 with that, but what the Review Board can do is put some
7 pressure on those who need to do that, to ensure that
8 that happens.

9 MR. JOHN DONIHEE: John Donihee. Thank
10 you. I do appreciate your acknowledgement that, or at
11 least your view, that it's beyond the mandate of the
12 Review Board.

13 Given that, I guess the question -- the
14 next question I have for you is, have -- has your office,
15 or any of the three (3) First Nations that you're
16 representing, to your knowledge, made any direct contact
17 with DIAND with respect to the potential infringements
18 which are arising from these two (2) particular
19 developments?

20 Have you actually gone to DIAND and asked
21 them to do something about the infringement from CGV and
22 the -- the Sidon developments that we're looking at here
23 today?

24 MR. STEVE ELLIS: I would have to
25 probably turn that over to the individual -- individual

1 First Nations to -- to answer that question. But this --
2 this again speaks to another issue, that at every turn
3 the First Nations expected to put up his hand, and said,
4 Hey, wait, we're infringed.

5 I think what we're hearing from the First
6 Nations is that, there's always the potential for an
7 infringement, every single development. If the rights
8 exist, the consultation must occur for every development.
9 So that's -- that's -- it's -- it's just implicit in the
10 nature of the developments and implicit in the nature of
11 peoples' -- peoples' relationship to the land.

12 So I think that the burden -- for the
13 burden to be placed on the First Nations to have to raise
14 their hand and say that, wait a second, we're being
15 infringed and that -- that's -- only that will -- will
16 cause a trigger for consultation to occur is not the way
17 to go.

18 I think there has to be an implicit
19 assumption on the Crown's part that the activities that
20 they're contemplating, they infringe upon existing rights
21 and they have to take a proactive approach; that's my
22 expectation anyway.

23 MR. JOHN DONIHEE: John Donihee again.
24 Well, sir, I don't want to engage in a legal debate with
25 you. You're not -- Mr. Empson's here with his hand close

1 to the trigger but you're not represented by counsel.

2 So the other question I have then is:

3 Just when do you think the infringement actually happens?

4 MR. STEVE ELLIS: Yeah, I need a little
5 more substance to the question.

6 MR. JOHN DONIHÉE: Well, I'll ask it this
7 way. Does something actually have to happen in the real
8 world on the land, you know, to disrupt these rights-
9 based activities before an infringement can take place?

10 MR. STEVE ELLIS: Yeah, I'd prefer not to
11 answer that question because I'm not represented by legal
12 counsel so I'll take the 5th.

13 MR. JOHN DONIHÉE: Fair enough. You may
14 need to move south to do that, too, but then I want to
15 move on to your comments about cumulative effects.

16 You're obviously familiar with the
17 previous EAs conducted by this Board addressing CGV,
18 Snowfield, and North American General Resources, New
19 Shoshono -- New Shoshoni.

20 The recommendations made by the Board in
21 that case did define a shoreline zone which was defined
22 by -- as a 3 kilometre strip and it's our observation, I
23 admit, we -- we didn't measure it all that carefully but
24 it's our observation that certain of the claims that are
25 affected by this -- that may be potentially drilled under

1 this proposal are inside, in other words, they're inland
2 further than 3 kilometres and they're not in the
3 shoreline zone so I wonder if -- how that affects the
4 recommendation that you've made to the Board.

5 MR. STEVE ELLIS: I think that -- I'm
6 using the term "shoreline zone" as a general -- generally
7 to mean the area between Dettah and Talthelei Narrows and
8 inland. So that -- recognizing that that 3 kilometre
9 boundary is fairly arbitrary and that to do a proper --
10 any proper cumulative effects assessment would have to
11 undergo initial -- the initial step I guess would be to
12 define what the study area should be and I think that to
13 -- to go blindly saying that this 3 kilometre arbitrary
14 line is adequately representative of the cultural natural
15 landscape is -- is perhaps not the way to go.

16 MR. JOHN DONIHEE: John Donihee. Thank
17 you. I take it then that what you said earlier about --
18 because actually I -- I made a note of it when you said
19 it and you -- you did in your presentation define -- say
20 that you're defining the shoreline zone on the basis of
21 what was in the previous EAs, that you're changing that
22 now and what you're saying is you need to look at
23 development in this whole area?

24 MR. STEVE ELLIS: I'm flip-flopping, yes.

25 MR. JOHN DONIHEE: Those are my

1 questions. Thank you.

2

3

(BRIEF PAUSE)

4

5

MR. ALAN EHRLICH: Alan Ehrlich, Review

6

Board Staff.

7

Steven, I was curious about that same
8 thing, shoreline zone, which the Board described as being
9 3 kilometres in. Some of these developments are quite
10 far inland. Zigzag Lake is pretty far inland. The
11 entire Sidon project is at Defeat Lake which is also
12 quite far inland.

13 From what you've just said it sounds like
14 when you talk about a shoreline zone you're talking about
15 an area, well, I'm guessing adjacent to the shoreline and
16 -- and it sounds like from your proposed -- suggested
17 measures this includes what the Board was talking about
18 as its shoreline zone earlier. Am I right so far? Just
19 say --

20

MR. STEVE ELLIS: No, you're right.

21

MR. ALAN EHRLICH: I'm wondering if you
22 can -- can give us some of your views on -- on the inland
23 projects because you've spoken mostly to the ones that
24 are along the edge of Great Slave Lake. So in terms of
25 the Sidon project, some of the further inland CGV

1 projects -- or sites -- can you speak to them at all?

2 MR. STEVE ELLIS: Yeah, I think -- Steve
3 Ellis here -- from my perspective the priority needs to
4 be that lakeshore zone or the shoreline zone. I'm not so
5 much concerned about, you know, the Zigzag claims and so
6 and so forth. There's less concentrated activity from
7 exploration there.

8 I think if there was to be a cumulative
9 effects assessment, the focus should be along the areas
10 along the shores of Great Slave Lake and some number of
11 kilometres inland which may not be one hard number, but
12 vary, right. So that's certainly our perspective on
13 that.

14 MR. ALAN EHRLICH: Thank you.

15 THE CHAIRPERSON: If there's no further
16 questions from the Staff, I'm just going to move on.
17 Usually we ask the -- okay, I will allow John Ondrack to
18 ask another question. Yes, proceed.

19 MR. JOHN ONDRACK: Thank you, Madam
20 Chair. John Ondrack, Board member. Steve, it seems on
21 this latest line of questioning that the -- the relevance
22 might lie in the area that was defined for interim
23 withdrawal. Is it mapped? Is it declared?

24 MR. STEVE ELLIS: It's mapped. It's not
25 declared. It's -- the status of the interim land

1 withdrawal is that it's going through the system in
2 Ottawa, and we -- we are not sure when it's going to get
3 the stamp of approval. So, until such a time, the actual
4 maps are not available.

5 MR. JOHN ONDRACK: They're just flat out
6 not available to anyone?

7 MR. STEVE ELLIS: Well, they're available
8 to the three (3) parties at the table but, yeah, the
9 whole Akaitcho process has very strict confidentiality
10 clauses. So until something is on the public record,
11 it's -- it's not available.

12 MR. JOHN ONDRACK: May I ask then if it's
13 possible to -- to declare that Zigzag Lake, for instance,
14 is in that package?

15 MR. STEVE ELLIS: It's not possible to do
16 that.

17 MR. JOHN ONDRACK: All right. Thank you.

18 THE CHAIRPERSON: I think this is all the
19 questions for you, Steve. I am going to -- thank you for
20 your presentation. I know you have a plane to catch, but
21 I thank you for making the effort to be on first to do
22 your presentation. So, masi cho.

23 What I would suggest is that we have a
24 five (5) minute break, so if you want to stretch and grab
25 coffee, please do so.

1

2 --- Upon recessing at 9:56 a.m.

3 --- Upon resuming at 10:09 a.m.

4

5 CONTINUED YELLOWKNIVES DENE FIRST NATION QUESTION PERIOD:

6 THE CHAIRPERSON: So, in terms of the
7 agenda, we're going to go back to the presentation of
8 Yellowknives Dene. It's a question period for them, so
9 we're just going to go back, and I'm just going to go
10 through the interested parties, if they have questions
11 for Yellowknives Dene First Nations presentation from
12 yesterday.

13 So I'm going to start with the developers.
14 If they have any questions for the presentation of
15 yesterday for Yellowknives Dene First Nation?

16 MR. ABBY FARRAGE: No. Abby Farrage.

17 THE CHAIRPERSON: North Slave Metis
18 Alliance, did you have any questions from the
19 presentation that was presented yesterday from
20 Yellowknives Dene First Nation?

21 MS. SHERYL GRIEVE: Sheryl speaking. No,
22 I don't have questions.

23 THE CHAIRPERSON: Northwest Territories
24 Metis Nation, was there any questions for --

25 MR. CHRIS HERON: No questions.

1 THE CHAIRPERSON: Prince of Wales
2 Heritage Centre...?

3 MR. GLEN MACKAY: No questions.

4 THE CHAIRPERSON: Department of Fisheries
5 and Oceans...?

6 MR. ERNIE WATSON: No questions.

7 THE CHAIRPERSON: Deninu Kue First
8 Nation, any questions for Yellowknife Dene First Nation's
9 presentation from yesterday?

10 MR. TOM UNCA: We have no questions.

11 THE CHAIRPERSON: Indian and Northern
12 Affairs, any questions?

13 MR. DAVID LIVINGSTONE: No questions.

14 THE CHAIRPERSON: Government of
15 Northwest Territories Environment and Natural
16 Resources...?

17 MS. LORETTA RANSON: No questions.

18 THE CHAIRPERSON: Environment Canada...?

19

20 (BRIEF PAUSE)

21

22 THE CHAIRPERSON: I am now going to move
23 on to the Board staff if they have any questions.

24 MR. PATRICK DUXBURY: Hi. Thank you,
25 Chair, Madam Chair. My name is Pat Duxbury for the Board

1 staff.

2 I just wanted to ask one question here,
3 it's -- it's related to operations in the general area of
4 Consolidated Gold Win and Sidon. Particularly the
5 references we had yesterday was to the operation that
6 Snowfield's conducting. Both, we heard references from
7 the developer as well as from representatives from YKDFN.

8 And I wanted to kind of work with this for
9 a second just as a comparison of the projects, as well
10 as, I guess, a barometer of how the Yellowknives feel
11 that -- how they -- what their feelings are about the
12 work that Snowfield is conducting in there. Because
13 yesterday you had, I believe, it was Mr. Empson had
14 mentioned that you wouldn't want to throw your hat in
15 with them, in reference to that -- to the -- to the
16 Snowfield Development and I'd like to have a little
17 clarif -- clarification on that.

18 Primarily because it was my understanding
19 from maybe earlier times that -- that Snowfield and the
20 YKDFN had developed something of a working relationship
21 and had sort of found some joint -- if not a joint
22 vision, they had kind of come to an agreement on a few
23 things. So I wonder if we could get a bit of
24 clarification on that statement. Thank you.

25 MR. GREG EMPSON: Greg Empson,

1 Yellowknives Dene First Nation.

2 One, there's no agreement or any other
3 compromise or -- or anything between Snowfield and the
4 First Nation. Secondly, my reference was to observations
5 that I had made when I was out at the project the night
6 before. And it's not Snowfield that's here, it was
7 simply a suggestion that I was -- I had some concerns
8 over what I observed at that operation, and that those --
9 there were other avenues in which to deal with those
10 issues.

11 MR. ALAN EHRLICH: In -- in light of
12 that, when the Board assessed developments of this kind
13 in general before it came up with certain measures and
14 some of those measures have been put in place by
15 companies on -- on the land since.

16 And I -- I was wondering if the
17 Yellowknives would care to comment on the acceptability of
18 those measures for dealing with the impacts of this kind
19 of development in this area.

20 MR. LOUIE AZZOLINI: My name is Louie
21 Azzolini with the Yellowknives Dene. The preferred
22 measure was the measure that was undertaken for Shoshoni,
23 which was a refusal of the project. So in that measure
24 that was seen as the desired result.

25 With respect to -- to other measures such

1 as undertaking archeological surveys and so on, it was
2 disappointing that that measure was -- had to be
3 required, as opposed to something that the proponent
4 would be forthcoming to under -- to actually undertake.

5 In general, the relat -- if you're
6 suggesting that the measures have contributed to an
7 overall positive outcome to the proposed project, I would
8 have to say, no. The position of the Yellowknives Dene
9 has not changed vis a vis any of the projects along the
10 shoreline.

11 And that -- the measures that were brought
12 forward may have addressed the short term, but the -- the
13 suggestions were in fact the pre-eminent aspect that were
14 noticed by -- the Treaty 8 Tribal Corporation has noted,
15 as well as by the Yellowknives, in that there needed to
16 be a broader analysis of what was going on in the area.

17 So the recommendation, while point
18 sourced, in a short-term, seemed to have addressed the
19 developers' desire to get into the areas to undertake the
20 development but have not changed the Yellowknives' sense
21 that what's going on out there is unacceptable.

22 And the fact that there's been some
23 archeological studies does not mitigate that, you know,
24 what the activities out there are currently happening in
25 a manner and in a place which is deemed totally

1 unacceptable to the Yellowknives.

2 MR. ALAN EHRLICH: Alan Ehrlich, Review
3 Board Staff. So what kind of measures would the
4 Yellowknives like the Board to consider making for this
5 situation?

6 MR. LOUIE AZZOLINI: I don't want to
7 speak to -- to a whole bunch of specifics because I --
8 you know, I haven't sat down and worked out what would be
9 considered adequate to enable these projects to proceed.

10 I believe that -- and my name is Louie by
11 the way so -- I forgot to add that at the beginning --
12 it's not a question of what mitigation would be suitable
13 to reduce the impact of these projects to something
14 desirable or acceptable.

15 From the get-go these projects are
16 undesirable, unwanted, and are infringing on the peoples'
17 right to go out and do what they do. And at this point
18 the only desirable alternative is a refusal until there
19 is completed land use planning in place.

20 Until the -- essentially, the suggestions
21 that were brought forward by the Review Board are
22 implemented. The suggestions brought forward in three
23 (3) previous environmental assessments spoke to the
24 broader policy issues that needed to be addressed and
25 those remain unaddressed.

1 MR. ALAN EHRLICH: Thank you.

2

3 (BRIEF PAUSE)

4

5 THE CHAIRPERSON: I'm going to move on to
6 the Board's last -- Richard Edjericon, did you have any
7 questions?

8 MR. RICHARD EDJERICON: Not right now.

9 THE CHAIRPERSON: Nora Doig...?

10 MS. NORA DOIG: I don't have any
11 questions.

12 MR. JERRY LOOMIS: No questions.

13 THE CHAIRPERSON: Jerry...? No
14 questions? Danny Bayha, proceed.

15 MR. DANNY BAYHA: Thank you. Danny Bayha
16 for the Review Board.

17 I hate to push this shoreline thing but I
18 think I -- I need to in my mind have some under -- some
19 sense of -- of the area that the shoreline zone
20 encompasses.

21 Now, the 3 kilometres was -- been -- been
22 -- it's, like I said, an arbitrary number that's been
23 picked. Is that an acceptable -- or is that an adequate
24 thing, an adequate inland from the shore -- inland to --
25 to cover some of the -- the sensitive cultural areas in

1 that area? Can you maybe just give us something on that?

2 Thank you.

3 MR. GREG EMPSON: Greg Empson,
4 Yellowknives Dene.

5 No, the 3 -- the 3 kilometre -- the
6 shoreline is -- is in effect something that arose from --
7 from a previous hearing and the reason the 3 kilometre
8 shoreline zone came up was because the applications at
9 that time were, if not exclusively, they were certainly
10 primarily within that area and it was identified as the
11 area of interest for the developers at this time. I
12 don't -- my recollection is that we were not dealing with
13 inland areas.

14 The -- the position of the Yellowknives
15 Dene is that the shoreline, while it's the most highly
16 used, if you will, and the most highly prized portion of
17 the area, the area to which the Yellowknives wish the
18 Board to address its mind are all of those areas inland
19 including Defeat Lake and -- and the -- the evidence of --
20 - of Mary Rose Sundberg took it considerably further
21 inland.

22 Now, the -- the one (1) difficulty we do
23 have is that we do not have a specific defined area that
24 we can provide to the Board as the exact area to which we
25 -- we seek protection, if you will. We would certainly

1 be prepared to elaborate on that and have it placed on
2 the public record once we can give you some parameters on
3 a geographic basis.

4 As you recall, I had a quotation from
5 Callum Thompson where he felt that the area was not
6 easily definable by GPS coordinates and, in fact, our
7 position is that -- that the -- the area of influence and
8 the area of interest and the traditional land use area of
9 the Yellowknives is not limited just to GPS coordinates.

10 But I think we can be a little more
11 particular for you over the next several weeks.

12 MR. DANNY BAYHA: Thank you. Danny
13 Bayha, Review Board. Can you maybe just again -- like,
14 the quote from Callum Thompson surely sheds some light on
15 -- it -- it's still -- it's still, sort of, not very
16 clear the positions of the YKDFN in terms of the -- like
17 Louie put some -- some -- some additional information on
18 the position of the Yellowknives First Nations.

19 But I'm getting some mixed messages from
20 some of the other presenters. So I just want to be sort
21 of -- if we can sort of get a -- a clear picture of the
22 position of -- of Yellowknives Dene First Nations in
23 terms of development in this area or exploration or
24 whatever -- what have you.

25 So maybe if you could maybe try to -- for

1 my -- for my sake, I would appreciate it. Thank you.

2 MR. GREG EMPSON: Madam Chairman, I'm
3 going to hand this one over to Rachael Crapeau who can
4 deal, I think, more specifically with the area. She's
5 certainly more intimately associated with it than I am.

6 MS. RACHEL CRAPEAU: Rachel Crapeau with
7 the Yellowknives Dene First Nation. The areas of
8 interest for us right now is, if you leave Dettah and you
9 go back up to Duck Lake and you go up to Mason and
10 Jennejohn Lake where Alfred was -- was raised. His
11 grandfather -- they still have a cabin over there, and
12 that's where we take the summer students on canoe trail,
13 teaching them the -- the trails along that way.

14 And you go towards -- if you go further,
15 you can go up towards -- meet up with the Ingram Trail.
16 If not, you go further, you're heading into our winter
17 feeding grounds of the caribou. And that's where right -
18 - we would be doing our spring hunt right now if the
19 caribou was heading down this way.

20 But I'm afraid we probably all head out to
21 Ray or towards Tlicho Country to go do our spring caribou
22 hunting since so much activity has been taking place in
23 our backyard area.

24 Also, families have little places along
25 all the way that way because it's -- if you take the dog

1 team trail, it'll -- it'll lead you all the way towards
2 the various bays. Jackfish Cove, Moose Bay, Drybone Bay,
3 Francois Bay, Goulet Bay.

4 You just make -- turn towards the shore,
5 you're heading east, and that is the trail that takes you
6 straight to Patrick Charlo's family's home out on Buckham
7 Lake. And from these areas, when the families lived
8 along the shore where we had different communities,
9 people lived along these communities along the shore and
10 whenever they were heading north in the -- in the -- in
11 the freeze-up time, they go to the -- to the barren land
12 from where they were.

13 The work that we did with Callum Thompson
14 only touched a little on the shoreline communities of our
15 different families that lived along the shorelines many
16 years ago and some family's member still maintain use of
17 these areas.

18 And what we also noticed and the Elders
19 told us was that if you go inland quite a ways, because
20 the trapping areas, you have to go from shore to lake to
21 lake to lake all the way, especially now for spring
22 hunting.

23 And those places are different where they
24 hunted and they -- and then they trapped, and they
25 fished. So we need to work on this together and -- and

1 sort out the details of the -- the shoreline land. 3
2 kilometres will not cut it for anybody.

3 And we have to include the chiefs, because
4 Chief Red Sangris was adamantly against having even the
5 out of town -- out of town people coming and doing their
6 muscleman races on our lands. Even though they're --
7 they're -- they're doing these races on their own, and --
8 and on their own power, they are still treading on our --
9 our trails.

10 So we have to definitely sit down and --
11 and work out the details on this. And the Elders really
12 wanted to continue the work that we started in 2003 and
13 2004 with the archeologist, but since then our -- our
14 work did not really pick up to continue the work with the
15 archeologist.

16 Instead, what was happening was, companies
17 were -- were starting to hire the archeologists that had
18 worked with us, and -- and they were probably recording
19 information with -- with the archeologist at -- or the
20 archeologist was recording information on his own. And
21 they were hoping that the archaeologist would come and
22 meet with us, but it doesn't work that way. We need to
23 record the information with a -- with the archeologist;
24 that's we had designed our work in 2003.

25 And we noticed that there was lots of

1 places where they still didn't record where families used
2 to live, and in these places -- Alfred talked about it
3 yesterday, he said that there's the chimneys that they
4 made that -- that were -- they were like clay and rock
5 chimneys. These are places where our people lived many,
6 many, many years ago. Thank you.

7 I hope that answers your question.

8 MR. DANNY BAYHA: Thank you, Rachel. I
9 guess, the other question that I -- I've -- sort of,
10 trying to help me get around some of the issues that is
11 coming up here. The -- we always say, okay, well maybe a
12 lot of these things, like land use plans and cumulative
13 effect studies to be done, just because these things are
14 done, would that satisfy the Yellowknives First Nations
15 to allow some of this development to go ahead, or it
16 doesn't?

17 MR. GREG EMPSON: Well that -- that's --
18 the basic answer is no, without knowing specifics. I
19 mean, land use plans suggest that all of the parties have
20 been consulted, suggests that all of the parties have --
21 have agreed to the use of the lands in a certain fashion.

22 And -- and -- and I don't think at this
23 stage that -- that in the absence of any land use plan, I
24 can suggest that we would be satisfied with any
25 development occurring within those lands that have been

1 referred to.

2 And -- and certainly, I mean, being more
3 specific with respect to these, it would be extremely
4 difficult for us to -- to even suggest that either one
5 (1) of these should proceed in the absence of, what I
6 consider, an absolute lack of any information as to what
7 they intend on doing, other than drilling some holes.

8 MR. DANNY BAYHA: Thank you. One (1)
9 final question, if I may, the -- the -- as Steve Ellis
10 brought out the fact that it's interim land withdrawal,
11 it's all -- it's the -- the -- the mineral rights, the
12 third party interests, are all grand-fathered in this
13 area.

14 So a land use plan in the area, even if
15 it's been approved, would -- is that helpful? Would that
16 be help? Like, these particular developments are already
17 -- or these explorations are already grand-fathered, so
18 would that be a helpful thing, I guess, in -- in -- in
19 the overall scheme of things in that area of -- that the
20 Yellowknives are interested in?

21 MR. GREG EMPSON: The -- the difficulty I
22 have in addressing the issue is that while I've seen the
23 land withdrawal area and I've seen the map, I, like
24 everyone else, could not get a copy of it and certainly
25 it was not available for public or otherwise, and that

1 was a decision, I understand, that was made not only by
2 the Akaitcho members but also by the Government as well.

3 I have concerns that some of these
4 proposed developments might very well be within the
5 withdrawal area and if they are within the withdrawal
6 area, as I understand the process, the Minister will be
7 making certain undertakings with respect to certain
8 permits proceeding. I -- I -- you know, in a broad sense
9 that's perhaps my understanding.

10 It would be very helpful if we had some
11 indication from the Treaty 8 Tribal Corporation as to
12 whether or not any of these claims are within the
13 withdrawal area and while I can certainly urge them to
14 make that information available, I can't undertake to
15 provide it.

16 The land withdrawal is an interim measure.
17 It is not a -- it's not any kind of position or land use
18 plan that's agreed to. The position of the Yellowknives
19 Dene is still that even if an area is not included in the
20 interim land withdrawal because of existing leases they
21 are prepared to take whatever steps they feel is
22 necessary in order to protect those lands, recognizing
23 the fact that right now the Government simply can't agree
24 to a withdrawal of lands that are covered by existing
25 leases.

1 MR. DANNY BAYHA: Okay. Thank you. One
2 (1) final question that's popped back into my head here.

3 The -- Steve Ellis did some -- mentioned
4 some -- I don't know, maybe you should talk to him about
5 it but I think the -- there's -- in -- in the context of
6 cumulative effects he mentioned a few other -- other
7 companies are interested and New Shoshoni is interested
8 in doing some more work in that area.

9 Would you -- I mean I'm not -- the only
10 thing we have right now is a map of -- of the mineral
11 claims of CGV and Sidon there, but I mean is there in
12 that area other claims and mineral leases surrounding
13 that area or is it just scattered or -- or past --
14 somebody was talking about a mine that's closed down?

15 So is that something that the Yellowknives
16 First Nation may -- could elaborate on or provide some --
17 some maps to us to how things are looking presently?
18 Thank you.

19 MS. RACHEL CRAPEAU: This is a really
20 good question. It's Rachel Crapeau with the Yellowknives
21 Dene.

22 I looked at the information that we have
23 on claims in our areas, in our backyard. There's lots of
24 different staked areas and we know of different places
25 because also -- this is kind of interesting to be sitting

1 here talking like this but then we also have young people
2 who are very interested in working there out in the land
3 staking claims for companies and we get to find out where
4 they've been working and -- and how things are going and
5 who's doing a lot of work and who isn't doing much.

6 But it would be nice to get our updated
7 archeological information that we've collected with our
8 archeologists. That way we can find out where, on which
9 claim areas all the -- our work of our people, their
10 trails and trapping and -- and hunting that they've done
11 even today, sits on -- on claim area -- what claim areas;
12 that we need to do.

13 But also because of -- of how things have
14 been developing over the last ten (10) years we've
15 noticed that the migration of the moose, the migration of
16 the caribou, the animals that use the lands have moved
17 significantly away from our areas because of too much
18 activity. And our hunting for -- in our caribou hunting,
19 the wintering grounds is -- is changing quite a bit.

20 And all this activity has a huge effect on
21 our ability to -- to travel in the backyard through --
22 just behind Dettah and you follow the trails, you can't
23 even really go that way any more because of all the
24 Yellowknife snowmobilers heading that way.

25 If you sit outside my sister Julia's house

1 on her balcony on Thursday, you'll see them heading out
2 that way. It's not just one snowmobiler, it's four (4)
3 at a time. And there's probably about fifty (50) to a
4 hundred (100) snowmobilers heading out on Thursdays.

5 They all plan long weekends and they --
6 they spend quite a time out on our land and they head way
7 out and probably pop up around Ross Lake or Rae Lake and
8 -- and head back by somebody picking them up over that
9 way.

10 But then also the cumulative effects is
11 going to be huge because if we have any more roads from -
12 - from Yellowknife going all the way up to Drybone Bay,
13 it's incredible the amount of activity that's been taking
14 place in the last few weeks.

15 And when we went out towards Drybone Bay
16 the other night, we saw a taxi coming back with a family
17 and little baby, where they doing sight-seeing tour all
18 the way up to Drybone Bay. How much did it cost the taxi
19 driver to make money to bring people out there?

20 And the trails, opening it up to other
21 people from -- from other companies going in and using
22 the land and accessing the land and it's one (1) company
23 after the next. They're all making noise in -- in -- in
24 the Dettah area. The cumulative effects is going to be
25 pretty huge.

1 We were feeling the effects of what was
2 happening in -- in our hunting ground at MacKay Lake and
3 that's -- you can reach that on the -- on the present day
4 winter road, the Contwoyto-Tibbitt Winter Road.

5 And the mines and -- and the activities
6 has -- has -- has told us that the migration of the
7 caribou doesn't go down to MacKay Lake in -- in -- in the
8 fall time any more for our fall hunts. It's useless to
9 do a fall hunt over there these days in the fall time
10 because the caribou have moved further east into Tliche
11 territory.

12 And I think that they're going to keep
13 moving over in those areas and just pretty much avoid all
14 the activities in -- in -- in our areas. That's right
15 from the shore all the way up to -- to the barren --
16 barren land at MacKay Lake.

17 I rambled on too long I think. I don't
18 know if I answered your question. I hope I did. Thank
19 you.

20 MR. DANNY BAYHA: Thank you. I
21 appreciate your patience. That's all the questions I
22 had. Thank you.

23 MR. CHARLIE SNOWSHOE: Thank you, Madam
24 Chairman. I haven't got a question, but first of all you
25 know I'm sitting here listening and I'm in the position,

1 I look like you but I can't talk like you because I'm
2 sitting on the Board and I've got to be on an equal base
3 -- both side of the party. That's my role today. They
4 used the fancy word of, you know, bias and all that crap
5 they use.

6 But this comes back to me. In 1976 I sat
7 in the Berger Inquiry in Yellowknife here at Explorer
8 Hotel. I seen the same thing as what you are saying.
9 I'm just throwing this in -- 1976, 2007 now -- that's
10 thirty (30) years ago, and I just want to throw this in.
11 And we're still doing the same thing. But as you all
12 know, what happened at that time, it could happen again.
13 That's all I want to say. Thank you.

14 THE CHAIRPERSON: We are almost coming
15 close to the end of the question period for Yellowknife
16 Dene. I wanted to ask a few questions. Yesterday in
17 your presentation you had a lot of speakers who were
18 Elders and I thank them for all of the things they
19 mentioned.

20 I know yesterday was a long day, but at
21 the beginning, Greg, you had said that you went for the
22 three (3) hour drive which you have learned a lot and I
23 have various items that I just picked up as I was
24 reviewing my notes.

25 There was also mention that there was a

1 lot of grave sites. We heard from Julie Charlo that, you
2 know, when we take about archeological sites, she says
3 there is no bones left behind for us to see. So we heard
4 that and we also said -- we heard that the land is very
5 important to us. We have also heard a lot about that,
6 you know, with recreational drivers that -- yesterday it
7 was mentioned that, I think Isadorre said that he did not
8 want an access road.

9 I guess what I need to know is when we get
10 down to narrowing the project that is proposed in front
11 of us for Consolidated Gold Win and Sidon. I am also
12 hearing from Rachel from Danny's line of questions that
13 there is no traditional knowledge work done.

14 People have the knowledge, but it is not
15 put down on papers of those specific sites that we are
16 talking about, so we need to know that if it doesn't come
17 before us, how we can make the, I guess, the decision to
18 proceed, because those information are not in front of
19 us.

20 But I just wanted to ask whether
21 Yellowknife Dene First Nation, whether, you know they are
22 -- I guess for me, you know, there is lots of, you know,
23 unanswered questions. I need to know whether, you know,
24 in fairness, whether there has been proper consultation
25 that has taken place by the developers and yourselves

1 since you are the most effected First Nation in this
2 environmental assessment.

3 MR. GREG EMPSON: Thank you, Madam Chair.
4 That's a loaded question and a big one, but let me sort
5 of deal with firstly the issue of consultation.

6 If the developers suggest that they may
7 have tried to contact us from time to time, that's quite
8 likely, if -- if that's consultation. You can't consult
9 with a First Nation unless you're prepared to disclose
10 what you're trying to do.

11 And -- and even if one accepts this
12 hearing as a type of consultation process, I don't even
13 have enough information that I could sit down with the
14 Yellowknives and with my clients and with my friends and
15 say, here's what they want to do because I still don't
16 know. I don't think that's consultation.

17 Certainly there's a number of processes
18 that are taking place and in thirty (30) years there's
19 been a lot of changes and there's been a lot of things
20 happening. But Rachel is quite true when she says that
21 there's a lot of work that's yet to be done.

22 And all of this development, all of these
23 projects up until ten (10) years ago, I'm not certain
24 that the Yellowknives Dene had any concerns at all about
25 who was out on the land or who was using Drybones Bay or

1 Yellowbones Bay or any of those areas. It's only been
2 the last ten (10) or fifteen (15) years that they've had
3 to deal with these issues.

4 So all of a sudden they've had to deal
5 with issues over the last previous years that they
6 haven't been resourced to adequately do, that they
7 haven't been equipped to adequately do, that they haven't
8 had the manpower to adequately do, and now their feet are
9 being put to the fire by saying, you must define what you
10 say about your traditional land use areas, and -- and why
11 can't we allow this development to proceed, and is this
12 okay, or is that okay?

13 The Elders have indicated, and -- and --
14 and certainly they are the best ones to do, that they
15 can't really define the area. They can't point to it and
16 say, well from this point north to this point east.
17 They're simply looking at a broad perspective of -- of --
18 of a land area that they've used for generations, and
19 that they want to continue to use for generations.

20 And as I indicated earlier in my
21 presentation, if we could be -- had some assurance that
22 we had one (1) developer that wanted to drill a few
23 exploratory holes, likely an accommodation could be made.
24 But Mr. Ellis was quite true, and I think we refer to it
25 ourselves, it's accumulative effects.

1 The reason they're in there to drill the
2 holes to look for a target, as they call it, is because
3 they have all their public money, which is all of their
4 shareholders who bought their shares for twenty (20)
5 cents that they want to be able to sell for twenty
6 dollars (\$20). So they're not there for their health,
7 they're there to find something.

8 And when they find something, they want to
9 develop something. And it -- it's -- it's the snowball
10 effect from there. The earlier question was, are we
11 aware of any others? Yes, this is two (2) of twenty
12 (20), and I -- I'm sure the government can assist us as
13 to how many claims are out in that area.

14 When we talk about the cumulative effects
15 we're not just talking about these two (2), we're talking
16 about these two (2), were talking about the Snowfield
17 that's already out there about sampling.

18 We're talking about the ten (10) others
19 that are going to making applications over the next two
20 (2) or three (3) years, particularly if these ones
21 identify targets, I'm relatively certain that all the
22 others that are hoping there is something out there for
23 them are going to be out there looking themselves,
24 because somebody else has identified a target, or has
25 identified a resource.

1 There is much more work to be done. What
2 can this Board do? Well, I -- I think in this instance,
3 what we're asking the Board to do is to refuse both of
4 these. Primarily because the information that they have
5 presented is wholly inadequate. Is that anything more --
6 and we recognize that, that is nothing more than sticking
7 our finger in a dike.

8 There are other processes that are taking
9 place. We will have to be here time, and time, and time
10 again, and every little step is a victory for us.
11 Presumably at some point in time when the process is
12 complete we won't have to do this, and everybody will
13 know where they stand. Right now nobody does, and that's
14 in fairness to the developers, that's certainly in
15 fairness to the First Nation, and in fairness to this
16 Board.

17 But I think that we've demonstrated that
18 there are enough concerns, and there's not enough
19 information for this Board to make any decision with
20 respect to either one (1) of these applications. I don't
21 believe there's a compromise on these, not -- not at this
22 stage, not on the basis of what we have. And perhaps, by
23 not giving the Board an option, I'm taking a bit of a
24 chance, but I'm -- I'm suggesting this is an all or
25 nothing proposition at this stage of the game.

1 And we seek the nothing proposition, and
2 we don't believe any of this should be proceeding until
3 the claims of the Yellowknives, and the claims of the
4 Treaty 8, because there are other than the Yellowknives
5 Dene that -- that are expressing certainly a history in
6 the area, are dealt with adequately.

7 There -- sorry, and one (1) additional
8 point Mr. Azzolini just advised, there is map on the
9 record that demonstrates the traditional use area, and
10 that was provided. It was provided on the understanding;
11 however, that it would made available to the public other
12 than through a request through the Board.

13 THE CHAIRPERSON: Thank you. This is all
14 the line of questioning for the Yellowknives Dene. We
15 can continue to move on, I noticed that it's eleven
16 o'clock. If we are going to break for lunch -- I don't
17 know if people want to stretch for five (5) minutes, but
18 I will just ask. We're in agreement for a five (5)
19 minute break. So five (5) minutes.

20

21 --- Upon recessing at 10:51 a.m.

22 --- Upon resuming at 11:00 a.m.

23

24 THE CHAIRPERSON: Okay. We are just
25 moving up some presentations because we do have people

1 who travelled out of town and in fairness to them and in
2 terms of them catching their flight today. So I am going
3 to move on to Deninue Kue and have their presenter do
4 their presentation. So you are up next.

5

6 PRESENTATION BY DENINUE KUE FIRST NATION:

7 MR. TOM UNCA: Good morning. My name
8 is Tom Unca, I'm with Deninue Kue First Nation. I'd to
9 thank Madam Chair for giving us the time to air our
10 concerns. Just before I start, we -- we do have a little
11 bit of concerns with the proponent not providing enough
12 information to really base any sound decisions on.

13 That is the first problem we came up with
14 and, like -- like Steve said this morning, we -- we just
15 don't enough information to really explore the extent of
16 the exploration and to what extent it's going to impact
17 the -- the land as a whole.

18 We know that the areas being used
19 presently by -- by the Dene people from the area and the
20 people from Deninue Kue also go into that area for
21 travelling, recreation hunting and so forth. Hunting
22 caribou. So it does concern the people from across the
23 lake also. And with that I'll -- I'll start my
24 presentation.

25 Some of the -- the -- the scope of our

1 presentation we have introduction. We will be talking a
2 bit about the cultural and traditional aspects of the
3 project, the -- some of the cumulative affects that we're
4 anticipating from such development, application issues
5 and conclusion.

6 Introduction. The Akaitcho Territory
7 consists of Yellowknife/Dettah/N'Dilo/Lutsel K'e and
8 Deninue Kue First Nation. The Drybone Bay is not a
9 strange area to these communities. We've all used that
10 area in the past and presently. And as -- as the other
11 First Nation has said, we're still presently very
12 concerned about the impacts in that area.

13 The ancestors of the Akaitcho Dene First
14 Nation entered into treaty making 1900 with the
15 understanding that it was for as long as the sun shines,
16 the grass grows and the river flows. And all of these
17 are still happening yet, so we take it that that treaty
18 is still -- still standing in good faith and we are being
19 looked after.

20 On the shores of Great Slave Lake, at
21 Deninue Kue in the 1900s, this is one of the pictures of
22 the -- of the people coming from across the lake to sign
23 the treaty in Fort Resolution in the early 1900s.

24 The Akaitcho Dene First Nation territory
25 refers to the traditional and current land use of the

1 Akaitcho Dene First Nations which sustained their
2 society; economic, distinct way of life, distinct
3 culture. Section 35.1 of the Constitutional Act 1982
4 states:

5 "The existing Aboriginal and treaty
6 rights of the Aboriginal People of
7 Canada are hereby recognized and
8 affirmed, including the rights to
9 meaningful consultation process and
10 accommodation."

11 On June 25 -- June 25, 2000, a framework
12 agreement was signed by the Crown in the Akaitcho Dene
13 First Nation to guide the negotiations of the Akaitcho
14 Agreement. And the parties recognized that the lands
15 within the Akaitcho Dene traditional territory of the
16 environmental, cultural, economic, and spiritual
17 importance to the Akaitcho Dene First Nation.

18 With that, the parties also recognized
19 that the appropriate interim measures are necessary in
20 order to advance negotiations. This is the area of the
21 Akaitcho as asserted by Akaitcho Dene First Nation and it
22 encompasses 480,000 square kilometres taking in a vast
23 area to the north and to the east of Great Slave Lake.
24 And the development that we're -- we're talking about
25 right now is within the Akaitcho Territory.

1 Recent Supreme Court decisions have raised
2 the obligation in terms of consultation and
3 accommodation. The present system in place now does not
4 meet the obligations set by the Court. Government
5 regulatory agents must change the way they consult and
6 accommodate the people in the First Nations.

7 Deninue Kue First Nation has an obligation
8 to its membership to ensure that the development does not
9 come before the preservation of the ecosystem. This
10 project may be just an exploration project, however,
11 Deninue Kue First Nation, Indian Affairs and Northern
12 Affairs Canada, MacKenzie Valley Environmental Impact
13 Review Boards have to consider that the cumulative
14 impacts of all minerals activity in the Northwest
15 Territories may have -- may have on the ecosystem before
16 considering approval for any land use permits for mineral
17 exploration.

18 Deninue Kue First Nation encompass
19 concerns that need to be address to guarantee that
20 industry and development of the diamond industry within
21 the Akaitcho Territory has minimal or no infringement or
22 affect on our Aboriginal and treaty rights.

23 This is some of the ice actions on the
24 Great Slave Lake. This is just out from the Drybone Bay
25 area; some of the -- the ice action. This -- this could

1 really encumber some of the road on the ice and stuff
2 like that.

3 Some of the cultural and tradition --
4 since time immemorial the Akaitcho Dene of the Deninue
5 Kue First Nation have used the land, water and wildlife
6 to sustain their way of life. Fish, caribou, bison,
7 moose and migratory birds have been the main source of
8 food for the Akaitcho Dene of Deninue Kue First Nation.
9 The Akaitcho Dene of the Deninue Kue First Nation have
10 used caribou, moose and bison for clothing, shelter,
11 tools and other useful items.

12 Today the Akaitcho Dene of the Deninue Kue
13 First Nation travel to the north shores of Great Slave
14 Lake to hunt caribou, geese, moose and ducks and et
15 cetera. To -- we also go in that area to -- to harvest
16 fish and for recreational purposes.

17 These land users see the ever increasing
18 need to travel further to reach caribou with the
19 decreasing population from the ever increasing human and
20 industrial activity.

21 And this is pretty -- well, the scenario
22 right now with the caribou being gone right out our area,
23 we have to -- we have place to hunt them right now and --
24 and we know that maybe some of the industry has impacted
25 the migration route, with all the diamond activity to the

1 north and east of Great Slave Lake.

2 And there is a lot of emissions from the
3 activities up there and we -- and the people,
4 traditionally they're believing that some of that
5 emission might be affecting the caribou food so they're
6 moving to the -- to the east and south towards
7 Saskatchewan.

8 To see a decline in caribou and moose is
9 to see a decline in the way of life for the Dene people,
10 not only for the Dene people from Great Slave Lake area
11 but I'm sure the -- for everybody else that uses the
12 caribou.

13 The Drybone Bay and the Hearne Lake area
14 is, and always will be, the traditional waterways and the
15 traditional trails of the Akaitcho Dene of the Deninu Kue
16 First Nations.

17 Historically it is a documented fact that
18 the Drybone Bay area and the Hearne Lake area is within
19 the traditional territory of the Deninu Kue First Nation
20 and the Akaitcho Dene. Here's pictures of the caribou
21 migrating.

22 Heritage assessments must include all
23 Akaitcho Dene First Nation communities and membership.
24 Archeological studies need to be done within the area and
25 support and work with the assessment currently underway

1 through the Prince of Wales Northern Heritage Centre.
2 Any baseline studies done in this area must include
3 traditional knowledge from all the Dene First Nation
4 communities and membership within the Deninu Kue First
5 Nation.

6 I know that we need to address this area
7 again. There is -- I -- I find that there's very little
8 traditional knowledge on the floor right now. We don't
9 have too much people talking about the traditional land
10 use of the area. The proponent for sure did not really
11 bring up any real meaningful works with the First Nation.

12 The Deninu Kue First Nation demands
13 industry or industry recognize our inherent and treaty
14 rights in the traditional territory of the Akaitcho Dene.

15 The cumulative impacts for the Akaitcho
16 Dene of the Akaitcho Territory of the Great Slave Lake is
17 like a heart and -- and all the streams, rivers,
18 channels, and watersheds are just like the veins and
19 arteries of the human body. Once you contaminate the
20 hearts and veins, arteries or cause damage, the heart
21 will eventually be unable to pump blood and this we're
22 referring to as water and your body, the Great Slave
23 Lake, will die.

24 And this is generally the feeling of the
25 Elders. They say once the water is gone, everything

1 that's connected to the water will die eventually.

2 This is the Slave River Delta taken last
3 week and as you guys probably know we are being impacted
4 from the development in the -- in the tar sand industry
5 and this is one (1) of the -- the big concerns we have
6 south of the lake is dealing with the cumulative effects
7 from the tar sand industry. And this is one (1) of the
8 reasons we brought this picture of the delta.

9 The Deninu Kue First Nation strongly feels
10 that with the cumulative -- cumulative amounts -- amount
11 of mining and mineral exploration activity, there is a
12 cumulative effect on the water, air, wildlife, fish, and
13 land.

14 How effective is the research on
15 cumulative impacts and effects to both human health and
16 the environment, are some of the questions that are
17 coming out from the Elders? We don't know to what extent
18 some of the impacts that are coming down the river, some
19 of the air emission, even some of the food we are buying
20 from the -- the stores is questionable and -- and we know
21 that the Elders are not too happy with some of the stuff
22 that's happening to the water and that talks about the
23 country food might be polluted and so forth. So there is
24 a lot of concerns.

25 A more comprehensive cumulative effects

1 assessment must occur before allowing more mining or
2 mineral explorations to be permitted.

3 Application issues. What is the full
4 description for the exploration reclaim plan --
5 reclamation plan and what is the timeline? These are
6 some of the questions that we probably wouldn't get
7 answered today, because we -- we don't really -- we feel
8 that there's not enough information on the floor here to
9 make any sound decision.

10 We don't have a -- a hard copy of the
11 application, or even an electronic copy to work with. So
12 it's very hard to -- to make decisions on something
13 that's not within our grasp. What is the full
14 description of the water monitoring mechanism and what is
15 the time line of this monitoring? There should be a
16 surveillance network program, and maybe an aquatics
17 effects monitoring program can encompass the living
18 organisms in this area.

19 I know it may be a -- a bit early to -- to
20 start suggesting some of the -- the SMP program, and the
21 AEMP programs, but these are some of the programs that
22 will have to be in place eventually if you're going to
23 further the development.

24 What is the full description of the
25 wildlife effects monitoring program; and what is the

1 timeline of this monitoring; what kind of a community
2 input are you considering for the duration of the
3 project; are some of the questions that the -- the Elders
4 are -- are asking us in regards to wildlife and that.

5 I think there a -- there are a legitimate
6 request concerns that they have, and that's the reason
7 we're bringing them up before this Hearing here.

8 In application you provided the location
9 maps, DKFN requires the footprint of both the camp area
10 contain -- containment area, drilling area, as well as
11 lake bottom composition of drill sites in the immediate
12 area.

13 Some of the concerns they were talking
14 about was what drilling techniques is the company using?
15 Are they using -- are they coring for the diamond, or are
16 they using reverse circulation? And if they're using
17 reverse circulation there's a lot of sediments that are -
18 - are raised. And what measures are they using? Are
19 they using sleeves to contain the sediments? Those are
20 the kind of questions that still need to be answered.

21 DKFN would like a 3-D model to include the
22 physical details of the drill contact within the water
23 column. And again, this means, what technique they are
24 using, and how is it going to disturb the lake bottom,
25 and the habitats within the water column?

1 DKFN requires a cross -- cross-section
2 diagram of the underground activities in relation to the
3 hydrology of the area. Should the project go on to
4 further develop, we would like to know exactly what they
5 are doing at all stages of the game.

6 DKFN requires a better chemistry profile
7 on all materials used during this project for waste water
8 disposal, drill water disposals, and -- and -- and there
9 must be a containment plan. We know that there is a
10 little bit of chemicals involved in drilling. There's
11 the drill mud and so forth, and we'd like to know exactly
12 how they are going to be disposed of, and where they are
13 going to be disposed of, and -- and a lot of the little
14 questions surrounding the drilling activities.

15 The spill contingency plan must -- is
16 usually a must within the -- the government agencies.
17 What is the report card on diamond core drilling systems
18 in the current operation, and what is the safety record?

19 These are some of the questions that the -
20 - the Elders are -- are kind of wondering about.

21 Should there be an accident, a spill, or
22 something occurring during the drilling process, what are
23 some of the mitigative measures you have in place that
24 will -- will address some of the concerns that could
25 happen?

1 What is the future intent of Sidon, and
2 CWG if you do find diamonds? Are you prepared to open
3 dialogue with Akaitcho DKFN before intentions come to the
4 table? Will this area become a mine?

5 Some of the -- these are some of the
6 questions that a -- that a -- that has come up, also.
7 And that -- we know that this is an exploration activity,
8 but usually exploration activity leads to mining. So
9 these questions are, we feel, is -- is the -- legitimate
10 questions to ask at this time, and they would like to
11 have a little bit of answers surrounding some of the
12 plans for future development.

13 A long-term health and environmental
14 agreement must be reached before any mining activity
15 should commence on the Akaitcho territory. And again,
16 that comes down to the -- some of the environmental
17 impacts, the cumulative effects, concerns that we do
18 have, especially where it deals with the -- next to a
19 large body of water such as Great Slave Lake.

20 We do use the fish, and there's a lot of -
21 - the waterfowl, everything that use -- touches that
22 water will be affected one way or the other.

23 Deninu Kue First Nation demands Sidon
24 International and Consolidated Gold Win Ventures sign an
25 exploration agreement with Deninu Kue First Nation and

1 Akaitcho DKFNs, if the mine development is going to be
2 approved. We would like to have some kind of assurance
3 in place before any final agreement is made so that we
4 can safeguard some of our environmental concerns.

5 In conclusion, Deninu Kue First Nation
6 feels strongly that no further development along the
7 lakeshores of Great Slave Lake until Akaitcho completes
8 its conservation and land use planning. And that's just
9 to reiterate some of the concerns that Steve and other
10 people have concern. We -- we don't want to see this
11 project go ahead without a proper measure in place to
12 address the impacts such as land use planning.

13 DKFNs also strongly feel that no further
14 development in the Drybone Bay and the Hearne Lake area
15 at this time.

16 The Crown has never disposed of its
17 obligation to consult and accommodate Akaitcho with
18 respect to the infringement of the treaty and Aboriginal
19 rights in the Drybone Bay and the Hearne Lake area. This
20 must happen.

21 Who is going to consult with the Akaitcho,
22 the Crown industry or the regulatory agencies, are some
23 of the question that have come before us from our Elders.

24 Deninu Kue First Nations would like to
25 express their appreciation to the Mackenzie Valley

1 Environmental Impact Review Board and Yellowknife Deninu
2 -- Yellowknife Dene First Nation for hosting this -- this
3 Hearing and I thank you with that.

4

5 QUESTION PERIOD:

6 THE CHAIRPERSON: Thank you for your
7 presentation. What I'm going to do is I'm just going to
8 ask interested parties if they have any questions. So
9 I'm going to first move on to the developers.

10 Do you have any questions for Deninu Kue
11 presentation?

12 MR. LAURENCE STEPHENSON: No questions at
13 this time.

14 THE CHAIRPERSON: I'm going to move on to
15 the Yellowknife Dene First Nation if there's any
16 questions?

17

18 (BRIEF PAUSE)

19

20 MR. GREG EMPSON: Rachel Crapeau had a
21 question, Madam Chair.

22 THE CHAIRPERSON: Proceed.

23 MS. RACHEL CRAPEAU: There was an
24 Akaitcho Dene First Nations Chiefs and delegates assembly
25 in Fort Smith held a couple of years ago. I can't

1 remember the date but the -- the assembly in Fort Smith,
2 our Chiefs had presented a map and a motion to show the
3 area of Chief Drygeese territories and it was passed.

4 And this map said that the areas along the
5 north shore all the way up to Talthelei Narrows because
6 that's where -- how far we went with our work with Joe
7 Charlo and the Elders and Judy was with us also and when
8 we recorded our information.

9 At that time the Elders told us that
10 anybody can hunt, fish, and trap in any territory; that's
11 a recognized right and that we could go to Caribou
12 Islands or south shore of Great Slave Lake and do our
13 hunting, fishing, and trapping but we don't say anything
14 about land use in that area.

15 And the Elder, Isadorre Jericho Sangris
16 (phonetic), once advised the Chief not to make a motion
17 on any lands in Deninu Kue area because that's not your
18 area and you don't have a say in that area. If they have
19 any decision that needed to be made it had to be made by
20 the Deninu Kue people themselves. And for the last how
21 many years because of activity in Drybone Bay area,
22 there's been not much hunting, fishing and trapping going
23 on and Peter Crookedhand (phonetic) will -- will want to
24 mention something about this.

25 THE CHAIRPERSON: Rachel, I need to know

1 whether this is questions for Tom Unca's presentation?

2 MS. RACHEL CRAPEAU: I just wanted to
3 know if Deninue Kue First Nation people knew about our
4 motion that show -- that showed the Chief Drygeese
5 Territory area.

6 MR. TOM UNCA: I certainly wasn't aware
7 of it, but I -- I'm sure that the people from back home,
8 like, I -- I only got on with the First Nation just a
9 month ago and some of the goings on before that was --
10 happened before my time, I'm not aware of it, but I'm
11 sure all respects are -- are there.

12 MR. GREG EMPSON: Thank you, Ma'am.

13 THE CHAIRPERSON: Okay. So you are done?

14 MR. GREG EMPSON: That's all we have,
15 yes.

16 THE CHAIRPERSON: Okay. I'm just going
17 to move on to North Slave Metis Alliance, if you any
18 questions for Tom Unca's presentation.

19 MS. SHERYL GRIEVE: Sheryl speaking for
20 the North Slave Metis Alliance. I just have one (1)
21 question.

22 I'm wondering whether you have a
23 standardized exploration agreement and what, if you do,
24 what do those standard agreements consist of?

25 MR. TOM UNCA: Thanks, Sheryl. I really

1 couldn't answer you that, you know. Like -- like, I just
2 told the Board here that I've only coun -- come on about
3 a month ago to specifically deal with the project and
4 also some of the tar sand industry stuff.

5 And some of the decisions that went on
6 before my time I can't -- and especially the political
7 stuff, I would like not to answer that or even go there
8 at all, if you know what I'm saying. Sorry, Sheryl.

9 THE CHAIRPERSON: Any further questions?
10 Okay. I am just going to move on. Indian and Northern
11 Affairs?

12 MR. DAVID LIVINGSTONE: No questions.

13 THE CHAIRPERSON: Department of Fisheries
14 and Oceans?

15 MR. ERNIE WATSON: No questions.

16 THE CHAIRPERSON: Prince of Wales
17 Heritage Centre?

18 MR. GLEN MACKAY: No questions.

19 THE CHAIRPERSON: Government of Northwest
20 Territories?

21 MS. LORETTA RANSON: No questions.

22 THE CHAIRPERSON: Environment Canada...?
23 Northwest Territory Metis Nation...?

24 MR. CHRIS HERON: No questions.

25 THE CHAIRPERSON: I am now going to move

1 onto the Board's staff.

2 MR. ALAN EHRLICH: Thank you. Alan
3 Ehrlich. I -- there's a clarification that would be
4 helpful for the record. In the past we've assessed
5 developments including one in Drybones Bay and we've
6 heard many speak -- people speak of the area as the
7 Drybones Bay area.

8 You talked about Drybones Bay a lot and it
9 would be helpful for our record to know if you're talking
10 about Drybones Bay proper, which I -- I don't see any
11 drill targets in or near -- or if you're talking about
12 the Drybones Bay area.

13 So what I'm wondering is when you say
14 Drybones Bay, do you mean the area to the north of
15 Drybones Bay and to the -- you mentioned Hearne Lake and
16 to west of Hearne Lake.

17 MR. TOM UNCA: I -- I think what -- what
18 they mean to say is anything adjacent to Dry -- Drybone
19 Bay including the water body that is adjacent to the
20 Drybone Bay is what we're talking about, not just Drybone
21 Bay itself.

22 MR. ALAN EHRLICH: But, I mean, none of
23 these drill targets are directly adjacent to Drybones
24 Bay. They're in the area to the north of it and I just
25 want to know if you're talking about the area that these

1 drill targets are in or if you're talking about Drybones
2 Bay and the immediately adjacent area.

3 MR. TOM UNCA: Well we're talking about
4 the both projects, the Hearne Lake, so when we do mention
5 Drybone Bay it encompasses that one (1) project that --
6 that's working with both Hearne Lake and the Drybone Bay
7 area.

8 MR. ALAN EHRLICH: Okay.

9 MR. TOM UNCA: So -- so when we mention
10 the -- or the Drybone Bay that -- that encompasses the
11 both project in that area.

12 MR. ALAN EHRLICH: Okay. Thank you.

13 THE CHAIRPERSON: I am going to move on
14 to the board members. Richard Edjericon...?

15 MR. RICHARD EDJERICON: No comments.

16 THE CHAIRPERSON: Tom Ondrack...? Tom --
17 sorry. Sorry about that. John Ondrack.

18 MR. JOHN ONDRACK: Hey, Tom, you can have
19 my name. I'm seeking a little clarification along the
20 lines of what Alan was speaking about. Your presentation
21 -- I think I can -- I'm looking at the conclusion and
22 there are two (2) points, two (2) bullets and they seem
23 to conflict with each other.

24 And I want to also sort of couch this by
25 saying that you spent a lot of time talking about

1 specific technical concerns with respect to the drill
2 program which, to me, are confusing because the
3 conclusion simply says no further development in a -- in
4 a -- in a poorly defined area without land use planning.

5 And then the second point says no further
6 development. Period. And -- and I'm looking for
7 actually what your view really is or what the view of the
8 Deninue Kue is.

9 Is it no further development period or --
10 like these two -- can you see, Tom, how these conflict?
11 And I'm trying to get to the -- the real issue seems to
12 be or what I'm trying to find out is are you saying no
13 further development until land use planning, or are you
14 actually saying you object to any development whatsoever
15 in an area called the Drybones area and an area called
16 the Hearne Lake area?

17 MR. TOM UNCA: I -- I think this
18 statement addresses more, like, the site-specific. We're
19 talking more about the -- the Drybone Bay development
20 which I said previously encompassed the Hearne Lake
21 Development also.

22 MR. JOHN ONDRACK: You're talking about
23 this developers' project?

24 MR. TOM UNCA: Yeah. We're talking
25 specifically about this project only and we're not

1 talking about an umbrella ruling for everything else.

2 MR. JOHN ONDRACK: Are you then, in the
3 first statement, speaking as did the YKDFN about
4 development in general and the need for land use
5 planning? Are you drawing the same conclusion that --

6 MR. TOM UNCA: Yeah, we are. I think
7 there is -- there is a strong need for a land use plan in
8 place before any development should go in place. Because
9 we don't know exactly what is going on in that area.
10 There is very little on the table to really guide us
11 through the process.

12 We are at -- we -- we don't know where
13 it's going with it. We don't know what their future
14 plans are and -- and all that wonderful stuff that goes
15 along with developments. So we are at ends wits with
16 what we're -- decision we should take on this -- this
17 whole project, but like you said, it's site-specific. We
18 are dealing with just the one (1) area right now.

19 MR. JOHN ONDRACK: Thank you, Tom.

20 THE CHAIRPERSON: Nora Doig...?

21 MS. NORA DOIG: No, no questions.

22 THE CHAIRPERSON: Jerry Loomis...?

23 MR. JERRY LOOMIS: I have no questions.

24 THE CHAIRPERSON: Danny Bayha...?

25 MR. DANNY BAYHA: Thank you, Madam Chair.

1 Thank you, Tom, for the presentation. Appreciate that.

2 A couple of questions and number one (1),
3 the cumulative effects that you mentioned and also I
4 think maybe -- maybe we'll start -- back up a bit. The
5 land use plan itself that you mentioned couple of times,
6 you said that it has to be done, has to be in place.

7 Can you -- what do you mean when it in
8 place? Like is it fully implemented and working on the
9 ground is what you're -- you're assuming when you say
10 that? I just want to get an idea what -- what you have
11 in mind when you said land use plan be in place. Thank
12 you.

13 MR. TOM UNCA: I think what we're trying
14 to get at here is to identify some kind of a plan both --
15 both coming from the traditional land users of the area
16 and, of course, with the -- the -- the agencies that are
17 involved with developing such plans. We would like to
18 see hard copies -- both electronically and hard copies on
19 the table and really look at the area and see exactly
20 what kind of developments are forthcoming in that area
21 and exactly what the land use planning is going to do
22 about such development.

23 What is in place, like, with the
24 cumulative effects -- the water, water quality and all
25 those different questions should be addressed in the land

1 use plan.

2 MR. DANNY BAYHA: Okay. So just -- just
3 to take that further, so the land use plan should have
4 the effect of the law; is that what you're assuming?

5 MR. TOM UNCA: I didn't -- I didn't quite
6 get your question.

7 MR. DANNY BAYHA: It has to have the --
8 the backing of the -- the legal system or it has to be in
9 place in -- in law, in Canadian law?

10 MR. TOM UNCA: Yeah, I think there --
11 we've got to work within the regulatory regime and it
12 also has to come from the -- the people firstly. The
13 traditional land users have to be at the forefront in
14 making that decision and I'm sure it's got to be followed
15 up by all the regulatory regimes that -- that goes along
16 with putting such a plan in place.

17 MR. DANNY BAYHA: Thank you. And the
18 other question I think goes the same theme -- along the
19 lines, the cumulative effects assessment that you're
20 talking about, again what are you thinking about when
21 you're saying it has to be done? Okay, we have this plan
22 in place or this assessment done. What do you want that
23 assessment to do in the end? Like, what's the -- the end
24 result of this? Thank you.

25 MR. TOM UNCA: Well, cumulative effects

1 is like talking about something that's already in place,
2 that's already happened. We'd like to address the
3 cumulative effects before it actually happens and address
4 it right on the -- the onset so that it does not happen;
5 we do not have to deal with cumulative effects. This is
6 probably where we're coming from. We're dealing with a
7 big issue with the tar sands and it's -- it's a big issue
8 and had we started with that issue twenty (20) years ago
9 we might not have that problem now.

10 So any development coming on presently we
11 would like to address the cumulative effects with them
12 and -- and see to what extent they're going to affect the
13 land, the air, the water and so forth and if there's
14 anything that we can do on the onset to mitigate that
15 from happening; this is where we're coming from.

16 MR. DANNY BAYHA: Thank you. I have no
17 further questions.

18 THE CHAIRPERSON: Charlie. Tom, I was
19 listening to your presentation. Your presentation is
20 really broad and again because of this type of
21 environmental assessment we do we try to go back to the
22 area of the proposed development and, you know, you're
23 representing people from Deninu Kue.

24 What I need to know is, in the area that's
25 proposed by the development, do people from Deninu Kue

1 currently hunt and travel in that area?

2 MR. TOM UNCA: Seasonally, we do still --
3 there -- there are snowmobiles that come across from the
4 Great Slave Lake area or Deninu Kue First Nation coming
5 across on this side to hunt caribou. That's still be
6 happening not too -- too long ago.

7 There are people like my Elder here
8 sitting with us in this room here, Peter King, who used
9 that area to hunt muskrats in the Gros Cap area/Hearne
10 Lake area extensively in the past and that was a common
11 practice in the past. Like, the people from the
12 Yellowknives would go into the delta to hunt muskrats and
13 vice versa.

14 And during the summer months we do take
15 boat rides across into the Simpson Islands and sometimes
16 we do come across into this area here out in Drybone Bay
17 area/Wool Bay area and sometimes even going to
18 Yellowknife.

19 But these -- these places like the Wool
20 Bay, the Drybone Bay area also provide shelters for
21 people travelling along that route should a storm come up
22 and -- and it's a kind of like a refuge also. It's also
23 been used traditionally for recreational purposes such as
24 camping and recreational fishing and so forth, along with
25 a subsistent way of life.

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THE CHAIRPERSON: Thank you. I don't have any further questions. It's quarter to 12:00. We can continue. I don't mind going, but if people want to have a lunch break now and we come back right at 1:00 and begin we could do that.

I just need to know and I'm just going to just take a few minutes to figure that out.

(BRIEF PAUSE)

THE CHAIRPERSON: Sorry about that, Tom. I think in terms of the line of questions we're done and I thank you for your presentation.

MR. TOM UNCA: Thank you, Madam Chair. Thank you, Board.

(BRIEF PAUSE)

THE CHAIRPERSON: I'm just going to give people a five (5) minute break while we're sorting out in terms of the timing of presentation, and how much we'll cover today. So just five (5) minutes but please don't go away because we're going to probably give you our

1 decisions about, you know, what will be up next.

2

3 --- Upon recessing at 11:40 a.m.

4 --- Upon resuming at 11:42 a.m.

5

6 THE CHAIRPERSON: We're just realigning
7 in terms of timing of presentations, so, the next
8 presenter is going to be DFO.

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: You can proceed with
13 your presentation.

14

15 PRESENTATION BY DEPARTMENT OF FISHERIES AND OCEANS:

16 MR. ERNIE WATSON: Thank you. Thank you
17 very much. My name is Ernie Watson. I'm with Fisheries
18 and Oceans Canada and today I'll be talking about our
19 potential impacts about the -- of the two (2) projects.

20 For a general overview of the project I'll
21 be looking at the responsibilities of DFO and the
22 potential concerns that we've identified resulting from
23 the project.

24 So DFO's responsible for the management
25 and protection of fish and marine mammals and all their

1 habitats. And the -- where we get the legal basis for
2 this responsibility is the Fisheries Act. There's a
3 number of different sections in the Fisheries Act that
4 would be applied to this project. The primary one would
5 be Section 35.

6 Section 35 prohibits the harmful
7 alteration, disruption, or destruction of fish habitat
8 without authorization from the Minister of DFO. And
9 authorization is somewhat like a permit and if the
10 project is going to harm fish habitat, it would need a
11 permit from DFO to do so.

12 Section 36, it prevents the deposit of a
13 deleterious substance into fish-bearing waterways and
14 Environment Canada administers this section of the
15 Fisheries Act.

16 Other relevant sections of the Fisheries
17 Act would be Section 30 and that requires fish guards or
18 screens where they're needed on intakes.

19 And Section 32 prohibits destruction of
20 fish by means other than fishing. And that primarily
21 refers to explosives, but it can refer to other means
22 including destruction of fish by intakes.

23 So we've identified a couple different
24 areas of potential concern. One of those would be the
25 withdrawal of water from water bodies. Withdrawal of

1 water bodies from fish bearing water -- water bodies
2 could impact fish by being destroyed by fish taking up,
3 being sucked up by the intakes.

4 And if you withdraw too much water from
5 the intakes, from any water body, it could have negative
6 impacts to overwintering fish. And if you take too much
7 water from a water body, it might draw down the lake so
8 much that it would expose some spawning areas and freeze
9 it's substrates, the bottom sediments.

10 One of the tools that we use to provide
11 advice to different proponents on withdrawing water
12 bodies -- withdrawing water from water bodies would be
13 the -- our protocol for water withdrawal -- winter water
14 withdrawal, it's been developed to provide advice to
15 proponents to minimize the impacts on fish and fish
16 habitat.

17 And it outlines how we could withdraw
18 water volumes from water bodies without impacting --
19 likely impacting fish or fish habitat. It also specifies
20 how those volumes of water can be calculated and it also
21 specifies that water intake should be strained
22 appropriately to prevent fish from being sucked up into
23 any intakes.

24 So both companies have stated that, where
25 required, they would conduct surveys of the water bodies

1 to determine the volume that they can safely withdraw.
2 And provided that the company followed the protocol, the
3 project would likely not affect fish habitat from water
4 withdrawal.

5 A second potential area would be drill
6 cuttings, the generation of drill cuttings. Drill
7 cuttings left to be on the ice to melt into the lake
8 during the spring thaw might be deposited on a fish
9 habitat and then negative im -- negative impact would be
10 covering up eggs or spawning areas.

11 Also during drilling activities they can -
12 - the generation of those cuttings might spread to other
13 areas of fish habitat on the bottom and also the -- the
14 deposit of water bodies through the -- of those drill
15 cuttings on -- from land-based activities, if they put it
16 in areas which aren't contained.

17 So both companies have stated in the
18 application that they would be depos -- taking all drill
19 cuttings from ice based drilling activities using casing
20 on the -- on the bottom of the lake and they will be
21 collecting all the drill cuttings and removing them to
22 Yellowknife for appropriate disposal.

23 All drill cuttings from land based have --
24 they've stated that they'll be placing them on -- on-site
25 depression and will remove from any water body. So

1 they'll be containing them, so they won't get into any
2 other water body. If these measures are taken then
3 project will likely not impact fish habitat.

4 Another potential concern that we've
5 identified is drilling on spawning shoals, so the actual
6 areas where lake trout would be spawning. So the actual
7 drilling can cause a destruction of those substrates and
8 again, the sediment generated from those drilling
9 activities might spread into those shoals and cover up
10 eggs or render them useless for spawning activities in
11 the future.

12 So, again, those potential concerns have
13 been addressed in the application by the Company stating
14 that for all drill cuttings beyond that -- these
15 activities would be collected, all drill cuttings would
16 be collected and disposed of in -- in Yellowknife in an
17 appropriate manner.

18 And this is where my presentation differs
19 from what I provided to the Board. It's the second
20 bullet. I neglected to mention that the Company has also
21 proposed to mitigate for potential impacts is that they
22 will only be drilling in areas frozen to the bottom, or
23 in greater than 11 metres of depth. So if you are
24 drilling in areas less frozen to the bottom, you won't be
25 impacting any spawning shoals because any eggs in the

1 substrate would be frozen, so they render them useless
2 for spawning activities. And same with 11 metres of
3 depth, lake trout usually don't spawn in areas that deep;
4 they'll be more shallow.

5 So if the Company adheres to these
6 mitigation proposals -- proposed mitigation, they
7 probably won't have impacts of fish, or fish habitat.
8 And that's my presentation. Thank you.

9

10 QUESTION PERIOD:

11 THE CHAIRPERSON: I thank you for your
12 presentation. I'm just going to go around to see if
13 there is questions for you. I'm going to start with the
14 developer, if there's any questions?

15 MR. GREG MCKILLOP: We have no questions,
16 thank you.

17 THE CHAIRPERSON: The Yellowknife Dene
18 First Nation...?

19 MR. GREG EMPSON: We have no questions,
20 thank you.

21 THE CHAIRPERSON: The North Slave Metis
22 Alliance...?

23 MS. SHERYL GRIEVE: No questions, thanks.

24 THE CHAIRPERSON: I'm just going to go to
25 INAC.

1 MR. DAVID LIVINGSTONE: We have no
2 questions.

3 THE CHAIRPERSON: Prince of Wales
4 Heritage Centre...?

5 MR. GLEN MACKAY: No questions.

6 THE CHAIRPERSON: NWT --

7 MS. KARA KING: No questions.

8 THE CHAIRPERSON: -- NWT Metis Nation...?
9 Deninue Kue First Nation...?

10 MR. TOM UNCA: No questions.

11 THE CHAIRPERSON: Environment Canada...?

12 MS. IVY STONE: No questions.

13 THE CHAIRPERSON: Government of the
14 Northwest Territories...?

15 MS. LORETTA RANSON: No questions.

16 THE CHAIRPERSON: Now I'm going to move
17 on to the Board staff, to the Review Board. Richard...?

18 MR. RICHARD EDJERICON: Thank you, Madam
19 Chair. Maybe the question is directed to DFO, related to
20 your presentation, but I want to kind of just give you a
21 little story a few years back that -- and so you already
22 know that I was a former chief in our community, and a
23 little story I had to tell you is that back in 1999, when
24 I first got elected as chief, in June, I think it was on
25 Tuesday, and I had to go to court on Friday, and I was

1 found guilty of polluting the water in N'Dilo. And we
2 were fined a hundred thousand dollars (\$100,000) that
3 time.

4 So it was something that I inherited back
5 then that I didn't know -- that I walked into that, but I
6 guess the -- the question that I have is that, yesterday
7 the Elders of the Yellowknives Dene First Nation, and
8 some public members raised concerns about equipment
9 that's gone through the ice near Drybone Bay area and
10 normally these exploration companies that go out there
11 and -- and do these development work hire contractors to
12 provide goods and services to them out there, and what I
13 would like to know is -- you talk about, you know, the --
14 the fisheries act and your responsibilities.

15 I have a question to you, I guess: Who
16 enforces to go out there and clean up the equipment
17 that's in the ice, and what stage are they at?

18 And I would like to know that, because as
19 a Board member, part of the things that we have to do, as
20 well, is that we have to make sure that we follow our own
21 Act, as well, making sure that the environment is
22 protected, and human and health, as well.

23 So maybe you could give an update on that.
24 Thank you.

25 MR. ERNIE WATSON: DFO does have a

1 responsibility for monitoring, as well; monitoring of
2 these developments and ensuring they're implementing
3 those mitigation measures as we've provided as advice.
4 Regarding specific instances, I'm not sure. I know of
5 one (1) where equipment has fallen through the ice, and
6 those are dealt with on an individual basis, and
7 evaluated on its potential impacts.

8 And in some cases it's better to leave the
9 equipment in place if all the concerns have been -- have
10 been met. In some cases we would be suggesting that they
11 take the equipment out, because of the potential impacts
12 to fish. Does that answer your question?

13 MR. RICHARD EDJERICON: In some ways it
14 does. But I think the equipment -- I mean, I don't know.
15 I don't see anything from DFO to the Board in regards to
16 equipment that has gone through the ice and -- but, you
17 know, there's still impacts to the environment and the
18 water when you have equipment that goes through the ice
19 that may have diesel fuel, glycol, you know, hydraulic
20 oil and -- and so on.

21 So, you know, how do we eliminate this
22 from happening in the future when exploration companies
23 are making, you know, they want to buy goods and
24 services, how do -- who monitors this and who enforces it
25 to make sure that it doesn't happen? Thank you.

1 MR. ERNIE WATSON: DFO does have a joint
2 responsibility for impacts to fish habitat, fish and fish
3 habitat, with Environment Canada. We both do
4 enforcement. We have a conservation and protection
5 branch of Fisheries and Oceans Canada. It would be
6 environment -- Fisheries officers.

7 Environment Canada also has the
8 responsibility for the substances that you describe to
9 ensure that they're not impacting the environment. And
10 they do have an enforcement branch as well.

11 So some of those questions might be better
12 answered by Environment Canada, but we work closely with
13 them to -- to ensure that their -- the impacts to fish
14 and -- fish would be minimized.

15 MR. RICHARD EDJERICON: That -- that's
16 all. Thank you.

17 THE CHAIRPERSON: John Ondrack...?

18 MR. JOHN ONDRACK: John Ondrack, Board
19 Member. I note that your presentation speaks, well,
20 explicitly to drilling activities and -- and says
21 absolutely nothing or does not speak to the mobilization
22 and demobilization activities or even camp activities
23 that might be related to your area of responsibility and,
24 therefore, I'm asking bluntly whether those were
25 considered and what the conclusions were?

1 MR. ERNIE WATSON: DFO -- Ernie Watson
2 from Fisheries and Oceans. DFO did consider those
3 activities. Camp activities would include withdraw water
4 from water bodies. And we did consider that and if they
5 do follow the protocols, that should solve or mitigate
6 for potential impacts.

7 The other impact was mobilization. I
8 understand that the Company has proposed heli-drilling
9 which we would encourage to minimize impacts. But also
10 we have a operational statement. It's a tool that we use
11 to provide advice to proponents about ice bridges and
12 impacts from development of winter roads. And that lists
13 out a whole suite of mitigation measures that they would
14 have to follow to ensure that they don't impact fish
15 habitat.

16 MR. JOHN ONDRACK: Thank you. To clarify
17 then, you're basically stating there are regulations to
18 cover those activities and that you and Environment
19 Canada are responsible for monitoring and ensuring those
20 are complied with?

21 MR. ERNIE WATSON: That's correct.

22 MR. JOHN ONDRACK: Thank you.

23 THE CHAIRPERSON: Nora Doig...?

24 MS. NORA DOIG: Yeah. Thank you, Madam
25 Chair. I have one (1) question in regards to your

1 presentation. It says,

2 "provided the Company follows the DFO
3 protocol for winter water withdrawal,
4 the project will not -- will likely not
5 impact on fish or fish habitat
6 provided that they follow the
7 protocol."

8 And then, on the second page of your
9 presentation, it says it's the DFO's responsibility --
10 responsible for the management and protection of fish and
11 marine mammals and their habitats.

12 How are you going to monitor this program?
13 Is there going to be like a site visit or through reports
14 or how does that go?

15 MR. ERNIE WATSON: We fish -- Ernie
16 Watson with Fisheries and Oceans. We work closely with
17 our regulatory agencies, other regulatory agencies. We
18 review reports that are generated from -- for land use
19 activities -- land use permit activities.

20 We do work closely with INAC inspectors to
21 -- if there are any concerns that are brought up by the
22 INAC inspectors, Indian and Northern Affairs Canada
23 inspectors, for those permits we would be aware of them
24 as well.

25 We also have an obligation to do our own

1 monitoring, as we would be doing site visits as well.

2 THE CHAIRPERSON: I'm just going to move
3 on to Jerry Loomis.

4 MR. JERRY LOOMIS: I have no questions.

5 THE CHAIRPERSON: Danny Bayha...?

6 MR. DANNY BAYHA: I have some. Thank
7 you, Madam Chair.

8 A couple of questions just carrying on
9 from what Norm questioned about how do you ensure some of
10 this stuff is actually taking place? He said the company
11 is going to do a bottom of the -- the lake survey and
12 stuff to make sure that they don't drill into spawning
13 areas.

14 How do you -- how do you confirm that --
15 let's say, for example, the -- the ice is frozen to the
16 bottom or it's more than 11 metres, how do you do that?
17 How do you rest at night, go to sleep at night, saying,
18 yeah, they've done it and they're not harming the fish?
19 Thank you.

20 MR. ERNIE WATSON: Ernie Watson with
21 Fisheries and Oceans.

22 It's a very good question. It's not an
23 easy one to answer. It's a matter of working with the
24 proponent to ensure that they understand the conditions
25 that they need to take to minimize the impacts to fish

1 habitat and those are some of the ways that they have to.
2 If they don't, they might have impacts to the fish
3 habitat.

4 We would be again relying -- working with
5 other regulatory agencies to conduct the monitoring to
6 ensure that some of those conditions are met. If there's
7 a condition that they don't drill in areas less than 11
8 metres we would be doing our site visits as well.

9 It might not be sufficient for all times.
10 We might not be on site. There is a certain amount of
11 reliance on community members to report instances where
12 they feel that those mitigation measures have not been
13 complied with.

14 So there is a whole spectrum of ways we --
15 we do our job in order to monitor and ensure compliance.

16 MR. DANNY BAYHA: Thank you. So you
17 mentioned that First Nations or other people, users, need
18 to sort of come forward and make their concerns known
19 about some certain areas.

20 So, I mean, earlier you mentioned that if
21 there's a permit to be issued, the First Nations and
22 other land users, are -- are they involved in the
23 issuance of those permits? Are they somehow let -- let
24 them know that this is happening or is that something
25 that's just between the company and -- and -- or the

1 proponent and -- and DFO?

2 MR. ERNIE WATSON: We -- for the issuance
3 of permits, we would not issue a permit in this case
4 because we would provide the recommendations that they
5 don't impact fish habitats so there is no permit that DFO
6 provides to a -- a proponent in this case.

7 If the project were to impact fish habitat
8 we would need to issue a permit for them to be allowed to
9 do that and not be liable for any damages to fish habitat
10 under the Fisheries Act. In this way we work closely
11 with the Land and Water Boards to -- to work with
12 conditions on their permits, suggestions to -- of
13 incorporating some mitigation measures into their permits
14 which we cover off some of the concerns for fish habitat
15 as well.

16 So I don't know if that answers your
17 question. It's more of working with other regulatory
18 agencies to ensure that fish and fish habitat are
19 protected.

20 MR. DANNY BAYHA: Okay. Thank you.

21 MR. ERNIE WATSON: And --

22 MR. DANNY BAYHA: And in -- in this --
23 sorry, go ahead.

24 MR. ERNIE WATSON: Sorry, I didn't answer
25 the other part of your question about consultation. And

1 when we were in the regulatory approval process for --
2 with Land and Water Boards, it's through that process
3 that we're trying to make sure that information gets out
4 there on public registry.

5 MR. DANNY BAYHA: Okay. Thank you. So
6 in -- in a sense, I guess the quest -- the other question
7 is, in this area when we're talking about, like, you
8 figure out you are dependent on First Nations and -- and
9 regulatory bodies to give you some information on whether
10 to allow a certain or -- or to permit or -- or to say --
11 to suggest mitigation measures, what is in this -- in
12 this area that in particular we're talking about where
13 CGV and Sidon is -- is doing some work have Fisheries
14 done any -- allowed or -- or been part of permits where
15 some of the other companies are doing drilling, similar
16 activities in that area? Can you maybe give us an idea
17 if there is and how many there is? Thank you.

18 MR. ERNIE WATSON: I don't have that
19 information on me but I can be fairly certain that we
20 haven't issued a permit ourselves for any activities in
21 that area. No Fisheries Act Authorizations for
22 destruction of fish. And provided that the mitigation
23 that we're suggesting is followed, there would be no need
24 to.

25 MR. DANNY BAYHA: Okay. So how about a

1 permit -- but you say -- what about suggesting to -- in
2 permits, of land use permits, other companies in that
3 area have -- have you imparted that process or DFO has
4 been part of that process?

5 MR. ERNIE WATSON: We -- we would be
6 involved through the Land and Water Board process, we
7 provide advise to the Land and Water Board about
8 potential impacts to fish habitat in the preliminary
9 screening of -- of the development.

10 MR. DANNY BAYHA: So yeah, I guess,
11 basically my -- my line of question is leading up to
12 whole issue of cumulative effects.

13 MR. ERNIE WATSON: Right.

14 MR. DANNY BAYHA: Do you think, in your
15 opinion, we need cumulative effects assessment in that
16 area? Like, just in context of, let's say with fish
17 because some of the things you heard that there's so many
18 other companies with claims and -- and exploration
19 permits that -- that's been given and without any kind of
20 cumulative effects monitoring program or anything, I
21 mean, just if you have any opinion of that -- thoughts on
22 that would be great. Thank you.

23 MR. ERNIE WATSON: In my opinion of, as a
24 fish habitat biologist, I would -- if the mitigation that
25 we're proposing is followed, there should be no

1 cumulative impacts to fish because there should be no
2 impacts to fish or fish habitat for fish habitat. So in
3 that case there should be no cumulative impact if there's
4 no -- impacts to fish or its habitats. Does that answer
5 your question?

6 MR. DANNY BAYHA: Somewhat. But I'll
7 leave that and we'll eat.

8 MR. ERNIE WATSON: Okay.

9 MR. DANNY BAYHA: Thank you.

10 THE CHAIRPERSON: Charlie. No question?
11 Okay. I have one question. Probably it is just not one
12 question, it is probably a series.

13 You just mentioned no impacts to fish
14 habitat. I know you also went through the series of your
15 responsibility and role in that area that concerns the
16 fish habitat. I guess in terms of what I have been
17 listening to for the last few days, there has been a lot
18 of unclear messages in terms exactly where the drilling
19 is going to be.

20 So how does DFO know, you know, knows
21 where to kind of identify those fish habitat that they
22 are proposing to drill because it seems so unclear. So
23 that is one of them.

24 And the other one is, we have heard a lot
25 of Crown consultation. We have heard the word

1 "consultation," but what comes to my mind is does DFO
2 consult members, I am just thinking specifically the
3 Yellowknife Dene First Nation because they live around
4 that area of the proposed project.

5 Do you consult the Yellowknives in that
6 area in terms of the impact to the fish habitat that we
7 are talking about right now?

8 And the third one would be: Does DFO
9 consider, we usually call it, like, traditional
10 knowledge, but the local knowledge into, you know, the
11 whole area of the fish habitat because if we do not know
12 where the fish are, where there are good fish, like, how
13 would you know how to do what you are doing? I just
14 would like to know.

15 MR. ERNIE WATSON: Just trying to
16 formulate my thoughts.

17 For the first part of your question
18 whether or not we've identified areas of specific fish
19 habitat that would be of concern to us. We've designed a
20 mitigation and we've it suggested in a way that it would
21 cover off any instances. So if they were drilling in
22 areas where it's frozen, because it's a fairly small
23 diameter drill that they're drilling in, it will have
24 minimal impacts to fish habitat if it's done in frozen-
25 to-the-bottom substrates or in depths greater than 11

1 metres. It would be avoiding all possible impacts to
2 critical fish habit or -- or fish habitat in general.

3 Significant impacts -- a small diameter
4 drill will likely not have an impact on fish habitat if
5 it's drilled in these locations we've identified.

6 For the second part, it's the
7 consultation. We general don't consult on projects where
8 we've identified that we -- there will be minimal or no
9 impacts to fish habitat. In our expert opinion, we've
10 provided that advice to the Board, is that it will likely
11 not impact fish habitat if it's done in a certain manner.
12 So that consultation does not happen through DFO and the
13 communities. It will happen through the Land and Water
14 Board process, and this process here.

15 And the other part is where we do have an
16 obligation to is if we are contemplating issuing an
17 authorization for the destruction of fish habitat where
18 the project will have an impact, and we are allowing that
19 impact to occur. We do have an obligation to consult
20 directly with the First Nations and communities.

21 THE CHAIRPERSON: The other part of the
22 question I asked was about the TK.

23 MR. ERNIE WATSON: Right.

24 THE CHAIRPERSON: Do you include TK
25 knowledge?

1 MR. ERNIE WATSON: Where available and
2 where we know that there is availability of TK, we would
3 incorporate that. We have done some TK studies in
4 collaboration with the communities on the Drybones Bay
5 area for potential future development. That -- but it's
6 outside the area that we're talking about on these two
7 projects. But that's a case where we would be working
8 with -- with the communities to identify traditional
9 knowledge.

10 So, in this case, traditional knowledge
11 was, I believe, not incorporated because our analysis of
12 looking at potential impacts, we determined that there
13 was likely going to be minimal impacts to fish habitat
14 because of the activities proposed.

15 THE CHAIRPERSON: Thank you. That's all
16 the line of question. Thank you for your presentation.

17 MR. ERNIE WATSON: Thank you very much.

18 THE CHAIRPERSON: What I'm going to
19 suggest is we have a lunchbreak. It's a little bit after
20 12:15 and we pick up the presentation -- the next one
21 that I would line up would be Northwest Territory Metis
22 Nation. So if they can be ready to start right at, I
23 would say, 1:15. So we'll just recess for lunch.

24

25 --- Upon recessing at 12:13 p.m.

1 --- Upon resuming at 1:20 p.m.

2

3 THE CHAIRPERSON: Everybody's taken their
4 seats so we're going to proceed with the Northwest
5 Territory Metis Nations presentation. So you can just go
6 right ahead.

7

8 PRESENTATION BY NORTHWEST TERRITORY METIS NATIONS

9 MS. KARA KING: Hi, I'm Kara King. I'm
10 the President of Fort Resolution Metis Council and a
11 director on the Metis Nation. I have with me Mr. Gary
12 Bailey; he's our community negotiator in Fort Resolution;
13 and Mr. Chris Heron, he's an IMA Coordinator for the
14 Metis Nation.

15 I'm just going to go straight into here.
16 On August 29th, 1996, the Northwest Territory Metis
17 Nation took a major step in rebuilding our nation by
18 signing a framework agreement with Canada and the
19 Northwest Territories to begin negotiations on a
20 Northwest Territory Metis Nation land and resources
21 agreement.

22 In June of 2002 the Northwest Territory
23 Metis Nation.

24 THE CHAIRPERSON: Excuse me --

25 MS. KARA KING: I'm going too fast?

1 THE CHAIRPERSON: -- you're going too
2 fast --

3 MS. KARA KING: Sorry.

4 THE CHAIRPERSON: -- for the translators.

5 MS. KARA KING: In June 2002 the
6 Northwest Territory Metis Nation signed an interim
7 measures agreement with Canada and the Northwest
8 Territories. Under the pre-screening process, Section 3,
9 it states under Subsection 3(1)(e):

10 The Northwest Territory Metis Nation
11 will base the response in relation to one (1) or more of
12 the following grounds: Environmental impacts,
13 socioeconomic impacts, impacts on heritage, resources,
14 and any other reasonable grounds we deem relevant.

15 The Metis history in Drybones Bay is one
16 (1) of the historical sites our people have used. My own
17 grandfather once trapped in this area and stayed with
18 families that lived there while he trapped and I'm quite
19 certain that there are Elders here in this room that can
20 attest to the fact and my grandfather being one (1) of
21 them.

22 This is our home territory and we lived
23 here as a Metis society, or people, for the past three
24 hundred (300) years. Our ancestors governed themselves
25 before Canada became a country.

1 Our Metis ancestors established meat posts
2 on the Thelon River. They gardened and raised cattle on
3 the Salt River and sold salt from nearby plains. They
4 trapped and traded as far west as Fort Simpson and as far
5 north as Deline, formerly known as Fort Franklin, and
6 south and east of Red River through to Montreal.

7 Our ancestors have had a trading post
8 located in this area known as Talthelei Narrows. They
9 guided explorers like Sir John Franklin to Great Bear
10 Lake and to Coppermine River. They brought the first
11 priests north of 60 by canoe. Our ancestors were very
12 involved in building the country that was to become
13 Canada.

14 Our ancestors faced a lot of challenges,
15 cultural oppression, colonization, racism, lack of
16 education and economic opportunity, and bureaucratic
17 interference with our rights, our land, and our identity
18 as individuals, families, and as people. The Northwest
19 Territory Metis Nation resisted and survived and
20 gradually became organized politically.

21 Some of our concerns with the development
22 is that we -- title access throughout our territory which
23 we have traditionally used and occupied to allow us to
24 practice our Aboriginal right to harvest plants, animals,
25 and fish as we always have, our own government within

1 Canada to look after the things that concern us most,
2 such as our land resources, environment, and our
3 language, culture, and programs and services for our
4 people.

5 To-date we do not have the capacity to
6 keep up with the First Nation Tribal Councils. We do not
7 receive core funding for administration, yet the demands
8 on the Metis are the same as the First Nation tribal
9 governments. This is why we insist that the developer
10 not only consult but accommodate to cover all costs of
11 consultation, as consultation would be a benefit to them
12 as we are fine with the way the land is at the present
13 and we don't have to develop it. We don't -- it's for
14 their benefit that we come here and meet.

15 All other regions are booming with oil,
16 gas, diamonds, and gold. Our region is economically
17 stagnant, however, our territory will not grow or reach
18 its potential without the involvement of our people. For
19 example, if we were partners in exploration development
20 resources, we would all have the same goals.

21 Some points of concern that the NWTMN has
22 for items that may be effected are the hunting, and
23 trapping, and fishing, and gathering; the lack of studies
24 that -- that have not been done, the burial grounds that
25 have -- haven't been properly documented are all, you

1 know, spiritual sites.

2 There's a worry for the --- the species of
3 wildlife. You know, we don't -- because we haven't been
4 consulted we don't know if they're -- if they've done
5 studies already on the animals that have been there, or
6 the -- the -- I'm sorry, I guess, that have -- that make
7 their home, you know, where they are proposing to drill
8 and explore.

9 You know, I don't know if they've looked
10 into other studies that have already gone on. Seasonal
11 harvesting practices, gathering of materials to assist to
12 harvesting -- harvesting sites, and sites which families
13 have traditionally and harvest. These are -- these are
14 areas that we want, you know, covered.

15 Trap lines and trapping areas, snarings
16 for small game and animals, and caps -- camps, cabins and
17 sites used, the use of resources is -- wood for, you know
18 -- wood for construction materials; plants and trees for
19 cultural, medicinal or spiritual purposes; you know, will
20 they be -- how will they be effected, you know, come the
21 exploration.

22 Berry picking sites -- berry picking
23 sites, will they be, you know, how -- what would happen,
24 like, if we have to -- the people that we have here that
25 are members that live in this community; like not --

1 we're not just talking about the ones from south of the
2 lake, we're talking about the ones that live in
3 Yellowknife, as well, that use these areas.

4 Even the sites of recreational or other
5 significant sites where families camp, or seek
6 recreation, tourism, timber or -- timber, sand beaches,
7 and campsites, special areas; you know, family
8 significance as like -- you know, what Mrs. Sundberg's
9 statement was yesterday. How she said that where her
10 cabin is, that's a piece of her heaven, you know, that's
11 something we want to protect; the unique sites, the
12 fishing, and the traditional trails as well as the water.

13 The water is the -- the water courses that
14 flow from the exploration sites, and the water quality is
15 a concern, and the impact on the -- on the animals and
16 plant life.

17 Our current situation is the Federal
18 Government recognising inherent right has an existing Ab
19 -- as an existing Aboriginal right protected by the
20 Constitution Act in 1992. Recognition of the inherent
21 right is based on the view that Aboriginal people of
22 Canada have the right to govern themselves in relation to
23 matters that are internal to their communities; integral
24 to the unique cultures, ident -- identities, tradition,
25 languages, and institutions and with respect to their

1 special relationships to their land and their resources.

2 The scope of negotiations under policy
3 provides for a broad range of subject matters including
4 inter alia, land management, natural resources,
5 management and hunting, fishing, and trapping on
6 Aboriginal lands.

7 A Federal policy called "Gathering
8 Strength," speaks to a commitment for a new relationship
9 with Aboriginal people, which Metis are a part of as
10 defined in Section 35 of the Canadian Constitution. The
11 inherent right policy speaks to the governing -- side,
12 which contains law-making lands and environmental
13 stewardship, land and resource management, community
14 support, and implementing self government.

15 As the NWTMN has stated all along, we are
16 not against development. We may support development that
17 contains good stewardship of the environment, and that
18 the Metis members should benefit economically, socially,
19 and culturally. These are just some of the issues we
20 have.

21 We have other issues that we can bring
22 forward if we obtain a meeting with Gold Win Ventures or
23 Sidon International Resources.

24 That's -- that's pretty much my -- my
25 presentation. Thank you for letting us speak.

1 THE CHAIRPERSON: I'm going to go around
2 and ask if there's any question to your presentation.

3 I'm going to start with the developer.
4 Any questions?

5 MR. LAURENCE STEPHENSON: No questions at
6 this time.

7 THE CHAIRPERSON: Yellowknives Dene First
8 Nation...?

9 MR. GREG EMPSON: No questions at this
10 time, thank you.

11 THE CHAIRPERSON: North Slave Metis
12 Alliance...?

13 MS. SHERYL GRIEVE: No questions.

14 THE CHAIRPERSON: Prince of Wales
15 Heritage Centre...?

16 MR. GLEN MACKAY: No questions.

17 THE CHAIRPERSON: Department of Fisheries
18 and Ocean...?

19 MR. ERNIE WATSON: No questions.

20 THE CHAIRPERSON: Deninue Kue First
21 Nation...?

22 Indian and Northern Affairs...?

23 MR. DAVID LIVINGSTONE: No questions.

24 THE CHAIRPERSON: Government of Northwest
25 Territories...?

1 MS. LORETTA RANSON: No questions.

2 MR. GARY BAILEY: Excuse me, Madam.

3 Could I just add a few things to that before we go on. I
4 kind of missed -- we missed a few things I'd like to say.

5 THE CHAIRPERSON: Then that means that I
6 have to go back and ask whether people would have
7 questions --

8 MR. GARY BAILEY: Sure.

9 THE CHAIRPERSON: -- but I would allow
10 it.

11 MR. GARY BAILEY: Thank you. Just our
12 position is that we -- we would like consultation,
13 obviously, in our community. And we suggest that
14 everything be stopped until a full round of consultation
15 is done to the satisfaction of the Aboriginal peoples.

16 The recent courts that have made steps to
17 accommodate us would be the Haida and the Taku First
18 Nation. In conclusion, they were to accommodate
19 Aboriginal peoples' interests.

20 Another thing, just for MacKenzie Valley,
21 is there is a lot of talk about cumulative effects and
22 there hasn't been any studies done -- done to-date. Some
23 -- some advice, I guess, would be that a cumulative study
24 take place along with the involvement of the Aboriginal
25 people so that they understand what the effects are and

1 so they can spread the word out to their people.

2 And a question for the developers is: Why
3 -- why is your project split in two (2)? It's two (2) --
4 two (2) groups but with the same owners.

5 I think an observation for that is it
6 makes your capital profit go down and it makes it seem
7 like one (1) company is making so much money and the
8 other company is making some money, but you're two (2)
9 different companies. But really you're one (1).

10 That's a concern we have because I know
11 there's capital mining projects. There's a cap on it for
12 share of resources and stuff like that along with Canada.
13 And just by having two (2) companies split up we feel
14 that it affects that. I don't know though. Maybe
15 MacKenzie Valley can clarify that or -- that's all.
16 Thank you.

17 THE CHAIRPERSON: This is it for your
18 presentation? Okay. I'm just going to go back to the
19 developers because you had asked them questions, whether
20 they would be able to answer that.

21 MR. ABBY FARRAGE: Abby Farrage,
22 Chairman. The two (2) companies, they're totally
23 separate companies. They're both public trading
24 companies with their own shareholders. The only common
25 factor between the two (2) is myself -- I'm president of

1 one (1) company and I serve as a director on the other
2 company.

3 And it was by my suggestion to the other
4 company to invest in Northwest Territories. We believe
5 that we could do business here. And they -- on my
6 recommendations, they agreed to buy into a small -- like,
7 to put a small claim here.

8 So both companies are totally separate.
9 There's no connections whatsoever except just I'm serving
10 on the Board.

11

12 QUESTION PERIOD:

13 THE CHAIRPERSON: Do you have any further
14 questions for the presentation?

15 MR. LAURENCE STEPHENSON: Not at this
16 time.

17 THE CHAIRPERSON: In fairness I'm just
18 going to go around again to see if, you know, anybody had
19 any questions.

20 Yellowknife Dene First Nation...?

21 MR. GREG EMPSON: We have no questions,
22 Madam Chair. Thank you.

23 THE CHAIRPERSON: North Slave Metis
24 Alliance...?

25 MS. SHERYL GRIEVE: No questions.

1 THE CHAIRPERSON: Prince of Wales
2 Heritage Centre...?

3 MR. GLEN MACKAY: No question.

4 THE CHAIRPERSON: Department of Fisheries
5 and Oceans...?

6 MR. ERNIE WATSON: No questions.

7 THE CHAIRPERSON: Deninu Kue First
8 Nation...?

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: Indian and Northern
13 Affairs...?

14 MR. DAVID LIVINGSTONE: No questions.

15 THE CHAIRPERSON: Government of Northwest
16 Territories...?

17 MS. LORETTA RANSON: No questions.

18 THE CHAIRPERSON: Environment Canada...?

19 MS. IVY STONE: No questions.

20 THE CHAIRPERSON: I'm just going to move
21 on to the Board Staff, if they have any questions.

22

23 (BRIEF PAUSE)

24

25 Okay. I'll move on to the Board Members,

1 starting with Richard Edjericon.

2 MR. RICHARD EDJERICON: Thank you, Madam
3 Chair. Just probably to the presenters, if you have a
4 copy of your speech or whatever you have, maybe you can
5 make that available to the Board so that we have that for
6 our package as well. Thank you.

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: Do we have the copy of
11 your...?

12 MS. KARA KING: I believe that we -- that
13 we did submit one. No, we didn't? Okay. Well, we -- we
14 can provide you with one.

15 MR. GARY BAILEY: We submitted just a
16 point form so we'll give -- we'll give you the original.

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: Just moving on to my
21 Board Members here. Jerry...?

22 MR. JERRY LOOMIS: No, I have no
23 questions.

24 THE CHAIRPERSON: Danny...? Okay, go
25 ahead.

1 MR. DANNY BAYHA: Thank you, Madam Chair.

2 And thank you for the presentation.

3 This is maybe more of a question for
4 clarification. Again, it goes back to the -- to the
5 question of consultation.

6 It was brought up that you want to be
7 consulted. When you say that, I'm just curious as to who
8 are you expecting to consult North Slave -- the Metis
9 there? So if you can maybe just be clear. Is it the
10 Government? Is it the company? Is it other agencies? I
11 just wanted to get an idea of your thoughts on that.
12 Thank you.

13 MR. GARY BAILEY: The consultation
14 process -- we're here representing the Northwest
15 Territories Metis Nation so we have an IMA process which
16 we have to follow so it goes through the Nation and then
17 it'll go to the locals that are involved which is Hay
18 River, Fort Resolution, and Fort Smith. So it'll go
19 through the Nation.

20 MR. DANNY BAYHA: Danny Bayha, Review
21 Board.

22 Maybe I didn't make my question clear. I
23 just wanted to know, when you say "consultation" who do
24 you -- are hoping to have consult the Metis Nation?

25 Thank you.

1 MR. GARY BAILEY: The developer.

2 MR. DANNY BAYHA: Just the developer? Is
3 that...?

4 MR. GARY BAILEY: The developers, I guess
5 I should say.

6 MR. DANNY BAYHA: Okay. Thank you.

7 THE CHAIRPERSON: Charlie...? Do you
8 have any questions? Okay.

9 My question actually to you would be:
10 When do you want consultation?

11 You say consultation to our community.
12 Has consultation taken place between yourself and the
13 developers?

14 MS. KARA KING: No, consultation has not
15 taken place. We haven't received any correspondence, any
16 phone calls. This is the first time I've actually seen
17 them. They haven't come to the community, and you know,
18 told us anything about their programs, or I mean their
19 exploration.

20 So this is -- this is a first for us to
21 come in here and see their presentation. That was --
22 that was pretty much the only thing we've heard from
23 them.

24 THE CHAIRPERSON: I don't have any
25 further lines of questions so I would like to thank you

1 for your presentation.

2

3

(BRIEF PAUSE)

4

5

THE CHAIRPERSON: I just have another
6 Board member who would like to ask a question.

7

MS. NORA DOIG: It's in regards to
8 membership, I guess. We have two (2) presentations here.
9 One (1) from Northwest Territory Metis Nation and the
10 other one (1) from Northwest Metis Alliance. I'm just
11 wondering which group do you represent? Like there seems
12 to be two (2) different groups here? Like what side of
13 the lake or -- or is it like an umbrella encompasses the
14 whole Nation?

15

MR. GARY BAILEY: We are the Northwest
16 Territory Metis Nation. We represent ourselves on the
17 whole lake, not just on the South Slave as some people
18 would like to think. We have a very historic community.
19 Fort Resolution. It's the oldest community in the
20 Northwest Territories. And we have a history right up to
21 Contwoyto, right up to the Thelon Sanctuary and, as you
22 can see, up to Montreal.

23

We are representing the Northwest
24 Territory Metis Nation with that history that we hold.

25

Thank you.

1 MR. LAURENCE STEPHENSON: Madam Chair, if
2 I may ask, Fort Resolution Metis -- is that your -- is
3 that your group?

4 MS. KARA KING: Yes, I am the President
5 of Metis Nation and the Metis Council.

6 MR. LAURENCE STEPHENSON: The fax number
7 I have is 867-394-3322.

8 MS. KARA KING: That is ours, yes.

9 MR. LAURENCE STEPHENSON: Okay. I faxed
10 stuff to that --

11 MS. KARA KING: I haven't seen it.

12 MR. LAURENCE STEPHENSON: -- two (2) --
13 two (2) years ago, October.

14 MS. KARA KING: Two (2) years ago.

15 MR. LAURENCE STEPHENSON: October --
16 October 13.

17 MS. KARA KING: I was not the president
18 two (2) years ago.

19 MR. LAURENCE STEPHENSON: That was the
20 contact number I had, so we -- we -- we definitely tried
21 to make contact with you and -- and this information was
22 sent to you. So, I mean, from -- with respect to
23 consultation, we were making all the effort. We didn't
24 get any response.

25 MR. GARY BAILEY: We don't believe that's

1 true. We haven't -- it's pretty easy to -- to pick up a
2 phone. Our phone number is in the book. It's easy to
3 come to the community as well. That should have been
4 your first step.

5 I mean people, they -- they say they make
6 an effort to come and see us, but if I want to get a hold
7 of somebody in the Northwest Territories, I can find them
8 normally within that day.

9 And you know, for a developer to say
10 you've tried, you've sent us faxes -- yeah, I've seen a
11 few faxes where I've reviewed a bit of your process late
12 in the game. You know, there was -- like you got twenty-
13 one (21) holes in there without our approval. Nobody
14 asked us yet, we're surprised that that actually has
15 taken place already.

16 So you guys kind of got ahead of the game
17 without consulting. That's a plus for you. You think
18 you're behind now, but their obligation to consult with
19 us is there and, you know, they can't just that, well, we
20 tried and never got it. We're here and, you know, we
21 want to work a good relationship and the door is still
22 open for that.

23 In the meantime, I don't think the
24 MacKenzie Valley can approve your -- your business until
25 everybody around the lake is consulted. I'm just

1 speaking for our Nation. I heard everybody else's
2 concerns here as well. Lack of everything. I meant that
3 when I said that.

4 There's no cumulative studies on there.
5 All the reports that has to be put out there for our
6 interest and that, even to date with the Yellowknives
7 Dene. There's no studies -- proper TK study been done
8 for them either. So there's a lot of work that needs to
9 be done and it's regionally. It's the whole lake. Not
10 only for us.

11 MR. GREG EMPSON: Madam Chair, I'd like
12 to make it perfectly clear that the gentleman does not
13 speak on behalf of the Yellowknives Dene First Nation,
14 and we'll deal with our issues separately. Thank you.

15 MR. GARY BAILEY: I apologize if he feels
16 I stepped on his toes. I was only supporting him.

17 THE CHAIRPERSON: This will conclude all
18 the question period for the Northwest Territory Metis
19 Nation. Thank you. I'm going to move on to other
20 presentation. I'll move right into North Slave Metis
21 Alliance.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Sheryl, before you

1 begin, I know you are still setting up. I just found,
2 like, you are presenting today, you know, with just
3 giving us the PowerPoint this morning and it is thirty-
4 six (36) slides.

5 It will be a long presentation, but we
6 are, we could be pressed for time, so if you could try to
7 keep your presentation brief in fairness to all, because
8 we have got the material just this morning. So I know
9 that you are hoping that it would not be an hour, we are
10 hoping it would be about half an hour or less.

11

12 PRESENTATION BY NORTH SLAVE METIS ALLIANCE:

13 MS. SHERYL GRIEVE: So I -- my name is
14 Sheryl and I'm here for the North Slave Metis Alliance.
15 And I know that there's a lot of confusion about the
16 different Metis organizations, so I think -- I think that
17 that will be answered in my presentation, because I
18 actually predicted that that would happen. Our
19 membership is indigenous Metis to the North Slave Region.

20 The first few -- oops -- the first few
21 slides are just to show you -- explain to you who we are,
22 where we come from and why -- why we're here. The North
23 Slave Metis Alliance members are direct descendants of
24 the founding fathers of the indigenous North Slave Metis
25 people, who occupied and used and managed --

1 THE CHAIRPERSON: Sheryl, I hate to
2 interrupt you, but can you speak a little bit louder.

3 MS. SHERYL GRIEVE: I don't know.

4 THE CHAIRPERSON: I also know that it is
5 a long presentation, but if you can try to think of the
6 translators while you are speaking.

7 MS. SHERYL GRIEVE: I will try to
8 optimize between speed and understandability for the
9 translators. Is this loud enough? As a condition of
10 membership, all NSMA members must trace their lineage in
11 the North Slave Region back at least three (3)
12 generations to the time of treaty signing for Treaty 11
13 at Fort Ray, but the Metis were here long before the
14 Treaty Commissioner came to Fort Ray.

15 The Metis oral traditional suggests that
16 early voyageurs and courier du bois have been in the
17 Great Slave Lake area since the 1600s.

18 And I might mention, back in the 1660s,
19 and 1770s, and 1800s, and 1900s, there wasn't a
20 difference between the North Slave and the South Slave
21 Metis. They were a group. They differentiated later on
22 in the 1900s. If -- if you could even say that they are
23 differentiated now, there is still some debate about
24 that.

25 It's also traditional knowledge and very

1 likely that a number of French Metis came to the region
2 in -- during the French and Indian War, and that was in
3 the 1755-1760 period.

4 The reason I'm mentioning our history is
5 because it is very important to us that artifacts from
6 the transition period between the Talthelei tradition,
7 which is generally indicative of Dene occupation, is --
8 as that -- as those artifacts transitioned into the
9 Reliance Complex, that shows the Metis influence in this
10 region, our three hundred (300) of history here.

11 And one (1) of our big concerns with this
12 project, and with other projects are the -- the lack of
13 involvement of Metis experts, and Metis members in
14 cataloguing, identifying, locating planning studies to do
15 with heritage resource assessment. It's such a high
16 priority for us that we've hired an anthropologist and
17 archeologist to be permanent members of our staff
18 starting in another week or so.

19 When Samuel Hearne passed through in 1771-
20 1772, he went close to Matonabee Point, and in that
21 area, so there's a -- there is history there. We haven't
22 had time to actually research it, but we're very
23 interested in participating in that research to find out
24 how that interacts with our history.

25 And we know that we did have Metis

1 ancestors here at that time, we know that Francis
2 Beaulieu, too was born at Salt River in 1771, and that
3 his father and his uncle were, also, both here before
4 that.

5 According to Father Emile Pettytoe
6 (phonetic), the early French Metis hom libra (phonetic),
7 including Beaulieu, Poytra (phonetic), Cayen, Lakamra
8 (phonetic), Mandeville and others never bothered to claim
9 the honour and the glory of having been the first to
10 discover and inhabit these remote and inhospitable lands.

11 These mixed-blood nomads were the
12 descendants of the French and French Canadian Voyageurs
13 and courier du bois who preceded the Hearne, Frobishers,
14 Mackenzies in these lands, and afterwards became the
15 first servants of the Northwest Company.

16 I quote that just to let you know how long
17 the history is of the Metis here, and how they are
18 attached to these lands. They may not have the exact --
19 the same length of history, or same type of attachments
20 as the Dene do, but they were here long before Canada and
21 they have valid claims.

22 This map is another one (1) indicating
23 Franklin's 1820 trip that I -- this is a map of
24 Franklin's trip 1820. We know that sixteen (16) Metis
25 went -- Metis voyageurs were along on that trip. Many of

1 them sacrificed their lives to make sure Franklin
2 survived. They're buried along the route, and they were
3 provisioned out of Old Fort Providence.

4 Old Fort Providence is close to where
5 these exploration projects will be occurring. This is a
6 -- sorry, I didn't catch that -- I'm sorry you can't read
7 this, if you put it on a computer and blow it up you will
8 be able to read it. But this is a four (4) generations
9 family tree of one (1) Metis family. Francis Beaulieu,
10 too, is this guy right here, and that's his father and
11 his uncle and you can see four (4) generations there
12 going right down to Sousie the old prophet who was Chief
13 of Yellowknife when Treaty 11 was signed and Yellowknife
14 -- he was the Chief who signed on behalf of Yellowknife.

15 And these are some of the Metis who were
16 living in Fort Ray in 1919, a couple of years before
17 Treaty 11 was signed.

18 And this is a quote from Treaty
19 Commissioner Conroy the year before Treaty 11 was signed
20 and he's talking about the Metis, the -- the...

21

22 (BRIEF PAUSE)

23

24 MS. SHERYL GRIEVE: There were -- he
25 estimated that there were ninety (90) families of Metis.

1 He thought that seventy-five (75) of them would take
2 treaty and the other fifteen (15) would want script. And
3 this generally was a division based on their lifestyle as
4 far as he understood it. And he didn't understand it
5 very well because he thought you ever lived, quote,
6 "Indian" unquote, lifestyle or had a job so he didn't
7 really understand the way Metis mixed the different
8 lifestyles.

9 One of the really important things to note
10 about Treaty 11 is that the people never gave up their
11 rights to their land. There were promises made at the
12 time of signing of Treaty 11 that didn't end up on the
13 text but they were witnessed by Bishop Breynat and he
14 gave his solemn word of honour that the Crown would keep
15 these promises. And there were other witnesses as well
16 and there's over thirty (30) signed affidavits included
17 in the book by Rene Homolo (phonetic) of witnesses to
18 this treaty who confirmed that these promises were made.

19 And the important promises are as Father
20 Breynat said, nothing would be allowed that would
21 interfere with their way of living. The old and
22 destitute would always be taken care of and they would be
23 protected in their way of living, as hunters and trappers
24 especially. And he did use the words "from white
25 competition". So it's -- it's not my racism that

1 includes those words there but it's what he -- that was
2 actually promised at the time.

3 Twenty-one (21) years earlier Treaty 8 had
4 already been signed and this is the map of it; not a very
5 good map because it doesn't have the lakes but it does
6 show the boundaries of the provinces. The boundaries of
7 the provinces didn't exist at the time but they are --
8 they are now for reference.

9 And this is the boundary of Treaty 11
10 which was signed by seventy-five (75) Metis families in
11 1921.

12 In 1922 because -- partially because of
13 treaty promises there was a game preserve set up for the
14 exclusive use for hunting and trapping of the signatories
15 to Treaty 11 and it's in this area here, a 70,000 square
16 mile game preserve for hunting, trapping, fishing, other
17 gathering for Treaty 11 signees.

18 The reason that was set up is because
19 there was too much white competition. They were trapping
20 out the fur. They were well resourced. A lot of them
21 were Americans and they just came up and wiped out the
22 fur and the Government was afraid that all the Aboriginal
23 people would starve so they did this to protect their way
24 of living.

25 Unfortunately in 1955 after Giant Mine and

1 Con Mine started up and there was a lot more non-
2 Aboriginal people living around Yellowknife this game
3 preserve was abolished.

4 Coincidentally in 1986 an agreement in
5 principle was negotiated for a comprehensive Dene Metis
6 claim and it involved 70,000 square miles of land and
7 \$350,000,000. That claim fell through though. It never
8 did get finalized.

9 So then Canada, I believe, unilaterally,
10 but somebody else with more history -- or more education
11 than that can correct me. But if I'm not mistaken it was
12 a unilateral decision by Canada after that land claim
13 fell apart to divide up in two (2) regions and -- and
14 negotiate regional claims. And this is where the North
15 Slave Region and the South Slave Region became separated,
16 as far as the Metis go. We are probably all related to
17 each other.

18 Our territories cut up even more now
19 because the Tlicho land claim has a different boundary.
20 It doesn't follow the treaty boundary, it doesn't follow
21 the regional boundaries, it's got its own boundary and we
22 -- we weren't consulted or involved in that treaty. So
23 our territory underlies all these other lines drawn on
24 maps. And this is our -- what we're calling our home
25 land. We haven't put a line around it yet, because we

1 haven't had the resources to figure out where the line
2 exactly should go.

3 When Diavik Diamond Mine was going through
4 -- after they went through the environment assessment,
5 NSMA tried to catch up by doing a -- a very quick little
6 mapping project to try to identify their member's land
7 use. And I think fifteen (15) members were -- were
8 interviewed for this one and the map only shows the
9 traditional subsistence land use of fifteen (15) NSMA
10 members.

11 They were -- there is another map that has
12 to do with activities that are related to making money,
13 so this -- this map here doesn't really cover commercial
14 for harvesting or commercial fishing or anything that's
15 got anything to do with economic activity, because at the
16 time for some reason there was a limit to making it
17 subsistence only and I don't know what that reason was.

18 NSMA has not had the capacity to continue
19 this project and to add -- basically where we are at now
20 is, if -- if we have time, we gather little bits of
21 information and -- and put it in the GIS, but the vast
22 majority of the time we don't have the opportunity to do
23 that. And in fact, we do still have a lot of information
24 and paper and in computer that's not added to the GIS
25 system.

1 I'm afraid this doesn't show up very well,
2 but I was -- I was hoping that it would, but all this --
3 can you see -- all -- all this little lines here are
4 supposed to be claims. I think it lost something in the
5 translation from -- from a map into a PDF file. But
6 basically the -- the whole area is all staked up and I'm
7 hoping it shows up a little better. There's a close up
8 where the line -- I guess maybe the lines were just too
9 think to see.

10 Now, this is a little bit of a close up
11 and you can see how much mineral exploration and -- and
12 claim staking there is going on in the area. Yellowknife
13 is -- for those of us who don't already know,
14 Yellowknife's here and the area where the project is
15 going to be is along this coast here and a little -- a
16 little bit closer from Yellowknife to Matonabee Point.

17 If you assume that there is some activity
18 going on, on each of these claims, there isn't really
19 anywhere left for us to go that there isn't mineral
20 activity going on. There's not just mineral activity,
21 but there's -- I mean, there's -- there's a whole lot to
22 mineral activity that's not just the drilling. There's
23 the -- the access to get there; airplanes flying over;
24 there's other people out fishing. It -- it can be
25 dangerous to go hunting out there because there's too

1 many people on the land.

2 One of the issues that we do have I don't
3 -- I'm not sure it can be dealt with at an environmental
4 assessment stage, is that the Crown title to these lands
5 is encumbered by our titles, and Canada isn't coming to
6 us and talking to us about allocating mineral rights --
7 to us. That's a problem and something should be done
8 about it.

9 We're concerned about resource depletion.
10 Allocating these rights to other people before we have a
11 chance to develop them ourself, it's an opportunity --
12 opportunity cost to us. It's not something that will
13 grow back. And the free entry mining permitting process
14 doesn't accommodate or adequately recognize our prior
15 existing rights.

16 In terms of resource allocation, we're
17 concerned because land use planning is not complete. We
18 haven't had an opportunity to set aside protected areas
19 or make conservation plans to -- to develop something
20 before -- to develop properties before that; may be in
21 conflict with what we eventually decide to do. And even
22 the information that we have at this time isn't
23 sufficient for us to make these decisions.

24 The consultation is not complete. I won't
25 say there hasn't been any consultation because I'm -- I'm

1 sure that we have received faxes and phone calls but
2 given our limited resources and the lack of information
3 and the knowledge that an environmental assessment was
4 coming we've -- we've done the best that we could with
5 the resources we had just to be here today to tell you
6 what we're concerned about.

7 And in fact I was still working on this --
8 I got up at 4:00 this morning to finish this thing --
9 this presentation. And please take my apologies for this
10 presentation. It's not what I would call professional
11 and I'm sorry it's so long but I'm doing it because I'm a
12 little bit sleep deprived and I didn't finish it till
13 twenty (20) to 9:00 this morning if you would even
14 consider it to be complete now.

15 But one thing that we do want and we want
16 the Environmental Review Board to make sure that it
17 happens is that there needs to be full and meaningful
18 involvement in decisions regarding the use of our lands.
19 We recognize this is Canada's responsibility but we also
20 suggest that it's in the Companys' best interest to be
21 proactive about it because Canada might decided to -- to
22 enact their responsibility by just overseeing the process
23 and letting the companies do it. I've noticed that
24 that's happening a lot and seems to be quite acceptable
25 to Canada.

1 If the companies and the First Nations
2 indicate satisfaction with the consultation process,
3 that's good enough for Canada. So why -- why don't they
4 just go ahead and do that, would be my suggestion.

5 THE CHAIRPERSON: Sheryl, if you could
6 just wait one (1) minute. I'm finding the noise in the
7 background very distracting, so I'm just going to suggest
8 that the door be closed. Thank you. Thank you, Gary.
9 You can proceed.

10 MS. SHERYL GRIEVE: This slide just
11 points out some information about the Haida/Taku cases
12 and -- and that there is good information out there
13 available to all if they want to learn how to do
14 consultation. It's -- it's really not that hard to
15 understand.

16 I think I've already talked quite a bit
17 about Metis heritage resources, but I'll point out just
18 to emphasize the importance of this point only Metis are
19 qualified to define what does or does not hold heritage
20 value for Metis. Our heritage resources have not been
21 inventoried and there's a significant danger that our
22 heritage resources will either be left unidentified or
23 that they could be attributed to other -- other groups.

24 Loss of history will damage our identity
25 and, also, the loss of information and evidence damages

1 our ability to obtain a fair settlement of our claims.

2 All activity in an area, even in the
3 winter, contributes additional risk to our heritage
4 resources especially since they're not inventoried.
5 Private industry which has adverse interests to ours --
6 what I mean by that is it's not in their best interest to
7 discover new heritage resources, whereas it is in our
8 best interest to discover them.

9 Anyway, because our interests are adverse,
10 it's not -- it's not adequate to entrust the
11 responsibility of gathering that information to industry
12 or even to uneducated or inexperienced researchers who
13 are not familiar with Metis values and history.

14 We require full and meaningful
15 participation in the pre-field studies, field
16 identification of sites and interpretation of the
17 results. And we've even -- we've hired an anthropologist
18 /archeologist on staff who will either be able to assist
19 or to organize members to assist in this and to manage
20 the information afterwards.

21 We don't want development in the area
22 without written agreements between NSMA and the
23 proponents on things like access, participation and
24 information sharing. Now I realize that they're saying
25 that their exploration project is not a development, but

1 to the extent that they are going to make -- they are
2 going to be using the land, they are going to be making
3 some changes to the landscape and they're going to be
4 changing our relationship with the landscape, it is a
5 development from our point of view.

6 Cumulative effects -- the incremental
7 effects of continued -- maybe that's a typo -- the
8 incremental effects of small projects add up and may
9 remain long after the project is over. Adding up, I was
10 considering, you know, vegetation damage, soil damage,
11 increased overhead flights, increased noise, increased
12 traffic along the shorelines, traffic on portages,
13 barrels of fuel, general garbage, drill cuttings, stream
14 crossings, erosion, destabilization, spills, fuels, other
15 toxic minerals, odours, smells, disturbance of the game,
16 litter, noise, crowding.

17 If I had more time I'd probably come up
18 with more possible effects that are very likely to
19 happen. They may not be very significant at one
20 incidence, but when you add them up, how many do you need
21 to add up before it comes significant? And we don't know
22 the answer from the project proponents proposal.

23 We don't know how much adding up there's
24 going to be. The total effects have not been estimated.
25 We're also concerned because there's not enough

1 enforcement to ensure that these impacts do not occur.
2 The Department of Indian Affairs is experiencing the same
3 capacity issues as everyone else, and their enforcement
4 positions are often going unstaffed.

5 If they want to have an enforcement
6 officer to look after a diamond mine, then they don't get
7 to look after the mineral claims. And some of the
8 diamond mines even have gone for many months without an
9 inspector. You know, there's a lot of problems with the
10 management regime in this area because the development is
11 outpacing the community's ability to respond to it and
12 manage it. We're being overwhelmed.

13 There's no -- no effective means to obtain
14 compensation for these types of damages, and we don't
15 have any understanding of where the thresholds are or how
16 close we are to them.

17 The incremental removal of lands available
18 for us to use becomes significant in total. Since land
19 use planning has not yet happened, we don't know what --

20 THE CHAIRPERSON: Sheryl, just before you
21 go into that slide, we have already been into almost over
22 twenty (20) minutes of your presentation. If you can try
23 to get into what are the key issues linked to this
24 development it would be helpful. Because I noticed
25 looking at the slide, there is still about twelve (12)

1 slides left.

2 So if you can get your key messages out,
3 if you could start concentrating on that, that would help
4 us. Thank you.

5 MS. SHERYL GRIEVE: I think it would be
6 faster if I just continue through rather than try re --
7 reorganize. I'm on slide 26 after twenty (20) minutes,
8 so I should be able to get my 34th slide in by thirty-
9 four (34) minutes, maybe.

10 With regards to planning and zoning
11 conflicts, I was just going to say that we haven't had a
12 land use planning exercise yet. If we were doing a
13 planning exercise we would give a higher priority to
14 renewable resource development. And we are concerned
15 that nonrenewable resource development is going ahead
16 before this kind of resource identification inventory and
17 management planning can be done.

18 This particular area from Yellowknife to
19 Matonabee Point is of a -- is a very heavily used and
20 high -- high significance area to our members. It has
21 very dense cultural and heritage value, and there is a
22 good possibility that we'll want special rules for
23 development here, compared to areas further away from the
24 lake, or away from the communities where people presently
25 spend most of their time.

1 The special rules have not been established.

2 We are -- we are just starting to get
3 involved in the protected areas strategy, and we're just
4 starting a project where we'll identify which areas we
5 want protected, and what kind of protection we want
6 there. So hopefully nothing will be done that will
7 prejudice or interfere with our plans.

8 I won't spend a lot of time on this human
9 health hazard, but it's basically the fear of hazards,
10 you know, worker's safety, when -- access route safety,
11 conflict with people and animals, and spills, or fears,
12 and whether -- whether these health hazards actually
13 happen, or whether it's just people being afraid that
14 they have happened, or will happen, might cause people to
15 avoid using their lands.

16 So even -- even though it's a low impact
17 activity by industry standards, it still has a high
18 probability that it will interfere with traditional land
19 and water use, because of real or perceived conflicts,
20 and detraction from the quality of the environment.

21 Public concern is an issue. Our members
22 don't feel very well informed regarding this project.
23 They feel that their rights are not being respected.
24 They feel that their heritage resources, and natural
25 resources are being appropriated, and that their quality

1 of life is being changed without their consent.

2 They also feel they are being treated
3 unfairly in comparison to other Aboriginal peoples,
4 especially by the Crown, who continues to neglect
5 addressing our claims and who has not entered into a
6 process with us.

7 We are the only Aboriginal group in the
8 Northwest Territories now that doesn't have a formal
9 process with Canada to resolve our outstanding claims.
10 We also don't feel fairly treated by the companies,
11 because we feel that they haven't bothered to try
12 consulting with us. And that may be because the Crown
13 hasn't required them to, but I'm not sure.

14 The ongoing incremental loss of lands on
15 which to practice traditional activities does effect our
16 Aboriginal lifestyle. Also, in the -- in the
17 presentation that I had printed and that I loaded on the
18 computer -- or maybe it's going there -- there was a
19 slide about increased -- there was a -- oh, I see it's
20 gone but there was a slide there that said something
21 about terrorism and that was actually a mistake from a
22 presentation I was doing for the pipeline.

23 But public perceptions affect our use of
24 the land. When people stop thinking of their land as
25 pure and rejuvenating and start thinking of their land as

1 an industrial site then their behaviour on the land will
2 change. And as well, the value of the land as a tourist
3 destination or as a recreational rejuvenating place is
4 reduced when there's mineral exploration on a site.

5 We expect to incur expenses in managing
6 resource use on our lands. We are supposed to have a
7 capacity funding from the Government to cover these
8 expenses but it's vastly inadequate and it doesn't cover
9 any opportunity costs such as non-renewable resource
10 depletion and I guess that will have to be done in the
11 treaty process or the land claim process that has yet to
12 begin.

13 But we do incur expenses in -- in keeping
14 track of what's going on, of communicating with our
15 members, of reading the reports that are produced, the
16 monitoring reports, the technical reports.

17 We do need to go out and see the site. We
18 need to take our members out to see the site. We could
19 also end up with the responsibility of having to repair
20 damage if someone else doesn't clean it up.

21 And the -- the assignment of this land to
22 being a mining property or a mineral exploration property
23 means that it probably won't be useful for other
24 activities that might have provided an income like --
25 such as trapping or fishing, tourism.

1 Capacity -- NSMA is not against
2 development but we must have suitable assurances that our
3 interests are or will be accommodated before we accept
4 development. In order to ensure our interests are
5 accommodated we need to engage in meaningful good faith
6 consultation aimed at accommodating our interests. We
7 have severe capacity issues and needs and we need support
8 to engage in proper consultation. This is Canada's
9 responsibility but has not been adequately fulfilled.

10 And I think I probably missed a lot that I
11 was going to say but I'm done.

12 THE CHAIRPERSON: Thank you, Sheryl, for
13 keeping time. I didn't mean to rush you; it's just that
14 it was a long presentation. One (1) of the things I
15 noticed as you were presenting from our own package, one
16 (1) of the slides was different than what you had up
17 there so we're going to -- for the record we're going to
18 need the most current on that you used.

19 MS. SHERYL GRIEVE: So you --

20

21 QUESTION PERIOD:

22 THE CHAIRPERSON: So that's just I guess
23 for us to undertake. I'm going to go and ask if
24 interested parties have any questions. I'll start off
25 with the developer.

1 MR. GREG MCKILLOP: No, we don't have
2 any, thank -- questions, thank you.

3 THE CHAIRPERSON: Yellowknives Dene First
4 Nation...?

5 MR. GREG EMPSON: No questions, thank
6 you.

7 THE CHAIRPERSON: Northwest Territory
8 Metis Nation...? No questions?

9 MR. CHRIS HERON: No questions.

10 THE CHAIRPERSON: Prince of Wales
11 Heritage Centre...?

12 MR. GLEN MACKAY: No questions.

13 THE CHAIRPERSON: Department of Fisheries
14 and Oceans...?

15 MR. ERNIE WATSON: No questions.

16 THE CHAIRPERSON: Deninu Kue First
17 Nation...?

18 MR. TOM UNCA: No questions.

19 THE CHAIRPERSON: Indian and Northern
20 Affairs of Canada...?

21 MR. DAVID LIVINGSTONE: No questions.

22 THE CHAIRPERSON: Government of Northwest
23 Territories...?

24 MS. LORETTA RANSON: No question.

25 THE CHAIRPERSON: Environment Canada...?

1 MS. IVY STONE: No questions.

2 THE CHAIRPERSON: I'm going to move on to
3 the Review Board staff. Any questions? I'll move on to
4 the Board Members.

5 Richard Edjericon...?

6 MR. RICHARD EDJERICON: Thank you, Madam
7 Chair.

8 Well, first of all I just want to say
9 thank you for your presentation. It's kind of lengthy
10 and -- and I went through some of your materials already
11 and I -- I kind of know your history and background as
12 well. I guess one question to you would be the -- you
13 had already laid out some of your -- your demands in here
14 in terms of your expectation from your organization in
15 some areas.

16 But you also made mention that -- that no
17 development will -- will proceed unless there's a written
18 agreement between your organization and the developers.
19 That's what I see in here, too. So in some areas it
20 mentions that and then contradicts each in other and
21 that's one (1).

22 The other question I do have, again, is
23 that I sat here for a day, day and a half or so now and,
24 you know, the biggest question that keeps coming up is
25 the consultation.

1 And, you know, I am getting concerned now
2 that -- that, you know, the developers -- my question to
3 you would be what efforts have you guys made to really go
4 into the communities? Other than phone or fax, have you
5 guys ever went into the communities? Did you meet with
6 Chief and Council, the Metis organization?

7 I don't know the history there so I'd like
8 to know what efforts were made in this area. Thank you.

9 MR. LAURENCE STEPHENSON: Laurence
10 Stephenson for the developers. I -- I don't know quite
11 what you're asking. If -- if we send a fax to someone,
12 say that we're going to be doing something in the area
13 and if you're interested, please get in touch with us and
14 they don't get in touch with us, what are we supposed to
15 do then?

16 I mean, that's showing no interest sort of
17 thing. I mean, we have -- we don't have endless deep
18 pockets like governments either. We're -- we're a
19 limited company and we have certain amount of
20 restrictions on what we spend. So we have to judicially
21 spend it, sort of thing.

22 And I have in front of me a fax to North
23 Slave. It's the top one on my list and -- that I sent on
24 October 13, 2004 when we started the process. I got the
25 numbers from the MacKenzie Valley Water and Land Board --

1 Land and Water Board. You know, when we -- we set up, we
2 said -- I'm not sure if I said it in this letter, but
3 certainly we were open to setting up an annual -- a
4 meeting.

5 When I started the process four (4) years
6 ago, five (5) years ago for the first go round for
7 Consolidated Gold Win and their drilling, we had a public
8 meeting in Dettah in -- in April. I mean we -- we made
9 the effort. We came up all the way from -- from
10 Vancouver. There was -- there was four (4) companies, I
11 think, that came up to meet with the First Nations.

12 And I think we -- we've demonstrated that
13 we're willing to consult, but it's a two-way street. If
14 -- if I phone you up and I leave a message for you to
15 phone me back and you don't phone me back, where's my
16 obligation to continue to -- beating my head against the
17 wall.

18 I'm aware of some situations where
19 meetings were held up at the Prospector and Developers'
20 Association Convention in Toronto for First Nations and
21 some of the companies that were involved. And they were
22 set up weeks in advance and people didn't show up to
23 those meetings. So, I mean, we're willing to -- to
24 consult all the time. But we have to be notified that --
25 that, you know, you're -- someone's interested in talking

1 to us.

2 I mean there's a certain obligation, yes,
3 and I think we're -- we're more than willing to meet it.
4 But, I mean, I spent a lot of time trying to dig out
5 numbers for -- for faxes and phoning people for faxes and
6 phoning for email addresses. So, I mean, the effort was
7 there.

8 MR. RICHARD EDJERICON: Okay, thank you.
9 I wanted to know what was happening in that area.
10 Another question back to you would be have you made any
11 efforts to -- Yellowknife is -- as you know, you could
12 drive around from one end of the city to the other in ten
13 (10) minutes -- to pick up the phone and to talk to
14 people.

15 It's easy to go the First Nation or the
16 groups and talk to them, so I do understand that, you
17 know, you made efforts in that respect. But, you know,
18 we all live in small communities and if you know the
19 people here you could virtually sit down with them and
20 have coffee with them and talk to them about that.

21 So that's kind of -- you know, I'm a
22 little concerned in some of these areas as well in terms
23 of who's going to take the lead in some of these areas.
24 But at the same time, you know, we hear that, you know,
25 consultation is not our responsibility and it seems to be

1 pushed aside, pushed aside, but you know, you know if you
2 want to get something done, you have to make that effort.

3 You have to go to the right people and
4 talk to them. And I don't want to hear that, well, jeez,
5 I made attempts. I faxed and this and that. Sometimes
6 it's worth driving on the ice road. I mean I listened to
7 your presentation yesterday and you say that well, you
8 showed me a picture there you flew over, but did you
9 really walk the land? Did you go see what's really
10 there, you know? So those are things that I need to know
11 and so I want to leave that there. But I'm a little
12 concerned with some of these areas, but that -- that's
13 it, Madam Chair. Thank you.

14 THE CHAIRPERSON: I am going to move on
15 to John Ondrack.

16 MR. JOHN ONDRACK: Just a comment. Thank
17 you, Madam Chair, Sheryl, I couldn't not say that I
18 think you're a very conscientious individual and you gave
19 us a very thoughtful and a meaningful presentation. I'm
20 sorry that we challenged you and rushed you. I want to
21 say thank you for your efforts.

22 MS. SHERYL GRIEVE: You're welcome.

23 THE CHAIRPERSON: Nora...?

24 MS. NORA DOIG: No comment.

25 THE CHAIRPERSON: Jerry Loomis...?

1 MR. JERRY LOOMIS: I have no comments.

2 THE CHAIRPERSON: Danny Bayha...?

3 MR. DANNY BAYHA: Fine, thank you.

4 THE CHAIRPERSON: Charlie!..?

5 I have no line of questions either. So
6 thank you and thank you for your presentation, like John
7 Ondrack said, we are really sorry we had to feel like we
8 rushed you 'cause we still have other presentations.

9 What I am going to ask is that we have a
10 five (5) minute stretch and a break, so do not leave the
11 room. You can stretch, leave the room, but do not go too
12 far is what I mean.

13

14 --- Upon recessing at 2:31 p.m.

15 --- Upon resuming at 2:44 p.m.

16

17 THE CHAIRPERSON: We are just going to
18 start with Prince of Wales' presentation. I will just
19 let you introduce yourself and begin your presentation.
20 I know people are still grabbing snacks to fuel up, so
21 just go ahead anyway.

22

23 PRESENTATION BY PRINCE OF WALES NORTHERN HERITAGE CENTRE:

24 MR. GLEN MACKAY: Good afternoon. My
25 name is Glen MacKay. I'm the Assessment Archeologist

1 with the Prince of Wales Northern Heritage Centre,
2 Government of the Northwest Territories. My goals for
3 this presentation are to provide the Review Board with a
4 brief overview of recent archeological investigation that
5 have been conducted in the Drybones Bay area.

6 And to also outline several management
7 tools that will minimize the risk of adverse impacts to
8 heritage resources in relation to the exploration
9 projects proposed by Consolidated Gold Win and Sidon
10 International.

11 The MacKenzie Valley Resource Management
12 Act defines heritage resources as archeological or
13 historic sites, burial sites, artifacts and other objects
14 of historical, cultural or religious significance and
15 historical or cultural records.

16 The MacKenzie Valley land use regulations
17 provide protection to heritage resources by prohibiting
18 land use operations within thirty (30) metres of a known
19 monument or known or suspected historical site,
20 archeological site or burial ground.

21 They also legislate a suspension of
22 operations if a suspected historical or archeological
23 site or buriar -- burial ground are encountered in the --
24 in the process of a land use operation.

25 Archeological investigations along the

1 north shore of Great Slave Lake were undertaken in 2003,
2 2004 and 2005 by Thomson Heritage Consultants. Some of
3 these studies were conducted on behalf of the
4 Yellowknives Dene First Nation and others on behalf of
5 two (2) exploration companies.

6 While these studies focus most heavily on
7 Drybones Bay, their geographic scope included portions of
8 the shore line areas between the north arm and as far as
9 Tathielu Narrows.

10 As shown on a -- on the map and my
11 presentation, I'd like to focus on the area between Wool
12 Bay and Matonabbee Point, which is the relevant area for
13 the exploration programs being proposed.

14 In the area between Wool Bay and
15 Matonabbee Point approximately one hundred and forty
16 (140) heritage resources were recorded in the studies
17 conducted in 2003, 2004, and 2005. These sites provide
18 evidence of both pre and post contact use of the study
19 area and include numerous burials and cemeteries, cabins
20 and camps and boulder features such as tent -- tent
21 rings, hide-drying weights and birchbark presses. And
22 they also contain abundant evidence of pre-contact use of
23 the areas in the form of scatters of stone tools, stone
24 tool manufacturing debris, as well as quartz quarries
25 where people obtain raw material for tool manufacture.

1 The density of archeological sites
2 recorded to-date -- to-date and the diversity of site
3 types in the area indicates intense use of the shoreline
4 area between Wool Bay and Matonabee Point in both the
5 pre-contact and post contact time periods.

6 An important insight gained from these
7 archeological investigations is that there's a very high
8 potential of finding heritage resources along the
9 shoreline of Great Slave Lake between Wool Bay and
10 Matonabee Point, yet there are significant gaps in the
11 survey coverage of the shoreline areas between Wool Bay
12 and Matonabee Point. Thus we expect the uninvestigated
13 areas of the shoreline contain numerous undocumented
14 heritage resources.

15 Even greater gaps exist in the survey
16 coverage of areas inland from the shore of Great Slave
17 Lake. The heritage resource potential of the inland
18 areas is less well defined as the archeological
19 investigations to-date have focussed primarily on the
20 shoreline.

21 I'll just note here that I took one of the
22 -- the final points off of the slide and put it to the
23 next slide so the slides that you have may not reflect
24 exactly what's on the screen. I'll provide the updated
25 slide show to -- to the Board.

1 This map shows the approximate areas
2 between Wool Bay and Matonabbee Point that were
3 investigated between 2003 and 2005. Please note that the
4 survey areas shown do not indicate survey coverage of 100
5 percent of the enclosed area, rather, they show the
6 general areas on which the archeological investigation is
7 focussed.

8 As I mentioned, there are significant gaps
9 in survey coverage in both the shoreline and inland areas
10 between Wool Bay and Matonabbee Point.

11 Overlaying Consolidated Gold Win and
12 Sidon's claim areas on this map, we see that very little
13 archeological survey has taken place in their proposed
14 exploration areas. Survey coverage is limited to several
15 small areas in Jackfish Cove and Moose Bay.

16 And I'll just note that the archeologist
17 that conducted this work, in his recommendations
18 submitted to us in his permanent report, indicated that
19 both areas should be examined in greater detail for
20 heritage resources prior to development activities taking
21 place there.

22 This map shows the results of the
23 archeological investigations conducted between 2003 and
24 2005 along the shoreline areas between Wool Bay and
25 Matonabbee Point. All of the shoreline areas that have

1 been surveyed contained numerous heritage resources
2 indicated by the -- the red dots within the survey areas
3 confirming the very high potential of the shoreline area.

4 Several heritage resources are also
5 evident in the inland areas. Thus we expect that
6 Consolidated Gold Win and Sidon's exploration areas
7 contain undocumented heritage resources.

8 To summarize, Consolidated Gold Win and
9 Sidon's proposed exploration areas have not been assessed
10 in detail by an archeologist. The shoreline and island
11 zones of the exploration areas have very high potential
12 for heritage resources, and thus, the shoreline zones of
13 the exploration areas likely contain undocumented
14 heritage resources.

15 While the heritage resource potential of
16 the inland areas is less well defined, we expect that it
17 is moderate to high based on the archeological surveys
18 conducted to-date, and traditional use data, would --
19 which indicates past use of the inland portions of
20 exploration areas.

21 Thus, several management tools are
22 required to minimise the risk of an adverse impact to
23 heritage resources in relation so Consolidated Gold Win
24 and Sidon's proposed exploration activities.

25 We recommend that the developers undertake

1 a detailed heritage resource impact assessment of their
2 exploration areas, including drill sites, access routes,
3 and any other area where ground disturbance will take
4 place prior to exploration activities.

5 I'll just note that the proponents have
6 indicated that they'll undertake these studies in their -
7 - in their presentation and recent submissions to the
8 Board.

9 We recommend that pursuant to the
10 MacKenzie Valley land use regulations, the developers
11 design their exploration program so that they remain a
12 minimum of 30 metres from the borders of all heritage
13 resources.

14 We recommend that the Board impose a
15 buffer of 100 metres around burial sites and cemeteries
16 to further facilitate their protection.

17 We recommend that the developers be
18 required to submit for approval by the Prince of Wales
19 Northern Heritage Centre, detailed project maps that show
20 the location of all drill sites, access routes, and
21 support areas, and that clearly indicate a voidance of
22 all heritage resources. These maps should be submitted
23 after the heritage resource impact assessment and
24 detailed planning of the exploration areas are complete.

25 Finally, we recommend that the developers

1 retain the services of local environmental monitors
2 representing the effected Dene and Metis groups to be
3 onsite during all development activities to insure that
4 heritage resources are avoided, and that avoidance
5 buffers are observed. Thank you.

6

7 QUESTION PERIOD:

8 THE CHAIRPERSON: I thank you for your
9 presentation. I'm just going to go and ask if there are
10 questions for the presentation. I'll ask the developers
11 if there is any questions.

12 The Yellowknife Dene First Nation...?

13 MR. GREG EMPSON: Thank you, Madam Chair.
14 Greg Empson on behalf of the Yellowknives Dene First
15 Nation.

16 A couple questions if I could. And just
17 so -- so I can set the stage a little bit, sir, you
18 represent the Prince of Wales Centre, and you are trained
19 as an archeologist, I understand?

20 MR. GLEN MACKAY: I am trained as an
21 archeologist, yes.

22 MR. GREG EMPSON: Okay. When you refer
23 to heritage resources and the definition of heritage
24 resources, you, I -- I think, referred to the
25 legislation. Taking it outside the legislation and

1 drawing on your experience, would you agree with me that
2 the definition of a heritage resource can include a large
3 area of land that may have been used for a specific
4 purpose by a particular people?

5 MR. GLEN MACKAY: I think as -- as we --
6 we conceive of heritage resources, currently they'd
7 represent a focal area of use defined by a scatter of
8 artifacts, or some sort of historic feature, and then the
9 legislation would allow for a 30 metre buffer around that
10 area.

11 There's standard procedures for
12 documenting the boundaries of archeological sites, and
13 it's based on the distribution of -- of artifacts. Thank
14 you.

15 MR. GREG EMPSON: All right. Is -- is in
16 your view, though, an archeological resource, taking it
17 outside of the legislation, limited to a site specific
18 area, or can it include a larger area?

19 And I would say perhaps because of the
20 lack of knowledge, or the lack of work that's been done
21 in the north -- specifically there's areas in the south -
22 - there's large areas of land, that are -- are viewed as
23 historical or heritage sites.

24 Is -- is it -- is that something that has
25 been explored in the north?

1 MR. GLEN MACKAY: Well, we have explored
2 the concept of a cultural landscape which would include
3 sort of a larger uninterrupted portion of land that
4 records the val -- cultural values and heritage values
5 and -- and the culture history -- cultural history of --
6 of a specific group.

7 And the Prince of Wales Northern Heritage
8 Centre does have a process to recognize cultural
9 landscapes as to territorial historical sites, but I'd
10 also add to that, that no legislative protection for
11 cultural landscapes are currently in place in the
12 Northwest Territories.

13 MR. GREG EMPSON: What requirements would
14 the -- would have to be met or at least what would be the
15 requirements of this cultural landscape?

16 MR. GLEN MACKAY: The cultural landscape
17 would just be a -- an exemplary example of the cultural
18 history of the area and would include such features as
19 place names, archeological sites, trails and routes and
20 demonstrated linkages between different heritage
21 resources.

22 Other elements would include stories
23 related to places and other forms of historical
24 knowledge.

25 MR. GREG EMPSON: Thank you. And -- and

1 you mentioned -- just one (1) further question. You
2 mentioned that the developers should, I think, undertake
3 archeological work.

4 Would you agree or disagree with me that -
5 - that the affected parties would be the best ones to
6 undertake that work?

7 MR. GLEN MACKAY: I would -- I agree with
8 you in the sense that all of the affected parties should
9 be involved in the -- in the -- in the planning and
10 participation and then have active participation in the
11 work such that all heritage resources are -- are
12 documented during those studies.

13 MR. GREG EMPSON: Thank you. Those are
14 all my questions.

15 THE CHAIRPERSON: Before I continue to
16 ask if other interested parties have any line of
17 questions, one of the things that I just remembered is
18 the Staff had reminded to mention we do have a list, like
19 a sign-up sheet, so if you haven't signed up, if we have
20 the next break, if you could do that. The sign-up sheet,
21 I think, is it by the door? So it's by the door too, if
22 you're out by the door there.

23 I'm going to continue on with the line of
24 question. I'm going to move on to the North Slave Metis,
25 if they have any questions.

1 MS. SHERYL GRIEVE: Sheryl, speaking for
2 the North Slave Metis Alliance. My question is: Can you
3 tell me what the rationale is for the 30 metre protection
4 of a archeological site and a 100 metre protection of a
5 grave site? Why were those distances selected?

6 MR. GLEN MACKAY: I think the 30 metre
7 buffer provides -- you define the buffer or the area of
8 the archeological site or heritage resource and then add
9 30 metres to the -- to that area which is designed to --
10 to create a large enough buffer such that -- that no --
11 no land use operations would accidentally impact on the
12 archeological site within the buffer during the land use
13 operations.

14 Currently the MacKenzie Valley land use
15 regulations provide a buffer of 30 metres for burial
16 sites, but in reviewing the -- the submissions from the
17 past EAs in the area, have noted a significant concern
18 with the protection of burial sites and that is -- that's
19 the reason that I proposed that extra buffer area for
20 those sites.

21 THE CHAIRPERSON: Sheryl, any further
22 questions?

23 MS. SHERYL GRIEVE: Well, I'm just
24 wondering is there a particular activity that is supposed
25 to be safe 30 metres away or is it anything? I just

1 don't understand why 30 -- what was in mind when they
2 decided to have a 30 metre buffer.

3 MR. GLEN MACKAY: The 30 metre buffer
4 applies to any land use operation and I don't know the
5 specific rationale on why that figure was picked except
6 to suggest that that would provide -- would -- would have
7 been deemed to provide adequate protection to the
8 resource.

9 MS. SHERYL GRIEVE: That's all my
10 questions. Thanks.

11 THE CHAIRPERSON: I'm going to move on to
12 the Department of Fisheries and Oceans.

13 MR. CHRIS HERON: No questions, thank
14 you.

15 THE CHAIRPERSON: Deninu Kue First
16 Nation...? They're gone? Okay.

17 Northwest Territories Metis Nation...? No
18 questions? Okay.

19 Indian and Northern Affairs...?

20 MR. DAVID LIVINGSTONE: No questions.

21 THE CHAIRPERSON: Environment Canada...?

22 MS. IVY STONE: No questions.

23 THE CHAIRPERSON: Government of Northwest
24 Territories...?

25 MS. LORETTA RANSON: No questions.

1 THE CHAIRPERSON: I'm going to move on to
2 the Board staff?

3 MS. MARY TAPSELL: Mary Tapsell. I just
4 have a question to the developer as it relates to the --
5 the presentation that was just given.

6 I can appreciate that the developer has
7 now committed to conducting archeological studies after
8 hearing more of the concerns.

9 My question to you is: Would you be
10 planning on identifying your targets prior to conducting
11 archeological studies so that you, indeed, know what
12 areas to focus on? Because the reason we do
13 archeological studies, obviously, in the summer is once
14 your winter coverage you can't really identify
15 archeological sites, so as far as how you go about
16 identifying where -- where in those -- those blocks you
17 actually conduct your archeological studies, are they
18 going to be linked to your target zones?

19 MR. LAURENCE STEPHENSON: I think the --
20 the game plan as we've outlined it -- as Greg outlined it
21 yesterday was the fact that I think we would do a general
22 assessment of the area while we're doing a field program
23 to select the targets, to identify anything readily
24 available or readily as a -- as a target -- as an
25 archeological site.

1 In other words, we -- we sort of have
2 agreed and I know that Rescan has agreed in -- in
3 principle that we would put -- certainly have no problem
4 with doing an archeological survey or have some -- an
5 archeological survey coordinated with our exploration
6 program this summer.

7 MS. MARY TAPSELL: But I'm -- I'm
8 confused. Is this then linked to where you're actually
9 planning on drilling? I don't think you answered my
10 question.

11 MR. LAURENCE STEPHENSON: Well, I think
12 the -- the idea is that we're going to identify any
13 sites, archeological sites, during the summer when we do
14 the -- the target selection area. I -- I think what's --
15 what's missing in the conception here is the fact that
16 we're not limited to -- to set sites for the drill
17 targets.

18 We can move them 30 -- 100 metres probably
19 at this stage of the game without any problem at all, so
20 there's no conflict there. Much the same as, I think, if
21 -- if you looked at that map you saw the Snowfield area
22 which was south of Drybones Bay and they had about -- I
23 couldn't count them all but at least a half a dozen or
24 more archeological sites -- little red box in there --
25 and they've -- they've drilled around them without having

1 any impact -- to my knowledge have had any impact on --
2 on those archeological sites so it's definitely -- once
3 you know where they are, you can certainly avoid them.

4 MR. ALAN EHRLICH: Alan Ehrlich, Review
5 Board Staff.

6 So I'm just trying to piece together what
7 we just heard. I've heard from Laurie Stephenson that
8 there's going to be some sort of a general assessment
9 while you're in the area. I've heard from the Prince of
10 Wales there that it's actually a heritage resource impact
11 assessment that would be needed to identify the sites.
12 I'm not sure they're the same thing but leaving that for
13 now.

14 You've mentioned that you could move your
15 drill targets 30 to 100 metres is what you just said and
16 -- and yesterday Mr. Stephenson pointed out that because
17 kimberlite's recessive, lower areas are -- are often
18 suitable sites.

19 Does that mean if you're within 100 metres
20 of a water body you're able to move your drill site onto
21 the water body where you're less likely to hit
22 archeological sites?

23 MR. LAURENCE STEPHENSON: In -- in theory
24 you're -- you're probably right. I -- I would
25 respectfully sort of not tie myself to that sort of

1 operation until I know where my target is and -- because
2 it's just a little more complicated than just there's a
3 little circle there; there's a little depression. Let's
4 go drill there.

5 I mean, I think we've got to have a little
6 more -- sometimes you're -- you're not sure exactly where
7 the depression is or where the -- the body is from the --
8 the work that you do, the -- the exploration work you do
9 so it's -- it's probably not a bad assessment but I'm
10 just saying that I -- I couldn't tie myself till I had
11 all the -- all the facts before me.

12 MR. ALAN EHRLICH: Thank you. So I've
13 got a question for -- for Glen.

14 You've mentioned that the -- the studies
15 have focussed along the shoreline of Great Slave Lake. I
16 assume you're talking about the actual shoreline, not the
17 3 kilometre shoreline zone that the Board has spoken of;
18 am I right so far?

19 MR. GLEN MACKAY: You're right, yes, it's
20 -- hasn't focussed on the 3 kilometres. In some areas,
21 probably within 500 metres of the shoreline. In most
22 areas I'd say about 100 metres would be the average.

23 MR. ALAN EHRLICH: And I -- I noticed
24 that some of your -- the recommendations that you
25 suggested the Board think about include some sites that

1 are further inland, for example, what Sidon's doing out
2 at Defeat Lake and it -- it sounded to me like you were
3 catching the other Consolidated Gold Win sites in there,
4 too.

5 I -- I'm curious as to -- you said that
6 there's likely an unusually high density of archeological
7 sites along the shore. Now, as a trained archeologist
8 who's quite informed about these developments because
9 you've been involved in these EIAs and the previous ones
10 as well, what do you think we're looking at in terms of
11 archeological density, concerns for the inland sites
12 because you've given us a lot of detail about the
13 shoreline sites?

14 MR. GLEN MACKAY: The studies to-date
15 haven't focussed to any great extent on the inland areas.
16 Where they have looked they have found heritage
17 resources. The traditional use data that's come up in
18 the last EAs and also in this EA and -- and I'd cite what
19 was said by the Yellowknives Elders yesterday as well,
20 indicate that there's a lot of traditional use inland of
21 Drybones Bay and associated areas.

22 So we're estimating that there's a
23 moderate to high potential to find heritage resources
24 there. We don't -- we haven't confirmed that but we'd
25 prefer to take more of a precautionary approach and make

1 sure that the adequate studies are done to confirm what
2 the heritage resource potential of that area is.

3 I wouldn't expect it to be as dense as the
4 shoreline area but I think there's significant concern
5 and that the studies should be conducted at the same
6 level of assessment as the shoreline studies.

7 MR. ALAN EHRLICH: Thank you.

8 MR. JOHN DONIHEE: Thank you, Madam
9 Chair, John Donihee for the Review Board.

10 I just have a couple of questions. The
11 first recommendation that you have on the screen now,
12 when you spoke to it you actually said something
13 different than what is written down on the screen.

14 You said that the developers should submit
15 for approval detailed project maps and I'm just -- it was
16 the "for approval" part that caught my attention.

17 I do understand the requirements of the
18 Mackenzie Valley Land Use Regulations. Is there another
19 permit or licence of some form that's issued by the
20 Prince of Wales Northern Heritage Centre that might
21 provide a vehicle for some kind of control over what's
22 happening here?

23 MR. GLEN MACKAY: We -- the only licence
24 or permit that we issue is the NWT archeologist's permits
25 which are our research permits issued to archeologists

1 doing research in the -- in the area or anywhere in the
2 NWT. I think we'd pursue this type of recommendation
3 through our role as a reviewer for land use permits
4 through the Land and Water Board.

5 MR. JOHN DONIHEE: John Donihee. Thank
6 you, sir. Then I take it that what you're saying is that
7 you manage archeologists and that the land use permit or
8 other regulatory instruments that may be issued in this
9 case will manage the developers.

10 Is that -- is that a fair way to express
11 it?

12 MR. GLEN MACKAY: We do manage the
13 archeologists. I think that's a fair way to characterize
14 it, but we do manage archeological sites and heritage
15 resources by engaging with the Land and Water Board and
16 environmental assessment processes.

17 MR. JOHN DONIHEE: Thank you. My next
18 question is really just to try and -- and navigate
19 through the code a little bit. You -- you had mentioned
20 a heritage -- I think it was a heritage resource impact
21 assessment. I may have added a word there. Heritage
22 resource assessment.

23 What -- what is it, you know, when an --
24 when an archeologist uses that phrase, what is it that
25 you mean and what -- what's entailed in doing that kind

1 of study?

2 MR. GLEN MACKAY: Strictly speaking, I
3 guess, where archeologists would be responsible for
4 recording anything that's an archeological site, which
5 would be -- which is defined in the NWT archeological
6 sites regulations. It's defined as -- in those
7 regulations, an artifact is defined as something that's
8 fifty (50) years old and for which an unbroken chain of
9 possession can't be demonstrated.

10 And an archeological site is defined as a
11 place where an artifact is found so, strictly speaking,
12 that would be the role of the archeologist in recording
13 those types of sites. In standard practice most
14 archeologists that practise in the NWT will record, you
15 know, things such a burial sites and historic camps and
16 stuff like that that may not quite meet the requirements
17 of NWT archeological sites regulations.

18 And, I mean, that's -- it's beneficial for
19 them to do that 'cause the MacKenzie Valley Land Use
20 Regulations include historic sites and burial sites as
21 well, so that those are the sites that we are
22 representing in the MacKenzie Valley Land and Water Board
23 and environmental assessment processes.

24 MR. JOHN DONIHEE: John Donihee. Thank
25 you. The answer you just gave me speaks to the

1 identification of these sites. Do these sorts of
2 assessments actually speak to management or protection.
3 I noticed a little bit earlier in your presentation to
4 the Board you made reference to Mr. Thomson's
5 recommendations in the report that he submitted.

6 So I was just kind of wondering how it is
7 we get from the stage of saying they're here, to getting
8 some kind of advise from professional archeologists about
9 how to protect or manage them.

10 MR. GLEN MACKAY: Any -- the archeo --
11 archeological permitting process has a very strict
12 requirement -- reporting requirement. So the
13 archeologist will submit a report to our office. In the
14 cases of development projects, every site has to -- for
15 every archeological site or heritage resource, a
16 mitigation plan has to be submitted with that as well for
17 approval by our office.

18 MR. JOHN DONIHEE: Thank you, sir. My
19 last question relates to this concept of the cultural
20 landscape which was raised by my friend, Mr. Empson. The
21 list of features or criteria, I suppose, that might lead
22 to the identification of a cultural landscape that --
23 that you gave us seemed a fairly -- fairly wide ranging.

24 And I guess the question I have for you
25 is: Given the work that's been done in this area between

1 Wool Bay and Matonabbee Point, you know, has the heritage
2 centre given consideration to identifying this particular
3 area as a cultural landscape and I -- I guess if the
4 answer to that is no, then my ques -- my second question
5 is why not?

6 MR. GLEN MACKAY: I -- I don't think that
7 we've really given a lot of -- given consideration to
8 designating that area as a cultural landscape. We -- I
9 think we'd certainly suggest that it meets all of the
10 requirements of that -- of a cultural landscape, and
11 we're just in the process of developing a -- a mechanism
12 for community organizations to nominate cultural
13 landscapes as territorial historical sites.

14 So I think that process will be developed,
15 you know, in the next -- in the next year or two (2),
16 we're working towards that.

17 MR. JOHN DONIHEE: Thank you, then just
18 to be clear for the record, then, this particular area
19 has not yet been accorded such a designation by the
20 heritage centre or the government of the Northwest
21 Territories?

22 MR. GLEN MACKAY: It hasn't, no.

23 THE CHAIRPERSON: I'm going to move on to
24 the Board members. Richard Edjericon, do you have any
25 questions?

1 John Ondrack...?

2 Nora...?

3 Jerry Loomis...?

4 MR. JERRY LOOMIS: No, I haven't.

5 THE CHAIRPERSON: Danny...?

6 MR. DANNY BAYHA: Thank you, Madam Chair.

7 Thank you for your presentation. I just have a question,
8 and it's just carrying from what John Donihee was asking,
9 so once -- once this -- well, okay, I have to back up
10 here a little bit.

11 I think for our sake, and for the rest of
12 the public, it's good to -- because there's lots of words
13 thrown out, a lot of different studies, impact
14 assessment, inventory, archeological studies, we need to
15 be, sort of, clear of what they're talking about when
16 we're talking about studies, inventory, impact
17 assessment, because for most of us in here, we may not
18 have a -- now what in the world are those things, and
19 what is required in -- in some of those things at
20 minimum.

21 So can you, maybe, just sort of as a
22 professional, maybe sort of, in your mind, give us an --
23 an idea -- clearly define some of these different types
24 of studies, if you will. I would appreciate it, thanks.

25 MR. GLENN MACKAY: For an archeological

1 survey, or archeological impact assessment, or heritage
2 resource impact assessment, I think we're -- we're
3 speaking about roughly the same -- the same process,
4 which would be for an archeologist to go to the site of a
5 development and investigate all of the areas of proposed
6 ground disturbance, identify any heritage resources in
7 conflict with the development, characterise those
8 heritage resources such as characterise the boundaries,
9 and the depth, and other characteristics of the heritage
10 resource.

11 And then to submit a series of
12 recommendations, which would include mitigation measures
13 to offset negative impacts to those sites if a
14 development were to proceed. Heritage resource inventory
15 would not necessarily be related to a development
16 project, but would more of a -- a research project to
17 gain an understanding of the record of heritage resources
18 in a given area.

19 So that might be an archeologist, and
20 traditional knowledge holders, and other -- other
21 interested groups going on the land and -- and
22 documenting heritage resources in a given area. In that
23 case, if they weren't under any threat of -- of impact,
24 the recommendation -- we wouldn't require -- necessarily
25 require mitigation recommendations or anything like that.

1 It would be more of expanding the
2 knowledge base and gaining a greater understanding of the
3 baseline of heritage resources in a given geographic
4 area.

5 MR. DANNY BAYHA: So once these -- okay,
6 that next -- brings me to the next question. Once these
7 areas has been identified as an archeological site, again
8 it -- an archeological site and then heritage resource is
9 a little bit of confusion in my ways -- and some ways,
10 but from what I understand, if once -- let's say a burial
11 site is identified --

12 MR. GLEN MACKAY: Okay.

13 MR. DANNY BAYHA: -- and is documented,
14 and -- and through this process, is that for the life of
15 that permit, or the claim area, the developer, the
16 proponent, or whatever, has to abide by that rule? Is
17 that -- am I correct in that? So that down the line they
18 can't move it and drill in that place?

19 I'm -- I'm -- I need to understand the
20 role of -- of -- of this -- this type of regulation in
21 reference to the mineral claims, mineral rights, that
22 sort of thing. Thank you.

23 MR. GLEN MACKAY: Okay. I'll give an
24 example of an archeological site. Not necessarily a
25 burial site, but a buried artifact scatter, say, of stone

1 tools. There would be two (2) main mitigation options
2 that -- that would be taken.

3 One would be that the proponent realign or
4 reorganize their development project so that they avoid
5 that site by the 30 metre buffer specified by the
6 legislation.

7 The second option would be to -- what we
8 would call data recovery. That would involved mitigating
9 the site by excavating a portion or all of the materials
10 that are present there. And then, upon completion of
11 that, the development could go ahead and -- and impact
12 that area. So those are the two main types of mitigation
13 that -- that would be proposed.

14 In the case, due to the flexibility of --
15 of the exploration project as I understand it, we're
16 proposing or recommending that the -- the developer chose
17 to avoid all sites.

18 MR. DANNY BAYHA: Okay. Thank you. And
19 I don't know if it's fair to assume though, so once let's
20 say a mineral claim or any permit expires, the protection
21 of that area just becomes -- somebody can prospect in
22 that area again?

23 MR. GLEN MACKAY: Well, somebody could
24 prospect in that area but, once recorded, the
25 archeological site is protected forever and that 30 metre

1 buffer has to be respected by any land use operation.

2 MR. DANNY BAYHA: Okay, thank you. And
3 the other final question I have is, you said that the
4 shoreline zone keeps coming up again and again. And from
5 the Wool Bay to the Matonabee Point, you mentioned
6 there's -- some of the points that you have on that map,
7 the -- what is the furthest inland identified
8 archeological site that's on there? Is that -- on the
9 red spot, is that pretty representative of -- of --

10 MR. GLEN MACKAY: There'S one (1) here
11 just related to the studies in 2003, 2004 and 2005.
12 There's one (1) here, there's several through here. And
13 then these ones are all on the periphery of Drybones Bay.
14 So there are a few inland. There's several inland on
15 these small lakes. They are, so -- I'd say, just judging
16 by the scale here, maybe 3 to 5 kilometres inland some of
17 these sites.

18 But I'll just note as well that these are
19 the areas that have been investigated by an archeologist,
20 so there could definitely be sites anywhere in here.

21 MR. DANNY BAYHA: Okay, thank you. And -
22 - and some of those sites seem to be on water. Is that -
23 - or is that on islands?

24 MR. GLEN MACKAY: That's just an artifact
25 of the scale of the map, they're on islands.

1 MR. DANNY BAYHA: Okay. Thank you.

2 THE CHAIRPERSON: Charlie, do you have --
3 I have three (3) questions. You said there was a hundred
4 and forty (140) sites recorded from Wool Bay to
5 Matonabee Point?

6 MR. GLEN MACKAY: Yes.

7 THE CHAIRPERSON: Is that all along the
8 shoreline?

9 MR. GLEN MACKAY: Yes, the majority of
10 them are along the shoreline or on islands. The vast
11 majority are in Drybones Bay, especially the -- the
12 southern end of -- or the southern side I guess of
13 Drybones Bay. And then there are a few sites that have
14 been recorded inland. But the majority -- the vast
15 majority are along the shoreline areas.

16 THE CHAIRPERSON: The second question is
17 does the Prince of Wales Heritage Centre have concerns
18 about the impact to the heritage, I mean to the
19 archeological sites in the specific area that we're
20 talking about?

21 MR. GLEN MACKAY: We do have significant
22 concerns about impacts to the archeological sites, but I
23 think that those -- if the recommendations that I've
24 proposed in my presentation are followed, that impacts
25 will be minimized.

1 THE CHAIRPERSON: My third question is:
2 What stops Prince of Wales Heritage Centre from going
3 ahead to do these necessary archeological and heritage
4 work? Mainly because from previous EA we have heard, you
5 know, these same specific concerns. What stops you from
6 going ahead to do the necessary assessment and, you know,
7 the work that needs to be done?

8 MR. GLEN MACKAY: We have a -- a long
9 standing policy in the NWT and -- and indeed most areas
10 of Canada that -- that proponents fund and organize
11 archeological work for their developments.

12 Consequently our -- our department isn't
13 organized operationally to undertake large heritage
14 resource field assessments. We do -- we don't do field
15 work for -- in support of -- or -- or to -- we don't do
16 impact assessments for development projects; that's the
17 responsibility of the proponent.

18 We provide oversight for that process
19 through the NWT archeological permitting system and by
20 engaging in this process and Land and Water Board and --
21 reviewing Land and Water Board permit applications. So
22 we really don't have the capability in our department to
23 undertake large scale archeological field projects.

24 THE CHAIRPERSON: That just sparked
25 another question because my thinking is that the work

1 needs to be done in the area, not just because of
2 development, but, you know, with the line of your roles
3 and responsibility in terms of protecting the
4 archeological and historical sites.

5 Would that not kind of stand alone from
6 what the developers do in terms, you know, the best
7 interests of the line of work that you guys do. I know
8 also we keep hearing that the communities want to have,
9 you know, a large role in this too because they know the
10 land.

11 So I guess it is kind of like a mixture of
12 questions. I am not sure how you can answer that.

13 MR. GLEN MACKAY: Well, I'll answer by --
14 by I think agreeing that there's a large need for -- for
15 baseline studies in -- in this area and in many areas of
16 the NWT that may be facing development pressure.

17 But I'll just re-iterate my statement that
18 our -- our department isn't -- isn't set up to conduct
19 large scale field projects such as that, due to the long
20 standing policy in the NWT that proponents conduct
21 archeological work in relation to development projects.

22 Our -- our department is, we undertake
23 small research pro -- projects from time to time which
24 are typically based -- community based projects where we
25 might undertake some small inventory project with a

1 community, with Elders, to gain a better understanding of
2 heritage resources in a given area.

3 But for any large scale type of study
4 that's required, it's our policy that the proponents of
5 development projects undertake that work.

6 THE CHAIRPERSON: That is all my line of
7 question. Thank you.

8 MR. GLEN MACKAY: Thank you.

9 THE CHAIRPERSON: I am going to allow
10 John Ondrack. Go ahead then. Ask a question.

11 MR. JOHN ONDRACK: Glen, right? I'm just
12 going to try and capsule what I just heard.
13 Essentially the policy that your department has gets its
14 teeth, I suspect, from the Land Use Regulations in that
15 there are obligations that are placed upon any users of
16 land with respect to resources, heritage resources, that
17 they may find. Is that correct?

18 MR. GLEN MACKAY: That's correct. And I
19 also add that the NWT Archeological Sites Regulations
20 which are pursuant to the NWT Act also contain a clause
21 that prevents the excavation or disturbance of an
22 archeological site without a -- a Northwest Territories
23 archeologist permit.

24 MR. JOHN ONDRACK: Thank you. Then I
25 guess if one was to be able to trust that there was the

1 ability to manage that situation, then we'd all be
2 comfortable. Therefore, it appears that the undertaking
3 or the recommendation that you have to conduct a pre-
4 fieldwork study is a means to -- and to involve the
5 stakeholders -- is a means to determine or to build that
6 trust and to determine what sites might exist. Is that
7 correct?

8 MR. GLEN MACKAY: Hmm hmm. That's
9 correct.

10 MR. JOHN ONDRACK: Okay. Thank you very
11 much.

12 THE CHAIRPERSON: Thank you, Glen, for
13 your presentation.

14 MR. GLEN MACKAY: Thank you.

15 THE CHAIRPERSON: This concludes the
16 Prince of Wales' presentation. I'm just going to keep
17 going. The next presenter will be INAC.

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON: You can proceed, Dave.

22

23 PRESENTATION BY INAC:

24 MR. DAVID LIVINGSTONE: All right. Well,
25 good afternoon. My name is David Livingstone. I'm the

1 Director of Renewable Resources and Environment for DIAND
2 here in Yellowknife.

3 First of all I just want to thank Alfred -
4 - I don't know if Alfred's still here, but I think he's
5 more or less responsible for the -- the improved quality
6 of the snacks this afternoon. So thank you, Alfred, on
7 behalf of all of us.

8 THE CHAIRPERSON: I was going to say, no
9 more grass.

10 MR. DAVID LIVINGSTONE: Yeah, Alfred's
11 not the vegetarian type, I think. And just so that
12 you're reassured that I'm not here alone, I'll introduce
13 some of the other folks from -- from DIAND and -- and
14 Justice Canada in case I need to call on them, but also
15 so the folks here can recognize -- put a name to a face.

16 So, I'll just ask them to -- to wave.
17 Ginger Arnold, Lorraine Seale, Lindsay Ewchuk and Lionel
18 Marcinkosky from Environment and Conservation. Don't be
19 shy guys. Roz Mercredi from Aboriginal Territory
20 Relations. Gary Potts from Minerals. Julie Jackson -- I
21 don't know if Julie's here -- no. All right, Julie may
22 return, she's from Policy and Planning. Ken Dahl from
23 the Yellowknife District Office. Kathleen Racher from
24 Water Resources Division. And Carla Conkin and John
25 Thachet from the Department of Justice.

1 You'll notice that they're all standing
2 close behind me to help me out here. Well -- and unlike
3 Sheryl, I think we've got a very short series of slides,
4 but perhaps I'll be here a little longer to answer
5 questions. We'll see.

6 So, just to state the context. Our review
7 focuses on technical issues. We approach it from the
8 mandate of land and water management largely, although
9 we're certainly -- certainly well aware of the cultural
10 and community concerns that go well beyond the technical
11 issues.

12 I think, by and large, there -- there are
13 two (2) levels of concern, one (1) related to the project
14 specifically -- projects specifically. The other related
15 to the context in which those projects may or may not
16 proceed.

17 And in that context are -- are comments
18 apply to both developments unless otherwise stated. So
19 our analysis focussed on the -- the applications by the
20 developer. We have focussed on the potential effects on
21 land and water. We considered what -- the operators --
22 the developer's operating procedures in the context of
23 similar activities that have taken place elsewhere.

24 Diamond drilling is -- is not unusual in -
25 - in terms of an exploration technique. And where we had

1 some questions we -- we've requested additional
2 information through the IR process.

3 By and large we were satisfied with the
4 developers' responses through that IR process,
5 commitments and a better understanding on the bill
6 contingency plan, camp locations, sewage and grey water
7 disposal, and land use -- other land use issues, related
8 land use issues were all dealt with through that IR
9 process.

10 Based on the -- the information we've
11 received to date, and our understanding of operations
12 similar to this, and our understanding of the -- the
13 regulatory process, the land use permit terms and
14 conditions, and so on, we haven't identified any
15 potential adverse effects of these projects that can't be
16 properly mitigated.

17 And that concludes our very focussed and
18 narrow presentation. I'm open -- open to questions.

19

20 QUESTION PERIOD:

21 THE CHAIRPERSON: I'm going to start off
22 with the developers. Do you have any questions?

23 MR. GREG MCKILLOP: Thank you, we don't
24 have any questions.

25 THE CHAIRPERSON: The Yellowknives Dene

1 First Nation...?

2 MR. GREG EMPSON: We've got a few. David,
3 we heard earlier, there was a reference to, and -- and --
4 I guess I'm going to come right and ask the questions.
5 There were previous recommendations, and I think they
6 were recommendations that were made by this panel, and
7 I'm not going to pick on INAC, but I think they were made
8 to the government.

9 And there was two (2) recommendations that
10 were made, and one (1) was to design and test a model for
11 Crown consultation. The second was to -- and -- and I
12 recall it has to do with a comprehensive land use
13 planning effort being made by the government for certain
14 areas, and I believe at that time it was limited to the
15 shoreline.

16 Can you -- can you tell us what progress,
17 if any, has been made in those -- in both of those
18 issues?

19 MR. DAVID LIVINGSTONE: David
20 Livingstone. First I'll -- I'll say that I would be
21 terribly disappointed if I didn't get questions from you,
22 Greg. It makes it all very -- much more interesting.
23 The -- I think I need to clarify a little bit the -- the
24 nature of the Board's report.

25 The Board makes a recommendation, and it

1 could be one (1) of several, but the project proceed to
2 regulatory, subject to a number of measures, the project
3 go on to a higher level of assessment, the project will
4 be rejected, so. That's the recommendation. Measures
5 are -- are binding. They are -- they accompany the
6 recommendation, they are -- the recommendation is
7 conditional on the measures

8 And they -- they -- they vary in -- in
9 detail. The comments you referred to were in the form of
10 suggestions as I understand -- as I recall. And they're not
11 binding, they're taken seriously, but they're not
12 intended to be part of the regulatory process. So with
13 that in mind, the -- the consultation model is, as I
14 think people will understand, is still a work in
15 progress.

16 We -- we are improving our engagement,
17 building the foundation for -- for better relations with
18 Aboriginal governments, in particular. And then we are
19 engaged in -- in the honour of the Crown consultation,
20 section 35 if you like, on a more or less case-by-case
21 basis and frankly if we -- we improve our engagement with
22 Aboriginal governments then -- then it should remove some
23 of the -- the Section 35 consultation hot spots.

24 However, that is a work in progress. The
25 -- the ground is shifting always in terms of court

1 expectations and -- and the expectations of the various
2 parties engaged in consultation.

3 The process that we use now, essentially,
4 incorporates the results of the hearings such as this one
5 that the Review Board undertakes, incorporates our
6 understanding of the developers' consultations with
7 communities, looks at all the evidence once we receive
8 the Board report and the recommendation and the measures,
9 and then we do an analysis as to whether further
10 consultation is required by the Crown to satisfy its
11 Section 35 obligations.

12 That's essentially the -- the process that
13 we follow. We don't conclude -- we don't reach a
14 conclusion on whether more consultation is required until
15 we receive the Board report. To undertake consultation
16 in a significant way prior to that runs a risk of
17 duplicating effort and further confusing people.

18 So that -- that's the process that we've
19 developed so far. It's a -- it's a work in progress but
20 that's essentially what we do.

21 On the land use planning front, land use
22 planning is normally a component of land claim
23 negotiations. In the Deh Cho case it -- it was agreed
24 that as part of the Deh Cho process land use planning
25 would be initiated prior to an agreement being struck.

1 In the case of the Gwich'in and Sahtu, land use planning
2 and Tlicho land use planning didn't begin until after
3 agreement was struck.

4 Land use planning is a component of the
5 Akaitcho negotiations and thus far there has been no
6 agreement to initiate land use planning in this area.

7 We're also cognizant of the 3 kilometre
8 zone that -- that people have referenced today. We're
9 well aware that that 3 kilometre zone is a bit of an
10 artificial boundary, that the cultural heritage and
11 archeological importance of the area extends much further
12 inland than 3 kilometres.

13 So we're -- we're working on all fronts,
14 making progress I think in all fronts but perhaps not as
15 rapid as people might like.

16 MR. GREG EMPSON: Thanks, Dave. And this
17 might not be a fair question but I -- I guess you're kind
18 of the point man for Her Majesty the Queen.

19 We've introduced a new term to these
20 Hearings and -- and perhaps one that we just explored a
21 little bit this afternoon and I'm -- I'm -- in -- in your
22 capacity I guess we talked about the concept of a
23 cultural landscape.

24 It -- it seems that that's something from
25 the standpoint of federal versus territorial governments

1 that falls within the responsibility of, in this case,
2 INAC or certainly in -- in the case of -- generally in
3 Canada the -- the Government of Canada have you or are
4 you aware of any initiatives that have been made by the
5 Government in that respect or by your department?

6 MR. DAVID LIVINGSTONE: David
7 Livingstone. Yes, in fact the -- the recent announcement
8 in Sahyoue/Edachio in Great Bear Lake, two (2) peninsulas
9 on the -- the west side of Great Bear Lake is essentially
10 a cultural landscape, protected area, and it should have
11 undertaken by Parks Canada.

12 People in Deline have for a decade or more
13 been interested in protecting those two (2) peninsulas as
14 cultural landscapes, as geographic heritage areas,
15 central to their -- their culture and well being.

16 Parks Canada, through its legislation has
17 sponsored the -- the initiative and just recently the
18 announcement was made that that initiative will likely be
19 successful. It will result in the permanent protection
20 of those two (2) sites, those two (2) areas and they're
21 quite large areas. I think in total size something like
22 the size of Prince Edward Island. And the mineral
23 rights, oil and gas rights and so on will not be
24 available under that protection.

25 Similar to national park protection in

1 terms of extent and -- and nature. The details remain to
2 be sorted out, but -- but that's essentially it.

3 MR. GREG EMPSON: Thank you, David. Mr.
4 Azzolini has a question, I think a follow-up to that.

5 MR. LOUIE AZZOLINI: Louie Azzolini with
6 the Yellowknives Dene First Nation.

7 Mr. Livingstone, you said that the whole
8 question of Crown consultation is -- is -- is changing,
9 it's being developed with time, and that the Review
10 Board's processes are forming part of that Crown
11 consultation. Yet the Review Board is an independent
12 body and acts within its own sphere of jurisdiction and
13 does as it wishes.

14 And I guess my question to Mr. Livingstone
15 is would -- and to the Review Board, depending on how
16 this -- how it's interpreted -- is: Would there be
17 anything prohibiting the Review Board from pausing the
18 environmental assessments after hearings or whatever --
19 wherever they're interfaced to or whatever, to await the
20 results of the Crown consultation so that it can take the
21 full body of evidence into consideration before taking
22 its decision?

23 The reason I ask that question is that
24 should the Review Board find in favour of this particular
25 -- these particular developments, they will proceed and

1 rights will be infringed more so. However, if the Crown
2 is able to undertake its -- its work and then to
3 facilitate this information to the Review Board, it would
4 enable the Review Board then to align regulatory and
5 perhaps its decisions so as to achieve a common end.

6 So I guess the question for Mr.
7 Livingstone is do you -- would you be adverse or is that
8 an adverse position to the way Crown consultations are
9 currently conducted or could be conducted?

10 MR. DAVID LIVINGSTONE: David
11 Livingstone. Perhaps I'll defer that question or refer
12 that question to John Donihee. But maybe first I should
13 try to answer it. I think the answer is I don't think
14 we'd like that scenario very much .

15 The point of the review process is to get
16 as much on the table as possible from all parties, and
17 the tribunal, the Board in this case, then makes --
18 undertakes its deliberations with all the facts it has
19 and reaches a conclusion and -- and, in this case, makes
20 a recommendation.

21 The Crown then looks at that
22 recommendation, reviews all the evidence that it's heard,
23 that it has in front of it, and decides whether or not
24 the -- the recommendation and the measures warrant
25 further examination. And -- and in that context, whether

1 further discussion, further consultation with the
2 Aboriginal parties is -- is warranted.

3 The problem with the scenario you've laid
4 out is that you run the risk of having two parallel
5 processes. And that's -- that's inefficient, that's
6 redundant. We -- we would prefer that -- that the Review
7 Board process run its course so that we have all the
8 evidence, all the information available, to then
9 undertake a review of the -- the remaining Section 35
10 obligations that -- that the Crown may have.

11 If we stop -- if the process stopped
12 before that and we went out to the communities and
13 Aboriginal governments and said okay, what do you think,
14 we'd all be left with -- scratching our heads a little
15 bit because we don't know what the Board thinks. And
16 we'd be coming back to the Board with the same kinds of
17 concerns I think that the Board has already heard. I'm
18 not sure that that would add a great deal.

19 Now, in terms of the Board's
20 recommendations, once the Minister -- the responsible
21 ministers reach a decision on the matter, then it -- if
22 the project proceeds, it goes to the -- the Land and
23 Water Board. There -- there is additional opportunity
24 for Aboriginal governments and others to -- to engage at
25 that process -- in that process and -- and of course

1 there's always the recourse to the courts if people
2 aren't happy.

3 So I think the way we see it, it makes
4 sense for -- for the processes established through the
5 MVRMA to run their course, not -- not be paused midstream
6 and then engage in the Section 35 analysis and
7 consultation if required.

8 MR. LOUIE AZZOLINI: No further
9 questions, Madam Chair. Thank you. Oh, Rachel Crapeau.

10 MS. RACHEL CRAPEAU: You answered part
11 and I thought I was going to hear something from John.

12 I hear that land is being protected in the
13 Sahtu. The work that we did with the archeologist was
14 just a start of good work but we did not manage to
15 continue. Say for example the -- right up by Callum
16 Thompson about Willow Island, there's a cabin there by an
17 -- by an old man, R.B. Fells (phonetic). He worked in
18 Giant Mine.

19 That cabin's still there, but if you go
20 into the middle of that island there were at least six
21 (6) to eight (8) families who lived in there. Mary
22 Banaya (phonetic) would know that house because her
23 auntie Rose Seekie (phonetic) lived there and I saw the
24 corner of -- of that community where my grandfather had a
25 house and when people got sick and they were dying the

1 only thing my grandfather could do was take down his
2 house apart and he moved his house out of there, logs --
3 all the logs, everything and he moved it to the entrance
4 of Drybone Bay. He didn't want his family to be buried
5 in that Drybone Bay graveyard where his family is buried.

6 The archeologist didn't put that
7 information in here even though he worked with us; that's
8 why we say we need to continue this work and I thought we
9 were continuing this work and we were putting all this
10 information on -- on paper and we were putting the
11 information also on maps.

12 That's why I went to the Balanca Building
13 (phonetic) to ask for money from Protected Area Strategy
14 to continue the work and we did do the work but I'm at
15 the crossroads here. How do I continue protecting my
16 grandpa's place, my auntie's burial site. She's not in
17 the big burial place but she's right in that -- right at
18 the -- in the bay when you -- when you paddle in. It's
19 in a little grove -- clearing. She's buried by two (2)
20 Banaya children.

21 We need to do something more besides 30
22 metres. If they're going to drill sideways, underneath
23 or however we need to protect these places. I'm not
24 reassured that -- that the Prince of Wales Heritage
25 Centre is -- is helping us.

1 They're suggesting that the Proponent do a
2 study but what we started with the archeologist and the
3 information that we put together would serve everyone
4 very well because I've seen what companies do when they
5 hire Jean Bussey (phonetic), Daniel, and now our
6 archeologist that we found, they are starting to hire him
7 and he's just -- all they're doing is their just landing
8 on by helicopter and they're just gathering what they can
9 visually see right away, but they don't know if the
10 information on -- on the ground like the Elders.

11 So all the information that we've gathered
12 we would like to use it towards protecting areas and how
13 much more can -- can we do to -- to do that and -- and
14 can we continue to do that with INAC and try to copy
15 what's going on in the Sahtu area. And that was my
16 question. Can we do that?

17 MR. DAVID LIVINGSTONE: I think the --
18 the short answer is that the protected area strategy
19 secretariat is ready and willing to help out where it can
20 and -- and we -- we did provide funding two (2) years
21 ago to the Yellowknives, there was no request last year
22 as I understand it.

23 And we're waiting for a proposal again
24 from the Yellowknives and other parties perhaps to
25 further the work on this area that had been identified by

1 the Yellowknives as an area -- a large area that they
2 would like to see protected. So the -- the door is open.

3 MS. RACHEL CRAPEAU: Thank you for your
4 answer. I would like to continue with this work with the
5 Elders, but the Board has to talk with the Chiefs to see
6 about the copyright and the rules regarding the use of --
7 of the information. And -- and I -- I just wanted to
8 point that out because the work we did was just
9 preliminary and -- and I just wanted to state that more
10 needs to be done with our full participation.

11 And this is where I was making gestures to
12 -- to companies to -- to think about coming into an
13 agreement with us to do work together, but that it seems
14 also has to be worked out at a later date by the Chiefs
15 so that we'll see maybe some results later. Thank you.

16 MR. GREG EMPSON: I believe that's all
17 for the Yellowknives Dene First Nation, Madam Chair.
18 Just as a side note, unfortunately I have a plane to
19 catch. I'll take my leave now if I might and leave the
20 chair with Rachel and Mr. Azzolini and Mr. Moon Sun.
21 Thank you.

22 THE CHAIRPERSON: I am just going to
23 continue with the line of questioning. North Slave Metis
24 Alliance, any questions?

25 MS. SHERYL GRIEVE: When -- when DIAND

1 says -- when you say that -- Sheryl speaking for the
2 North Slave Metis Alliance.

3 When you say that impacts to land and
4 water can be mitigated by existing regulations, do you
5 mean that all environmental effects can be mitigated?

6 MR. DAVID LIVINGSTONE: Dave Livingstone.
7 What I meant was that the land and water related effects
8 of the project, the impacts on -- directly on land -- the
9 impacts directly on water, can be mitigated through
10 fairly standard procedures.

11 What I alluded to was the -- the concern
12 that -- that Aboriginal governments in particular and
13 Aboriginal individuals, have raised in that -- this
14 hearing and in previous hearings and -- and like Charlie,
15 I've -- well maybe not like Charlie, I haven't been
16 around nearly as long as Charlie has, but I've heard the
17 -- the concerns for years that -- that it's more about
18 values sometimes than it is about the particular project
19 at hand.

20 We can mitigate the -- the environmental
21 effects of this project, I'm confident. Can we mitigate
22 the effects of this project in the -- in a cultural
23 context, in a broader social and environmental context?
24 That's not for me to judge. That's -- the Aboriginal
25 groups have -- have been very articulate in expressing

1 their concerns about development generically in -- in
2 this area. The Board is the tribunal hearing that --
3 hearing those concerns. And -- and the Board will reach
4 its own conclusions on this.

5 But from a -- a strictly biophysical
6 standpoint, and -- and looking at this particular
7 project, this -- this is not an unusual project. Diamond
8 drilling has been done for decades, and there's nothing
9 that -- based on the information we have that would
10 suggest that the -- the narrow biophysical effects of
11 this project can't be mitigated satisfactorily.

12 THE CHAIRPERSON: Did you have any
13 further questions or is that it, Sheryl?

14 MS SHERYL GRIEVE: I have a question, but
15 I don't know how to say it. I'll have to pass.

16 THE CHAIRPERSON: I'm just going to
17 interrupt here. Dave, just for clarity, you have brought
18 a lot of people, how many departments are represented here
19 in terms of different departments, or different sections
20 you have consultation? If you can, kind of, break them
21 down maybe that would help us, because you -- I believe,
22 like, when you are speaking, and doing the presentation
23 you are speaking for all of them?

24 MR. DAVID LIVINGSTONE: David
25 Livingstone. I'm apparently speaking for Her Majesty.

1 I'll do that very carefully. We've got folks from my
2 directorate, Renewable Resources Environment,
3 representing the environment and conservation division,
4 which is part of the directorate, as well as the Water
5 Resources Division.

6 We've got representatives from Aboriginal
7 and Territorial Relations dealing primarily with the --
8 the claims negotiations, and claims implementation, but
9 also consultation issues. We've got a representative
10 from Minerals Oil and Gas dealing largely with -- with
11 those subjects from an active perspective primarily.

12 We have Ken Dahl, from the district
13 office, an inspector. And we have -- if Julie returns,
14 somebody from policy and planning, again, consultation is
15 a primary interest. And then Carla and John from the
16 Department of Justice.

17 THE CHAIRPERSON: I'm just going to move
18 on if I can just ask the -- if there's any further line
19 of questioning, I'm just going to move on, Sheryl,
20 because you weren't too sure how to formulate your
21 question. I wasn't sure what to do.

22 MS. SHERYL GRIEVE: If I -- if I think of
23 a way to say it can I hold up my hand later, if -- if
24 you're not all the way finished with the questions?

25 THE CHAIRPERSON: Okay, I'll allow that.

1 I just have Northwest Territory Metis
2 Nation, a question?

3 MR CHRIS HERON: Thank you. I'd like to
4 introduce myself, I'm Chris Heron from the Northwest
5 Territory Metis Nation. I'd like to take my hat off for
6 a second, put my other hat on. I'm Chris Heron Chair of
7 the protected areas strategy for the NWT. I would like
8 to clarify something that Mr. Livingstone said in his
9 presentation, that Parks Canada initiated Sadoyu/Deh Cho
10 -- Deh Cho, sorry. It's a community-led initiative and
11 it's sponsored by Parks Canada. Thank you.

12 Being a twenty (20) year alumni of the
13 Government of Canada, I have a question for Mr.
14 Livingstone. When did the government of Canada become
15 efficient? Seriously. We as Aboriginal organizations
16 are being forced to do with what we've got, and the
17 government of Canada continues to grow. I'm sorry, but
18 that's not efficiency. We heard from the proponent as
19 well as INAC that this is not an unusual project. We
20 agree. But it's the number of these not-unusual-projects
21 that are of concern. Thank you.

22 MR. DAVID LIVINGSTONE: David
23 Livingstone. Perhaps I could respond. I'm tempted to --
24 I better not. Well, maybe I will now that everybody is
25 wondering what I wasn't going to say.

1 There was a -- I went to the Wek'Eezhii
2 Renewable Resource Board Hearing a couple of weeks ago
3 and there was an allegation of conspiracy by government.
4 And a -- and a former government employee said look, you
5 know, I've worked for government for many, many years and
6 you're giving them way too much credit. I think he said
7 that government couldn't organize a one-car funeral
8 parade.

9 So having said that, two (2) things: One
10 (1) on the -- the efficiency side, I -- I think I was
11 talking about was we're getting a little better handle on
12 the consultation processes that -- that are still a
13 moving target.

14 The protected area strategy issue, if I
15 referred to Parks Canada as the initiator, I apologize.
16 I've been involved in that process since well before it
17 began and I do know better.

18 And in terms of the drilling project,
19 yeah, it's -- it's not unusual. The context is -- is
20 challenging though.

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: Is there any further
25 questions? That's it? Okay.

1 I'm just going through my list of
2 interested parties.

3 Prince of Wales Heritage Centre, any
4 questions?

5 MR. GLEN MACKAY: No questions.

6 THE CHAIRPERSON: DFO...?

7 MR. ERNIE WATSON: No questions.

8 THE CHAIRPERSON: Deninue Kue First
9 Nation...? I believe they left, so.

10 Government Northwest Territories...?

11 MS. LORETTA RANSON: No questions.

12 THE CHAIRPERSON: Environment Canada...?

13 MS. IVY STONE: No questions.

14 THE CHAIRPERSON: I think this is all the
15 line of questions. I'll just move on to the Board Staff.

16 MR. ALAN EHRLICH: Thank you, Madam
17 Chair. Alan Ehrlich.

18 I have two (2) questions that I'll address
19 to Her Majesty in the form of David Livingstone. One (1)
20 of them is my understanding of the Protected Area
21 Strategy is that an early step in the Protected Area
22 Strategy is an evaluation of the mineral resource
23 potential underneath the areas that are being considered.
24 And since this area has had kimberlite pipes found
25 underneath it, I -- I don't know if that would be a

1 consideration in it's likelihood of becoming -- of
2 passing through the protected area strategy.

3 Am I -- is that a reasonable assumption?

4 MR. DAVID LIVINGSTONE: Well, certainly,
5 the -- the presence of the potential for diamondiferous
6 kimberlite pipes complicates things from a protected area
7 strategy standpoint, but it -- it certainly doesn't take
8 the potential entirely off the table. And that non-
9 renewable resource potential analysis -- renewable
10 resource potential analysis normally comes in at about
11 the third step of the process. We're with the
12 Yellowknives and this area, barely at Step 1.

13 MR. ALAN EHRLICH: Okay. Thanks. Now,
14 I'm thinking about -- several of these potential targets
15 are within that 3 kilometre shoreline zone that the Board
16 in its last round of assessments felt seriously enough to
17 make the suggestion that there be -- you know, the
18 suggestion that we all know about: No further permits
19 until certain land -- interim land use planning type
20 things happen in that area.

21 And you've mentioned that -- that the
22 Government takes this -- your words were "extremely
23 seriously," if I recall correctly or maybe it was "very
24 seriously."

25 I was wondering if you can then describe

1 some of the concrete results in policy or decision making
2 that that suggestion has had.

3 MR. DAVID LIVINGSTONE: I don't think
4 it's -- it's necessarily changed policy, but what it has
5 done is made us more alert to the development. I mean,
6 the fact that we've got roughly eight (8) people here
7 from the Department and most of us have been here for the
8 -- the full two (2) days, I think demonstrates the -- the
9 importance of -- of the issue here.

10 You know, the complication is not just the
11 cultural concerns in a specific project. The
12 complication also arises from the -- the legislative base
13 under which or on which we operate and particularly the -
14 - the mineral rights disposition system.

15 So the 3 kilometre zone is -- is all well
16 and good and it -- it highlights the importance of the
17 area for all parties; makes us more attentive to
18 potential developments there but it -- it doesn't
19 prevent, in and of itself, the disposition of -- of
20 mineral rights. That -- that we can't stop unless the
21 mineral rights are withdrawn and -- and once the mineral
22 rights are issued the developer -- the -- the holder, I
23 should say, has not only rights but obligations that it -
24 - it needs to meet if it's going to maintain those rights
25 in good standing.

1 So it's -- it's a -- it's a complicated
2 context. The land use planning initiative, I mean I'm --
3 I'm a -- personally a strong supporter of land use
4 planning, and the fact that we don't have land use
5 planning underway in this region further complicates the
6 picture, but that's a subject for land claim
7 negotiations. It's not a -- something that we can
8 unilaterally engage in. Thank you.

9

10 (BRIEF PAUSE)

11

12 MS. MARY TAPSELL: I'll -- I'll try to be
13 brief and -- and, David, I just want to pick your brain
14 because I know you're -- you're quite -- you've put a lot
15 of thought into the topic of cumulative effects
16 assessment. And it seems that this is a -- a subject
17 matter that has come up time and time again and -- and a
18 very important concern by all public, as it relates to
19 these small developments.

20 I'm just wondering the role of INAC as it
21 comes to cumulative effects assessment. And like,
22 because, you know, you currently say you've looked at
23 land use and water and -- and don't find every -- any
24 adverse impacts, but does INAC have the ability or can it
25 look at cumulative effects before mineral claims are even

1 assigned?

2 I mean, it seems that we're doing things a
3 little late at the back end and then all of a sudden
4 people get requirements, you know, rights and
5 requirements to -- to work things. And -- and so that's
6 one (1) question.

7 And I'm just wondering if you can
8 recommend ways that we can look at cumulative effects in
9 this area which has come up as a -- as a very large
10 concern. What parties should be at the table? Who
11 should take leads? We have caribou. We have water. We
12 have noise. We have traditional lands yet no one's
13 stepping forward to -- to wave the flag and lead how we
14 can address cumulative effects.

15 So I wondered if you had some thoughts on
16 that area you could share.

17 MR. DAVID LIVINGSTONE: David
18 Livingstone. Yeah, easy, easy questions there Mary,
19 thank you, especially the last one.

20 The -- the first question I'll deal with
21 more quickly. The only way that -- that mineral rights
22 can be withheld is -- is if they're withdrawn, basically.
23 I mean, the mineral rights system is -- is sometimes
24 referred to as the "free entry system." If the -- the
25 mineral rights are available then -- then, subject to

1 some minor legal niceties, the -- an individual can go in
2 and stake that area and claim the mineral rights register
3 at -- at the mining recorder's office.

4 And even if there are cumulative effects
5 concerns that -- that right exists so you have to
6 withdraw the -- the mineral rights before, to prevent
7 them from being -- being issued -- or being granted.

8 In terms of the -- the cumulative effects
9 issues in this particular area I think -- I think we need
10 to -- we need to look at it from several different
11 perspectives; one is the -- the amount of activity.

12 From an industrial standpoint there --
13 although it looks like -- it certainly looks worrisome
14 from some perspectives there isn't really a lot of
15 industrial activity going on. We've got two (2) active
16 diamond drilling projects or -- or one (1) act of diamond
17 drilling and -- and one (1) bulk sample, and then we've
18 got this proposal. As far as I know that's about it
19 right now, in this area. We've got quite a bit of
20 recreational activity and -- and again, I think that --
21 that is sometimes a cultural divide; one (1) person's
22 recreation is -- is another person's annoyance or worse.

23 So there -- there is -- there's a lot of
24 moose hunting in the area for example. Resident and --
25 and Yellowknives and others. There's a lot of snowmobile

1 traffic. Is that a problem? For some it is; for others
2 it isn't.

3 So it, you know, it -- it depends on -- on
4 the lens that you look at it through and I think any
5 cumulative effects assessment leads to -- to start from
6 the -- from the perspective of how much activity and what
7 kind of activity is out there. But then look at from the
8 perspective of whether it's acceptable in -- in the
9 context of the people in whose backyard it's taking place
10 and -- and what constraints need to be placed on it to
11 minimize the -- the adverse effects.

12 The Board in the previous Drybone Bay
13 applications initiated a cumulative effects study that --
14 that I think was -- was fairly inconclusive, but it was
15 an -- an interesting step in -- in terms of trying to get
16 a grip on the context.

17 An -- another method that we've used is a
18 regional plan of action approach. We -- through the
19 cumulative effects framework that we developed, we -- we
20 noted that -- that specific geographic specific
21 initiatives could be undertaken that -- that set in place
22 an environmental management framework deals with
23 cumulative effects among other things.

24 And perhaps that -- that's a tool that
25 could be applied in this area too: regional studies; the

1 moose study for example, sponsored by the West
2 Kitikmeot/Slave Study. Those are all tools in the tool
3 kit.

4 But it gets back to cumulative effects of
5 what and -- and who's concerned about -- about those
6 effects and why they're concerned about them. And -- and
7 really it, you know, for -- for one (1) -- as I said for
8 one (1) individual it may be a good thing, for another
9 individual it may be a bad thing and -- and that -- that
10 tug back and forth is -- is really difficult in this
11 context.

12 I -- I mean, I'm -- I heard very clearly
13 the concerns, particularly the Yellowknives yesterday,
14 about the -- the sense that -- that wildlife was moving
15 out of the area, that -- that people were being forced to
16 travel further, that their heritage resources were at
17 risk of -- of -- or have been damaged irreparably. You
18 know, it's -- that's -- that's serious, in my view.

19 And -- and that context is -- is the
20 challenge for this Board; looking at a project that --
21 that doesn't necessarily have on its own or cumulatively
22 significant environmental effects, but put it in the
23 context of -- of whether the people in the area want that
24 kind of activity. Tough, tough question.

25 THE CHAIRPERSON: I am just going to move

1 on to the Board Members. Richard...?

2 MR. RICHARD EDJERICON: Yeah. Thank you.
3 First of all, I want to say thank you to Dave for your
4 presentation and bringing your staff here and -- and your
5 support team. And, you know, the -- I'm just new to the
6 Board, so I'm kind of, you know, learning the ropes, I
7 guess, if -- you could say. And I appreciate, you know,
8 your comments about the process and all that and we've
9 all been around long enough to understand all the
10 processes that's here.

11 I -- again, what gives -- in my mind, I'm
12 a little bit concerned about some of the development
13 that's happening in -- in the Drybone Bay area. And I'm
14 kind of glad that you talk about consultation and the
15 fiduciary of the Crown and -- and that area. Again, you
16 know, this should have been, in my mind, more efforts
17 probably from your department working with, you know, the
18 -- the groups here in the north to make sure that proper
19 consultation should be taking place and, you know, that's
20 one (1) area that I've been thinking about.

21 The other area that I'm also thinking
22 about is that yesterday the Elders had talked about the
23 winter road going to Drybone Bay area and there was a --
24 a truck that went through and I raised that issue to DFO
25 this morning and I was wondering maybe if you -- if you

1 know information on both that and you can update the
2 Board in regards to what took place there.

3 And the only reason why I keep saying that
4 is because, you know, the -- the trucks do carry diesel
5 and, you know, other oils and so on but I just need to
6 know that because what's happening is that, you know,
7 there needs to be a plan for cleanup either by the
8 Proponent or -- or the, you know, the permits issued by
9 your department to whoever goes out on those ice roads.

10 There has to be something in place to
11 ensure that -- that if something does happen it's jumped
12 on right away and -- and if their vehicle's still there
13 then what -- what kind of a plan do we have in place to
14 take that out of there because if, you know, if you don't
15 -- if you don't jump on it right away then it's going to
16 continue to happen.

17 And so how do we mitigate that so that
18 those issues are addressed? So I just want to kind of
19 just bring up those two (2) concerns. Thank you.

20 MR. DAVID LIVINGSTONE: Let me deal with
21 the second one first because it's easier to remember and
22 I've got the paper in front of me.

23 And one (1) of the advantages of being
24 here the last two (2) days is thanks to -- to Ken we're
25 able to answer the question.

1 It turns out it was quite a bit more than
2 a truck. It was a six by six (6x6) plow truck. It was a
3 John Deere excavator and a sixteen (16) wheel lowboy and
4 pony that went through the ice, a total weight of about
5 50,000 kilos. So it's -- it was a significant event.

6 There were about nine hundred (900) litres
7 of fuel on board and about one hundred sixty (160) litres
8 of hydraulic oil.

9 The -- as soon as the truck went through -
10 - it was Robinson's Trucking operation -- as soon as the
11 equipment went through I should say different folks were
12 notified. Robinson's Trucking was responsible as the
13 operator.

14 The -- the truck went -- I think it was in
15 20 metres -- 20 plus metres of water so it fairly deep
16 and the equipment and very heavy so it was impossible --
17 it is impossible apparently to -- to lift that equipment
18 on ice by a crane and it is impossible to lift it in the
19 summer using air bags or flotation or whatever else.

20 The -- the fuel that was on the -- was in
21 the vehicles was displaced as the vehicle sank. The --
22 the fuel was displaced and -- and bubbled up to the
23 surface and was burnt off -- burnt off or captured in --
24 in whatever spongy material -- I can't remember the
25 technical term now, anyhow, absorbent pads and -- and was

1 removed.

2 Since that time the -- the site is -- and
3 in addition to that, in addition to burning off the fuel
4 that came up in the broken ice, holes were drilled in the
5 -- around the perimeter to determine whether fuel was
6 escaping elsewhere under the ice and -- and that turned
7 out to be negative. There was no detection of fuel other
8 than the fuel that came up through the hole. That was
9 burned off.

10 During the summer there have been frequent
11 inspections of the site by RTL and others. The -- the
12 site is marked by a buoy and there have been no
13 indications of surface slicks so it appears that -- that
14 what fuel leaked, leaked early and was captured and
15 burnt.

16 The -- the equipment is still on the
17 bottom. It may be that -- that at some point it can be
18 removed but the -- the federal agencies responsible and
19 RTL, so the federal agencies would be Environment Canada,
20 DFO, DIAND, and Transport Canada, and RTL have agreed
21 that for the time being it's -- it's safe enough where it
22 is to leave it there.

23 I've got a -- a fairly comprehensive
24 report on that that I can table with the Board if it --
25 if it helps you, if you're interested. Okay. We'll --

1 we'll get a copy for you and...

2

3 --- UNDERTAKING NO. 1: For INAC to table the
4 comprehensive report re the
5 Robinson Trucking vehicle
6 that went through the ice.

7

8 MR. DAVID LIVINGSTONE: Sorry, Richard,
9 what was your first question?

10 MR. RICHARD EDJERICON: It was just a
11 consultation in fiduciary of the Crown.

12 MR. DAVID LIVINGSTONE: Yeah, well, as I
13 said we're -- we're working on it, and hopefully getting
14 more efficient, getting better at it. But fundamentally,
15 you know, it's -- it's all about relationships. Get the
16 relationship right, and you should have fewer instances
17 where section 35 consultation becomes a -- a hot spot,
18 you know.

19 And we'll, no doubt, still have -- have
20 instances where section 35 is drawn in, but if government
21 and the Aboriginal Governments -- Federal and Territorial
22 Government and Aboriginal Governments can work together
23 better, and -- and establish a better ongoing
24 relationship, then we shouldn't be fighting each over it
25 -- other across the section 35 table. Yes, thank you,

1 that's it.

2 THE CHAIRPERSON: John Ondrack...?

3 MR. JOHN ONDRACK: I'd like to ask a
4 question, please.

5 THE CHAIRPERSON: Yes, go ahead.

6 MR. JOHN ONDRACK: Gotcha, David.

7 Relative rookie after three (3) years on the Board, but
8 there's something that bothers me about your presentation
9 today. The MacKenzie Valley Resource Management Act
10 requires us to consider not only the biophysical, which
11 is what you dealt today, but the socioeconomic well-
12 being, and cultural well-being of the people of this
13 MacKenzie Valley.

14 I already stated that you -- you've quite
15 clearly said you've dealt with the technical aspects of
16 this proposal, which are the biophysical in my mind. And
17 I have to ask you, is not INAC one (1) of the stewards of
18 the socioeconomic well-being of the people of the
19 MacKenzie Valley? And if you are, then why have you not
20 spoken more explicitly about your consideration in this
21 regard?

22 MR. DAVID LIVINGSTONE: David

23 Livingstone. It's -- you're right, I mean, DIAND is
24 certainly one (1) of the Federal agencies, and probably
25 the lead federal agency in -- in ensuring the -- or

1 helping to insure the -- the health and well-being of --
2 of Aboriginal peoples, and other northerners.

3 Having said that, I've learned that it's
4 presumptuous of me at best to speak for Aboriginal
5 peoples. I don't think that I can do that justice, and I
6 -- I've learned -- learned that -- that the best
7 spokespersons in that context are the Aboriginal peoples
8 themselves.

9 So, of course, we're -- we're concerned
10 about the -- the well-being of -- of the people using
11 this particular area, and their concerns about the -- the
12 effects of development on their -- on their way of life.
13 But they are far better able to articulate those concerns
14 than -- than we are.

15 We're also responsible for an economic
16 development, and so we look at this proposal and -- and
17 we look at it in the context of, kind of a grass roots
18 exploration program, and -- and everything I heard the
19 proponents say about the nature of -- of the activity, I
20 -- I don't disagree with.

21 It's -- it's small scale, it's
22 exploratory, there's no guarantee that -- that it's going
23 to be successful, but if it is, then -- then -- then
24 it'll move on to the next stage, presumably. And part of
25 that -- that equation then is the economic benefit that

1 development -- that development of a -- a diamondiferous
2 kimberlite pipe might have for this area.

3 So it's -- you know it -- from the
4 economic side, yeah, we -- we have a responsibility and a
5 mandate, and -- and we've got our minerals, and oil and
6 gas division that -- that promotes that sort of
7 development. We've also got an environmental component
8 of the department that -- that tries to place responsible
9 economic development in the context of sound
10 environmental management, that's what we try to do.

11 But we're not going to speak to the values
12 held by Aboriginal people. That's -- that's a -- as I
13 said, presumptuous for us, and -- and if I've learned
14 anything it's -- it's to respect the ability of -- of
15 those folks to speak much more articulately on -- on
16 behalf of their interest than I ever could.

17 So we -- we did take a narrow view, but
18 it's not that we're -- we're unaware, or insensitive to
19 the other issues. It's just that in -- in our view other
20 folks can speak more articulately to those points.

21 MR. JOHN ONDRACK: Thank you, David.
22 Here's my problem. I've sat through this hearing and the
23 one (1) in Lutsel K'e recently and they both scream of
24 Aboriginal peoples speaking to someone that's not
25 listening.

1 There's no balance coming to me as
2 evidence in what's going on here about what is -- is
3 being done. You essentially have the legislative power
4 to dispose of rights to land and you say you're in bound
5 in many ways by the existing legislation to do these
6 things.

7 Therefore the -- you're the only ones that
8 can stop the bus and that's what they're expecting and we
9 don't hear anyone here sort of trying to manage this
10 particularly difficult situation.

11 The area we're speaking of now is dying a
12 death of a thousand cuts and I think one of the biggest
13 problems in that area has nothing to do with industrial
14 development right now, but it all has to be considered as
15 a package.

16 We have heard in this hearing how
17 important that area is to the Aboriginal people and we --
18 we've heard and I believe that it -- that area is being
19 compromised step by step. So I -- I'm concerned that I,
20 as a board, in being told how difficult my decision is,
21 as a board member, I know bloody well how difficult it
22 is, but that I'm not getting balanced information.

23 MR. DAVID LIVINGSTONE: David
24 Livingstone. Look, I don't know how -- how it could be
25 clearer. The -- from our perspective, this particular

1 project would have very minor environmental effects. It
2 won't contribute to cumulative effects in any significant
3 way. I think you're right. I think the -- the problem
4 is not necessarily these projects, it's the -- the
5 increasing general human use of the area.

6 But it's all bound up in a number of other
7 -- decisions for this area are bound up in another -- a
8 number of other fora -- mine claims negotiations. The --
9 I mean, technically the department does have the ability
10 to withdraw the mineral rights in this area, but there
11 are pre-existing rights that that wouldn't be withdrawn
12 and these folks, the proponents, have pre-existing
13 rights.

14 Even if the -- the lands were withdrawn
15 now and no further mineral rights were issued, that
16 doesn't and it wouldn't prevent the -- the current rights
17 being exercised and it doesn't prevent land use permits
18 from being issued for other activities that don't require
19 dispositions in the first place.

20 So, you know, it's -- it's not simple and
21 I -- I have every sympathy for the -- for the Board, but
22 I have confidence, too, given what I've seen of the Board
23 in past assessments that it -- it can find a wise
24 solution to this.

25 It's not going to be easy and I -- I mean

1 I'm trying to be helpful here, but it's not my -- my role
2 to tell you what you should do. You're -- you're hearing
3 from all aspects of the compass on this issue from the
4 folks who just want to get on with the small project, to
5 the folks that -- that don't want that small project, not
6 only because it might lead to something bigger that they
7 don't want, but they don't want that small project,
8 period; to -- to everything in between.

9 And you know the MVRMA was created in part
10 to get rid of DIAND, to get DIAND out of the equation.
11 So I guess I'm sitting here as an advisor to the -- the
12 Board that -- that has a -- a tough decision to make,
13 but, you know, you've got the wheels, I think, to get
14 through this one.

15 MR. JOHN ONDRACK: Thank you, David.
16 Before I give up the mic, I'd make a couple more
17 comments. On the latest comment that you made I would
18 suggest that if -- if these negotiations proceeded a
19 little more quickly that this board would have very
20 little to do.

21 And I would also suggest that it is
22 unfortunate that developers have to come into this arena
23 and attempt to -- to exercise the rights they've gained
24 on the properties that they're in.

25 So we have ourselves in a bit of a pickle

1 and what I'm hoping to hear more of, these are the two
2 (2) most insightful hearings I've been at in three (3)
3 years is more of what's going on on the INAC side to
4 solve the problem. Thank you.

5 MR. DAVID LIVINGSTONE: David
6 Livingstone. Well, I'll -- I'll be sure to pass on your
7 concerns and comments to Her Majesty.

8 THE CHAIRPERSON: Nora Doig, do you have
9 any questions?

10 MS. NORA DOIG: I guess it's more of an
11 observation than anything else. I'm just going back on
12 my notes. During this hearing, since yesterday
13 afternoon, we've heard statements like -- coming from
14 YKDFN, like: How can you consult with affected parties
15 if you, the developer, can't tell them what you're going
16 to be doing?

17 And then on the presentation on the INAC -
18 - it says INAC's Hearing presentation summary, under the
19 technical analysis it says that they're satisfied with
20 developers' answers. So they gave you some answers that
21 we couldn't get from them today. Can you share with us
22 so we can...

23 MR. DAVID LIVINGSTONE: David
24 Livingstone. Well, the answers that they provided us are
25 on the record. They're in the form of the information

1 request responses that they provided to our questions.
2 And we would, on the developer consultation side,
3 certainly encourage the proponents to get out there and
4 meet with the individuals and the organizations as
5 frequently and as -- as thoroughly as possible.

6 And I -- you know, I guess in terms of the
7 level of detail, it's -- what we have in front of us is
8 perhaps not the level of detail that -- that we would
9 normally see at -- at this stage of a process. But it is
10 a small -- small proposal with a known environmental
11 effects, and in isolation, it's not a -- it's not a big
12 deal. But it's unfortunately not in isolation.

13 THE CHAIRPERSON: I'm just going to move
14 on. Jerry Loomis, do you have any questions?

15 MR. JERRY LOOMIS: I have no questions.
16 Thank you.

17 THE CHAIRPERSON: Danny Bayha...?

18 MR. DANNY BAYHA: Thank you, Madam Chair.
19 Thank you for your presentation, David and sitting
20 through question period.

21 Just a couple of questions. Going back to
22 consultation issue, now you mentioned a couple of issues
23 towards that and I just want to get your opinion. It's
24 just a simple question.

25 Is -- is faxes and phone calls adequate

1 consultation in your opinion?

2 MR. DAVID LIVINGSTONE: David

3 Livingstone. Well, if it were government sending out
4 faxes and making phone calls, I'm sure that we would hear
5 that it's not adequate. Having said that, you know,
6 consultation is a two-way street and faxes and phone
7 calls, unanswered, at a certain point would make one
8 think that perhaps there's no issue. But persistence is
9 also -- also a value.

10 MR. DANNY BAYHA: Thank you. The other
11 question I have -- I mean, Mary brought his up of
12 cumulative effects in this area and stuff. Presently the
13 way that we -- I mean, the North Slave Alliance made --
14 gave us a picture of the amount of mineral leases or
15 claims that's in that area. That seemed to cover that
16 whole area.

17 And I don't know if it's mineral claims or
18 leases or permits that's there because it wasn't very
19 clear, but if it was, the value to have a cumulative
20 effects study in this area or land use plan in this area
21 is -- would it be -- would it be a useful thing to have
22 that because if all these claims it's already there?

23 MR. DAVID LIVINGSTONE: David

24 Livingstone. Two (2) things.

25 First of all, land use plan is always a

1 good thing in my view.

2 Second thing is that to the -- the extent
3 that -- that I'm aware, there are only two (2) surface
4 leases in the area and they're both surface recreational
5 leases; small cabins. There are no mineral leases in the
6 area, and there are relatively few -- relatively being a,
7 I guess, a qualitative term -- relatively few mineral
8 claims in the area.

9 So from an industrial perspective, it's
10 not -- we're not looking at the Lac de Gras area, for
11 example, as a -- as a comparison, it's nothing like that.
12 But for the people in whose backyard this is happening,
13 it's a -- it's a serious issue.

14 So -- and we've got a lot of recreational
15 activity.

16

17 (BRIEF PAUSE)

18

19 MR. DAVID LIVINGSTONE: Just to correct
20 the record, New Shoshoni, David Smith, has two (2)
21 mineral leases in the area. To -- to provide a little
22 more certainty and clarity I think what we can undertake
23 to do is give you a current map of mineral leases and
24 mineral claims and surface leases for the area and we'll
25 try to do that by the end of next week. I think we could

1 probably come up with something by then.

2

3 --- UNDERTAKING NO. 2: INAC to provide Board with a
4 current map of mineral
5 leases, mineral claims, and
6 surface leases for the area
7 by the end of next week.

8

9 MR. DANNY BAYHA: Yes, that sounds very
10 good. Just another question.

11 In light of the -- the concern about --
12 the proponent says that they may use winter road or may
13 build a winter road to support their -- their activity in
14 that area. In light of what happened with Robinson's
15 truck in that area in the past year, is there any -- any
16 -- like I don't know if it -- it was a cost issue to
17 retrieve this -- this vehicle or it was an oversight on -
18 - on the land use permits or -- or water inspection.

19 I'm not sure exactly who's responsible
20 when it comes to winter road and the mitigation measures
21 that's been given or monitoring some -- to have --
22 obviously there was an oversight somewhere to lose this
23 type or to have this kind of weight in this area where it
24 can't support it.

25 So I don't whose responsibility goes to do

1 that, but at the same time -- that's the first question
2 and the other question is, is there any consideration of
3 -- of having security deposits for people who build a
4 winter road and use the winter road in case they lose
5 their equipment and they can't -- they don't have the
6 funds to retrieve it so they can leave it in the lake?

7 So that's sort of two (2) questions and
8 maybe you can try to shed some light on it. I would
9 appreciate it. Thank you.

10 MR. DAVID LIVINGSTONE: David Livingstone.
11 I might ask Ken Dahl to fill in for me here, but on the
12 first question about who's responsible: RTL's
13 responsible. RTL built the road. It -- it was RTL's
14 equipment that was being transported and RTL is the --
15 the owner and operator so it's responsible for cleaning
16 up the mess.

17 And -- and from my understanding RTL has
18 done a -- a good job of -- of addressing the issue. It's
19 not an insignificant financial loss to RTL, too. I mean
20 that's -- that's costly stuff and I'm sure if they could
21 retrieve it, they would.

22 If it could be retrieved in a safe way and
23 -- and an economic way that my understanding is that in
24 dealing with 50,000 kilos of equipment air bladders don't
25 necessarily cut it. It's a -- it's a lot of heavy stuff.

1 And the -- the size of a crane and the weight of a crane,
2 plus the weight of the equipment being brought up bring
3 in the question the -- the safety of the operation on
4 ice.

5 So lesson learned. I mean, vehicles do go
6 through the ice periodically and fortunately there was no
7 loss of life and fortunately no environmental damage of
8 significance.

9 The second point about security deposits,
10 well, it's a polluter pays principle and RTL is certainly
11 responsible. Land use permits can have security deposits
12 attached to them as leases do or water licences, but a
13 land use permit isn't required for an ice road. So
14 that's -- I don't know, Ken? Where's Ken? Do you have
15 anything to add?

16 MR. KEN DAHL: Not really.

17

18 (BRIEF PAUSE)

19

20 MR. KEN DAHL: Ken Dahl with DIAND here.
21 I think David hit -- hit the nail on the head there. I
22 don't have a whole bunch more to add. I think there is
23 considerable loss, as David had indicated. There's loss
24 of equipment there. Thank goodness there was no loss of
25 life.

1 And we worked closely with the company and
2 other government -- government agencies in -- in
3 assessing the risk of removal of the equipment versus the
4 benefits of doing that, and it certainly isn't an --
5 isn't an unprecedented case. There's -- there's -- I
6 mean, there's a BC at the bottom of the -- of the ocean -
7 - or there's a ferry at the bottom of the ocean in BC
8 there recently, too, and that was one (1) of the things
9 that Environment Canada had considered.

10 So it's -- it's not the first time it's
11 happened and the agencies have worked together to assess
12 that. Yeah.

13 MR. DANNY BAYHA: Okay, thank you. It --
14 so it maybe just if you can enlighten us, maybe, David or
15 Ken, what permits are required for somebody to go build
16 an ice road, or is -- is there any? I'm not sure, like
17 anybody can do that by that themselves, and then there's
18 no -- no -- nobody's monitoring them, nobody's watching
19 them. I -- I just wanted to get an idea. Thank you.

20 MR. KEN DAHL: The -- the Land and Water
21 Board will issue land use permits for the portion of the
22 ice road that crosses land, and that's about the extent
23 of the -- the land use activity. Otherwise, no permit is
24 required for the surface use of the ice.

25 MR. DANNY BAYHA: Okay, I -- that was new

1 to me, I didn't even know that. I heard -- I thought
2 there was some mechanism in place to protect the waters
3 and -- but I -- I guess that there isn't.

4 The other question I have -- now over --
5 over the course of a couple of days, day and a half, we -
6 - we've -- you had, David, you had a lot of a -- want to
7 -- you've -- people that work with you that were here --
8 that were here listening to the concerns of -- of our
9 residents of First Nations, and the public about issues
10 from consultation to -- to issues of malfunctions, and
11 stuff like that -- we were just talking about.

12 Is there anything, you think, maybe, that
13 would add that would help to address some of the concerns
14 that the community members have? Not so much in relation
15 to, maybe, to the -- to the development, but in relation
16 to any overall frustrations that you seem to have -- have
17 -- seem to have surfaced in this hearing?

18 So if -- if there's anything -- anybody
19 wanted to comment, like any the department members, or
20 yourself, care to give us some assurance that some
21 progress be made in some areas, or some attempt to -- to
22 try to maybe be -- that would be great. Thank you.

23 MR. DAVID LIVINGSTONE: I -- I'm getting
24 a resounding, don't make eye contact reaction. I -- I
25 think -- what can I say, we're -- we are -- we're from

1 DIAND, we're here to help. We -- we'll do what we can to
2 -- to assist the Board in -- in working through this --
3 this problem. But the Board has dealt with difficult
4 problems before, and -- and I -- I'm not being glib here,
5 I think -- I think there's a solution here as well.

6 You know, the MVRMA was -- was a product
7 of a deliberate attempt by northerners to ensure that --
8 that northerners views, and concerns, and issues were
9 heard clearly and had weight in the decisions made.

10 So you -- the Board has the mandate, I
11 think, to -- to -- and -- and -- the ability to address
12 this in a wise way, and we'll continue to -- to respond
13 to whatever information requests we might get from the
14 Board and -- and we'll provide the information that we've
15 committed to provide today. I, you know --

16 MR. DANNY BAYHA: Thank you, David.
17 That's all I have.

18 THE CHAIRPERSON: Charlie, do you any
19 questions?

20 MR. CHARLIE SNOWSHOE: Dave, I'm not like
21 I used to be. I'll leave you alone. Thank you.

22 THE CHAIRPERSON: Sheryl, I didn't forget
23 you, but I'm still going through the Board members and
24 I'm just going to ask a few questions.

25 Dave, I notice that you only use five (5)

1 slides, but the question period was very long. You also
2 had brought along at least about eight (8) different, you
3 know, people that are representing other department.

4 And I know that just from looking at, you
5 know, the presentation, the presentation focuses on the
6 fact that you have reviewed the information that was
7 provided by the proponents on their proposal, and based
8 on that, you said that the review of information provided
9 to date, we don't identify any adverse impacts that can
10 not be properly mitigated through land use permit
11 condition.

12 So, I guess, my line of question is, you
13 have based it on what is in front of us but in terms of
14 making that determination we had lots of issues that came
15 out throughout, you know, the last two (2) days which is
16 -- one (1) of them is no consultation and there was no --
17 so I'm just wondering in terms of -- how did you go
18 about, you know, addressing and -- and making that, you
19 know, the -- the determination that they would not have
20 adverse impact when we keep hearing that the consultation
21 was not sufficient?

22 MR. DAVID LIVINGSTONE: Well, -- David
23 Livingstone. We -- we looked at the material that we had
24 in front of us the -- the land use permit application and
25 -- and the associated material. We looked at the

1 Information Requests that -- the answers to the
2 Information Requests and -- and we -- we also relied on
3 the knowledge in the Department about activities
4 similar in nature that have taken place elsewhere.

5 And we -- we also were cognizant of the
6 land use permit terms and conditions that would normally
7 apply to a project of this type and -- and based on all
8 of that, the evidence that we had in front of us and the
9 knowledge that -- that people possess, we determined that
10 based on the information we had and the understanding we
11 have this is a project that -- that from a -- a land and
12 water biophysical impacts perspective can be readily
13 mitigated.

14 That's -- that's essentially the process
15 that we went through. There was -- and meetings and
16 conversations and discussion about that but even though
17 we don't have the precise location for the -- the drill
18 holes and even though we don't have the -- the
19 archeological information that -- that would be necessary
20 prior to putting the -- the drill and drill pad down we
21 think all of those concerns can be mitigated if -- if the
22 recommendations by the Prince of Wales and other folks,
23 DFO, are followed.

24 That's, you know, that's essentially it.
25 Now, that's again the -- the strictly technical

1 perspective. That's -- that's what we looked at. We
2 looked at it from a technical perspective.

3 And we didn't -- beyond reading and -- and
4 listening very carefully over the last couple of days to
5 the -- the interventions and the -- the letters and so on
6 from the Aboriginal parties, we did -- we haven't
7 consulted directly with those parties and we're not, as
8 I've said, not here to purport to represent their --
9 their interests or concerns.

10 THE CHAIRPERSON: My other question would
11 be kind of linked to consultation but we heard lots of,
12 you know, the duty of the Crown but at the same time when
13 I was listening to you, you -- you touch on saying that
14 developers had pre-existing rights.

15 How would you make that difference with,
16 you know, when people say they have treaty rights or --

17 MR. DAVID LIVINGSTONE: Yeah.

18 THE CHAIRPERSON: -- land rights to the
19 land, like -- because I think that's the heart of the
20 issue here.

21 MR. DAVID LIVINGSTONE: David
22 Livingstone. Yeah, it is at the heart of the issue. The
23 pre-existing rights I was talking about are -- are the
24 rights granted by Canada to -- to the proponent from a --
25 a mineral development perspective. The -- the claims

1 that were staked, claims that were registered and -- and
2 the rights that -- that accompany or the rights and
3 obligations that accompany that. That's all I was
4 talking about.

5 Pre-existing rights, the -- the treaties
6 and so on, yeah, and I'm -- I'm certainly no expert in
7 that area and I -- and I don't want to get into a debate
8 about the relative merits and -- and whether there's an
9 overriding lien on the land and so on.

10 I mean I think there have been plenty of
11 court cases there and -- and I guess in my view the best
12 way to resolve that issue is through the negotiations,
13 the Akaitcho process and unfortunately that's taking a
14 considerable amount of time and it's -- from the -- the
15 Aboriginal perspective it's time lost in terms of
16 resource development.

17 THE CHAIRPERSON: I don't have any
18 further line of questions but I did say to Sheryl that I
19 would give her, I guess the last shot, only because she
20 was trying to formulate a question but it didn't come
21 through so just to be fair I would go back and ask you,
22 Sheryl.

23 MS. SHERYL GRIEVE: Thank you very much.
24 Sheryl, from the North Slave Metis Alliance.

25 I did formulate a question; it's kind of

1 in a couple of parts and I also want to clarify. Those
2 maps that I provided in my presentation were downloaded
3 from the GNWT geomatics website yesterday morning.
4 They're current -- as current as could be done. The --
5 the legend might be a little hard to read but if you blow
6 it up on the computer you'll be able to see what all the
7 boundaries are.

8 My question for David is: If the caribou
9 came into the room here and told us this activity will
10 cause us to change our behaviour, we're going to have to
11 change our diet. We're going to have to change our
12 range. We're going to have to go to a lot more effort to
13 eat and to do the other things that we do when we live,
14 would that count as a biophysical impact?

15 MR. DAVID LIVINGSTONE: It would be a --
16 a consequence of the activity, sure, but -- but having
17 said that we didn't look at -- at the impacts of this
18 activity on wildlife; that's not within DIAND's mandate
19 to do so.

20

21 (BRIEF PAUSE)

22

23 MS. SHERYL GRIEVE: As -- as part of the
24 cumulative impacts assessment to the interacting
25 biophysical systems that comprise the environment, whose

1 responsibility is it?

2 MR. DAVID LIVINGSTONE: Well, -- David
3 Livingstone. Again to -- to pull it all together I think
4 it's -- it's in large part the Board's responsibility to
5 integrate the advice and concerns and -- and observations
6 that it's getting from the various parties so the Board
7 will -- will need to take into account the advice that
8 it's receiving from -- from this Department, the advice
9 that it will receive from the GNWT, the advice it's
10 received from DFO and -- and will receive from
11 Environment Canada and the advice and concerns -- well-
12 articulated concerns, that it has heard over the last
13 couple of days and -- and previous to this from the
14 Aboriginal parties.

15

16 (BRIEF PAUSE)

17

18 MS. SHERYL GRIEVE: I was expecting you
19 to give me the answer that GNWT was responsible for
20 caribou, but maybe you were thinking in terms of people
21 and I was going to also ask if these biophysical impacts
22 were happening and they were cumulative and they involved
23 people and those people were Aboriginal people, is that
24 now DIAND's responsibility?

25

MR. DAVID LIVINGSTONE: David

1 Livingstone. You know, I -- I don't think it's -- it's
2 useful getting into the -- the hairsplitting about who's
3 responsibility this is. It's a collective responsibility.
4 I think we're -- we're all collectively responsible for
5 giving the Board, the Tribunal, the best advice we can.

6 The GNWT has responsibility for caribou
7 and for the social and economic well being of northerners
8 and DIAND has some responsibility for the social and
9 economic well being of -- of northerners. So does Health
10 Canada.

11 Aboriginal people have responsibilities as
12 -- as set out in land claims and so on so it -- I -- you
13 know, I'm not sure that -- that it's productive to get
14 into whose responsibility is this, whose responsibility
15 is that kind of debate. It's a collective responsibility
16 and we need to work collectively to -- to come up with
17 solutions.

18 MS. SHERYL GRIEVE: That's the end of my
19 question.

20 THE CHAIRPERSON: I'd like to thank you,
21 Dave, for your presentation.

22 I am going to ask that we have a ten (10)
23 minute break. It has been a long day. So we still have
24 two (2) more presenters and members of public if they
25 were interested in making statement. Thank you.

1

2 --- Upon recessing at 5:01 p.m.

3 --- Upon resuming at 5:09 p.m.

4

5 THE CHAIRPERSON: And I believe we have
6 Government of Northwest Territories keyed up for the next
7 presentation. So second call for people to take their
8 seats.

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: You can proceed with
13 your presentation. Just introduce yourself for the
14 record. Thank you.

15

16 PRESENTATION BY THE GOVERNMENT OF NORTHWEST TERRITORIES -
17 ENVIRONMENT AND NATURAL RESOURCES:

18 MR. DEAN CLUFF: Thank you, Madam Chair.
19 My name is Dean Cluff. I'm a Wildlife Biologist with the
20 Government of the Northwest Territories, Department of
21 Environment and Natural Resources in the North Slave
22 Region.

23 I -- I'm here today also with Loretta
24 Ranson from our headquarters division and earlier it was
25 Karen Clark (phonetic) as well from headquarters

1 environmental assessment.

2 I was asked to talk to the Board on behalf
3 of our department on some of the wildlife studies and
4 manage -- and research and monitoring that has occurred
5 in the area of interest for these two (2) development
6 proposals, exploration proposals.

7 So that's what I'll -- I'll do right now.
8 Wildlife is very important to the people of Northwest
9 Territories and -- and that's not surprising given the --
10 the lifestyles that we've seen here and -- and our -- our
11 department is aware of that.

12 And so given the importance of wildlife,
13 it is not surprising to have levels of wildlife concerns
14 that we've heard it being expressed. Even -- even in
15 situations where development proposals or exploration
16 proposals, such as this, are relatively small.

17 Unfortunately -- or what our government
18 has -- does is, we -- we, our department specifically is,
19 we -- we do monitoring and research of wildlife
20 throughout the Northwest Territories.

21 Since I'm from the North Slave Region, we
22 concentrate more on the North Slave Region. I have been
23 involved in other studies beyond the regional boundaries,
24 but we haven't done as much work in the area of interest,
25 so there -- there's limited studies and I'll just outline

1 some of them for you.

2 One of the things that was really useful
3 was the Board itself actually in -- in June 2003 wanted
4 to do a sub-regional cumulative effects assessment for
5 the -- the permitting activity that was occurring then.
6 And as part of that there was an eleven (11) day workshop
7 that the Yellowknives Dene First Nations arranged,
8 largely through Rachel Crapeau, and at the Drybones Bay
9 site and there was a variety of subjects covered.

10 There was a two (2) day window for
11 wildlife studies and so two (2) of us from our department
12 from the region, myself and wildlife officer, Raymond
13 Bourgeois (phonetic), we attended and it was -- allowed
14 us an opportunity to discuss with Elders, primarily,
15 wildlife issues and -- and mapping of the area at that
16 time.

17 It -- there was recognition that wasn't
18 much baseline information and so this was the way to fast
19 track it, if you will. To get the people who knew, who
20 had been on the land to get that information written
21 down. So we -- we endeavoured to try that. And so that
22 is -- is just a picture of our camp that we were at, at
23 Drybones Bay and some of the Elders that participated --
24 here's the picture of Drybones Bay, and -- and we -- and
25 we got to see a number of sites that the Elders pointed

1 out. One (1) of them was an eagle's nest, for instance,
2 that was nearby.

3 When we had maps, and we had the Elders
4 who were drawing maps of the routes that they've taken,
5 being very clear there was a -- a -- an extensive network
6 of trails that the -- the Yellowknives Dene have used,
7 and I should make it clear that is their data.

8 I'm just presenting this with their
9 permission, and a -- but they're -- they entrusted me
10 with this to -- just to -- when we were mapping it. So I
11 -- I want to impress that this is their data, and -- and
12 there was -- it's based on the movements and the
13 recollections of -- of various Elders. Some were at the
14 workshop, and also, some that were contacted afterwards.

15 Also in our discussions, they identified
16 number of moose sightings, some of them were over many,
17 many years, and so that -- that was compiled into some
18 areas where they've regularly seen moose, and so we
19 identified some, so called, good moose areas, where you
20 would see moose regularly. There's other areas, of
21 course, too. So that's identified in -- in red on these
22 maps.

23 There were two (2) moose calving areas
24 that were identified. But generally there was a
25 recognition that moose -- there's somewhat of a small

1 seasonal migration. Moose are often up in here area in
2 the fall, and they come down here into the spring to the
3 -- more to the -- to the shore where they -- they calve.

4 And they -- and they can stay around there
5 in the -- in the summertime, in the water to keep cool,
6 and to get away from insects, and then they can move back
7 into the hillier and drier areas again in the fall.

8 There was, also, some discussion on fur
9 bearers. Some specific identi -- areas identified for
10 beavers, and here in -- in red, the blue area for mink.

11 We had a couple of wolf sightings and
12 howlings, some muskrat areas here in green, and otter
13 areas here in yellow. They tend to be associated with
14 the rivers that have some rapids, so that the ice is open
15 in the wintertime, and so there's, again, identifying
16 those areas. There is even a small area here that said
17 there was a lot of frogs in the area.

18 So it definitely -- a lot of information
19 passed on in that small period of time. In terms of a
20 martin, there's more generalized information. Martin are
21 here more in the highland areas, lynx, as well, were --
22 were noted.

23 Wolverines seem to be more observed along
24 the -- along the coast -- the shore between the Wolf Bay
25 and the Crow Cap areas.

1 And that's why I had mentioned wolverine
2 before, because there is some -- although the
3 conservation status of wolverine in the Northwest
4 Territories is considered secure, there is a national
5 group called the -- the Committee on the Status of
6 Endangered Species in Canada, and abbreviated as COSEWIC,
7 that considers the western population of wolverine of
8 special concern. So that eventually has some potential
9 impact later on in the species at risk legislation that
10 exists.

11 So just to summarize that Drybones Bay
12 field workshop, it was clear that the Yellowknives Dene
13 had travelled extensively over the land within the study
14 area and beyond. There was many moose sightings and we
15 identified a number of areas, plus the calving areas, and
16 some seasonal migrations were noted.

17 Other sightings were on other fur bearers,
18 such as beaver, otter, mink, and muskrat. But there was
19 less specific information on wolverine, lynx, and martin,
20 probably reflecting more of a general distribution there.

21 We had -- our department heads have been
22 active in -- in some surveys in the area. The symbols
23 seem to have changed here, but there was -- this is a
24 survey that we did just east of Dettah, on the seventh of
25 October, 1996, it's a beaver lodge survey. It's 180

1 square kilometres, this area here that's identified, the
2 boundary.

3 It was intended to, again, monitor the --
4 the abundance of beaver in the area, and also as a way to
5 encourage beaver trapping, you know, with -- with the
6 residents of Dettah, and to assess that resource
7 potential. The survey was done -- initiated in 1987, '89
8 and '92 and then lastly in '96.

9 In this particular case, there -- there's
10 red dots that indicate occupied beaver lodges and there
11 is the black dots indicated unoccupied beaver lodges.
12 The -- the density there, based on that survey was about
13 .52 lodges per square kilometre, which is reasonable for
14 the Boreal Forest.

15 Previous years it was a little bit higher,
16 maybe about .73, and at one point, .93 lodges per square
17 kilometre. So again that was fairly -- it's fairly high
18 density in the -- in the late 80's at -- for beaver
19 lodges for the Boreal Forest. So, you know, a
20 reasonable population for beavers there.

21 The -- the department has monitored
22 caribou as everyone knows, I think. Since 1996 the
23 department placed on satellite radio collars to monitor
24 the -- the movements of the herd in -- at a large scale.
25 So up to twenty (20) caribou have been collared at any

1 one (1) time at that limit and -- just to monitor the
2 herd.

3 This is a map from January 2006. That
4 year many of the caribou were along the east arm in
5 Lutsel K'e area, but there is a location here of a
6 caribou nearby the -- the area of interest.

7 The -- the red dots are the current
8 location for that day, that was January 7th, and the --
9 the red squares were just a previous location five (5)
10 days ago. That's the format of the -- of the maps.

11 So the point is here, caribou do come in.
12 Although there's only been ten (10) to twenty (20)
13 caribou collared at any one (1) time, we've done some
14 surveys that have been -- it -- it's quite amazing that
15 that few have been fairly indicative of where the -- the
16 caribou winter, so they've been good surveys.

17 And that's been through surveys that we've
18 done and -- and through also support from the Federal
19 Government to help us with assessing the distribution of
20 the collars and the representation of that herd.

21 And here's another map just from April
22 2003. Again here -- you can see Great Slave Lake. The
23 collars that year were near Gamite, so the bulk of the
24 herd, of the Bathurst Herd were -- were there. And
25 there's very few collars -- or there were no collars in

1 the area of interest that the -- where the development
2 proposal is and likely very few caribou in that area that
3 time.

4 One of the big concerns that we've heard
5 is the moose and -- and we -- we -- our department
6 monitors moose in other regions more aggressively -- has
7 been less so in the North Slave Region. This area with
8 the Taiga Shield, the shield country is -- is not ideal
9 moose habitat and moose densities are -- are lower than
10 elsewhere, but we have initiated some moose monitoring.

11 We recognize that moose is an in --
12 indicator of land change, specifically related to fire,
13 and moose are also a very important food source for North
14 Slave communities. And population is growing and -- and
15 basically moose are used as a -- as a traditional
16 resource. So we've increased our monitoring of moose and
17 I'll just highlight some of the aspects we're doing right
18 now.

19 Part of the -- the Cumulative Impact
20 Monitoring Program -- there has been some meetings back,
21 I think, in 2001, and at those meetings, key monitoring
22 indicators for moose were identified and I've listed them
23 here. Population size and trend were important, the
24 number that were harvested, various ratios of calf and
25 cows and survival. So they're indicated there.

1 We -- we thought what we would do -- so in
2 other words there's a number of things to -- to follow up
3 on when you're assessing population status.

4 And so we thought we would do a moose
5 survey, an aerial survey. And so what an aerial survey
6 does was it addresses those monitoring indicators. It
7 can give use information on population size and trend and
8 give us information on -- on calves and cows and a sex
9 ratio, because when we go, we don't just count the
10 animals and say, oh, there's a moose. We also try to
11 classify it as a bull, a cow or a calf. So we can get
12 that information just from that aerial survey.

13 There hadn't been very many aerial surveys
14 in the area. The -- the first one was in winter of 1962
15 when Canadian Wildlife Service, at the time did one and
16 it was a very limited. It was east of Dettah. And then
17 there was another one done in 1989, I believe, but not in
18 this area.

19 So there was a -- a need to do a survey
20 for -- for certainly just baseline information. And is
21 was because of the -- of the -- the previous hearings
22 that we had when we had I think it was four (4) permits
23 or applications to consider together by the Board that
24 spawned this -- this survey and it -- we were able to get
25 funding from the West Kitikmeot/Slave Study Society to do

1 this.

2 Here is the -- the north arm of -- and so
3 here is -- there is Yellowknife there and this is the --
4 the -- this sort of outline is the study area for the
5 Taiga Shield moose survey that I did in March 2004.
6 There was another survey done here on the Taiga Plain,
7 but I won't be talking about that because the area of
8 interest here is -- is this area.

9 So I -- originally I had put a line on the
10 map of areas that I thought would be useful to survey. I
11 consulted with a number of people in -- in communities as
12 well and of course that area grew. There is -- there is
13 interest from the Tlicho in the Russell Lake area for
14 instance. Of course I was interested in -- in this area
15 because of the activity and proposed activity and so this
16 area expanded more to -- towards Campbell Lake.

17 And there is interest, of course, on the
18 winter road and -- the Tibbitt-Contwoyto Winter Road.
19 And because the West Kitikmeot/Slave Study is a -- a
20 funding collaboration between the Federal Government, the
21 Territorial Government and industry, we did receive some
22 funds from the Tibbitt-Contwoyto Winter Road joint
23 venture to help do this.

24 The area is divided up into grid cells and
25 -- and we -- because we can't survey the whole area;

1 logic -- logistically really impossible, but nor is it
2 really necessary. We can use the principal of sampling
3 to infer the rest. So we -- we need a sample, a
4 representative area, and then we can extrapolate from
5 that.

6 So we divide the area into grid cells. We
7 also then consulted with people about -- we ranked the
8 area in terms of high density -- relatively high density
9 moose areas versus low density. So we talked to people
10 about where would you expect to see moose and if they
11 expected to see a moose in our area we considered that as
12 a high density area.

13 And that is used in -- in a statistics
14 part of -- of the survey design, but we consulted heavily
15 with that. Because this was the first time that we -- we
16 did this, there's a lot of areas we didn't have
17 information.

18 We -- we benefited from the bison survey
19 that was occurring here every -- every couple of years.
20 We took some -- when they do the bison survey they also
21 do -- they see moose and so we were able to get the
22 habitat associated with that. Because we couldn't get,
23 from people, information from every grid cell to classify
24 it as high density or low density, we -- we relied also
25 on the vegetation classification, you know. So we used

1 that and -- to help us.

2 Then we needed to sample that and -- oh,
3 and this is just to show some of the habitat. This would
4 be more or less fairly good moose habitat. It's flat
5 here, there's some feed and this is -- you can see the
6 moose tracks here, the willows and open areas, so -- as
7 opposed to maybe another area of the Canadian Shield that
8 is fairly rocky, the lakes have abrupt shorelines; less
9 food for -- for -- for moose. And so we take that in
10 consideration when we do a survey and when we -- we were
11 selecting grid cells to sample.

12 This is what -- the cells that we sample.
13 There was over eleven hundred (1,100) grid cells in that
14 whole area; that whole area is 17,000 square kilometres.
15 And so we sampled a hundred and twenty (120) of these
16 grid cells. And each grid cell is 16 square kilometres.
17 Basically 4 kilometres by 4 kilometres.

18 But what we do is we -- we go out with a
19 plane and we -- we survey the area. We do complete
20 coverage. So we -- and I'll show you another slide with
21 that. If there's a moose in that grid cell, we expect to
22 see it. And so we have extensive overlap in our flying
23 to see moose.

24 And here's an example here I'll show in
25 the next slide here. This is a grid cell, this box.

1 Okay, here's another one. We're flying along in the
2 plane -- this is our flight track recorded by GPS -- and
3 we go back and forth, back and forth maybe about 400
4 metres apart and if we see a moose then we plot it.

5 Here is a weigh point where there's a
6 moose. In this case it's just outside of our grid. We
7 record that; that's important if it's inside the grid or
8 outside the grid for -- because we're sampling.

9 So anyway these are details that we do in
10 the moose survey and here's another dot here where there
11 -- we saw a moose. But we get complete coverage and then
12 we can extrapolate that whole area. And -- and this is
13 what we did. We had two (2) planes going out, we had
14 observers from all communities. Here we had people from
15 the Tlicho. We had here -- why we -- we had Tlicho. We
16 had Lutsel K'e, Yellowknives Dene and the Metis. So we
17 tried to involve everybody that we can because we knew
18 everybody had interest in moose. These are actually all
19 the names of the participants that we used over the few
20 days that we did this back in March 2004.

21 Here's some of the results. Again, it was
22 just over eleven hundred (1,100) cells that -- of the
23 area of interest; 17,000 square kilometres. We surveyed
24 just over 10 percent of that, about 10 percent. We only
25 saw thirty-three (33) moose. Bull -- eight (8) bulls,

1 sixteen (16) cows and we could classify them all, and
2 nine (9) calves. That turned into a ratio of fifty (50)
3 bulls to a hundred (100) cows which is fairly reasonable.
4 And fifty (56) calves per hundred (100) cows was
5 reasonable as well.

6 We also -- when we're flying, we're going
7 between grid cells, we also see other animals too. We're
8 not -- we also look out then too and we record what we
9 see. So there was another twenty-nine grid cells that we
10 did see animals and if you add all those up we saw sixty-
11 eight (68) moose.

12 We have to be careful in how we
13 incorporate this information because the grid cell was
14 not completely covered. We happen to see one (1) --
15 there could be more on that grid cell, so you have to be
16 careful of how you bring that in to the analysis. But
17 sometimes the ratios are valid and again, we saw a very
18 high ratio of bulls to cows and the calves -- calf to cow
19 ratio was -- was very high. You know, if we have
20 anything more than forty (40) calves per cow, that's
21 good.

22 We had the -- three (3) instances of
23 twinning in the Taigas Shield, so I was pleased to see
24 that. But again, I have very little to compare to
25 because this is the first time this has been done this

1 way. So it would be very useful to do another one and we
2 can then compare.

3 This is high; the bulls to cows. It was
4 done in March and sometimes, you know, the bulls have
5 dropped their antlers by then and so it's sometimes
6 difficult to classify them. So, it's conceivable that
7 some bulls may have been classified as -- or some cows
8 may have been classified as bulls. Sometimes the moose
9 is bedded and they don't get up, you know, so you're
10 relying on secondary characteristics. Usually they get
11 up and we -- we can take a look.

12 Here is just more results. I -- I just
13 put them -- all the results in here now -- or from all
14 the cells. And just calculating a density, if we look at
15 the sixty-eight (68) moose and in the area that we've
16 covered then it converts to about almost three (3) moose
17 per a 100 square kilometre and that's fairly low. In the
18 territories it can range from one (1) to seventeen (17)
19 moose per 100 square kilometres. The highest is in Isle
20 Royale in -- in Michigan there's, like, one (1) -- one
21 (1) or two (2) moose for per every square kilometre. So
22 it gets huge.

23 So, you know, the moose density here is --
24 is relatively low, but there's some hot spots as people
25 probably know. You can go from -- check out different

1 areas, not see a moose, but then you go to some areas and
2 there's -- there's lots. And we heard that too from the
3 Drybones Bay camp. Gros Cap for instance, you know, is
4 an important area for -- for moose, and of course Moose
5 Bay and -- and those areas as well.

6 Just for reference, the Taigas Plain,
7 moose -- Taigas Plain ecozone where we did the other
8 survey, with SIMP (phonetic) funds, was four (4) moose
9 per 100 square kilometres. So the Taigas Plain is -- is
10 a -- we expected that -- is a better area for moose.

11 Since that year, 2003/2004, we also
12 initiated a community moose monitoring program. We -- we
13 adopted that from the Yukon. We thought it was a very
14 good idea to -- to help the community help us monitor
15 moose because our department, remember, is monitoring
16 research -- or monitoring wildlife and doing research in
17 a co-management setting and we can't do these moose
18 surveys every year.

19 And so we have this moose monitoring
20 program where we have a form that people pick up at the
21 beginning of September or early for when they go out
22 moose hunting and -- or just out on the land and they see
23 moose. They can provide us with information on what
24 numbers did they see and if they can age and sex them,
25 that helps us. And that can help us get calf survival.

1 Then you also get ratios on bulls to cow and calves to
2 cows. So that can certainly help there.

3 Here's just some of the results from that
4 -- the community moose survey response. We had initial
5 success or -- with twenty (20) participants so far, with
6 a hundred and eight (108) observations. And we had a --
7 a hundred (100) forms at the time so we had -- given out.
8 So twenty (20) -- twenty (20) of them came back, so 20
9 percent returned. Fewer participants the following year,
10 unfortunately and that does effect our interpretation.
11 It picked up again the following year and we are hopeful
12 that this year the -- all the other results aren't in
13 yet, but hopefully there's a -- there will be good
14 participation.

15 This will be hard to see. You'll --
16 here's Great Slave Lake here, and there's some dots
17 unfortunately, that just show where the sightings that
18 people have told us are moose. So it's not just in the
19 area of interest, it -- it goes beyond it, but I wanted
20 to put this out because there are many dots of moose
21 sightings here again from the community in the area of
22 interest.

23 And again, they did provide some
24 information on the bull, cows, and calves, and -- and the
25 aging of them, and so we can get sex ratios from the

1 adults and bulls and the calves. But this complicates
2 things too, because there is just showing nine (9)
3 participants in that year, and so that -- that has to be
4 taken into consideration.

5 So hopefully this continues and we can get
6 some more trend information. Here's the trend so far
7 with that information with the community input; the
8 bulls, and the cows, and the calves.

9 The other thing I have initiated is a
10 wildlife sighting form, because people are out there way
11 more than I can ever be and a -- I -- I -- I'm interested
12 in this information, so I have this people that -- that
13 if people see something and they want to report it, I
14 welcome it and I enter it. And so, they just initiated
15 this now.

16 I just made these up in -- in January.
17 I've sent them out to aircraft companies, and outfitters,
18 and other people, and still doing so right now as I meet
19 them. And so it's just to get some more information out
20 there.

21 This came to mind again, also, a few years
22 ago when I actually saw from the -- I think it was the
23 proponent's wildlife sightings list; they had saw a
24 coyote in the area and so I wanted to capture that.

25 So just in summary then, we have a -- we

1 did a moose survey back in March 2004 that provided some
2 baseline information for this Taiga Shield ecozone.

3 I think a followup moose survey would be
4 needed, and I propose one (1) for this coming November.
5 The fall is best, if I can. I couldn't do that last --
6 in 2003, I guess, or 2004, but I'm hoping to do it in the
7 fall, because that will help with the classification.
8 And I'm -- I'm hopeful that the community moose
9 monitoring program continues.

10 I indicated that barren-ground caribou are
11 -- are occasional visitors in the winter; it depends on
12 their range that particular year. And that the fur
13 bearer information we have is mostly limited to the
14 harvest and sighting records so far. Thank you.

15

16 QUESTION PERIOD:

17 THE CHAIRPERSON: Thank you, Dean, for
18 your presentation. I noticed that there are some
19 interested parties who had left, so I'll just ask if
20 there's any interested parties who have a question;
21 that's the way I'm going to do it. But I'll ask the
22 developers first.

23 MR LAURENCE STEPHENSON: No.

24 THE CHAIRPERSON: So if I don't have any
25 show of interest from the interested parties who are

1 left.

2 Okay, go ahead, Sheryl, from North Slave
3 Metis Alliance.

4 MS. SHERYL GRIEVE: Sheryl speaking for
5 North Slave Metis Alliance. Dean, from -- from this
6 information that you've presented, is this baseline
7 information against which you might be able to measure
8 changes in behaviour or numbers of moose?

9 MR. DEAN CLUFF: Dean Cluff. Yes, that's
10 the -- that's the hope in it, specifically for the -- for
11 the -- for the moose survey it was -- it's considered
12 baseline information, and we'd like to do that again, but
13 we're also hoping that the -- the community base -- the
14 community based monitoring continues that trend.

15 The -- the caribou information is -- is
16 considered baseline, as well. It was a -- it -- the
17 purpose of it is to look at them -- the overall movements
18 of the herd, so it's not designed to see if one (1) --
19 one (1) aspect is causing disturbance to another. So
20 it's just general movements of -- of a herd, and herd
21 identity.

22 The fur bearer information, we have very
23 little information except for the harvest and we -- we
24 have to rely on -- well, we -- we rely on other people to
25 help us. There's always more to do and we're always

1 looking for suggestions and -- and partnerships to -- to
2 do more so we're not limited that way.

3 MS. SHERYL GRIEVE: How much more
4 information would you need in order to identify effects
5 of a project?

6 MR. DEAN CLUFF: Dean Cluff. Well, it
7 could be -- range from none, like no more, to much more.
8 It will depend on the project. It will depend on -- on
9 the questions.

10 If you're trying to address impact over a
11 large area you might have to do some more studies. One
12 (1) of the things we can also do is, depending on what
13 information gaps there are, we can go to the -- the
14 literature or to other people and -- and get information.
15 It may not be specific to the Northwest Territories but
16 it may be good enough recognizing that, you know, there
17 could be a small change.

18 So -- and then you can do some what we
19 call sensitivity analysis and -- and various modelling
20 exercises and -- and if you see that some parameter that
21 you don't have specific information on is not good
22 enough, then you can do a study and -- and get that
23 information locally. So that's always possible.

24 So it'll depend on the species. It'll
25 depend on the collection of species if we're interested

1 in -- in not just the impact of one (1) species and also
2 the area involved.

3 MS. SHERYL GRIEVE: I'm just asking --
4 it's Sheryl from the NSMA again. I'm wondering about the
5 methodology. Is the -- can you identify moose habitat
6 units from Taiga Plains and then use them on the Shield?
7 Is there a -- a useful ranking of habitat from one (1)
8 area to the other?

9 MR. DEAN CLUFF: No, that's -- that's a
10 very good question and we were concerned about that but
11 one (1) of the big things, a key component for moose
12 habitat is -- is deciduous component. That's the trees
13 that drop their leaves every -- every winter.

14 So depending on the -- the amount of that
15 habitat, that's a very good predictor of where moose will
16 be. But just relying on -- on the vegetation
17 classification by a satellite has its problems and -- and
18 we recognize that.

19 And for instance as a rule, an area that's
20 identified as just ice or water, you know, so it'll be
21 frozen in the wintertime is generally not normally a good
22 habitat but again -- and so we had some -- some cells
23 that were classified as low quality habitat based --
24 because it was mostly water but it turned out that of
25 course that is shoreline and -- and moose are often along

1 the shoreline. And so it turned out to be good habitat.

2 So you can't just rely on that and that's
3 why we also wanted to get information from people and --
4 and other sightings.

5 So to answer your question there were some
6 habitat variables from the Taiga Plain that we could
7 transfer to the Taiga Shield but it -- it's not perfect
8 and even if we had -- even if the two (2) areas were
9 identical there still is issues or concerns we have to
10 deal with habitat classification.

11 Now that we've done this survey we can re-
12 stratify this area into high density and low density
13 based on our results so far. Since then we've -- we've
14 seen moose. We've got more sightings from people, more
15 flights, more other surveys even for other -- you know,
16 for caribou and we see moose and we record that.

17 So we have a lot more information that we
18 can now reclassify the landscape if you will and -- and
19 it's always an iterative process where we can improve our
20 information.

21 So I guess what I'm saying is the next
22 survey will -- will start out even better.

23 MS. SHERYL GRIEVE: Would this kind of
24 information give you enough knowledge to enable you to
25 suggest mitigations for -- would you be able to actually

1 identify impacts well enough to suggest a mitigation?

2 MR. DEAN CLUFF: Dean Cluff. Well, for
3 this project we've heard before, and from David
4 Livingstone specifically and I would agree that this
5 specific development proposal, both of them combined,
6 will not, in my view, have any adverse impacts,
7 especially if anything is mitigated.

8 And I had asked the question earlier about
9 waste management and so that would be the most direct
10 impact right now. As long as the garbage management is -
11 - is dealt with to avoid not only bear conflicts,
12 potentially, but also other fur bearers and I mentioned
13 specifically wolverine, but there could be the foxes and
14 -- and other animals too.

15 So if that is dealt with and waste water -
16 - so if there's a proper waste management plan then that
17 will go a long ways to mitigating any adverse effects.
18 Now in terms of moose, it was pointed out that moose
19 calve in the area and it -- that's mostly in -- probably
20 in May. We don't have any specific information, but I
21 have the information from the people that have been out
22 there and so that will be an important time to avoid.

23 And my understanding is that the -- the
24 proposal -- the development activity will not occur at
25 that time. There seems to be some seasonal movements of

1 wolves -- sorry, of moose. So -- and moose have the
2 capability of -- of moving away from a -- a local
3 disturbance. There was mention before of recreational
4 activity and there -- hunting and harvesting would be a -
5 - a concern from a population point of view for moose.

6 And any increase in access could -- could
7 affect that and so that would be a concern. So if
8 there's more winter roads in an area or something or the
9 landscape is opening up more then that can have an effect
10 on moose populations.

11 MS. SHERYL GRIEVE: I noticed on your
12 graph --

13 THE CHAIRPERSON: Sheryl, if I can
14 interrupt. We may have other people who have questions
15 and we are kind of pressed for time so I could allow the
16 last question, but you have already asked about five (5).
17 So I will allow, but that will be the last one.

18 MS. SHERYL GRIEVE: I'll try and combine
19 my last two (2) questions. I noticed that your graph
20 showed a declining trend, so I was wondering if you could
21 comment about whether it was significant and whether is
22 might indicate a cumulative effect?

23 MR. DEAN CLUFF: Dean Cluff. Is that the
24 graph you're referring to?

25 MS. SHERYL GRIEVE: Yeah.

1 MR. DEAN CLUFF: No, I don't think we can
2 interpret much from that yet. It's just basically three
3 (3) points, you know, it's not much of a trend, probably
4 the minimum required to identify a trend. For that to be
5 the case you'd have to have, you know, very extreme
6 situations. So I don't think we have that.

7 In this situation in the middle that's the
8 -- that's the year that there was only the nine (9)
9 participants, so that is a -- does affect the
10 interpretation a lot. So I -- I can't make any
11 interpretations from this data right now.

12 Well, except to say that -- that the -- in
13 general the -- the ratios are -- are -- are, I think, in
14 terms of bulls and cows, there are fairly reasonable --
15 are good, indicating some healthy populations.

16 So the -- there's nothing to worry about
17 right now at -- from this information, but what will be
18 most telling will be another survey to see if that --
19 changes have occurred because the advantage of another
20 aerial survey is that it covers a huge -- a better -- a
21 bigger area.

22 You saw from the map though that -- that
23 some of these locations are throughout the area, but a
24 survey does get into a -- a -- considers the whole area
25 in a snapshot in time.

1 THE CHAIRPERSON: I am just going to ask
2 if other interested parties had any questions for Dean.
3 Go ahead, Yellowknife.

4 MR. LOUIE AZZOLINI: Louie Azzolini with
5 the Yellowknives Dene First Nation. I just stepped out a
6 moment ago and spoke with Mr. Sundberg and he said that
7 that slide that you had where all the collared calves, I
8 believe, there -- they are collared calves, I think, or
9 are they collared males and females? I don't know.

10 But he said that the bulls remain --
11 there's abun -- were in abundance of bull -- bulls down
12 in the Zigzag Lake area and in around there as well. So
13 does that one (1) slide represent where the caribou all
14 are or do you -- were there only collared calves there?
15 Cows?

16 MR. DEAN CLUFF: Dean Cluff. Yeah. Our
17 department has -- has only radio collared cows, caribou
18 cows in the Bathurst herd, okay? I mean, we've -- we've
19 collared -- other people have collared caribou in other
20 herds and -- and bulls have been involved, but for the
21 Bathurst herd only caribou cows are -- have been
22 collared.

23 So that's -- and the reason for that was
24 again to identify the -- the calving grounds and the
25 movement of the -- of the herds and -- and the timing for

1 the -- the calving grounds. And it's the -- the cows
2 that go to the -- the calving grounds and -- which was of
3 interest.

4 As many people know bulls -- caribou bulls
5 segregate the cows and calves. And bulls segregate so
6 the bulls are -- are often out in -- in so-called
7 bachelor herds in the wintertime. They all come together
8 during the rut which is usually around the third week in
9 October.

10 So after that then they separate. And so
11 definitely you can see bulls in -- in many areas. This
12 is just representing -- these dots here are just
13 representing caribou cows.

14 I've heard of people seeing caribou in the
15 Lutsel K'e area in July and there doesn't seem to be too
16 many woodland caribou there so it could even be bulls
17 that are hanging back so there are always sightings of
18 animals, specific bulls, in perhaps odd places or away
19 from the bulk of the -- of the herd proper.

20 MR. LOUIE AZZOLINI: Not so much a
21 question but Mr. Cluff has verified what Mr. Sundberg
22 indicated is that the male bulls in the wintertime when
23 this project would be occurring are -- are found in the
24 vicinity of -- at Zigzag Lake and that the females may
25 not be there but the -- that there are caribou there.

1 Thank you.

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(BRIEF PAUSE)

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THE CHAIRPERSON: I'll just ask if any other interested parties had any questions. If not I'm just going to go -- okay, Rachel.

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MS. RACHEL CRAPEAU: I want to say that ENR was good to help design studies, because before 2003 when I asked about animal information along the north shore and along the shore towards Talthelei Narrows and White Beach Point area how much moose or caribou in these areas; they didn't really have any answers.

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And we needed to find out some information on -- on the movement of the -- the moose migration but then also we also needed information on what's happening with the -- the population of geese that used to flock in these areas in the springtime.

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And so we asked Dean Cluff and Ernie Campbell back then to help us gather information and the Elders were interested in this work. That's why we have this information now, except that two (2) times that those survey sheets went around I wasn't told that we did the survey last year; we're going to do it again this year; can you pass these sheets around. That didn't

1 happen so maybe that's why you only got nine (9) people
2 who participated the following year and a smaller number
3 the next year.

4 So I'm very interested in continuing this
5 work because the Elders always talk about the -- plenty
6 of moose and caribou and that's why we did a caribou hunt
7 in Desperation area around that way, for our community.
8 And that was a really good hunt because our hunters even
9 managed to get as much meat that was needed for our
10 people and we had approximately eleven hundred (1,100)
11 mouths to feed but we managed to feed as much as we could
12 and that was a very good hunt. Thank you.

13 THE CHAIRPERSON: I'm just going to ask
14 the Board Staff and Board Members if they have any
15 questions.

16 MR. ALAN EHRLICH: I know it's getting
17 late. I'll keep this brief. I only ask because this is a
18 very important subject and we've heard from the
19 Yellowknives the importance of wildlife in the area,
20 traditional uses.

21 One (1) of the statements that Dean has
22 just made was that -- it was a very broad statement --
23 this project will not have an impact on -- these projects
24 will not have an impact on caribou -- on moose. And I --
25 I would like to clarify what you mean, so that we

1 understand you properly. Are you saying -- first of all,
2 are you saying that these two (2) projects on a project
3 specific basis will not effect moose populations?

4 MR. DEAN CLUFF: Dean Cluff. Yes.
5 Basically if there's some claims with twenty-one (21)
6 drill holes and a one (1) person camp -- or a one (1)
7 camp with six (6) people that aren't hunting, then --
8 then that's not going to have an adverse impact on moose
9 populations.

10 Where I was being cautious was -- is -- is
11 the support structure, or the infrastructure, if there's
12 going to be lots of roads or -- or other -- a lot of your
13 helicopter traffic, then can start getting into
14 disturbance at certain times, but it seems like that is
15 not going to happen with -- in -- in this window of time
16 for this -- for this permitting. We can then revisit
17 this in the go-around should they be successful.

18 But as it's stated now, I -- I don't
19 believe there'll be any significant impacts that can't be
20 mitigated.

21 MR. ALAN EHRLICH: Thanks. So no
22 significant impacts from these two (2) projects,
23 specifically on moose populations.

24 The other thing that I -- I'm wondering
25 what -- it sounds to me like what you are not saying

1 based on what you just said about access, it would be a
2 mistake to interpret from what you just as -- that access
3 plus all other activities, plus recreational hunting,
4 snow machining, and that kind of thing will not have an
5 effect on moose distribution.

6 In other words, that was not your point,
7 was it?

8 MR. ALAN EHRLICH: Well, I don't have any
9 specific information to comment on that. We don't have -
10 - there's a lot of information that is lacking, you know,
11 we don't have a detailed harvest information. We don't
12 know when it's occurring.

13 So there -- there's that aspect I can't --
14 but it has the potential if -- if there's increased
15 traffic, and increased harvesting it has the potential to
16 locally effect moose. We're not going to see the
17 extinction of moose in the North Slave, and they can
18 recover if -- in a short period of time, but it still
19 could have an impact.

20 But I don't think it's going to -- we're
21 not going to see that in this -- in this period of time,
22 within the -- like this five (5) year window.

23 MR. DEAN CLUFF: Yes, I mean, the thing
24 is the Board does have a mandate to -- to look at
25 cumulative matters, including all of the other human

1 activities in combination with these two (2)
2 developments.

3 So what I've just heard you say is that,
4 it may effect moose distribution or movement, because you
5 said they're -- vulnerable to -- they -- they move based
6 on sound, but -- but not an impact on what you said,
7 moose extinction, or it's not going to change the
8 population in the long-term. And if I've got that wrong
9 I assume you'll -- you'll tell me.

10 MR. DEAN CLUFF: Dean Cluff. No, I mean,
11 that's -- that's basically correct. I would interpret
12 that as correct. Moose are -- are potentially vulnerable
13 because in the wintertime they -- they do have a very,
14 relatively small area. With caribou they're -- they're
15 coming in one (1) winter and -- and they may move around,
16 but then next winter it's a whole new picture.

17 With moose they're going to still be
18 there, and if you know the location of a moose, in
19 January you could go back a few -- a few weeks later and
20 it's probably -- could still be there. And so it has
21 potential impact. So we may not -- would want to put
22 locations of moose out, for instance, like we've may do
23 for caribou, or we used to. So there's -- there's that
24 concern.

25 When I was on the moose survey, and I did

1 fly around the Gros Cap area, and I -- and I saw
2 snowmobile trails. People are going out there checking
3 it out, or just passing by, or maybe even hunting, just
4 from the pattern of -- of the snowmobile trails.

5 But in that particular day I saw seven (7)
6 moose right there, so even though there was snowmobile
7 activity, there were still moose. But again, if that was
8 to continue for a long period of time, then eventually
9 you might get those moose, so they -- there is some
10 tolerance to some disturbance.

11 THE CHAIRPERSON: Alan, if I can
12 interrupt. If you can keep your question brief, because
13 we still have Board members that need to ask questions,
14 and we have one (1) more presentation to do, and people
15 are getting very tired. So if you guys can keep your
16 questions and answers very brief, that would be helpful.

17 MR. ALAN EHRLICH: And I'll -- I'll cut
18 myself off. Thank you.

19 THE CHAIRPERSON: Okay then. Board
20 members...?

21 MR. RICHARD EDJERICON: Thank you, Madam
22 Chair. Just quickly. With -- thank you for your
23 presentation, it's a very good presentation.

24 I'm just wondering that -- in that area
25 that you're talking about, in Drybones Bay area where the

1 proponents are proposing to do the -- the drill sites and
2 so on, what I don't see is trap lines and -- and cabins
3 and -- and all that stuff.

4 I'm wondering, can you provide to the
5 Board at a later date that information so that we could
6 have it in front of us, too, as well. So that we could
7 take a look at who's in that area. Thank you.

8 MR. DEAN CLUFF: Dean Cluff. Well, there
9 is that map of the -- the routes that I showed earlier on
10 that's basically the Yellowknives Dene information.

11 My understanding was back in -- in the
12 previous review that that information was requested and -
13 - and it was provided, so some of that -- it -- the Board
14 may already have. I also recall that last time, that --
15 our department maintains a values at risk database and
16 that was provided as -- as well.

17 So that might have the historical
18 information prior to the Board up and running, but since
19 then the Board might have the -- all the relevant
20 information since -- since then. I'm -- but again, if --
21 if not, we can certainly provide it if we -- 'cause we
22 have this values at risk that the forest management
23 people use for fire programs that we -- that has been
24 provided in the past and we can do so again.

25 THE CHAIRPERSON: John Ondrack...?

1 MR. JOHN ONDRACK: Thanks, Dean. John
2 Ondrack here, Board member. Just a couple of things
3 quite quickly.

4 I'd like to thank the -- the folks that
5 you helped you bring together the information. There are
6 a couple of maps here in this presentation that I
7 consider quite sensitive information and we'll be talking
8 to our staff about perhaps suppressing the first two (2)
9 slides. I'm concerned about opportunistic hunting.

10 With that in mind and based on the -- your
11 presentation, I know that the -- the opportun --
12 opportunistic hunting for non-Aboriginals ends January
13 31st. It might be something to recognize because when
14 those trails when they're opened up, they still couldn't
15 be used by hunters legally anyway.

16 And just the last comment being the trails
17 seem to be the -- the biggest risk that exists from this
18 development and -- and minimizing those. Would you say
19 is a fair observation? Minimizing those would minimize
20 virtually all risk?

21 MR. DEAN CLUFF: Dean Cluff. I would
22 agree that limiting, if you could somehow, that the use
23 of the trails, that has also been a concern. We've --
24 we've heard that, that people are on these -- on these
25 trails and there's trap lines.

1 And it -- it also, I'm told, an -- an
2 offence for people to tamper with trap lines. I -- I
3 don't know if that's occurring or not, but -- but, again,
4 people are using these for a variety of reasons whether
5 it's hunting or just travelling, just -- just to go
6 camping or for -- or as a trap line.

7 So that -- all that was indicated to me
8 was these are trails that the Yellowknife Dene have used.
9 So I don't know the exact purpose of that. There is -- I
10 would just though there is the winter road aspect, you
11 know, 'cause people can hunt just in the bays from the
12 winter road, so they don't necessarily have to go onto
13 the trails. So there -- there is that -- that potential
14 as well.

15 MR. JOHN ONDRACK: Thank you. I was
16 simply concerned that I'm skilled enough that I could
17 find every one of these and use them. And I'm really
18 happy that you reminded me of the trap lines that are
19 being potentially destroyed out there. Thanks very much.

20 THE CHAIRPERSON: Any further questions
21 from the Board? Thank you, Dean, for your presentation.

22 I would just like to remind the next
23 presenter. I heard it is going to be a ten (10) minute
24 presentation. I am very sorry that you are the last
25 speaker and people are getting very tired, so if you can

1 keep it to the point and to the topic, that would great.

2 Thank you.

3

4 PRESENTATION BY ENVIRONMENT CANADA:

5 MS. IVY STONE: Good afternoon, everyone.

6 My name is Ivy Stone and I'm with Environment Canada in

7 Yellowknife.

8 I do recognize that it's been a long day
9 for everyone and I will try my very best to be efficient.

10 I certainly will be more than ten (10) minutes but
11 hopefully less than twenty (20).

12 First off I would like to thank the Board
13 for providing an invitation to present here today. I
14 trust that some of the information I will give will be
15 useful to the Board.

16 This afternoon I'm going to speak fairly
17 generally about the mandate roles and responsibilities of
18 Environment Canada. I will mention various pieces of
19 legislation that Environment Canada administers and
20 specifically the four (4) pieces that have some
21 applicability to these two (2) proposed projects.

22 And secondly, I will speak about any
23 potential concerns that Environment Canada has for these
24 two (2) proposed projects and what some examples of
25 appropriate mitigative actions could be.

1 So there is a piece of federal legislation
2 called the Department of the Environment Act and this is
3 what provides Environment Canada with general
4 responsibility for environmental management and
5 protection. The Department's obligations include matters
6 dealing with the preservation and enhancement of the
7 quality of the natural environment in addition to dealing
8 with matters of certain renewable -- renewable resources
9 such as migratory birds.

10 I'm going a little faster than I normally
11 would here. And thirdly, Environment Canada also deals
12 with issues relative to weather and climate, so
13 meteorology.

14 With respect to the environmental
15 assessment process Environment Canada sees this process
16 as a critical component of sustainable development. It
17 provides a defined opportunity as we are witnessing today
18 for the consideration of environmental impacts for any
19 proposed project.

20 So on this slide I've listed eight (8)
21 pieces of legislation that Environment Canada
22 administers. Please note that four (4) of these have
23 some applicability to the -- the two (2) proposed
24 projects and I will be speaking in a little bit more
25 detail about those in the next few slides.

1 The first -- the first Act is CEPA, the
2 Canadian Environmental Protection Act. CEPA goes back to
3 1999. It includes provisions for establishing national
4 environmental quality guidelines and objectives. It also
5 has provisions for toxic substances management, for
6 environmental quality monitoring as well as ocean
7 disposal.

8 CEPA also has the authority to require
9 emergency plans for toxic or other hazardous substances,
10 okay, and these environmental emergency plans must cover
11 issues such as prevention, preparedness, response, and
12 recovery.

13 So for example, when Environment Canada
14 requests a proponent to prepare a spill contingency plan
15 it is the authority of CEPA that -- that requires them to
16 do so.

17 The other point I wanted to make about
18 CEPA is that it is CEPA, in addition to the Fisheries
19 Act, that empowers Environment Canada's emergency and
20 enforcement officers to do -- to do their jobs.

21 The next piece of legislation is the
22 Fisheries Act and specifically Environment Canada is
23 responsible for Section 36(3) of the Fisheries Act which
24 essentially prohibits the deposit into fish-bearing
25 waters of substances that are considered harmful or

1 deleterious to fish.

2 There is a legal definition for
3 deleterious substance in the Act. It's a very broad
4 interpretation and essentially it includes any substance
5 with a potentially harmful chemical, physical, or
6 biological effect on fish or fish habitat.

7 The other thing I wanted to mention about
8 the Fisheries Act is that there are a set of regulations
9 included, they're called the Metal Mine Effluent
10 Regulations. And just for information's sake these are
11 there but they only apply to an operating or producing
12 mine. They -- they do not apply to exploration-stage
13 projects such as these two (2) proposed projects.

14 The next piece of legislation I wanted to
15 mention is the Migratory Birds Convention Act and the
16 Migratory Birds Regulations. These are both administered
17 by the Canadian Wildlife Service which is a branch of
18 Environment Canada and we do have an office here in
19 Yellowknife.

20 Essentially in the environmental
21 assessment process Environment Canada will provide expert
22 advice focussing primarily on identifying potential
23 adverse effects to migratory bird populations and -- and
24 their habitats and will then suggest appropriate measures
25 to mitigate those effects.

1 There are two (2) paragraphs from the
2 Regulations that are fairly important that I -- I want to
3 briefly mention. One (1) of them is paragraph 6(a) which
4 states that:

5 "No one shall destroy or disturb the
6 nests or eggs of migratory birds."

7 And the second one, paragraph 35(1) states
8 that:

9 "No person shall deposit or permit to
10 be deposited oil, oil wastes, or any
11 other substance harmful to migratory
12 birds in any waters or in any area
13 frequented by migratory birds."

14 So these are two (2) key statements from -
15 - from these Regulations.

16 Okay. The fourth piece of legislation I
17 wanted to mention is the Species at Risk Act or SARA.
18 SARA was fully implemented in 2004, and with its
19 implementation any projects that require an environmental
20 assessment under federal law and that are likely to
21 affect a listed species or its critical habitat need to
22 identify the adverse effects and if the project proceeds,
23 steps must be taken to avoid or lessen those effects and
24 to monitor them.

25 And the last point there is that the

1 project plan must respect recovery strategies as well as
2 action or management plans for those listed species.

3 To -- to view the full text of these
4 legislations there are some websites that you can visit
5 and I'll just leave that up there for two (2) seconds and
6 on we go.

7 So a quick summary then. These are the
8 four (4) pieces of legislation with some applicability to
9 these projects.

10 Okay. On this slide I've identified some
11 potential concerns that Environment Canada has for these
12 proposed projects and I'll address each one (1) and then
13 suggest some appropriate mitigative actions.

14 With respect to the safe transport,
15 storage, disposal of fuel and/or hazardous material, from
16 Environment Canada's perspective some appropriate
17 mitigative actions would be to have an appropriate spill
18 contingency plan in place, spill reporting procedures as
19 well.

20 There are a number of standard best
21 management practices we'd recommend that include such
22 things as having lined and bermed fuel storage areas,
23 using drip pans when refuelling and such -- fairly
24 standard industry best management practices.

25 With respect to the second item,

1 appropriate sump siting, this relates the establishment
2 of an on-site camp and whether there will be an on-land
3 grey water sump associated with that camp. And typically
4 Environment Canada's recommendation here is that this
5 type of sump be located a minimum distance of 30 metres
6 from the high water mark of any water body and located in
7 such a way that the contents cannot enter into a water
8 body. So that would be appropriate mitigation.

9 The third item deals with drill waste
10 produced from the drilling program. It is Environment
11 Canada's understanding that drill waste produced from on-
12 ice drilling will be removed to Yellowknife and disposed
13 of appropriately. This is fine.

14 With respect to on-land drilling, again it
15 is Environment Canada's understanding that the cuttings
16 would be deposited into a depression far removed from any
17 water body, again such that the contents cannot enter
18 into -- into any water body. And this, as well, would be
19 appropriate mitigation.

20 With respect to on-ice storage, this is
21 simply best management practice. We -- we discourage any
22 long-term on-ice storage, particularly as spring thaw
23 approaches for obvious reasons.

24 Some other potential concerns identified
25 by Environment Canada deals with migratory birds. And

1 it's their understanding that most of this work will be
2 carried out in the winter months when migratory birds
3 will not be in the area, so this is not a problem.

4 For any non-winter activities such as -- I
5 believe there was some mention of geophysical surveys in
6 spring and summer -- again, our general recommendation is
7 avoidance of any nesting birds or any brooding
8 activities. So we recommend that the developers be aware
9 of their locations.

10 And I would just mention too that the key
11 period for migratory birds in the Drybones area would --
12 would extend from about the beginning of May until mid to
13 late July depending on the species.

14 The second item deals with winter ice road
15 commissioning. And our concern here is that if the
16 winter road or if there are winter road segments going
17 over land that when they are decommissioned that excess
18 sediment and silt do not make their way into water
19 bodies, streams and such. This would be a physical
20 effect that could potentially harm fish or fish habitat.

21 With respect to the demobilization of
22 onsite camp, again our concerns there would be related to
23 the safe transport removal of any fuels or hazardous
24 material as well as the proper waste management from any
25 onsite camp.

1 And the last item there deals with species
2 at risk and I'm just going to spend a couple of minutes
3 talking about species at risk. In this area, there is
4 potential of encountering a subspecies of Peregrine
5 Falcon. Again, for those activities occurring in the
6 wintertime, this is really not an issue. For any
7 spring/summer activities, our recommendation if this
8 species is encountered is -- is avoidance essentially.

9 I do also want to mention two (2) other
10 species at risk that are listed under COSEWIC. And I
11 believe Dean mentioned this organization. It is an
12 independent body that -- that monitors species at risk.
13 The two (2) species I'm referring to are the Rusty
14 Blackbird and the wolverine western population.

15 The difference with being on COSEWIC
16 verses SARA is that there's -- there's no legal
17 obligation to -- to list adverse effects, but it is
18 considered best management -- excuse me -- best
19 management practices.

20 So, again, winter activities should not
21 affect either of these two (2) bird species. The other
22 comment I would make concerning these three (3) species
23 at risk is that the GNWT is actually -- or has the lead
24 management responsibility for all three (3) species in --
25 in the Northwest Territories.

1 So to wrap up - I think I'm doing well
2 with time - initial comments on these two (2) proposed
3 projects were submitted to the MacKenzie Valley Land and
4 Water Board in December 2004. And essentially, based on
5 the information provided to Environment Canada and
6 provided that appropriate planning and mitigation
7 practices are in place, Environment Canada does not
8 foresee any significant environmental effects from these
9 projects. However, I would add that if -- if additional
10 information, or new information is presented we would
11 certainly take that in to account.

12 And finally, some contact information. If
13 anyone has any questions about what was presented here
14 today, or about other areas that Environment Canada is
15 involved in, please don't hesitate to contact myself or
16 Mike. And if we can't respond, we'll certainly point you
17 in the right directions.

18 Thank you very much, and if you have any
19 questions I'll be happy to take them.

20

21 QUESTION PERIOD:

22 THE CHAIRPERSON: We'll have a question
23 period. Developers...? Interested of parties...? None?

24 I'll just move on to the Board staff.

25 Rachel...?

1 MS. RACHEL CRAPEAU: The hearing -- the
2 last hearing in 2003, when we were talking about cuttings
3 from drilling I -- I distinctly remember hearing that the
4 cuttings were -- were to be gathered and taken into town
5 of Yellowknife, not to be left out on the ground or -- or
6 a hole dug in the ground, put in, covered, and buried.
7 So why the suggestion to -- to put the cuttings in -- in
8 depressions in the ground?

9 MS. IVY STONE: It's -- it's my
10 understanding that drill cuttings from the on-ice
11 drilling will be taken into Yellowknife and disposed of
12 there. It is also my understanding that drill cuttings
13 from land-base drilling will be left on -- on the land in
14 a -- in a depression removed from water bodies.
15 Developers can correct me if I'm wrong there.

16 MR. GREG MCKILLOP: That assumption is
17 correct.

18 MS. RACHEL CRAPEAU: Could we, maybe on
19 another day talk about this more because there's some
20 things that are a concern to us.

21 The surveys that -- that you mentioned --
22 I guess it's -- it's going to be the surveys where they
23 take equipment out in the helicopters, when -- when you
24 mentioned that I didn't really get the full details of
25 it.

1 What did you mean? Like springtime and
2 you didn't see no problems and if they didn't fly -- was
3 there a certain height, or -- or place, area, for the
4 birds.

5 MS. IVY STONE: Okay. You're referring
6 to flight activities in spring, summer, and how they
7 effect migratory birds? Okay.

8 Again it's -- it's an -- it's my
9 understanding that the majority of the helicopter based
10 drilling will occur in the winter months, February,
11 March. If this is the case then we -- we don't have
12 issues, because there simply won't be any migratory birds
13 in the area in those wither months when the helicopters
14 will be operating.

15 However, if there are activities in the
16 spring and summer that involve aircraft, and there was no
17 indication that there will be, but if there are we do
18 have flight restrictions in terms of point-to-point
19 flight altitudes, and just a number of fairly general
20 mitigative recommendations that we make with respect to
21 aircraft and migratory birds.

22 MS. RACHEL CRAPEAU: I need to also
23 request the information on the flights; altitude and all
24 that just in case birds are effected.

25 The other one, when you mentioned the

1 three (3) -- is it the ducks that you named, or -- or
2 what birds were -- were you talking about, and -- and
3 what do they look like, because you have mentioned three
4 (3) -- three (3) -- three (3) species regarding the
5 species at risk info.

6 MS. IVY STONE: The two (2) birds I
7 mentioned were the Peregrine Falcon subspecies Anatum.
8 It's -- it's a bird of prey. I'm not a visual person nor
9 am I -- I a birder so I -- I can't really describe it to
10 you accurately, but they're -- you can find images on the
11 internet or in bird books.

12 The other one is the Rusty Blackbird and
13 it has long been considered a -- a pest species, so --
14 and not really considered a significant game bird, like
15 migratory birds, but in -- last year, I believe, at this
16 time it was listed by COSEWIC. And again, it's a very
17 simple looking blackbird.

18 What I can do is refer you to one of my
19 colleagues at the Canadian Wildlife Service. Those are
20 the experts in migratory birds and those are the people
21 that I rely on a lot to provide information with respect
22 to migratory birds.

23 MS. RACHEL CRAPEAU: Peregrine and the
24 Rusty Blackbird; one (1) more name?

25 MS. IVY STONE: Sorry. The third species

1 was the wolverine western population. And that is a
2 COSEWIC listed species. It's not -- it's not a SARA
3 listed species.

4 MS. RACHEL CRAPEAU: I just want to
5 mention something of interest. A lot of our hunters when
6 they go out in the spring and the summer and -- and
7 especially when the ice is starting to melt, they mention
8 that they don't hear the -- the Owas (phonetic) that much
9 anymore. There used to be lots of that -- that duck.
10 And lately they've noticed the differences in -- in the
11 species of birds arriving and not arriving around
12 Drybones Bay area.

13 That's why I was kind of interested in
14 your list of names versus maybe we can share our list of
15 names of birds that we're interested in recording in --
16 in these areas. That's all -- that's all the questions I
17 had. Thank you.

18 THE CHAIRPERSON: I am just going to
19 pause for a moment. I know that one of my staff has sent
20 me a note saying that the developers had a 7:30 flight
21 and whether we can wrap it up by 6:30. And I know this,
22 by my time, it is 6:30. I do not think it is going to
23 happen. I am just saying that because there is still
24 people here who -- we will just have to -- we are almost
25 done. We will try to have to complete it otherwise we

1 will have to start this again, all over again.

2 So I am just going to continue. Just to
3 let you know, I do not think we can make that target. I
4 was asked whether there was other questions from
5 interested parties. Now I am just going to go on to the
6 Board then. I mean, to the staff and the Board.

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: Thank you for your
11 presentation.

12 MS. IVY STONE: You're welcome. A
13 pleasure.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: We are just talking
18 about, in terms of wrapping this up. We usually allow
19 members of the public whether they want to make a
20 presentation and statement. If you can keep it brief
21 that would be good.

22 The other thing that we are proposing
23 because of time is that usually we do closing statement
24 by interested parties but we can also have those at the
25 end of the closing of the record, so that can be sent to

1 us at that time, if that's all right.

2 So I'll just give the members of the
3 public any presentation or statement that they want to
4 make.

5 MR. BRIAN SUNDBERG: I picked up this
6 package at Mackenzie Impact Review Board because it was
7 on Zigzag Lake but they showed a target on Campbell Lake.
8 I was just wondering why they say Zigzag and they show a
9 target -- a drill site on Campbell Lake.

10 MR. LAURENCE STEPHENSON: Because it's at
11 the east end of Zigzag Lake.

12 MR. BRIAN SUNDBERG: It shows in the
13 original report that it was on Campbell Lake; the red dot
14 was on Campbell.

15 MR. LAURENCE STEPHENSON: On all -- on
16 all my maps it's got it at the east end. I -- I had
17 pictures yesterday that showed where the -- where the
18 area was right at the end of Zigzag Lake.

19 MR. BRIAN SUNDBERG: Anybody got a
20 picture?

21

22 (BRIEF PAUSE)

23

24 MR. BRIAN SUNDBERG: Well, I went over it
25 with you, didn't I and --

1 MR. JOHN ONDRACK: Excuse me, I did take
2 a look. It could be something to do with the way it was
3 rendered. The dot -- often overlays render improperly on
4 -- on a picture and it -- it might be an undertaking of
5 yours to confirm where -- where it indeed is because my
6 view is Campbell Lake. I know the area.

7 MR. LAURENCE STEPHENSON: Yeah, the --
8 the -- if you go to the SID site on the Northwest
9 Territories it has the claim number mapped and
10 unfortunately I had it on there but -- and -- and it is
11 definitely at the east end of Zigzag Lake and the -- it's
12 the Northwest Territories, the INAC site for SID.

13 It's a SID viewer and it's -- it's -- I
14 don't know if the INAC people are here but they -- they
15 would know more of the site but it's -- it has all the
16 claims on it and -- and it's -- the claim number is -- is
17 there and it shows exactly where -- where it is and it's
18 on Zigzag Lake and the -- the claim number and
19 everything like that.

20

21 (BRIEF PAUSE)

22

23 MR. LAURENCE STEPHENSON: Yeah, I'll -
24 we'll -- we'll print them -- well, I don't know. I'm --
25 I've not figured out how to print a map off that -- that

1 yet but I can -- oh, okay. Greg -- Glen can do -- or
2 Greg can do it, yeah. Okay. We'll send a map --
3 official map.

4

5 --- UNDERTAKING NO. 3: Developer to provide Board
6 with a map confirming the
7 site on Zigzag Lake.

8

9 MR. BRIAN SUNDBERG: One (1) more thing.
10 You mentioned that everything would be choppered in to
11 these locations, the -- the drilling and everything and
12 the drills would be turning twenty-four (24) hours a day;
13 is that correct?

14 MR. LAURENCE STEPHENSON: That's correct.

15 MR. BRIAN SUNDBERG: And February, what
16 is your flying times in February? If they're going to be
17 turning twenty-four (24) hours a day I don't believe you
18 can get crews in there for twelve (12) hour shifts.

19 MR. LAURENCE STEPHENSON: I think we've -
20 - we've had quite a bit of success with drilling in -- in
21 the past. In 2003, I know we were drilling in February.
22 One (1) of the projects that I was partially responsible
23 was drilling in February and they were flying in and
24 back. They had -- they made provisions.

25 That was part of our reason for suggesting

1 a camp. We would take advantage of the -- of the -- the
2 weather of the areas for -- closer to Moose Bay for the -
3 - for the drilling to be done by -- during the first
4 parts of February and when the -- the light improved in
5 March we would be drilling the areas using a helicopter.

6 MR. BRIAN SUNDBERG: You mentioned
7 temporary camps. Is there going to be a permanent camp
8 somewhere?

9 MR. LAURENCE STEPHENSON: No.

10

11 (BRIEF PAUSE)

12

13 MR. BRIAN SUNDBERG: That's all I got.

14 THE CHAIRPERSON: I'll just continue with
15 other members of the public.

16

17 (THROUGH INTERPRETER INTO ENGLISH)

18

19 ELDER ALFRED BAILLANGEON: Hello. When
20 you're in this kind of a hearing, you have to ask
21 questions. This is a very complicated issue and -- and
22 it's also complicated because it's on our land. I grew
23 up here. I grew up near Jennejohn Lake.

24 There was houses built in 1941 there and
25 within -- and there was another house that was there,

1 built before I was -- I was born which is burned -- which
2 burned down since. But I am a hunter and a trapper. I
3 am a hunter and trapper by trade. I also worked with dog
4 team and also used snowshoes to travel the land.

5 In 1973 -- I used the dog team until 1973
6 and then skidoo came. I thought, what is that? But now,
7 today -- when I was younger -- when I was young man
8 around 1967, I went to Thelon River to trap. From here
9 to Hay River we took -- it took us four (4) days. It was
10 quite a distance using a dog team.

11 That's why we, as Dene people, know the
12 land and you have to respect our -- our words. If you
13 want to work on the -- on the land, you have to
14 communicate with us. We would like that. But if you
15 don't and you ignore us and proceed to work, you can't do
16 that.

17 In 1900 a treaty was made with Emi
18 (phonetic) Drygeese in Fort Resolution and he died in
19 1902 -- Suzie Drygeese -- and then Treaty 8 came -- was -
20 - was made. What he said at the time when he claimed a
21 territory, at that time he was friends with Monfwi who
22 also made a treaty for Dogribs.

23 From here they used to use birchbark
24 canoe. At that time there was no motor. That's how they
25 lived and worked. They used to travel from here to the

1 barren land using birchbark canoe. They work hard. You
2 don't respect those history -- that kind of a history
3 that they have here. It seems like you have no idea of
4 what the people have went through in the past and how our
5 parents raised us. We still respect and hold on to our
6 culture and tradition.

7 I have attended a lot of meetings since
8 then. In 1976, Charlie mentioned this, there was --
9 Indian Brotherhood was established in '75 in Fitzgerald,
10 and I've been involved with these issues since then.
11 There has been a lot of Chiefs since then, but none of
12 them are here now that were involved at that time.

13 But you, as newcomers, and us Dene people
14 and then a treaty was made. We made -- we made an
15 agreement so that we can live together in harmony, but
16 it's not -- that's not the way it is today. It seems
17 like things have changed.

18 If you have an issue, you should come to
19 our community in Dettah and meet with us and when you
20 meet with us, all of us Dene people, the young people,
21 the hunters and trappers, our wives and daughters would
22 be there. But in the future, they're going to have to
23 take care of their land -- the land. They're not going
24 to become white, they are going to be Dene people who are
25 going to live off the land.

1 I never went to school. I -- I can't
2 read. I don't know what this -- it says on this paper at
3 all, but when you talk about traditional knowledge it's
4 all in my mind. I know all the traditional knowledge. I
5 remember everything.

6 This is Joe MacKenzie's daughter that is -
7 - as a chairperson. I used to travel with him to the
8 barren land. That's how people used to work and respect
9 one another. Without skidoo -- without using skidoos.

10 Today, this Hearing here, you're talking
11 about our land that's going to be -- that -- that they
12 want to work on. I'm very concerned about that because I
13 grew up in that area. If you don't -- if you have never
14 worked on the land then you have nothing to say, but if
15 you have worked on the land and lived on the land, you
16 have something to say because you know the land.

17 So this Hearing here, I cannot agree with
18 this development that -- the developers that are asking
19 for a permit to work on the land. I cannot agree with
20 it. All the board members on -- all the board members,
21 you have to listen to the people, all our people.

22 If the people agree with the developers
23 then may it be, but all this area here, there's a lot of
24 -- of old mines, but we've never gained one penny from
25 them, even from the Giant Mines here. They have nothing

1 -- they have taken out all the nat -- the resources and
2 left, gone, which is not good.

3 So in the future, I think in our -- I
4 think we should have a second meeting or hearing. I
5 would like to know what you think, what is your -- what
6 do you think about an -- another hearing in the future?

7 I am now seventy-one (71) years old. I
8 was born in 1935. When Giant was established I was born.
9 In 1934, one year ahead -- before I was born, the mine
10 was established and since then they have destroyed and
11 contaminated a large part of our land and that is not
12 right.

13 So what I'm saying, I'm -- I really -- I'm
14 really concerned about what I'm going to say. My heart
15 just cries every time I think about how much the land is
16 being contaminated and the amount of resources --
17 economic resources that are being taken from our land,
18 but that -- but in the process it is -- it is ruining our
19 land, our livelihood. What is going to happen to us in
20 the future? Once all the land -- all our land is -- is
21 ruined, what will happen? What are we going to live
22 with, or by?

23 But now -- and we just, also, heard about
24 this machine that fell into the water. If it's so heavy,
25 and it's loaded with that amount of -- of weight, why is

1 it on the ice road in the first place? Today in the --
2 and for the past ten (10) years the ice has not been
3 getting any thick -- any thicker. So if it's so heavy
4 and it's carrying that much weight, why is it -- was
5 travelling on the ice anyway?

6 And is this machine going to stay in the
7 water for a long time? A lot of Elders are very
8 concerned about -- about it still being in the water,
9 which I'm sure is effecting the -- all of the fish and
10 wildlife -- fish -- fish food.

11 In the past our parent -- our ancestors
12 and our people used birch bark -- yes, we have, but I
13 know that most people think because of that we don't know
14 anything, we -- we're not very well educated.

15 But we're not, we know our land. When we
16 see a poor person or somebody that needs help, we go and
17 see them, and we talk to them, and we communicate -- try
18 to help them, but you guys don't do that, you don't come
19 to our community and talk to us. And you are asking us
20 that -- you're asking that you want to put a mine in our
21 land. That's not right.

22 If you meet a person -- if -- if I go to
23 your land -- how about -- how would you like it if I just
24 slept in your house, and then just tried -- used your
25 roads and used your area without asking you?

1 So in the future, our land, if it is in
2 the ruin, what is going to happen to the wildlife?
3 What's going to happen to the beavers, and the -- and the
4 moose, and caribou? I don't think it's going to be very
5 good. And I'm very concerned about those wildlife.

6 But you white people work with -- for
7 governments, or different companies, and industries, and
8 once you make your -- your money, you're gone, but you're
9 not here just -- do you want to help the native people.

10 You have to think -- we -- you have to
11 think about everything in the future for a long time what
12 may happen -- may happen, or may not, before you make a
13 decision. So the -- I have -- although some people talk
14 at the -- agree, or make a good plan, it -- it always
15 changes. And within the month they change their agenda.

16 There's me and my nephew here. So next
17 time we have -- I think or -- I would like to request, if
18 I can, to have another hearing so that we can set the
19 record right, so that we can listen to each other, and
20 communicate properly, but it's up to the Board.

21 I know Charlie Snowshoe, he comes from
22 Fort McPherson, and I've attended a few meetings with him
23 before, so he understands. He -- he knows a lot of -- of
24 our people -- I also know a lot of people from attending
25 meetings -- other meetings, too.

1 So I would just like to suggest that if we
2 have a next meeting, that the meeting be in Dettah, so
3 that our people in the community would -- would listen
4 and also make presentation on their behalf so you really
5 hear what they have to say. But for myself I don't want
6 any development in that area because it's my land and I
7 love that land and I want to keep that land for the next
8 hundred (100) years for our children to come.

9 So we live with the land. We live -- the
10 land is what keeps us alive, us Dene people. We'd -- we
11 -- us Dene people don't have hundreds and thousands of
12 money in the banks -- in the bank accounts or we have
13 bank accounts, so this is like our bank and you have to
14 listen to us why this is so important. And when we start
15 listening to one another we could understand different
16 issues that are so dear to us.

17 So it is now almost seven o'clock p.m. and
18 I'm really thankful to hear everybody's presentation,
19 concerns, and different political groups that have issues
20 with -- concerning this project.

21 So we -- us people that live in that area,
22 we're called Lay Wis Che (phonetic). We are the -- the
23 boss of those -- that area because we are protected under
24 the treaty rights of that area. So I would like you to
25 listen to us.

1 So I would like to know what the Board
2 thinks about the next Hearing in the future so that we
3 could set the record in our community, but here we can't
4 make that decision. I -- I know that our land is going
5 to be ruined, so I'm not going to say yes, maybe once in
6 Dettah or twice. So we can -- we can -- so that we can
7 communicate -- have a better communication going.

8 And there's one (1) portage towards --
9 from where development is -- that is where the
10 development's going to take place but you cannot send --
11 call us or send us fax in order to communicate. You have
12 to come, sit down, and talk to us.

13 We Dene people are -- we work on the land.
14 I'm seventy-one (71) years old but I can still work on
15 the land, make -- sleep on the land, make a fire. I can
16 -- I can still do that, that's -- that's the way we are.
17 My brother, Joseph -- Joseph Mackenzie, I went to the
18 barren land with him. That's the way we work. That's
19 the way we are.

20 So, today, what's going to happen? What
21 do you think? We -- we cannot agree with the developers
22 now, so I would like to know if we can have another
23 hearing in the future in Dettah.

24 I would like to know what the Board thinks
25 but now I know that everybody is going to be going back

1 to their designated areas so -- and we have lost a lot of
2 Elders now because they're all -- it's been a long day
3 and they're tired.

4 Some of them wanted to also talk at the
5 end of the day but they have left, so on their behalf I
6 thank you very much for sitting here and listening to
7 this Hearing. So maybe we can have another hearing. I
8 know I'm not the only one but a lot of Elders want
9 another hearing in the future -- or a meeting.

10 Yesterday we had a lot of -- we only had
11 vegetables served to us but today we had sandwich meat
12 and some cheese which was -- I was very pleased with
13 today, so I'd just like to say thank you.

14 So that's what I have to say, but I have a
15 question on the floor about a hearing that could take
16 place in the future. So, you know, you have to really
17 discuss this issue thoroughly before any kind of an
18 agreement is going to take place. Masi. Thank you.

19

20 (INTERPRETATION CONCLUDED)

21

22 THE CHAIRPERSON: Masi. I know that
23 people are getting tired, but I know that there's been
24 people hanging around all day long wanting to speak, so
25 I'm going to allow it.

1 MS. KATHLEEN DAHL: I'd like to introduce
2 myself. I'm Kathleen Dahl. You're looking at the great,
3 great grandniece of Suzie Drygeese. He is my
4 grandfather. He is the one that thought about me and my
5 relative and my family around me that he signed the
6 treaty. And I'd -- and I'd like to acknowledge him
7 because today I am happy.

8 I do not want anything to happen to the
9 area that the Elders are talking about. I do not want to
10 be falling apart, but spiritually it has, and I'm trying
11 to build it.

12 Giant Mine -- that mine, my grandfather
13 found that mine. His promise has been broken. When my
14 father was alive, he has talked to us numerous time about
15 his father and him finding Giant Mine.

16 When my grandfather was talking Dogrib and
17 he had an interpreter, that interpreter didn't explain a
18 lot. The agreement was -- when my father was young and
19 his sisters and brothers were older than him, they
20 repeatedly informed him the agreement was ten (10) cents
21 out of a dollar. Today, you're looking at me, I have not
22 received one penny.

23 When my father passed away two (2) years
24 ago, he only received five hundred (\$500) dollars and his
25 brother and sisters. After that, today, they have not

1 received anything. His brothers and sisters are alive.

2 So, I'm trying to be very calm but
3 emotionally it hurts because if you're sitting in my
4 situation, let's see how strong you are. Because I tell
5 you, if any ways it effects you personally in your
6 growth, in your home, someone comes into your house and
7 destroy your personal spiritual, it is unacceptable and
8 hard to explain.

9 I want to tell the Board consider the
10 amount of Elders we have. They want to protect the land
11 just like you want to protect your children and your
12 grandchildren. Money is the bottom line. Money will not
13 make me happy because I know I have a value and I respect
14 the value I have.

15 I was raised in Wool Bay. I have fond
16 memories. Rachel and I are relatives. We all have fond
17 memories. Today, her and I are sitting here without mom
18 and dad, but I tell you our heart will not be broken.
19 Our land will not be destroyed because we have uncles and
20 aunts, the grave site is not claim yet. We don't know
21 most of them where they are.

22 I ask you one (1) question. How would you
23 feel if you're under -- lying down one of my -- beside my
24 grandfather or my aunties and uncles. Would you like to
25 be disturbed? I don't think so.

1 And also I want you to know, a year ago
2 there was caribou and my son brought caribou home and
3 that was beside, nearby Drybone Bay. So when they said
4 this only herd there's hardly any caribou. No. He
5 brought the caribou home. So when you sit here and
6 listen to the people or actually the fact, the
7 experience, we are the one to be listened to.

8 I'm -- I'm very sorry to hear that people
9 just come to our land and pushing us aside. It's like we
10 don't exist, we don't have feelings. Our sprit --
11 spiritual growth means nothing. That's how I feel. We
12 are a very important person and very unique in our own
13 experience that we have.

14 I am honoured to be Suzie Drygeese
15 granddaughter. I am honoured to be Michael Sangris
16 granddaughter that -- that didn't follow his promise.
17 Giant mine.

18 No matter how many years has gone by, we
19 never receive any money. I'm still able to speak. I'm
20 still able to carry my pride. I have value, that's my
21 strength and if you destroy, think about this; How would
22 you feel if you were in my shoes and the Elder's shoes
23 and their concerns.

24 We are addressing because we love our land
25 and this is who we are. We are the land of -- the land

1 of our people. Masi Cho.

2 THE CHAIRPERSON: Any further
3 presentation or comments, or statements by members of
4 public?

5 MS. RACHEL CRAPEAU: Rachel Crapeau from
6 the Yellowknives Dene First Nation. From the first day
7 taking notes and from meeting with the Elders the day
8 before coming here yesterday, I realized that we would
9 have a lot of information that we needed to -- to share.
10 And I'm not sure right now if it's with the companies,
11 but we need to get together with INAC, DIAND, revisit
12 these consultation issues. Also talk to board members
13 because some of our information got used and we presented
14 map -- a map.

15 And there's mixed feelings and -- and --
16 and the feelings that are mixed with people who talk
17 together. People are being mislead and being told that
18 this land is your land and you should fight for it and
19 ask for billions, never mind millions. And I was just
20 thinking about the time when my sister, Helen Toby, told
21 me that Dave Smith went to see my mother. I can't
22 remember if it was late 70s, or 80s, and offered her
23 money, because she was in the family of Drybones, who
24 lived out in the Drybone Bay. She never took it.

25 And I feel for Kathy's father who didn't

1 really didn't gain from Giant, because I heard her father
2 tell me that his dad had staked a claim, and they held on
3 to that claim all night to make sure that nobody would
4 take it from them. What's the, you know, sense of trying
5 to gain financially if -- if you're just going to lose in
6 the end? That's how people feel.

7 And also, I realize that we're getting to
8 the point where we really need to sit across people. We
9 have a lot of information and I told David that we had
10 information that we were collecting, but on the one (1)
11 hand I'm ready to give it to him so that we can use this
12 information, and share, and work on land use, and yet I'm
13 being held back by my Chiefs because those are treaty
14 entitlement negotiation information and you shall not
15 share.

16 So I'm being pulled in a different
17 direction. And where does that leave me at this table,
18 in this forum unable to help our -- ourselves when we
19 could. We're at an impasse, or we're at a crossroads,
20 and we have to make a choice. And for today, and
21 yesterday from listening to people and when -- when we
22 were looking at the information, we still need more
23 information. I'm not prepared to give the mining company
24 no meeting, not now.

25 It's just not this company, or the other

1 companies, because in one (1) year we have four hundred
2 fifty (450) people -- companies who asked for permission
3 to use the land, and we answered all those applications.
4 They all want meeting with the -- with us, too. But --
5 but could we do four hundred fifty (450) meetings?

6 I'm sure that's possible, but give us a
7 break here, we need money to do those meetings. We need
8 to be able to sort out details of information on how
9 we're going to share this information. We're getting our
10 people ready to go out on the land and do monitoring.

11 We've got guys -- some of the guys who
12 were here yesterday and today who went out to check out
13 projects out on the land to see what's going on. Alfred
14 participated in some of these projects monitoring out on
15 the land last winter, too. We're willing to do all this
16 work, but it's going to take tons and tons of money,
17 which we don't have.

18 And we were ready to get it into
19 exploratory exploration or memorandum of understandings
20 with companies to come to an agreement where we would do
21 work together. Where this land environment office hires
22 the archeologist, not you Mr. Company, but us, because
23 he's going to be working with our -- our -- our Elders.
24 And all the information that we get will be put in a
25 report, and it will say, Consolidated Gold Win

1 archeological study for that claim block area.

2 And that book will be part of your company
3 asset. It's worth money, but for it's for that claim --
4 claim block only.

5 We were ready to do all this work, but
6 things have changed on us, and we have to meet, like
7 Alfred said, amongst ourselves, and we have to sort
8 things out.

9 And I would like to share a lot more
10 information, but it seems that we started a really moose
11 surveying studies, we got caribou information gathering
12 study started at White Beach Point. I didn't know that
13 the game wardens from years ago didn't gather all this
14 information, they were just carrying it around in their
15 head.

16 They were just like the old timers
17 travelling with my father and just go and -- Joe Charlo
18 and all these people travelling with him everywhere.
19 They shared the information by talking and -- and
20 travelling with each other.

21 Archie Mandeville who was a game warden,
22 worked with a game warden, travelled with my dad way out
23 the barren land and knew exactly everything that was
24 going on. But that information was not in studies or
25 paper.

1 And we needed something on paper and we
2 noticed that we had to put all this information on paper
3 in the last six (6) years since the interest in Drybone
4 Bay, the shoreline lands all the way to Tálthelei where
5 we marked our graves.

6 All this, these lands, instantly people
7 just interested in -- in taking the land and doing
8 something with it.

9 In 2005, I went to the prospectors' and
10 developers' conference in Toronto. I was in -- I found
11 it so interesting that a lot of the people who were
12 meeting with us in -- in Dettah or in N'Dilo were at that
13 conference and I was thinking, geez, you know, like, did
14 they find something? You know, like, how come they're
15 hanging around in the financial section of the conference
16 trying to wheel and deal and get somebody to -- to buy
17 shares into their company and -- and help them develop
18 themselves further?

19 And -- and before we could get a handle on
20 -- on anything that's going on amendments are being asked
21 for and then they're bulk sampling and then we're being
22 told that this development is an advance exploration and
23 you, YKDFN, shall not touch it.

24 You can't do nothing about it because it's
25 going to be a mine and if you want to have anything to do

1 with it, go to meetings. Yeah, but we don't get much out
2 of these meetings it seems and I'm hoping that this
3 picture will change.

4 And the questions that we -- we had is not
5 -- was not really that -- that many but the -- the
6 concerns totally outweigh any -- any questions because of
7 -- of our land use and how our people are trying to sneak
8 back into their -- their lake where their cabins are
9 because they want to hide their trail so nobody can
10 discover their trail to their -- to their cabin.

11 And a year -- the last two (2) years I
12 heard a lot of young people, even teenagers, saying, I'm
13 going to go muskrat hunting. I'm going to go set some
14 traps because I found out that muskrat pelt is five
15 dollars (\$5) and I also found out that people will buy
16 the meat for seven dollars (\$7) or ten dollars (\$10).
17 Boy, I'm going to be rich.

18 The meat was worth more than the pelt, so
19 they were talking about going muskrat trapping. And I
20 thought, oh, good. This is great. We've got young
21 people going out. And they figured that they could do
22 this around Duck Lake and the areas towards all this
23 activity is happening, especially around Drybone area but
24 if they find that too many people are on their trail
25 they're not going to bother. Why -- why bother?

1 And the other one is how are we going to
2 live? All our animals are being chased elsewhere. We'd
3 better do better work on our moose survey to find out
4 exactly where the moose is moving to. We took a picture
5 of two (2) moose on an island at MacKay Lake; that's not
6 in Drybone Bay or -- or in our area right around here.
7 That's in the barren land. Maybe they're all moving
8 there, too much activity in our area.

9 Isadorre said to repeat this question, Who
10 gave you permission to work in this area? Who is the
11 boss of this land that give you that permission? The
12 only boss we know is us.

13 And the other one is I wanted to correct
14 Greg. He said that he can't go boating -- you shouldn't
15 go boating up until after Christmas, and I was thinking
16 oh, that's funny. What he meant was don't go skidooing
17 along the shoreline. Don't hug the shoreline all the way
18 up to Drybones Bay and beyond until after December or
19 you're going to be boating. And some relatives of ours
20 from Lutsel K'e found that out.

21 It's not everybody -- not every Dene knows
22 those -- knows these lands as -- as well as our people,
23 so ask questions, we'll help.

24 And I got really upset and I didn't want
25 to sit here yesterday and I don't want to listen to any

1 more meetings. But I sat because I just had the little -
2 - little bit of hope that we can all help each other out
3 somehow.

4 And I would like companies not to -- to go
5 on TV saying that in India, in BC, in Ontario we -- we
6 get a permit just like that. So what? That's over
7 there. This is Dene land that you're talking about.
8 Chief Drygeese were alive he'd hurt you so bad. Not only
9 him, my grandfather, too. I'm not as mean speaking as
10 those people and they know how to cut to the heart.

11 But when Judy mentioned my mother I felt
12 as though -- where's Helen? She was here last time at
13 the last meeting. She helped us. But I'm losing my
14 sister. So what? I think we have a big family still.
15 Got relatives in Rae. They can support us. Lutsel K'e
16 relatives, they can support us. Comatee (phonetic)
17 relatives can support us. It was a big Drybone clan and
18 it's still big and the children are finding out who they
19 are. We can all help each other. We can support each
20 other.

21 That's what I expected from people from
22 Deninu Kue, but that didn't happen. Last hearing the
23 same thing too. I thought we were going to get support
24 from people in the community; non-Dene support. If they
25 want access let's sit down and talk and sort it all out.

1 Enough of this. But that didn't help then either. The
2 support never came.

3 I'm wondering if anybody really wants to
4 support the Yellowknives Dene at all. We're being
5 totally inundated by land use requests and every single
6 one of these guys want meetings before they apply for a
7 permit. At this point, I don't know if I can do a
8 meeting before they apply for a permit, and then they
9 turn around and put all their information in their permit
10 and say okay, review it again.

11 That means I have to pull a whole bunch
12 more people to look at their application again. I cannot
13 do a meeting every week on land use applications.
14 There's got to be a better way.

15 And let's sort our the -- the details of
16 consultation. It really needs to be worked out. Steve
17 Ellis mentioned consultation. That needs to be sorted
18 out with the Chiefs. I cannot handle that kind of
19 consultation. I wish for the days in 1996 when there was
20 not that many land use applications and not many
21 environmental assessment public hearings or panel
22 hearings or any mining company knock on -- knocking on
23 your -- your door.

24 But this is getting to be a little bit
25 ridiculous and if I get pushed a little bit too far, I'm

1 going to end up laughing my head off more than I should
2 and people will wonder where I'm going and coming from.
3 And I don't want to go there either, so just let me know
4 how we can help each other. Thank you.

5 THE CHAIRPERSON: I'm kind of afraid to
6 ask if there's any more people who will speak, but just
7 in fairness because I know our Elders getting tired and
8 everybody is getting tired, so I don't know if -- I'm not
9 sure with the young lady sitting there whether you were
10 wanting to say something because you are sitting in a --
11 okay.

12 MR. ABBY FARRAGE: May I ask for just one
13 (1) minute on the floor before I go --

14 THE CHAIRPERSON: Okay.

15 MR. ABBY FARRAGE: -- if you don't mind?

16 It's been a great experience coming here
17 and listening. We have entrusted people -- we are a
18 public company. I -- we manage people's money and we
19 manage people getting together also. We do have our
20 meetings. We are heavily regulated.

21 We've been touched here what's happening.
22 We only applied -- we're trying to do a joint venture
23 here, a partnership. We want to understand everything
24 you're going through, what you are doing here and that's
25 why we are here. We've had previous experience before

1 through our partnerships in the area where we've drilled
2 and we've done things.

3 Our exploration that we're talking about
4 right now, in our opinion, we thought this is the window.
5 We applied and it's a process so we are going to be
6 meeting, we will be consulting, we will come here for a
7 week if we have to, sit down and talk with every
8 individual. But once we have laid down what we are --
9 how, you know, how -- how we are proceeding with this,
10 there was no intentions here whatsoever -- I mean, we're
11 coming here to be partners together. We're not here to
12 be developers one side or trying to take land or doing
13 anything else.

14 We thought we were coming here to do
15 business and be partners. And we're going to be -- the
16 developers and the people that's working with us and then
17 -- and then the First Nations, I think we are closer than
18 Ottawa or anywhere else because we're going to be working
19 together and if we are successful, we are successful
20 together. If not, we have spent time together.

21 So I -- I mean, we feel that we've been --
22 as if we are intruders. We're not trying to be
23 intruders. We're here to be -- to establish a
24 partnership and we are prepared to bend backwards.
25 There's precedent for mining, there's precedent for

1 everything else; we are the 21st century, we know what's
2 right, what's wrong. We will do everything in our
3 capability to adapt, learn and see how we can do things
4 together and I will put that in writing.

5 We will come here if we have to, we will
6 camp with you, and understand what we need to do here.
7 Times -- times are changing, everything is changing.
8 This is the world we live in. So if you don't mind, I've
9 been here sitting on needles, we do not know, anticipate
10 we were going to be this late. I have a plane to catch
11 in less than half an hour.

12 I don't mean any disrespect (sic) for
13 anybody. Please I do have to leave. If there's anything
14 else I can do, I will do it. I couldn't postpone for
15 tomorrow because we do have a major thing at eight
16 o'clock in the morning. We couldn't even change our
17 plane because there's no plane leaving at the time that
18 we should be.

19 We should've been at the airport at 7:30.
20 I think fifteen (15) minutes, we might still make it, by
21 -- by the car, by cab, and hopefully if we send somebody
22 ahead if they could wait ten (10) minutes. I don't know.

23 Again, my apology for the time and we
24 should've anticipated time longer than that. And if you
25 could get just -- a transcript and I am here on record,

1 if need be, even tomorrow afternoon I'll come back. We
2 do have engagement we have to be at. We have to attend
3 it. We -- we did not know we were going to be this late.
4 My apology again.

5 And I'm telling you we've been touched.
6 And I'm not talking just being like this. I come from a
7 culture from the middle east where we have -- where
8 Christ was born, where Mohammad descended, where Moses
9 crossed desserts, so believe me we feel with people, we
10 know who we are, we know who you are, we're learning.

11 So my apology. I do have to get up. I
12 wish I could shake everybody's hand, but I do have to
13 have to leave. Thank you.

14 THE CHAIRPERSON: For the record, the
15 developers just left, so I am going to close this
16 Hearing. I know, Jimmy Beaulieu you wanted to say
17 something, but you said something the first day. We will
18 keep, you know, the record open so if you want to submit
19 something further, there would probably be a time for
20 that. I am just going to take just a minute.

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: Okay. I'd just like to
25 thank everyone because our meeting just came to an end.

1 For all the people who have attended and spoken to us I'd
2 like to thank you. I know that today was a much longer
3 day but I'd like to thank you for that, particularly
4 those people from the public who have taken time from
5 their regular activities to sit with us over the last two
6 (2) days.

7 The Board received a lot of information
8 from you. It's brought to us in a different ways, from
9 stories of the land as told by Elders to a PowerPoint
10 presentation.

11 The Board will now have to sit together to
12 consider and discuss what we've heard from you as well as
13 to examine the information that we have on public record
14 for the two (2) proposed mineral exploration projects.

15 There are also some important decisions
16 that we have to make as a Board. We first have to decide
17 if we had enough of the kind of information that will
18 permit us to make a recommendation regarding the fate of
19 the two (2) projects, speaking of what Section 128 of
20 Mackenzie Valley Resource Management Act requires us to
21 do.

22 The Review Board must consider the issues
23 that are within its mandate, then it must forward its
24 recommendation to the Minister of Indian and Northern
25 Affairs.

1 The opinions available to the Review Board
2 includes a recommendation of whether the projects should
3 go ahead with or without conditions or whether the
4 project should not go ahead, however, before that all
5 happens the Review Board must first determine if there's
6 enough evidence available for the Board to make a
7 recommendation regarding the two (2) projects.

8 If the Board believes there's not enough
9 information, we will have the opinion of entering into
10 the second phase of this environmental assessment.

11 The nature of that second phase of the
12 process, if any, will be the subject of the Board's
13 decision in the very near future. If necessary we may
14 amend the terms of reference to set out our plans for the
15 completion of this proceeding.

16 Should the Board simply move into final
17 decision making phase, we will have to close the public
18 record. We'll give a notification of at least two (2)
19 weeks before the record closes to allow parties to submit
20 any final materials that they want the Board to consider.
21 If that is the result, you'll hear from the Board on
22 these matters in the coming weeks.

23 I just want to say thank you and one (1)
24 of the things that we had mentioned was that usually we
25 have closing comments from developers and from interested

1 parties. Because we've gone on too late and people were
2 tired and some parties have caught their plane, we are
3 asking that we would like to have written submissions
4 submitted to us but we will keep the parties informed and
5 this will be close to the closing of the records.

6 So thank you for being here. And I'd like
7 to ask -- have a closing prayer by Charlie Snowshoe.

8 MR. CHARLIE SNOWSHOE: I'm going to say a
9 prayer in my language.

10

11

(CLOSING PRAYER)

12

13

THE CHAIRPERSON: Masi Cho.

14

15 --- Upon adjourning at 7:30 p.m.

16

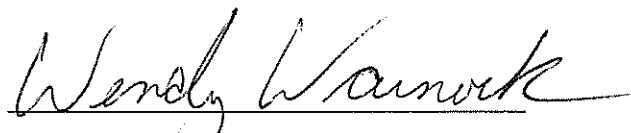
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18 Certified Correct

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Wendy Warnock

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