



“When You Talk - We Listen!”



MACKENZIE VALLEY ENVIRONMENTAL  
IMPACT AND REVIEW BOARD

TLICHU ALL SEASON ROAD (EA1617-01)  
TECHNICAL SESSION

Facilitator	Simon Toogood
Facilitator	Ruari Carthew

HELD AT:

Behchoko, NT  
August 16, 2017  
Day 2 of 3

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3	Mark Cliffe-Phillips (np)	)
4	Catherine McManus	)
5	Simon Toogood	)
6	Ruari Carthew	)
7		
8	John B. Zoe (np)	)Tlicho Government
9	Jessica Hum	)
10	Petter Jacobsen	)
11	Francis Simpson	)
12	Joe Champlain	)
13	Zabey Nevitt	)
14	Ginger Gibson	)
15	Janelle Kuntz	)
16	Georgina Chocolate	)
17	Charlie Football	)
18	Charlie Apples	)
19	Louie Flunkie	)
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22	Lorraine Seale	)
23	Katie Rozenstraten	)
24	Rohan Brown (np)	)
25	Russell Neudorf	)

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5 Michael Conway )

6 Stu Niven )

7 Bruno Croft (np) )

8 Heather Sayine-Crawford (np) )

9 Dean Cluff (np) )

10 Greg Hanna )

11 Tamika Mulders )

12 Kate Witherly )

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14 Darren Campbell )

15 Cam Stevens )Golder Associates

16 Michele Grabke )Golder Associates

17 Kyle Knopff )Golder Associates

18 Damian Panayi )Golder Associates

19

20 Jonas Lafferty )Wek'eezhii

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22 Allice Legat )Resources Board

23 Boyan Tracz )

24 Umar Husany )CanNor

25 Nigel Rossouw )

1 APPEARANCES (Con't)

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4 Bradley Summerfield ) ECCC

5 Emily Nichol )

6 Amy Ganton )

7 Gabriel Bernard-Lacaille (np) )

8 Georgina Williston )

9

10 Mark D'Aguiar ) DFO

11

12 Shin Shiga ) North Slave Metis

13 Nicole Goodman ) Alliance

14 Heather Bears ) Zoetica

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1 --- Upon commencing at 9:41 a.m.

2

3 CO-FACILITATOR TOOGOOD: Good morning,  
4 everyone. I hope you had a good safe drive. Today  
5 we're going to be -- I'd like to welcome everyone to  
6 the -- day 2 of the technical session for the Tlicho  
7 all-season road. As we discussed yesterday, we're  
8 going to be talking about birds first this morning,  
9 and then we'll get into water and fish.

10 Before I go any further though, I'd  
11 like to start the day off with an opening prayer from  
12 the Tlicho Government.

13

14 (OPENING PRAYER)

15

16 HOUSEKEEPING ITEMS:

17 CO-FACILITATOR TOOGOOD: Thank you  
18 very much for that opening prayer. So we're not going  
19 to -- I'm not going to provide a long introduction  
20 like yesterday. I was going to ask if there's anyone  
21 new in the room, I don't see new faces to introduce  
22 themselves. On the phone lines though, I'm afraid  
23 they're not working at the moment.

24 If you have anyone calling in who is  
25 required for the first part of the day, which we're

1 going to be dealing with birds, hopefully we'll get  
2 that sorted out later on this morning. But if there's  
3 anyone that's required in the morning, please, let me  
4 know and we'll -- we'll try and figure something out.  
5 If not, we'll get into birds.

6           But first I'd like to go over a couple  
7 housekeeping items. One (1) would be, please, sign  
8 in. I think some people were here before the sign-in  
9 sheet was in, and it -- we'd like to get people to  
10 sign in every day.

11           And following up from yesterday, we  
12 were trying to get the transcripts out. That didn't  
13 occur. There was some other technical problems. And  
14 so I have put together from the transcripts, just the  
15 rough version, the commitments from yesterday and I'd  
16 like to go over them. And I realize that parties  
17 haven't been able to see the transcripts and verbatim  
18 what's there but we may have to get back to this  
19 eventually tomorrow once we have the transcripts.  
20 Hopefully we can get those out today.

21           But for the time being, I'd like to at  
22 least get the -- what we have from the transcripts up  
23 here so we could -- Yes. We can at least agree on  
24 the topics of the -- of the commitments, and whether  
25 or not, you know, we agree that this is essentially



1 what was said. And so I'd like to go through each  
2 commitment, and see if the parties agree that that is  
3 essentially what was said. And if there's any  
4 missing...

5

6 (BRIEF PAUSE)

7

8 CO-FACILITATOR TOOGOOD: Okay. So if  
9 everyone can see the transcript and read...

10

11 (BRIEF PAUSE)

12

13 CO-FACILITATOR TOOGOOD: All right. I  
14 can feel I can actually stand up and stretch my legs.  
15 Okay. So Commitment number 1 is:

16 "GNWT to meet with NSMA to discuss  
17 any additional documents or outcomes  
18 of responses to IRs, and the WMMP."

19 And I believe that was to do with, you  
20 know, the MMP -- WMMP is going to be evolving  
21 throughout the process, and there's concern from  
22 parties that, you know, they won't have input on this  
23 in the future. And I think the GNWT said that they  
24 were open to having discussions with parties at a  
25 later date. And that's -- I'm seeing a nod from Russ,

1 and Boyan.

2 MR. BOYAN TRACZ: Good morning. Boyan  
3 Tracz, Wek'eezhii Renewable Resources Board.

4 Just to clarify, so that's not limiting  
5 the discussion just between GNWT and NSMA. Other  
6 parties are also -- may enter into said discussions if  
7 they're interested?

8 MR. RUSSELL NEUDORF: Russ Neudorf,  
9 GNWT.

10 We were just making that comment, in  
11 fact, whether that should be not just SMA but any  
12 party that might want to be interested because we're -  
13 - we -- we'll talk about any issue here.

14 This WEMP had specifically related to  
15 the discussion and recognition that the IRs from the  
16 NSMA were late coming in. We only provided half of  
17 the responses, and then some of those responses are  
18 saying it's going to be in the WMMP. So they're, you  
19 know, specifically recognizing that there be some  
20 additional discussions on those things.

21 MR. SHIN SHIGA: Good morning. Shin  
22 Shiga, North Slave Metis Alliance.

23 Yeah, I think both of -- both GNWT and  
24 Boyan are correct in that -- yeah, well, we -- we  
25 always welcome other parties and other Intervenors to

1 join in meetings. They -- they're always very  
2 helpful, so. Thank you.

3 CO-FACILITATOR TOOGOOD: All right.  
4 Thank you very much. And just to double check here.  
5 I be -- Simon Toogood, with the Review Board. I'll  
6 slowly get into this rhythm as the day goes on.

7 The WMMP is going to be submitted at a  
8 later date prior to the public hearing. There's going  
9 to be opportunity in the Review Board process for  
10 parties to review that document. And that the GNWT is  
11 -- as this plan evolves there's potentially  
12 opportunity outside the EA process after the report  
13 has been signed for parties to participate in having  
14 input on -- on design features of -- in that plan.

15 Is that correct, from GNWT?

16

17 (BRIEF PAUSE)

18

19 CO-FACILITATOR TOOGOOD: No, this is a  
20 follow up to number 1.

21

22 (BRIEF PAUSE)

23

24 CO-FACILITATOR TOOGOOD: Simon  
25 Toogood, with the Review Board. Yes. We're talking

1 about Commitment number 1. It's just a follow up.  
2 The general process of how the GNWT and the WMMP is  
3 going to evolve through the EA process, through the  
4 regulatory phase, and through the life of the project.

5 MR. RUSSELL NEUDORF: Russ Neudorf,  
6 GNWT.

7 And that's -- that's correct. The WMMP  
8 is actually approved as part of the regulatory phase,  
9 so it's going to continue to evolve until it's  
10 actually finally approved through that phase of the  
11 project.

12 CO-FACILITATOR TOOGOOD: Okay. Thank  
13 you very much. Simon Toogood, with the Review Board.  
14 Commitment number 2 --

15 CO-FACILITATOR CARTHEW: Simon --

16 CO-FACILITATOR TOOGOOD: -- oh, hold  
17 on a sec --

18 CO-FACILITATOR CARTHEW: -- yeah,  
19 Ruari Carthew, with the interference.

20 We will modify then Commitment 1 to  
21 include all parties based on your discussions.  
22 Thanks.

23 CO-FACILITATOR TOOGOOD: Thank you,  
24 Ruari. Simon Toogood, with the Review Board.

25 Commitment number 2. This is from the

1 transcript, so I'll just read it:

2 "If there are outstanding issues to  
3 consider, GNWT will consider a  
4 review of the WMMP after the process  
5 is complete."

6 And I believe I talked about that  
7 already in the first part. And I'm seeing -- okay.  
8 I'll turn it over to the Review Board for -- to get a  
9 'yes' on the record.

10 MS. KATE WITHERLY: Hi. It's Kate  
11 Witherly, with GNWT.

12 We want to clarify, we will consider a  
13 public review of the WMMP after the EA, is what we  
14 were discussing. We weren't talking about internal  
15 review. A public review --

16 CO-FACILITATOR TOOGOOD: Okay.

17 MS. KATE WITHERLY: -- so I would add  
18 "public".

19 CO-FACILITATOR TOOGOOD: Okay. Thank  
20 you very much for that clarification. Simon Toogood,  
21 with the Review Board.

22 And I believe we've captured that, and  
23 it's on the record. And we'll firm up those  
24 commitments and we can review those again at the end  
25 of the day. I'm just going to scroll this up a bit,

1 so Commitment number 3:

2 "GNWT consider the caribou  
3 distribution data."

4 Okay, this is not too clear but GNWT is  
5 going to consider data that is either coming from WRRB  
6 as part of the WMMP. This, I believe, here requires  
7 some clarification from WRRB. Boyan, do you wish to  
8 clarify this commitment?

9 MR. BOYAN TRACZ: Boyan Tracz,  
10 Wek'eezhii Renewable Resources Board.

11 Yeah. I -- it's -- just -- can I...

12

13 (BRIEF PAUSE)

14

15 MR. BOYAN TRACZ: So it -- I guess  
16 starting from -- from the beginning. Barren ground  
17 caribou distribution data, just to distinguish, and  
18 it's not providing the -- the data themselves. It was  
19 provide -- I've -- to make a long story short I've  
20 already provided Damian with two (2) reports that  
21 speak to the conversation yesterday.

22 Those data are -- ENR actually has the  
23 data in their -- in their WHMIS system. And the idea  
24 of consider distribution, we can work on the wording a  
25 little bit later. I still need to confer with -- with

1 WRRB proper, and to - sorry, to what extent or what's  
2 expected or what's possible.

3                   But longest story short, reports  
4 talking about the -- the potential to expand the  
5 extent of the -- of the caribou in the regional study  
6 area that information on that note has been provided  
7 to -- to Golder already.

8                   Long story short, yeah, we'll -- we'll  
9 work on the wording.

10                   MR. ALAN EHRLICH:    Good morning,  
11 everyone.  It's Alan from the Review Board.

12                   Boyan, could you, please, work on that  
13 wording during the break, and then after the break  
14 come back with a single, smooth, coherent commitment  
15 because right now I look at what's up there, I listen  
16 to the words, I think what's going to be on the  
17 transcript, and I -- I worry that it won't be clear  
18 enough.

19                   MR. BOYAN TRACZ:    Boyan Tracz,  
20 Wek'eezhii Renewable Resources Board.

21                   I'd love to, but I would like to confer  
22 with the executive director of the board, just to see  
23 how far the expectations are in terms of the -- the  
24 commitment.  So in terms of the -- what -- again  
25 what's possible, and what the board is -- is wanting.

1                   MR. ALAN EHRLICH:    I -- I -- for the  
2   sake of fairness, I don't want the GNWT to have to  
3   agree with a commitment that isn't explicit and clear.

4                   Are you able to confer over lunch and  
5   maybe come out at the end of the day, or perhaps  
6   overnight and come up with a single coherent wording  
7   first thing tomorrow that -- that'll -- and -- and I,  
8   too, are -- am totally incoherent until this first cup  
9   of coffee is finished. But, you know, I'm half way  
10  through it now so I should be doing a little better.

11                  But it means that in the morning the  
12  GNWT will be able to fairly understand what they're  
13  being expected to commit to, and make sure that  
14  everyone in the room is thinking the same thing.

15                  MR. BOYAN TRACZ:    Boyan Tracz,  
16  Wek'eezhii Renewable Resources Board.

17                  I -- I completely agree. I can  
18  appreciate the -- the timing. Tomorrow morning, we'll  
19  -- we'll aim for that then.

20                  CO-FACILITATOR TOOGOOD:   Thank you  
21  very much. Simon Toogood, with the Review Board.

22

23   (BRIEF PAUSE)

24

25                  CO-FACILITATOR TOOGOOD:    Okay.



1 Commitment number 4 -- oh. Oh, sorry.

2 MR. RUSSELL NEUDORF: Russ Neudorf,  
3 GNWT.

4 We have apparently some people that  
5 want to call in, so if we could just get the phone  
6 line opened up, or...

7

8 (BRIEF PAUSE)

9

10 CO-FACILITATOR CARTHEW: Thanks.  
11 Ruari Carthew, with the Review Board.

12 We're having some continued technical  
13 problems with the phone line. We've got Global Storm  
14 trying to work on it remotely. What I -- I recommend  
15 right now is basically to call in on -- on someone's  
16 cell phone, and just have it on speaker so they can  
17 hear the -- essentially the proceedings.

18 Everything should be fairly audible  
19 through the microphone, so I -- I think that would be  
20 a short term solution. And -- and certainly the  
21 Review Board apologizes for the inconvenience.

22

23 (BRIEF PAUSE)

24

25 MS. GINGER GIBSON: Thanks. Ginger

1 Gibson, with Tlicho Government.

2 I just wanted to mention that we do  
3 have a new Elder with us today. Charlie Apples has  
4 joined us as well today, so I just wanted to recognize  
5 and acknowledge the presence of a new Elder on our  
6 team today. Masi.

7 CO-FACILITATOR TOOGOOD: Okay. Thank  
8 you very much. Welcome to the proceedings. Okay. So  
9 telephones, yeah, like I said apologies. I'm not sure  
10 what's happening there.

11 Moving onto Commitment number 4, and I  
12 believe this was a discussion about expanding the  
13 study area for caribou, and I believe Boyan had some  
14 discussions -- was going to discuss with GNWT and  
15 potentially NICO. Again, Boyan, perhaps if you could  
16 speak to this one?

17 MR. BOYAN TRACZ: Boyan Tracz,  
18 Wek'eezhii Renewable Resources Board.

19 Yeah. That was specific to the --  
20 specific to the boreal caribou study area as presented  
21 in -- in Figure 1 specific to the new collaring  
22 program. And just to clarify, it's not to negate any  
23 responsibilities that sort of NICO has under -- under  
24 their process or -- or putting all the focus on GNWT.

25 It was more of thinking about

1 collaboration and cooperation, cost savings, you know,  
2 in kind. That sort of stuff in relation to gathering  
3 information that collectively we can utilize. So  
4 that's sort of the intent, but I think it captures it  
5 but it's the boreal study area as presented in the --  
6 in the WEMP. But conceivably could certainly include  
7 other species of interest in that area.

8 CO-FACILITATOR TOOGOOD: Okay. So the  
9 specific wording for the commitment, you would be  
10 happy with -- it's boreal caribou that you wanted  
11 added in there?

12 MR. BOYAN TRACZ: Expanding the boreal  
13 caribou study area, I guess, and to be very specific  
14 as presented in Figure 1 in the WMMP.

15 CO-FACILITATOR TOOGOOD: Thank you  
16 very much. GNWT, is that your understanding of what  
17 the commitment was? Simon Toogood, with the Review  
18 Board.

19

20 (BRIEF PAUSE)

21

22 MR. RUSSELL NEUDORF: Russ Neudorf,  
23 GNWT.

24 We've just -- we'll deal with both  
25 three (3) and four (4), and Boyan, during the break.

1 It was just some oth -- some tuning for this  
2 Commitment number 4. It's nothing significant but we  
3 can deal with both of them, and then come back if  
4 that's okay with the Board?

5 CO-FACILITATOR TOOGOOD: It's Simon  
6 Toogood, with the Review Board.

7 Yeah. That sounds acceptable. That's  
8 quite good. We can see if we can move a bit quicker  
9 here. So that was three (3) and four (4). And then  
10 number five (5) is:

11 "GNWT to commit as part of the  
12 traffic monitoring to look at  
13 average annual daily traffic but  
14 look at the variations of traffic  
15 over time."

16 I believe this was a discussion on that  
17 data being collected allowed us the opportunity to see  
18 a much higher resolution of -- I'd say, traffic  
19 estimates. Hourly and seasonally. And I believe that  
20 was NSMA. So perhaps NSMA could speak to whether or  
21 not -- you know, how to word this to capture what it  
22 is that you wanted.

23

24 (BRIEF PAUSE)

25

1 MR. RUSSELL NEUDORF: It's Russ  
2 Neudorf, here with GNWT.

3 Just to help that process a little bit  
4 what we were talking about was -- so as part of WM --  
5 WMMP there is -- traffic monitoring is one (1) of the  
6 components there, and we talked about presenting not  
7 just the average annual daily traffic but also the  
8 variations in that traffic over time. So to show the  
9 -- you know, the peaks and the -- the highs and the  
10 lows of that traffic.

11 MS. HEATHER BEARS: Yeah, Heather  
12 Bears, with the NSMA.

13 I think this -- this pretty much  
14 captures it. We're just looking for a seasonal --  
15 like a monthly graph or something that shows traffic  
16 rates over time.

17 MR. ALAN EHRLICH: It's Alan Ehrlich,  
18 with the Review Board.

19 The wording on this is still kind of  
20 weird, this whole "but look at." The commitment isn't  
21 for the GNWT to look at it. I think the commitment,  
22 if I understood the conversation correctly, was to  
23 provide it among others to the -- the North Slave  
24 Metis Alliance. And I assume the Renewable Resource  
25 Board may be curious about it, as well, just like the

1 conver -- the -- the meeting this morning.

2 But the commitment was -- I -- I think  
3 the commitment was:

4 "As part of traffic monitoring, to  
5 look at average annual daily traffic  
6 and variations of traffic over time,  
7 and provide the data in a timely way  
8 to the North Slave Metis Alliance."

9 Does that sound right? I -- I see the  
10 North Slave Metis Alliance nodding. Does that sound  
11 okay to the Developer?

12

13 (BRIEF PAUSE)

14

15 MR. RUSSELL NEUDORF: Russ Neudorf,  
16 GNWT.

17 So we can agree with you. It's more  
18 than just "look at." So we will commit to provide the  
19 annual daily traffic and seasonal variations as part  
20 of the reporting for the wildlife -- WMMP.

21 MR. ALAN EHRLICH: And to the -- Alan  
22 Ehrlich.

23 To the North Slave Metis Alliance, is  
24 that -- to me that -- what I just heard sounded like a  
25 much more clear wording of this commitment than what

1 we have up on the screen.

2 North Slave Metis Alliance, did that  
3 sound okay to you?

4 MS. HEATHER BEARS: Heather Bears,  
5 North Slave Metis Alliance.

6 I would just make one (1) correction.  
7 I think it's with the WEMP reporting, and it's -- it's  
8 just because in the WEMP conceptual report right now  
9 they -- it -- it just looks like we're going to look  
10 at whether or not a 50 percent three (3) year  
11 annualized average daily traffic is exceeded, and so  
12 we'd like it broken down into monthly traffic and  
13 daily traffic rates.

14 MR. ALAN EHRLICH: Thanks, NSMA.  
15 GNWT, is that okay with you?

16 MR. RUSSELL NEUDORF: Yes that's fine  
17 with us, and we were just talking. We -- sorry, Russ  
18 Neudorf, GNWT.

19 We may reflect that wording in the  
20 draft WEMP already, as well, so.

21 MR. ALAN EHRLICH: Thank you very  
22 much. CO-FACILITATOR TOOGOOD: Thank you  
23 very much. Simon Toogood, with the Review Board.

24 Commitment number 6, and it's just to  
25 do with GNWT to do a literature review of data to see

1 if there are -- effects from a 50 percent variation on  
2 a sixty (60) vehicle per day annualized average and  
3 report back to the WMMP. Clear as mud, right?

4 NSMA, do you have any comments?

5 MS. HEATHER BEARS: Heather Bears,  
6 with the NSMA.

7 I think this one needs a bit of work.  
8 So one (1) of the things we asked for -- I don't know  
9 if it ended up as a commitment -- was because wildlife  
10 don't respond to averages over a year, they don't sort  
11 of take stock of how many vehicles have passed through  
12 an area over a year and -- and decide what to do, they  
13 respond to how many vehicles are on the road at any  
14 given time and in a season where they're trying to  
15 move across the road or they're trying to walk along  
16 the road.

17 So -- so that's -- that's why like  
18 these two (2) are actually linked, the Commitment 5  
19 and Commitment 6, where it's helpful to have an idea  
20 of the seasonal variation in actual traffic rates that  
21 they're actually responding to, and then have the --  
22 the part that's missing here is an assessment of the  
23 potential maximum -- the actual maximum traffic rates  
24 and, you know, what's known about the -- the maximum  
25 traffic rates that -- that -- at least the four (4)



1 ungulate species that are being explored are  
2 experiencing.

3                   And then being able to link that to the  
4 monitoring data where you have a good idea of, okay,  
5 now we know which seasons they're experiencing higher  
6 traffic levels and which seasons they're experiencing  
7 lower traffic levels, and we can start to link that to  
8 effects.

9                   MR. ALAN EHRLICH: Alan, for the  
10 Review Board.

11                   Thanks for the explanation. Because  
12 we want a concise and clear wording for the  
13 commitment, I'm going to ask you over the first  
14 morning break to work with the Developer to figure out  
15 a commitment that they're prepared to run with.  
16 Thanks.

17                   CO-FACILITATOR TOOGOOD: Okay. Thank  
18 you. It's Simon Toogood, with the Review Board.

19                   And there was one (1) more issue that  
20 we saw on the -- on the record that it's not  
21 potentially a commitment. I believe it was from  
22 Jessica, and it was to do with working with GNWT to  
23 provide ENR officers, patrolmen, or community  
24 monitors, and they were -- GNWT was going to make  
25 their best efforts to work towards that potentially.

1 And maybe Jessica could speak to that.

2 MS. JESSICA HUM: Can -- can I expand  
3 on that? Jessica Hum, from Tlicho Government.

4 In the WEMP there is a commitment from  
5 GNWT under 3.2, "Access and Harvest Monitoring," to  
6 create a new ENR renewable resource officer position  
7 in Whati.

8 "ENR recommends that creating this  
9 ENR officer position in the  
10 community of Whati would help to  
11 conduct or facilitate several of the  
12 recommended actions in the WEMP, and  
13 would go a long way to addressing  
14 concerns related to harvest and  
15 access assodi -- associated with the  
16 Whati road."

17 So we interpreted -- we heard from  
18 Boyan a commitment that that position will be created,  
19 and -- sorry, Bruno. I am sorry, on record is Bruno.  
20 Bruno is listed there in the -- the notes. And that's  
21 what we would like stated on the record.

22 CO-FACILITATOR TOOGOOD: Simon  
23 Toogood, with the Review Board.

24 Thanks. And to GNWT -- oh, sorry.  
25 Aalice has a question.

1 DR. ALLICE LEGAT: Sorry, Aalice  
2 Legat, with WRRB.

3 I'm wondering where the commitment is  
4 that the GNWT made on doing a study of voles and mice  
5 so that we would understand the population of small  
6 fur bearers, and that was a commitment.

7 CO-FACILITATOR TOOGOOD: Thanks very  
8 much. Simon Toogood, with the Review Board.

9 Could we have -- I'll get to that one  
10 in a moment. I just want to finish off with this one  
11 first. And I believe it was the GNWT had stated in  
12 the WEMP that they had committed to the CNR position.  
13 And just like to -- could you -- would you speak to  
14 that?

15 MR. RUSSELL NEUDORF: Yeah. Russ  
16 Neudorf, with GNWT.

17 Yes. In the WEMP that's what it said.  
18 There's a commitment there that will establish this  
19 renewable resource officer position in the community  
20 of Whati. So that commitment is already there. If it  
21 needs to be repeated somewhere else, that's fine.

22 And I did mention yesterday about this  
23 not tying the hands of a legislative assembly. That  
24 it is ultimately their approval to -- to do these  
25 things. It didn't -- you know, if we've got this

1 commitment here backing us then it's much easier to  
2 get that commitment on the -- on the record. But  
3 there still is that minor caveat -- well, not minor --  
4 caveat to the commitment.

5 CO-FACILITATOR TOOGOOD: I think we're  
6 --

7 MS. GINGER GIBSON: Thanks. Ginger  
8 Gibson, Tlicho Government.

9 That's fine. We're fine with -- it's  
10 stated there, so it's -- it's fine to remove it. So  
11 you can take out that choppy stuff there. The -- the  
12 other thing we'd raise is -- and -- and, Russ, it  
13 would be helpful if you indicate whether this is  
14 captured elsewhere but we were talking about licensing  
15 agreements for data sharing as well.

16 So that the boots-on-the-ground program  
17 has good access to data on boreal and on barren ground  
18 caribou if -- if boreal are -- are collared for -- for  
19 our monitoring program, so I'd -- I -- that could be  
20 dealt with somewhere else but I don't remember. But  
21 that was -- no, it's not.

22 So you did make that commitment  
23 yesterday, or you said that -- that might be okay. We  
24 already have one (1) licensing agreement in that  
25 regard. So I think it would just be nice to echo that

1 as well, and we can -- Simon, we can write that up for  
2 you with -- in the break, and then provide you the --  
3 the information on that one.

4 CO-FACILITATOR TOOGOOD: Simon  
5 Toogood, with the Review Board.

6 Yeah. That sounds excellent, assuming  
7 that the GNWT is in agreement.

8 MR. RUSSELL NEUDORF: Russ Neudorf,  
9 GNWT. Yeah, sounds good.

10

11 --- COMMITMENT NO. 8: Re: data licensing and  
12 sharing

13

14 CO-FACILITATOR TOOGOOD: Thank you.  
15 And so back to Allice, and there was -- I remember  
16 there was discussion yesterday about small mammals and  
17 monitoring.

18 I wasn't clear whether or not that was  
19 for this project, or that they committed to doing that  
20 in the future after this project had been essentially  
21 finished and was in operations. Maybe if you wanted  
22 to reiterate what your intent was.

23 DR. ALLICE LEGAT: We were thinking of  
24 starting it during construction and continuing it.  
25 So, yes, and that's what I understood that Bruno said

1 could, in fact, happen. That it would be easy to  
2 actually get that under way, and made a -- and made a  
3 commitment. And that was Aalice, with WRRB.

4 CO-FACILITATOR TOOGOOD: Thank you,  
5 Aalice. Russ...?

6 MR. RUSSELL NEUDORF: Yeah. Russ  
7 Neudorf, with GNWT.

8 I think our recollection of Bruno and  
9 his conversation was that he was -- he had said that  
10 we're already collecting some of that information that  
11 was related to small mammals, and that that  
12 information would be available already. And -- but we  
13 do need to go back to Bruno to see -- if we wanted to  
14 get anything more definitive we'd have to go back to  
15 Bruno to see what exactly -- you know, the type of  
16 information was that he would -- he could provide.

17 But it was existing information that we  
18 would provide.

19 CO-FACILITATOR TOOGOOD: Thank you for  
20 that. If you're able to contact Bruno, and maybe  
21 clarify overnight or today on what GNWT is able to do  
22 with respect to small mammal surveys and data  
23 collection, that'd be excellent.

24 MR. RUSSELL NEUDORF: Russ Neudorf,  
25 GNWT.

1 I think that would be the most  
2 appropriate thing to do, yes.

3 CO-FACILITATOR TOOGOOD: Okay. I'm  
4 seeing Bradley, Environment Canada. Do you have a  
5 question?

6 MR. BRADLEY SUMMERFIELD: Yeah,  
7 thanks. Bradley Summerfield, with Environment and  
8 Climate Change Canada.

9 James had committed to providing some  
10 additional information to us with regards to the  
11 assessment on boreal caribou. I can get Amy to  
12 reiterate it, or...

13 MS. AMY GANTON: Amy Ganton, with  
14 Environment and Climate Change Canada.

15 We had asked for a commitment to  
16 provide additional maps that were proposed in the  
17 response to us from the Information Request, and had  
18 received feedback that those maps would be provided  
19 when they became available understanding some of the  
20 delays that might occur, sensitivity of the -- of when  
21 the -- or where the caribou are found.

22 We also had asked for a narrative about  
23 those maps to understand them a bit better. I don't  
24 know if that commitment was captured, or not, but it  
25 would be nice to have that commitment. As well as --

1 James, as Bradley mentioned, had made a commitment to  
2 -- as part of that narrative look at the caribou  
3 crossings over Highway 3, and I don't think that's  
4 been captured either. Thank you.

5

6 --- COMMITMENT NO. 9: Re: collaring data,  
7 protocols, updated maps

8

9 CO-FACILITATOR TOOGOOD: Thank you  
10 very much. We'll capture that. And -- okay. Boyan,  
11 want to add to that?

12 MR. BOYAN TRACZ: Boyan Tracz,  
13 Wek'eezhii Renewable Resources Board.

14 Thanks for jogging memory because I  
15 believe we also had one (1) specific to the protocols  
16 that were being used in relation to use of collared  
17 data and crews on the grounds. It was part of the  
18 presentation. It was a blurb, I believe, on slide 14,  
19 and that James committed to including those protocols  
20 in the updated WMMP, I believe was the -- the wording.

21 MS. LAURIE MCGREGOR: Laurie McGregor,  
22 ENR.

23 I'm not sure -- I think our commitment  
24 was that we would integrate that type of protocol into  
25 the WMMP, not provide the exact same protocol because



1 we're expanding it -- my understanding is expanding it  
2 to the construction of the road, not to the  
3 geotechnical operations so we would have to modify it.

4                   So I'm assuming you want it updated for  
5 construction protocol as opposed to seeing the  
6 protocol that we used during geotech. Is that  
7 correct?

8                   MR. BOYAN TRACZ:    Boyan Tracz,  
9 Wek'eezhii Renewable Resources Board.

10                   I think it would be good just in -- in  
11 -- I'll need to think about it a little but sort of  
12 seeing what was initially proposed and then sort of  
13 how things were modified helps with basically in -- in  
14 some ways assessing the adaptive management approach  
15 that GNWT is taking, sort of seeing what was done and  
16 how it's being improved and changing over time, and  
17 based on what.

18                   But having said that, the -- the take  
19 home, the WMMP, if it contains the protocols that are  
20 specific to how collars are being used and will --  
21 will be used, that's basically the most important  
22 part. We want to see how they're being used, what --  
23 what thresholds are being set in terms of is it one  
24 (1) caribou, you know, 500 metres away, these sorts of  
25 things. Those -- those sorts of specifics.

1                   And to, I guess, contextualize it, if  
2 you go to Sabina process, and Heather can probably  
3 speak to this a little bit more, but just the -- the  
4 flow pathways in terms of, you know, are they sited or  
5 not, 'X' amount of caribou yes or no, sort of a  
6 decision tree in terms of operations that helps with  
7 understanding thresholds of why -- and -- and  
8 understanding again adaptive management and monitoring  
9 mitigation.

10                   CO-FACILITATOR TOOGOOD:     Simon  
11 Toogood, with the Review Board.

12                   A very clear commitment again. GNWT, I  
13 believe we heard you're going to provide the original  
14 protocols and then you're going to include a new  
15 protocol for construction, and that captures the  
16 intent of that commitment?

17                   MS. LAURIE MCGREGOR:     Laurie McGregor,  
18 ENR.

19                   Yes, that's correct.

20

21 --- COMMITMENT NO. 10:     Provide the original  
22   protocols and include a  
23   new protocol for  
24   construction

25

1 MS. LAURIE MCGREGOR: Laurie -- oh,  
2 sorry.

3 CO-FACILITATOR TOO GOOD: Go ahead.

4 MS. LAURIE MCGREGOR: Laurie McGregor,  
5 ENR.

6 Just to go back to Environment Canada's  
7 comments, yes, we have the same understanding of you  
8 of what you are expecting for our commitment with  
9 those updated maps for boreal caribou, and the  
10 narrative.

11 CO-FACILITATOR TOOGOOD: Okay. Thank  
12 you very much. I believe that ends the relatively  
13 painful commitment rehash, I think. Oh, Boyan has got  
14 a follow up.

15 MR. BOYAN TRACZ: Yeah. Boyan Tracz,  
16 Wek'eezhii Renewable Resources Board.

17 It wasn't a commitment but just sort of  
18 making a note of it on the expected delivery date for  
19 range plan at the North Slave/Wek'eezhii scale. I  
20 believe in the fall was -- was the comment. I guess  
21 not a -- it was -- was clarified that it's not a  
22 commitment but that there's an expectation that  
23 information will be provided in a timely fashion.  
24 That sort of -- well, you know -- you know the gig.

25 MR. RUSSELL NEUDORF: Russ Neudorf,

1 GNWT.

2                   Obviously that's -- that's a different  
3 process than this one but I think we heard ENR say  
4 that they would -- I mean, they'll provide the  
5 information as it becomes available. So there's no  
6 commitment for here but it's just part of the process,  
7 yeah.

8                   CO-FACILITATOR TOOGOOD:    Okay. Thank  
9 you very much. Ruari Carthew.

10                  CO-FACILITATOR CARTHEW:    Ruari  
11 Carthew, with the Review Board.

12                  Sorry, just to touch on the last point.  
13 My recollection from that conversation in -- in  
14 James's defence is -- is that the -- the GNWT would be  
15 hoping to complete the overarching framework for the  
16 planning process as opposed to having specific plans  
17 available at that time.

18                  MR. BOYAN TRACZ:    Boyan Tracz,  
19 Wek'eezhii Renewable Resources Board.

20                  I appreciate the differences. It was  
21 just a want for some -- basically just notations  
22 saying that information will arrive in a -- in a  
23 timely fashion specific to the -- the range planning  
24 process.

25                  CO-FACILITATOR TOOGOOD:    Okay. Thank

1 you very much. Before we escape this and we escape  
2 from yesterday, I believe we have a few more questions  
3 on caribou, if we could get those out this morning. I  
4 believe Alan Ehrlich had a couple questions.

5 MR. ALAN EHRLICH: Thanks, Simon.  
6 Alan, with the Review Board.

7 I -- I wanted to -- after all the  
8 discussion that happened yesterday and everyone's had  
9 a chance to sleep on it, I have just a couple of very  
10 general questions about parties' views on -- on  
11 caribou and -- and potential effects to caribou. The  
12 Developer has been clear in their predictions in all  
13 the written materials that we've heard, and in the  
14 presentation.

15 I'd like to -- I guess I'll start with  
16 Boyan Tracz from the Wek'eezhii Renewable Resources  
17 Board, just overall what kind of -- Allice, we'll --  
18 we'll get back. The question that I have for the WRRB  
19 is, Based on everything you've -- you've heard  
20 yesterday and everything that you've -- you've read,  
21 do you think this project is likely to have an effect  
22 on boreal caribou?

23 MR. BOYAN TRACZ: Boyan Tracz,  
24 Wek'eezhii Renewable Resources Board.

25 The uncharacteristically short answer

1 is, Yes. How much detail do you want in terms of what  
2 potential impacts may be, or sort of -- like sort of a  
3 summary statement, or...

4

5 (BRIEF PAUSE)

6

7 MR. BOYAN TRACZ: I'll look towards  
8 Heather across the table in terms of devilish details  
9 when it comes to assorted reports, but the literature  
10 -- the literature that's available indicates that --  
11 that roads -- linear access as a broader category has  
12 an impact. Displacement, changes in movements,  
13 barrier effects, these sorts of things can happen, and  
14 we can talk about concepts like direct habitat loss or  
15 indirect habitat loss with lots of discussion about  
16 the actual mechanisms behind it.

17 Well, still ongoing. So it -- it  
18 changes access and -- but having said that, it can  
19 also act as an attractant in some cases in terms of  
20 allowing for speed of movement, or say salts being  
21 used on the roads. Having said that, predators and --  
22 and hunters can also be attracted to roads, and -- and  
23 use them.

24 We know that movement rates can  
25 increase along roads so that increases your

1 probability of encounter with caribou if they're in  
2 the vicinity which can increase your probability of --  
3 of predation, whether it's say wolf based or human  
4 based. Other animals can avoid roads or be attracted  
5 to them, too, and depending on the -- how the system  
6 works if animals are -- are coming in they may act as  
7 a -- as an additional attractant to predators.

8                   So you just end up in a situation where  
9 it's a game of probabilities really where you're in a  
10 situation where -- boreal caribou like to avoid stuff.  
11 They like to be in places where they're kind of left  
12 alone. They don't bunch up in the big groups that  
13 barren ground do. So when you change the dynamics of  
14 a system where you have a greater probability of  
15 encounter with either -- either people or -- or  
16 predators then that can cause, you know, direct  
17 mortality.

18                   But the indirect effects of roads, say  
19 dust, noise, you know, light, there's wiring, there's  
20 -- there's evidence of avoidance of sort of ultra  
21 violet light. There's other things that may just  
22 prevent caribou from being in an area that they would  
23 normally use, and that can limit their access to  
24 certain types of habitat that they need, you know,  
25 forage, these sorts of things.

1                   So it's -- the short answer, it's  
2 complicated but the -- the take home message is that  
3 roads and -- and linear features in general change --  
4 changes the system, and that there likely will be an  
5 effect on boreal caribou. To what extent, this is --  
6 this is part of the discussion. But the literature  
7 basically points toward when -- when you -- when you  
8 change the type of access -- and recognizing that  
9 there was existing access, it's just the -- when you  
10 change the -- the amount of time possible for access,  
11 that again changes your understanding of  
12 probabilities, and how that can impact caribou.

13                   Heather, look into it. Was that sort  
14 of a convoluted...

15                   MR. ALAN EHRLICH:   Actually, Boyan,  
16 I'd -- I'll -- I'll ask them after. And, Allice, are  
17 you responding to the question I just asked?

18                   DR. ALLICE LEGAT:   In a way,

19                   MR. ALAN EHRLICH:   Okay.

20                   DR. ALLICE LEGAT:   Allice Legat, WRRB.

21                   I just want to encourage people to say  
22 either barren land caribou or boreal caribou because  
23 they're translated different. Sometimes you are, and  
24 sometimes you aren't, and sometimes you're just saying  
25 caribou. Masi. Thank you.



1                   MR. ALAN EHRLICH:    Alan Ehrlich, for  
2 the Review Board.

3                   Okay. Thank you, Allice, for that. To  
4 be clear, all -- the comments I'm making now are  
5 entirely about boreal caribou.

6                   Boyan, so -- so, okay, you've -- you've  
7 mentioned a number of different ways. Do you think  
8 that those -- the combination of those things are  
9 potentially significant?

10                  MR. BOYAN TRACZ:    Given that we don't  
11 have really -- well, we don't have a population  
12 estimate. We don't know what the trends are. We  
13 don't know really the updated moose density. We don't  
14 know the -- the wolf density. I think the short  
15 answer is, yes, you know.

16                  MR. ALAN EHRLICH:    Okay.

17                  MR. BOYAN TRACZ:    Potent --

18                  MR. ALAN EHRLICH:    Thank you --

19                  MR. BOYAN TRACZ:    -- potentially --  
20 yeah, potentially significant. I think that's a safe  
21 statement to make.

22                  MR. ALAN EHRLICH:    Thanks, and Boyan  
23 mentioned that the NSMA might want to weigh on this  
24 because they were quite involved in the discussion  
25 yesterday as well.

1                   So I guess I'll start with asking you  
2 the same -- first question that I asked the WRRB which  
3 is, the -- Heather, the question that I've got, and --  
4 and Shin, based on all the discussions you heard  
5 yesterday and everything that you've -- you've read,  
6 and that -- including the Developer's impact  
7 predications and -- and conclusions, do you think that  
8 the proposed project is likely to effect boreal  
9 caribou?

10                   MS. HEATHER BEARS:   Heather Bears,  
11 consulting for the North Slave Metis Alliance.

12                   Yeah. Boreal caribou definitely are a  
13 bit different than barren ground caribou in terms of  
14 their life history strategy. They're a little bit  
15 more cryptic. They like to be left alone. They don't  
16 like roads.

17                   Their strategy is about being  
18 unpredictable and avoiding predation, especially from  
19 moose. And I think some of the -- some of the things  
20 I read in the EA were using studies from places like  
21 BC in the '80s, where they were -- there was an  
22 argument at one point that increases in -- or the --  
23 the numbers of moose -- density of moose in an area  
24 wouldn't support enough wolves to effect boreal  
25 caribou but that was taken from a study in 1986 by

1 Bergerud in northern BC at a time where caribou were  
2 in greater abundance.

3                   And so the numbers really matter. The  
4 densities of -- of wolves, the densities of caribou  
5 matter in that case. I don't think you can  
6 extrapolate from one (1) study to another and say,  
7 Numbers of -- of wolves have to be 'X' to -- to limit  
8 caribou because if there's more caribou you need more  
9 wolves, and if there's fewer caribou you need fewer  
10 wolves.

11                   So I think the -- to make a long story  
12 short I -- I agree with the summary that Boyan gave.  
13 He sort of touched on all the main -- the main  
14 limiting factors for -- for boreal caribou. I kind --  
15 I kind of come away from this saying, I don't really  
16 know because there's not much baseline data. So in a  
17 case where there's not much baseline data, I would say  
18 there's -- there's a potential effect but we don't  
19 know.

20                   And so that would caution me to -- to  
21 do really diligent monitoring, and collect some  
22 baseline data -- collect more baseline data than is  
23 currently available.

24                   MR. ALAN EHRLICH: Thanks. And --  
25 Alan Ehrlich, with the Review Board.

1                   So in agreement with Boyan but Boyan  
2 answered two (2) different questions, and I want to  
3 ask them to you separately. So I heard what you just  
4 said, and I understand your points about the studies  
5 referenced, and the moose densities, and that kind of  
6 stuff.

7                   Taking all in all, with everything that  
8 you've heard, do you think that the proposed project  
9 is likely to effect boreal caribou? I'll ask about  
10 potential significance separately because I think  
11 that's another question.

12                   MS. HEATHER BEARS: Heather Bears,  
13 with the North Slave Metis Alliance.

14                   In terms of residual effects, yes.  
15 Yeah, I do think it would effect boreal caribou.

16                   MR. ALAN EHRLICH: Okay. And over the  
17 long term, and including the cumulative stuff, and all  
18 the things that the Board has to think about, do you  
19 think that that effect is potentially significant?

20                   MS. HEATHER BEARS: Heather Bears,  
21 with the North Slave Metis Alliance.

22                   Cumulative effects, definitely  
23 potentially significant. I'd be hesitant to answer  
24 that for the road alone without more data. Yeah, just  
25 to be objective.

1                   MR. ALAN EHRLICH:     Okay.  That's  
2  quite clear.  Thanks.  And I don't want to belabour  
3  the caribou stuff terribly.  It's just we -- we had a  
4  good summary of the position from the Developers in  
5  their written material, and I understand that based on  
6  the other stuff you hear, what else happens at the  
7  technical session, you guys may change your minds  
8  between now and the hearing.  It's helpful to kind of  
9  keep tabs of where we're at -- we're at now, and why.  
10 So thanks for that.

11                   There's also Ginger Gibson who has a  
12 question or comment.

13                   MS. GINGER GIBSON:    Thanks.  I'd like  
14 to offer two (2) things.  First of all, I'd like to  
15 ask the Proponent to offer their thoughts on this --  
16 this question.  I know that it's written, and -- and  
17 we also have written and thought about this but I want  
18 to be making -- I would like the Review Board to be  
19 making an evidence-based decision on this.

20                   And ultimately the Tlicho Government  
21 has the authority to make a decision on this, as well,  
22 and -- and will be making an evidence-based decision.  
23 So I would like to hear what your evidence -- I'd like  
24 you to refresh us on this point, and I'm not willing  
25 to or -- nor do I have the authority to make a -- give

1 an answer to what Allan has asked.

2                   That's the duty of the Review Board --  
3 or the Review Board and of the Tlicho Government, and  
4 I don't have the authority as a staff and a consultant  
5 to answer that question. So if I could just put it to  
6 -- I'd like to hear from the GNWT. I'd also like to  
7 hear from Golder Associates on this point. Masi.

8                   MR. RUSSELL NEUDORF: Russ Neudorf,  
9 GNWT.

10                   We had as -- when the question was  
11 asked I made sure that Golder was thinking about it  
12 and could provide an answer to that, too. So we'll  
13 turn it over to -- to them to provide a response.

14                   DR. KYLE KNOPFF: Kyle Knopff, with  
15 Golder Associates.

16                   So I think one of the really important  
17 parts of the response is that first of all we agree  
18 very much with both what Boyan and Heather said about  
19 there being a potential effect to boreal caribou, and  
20 I think that's very clear in our assessment.

21                   For example, we note that the project  
22 will cause an additional loss of 1,780 hectares  
23 through both direct disturbance and in sort of  
24 disturbance associated with sensory impact to boreal  
25 caribou following the -- the protocol set by

1 Environment and Climate Change Canada with the 500  
2 metre buffer around a development.

3                   So clearly we will have effects. We  
4 also note potential effects of harvest. We don't  
5 expect those to be particularly large relative to an  
6 existing case where we have access already, well  
7 defined access as -- as indicated through the  
8 traditional knowledge report.

9                   And -- and in addition we identify the  
10 potential for effects through predation, and those are  
11 important effects. They could act cumulatively, and -  
12 - and we do note that there is substantial burning in  
13 the area, and that this could support greater numbers  
14 of moose. So on all those fronts, we agree.

15                   However, I also find it important to  
16 point out that, you know, when we look at the NT1  
17 range scale and we look at -- at the amount of  
18 development even within the Wek'eezhii range portion,  
19 we don't have a lot of other developments in this  
20 area. We did -- I brought up yesterday the -- the  
21 studies from Saskatchewan that indicate that in places  
22 where there isn't as much development caribou aren't  
23 exposed to as much development, that burning may not  
24 have the same kind of level of adverse effect on those  
25 caribou.

1                   And our conclusions overall are that  
2 this road which follows an existing access route  
3 which, you know, at the NT1 scale makes a very small  
4 difference in terms of the amount of habitat and the  
5 exposure of these animals to potential harvest or  
6 changes in predation as a result of the road, the road  
7 itself would not cause significant adverse effect.  
8 That was our conclusion. Thank you.

9                   MR. ALAN EHRLICH: Thanks for that,  
10 Kyle. Again a helpful clear summary. I -- I wasn't  
11 actually planning to go around the entire room. I was  
12 just going to ask the people who were really involved  
13 in the discussion about the technical details having  
14 to do with caribou yesterday.

15                   So, Ginger, I don't -- you can respond  
16 if you want but you don't have to --

17                   MS. GINGER GIBSON: Ginger Gibson,  
18 Tliche Government. Yeah, I don't think that's -- I  
19 don't think that's fair to draw out two (2) parties  
20 that have been speaking a lot on the -- on the issue.  
21 I think if you're going to ask a question like that,  
22 that it's fair for parties -- all parties that want to  
23 register their -- their concerns -- and so I'd just  
24 like to ask for an opportunity to talk with my team.

25                   MR. ALAN EHRLICH: Absolutely, Ginger.



1 And what you would have heard, given the chance here,  
2 is afterward I was just going to put out there to  
3 anyone else who wants to comment on this issue.

4 MR. BOYAN TRACZ: Boyan Tracz,  
5 Wek'eezhii Renewable Resources Board.

6 Yeah. After hearing how Heather  
7 responded to the question, Ginger's comments, as well  
8 as Kyle's, it's sort of -- I think that, you know,  
9 potentially significant. The Board will certainly  
10 present, you know, final arguments and -- and such  
11 prior to the -- the hearings. But in terms of, you  
12 know, Heather's and -- and the understanding that  
13 there -- there is a lack of information.

14 Certainly the concern is potential  
15 significant effect, and in terms of the literature  
16 there's -- there's enough literature to support this -  
17 - this concept. But I agree with parties around --  
18 the parties that spoke around the table, that we're --  
19 we are missing information. But given the sort of  
20 informal nature of this -- of this process as well as  
21 just the larger concept of precautionary principle in  
22 mind, that's where my statement is coming from, so.

23 MR. ALAN EHRLICH: Okay. Thank you.  
24 Ginger, do you want to take time now to caucus or do  
25 you -- can you do it over the break?

1 (BRIEF PAUSE)

2

3 MR. ALAN EHRLICH: Okay, let's do it  
4 now. So, Ginger, if you want to go ahead and confer  
5 as you said, and I think that Allice Legat from the  
6 WRRB has a comment after.

7 MS. GINGER GIBSON: Sure. Ginger  
8 Gibson, Tlicho Government.

9 I don't mind waiting, and -- and doing  
10 it after the break. That's fine.

11 MR. ALAN EHRLICH: Okay. Let's do  
12 that. It might -- might give you a little more time  
13 to have the discussion in a way that works better.  
14 Allice...?

15 DR. ALLICE LEGAT: Allice Legat, with  
16 Wek'eezhii Renewable Resources Board.

17 As I said yesterday, we're doing  
18 research on boreal caribou from a traditional  
19 knowledge -- or from a Tlicho knowledge perspective,  
20 and so far our information shows that like other areas  
21 across Canada which Indigenous people have talked  
22 about, the boreal caribou need continuous range.

23 And the road, and the cumulative  
24 effects from the road, will probably cause  
25 fragmentation as are at the moment the -- the fires.

1 And so we haven't finished that research yet but  
2 that's what it's showing. They need continuous  
3 ability to move from habitat type to habitat type on a  
4 -- on a daily level, and on a seasonal basis because  
5 they use different habitat types in the -- during the  
6 different seasons, as well.

7                   And I will make a commitment to try to  
8 get that in -- that out to people as soon as we can.  
9 We do have to verify it with the Elders, of course,  
10 and we have a little bit more research but that's what  
11 it's showing right now. So there's -- I think there's  
12 potential for problems with the road, especially with  
13 the -- the potential for a mine, and other activity.  
14 Thank you.

15

16 --- COMMITMENT NO. 11:           WRRB to provide  
17                                   information from TK study  
18                                   on boreal caribou

19

20                   CO-FACILITATOR CARTHEW:   Thank you.  
21 Ruari Carthew, with the Review Board.

22                   Just clarification, Allice. I'll mark  
23 that down as Commitment number 1 from today, and I'm  
24 just seeking clarification from you on when you might  
25 anticipate you might be able to provide that

1 information to the Review Board?

2 DR. ALLICE LEGAT: I need to speak  
3 with our community researcher who just came back, and  
4 I'll be doing that this afternoon so I can probably  
5 talk to you tomorrow about that. Okay.

6 MR. ALAN EHRLICH: It's Alan Ehrlich,  
7 here. Allice, thanks. That helps.

8 Just bear in mind I -- Allice, if  
9 you're -- in terms of timing that if you do want it to  
10 be considered in the environmental assessment, it's  
11 most helpful to parties if you can put it -- give it  
12 to us, we'll put it on the public record, while they -  
13 - while parties still have enough time to consider it  
14 before putting in their -- their own technical  
15 reports, or interventions. Thanks.

16 CO-FACILITATOR CARTHEW: Okay. Ruari  
17 Carthew, from the Review Board.

18 Thank you, everyone. And to continue  
19 off of Ginger's comment, and -- and Alan's desire to  
20 open it up, the general question to other parties  
21 would other parties like to comment on the two (2)  
22 questions, the first one being: Do you believe that  
23 the project can effect -- is likely to effect boreal  
24 caribou? And the second question is, Do you think the  
25 -- the cumulative effects -- or project specific

1 effects are likely -- potentially significant -- Allan  
2 should be asking these questions.

3                   Regardless, if -- if other parties  
4 would like to comment on those two (2) questions,  
5 please, -- please do so now.

6

7

(BRIEF PAUSE)

8

9                   MR. ALAN EHRLICH:    Okay. Well, it  
10 sounds like we may hear back from the Tlicho after the  
11 break. Other than that, I think we -- we should fly  
12 onto birds, and I believe that Ruari is going to take  
13 over the facilitation for the bird part. Are --  
14 Simon, are you guys ready to go?

15                   CO-FACILITATOR TOOGOOD:    I was --  
16 Simon Toogood, with the Review Board.

17                   I was just getting quite happy standing  
18 up and walking around with the mic, but do you want to  
19 take a quick break as we line up for birds? It's been  
20 an hour and a half. I think we need to settle down,  
21 and think about what was just said.

22                   Okay. A quick break. Well, it's  
23 10:35. Please, be back at 10:45, and we'll get into  
24 birds.

25

1 --- Upon recessing at 10:35 a.m.

2 --- Upon resuming at 10:50 a.m.

3

4 CO-FACILITATOR TOOGOOD: Okay. It's  
5 Simon Toogood, with the Review Board. Hello,  
6 everyone. If you could take your seats, I would like  
7 to shift gears and move on with the agenda. We heard  
8 some comments yesterday that we would like to get  
9 birds done this morning, and time is flying, no pun  
10 intended. No one's laughing. No one even heard my  
11 pun.

12

13 (BRIEF PAUSE)

14

15 CO-FACILITATOR TOOGOOD: Okay. I see  
16 everyone is diligently taking their seats and no  
17 longer talking. Perfect. Yeah. I need a big gong or  
18 something. Okay, it's obviously engaging sidebar  
19 discussions. That's what we encourage, but not during  
20 the actual technical session as I'm talking.

21 Just a couple housekeeping notes. If  
22 you could please either put the mic closer to your  
23 mouth or speak up. We're just having some problems  
24 capturing your voice. We had a bit of discussion this  
25 morning about some commitments. There's some follow-

1 up discussion. We're going to leave that for now.

2 Perhaps we could caucus during lunch and sort out some  
3 of the nuances of the commitments.

4 We're trying to get the transcripts  
5 available. Hopefully they're available for lunch.  
6 And we'll provide an update on that just before lunch,  
7 whether or not we have transcripts. And I'm enjoying  
8 standing up, so it's much more -- sitting yesterday  
9 was killing me, so I might just try standing up for a  
10 while. It's, you know, more engaging.

11 So to start off -- and I believe Ruari  
12 wants to add one comment just before we can start off  
13 on other stuff.

14 CO-FACILITATOR CARTHEW: Yeah, Ruari  
15 Carthew, with the Review Board. We -- we -- in the  
16 interest of -- you know, yesterday we had agreed to  
17 try to get through birds quickly in the morning for  
18 some of the -- the staff that wouldn't be available  
19 later on, so we will be moving towards that sooner. I  
20 just wanted to let the Tlicho Government know, and --  
21 and the Elders that are present who are wanting to  
22 follow up on the two (2) caribou -- boreal caribou  
23 questions, that we'll return to that following lunch.  
24 Thank you.

25 CO-FACILITATOR TOOGOOD: Thank you

1 very much, Ruari. It's Simon Toogood, with the Review  
2 Board. So I believe the developer had a presentation  
3 they'd like to start off with today. I'll cue that up  
4 for you. And we do have a pointer now, so that will  
5 facilitate things.

6 And, of course, it's not --

7 MR. RUSSELL NEUDORF: It's Russ  
8 Neudorf, with the GNWT assignment. The presentation  
9 is on fish --

10 CO-FACILITATOR TOOGOOD: Oh, they have  
11 one on fish.

12 MR. RUSSELL NEUDORF: -- so we don't  
13 have a presentation on birds --

14 CO-FACILITATOR TOOGOOD: Okay. Well --

15 MR. RUSSELL NEUDORF: -- so we can  
16 just get right into birds maybe and start the  
17 afternoon, then, with that presentation.

18

19 QUESTION PERIOD RE: BIRDS:

20 CO-FACILITATOR TOOGOOD: Okay. Thank  
21 you very much. It's Simon Toogood, with the Review  
22 Board. Okay. We'd like to open up the discussion on  
23 birds. And I believe I'm going to focus in on  
24 Environment and Climate Change Canada, if you have any  
25 questions.



1 MS. EMILY NICHOL: Yeah, we do. Emily  
2 Nichol, with Environment and Climate Change Canada.  
3 So first, we'd like to thank the GNWT for committing  
4 to analyze the avian species at risk data that we  
5 provided, and committing to a revised assessment in  
6 time to inform our final technical comments. That was  
7 mentioned in their presentation yesterday.

8 I'm just going to go through each of  
9 our IR responses that pertain to birds. So for ECCC  
10 IR number 10, we'd like to thank them for that  
11 response, as well, and completing the formal  
12 classification of all of the species that were  
13 expected to have weak interactions with the project  
14 primary pathways.

15 For ECCC IR 11, this was our avian  
16 species at risk monitoring mitigation of pit run  
17 borrow sources and stockpile locations. So the GNWT  
18 stated they will complete monitoring of the pit run  
19 borrow sources and stockpile locations on a regular  
20 basis through highway inspections for the avian  
21 species at risk. So this is specifically bank swallow  
22 and common nighthawk.

23 And our question is: What is meant by  
24 "regular basis," so how -- what's the frequency of  
25 these inspections and during what time of the year

1 will they be completed? And our follow-up question  
2 is: Are these highway inspections recorded and how  
3 are they reported to other staff and other interested  
4 parties?

5 CO-FACILITATOR TOOGOOD: Simon  
6 Toogood, with the Review Board. Thank you very much  
7 for those questions, and we'll get a response from  
8 GNWT shortly.

9

10 (BRIEF PAUSE)

11

12 MR. RUSSELL NEUDORF: Russ Neudorf,  
13 GNWT. So obviously we have other pits that are  
14 currently in operation where we do monitoring. And  
15 the -- the frequency of the monitoring will depend on  
16 the time of the year. Obviously there's times when  
17 bird activity is more prevalent than not, and on those  
18 times, it can be, you know, weekly and even daily  
19 depending if people are there. All that's a little  
20 bit vague, I understand.

21 So I understand that this is going to  
22 be included as part of the wildlife -- the WMMP, its  
23 monitoring plan, that will be clear in there what the  
24 exact timing, frequency of the inspections of those  
25 pits will be.

1 MS. EMILY NICHOL: Emily Nichol, with  
2 Environment and Climate Change Canada. Yeah, so that  
3 was our question, was -- our follow-up to those other  
4 questions was if the monitoring protocols could be  
5 added into the next version of the WEMP for the avian  
6 species at risk.

7 And I guess also will the highway  
8 inspections or any sightings that you see of avian  
9 species at risk be reported annually in some kind of  
10 report?

11 MR. RUSSELL NEUDORF: Russ Neudorf,  
12 GNWT. Yes, to both. And I don't know, Review Board,  
13 if you heard a commitment there or not, and if you've  
14 got to worry about the wording, but...

15 CO-FACILITATOR TOOGOOD: It's Simon  
16 Toogood, the Review Board. Yes. I was wondering,  
17 because there are some specific questions there and  
18 responses to the affirmative from the GNWT that they  
19 would be included. Is -- do you require a commitment  
20 with respect to what you've requested, or are you  
21 satisfied with GNWT's answers?

22 MS. EMILY NICHOL: Emily Nichol, with  
23 Environment and Climate Change Canada. Yeah, we'd  
24 like a formal commitment on the record.

25 CO-FACILITATOR TOOGOOD: It's Simon

1 Toogood, with the Review Board. Okay. This is going  
2 to be one of these things. We're going to have to  
3 pause for a moment and get your specific wording. So  
4 if you could please repeat exactly what it is that you  
5 wanted, that would be excellent. And then if the GNWT  
6 is able to provide a 'yes' to that, that would be even  
7 better.

8

9

(BRIEF PAUSE)

10

11

MS. EMILY NICHOL: Emily Nichol, with  
12 Environment and Climate Change Canada. We -- we would  
13 like the avian species at risk monitoring mitigation -  
14 - well, the monitoring of the pit run borrow sources  
15 and stock pile locations added to the WEMP, the next  
16 version, that we're hoping will be with -- included  
17 with the WMMP. And specifically what we're looking  
18 for is what regular basis means for highway  
19 inspections, the frequency, and the duration dur --  
20 and during what time of the year they're completed,  
21 and how these will be recorded and how they will be  
22 recorded to other staff and other interested parties.

23

24

25

CO-FACILITATOR TOOGOOD: All right.

Thank you. It's Simon Toogood, with the Review Board.

So there's potentially questions in there and a

1 commitment. So you're seeking to get the -- I take it  
2 the last part of your question is with regards to  
3 timing. That's the protocol with respect to how  
4 they're monitoring these sites?

5 MS. EMILY NICHOL: Emily Nichol, with  
6 Environment and Climate Change Canada. Basically,  
7 we're looking for the monitoring for avian species at  
8 risk in the pi -- to be included in the WEMP for the  
9 pit run -- the pit run borrow sources and stockpile  
10 locations. The specifics of what we're looking for, I  
11 mentioned, but we didn't see that monitoring in that  
12 report, so we would like to see it.

13 CO-FACILITATOR TOOGOOD: It's Simon  
14 Toogood, with the Review Board. Okay. Thank you very  
15 much. So the short version of that is whether or not  
16 the WEMP and the WMMP will include the monitoring of  
17 avian species -- species at risk.

18 MR. RUSSELL NEUDORF: Russ Neudorf,  
19 GNWT. I think we can make the commitment that we will  
20 be -- we will include monitoring of aviation -- avian  
21 species at risk as part of the next version of the  
22 Wildlife Maintenance and Management Plan.

23 MS. EMILY NICHOL: Emily Nichol.  
24 Yeah, that's good.

25

1 --- COMMITMENT NO. 12: Include monitoring or  
2 avian SARA as part of next  
3 WMMP

4  
5 CO-FACILITATOR TOOGOOD: Simon  
6 Toogood, the Review Board. Okay. Thank you very  
7 much. Please carry on.

8 MS. EMILY NICHOL: Emily Nichol, with  
9 Environment and Climate Change Canada. So our next  
10 questions are for the mitigation for the avian species  
11 at risk. The GNWT listed some specific mitigation in  
12 their response, such as maintaining a bank slope of  
13 less than 70 percent, and applying the advice from our  
14 Environment Canada brochure for bank swallows in sand  
15 pits and quarries.

16 So we're wondering if the specific  
17 mitigation that will be used will be added to the  
18 revised draft WWHPP, which we haven't seen yet, or  
19 WEMP. And we're interested in seeing what mitigation  
20 will be completed before, during, and after the use of  
21 the bor -- pits and borrow sources, and would like  
22 more specifics included, such as, will the maintenance  
23 of slope of 70 percent be completed daily or not.

24

25 (BRIEF PAUSE)

1 MR. RUSSELL NEUDORF: Russ Neudorf,  
2 with the GNWT. We're just trying to figure out where  
3 this gets enacted or written down. And we believe  
4 it's in the Quarry Operations Plan that it actually  
5 says that we will ensure that there is -- you know, we  
6 are the less -- below that 70 percent slope threshold  
7 just as part of the operation of the plan -- of the --  
8 of the pit, sorry.

9 So it would be -- would come into a  
10 quarry permit, then, is where that would get  
11 documented.

12

13 (BRIEF PAUSE)

14

15 MS. EMILY NICHOL: Emily Nichol, with  
16 Environment and Climate Change Canada. Yeah, so just  
17 mentioning the slope of 70 percent, that was just a  
18 suggestion of things we were looking for. But  
19 basically, we are looking for you to describe the  
20 mitigation in your WMMP for bank swallow and common  
21 nighthawk.

22 MR. RUSSELL NEUDORF: So Russ Neudorf,  
23 GNWT. That sounds fine to us. So we'll make the  
24 commitment to include the mitigation around bank  
25 swallows and common nighthawk in the Wildlife

1 Maintenance and Mitigation Plan.

2

3 --- COMMITMENT NO. 13: Include mitigation around  
4 bank swallows and common  
5 nighthawk in WMMP

6

7 MR. RUSSELL NEUDORF: Russ Neudorf,  
8 GNT (sic). That -- it's just WMMP. I had the wrong -  
9 - I said the wrong whatever it was, interpretation of  
10 WMMP.

11 CO-FACILITATOR TOOGOOD: It's Simon  
12 Toogood, with the Review Board. Thanks for the  
13 clarification. And just to ensure that our  
14 commitments are made, if Environment Canada could  
15 provide a 'yes' or 'no' on whether or not the GNWT's  
16 wording of that commitment reflects your -- what you  
17 had asked for.

18 MS. EMILY NICHOL: Emily Nichol,  
19 Environment and Climate Change Canada. Yeah, that  
20 reflects what we're looking for. And just to let GNWT  
21 know we're welcome to talk about mitigation if they  
22 have questions of what they might need.

23 Okay. So our last point, we had  
24 Information Request number 12, which just asked when  
25 we would see the -- the WWHPP, or the WEMP, or the



1 WMMP. So, yeah, just to rit -- rit -- reiterate that,  
2 it would be helpful for us to have an opportunity to  
3 review the WMMP prior to our technical report, so --  
4 especially because we are looking for the mitigation  
5 and monitoring in that report.

6

7

(BRIEF PAUSE)

8

9 MR. RUSSELL NEUDORF: All right. Russ  
10 Neudorf, GNWT. I'm just talking about timing and --  
11 and the opportunity to review one (1) before the  
12 other. And, unfortunately, both of those things are  
13 going -- are due -- or we -- at the same time, the  
14 technical reports from yourself, end of September.  
15 And we committed to provide the WMMP by the end of  
16 September, as well.

17

18 So we can have some dialogue in terms  
19 of what's going to go into it to ensure that that --  
20 you know, where there's no surprise, and you  
21 understand what's in there, but... And then keep in  
22 mind the WMMP, of course, is - gets approved by ENR as  
23 part of the regulatory phase, as well, so there still  
24 is that opportunity for dialogue, discussion, review  
25 of it as part of that process.

25

CO-FACILITATOR TOOGOOD: It's Simon

1 Toogood, with the Review Board. Can we just take a  
2 brief pause? The Review Board just wants to have a  
3 quick discussion amongst ourselves, just five (5)  
4 minutes. I'll just let parties know.

5

6 --- Upon recessing at 11:07 a.m.

7 --- Upon resuming at 11:16 p.m.

8

9 CO-FACILITATOR TOOGOOD: Hello,  
10 everyone. Review Board is back. If you could finish  
11 filling up your coffee mugs and take your seats, and  
12 we'll resume the technical session.

13 MR. ALAN EHRLICH: Hi, everyone.  
14 Break's over. Please have a seat. and we're going to  
15 keep going.

16

17 (BRIEF PAUSE)

18

19 MR. ALAN EHRLICH: Thanks. The  
20 subject that we were discussing during that short  
21 caucus there had to do with the timing of the WMMP.  
22 We've heard from parties that there's much information  
23 in -- that's expected in the WMMP that's going to be  
24 important to their analysis of potential impacts, and  
25 that they want to see it before they write their

1 technical reports.

2           The risk of them not seeing it before  
3 then is that technical details of the WMMP wind up  
4 consuming the hearing. It's much better to have this  
5 stuff considered in advance.

6           We're also aware that the developer's  
7 dealing with some sensitive timing for this project,  
8 and that we're committed to having a -- a timely  
9 environmental assessment process, but we're also  
10 committed to run a fair environmental assessment  
11 process.

12           There is a possibility that we will  
13 need to adapt a schedule to make sure that parties  
14 have a chance to see and consider the WMMP prior to  
15 their technical reports, and that may have effects on  
16 -- on the rest of the schedule. We're going to look  
17 into that further, try and figure out the most  
18 efficient way we can do this fairly. And we'll talk  
19 to you more about it tomorrow.

20           MR. RUSSELL NEUDORF: Russ Neudorf,  
21 GNWT. If we could just -- we -- we've got some  
22 comments, or options, or thoughts, I guess, on that.  
23 We absolutely recognize that there's been a lot of  
24 stuff thrown into the WMMP. And people should have a  
25 chance to see that before they give technical reports.

1 I agree with what you're saying there, Alan, and --  
2 but recognizing that there is pressure on us as well  
3 with you to -- to move the process forward.

4 So we do have some thoughts and ideas.  
5 Perhaps we could have that discussion before you, you  
6 know, come forward with anything to actually finalize  
7 your schedule. Now is fine, if you want.

8 MR. ALAN EHRLICH: Okay. Russ, thanks  
9 for that. It's Alan, for the Review Board. Yeah, we  
10 may as well just discuss it right now so that we -- we  
11 know what we're looking at. And then we'll roll on  
12 with birds. Would you like to go ahead?

13 MR. RUSSELL NEUDORF: Are we going to  
14 do this in this for -- Russ Neudorf, GNWT -- in this  
15 forum, or can we just have a -- a conversation with  
16 yourself? That's what I would do. I would propose --

17 MR. ALAN EHRLICH: Okay. Let's --  
18 let's do that at lunchtime, and then we'll pick up  
19 after -- after lunch and -- and see where we get to.  
20 Thanks.

21 MR. RUSSELL NEUDORF: Russ Neudorf,  
22 GNWT. That's -- would be good with us.

23 CO-FACILITATOR TOOGOOD: Okay. Thank  
24 you, Russ. It's Simon Toogood, with the Review Board.  
25 So we'll move along with birds, and I'll pass the mic

1 over to Environment and Climate Change Canada.

2 MR. BRADLEY SUMMERFIELD: Thanks,  
3 Simon. It's Bradley Summerfield, with Environment and  
4 Climate Change Canada. We're -- we're done with our  
5 questions, and we will -- we would like to just weigh  
6 in on the response that we get to this discussion that  
7 you guys have at lunchtime. So we'll look forward to  
8 that, because a key aspect for us is being able to  
9 review that plan several weeks before our technical  
10 report is due. But we'll see what you come up with  
11 and talk about it after lunch. Thanks.

12 CO-FACILITATOR TOOGOOD: All right.  
13 Thank you very much. Simon Toogood, with the Review  
14 Board.

15 So I'll take that as no further  
16 questions on birds, and I'd open up the floor to any  
17 other parties who have concerns or questions regarding  
18 birds.

19 I -- Simon Toogood, with the Review  
20 Board. I'm not seeing any hands fly up. So with that  
21 note, I will -- going once. Going twice. No comments  
22 on birds.

23 Okay. I will move along to fish. It  
24 is 11:20, so I would ask the GNWT to move into their  
25 presentation on birds. And I'll just give you a

1 minute or two (2) to set that up. And I'll -- are you  
2 all right with that? Oh, sorry, fish. I need more  
3 coffee.

4

5 (BRIEF PAUSE)

6

7 CO-FACILITATOR TOOGOOD: Hi. It's  
8 Simon Toogood, with the Review Board. I'm just  
9 wondering if the GNWT is going to start with their  
10 presentation.

11

12 PRESENTATION BY GNWT RE: FISH:

13 DR. CAM STEVENS: Cam Stevens, Golder  
14 Associates. I'll spend the next few minutes going  
15 over the content of section 3 in the ASR on the  
16 assessment effects to fish and fish habitat.

17 I won't spend too much time on the  
18 assessment scope, but essentially, from a temporal or  
19 a time perspective, we looked at construction and the  
20 operation, the life of the road. The assessment scope  
21 considered two (2) scales of -- of space -- of spacial  
22 scale, the project footprint, and then water bodies  
23 and water courses within 2 kilometres of the road  
24 alignment, including water bodies identified as key  
25 fishing locations by the Tlicho, which included Marian

1 River and Lac La Martre.

2 I'm going to end the presentation with  
3 a -- a slide on -- on monitoring and some of the  
4 commitments made by the GNWT.

5

6 (BRIEF PAUSE)

7

8 DR. CAM STEVENS: So fish and fish  
9 habitat in the region was synthesized using available  
10 traditional knowledge provided by the Tlicho, previous  
11 baseline studies, including the NICO baseline --  
12 baseline study on fish and fish habitat, the  
13 historical literature, including DFO literature, which  
14 included a study on Lac La Martre in the early '70s.

15 So a key finding from -- from the TK  
16 and the scientific -- scientific literature was that  
17 there's a very productive fishery in the region,  
18 including the Lac La Martre, Boyer Lake, and upper La  
19 Martre river system. There's also up to eighteen (18)  
20 fish species occurring in the -- in the regional study  
21 area, including the Marian River.

22 The most common species, as anywhere  
23 else in the North, is the ninespine stickleback, a  
24 small -- small-bodied fish species, a minnow species  
25 that you typically see in small creeks in wetlands

1 across the land.

2                   Larger water courses and larger --  
3 larger lakes sport more species, including larger  
4 bodied fish, such northern pike, the sucker species,  
5 such as white -- white sucker and longnose sucker. To  
6 the right is the -- a photo of a longnose sucker,  
7 burbot, arctic grayling, walleye, whitefish species,  
8 and lake trout. All these species were -- were  
9 assessed and evaluated in the ASR with northern pike,  
10 arctic grayling, walleye, whitefish species, including  
11 cisco, and lake trout as valued -- valued components.

12

13                   (BRIEF PAUSE)

14

15                   DR. CAM STEVENS: Fish harvesting. We  
16 also know that the primary fishery in the region is a  
17 subsistence or a dome -- domestic fishery. We know  
18 this from traditional knowledge, and we know this from  
19 available reports of this fishery, including -- which  
20 includes statistics on fish consumption in Lac La  
21 Martre. And we use these statistics in our  
22 assessment.

23                   As many of you may know, some of the  
24 har -- some of the popular or important harvesting  
25 locations in the region include Lac La Martre, La



1 Martre River, Boyer Lake, James River, James Lake, and  
2 others.

3

4 (BRIEF PAUSE)

5

6 DR. CAM STEVENS: The region is  
7 remote, and so there is only some recreational fishing  
8 in the region, most of which is in Lac La Martre  
9 through the fishing lodge, and where the fishing at  
10 the lodge is primarily catch and release. The lodge  
11 sup -- supports approximately a hundred and fifty  
12 (150) visitors each year.

13

14 (BRIEF PAUSE)

15

16 DR. CAM STEVENS: The project  
17 footprint crosses fifteen (15) water courses, starting  
18 from highway -- from the highway all the way up to  
19 Whati. Most of the crossings are over small ephemeral  
20 streams, like most roads. And at these locations,  
21 corrugated steel pipe culverts will be ins --  
22 installed to confey -- convey water and to move fish  
23 where large-bodied fish are present.

24 There'll be one (1) arch culvert at  
25 crossing 10A (phonetic), approximately halfway up the

1 road. Clear-span bridges will be installed at  
2 crossings 8, 9, 14, and 15. Named rivers that  
3 intersect with the road where there'll be clear-span  
4 bridges include the -- the La Martre River, the James  
5 River, and the Duport River.

6

7

(BRIEF PAUSE)

8

9

DR. CAM STEVENS: So all the  
10 crossings, structures, culverts, bridges will be  
11 installed and maintained using best management  
12 practices and advice provided by DFO. A  
13 complete list of existing or current commitments, GNW  
14 -- GNWT commitments have been provided in the reply to  
15 Rev -- Review Board IR number 21. This slide here  
16 includes only a small sample of mitigations in  
17 environmental design features.

18

So one (1) point I want to make here is  
19 that the design for each crossing has been optimized  
20 for conveying water, for moving water, maintaining  
21 fish passage, and for managing debris. The clear-span  
22 bridges, again on 15, 14, 9, and 8 essentially  
23 minimize, if not eliminate, impacts to fish habitat.  
24 And I'll show why that is on the next slide, but a  
25 clear-span bridge essentially avoids any impacts to

1 the flood pla -- the flood plain and areas below the  
2 high water mark.

3 The proposed culvert designs at the  
4 smaller water course crossings will be designed to  
5 ensure adequate velocities for passage of fish where  
6 large-bodied fish may be present.

7 During installation, where there is  
8 flow -- if there is flowing water at the time of  
9 construction, that area will be isolated using  
10 isolation methods to avoid impacts and minimize  
11 impacts to fish and fish habitat.

12 RAPs, or restricted activity periods,  
13 will be followed during construction. And these are  
14 based on the expected species present at a crossing  
15 and species biology information from DFO. Also,  
16 construction will be performed during low flow periods  
17 when possible to minimize effects to fish and fish  
18 habitat.

19

20 (BRIEF PAUSE)

21

22 DR. CAM STEVENS: Again, an important  
23 design feature of the project that will minimize, if  
24 not avoid, impacts to fish and fish habitat is the  
25 construction of clear spran -- clear-span bridges at

1 crossings 8, 9, 14, and 15. These bridges will span  
2 the active channel and the flood plain such that the  
3 bridge abutments, which are engineered structures,  
4 will posit -- will be positioned above the high water  
5 mark.

6                   And this is an example of a conceptual  
7 design for the James River bridge crossing.

8

9                   (BRIEF PAUSE)

10

11                   DR. CAM STEVENS: So only one (1) of  
12 the sixteen (16) pathways evaluated in the ASR was  
13 carried through as a primary pathway where there is  
14 the potential for residual effects. And for this  
15 pathway, we concluded that increased access from the  
16 proposed road will have low residual effects on  
17 existing fisheries.

18                   Supporting evidence for this -- for  
19 this conclusion includes the previously described  
20 productive fisheries in the region, specifically the  
21 Lac La Martre, Boyer Lake, and upper La Martre River  
22 system, and the fact that current harvest levels are  
23 well below the potential fisheries yield in these  
24 systems.

25                   So of note, in section 3.3.2 of the

1 ASR, we used a very con -- very conservative and  
2 simplified production model to estimate the potential  
3 yield for lake trout in Lac Le Martre. And this was  
4 conserva -- conservatively -- conservatively estimated  
5 at 24 -- approximately 24,000 kilograms of biomass.

6 That model was based on a more  
7 sophisticated model. And if we use that model to  
8 estimate what the potential yield of Lac La Martre  
9 might be, in reality, the number's closer to 63,000  
10 kilograms of lake trout yield. So that's the  
11 potential harvest or the potential yield for Lac La  
12 Martre.

13 So other sup -- other supporting lines  
14 of evidence for a conclusion for our assessment in --  
15 include the relatively small population of anglers or  
16 recreational fishers in the Northwest Territories, and  
17 the fact that water courses and water bodies along the  
18 road alignment will remain relatively remote or in --  
19 inaccessible because of distance -- distances to major  
20 population centres, like -- like Edmonton, for  
21 example.

22 Lac La Martre will still be -- will  
23 still be at least a day trip for fishers from  
24 Yellowknife, and over a thousand kilometres from  
25 Edmonton, so a combination of a relatively small

1 population of fishermen and fisherwomen in the  
2 Northwest Territories, and many productive, under-  
3 utilized fisheries within the region would suggest  
4 that the effects of increased access for recreational  
5 anglers will be very, very low.

6

7

(BRIEF PAUSE)

8

9

DR. CAM STEVENS: Also, reas --  
10 reasonably foreseeable developments, such as the NIC -  
11 - the NICO project, are not expected to interact  
12 cumulatively with the residual effects of existing  
13 developments in the project, because additional access  
14 to water bodies within the region is not expected to  
15 occur as a result of these projects.

16

So, in summary, changes from the  
17 project and other developments will not have a  
18 significant adverse impact on the productivity of the  
19 fishery.

20

21

(BRIEF PAUSE)

22

23

DR. CAM STEVENS: Consistent with the  
24 responses to the Review Board's IR number 6 and number  
25 8, GNWT does not plan to conduct any monitoring

1 associated with fisheries harvest in the project area.  
2 The expectation is that DFO will continue to manage  
3 fish and fish habitat in cooperation with the Tlicho  
4 Government and the Wek -- Wek'eezhii Renewable  
5 Resource Board, and that GNWT will continue to -- to  
6 enforce sport fishing regulations.

7                   Proposed monitoring will include  
8 environmental monitoring -- monitoring at proposed  
9 crossing sites during construction, such as turbidity  
10 and TSS, or total suspended solids monitoring, -- monitoring,  
11 and the details of which would -- will be provided in  
12 the in-field water analysis plan during the -- the  
13 permitting, or the licensing -- licensing -- lic --  
14 licensing stage of the project.

15                   Post-construction monitoring will  
16 include regular inspections, upstream and downstream  
17 crossings for erosion scour and flow blockages, debris  
18 during the spring freshet and through the open -- open  
19 water period as needed -- as needed. And additional  
20 monitoring commitments are provided -- or existing  
21 monitoring GNW (sic) commitments are provided in  
22 GNWT's response to the Review -- Review -- Review Board's  
23 IR number 21. And that's the end. Thank you.

24

25 QUESTION PERIOD:

1 CO-FACILITATOR TOOGOOD: Thank you  
2 very much. It's Simon Toogood, with the Review Board.  
3 I'd like to move into questioning on fisheries. I'd  
4 like to open up the floor to any parties who have any  
5 comments or questions on the presentation you just saw  
6 -- or -- or, actually, sorry, with respect to  
7 fisheries in general. I'm seeing DFO raise their  
8 hand.

9 MR. MARK D'AGUIAR: Mark D'Aguiar,  
10 Fisheries and Oceans Canada. First, I just want to  
11 seek some clarification. In the presentation, the  
12 construction was mentioned to occur during low flow  
13 periods and during the active periods. In some of the  
14 correspondence we've had, indicates that the  
15 construction will be conducted in the winter.

16 So my first question, I guess, is: Can  
17 we clarify if it is going to be winter construction of  
18 the crossings?

19

20 (BRIEF PAUSE)

21

22 MR. STU NIVEN: Stu Niven, GNWT.  
23 Thanks, Mark, for the question. The -- originally the  
24 -- the thinking was that we would be doing the work in  
25 the winter, but that's since changed, and -- and has



1 evolved over -- over the time. And we're now within  
2 the ASR. And we're now thinking that we'll -- we --  
3 we'll be able to build the culverts or any of the  
4 crossings.

5                   It'll -- it'll end up, depending on  
6 that P3 project co. final design and construction  
7 sequencing, which DFO will be reviewing the -- the  
8 final designs, as well as the construction staging --  
9 and -- but we would of course be following the DFO,  
10 and water timing windows, and -- and anything else  
11 that we need to follow to make sure that we're doing  
12 it without impacting fish or fish habitat. But it'll  
13 be -- we could be doing it now. It's not just in the  
14 winter. It could be done, like, in August, or  
15 September, or that sort of thing.

16                   MR. MARK D'AGUIAR: Mark D'Aguiar,  
17 Fisheries and Oceans. Thanks, Stu. Okay, that said,  
18 I guess next my next question is -- this is more for  
19 regulatory, too, by the way, because crossings are  
20 typically straightforward.

21                   With -- noting some of the baseline,  
22 and quite a few of those streams are noted as  
23 ephemeral, I also recognize that a lot of these were  
24 assessed through helicopter surveys, as well. And I'm  
25 just thinking back to the Inuvik Tuk Highway, where

1 some -- some of those crossings were indicated as  
2 ephemeral or intermittent, which on-the-ground  
3 truthing during inspections noted that they're  
4 actually permanent streams.

5                   That said, is there an opportunity for  
6 actual on-the-ground truthing of -- of the ephemeral  
7 status of that? So going to those crossings, which  
8 will also mean ground truthing of the velocities in  
9 the water, for sizing of the culverts to ensure  
10 passage.

11                   MR. STU NIVEN:     Stu Niven, GNWT.  
12 Absolutely. We're looking forward to getting out  
13 there with DFO. We'll -- we'll be going out with --  
14 with a -- a Golder fisheries specialist, as well as  
15 the GNWT. And we're going to hit all the sites and --  
16 and have that discussion on -- on the ground, boots-  
17 on-the-ground, and -- and, yeah, have that discussion  
18 and -- and make those determinations at that time.

19                   MR. MARK D'AGUIAR:     Mark D'Aguiar,  
20 Fisheries and Oceans. Thanks, Stu. So a  
21 confirmation, you're just saying, like, you're going  
22 to have a -- a site inspection, including DFO and  
23 other parties?

24                   MR. STU NIVEN:     My apologies there.  
25 Could you repeat that, sorry?

1 MR. MARK D'AGUIAR: Sorry, I spoke  
2 when you were talking. Mark D'Aguiar, Fisheries and  
3 Oceans. So just to confirm, you're -- you're  
4 committing to taking out DFO and any other parties who  
5 want to come to site, to go to the actual crossings to  
6 -- to look at them?

7 MR. STU NIVEN: Stu Niven, GNWT.  
8 Yeah, we're committing to take DFO out to those sites.  
9 I'd -- I'd to be able to do that before the snow  
10 flies.

11 MR. MARK D'AGUIAR: Mark D'Aguiar,  
12 Fisheries and Oceans. Thanks, Stu.

13 CO-FACILITATOR TOOGOOD: I'd just like  
14 to make sure we capture that commitment. And so I got  
15 it -- the commitment as developer will be providing  
16 the opportunity or will host DFO at these sites this  
17 year prior to freeze-up to inspect all stream  
18 crossings. If I could get an affirmative from DFO and  
19 the developer.

20 MR. MARK D'AGUIAR: Fisheries and  
21 Oceans Canada, Mark D'Aguiar. Yeah, that sounds good  
22 to me. I mean, I note that they have already taken us  
23 out on a fly-over, but it was by plane, so this would  
24 be great. Even if we can just get on the ground and  
25 land at each of those smaller crossings, then I can

1 confirm myself if they are ephemeral, indeed. That --  
2 that would be great. Thanks.

3 MR. RUSSELL NEUDORF: Russ Neudorf,  
4 GNWT. We agree with the commitment as we -- as it's  
5 worded.

6  
7 --- COMMITMENT NO. 14: Take DFO on sites before  
8 freeze up

9  
10 CO-FACILITATOR TOOGOOD: Yeah. Thank  
11 you very much. I'd just like to ask -- yeah, I see  
12 some hands up who want to follow up on that.

13 MS. GINGER GIBSON: Ginger Gibson,  
14 Tlicho Government. Mark, can I just ask you to use a  
15 -- a different way of describing ephemeral so our  
16 Elders are -- are able to appreciate what it is you're  
17 talking about in terms of volume and qua -- and  
18 quantity? Thanks.

19 MR. MARK D'AGUIAR: Mark D'Aguiar,  
20 Fisheries and Oceans. Absolutely. Ephemeral streams  
21 just means streams that are not flowing all the time  
22 in the summer, so it'll dry up July, or August, even.

23 MS. GINGER GIBSON: Thanks, Mark. And  
24 -- Ginger Gibson, Tlicho Government. And just to  
25 confirm, Mark, I'd -- I'd love it you could also make

1 sure to have sidebar conversations through with  
2 translation to gather the knowledge that our Elders  
3 have here about the streams that you're -- you're  
4 wondering about. Thanks.

5 MR. MARK D'AGUIAR: Fisheries and  
6 Oceans, Mark D'Aguiar. Absolutely. Sounds great.  
7 Thanks.

8 CO-FACILITATOR TOOGOOD: Simon  
9 Toogood, with the Review Board. If we could just hold  
10 on one (1) moment. I just believe there was a comment  
11 from WRRB.

12 DR. ALLICE LEGAT: It's Allice Legat,  
13 WRRB. It's tied to what you're talking about, because  
14 I'd like you to explain the culverts, it's about flow,  
15 a little better. I know you did a pretty good job,  
16 but if you could do it in a little bit more detail,  
17 because in the TK report, it says that they don't mind  
18 bridges, the Elders who were interviewed, and the  
19 harvesters, but they don't want the river to be  
20 touched.

21 So if you could explain how the  
22 construction of the culverts are built. And I  
23 understand that there -- you're going to be looking at  
24 whether there's water flow or not. And I agree that  
25 it would be a really good idea for the Elders to go

1 along and actually do the dra -- the ground truthing,  
2 as well. Thank you.

3 CO-FACILITATOR TOOGOOD: Thank you  
4 very much for those comments. I believe Cam had a  
5 comment just before that, as well.

6 DR. CAM STEVENS: Cam Stevens, Golder  
7 Associates. So just to -- just to follow up on what -  
8 - on Mark's description of an ephemeral stream,  
9 another defining characteristic of -- of an ephemeral  
10 stream is -- is one that doesn't have a defined --  
11 that does not have a defined bank, and does not have a  
12 defined stream -- stream bed.

13 So it's a -- it's -- it's a stream  
14 where if you were to -- if you were to encounter it  
15 while walking across the land, you would literally  
16 walk over it without knowing you're crossing the  
17 stream is one (1) way of describing it, so.

18 CO-FACILITATOR TOOGOOD: It's Simon  
19 Toogood, with the Review Board. Thank you for that.  
20 And then with response to Allice's comments on how the  
21 construction of the culverts will occur and whether or  
22 not those will affect the -- those streams?

23

24 (BRIEF PAUSE)

25

1                   MR. RUSSELL NEUDORF:   Russ Neudorf,  
2 GNWT.  So there was -- the report talks about fifteen  
3 (15) water crossings as part of the 97 kilometres of  
4 all-weather road.  Four (4) of those will have bridges  
5 that Cam had talked about.  So there'll be no  
6 interference with the -- the stream crossing, or  
7 essentially no interference.

8                   Now, the others will be a culvert of  
9 some kind.  Some -- the size of the culvert, depending  
10 on the flow of water within each of those different  
11 water crossings ranging from as small as 1 metre to as  
12 large as, you know, a large dam or culvert about 3.6  
13 metres in diameter, or an arch culvert, so quite a  
14 wide range.

15                  For the culverts themselves, generally,  
16 they are -- they're round, circular culverts.  For the  
17 construction, we will want to ensure that the base of  
18 those culverts is as stable as possible.  So we  
19 actually will dig out below the -- into the ground so  
20 that we can provide a base of -- for that culvert, and  
21 -- and then backfill with 30 centimetres of clear,  
22 good, compactable material -- clean, sorry,  
23 compactable material.

24                  And then we'll ensure that the invert  
25 of the culvert, or the lowest level of the culvert, is

1 -- that 10 percent of that is below the existing base  
2 of the stream so that as the culvert is in operation,  
3 then the bottom part of that culvert will fill up  
4 naturally with debris, and rocks, and stuff that you  
5 would see at the base of any stream so that, you know,  
6 if you -- a short period of time that that fills up,  
7 and it's essentially just like the -- the streambed,  
8 then, so it would have fish.

9                   The theory is that the fish doesn't  
10 even notice that it's -- there's any difference as it  
11 crosses through that culvert because of the material  
12 at the bottom of the -- of that culvert.

13                   CO-FACILITATOR TOOGOOD: Thank you.  
14 Simon here, with the Review Board. Followup from  
15 WRRB?

16                   DR. ALLICE LEGAT: Yes, if I may. I  
17 would like to ask the Elders what they meant by not  
18 having the water touched, if that's appropriate.

19                   CO-FACILITATOR TOOGOOD: It's Simon  
20 Toogood, with the Review Board. Yes, you're able to  
21 ask that question. And we'd ask maybe the Tlicho  
22 Government to respond to that, and...

23

24                   (BRIEF PAUSE)

25



1 (INTERPRETED FROM TLICHO INTO ENGLISH)

2

3 ELDER FRANCIS SIMPSON: Yeah, that's  
4 Francis Simpson, originally from Whati. Yes, we, as  
5 Elders, I guess, we're quite concerned about the  
6 constructions of the all-weather road from the highway  
7 down into my community. And the amount of -- of river  
8 crossing that I am just as concerned, as well, too.

9 Yes, we -- we experienced a lot of the  
10 previous, you know, activity, you know, crossing the  
11 creeks, and then even the -- the culverts that -- we  
12 experienced that, I guess. You know, there are some  
13 places where the culverts that gets blocked up. By  
14 then, the -- there are some overflows that come  
15 natural, seepage from underground that comes, like  
16 some kind of sulphur that creates, you know, some  
17 slushy and -- streams in the winter. And then it  
18 blocks off the -- the culvert.

19 So now any event that was -- that a  
20 study has been done regarding about the overflows,  
21 regarding the -- the slushy, you know -- coming off  
22 the land, you know, it comes from underground seepage,  
23 you know. So these are things that hasn't been  
24 mentioned according to most of the creeks, I guess,  
25 you know.

1                   And so, yes, I was hoping that maybe  
2 the -- forget about the -- the culverts, and then go  
3 slowly with the -- the crossing with the -- the bridge  
4 spanning over the -- the creek so that, you know, to  
5 have much safer than a culvert.

6                   Because underground, the disturbance on  
7 the -- the creeks, I guess, will still would affect  
8 the -- the spring runoff. And the -- the rivers are  
9 quite important for other speces -- species of animal  
10 downstreams, I guess, so maybe there are some spa --  
11 some -- some areas where the ducks use the little  
12 ponds and that. You know, that's what -- this is my -  
13 - one (1) of the Elders' concern for my -- thank you.

14

15                   (INTERPRETATION CONCLUDED)

16

17                   CO-FACILITATOR TOOGOOD: Thank you for  
18 those comments. Simon Toogood, Review Board. Either  
19 Allice want to fol -- Allice wanted to follow up or --

20                   DR. ALLICE LEGAT: Yeah.

21                   CO-FACILITATOR TOOGOOD: Okay.

22                   DR. ALLICE LEGAT: I -- I would just -  
23 - I'm asking that the Elders -- wherein a commitment  
24 can be made to take the Elders, as well, with the  
25 ground truthing. Sure.

1

2

(BRIEF PAUSE)

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9

(INTERPRETED FROM TLICHO INTO ENGLISH)

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CO-FACILITATOR TOOGOOD: Hi. It's Simon Toogood, with the Review Board. Were there further comments? Oh, we got further comments from an Elder from Whati. Yeah.

ELDER LOUIE FRANKIE: When we talk about not touching water, we'd like to keep the velocity stable. We want to make sure that sediment is not disturbed, to make sure that, if there's a crossing, they don't want to use any culverts, because if they use culverts, sometime over the winter, there's a problem with freeze-up. And when that freeze-up happens, there's expansion around that where the culvert exists. And so that would build up over wintertime and create a problem maybe during freshet, during spring runoff.

I have trapped in those areas around the whole river system. There are some areas where there's maybe about six (6) good stream crossings. And so when I agree with my friend, Francis Simpson, I

1 don't -- we don't like culverts that exist under -- in  
2 any -- any crossings, as well. We're not very sure  
3 about the abutments area when there is culverts in any  
4 kind of crossing or any kind of river system.

5                   We'd just like to make sure that --  
6 we'd like to have bridges over instead of culverts in  
7 place. Thank you.

8

9                   (INTERPRETATION CONCLUDED)

10

11                   CO-FACILITATOR TOOGOOD: It's Simon  
12 Toogood, with the Review Board. Thank you for those  
13 comments. I think we heard, you know, that there's  
14 some concern with the existing culverts and how they  
15 are affected during winter. And I was wondering if  
16 the developer could respond to those concerns and  
17 comments?

18                   MR. RUSSELL NEUDORF: Yeah, Russ  
19 Neudorf, GNWT. So I heard a couple of kind of  
20 concerns about in terms of touching the stream and  
21 that -- what that's meant, and one (1) is that the  
22 velocity is stable or not different underneath the  
23 culvert. And that is considered as part of the design  
24 of the culvert. Do we want to make sure that it's the  
25 same flow of the water, speed of the stream, or the

1 water is the same with or without the culvert? So  
2 that's considered in the design.

3                   And then, in terms of -- winter and  
4 overflow is what we typically -- how we would -- would  
5 call that, where you see slush, water still moving in  
6 the middle of wintertime, even though everything else  
7 is frozen up, but, you know, it -- it appears to come  
8 out of the ground. And there's many places on our  
9 highway system where we have to deal with that.

10                   Those issues are dealt with as part of  
11 the design of the culvert. And we've used the -- the  
12 term 'over design', or we make the culvert larger than  
13 it needs for the -- for the flow of the water. And  
14 then that -- that helps facilitate the flow of the  
15 ice, slush in the wintertime so that we can avoid that  
16 type of overflow problem in the wintertime.

17                   CO-FACILITATOR TOOGOOD: Thank you for  
18 -- Simon Toogood, with the Review Board. Thank you  
19 for those -- that response. I believe there was some  
20 other concerns there. And I believe the WRRB had made  
21 a comment that they'd ask that perhaps additional  
22 people could come on the site visits, including  
23 Elders.

24                   Is there any -- you could speak to  
25 that?

1                   MR. RUSSELL NEUDORF:    Russ Neudorf,  
2 GNWT.  So if there is a desire for a -- a few Elders  
3 to make a tour, inspect those sites, then I -- I think  
4 we could accommodate that somehow.  I'm not sure it  
5 would be the same trip as the one that we're talking  
6 about with DFO, because that is an Argo ATV quad trip,  
7 and -- and so we'd just have to make sure that it, you  
8 know, the Elders would be aware if they were going to  
9 go on that type of trip.  But we could do a -- you  
10 know, we could take them on a separate trip by  
11 helicopter, that kind of thing, to facilitate that.

12

13 --- COMMITMENT NO. 15:           Take interested Elders on

14

15                   CO-FACILITATOR TOOGOOD:   It's Simon  
16 Toogood, with the Review Board.  For the sake of  
17 everyone's bellies, I would urge that perhaps WRRB,  
18 and the Elders, and the developer could discuss it  
19 lunch and see if they can come up with a -- a wording  
20 or a commitment with respect to that.

21                   So with that, I'd like to call a break  
22 for lunch.  And afterwards, we'll come back and  
23 continue our discussion with fish.  And I believe  
24 there were some other discussions earlier this morning  
25 regarding commitments and sidebar discussions, so

1 hopefully, we'll have a productive lunch and, yeah,  
2 we'll caucus during lunch. Thanks.

3

4 --- Upon recessing at 12:04 p.m.

5 --- Upon resuming at 1:08 p.m.

6

7 CO-FACILITATOR TOOGOOD: Hello,  
8 everyone, and I'd like to welcome you back. I hope  
9 you had a good lunch. It's Simon Toogood, with the  
10 Review Board. We're going to continue our discussion  
11 on fish. And based on what we ate for lunch I might  
12 stand for a bit so I don't fall asleep. It was  
13 knocking me out, that fish. Or sorry, fish, whatever  
14 it was. It was something.

15 So we'll start off again -- we were --  
16 ended before lunch there with a discussion on fish.  
17 And I'd just like to keep it open to the floor if any  
18 other parties had any questions, concerns, or other  
19 comments they'd like to follow-up on regarding effects  
20 -- potential effects of the TASR on fish and  
21 fisheries.

22 I just had an update on a few things,  
23 one (1) of them being commitments. The phone line is  
24 still down. Apologies for that. But there's still an  
25 unknown issue. We have NW Tel and Global Storm trying

1 to figure out what's going on. The transcripts, based  
2 on technical issues as well, will not be available  
3 today, yesterday's transcripts.

4           And so for commitments we're going to  
5 have to -- Ruari took notes this morning. It didn't -  
6 - the transcript will also -- today's transcript,  
7 which will be available tomorrow, hopefully, will  
8 reflect what we discussed this morning. And so I just  
9 did a quick poll of parties in the room of whether or  
10 not they thought that their commitments were  
11 accurately captured this morning, realizing that  
12 parties will want to review the transcript. But just  
13 as long as the topic and the number of commitments  
14 that were discussed this morning, whether that  
15 adequately captured the number and intent.

16           And, yes, there will need to be a  
17 reading of the transcripts to understand what the  
18 commitments actually were. Yes, and the follow-up  
19 over discussions over lunch. There were sidebar  
20 meetings, follow-up from what occurred this morning.

21           And I'll pass it off to Ruari, because  
22 he was taking notes on that.

23           CO-FACILITATOR CARTHEW: Thank you,  
24 Simon. Ruari Carthew, from the Review Board. So just  
25 hopefully we can go through this quickly. And --



1 parties had the opportunity over lunch to come to  
2 agreement on the wording of the commitments discussed  
3 this morning.

4                   So we'll start off -- I believe the  
5 first set of commitments that were going to be  
6 discussed were Commitments 3 and 4 between the  
7 Renewable Resource Board and the GNWT. If you could  
8 maybe present the -- the final language or give us an  
9 update on that. Thank you.

10                   MR. BOYAN TRACZ: Boyan Tracz,  
11 Wek'eezhii Renewable Resources Board. With regards to  
12 3, and the consideration of additional data, there --  
13 there were sort of two (2) concurrent discussions.  
14 One (1) was with Golder and INF staff and the other  
15 was with ENR staff. And there's two (2) sort of, I  
16 guess, interpretations of the request that are linked.

17                   But in terms of the final wording, we -  
18 - we can't provide it yet, but I know I'll be working  
19 with both sets of parties to -- to define it. Is that  
20 ...

21                   CO-FACILITATOR CARTHEW: Thank you.  
22 Ruari Carthew, with the Review Board. If you can just  
23 provide us and -- and the other parties with an  
24 expected timeline by which you can get a final  
25 commitment for the record, that'd be great.

1                   MR. BOYAN TRACZ:    Boyan Tracz, WRRB.  
2   The -- the hope is tomorrow morning, because in terms  
3   of discussions with ENR, I think we clarified what the  
4   -- the hope is and then discussions with INF and  
5   Golder, appreciation of a -- of an interpretation and  
6   utility of -- of kind of a -- a concurrent commitment.

7                   So, yeah, hope -- tomorrow morning. No  
8   later than the end of this -- this technical session  
9   for sure.

10                  CO-FACILITATOR CARTHEW:    Definitely.  
11   Okay. Thank you. It's Ruari Carthew, with the Review  
12   Board. We'll move on then. The next two (2)  
13   commitments I had were coming from the North Slave  
14   Metis Alliance and they had, again, agreed to talk  
15   with GNWT over lunch to hopefully come with a  
16   resolution on those two (2) commitments.

17                  Is there an update on that?

18                  MS. KATE WITHERLY:    They're outside  
19   discussing right now.

20                  CO-FACILITATOR CARTHEW:    Moving on.  
21   The GNWT was going to try to get in touch with some of  
22   their staff members that were here yesterday regarding  
23   intent and wording for Commitments 7 and 8. If -- if  
24   there's an update on that?

25                  MS. KATE WITHERLY:    Hi. It's Kate

1 Witherly, with GNWT. I've got some proposed just  
2 updated wording for number 6, which reads:

3 "GNWT to do a literature review of  
4 data to see if a 50 percent increase  
5 in the predicted annual average  
6 daily traffic level of forty (40)  
7 vehicles per day, i.e., an increase  
8 to an average of sixty (60) vehicles  
9 per day, is a reasonable adaptive  
10 management trigger and report back  
11 through the WMMP."

12 That's just clarifying language to the  
13 ...

14 CO-FACILITATOR CARTHEW: Okay. Ruari  
15 Carthew, with the Review Board. Thank you, Kate. I  
16 believe that was captured in the -- in the transcript  
17 and we'll be able to get that precise wording later.

18 That was one (1) of the commitments  
19 with -- that -- that Heather had brought forward with  
20 the NSMA. The other two (2) commitments, 7 and 8 were  
21 related to the small rodent studies and then also,  
22 some -- some -- something that James had -- been  
23 talked to -- let me review my notes here.

24

25

(BRIEF PAUSE)

1 CO-FACILITATOR CARTHEW: Sorry, so  
2 regarding additional information on the assessment of  
3 boreal caribou.

4 MS. KATE WITHERLY: It's Kate  
5 Witherly, with GNWT. I'm sorry, I know Laurie had one  
6 (1) other edit from James, so we'll have to get that  
7 in a few minutes when they're back. I can speak to  
8 the small mammal item that Bruno had talked to --  
9 talked about yesterday.

10 So yeah, ENR did -- has in the past,  
11 and he wasn't sure of the current status, done studies  
12 with communities related to trap lines and studying  
13 small mammals. And that's something that ENR can  
14 consider doing, but it's not really a commitment  
15 specific to this project that we would commit to on  
16 the record for this project, but we're certainly  
17 willing to engage with communities about getting that  
18 project up and running -- or continuing it.

19 But not -- it's -- it's something that  
20 goes on regardless of this project.

21

22 (BRIEF PAUSE)

23

24 CO-FACILITATOR CARTHEW: Okay. Ruari  
25 Carthew, with the Review Board. Thank you for that

1 clarification, Kate. We -- we might need to come back  
2 to that one when Allice returns from the room just in  
3 case she has any follow-up concerns with that.

4                   And -- and just for clarification, the  
5 other Commitment number 8 was regarding the -- the  
6 protocols related to the boreal caribou.

7

8   (BRIEF PAUSE)

9

10                   CO-FACILITATOR CARTHEW:   And -- and  
11 actually, in -- in looking at my notes, I think there  
12 was a resolution on that already this morning, so we  
13 can maybe move past that.

14

15   (BRIEF PAUSE)

16

17                   CO-FACILITATOR CARTHEW:   Okay. So  
18 Ruari Carthew, with the Review Board. When NSMA and  
19 Allice return we -- we might return to those topics  
20 briefly. Now, I'd -- I'd like to return to another  
21 question from this morning that had been posed by the  
22 Review Board regarding any potential effects of the  
23 project on caribou.

24

25                   And the Tlicho had wanted to have a  
response to that and -- and potentially to hear from

1 the Elders on that topic.

2

3

(BRIEF PAUSE)

4

5

MS. GINGER GIBSON: Masi. Ginger

6

Gibson, Tlicho Government. We appreciate the

7

opportunity to consider this and -- and given the

8

point at which we're in the process right now, which

9

is the technical hearings, and that our judgment

10

continuously -- we contin -- we continue to review the

11

evidence that comes in.

12

We do think there's a -- a good

13

evidence base in place now and we've taken a good look

14

at the -- the proponents estimations of -- of impact.

15

And we will continue to look at the -- that evidence

16

base.

17

And the -- the evidence base that comes

18

out with the two (2) pieces that we know are -- are

19

going to be coming forward in a timely way, we'll look

20

at those quickly as well to consider the -- the Whati

21

road that the -- the community of Whati is -- is

22

building -- is looking to -- towards having the GNWT

23

build for community purposes.

24

We are going to ask Francis Simpson to

25

speak to the question of todzi, boreal caribou, and

1 the -- and because as -- as much as everybody has got  
2 the opportunity to look at the traditional knowledge  
3 report, which is the submission that summarizes some  
4 of the Elder's views and their knowledge about  
5 caribou, we think it's always nice to breathe life  
6 into those considerations and -- and think those  
7 through.

8                   So I'll just ask Zabey if he wants to  
9 add anything? No. And then turn to Mr. Francis  
10 Simpson to offer some comment on todzi and the  
11 relationship to the already established highway route  
12 that is in place.

13

14                   (BRIEF PAUSE)

15

16                   (INTERPRETED FROM TLICHO INTO ENGLISH)

17

18                   ELDER FRANCIS SIMPSON: Francis  
19 Simpson, Elder of Whati. Thank you for giving me  
20 opportunity to speak on todzi in the develop -- in the  
21 TSAR (sic) area. I want to thank everyone who is here  
22 and -- to attend the meeting. All our words are  
23 interpret and we hear you.

24                   And it's really good to thank one  
25 another. And -- and you're talking about all

1 wildlife. You're talking about all living things in -  
2 - in the land. But especially when you talk about  
3 barren land caribou and todzi, this is what our people  
4 survived on from the past and they still live on that  
5 kind of wildlife up to today.

6                   From the time I was a child up till  
7 today, I've known a lot of people who lived especially  
8 by wildlife food, but they never really discussed the  
9 -- all the food and all the wildlife. They never went  
10 to such great length to extend -- to describe all the  
11 things that they -- they eat, but they hunt.

12                   But sometime when we go hunting out in  
13 the land we -- we search for wildlife. We search for  
14 todzi in the area, but they hide very well. It -- it  
15 seems like they -- they shelter themselves in a very  
16 quite place. And the wildlife, it sustains itself.  
17 It takes care itself. It travels where it's safe. It  
18 travels where it's plenty of food and it -- it births  
19 where it's a good place.

20                   But we never ever in our lifetime  
21 discuss so much about wildlife like you do. And also  
22 -- you're also talking about monitoring programs to  
23 monitor the effects of wildlife. And so whenever --  
24 wherever there's any kind of road, and sometimes when  
25 people are in a rush they -- they speed.



1                   So when you're speeding and all of a  
2 sudden out of the blue you -- you strike something on  
3 the highway you're talking about collisions. Of  
4 course, anybody who goes speeding along the highway  
5 will have collisions. You're also measuring -- trying  
6 to measure the amount of vehicles going around that  
7 area per day, per year, per week.

8                   So you're talking and discussing so  
9 much. And so -- so when I think about all the  
10 information that you're -- you're talking about, how  
11 many hundreds of vehicles in a year, why would people  
12 travel for no reason. But I know you're making and  
13 estimating numbers, but I'm glad you're be able to  
14 give us some num -- be able to give us an opportunity  
15 to speak.

16                   Thank you for all your information  
17 also.

18

19                   (INTERPRETATION CONCLUDED)

20

21                   CO-FACILITATOR CARTHEW:     ...a couple  
22 of parties have returned to the table now, so I'll  
23 return to the issue of the language in the  
24 commitments. Maybe if NSMA and Golder or GNWT can  
25 give us an update if they came to a shared --

1 understanding, no.

2 MR. SHIN SHIGA: Thank you. This is  
3 Shin Shiga, North Slave Metis Alliance. We're still  
4 working on the wording for Commitment number 6. Thank  
5 you.

6 CO-FACILITATOR CARTHEW: Thank you.  
7 There -- there was already a brief discussion about a  
8 Commitment 6. Can you just clarify what the topic is  
9 that you're talking about so that there's no  
10 confusion?

11 MR. SHIN SHIGA: Shin Shiga, North  
12 Slave Metis Alliance. ENR can correct me if I'm  
13 wrong. It's -- it's about the -- the prediction of  
14 the traffic level on the road and monitoring of the --  
15 the same. Thank you.

16 CO-FACILITATOR CARTHEW: Thank you.  
17 Ruari Carthew, with the Review Board. Thanks for the  
18 clarification. Then I'd like to turn it back to the  
19 Review Board -- oh, back to the GNWT in response.

20 MS. KATE WITHERLY: Sorry, Kate  
21 Witherly, with GNWT. Because like that's the  
22 commitment I'd read out an update, but that was before  
23 -- that came before they had discussions, so you can  
24 ignore the update I had provided you and then they  
25 will -- a new update will come.

1 CO-FACILITATOR CARTHEW: Ruari  
2 Carthew, with the Review Board. Noted. Thank you,  
3 Kate. So turning it back to the Review Board and  
4 Allice. We had asked for a clarification on the  
5 commitment regarding -- or -- or whether there was a  
6 commitment regarding small mammal studies and the  
7 response from the GNWT was that there was no  
8 commitment regarding this project and a desire to do  
9 small mammals studies, but that it is something that  
10 has occurred in the programming and -- and may occur  
11 in the future.

12 So I want to allow you an opportunity  
13 to comment on that.

14 DR. ALLICE LEGAT: Allice Legat, WRRB.  
15 I will talk to Jody about this before I comment, okay?

16 CO-FACILITATOR CARTHEW: Ruari  
17 Carthew, with the Review Board. Would -- would you be  
18 able to have that discussion and just update us by  
19 tomorrow morning? I'm -- I'm seeing a head nod.

20 DR. ALLICE LEGAT: Allice Legat, WRRB.  
21 Yes, I will.

22 CO-FACILITATOR CARTHEW: Okay. Thank  
23 you very much. So Ruari Carthew, with the Review  
24 Board. I'm going to pass it over to Alan who is going  
25 to touch base on the -- the issue of the timing and

1 the WMMP.

2 MS. KATE WITHERLY: Hi, Kate Witherly,  
3 with GNWT. Sorry, can we make one (1) other update.  
4 James provided an update, a correction to something he  
5 had said yesterday that we -- he wanted to clarify.  
6 And he said yesterday he accidentally gave the numbers  
7 for variation in the forty (40) year fire footprint  
8 for the Yukon portion of the NT1 range, rather than  
9 the whole NT1 range.

10 He stated that the forty (40) year fire  
11 disturbance -- disturbance footprint varied between 20  
12 to 26 percent, but the actual numbers are 24 to 28  
13 percent for the NT1 range as a whole. The conclusion  
14 that fire alone wouldn't push us over the 35 percent  
15 disturbance threshold at the scale of the NT1 range  
16 remains valid based on the fire variability for the  
17 NT1 range.

18 This scale would mean that Golder  
19 disturbance estimates could vary by plus or minus 1.5  
20 percent. These numbers are minimums and maximums, not  
21 95 percent confidence intervals.

22 MR. ALAN EHRLICH: Hi. It's Alan,  
23 from the Review Board. Thanks -- thanks to Dr. Hodson  
24 for correct -- or for clarifying that. It helps  
25 answer the question I asked yesterday.

1                   So over lunch one (1) of the things  
2 that we had talked about was the timing of when  
3 parties will get the WMMP and how long they'll have to  
4 think about that before they come up with their  
5 technical reports or interventions. And so I -- I  
6 talked to parties a little bit and I talked to the  
7 Developer a little bit.

8                   And I was wondering if we could just  
9 have that discussion right now as a group. Perhaps  
10 we'll start with the Developer. Please bear in mind  
11 what I said earlier that, yeah, there are timeline  
12 sensitivities to the project and the Board is  
13 committed to a timely and efficient EA. The Board is  
14 also committed to a fair EA.

15                   And, you know, we're -- we're trying to  
16 balance out those competing requirements. So with  
17 that, Russ, if you wouldn't mind.

18                   MR. RUSSELL NEUDORF: Russ Neudorf,  
19 GNWT. And thanks for looking at this, and you know,  
20 we're trying to respect the process, but still meet  
21 our, kind of a mid-November for having concluded the  
22 public hearings is important.

23                   So we had taken a look at the schedule  
24 that we had provided that we have for the project and  
25 adjusted it so that the WMMP could be provided by

1 September 22nd. And that would provide a two (2) week  
2 -- if we could provide a two (2) week review period  
3 then for the -- to -- so that agencies could  
4 incorporate that into their final technical reports.

5                   So in other words, technical reports  
6 would be due October 6th. Then I think we could, you  
7 know, continue with the timing that we have for public  
8 hearings so far. That would -- so to note that -- of  
9 course, the, you know, agencies can be working on  
10 their technical reports, but they would have a -- kind  
11 of a two (2) week final period there to incorporate  
12 any comments from WMMP into that -- into their final  
13 technical reports.

14                   I'll make one (1) other comment about  
15 that WMMP. We are expecting it to be a relatively  
16 short document. I think the number I've heard is  
17 about forty (40) pages or so. So it's not a, you  
18 know, big onerous -- it shouldn't take a big, long  
19 time to review the -- what's in that. Thanks.

20                   MR. ALAN EHRLICH: Thanks, Russ.  
21 ECCC, I just want to ensure that ECCC has just heard  
22 what Russ said, which is that the life of the  
23 document, which you might not have been aware of, is  
24 about forty (40) pages total-ish. And I know that you  
25 were considering the amount of time you'd need. So I

1 think that piece of information may be relevant to  
2 you. Ginger...?

3 MS. GINGER GIBSON: Thank you. Ginger  
4 Gibson, Tlicho Government. Just -- I -- I want to ask  
5 for a point of clarification from the GNWT and -- and  
6 then also note that the Tlicho Government is strongly  
7 in support of a two (2) week review period and no  
8 longer than that.

9 We -- the Tlicho Government consid --  
10 considers it to be vital to community engagement,  
11 solid community engagement, and -- and the -- the  
12 ability for our people to stay engaged and focused on  
13 this that there be a shorter period.

14 I'd like -- I think it's vital for  
15 people to keep in mind that the Tlicho Government and  
16 the community of Whati in particular have been working  
17 on this file since 2007. And when there's a long  
18 distance between technical sessions and public  
19 hearings, the ability of our people in communities to  
20 keep track of the issues and to stay engaged really  
21 starts to fall apart.

22 So we are very strongly in support of a  
23 two (2) week maximum timeline change on this, and  
24 earlier public hearing sessions than -- than later.  
25 My question of clarification to the GNWT is, that I

1 thought that there was a draft version of the Tlichó  
2 All-Season Road Wildlife Management and Monitoring  
3 Plan that was placed on the public record in March of  
4 2016, version 1. And -- and so we're -- we're in  
5 receipt of that, we're looking at it now, and we're  
6 wondering about the distance between this and the next  
7 version.

8                   If you could please comment on that,  
9 that would be helpful, because I -- if this is -- if  
10 this is accurate, then we are already in receipt of  
11 some documentation that allows us to prepare our --  
12 out thinking with respect to our technical report.  
13 Masi.

14

15                   (BRIEF PAUSE)

16

17                   MR. LAURIE MCGREGOR: Laurie McGregor,  
18 GNWT. You're correct that the version 1 of the WMMP  
19 that's on the public registry is the basis for what  
20 we'll be providing and we're hoping to merge that  
21 document with the WM -- WEMP, which is on the registry  
22 as well, so those two (2) documents will be merged and  
23 the WMMP will be updated to reflect the commitments  
24 that have been made so far in the ASIR and the IR  
25 commitments, and any commitments made in this



1 technical session as well.

2                   So we're just updating that document  
3 and providing more detail in the form section and the  
4 operating procedure part of the document. But it is  
5 the basis of what we're going to be providing.

6                   MS. GINGER GIBSON: And one (1)  
7 further question of clarification. Ginger Gibson,  
8 Tlicho Government. Is most of the information then on  
9 the public record already?

10

11   (BRIEF PAUSE)

12

13                   MS. LAURIE MCGREGOR: We're not  
14 expecting large significant changes to the document,  
15 it is updating. So the information is available on  
16 the public registry, but in various forms and  
17 documents, so we're trying to bring it all together to  
18 make it easier for reviewers to find it all in one  
19 document and the document that it should be in.

20   But, no, we're not expecting  
21 significant additions to that document.

22                   MR. ALAN EHRLICH: Okay. Alan  
23 Ehrlich, with the Review Board. So, Ginger, hearing  
24 that, the two (2) week time that you've recommended is  
25 still solid with you?

1 MS. GINGER GIBSON: Ginger Gibson,  
2 Tlicho Government. Yes, that's correct.

3 MR. ALAN EHRLICH: Great. Shin Shiga,  
4 North Slave Metis Alliance, can you live with a two  
5 (2) week period to review the revised WMMP? That's  
6 the time between receiving it and submitting technical  
7 reports.

8 MR. SHIN SHIGA: Shin Shiga, North  
9 Slave Metis Alliance. It -- it would depend on the --  
10 the contents. But my instinct is that that wouldn't  
11 be enough. That's -- we -- we are expecting -- we --  
12 a lot of the questions have been diverted into --  
13 answers to our questions have been diverted into WMMP,  
14 and I expect more will be because a lot of the  
15 questions are still under review.

16 So we're going to need some time to  
17 think about the responses. But I will -- I would hear  
18 what other parties have to say. Thank you.

19 CO-FACILITATOR CARTHEW: Ruari  
20 Carthew, with the Review Board. Apologies, Shin.  
21 Could you please clarify? It -- it sounded like you  
22 said the two (2) week time would be enough.

23 MR. SHIN SHIGA: Shin Shiga, North  
24 Slave Metis Alliance. We don't prefer two (2) weeks.  
25 We -- we prefer at least three (3) or four (4) weeks.

1 Thank you.

2 MR. ALAN EHRLICH: Thanks, Shin. And  
3 WRRB, what do you think of the time lines we've been  
4 speaking about?

5 MR. BOYAN TRACZ: Boyan Tracz,  
6 Wek'eezhii Renewable Resources Board. I can empathize  
7 with the different perspectives in terms of wanting to  
8 move the procedure along, in terms of existing  
9 information, just general concerns. But I -- I also --  
10 -- from the position of the existing information,  
11 simply missing information with an example being  
12 adaptive management in the WWHPP which was provided in  
13 appendix M, that section was basically a reference  
14 list.

15 And then the WEMP, I'll follow up with  
16 Shin's comments, that there's a number of things on  
17 the go now that should be provided in the WMMP which  
18 addressed the questions, but it depends on content.

19 I can tell you, in terms of the  
20 timeline, with September 22nd onwards, I know I'm  
21 physically not here for a period of that time, but the  
22 Board does have options in terms of finding staff  
23 capacity or assistance.

24 The short answer is that, given --  
25 given the timeline, two (2) weeks could be difficult

1 currently for staff capacity, but we'll examine  
2 possibilities, but I'm leaning towards Shin in terms  
3 of having a bit more of a buffer, just given Board  
4 capacity at the moment.

5 MR. ALAN EHRLICH: Okay. Thanks,  
6 Boyan. And ECCC, would you please weigh in?

7 MR. BRADLEY SUMMERFIELD: Sure.  
8 Thanks, Alan. It's Bradley Summerfield, with  
9 Environment and Climate Change Canada. As we  
10 discussed before, three (3) weeks would be more ideal.  
11 However, appreciating the sort of unique pressures, we  
12 could endeavour to try and get it done at a minimum of  
13 two (2) weeks.

14 We've also spoken with the proponent  
15 and their consultants and committed to having some  
16 meetings following this to clearly outline exactly  
17 what we need to see. So were that there, that would  
18 make two (2) weeks a possibility, hopefully.

19 MR. ALAN EHRLICH: Where there's life  
20 there's hope, so. And on that -- Umar, I was  
21 wondering if CanNor could -- has any comments about  
22 this.

23 MR. UMAR HUSANY: Umar Husany, with  
24 CanNor. Not at this -- not at this moment, no. No.

25 MR. ALAN EHRLICH: Okay. Thanks.

1 Anyone else? Going, going. So what's going to happen  
2 now is that we're going to take this back to the  
3 Board. And we're going to try and figure out  
4 something that's both efficient and fair. And we'll -  
5 - we'll be back in touch. I can't promise it's going  
6 to be for tomorrow. Our board meets next week. We'll  
7 -- we'll see what we can do. But we'll try and find  
8 something that everyone can live with the best we can.

9                   Thanks. I don't want to take much  
10 longer with this, but Russ has one (1) last point.  
11 And then we get back into the water.

12                   MR. RUSSELL NEUDORF: Thanks, Alan.  
13 And just quickly, Russ Neudorf, GNWT. One (1) more  
14 thing we can commit to is that, if it's helpful at the  
15 start of the review period, so soon after the 22nd,  
16 that's -- September 22nd is a Friday, on -- maybe on  
17 the Monday we can agree to organize a half a day or  
18 one (1) day session with all the interested parties so  
19 that we could begin a conversation on the WMMP and  
20 begin to kick start the review process for all  
21 agencies, if that helps with the timing, as well.

22

23 --- COMMITMENT NO. 16:           Agree to organize a  
24   session with all the  
25   interested parties to kick

1 start the review process

2

3 MR. ALAN EHRLICH: Alan Ehrlich, I  
4 appreciate your openness to that. If I understand  
5 what you're proposing, it's sort of a show and tell  
6 type guided tour of the WMMP. I know that the Board  
7 has found that kind of thing helpful and seen parties  
8 find that kind of thing helpful before.

9 Parties, can you just nod or shake your  
10 head if that kind of thing would be useful to you?

11 It's a bit of an effort for the developer to put  
12 together, so I -- I'd like to not do it unnecessarily.  
13 Za --

14 MR. ZABEY NEVITT: Yeah. Zabey  
15 Nevitt, with the Tlicho Government. Just -- just I'm  
16 wondering. Being that we've already sort of  
17 determined that a lot of this material is already on  
18 the record, you've -- that point there will be your  
19 release of the report itself. Is -- is there an  
20 opportunity before that to -- to bring out a lot of  
21 this material? And then, by the time the report  
22 itself is released you'll have -- you'll -- parties  
23 will have a lot of the substance then, a description.  
24 And then the report will hit their desks and they'll  
25 be ready to go.

1 MR. ALAN EHRLICH: Thanks, Zabey.

2 Russ...?

3

4 (BRIEF PAUSE)

5

6 MR. RUSSELL NEUDORF: Russ Neudorf,  
7 GNWT. We -- there was a conversation with ECC already  
8 about, you know, early conversations so that we can  
9 ensure there's no surprises. We can build in whatever  
10 their requirements right into the WMMP. So if there's  
11 any of those type of specific discussions I think that  
12 they would be helpful for us to move forward.

13 In terms of the -- you know, the  
14 comments that I'm getting is that it's better if we  
15 have the full package, and then go out to talk about  
16 that rather than, you know, piecemealing it out, so.

17 MS. GINGER GIBSON: Ginger Gibson,  
18 Tliche Government. I appreciate the opportunity. I  
19 think that the technical session on this will be --  
20 it'll be a session not structured by the Review Board.  
21 But I found it to be incredibly helpful to attend the  
22 session that you held earlier in this year on -- in --  
23 in preparation for this, so I would -- I would imagine  
24 that the same would be extremely helpful for kick  
25 starting our thinking.

1                   And my -- my thinking is that the -- if  
2 we can settle on a date now, it's very easy for us to  
3 make sure our staff are available that need to be  
4 available for that right now. And then we can book  
5 their time for two (2) to three (3) days of review  
6 immediately after the session that you run. And --  
7 and that way, we can ensure to be reviewing the  
8 document in the two (2) week period that we've  
9 indicated is vital to us. Masi.

10                   MR. ALAN EHRLICH:     Ginger, sorry, but  
11 before the developer responds to that, we do have some  
12 parties who are saying they need more than two (2)  
13 weeks here, saying more than two (2) weeks wouldn't be  
14 a problem. But until we've resolved that part, it's  
15 premature to pick a date.

16                   MS. GINGER GIBSON:     Thank you. Ginger  
17 Gibson, Tlicho Government. I think that it's not  
18 premature to pick a date for these guys to run a  
19 session for us, not for any of your Review Board  
20 process, simply for them to get it into our calendars  
21 that they're going to hold a session on the report, on  
22 the WMMP. That's the date I'm talking about.

23                   And so I'm asking that they set a date  
24 in the room now so we can make sure all our caribou  
25 people are on deck on September 'X' to hear their



1 description of the WMMP. So thank you for that  
2 clarification. Masi.

3 MR. ALAN EHRLICH: No, I -- I stand  
4 well corrected because the thing that still needs to  
5 be figured out is how long is the working period  
6 following that session, not how soon can they release  
7 the document in the session, so thanks for that.

8 I see that the developer's caucusing  
9 right now. And in just one (1) minute and we'll find  
10 out.

11

12 (BRIEF PAUSE)

13

14 MR. RUSSELL NEUDORF: Russ Neudorf,  
15 GNWT. We were just talking about that potential date.  
16 And we have said September 22nd for providing the  
17 WMMP. And so tentatively September 25th for that  
18 technical session. We will confirm that on Friday  
19 though. Our -- our technical experts want some time  
20 just to make sure that all the required work can be  
21 incorporated. So we got to get ENR and Golder  
22 together to -- oh, okay.

23 So we'll get back to you with the  
24 commitment on that on Monday August -- August 21st  
25 then for the -- committing to that session.

1 Tentatively September 25th formal commitment, next  
2 Monday.

3 MR. ALAN EHRLICH: Alan Ehrlich, for  
4 the Review Board. Thank you. That's very helpful.

5 CO-FACILITATOR TOOGOOD: Thank you  
6 very much, Alan. It's Simon, with the Review Board.  
7 I'd like to get back to the topic of fish. But before  
8 we do that, we have a follow-up from ECCC, and there's  
9 one (1) more 'C' in there, I think.

10 MR. BRADLEY SUMMERFIELD: Sorry.  
11 Bradley Summerfield, with Environment and Climate  
12 Change Canada. We just -- we're happy to have the  
13 discussion at any point after this meeting to talk  
14 about what we'd like to see. But in terms of  
15 reviewing the document, if we only receive it on the  
16 22nd, the Monday, our time would be better spent  
17 crunching through this two (2) week deadline getting  
18 into the document rather than spending a day having it  
19 presented to us before we've actually had a chance to  
20 review it.

21 So just to note, for anyone who's  
22 interested in having it explained to them, fair game,  
23 but probably for us, that wouldn't be the best use of  
24 our time.

25 MR. RUSSELL NEUDORF: Russ Neudorf,

1 GNWT. That -- that's fine. Of course we -- it was --  
2 it's just an offer if it helps facilitate the review,  
3 yeah.

4 CO-FACILITATOR CARTHEW: Ruari  
5 Carthew, with the Review Board. Just to reiterate  
6 that, in general, the Review Board does encourage  
7 parties and Developer to talk and sort out any  
8 clarifications or understandings. And if anything can  
9 be resolved in those sidebar discussions, that you can  
10 let us know and we can post to the public registry.  
11 And hopefully that would also resolve issues for  
12 others.

13 MR. ALAN EHRLICH: Alan Ehrlich, with  
14 the Review Board. As well, we -- because of the  
15 technical problems, we haven't yet been able to repost  
16 that sidebar meeting report form. But remember that  
17 there will be a form on our registry soon that will  
18 let you document in a very explicit and clear way for  
19 the benefit of the Board whatever gets resolved in  
20 those sidebar meetings. Thanks.

21 CO-FACILITATOR TOOGOOD: Simon  
22 Toogood, with the Review Board. Thank you very much.  
23 So let's jump back into fish. I'll just open up the  
24 floor. If there was any additional questions on the  
25 topic of fish, I'll -- NSMA, DFO, Tlicho Government?

1                   MR. ZABEY NEVITT:    Yeah, Zabey Nevitt,  
2 with the Tlicho Government. This is just a follow-up  
3 to some discussions that we heard from the Elders this  
4 morning and a commitment that we -- we informally but  
5 now want to put formally on the record that we think  
6 GNWT's okay with.

7                   The Elders spoke a lot about the -- the  
8 culverts this morning and concerns about culverts.  
9 We're asking for a commitment from the GNWT to work  
10 with the Tlicho Government. And we'll be establishing  
11 a short one (1) day or two (2) day workshop and -- and  
12 possible site visits for the Elders to work directly  
13 with DOT to look at the culverts and to -- to go  
14 through some of the issues that the Elders have. And  
15 we'll be -- we'll be organizing that hopefully within  
16 the next few -- little while, but that's a commitment  
17 if the GNWT agrees to that.

18                   MR. RUSSELL NEUDORF:   Russ Neudorf,  
19 GNWT. And, yes, we agree with that, except it's not  
20 DOT it would be INF, but yeah.

21

22 --- COMMITMENT NO. 17:           GNWT will work with the  
23                                    Tlicho Government

24

25                   MR. ALAN EHRLICH:    Alan Ehrlich, with

1 the Review Board. Zabey, just to avoid the time spent  
2 verifying commitments, can I ask you to write that  
3 down and -- and put it into Russ's hand sometime this  
4 afternoon so that he can read it back in and we don't  
5 have to spend as much time tomorrow morning doing what  
6 we had to do today? Thanks.

7

8

(BRIEF PAUSE)

9

10 CO-FACILITATOR TOOGOOD: Okay. Back  
11 to fish. It's Simon Toogood, with the Review Board.  
12 I'm going to once again poll the room. Question of  
13 fish is open to parties. NSMA, do you have any  
14 further questions? DFO, further questions? ECCCC?  
15 (sic)

16 MR. BRADLEY SUMMERFIELD: Thanks.  
17 Bradley Summerfield, with ECCC. Is this an  
18 appropriate time to talk about water quality as well  
19 as fish or...?

20 CO-FACILITATOR TOOGOOD: We are going  
21 to be transitioning into --

22 MR. BRADLEY SUMMERFIELD: Okay.

23 CO-FACILITATOR TOOGOOD: -- water  
24 quality after the topic of fish.

25 MR. BRADLEY SUMMERFIELD: Okay.

1 Nothing on fish then. Thanks.

2 CO-FACILITATOR TOOGOOD: Tlicho  
3 Government, do you have any further questions on  
4 affects to fish, fisheries?

5 MS. GINGER GIBSON: This is Ginger  
6 Gibson, Tlicho Government. We have no further  
7 questions.

8 CO-FACILITATOR TOOGOOD: WRRB, do you  
9 have any further questions on the topic?

10 DR. ALLICE LEGAT: Allice Legat, with  
11 WRRB. I was speaking to Jody (phonetic) recently.  
12 And she would like to actually not just say possibly  
13 go to the culverts with the Elders, but she'd like to  
14 actually see them go to the culverts so that the  
15 Elders can actually see it, not just possibly travel  
16 to them, but make a commitment to take them. Thank  
17 you.

18 CO-FACILITATOR TOOGOOD: Thank you for  
19 those comments. It's Simon, with the Review Board. I  
20 believe the Tlicho Government is going to try and  
21 finalize the wording of that commitment with the  
22 Developer. And we'll read that back into the record  
23 this afternoon if that's appropriate. I think that  
24 idea has been captured. I see some typing happening.  
25 And we'll touch base on that again when that

1 commitment is read back into the record.

2 And, Boyan, do you have comments?

3 MR. BOYAN TRACZ: WRRB, Boyan --  
4 Boyan, Tracz, Wek'eezhii Renewable Resource Board.  
5 Cam, my understanding is that the -- the assessment  
6 didn't include the possibility of a commercial  
7 fishery. Is that correct?

8 DR. CAM STEVENS: Cam Stevens, Golder.  
9 That's correct.

10 MR. BOYAN TRACZ: The opportunity  
11 having the Tlicho Government here and -- and Tlicho  
12 community members, I'm just curious because community  
13 -- commercial fishery did exist at one (1) point. You  
14 know, DFO did studies quite some time ago. There's --  
15 there's one on -- on the registry from -- the mid  
16 '90s, I believe, was the -- the latest one, so there's  
17 still some -- some missing information.

18 But given the -- the access that the  
19 road provides, there's potential in terms of shipping  
20 materials to market, you know, that it could -- it  
21 could improve the possibility of a -- of a commercial  
22 fishery again.

23 So I'm just -- I'm genuinely curious,  
24 given that it wasn't included, whether or not Tlicho  
25 Government or Tlicho community members have any

1 comments on interest in a community fish -- a  
2 commercial fishery again on Lac La Martre.

3 CO-FACILITATOR TOOGOOD: Simon  
4 Toogood, with the Review Board. Thank --

5 MS. GINGER GIBSON: Thanks. Ginger  
6 Gibson, Tlicho Government. We did answer a question  
7 that was posed to us on commercial harvest and  
8 commercial fisheries. And so I think that we  
9 responded to an IR from the North Slave Metis  
10 Association. It's PR-126, number 4, IR number 4.

11 So we did actually reply on that we  
12 were -- that it's quite -- quite a -- there's quite a  
13 big plan for tourism and growth. And, in fact, the  
14 fisheries in the region are something that the Tlicho  
15 Government has very much front of mind with respect to  
16 creating a sustainable, long-term economic livelihood  
17 for local fisheries, local harvests, and commercial  
18 fisheries.

19 So we provided in a couple different  
20 IRs. First of all, we responded on the sports fishing  
21 that's currently operating in the area, so in the --  
22 in the sport -- the -- the outfitter's lodge there.  
23 But, also, we have looked at the question in the  
24 Tlicho regional economic development working group of  
25 -- of fisheries being a primary economic market for



1 the Tlicho.

2                   And then with respect to our  
3 authorities in that regard, we -- we've also answered  
4 an IR and looked at the question of our abilities to -  
5 - to review commercial fisheries licences if they do  
6 get submitted to us. So we do have the authority in  
7 collaboration with DFO, if there's commercial  
8 fisheries applied for, to -- to review those licence  
9 applications.

10                   MR. ZABEY NEVITT:     Just -- Zabey  
11 Nevitt, with the Tlicho Government. Just to add one  
12 (1) more point, that if there are applications for  
13 commercial fisheries in Lac La Martre, they would be  
14 subject to the preliminary screening requirement  
15 regulations and would be screened.

16                   MR. BOYAN TRACZ:     Boyan Tracz,  
17 Wek'eezhii Renewable Resources Board. Thanks, Ginger.  
18 Thanks, Zabey. So given that there is a possibility  
19 and that there is an interest from a certain  
20 viewpoint, I'm wondering, Cam, if you can provide  
21 commentary, and maybe DFO chime in as well, in terms  
22 of the potential impacts if a fishery goes in given  
23 that -- my understanding of the existing information  
24 that DFO had, that there was mention about concerns  
25 about levels of harvest or potential levels.

1                   And not being from a fisheries  
2 background, and I'm genuinely curious of this missing  
3 piece, if it, you know, could change perspectives on  
4 potential outcomes.

5                   DR. CAM STEVENS:     So Cam Stevens,  
6 Golder. There's many examples where -- where  
7 recreational fishery and subsistence fishery, and a  
8 commercial fishery, can -- can co -- can co-exist.  
9 There's no reason why one (1) couldn't co-exist on Lac  
10 La Martre. That would be ultimately managed by -- by  
11 DFO.

12                   The potential yield in Lac La Martre,  
13 based on some of the DFO literature from the early  
14 '70s, based on some of my calculations, could  
15 certainly support a fishery, a commercial fishery,  
16 with a domestic and subsistence fishery, but, you  
17 know, the details of which would have to be worked out  
18 by DFO and the Tlicho Government and yourself as some  
19 point if that was to go ahead.

20                   MS. GINGER GIBSON:     Thanks. Oh.  
21 Masi. Ginger Gibson, Tlicho Government. Just to  
22 clarify, I don't think that this was required. Just  
23 looking at commercial licences, fishing licences, it  
24 wasn't a reasonably foreseeable future in the EA, so  
25 we haven't done an analysis on this. But we fully

1 anticipate that when -- I think I just referred to the  
2 legislation and the review period that we would have  
3 should a commercial licence be applied for. And so we  
4 will have that opportunity to do that analysis at that  
5 time.

6                   We do have -- under the Tlicho  
7 agreement we do have the tools to deal with this,  
8 especially with respect to limiting fisheries pressure  
9 should that be a reality. So we do have the  
10 jurisdiction to restrict access to Tlicho lands,  
11 especially during particularly sensitive times, like  
12 spawning.

13                   So we could -- there are many different  
14 tools that we could consider. But currently,  
15 commercial fishing -- commercial hunting and fishing  
16 are zoned out of the TASR, according to the Tlicho  
17 land use plan.

18                   So I'll slow down because I know that  
19 they need to translate. If people are considering  
20 applying for commercial licences they could not apply  
21 for them from the construction cla -- camp, so --  
22 that's a temporary residence.

23                   So just to be clear, anyone who wanted  
24 to apply for a commercial licence would need to live  
25 in a community of the Tlicho region for more than six

1 months, and so the Tlicho Government has jurisdiction  
2 in that regard. And we've also got a fisheries  
3 monitoring program that's in place through a Marian  
4 River water stewardship -- stewardship watershed  
5 program that -- that keeps eyes and ears on the  
6 question of fishery sustainability.

7                   So masi. I hope that answers your  
8 question.

9                   MR. MARK D'AGUIAR: Mark D'Aguiar,  
10 Fisheries and Oceans Canada. Currently, there --  
11 there's, not that I'm aware of, any new updated  
12 information or stock information for the crossings or  
13 the rivers involved in the project, so, no, we haven't  
14 really assessed the theoretical increase of -- of  
15 fishing pressure on the accessibility of La Martre,  
16 whatnot. Our job really is to sort of assess the  
17 impacts of -- the direct impacts of the roads and the  
18 construction of the road.

19                   That said, to mirror on the comments of  
20 both Golder and Ginger, should there be a concern, it  
21 is Fisheries and Oceans Canada, it's Fisheries'  
22 management job to work with the co-management groups,  
23 include your group and Tlicho Government, to determine  
24 what the thresholds could be. In the absence of stock  
25 information there can also be precautionary numbers

1 taken. As -- as Cam had alluded to, there -- there is  
2 many successful commercial fisheries that have  
3 happened.

4                   So, at the time, should the project be  
5 approved to go through, that is when DFO fisheries  
6 management will get involved to work with the  
7 communities, work with you guys to determine what  
8 appropriate thresholds are, and then also develop an  
9 enforcement plan to ensure those are kept.

10                   Does that answer the question? Yeah,  
11 okay. Thanks.

12                   DR. CAM STEVENS: Cam Stevens, Golder  
13 Associates. So we've -- we've done actually some --  
14 some preliminary calculations on -- on what the Lac La  
15 Martre could potentially support in terms of a  
16 fishery. And using lake trout as a -- as a species to  
17 manage that fishery and available lake trout harvest  
18 models that are widely used across North America to -  
19 - to manage lake trout fisheries, the lake potentially  
20 has a maximum sustainable yield of about 63,000  
21 kilograms of lake trout.

22                   And what that means potentially is that  
23 that lake could support an additional fourteen  
24 thousand (14,000) recreational anglers each year,  
25 assuming each angler fishes for about thirty (30)

1 hours. A lot of assumptions with that -- with that  
2 prediction; it's from a model. But that just gives  
3 you an idea of -- of the capacity of Lac La Martre to  
4 support a -- support a fishery, commercial,  
5 recreational, or -- or domestic.

6 MR. ALAN EHRLICH: Excuse me. It's  
7 Alan Ehrlich, with the Review Board. Cam, I got a  
8 question. It's not so much about Lac La Martre, which  
9 I understand is a very big, very fishy lake. But I'm  
10 -- I'm wondering about the -- the thinking underlying  
11 your reasoning that you won't have droves of keen  
12 fishermen or fisherwomen from Yellowknife driving just  
13 two (2), two and a half (2 1/2) hours to come of the  
14 smaller streams that may have things like pickerel  
15 runs and stuff like that in there. I mean, I think  
16 that would be quite an attractant, but I can't  
17 remember the rationale behind -- behind your thinking  
18 in the -- in the ASR on that one. Could you just  
19 remind me, please?

20 DR. CAM STEVENS: Ca -- Cam Stevens,  
21 Golder. Well, I think both our assessment and -- and  
22 the Tlicho Government's assessment assumes that most  
23 of the fishers from -- from Yellowknife would be --  
24 would be probably going to Lac La Martre, Boyer Lake,  
25 upper La Martre River to begin with.

1 I don't know if there's, you know, a  
2 tasty population of trout that people from Yellowknife  
3 are going to target in a small lake somewhere along  
4 the road, but that's certainly a possibility. And --  
5 and I can't -- that's -- I can't speak to every  
6 hypothetical situation that -- that may -- may occur  
7 but certainly smaller populations in smaller lakes are  
8 more vulnerable to over fishing than -- than larger  
9 lakes, like Lac La Marte.

10 But if you wanted to consider the whole  
11 region as a fishery, there -- there still is -- you  
12 know, our -- our predication hasn't -- wouldn't  
13 change. There's still no measurable change -- change  
14 to the -- or effect to the fishery at the scale of --  
15 of the road and the water bodies in the vicinity of  
16 the road.

17 MR. ALAN EHRLICH: So, no, I'm  
18 thinking about something more like the scale of the --  
19 the James River, or something like that. Not thinking  
20 at the big regional scale. I'm thinking if a -- if a  
21 river like the James River has a good run, it could --  
22 could it not get pretty hard?

23 DR. CAM STEVENS: Cam Stevens, Golder.  
24 If five thousand (5,000) anglers  
25 decided to -- to fish during the wildlife spawning run

1 in the -- in the James River or the Duport River, or  
2 any river along the road, absolutely.

3                   But I think we have to -- again we have  
4 to expect that -- I think it's reasonable to assume  
5 that DFO is -- will continue to manage fish and fish  
6 habitat so that that doesn't happen, and that GNWT  
7 continues to -- to enforce -- to enforce fishing  
8 regulations so that doesn't happen, and that -- and  
9 that at some point if required DFO and the Tlicho  
10 Government and the Wek'eezhii Renewable Resources  
11 Board will work together to ensure that that doesn't  
12 happen. Or if it does happen, that there's a recovery  
13 strategy in place.

14                   CO-FACILITATOR TOOGOOD: Hi. It's  
15 Simon Toogood, with the Review Board.

16                   I'd just like to follow-up on that line  
17 of questioning. It's -- using the analogy of the  
18 wildlife side, and you have a WEMP and you have  
19 thresholds for when you need to potentially reassess  
20 your efforts with respect to monitoring and  
21 mitigation, and you've got this idea of increased  
22 traffic, 50 percent.

23                   And I was just wondering if any thought  
24 has been given to how you'd respond to a situation  
25 where -- or how you'd identify a situation where there



1 was -- if your predictions were off. There was more  
2 fishing than expected, and there was potentially going  
3 to be effects.

4                   At the moment, I don't believe you are  
5 planning to monitor effects of fishing along the TASR  
6 due to your predictions that there wouldn't be an  
7 effect, essentially a very small effect. And so if  
8 the DFO and GNWT, I don't believe DFO would have  
9 specific monitoring on who's fishing there, and so I  
10 was wondering how you would reconcile that?

11                   Like when is -- how do you identify  
12 when there is a threshold, and when there's a trigger  
13 that you would need to do -- have additional efforts  
14 with monitoring or mitigation.

15                   MR. STU NIVEN: It's Stu Niven, GNWT.

16                   Part of the -- part of the project will  
17 involve a fish and fish habitat management plan.  
18 That's --the draft is already on the registry. And  
19 that's supposed to speak to during construction issues  
20 associated with impacts to -- to fish and fish habitat  
21 during construction.

22                   From a fisheries management  
23 perspective, we would be looking to the -- the  
24 fisheries managers, the DFO, Tlicho Government, and  
25 the WRRB in terms of how they're going to co-manage

1 their fisheries.

2 CO-FACILITATOR TOOGOOD: Thank you.

3 It's Simon Toogood, with the Review Board.

4 Let's have a follow-up, which I believe  
5 Tlicho Government and DFO may want to speak to, and  
6 it's -- DFO stated that they would be assessing say  
7 thresholds once the project is approved and they go  
8 ahead. And the threshold, you know, it sounds like  
9 sort of a significant threshold potentially. I'm not  
10 sure you could speak to that.

11 If that -- at what level, you know,  
12 would DFO be -- would you be identifying levels of  
13 fishing that would potentially have significant  
14 adverse effects to local fisheries, and would you be  
15 looking to manage fisheries so that those thresholds  
16 aren't exceeded? And would that occur then -- as you  
17 stated that would occur after the EA has been  
18 finalized.

19 So if you could speak to when and how  
20 you would establish those thresholds.

21 MR. MARK D'AGUIAR: Mark D'Aguiar,  
22 Fisheries and Oceans Canada.

23 We -- we wouldn't be able to identify  
24 thresholds during the EA of potential fishing pressure  
25 that will be effected. That -- it's very difficult to

1 do without stock assessment, exactly know how many  
2 people are going to go fishing, et cetera.

3                   But that's, I guess, the -- the main  
4 point is, Should this project be approved that is  
5 where the boards work together with -- with the Tlicho  
6 Government, with the Wek'eezhii Renewable Resources  
7 Board, to determine what are the priority fisheries,  
8 the areas of concern for the communities, and then  
9 establish those -- those thresholds at that time for  
10 what they expect to take.

11                   And then from that, DFO can develop an  
12 enforcement plan now that there's a road in place to  
13 enforce and to do inspections along the road to -- for  
14 poachers, et cetera. That is pretty much how that  
15 would work for DFO's perspective. In terms of the  
16 significant adverse effects, we -- we don't really --  
17 so haven't assessed that at this phase of the game

18                   MS. GINGER GIBSON: Thanks for that,  
19 and thank you for your information and the question.  
20 I -- we -- I just wanted to point to a place where we  
21 answered some of these questions in PR-97 IR-1, we  
22 took a look at all of the traditional fisheries that  
23 had been identified in the traditional knowledge  
24 study. And as per the request of the Review Board, we  
25 looked at the -- the potential change in pressure.

1                   So already the area that you're  
2 referring to on the James River is an example, but  
3 there's many other areas where -- that are currently  
4 traditional fisheries where Elders have indicated  
5 there's healthy fishery stocks. James River is one  
6 (1) of them.

7                   And in that context we predicated that  
8 there would be a low increase to the fisheries --  
9 accessing the fisheries there because it's at a  
10 bridge, and we indicated that this was of low concern  
11 to Tlicho and -- and that the fisheries -- generally  
12 the fisheries in the area -- I -- I would tend to  
13 concur with something that Cam obliquely referred to,  
14 which is that the real prize is the lake, and -- and  
15 people may throw a line as they -- as they go there.

16                   But in our experience people are really  
17 attempting to get up to that lake for their fishing  
18 experience. And if they're going to make the journey,  
19 it ain't that much further to go to Whati. But that  
20 is speculative thinking, and -- anyways, I just wanted  
21 to bring to people's attention that we did an analysis  
22 on the potential impact to the fisheries from  
23 traditional knowledge perspective. Masi.

24                   CO-FACILITATOR TOOGOOD: Thank you  
25 very much. It's Simon Toogood, with the Review Board.

1           Alan, thank you. I suppose I'd like to  
2 ask a similar question that Alan posed earlier this  
3 morning, and I think you've alluded to it in some of  
4 the responses. But I believe, you know, we've  
5 acknowledged that there potentially is a small effect  
6 to fisheries, likely to the larger water bodies, and  
7 potentially to the smaller ones.

8           And -- and so I'll say, you know, I  
9 think parties agree that there is potential for an  
10 effect but whether or not you would think that it's  
11 reasonable that there could be a significant effect,  
12 and I think from the Tlicho Government I'm hearing  
13 that those effects are likely -- you recognize they're  
14 there but you also recognize -- it's your view that  
15 they will not be significant.

16           And seeing as you're the -- likely to  
17 be the effected party, I'm just wondering if you could  
18 speak to your perspective on the significance of  
19 outside fishers coming in and fishing along these  
20 water bodies and rivers.

21           MS. GINGER GIBSON: Masi. Ginger  
22 Gibson, with the Tlicho Government.

23           Though -- I -- I mean I would just -- I  
24 would emphasize that -- what I said already with  
25 caribou. We are -- you know, we're in an evidence-

1 based process, and we're looking at the evidence as it  
2 emerges. And we've made it really clear where the  
3 traditional harvest zones are in -- in general.

4                   And on -- on the side of beneficial  
5 impacts, the Tlicho Government, and in particular the  
6 Whati community government from whom you can have a  
7 real direct link tomorrow when Lisa Nitsiza from the  
8 Community Government of Whati is here, has placed  
9 fisheries and renewable resources, and the traditional  
10 harvest and marketing thereof, as a primary economic  
11 objective.

12                   And -- and given what our colleague in  
13 Golder Associates has indicated, the -- Cam has pulled  
14 out his pocket calculator and nerded out with all  
15 those numbers, and -- and given us some really good  
16 indication that none of us should bring fish to Whati  
17 when we go there. But -- but I -- I just think that  
18 the -- the Tlicho Government is looking at it from  
19 that perspective in addition to always being mindful  
20 of the ability to pursue traditional livelihoods in  
21 that area. And -- and also to welcome out --  
22 outsiders into the area for angling pursuits.

23                   And with that, I mean, again we are  
24 going to just keep our eye on the evidence as it  
25 emerges, and -- and in general the reasonable -- I --

1 we believe that the predictions made in the  
2 Developer's assessment report and the ASR have been  
3 reasonable. Masi.

4 CO-FACILITATOR TOOGOOD: Thank you  
5 very for the response, Ginger. Simon Toogood, with  
6 the Review Board.

7 I have no further questions. I'm not  
8 seeing any from the Review Board. I'd just like to  
9 throw it out to the audience once more, if parties  
10 have any additional questions on fisheries. If not,  
11 we're going to move on to effects to water and  
12 sediments issues.

13

14

15 (BRIEF PAUSE)

16

17 CO-FACILITATOR TOOGOOD: Okay. With  
18 that, I would like to move along to water and  
19 fisheries -- sorry, water and sediments.

20 So, yeah, I'd like to -- I don't  
21 believe the Developer had a presentation on this  
22 topic. Did you?

23

24 (BRIEF PAUSE)

25

1 CO-FACILITATOR TOOGOOD: Nope. Okay.

2 With that, I would like to open it up to -- I'm  
3 looking across the table towards ECCC as the likely  
4 candidate to open up this discussion based on the IRs  
5 that have come into date. I leave it with you, if you  
6 have any questions.

7

8 QUESTION PERIOD RE: WATER AND SEDIMENTS:

9 MR. BRADLEY SUMMERFIELD: Sure.

10 Thanks, Simon. It's Bradley Summerfield, with  
11 Environment and Climate Change Canada.

12 I just have a few questions to do with  
13 water quality and sediment, all relating to our IRs  
14 and the responses. So with regards to an erosion and  
15 sediment control plan that would have some  
16 monitoring/adaptive management included, it -- it has  
17 not been provided and it -- it was stated that will  
18 come during the regulatory process.

19 We do believe it'd be relevant and  
20 helpful to making decisions during the EA. However,  
21 it -- we can wait for the regulatory phase. We just  
22 wanted to confirm that when you said "during the  
23 regulatory phase" it will come with the Water Licence  
24 Application at the forefront, and will be subject to  
25 review and approval of the Board before the issuance



1 of the water licence.

2 MR. STU NIVEN: Yeah. It's Stu Niven,  
3 GNWT. It would be a component of the water licence  
4 for sure, yeah.

5 MR. BRADLEY SUMMERFIELD: Application  
6 --

7 MR. STU NIVEN: Yeah -- yeah, we'd  
8 have it as part of the application. Yeah. Yeah,  
9 yeah. Thank -- thank you for that. Yeah.

10 MR. BRADLEY SUMMERFIELD: Thanks.  
11 Bradley Summerfield, with Environment and Climate  
12 Change Canada.

13 That is perfect. The next area that we  
14 sort of noted, there is some concerns with erosion  
15 related to permafrost. So sort of thermal erosion  
16 events. So we were wondering, again assuming this  
17 will not be provided during the EA, that the Proponent  
18 would commit to include some measures related to  
19 potential thermal erosion events that could be  
20 identified along with the -- in whatever plan you  
21 prefer, along with the Water Licence Application.

22 And we would also request maybe a  
23 comparison or a lessons learned from some of the  
24 issues with the ITH road, including systems  
25 mitigation, monitoring responses related to that whole

1 issue of -- of thermal erosion, and erosion and  
2 sedimentation control.

3

4 --- COMMITMENT NO. 18: To provide that info as  
5 part of regulatory process

6

7 MR. STU NIVEN: It's Stu Niven, GNWT.

8 Thanks, Bradley, for that question.

9 It's -- it's a good point. The -- we -- the -- we're  
10 finishing up building the Inuvik Tuk Highway, and  
11 there are lessons learned that have been incorporated  
12 and will be incorporated into what we're doing here.

13 It's a very different area. That's  
14 continuous permafrost where this is a discontinuous  
15 permafrost range, and I think Cam might be able to --  
16 or others might be able to speak to that a little bit  
17 more. So it's a -- it's a very different -- very  
18 different beast here in terms of managing the  
19 permafrost.

20 I'd -- I would like to mention that we  
21 do -- it's -- it's under the old DOT. Now, it's --  
22 now it's infrastructure but in 2013 DOT did put  
23 together an erosion and sediment control manual, which  
24 we're using quite extensively now, and we've rolled it  
25 out through some formal training. There's continued

1 training this summer on that, as well. And we've seen  
2 some really positive results out of that in terms of  
3 understanding the erosion and sediment control issues,  
4 the language -- the common language around it, and --  
5 and managing that -- that big issue.

6 Our big concern is keep the road out of  
7 the -- out of the water, and keep the water out -- out  
8 of the road, you know, so.

9 MR. BRADLEY SUMMERFIELD: Bradley  
10 Summerfield, with Environment and Climate Change  
11 Canada.

12 Yeah, that's -- that's our concern, as  
13 well. But, yeah, that sounds good, if that's going to  
14 be discussed as part of that erosion and sedimentation  
15 control plan as part of the Water Licence Application.

16 Moving on, the Infield Water Analysis  
17 Plan. There's not really any mention of any long-term  
18 monitoring. This morning in the presentation it was  
19 noted more details sort of as needed post-construction  
20 monitoring. So this is something else that we would  
21 like to see sort of described a little better in that  
22 Infield Water Analysis Plan along with the Water  
23 Licence Application, if not before.

24 And we would also like that to include  
25 a description -- a bit more details regarding pre-

1 construction, water quality monitoring, and monitoring  
2 during freshette and after heavy rainfall events.

3

4 (BRIEF PAUSE)

5

6 MR. STU NIVEN: Stu Niven, GNWT.

7 The -- the infield water analysis,  
8 we're going to have a -- with the water licence  
9 normally comes an aquatic effects monitoring program,  
10 and we'll be following that during the regulatory  
11 phase, and that's -- that's when all that gets hashed  
12 out. So that would be after the EA then, and during  
13 the regulatory component to make sure we can get our  
14 licence to actually do the work.

15 There -- there's every expectation to  
16 do what we have been doing along the Inuvik Tuk  
17 Highway because it's -- it's actually been quite  
18 successful so far where we sample upstream and  
19 downstream, and that way you can measure the effects.  
20 And we've established -- we -- we sent most of the  
21 water samples off for -- for analysis but by the time  
22 the data comes back it's already too late if there was  
23 a bump.

24 So we've actually added in a few  
25 immediate infield sampling and visual observations,

1 and the -- the water quality tech flags that as -- as  
2 -- if there's any threshold exceedance. And that  
3 information goes straight to the -- the water quality  
4 inspector, and -- and they know right away.

5           And the benefit with doing the sampling  
6 -- instead of -- for the baseline we -- you know, you  
7 could do baseline prior to construction but up -- up  
8 here there's a lot of variability in the quality of  
9 the water, depending on what time of year it is, so a  
10 far more efficient way of measuring any kind of  
11 potential issue on water quality associated with the  
12 construction of the road is to do that immediate  
13 sampling upstream and downstream at the same time.

14           Because even on the ITH one (1) of the  
15 lessons learned, we -- we had -- we -- we'd get a pH -  
16 - an acidity -- like the water would be a little more  
17 acidic, and -- and it would be more acidic than what  
18 would normally be allowable. So that was a threshold,  
19 and we had to flag that but because we sampled  
20 upstream and downstream it was noticed that it was  
21 acidic both upstream and downstream. It had no effect  
22 -- the road wasn't the problem.

23           If we had just collected baseline data  
24 before we did that, then that would have given us the  
25 wrong message. The same thing for turbidity.

1 Sometimes a beaver dam goes, or -- or up on the Tuk  
2 Highway they would be thermokarst thaw slumps, and --  
3 and that sort of thing, and it would effect the -- the  
4 water quality. And rain -- just rain. Yeah, that's a  
5 good point. Just rain one (1) day versus another will  
6 affect the water quality.

7                   So -- so we -- to make sure that we  
8 know if -- if the road is having an effect or not,  
9 collecting those samples at the same time up and down  
10 stream is -- is, in our opinion, the better option.

11                   MR. BRADLEY SUMMERFIELD: Thanks.  
12 Bradley Summerfield, with Environment and Climate  
13 Change Canada.

14                   Yeah, we -- we understand the relevance  
15 of the upstream/downstream. Just what -- what we're  
16 asking for is a bit more information around what  
17 you're monitoring where and when, and we understand  
18 we're not going to be getting that during the EA so  
19 this entire line of questioning is just looking to  
20 have that committed to being a part of the Water  
21 Licence Application subject to review so that we can  
22 confidently review it at that time.

23                   MR. STU NIVEN: Stu Niven, GNWT.

24                   We -- we look forward -- we -- we --  
25 yeah, we're -- we look forward to Environment Canada

1 and Climate Change -- Environment Canada Climate --  
2 anyway, EC Cubed, to -- to review our -- our  
3 management plan at that time during the regulatory  
4 phase, and provide comments. Yeah, we're -- we look  
5 forward to that. Anything to build a better road.

6 MR. ALAN EHRLICH: It's Alan Ehrlich,  
7 here.

8 Brad, I'm just going to jump in for a  
9 sec. Two (2) things. One (1) I want to keep it short  
10 because you've admitted it doesn't have much to do  
11 with the EA, and this session does. And unless you  
12 think that there's a potentially significant issue  
13 that you want to explore here, in which case it's --  
14 it's kosher for the EA.

15 But as well I heard you ask for a  
16 commitment. I heard Stu kind of agree to something.  
17 Can you, please, write out what the commitment is you  
18 want them to agree to, put it in writing in their  
19 hands today, and then later on if they're okay with it  
20 they'll -- we'll get them to read it back, and then  
21 we'll have a nice tidy version. Okay? Thanks.

22 MR. BRADLEY SUMMERFIELD: Yeah, I can  
23 definitely do that. Bradley Summerfield, with  
24 Environment and Climate Change Canada.

25 As I said, we would like all of this to

1 assess the project during the EA, but if we have a  
2 guarantee that we can assess it later, you know, we  
3 can wait. But I have to get that committed to as it  
4 relates to the EA at this point. So I just have one  
5 (1) more point to add, but I'll write it out for Stu.

6           It just has to do with acid rock  
7 drainage, and metal leeching. So again this is  
8 something else that we require some more information  
9 in order to assess the potential impacts of the  
10 project. However, if committed to it would be  
11 acceptable to also receive that as part of the Water  
12 Licence Application for review and approval at that  
13 time.

14           I'll write out exactly what I need, and  
15 hand that over to Stu.

16           DR. CAM STEVENS: Cam Stevens, Golder.

17           Just -- I'm not too sure if you're  
18 aware of some of the commitments that GNWT has already  
19 made therein the response to the Review Board's IR  
20 number 21. There's about sixteen (16) or seventeen  
21 (17) commitments here related to water quality, and I  
22 think some of the information that you might be  
23 looking for might be in that response.

24           MR. STU NIVEN: Stu Niven, GNWT.

25           In -- in -- acid rock discharge and



1 metal leeching is a -- is a -- could be a really big  
2 issue. And the last thing we want to do is start  
3 using material that might start acidifying the area.  
4 And that's why when we're doing our geotechnical work  
5 that we did over the winter and that we've just  
6 finished over the summer, part of that geotechnical  
7 work was a geochemical analysis at the same time.

8                   They're out there. We're -- we're  
9 studying potentially thirteen (13) potential sites for  
10 pits. The anticipation is maybe four (4) or five (5)  
11 will be used, but out of that they're looking at the  
12 suitability of the aggregate material for building  
13 that road. Part of that suitability is, is it going  
14 to be acid rock generating or not. And if it is,  
15 we're -- we're going to avoid that. The last thing we  
16 want is to start building a road with that kind of  
17 material.

18

19   (BRIEF PAUSE)

20

21                   MR. RUSSELL NEUDORF:     It's Russ  
22 Neudorf, GNWT.

23                   You had asked about, you know, wanting  
24 to see a commitment that we're going to provide the  
25 required information essentially for the regulatory

1 review process in order to get through that. And, you  
2 know, absolutely we'll make sure that we provide that  
3 -- that information as part of the regulatory review  
4 process.

5 MR. BRADLEY SUMMERFIELD: Bradley  
6 Summerfield, with Environment and Climate Change  
7 Canada.

8 So to Stu's comment, that's perfect.  
9 If you're just going to avoid sources that have  
10 potential ARD and metal leeching, that takes care of  
11 that one.

12 And, yeah, that's all we were looking  
13 for was just a clarification on that commitment that  
14 it's -- at the time of Application for review for the  
15 water licence, so that that commitment is  
16 satisfactory.

17 CO-FACILITATOR TOOGOOD: Sorry.  
18 Simon Toogood, with the Review Board.

19 I was just reading some of my questions  
20 there. So I'll open up the floor if there's any  
21 additional comments on water sediment.

22

23 (BRIEF PAUSE)

24

25 CO-FACILITATOR TOOGOOD: Tlicho

1 Government?

2

3

(BRIEF PAUSE)

4

5

CO-FACILITATOR TOOGOOD: No. WRRB?

6

7

(BRIEF PAUSE)

8

9

CO-FACILITATOR TOOGOOD: No. NSMA?

10

11

(BRIEF PAUSE)

12

13

CO-FACILITATOR TOOGOOD: No. Yeah, I

14 think the rest of my questions can wait. And, yeah,

15 so I'm not hearing any other questions on water or

16 sediment. That went much quicker than I thought.

17 Thank you, EC cubed.

18

19

(BRIEF PAUSE)

20

21

CO-FACILITATOR TOOGOOD: Yeah, seeing

22 as there's no further questions I'd like to just take

23 a quick break so staff can caucus about next steps,

24 and we'll come back in ten (10) minutes.

25

1 --- Upon recessing at 2:26 p.m.

2 --- Upon resuming at 2:52 p.m.

3

4 CO-FACILITATOR TOOGOOD: Hello,  
5 everybody. We're going to try and get back to the  
6 tech session here now, so if you could please take  
7 your seats and we can wrap up with commitments. So  
8 please go back to your seats.

9

10 (BRIEF PAUSE)

11

12 CO-FACILITATOR TOOGOOD: Thank you for  
13 taking your seats, and I believe teleconference might  
14 be available just in time for the end of day 2.  
15 Fortuitous timing.

16

17 (BRIEF PAUSE)

18

19 CO-FACILITATOR TOOGOOD: Okay. Let's  
20 get back to the end of the day. I believe we've  
21 reached the end of topic-specific discussions. I  
22 don't believe there's any additional concerns or  
23 topics that parties want to discuss.

24 I believe the last order of business is  
25 to try and sort out some of these commitments,

1 realizing we don't have the transcripts available.  
2 But we did get a lot of work done today, and I've had  
3 some IRs -- sorry, commitments emailed to me with  
4 wording.

5                   So I'd like to follow up with parties  
6 on what efforts they've made with finalizing the  
7 wording for the commitments. And I believe I could  
8 start that off by reading into the record commitments  
9 from -- between the Tlicho Government and GNWT. And I  
10 believe this touches on Commitment number 7, it was a  
11 part of Commitment number 7, which was:

12                   "The GNWT commits to enter into  
13                   licensing agreements with the Tlicho  
14                   Government on boreal caribou  
15                   collaring data as soon as it becomes  
16                   available."

17                   And I believe that's mutually agreed-  
18 upon wording between the GNWT and Tlicho Government.  
19 Yeah. And if you could please indicate whether or not  
20 that is correct.

21                   MR. RUSSELL NEUDORF: Russ Neudorf,  
22 GNWT. We agree with that wording.

23                   CO-FACILITATOR TOOGOOD: I'm seeing a  
24 thumbs up and head nodding from Tlicho Government, so  
25 I'll take that as an agreement.

1 I'd now like to move onto -- where did  
2 I go to? Just give me a moment, please.

3

4 (BRIEF PAUSE)

5

6 CO-FACILITATOR TOOGOOD: Okay. Thank  
7 you for that. Just several emails were piling up  
8 there. This commitment is between Tlicho Government  
9 and GNWT. It has to do with having Elders inspect the  
10 sites -- the culverts. And so:

11 "INF commits to working with the  
12 Tlicho Government to hold a workshop  
13 with Elders to review concerns  
14 regarding potential culverts,  
15 including a site visit to view  
16 potential culverts."

17 I'd just like to get a confirmation on  
18 whether or not that wording -- what I have here is  
19 DOI, and I wasn't sure if you meant -- oh, yeah.  
20 Sorry. I -- and I thought it was DOI was DOT, and so  
21 I updated that to be INF, if that's correct.

22 MR. RUSSELL NEUDORF: Russ Neudorf,  
23 INF, GNWT. The correct abbreviation is INF. And my  
24 only -- the wording is fine, except I would add "visit  
25 -- including a site visit to view potential culvert

1 locations." There's no culverts there yet.

2 CO-FACILITATOR TOOGOOD: Okay. So I  
3 will read this back in and say that:

4 "INF commits to working with the  
5 Tlicho Government to hold a workshop  
6 with Elders to review concerns  
7 regarding potential culverts,  
8 including a site visit to view  
9 potential culvert locations."

10 MR. RUSSELL NEUDORF: Russ Neudorf,  
11 GNWT. We agree with that wording.

12 CO-FACILITATOR TOOGOOD: Thank you  
13 very much. And Tlicho Government, I will take that as  
14 an agreement as well.

15

16 (BRIEF PAUSE)

17

18 CO-FACILITATOR TOOGOOD: Okay. Back  
19 to yesterday's commitments. Day 1, I believe there's  
20 a small change to clarify that there -- the commitment  
21 was between the -- originally it was between the NSMA  
22 and GNWT, and that there was a request to make that  
23 inclusive of all parties. So there's just a small  
24 change there:

25 "GNWT to meet with all parties to

1 discuss any additional documents or  
2 outcomes of responses to IRs and  
3 just with the -- the review of the  
4 WMMP in general going forward."

5 I don't have a finalized wording for  
6 that, but that was it. So:

7 "GNWT to meet with all parties to  
8 discuss the WMMP as its -- "

9 Sorry. Give me a second here. It's a  
10 long day.

11

12 (BRIEF PAUSE)

13

14 CO-FACILITATOR TOOGOOD: For lack of  
15 better words, perhaps I'll ask the GNWT. They have  
16 agreed to meet with parties with respect to the -- the  
17 WMMP, not just the IR responses from NSMA, but with  
18 all parties, with their concerns with the evolution of  
19 the WMMP throughout this EA, but also through  
20 regulatory.

21 And if the GNWT could perhaps provide  
22 wording of how they would like to engage with parties  
23 through this EA, but also extending into the  
24 regulatory phase, so that parties can have some  
25 assurance that they will be able to participate in the



1 WMMP: how it's formulated, protocols, and such. I  
2 believe that was the intent of Commitment number 1.

3 MR. RUSSELL NEUDORF: Russ Neudorf,  
4 GNWT. The intent of Commitment number 1 was to give  
5 the opportunity to any interested party that would  
6 want to meet as part of the development of the WMMP.

7 CO-FACILITATOR TOOGOOD: Okay. That's  
8 -- that would be agreeable wording. I'm just  
9 wondering if that works for parties who are concerned  
10 -- for instance, NSMA or ECCCC (sic) or WRRB. Shin,  
11 do you agree that that wording would work for you,  
12 that that would allow you sufficient opportunity to  
13 participate in the development of the WMMP?

14 MR. SHIN SHIGA: Thank you. It's Shin  
15 Shiga, North Slave Metis Alliance. I think the  
16 original intent was specifically -- well, I think  
17 there was -- there's a part where we wanted to do  
18 during the EA because we want to make sure most of the  
19 significant compartment -- components are done during  
20 the EA, and then the con -- conversation about the  
21 details would continue.

22 And then, as part of the conversation,  
23 like before the -- you know, then we would need  
24 opportunity to discuss with outstanding questions that  
25 would end up in the WMMP before the submissions of the

1 technical report. And then that meeting morphed into  
2 this information session on September 25th.

3 That -- that sort of general  
4 understanding, that's fine by me as long as that's  
5 captured in the wording. That's -- yeah, that's good.  
6 Thank you.

7 MR. RUSSELL NEUDORF: Yeah. Russ  
8 Neudorf here. And just to acknowledge that I think we  
9 have moved a long way from the -- the original  
10 commitment, but I think the wording for the original  
11 commitment was that, as part of the process, you know,  
12 for the next month or so, where we develop the WMMP,  
13 if any interested party wants to meet specifically on  
14 content of the WMMP, then we'd be willing to do that.

15 Then there's -- subsequently, we've  
16 talked about the September 25th tentative date for an  
17 information exchange on the final -- or the final  
18 draft WMMP.

19 CO-FACILITATOR TOOGOOD: Simon  
20 Toogood, with the Review Board. That sounds  
21 reasonable and would work for the Review Board. Okay.  
22 So again, that's obviously the Review Board -- the  
23 Developer's perspective on how they'd like to see that  
24 wording, the commitments worded.

25 NSMA, I'm not entirely clear whether or

1 not that works for you.

2 MR. SHIN SHIGA: Shin Shiga, North  
3 Slave Metis Alliance. That works for us. Thank you.

4 CO-FACILITATOR TOOGOOD: Okay. Thank  
5 you very much. Let's move on to Commitment number 2  
6 from yesterday. And I believe the only addition there  
7 was there was the addition of a public review again.

8 And again, I think one (1) and two (2)  
9 are essentially getting linked together here, and it  
10 was to do with are, if there any outstanding issues to  
11 consider, GNWT will consider a public review of the  
12 WMMP after the EA process is complete.

13 So it's similar. Like there's a  
14 guarantee that parties can participate now in the EA,  
15 but also after. And I'd like to get a confirmation  
16 from the party who raised it initially, NSMA, whether  
17 or not that met your expectations.

18 MR. SHIN SHIGA: Shin Shiga, North  
19 Slave Metis Alliance. It does, thank you.

20 CO-FACILITATOR TOOGOOD: Thank you  
21 very much.

22

23 (BRIEF PAUSE)

24

25 CO-FACILITATOR TOOGOOD: And I believe

1 we read in Commitment number 3 this morning, and the  
2 WRRB was okay -- actually, not okay with that.

3 MR. BOYAN TRACZ: Boyan Tracz,  
4 Wek'eezhii Renewable Resource Board. Both comment or  
5 Commitments 3 and 4 are works in progress currently,  
6 and we'll get back to you tomorrow.

7 CO-FACILITATOR TOOGOOD: Okay. Thank  
8 you very much. Please provide that in writing  
9 tomorrow. It'd be greatly appreciated.

10 I believe five (5) and six (6) have to  
11 do with traffic monitoring and clarifying the 50  
12 percent increase essentially for Commitment number 6.  
13 I believe NSMA was going to provide wording on that  
14 either today or tomorrow. You brought an update on  
15 that?

16 MR. SHIN SHIGA: Shin Shiga, North  
17 Slave Metis Alliance. Commitment 5 I think was about  
18 a commitment for GNWT to provide a more detailed  
19 breakdown of the traffic information. Yeah. Okay.  
20 So I'll -- thank you.

21 MR. RUSSELL NEUDORF: Russ Neudorf,  
22 GNWT. So the revised wording for number 5 would be:

23 "The GNWT commits to provide the  
24 average annual daily traffic and  
25 seasonal variations as part of the

1 annual reporting for traffic in the  
2 WEMP."

3 MR. SHIN SHIGA: Shin Shiga, North  
4 Slave Metis Alliance. That works for us. Thank you.

5 CO-FACILITATOR TOOGOOD: Thank you  
6 very much. For number 7, I believe there was again  
7 some discussion between NSMA and the Developer. You  
8 brought an update on that?

9 MR. SHIN SHIGA: Shin Shiga, North  
10 Slave Metis Alliance. So that -- the previous one is  
11 number 5, and then number 6 we are still discussing.  
12 We are pretty close to a res -- resolution, but we  
13 want to confirm. I think we can do it tomorrow or  
14 later today. Thank you.

15 CO-FACILITATOR TOOGOOD: Thank you  
16 very much. Simon Toogood, with the Review Board. If  
17 you could provide that in writing, again that'd be  
18 greatly appreciated, whenever that's available. By  
19 tomorrow would be the latest date. It'd be very  
20 helpful to get that by tomorrow mid-morning.

21 MR. SHIN SHIGA: Shin Shiga, North  
22 Slave Metis Alliance. I believe I can do that, but  
23 I'll let ENR confirm. Thank you.

24 CO-FACILITATOR TOOGOOD: Thank you  
25 very much. Simon Toogood, with the Review Board.

1 Moving on, I believe today there was discussion from  
2 the Tlicho Government about a licensing sharing  
3 agreement. I believe the GNWT had committed to  
4 providing -- entering into a license sharing  
5 agreement, and that there would -- you'd be able to  
6 write that up during the break and provide it to the  
7 Review Board if the Tlicho Government had wording to  
8 that effect.

9 MR. RUSSELL NEUDORF: Russ Neudorf,  
10 GNWT. The revised wording that I believe we've agreed  
11 to is:

12 "The GNWT commits to enter into  
13 licensing agreements with the Tlicho  
14 Government on boreal caribou  
15 collaring data as soon as it becomes  
16 available."

17 MS. GINGER GIBSON: Ginger Gibson,  
18 Tlicho Government. We agree.

19 MR. ALAN EHRLICH: Thanks. Alan  
20 Ehrlich here, for the Board. I'd like to make a --  
21 just a little bit of a clarification that it's very  
22 helpful when you guys sort out issues with a  
23 commitment and making nice during the breaks and all  
24 that.

25 There is a difference between

1 commitments that are about meetings and stuff that  
2 will happen during the EA process and commitments the  
3 Developer makes about how they will design and manage  
4 the development, right? Because one is about the  
5 project; the other one is about our assessment. And  
6 so at some point we're going to have to differentiate.

7           Most of these are about -- I notice  
8 about helping people through the assessment process  
9 and trying to, you know, ensure that the Board is able  
10 to make a good decision on this stuff, right? But  
11 some of them have legs that will carry them beyond  
12 into the project.

13           And so somehow we're going to try to  
14 figure out how to make sure that the stuff that's only  
15 for the EA process doesn't get lumped into the list of  
16 Developer's commitments that are about how they design  
17 or operate or manage the project.

18           I'm just throwing this down here so  
19 that people are a little less confused when you see us  
20 trying to sort this out. We still very much  
21 appreciate the openness and cooperation that we've  
22 seen about these commitments today. Thanks.

23           MS. LORRAINE SEALE: Lorraine Seale,  
24 GNWT. Yeah, we have had that same observation and are  
25 considering how we can assist the Board and parties

1 with clarifying those sort of things.

2 CO-FACILITATOR TOOGOOD: Thank you  
3 very much. So we had a commitment -- I believe was  
4 read into the record this morning correctly, I hope,  
5 and it was to do with sharing -- it's from ECCC. It  
6 had to do with maps and protocols and entering those  
7 into the revised WMMP. So it was to provide original  
8 protocols and include new protocols for -- into the  
9 WEMP.

10 I'm just wondering -- I believe there  
11 was agreement this morning on the wording of that  
12 commitment.

13

14 (BRIEF PAUSE)

15

16 MS. AMY GANTON: Amy Ganton,  
17 Environment and Climate Change Canada. Just to  
18 clarify, that one was for birds. Have we gone over  
19 the caribou ones from yesterday?

20 CO-FACILITATOR TOOGOOD: I believe  
21 that was the one I was speaking to. James had  
22 committed to provide additional information regarding  
23 the assessment of boreal caribou. And it was -- I  
24 thought it was to do with the protocols that were  
25 being used and the maps and providing the narrative



1 associated with those maps.

2                   And I believe that was read into the  
3 record this morning correctly. I had a note that it  
4 was read in correctly, so I'd just like to double  
5 check. If your recollection that it was -- I don't  
6 have the exact wording. We don't have the -- have it  
7 right now. The transcripts are still being developed,  
8 but I just believe it was correct. We can check the  
9 transcripts hopefully tomorrow morning.

10                   MS. AMY GANTON: Amy Ganton,  
11 Environment and Climate Change Canada. Yes, I think,  
12 as was mentioned this morning, that James had said  
13 that there'd be some further review on the interaction  
14 of the caribou with Highway 3, as well as providing  
15 the narrative for the figures that were provided in  
16 the Information Response number 7 and then the future  
17 maps that would become available when the information  
18 could be shared. Thank you.

19                   MR. RUSSELL NEUDORF: It's Russ  
20 Neudorf, with GNWT. And I think I recall with you,  
21 too, Simon, that we had agreed to the wording this  
22 morning. So I think if you go back to the transcript,  
23 that it will have the correct wording for that.

24                   CO-FACILITATOR TOOGOOD: Thank you  
25 very much. The next one was Aalice from the WRRB was

1 to provide TK information on boreal caribou. And  
2 again, I believe we had agreed upon the wording and  
3 what was going to be delivered on that if...

4

5 (BRIEF PAUSE)

6

7 MR. BOYAN TRACZ: Boyan Tracz,  
8 Wek'eezhii Renewable Resources Board. At this point,  
9 discussion of that commitment is -- is occurring with  
10 our executive director, Jody Pellissey, and we'll get  
11 back to you on I guess the status of that commitment  
12 tomorrow. Yeah.

13 CO-FACILITATOR TOOGOOD: Simon  
14 Toogood, with the Review Board. Thanks for that  
15 commitment on a commitment.

16 I believe we had one that was regarding  
17 including monitoring of avian sera species as part of  
18 the WMMP. And I believe again that had to be agreed  
19 upon during the session today. I'm getting nods from  
20 'E' cubed -- EC cubed and GNWT.

21 MR. ALAN EHRLICH: It's Alan Ehrlich,  
22 for the Review Board. Does ECCC really mind if we  
23 just call them birds?

24 MR. BRADLEY SUMMERFIELD: Bradley  
25 Summerfield, with Environment and Climate Change

1 Canada. We really would prefer avian special at risk.

2 MR. ALAN EHRLICH: Yeah. It's Alan.

3 Why not go for avifauna if we're adding syllables?

4 Okay. Okay. Thanks.

5 I just -- look, for my own benefit, are  
6 there any avian species that are not birds? I mean,  
7 you're not including bats or flying fish or anything  
8 in there, are you?

9 MR. BRADLEY SUMMERFIELD: Bradley  
10 Summerfield, with Environment and Climate Change  
11 Canada. There are bats and bees that are listed as  
12 species at risk that could be considered avian as  
13 well. Oh. Yeah, let's just leave it avian species at  
14 risk.

15

16 (BRIEF PAUSE)

17

18 CO-FACILITATOR TOOGOOD: I believe we  
19 were on Commitment number 11 today which had been  
20 agreed upon. It has to do with -- I'm sorry. I'm  
21 just trying to find the place here. It was to do with  
22 include mitigation. It was around bank swallows, but  
23 I believe we had read it into the record correctly  
24 today and it was the addition of mitigations for avian  
25 species at risk, which is what I've heard. I'm not

1 going to say birds. Yeah, bank swallow and common  
2 nighthawk, and that had been agreed upon.

3 MS. EMILY NICHOL: Emily Nichol, with  
4 Environment and Climate Change Canada. You could  
5 actually combine I think that commitment. We're  
6 looking for the monitoring and the mitigation to be  
7 included in the WMMP for the avian species at risk, so  
8 if you want to simplify it.

9 CO-FACILITATOR TOOGOOD: Okay. We'll  
10 make that note, and we'll try and make heads or tails  
11 of this tonight. Hopefully we get the transcripts.

12 I believe we're onto Commitment number  
13 12 which was agreed upon which was DFO coming along --  
14 participating in site visits with INF with respect to  
15 stream crossings. Again, I believe that was agreed  
16 upon. Seeing affirmative from both parties, that's a  
17 good, firm commitment.

18 I believe at the start of this session,  
19 just after the break, I'd already read into the record  
20 Commitment number 13 which was about taking GNWT INF  
21 Elders on community visits. That's already been  
22 agreed upon.

23

24

(BRIEF PAUSE)

25

1 CO-FACILITATOR TOOGOOD: So I'm not --  
2 there was a Commitment number 14 which I have as a --  
3 Ruari had written a note here that it was agreed upon.  
4 I think it was to do with the -- again, a follow-up on  
5 the GNWT culverts, Elders. Does anyone have any  
6 notes? No? Okay. We'll just hold onto that one for  
7 a sec.

8

9 (BRIEF PAUSE)

10

11 CO-FACILITATOR TOOGOOD: I think it  
12 might just be confusion with numbering here. I think  
13 fourteen (14) was the same as thirteen (13).

14

15 (BRIEF PAUSE)

16

17 CO-FACILITATOR TOOGOOD: I believe  
18 number 15 we have listed here was between ECCC with  
19 respect to Commitment -- with respect to water  
20 monitoring, and again a commitment about having a  
21 review during the water licence phase.

22 There's been wording agreed to upon  
23 that, Stu?

24 MR. RUSSELL NEUDORF: It's Russ  
25 Neudorf, with GNWT. We've got two (2) commitments

1 with -- between -- with ECCC that we've agreed to the  
2 wording on. And do you -- we've got them written  
3 down. We'll just read them into the record, and then  
4 we can give you the piece of paper as well.

5 CO-FACILITATOR TOOGOOD: That'd be  
6 excellent. Thank you.

7 MR. STU NIVEN: Stu Niven, GNWT. Here  
8 are the two (2) commitments that Environment Canada  
9 and Climate Change have -- Environment and Climate  
10 Change Canada? -- EC cubed and -- and GNWT have  
11 agreed to. The first one is:

12 "The GNWT commits to avoid using  
13 borrow sources that have been  
14 characterized as having high or  
15 moderate acid rock drainage or  
16 metal-leaching potential."

17 And the second commitment is:

18 "The GNWT commits to providing with  
19 the water licence application for  
20 approval the following."

21 And there's four (4) bullet points  
22 here. First one is:

23 "A draft erosion and sedimentation  
24 control plan."

25 The second one are:

1 "Measures for potential thermal  
2 erosion events, managing permafrost  
3 if we find it there."

4 The third bullet is:

5 "Relevant lessons learned from other  
6 northern road projects like the road  
7 we're building to Tuktoyaktuk with  
8 respect to sediment and erosion  
9 control."

10 And the fourth bullet is:

11 "An updated in-field water analysis  
12 plan with further details on  
13 monitoring frequency and duration."

14 CO-FACILITATOR TOOGOOD: Okay. Thank  
15 you very much. And that's the end of the list of  
16 commitments I had for today. If there was anything  
17 I've missed or if I've missed a commitment, please  
18 speak up. I mean, we'll double check this through the  
19 transcripts, but I believe that is it.

20 I'd like to thank everyone for  
21 attending this session. I'd especially like to thank  
22 the Elders for putting up with us and providing your  
23 thoughts and your wisdom about potential effects.

24 And I'd like to -- at this point -- I  
25 don't believe there's anyone on the phone line even

1 though it is finally open. But if there's anyone on  
2 the phone, I'd just like to just check if anyone's  
3 actually dialled in to see if it's working.

4

5 (BRIEF PAUSE)

6

7 CO-FACILITATOR TOOGOOD: No. I  
8 presume it's working, so hopefully tomorrow we'll have  
9 it up and going.

10 Before we end the day, I'm going to ask  
11 the Tlicho Government for a closing prayer. But just  
12 before that, I was wondering if -- Alan, do you have  
13 any closing remarks or comments you'd like to add?  
14 No? Okay.

15 I'd like to hand it over to the Tlicho  
16 Government for closing prayer.

17

18 (CLOSING PRAYER)

19

20 --- Upon adjourning at 3:21 p.m.

21

22 Certified correct,

23

24 \_\_\_\_\_

25 Robert Keelaghan, Mr.



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