



“When You Talk - We Listen!”



MACKENZIE VALLEY ENVIRONMENTAL  
IMPACT AND REVIEW BOARD

EA1617-01 TLICHO ALL SEASON ACCESS ROAD;  
GOVERNMENT OF THE NORTHWEST TERRITORIES  
DEPARTMENT OF INFRASTRUCTURE

PUBLIC HEARING

Mackenzie Valley Review Panel:

Chairperson	Joanne Deneron
Board Member	David Krutko
Board Member	Joe Handley
Board Member	James Wah-Shee
Board Member	Bertha Norwegian
Board Member	Sunny Munroe

Whati, NT

November 16, 2017

Day 2 of 3

1 APPEARANCES

2 Alan Ehrlich )MVEIRB

3 Mark Cliffe-Phillips )

4 Catherine McManus )

5 Simon Toogood )

6 Ruari Carthew )

7 Catherine Fairbairn )

8 Brett Wheler )

9 Chuck Hubert ) Counsel

10 Joanna Vince )

11 John Donihee ) Board Counsel

12

13 Chief Alfonz Nitsiza )Tlicho Gov't.

14 Tammy Steinwound-Deschambeault )

15 Jessica Hum )

16 Petter Jacobsen )

17 Francis Simpson )

18 Joe Champlain )

19 Zabey Nevitt )

20 Ginger Gibson )

21 Susan Leeth (by phone) ) Firelight

22 Georgina Chocolate )

23 Tiana Steinwound )

24 Louie Flunkie )

25 Larry Baran )

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3 Tiana Steinwound )

4 John B. Zoe )

5

6 Russell Neudorf )GNWT

7 Lorraine Seale )

8 Katie Rozenstraten )

9 Rohan Brown )

10 Ziaur Rahmen )

11 Tom Bradbury )

12 James Hodson )

13 Mark Cronk )

14 Michael Conway )

15 Stu Niven )

16 Bruno Croft )

17 Morgan Moffitt )

18 Kelly Mahoney )

19 Laurie McGregor )

20 Andrea Patenaude )

21 Peter Fast )

22 Carmen Griffen )

23 Alina Goldenberg )

24 Tamika Mulders )

25 Darren Campbell )

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2 LeeAnnn Malley )GNWT

3 Paul Mercredi )

4 Alicia Tumchewics )

5 Heather Sayine-Crawford )

6 Maureen Flagler (by phone) )

7 Michael Gagnon )MACA

8 Michael Grabke )Golder

9 Dan Coulton )Golder

10 Damian Panayi )Golder

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12 Jody Pellissey )Wek'eezhii

13 Boyan Tracz )Renewable

14 )Resources Brd

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16 Umar Husany )CanNor

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18 Bradley Summerfield )ECCC

19 J.F. Dufaur )

20 Emily Nichol (by phone) )

21

22 Mark D'Aguiar (by phone) )DFO

23

24 Shin Shiga )North Slave

25 Nicole Goodman )Metis Alliance

APPEARANCES (Con't)

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- 3 Sarah Elsasser )Wek'eezhii Land
- 4 Anita Ogua )Water Board
- 5
- 6 Rachelle Besner (by phone) )NRCan
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- 8 Alex Power )YKDFN
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1 --- Upon commencing at 10:14 a.m.

2

3 THE CHAIRPERSON: Before we start the  
4 day, we would like to ask Elder Francis Simpson to  
5 open up the hearing with morning prayer.

6 Francis...?

7

8 (OPENING PRAYER)

9

10 THE CHAIRPERSON: Masi. Masi cho,  
11 Francis.

12 Good morning, everyone. My name again  
13 is Joanne Deneron, and I'm the chair of the Mackenzie  
14 Valley Environmental Impact Review Board. Welcome to  
15 day 2 of this public hearing for the Tlicho all-season  
16 -- all-season road from Highway 3 to Whati, a project  
17 proposed by the GNWT.

18 The Review Board is holding this public  
19 hearing to listen to the views and opinions of  
20 parties, the public, and the GNWT about the potential  
21 impacts of the proposed road on caribou, other  
22 wildlife, and traditional harvesting. Before we  
23 begin, I would like to explain the Review Board's role  
24 in this assessment.

25 It is not simply to recommend approval

1 or rejection of the proposed road. The board is here  
2 to listen to the people's concerns about any impacts  
3 that the road may cause.

4                   We want to make sure that any changes  
5 to the road that the people feel are necessary to  
6 reduce or avoid those impacts are considered when the  
7 Board makes its decisions and related requirements for  
8 changes. This will ensure that these project changes,  
9 also called mitigations, are carried out throughout  
10 the life of the road.

11                   The final decisions for this project  
12 will be made by the Tlicho Government and the GNWT.  
13 The Board recognizes their responsibility in making  
14 final decisions for public infrastructure.

15                   For today's proceedings, this morning,  
16 the GNWT will describe its predictions for impacts on  
17 caribou, other wildlife, and on wildlife harvesting.  
18 Following this, parties and the Board will have the  
19 opportunity to ask the GNWT questions.

20                   Sometime after 11:00 this morning,  
21 there will be time for comments and questions from the  
22 public. The Board particularly encourages our elders,  
23 the women, the youth, and the people of Whatì to  
24 participate. After lunch, the other parties will  
25 present their views on impacts to caribou, other



1 wildlife, and wildlife harvesting.

2 I remind the parties that the board  
3 members are already familiar with your technical  
4 reports, so your presentations should focus on its key  
5 points and priorities. All parties have the  
6 opportunity to ask questions after each presentation.

7 I ask that everyone respects the time  
8 requirements of other parties during these  
9 presentations and questioning. Use your time  
10 productively. Presenters will be timed and given  
11 five-minute warnings. When your time is up you might  
12 be interrupted. Keeping to your allotted time is also  
13 very important to make sure that everyone gets their  
14 fair chance to be heard. Our Board is committed to  
15 fairness.

16 If the GNWT or a party needs more than  
17 a few moments of caucus time prior to responding to a  
18 question, I may ask for it to be answered later in  
19 writing as an undertaking. I want to make -- to be  
20 sure that valuable time is spent efficiently.

21 Please, use a microphone for all  
22 questions and responses, so that everyone including  
23 Wendy over in the corner over here, our  
24 transcriptionist, can hear you clearly. Please,  
25 remember to say your name before you speak, and please

1 speak slowly, so that our translators will have an  
2 opportunity and be able to translate more clearly for  
3 you. And due to a technical problem, the transcripts  
4 will not be posted until Monday.

5           Members of the public are invited to  
6 speak, and I'm sure they'll be more coming in during  
7 the day which will -- will -- pardon me, sorry.

8           Members of the public are invited to  
9 speak following questions from parties, which today  
10 will start after 11:00 this morning and around 4:00  
11 this afternoon. Members of the public may also submit  
12 comments in writing to the Review Board until the  
13 public record is closed in December.

14           If you wish to speak at this hearing,  
15 please see Catherine at the back; and she's the lady  
16 with the fuchsia coloured shirt when you walk in the  
17 door, our staff member. She'll put your name on the  
18 speaker's list, and I will call the names of the  
19 people from this list during the public comments.

20           Lunch will be around 12:30 and everyone  
21 is welcome to join us. You are invited to join us for  
22 dinner this evening as well, and that's scheduled to  
23 be at approximately around five o'clock, followed by  
24 more public comments until 7:00 p.m. when the hearing  
25 adjourns for the day. Please, remember that the

1 schedule is ultimately at the discretion of the chair,  
2 and the times may be changed as necessary.

3                   For those requiring translation, there  
4 are receivers on the table; right at the back there  
5 should be some. And I think Norbert has brought extra  
6 today that we should need -- I don't think we have to  
7 share. So, English is on channel 2 and Tlicho is on  
8 channel 3.

9                   I will now begin today's hearing by  
10 asking the GNWT to make its presentation on impacts to  
11 caribou, wildlife, and traditional harvesting. Thank  
12 you.

13

14 PRESENTATION BY GNWT RE. IMPACTS ON CARIBOU, WILDLIFE,  
15 AND TRADITIONAL HARVESTING:

16                   MR. RUSSELL NEUDORF: Madam Chair,  
17 members of the board, chief, elders, lady and  
18 gentlemen, good morning. My name is Russell Neudorf.  
19 I'm a special project advisor with the Department of  
20 Infrastructure with the Government of the Northwest  
21 Territories, and it is a pleasure to be here again  
22 today in Whati for the second day of our public  
23 hearing.

24                   We have staff from multiple outlets  
25 with us once again, and we have configured our

1 arrangement to bring some of our caribou and wildlife  
2 experts to the table. I will introduce new staff that  
3 are with us today. I will not go through everybody  
4 then that was introduced yesterday.

5                   But -- so new staff, and just ask you  
6 to raise your hand when we call your name. So Sean  
7 Craig, with the Department of Finance. I got Paul  
8 Mercredi, with Department of Lands. LeeAnn Malley and  
9 Heather Sayine-Crawford, with Environment and Natural  
10 Resources. And Alicia Tumchewics, with Industry,  
11 Tourism, and Investment And then we also have Dan  
12 Coulton, with Golder and Associates, our consultant  
13 working on the project.

14                   And for the presentation today, with  
15 your permission, Madam Chair, we'll turn it over to  
16 Dan who will walk through the presentation for the  
17 government.

18                   MR. DAN COULTON: Thank you to the  
19 community of Whati for the welcome. Thanks to the  
20 Review Board and Intervenors.

21                   The assessment included information  
22 provided during the screening sessions and provided a  
23 precautionary approach and ecolo -- ecologically  
24 relevant impact predictions. The precautionary  
25 approach was used to make sure that the adequacy

1 statement response does not underest -- est --  
2 underestimate effects and to provide confidence in  
3 conclusions.

4           The assessment considered traditional  
5 knowledge from the area of about wildlife, valued  
6 components, mitigation, and wildlife distribution. It  
7 identified mitigation and evaluated its effectiveness.  
8 Mitigation was evaluated through the effects pathway  
9 approach. A wildlife management and monitoring plan  
10 has been developed and considers feedback through  
11 engagement.

12           Some examples of the precautionary  
13 approach used in the adequacy statement response  
14 included overestimating the footprint, assuming all  
15 suitable habitat patches were occupied, and the  
16 assessment included COSEWIC species, as well as listed  
17 species-at-risk. The assessment included reasonably  
18 foreseeable developments. And the conclusions are  
19 that the project will limit you habitat loss, which  
20 will result in a small increase in fragmentation of  
21 populations, and there will be no strong mechanism  
22 causing long-term or irreversible change in  
23 reproduction or survival rates.

24           Since ASR was completed, a number of  
25 additional analyses were undertaken at the request of

1 various parties. This information is all available on  
2 the public registry. Some examples include  
3 fragmentation metrics for boreal caribou, historical -  
4 - historical caribou harvest data, consideration of  
5 other boreal caribou study areas, analysis of habitat  
6 in the Wek'eezhii area, frequency of barren-ground  
7 caribou presence near the project, recent collared  
8 caribou -- boreal caribou movements, literature  
9 reviews about road effects, and additional data about  
10 birds.

11 All the additional information  
12 supported (sic) the assessment was conservative and  
13 increases confidence in the conclusions of the  
14 adequacy statement response.

15 The project will include several forms  
16 of mitigation. This includes, environmental monitors,  
17 will be higher during construction. There will also  
18 be a corridor working group.

19 The Corridor Working Group will be a  
20 forum for parties to exchange information on the  
21 project. It will include the regulatory agencies,  
22 interested stakeholders, and contractor  
23 representatives. It is anticipated that the Working  
24 Group will meet twice per year and provide advice on  
25 monitoring and mitigation results that may contribute

1 to adaptive management.

2                   In addition to the Working Group,  
3 concerns about caribou can be expressed through other  
4 processes such as range and recovery plans, and  
5 meetings held under the Wildlife Act, and co-  
6 management under the Tlicho Agreement.

7                   Some key mitigation includes that the  
8 project will predominantly follow existing  
9 disturbance, as shown in this picture. Deviating from  
10 this alignment cause unnecessary new disturbance.  
11 Traffic volume and speed are predicted to be low,  
12 which will limit sensory disturbance and mortality  
13 risk. A WMMP will be in place and considers feedback  
14 and includes adaptive management.

15                   Additional project mitigation includes  
16 a new renewable resources officer stationed in Whati,  
17 a new checkpoint station for monitoring harvest will  
18 be located on the TASR. There will be monitoring for  
19 species-at-risk during construction, including in  
20 quarries.

21                   Clearing vegetation will be avoided  
22 outside of the migratory bird breeding season --  
23 nesting season, to star -- let me correct that,  
24 please. The project will avoid clearing of  
25 vegetation during the mig -- migratory bird nesting.

1 There will be regular reporting of wildlife monitoring  
2 at various frequencies and immediate when necessary.

3           There will be coordination between  
4 Environment and Natural Resources monitoring with  
5 construction activity. This refers to ENR noting the  
6 project supervisor when collared boreal caribou or  
7 nearby. There's also increased monitoring during  
8 sensitive seasons, as was introduced at the request of  
9 Intervenors. Further changes to the WMMP are being  
10 considered.

11           Traditional harvest occurs in the  
12 project -- in the area surrounding project for a  
13 number of ECs (phonetic) including boreal caribou,  
14 barren-ground caribou, moose, furbearers, and other  
15 games. This information is available on the public  
16 registry.

17           The NT-1 range was an appropriate scale  
18 for the assessment of boreal caribou. Environment and  
19 Climate Change Canada is in agreement with this. A  
20 precautionary approach was used by adding disturbance  
21 through 2016 to the NT-1 range beyond what Environment  
22 and Climate Change Canada had identified.

23           Since the ASR (phonetic) analysis,  
24 Environment and Climate Change Canada provided an  
25 updated report on the progress of recovery strategy



1 limitation for woodland bor -- caribou boreal  
2 population. The amount of development disturbance in  
3 this report is 9 percent for the NT-1 range, which is  
4 consistent with the estimate in the ASR. And this  
5 increases confidence in the ASR conclusions.

6           Following the release of the new  
7 report, habitat availability was recalculated by  
8 replacing the 2012 Environment and Climate Change  
9 Canada disturbance data with the 2017 update. The  
10 results of this re-analysis indicate that there is a  
11 65.9 percent undisturbed habitat through RFD  
12 (phonetic) case which remains near and still above the  
13 65 percent threshold as reported in the ASR. This  
14 result increases confidence in the conclusions of the  
15 assessment for boreal caribou. The WMMP outline  
16 strategies to monitor effects for boreal caribou and  
17 can trigger adaptive management.

18           All the lines of evidence considered in  
19 the assessment, including traditional knowledge,  
20 support that the assessment of barren-ground caribou  
21 was precautionary.

22           The project will improve road access  
23 for harvest in the region, but north of Whati will  
24 still require use of existing winter road system.

25           There are current harvest management

1 actions to limit harvest of barren-ground caribou. A  
2 new renewable resources officer stationed in Whati  
3 will patrol the road. There will be a new winter  
4 checkpoint station on the TAsR route; the Tlichu all-  
5 season road route. And the season for aerial patrols  
6 for mobile core Bathurst caribou management zone will  
7 be extended if needed.

8                   The Wildlife Management Monitoring Plan  
9 outlines strategies to monitor effects to barren-  
10 ground caribou and can trigger adaptive management.

11                   The information considered in the  
12 assessment indicates that collision reports for  
13 Highway 3, there are very few caribou collisions  
14 despite higher traffic volume and speed. Speed limits  
15 for the project will be lower and with less traffic  
16 volume than Highway 3.

17                   There is an existing right-of-way which  
18 is used in the winter by snowmobiles. Wolves are all  
19 -- are likely already using this trail to facilitate  
20 movement. This is not a project related effect.

21                   Wolves or bears using the project as a  
22 travel corridor may be more susceptible to harvest  
23 pressure. Regeneration of recent burns may increase  
24 densities of moose which may attract or increase  
25 wolves and increased predation risk to caribou. The

1 project does not affect this.

2                   The Wildlife Management and Monitoring  
3 Plan was improved through the environmental assessment  
4 process, and the Government of Northwest Territories  
5 has hosted engagement meetings with parties. The  
6 Government of Northwest Territories has made  
7 commitments for future changes to the Wildlife  
8 Management Monitoring Plan prior to the beginning of  
9 construction. These commitments for future changes  
10 are listed on the public registry.

11                   The Wildlife Management and Monitoring  
12 Plan has been revised to include suggestions following  
13 engagement. The Government of the Northwest  
14 Territories has committed to continuing engagement on  
15 the Wildlife Management and Monitoring Plan beyond the  
16 environmental assessment process.

17                   Reporting of wildlife monitoring will  
18 be weekly, annually, and immediately where necessary.  
19 Annual reporting will consider available information  
20 from traditional knowledge. Adaptive management is  
21 integrated into the plan.

22                   For review. The assessment was  
23 precautionary and appropriate for meeting the terms of  
24 reference. The project will limit new habitat loss,  
25 which will result in a small increase in fragmentation

1 of populations. There is no strong mechanism causing  
2 a long term or irreversible change in reproduction or  
3 survival rates.

4                   The Wildlife Management and Monitoring  
5 Plan includes mitigation monitoring, including a  
6 mitigation audit and adaptive management to evaluate  
7 effectiveness of mitigation.

8                   The Wildlife Management and Monitoring  
9 Plan will go through further public review prior to  
10 approval. There will be regular public reporting of  
11 construction phase wildlife monitoring and yearly  
12 public reporting of operation phase wildlife  
13 monitoring. There will be a corridor working group  
14 which may make suggestions.

15                   Thank you.

16

17 QUESTION PERIOD:

18                   THE CHAIRPERSON:    Okay. Thank you.

19 Questions from parties?

20                   I just would like to make an  
21 announcement though. Apparently there's people on the  
22 phone, so if that if presenters have their staff on  
23 phone or support people, if the people online could  
24 please say their name before they speak for the  
25 transcribers.

1                   Questions from parties? Tlicho  
2 Government?

3                   MR. PETTER JACOBSEN:    Hi, this is  
4 Petter Jacobsen, with the Tlicho Government.

5                   I have a question regarding the  
6 monitoring in the WMMP. We understand the monitoring  
7 during the construction of the road and how mitigation  
8 is applied. And that's well laid out.

9                   I wonder if you have some more  
10 information to under -- for us to understand  
11 monitoring during the operational phase of the road?  
12 And considering like the long-term operational phase  
13 and how monitoring -- how results from the monitoring  
14 will be used to introduce new mitigations.

15                  MR. JAMES HODSON:    James Hodson, GNWT.

16                  So the monitoring program for boreal  
17 caribou that we just started up last winter is  
18 expected to occur at least five (5) years into  
19 operations, and we expect that it will probably also  
20 be an ongoing long-term program into the future. And  
21 the goals of that program are to identify the  
22 population trend of boreal caribou in the region and  
23 their response to the construction and operation of  
24 the road.

25                  So we'd be able to look at the data

1 from the monitoring program to get an idea of how the  
2 road is impacting the population, and look at  
3 mitigation options depending on what we find in terms  
4 of how the road is influencing the populations. So we  
5 expect that's going to be a long-term program that we  
6 keep going into the future.

7 MR. PETTER JACOBSEN: Okay, thank you.  
8 Petter Jacobsen, Tlicho Government.

9 Can you just to clarify a bit how the  
10 findings and the results of that will be communicated?

11 MR. JAMES HODSON: Sure. James  
12 Hodson, GNWT.

13 So the findings will be reported  
14 annually through -- for the WMMP reports. And then  
15 we're proposing comprehensive reports at the end of  
16 the construction phase, and after that first five (5)  
17 years of the operations phase.

18 If the project continues, or some of  
19 those programs continue past that five (5) year  
20 period, we also have to get annual wildlife research  
21 permits which have reporting requirements associated  
22 with them. So you would expect there at least to be  
23 annual reports on those -- wildlife research permits  
24 are going on into the future.

25 MS. JESSICA HUM: Thank you. Jessica

1 Hum, Tlicho Government.

2                   So the Tlicho government has a  
3 question. We have heard from the GNWT many times  
4 about why you have used the entire NT-1 for the boreal  
5 caribou range to assess the impacts of the Tlicho all-  
6 season road on caribou. We would like to understand  
7 the impacts and mitigation at a smaller scale, during  
8 the permitting stage for this project.

9                   And we do note that the GNWT's response  
10 to the North Slave Metis Alliance technical report  
11 regarding spatial scale of the regional study. That's  
12 page 2 to 3 of the October 27th report. The GNWT  
13 states that it will consider alternative proposals to  
14 the boreal caribou study area during the WMMP approval  
15 phase, but ultimately the study area will be informed  
16 by the area used by caribou using collars.

17                   So our question to the GNWT is can you  
18 please be more specific about alternative proposals  
19 that are being considered?

20                   MR. JAMES HODSON: James Hodson, with  
21 GNWT, again.

22                   We haven't really had any other  
23 proposals put to us at this time, but I would say when  
24 we go out to engage on our wildlife research permits  
25 and we have these corridor working group meetings, it

1 is an opportunity for people to provide input and  
2 recommendations about where we deploy collars. But  
3 ultimately we can only kind of deploy collars where we  
4 can find caribou.

5                   So the caribou kind of define the study  
6 area over time by where -- where we put the collars  
7 and how they move.

8                   MS. JESSICA HUM:     Okay.   Jessica Hum,  
9 with Tlicho Government.

10                   So to -- to clarify, this would mean  
11 that, during the permitting stage of the project, you  
12 may allow a smaller area to be used for assessing  
13 impacts to boreal caribou in -- in determining your  
14 mitigations?   Perhaps that's something below the  
15 entire NT-1 range.

16                   MR. JAMES HODSON:     James Hodson, GNWT.

17                   So the program that we started up last  
18 winter is already focused within the Wek'eezhii  
19 region, kind of south of Lac la Martre down to Great  
20 Slave Lake and over to the boundary with the Dehcho  
21 and South Slave regions.   So it is already focused at  
22 a smaller scale than the NT-1 range.   It's really a  
23 study area within that range.

24                   And another thing that we did, is the  
25 collars themselves are programed so that if boreal



1 caribou come within 10 kilometres of the road, the  
2 frequency with which they take locations increases to  
3 every hour. So we get more detailed information,  
4 right along the road corridor when there's caribou in  
5 that area.

6 MS. JESSICA HUM: Okay. Masi.  
7 Jessica Hum, from Tlicho Government.

8 And just one (1) further follow-up on  
9 the -- on the NT-1 range is the appropriate scale as  
10 identified in your presentation. We would just like  
11 to explore that your 9 percent does not include  
12 wildfire affected habitat.

13 MR. DAN COULTON: Dan Col -- Dan  
14 Coulton, Golder Associates.

15 The 9 percent was just development  
16 disturbance.

17 MS. JESSICA HUM: Thank you. Tlicho  
18 Government, Jessica Hum.

19 Moving onto to wildlife. Regarding the  
20 routes that are used for -- for hunting and trapping,  
21 we have heard from community -- a community member  
22 most recently expressing concerns about waste; that --  
23 that type of waste is garbage, dust, oil. Community  
24 members have seen waste on the trails and are  
25 concerned about what will happen to the area around

1 the Tlicheo all-season road proposed.

2                   Our question to the GNWT is: Who is  
3 responsible for the cleanup of waste, and who is  
4 responsible for making sure the area is clear and  
5 clean of waste?

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

8                   So if it's a highway, if the waste is  
9 along the highway, if there's litter along the  
10 highway, then it will be -- it's the responsible of  
11 the Department of Infrastructure to ensure that that's  
12 cleaned up, and we work with our contractors in order  
13 to do that.

14                   If it's a permitted use -- so the GNWT  
15 provides a permit for some other occupancy of the  
16 land, and there are conditions in those permits that  
17 require the cleanup of the land as well.

18                   Our Department of Industry, Tourism,  
19 and Investment cleans up territorial parks. And they  
20 also have a requirement or can put requirements on  
21 tourism operators. If they go out onto the land then  
22 there is a requirement that they clean up after  
23 themselves.

24                   In addition to that a couple other  
25 points to add, that we have helped -- have helped

1 organize various cleanups when it is brought to our  
2 attention and when there is a need for doing that. So  
3 the good example is on the Ingraham Trail; that we do  
4 work with local residents and others that are  
5 interested in cleaning up the Ingraham Trail to  
6 organize an annual day to clean up litter, other  
7 waste, that might be along the trail. And so if that  
8 was -- there was a need for that, then we would  
9 consider working with whoever -- organizations who  
10 would be wanting to work with us to clean it up.

11 And then there are other opportunities  
12 to con -- further this discussion, if it is a  
13 significant concern for the Tlicho Government or any  
14 other parties, that that can be discussed as part of  
15 the land-use planning exercise or underneath the  
16 recreational land management framework exercise.

17 MS. JESSICA HUM: Masi. Tlicho  
18 Government, Jessica Hum. No further questions.

19 THE CHAIRPERSON: Thank you.  
20 Questions, Wek'eezhii Renewable Resources Band --  
21 Board?

22 MR. BOYAN TRACZ: Thank you, Madam  
23 Chair. Boyan Tracz, Wek'eezhii Renewable Resources  
24 Board.

25 Thanks for the presentation. And I

1 don't want to misquote you or sort of paraphrase. You  
2 referenced the new document from Environment and  
3 Climate Change Canada, and mentioned that there'd been  
4 a new value provided for the amount of disturbance at  
5 the NT-1 range; that's now 65 percent.

6           And you were mentioning, with your re-  
7 analysis you're at sixty-five point nine (65.9) was  
8 the -- am I correct?

9           MR. DAN COULTON:     That's correct.  
10 Through the RFD case.

11           Sorry, Dan Coulton, Golder Associates.

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

14           So -- and -- and you had mentioned too  
15 -- again, I don't want to misquote -- that this  
16 increased your confidence in the analyses or analysis  
17 that -- that you were doing.

18           I'm wondering if -- if GNWT can comment  
19 on, is there increased confidence then that at the NT-  
20 1 range that the population will be self-sustaining?

21           MR. DAN COULTON:     Dan Coulton, Golder  
22 Associates.

23           The -- the increased confidence is that  
24 the cumulative disturbance through the RFD case is  
25 that there still remains greater than 65 percent

1 undisturbed habitat.

2 MR. BOYAN TRACZ: Boyan Tracz,  
3 Wek'eezhii Renewable Resources Board. Thank you, Dan.

4 Another question. Yesterday we heard  
5 some comments from community members, as well as other  
6 people, with regards to cumulative effects. And there  
7 were certainly mention of the potential for the  
8 Fortune NICO mine and it's -- it's continued  
9 development and operations.

10 I wonder if you can take this  
11 opportunity just to clarify how -- and this is with  
12 the umbrella of adaptive management in mind, learning  
13 -- learning through doing. I wonder if you can  
14 clarify how information from that Fortune NICO process  
15 that occurred -- and I'm thinking of certain measures  
16 that the Board provided -- how -- how that -- how that  
17 was incorporated into the -- into the assessment from  
18 that cumulative effects and -- and adaptive management  
19 perspective?

20

21 (BRIEF PAUSE)

22

23 MR. DAN COULTON: Dan Coulton, Golder  
24 Associates.

25 The -- the NICO project was included as

1 an RFD in the assessment.

2 MR. BOYAN TRACZ: Thank you.

3 MR. DAN COULTON: Considering the NICO  
4 projects, boreal caribou was also something that was  
5 identified as the result of that assessment process.  
6 And boreal caribou was also assessed for the Tli --  
7 Tliche for this particular project.

8 MR. BOYAN TRACZ: Thank you, Dan.  
9 Thank you, Madam Chair. WRRB has no further  
10 questions.

11 Boyan Tracz, Wek'eezhii Renewable  
12 Resources Board.

13 THE CHAIRPERSON: Questions,  
14 Environment and Climate Change Canada?

15 MR. BRADLEY SUMMERFIELD: Thanks,  
16 Madam Chair. Bradley Summerfield, with Environment  
17 and Climate Change Canada. We don't have any  
18 questions.

19 THE CHAIRPERSON: Questions, North  
20 Slave Metis Alliance?

21 MS. HEATHER BEAR: Heather Bear,  
22 consulting for the North Slave Metis Alliance.

23 Just a quick clarifying question. I  
24 know -- I'm wondering if you can describe where the  
25 current ENR harvest check station is right now, and

1 where you're proposing to move it to?

2 MR. BRUNO CROFT: Bruno Croft, GNWT.

3 Thank you for your question.

4 Our check station move as they are  
5 needed. The one I think you're referring to was  
6 located at the intersection of the Whati road and the  
7 Gameti moving up. It has not been in operation for  
8 three (3) years for the simple reason that the barren-  
9 ground caribou have not been anywhere close to that  
10 area. No harvesting took place.

11 And having said that, we have to  
12 actually move it for other reasons simply -- not --  
13 beside what we're proposing here, is it has sunk into  
14 the permafrost. And so we -- we have cleaned up this  
15 area.

16 And as to where we will put the new  
17 one, we'll have to sit down and -- and chat with the  
18 officers in -- in Behchoko and decide where's the best  
19 place to put it.

20 We have a check station on the other  
21 winter road to Contwoyto. We have a couple of them.  
22 It's not related to this project; it's a long ways  
23 from it.

24 But again, the point is that we put  
25 check station as needed where the harvest takes place.

1                   This one (1) check station, by the way,  
2 was used in times where the Bluenose East caribou were  
3 moving south on the east side of Great Bear Lake,  
4 swinging around into -- towards Granin Lake  
5 (phonetic), Etna Lake (phonetic), and further west to  
6 Deline. And that's when people with snow machine from  
7 either Behchoko or here, through the lake, along the  
8 river to Granin Lake, Granin Lake, Etna Lake, and that  
9 check station served a purpose at that time to capture  
10 the harvest. There hasn't been any harvest whatsoever  
11 in those areas in the past three (3) years, and people  
12 here can attest to that.

13

14   (BRIEF PAUSE)

15

16                   MR. SHIN SHIGA: Thank you, Bruno.  
17 Shin Shiga, North Slave Metis Alliance.

18                   I think -- a couple things. In the  
19 last three (3) years I believe there has been harvest  
20 of the Bluenose East caribou. NSMA members harvested  
21 Bluenose East caribou in the area that you just  
22 mentioned. And we traveled through Whati, in fact.

23                   But the -- the concern is that the  
24 potential of increased accessibility to the Bluenose  
25 East herd because of the easier travel and the longer



1 travel season, and not having it being recorded or  
2 monitored.

3                   So we just to make sure wherever you're  
4 moving that monitoring station to is not going to miss  
5 potential increased harvest. Can you commit to  
6 locating a monitoring station to where you -- you make  
7 sure you can actually see harvested Bluenose East  
8 caribou? Thank you.

9                   MR. BRUNO CROFT: Bruno Croft, GNWT.  
10 Thank you, Shin. Thank you for your question.

11                   Monitoring is what we do, and I think  
12 we've done reasonably well in the -- in the past and  
13 will continue to do so. I think we've met -- heard a  
14 few times already in the context of adaptive  
15 management that we will re-adjust as needed. And in  
16 this case, if we need to have another check station  
17 along the area that you have in mind, we'll put a new  
18 one that's -- that's -- you know, if it does occur.

19                   It's important to remember that  
20 currently the Bluenose East herd is under harvest  
21 restriction or management actions. The Wek'eezhii  
22 Board has a determination in place until 2019 of seven  
23 hundred and fifty (750) bulls to be harvested in  
24 Wek'eezhii.

25                   And we're hoping to work with the

1 Tlicho folks to help capture this harvest through the  
2 existing community-based monitoring program that we  
3 have. We do hire monitors to do so.

4                   But again, I mean if we need a new  
5 check station somewhere else in two (2), three (3),  
6 four (4), five (5), or six (6) years from now, we will  
7 do it. This is what we do, again. And keeping in  
8 mind that we do a plan to have an officer in Whati,  
9 entry-level officer, and we already working with  
10 officers in Behchoko to expand their workload ahead of  
11 what may be coming our way.

12                   There are other things on the go, but  
13 we'll keep that for another time. Masi.

14                   MR. SHIN SHIGA: Thank you, Bruno, for  
15 that. I'm hoping that that was a commitment. Perhaps  
16 that could be recorded.

17                   The -- yeah, I understand there's a lot  
18 of effort within the Tlicho community, and I  
19 appreciate that, and I'll leave that up to the Tlicho  
20 community.

21                   The other side is that it -- it would -  
22 - there are other communities with Bluenose East  
23 caribou tags, including NSMA, and NWT Metis nation,  
24 YKDFN. There are many communities who could harvest  
25 Bluenose East caribou, and that'll be easier with this

1 road.

2                   So I would encourage you to make sure  
3 you work with us and other groups who can hunt  
4 Bluenose East caribou to improve the modeling process  
5 that -- I'm actually quite surprised that there hasn't  
6 been the monitoring because, in fact, NSMA members did  
7 harvest, right?

8                   So, yeah, I'd like a pretty certain  
9 commitment from ENR that there -- there will be better  
10 monitoring, especially because it is a limited  
11 harvesting because the population is so low it, right?  
12 So, thank you.

13                   THE CHAIRPERSON:   Mark Cliffe --  
14 Cliffe-Phillips?

15                   MR. MARK CLIFFE-PHILLIPS:   Just for  
16 clarification, a question to GNWT on the initial  
17 previous comment from NSMA about an addit -- the --  
18 the -- a commitment for an additional checkpoint, if  
19 required in the future.

20                   Is that a commitment to GNWT, or is  
21 that something just to be considered?

22

23                   (BRIEF PAUSE)

24

25                   MS. HEATHER SAYINE-CRAWFORD:   Heather

1 Sayine-Crawford, with GNWT.

2                   So that is not a commitment that I feel  
3 is appropriate within this EA process, but it's a  
4 commitment that ENR will make, that we continue to  
5 monitor the Bluenose East harvest to the best of our  
6 abilities and -- and work with the communities, other  
7 than Tlicho communities, to -- to have a better handle  
8 of what the Bluenose East harvest is.

9                   MR. MARK CLIFFE-PHILLIPS:     Mark  
10 Cliffe-Phillips, with the Review Board.

11                   So I take that that that isn't a  
12 commitment, so we won't be recording it as such on the  
13 record.

14                   MR. SHIN SHIGA:     Thank you, Heather.  
15 Shin Shiga, North Slave Metis Alliance.

16                   We -- we do like at as a commitment  
17 because we -- we think the road will have impacts on  
18 the accessability of the herd, and there will be  
19 increased need for monitoring of the harvest. So this  
20 would be -- yeah, this would be within -- within our -  
21 - within the scope of the -- the EA, you know if you -  
22 - thank you.

23

24   (BRIEF PAUSE)

25

1 MS. HEATHER SAYINE-CRAWFORD: Heather  
2 Sayine-Crawford, with Enviro -- or GNWT.

3 So in our response to NSMA's -- we had  
4 committed to making sure that there was that -- that  
5 the check station was relocated to the Tlicho all-  
6 season road. So we'll do that.

7 And as Bruno mentioned, we do move the  
8 check station as needed -- or to where they're needed  
9 with -- as harvest shifts.

10 So, again, just to reiterate, that we  
11 had committed to moving the check station to the  
12 Tlicho all-season road.

13 MR. SHIN SHIGA: Thank you. Shin  
14 Shiga, North Slave Metis Alliance.

15 We'll leave this line of questioning.  
16 Not that -- that doesn't mean that we agreed to -- on  
17 this point. But we have no questions. Thank you.

18 THE CHAIRPERSON: Questions,  
19 Yellowknives Dene First Nation?

20 MR. ALEX POWER: Alex Power,  
21 Yellowknives Dene First Nation. Thank you, Madam  
22 Chair.

23 Okay. So I have a few questions. And  
24 at the risk of invoking deja vu, I'm going to ask the  
25 GNWT if they could sort of very briefly just sort of

1 define out where, you know, the extent of NT-1 range,  
2 the NT-1 area, for the boreal caribou, please?

3 MR. JAMES HODSON: James Hodson, with  
4 GNWT.

5 If I understood the question, you  
6 asking us to describe the extent of the NT-1 range,  
7 and how it was defined. Okay. s

8 So the NT-1 range largely follows the  
9 taiga plains eco-region and it goes right from the  
10 Alberta/BC border up to the Inuvialuit settlement  
11 region, and also extends into the Yukon, adjacent to  
12 the Gwich'in settlement region. And that range  
13 boundary is based on a combination of local knowledge  
14 that was obtained from a series of community meetings  
15 a number of years ago and collar data and incidental  
16 sightings.

17 MR. ALEX POWER: Alex Power, YKDFN.  
18 Thank you.

19 So -- now the NT-1 has sort of a very  
20 discrete line separating it from Alberta, and so I'm  
21 wondering why -- you know, why isn't Alberta  
22 included, you know, from strictly a biological  
23 perspective in to this NT-1 rang? Because I find it  
24 sort of hard to believe that, you know, the caribou  
25 know not to -- you know, they're just staying in the

1 north because of the better travel tax plan, or  
2 whatever. Like they -- they're going to cross this  
3 border, and it's -- it's clearly, at least partly, an  
4 artifact of, you know, arbitrary lines drawn on a map  
5 sometime ago now.

6 MR. JAMES HODSON: James Hodson, GNWT.

7 I guess both NWT and Alberta and BC  
8 recognize that boreal caribou move back and cross --  
9 and forth across that border all the time. NWT or the  
10 GNWT provided the information we had on caribou  
11 distribution in NWT to Environment Canada for the  
12 recovery strategy, and I can't comment on why  
13 Environment Canada chose to divide the range along  
14 that administrative boundaries.

15 MR. ALEX POWER: Alex Power,  
16 Yellowknives Dene First Nation.

17 So if you look it -- you know,  
18 population distributions of boreal caribou across  
19 Canada, there -- there's a marked set of gaps in  
20 Alberta. They're not doing very well. The  
21 populations been, you know --

22 THE CHAIRPERSON: Alex, I'm sorry to  
23 interrupt you, but if you can hold your question  
24 because the translation isn't working.

25 MR. ALEX POWER: Sure. Yes.

1 THE CHAIRPERSON: So if we could work  
2 on that, please.

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON: Maybe what we'll do  
7 then, is we'll just have a five (5) minute break.

8

9 --- Upon recessing at 11:15 a.m.

10 --- Upon resuming at 11:30 a.m.

11

12 THE CHAIRPERSON: People from the  
13 foyer please come in so we could start again.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: Tlicho Government,  
18 are -- are we waiting for more of your people to come  
19 back or did they leave?

20

21 (BRIEF PAUSE)

22

23 MR. PETTER JACOBSEN: Petter Jacobsen,  
24 with the Tlicho Government, please proceed.

25

THE CHAIRPERSON: Okay, thank you.



1 All right after the issue has been solved, I think  
2 with our translation services we left off with  
3 Yellowknives Dene First Nation and, Alex, you had a  
4 question. If you could please start again.

5 MR. ALEX POWER: Yes, thank you, Madam  
6 Chair. Alex Power, Yellowknives Dene First Nation.

7 So, if I can remember precisely where I  
8 was. So my question is: If you were to include  
9 Northern Alberta's caribou population into NT-1, would  
10 you still consider the NT-1 population stable or  
11 likely to remain stable?

12

13 (BRIEF PAUSE)

14

15 MR. JAMES HODSON: James Hodson with  
16 GNWT ENR. We've never looked at that question before  
17 and that would require combining the two (2) ranges  
18 and recalculating disturbance across that new total  
19 range to see where it would fall out and I -- that's  
20 not a question that I could answer today.

21 MR. ALEX POWER: Alex Power,  
22 Yellowknives Dene First Nation. Okay. That sort of  
23 partly answers my next question I guess and that's,  
24 you know:

25 Has the GNWT in assessing the health

1 of, you know, the NT-1 -- I'm just going to call it a  
2 herd. I know that's not always how people refer to it  
3 -- collaborated it all with Alberta or Saskatchewan or  
4 BC in trying to evaluate the long-term stability of  
5 this herd?

6 MR. JAMES HODSON: James Hodson, GNWT.  
7 We do have monitoring programs ongoing in the Dehcho  
8 and South Slave regions right now and we do share data  
9 with Alberta and BC from their monitoring programs and  
10 the adjacent ranges. But we don't currently have any  
11 monitoring programs, kind of, in the northern part of  
12 the range, which allow us to say what the whole  
13 population is doing.

14 So, the assessment of the population  
15 being self-sustaining is based on the habitat  
16 condition and being above that 65 percent threshold.

17 MR. ALEX POWER: Thank you. Alex  
18 Power, YKDFN. So, yeah, I'll -- I'll save you a  
19 little bit of time. Northern Alberta's below 65  
20 percent. So if -- if you do ever sit at the table  
21 with Alberta to develop some kind of inter-  
22 jurisdictional management approach you'll be -- you'll  
23 be one step ahead.

24 So -- when, you know, when delineating  
25 populations, you know, this is defined as like an area

1 with a high probability of, you know, caribou  
2 occurrence. So it's just -- it's just saying there --  
3 there's likely to be caribou here and so we're calling  
4 this, you know, a -- you know, a delineated population  
5 or -- or an area where there's caribou. It's just  
6 sort of a, you know, for everyone's benefit.

7                   And so there's more than one (1) method  
8 for evaluating this, for delineating these areas  
9 whether it's, you know, identifying what a discrete  
10 populations or what their range is and, you know, all  
11 -- all the things that boreal caribou do.

12                   And so did the GNWT -- I'll just slow a  
13 bit. It occurred to me I'm going quickly.

14                   Did the GNWT, you know, do a scan of --  
15 of methods for evaluating this? And if so, you know,  
16 how did they come to the decision to use the method  
17 that they use?

18                   MR. JAMES HODSON: I guess GNWT  
19 provided information to Environment Canada for the  
20 National Recovery Strategy that we had available.

21                   The National Recovery Strategy  
22 considers the NT-1 range as a local population that is  
23 continuous and I can read you the definition of a  
24 local population from the National Recovery Strategy,  
25 if it helps. But that is the same definition that

1 we're using and we are using the same range boundary  
2 and population in our NWT recovery strategy as well.

3 MR. ALEX POWER: Thank you, Alex Power,  
4 Yellowknives Dene First Nation. Okay, so the -- so  
5 I'm gonna leave -- leave that line of questioning.

6 So for my understanding from reading  
7 the -- I'm gonna call it the DAR. I know that others  
8 have said they can't remember the -- the new name.  
9 These are all just DARs in my head.

10 I -- I understood that, you know,  
11 there's not very robust information on total  
12 population, like, numbers for NT-1 across the  
13 Northwest Territories.

14 Am I correct in understanding that?  
15 And to save time, just a follow up-on that. That that  
16 also applies to the demographics of that population?  
17 So, demographics being, you know, the proportion of,  
18 you know, the age distribution or, you know, the  
19 proportion of males to females. This sort of thing.  
20 Likewise, about, sorry to pile questions on.

21 Likewise, about, sort of, the trends in  
22 the population except in the south where it's thought  
23 to be declining. Am I -- am I correct in my  
24 understanding?

25 MR. JAMES HODSON: To answer the first

1 part of the question, yes, the population estimate,  
2 the size population size estimate is a fairly rough  
3 estimate. It's based on variations in density of  
4 caribou. So we put the number between 6 and 7000  
5 caribou for the NT-1 range.

6 In terms of demographic information on  
7 caribou, the monitoring programs that we've had in the  
8 Dehcho and South Slave, some of those programs have  
9 been going on for more than 10 years so we do have a  
10 relatively high degree of confidence in those numbers.  
11 And we have also initiated a program in the Wek'eezhii  
12 to get better demographic information in this region  
13 as well.

14 MR. ALEX POWER: Okay, so then did I  
15 misunderstand? Because my -- my impression from the --  
16 -- or what -- the way I read the report was that there  
17 -- that there was actually, sort of, quite weak data  
18 on -- on both demographics and, well, the population  
19 you give a pretty wide variance there.

20 But for -- for the demographics that  
21 doesn't -- it wasn't very well characterized across  
22 the NT-1 range. So I'm mistaken on that, I guess?

23 MR. JAMES HODSON: Yeah. So to clarify  
24 further -- James Hodson, GNWT.

25 There have been programs in the

1 southern NWT which have been going on for quite some  
2 time. There have been programs in the past in the  
3 Gwich'in settlement area that went on for a few years.  
4 And there were some initiatives in the Sahtu as well.

5 But we don't have a program in every  
6 region that's ongoing right now that gives us a  
7 picture of the entire population. So, there is  
8 uncertainty about the status of the population in that  
9 regard.

10

11 (BRIEF PAUSE)

12

13 MR. ALEX POWER: Okay. So the -- yeah.  
14 So then I -- I think I do understand this correctly.  
15 The -- the -- so the best information currently that  
16 exists is -- is in the southern regions where we know  
17 the -- the herd's doing at least well. Where it's  
18 sort of declining.

19

20 (POWER OUTAGE)

21

22 --- Upon recessing at 11:40 p.m.

23 --- Upon resuming at 11:48 p.m.

24

25 THE CHAIRPERSON: We had three (3)

1 parties online and -- was Natural Resources Canada,  
2 Fisheries and Oceans Canada, Indigenous and Northern  
3 Affairs Canada were all on teleconference but they  
4 weren't asking questions, but they were going to be  
5 listening. Just in case anyone had questions for  
6 them.

7                   Okay, back to the question, Alex, we're  
8 sorry again, but try that burning question, and I'm  
9 sure you've thought about six (6) others by the time  
10 the power came back on. So, please, ask your  
11 question.

12                   MR. ALEX POWER: Thank you, Madam  
13 Chair. Alex Power, Yellowknives Dene First Nation.  
14 Six (6) questions, I feel -- that's a lot of pressure.  
15 Okay, so just to recap.

16                   Then so my -- my understanding is that,  
17 you know, across the NT-1 range there is, you know,  
18 significant caps in population estimates for total  
19 animals; not very detailed information about the  
20 demographics of that population. So a proportion of  
21 males, females, young animals, overall age  
22 distribution.

23                   And we don't, you know, have direct  
24 knowledge of -- of what's going on in northern Alberta  
25 other than that it's bad. And so, yeah, that's --

1 that's where we were so I'm going to try and roll that  
2 into a question now.

3                   Sorry, it threw me off with all the  
4 power. Okay, so now in -- in that context, you know,  
5 how can, very broadly, like how can you be so certain  
6 that, you know, the herd is sufficiently robust to  
7 withstand both human -- or anthropogenic disturbances  
8 in the form of roads and lines and other developments  
9 and what I guess I would actually call, you know, the  
10 pseudo anthropogenic or sort of human caused  
11 disturbances, like climate change associated,  
12 increased frequency of fires, and fire intensity  
13 because I'm left with an awful lot of concern over the  
14 uncertainty around all of it.

15                   MR. JAMES HODSON: James Hodson,  
16 GNWT. I guess, the assessment of the population being  
17 self sustaining is based on, one, there being more  
18 than 65 percent undisturbed habitat which would --  
19 according to the Environment Canada model give them a  
20 60 percent chance of being self-sustaining.

21                   The second thing is that it's one of  
22 the largest populations in Canada. There's a large  
23 number of individuals so the population is able to  
24 withstand some fluctuations from year to year.

25                   And I guess I would just highlight that



1 we started this monitoring program in the Wek'eezhii  
2 region in response to this data gap and to provide us  
3 with greater certainty about how the population is  
4 doing and how different forms of disturbance are  
5 affecting it and to help some of -- address some of  
6 these outstanding data caps.

7 MR. ALEX POWER: Okay, thank you.

8 Alex Power, Yellowknives Dene First Nation.

9 So, you know, you talk about  
10 fluctuations but, you know, I'm -- I'm talking about a  
11 -- a -- more of a straight trajectory here. I mean,  
12 no one's predicting, you know, fluctuations in global  
13 warming trends. Everyone's predicting an increase in  
14 -- in global temperature, particularly, in northern  
15 regions.

16 And, you know, there's a whole host of  
17 things that are -- you know, thought to come along  
18 with that including increased fire frequency so then  
19 you have less old growth forest. Increased fire  
20 intensity; meaning a longer recovery before you get  
21 old growth even if you assume it's the same fire  
22 frequency.

23 Northern movement of competing animals  
24 and animals that cariboo like to avoid such as  
25 whitetail deer; increase number of moose potentially

1 associated with burn are -- fresh burn areas. And so,  
2 again, like, none of that to me speaks to fluctuations  
3 so much as -- like a series of stressors that are  
4 going to accelerate, potentially, over time and so I -  
5 - I don't -- I don't -- I don't see that as -- as a  
6 fluctuation.

7                   So when you're -- I will -- I will have  
8 a question. You know, how -- how is that  
9 incorporated? Like, how is that accounted for? Like,  
10 what's the plan if -- if, you know, like I know GNWT  
11 can't stop global warming obviously but how do you  
12 account for that if we're already sitting, like, on  
13 the threshold of this, you know, magical 65 percent  
14 number when -- and no one's predicting it's staying  
15 that way and the stated, you know, objective of this  
16 road is to lower the barrier to further economic  
17 activity. I mean, GNWT's been explicit about that.

18

19                   (BRIEF PAUSE)

20

21                   MR. JAMES HODSON: James Hodson, with  
22 GNWT. I think it's recognized that climate change is  
23 kind of the wildcard and how cariboo are going to do  
24 in the future and it is something that I understand  
25 Environment Canada is doing further work on to look at

1 how that may affect them in the future.

2                   In terms of trying to manage the  
3 combined effects of human disturbance and fire, that's  
4 where the range planing comes in which is something  
5 that we're working on. And as stated earlier, these  
6 monitoring programs that we have in place and the new  
7 monitoring program that we started up for this project  
8 is really trying to give us the information we need to  
9 understand how those changes will influence boreal  
10 cariboo but they're difficult to predict at this time.

11                   MR. ALEX POWER: Alex Power,  
12 Yellowknives Dene First Nation. Thank you for your  
13 response.

14                   Okay, so, like, can you point to, you  
15 know, any management plan for boreal cariboo, you  
16 know, that resulted in the recovery of a herd on the  
17 scale of -- like a province or a territory, like,  
18 after the -- a herd has -- has shown significant  
19 decline or population that's shown decline. Like I  
20 say -- I say "herd" but I mean, you know, say popu --  
21 to find population.

22

23                   MR. JAMES HODSON: James Hodson, GNWT.  
24 I'm not sure whether there are any examples yet. The  
25 first range plans have only, really, been released

1 within the last year in other jurisdictions. They  
2 haven't even begun to be implemented yet so the  
3 success of those plans is unclear at this time.

4 MR. ALEX POWER: Thank you. Alex  
5 Power, Yellowknives Dene First Nation.

6 Okay, so in the scientific report from  
7 the federal report on cariboo from 2011, I forget to  
8 write down the full name. I think everyone's familiar  
9 with this -- this report. It's a scientific guidance  
10 document for cariboo management.

11 You know, and -- and they talk about --  
12 they give guidelines for assessing range conditions  
13 and, you know, they -- they recommend considering a  
14 population size, demographics and, you know, total  
15 disturbance.

16 And so, how do you square away not  
17 having, you know, very good demographic information,  
18 very good, you know, population information and, you  
19 know, projected increase in use across their territory  
20 and -- or hopes anyway for -- for mining and potential  
21 effects of forest fire with the assumption -- or the  
22 statement that this, you know, herd is as likely as  
23 not to be stable long term?

24 MR. JAMES HODSON: First of all --  
25 James Hodson, GNWT. To clarify the NT-1 population is

1 currently considered likely to be self-sustaining. We  
2 are in the process of developing range plans to manage  
3 -- to outline how we're going to manage human and  
4 natural disturbance.

5                   A lot of the human disturbance that we  
6 currently have on the landscape is decades old and is  
7 recovering and will recover so it will be about  
8 balancing disturbance from new development with a rate  
9 of recovery of the existing disturbance on the  
10 landscape and that's something that we think we can  
11 manage to keep us above 65 percent.

12                   MR. ALEX POWER: Alex Power,  
13 Yellowknives Dene First Nation. Thank you.

14                   So, I guess, my final question would be  
15 to ask for -- or to echo what NSMA said in -- in  
16 asking for improved monitoring and then a commitment,  
17 you know, I guess the question if I had to put it in  
18 question form, like jeopardy, you know, will you  
19 commit to improve monitoring with a minimum of another  
20 monitoring station if this road is constructed.

21                   Because, you know, road -- roads are  
22 the thin end of the wedge, right? I mean, they're --  
23 by definition they're breaking new ground. They --  
24 they will result in further use of the area and they  
25 will result in further disturbance.

1                   They lower the barrier to entry for  
2 development projects and certainly the YKDFN have seen  
3 on their territory that they definitely increase  
4 harvesting and access. It's probably even in, you  
5 know, there -- the Tibbit-Contwoyto road isn't even an  
6 all-season road and it's probably, you know, one of  
7 the single biggest sources of disturbance for cariboo  
8 across the for -- the Bathurst range.

9                   So, would you commit to that still?  
10 Maybe?

11

12                   (BRIEF PAUSE)

13

14                   MR. BRUNO CROFT:    Madam Chair, Bruno  
15 Croft, GNWT. Alex, thank you. We monitor harvest and  
16 impact on the environment in many different ways.

17                   One thing we're trying to do with all  
18 our communities, including yours, and we worked  
19 together last winter, we will again this winter and  
20 your area of interest is to assist with community-  
21 based monitoring program where harvest tracking and  
22 reporting is done at the community level.

23                   So, we do have some monitors from your  
24 community hired every winter; same with the Tlicho  
25 people and -- and Tlicho from -- from Lutsel K'e and

1 that will continue regardless of this hearing. This  
2 is what we do in the North Slave region.

3                   Putting a check station in a place  
4 where nobody drives up and there's no harvest going on  
5 doesn't make a whole lot of sense at this time.

6                   If, like I said earlier to a response  
7 to Shin, if three (3), four (4), five (5) years time  
8 point X on the road to Gameti or Wekweeti witnessed an  
9 influx of animals, or, around here, we will reconsider  
10 the situation and if we need to put a check station  
11 there we will put it there.

12                   We can't commit to put something now in  
13 a place where there's no need for it. This -- this is  
14 what I'm trying to get across, Alex. I may not be  
15 doing it very well but, again, monitoring is what we  
16 do. Your concerns are the same ones that we do. We -  
17 - we want to take into account harvest in any way we  
18 can. We've worked towards that for the last twelve  
19 (12) years or fifteen (15) years perhaps and that will  
20 not change.

21                   So, you'll be the first to know when  
22 there's a concern somewhere because we consult and  
23 engage everyone. That's the best I can say.

24                   MR. ALEX POWER: Alex Power,  
25 Yellowknives Dene First Nation. Thanks, Bruno. No, I

1 think -- I mean, I think you're being clear. You're  
2 communicating on that. I think I understand what --  
3 what it is you're saying.

4                   What I'm proposing is a maybe more  
5 proactive approach. Whether it's -- it doesn't have  
6 to be a monitoring station but I think expanded  
7 monitoring following the construction of the road --  
8 not during construction but following construction  
9 when there's improved access to assess, you know, get  
10 the real -- sort of a quantitative approach to if  
11 there's, you know, increase risk of maybe off-season  
12 harvesting or harvesting by those who don't have tags  
13 or rights or whatever as opposed to waiting until it's  
14 been established that there's an issue and then -- and  
15 then, you know, increasing monitoring then. So, yeah,  
16 we want to get ahead of it a little bit.

17                   So would GNWT commit to that?

18

19                   (BRIEF PAUSE)

20

21                   MS. ANDREA PATENAUDE:    Andrea  
22 Patenaude, GNWT. So the commitment towards increased  
23 monitoring associated with the road of harvest is  
24 already in the WMMP. The check station is part of  
25 that. The officer is part of that. The extending the



1 season of aerial surveys to correspond with potential  
2 extended harvest season is part of that. The  
3 additional support for community monitoring associated  
4 with that is in the WMMP.

5                   These are all things that were put,  
6 that were committed to in the WMMP to improve  
7 monitoring for the purposes you're speaking of. And I  
8 think without committing specifically to a second  
9 check station, I think what GNWT is trying to say that  
10 we do monitor adaptively and it will be within the  
11 context of adaptive management that additional  
12 measures will be taken if a need is -- comes up  
13 through these already additional types of monitoring  
14 that we are proposing so.

15                   MR. ALEX POWER: Alex Power,  
16 Yellowknives Dene First Nation. Thank you for the  
17 response.

18                   I guess, you know, my ongoing concern  
19 with, you know, the adaptive management approach and I  
20 -- I understand that it's -- it's held out as quite a  
21 progressive approach and in -- and in respects it is.  
22 But I'm also of the mind that, you know, this is from  
23 a lot of lessons learned like we -- you know, new  
24 roads aren't -- roads into areas making them more  
25 accessible are something that -- fair bit of

1 experience with. We would -- we would be surprised if  
2 there wasn't increased harvesting pressure as a result  
3 and so that's why we want, you know, increased  
4 monitoring post project completion. I guess that's  
5 the end of my sentence.

6 Well, I didn't really ask a question  
7 there so I'm going to -- I'm going to move to. So  
8 that's -- it's probably six (6) questions so I'll --  
9 I'll end it there. Thank you, Madam Chair.

10 THE CHAIRPERSON: It is, Alex.

11 MR. ALEX POWER: See, now -- now I  
12 feel bad cause I went too long --

13 THE CHAIRPERSON: I'll just say the  
14 questions. Thank you. I think it's ten after 12:00  
15 right now. What I'd like to do then is break for  
16 lunch and then after the lunch we'll start with Review  
17 Board staff questions. Okay. Lunch for half an hour.

18

19 --- Upon recessing at 12:07 p.m.

20 --- Upon resuming at 12:55 p.m.

21

22 CONTINUED QUESTION PERIOD:

23 THE CHAIRPERSON: Okay, just before we  
24 broke for lunch, we were at questions from Review  
25 Board Staff.

1 MR. MARK CLIFFE-PHILLIPS: Thank you,  
2 Madam Chair. Mark Cliffe-Phillips, with the Review  
3 Board.

4 First question to GNWT is regarding the  
5 -- the timeframe that the WMMP will be in place for.  
6 There's an indication within the Plan that you would  
7 revisit the -- the Plan and have a comprehensive  
8 review.

9 I guess the process for that review and  
10 what would happen after, what sort of triggers or --  
11 or analysis would have to happen for ENR to not  
12 require WMMP?

13

14 (BRIEF PAUSE)

15

16 MS. ANDREA PATENAUDE: Andrea  
17 Patenaude, GNWT.

18 So, yes, correct. In the WMMP, we have  
19 proposed that monitoring, the monitoring that's  
20 outlined in the WMMP would go on for at least five (5)  
21 years into operations, and at the end of that five (5)  
22 year period, we would review and -- and look at the  
23 information we've got.

24 We anticipate that -- I mean, a lot of  
25 these programs are designed to help determine where

1 mitigation can best be applied. And, for instance, if  
2 you're talking about crossing locations, places where  
3 you'd want to be paying more attention to wildlife,  
4 things like that, we think that that kind of  
5 information can best be obtained in that time -- time  
6 period.

7                   Most of the program -- well, most --  
8 many of the programs in the WMMP already constitute  
9 part of monitoring conducted by the government, and so  
10 will likely continue anyway. I don't know that I can  
11 speak to direct triggers for that, but it would be  
12 something that would be discussed in review of the  
13 comprehensive report that we committed to providing at  
14 the end of that five (5) year period, and that would  
15 be part of the -- the review that all parties can  
16 participate in.

17                   MR. MARK CLIFFE-PHILLIPS:     Mark  
18 Cliffe-Phillips, with the Review Board.

19                   Thank you for that response. I guess  
20 the -- the question is that there's monitoring that is  
21 one (1) component of the W-met -- MMP -- the  
22 management and mitigation aspects of that. I guess  
23 the question is: Would that continue on?

24                   I -- I understand that there's the --  
25 the monitoring component, and you could get an

1 understanding of what's happening within the  
2 environment and the effects of the project. But how  
3 would the mitigation and managing component of that  
4 plan continue, or that discontinue if the monitoring's  
5 no longer required? And that -- if -- if so, how is  
6 that adaptive management framework that's being  
7 described continue on for the life of the -- the  
8 project?

9

10 (BRIEF PAUSE)

11

12 MS. ANDREA PATENAUDE: Andrea  
13 Patenaude, GNWT.

14 So in terms of mitigation and  
15 management, the five (5) year period, as I mentioned,  
16 yes, of monitoring, we believe would be a reasonable  
17 period for helping to refine the mitigations that  
18 infrastructure would typically use on highways that is  
19 tailored to that highway. And I think GNWT would go  
20 on managing wildlife, as it does, and go on managing  
21 highways, as it does, with the information that's been  
22 collected in those five (5) years.

23 Again, if there wasn't -- if people  
24 felt at the end of that five (5) year period that  
25 there wasn't sufficient information to have confidence

1 that those mitigation and management approaches are  
2 sufficient, that could be part of that review  
3 discussion.

4 MR. MARK CLIFFE-PHILLIPS: Thank you,  
5 Madam Chair. Thanks for your response.

6 I guess, in terms of the framework for  
7 WMMP that are laid out within the Wildlife Act, the --  
8 the requirements if -- if there's a determination by --  
9 -- made by the Minister, which I understand there  
10 wasn't, we have that on the record, for the  
11 requirement of a WMMP, our understanding is that that  
12 is for the -- the timeframe of the development.

13 So I guess the question then is: If  
14 there's a -- an end point that's possible for the  
15 WMMP, is that the end point for what you consider the  
16 -- the timeframe in the development?

17 MS. ANDREA PATENAUDE: Andrea  
18 Patenaude, Government of the Northwest Territories.

19 So the road will be in place in  
20 perpetuity. The timeline committed to for the  
21 programs, the monitoring programs in the WMMP, the  
22 five (5) year timeline was put in initially as the  
23 period for which we could foresee a commitment. And  
24 so that's a good question.

25 But honestly, I mean, we -- at this

1 point, we -- there are no WMMPs for other highways.  
2 And so upon refining how the mitigation will take  
3 place, again, that's something that could be decided  
4 but -- yeah, I'm going to stop there.

5 MR. MARK CLIFFE-PHILLIPS: Thank you.  
6 Thank you for your response. Mark Cliffe-Phillips.

7 I'm going to pass it off to Simon  
8 Toogood for a few more questions.

9

10 (BRIEF PAUSE)

11

12 MR. SIMON TOOGOOD: Madam Chair, it's  
13 Simon Toogood, with the Review Board.

14 I just have a couple questions. I just  
15 have one (1) clarification at the large scale to GNWT,  
16 and it's at the large scale that was used for effects  
17 assessment, just to clarify, that was for the purposes  
18 of determining the conservation status of boreal  
19 caribou within this large range, the NT-1? If you'd  
20 just clarify that?

21 MR. JAMES HODSON: James Hodson, GNWT.

22 That range was used for boreal caribou  
23 to assess the impact of the project on the likelihood  
24 of self-sustainability of the population relative to  
25 the threshold that was established for that range.

1                   MR. SIMON TOOGOOD:    Okay.  Thank you  
2 for that response.  Simon Toogood, with the Review  
3 Board.

4                   And just to clarify again, that  
5 determination was made solely off of habitat  
6 disturbance, and didn't include such factors as  
7 survival and reproduction, or habitat fragmentation,  
8 that being hunting, harvesting, predation, and the  
9 effects of other disturbances, linear disturbances, et  
10 cetera?

11                  MR. DAN COULTON:    Dan Coulton, Golder  
12 Associates.

13                  The -- the measurement indicators that  
14 were used in the -- the adequacy statement response  
15 for boreal caribou included habitat availability,  
16 which was primarily based on the disturbance threshold  
17 determined by the boreal caribou recovery strategies  
18 with the -- at the federal level, habitat  
19 distribution, and survival and reproduction.

20                  MR. SIMON TOOGOOD:    Simon Toogood,  
21 with the Review Board.

22                  Maybe my question wasn't clear.  I'm  
23 just talking about the base case, the determination  
24 that currently, now, in the NT-1 range, that caribou  
25 are -- in your determination, they're doing okay at



1 the NT-1 scale, based on a determination that the  
2 habitat's doing okay. But that didn't include looking  
3 at survival and reproduction, and habitat  
4 fragmentation separate from your predictions in the  
5 ASR where you did use the three (3) measurement  
6 indicators to look at project-specific effects in the  
7 area of the TASR?

8 MR. DAN COULTON: Sorry, can -- can I  
9 get you to repeat that? I have to use the --

10 MR. SIMON TOOGOOD: Sure. It's Simon  
11 Toogood, with the Review Board.

12 So just to clarify that, at the base  
13 case, your predictions about how the Caribou herd is  
14 currently doing in NWT was based on the habitat  
15 disturbance threshold only, and didn't include a  
16 consideration of other effects, such as survival and  
17 reproduction, habitat fragmentation.

18 So at the base case, in the ESR, I'm  
19 fairly certain you said it was based on that 65  
20 percent threshold only, that you've met that, and  
21 therefore caribou are considered self-sustaining.

22 MR. JAMES HODSON: James Hodson, with  
23 the GNWT.

24 Yes, I would say that's correct, the  
25 determination that the population is self-sustaining

1 is based on the amount of undisturbed habitat in the  
2 range, but that 65 percent threshold ties the amount  
3 of habitat disturbance to demographic indicators, such  
4 as calf recruitment, and adult female survival. So in  
5 a way, they are linked, but we're relying on the  
6 habitat condition to tell us about what the likely  
7 status of those demographic indicators would be.

8 MR. SIMON TOOGOOD: Okay. Thank you  
9 for that response.

10 Now, I'd like to look at the smaller  
11 scale, and the TASR, and, you know, you have predicted  
12 there's going to be effects to the local area and to  
13 these caribou, and well this is a quick tying back to  
14 the large scale.

15 Just to clarify, do you have any -- can  
16 you provide any understanding of how these caribou  
17 that are in the area of the TASR, how far they may  
18 range. Are they going to be going up to the ISR, into  
19 the Yukon, to other areas within this NT-1 range? Are  
20 they -- what's the -- how far are they going to go?

21 You've said they're wide-ranging in the  
22 ASR. I'm just wondering if you could provide some  
23 context to how far they might range.

24 MR. JAMES HODSON: James Hodson, with  
25 the GNWT.

1                   I can't give you precise numbers in  
2 terms of distance or home range size for the caribou  
3 that we're monitoring right now on the Wek'eezhii, but  
4 some of those individuals that we have put collars on  
5 have wandered into the Dehcho region. Likewise, some  
6 of the individuals that they collar in those regions  
7 wander into this region.

8                   And from what we've seen from  
9 monitoring in the other regions, the annual home  
10 ranges for boreal caribou can be up to 2,000 square  
11 kilometres. They move quite a bit at different times  
12 of the year. So they do cover large areas.

13                   MR. SIMON TOOGOOD:   Okay. Thank you  
14 very much.

15                   So with respect to the WMMP, how will  
16 you be defining a sort of smaller area? You know,  
17 you've mentioned in some IR responses that you'll be  
18 using collaring data to look at an area that the WMMP  
19 could focus on, and potentially use that area to help  
20 define the thresholds and adaptive mitigation options,  
21 should, you know, the development have unforeseen  
22 effects. And you compare those -- significance of  
23 those effects to a -- a range that's not the NT1  
24 range. It's something more local.

25                   I'm just wondering if you'd provide

1 some insight on -- on how you're going to define the  
2 area you're going to use for the WMMP for boreal  
3 caribou.

4 MR. JAMES HODSON: James Hodson, GNWT.

5 As I was explaining earlier, the study  
6 area that we've started using basically goes from the  
7 north end of Lac la Martre all the way down to Great  
8 Slave Lake within the Wek'eezhii area. And we have  
9 boreal caribou collared, both close to the road, and  
10 far away from the road, so we will be able to compare  
11 survival rates and cow/calf ratios that we observe  
12 close to the road and far away from the road.

13 That's the study area that we've  
14 started with, and as we said earlier, we are open to  
15 discussions about expanding or changing that study  
16 area based on the input we receive from people, but  
17 that's what we've started with.

18 MR. SIMON TOOGOOD: Okay. Thank you.

19 So just wondering where the nuts and  
20 bolts, then, of the WMMP, and how it fits within this  
21 EA and parties' expectations, maybe, of how much  
22 certainty they can have. And so you've mentioned that  
23 this WMMP, it's a requirement of ENR, and it's going  
24 to be reviewed after five (5) years of the operations,  
25 and that it'll be refined, eventually, further during

1 the regulatory phase.

2                   And so I'm just wondering about this  
3 public review. Is it -- how will parties be able to  
4 provide suggestions to you, in -- in what context?

5 And how will you address those concerns or  
6 potentially, if they have suggestions on mitigations  
7 or adaptive management, and just to ensure that you'll  
8 be double-checking those, for instance, of threshold  
9 that this as yet unknown area around the TASR, that  
10 this collaring data will likely help you determine.

11                   So there's several questions in there.  
12 I hope you got them.

13

14                   (BRIEF PAUSE)

15

16                   MS. ANDREA PATENAUDE:    Andrea  
17 Patenaude, with the GNWT.

18                   There were several questions in there.  
19 I will answer by saying -- I will ask the question  
20 related to how people's input is likely to be  
21 considered for -- in the approval process for the  
22 WMMP.

23                   As we have mentioned, is we've asked  
24 for a final WMMP to go out for public review sixty  
25 (60) days before the start of construction for the

1 project, and that would include a thirty (30) day  
2 public review period. We would post it to the ENR  
3 website, probably to the Review Board as well, and let  
4 parties to the EA know that it is posted, and we would  
5 take back the concerns and comments, and look at those  
6 before making recommendations about whether the WMMP  
7 would be approved, or approved with conditions, or  
8 rejected, at which time if there were substantial  
9 revisions required, we would work with ourselves to  
10 address the comments and to revise accordingly.

11 MR. SIMON TOOGOOD: All right. Thank  
12 you.

13 Can you clarify how the -- your co-  
14 management partners with respect to wildlife  
15 management, for instance, the WRRB, how is the input  
16 considered specifically with respect to WMMP and in  
17 wildlife management in general in the Wek'eezhii area?

18

19 (BRIEF PAUSE)

20

21 MR. SIMON TOOGOOD: And Simon Toogood,  
22 with the Review Board. Just to clarify, that's their  
23 co-management partner, wildlife in general -- like, as  
24 -- not general, but specific to this WMMP for this  
25 project.

1 MS. ANDREA PATENAUDE: Andrea,  
2 Patenaude, GNWT.

3 That's right. Co-management partner,  
4 and obviously, the WRRB is a co-management partner, as  
5 are many of the other groups who will be reviewing the  
6 WMMP, and that is something that is taken into  
7 consideration in approving the WMMP.

8

9 (BRIEF PAUSE)

10

11 MR. SIMON TOOGOOD: Thank you. It's  
12 Simon Toogood, with the Review Board.

13 I just heard you earlier in your -- not  
14 you personally, Andrea, but I think it was James talk  
15 about habitat offsets, and how new developments will  
16 be balanced with -- especially regeneration of old  
17 developments, and I'd just like to explore the idea of  
18 mitigations for this project, and could you be --  
19 provide an update on their consideration for habitat  
20 offsets, or how they're considering other areas that  
21 are maybe -- be regenerating with respect to the  
22 effect of this project.

23

24 (BRIEF PAUSE)

25

1 MR. JAMES HODSON: James Hodson, GNWT.  
2 Can you just repeat the question one  
3 (1) more time for us?

4 MR. SIMON TOOGOOD: All right. So,  
5 Simon Toogood, with the Review Board.

6 So I'd just like to explore the topic  
7 of habitat offsets. And earlier on, I just heard you  
8 mention that when there's new developments occurring,  
9 you have to be looking at the regeneration of  
10 potentially older developments, be it linear  
11 disturbance from seismic lines, et cetera, and  
12 managing the overall level of -- when you're talking  
13 about habitat disturbance as your metric for  
14 determining whether it was self-sustaining, and  
15 specific to the TASR, I was just wondering if you  
16 could provide an update on how -- if you -- the GNWT's  
17 position on habitat offsets or how you're considering  
18 regeneration of existing disturbances with respect to  
19 the effects of this project the mit -- as a  
20 mitigation.

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

23 So the GNWT does commit to the  
24 mitigation hierarchy described in the ASR, and that is  
25 to avoid and minimize, restore, and then finally,



1 offset. I would note that the design of the Tlicho  
2 all-season road itself was specifically designed to  
3 avoid impacts altogether by primarily utilizing an  
4 existing corridor for the road, and the project  
5 minimizes the impacts through the actions outlined in  
6 the WMMP.

7           In terms of restoration, we have -- we  
8 will follow the reclamation guidelines for the  
9 Northern Land Use Guidelines for quarries and borrow  
10 sources, and offsetting, of course, is the last step  
11 in that mitigation hierarchy, and is that meant to  
12 address residual losses.

13           And the GNWT, though, is in the process  
14 of steadying the utility effectiveness and legal  
15 implications of potential offsetting approaches in the  
16 context of regulatory decision-making and range  
17 planning for boreal caribou and barren ground caribou,  
18 including when and where it is appropriate and how it  
19 might be undertaken by developers.

20           The GNWT is undertaking this work with  
21 a view to developing a policy and guidelines around  
22 the use of offsets for mitigating residual impacts  
23 from developments, and until that work is completed,  
24 the GNWT cannot commit to the implementation of a  
25 specific offsets for the Tlicho all-season road

1 project.

2

3

(BRIEF PAUSE)

4

5

MR. CHUCK HUBERT: Chuck speaking.

6

Good afternoon. Good afternoon, Chuck Hubert, with

7

the Mackenzie Valley Review Board staff.

8

Earlier, we heard some discussion about

9

the effectiveness of the monitoring for the barren

10

ground caribou herd, in particular, the mobile harvest

11

band management area, and it's -- and so there was a

12

session about some of the aerial patrols that had

13

occurred there about the checkstop.

14

I'm wondering if there is actual -- a

15

report or some sort of evidence that could be provided

16

on that. So I guess the question is, is there a

17

report -- summary reports for the Board, describing

18

the effectiveness of the mobile caribou harvest ban

19

area?

20

21

(BRIEF PAUSE)

22

23

MR. BRUNO CROFT: Bruno Croft, GNWT.

24

Thank you, Chuck, for your question.

25

What we have done for reporting what we

1 do in -- in around the mobile zone since 2014, but  
2 mostly since last winter, is to work closely with the  
3 Wek'eezhii Renewable Resources Board and provide  
4 weekly reports to let officers see, do with the  
5 exception of cases that needs to go into further legal  
6 actions.

7                   And that went on the entire winter last  
8 winter. And this is an arrangement that we had with  
9 the Wek'eezhii board. And it was requesting more or  
10 less with the same -- I think we're coming from the  
11 same -- the same intention as to get a sense how  
12 effective the mobile zone is.

13                   We don't have a -- a formal report that  
14 -- or an annual report that we have done, but I can  
15 speak some more if you want us to, how effective it  
16 has been for your benefit, if it's what you want.

17                   MR. CHUCK HUBERT: Chuck Hubert,  
18 staff with the Review Board. Thanks for that.

19                   I guess I figured maybe elaborate on if  
20 you do extended aerial patrols, as was suggested in  
21 some cir -- circumstances, what would that involve,  
22 and how does -- what's the current level of aerial  
23 patrols? What would extended ones look like? And the  
24 patrols being monitoring, what would the actual action  
25 or mitigation be based on the findings of those

1 patrols?

2 MR. BRUNO CROFT: Bruno Croft, GNWT.

3 Thank you for your question.

4 I'd like to -- just for the benefit of  
5 the audience, that the mobile conservation Bathurst  
6 zone, and I'm skipping a few acronyms here, has come  
7 nowhere near the area of interest in -- in the past  
8 four (4) years. It doesn't appear that it'll be the  
9 case this winter.

10 So what we have in the past and will  
11 continue to do so from a ground and aerial patrol  
12 point of view is that we closely monitored the edge of  
13 that mobile zone, whatever size it is, by flying in  
14 and out, looking of signs of kill sites, fresh or --  
15 or not, that is communicated to officers on the  
16 ground, and -- are then further patrols are follow --  
17 followed up on this.

18 So when we come back -- or when the  
19 officers come back from an aerial patrol, if there are  
20 no signs of illegal harvesting anywhere, then there's  
21 no further actions needed. It's just to make sure  
22 that the mobile zone is doing what it's -- it's  
23 intended for.

24 And we join -- the combination  
25 constantly of aerial and ground patrols as needed, but

1 it is intended to protect or enforce the management  
2 actions in place for the Bathurst caribou herd. So  
3 again, it's -- they are nowhere near this proposal,  
4 and I don't see it for this winter, either.

5 MR. CHUCK HUBERT: Thank you.

6 Just one (1) follow-up to that. In --  
7 several years -- several years from now -- Chuck  
8 Hubert, with the review Board.

9 Several years from now, say five (5) or  
10 so, when the -- the herd is hopefully rebounded in  
11 size, and the herd does move towards the TASR, and  
12 patrols and monitoring find that they are approaching  
13 the area of the Tlicho all-season road, what type of  
14 mitigations could be put in place to minimize impacts?

15 MR. BRUNO CROFT: Bruno Croft, GNWT

16 The mobile zone, the Bathurst  
17 conservation area, is in place to protect the Bathurst  
18 herd, but also any harvesting going on of any caribou  
19 inside of it would be illegal.

20 So if in three (3), five (5) years, ten  
21 (10) years from -- if that management actions is still  
22 in place, and this will likely be reconsidered in 2018  
23 after we come back from the June of -- of this summer,  
24 coming up from the Bathurst cabin ground photographic  
25 survey, and same, the Bluenose East cabin ground photo

1 survey. So if the conditions change, and the  
2 Wek'eezhii recommends a new joint proposal, and  
3 management actions are needed, or different ones are  
4 needed, it may be that the mobile zone will no longer  
5 be there, and other management actions will take  
6 place.

7                   But if it -- if it's still in place,  
8 and the mobile zone has recovered, or the Bathurst  
9 herd has recovered to a level that still requires no  
10 hunting, and it gets into the area where -- where  
11 we're concerned about here today, well, it's the same  
12 regulation will be in place, I'm assuming.

13                   MR. CHUCK HUBERT: Thanks. Chuck  
14 Hubert, with the Review Board.

15                   Thanks for that. Just one (1) final  
16 question about moose. So GNWT expects moose  
17 harvesting pressure to increase based on the -- on the  
18 -- this new access road, and the Review Board is  
19 required to consider Aboriginal peoples' ability to  
20 harvest wildlife, including moose. So the question  
21 is: How will you monitor the impacts to moose  
22 populations and know whether hunting is greater than  
23 what was predicted?

24                   MR. BRUNO CROFT: Bruno Croft, GNWT.  
25 I'll -- I'll start answering your question, Mr. Chuck,

1 and perhaps James wants to jump in a bit later.

2                   What we have done in the past two (2)  
3 years is extend the -- the area in the North Slave  
4 region where we do moose survey, and we've included  
5 the area of interest here. Over time, as we do those  
6 surveys, hopefully every three (3) years, we'll --  
7 should be in a position to get an indicator of trend.  
8 Numbers increase, decrease, stable.

9                   In addition, we looked at -- we heard  
10 this morning demographic parameters. If the twinning  
11 rate, or the number of calves surviving during those  
12 surveys are stable or increasing, then again, that's  
13 not an indication of the herd -- the population might  
14 be healthy. If those indicators are -- show negative  
15 signs along with different things that we will be  
16 monitoring, and the harvest, because it is being  
17 tracked as well, then we will sit down in the co-  
18 management spirit with the Wek'eezhii board, and --  
19 and look at if there is a need, giving in the trends  
20 and -- and the signals that we're getting from the  
21 moose population to implement or explore management  
22 actions.

23                   It could take different forms. But the  
24 key is to continue to monitor the moose in the North  
25 Slave region, and that is something we will do.

1 MR. CHUCK HUBERT: Thanks very much.  
2 Madam chair, I'd like to pass it on to Alan.

3 MR. ALAN EHRLICH: Thanks. It's Alan  
4 Ehrlich, for the Review Board.

5 MR. JAMES HODSON: Yeah. James  
6 Hodson, with GNWT.

7 I just wanted to add to Bruno's  
8 response. There is a few programs that are outlined  
9 in the Wildlife Management and Monitoring Plan that  
10 contribute to information on moose harvesting. We  
11 have our regular resident hunter surveys, which is one  
12 (1) source of information. There's a moose jaw  
13 collection program, which is already in place in the  
14 North Slave, where it's voluntary submissions of moose  
15 jaws, but it helps us determine sex and age ratios.

16 And we're also -- in addition to the  
17 regular moose population surveys that the North slave  
18 has been doing, we're also proposing more focused  
19 surveys along the road corridor. There will be two  
20 (2) surveys, one (1) before construction, one (1)  
21 during construction, and then two (2) during that five  
22 (5) years of operations phase, and that's to really  
23 look at how distribution of moose and bison right on  
24 the corridor is changing through construction and into  
25 early operations.



1                   So I just wanted to highlight those  
2 other things in addition that we're doing.

3

4                                   (BRIEF PAUSE)

5

6                   MR. ALAN EHRLICH:    Thanks.  It's Alan  
7 Ehrlich, with the Review Board.

8                   I'd like to ask a question.  Although  
9 we've been focusing on amount of habitat available  
10 throughout the entire NT-1 range a fair bit, what  
11 we've heard here yesterday is concerns from  
12 traditional harvesters about people from elsewhere,  
13 for example, Yellowknife, who may be recreational  
14 hunters or fishers who come up to use the area.  
15 There's a city of twenty thousand (20,000) relatively  
16 close.  Many of them are enthusiastic, recreational,  
17 non-Aboriginal hunters.

18                   You know, my question, just to be  
19 clear, here, is not about monitoring.  I understand  
20 that the GNWT and the Tlicho have the authority to  
21 make regulation in the future and enforce; that's not  
22 what I'm asking about.

23                   Could you please describe your  
24 proposed, specific mitigations for mitigating impacts  
25 resulting from increased hunting pressure from non-

1 Aboriginal hunters using the proposed road?

2

3

(BRIEF PAUSE)

4

5 MR. JAMES HODSON: James Hodson, with  
6 GNWT.

7

We're not proposing any additional  
8 mitigation measures at this time. We have proposed a  
9 number of monitoring programs to try and detect a  
10 change, if there is one, and if there are problems  
11 that we think need to be addressed, then we'll look at  
12 implementing mitigations at that time.

13 MR. ALAN EHRLICH: Thank you. It's  
14 Alan Ehrlich.

15 James, are you suggesting that you  
16 consider it plausible or likely that there would be no  
17 change to hunting pressure from non-Aboriginal people  
18 in Yellowknife due to increased access?

19

20

(BRIEF PAUSE)

21

22 MR. JAMES HODSON: James Hodson,  
23 GNWT.

24

We're focusing on continuing and the  
25 monitoring programs we have in place, and having these

1 additional monitoring programs to detect a problem, if  
2 there is one, and manage it accordingly.

3 MR. MARK CLIFFE-PHILLIPS: Mark  
4 Cliffe-Phillips, with the Review Board.

5 Madam Chair, one (1) more question  
6 before I pass it on to counsel. The question to GNWT  
7 is regarding access that's non-car or truck access.

8 Does GNWT currently track the use of  
9 the winter road between Behchoko, and Whati, and --  
10 Gameti, Wekweeti for snowmobile traffic, and do you  
11 have any indication of the numbers that may be  
12 utilizing that corridor currently, right now?

13 MR. RUSSELL NEUDORF: Russ Neudorf,  
14 GNWT. We do not track the amount of snowmobile  
15 traffic that would use the -- go along the winter  
16 road. At the present time, we do have traffic  
17 counters on the road that would monitor the vehicular  
18 traffic that's on the existing winter road.

19 MR. MARK CLIFFE-PHILLIPS: Mark  
20 Cliffe-Phillips, again with the Review Board.

21 I'm -- I'm not a -- a specialist in  
22 traffic counters, but I -- I'm assuming with your  
23 responses that you can't pick out the difference  
24 between a truck, a car, or a snowmobile as they go  
25 past the counter?

1 MR. RUSSELL NEUDORF: Russ Neudorf.  
2 The -- with the counters we have right now, that is  
3 correct. There's -- it's just a vehicle.

4 MR. MARK CLIFFE-PHILLIPS: I -- I  
5 guess this is a bit more of a hypothetical question to  
6 GNWT, then. It -- with the current winter road  
7 alignment not being built as a winter road, would you  
8 still anticipate the same sort of traffic from  
9 snowmobile use moving into the Tlicho region?

10

11 (BRIEF PAUSE)

12

13 MR. MARK CLIFFE-PHILLIPS: Maybe just  
14 to add a little bit, the -- the reason I'm asking is  
15 that would monitoring that's being proposed be able to  
16 pick up on that -- that snowmobile traffic?

17

18 (BRIEF PAUSE)

19

20 MR. RUSSELL NEUDORF: Russ Neudorf,  
21 with GNWT.

22 We don't monitor the amount of  
23 snowmobile traffic that occurs now, so we will, you  
24 know, we have no plans to -- to be doing that.

25 MR. MARK CLIFFE-PHILLIPS: Madam

1 Chair, if you don't mind one (1) last question, I  
2 guess this is a question to ENR. Would you be looking  
3 at that type of traffic in combination with the  
4 monitoring that would happen specifically for -- for  
5 TASR?

6

7

(BRIEF PAUSE)

8

9 MR. BRUNO CROFT: Madam Chair, Bruno  
10 Croft, GNWT.

11 Monitoring a snow machine is not an  
12 easy thing. We try to do so on the -- on the other  
13 winter road, and of course, quite often people will  
14 travel in the middle of the night, and go somewhere  
15 else, and we -- we can't count them.

16 And so it -- it -- but what -- I'm not  
17 sure what you're getting at with your question, but  
18 with monitors in Whati, perhaps on the check station  
19 is -- if needed, community-based monitoring, we will  
20 get a good sense -- if the question is related to  
21 harvest, who went hunting, and how many would have  
22 been -- gone hunting -- hunting in some of the  
23 communities that would be going on the winter road.

24 Again, systematically record every  
25 vehicles passing through the winter road, or snow

1 machine, is a big task. So I think that'll answer  
2 your question, sir, I thought.

3 MR. MARK CLIFFE-PHILLIPS: Mark  
4 Cliffe-Phillips, with the Review Board.

5 I guess it's in terms of the Board's  
6 responsibilities for looking at the cumulative effects  
7 of the -- the project, along with the impacts that may  
8 be associated with other impacts which could result  
9 from the -- the continued use of the winter road.  
10 I'll -- I'll leave it at that in terms of my  
11 questioning, and I'll pass it on to legal counsel John  
12 Donihee for his question.

13 MS. LAURIE MCGREGOR: This is Laurie  
14 McGregor, ENR. If I could just respond to Mark.

15 We are aware that there are people  
16 currently travelling in the area right now. People  
17 can travel through the proposed alignment. It is  
18 accessible to people, and we know that they use it for  
19 hunting. So this isn't necessarily a new impact that  
20 we would be seeing. People are already accessing the  
21 -- the region through existing cut lines.

22 MR. JOHN DONIHEE: Madam Chair, it's  
23 John Donihee. I am counsel to the Board.

24 I have a -- a question, and probably  
25 more on the nature of request for some assistance to

1 the Board from the GNWT. I'll make -- I need make two  
2 (2) or three (3) points just to set this up, and then  
3 I'll -- I'll ask you the question.

4                   It -- it certainly appears that the  
5 draft WMMP has -- has been an important step taken by  
6 the GNWT to addressing the concerns raised by parties  
7 during the TASR EA process. And we understand -- the  
8 Board understands that, you know, this is a draft  
9 document, which is subject to final approval by the  
10 Minister of ENR under Section 95 of the Wildlife Act.  
11 I think it's clear as well that, you know, the  
12 Minister has a discretion, he has a choice when the  
13 time comes as to both the approval, I suppose, of the  
14 final WMMP, and as to its contents.

15                   The GNWT has advanced the draft WMMP as  
16 a mitigation measure in this EA, and again, I -- that  
17 -- it's been very helpful in -- in that regard. But  
18 to be clear, what -- what concerns me, I guess, is the  
19 risk that the final WMMP could be -- it could differ  
20 from the -- the draft in material respects, and that,  
21 you know, the Review Board, given the time -- the --  
22 the respective timing of -- of these processes, the  
23 Review Board would've been required to look at the  
24 draft WMMP, and -- and that would be all the evidence  
25 that it has in order to make the decision that it must

1 -- it must make before it sends a report to the  
2 Minister of Lands.

3                   So that -- that's the situation I'm  
4 wrestling with here. I'm actually not ask -- I'm not  
5 going to ask you in order to answer a question about  
6 that today. What I'd like to ask you to do, you can  
7 read the transcript when the time comes if you haven't  
8 taken notes, but in GNWT argument, I think it would  
9 really help the Board to address this issue in -- in  
10 your final argument. We don't obviously want to be in  
11 a position where a report of EA in somewhere or other,  
12 inadvertently or -- or otherwise affects the  
13 Minister's discretion, but at the same time, the  
14 Review Board has to make its decision on the evidence  
15 that's in front of it.

16                   And so what kind of changes might  
17 happen between, you know, the end of the EA process  
18 and the time when the Minister of looks at a -- a  
19 final WMMP for approval. One (1) way to approach it  
20 is -- is simply to say, well, you know, what we have  
21 at the moment, you know, represents sort of the floor,  
22 and -- and, you know, things will be better described  
23 and -- and more clearly articulated, I suppose, in a  
24 final document.

25                   But again, I -- I would ask -- simply



1 perhaps Mr. Neudorf, if on behalf of the GNWT, you  
2 would simply advise the Review Board that final  
3 argument from your -- the government will address this  
4 issue of what, you know, what to do.

5                   What -- what can the Board count on for  
6 purposes of assessing whether significant impacts have  
7 been mitigated? It the draft WMMP all they get?  
8 Will the WMMP change after that? You know, how -- how  
9 should the Review Board think about this when it's  
10 making its decision? And I -- I seek your -- your  
11 advice and GNWT's counsel in that regard.

12

13                   (BRIEF PAUSE)

14

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

17                   We don't see any challenge with  
18 including a discussion on that in the final arguments  
19 that we have, so we can -- will be doing that. We'll  
20 just make a few comments, though, that -- that this  
21 process, as we understand it, is -- be very similar to  
22 any other developer program -- process where draft  
23 WMMP's would be provided as part of the environmental  
24 assessment process, and so the Review Board would have  
25 been in this situation in the past.

1                   And, you know, the WMMP is a regulatory  
2 tool. It gets reviewed as part of the regulatory  
3 process. So we will follow that. Your  
4 characterization about it being a floor, I guess is  
5 fair. I would say, I think given the input that's  
6 gone in the -- gone into development of the WM -- MMP  
7 to date, and the consultations that we've had, the  
8 discussions, I would hope that it's pretty close to a  
9 final draft. Every time you go out and talk about it,  
10 you get additional ideas and opportunities coming. So  
11 obviously, we're going to take a look at those as part  
12 of the public review phase for that.

13                   MR. JOHN DONIHEE: Thanks. Thank you  
14 very much, Mr. Neudorf. I'll look forward to reading  
15 argument from the GNWT. Madam Chair, that was the  
16 only question from counsel.

17                   THE CHAIRPERSON: Okay. Thank you.  
18 Questions from Review Board?

19                   MR. JOE HANDLEY: I'm Joe Handley, and  
20 Review Board.

21                   Just one (1) specific question to get  
22 clarification. GNWT has committed to -- to noting if  
23 there are large wildlife in a location during  
24 construction, and maybe during operation, and in fact,  
25 to cease blasting, for example if there's caribou in

1 the area, or moose in the area.

2 Are there any steps that you're taking  
3 or are considering to also be careful that those  
4 animals don't become targeted animals for hunters,  
5 because once they know they're in that area, you may  
6 have somebody who'll phone up his buddy and say, Hey,  
7 there's three (3) caribou sighted at kilometre 45, or  
8 moose, or whatever it may be.

9 Is there anything that you can do to --  
10 to not have this backfire on you and those animals  
11 become targeted?

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON: Is that what you  
16 call passing the buck?

17 MR. BRUNO CROFT: Bruno Croft, GNWT.

18 Madam Chair, Mr. Handley. I'll pass it  
19 back to him after I'm done. There's a little bit that  
20 he should answer. I see he's not going to get off the  
21 hook.

22 But it's important, Mr. Handley, to --  
23 I appreciate your concern. Those are the kind of  
24 things that I worry about all the time with -- with  
25 the -- some of the things we do, when we do surveys,

1 and we have folks travelling with us and looking where  
2 the animals are. But we have to remind ourself that  
3 there's no harvest restriction on the species alone,  
4 unless Bathurst animals or Bluenose East are coming  
5 way down, and it's -- we don't forecast that to  
6 happen. And we cannot prevent people from harvesting  
7 legally, especially in the context of subsistence  
8 right.

9                   So that's my little bit, but I think  
10 James wants to add one (1) more thing.

11                   MR. JAMES HODSON: I guess the only  
12 thing I would add is that in situations where we're  
13 using collar data to help us mitigate impacts of the  
14 road, that data is only shared with key project staff  
15 members, with the understanding that it's not shared  
16 beyond those people, and that's made very clear  
17 anytime we share that data that's solely intended for  
18 those people. So we're -- try to be careful about how  
19 that information gets shared.

20                   Sorry, James Hodson, GNWT.

21                   MR. JOE HANDLEY: Joe Handley, Review  
22 Board.

23                   Could you, for example, consider having  
24 equipment operators or construction people to hold  
25 this information to themselves and not share it? I --

1 I know it's hard to -- to enforce that, but keeping it  
2 quiet would help.

3 MR. RUSSELL NEUDORF: Russ Neudorf,  
4 with GNWT. So we have indicated that construction  
5 workers, those working on the project are not allowed  
6 to hunt. So there's that.

7 There was, you know, there'll be daily  
8 tailgate meetings for, you know, at the start of  
9 construction day to talk about the project. There is  
10 general awareness, environmental training for workers  
11 as well.

12 And we can pass along that -- that, you  
13 know, that comment about, you know, not sharing  
14 information -- I don't think there's anything we can  
15 do to formally restrict folks from doing it, but we  
16 can kind of pass along that information as a -- as a  
17 practice, as something they should be abstaining from.  
18 Thank you.

19 MR. DAVID KRUTKO: David Krutko, with  
20 the Review Board.

21 My question's just clarification on the  
22 numbers. You mentioned a population number, I  
23 believe, for the boreal caribou herd. What was the  
24 number that you threw out? Was it six thousand  
25 (6,000) or seven thousand (7,000)? I wasn't too clear

1 on the number.

2 MR. JAMES HODSON: James Hodson, GNWT.  
3 Yes, that's correct. We think the number is between  
4 six thousand (6,000) and seven thousand (7,000).

5 MR. DAVID KRUTKO: So is that for the  
6 whole NT-1 range from the Inuvialuit region all the  
7 way to the Alberta? So there's six thousand (6,000)  
8 animals in the whole range?

9 MR. JAMES HODSON: Yes, that's  
10 correct.

11 MR. DAVID KRUTKO: Yeah. My question  
12 is more around the area of potential effects to  
13 Aboriginal harvesting when that number drops to a  
14 certain number, as we seen in regards to the boreal  
15 caribou, where Indigenous rights have been affected  
16 where you're not allowed to harvest because the  
17 population number has declined.

18 So at what point will that be  
19 implemented if the -- basically the boreal caribou  
20 number drops from six thousand (6,000) to, say, three  
21 thousand (3,000), drops in half? So what are you  
22 going to do for conservation measures?

23 At what point does Aboriginal  
24 harvesting -- will be stopped, or basically, you're  
25 unable to harvest because that number reaches a

1 certain percentage?

2

3

(BRIEF PAUSE)

4

5 MS. HEATHER SAYINE-CRAWFORD: Heather  
6 Sayine-Crawford, with GNWT.

7

8 So I guess I would point out that we do  
9 not see the current project having an impact on boreal  
10 caribou. We currently do not have any concerns to --  
11 that would put any harvest restrictions on boreal  
12 caribou at the moment in the NWT.

13 But if we were to see any signs of  
14 declining trends in the boreal caribou, that you can  
15 expect that we would see similar processes as what is  
16 happened with barren-ground caribou, that basically,  
17 the first restrictions are to commercial, and then to  
18 residents, and then if -- if things were to get bad  
19 enough that it would go to Aboriginal harvest. But  
20 that would take a lot of negotiations, con --  
21 consultations, engagements with our local co-  
22 management partners and Aboriginal government  
23 organizations.

24 MR. DAVID KRUTKO: I have to smirk to  
25 myself, because this has already happened, and there  
was no consultation. It just -- you just unilaterally

1 said, No hunting, period. And I know that because in  
2 my region, the Porcupine caribou, they were telling us  
3 that herd population was set -- sixty thousand  
4 (60,000). They never did surveys for five (5) or ten  
5 (10) years, and then now they find it's a hundred and  
6 thirty thousand (130,000) animals.

7                   So I think that unless you basically  
8 find ways of actually nailing down the numbers by  
9 ensuring that your collar data, your -- basically  
10 aerial surveys, and all that information is compiled  
11 and it's accurate -- so I'm -- the point I'm trying to  
12 make, if you're talking six thousand (6,000) animals  
13 in regards to boreal caribou that goes from Alberta  
14 all the way up to the -- the Inuvialuit settlement  
15 region, because when you take harvesting pressures off  
16 one (1) species, as a harvester, you harvest. That  
17 means harvesting a moose, or harvesting boreal  
18 caribou, or woodland caribou, or other species.  
19 You're going -- you still have to sustain yourself by  
20 harvesting.

21                   So I'm -- so the point I'm trying to  
22 get at is that because you're not able to hunt one (1)  
23 species, you are now going to hunt other species, and  
24 now you're going to put a road into an area where  
25 there is now potential access for other harvesters,



1 not just the Aboriginal harvesters of those  
2 communities, but anybody with a general hunting  
3 license, or a fishing license, or a hunting license  
4 have the right to, as you mentioned, sus -- sustain  
5 themselves by harvesting.

6                   So I think it's important that whatever  
7 information data you collect, it's -- it's accurate.  
8 So I'd just like -- my -- I'll get to the question in  
9 regards to what methods are you using today to collect  
10 that data and imp -- implement that data to determine  
11 exactly the number and exactly what range of those  
12 different species presently exist, especially in  
13 relation to the boreal cari -- caribou, which is six  
14 thousand (6,000) animals?

15

16   (BRIEF PAUSE)

17

18                   MS. HEATHER SAYINE-CRAWFORD: Heather  
19 Sayine-Crawford, with GNWT.

20                   So I agree with you that we -- we need  
21 to have accurate information of -- on boreal caribou,  
22 on trend, on -- on -- and we've talked about the  
23 information gaps, and implementing a new program in  
24 this area ahead of the -- the new road. So we will  
25 continue to monitor boreal caribou in this area. And

1 we realize that we do -- we do need to extend  
2 monitoring throughout the NT1 range.

3                   So one (1) of the things I did want to  
4 bring up is boreal caribou harvest in the Northwest  
5 Territories is quite different, and we have -- after  
6 listing, we've come up with an estimate of about two  
7 hundred (200) boreal caribou are taken per year. So  
8 that's total across the Northwest Territories, and  
9 that would include about twenty (20) by resident  
10 harvesters. There are no commercial or outfitted  
11 hunts for resident -- or non-residents. So our -- our  
12 harvest is -- is contained to resident hunters and  
13 Aboriginal -- or those with Aboriginal rights and GHL  
14 holders.

15                   The other thing is that our current  
16 regulations have -- are at a woodland caribou level,  
17 so both mountain and boreal caribou are -- are under  
18 one (1) tag under the current system in GNWT, and we  
19 are currently looking at splitting that tag into  
20 mountain versus boreal so that we have a better  
21 understanding of -- of that harvest.

22                   And so when that goes out to  
23 engagement, and -- and talking with our co-management  
24 partners about -- about that change, that regulation  
25 change, that we could have further discussions about

1 if -- if people see the need for further harvest  
2 restrictions.

3 MR. DAVID KRUTKO: David Krutko, with  
4 the Review Board.

5 In regards to your methods that use by  
6 way of the monitoring programs, what are some of the  
7 methods that you use presently, such as collaring, or  
8 satellite data, or basically, aerial photos. What is  
9 the method that you use to collect this information?  
10 And also how -- where is it compiled, and where it --  
11 can you get access to that information?

12 MR. JAMES HODSON: So our current  
13 boreal caribou monitoring programs are based on  
14 collaring, and we use the collars to measure adult  
15 female survival. So, how many survive from one year  
16 to the next. And we also use the collars to go out  
17 and do surveys in the spring to look at the cow to  
18 calf ratios.

19 And those two (2) pieces of information  
20 can allow us to calculate an indicator of population  
21 trend, so stable, increasing, or decreasing. And  
22 that's been our primary approach to boreal caribou  
23 monitoring in the NWT to date, and that's what we're  
24 proposing -- or that -- that's what we've started  
25 doing in the Wek'eezhii region this year.

1 MR. DAVID KRUTKO: David Krutko,  
2 Review Board.

3 Final question. So can you give me an  
4 idea of how many caribou have been collared and in  
5 what regions, or what extent of the range have they  
6 been collared and where, because I know I asked this  
7 question in the Dehcho, and surprisingly, they didn't  
8 collar data in the Dehcho.

9 MR. JAMES HODSON: James Hodson, GNWT.

10 So there are study areas in the Dehcho  
11 region, in the north and south of, I guess, the  
12 Mackenzie and the Liard Rivers, and there's also one  
13 (1) in the Hay River lowlands, which is the area  
14 around Fort Providence and Kakisa, those programs have  
15 been going on for about ten (10) years.

16 They try to maintain about twenty-five  
17 (25) to thirty (30) collars out every year, and in  
18 terms of the program we started last year in  
19 Wek'eezhii last year, we deployed twenty (20) collars.  
20 We have five (5) left over that we weren't able to put  
21 out last winter that we would like to put out this  
22 winter to bring that number up to twenty-five (25),  
23 and then maybe in the longer-term, get that number up  
24 to thirty (30).

25 And there are also, too, other new

1 study areas I should mention around Pine Point and  
2 Buffalo Lake, and then in the Mackenzie Bison  
3 Sanctuary, so we actually have a pretty wide coverage  
4 in the southern part of the range now for boreal  
5 caribou. And the reports on those programs, there's  
6 usually annual reports that come out every year which  
7 are published on ENR's website. So the Dehcho region  
8 is the most up-to-date right now on that.

9 THE CHAIRPERSON: Questions, Review  
10 Board?

11 MS. BERTHA NORWEGIAN: Thank you,  
12 Madam Chair. Bertha Norwegian.

13 I wanted to ask you about species at  
14 risk. We've done a lot of talking about the caribou,  
15 which is the critical diet to the people of the  
16 region, in fact, of all the regions in the -- in the  
17 North.

18 But I also wanted to ask, can you  
19 identify to us other species at risk?

20

21 (BRIEF PAUSE)

22

23 MR. DAN COULTON: Dan Coulton, Golder  
24 Associates.

25 In the draft Wildlife Management and

1 Monitoring Plan, in Section 2.8.2, table 2 lists  
2 species of exc -- concern expected at the project.  
3 Boreal caribou is included there, barren-ground  
4 caribou, wood bison, wolverine, little brown myotis,  
5 which is a bat, if you're not familiar with that,  
6 peregrine falcon, short-eared owl, bank swallow, barn  
7 swallow, common nighthawk, olive-sided flycatcher,  
8 horned grebe, red-necked phalarope, rusty blackbird,  
9 yellow rail, gypsy cuckoo bumblebee, and yellow-banded  
10 bumblebee.

11 MS. BERTHA NORWEGIAN: Thank you very  
12 much. The -- the one (1) animal that I am concerned  
13 about is the wolf population, because we've seen a lot  
14 of increase of wolves near human habitation in our  
15 region and the Dehcho region, and I wondered whether  
16 or not your government has been monitoring animals  
17 like the wolves, or the lynx, and other cats  
18 throughout the NWT because of the climate changes and  
19 the impacts that the forest fires have had on these  
20 animals.

21

22 (POWER OUTAGE)

23

24 --- Upon recessing at 2:07 p.m.

25 --- Upon resuming at 2:25 p.m.

1 THE CHAIRPERSON: Okay. Just before  
2 the power went out we were at the GNWT and we had a  
3 question from the Board member.

4 Was there was a response to her  
5 question or would you like her to repeat it again?

6 MR. JAMES HODSON: James Hodson, with  
7 the GNWT. So to follow up on the question about  
8 wolves. Wolves are not currently considered a species  
9 at risk in the NWT or in Canada. And I just wanted to  
10 mention a few ongoing -- I guess examples of work  
11 we've done on wolves outside the context of this  
12 project.

13 So I'll pass it over to Bruno after I'm  
14 done to talk about how we respond to community  
15 concerns that wolves, but we have done some wolf  
16 studies in the past on the barren lands as well as in  
17 the -- the South Slave region and Dehcho. We do keep  
18 track of wolf harvest through the Fur Harvest  
19 Monitoring Program. And we also always record inti --  
20 incidental sightings of wolves while we're out  
21 surveying other species, such as moose and bison. So  
22 we do get some information on wolves through those  
23 programs.

24 MR. BRUNO CROFT: Bruno Croft, GNWT.  
25 I can't speak for your region, and I'm Norwegian, but

1 I -- I can say in the North Slave when wolves are  
2 reported in high numbers around the communities and  
3 there are concerns for people safety, kids, or -- or  
4 pets, we dispatch officers to dispose of the animals.  
5 Or in the case of the Yellowknife Dene community last  
6 fall, we would train a person in the communities to  
7 capture wolves with -- with snares, another method of  
8 capturing them.

9                   In the case of Dettah last September  
10 when we had -- were receiving concern, and then we had  
11 to do something within ten (10) days, the person that  
12 we had trained had captured eight (8) wolves. Never  
13 had a complaint after that. So when there is a safety  
14 concern we will be there to assist the folks in the  
15 communities. We have done that in the past; we'll  
16 continue to do so.

17                   MS. BERTHA NORWEGIAN:     Bertha  
18 Norwegian. Thank you very much for your responses. I  
19 hope that I wasn't suggesting that wolves were a  
20 species at risk. That was not by intention. I just  
21 wanted to have more discussion on that particular  
22 topic.

23                   And I also wanted to talk about the  
24 harvesting of the berries and other small food items  
25 that can be harvested off the land. Your proposed



1 road is going to be 80 metres. I can't remember the  
2 exact width, but when you look at the pictures of the  
3 cut line that that road is going to be on, I can't see  
4 it being that wide. So there would be a requirement  
5 to widen the road all the way to Whati.

6                   So will there be any on the land  
7 harvesting impacted as a result? And this is the  
8 harvesting of the berries and pine nuts and whatnot.

9

10                                   (BRIEF PAUSE)

11

12                   MR. RUSSELL NEUDORF: Madam Chair, I -  
13 - I would suggest that perhaps it might be best to  
14 defer that discussion on this until tomorrow when we  
15 can -- we're talking about the TK and traditional use  
16 areas, culture, that kind of thing.

17                   MS. BERTHA NORWEGIAN: Thank you,  
18 Madam Chair. Thank you.

19                   THE CHAIRPERSON: Questions from  
20 Review Board?

21                   MS. SUNNY MUNROE: Thank you, Madam  
22 Chair. This is Sunny Munroe, with the Review Board.  
23 I'm just wondering if you have considered hunting by  
24 using drones. It doesn't -- it hasn't come up at all.  
25 I haven't seen it come up in any kind of literature,

1 but I do -- I have heard that people are using drones  
2 to find animals and -- and hunt them, so.

3                   So would that be included in your  
4 Wildlife Monitoring Plan?

5

6                   (BRIEF PAUSE)

7

8                   MS. HEATHER SAYINE-CRAWFORD: Heather  
9 Sayine-Crawford, with GNWT. So the use of drones in  
10 harvesting is actually one (1) -- one (1) issue that  
11 we're currently having discussions about with co-  
12 management partners. We are looking to go to external  
13 engagement on regulating the use of drones when --  
14 when harvesting wildlife. So it is something that is  
15 on GNWT's radar, and we are trying to deal with.

16                   MS. SUNNY MUNROE: Sunny Munroe, at  
17 Review Board. Any idea when you'd have that  
18 information? The drones have a tendency to multiply  
19 quickly.

20                   MS. HEATHER SAYINE-CRAWFORD: Heather-  
21 Sayine Crawford, with GNWT. So there have been  
22 preliminary discussions al -- already happening and  
23 we're expecting an engagement would -- would roll out  
24 in the -- probably in the new year.

25                   MS. SUNNY MUNROE: Thank you. I don't

1 have any other questions.

2 THE CHAIRPERSON: Questions, Review  
3 Board?

4 MR. JAMES WAH-SHEE: Madam Chair,  
5 thank you. Regarding the -- the corridor from the  
6 Highway 3 to here, discussion was essentially dealing  
7 with the migration of the woodland caribou, and  
8 possibly the migration of the moose or the movement.  
9 I was kind of wondering, we're talking about predators  
10 for the -- and the stress created on the woodland  
11 caribou by wolves. And I assume it's not only  
12 woodland caribou, but also the pressure on other  
13 species like moose and such.

14 I was wondering if the woodland bison  
15 would perhaps use the corridor. At -- presently, as  
16 you know, they travel from Providence on Highway 3.  
17 They pass Edzo, pass Behchoko on the highway. And  
18 they go up to Stagg River and beyond.

19 If this Tliche all season highway was  
20 going to be constructed, then my question is do you  
21 feel that the wood -- the bison herd might be using  
22 that corridor as well? Is that a possibility

23

24 (BRIEF PAUSE)

25

1                   MR. JAMES HODSON:    It's James Hodson,  
2 with GNWT. To answer your question about bison, there  
3 was evidence of bison using the corridor that's there  
4 already. So we saw evidence of bison during aerial  
5 surveys and also when people are driving up and down  
6 the old winter road that's there. So there are  
7 already bison using that corridor, and we -- we do  
8 expect them to continue to use the corridor once the  
9 all season road would be in place.

10                   MR. JAMES WAH-SHEE:    So, therefore,  
11 would it be reasonably -- reasonable to assume that it  
12 would ease the predatory pressure on other species, is  
13 my question.

14

15   (BRIEF PAUSE)

16

17                   MR. JAMES HODSON:    James Hodson, GNWT.  
18 We did look at that question and our assessment was  
19 that wolves are already using the existing corridor  
20 that's there. So the project wouldn't be creating a  
21 new impact or a new corridor for wolves to travel on  
22 because there's already one (1) there for them to use.

23                   MR. JAMES WAH-SHEE:    James -- James  
24 Wah-Shee, Review Board. If that's the case then could  
25 you indicate, if you have that information, do you

1 have any indication in regards to the annual  
2 harvesting in terms of numbers of the wood bison  
3 between Providence and this way?

4 MR. JAMES HODSON: James Hodson, GNWT.  
5 Currently bison harvesting is closed for the Mackenzie  
6 bison population, so there is no harvest at the  
7 moment.

8 MR. JAMES WAH-SHEE: Could you  
9 indicate to me then why -- why is the hunting of bison  
10 is closed? What's the reason for it? Is that due to  
11 the population decline or disease, or what's the  
12 reason?

13 MR. JAMES HODSON: James Hodson, with  
14 GNWT. Yes, I believe the reason that bison harvest  
15 was closed was because of the declines after the  
16 anthrax outbreak. There just wasn't the numbers  
17 anymore to sustain harvesting.

18 MR. JAMES WAH-SHEE: James Wah-Shee,  
19 Review Board, Madam Chair. I want to thank you for  
20 your answers and thank you for your presentation.  
21 Masi cho.

22

23 PUBLIC COMMENTS:

24 THE CHAIRPERSON: Okay. That  
25 concludes the questioning from the parties. I would

1 now like to open up the floor for the public comments  
2 or questions from the people from Whati. So women,  
3 Elders, middle-aged, youth. Anyone goes. Just put  
4 your hand up if you would like the mic. There's  
5 someone standing there that can help you.

6

7

(BRIEF PAUSE)

8

9

THE CHAIRPERSON: We heard the  
10 presentation this morning from the GNWT who is the  
11 Developer, and we're just wondering if there's any  
12 public comments from the people from Whati in regards  
13 to the presentation. Questions or comments in regards  
14 to the presentation.

15

16

(BRIEF PAUSE)

17

18

THE CHAIRPERSON: One (1) last call.  
19 Public comments? If not, then if we could move into  
20 the next presentation. And the next presentation is  
21 going to be with the Tlicho government.

22

23

(BRIEF PAUSE)

24

25 PRESENTATION BY TLICHO GOVERNMENT:

1 MS. TAMMY STEINWOUND-DESCHAMBEAULT:  
2 Good afternoon, everyone, Madam Chair, Board members,  
3 community members, ladies, and gentlemen.

4 Today with our presentation we would  
5 like to first begin by introducing ourselves again for  
6 anybody that's new, and we have a new member joining  
7 us for today. So I'll begin with the back. Ginger  
8 Gibson, Zabey Nevitt, Elder Joe Champlain, Elder Louie  
9 Flunkie, Tiana Steinwound, Georgina Chocolate, Elder  
10 Francis Simpson, Elder Charlie Apples (sic), Petter  
11 Jacobsen, Jessica Hum. And today joining us, we are  
12 lucky to have John B. Zoe. And I'm Tammy Steinwound-  
13 Deschambeault.

14 For today's presentation we're going to  
15 begin with our two (2) Elders that are at the front of  
16 the table. Francis Simpson will begin and then  
17 Charlie Apples (sic). And following the -- our two  
18 (2) Elders will be Petter Jacobsen and Jessica Hum.  
19 Masi.

20

21 (INTERPRETED FROM TLI CHO LANGUAGE INTO ENGLISH)

22

23 ELDER FRANCIS SIMPSON: This is Francis  
24 Simpson, from Whati. They're using collar block  
25 right now in it's What. We are here -- how many

1 people, and then people spoke. They spoke about  
2 animals. They want to save some animals. There's a  
3 big -- the story there. You -- you guys are trying to  
4 help us and you're speaking about the -- speaking  
5 about the animals, helping us. And we're speaking of  
6 that. And then that it -- anybody can talk. Anybody  
7 can speak up: Elders, young people. They can speak.

8                   And we'll say something about -- and  
9 sometime we'll just say it over and over. It's better  
10 just to say one (1) words and not to repeat. And  
11 these people that -- who help us with -- and talk  
12 about animals are the -- we're really happy about it.  
13 And we -- we are the one (1) that would listen to  
14 them. All the animals, the fish, animals, caribou,  
15 everything.

16                   And all -- what you guys doing -- inn  
17 other words, I want to -- all-winter road is going to  
18 be. If there's going to be some animals out on the  
19 road, you guys are trying to help us. I thank --  
20 thank you very much about helping us in here. Over  
21 there it's going to be where the all-weather it's  
22 going to be. It's going to be in -- and where it's --  
23 animals are going to be. It's going to -- it's going  
24 to be moose and rabbit, everything. All the -- the  
25 ptarmigan, everything is going to be in -- around



1 living there. And it's going to be road over there.

2                   And -- and it would be good if you guys  
3 would really watch out we would be really happy if you  
4 watch out for that in here. We're the Aboriginal  
5 people. We're -- we're not going to be happy with all  
6 our life and Elders, we don't how -- how long we're  
7 going to be living again.

8                   And while we're still living I would  
9 like help out with words. And whatever, we'll give  
10 the words to you guys. We'll help you guys. It would  
11 be good if it be kept. The way I look at it,  
12 everything is going to be fine -- everything is going  
13 to be good.

14                   And while people are talking about the  
15 road, it looks like it's going to be everything --  
16 everything, that they should be watch out, like  
17 animals and water. And without water nothing would be  
18 living. And the land and everything's growing,  
19 berries, everything. The, like, berries, the animals  
20 are living with it. And I'm really thankful for what  
21 you guys are talking about. That's all I wanted to  
22 speak about

23

24                   (INTERPRETATION CONCLUDED)

25

1 (INTERPRETED FROM TLICHO LANGUAGE INTO ENGLISH)

2

3 ELDER CHARLIE APPLE: I'm from  
4 Behchoko. I'm living in Behchoko. Charlie -- my name  
5 is Charlie Apple. People -- what -- what people  
6 usually do, I used to do that when I was young. When  
7 I go the barren land sometime we used to see Woodland  
8 caribou, but not very much. But I used to go dog  
9 sledding, and I used to go to -- and animals. We --  
10 we see some Woodland caribou, but sometime two (2) or  
11 five (5). So we used to -- and set the nets. That's  
12 how we survived with fish.

13 And now you guys talking about all the  
14 rabbits and all the ptarmigan. That's -- that's how  
15 we used to live. We used to stay and live in the bush  
16 like that. And now you guys are going to -- there's  
17 going to be an all-season road, and that's -- there's  
18 a lot of things and animals going to be on the road.

19 So one is the -- the animals, caribou,  
20 they look at the -- they look at the nice land. They  
21 go on it. And that's what -- that's what animals like  
22 moose, caribou and -- but we -- we will just out there  
23 trapping. We will go for trapping. We're not there  
24 to go hunting every day. We won't go hunting every  
25 day. We're just going there for trapping.

1                   It used to a nice land, even. It was  
2 where we were going to sleep, where we're going to  
3 stay. That's how it used to be like that. Use  
4 branch, nice branch and everything was good. There  
5 wasn't -- it wasn't burning then. We used to have  
6 good woods. And now it's all that -- there's lots of  
7 fire around, so just, we don't know. There's a lot of  
8 burned land and we don't know how to eat. Maybe  
9 there's one (1) of -- some other caribou and all the  
10 animals are just burned.

11                   We check all over. Most of the places  
12 are -- there's a lot of burn island. There's a burn  
13 forest, and there's a lot of people. Some of them,  
14 their cabin burned down. We went around with them  
15 looking around with the trappers. All the good land,  
16 everything was -- now it's all burned down. We used  
17 to work on it.

18                   Not only that, but -- not only that,  
19 but, yeah, in the -- they used to -- they used to  
20 dress up in traditional and used to use the caribou  
21 and moose hide slippers, moccasins. They used to use  
22 all that in the bush. Traditional dress-up. I used  
23 to use mittens when I was young.

24                   When the dogs -- when the dogs stop or  
25 if I want to just walk, go around and -- with the snow

1 shoes, I used to do that. Now I can't do what I used  
2 to do. We -- now we use skidoo boots, skidoo jacket.  
3 We can't even move around with it. That's how we  
4 work, with Skidoo. It's not like that before. It was  
5 good. We were young, so it used to be good. Go for  
6 woods. We used to make a fire and we used to go dog  
7 team. We feed the dogs. We cook outside. We just --  
8 we have meat and we'll have caribou meat. We would  
9 just cook and ptarmigan. We used to cook -- and we  
10 used to work -- we used to cook on the fire. We used  
11 to work good like that.

12                   Now it's not like that. It's how many  
13 years now? I haven't -- I haven't been doing  
14 anything. About three (3) years I haven't been doing  
15 anything. I'm older now. So just, like, I'm just  
16 here for -- to walk around or doing things around  
17 town. Whatever I used to do, whatever I used to do I  
18 can't do now. Now I'm different.

19                   I didn't -- I didn't grow in Behchoko.  
20 And -- I grew up in the bush; that's where I was  
21 living. I grew up. When I was young I was living  
22 there. That's how I -- I got old -- as I got older  
23 the water where -- people used to live there. There  
24 was lots of people survive with that where I live,  
25 where I grew up.

1                   My grandpa -- my grandpa -- and when  
2 people come around all the time. People used to come  
3 visit us. And my -- and so he give them some fish and  
4 give them fish for their -- their dogs. And for us  
5 when -- when we'd get lots of fish and they come stay  
6 with us, they eat beside us. We'll cook fish for  
7 them. We used to live good.

8                   Now -- now when it gets winter people  
9 used to go back to the -- they used to go by skidoo  
10 from Rae Lakes and Behchoko. People used to go there  
11 on the lake -- around the lake. And so then I do the  
12 same thing. A lot of people survived with the water.  
13 But it looks like it -- now they said they're talking  
14 about the mine. It's going to be coming up around  
15 that area.

16                   And now -- there used to be lots of  
17 caribou. There used to be lots of caribou and going  
18 back and forth. Now it's different. I used to set  
19 the nets. We used to live there for caribou when  
20 there's lots of caribou. Sometime when the caribou  
21 comes around again there's lots. It was just full of  
22 -- there was lots of caribou.

23                   I remember when my grandpa said, We're  
24 going to get some caribou. After we get some caribou  
25 they used to make dry meat. My sisters, they used to

1 make dry meat. So we used to have lots of dry meat.  
2 When we go to Behchoko and we'll come back there's  
3 still dry meat -- there was lots of dry meat by then.  
4 That's how we used to -- that's how our -- our family  
5 -- our relative -- people, my parents used to work  
6 with me.

7 I used to use a dog. I used to walk --  
8 walk all over. Whatever people used to do in the old  
9 -- ancestors, that's what I was doing. Now what --  
10 whatever my grandpas told me, I was following him.  
11 When we go to sleep we didn't leave the fire on while  
12 I was sleeping. We're just living tent. The fire  
13 just goes off. In the morning we will make fire again  
14 and the fire is going all day again. Again in the  
15 evening we would -- the fire goes off. In the morning  
16 we'll have to make a fire, every -- every morning.  
17 Every day's like that. We have to get some woods.  
18 That's how we used to raise. We used to look at the  
19 family like that. Now I'm older, I'm 80 years old  
20 now.

21 Thank you. I just want to thank you.  
22 What you guys talk about, all that. You guys had lots  
23 of questions about all the animals. Everything that  
24 you guys speaking about, I thank you. I think that  
25 you guys are right. Thank you. And also the -- also

1 the translator, the -- I thank them. We have earphone  
2 on and they -- they listen to us. We're listening to  
3 them. I thank them. I thank the translator.

4                   After you guys went back to Yellowknife  
5 yesterday and then you guys came back in the morning,  
6 you guys spoke out. We listened to you guys. I thank  
7 you. We can't -- I can't -- I don't want to just not  
8 say nothing to you guys. I wanted to speak. I just  
9 wanted to talk to you guys about the Woodland caribou.  
10 And now there's going to be all winter road to Rae.

11                   There used to be two (2) -- two (2)  
12 roads there. We used to go trapping. I'm not the  
13 only one (1) I'm saying that. I went -- I went  
14 trapping. But there must be other Elders that did the  
15 same thing. That's how we used to live. That's what  
16 I'm just telling you guys.

17                   Thank you for -- and I thank those  
18 people that we're staying with. And we eat good.  
19 They keep us good. They look after us good. The  
20 cooks, I thank you very much for everything.

21

22                   (INTERPRETATION CONCLUDED)

23

24                   MR. PETTER JACOBSEN: Hi. My name is  
25 Petter Jacobsen. I'm the traditional knowledge

1 researcher with the Tlicho government. As  
2 appropriate, I just do a quick introduction to the  
3 community members of Whati. In colla -- in  
4 collaboration with Georgina Chocolate over here, we  
5 conducted the traditional knowledge study for the  
6 proposed road where we worked with your Elders and  
7 harvesters to map out all the cultural, land,  
8 environmental significant sites.

9 I've also done numerous sur -- research  
10 with John B. Zoe on -- on cultural areas by paddling  
11 the -- the trails into the larger traditional area of  
12 the Tlicho. And I'm also the lead researcher for the  
13 boots-on-the-ground caribou monitoring program. And  
14 caribou is what we will talk about now.

15 So talking about Tqdzi, Woodland  
16 caribou and -- and Hozii Ekwq, barren ground caribou.  
17 Based on the TK study that we did, the Elders  
18 identified that Tqdzi, woodland caribou, move  
19 throughout the entire area proposed for the road. The  
20 Elders locate their main habitat in the centre of the  
21 area and mainly west of Kagutili (phonetic), or Old  
22 Airport Road. Further, the Elders emphasize Tqdzi are  
23 secretive animals that are hard to track and hunt due  
24 to their heightened senses.

25 The Tlicho who harvest Tqdzi, and as



1 Charlie was talking about, state that Tqdzii and their  
2 habitat are already limited due to the large forest  
3 fires in the area, and that there is potential for  
4 increased impact with industrial development and  
5 associated infrastructure.

6           In terms of the Ekwq, barren ground  
7 caribou, the Elders explain how Hozii Ekwq migrate  
8 through the proposed area for the road on their annual  
9 migration route from the barren land to the winter  
10 habitat in the forest. Hozii Ekwq migrate to and stay  
11 in the winter habitat mainly between November or  
12 December all the way to April. However, Tlichu  
13 hunters say that fewer barren ground migrate into the  
14 area, which they all Nudii (phonetic), or the plateau  
15 where the road is proposed.

16           According to our TK research barren  
17 ground caribou migration routes has changed within the  
18 last ten (10) to fifteen (15) years away from their  
19 historic movement pattern. These changes in migration  
20 route is also associated with the development on the  
21 barren lands, and also due to the contraction of the  
22 range use as a result of declining population size.  
23 As you all know, both the Bluenose East herd and the  
24 Bathurst herd have declined rapidly over the past  
25 decade, with significant declines observed during the

1 recent years.

2                   Moving on to our findings for Tqdzi and  
3 Hozii Ekwq. Elders and community members have raised  
4 concerns of potential for impacts to caribou. These  
5 impacts are predicted to not be significant. However,  
6 the impacts are predicted to be moderate. Moderate  
7 impact means that there will be some impact to both  
8 Tqdzi and Ekwq.

9                   Many commitments are made that require  
10 actions from all parties, and Tlicho government is  
11 planning to set up monitoring programs based on  
12 traditional knowledge for both Tqdzi and Ekwq.  
13 Further, to address any potential issues that arise,  
14 adaptive management will be applied as we move through  
15 the process.

16                   The road will -- will provide  
17 opportunities for Tlicho harvesters and trappers to  
18 access areas on their land closer to their community,  
19 but also further away from their community and will  
20 ease the access for hunting and trapping, and  
21 ultimately the practice of Tlicho culture on the land.

22                   So moving on to monitoring and  
23 mitigation. Tlicho government has already established  
24 a TK-based monitoring program, which specifically  
25 deals with barren ground caribou, the boots-on-the-

1 ground caribou monitoring program. The TK-based  
2 program is -- is based on spending long time periods  
3 on the land, and using traditional ways to travel on  
4 the land and interact with land and animals. And we  
5 do that mainly by boat and by walking the habitat of  
6 the caribou.

7                   Additionally, we have developed a TK  
8 framework for what environmental indicators to watch  
9 for and monitor. And following the Elders' words, we  
10 use -- we named this, "We watch everything." The  
11 program we have established, we partner with ENR,  
12 WRRB, and DDC for their advice and guidance. And this  
13 an example of Tlicho government's capacity for  
14 operating a TK-based caribou monitoring program.

15                   Moving on to our commitments, I will  
16 let Jessica Hum go into the details of that.

17                   MS. JESSICA HUM: Masi. And, Madam  
18 Chair, thank you. This is an example -- one (1)  
19 example of increasing capacity by the Tlicho  
20 government for Tlicho people doing monitoring on the  
21 land. The commitments that the Tlicho government has  
22 made concern traditional knowledge, informing our  
23 baseline, using that to develop on the land monitoring  
24 during road construction and operations for kee  
25 (phonetic), which is fish, for Tqdzi the boreal

1 woodland caribou, and for Hozii Ekwq, barren ground  
2 caribou. The Wildlife Management and Monitoring  
3 Program will consider additional traditional knowledge  
4 studies and programs in order to best inform our  
5 adaptive management.

6                   With setting up protocols between  
7 Tlicho government and ENR, we can better manage our  
8 caribou collared data sharing. This already occurs  
9 for our research with boots-on-the-ground and collar  
10 data on Tqdzi can help inform our research, which  
11 brings Western science and traditional knowledge  
12 together.

13                   On the final line, which is not totally  
14 visible on -- on this screen, Tlicho government  
15 supports a corridor working group to advise and  
16 communicate on issues about monitoring and mitigations  
17 for the road. The Tlicho government does not support,  
18 however, an oversight body because we have the tools  
19 and the jurisdictions within our agreement to manage  
20 this project. The Boards have our support and we will  
21 continue to work with them to protect our lands and  
22 resources.

23                   It is important to acknowledge the  
24 Tlicho government's authority and ability from the  
25 Tlicho agreement to implement laws, to develop its own

1 strategies, as well as control and effectively manage  
2 uses of the land.

3                   On the topic of the WMMP, the Wildlife  
4 Management and Monitoring Program, Elder and harvester  
5 guidance is vital to setting the right issues. Tlicho  
6 government has reviewed all technical submissions and  
7 participates in ongoing discussions. The Wek'eezhii  
8 Renewable Resources Board and the North Slave Metis  
9 Alliance have asked for longer dates for the sensitive  
10 seasons for calving to Tqdzi from April 5th to July  
11 15th, for the bison from March 1st to July 15th. And  
12 the Tlicho government supports both of these. We  
13 recognize that there are moose and bison in the area  
14 and we will continue to apply adaptive management when  
15 and if the changes occur.

16

17                   (BRIEF PAUSE)

18

19                   MS. JESSICA HUM: Throughout the  
20 development of the Wildlife Management and Monitoring  
21 Program further studies will bring additional  
22 information. The Tlicho government contributes to  
23 this dialogue on caribou monitoring by establishing a  
24 baseline that is informed by traditional knowledge. As  
25 Petter has mentioned, a future study will monitor

1 Tlicho harvesting. Our collar data sharing protocols  
2 will greatly help with expanding our mutual knowledge  
3 base and the Wildlife Management and Monitoring  
4 Program has been, and will continue to be, a  
5 collective discussion of acceptable levels of change.

6           The Tlicho government recognizes that  
7 there will be impacts, and we do not have complete  
8 certainty on what they all will be. The predicted  
9 impacts are not significant, but are valued at  
10 moderate. We will continue to monitor to have Tlicho  
11 eyes and ears on the land, with the Elders leading the  
12 way. We already have many committed mitigations in  
13 place, or already being developed to manage potential  
14 impacts. And we will continue to adaptively manage  
15 the impacts as we see them.

16           In closing, Madam Chair, this is a  
17 community led project. The community and the Tlicho  
18 will care about the land and the people that will be  
19 impacted. We are working together to prepare  
20 strategies that will minimize the impacts. As the  
21 Elder Charlie Apples (sic) has spoke about the times  
22 past, being there on the land for trapping, for wood  
23 cutting, for cabins, and fishing, but not hunting  
24 every day, we believe that the proposed Tlicho all-  
25 season road will lead to improved access to Tlicho

1 traditional lands, and throughout (TLICHO LANGUAGE  
2 SPOKEN) for Tlicho citizens.

3 This will, in turn ,lead to increased  
4 accessibility for harvesters, especially for youth to  
5 be on the land, which in turn promotes the connection  
6 to Tlicho language, culture, and way of life. Masi  
7 cho.

8

9 (BRIEF PAUSE)

10

11 THE CHAIRPERSON: Is there more to  
12 the presentation? Okay. That's the end? Okay.

13 MS. TAMMY STEINWOUND-DESCHAMBEAULT:

14 Madam Chair, that is the end of our presentation.

15

16 QUESTION PERIOD:

17 THE CHAIRPERSON: Okay. What I'd like  
18 to do then is entertain questions to the presentation,  
19 starting with the Wek'eezhii Renewable Resources  
20 Board.

21 MS. JODY PELLISSEY: Thank you, Madam  
22 Chair. Jody Pellissey. Wek'eezhii Renewable  
23 Resources Board has no questions at this time. Thank  
24 you.

25 THE CHAIRPERSON: Questions,

1 Environment and Climate Change Canada?

2 MR. BRADLEY SUMMERFIELD: Thank you,  
3 Madam Chair. It's Bradley Summerfield, with  
4 Environment and Climate Change Canada. Thanks very  
5 much for your presentation. We have no questions.

6 THE CHAIRPERSON: Questions, North  
7 Slave Metis Alliance?

8 MR. SHIN SHIGA: Thank you, Madam  
9 Chair. Shin Shiga, North Slave Metis Alliance. We  
10 have no questions. Thank you for the presentation.

11 THE CHAIRPERSON: Questions,  
12 Yellowknives Dene First Nation?

13 MR. ALEX POWER: Alex Power,  
14 Yellowknives Dene First Nation. Thank you, Madam  
15 Chair. We have no questions.

16 THE CHAIRPERSON: Questions,  
17 Government of the Northwest Territories?

18 MR. RUSSELL NEUDORF: Russ Neudorf,  
19 GNWT. We have no questions.

20 THE CHAIRPERSON: Questions, Review  
21 Board staff?

22 MR. ALAN EHRLICH: Thank you, Madam  
23 Chair. We've got a small number of question. It's  
24 Alan Ehrlich. My question is directed primarily to  
25 the Elders who presented. The Review Board takes



1 traditional knowledge very seriously and holds it on  
2 par with other conventional so-called Western science.

3 I'd like to know in -- from the Elders,  
4 in your expert opinion, how likely is it that there  
5 are boreal caribou that stay primarily in or around  
6 the Wekweeti area?

7

8 (INTERPRETED FROM TLIHO LANGUAGE INTO ENGLISH)

9

10 ELDER FRANCIS SIMPSON: My name is  
11 Francis Simpson. In the past we live here in Whati.  
12 I wanted to speak about it. Here in Whati people, we  
13 didn't do it -- we didn't go that place. Long time  
14 ago there was hardly anybody around. There was hardly  
15 any -- there was hardly non-native people around here,  
16 and just Elders. The -- the -- just there was nothing  
17 here.

18 My -- my grandpa used to tell me that.  
19 There was no matches. There was no gum. There was no  
20 axe. That's how -- that's how we survived. We had  
21 arrow and if they did not make a fire they used to use  
22 rocks. Also when I tell a story -- when -- we tell  
23 our stories we shouldn't be -- we should be strong.  
24 That's how our -- our family will survive. They --  
25 they -- people like -- all the people that they know

1 that my age now only one (1) time that are -- are  
2 relative.

3                   Our past ancestors told us a story.  
4 People really don't tell the stories, not very much.  
5 When non-native come around -- come around to our land  
6 and we don't really -- when they come to meeting we  
7 don't really tell them the stories about these things.  
8 I'm kind of worry about these kind of stories.

9                   But whole bunch of people that just,  
10 like, all the government in here, I wonder if -- if  
11 you ever heard about stories like that before. Not  
12 only us that we -- we survive. All the people are  
13 Tlicheo people, that's how they survive. Us, we live  
14 in the bush. That's how the family used to look after  
15 us. We used to live in the bush with the barren land.  
16 The barren land around the Inuit people, it's hard.  
17 They -- they live in a hard way. They stay in the  
18 snow. They -- they will use -- and they build a  
19 house, like, a small house. They camp -- they make a  
20 little fire. They can't even cook. They can't even  
21 cook the meat in the fire. That's how they grew up.

22                   Us, it's different story. We live in  
23 the bush. We -- we -- that's how we -- we always make  
24 a fire. We'll cook meat on the open fire. That's how  
25 we used to live. That's how people look after each

1 other and we survive. Now I'm telling you stories.  
2 That's how we -- my grandpa, my grandma used to tell  
3 me a story. That's the story I'm telling you about  
4 now.

5                   And it looks like -- it looks like  
6 there's another world is coming to us. Now there's  
7 going to be a all-weather road. There's a lot of  
8 people living here in Whati, but it's kind of -- this  
9 is happening without -- some of them don't really know  
10 -- don't really know what's going on. They're not  
11 sick, they're just at home. They should come and  
12 visit. Maybe they think that it's okay for the road  
13 to be -- to put -- it's okay for them to the road.

14                   But the way I look at it, just like a -  
15 - the road is going to go ahead. Before -- there was  
16 no -- there was no road before -- before from Edzo and  
17 Yellowknife. They used -- they used to work on the  
18 road. We used to help them out from Providence or  
19 Behchoko when they were going to build that road.  
20 They know that they used to work -- they used to work  
21 there. Some of them with an axe only.

22                   We don't have any power saw by then,  
23 chainsaw. Just we were -- we were just doing with the  
24 axe. And now you guys, maybe some of you traveling on  
25 that road, that's the road that we work on. All the

1 Tliche people work on the road. You guys should know  
2 -- you guys probably know about these things, but I'm  
3 just telling you. There -- now whatever -- I'm just  
4 telling you. Just -- that's all I can say.

5

6 (INTERPRETATION CONCLUDED)

7

8 MR. ALAN EHRLICH: It's Alan Ehrlich,  
9 with the Review Board. I -- I want to point out that  
10 we're taking very careful notes as you speak and it's  
11 also being captured on the transcript, which gives the  
12 Board the opportunity to think very carefully about  
13 everything you're saying.

14 I'd like to ask a question that's --  
15 that's more specifically about Tqdzi, that's the  
16 boreal caribou as I understand it.

17 Are there Tqdzi that stay mostly or  
18 primarily in the Wekweeti area, that don't travel very  
19 far away from the Wekweeti area? Are there some that  
20 stay around? Or -- actually that's what would really  
21 be very helpful if you could tell us from a  
22 traditional knowledge perspective. Or -- or around  
23 the Lac la Martre area would be helpful too.

24

25

(BRIEF PAUSE)

1 (INTERPRETED FROM TLICHO LANGUAGE INTO ENGLISH)

2

3 ELDER FRANCIS SIMPSON: He -- now  
4 you're asking me a question that's -- that's right.  
5 And last year Fort Smith, when they went to -- when  
6 they play hand game, I went over there. And when we  
7 were heading back from Fort Smith I came -- I took off  
8 with -- from Fort Smith. I went with Mike Nitsiza to  
9 Hay River. They -- around, we saw a Woodland caribou.  
10 And so I guess there's Woodland caribou around there  
11 too. There was -- there was three (3) Woodland  
12 caribou over there. And then they just went on the  
13 side of the road, and then we just took off. So I  
14 guess there's some around there. You guys talking  
15 about Woodland caribou?

16 And the Woodland caribou -- would -- we  
17 wouldn't know how they are -- how we would know that  
18 where they are, where they at. So if they're  
19 everywhere we'll go hunting. If we go hunting for it  
20 -- if I want to go hunting for Woodland caribou, it's  
21 really hard because they're so fast. They're so fast.  
22 They -- it's not -- and I told you that it's not going  
23 to wait for us.

24 There's kind of a lot of knowledge. If  
25 it's the weather is no good if there's snowing. And

1 we don't go close to it and -- and it doesn't move if  
2 it's snowing. Sometime when it's three (3), four (4)  
3 you can shoot them all. And here there's Woodland  
4 caribou. When I was young I remember my -- my family  
5 how they used to go hunting. They used to tell me a  
6 story when I was little how many Woodland caribou that  
7 they shot.

8                   And I -- I don't know. And my -- one  
9 of my Elder told me that they shot about seventeen  
10 (17) Woodland caribou. Now I never heard anything  
11 about like that. Maybe two (2), three (3) sometime  
12 they get it. But not every day. Around here some  
13 people did get Woodland caribou, but not -- it's not  
14 like that every day.

15                   Us, about over twenty (20) -- about  
16 twenty (20) years when we saw caribou. But when --  
17 when our family -- my Elders they were living, they  
18 used to go hunting where it's Snowdrift along there.  
19 From here they used to go hunting to Snowdrift. If  
20 there's nothing they used to go hunting for Woodland  
21 caribou. Maybe they get two (2) or three (3) -- they  
22 get two (2) or three (3) and they -- they share.  
23 Everybody share around town. That's how they used to  
24 live.

25                   And now I heard -- I heard all the --

1 I'm just telling you a story of what my -- my grandpa  
2 told me. Before -- how many years ago we had winter  
3 road two (2) years. We go on the vehicle. Sometimes  
4 there's -- on the winter road there used to be  
5 Woodland caribou going around. And now this winter  
6 road there's different ways they -- and we don't know  
7 over there too it's burned down so maybe that Woodland  
8 caribou went to a different direction. So they should  
9 know by what they put on the collar. They should know  
10 by that. I just want to share that. Thank you very  
11 much.

12

13 (BRIEF PAUSE)

14

15 ELDER CHARLIE APPLE: Charlie -- my  
16 name is Charlie Apple. And you guys talking about  
17 Woodland caribou. I wanted to tell you about from  
18 where the town about Fort Providence. We probably --  
19 there's some Woodland caribou over there. And, like,  
20 Snow Lake (phonetic), well, you don't see -- you don't  
21 see Woodland caribou in Snow Lake. But sometimes when  
22 there's caribou and -- caribou and Woodland caribou --  
23 Woodland caribou sometime do take off with caribou.

24 And -- and the Woodland caribou don't  
25 really -- don't really stay around one (1) spot. They

1 always be moving around all the time. And I seen -- I  
2 -- I seen them moving around. If it's windy -- if  
3 it's windy they go by -- they go around -- they go by  
4 the wind. If there's -- there -- if there is  
5 footprint of that print, the footprint sometime they  
6 look at it and they go back out and -- because they  
7 think that somebody might follow us by smelling their  
8 -- by smelling the Woodland caribou.

9                   And some time it goes back to -- they  
10 sleep and they have a nap. And sometimes they -- they  
11 think they sleep around where they -- they walk around  
12 because they think that somebody will smell -- smell  
13 them and follow them. Woodland caribou is not always  
14 hang around a whole -- whole lot together. Just some  
15 of them maybe three (3) and -- or five (5). You don't  
16 really see their track.

17                   From Rae and before it burned down,  
18 when you go to Fort Providence from Edzo, 20 -- 20  
19 miles, we always used to see Woodland caribou. Used  
20 to go two (2), three (3) around that -- on the road.  
21 But it's always on the road so we don't -- we don't  
22 shoot them because of there might be another vehicle  
23 coming that one (1) might -- might hit the vehicle, so  
24 we don't used to do that.

25                   It's about forty (40) years ago there



1 was once in a while close probably by. But I won't  
2 see anything. I haven't saw any -- any Woodland  
3 caribou because maybe it's burnt down. It's forest.  
4 Maybe there's nothing hardly to eat for them. Maybe  
5 they moved to a different area, so I never saw a  
6 Woodland caribou. I used to see Woodland caribou when  
7 I was using dog team. One (1) time -- maybe sometime  
8 one (1) or three (3) I get some with -- with the dog  
9 team. And I haven't saw anything yet.

10 I just want to say thank you. Where  
11 they -- where it's going to be a all weather road,  
12 it's going -- the road is going to be all over. And  
13 some would -- it's not really because there's going to  
14 be a accident is going to happen or something. It's  
15 just -- it's up to God what to do. People maybe lucky  
16 here. We don't know. We're not looking at only  
17 negative, like a accident. We can't always talk about  
18 -- we can't always talk about saying that there's  
19 going to be accident. We can't always think like  
20 that.

21 And the all weather road has been very  
22 good and we're going to have to thank -- we want to  
23 say thank you. The Elders that -- we don't know if  
24 we're going to be on the road some day because now I'm  
25 -- I'm older now. There's lots of sickness going

1 around. We probably won't see the road, but maybe the  
2 gen -- the new generation will. Start building the  
3 road for the new generation.

4 And all that -- all the animals,  
5 sometime they go on the road. They -- they travel on  
6 the road. All the animals, they do that too on just  
7 the road. I just want to talk to you about that.  
8 That's all I wanted to say. Thank you.

9

10 (INTERPRETATION CONCLUDED)

11

12 MR. ALAN EHRLICH: Masi cho, Elders  
13 Simpson and Apples. We have one (1) more question,  
14 Madam Chair, from the Review Board and it's from Brett  
15 Wheler.

16 MR. BRETT WHEELER: Thank you, Madam  
17 Chair. Brett Wheler, for the Review Board.

18 The GNWT and its consultants mentioned  
19 several times that adaptive management is an important  
20 part of their -- their wildlife plan and monitoring in  
21 general. Ms. Jessica Hum, you -- you also talked  
22 about the importance of adaptive management.

23 My question is: Practically speaking,  
24 do you have any suggestions for what kinds of things  
25 should be involved in adaptive management? And what

1 is important to making it successful in linking  
2 monitoring to action? Masi.

3

4 (BRIEF PAUSE)

5

6 MS. JESSICA HUM: Thank you, Mr.  
7 Wheler and Madam Chair. The response from Tlicho  
8 government on practical adaptive management actions.  
9 In the first part throughout this process through the  
10 technical sessions, the Board has accepted traditional  
11 knowledge. And this precise information provided by  
12 the Elders gives us clear guidance on directions to  
13 take.

14 So using traditional knowledge as our  
15 starting point is going to be very important in  
16 adaptive management. It helps to create a baseline of  
17 wildlife harvesting in this area. And the second  
18 point is to actually have -- for lack of the -- the  
19 name of our program, boots-on-the-ground, literally  
20 Tlicho eyes and ears on the land monitoring what is  
21 going on, and reporting back. And then that circle of  
22 reporting back, at least annual meetings where we can  
23 revise our monitoring strategies on an ongoing basis.  
24 Masi.

25 MR. BRETT WHEELER: Thank you, Madam

1 Chair. No -- no further questions from staff.

2 THE CHAIRPERSON: Questions, Review  
3 Board? David...?

4 MR. DAVID KRUTKO: David Krutko, with  
5 the Review Board. Great presentation and very  
6 knowledgeable in regards to the traditional knowledge  
7 and the collection of that information.

8 But I'd just like to know, is how do  
9 you intend to use the information that you've  
10 collected in collaboration with the Developer to put  
11 it in this project, but also not just preconstruction,  
12 at construction and after construction because there's  
13 going to be a twenty-five (25) year contractual  
14 arrangement with a contractor. So they also have to  
15 be engaged at some point in the future.

16 So I'd just like to know is there -- I  
17 know the government is proposing having a corridor  
18 working group. Is that something that you can work  
19 with, or are we talking with something that's  
20 different or you'd like to suggest another option?

21

22 (BRIEF PAUSE)

23

24 MS. GINGER GIBSON: Thank you. Ginger  
25 Gibson, with the Tlicho government. A couple of

1 answers to your good question. Thank you for the  
2 question.

3                   First of all, Jessica and Petter both  
4 mentioned that traditional knowledge reporting that  
5 they're doing with -- working with the Elders. So our  
6 traditional knowledge experts are here, Georgina  
7 Chocolate, Tammy Steinwound, John B. Zoe. They  
8 provide guidance on the annual programs. We know that  
9 we we're going to be adapting the traditional  
10 knowledge programs to make sure that monitoring is  
11 occurring around the road. And then our TK  
12 researchers document that knowledge and provide  
13 reports.

14                   One (1) of the fundamental outcomes of  
15 the technical session was that the Proponent agreed to  
16 not just read the reports, but meet face-to-face. And  
17 the art of a good conversation is what we're looking  
18 for because it's when somebody like Bruno Croft sits  
19 down with somebody like our Elder Charlie Apples (sic)  
20 or Elder Francis Simpson that they actually look and  
21 talk about real changes.

22                   And so it becomes less of a paper  
23 exercise and it becomes more of a personal commitment  
24 between people who really care about the North to take  
25 care of it and -- and that's what they will do,

1 because they will have to sit down every year as a  
2 result of the requirement in the WMMP that they meet  
3 face-to-face with that each year.

4           We mentioned in our presentation that  
5 we are open to engaging with the working group that  
6 could be structured. We don't see the need for that  
7 to be an independent working group. We -- we are open  
8 to engaging in that working group, along with other  
9 co-management authorities as well. We have faith in  
10 the co-management authorities and agencies that  
11 operate in the North. Thank you.

12           MR. DAVID KRUTKO: David Krutko again.  
13 Yeah, in my question I also asked -- referenced  
14 preconstruction, construction, and then the twenty-  
15 five (25) year period where there's going to be a  
16 contract with a contractor.

17           So how do you engage with that aspect  
18 of this project? Thank you.

19

20   (BRIEF PAUSE)

21

22           MS. GINGER GIBSON: Masi for the  
23 question. Ginger Gibson, Tlicho government. Thank  
24 you. I think that the construction phase, in  
25 particular, we did refer to that.

1                   For the twenty-five (25) years of  
2 operation, we understood the GNWT yesterday to answer  
3 that they would -- the commitments that they hold,  
4 they would bind the contractor to. And -- and so we  
5 understand that that's a relationship that the GNWT  
6 would have to enforce.

7                   At the same time, as an -- as an  
8 independent government looking at that relationship,  
9 we also are very aware of the -- of the devolving of  
10 responsibility to a Propo -- to the -- to the  
11 contractor. And so we have oversight on that.

12                   We intend to have oversight on how that  
13 looks and -- and we're carefully working with the GNWT  
14 to ensure that the twenty-five (25) years of  
15 operation, in particular, has clear goals, metrics,  
16 and responsibilities that -- that the GNWT has a  
17 responsibility to report back on to the Tlicho  
18 government. Masi.

19                   THE CHAIRPERSON:    Questions, Review  
20 Board?

21

22   (BRIEF PAUSE)

23

24                   THE CHAIRPERSON:    Okay. Thank you  
25 very much for your presentation. Our next

1 presentation is the Wek'eezhii Renewable Resources  
2 Board.

3 MS. GINGER GIBSON: Madam Chair,  
4 sorry. Could I just ask -- we were going to go to  
5 public for Tlicho government asking questions -- the  
6 public asking questions of the Tlicho government?

7 THE CHAIRPERSON: We were going to go  
8 through the presentations and then we were going to go  
9 through the questions at the end there, so that  
10 they're all -- they could be all together. But there  
11 will a public and comment period t the end.

12

13 (BRIEF PAUSE)

14

15 PRESENTATION BY WRRB:

16 MS. JODY PELLISSEY: Thank you, Madam  
17 Chair. Good day. My name is Jody Pellissey, and I'm  
18 the Executive Director of the Wek'eezhii Renewable  
19 Resources Board. I have here with me that the Board's  
20 wildlife management biologist Boyan Tracz. I never  
21 get his last name right and I've known him for ten  
22 (10) plus years, so. Anyway, Boyan's here with me.

23 We would like to thank Chief Nitsiza  
24 and the community of Whati for hosting this public  
25 hearing, the other parties involved in this



1 environmental assessment, and the GNWT for their  
2 efforts to provide additional information. As well,  
3 we would like to thank the Mackenzie Valley  
4 Environmental Impact Review Board for granting the  
5 WRRB party status to present the Board's concerns  
6 about the Tlicho all season road's potential impact to  
7 wildlife and wildlife habitat, as well as possible  
8 solutions.

9                   The WRRB is a co-management board  
10 established by the Tlicho agreement in 2005. The  
11 Board is an institution of public government, which  
12 means that the Board considers the interests of all  
13 users in making its decisions. The WRRB is  
14 responsible for wildlife, plant, and forest management  
15 as well as protected areas in Wek'eezhii. The WRRB's  
16 purpose is to work with communities and governments to  
17 manage animals, birds, and fish and their habitats in  
18 Wek'eezhii to benefit people today and future  
19 generations.

20                   The WRRB adheres to the principles and  
21 practices of conservation, including the precautionary  
22 principle, in fulfilling its duties. The Board  
23 considers the relationships between wildlife, the  
24 land, and people and uses the best information  
25 available to inform its decision-making. The WRRB is

1 then able to make balanced decisions supporting the  
2 Tlicho philosophy of "Strong Like Two People."

3                   Regarding the Tlicho all-season road,  
4 the WRRB's primary and overarching concern is the  
5 uncertainty of the impacts of the road on wildlife and  
6 wildlife habitat, particularly those species that have  
7 been given a threatened status under both the  
8 Territorial and National Species At Risk Acts.

9                   The GNWT's position is that no  
10 significant adverse environmental impacts are likely  
11 to occur during the development and operation of the  
12 Tlicho all season road that cannot be mitigated and  
13 adaptively managed through the Wildlife Management and  
14 Monitoring Plan, and all additional management plans  
15 that the GNWT has committed to during this  
16 environmental assessment.

17                   However, the WRRB notes uncertainties  
18 at each stage in this environmental assessment,  
19 starting with the assessment end point and moving  
20 through to residual effects. By "uncertainties," the  
21 WRRB means missing information, incomplete analyses,  
22 and incomplete understanding of the risks posed by  
23 declines in recovery. The uncertainties make it  
24 difficult to predict effects on threatened wildlife  
25 and how to effectively monitor and mitigate the

1 effects.

2                   While the GNWT has provided  
3 considerable detail throughout the assessment, the  
4 effectiveness of mitigation and adaptive management  
5 are missing from the Wildlife Management and  
6 Monitoring Plan. One might say that it's been  
7 difficult to find the key information needed admit --  
8 amidst all the detail. As the picture on the screen,  
9 it's difficult to see the caribou for the trees.

10                   The GNWT has reiterated its argument  
11 that the appropriate boundary for assessing the Tlicho  
12 all season road is over the entire NWT Tqdzii range, or  
13 NT1. While acknowledging that there is a higher rate  
14 of habitat loss in NWT south, the WRRB has  
15 consistently argued that the appropriate spatial  
16 boundary for Tqdzii is Wek'eezhii.

17                   By not applying the most conservative  
18 spatial boundary, the WRRB sees this as an example of  
19 uncertainty, a consequence of delays in the NWT  
20 recovery planning process, meaning no Wek'eezhii Tqdzii  
21 range plan. The importance of using appropriate  
22 spatial boundaries is that it determines the  
23 thresholds for habitat loss, the definition of  
24 critical habitat, and the risk of declines in Tqdzii,  
25 which reduces uncertainty in predicting effects for

1 Wek'eezhii. Analysis at this smaller scale can then  
2 be used to inform the larger NT1 range.

3                   The figure on the screen shows the  
4 relationship between the likelihood of Tqdzi declining  
5 on the left-hand side of the graph, and the amount of  
6 habitat disturbance, including fire and human caused  
7 disturbance along the bottom of the graph. Along the  
8 top of the graph, it shows how Tqdzi, being self-  
9 sustaining, gets progressively less likely as one  
10 reaches 35 percent habitat loss.

11                   That is, at the 65 percent habitat  
12 threshold there is only a 60 percent likelihood of a  
13 self-sustaining population.

14

15                   (BRIEF PAUSE)

16

17                   MS. JODY PELLISSEY: Sorry about that.  
18 In the adequacy statement report, the GNWT has ent --  
19 identified NT range -- NT-1 range, pardon me, to be at  
20 a 66.8 percent disturbance. However, the NT-1 range  
21 is now considered to be at 65 percent disturbance as  
22 per the recent environment and climate change report  
23 on progress of recovery strategy implementation. It  
24 should be noted that 65 percent undisturbed habitat is  
25 considered a minimum habitat threshold because there

1 remains a significant risk, 40 percent, that local  
2 populations will not be self-sustaining.

3                   In the adequacy state -- statement  
4 report, the GNWT has identified the NWT south range to  
5 be at 60 percent disturbance. However, as per  
6 Environment and Climate Change Canada, the NWT south  
7 range is that 62 percent disturbance. And as per the  
8 NWT boreal caribou recovery strategy, the Wek'eezhii  
9 range is at 55 percent disturbance.

10                   The WRRB views the figure as showing  
11 the uncertainty about thresholds for Tqdzi. Many  
12 values have been provided regarding the amount of  
13 disturbance on the land and the amount of Tqdzi  
14 habitat remaining, and uncertainty on how disturbance  
15 is being accounted for remains. Further, the figure  
16 shows that Tqdzi are already at or below the threshold  
17 required for their likely persistence.

18                   This map shows Tqdzi distribution as  
19 noted by Tlicho Elders from Whati and Behchoko doing  
20 research in 2012. Tqdzi are found throughout the  
21 Taiga Plains within Wek'eezhii, all these little dots  
22 here. This map shows wildfires within (TLICHO  
23 LANGUAGE SPOKEN) up to and including 2015. One (1)  
24 area that has healthy habitat is associated with the  
25 Tlicho all-season road.

1                   Between 2012 and 2016, the WRRB's Tqdzi  
2 research found that Elders and harvesters from Whati  
3 stated that decision-makers must understand and  
4 recognize that Tqdzi need all of their current habitat  
5 within their range to maintain a healthy population.  
6 There were concerns that recent wildfires are more  
7 severe and intense, leaving limited habitat and that  
8 decision-makers may misinterpret or use Elders'  
9 knowledge to justify protecting only certain Tqdzi  
10 habitats, contributing to further fragmentation.

11                   Now that community members are not  
12 harvesting Ekwq as much Tqdzi have become more  
13 important to the communities surrounded by Tlichu  
14 lands. Elders and harvesters have noted their  
15 concerns about the potential of hunters that will use  
16 the Tlichu all season road as easy access to Tqdzi.  
17 The WRRB is concerned about the minimal consideration  
18 given by the GNWT related to harvesting, especially  
19 disrespectful harvesting relative to Tqdzi responses  
20 to roads and traffic. The WRRB notes there is  
21 currently no accurate population estimate for Tqdzi in  
22 Wek'eezhii and no plans for population surveys.

23                   Tlichu have rules associated with  
24 harvesting and using any animal. Tqdzi are respected  
25 by harvesting them, and using what Tqdzi have to offer

1 and an appropriate way. Often roads allow access to  
2 hunters who are less willing to respect Tqdzi. Less  
3 respectful hunting elsewhere has been shown to cause  
4 the Tqdzi to avoid the road at a greater distance.

5 Elder Francis Williah said:

6 "Tqdzi will take off fast if they  
7 hear or smell you. If you come  
8 across them by accident they will  
9 just standing very still. But  
10 because they are secretive and  
11 difficult to find, and when  
12 disturbed they usually disappear  
13 quickly into the forest."

14 The GNWT used a distance of 500 metres  
15 by which Tqdzi may avoid the road. The WRRB suggests  
16 that the impacts of the road may cause Tqdzi to avoid  
17 the disturbance at a greater distance than 500 metres.  
18 Thus, the use of the 500 metre buffer underestimates  
19 the indirect habitat loss. This is another example of  
20 uncertainty. The WRRB suggests that by increasing the  
21 disturbance buffer to 2,500 metres the indirect  
22 habitat loss is less likely to be underestimated.

23 This map -- oh, sorry. The WRRB notes  
24 concerns voiced by Tlicho citizens about bison  
25 expanding further into Wek'eezhii due to the road.

1 However, this map shows that bison are already present  
2 with over a hundred and fifty (150) cited during the  
3 reconnaissance survey to collar Tqdzi in March 2017.  
4 The road may further facilitate bison movements into  
5 Tqdzi habitat.

6                   This map shows wildfire locations and  
7 moose sightings during the reconnaissance survey to  
8 collar Tqdzi. With the recent wildfire activity in  
9 Wek'eezhii it is expected that the moose population  
10 will likely increase in the future. In addition to  
11 humans, Tqdzi Ekwq are preyed on by wolves, lynx, and  
12 bears. Additional prey species, such as bison and  
13 moose, may increase the number of wolves and other  
14 predators in the area, thus impacting on the Tqdzi and  
15 Ekwq. The Federal Boreal Caribou Action Plan suggests  
16 a multi-species research and planning approach. The  
17 WRRB agrees and suggests that such research be  
18 undertaken using both Tlicho knowledge and science.

19                   The WRRB is concerned about the  
20 underestimated exposure of Ekwq to the Tlicho all  
21 season road. At the present exposure may be unlikely,  
22 but risk is high if Ekwq do return to western ranges  
23 due to recovery or trends in wildfires. During the  
24 Fortune NICO environmental assessment the GNWT  
25 highlighted Ekwq concerns and specific measures were



1 developed. These have not been highlighted during  
2 this process.

3                   The WRRB is concerned about the  
4 uncertainties and that the Developer does not clearly  
5 explain how monitoring and mitigation will be adjusted  
6 if Ekwq numbers and distribution change as Ekwq  
7 recover from the current decline. The risk is that as  
8 Ekwq return to the western ranges the effect of any  
9 deflection from the Tlicho all season road relative to  
10 Ekwq recovery and reoccupation of their historic  
11 ranges is uncertain.

12                   The GNWT states that the Tlicho all  
13 season road is just another highway, that the Wildlife  
14 Management and Monitoring Plan is primarily for  
15 construction, and that there is no commitment to  
16 monitoring beyond five (5) years. Along with these  
17 concerns the WRRB notes that a warmer climate may mean  
18 drought conditions and more fires. These will affect  
19 Ekwq habitat, and likely reduce it and/or change  
20 distribution.

21                   Also, as Ekwq recover, accommodations  
22 must be made for changes in movement and distribution.  
23 Therefore, it is important that a collaborative  
24 reappraisal of monitoring occurs at regular intervals,  
25 and relates to ongoing management planning. This

1 should be done separately for both the construction  
2 and operational phases.

3 Roads open up areas for development so  
4 the WRRB is concerned about the Tlicho all season road  
5 opening up areas that are critical habitat for Tqdzi  
6 and Ekwq. Further, the WRRB is concerned about the  
7 lack of information on monitoring and mitigating  
8 cumulative effects in the adequacy statement report,  
9 especially since GNWT has stated that cumulative  
10 effects are not part of the Wildlife Management and  
11 Monitoring Plan.

12 Cumulative effects are being addressed  
13 through the GNWT/ENR mandate to manage wildlife. And  
14 through initiatives such as the Bathurst Caribou Range  
15 Plan, which is not completed, the boreal caribou range  
16 planning framework, which has not been started in the  
17 Cumulative Impact Monitoring Program. But ignoring  
18 that cumulative effects are inherent with the Tlicho  
19 all season road is another uncertainty.

20 During the Fortune NICO and Jay pit  
21 public hearings the GNWT agreed that the third tier of  
22 mitigation, after avoiding or minimizing effects, is  
23 to restore, recover, or offset effects. The GNWT  
24 recognized the value of offsetting as a cumulative  
25 effects management strategy and acknowledged the need

1 to develop guidance and identify potential offsetting  
2 projects.

3                   The GNWT has given a similar response  
4 to offsetting for the Tlicho all season road.  
5 However, initial comments regarding offsetting and  
6 regeneration have changed throughout the process, and  
7 there is uncertainty as to how they may be approached.  
8 The WRRB is concerned about the delays associated with  
9 developing a policy, particularly since offsetting is  
10 considered a relatively standard mitigation tool used  
11 elsewhere in Canada and throughout the world.

12                   The WRRB believes that increased  
13 certainty is required regarding the impacts of the  
14 road on wildlife and wildlife habitat in Wek'eezhii,  
15 particularly for Tqdzi and Ekwq that have been listed  
16 and assessed respectively with a threatened status  
17 under both the Territorial and National Species At  
18 Risk Acts.

19                   A robust, multi-species research and  
20 planning approach using both Tlicho knowledge and  
21 science to the Wildlife Management and Monitoring Plan  
22 is key for both the construction and operational  
23 phases of the Tlicho all seasonal road, along with the  
24 completion of the Wek'eezhii Boreal Caribou Range  
25 Plan, the Bathurst Caribou Management Plan and Range

1 Plan, the Wek'eezhii Land Use Plan, and updated fire  
2 management legislation. Reliable and available  
3 information will provide greater clarity, improved  
4 consistency, less uncertainty, and allow for better  
5 informed decision-making for management authorities,  
6 including the WRRB.

7           As a reminder, the WRRB notes that  
8 section 12.5.1 of the Tlicho agreement states that any  
9 wildlife management actions proposed by a party to the  
10 agreement must be submitted to the WRRB wildlife  
11 management proposal for review and approval. The  
12 Board regards the Wildlife Management and Monitoring  
13 Plan as wildlife management actions.

14           Interim measures and thresholds for  
15 development and habitat should be implemented until  
16 the various range and management plans are completed.  
17 In the absence of clear information as set out in the  
18 Tlicho agreement, a precautionary approach should  
19 apply. Further, the WRRB considers the appropriate  
20 spatial boundary for assessing disturbance impacts for  
21 Tqdzii is Wek'eezhii. The smaller scale allows for  
22 greater focus on project specific effects. As well,  
23 when assessing disturbances, and remaining critical  
24 habitat the smaller scale reduces dilution of impacts  
25 that may occur at larger scales such as NT-1.

1                   Thank you. The WRRB makes balanced  
2 wildlife management decisions by bringing together  
3 Tlicho knowledge and science. As such, the WRRB  
4 welcomes the GNWT's commitment to an overarching  
5 working group, similar to the Inuvik/Tuktoyaktuk  
6 Highway corridor working group.

7                   The Board does note that the working  
8 group should be collaborative, including the  
9 involvement of the WRRB; should actively pursue  
10 outside expertise to conduct timely multi-species  
11 research that is required; and should be more than  
12 just a place for GNWT to share information.

13                   One of the working groups tasks should  
14 include the collaborative development of a caribou  
15 road mitigation plan, similar to the Jay project  
16 environmental assessment.

17                   There is much work that remains to be  
18 done for monitoring and adaptive mitigation for both  
19 construction and road operations. The GNWT has  
20 provided an assorted list of commitments with the next  
21 version of the wildlife management and monitoring plan  
22 to contain all that is missing.

23                   However, the WRRB has a lack of  
24 confidence in the GNWT's impact predictions and  
25 proposed mitigations. As well, the WRRB requires that

1 GNWT demonstrate how data resulting from a yet to be  
2 developed in full Tqdzi and Ekwq monitoring program  
3 will be incorporated into adaptive management.

4                   As a wildlife management authority, the  
5 WRRB is all too familiar with unfulfilled promises.  
6 It is frustrated by prolonged delays and the  
7 unrealistic demands and timelines placed on a small  
8 organization.

9                   Finally, the WRRB is perplexed that the  
10 very concerns identified and measures recommended by  
11 the GNWT for other developers are not considered to be  
12 to the same degree when the GNWT is itself the  
13 Developer.

14                   The WRRB trusts that lessons learned  
15 during the Jay project and Can Zinc environmental  
16 assessments, most notably concepts related to  
17 uncertainty, the precautionary approach and adaptive  
18 management will assist the Mackenzie Valley  
19 Environmental Impact Review Board in their  
20 deliberations.

21                   Thank you for listening and considering  
22 the WRRB's concerns.

23

24 QUESTION PERIOD:

25                   THE CHAIRPERSON:    Thank you, Jody, for

1 your presentation.

2                   Okay, we would now like to start off  
3 with questions from parties. Tlicho government?

4                   MS. JESSICA HUM: Thank you, Tlicho  
5 government, Jessica Hum. No comment.

6                   I'm sorry, I erred in no comments. We  
7 do have comments, thank you.

8                   MR. JOHN B. ZOE: I'm John B. Zoe,  
9 Tlicho government. (CHANNEL NOT SWITCHED) ...we're  
10 developing not only lands but we're developing  
11 regulations at the same time and management,  
12 monitoring all things that didn't exist before because  
13 most of these developments that were happening before  
14 was really under the Feds and it was more like a free-  
15 for-all. And I think just -- a lot of legacies around  
16 contaminated sites and access on waterways and in the  
17 bushes.

18                   But in the last couple of dec -- couple  
19 of decades anyways that in the North we've kind of  
20 been developing our way of -- of doing things and --  
21 and we see it as promising at the beginning of -- of  
22 let's say, the development in the barren lands.

23                   We know that the footprint is small.  
24 We know that -- that there is migration of caribou  
25 going into the area and the impacts and stuff like

1 that. And so the -- the first hearings that we had  
2 under the federal system -- under the -- under the  
3 federal system, it became more like a -- a -- at the  
4 end anyways a timeline on -- on -- to settle and the -  
5 - to settle for the benefits that might accrue from  
6 the project.

7                   And -- and that kind of overshadowed  
8 everything else. And I think that the management of  
9 the barren ground caribou was not aggressive enough.  
10 What I mean by that is that we know from our own  
11 knowledge that there are natural declines, but the  
12 only people that lived through it are -- are the  
13 Elders and they managed to survive.

14                   But times are different now. There's  
15 much more bigger communities that need a lot of  
16 energies. So even though the footprint might be  
17 small, it's the access, it's the access that -- that  
18 opens the way for more people to go hunting and  
19 there's better equipment, then a lot of electronics.

20                   So the -- the footprint provides that -  
21 - that bigger access and -- and it came to a point  
22 where, you know, 20-25 years ago we're talking  
23 hundreds of thousands and all of a sudden we're in a  
24 recovery plan like almost overnight and that's how --  
25 how quickly can happen.



1                   So the monitoring about when is the  
2 right time to start doing recovery management, or if  
3 there's any kind of a decline, when does it kick in  
4 rather than becoming an emergency like it did with the  
5 barren land cariboo.

6                   And in this case here, we're talking  
7 about the Taiga plains and in -- in our language we  
8 call it Noondi (phonetic) that we can almost use that  
9 experience from the previous diamond mines to here  
10 where prior to the road coming in, prior to the road  
11 coming in, a lot of this hunting most likely in the  
12 summer happened alongside the shore and in the winter  
13 because people trap in the area they come in and they  
14 harvest the Woodland at the same time and it's true  
15 that you're not going to see them all the time. It's  
16 very elusive.

17                   But because the -- the roads came in,  
18 the road -- highway from Fort Providence came in  
19 around the 1960, around that area, it provided for  
20 harvesting lumber in our area here so that they can  
21 turn into these underground railroad ties or something  
22 that goes like this. And so there -- there was a big  
23 industry in Rae with the sawmill providing that lumber  
24 to the mines until they started shipping it directly  
25 from the south.

1                   And it's through that process that a  
2 lot of roads with the Elders were developed in the  
3 area that we're talking about more on the south side  
4 of where the old Airport road is. And in that area is  
5 what we call areas like Igla (phonetic), where it's  
6 more like a treeless area, but they're developed by  
7 underground springs.

8                   And since the '60s, people have always  
9 been going into that area of the -- of that Igla and,  
10 you know, you can -- I remember going there almost  
11 every summer we'll -- there's a trail going through  
12 there that you can follow the natural trail, and just  
13 in the area because it's a corridor for the Woodland  
14 cariboo. And you'll see it and if you sit there long  
15 enough, should enough they'll come around and they'll  
16 either move very quickly through the area or  
17 sometimes they'll lay down amongst the boulders, and  
18 you wouldn't notice them unless you waited out and  
19 wait for to -- to get up so you can -- you can shoot  
20 out it and we've missed a whole bun -- many times  
21 because they're -- they're -- they move fairly quick.

22                   But the last time I went with -- with  
23 an Elder he made sure we got one because he had that  
24 experience. But it also -- what's been happening  
25 lately in the last number of years, was that -- that

1 area's kind of been taken over by recreational users  
2 and in the last 15 to 20 years was the most  
3 concentrated that area, this -- the ground around  
4 that area is really torn up with four wheelers and  
5 lots of little cabins showing up over there.

6                   So -- so now started to see that not  
7 very many people from our area go in to that area  
8 especially on the weekends and that's like -- it's a  
9 lot of activity in the area.

10                   But -- so the -- the access is what  
11 really the -- the real threats are because it provides  
12 access for -- for lots of people other than  
13 traditional users. But it -- it runs all the way to  
14 the whitebeach area and whitebeach area is a good  
15 harvesting area for Woodland cariboo and that's going  
16 to be threatened soon too if -- if they find anything  
17 there that's worth taking out.

18                   But between the white beach up to the  
19 road there's lots of trapping and traditional  
20 harvesting like the Elders are talking about. And --  
21 and the, you know, the -- running into a small cluster  
22 of Woodland cariboo is -- is -- it's not unusual in  
23 the winter, but like they say, if you come on them by  
24 -- by surprise, they -- they stand there for awhile  
25 and -- and it's a very short window to -- to take down

1 an animal if you're lucky.

2                   But all I'm saying is that based on our  
3 experience with the Woodland caribou, we were kinda  
4 complacent in how things were done. We were kinda of  
5 feeling our way around. And by the time the crisis of  
6 the decline just escalated that we're still scratching  
7 our heads after how many years now of going into  
8 recovery. And even with recovery, you know, people  
9 are -- people, in general, I think got caught by  
10 surprise and -- and it's very difficult for people to  
11 accept that it's happened. That it shouldn't have  
12 happened but it happened.

13                   And here we're -- we're looking at -- a  
14 new access and -- and, you know, it's going to benefit  
15 the community, it's going to benefit the North, but it  
16 shouldn't be at the demise of the Woodland. That it's  
17 already threatened by its habitat with the bison  
18 that's continually moving North.

19                   And so the management on the -- on the  
20 Woodland, it's got to be co-management with the people  
21 in the area. We have to monitor very aggressively to  
22 make sure that any type of decline or overharvesting  
23 doesn't happen. You know, we've got to be very  
24 aggressive with it. We can't just do it the way it  
25 happened before, based on that experience.

1                   And one of the -- one of the things  
2 about the -- the -- the Woodland is that we need to  
3 beef up -- I can't say enough, beef up the monitoring,  
4 a lot more studies in that area and -- and to make  
5 sure that the -- that it's never to a point where it  
6 would be threatened to the point where we might have  
7 to do what -- what's being done to us, or what's been  
8 done now, in the form of management for the cariboo.

9                   So those things have to be a -- have to  
10 be monitored. And -- and -- and especially with TK  
11 monitoring, we -- we need to start monitoring right a  
12 way monitoring plans put into place so that we at  
13 least take a snapshot of what's there and kind of  
14 monitor to make sure that it's not going down but  
15 should be at a level that's -- that's healthy.

16                   So one of the -- one of the things that  
17 we -- that we need to look at is to make sure that the  
18 habitat is protect -- protected as much as -- as  
19 possible, and there's been lots of forest fires in the  
20 last number of years and, hopefully, it will ease down  
21 maybe we're going towards where it can burn anymore.  
22 And -- but for the areas that are still -- still  
23 untouched, I think those need to be protected as much  
24 as possible for now.

25                   So in terms of -- what I'm trying to

1 say, I guess, is that we need to make sure that any  
2 monitoring for management -- like I know recently that  
3 they've added the Woodland caribou towards a -- like  
4 almost a --under the CMA that they've -- were kind of  
5 adding it on the list. So that's -- that's a sign  
6 that tells you that we need to really perk up how we -  
7 - how we handled the monitoring and the management but  
8 this time I think the management has to be a little  
9 more aggressive. Masi.

10 THE CHAIRPERSON: Masi. Comments from  
11 Tlicho government?

12 MS. JESSICA HUM: Masi cho, Madam  
13 Chair. The Tlicho government would just like to thank  
14 the WRRB for a very thorough informative presentation.  
15 Masi cho.

16 THE CHAIRPERSON: Question from  
17 Environment and Climate Change Canada?

18 MR. BRADLEY SUMMERFIELD: Thank you,  
19 Madam Chair. And thank you for your presentation, we  
20 have no questions. Bradley Summerfield with  
21 Environment and Climate Change Canada.

22 THE CHAIRPERSON: Questions, North  
23 Slave Metis Alliance?

24 MR. SHIN SHIGA: Thank you, Madam  
25 Chair. Shin Shiga, North Slave Metis Alliance.

1 I'd like to thank the Wek'eezhii  
2 Renewable Resources Board for a very informative and  
3 agreeable input and we have no questions. Thank you.

4 THE CHAIRPERSON: Questions,  
5 Yellowknives Dene First Nation?

6 MR. ALEX POWER: Alex Power,  
7 Yellowknives Dene First Nation. Thank you, Madam  
8 Chair. We would just like to also give a positive  
9 review of the presentation and -- and thank the  
10 presenters for their material. We have no questions.

11 THE CHAIRPERSON: Questions,  
12 Government of the Northwest Territories?

13 MR. RUSSELL NEUDORF: Russ Neudorf,  
14 with GNWT. We have a couple of technical question so  
15 I'll look to Laurie or Bruno to ask those.

16 MR. BRUNO CROFT: Bruno Croft, GNWT,  
17 thanks, Russell. Madam Chair. We -- we receive your  
18 presentation I think it was last week sometime and --  
19 and we went through it. Of course, here was no  
20 speaking notes and I zeroed in on a couple slides and  
21 after listening to your presentation, I'm -- I still  
22 have question mark about those two (2) slides.

23 So, if you could perhaps clarify what  
24 you mean by "disrespectful harvesting"? That was the  
25 first slide. There was a slide on its own, and the

1 second one was the -- something about the effect of  
2 disrespectful harvesting on cariboo behaviour and road  
3 avoidance.

4 I'm not sure what -- what you mean by  
5 that and what this is leading to.

6

7 (BRIEF PAUSE)

8

9 MS. JODY PELLISSEY: Thank you, Madam  
10 Chair. Jody Pellissey, with the Wek'eezhii Renewable  
11 Resources Board. Thank you for the question, Bruno.

12 First of all, "disrespectful  
13 harvesting" we're speaking specifically to harvesters  
14 who are not Tlicho who are coming from out of the  
15 region, and coming in to harvest on unaware of Tlicho  
16 law regarding harvest of particular species.

17 Unfortunately, our -- the Tlicho  
18 knowledge researcher is unable -- unable to be here  
19 due to illness so I wouldn't be able to speak  
20 specifically to the -- to the comment about the less  
21 respectful hunting causing the Tqdzi to avoid the --  
22 the road.

23 If I could, I can speak with her this  
24 evening and be able to provide additional information  
25 to the Board tomorrow morning. If that -- if that's



1 agreed upon by the Board.

2 THE CHAIRPERSON: Okay, that's  
3 acceptable then, Jody, we could have that entertained  
4 tomorrow.

5 No further questions, Government of the  
6 Northwest Territories?

7 MR. RUSSELL NEUDORF: Russ Neudorf. No  
8 further questions.

9 THE CHAIRPERSON: Okay. Questions,  
10 from the Review Board staff?

11 MR. ALAN EHRLICH: Thanks, Madam  
12 Chair, I have one (1) question and Simon Toogood has  
13 two (2). Thank you to the WRRB for that -- that  
14 presentation.

15 You mentioned a 2500 metre buffer; is  
16 that from the middle of the road 2500 metres out zone  
17 of disturbance or are you talking about on both sides?

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

20 My interpretation, it would be just a  
21 straight 2500. The 500 metre buffer my understanding  
22 is it's 250 metres on either side of the development  
23 and the logic behind it is that different sized  
24 buffers have been used to try and account for indirect  
25 habitat loss.

1                   So, there's a direct impact of the  
2 habitat being deleted but there may be other impacts  
3 associative with road dust, noise, prediction, these  
4 sorts of things that actually delete a large area  
5 around the road.

6                   And studies, we can go back to Alberta,  
7 you know, hundred, 250, 500, a kilometre, these sort  
8 of things. Different things are seen at -- at  
9 different buffers. The logic is is that the 500 metre  
10 in the Environment and Climate Change Canada report,  
11 and I'll -- I'll ask, with Madam Chair's permission,  
12 verification from Environment Canada if I'm wrong,  
13 but the 500 metre explains 69 percent of the  
14 variation, sort of the noise and the data.

15                   So there's still a little bit of  
16 uncertainty that's there. So if one's to be  
17 precautionous or sort of trying to account that  
18 uncertainty, the bigger your buffer arguably less --  
19 less uncertainty you have.

20                   MR. ALAN EHRLICH:     Alan Ehrlich.  
21 Thanks for that, Boyan.

22                   I thought the 500 metres was 500 metres  
23 away from the road. And I guess what I'm trying to  
24 find out is, do you mean 2500 metres away from the  
25 road, or do you mean the whole width of the ecological

1 footprint with respect to what you're talking about is  
2 2500 metres? Half of which is on the road on either  
3 side, if you get what I mean.

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

6 So to -- to interpret, it's -- you're --  
7 - you're asking whether or not it's a straight 2500 or  
8 if it's a 5 kilometre buffer; is that correct?

9 MR. ALAN EHRLICH: From the centre  
10 line of -- it's Alan Ehrlich.

11 From the centreline of the road are we  
12 talking about 1250 metres on each side, or are we  
13 talking about 2,500 on each side?

14 MR. BOYAN TRACZ: My current  
15 understanding and I'll look at the WRRB's prior --  
16 sorry, Boyan Tracz, Wek'eezhii Renewable Resources  
17 Board.

18 My current understanding right now is  
19 that it's a straight 2500, but I could be  
20 misinterpreting our own information, that it's  
21 actually 2500. Yep, and so I -- let me -- if -- with  
22 - with permission, let be look at the -- the prior  
23 submissions that the Board had, in terms of the  
24 technical report, to verify whether it's a straight  
25 2500, or whether it's a 5 kilometre; so 25 on either

1 side.

2 MR. ALAN EHRLICH: Thank you. Madam  
3 Chair, with permission, since the GNWT actually have  
4 their cariboo people here, can I just ask if when they  
5 said 500 metres, when they were doing their  
6 calculations, they meant 500 metres from the  
7 centreline out or a corridor that's 500 metres wide  
8 with the road in the middle?

9 MR. JAMES HODSON: It's James Hodson,  
10 GNWT. It's 500 metres out in either direction from  
11 the edge of the cleared footprint. So 60 metres plus  
12 500 metres on each side. So, a thousand and sixty  
13 metres total width.

14 MR. ALAN EHRLICH: Thank you so --

15 MR. JAMES HODSON: For the corridor,  
16 yeah.

17 MR. ALAN EHRLICH: Thank you. So it's  
18 Alan Ehrlich. So, Boyan, does that mean that your  
19 2500 metres corresponds to that? If -- if you can --  
20 you need a moment to confirm?

21 Okay, Boyan, just in the interest of  
22 time, if you're able to get back to us a bit later on  
23 that that would be quite helpful.

24 The next question is from Simon  
25 Toogood.

1 MR. SIMON TOOGOOD: Hi, it's Simon  
2 Toogood, with the Review Board.

3 I'd just like to get the -- WRRB's  
4 opinion on the state of boreal caribou in the TASR  
5 area. I mean, we've heard evidence that -- from you,  
6 that there's concern with their status in the WRRB  
7 area.

8 The recovery strategy indicates that  
9 population decline is happening in the southern part  
10 of the territory and that -- that's where the majority  
11 of boreal cariboo occurred.

12 You've provided evidence that the area  
13 that the TASR is going to go through has experienced -  
14 - you have concerns of the amount of habitat  
15 disturbance in that area. There's like ongoing  
16 harvesting in the area. The developer has stated that  
17 wolves are likely using the existing corridor and I  
18 imagine that means they are, you know, doing what  
19 wolves do and eating cariboo.

20 And so in the absence of the adequate  
21 surveys you believe there -- there aren't sufficient  
22 surveys to characterize population abund -- abundance  
23 and trends in the area of the surveys. I'm just  
24 wondering if you could provide your sort of expert  
25 opinion on the population trend and abundance in the

1 area of the TASR.

2                   And as a followup, do you believe that  
3 the TASR would lead -- would lead any adverse effects  
4 to this population in -- in the TASR area? Thanks.

5

6                   (BRIEF PAUSE)

7

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

10                   We don't know a lot about what's going  
11 on in Wek'eezhii with regards to boreal caribou. We  
12 don't know a lot about alternative prey species like  
13 the Moose, bison. And we also don't know a lot about  
14 wolves in that area too from a scientific perspective.  
15 Given the amount of information that's available, it's  
16 difficult to say whether or not they're self-  
17 sustaining or not self-sustaining.

18                   As pointed out in the presentation, if  
19 we're using the Environment and Climate Change Canada  
20 modelling that says that at a 65 percent habitat --  
21 critical habitat threshold you already have only a 60  
22 percent likelihood that it's self-sustaining, that  
23 seems to suggest that the population in the -- if one  
24 is to look at it from a population in Wek'eezhii  
25 standpoint, that the animals there are fairly likely

1 not to be self-sustaining. So it's not really a pure  
2 answer given the amount of uncertainty and the lack of  
3 information.

4                   With regards to potential impacts,  
5 adverse impacts that the road will have, I can  
6 reiterates a number of the comments that were recently  
7 made in terms of what access can do when it comes to  
8 harvesters; when it comes to hunters who are, you  
9 know, being disrespectful; when it comes to  
10 facilitation of movement of alternative prey species,  
11 which wolves may follow, thus increasing the  
12 probability of encounter with boreal caribou, thus  
13 increasing their predation. These are all concepts  
14 related to what a road can do.

15                   And the literature points in the  
16 direction that roads, especially all weather roads, if  
17 one is to make an overall general statement, are  
18 generally not positive for ungulate species. So I --  
19 I hope that that at least somewhat answers your  
20 question.

21                   MR. SIMON TOOGOOD: Yes, thank you.  
22 It's Simon Toogood, with the Review Board. And just a  
23 quick follow-up question. Sorry, not a follow-up  
24 question, a brand new question. Just following up on  
25 your recommendation for independent oversight.

1                   Is it something where you could explain  
2 why you believe this is required? And is it specific  
3 to oversight of a -- of a -- actually a specific VC or  
4 input on monitoring? Is it to do with input on the  
5 WMMP? Are your concerns about general wildlife  
6 management and how you're able to influence that? Or  
7 is it specific to the TASR, WMMP, and, yeah, if you  
8 could just provide some clarity on what you meant by  
9 that recommendation.

10

11   (BRIEF PAUSE)

12

13                   MS. JODY PELLISSEY:     Jody Pellissey,  
14 Wek'eezhii Renewable Resources Board. Thank you for  
15 the question.

16                   The original idea for an oversight  
17 committee was primarily because the Developer is the  
18 one (1) who's going to end up doing their own  
19 monitoring. And so we want to be sure that there was  
20 appropriate monitoring and appropriate involvement of  
21 other co-management partners and others who need to be  
22 at the table.

23                   The WRRB does welcome the corridor  
24 working group, so long as it involves all the  
25 necessary players and it's more than just a twice a



1 year presentation session. It should be an exchange  
2 of information. It should be seeking advice from  
3 those partners, particularly, the WRRB, and it's  
4 making sure that we're looking at things beyond  
5 monitoring, also looking at cumulative effects, and  
6 those other issues surrounding the uncertainty that  
7 we've identified. Thank you.

8 MR. SIMON TOOGOOD: Thank you. I have  
9 no further questions. I'll pass it over to Alan -- or  
10 to John Donihee.

11 MR. JOHN DONIHEE: Thank you, Madam  
12 Chair. It's John Donihee, Board counsel. I think I  
13 just have one (1) area that I want to follow-up a  
14 little further with you. And -- and it relates to the  
15 answer you just gave to Mr. Toogood's question.

16 If the -- it sounded from your answer  
17 as though the -- your understanding at the time that  
18 you -- that the Wek'eezhii Renewable Resources Board  
19 recommended the independent -- independent monitoring  
20 arrangement was that you might not be involved or  
21 would not be involved, you know, if there weren't some  
22 kind of a special arrangement made.

23 So I'm -- I am a bit curious about  
24 that. You spoke to the role of the WRRB in your  
25 presentation and it's -- of course, it's laid out in

1 chapter 12 of the Tlicho agreement as well.

2                   So I guess the -- the question I have  
3 for you is: Given the role that you already play in  
4 co-management working directly with both the Tlicho  
5 government and the Government of the Northwest  
6 Territories, what -- what in addition to that role  
7 does the Wek'eezhii Renewable Resources Board see as  
8 being necessary in order that your -- your Board would  
9 conclude that the wildlife management response to any  
10 impacts from the -- from -- from the Tlicho all season  
11 road would be adequately dealt with?

12

13   (BRIEF PAUSE)

14

15                   MS. JODY PELLISSEY: Jody Pellissey,  
16 Wek'eezhii Renewable Resources Board. Thank you for  
17 the question.

18                   Yes, indeed, the WRRB, as a wildlife  
19 management partner, works closely at times with the  
20 GNWT and the Tlicho government on wildlife actions  
21 that happen in the Wek'eezhii region.

22                   However, specific to this particular  
23 project, the Tlicho all season road, the WRRB has not  
24 been involved in development of the Wildlife  
25 Management and Monitoring Plan. Only saw a conceptual

1 plan up until the August technical sessions. Only  
2 just received a draft in September and were expected  
3 to review and comment on it in -- in -- for these  
4 proceedings in two and a half (2 1/2) weeks time. So  
5 I guess in this regard the Board doesn't feel that it  
6 has been included as it should, as per the Tlicho  
7 agreement. And that was what the reminders were about  
8 in the presentation given today.

9 MR. JOHN DONIHEE: It's John Donihee,  
10 Board counsel. Just -- just one (1) quick follow-up  
11 to that, perhaps.

12 Would it be your view -- I suspect, you  
13 know, the -- what do you think or what -- what was  
14 your concept, I guess, when you used the words  
15 "independent" with respect to this monitoring group?  
16 Because it seems to me, just from listening to the  
17 Government of the Northwest Territories presentation  
18 yesterday that they're -- they're thinking more  
19 inclusively, perhaps, than they were originally.

20 And so, you know, is there something  
21 special in -- I guess in your Board's submission about  
22 the idea of independence that maybe needs to be  
23 explained to the Review Board?

24

25

(BRIEF PAUSE)

1 MS. JODY PELLISSEY: Jody Pellissey,  
2 Wek'eezhii Renewable Resources Board.

3 I believe in the WRRB's opinion  
4 indicating an independent oversight body was a way to  
5 prompt the GNWT to remind them about the -- that this  
6 process should be inclusive and collaborative in  
7 nature. It's certainly not meant to preclude them  
8 from the -- from the equation.

9 We do believe, you know, it's GNWT  
10 after all. Consensus and collaboration, we work  
11 better that way. We feel that that is the way to move  
12 ahead. There are examples of independent bodies for  
13 mines, et cetera, that -- that we have out there.  
14 They also have their own -- they've grown into having  
15 a life of their own, and we're certainly not  
16 suggesting that that's the way that this needs to be.

17 Hearing follow-up from the GNWT in  
18 regards to our technical submission and in today's  
19 presentation about having a collaborative working  
20 group, hearing more about how they expect that working  
21 group to work with the inclusion of the WRRB and other  
22 partners here at the table, having the possibility of  
23 looking for academic partnerships to do some of the  
24 multi-species research that's required, and sharing  
25 information and seeking advice, I think the Board is

1 satisfied with where this working group may go. But  
2 they will leave their final impressions for now.  
3 Thank you.

4 MR. JOHN DONIHEE: Thank you, Madam  
5 Chair. It's John Donihee again. Thank you, Ms.  
6 Pellissey. Those are all my questions.

7 THE CHAIRPERSON: Okay. Thank you.  
8 Questions from Review Board. Joe?

9 MR. JOE HANDLEY: Thank you. I just  
10 wanted to go over a couple of points that you made --  
11 I think you made. And I don't want to overstate where  
12 you were.

13 But first of all, I -- I heard you say  
14 that the NT-1 population is not really that useful in  
15 determining impacts in this region, or this area.  
16 That's it's -- it's too big a population to draw  
17 conclusions from. So that's one (1).

18 The second one (1) has to do with  
19 cumulative effects, and John B. talked about that as  
20 well, of things that have happened over the years with  
21 the roads or population or whatever. And then -- and  
22 that incremental impact. While the road may not push  
23 us past that 65 percent threshold with the boreal  
24 caribou, it's pushing us close. And if you add to  
25 that a mine or two (2) mines, or something else it may

1 just push us over the edge, which is serious because  
2 it's very difficult to come back from that.

3                   And I guess the third one (1) is,  
4 collectively we have not had a stellar record in  
5 active management with regard to wildlife, or with  
6 wildlife monitoring and mitigation plans. We can't  
7 point to many things that we really turned wildlife  
8 populations around. And in order to do good after --  
9 well, we just talked about it, but we really need to  
10 view this very seriously at this.

11                   We may be at a turning point where  
12 we're sacrificing wildlife populations for other  
13 benefits that a road brings, or a role mine brings.  
14 And that, in your view, the only way around that is a  
15 more collaborative approach to -- to oversight and  
16 sharing of information that's on that. Getting  
17 together a couple of times a year to share information  
18 is not going to be adequate.

19                   And if I'm wrong, or if you agree with  
20 those.

21

22                   (BRIEF PAUSE)

23

24                   MR. BOYAN TRACZ:    Boyan Tracz,  
25 Wek'eezhii Renewable Resources Board. Thank you for

1 the questions.

2                   With regards to the first one (1), it's  
3 -- NT-1 needs to be dealt with at a federal level and  
4 NWT -- the entire NWT range needs to be dealt with at  
5 a territorial level as well. However, the  
6 documentation also clearly points to region specific  
7 plans that need to be addressed because there's  
8 different land claims that are present. There's  
9 different approaches, different -- different needs,  
10 different concerns that are there.

11                   So it's it's not that it's -- it's not  
12 not going to be needed. It's just that with regards  
13 to project specific effects, when you're looking at  
14 the entire range -- and we've seen differences in some  
15 of the calculations of what's happening. When you're  
16 looking at the entire range, there is concerns that  
17 there'd be dilution in effects when you're looking at  
18 a very small, say, point source in Wek'eezhii versus  
19 the entire NT-1 range.

20                   And by focusing at the Wek'eezhii  
21 scale, you can -- well, you can focus more. And you  
22 can address sort of those local needs and, you know,  
23 local approaches to how to manage and mitigate things.  
24 And as Jody mentioned the presentation, it's not that  
25 they're mutually exclusive. What you do a local scale

1 applies to the NWT range. And in a perfect world  
2 federal process and territorial process, range  
3 specific should dovetail together.

4                   The second point, cumulative effects.  
5 I guess the short answer is as a Board staff member I  
6 don't disagree. It's that the concept of death by a  
7 thousand cuts is one that's been talked about. Once  
8 you start it is difficult to ratchet back. And with  
9 the -- the figure, the 65 percent, the ideas of, you  
10 know, restoration and recovery, you know, which --  
11 which one (1) is easier, which one (1) is harder?

12                   And it's from that actual effects  
13 perspective, one (1) road that we know is linked to  
14 the potential for the development of the Fortune NICO  
15 site. As a cumulative effects study. As a cumulative  
16 effects case study. That's a pretty simple one (1)  
17 time linkage. And there's the hope that there can be  
18 clarity on -- on adaptive management.

19                   You know, the mitigation, the -- the  
20 thresholds that are set early on before things get to  
21 a point that -- that John was speaking to and that,  
22 you know, the Board has mentioned on a -- on a couple  
23 of occasions. So it's that concern. We have the  
24 opportunity now to set things up before they get to a  
25 state that, arguably, the large mines, you know,



1 concerns over the years of how that maybe wasn't  
2 coordinated as well as it could have been. We're  
3 trying to avoid that.

4                   Plans, don't disagree with the delays.  
5 And again, referencing John's comments about the idea  
6 that it's sort of once it happens, you need to respond  
7 quickly. Reactionary as opposed to proactive. Given  
8 -- and given the time that it takes to set up these  
9 plans and -- and later implement them, there may be  
10 other quicker ways in terms of sort of the -- the  
11 oversight or sort of the committee that's -- that's  
12 linked to it. Again, ideas of academic or industry  
13 partners that maybe can react or respond more quickly  
14 than a government or governments can.

15                   There is -- there is, again,  
16 opportunities there to find novel ways or refer to  
17 other jurisdictions, say like Alberta or BC where  
18 they've needed to move very quickly. And there's --  
19 there's tools that are available, so it's the hope  
20 that that can be present here as well. So, yeah,  
21 should be good.

22                   MR. DAVID KRUTKO: David Krutko, with  
23 the Review Board. Yeah, my question are similar to  
24 Joe's. And I think that we have to come up with some  
25 mechanisms that we can be more reactive than proactive

1 after-the-fact, and especially when it comes to  
2 caribou.

3           And I think that one (1) of the systems  
4 that I know that other Aboriginal groups have used on  
5 other species is look at the users management  
6 agreements where the users of those herds agree  
7 amongst themselves on how they're going to basically -  
8 - what actions they'll take in regards to the harv --  
9 the -- how many quotas they'll take and what type of a  
10 species they'll take. What time of the year should we  
11 put seasonal restrictions.

12           So again, it's the users that make that  
13 determination. And then, once the users agree, they  
14 give it to the government and the government basically  
15 implements the users agreement. So it's sort of  
16 insight coming from the government. It comes from the  
17 people that actually harvest and use that herd.

18           So I'm just wondering, is that  
19 something that you have discussions with possibly  
20 other users, especially being with the boreal caribou,  
21 which goes from the Gwich'in settlement area all the  
22 way to the Alberta border? And the number is out  
23 there because they're saying there's six thousand  
24 (6,000) animals. It don't take much to basically  
25 throw that number off by, you know, a big seasonal

1 hunt or somebody runs into fifty (50) caribou and  
2 shoot them all. It will have an impact on that herd.

3 So I'm just wondering if that's  
4 something that you have been in discussions with, or  
5 is that something that you can look at going forward?

6

7 (BRIEF PAUSE)

8

9 MS. JODY PELLISSEY: Jody Pellissey,  
10 Wek'eezhii Renewable Resources Board. Thank you for  
11 the question.

12 The WRRB is involved along with GNWT  
13 and Tlicho government and some of the other parties in  
14 the room for those -- those type of user type  
15 management plans for the Bathurst caribou herd, the  
16 Bluenose East caribou herd. So for Ekwq, barren  
17 ground caribou.

18 However, for Tqdzi, boreal caribou,  
19 there aren't any management plans and the regional  
20 range plans are just at the very, very beginning  
21 stages of being developed. But I believe that the  
22 idea is that those range plans are to be developed in  
23 conjunction with all of the users, so that those same  
24 questions can be answered. Thank you.

25 MR. DAVID KRUTKO: David Krutko, with

1 the Review Board.

2                   Yeah, and I think just looking through  
3 your presentation, especially in the extent of the  
4 forest fires in the North Slave region, I mean,  
5 there's very, very little undisturbed land, especially  
6 in this area. And, like you say, if it's, you know,  
7 that -- it takes quite a few years for a lot of that  
8 habitat to come back to be usable habitat for species,  
9 regardless if it's caribou or moose or other animals.

10                   So I'm just wondering -- I know that  
11 the Tlicho has a Land Use Plan for their settlement  
12 area, but have they considered some sort of a planning  
13 tool for this particular area in regards to a corridor  
14 or whatnot for planning in regards to identifying  
15 those resource, but also looking at mechanisms. Like,  
16 you know, can you afford any more forest fires?  
17 Because, like you say, looking at the map there is not  
18 much land that hasn't been affected by fire. And  
19 what's left, there is very little.

20                   So because of that, I think it tells  
21 the -- your -- the habitat of these, especially barren  
22 ground caribou, is very limited. So I'm just  
23 wondering if that's something that can be considered  
24 in regards to planning of that particular, and how are  
25 you going to preserve that lands that are left?

1                   John touched on it. We -- you've got  
2 to fight those fires in certain areas because there's  
3 not much left to burn up here. And I think because of  
4 the number of fires we've had in the North Slave it's  
5 very -- just looking at the, you know, the pictures  
6 that you can see on the wall and around the room, it's  
7 -- it has had a major effect.

8                   So again, it's how do you develop some  
9 sort of recovery plan for those areas, but also  
10 realizing that you're limited on that habitat? Thank  
11 you.

12                   MS. JODY PELLISSEY: Jody Pellissey,  
13 Wek'eezhii Renewable Resources Board. Thank you for  
14 the question.

15                   As we speak, there is initial work  
16 begun on a Land Use Plan for Wek'eezhii. So that's  
17 outside of the Tlicho lands. That already has a Land  
18 Use Plan in place. It's very initial stages, and  
19 that's work that right now is being conducted by  
20 Tlicho government and the GNWT. At this time, the  
21 WRRB is not involved with that work because it's so  
22 preliminary.

23                   There is also a need, in the Board's  
24 opinion, of a Fire Management Plan that will address  
25 those -- that very idea that there is such limited

1 land available. There is that right now a legislative  
2 initiative to revise the Forest Management and  
3 Protection Act. And so it's our understanding that  
4 discussions in those regards will happen at that  
5 table. Thank you.

6 THE CHAIRPERSON: Okay. Thank you.  
7 What we would like to do, because we're running behind  
8 with the power outages that we've had today, some of  
9 the technical issues that we had, we're running a  
10 little behind. Supper isn't ready yet and we would  
11 like to go to the next presentation, which is the  
12 North Slave Metis Alliance. If they could go through  
13 their presentation, and then we'll have a break for  
14 supper.

15

16 (BRIEF PAUSE)

17

18 PRESENTATION BY NORTH SLAVE METIS ALLIANCE:

19 MR. SHIN SHIGA: Thank you, Madam  
20 Chair and the Board. May I start? Okay. My name is  
21 --

22 THE CHAIRPERSON: Please.

23 MR. SHIN SHIGA: -- Shin Shiga, North  
24 Slave Metis Alliance. I -- I will introduce my  
25 colleagues. To my left is Dr. Heather Bears. She's

1 our consultant. And to the left of her is Nicole  
2 Goodman, NSMA staff. So just very quickly, on the  
3 background, NSMA, North Slave Metis Alliance members  
4 have traditional use of the project area and continue  
5 to do so today. And NSMA has actively participated in  
6 this EA process since -- since the very beginning of  
7 the EA, the main purpose of which is to protect our  
8 members' Aboriginal rights to harvest wildlife in the  
9 area.

10                   So NSMA is conducting traditional  
11 knowledge studies and the GNWT Department of  
12 Infrastructure is contributing to the study. On this  
13 topic the depar -- the Department of Infrastructure  
14 responded to NSMA's technical report in such a way  
15 that frustrates our collaborative working relationship  
16 with other parties, including ENR and TG. We -- we  
17 work very well with ENR and TG.

18                   So I wanted to make a clarification to  
19 the Review Board because of the response from the DOI.  
20 The DOI wrote that there was a stipulation to the TK  
21 study funding for NSMA to not unnecessarily delay the  
22 process. With respect, Madam Chair, NSMA members'  
23 traditional knowledge is not unnecessary to the Review  
24 Board. You can only look to the -- the report of the  
25 EA for recent Jay project where NSMA members'

1 traditional knowledge contributed to the Review  
2 Board's conclusions.

3 I'd also like to point out that it  
4 wasn't NSMA's -- NSMA who was unnecessarily delaying  
5 our TK study. We asked the DOI for funding as soon as  
6 we were notified of the project one and a half (1 1/2)  
7 years ago. And yet we only received the funding in  
8 the past June. That's only five (5) months ago.  
9 That's only a few weeks before the -- the IR  
10 deadlines. So NSMA will not apologize to anyone for  
11 not being able -- able to complete our TK study in  
12 five (5) months. And we -- we don't agree that our  
13 members' traditional knowledge is unnecessary.

14 We agreed to the stipulation that the  
15 DOI referred in the good faith effort to work with the  
16 GNWT, and that we will not ask the Review Board to  
17 slow down EA process to wait for NSMA's TK study's  
18 completion. We're not going to change our mind on  
19 that right now. We just ask the Department of  
20 Infrastructure act as if NSMA members'  
21 constitutionally protected Aboriginal rights and their  
22 traditional knowledge mattered to them. The way we  
23 work with ENR and TG, we work very well. We just wish  
24 the same thing with DOI.

25 So we have had quite a few discussions



1 about different working groups throughout this  
2 hearing, and we'd just like to ensure that whatever  
3 working group or independent oversight group that's  
4 formed, NSMA is part of that group because we have a  
5 significant interest in the -- in the impact of this  
6 project. And speaking of the impact of the project I  
7 would pass the microphone to Dr. Bears for specific  
8 comments on the impacts and mitigations.

9 DR. HEATHER BEARS: Thanks, Shin.  
10 I've been told that we're -- I should try to speed  
11 this up as much as possible because I realize I'm  
12 competing with --

13 THE CHAIRPERSON: If you could just  
14 state your name again for the record, please.

15 DR. HEATHER BEARS: Okay. Sorry.  
16 Heather Bears, consultant to the NSMA. So I may skip  
17 some of these slides that are now irrelevant, due to  
18 some of the conversations that have already been had.

19

20 (BRIEF PAUSE)

21

22 DR. HEATHER BEARS: So the North Slave  
23 Metis Alliance, during our technical review, brought  
24 up the fact that one (1) of the main impacts that we  
25 predict from the study is that there will be an

1 increased ease of access to harvesters, which -- which  
2 can impact wildlife, particularly species at risk such  
3 as wood bison and boreal caribou if these impacts are  
4 not monitored and managed carefully.

5           Studies have shown that ungulates,  
6 including caribou, are more vulnerable to hunting in  
7 areas of higher visibility and accessibility, such as  
8 along and beside permit roads. Tlicho harvest maps  
9 have shown that hunting activities are concentrated  
10 around Whati, Gameti, and Wekweeti, and in areas close  
11 to population centres and that were more accessible.

12           The higher quality of the all season  
13 road is an important distinction from the current  
14 seasonal winter road, and it will allow increased  
15 access from populations and visitors to Yellowknife  
16 into this area for potential increases to harvest.  
17 Due to the permanent nature of the road, which is  
18 another important distinction from an EA perspective,  
19 this road will no longer have the potential  
20 theoretical reversible possibility. This is a road  
21 that will no longer be decommissionable and restorable  
22 and the impacts will be into the far future.

23           As this impact may and has the  
24 potential to occur continuously into the far future  
25 with irreversible impacts, it has a large potential to

1 affect the ability of the population to remain self-  
2 sustaining within the southern portion of the NTI --  
3 NT-1 range. For these reasons, the road may affect,  
4 in particular, boreal caribou and wood bison.

5           In response to the concerns that were  
6 aired by the North Slave Metis Alliance about this  
7 potential effect, the GNWT has agreed to increase  
8 patrolling along the road and to the harvest check  
9 station from north of Whati to a location along this  
10 road. These changes will allow the magnitude and  
11 species composition of harvesting along the road to be  
12 captured, and will enable adopted management should  
13 the need -- need arise.

14           The North Slave Metis Alliance, through  
15 ongoing engagement with the Government of the  
16 Northwest Territories, hopes to receive more  
17 information and to provide more input into a more  
18 detailed Construction and Operations Monitoring Plan  
19 regarding harvest monitoring and adaptive management  
20 during this process.

21           With respect to boreal caribou, in  
22 particular, we hope to ensure that the Northwest  
23 Territories boreal caribou recovery strategy objective  
24 number 2 is met, which is to ensure that harvest of  
25 boreal is sustainable by obtaining accurate and

1 reliable harvest data and managing sustainable harvest  
2 levels via community outreach and regulations. We  
3 also hope that similar goals are achievable for wood  
4 bison and for barren ground caribou if they are  
5 potentially affected in the future.

6           To the second point, the North Slave  
7 Metis Alliance also highlighted, during our technical  
8 review, that there may be additional uncertainty  
9 related to some of the indirect effects that were not  
10 considered in the effects assessment for bare car --  
11 boreal caribou in particular. Apparent competition  
12 was one (1) thing that came up that may be affected by  
13 the proposed project. Apparent competition, as a  
14 quick definition, occurs when two (2) species, one (1)  
15 that is more rare and one (1) that is more common, are  
16 eaten by the same predator.

17           If the more common species is abundant  
18 or increases in abundance, the rare species can  
19 decrease in number. This is called apparent  
20 competition because it would seem that they are --  
21 they are competing for the same habitat. But really  
22 what's going on is that their shared predator is being  
23 propped up by numbers of increasing numbers of the  
24 more common species.

25           So studies on -- on predator/prey

1 dynamics have established that boreal caribou tend to  
2 experience apparent competition with moose through  
3 their shared predators, wolves and sometimes black  
4 bear. Experimental moose reductions have been shown  
5 to lower wolf densities and stop declines of  
6 endangered caribou in some situations which, add stre  
7 -- strength to the degree of magnitude of the impact  
8 that this apparent competition can have on boreal  
9 caribou.

10                   Due to recent fires a high percentage  
11 of the area along the proposed Tlicho all-season road  
12 is now early -- serial stage habitat, which is very  
13 appealing to moose, and it may facilitate the growth  
14 of vegetation that will be appealing to wood bison as  
15 well.

16                   While the Government of the Northwest  
17 Territories makes the point that fire dynamics are a  
18 consideration outside of this project, this early --  
19 early sterile stage vegetation, which is in place now  
20 and will be in place for quite some time, is  
21 considered the baseline. And this project will  
22 interact with that -- those baseline conditions.

23                   In addition to apparent competition,  
24 other studies have shown that predators use roads to  
25 hunt more effectively for prey species, especially in

1 areas with generally low road densities, which  
2 relative to the studies looked at, this project would  
3 fall into that category. To put this impact into  
4 perspective, a study led by Lablond Allen (phonetic)  
5 in 2013 on boreal caribou found that an increase of  
6 0.25 square kilometres, which is the equivalent of a  
7 one (1) unit increase in a standardized density of act  
8 -- active roads in the annual home range of a boreal  
9 caribou increases its risk of dying by 88 percent.

10                   So as not to be alarmist that's not  
11 saying that a road increases the entire population's  
12 chance of dying by 88 percent, but it does increase  
13 the chance of those individuals that have annual home  
14 ranges that overlap that road of dying by 88 percent.  
15 So you can expect that there will be localized effects  
16 that are strong.

17                   Again there is already a winter road.  
18 However, the key difference between the winter road  
19 and the Tliche all season road is now there will be no  
20 potential to manage this impact by de --  
21 decommissioning of the road. Again, this impact must  
22 be presumed to occur into the far future and  
23 indefinitely if not managed correctly.

24                   For these reasons, apparent competition  
25 should be considered as a potential impact of the road

1 as it interacts with fire affected ecosystems, hosts  
2 attractive roadside vegetation, and bisects an area  
3 that supports growing moose and bison numbers, while  
4 providing an ongoing travel corridor for wolves and  
5 black bears to hunt. These factors could interact and  
6 increase the uncertainty of destabilization of boreal  
7 caribou populations.

8                   Understanding the triad of densities  
9 between prey and predators involved in apparent  
10 competition dynamics will be very important in  
11 predicting what will happen. At present we do not  
12 have a good idea of the number of boreal caribou,  
13 wolves, or moose densities to predict the levels of  
14 increase in moose or bison and wolves that could lead  
15 to these impacts on boreal caribou. As more data  
16 become available on numbers of boreal caribou, moose,  
17 and wolves with home ranges that overlap the proposed  
18 all season road, predictions about impacts of the road  
19 by apparent competition could be examined and  
20 included.

21                   Next slide, please. In general we feel  
22 that for boreal caribou in particular more attention  
23 could have been look -- paid to some of these other  
24 direct and indirect effects to look at additive  
25 effects of the road. We also required more

1 information on habitat loss, as baseline levels may  
2 now be lower than when originally calculated due to  
3 wildfires that have occurred since the last habitat  
4 availability assessment. In the Northwest Territory  
5 wildlife fire statistics showed that two hundred and  
6 fifty-two (252) fires were reported during the 2017  
7 fire season. When we last checked, a total of  
8 1,029,000 hectares of forest had been impacted.

9                   Similar to the WRRB, we also questioned  
10 the use of the size of the RSA in evaluating impacts  
11 to boreal caribou and relying on the NT-1 range. We  
12 felt that using such a large range may dilute impacts,  
13 but more importantly it may be not articulated quite  
14 yet. The size of this RSA, or the NT-1 range, fails  
15 to consider the scale of importance to First Nations  
16 and Metis groups.

17                   For example, if caribou are extirpated  
18 or lost from the southern portion of the -- of this  
19 NT-1 range within the Wekweeti portion of this area,  
20 these groups would have to travel quite far to  
21 experience and hunt species that have always been part  
22 of their culture. If someone has to travel to the  
23 north of the Northwest Territories or into the Yukon  
24 to find or hunt boreal caribou, the species may be  
25 considered ostensibly lost from the perspective of



1 that local group. We believe that these sorts of  
2 scale perspectives should be considered in the range  
3 of assessment for boreal caribou.

4           Previously, Government of the Northwest  
5 Territories draft WMMP relied heavily on using --  
6 sorry, WMMP, Wildlife Mitigation and Monitoring Plan,  
7 relied heavily on using the number of animals to  
8 inform mitigation used. The group members that were  
9 referenced in the previous versions of this document  
10 seemed high and we question whether they would be  
11 reached.

12           The Government of the Northwest  
13 Territories, in consideration of this feedback, have  
14 now moved towards a sensitive season approach to  
15 mitigation, which we agree with. However, it is still  
16 useful to consider group numbers in terms of planning  
17 preconstruction monitoring efforts. For example, if  
18 we know that during a particular sensitive season a  
19 species is more solitary, we may want to utilize more  
20 ground-based monitoring information rather than rely  
21 on radio collar data.

22           We do like the intent of the Government  
23 of the Northwest Territories approach as shown in  
24 Table 1, Appendix E of version 2 of the Wildlife  
25 Mitigation and Monitoring plan for boreal caribou.

1 However, this table suggests that ground-based  
2 monitoring will be used to -- to supplement radio coll  
3 -- collar data only in the sensitive winter period,  
4 but not during the summer. Conceptually, this is  
5 problematic, as the collar locations in the winter  
6 will correspond to groups, whereas boreal caribou will  
7 be largely solitary in the summer calving period.

8                   We agree with the Government of the  
9 Northwest Territories' new approach, but ask that hey  
10 include ground-based monitoring to supplement collar  
11 data during times of the year where, for example,  
12 twelve (12) collars will only really locate twelve  
13 (12) individuals.

14                   While the Government of the Northwest  
15 Territories has expressed concern that monitoring on  
16 foot could impact boreal caribou more than on-site  
17 activities, we still think that there's a place for  
18 creative monitoring, using things like infrared  
19 detectors to better locate animals within even wooded  
20 habitats.

21

22                   (BRIEF PAUSE)

23

24                   DR. HEATHER BEARS:    So infrared --  
25 really strong infrared detectors have been

1 successfully used in wooded habitats within Jasper  
2 National Park and other locations, and we think that  
3 using devices such as these and other creative  
4 methods, you might be able to do some ground-based  
5 monitoring without disturbing caribou on foot.

6                   These issues were raised in our  
7 technical review, miti -- sorry, mitigation for  
8 disturbing sensitive caribou and blasting -- for  
9 blasting in the winter. We raised issues related to  
10 this topic in our technical review, and they may be  
11 addressed in more detail during the construction  
12 monitoring plans.

13                   We noted that in -- in the Wildlife  
14 Mitigation and Monitoring Plan version 2 that there  
15 appeared to be an assumption that monitors could see  
16 wildlife up to 1 kilometre, or at least 500 metres, in  
17 the dark. This may be difficult in winter darkness  
18 during snowfall and in the forest. And as we noted,  
19 we still recommend field test -- testing of infrared  
20 equipment for use of these -- for use in these  
21 purposes.

22                   Setback distances for caribou around  
23 water cross -- crossings. During our technical review  
24 we noted that the AANDC recommended setbacks around  
25 caribou water crossings were not mentioned, and we

1 asked that the Government of the Northwest Territories  
2 include water crossings as key habitat features along  
3 with appropriate buffers according to the AANDC  
4 guidelines.

5                   The Government of the Northwest  
6 Territories conducted an investigation of TK  
7 information on water cro -- water crossings within the  
8 area, and concluded that there were none identified.  
9 Therefore, we agree that this issue is resolved.  
10 However, it's good to keep these guidelines in mind  
11 should additional data identify any water crossings in  
12 the future.

13

14                   (BRIEF PAUSE)

15

16                   DR. HEATHER BEARS: Mitigation during  
17 sensitive seasons. During our technical review we  
18 noted that sensitive seasons did not follow AANDC  
19 guidelines for boreal caribou and wood bison. To  
20 adhere to guide -- the guidelines we recommended that  
21 the Government of the Northwest Territories extend the  
22 sensitive for caribou by one (1) month and nine (9)  
23 days, which extends the protection of caribou through  
24 the post-calving season period.

25

                  The Government of the Northwest

1 Territories agreed to this and they extended the  
2 sensitive season accordingly. We are very pleased  
3 with this extension and agree that the issue has been  
4 resolved.

5                   For wood bison, similarly, we noted  
6 that the sensitive season is one point five (1.5)  
7 months longer in the guidelines than what the  
8 Government of the Northwest Territories was using. We  
9 also recommended extending this sensitive season to  
10 match guidelines. The Government of the Northwest  
11 Territories agreed to this, and the new sensitive  
12 season for wood bison was extended by one point five  
13 (1.5) months, so we're in agreement there as well.

14                   We also asked that the Government of  
15 the Northwest Territories consider the rut period as a  
16 potentially sensitive period. This is because  
17 hormonal changes during this rut period renders males  
18 and females less able to cope with stress, and impacts  
19 during this period can disrupt courtship and mating  
20 behaviours.

21                   The Government of the Northwest  
22 Territories disagreed with including the rut period as  
23 a sensitive season because animals can move during  
24 this period. We still disagree with excluding this as  
25 a sensitive season on a purely -- purely biological

1 basis, but we do understand why one may need to do so  
2 for logistical reasons associated with building a road  
3 and having a sufficiently long schedule within which  
4 construction can take place. We also agree that the  
5 protection during calving and winter periods are  
6 relatively more critical than the rut period.

7                   Finally, we also requested that the  
8 Government of the Northwest Territories produce tables  
9 similarly -- similar to the tables produced in  
10 Appendix E for caribou, Table 1, for moose, and wood  
11 bison as well. These tables state the monitoring and  
12 mitigation that would be implemented during sensitive  
13 seasons. The Government of the Northwest Territories  
14 has stated that they will consider this recommendation  
15 in the subsequent versions of the WMMP, and so we  
16 await more information on this issue.

17                   Mitigation for noise disturbance and  
18 snow clearing. We had suggested during our technical  
19 review that noise modelling be done in consider -- and  
20 for the Government of the Northwest Territories to  
21 consider noise thresholds to better predict impacts  
22 and setbacks, and some of that was already discussed  
23 with the WRRB. We also suggested that noise be  
24 measured at the prescribed setback distances for  
25 wildlife to ensure that noise levels would not be at

1 levels known to be -- to cause undue distress in key  
2 wildlife SAR, and to test the predictions within the  
3 EA.

4                   The Government of the Northwest  
5 Territories disagreed with doing this because they  
6 felt that buffers were already protective. We also  
7 suggested that adaptive management be used to adjust  
8 buffer distances based on protective behav -- based on  
9 behavioural responses of caribou and bison. This was  
10 agreed to by the Government of the Northwest  
11 Territories. While most of that adaptive management  
12 would rely on weekly, monthly, or annual -- annual  
13 reports, we also felt that there should be a mechanism  
14 for rapid adaptive management should something cause  
15 extreme duress to wildlife.

16                   Finally, we suggested that escape gaps  
17 potentially be more frequent -- frequent in high-  
18 quality habitats and be kept at snow depth levels of  
19 55 centimetres to promote the ease of ungulates and  
20 all bovids, caribou and wood bison from leaving the  
21 road. The Government of the Northwest Territories  
22 originally included escape gaps every 300 metres  
23 within Version 1 of the WMMP, but these escape gaps  
24 have now been removed in Version 2 of the -- of the  
25 Wildlife Mitigation and Monitoring Plan.

1                   While we still feel that escape gaps  
2 would help minimize some predictable effects,  
3 especially when these escape gaps are strategically  
4 located in areas of high crossing need, we understand  
5 the logistics of creating such gaps can be time-  
6 consuming and expensive and that the Government of the  
7 Northwest Territories wants to understand the  
8 magnitude of the utility before undertaking their use.

9                   We hope that monitoring plans will be  
10 did designed to capture impacts of long runs -- we  
11 hope that monitoring plans will be designed to capture  
12 impacts of long runs by ungulates unable to cross the  
13 road, high areas of high crossing frequency  
14 potentially detected through snow surveys, as well as  
15 increase protected predation risk by ungulates that  
16 escape the road into deep snow along with vehicle  
17 strikes to inform potential use of future escape gaps  
18 and their locations.

19

20   (BRIEF PAUSE)

21

22                   DR. HEATHER BEARS:   With regard to  
23 bison, we recognize that the Government of the  
24 Northwest Territories, between Versions 1 and 2 of  
25 their WMMP, switched from a group size perspective to



1 a sensitive season focus for wildlife. And there are  
2 still important considerations, however, related to  
3 group size that should not be overlooked for bison.  
4 The only reference now to larger groups of bison is  
5 that environmental monitors should be aware that  
6 groups of bison with five (5) or more individuals are  
7 likely to be nursery groups containing calves and  
8 juveniles. We wonder if enhanced mitigation should  
9 also be applied when monitors see such groups.

10                   Along the same lines, we are requesting  
11 that the Government of the Northwest Territories  
12 reinstate the table of restrictions and setback  
13 distances similar to what was in Version 1 of the WMMP  
14 for bison. This table in Version 1 included the  
15 following that were lost in Version 2: a 10 metre  
16 setback for construction vehicle stoppage when bison  
17 are in the area; a year-round setback of 250 metres  
18 for stopping construction when bison are in the area;  
19 a 500 metres setback for stopping construction  
20 activities during sensitive periods when bison are in  
21 the area.

22                   In addition, we felt that the  
23 Government of the Northwest Territories should  
24 reinstate the snowmobile setback distances of 250  
25 metres, which were previously indicated in Version 1

1 of the WMMP, and which we requested to be applied to  
2 bison as well when they are in large groups.

3                   Pushing caribou and bison away from the  
4 project area. The Government of the Northwest  
5 Territories has stated that they will push wildlife  
6 off side -- off-site by slowly approaching them on  
7 foot, if they have not left of their own volition  
8 within fifteen (15) minutes. We feel that fifteen  
9 (15) minutes may not be enough time.

10                   Sometimes wildlife that are present in  
11 human populated areas and are hesitant to leave have  
12 knowledge of nearby predators which they are trying to  
13 avoid. Therefore, we felt that more time should be  
14 provided for wildlife to move off-site on their own.  
15 The Government of the Northwest Territories stated  
16 that they would consider the suggestion, and so we  
17 will await more information in the subsequent version  
18 of the WMMP.

19                   For the sake of time I'm just going to  
20 skip this slide because I believe that the GNWT has  
21 indicated it's very unlikely that they will be using  
22 helicopter support. And this will become more  
23 relevant if they decide to use more helicopters in the  
24 future.

25                   Wetlands, rare plants, and communities.

1 During our technical review we asked that more detail  
2 be provided on pre-clearing surveys, and some of these  
3 details were provided. However, we did not obtain a  
4 clear answer about setback distances and buffers to be  
5 used around wetlands, in particular. We are ma --  
6 awaiting more information on this topic.

7                   Pre-clearing surveys for wildlife  
8 features of species at risk. During our technical  
9 review we asked the Government of -- Government of the  
10 Northwest Territories to include more details about  
11 the surveys they would be conducting to identify key  
12 habitat features for species at risk, including  
13 methods and timing of these searches.

14                   While the Government of the Northwest  
15 Territories noted that the types of features searched  
16 for would be contingent on the season of construction,  
17 we feel that all potential features that could be  
18 searched for should be listed and that this list be  
19 refined as the construction phase details come into to  
20 greater focus. Right now the WMMP tends to only list  
21 dens and nests. We are also awaiting more information  
22 on this request.

23                   Vegetation species monitoring. During  
24 our technical review we noted that the Government of  
25 the Northwest Territories included a one (1) and five

1 (5) year monitoring plan for rare and invasive plant  
2 species. We are concerned that this timeline would  
3 not capture, in particular, the spread of invasive  
4 species that is often facilitated by construction  
5 projects. Road edges provide conditions that  
6 encourage the establishment of plants that are adapted  
7 to disturbance, including some introduced and invasive  
8 species. Introduced plant species can cause harm to  
9 natural habitats as they begin to out compete native  
10 plant species and degrade habitat quality.

11           The widening of the growing season  
12 under climate change projections could also promote  
13 changes to ecological conditions, allowing for the  
14 spread of these invasive species into a much wider --  
15 wider area. Between 2005 and 2010 in the Northwest  
16 Territories the number of alien plant species has  
17 increased from ninety-four (94) to one hundred and  
18 sixteen (116), and these were found mainly near  
19 communities along roadsides, or along recently  
20 disturbed areas, such as cutlines, mines, and pipeline  
21 routes.

22           For these reasons we recommended that  
23 the Government of the Northwest Territories conduct  
24 one (1) more survey for invasive plant species, ten  
25 (10) years post-construction, which they have agreed

1 to. This final survey can inform any adaptive  
2 management plans, such as invasive species control,  
3 and we consider this issue to be resolved.

4                   Finally, we note that adaptive  
5 management options listed within the WMMP are based on  
6 decision-making that are based on monitoring reports.  
7 Again, we suggest that the option of adaptive  
8 (phonetic) adaptive management decision-making  
9 framework be introduced.

10                   Monitoring for traffic effects on  
11 wildlife. You may recall that we were concerned about  
12 the Government of the Northwest Territories relying on  
13 the use of multi-year averages of annual averages to  
14 determine whether or not traffic volumes were  
15 exceeding expected levels. We argued during the  
16 technical hearing that wildlife did not experience  
17 traffic as averages over multiple years, but in the  
18 time and place that they encounter the vehicles.

19                   Therefore, we ask that the Government  
20 of the Northwest Territories establish a vehicle per  
21 day threshold that could be used to signal that  
22 traffic may be entering a range within which we would  
23 predict different or stronger effects than in the EA.  
24 Such a threshold, once reached, may signal for the  
25 need for greater monitoring or more traffic control

1 and mitigation measures.

2                   The Government of the Northwest  
3 Territories produced a literature review that resulted  
4 in a proposed traffic threshold of two hundred (200)  
5 vehicles per day. An independent review conducted by  
6 the NSMA also supported this number, although we  
7 recognize that there are gaps in our current  
8 knowledge. We caution that further studies relevant  
9 to the Tlicho all season road are needed to improve  
10 the confidence in this threshold. There are very few  
11 studies on low traffic roads within the Northwest  
12 Territories whereby real-time traffic rates are  
13 correlated with wildlife behaviour, and the threshold  
14 was largely drawn from patterns taken from other  
15 systems.

16                   This project may present a prime  
17 opportunity to analyze real-time traffic data  
18 alongside boreal caribou collar data to analyze  
19 redirection of caribou and avoidance of caribou to  
20 different traffic rates. We would encourage that the  
21 Government of Nunav -- or the Government -- sorry,  
22 I've been too many places -- the Government of the  
23 Northwest Territories consider this and potentially  
24 consider an academic partnership to look at this  
25 effect in greater detail.

1

2

(BRIEF PAUSE)

3

4

DR. HEATHER BEARS: Monitoring of traffic effects on wildlife. We had asked the Government of the Northwest Territories to clarify whether they would ever be using sodium chloride on the road, as road salts attract ungulates and increase the risk of mortality as they are drawn to the road, which are used by predators and hunters. This is known to be a particular issue in the fall due to a greater need of ungulates to have salt during this time period.

14

The Government of the Northwest Territories did confirm that they may use road salts, but that the dates and locations of that salt will be included within the WMMP. We hope that the inclusion of this information within the WMMP will better enable the Government of the Northwest Territories to adaptively manage any impacts of road salting on wildlife mortality risk. We consider this in -- this issue to be resolved.

23

That's the end of our presentation and if you have any questions, feel free to ask.

25

1 QUESTION PERIOD:

2 THE CHAIRPERSON: Thank you very much  
3 for your presentation. We'll go right into questions.  
4 Questions to the presentation, Tlicho government.

5

6 (BRIEF PAUSE)

7

8 MS. JESSICA HUM: Jessica Hum, from  
9 Tlicho government. We just wanted to also send our  
10 appreciation and thanks to the North Slave Metis  
11 Alliance. We found the presentation was very helpful  
12 as an approach to hearing process.

13 And to also restate that -- that for  
14 traditional knowledge, this often takes years to  
15 develop relationships with your TK experts to work  
16 with culturally appropriate protocols and studies to  
17 answer those research question. Thank you very much.  
18 Masi.

19 THE CHAIRPERSON: Okay. No questions?  
20 No further questions from Tlicho government? Okay.  
21 Questions from Wek'eezhii Renewable Resources Board?

22 MS. JODY PELLISSEY: Thank you, Madam  
23 Chair. Jody Pellissey, Wek'eezhii Renewable Resources  
24 Board. The Board has no questions. Thank you.

25 THE CHAIRPERSON: Thank you.



1 Questions, Environment and Climate Change Canada?

2 MR. BRADLEY SUMMERFIELD: Thank you,  
3 Madam Chair. Bradley Summerfield, with Environment  
4 and Climate Change Canada. Thanks very much for your  
5 presentation. We don't have any questions.

6 THE CHAIRPERSON: Questions,  
7 Yellowknives Dene First Nation?

8 MR. ALEX POWER: Alex Power,  
9 Yellowknives Dene First Nation. We'd just like to  
10 thank the NSMA for their presentation, and we have no  
11 questions. Thank you.

12 THE CHAIRPERSON: Questions,  
13 Government of the Northwest Territories?

14 MR. RUSSELL NEUDORF: Russ Neudorf,  
15 Government of the Northwest Territories. We don't  
16 have any questions. Thanks.

17 THE CHAIRPERSON: Questions, Review  
18 Board staff?

19 MR. MARK CLIFFE-PHILLIPS: Thank you,  
20 Madam Chair. Thank you to the NSMA. We don't have  
21 any questions from staff.

22 THE CHAIRPERSON: Questions, legal  
23 counsel?

24 MR. JOHN DONIHEE: Thank you, Madam  
25 Chair. It's John Donihee. I have no questions.

1 THE CHAIRPERSON: Questions, Review  
2 Board members? Everyone is hungry and the  
3 presentation was so thorough and so well done there's  
4 no questions.

5 So with that we'd like to thank you for  
6 your presentation, and we will break an exact half  
7 hour for dinner because we are still behind. Thank  
8 you.

9

10 --- Upon recessing at 5:37 p.m.

11 --- Upon resuming at 6:14 p.m.

12

13 THE CHAIRPERSON: Okay, are we ready  
14 for our next presentation?

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: Our next  
19 presentation is the Yellowknives Dene First Nation.  
20 So Alex, you're ready to start your presentation?  
21 Okay.

22

23 (BRIEF PAUSE)

24

25 PRESENTATION BY YELLOWKNIVES DENE FIRST NATION:

1 MR. ALEX POWER: Alex Power,  
2 Yellowknives Dene First Nation.

3 I'm going to start by thanking the  
4 Board for -- for the opportunity for the Yellowknives  
5 to present their -- their interests and concerns about  
6 this project and the potential effects. Likewise, I'd  
7 like to thank the people of Wek'eezhii, the community  
8 Wek -- or, sorry, I just read -- the community of  
9 Whati. This is my first time here, and I am just --  
10 wish I had more opportunity to wander around, but so  
11 it goes.

12 So in the interests in time, I'm going  
13 to parse this a little bit and try to be as -- as  
14 efficient as possible. I'll get -- I'll get straight  
15 to it, and that's it.

16 So the Yellowknives Dene First nation,  
17 we'll start off by saying this is not a boreal  
18 caribou. I'm aware of that, but it's a good picture.  
19 So the Yellowknives have used the area south of Whati,  
20 and travelled through Whati on their way trapping for  
21 generations, and we have many Elders with, you know,  
22 long relationships with community members in Whati and  
23 I just want to start with that, as I know, you know,  
24 there's some -- there has been some question about the  
25 Yellowknives' interest in the area, because it is

1 outside of Akaitcho, but in terms of traditional use,  
2 you know, many regions -- many groups in the North  
3 have travelled outside of their modern land claim  
4 areas, of course.

5                   So with that, I'm going to go to this  
6 map. I like maps. Everyone likes maps. I mean, it's  
7 -- it's just a picture, and it really -- it really is  
8 worth a thousand words. So this map, if you look at  
9 it, the shaded-in part is current distribution of  
10 caribou -- or an estimate of the current distribution  
11 of caribou.

12                   Now, under that, to the south, there's  
13 a dotted line. And that's sort of the focus here.  
14 And this dotted line is an estimate of the former  
15 range of woodland caribou. And the remarkable bit is  
16 the -- that it goes quite far south. I mean, it -- it  
17 goes -- it dips into the United States in a few  
18 places, and, you know, it was down below Edmonton, and  
19 it -- it's, you know, you always think, I think, a  
20 boreal caribou as being a very northerly species.  
21 It's an iconic northern animal, but, you know, they've  
22 -- it wasn't always that way.

23                   So a similar map, a lot of the same  
24 information. We've seen this already from other  
25 presenters. And so this is, of course, another

1 distribution map. On the top left-hand side, you can  
2 see in bright green the NT range, or the NT herd. And  
3 just before that -- or just below that, you can see in  
4 red, which is mostly Alberta, this sort of patchy  
5 area. You know, each one of those little patches is  
6 assigned a, you know, a letter or number to  
7 characterize it as a -- a distribution, saying, this  
8 is the, you know, Smoky Mountain herd, or  
9 distribution, or this is the, you know, what -- I  
10 don't know all the names. But they're -- they're --  
11 these little pockets of -- of caribou.

12                   And again, it -- what I want to draw  
13 attention to is that, you know, when we look at maps,  
14 and this is something, you know, our office deals with  
15 a lot, the way we -- the way we draw lines on maps  
16 really matters. You know, it really defines, you  
17 know, how we understand an area, or how we -- how we  
18 relate to things. And this is why, you know, things  
19 like the Dene Mapping Project, or, you know, the names  
20 projects that are, you know, coming out now where  
21 we're -- we're remaining things to give them names  
22 that reflect their history a little better.

23                   So now, this map's a good example of  
24 that, because of course, you know, you see this nice  
25 clear line across the 60th parallel there, and it

1 defines the bottom of this -- this NT range. But of  
2 course, you know, the caribou don't know anything  
3 about that, and, you know, they're -- they're happy to  
4 wander north and south of this. And so my contention  
5 is that there -- there is no NT range in thi -- you  
6 know, this population actually extended naturally  
7 quite far south of there.

8           And so it's not that the NT range or  
9 the NT heard is stable. It's that this is a herd in  
10 decline. It has been for a long time, and we're just  
11 at the northern tip of it. And I think -- so if you  
12 redrew this map with historic treaties, this would be,  
13 you know, the bottom of the Treaty 8 range, and Treaty  
14 11 would be like, Oh, no, Treaty 8 range is receding,  
15 and it's now, you know, soon the Treaty 11 range is  
16 going to start seeing a drop in numbers.

17           And so that's -- when I look at this  
18 map, that's what I see, and I -- I think that that  
19 came across in my questions, and that's sort of what I  
20 want to put across here. There -- there isn't any  
21 question about sort of the health of the boreal  
22 caribou herds or populations. It's just a matter of  
23 where we sit in that receding margin of caribou.

24           So, you know, why is this happening?  
25 And, you know, the -- the consensus seems to be that

1 if it's habitat disruption. And that's sort of a  
2 catch-all term that, you know, contains -- contains a  
3 bunch of things. And it -- and I'm not going to go  
4 through it exhaustively. This is something that, you  
5 know, everyone's kind of -- kind of done at length.

6           But of course, you know, what we do  
7 know is that, you know, roads, mining, other  
8 developments, this is disruptive to boreal caribou.  
9 You know, science and traditional knowledge tells us  
10 that these are -- these are shy animals. They don't -  
11 - they don't like people. They don't like cities.  
12 They don't -- they aren't like whitetail deer.  
13 They're not going to wander in through your -- your  
14 yard and, you know, eat your plants. This is -- you  
15 know, they're a reclusive animal. They want to be  
16 left alone.

17           Climate change, this is a really big  
18 one. This is -- this is the one that keeps me up at  
19 night. I mean, it has the -- the biggest, sort of  
20 broadest impacts, and it's one we can, in a lot of  
21 ways, do the least about, especially, you know, the  
22 small number of people living in the North relative to  
23 the rest of the world contributing to this. Not that  
24 we don't have responsibilities to it.

25           And again, I don't -- I don't think I

1 would -- I would characterize as, you know, human-  
2 caused effect. Not development, but still, I would  
3 lump it with that. And of course, this has potential  
4 effects and -- that range from, you know, increased  
5 incidence of forest fire, increased intensity of  
6 forest fire, intrusion of alien or invasive species,  
7 so, you know, movement of, you know, deer, which carry  
8 ticks, which transmit disease, or moose, which, you  
9 know, can compete for space by, I guess displacing  
10 caribou. Because of course, as we've heard through  
11 submissions and peoples' presentations, caribou tend  
12 to avoid other ungulates or, you know, deer-like  
13 animals because they attract wolves. And, you know,  
14 caribou have enough sense to not hang around where  
15 there's going to be wolves.

16                   And so again I don't -- I don't want to  
17 -- I don't want to get all into that. I feel like the  
18 -- the technical point on that has -- the technical  
19 portion of that has been done very well, and  
20 everybody's -- is pretty aware of what's going on  
21 there.

22                   So, you know, when we're designing  
23 these, so what do you do about this? And that's the -  
24 - a big part of what this process is, is, you know,  
25 how do we -- how do we design this project so that,



1 you know, it has a minimal impact? People of Whati  
2 are still are able to reap the benefit of this road,  
3 and I -- I understand that the people Whati seem to  
4 have quite strong support for this, and I can, you  
5 know, really appreciate that. I -- I see where a lot  
6 of good things could come of it.

7                   And so, you know, for me, you know, I  
8 find myself going back to things like the Jay Project.  
9 And you say, Okay, well, you know, how do you go about  
10 road design to mitigate any potential negative  
11 effects? And the -- the funny thing is, it's hard to  
12 say how these things actually do offset.

13                   So, you know, people talk a lot about -  
14 - about dust from roads, and those, you know, during  
15 the Jay hearing, there was -- there was lots of talk  
16 about dust, and about lights, and power lines, and so,  
17 you know, there was a lot of arguing back and forth.  
18 And I think -- I think those are all important things  
19 to -- to speak to, and they're important matters.

20                   But it's -- it's also very hard to  
21 quantify, you know, what effect it has. Like, if --  
22 if we bury a cable, do the caribou use the road more?  
23 Are they more comfortable? Maybe. It -- it's going  
24 to be a while before we can answer those questions,  
25 you know, with confidence, because they're -- they're

1 tricky questions, and -- and you're -- you're  
2 measuring small distance -- differences in the  
3 behaviour of an animal that is notoriously hard to  
4 monitor. I mean, they don't -- they don't hang around  
5 in huge groups like barren-ground caribou. You know,  
6 the -- they're shy. They're -- it's a different land  
7 animal study.

8                   So I'm really, for this, going after  
9 frankly what's sort of low-hanging fruit, and that's  
10 resident hunters. So I'm of -- I'm of the belief that  
11 most people don't like PowerPoint presentations, but I  
12 know for a fact nobody likes graphs and PowerPoint  
13 presentations, so I apologize. And all you need to  
14 take away from this is that the number of resident  
15 hunters is pretty stable, maybe edging up a little  
16 bit, but it's pretty flat. Most of these people are,  
17 like myself, from Yellowknife. And I -- and if I  
18 could, you know, paint with a broad brush, I think I  
19 feel comfortable doing that for resident hunters.

20                   And so just to take to a minute, and  
21 step back, and we'll talk about resident hunters. And  
22 -- and, you know, who are they? You know, Mr. Ehrlich  
23 spoke earlier to the sort of large number of very avid  
24 hunters and outdoorsy types in -- in Yellowknife who  
25 are very serious about, you know, getting on the land,

1 and hunting, and fishing, and -- and all these things,  
2 and -- and I guess in some ways, I -- I count myself  
3 among -- among them. I, you know, I -- I canoe, and I  
4 camp, and I like to go hunting. I'm no good at it,  
5 just a point of fact.

6                   But the difference is is that between,  
7 you know, myself and an Aboriginal hunter is that,  
8 like, it has no deep meaning for me. You know, it's -  
9 - it's -- my language isn't rooted in hunting. I  
10 don't have a -- a important cultural connection to the  
11 land. I think it's important, but -- but that's  
12 different.

13                   You know, I don't -- I don't have any  
14 sense of, you know, a spiritual connection to caribou,  
15 you know, like, I'm -- I'm not a YKDFN member. I -- I  
16 was born in Toronto. I -- you know, I'm a -- I'm a  
17 transplant, like many Yellowknifers. And while I  
18 enjoy the opportunity to hunt, I certainly wouldn't  
19 confuse it with a right. And it's not going to have a  
20 major impact on my health, or my lifestyle, or my  
21 cultural identity, or my connection to the land, or an  
22 opportunity to speak with my grandparents in -- in my  
23 language. It -- it will -- it won't touch on any of  
24 those things.

25                   And, you know, with that in mind, you

1 have to weigh what's the benefit of allowing resident  
2 hunting versus the cost? And so, you know, there's --  
3 there's some minor benefit. I assume that maybe  
4 there's some economic measure to it. It's nice to  
5 have country meat in the freezer.

6                   But again, I'm, you know, firmly  
7 planted in the wage economy. It will -- it doesn't --  
8 if I don't get one (1) caribou in the fall, it's not -  
9 - it doesn't matter, you know. I'm not going to -- my  
10 -- my kids are going to eat. Everyone's going to be  
11 fine. I don't have the Elders, who, you know, live  
12 next door that I have to look after.

13                   And weighing that against, you know,  
14 with this graph, I apologize again, is showing. Don't  
15 bother reading it. All you have to know is that, you  
16 know, over the past maybe ten (10) years, there has --  
17 the number of caribou being harvested, boreal caribou  
18 by resident hunters has sort of bounced between, like,  
19 thirty (30) and sixty (60). It's, you know, hunting -  
20 - hunting's fickle business. Sometimes people are --  
21 are lucky. Sometimes they're not.

22                   And so when you look at the impact of  
23 that, it -- it doesn't sound like that many animals  
24 weighted against, you know, six (6) or seven thousand  
25 (7,000). But if I were to point to any other cause of

1 sixty (60) caribou deaths, if sixty (60) caribou died  
2 building this road, people would lose their minds.  
3 Right? And rightly so, but I don't even know how you  
4 could kill sixty (60) caribou building this road. If  
5 you laid a strip of dynamite between -- like, I'm not  
6 suggesting this is a good idea, but -- but really,  
7 like, if you planted dynamite on -- on where the  
8 road's supposed to be between Highway 3 and Whati, you  
9 probably wouldn't kill sixty (60) caribou.

10                   But we're -- we're talking about  
11 allowing that every year for, frankly, no compelling  
12 reason. And I think when you -- when you frame it  
13 that way, it -- it's a lot of animals, you know, even  
14 -- even on a bad year where people can't shoot  
15 straight, and they only kill thirty (30) of them, if  
16 we -- if we could find -- point to another single  
17 cause that we knew for sure was going to kill thirty  
18 (30) caribou a year, you know, my leadership would  
19 just be livid. I mean, it would just -- I -- I don't  
20 -- I couldn't even characterize it.

21                   And so, yeah, I mean, what we would  
22 like to see is an end to the resident hunters' ability  
23 to hunt. I mean, it's -- there's so much uncertainty  
24 around this project, right, ranging from, you know,  
25 look -- taking the long view, which is what the

1 Yellowknives do. They're not talking about what will  
2 this -- what will the effect of this project be in two  
3 (2) years. They're, you know, how is it going to be  
4 in a hundred years? What are their great-  
5 grandchildren going to -- how are they going to use  
6 the land around there?

7                   If you take this long view, there's a  
8 lot of uncertainty. And roads -- you know, I said it  
9 earlier, they're the thin end of the wedge. The  
10 reason the road's going in is to promote other  
11 development in addition to facilitating access and  
12 improving the quality of life for the people of Whati.

13                   But, you know, people are talking about  
14 the Nico Mine, and, you know, exploration companies  
15 love roads. It lowers the barrier to entry, and  
16 projects that previously weren't economically viable  
17 become viable. You know, this -- like, I don't --  
18 nobody thinks this will be the last road. So when we  
19 talk about sitting on the cusp of this, you know, 65  
20 percent number, which, even if you, you know, accept  
21 that that's the number, it contains an element of risk  
22 to it. There's an uncertainty as to the outcome.

23                   You know, it -- it's -- there --  
24 there's not many things that you can do to just say,  
25 Okay, here's something we can do today and we will

1 save, you know, we will prevent the death of 'X'  
2 number of caribou every year. And to me, this is one  
3 that just -- it nails it, you know? And -- and  
4 starting immediately, we can say, Okay, no more  
5 caribou will die this way.

6           And then all the other pieces which,  
7 again, have, you know, been dealt with in great detail  
8 here. They get dealt with as well. And then, you  
9 know, maybe in twenty (20) years we -- we actually  
10 know what the effects of those things are through  
11 monitoring, through, you know, cumulative impacts  
12 assessment, and all these important steps, which, you  
13 know, work as kind of a feedback process to give us  
14 answers later. But right now, you know, we can stop  
15 that. No compelling reason not to, and that's my  
16 short version of my presentation. I will just wrap it  
17 up there.

18           I've got some other -- there is is in  
19 writing, but that's -- that's our -- that's our  
20 proposal, is stop the hunt of -- sorry, the boreal  
21 caribou for resident hunters. They're not rights  
22 holders. There's nothing major at stake. Like that,  
23 you save a whole bunch of caribou every year. Thank  
24 you.

25

1 QUESTION PERIOD:

2 THE CHAIRPERSON: Thank you, Alex.

3 Moving right on into the questions, questions from  
4 Tlicho Government?

5 MS. JESSICA HUM: Masi. Jessica Hum,  
6 from Tlicho Government.

7 We have no questions, and thank you  
8 very much for a presentation, Alex.

9 THE CHAIRPERSON: Questions from  
10 Wek'eezhii Renewable Resources Board?

11 MS. JODY PELLISSEY: Thank you, Madam  
12 Chair. Jody Pellissey, Wek'eezhii Renewable Resources  
13 Board.

14 Thank you for the presentation, Alex.  
15 The board has no questions. Thank you.

16 THE CHAIRPERSON: Okay. Questions,  
17 Environment and Climate Change Canada?

18 MR. BRADLEY SUMMERFIELD: Thanks,  
19 Madam Chair. Bradley Summerfield, with Environment  
20 and Climate Change Canada.

21 We have no questions.

22 THE CHAIRPERSON: Questions, North  
23 Slave Metis Alliance?

24 MR. SHIN SHIGA: Thank you, Madam  
25 Chair. Shin Shiga, North Slave Metis Alliance.



1 Thank you, Mr. Power, for the  
2 presentation. We have no questions.

3 THE CHAIRPERSON: Questions,  
4 Government of the Northwest Territories?

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

7 We have no questions.

8 THE CHAIRPERSON: Questions, Review  
9 Board staff?

10 MR. ALAN EHRLICH: It's Alan Ehrlich,  
11 for the Review Board staff.

12 We have no questions.

13 THE CHAIRPERSON: Questions, legal  
14 counsel?

15 MR. JOHN DONIHEE: Thank you, Madam  
16 Chair. It's John Donihee, Board counsel.

17 Mr. Powers, I'm -- I'm just wondering  
18 why -- or how you -- how you've characterized this  
19 presentation. You know, it -- it sounds like a plea  
20 for new hunting regulations, and I'm wondering how you  
21 think the Review Board is going to be able to help you  
22 with that.

23 MR. ALEX POWER: Alex Power, YKDFN.  
24 Thank you for the question, Mr. Donihee.

25 So I'm -- I'm aware that the Review

1 Board doesn't make regulations with respect to  
2 hunting. However, the Board can recommend to the  
3 Minister, or the responsible Ministers, that this be -  
4 - that -- or my understanding is that they can make  
5 recommendations with respect to measures.

6 I'm not a lawyer, but it seems to me  
7 that this would still fall within the purview of the  
8 Board as a recommendation. And of course, the  
9 Minister can not agree and send it back to the Board,  
10 as has happened with some recommendations. But in my,  
11 I don't know, non-lawyer understanding, it seems to me  
12 -- I don't know if that's the language, but it -- it  
13 seems to me that it's something the Board could  
14 recommend. But, you know, I've been wrong in the  
15 past.

16 MR. JOHN DONIHEE: Thank you, Madam  
17 Chair. It's John Donihee again.

18 Well, thank you for your thoughts on  
19 that, Mr. Power. I have no more questions.

20 THE CHAIRPERSON: Questions from the  
21 Review Board?

22 MS. BERTHA NORWEGIAN: Thank you,  
23 Madam Chair. Bertha Norwegian.

24 I just want to ask for clarification  
25 regarding residents who are or will not be allowed to

1 hunt within this specific regi -- region. Are you  
2 saying that all non-Aboriginal people, or non-status  
3 Indians throughout the NWT or further south cannot  
4 come in and hunt caribou?

5 MR. ALEX POWER: Thank you for the  
6 question. What I'm suggesting is that -- oh, I'm  
7 sorry. Alex Power, Yellowknives Dene First Nation.

8 What I'm suggesting that -- for a  
9 measure would be for those who fall under, you know,  
10 the definition of resident hunter, so non -- non-  
11 Aboriginal rights holders, not be allowed to hunt  
12 boreal caribou in the Northwest Territories.  
13 Admittedly, sweeping, and yes. So it -- but not --  
14 because the resident hunter regulation doesn't apply  
15 to rights holders, whether Treaty or -- or, you know,  
16 unsettled land claim, so for, you know, Metis, or --  
17 or whomever.

18 So if -- if they're covered under  
19 Section 35 of the Constitution Act, 1983, then the  
20 resident hunter, you know, does not apply to them.  
21 But for myself, for instance, as, you know, someone  
22 with European descent, a non-right holder, then no.

23 THE CHAIRPERSON: Mark Cliffe --  
24 Cliffe-Phillips?

25 MR. MARK CLIFFE-PHILLIPS: Thank you,

1 Madam Chair. Maybe just in terms of expediency to  
2 finish the presentation, we'll reserve the -- the  
3 questions till the end of the presentation.

4 THE CHAIRPERSON: We are, Mark.

5 MR. MARK CLIFFE-PHILLIPS: Sorry, I  
6 was -- I was confused by John's comment. Sorry.  
7 Sorry, Alex. I was trying to rescue you for  
8 continuing a presentation that you've already  
9 completed.

10 THE CHAIRPERSON: You're forgiven,  
11 Mark. Okay, sorry. Board member Bertha Norwegian?

12 MS. BERTHA NORWEGIAN: Thank you for  
13 the interlude, Mark. Bertha Norwegian.

14 I'm still -- still not really clear. I  
15 don't know if those are the words that would be spoken  
16 to us by the Chief of the Yellowknives. I don't know  
17 if you have other representation here, but I find it  
18 very hard to believe that an Aboriginal group would  
19 disallow hunters. They might disallow numerous  
20 hunters, but, I mean, for example, if a young woman in  
21 the community met up with a fellow she fell in love  
22 with, and he moved here, you know, the community would  
23 allow him to come hunting with them. You know, we  
24 live in a -- that we're supposed to be living in a  
25 culture of peace and friendship, so I don't know that

1 -- that you can ask as to even consider a point like  
2 that. Thank you.

3 MR. ALEX POWER: Alex Power,  
4 Yellowknives Dene First Nation.

5 So I'll break that apart into a couple  
6 pieces. I guess the first part, I mean, like -- we  
7 sort -- we sort of have to accept on face value that  
8 I'm here on behalf of the Yellowknives Dene. Yeah.

9 And as to the second, you know, I -- I  
10 understand that, you know, a community would be often,  
11 you know, quite welcoming to having a -- what would  
12 qualify as a resident hunter participate in a hunt,  
13 whether it was just with members, or as part of a -- a  
14 more organized community hunt.

15 But currently, you know, hunters like  
16 that -- and -- and, you know, I've -- I've gone out  
17 hunting with -- with community members, with the  
18 Yellowknives, and, you know, I -- I still am subject  
19 to the -- the regulations that apply to regulate -- to  
20 resident hunters.

21 So if I go out with a community member,  
22 it doesn't matter if they, you know, sort of welcome  
23 me to, you know, go hunting with them, I can't shoot  
24 something I don't have a tag for. So, you know,  
25 currently, you know, hunting muskox, there's a lottery

1 system for -- for resident hunters, and so you --  
2 you'd put your name in, and if you get a tag, you  
3 know, then you're allowed to shoot one.

4                   But, you know, if I were to go out with  
5 a community member -- and -- and I've been invited to  
6 do so. And I went, and I shot a -- a muskox now  
7 without, because I -- I didn't even enter the lottery,  
8 but without a -- a tag, then, you know, I would be  
9 subject to, you know, whatever the fine or whatever it  
10 is -- whatever the punishment is. I don't -- I don't  
11 know, because I wouldn't do it.

12                   But -- so that -- the -- the system  
13 like that, it exists already. You know, that's --  
14 that's already in place. We would just be taking this  
15 animal that's currently not on it and, you know, and -  
16 - and not hunt for now.

17                   I mean, it -- it doesn't even have to  
18 be forever. But, you know, the same thing's  
19 happening, as was mentioned earlier, with wood bison.  
20 You know, I can't -- I can't get a tag for wood bison  
21 anymore because the population's -- it's in trouble.  
22 And these are -- these are measures that can change,  
23 or these are regulations that can change, and -- and  
24 frequently do.

25                   And so to say that, you know, that --

1 that we're just going to have this, you know, this  
2 restriction on this animal for -- until further  
3 notice, basically is how it works, is -- is actually  
4 nothing new. The -- I guess the potentially new  
5 component, if, you know, the -- if the Board decides  
6 they -- they want to venture down that road after  
7 discussing with Mr. Donihee, it sounds like, would be  
8 whether or not they would want to make that as a  
9 recommendation to the -- to the responsible Ministers.

10                   And that -- that would be the -- sort  
11 of, you know, I -- I hesitate to call it the  
12 innovative part, but -- but that would be the -- the  
13 different piece. But -- but just stopping someone  
14 like a resident hunter from hunting something is -- is  
15 -- there's nothing new to that.

16                   THE CHAIRPERSON:     Questions, Review  
17 Board members?   James...?

18                   MR. JAMES WAH-SHEE:     Thank you for  
19 your presentation. I -- I understand where you're  
20 coming from, not necessarily that I would agree, but  
21 thank you for your presentation.

22                   THE CHAIRPERSON:     And that was James  
23 Wah-Shee. Well, thank -- thank you, Alex, for your  
24 presentation. We'll move on to the next presentation.

25                   I'm not sure -- are you able to operate

1 sitting back there, or do you need to come to the  
2 front, like, for your presentation? Okay. All right.  
3 All right, our next presentation is with Environment  
4 and Climate Change Canada. You may start your  
5 presentation. You need the clicker. Somebody has it?

6

7

(BRIEF PAUSE)

8

9 PRESENTATION BY ECC:

10 MR. BRADLEY SUMMERFIELD: Okay. Thank  
11 you, Madam Chair, and thank you to the community of  
12 Whati for hosting us here. My name is Bradley  
13 Summerfield. I'm with Environment and Climate Change  
14 Canada, and I'm with J. F. Dufaur, who's with the  
15 Canadian Wildlife Service of Environment and Climate  
16 Change Canada.

17 We're going to make every effort to go  
18 quick, here, so I will skip the mandate, and I think  
19 we've heard a lot about Environment Canada's  
20 legislation today, so I'm going to pass it right over  
21 to J. F. to speak about the wildlife aspect of  
22 Environment and Climate Change Canada's review for  
23 this proposed project.

24 MR. J.F. DUFAUR: J.F. Dufaur, with  
25 the Canadian Wildlife Service of Environment and



1 Climate Change Canada. I'm environmental assessment  
2 officer in the Yellowknife office.

3 I will be discussing the wildlife  
4 issues that are presented in our technical reports.  
5 And they fall under four (4) main issues. The first  
6 one is -- relates to bird species at risks, and  
7 specifically related to the impact assessment.

8 There are ten (10) bird species at risk  
9 potentially occurring within the regional study area.  
10 The project may impact these species through habitat  
11 loss, or degradation, and accidental mortality during  
12 both construction and operation phases.

13 ECC, throughout the process, expressed  
14 concern about the habitat associations used by the  
15 Proponent to inform the conclusions of the  
16 environmental assessment. And the reason why we were  
17 concerned was these habitat associations are -- are  
18 based on literature from southern studies, so studies  
19 that were conducted down south, and expert opinion.

20 And so we believe there is -- the  
21 concern is -- is really that these habitat  
22 associations are -- are less reliable, and provide  
23 less confidence than indices that would be established  
24 using data collected during a baseline study for  
25 surrogate data sources, so existing studies nearby.

1           The TASR project is -- is located at  
2 the edge of several bird species at risk ranges within  
3 the Northwest Territories, and there -- there remains  
4 knowledge gaps related to the occurrence, the  
5 abundance, and the habitat associations of many of  
6 these species. And -- and this is also noted in some  
7 of the recovery documents that are -- that are  
8 available.

9           Due to this concern, Environment and  
10 Climate Change Canada recommended the -- the analysis  
11 of two (2) existing data sets to inform and refine the  
12 impact assessment. The location of these two (2) data  
13 sets relative to the project are presented on this map  
14 here, and -- and it includes one (1) of our data sets,  
15 which is represented by the pink and -- and red -- red  
16 squares that are along Highway 3, just south of the  
17 project, and also the Nico Fortune baseline data,  
18 which is north of the project area.

19           The Proponent submitted a -- a  
20 technical memo on -- on September 8th detailing why  
21 the surrogate data sets and did not lend themselves  
22 well to validating the AS -- ASR conclusions, the  
23 adequacy statement response conclusions. In our  
24 technical report, we provided further information to  
25 address some of these issues that they identified in

1 their technical memo, but we also similarly came to  
2 the conclusion that there would remain some gaps or  
3 limitations in the ability of these surrogate data  
4 sources to validate the conclusions of the  
5 environmental assessment.

6           So I guess this led Environment and  
7 Climate Change Canada to recommend that the Proponents  
8 complete baseline monitoring for bird species at risk  
9 prior to construction, to inform and add sufficient  
10 confidence to the impact assessment, and verify that  
11 measures taken to avoid or lessen the potential  
12 effects are effective.

13           There is quite a few factors that --  
14 that led us into making this recommendation to the  
15 Review Board, and -- and one (1) of them that I -- I  
16 think I've heard from the NSMA was the permanent and  
17 irreversible nature of these impacts. This road is  
18 not going away. Once it's there, it stays there.

19           Also, the knowledge gaps for the  
20 species in this area, which is also discussed in  
21 recovery documents. And also the -- in our belief,  
22 the -- the ability of the Proponent to conduct this  
23 baseline monitoring without impacting their  
24 construction schedule. So all this could be conducted  
25 next spring.

1                   ECC -- sorry, Environment and Climate  
2 Change Canada recently met with the Proponent on  
3 November 3rd, and we made the meeting summary  
4 available on the public registry. And we met to  
5 discuss this issue and -- and recommendation in  
6 particular. And although there was really good  
7 discussion between us and the Proponent, there was no  
8 decision or no commitment that was made, and so at  
9 this time, this issue is unresolved.

10                   The second issue or concern we brought  
11 up in the technical report related to bird -- bird use  
12 of quarries and borrow sources for the project.  
13 Disruptive activities at quarries and borrow sources  
14 present risks of nest abandonment and destruction of  
15 nests and eggs for migratory birds in general, but  
16 it's particularly concerning for two (2) species. The  
17 first one is bank swallow, which is -- you can see  
18 here on -- on the photo.

19                   And I'd like to take the opportunity to  
20 -- to note on the record that as of yesterday, the  
21 bank swallow and as well as another bird potentially  
22 list -- potentially affected by this project was  
23 officially listed on Schedule 1 of the Federal Species  
24 at Risk. So it's kind of fresh off the press. And --  
25 and so this is one (1) of these birds that was freshly

1 listed.

2                   So the bank swallow is a species that  
3 is particularly drawn to sand pits, to quarries,  
4 stockpiles of sand or soil. And the other species  
5 that is a concern that borrows -- sorry, at quarries  
6 and borrow sources is the common nighthawk, which is  
7 also listed as threatened under the Federal Species at  
8 Risk Act. And nighthawks are known to nest on the  
9 ground in open areas or clearings, and these include  
10 areas such as quarries.

11                   The -- the Proponent, in -- in terms of  
12 mitigations and monitoring at quarries and borrow  
13 sources referred to our own brochure as -- as guidance  
14 that they were going to follow for this project. And  
15 I guess one (1) of the issues that we had was that  
16 there was no specific details on which mitigation  
17 measures, or which monitoring exactly within our  
18 guidance that they were going to use for this project.  
19 And to us, this information is really important to  
20 assess whether there's res -- residual impacts.

21                   As a result, we, you know, through the  
22 information requests, through the technical session,  
23 because we weren't getting many details, it resulted  
24 in us recommending pretty much all the measures that  
25 was in our -- that was in our brochure. And I won't

1 necessarily read them all, but the measures could be  
2 categorized as -- as some occurring during the site  
3 planning phase. There's other measures during the  
4 breeding season. And there's also measures once the  
5 birds have left the quarry at the end of the year.

6           The Proponent responded. In their prop  
7 -- the response to our technical report, the Proponent  
8 did answer or resolve some -- some of the issues, but  
9 there are still some that are outstanding related to  
10 this issue.

11           The third issue that we brought up in  
12 our technical report relates to bird species at risk  
13 within the Wildlife Mitigation -- sorry, the Wildlife  
14 Management and Monitoring Plan. Generally speaking,  
15 Environment and Climate Change Canada was -- is  
16 supportive of -- of the broader measures that are  
17 proposed in this plan related to migratory birds, and  
18 -- and bird species at risk, and these types of -- of  
19 measures would fall under -- if some people are  
20 familiar with our -- our terminology, incidental take,  
21 the general category of incidental take, which is the  
22 inadvertent harming and -- and killing of -- of birds.

23           The only problem is that there is  
24 details or clarity that was missing in some of the  
25 proposed measures, and so it was unclear whether there

1 was residual impacts. And -- and to us, also the  
2 clarity aspect of these measures in this plan is  
3 really important so that the staff and the contractors  
4 that are actually on the ground on site could actually  
5 implement these effectively.

6           Some of the things that we identified  
7 that required further details or revisions included  
8 more information related to preclearing surveys. We  
9 thought that the purpose or the objective of using  
10 buffer zones or -- in the work zones was -- was a bit  
11 ambiguous, and not necessarily the priority -- it  
12 wasn't necessarily on the conservation, but more on  
13 allowing construction to continue. So we would like  
14 to see some changes related to that.

15           Also, the temporal, or the timing  
16 component of when measures would be applied, in  
17 particular related to managing nesting on  
18 infrastructure. And also we thought within the -- the  
19 management plan, there was inconsistency when -- when  
20 they would report or engage Environment and Climate  
21 Change Canada related to migratory bird stuff. So it  
22 was repeated several times. It was inconsistent when  
23 we were included in -- in the engagement related to  
24 anything with migratory birds.

25           So we made a number of recommendations.

1 They're all fairly minor. We don't really think this  
2 is big -- big issues, but definitely, revision is  
3 required within the -- the management plan.

4                   And then finally, the last issue or --  
5 that we -- we discussed in the technical report  
6 relates to boreal caribou, and I think it's a topic  
7 that's been discussed quite a bit today. Environment  
8 and Climate Change Canada is -- is obviously concerned  
9 with undisturbed habitat within the NT1 range  
10 approaching thresholds, and these thresholds were  
11 obviously established within the recovery strategy for  
12 boreal caribou. And recovery is achieved for boreal  
13 caribou within the Northwest Territories 1 range by  
14 maintaining population and range conditions that  
15 support its current self-sustaining status.

16                   Although the Environment and Climate  
17 Change Canada estimate of the -- the new additional  
18 disturbance within the range is -- is slightly  
19 different from what the Proponent presented, I think  
20 we acknowledge that the contribution of that new  
21 disturbance to the overall habitat within the range  
22 would not lead to exceeding the threshold.

23                   In our technical comment, we also  
24 support the need to continue the boreal caribou  
25 collaring program that renic -- that -- that was



1 recently initiated within the North Slave region, and  
2 this in order to monitor the potential effects of the  
3 project on habitat use and movement, but also to  
4 provide more information on the population condition  
5 within NT1.

6 Environment and Climate Change Canada  
7 was also supportive of many of the mitigation measures  
8 that was proposed within the Wildlife Management and  
9 Monitoring Plan. However, we did notice as the  
10 Wek'eezhii Renewable Resource Board mentioned earlier  
11 today, that there seem to be differences between the  
12 measures for this project and previous projects, in  
13 particular, the most recent Prairie Creek all-season  
14 road.

15 And also in our technical comments, we  
16 -- we acknowledge the level of -- of technical  
17 expertise held by other parties with shared management  
18 responsibility for boreal caribou, and we encourage  
19 the Review Board to verify the adequacy of what's  
20 being proposed with these parties and -- and which you  
21 are -- are obviously doing.

22 So the recommendations for -- for  
23 boreal caribou was we recommended that the Proponent  
24 provide -- that provide the precise measurements and  
25 associated spatial data of the project footprint to

1 validate the impact projections, and this would also  
2 allow the continued assessment of boreal caribou  
3 habitat within the NT-1 range.

4 We also recommended that the Proponent  
5 review all the mitigation measures that were suggested  
6 during the Prairie Creek all-season road review and  
7 include any of the applicable mitigation measures in  
8 the next revision of the management plan.

9

10 QUESTION PERIOD:

11 THE CHAIRPERSON: Thank you for your  
12 presentations. Moving on to questions. Questions,  
13 Tlicho Government?

14 MS. JESSICA HUM: Masi cho, Madam  
15 Chair. From Tlicho Government, thank you very much  
16 for the presentation. We have no questions.

17 THE CHAIRPERSON: Questions,  
18 Wek'eezhii Renewable Resource Board?

19 MS. JODY PELLISSEY: Thank you, Madam  
20 Chair. Jody Pellissey, Wek'eezhii Renewable Resources  
21 Board.

22 Thank you for the presentation. There  
23 are no questions from the board. Thank you.

24 THE CHAIRPERSON: Questions, North  
25 Slave Metis Alliance?

1 MR. SHIN SHIGA: Thank you, Madam  
2 Chair. Shin Shiga, North Slave Metis Alliance.

3 Thank you for the presentation. We  
4 have no questions.

5 THE CHAIRPERSON: Questions,  
6 Yellowknives Dene First Nation?

7 MR. ALEX POWER: Alex Power,  
8 Yellowknives Dene First Nation.

9 We have no questions, Madam Chair.  
10 Thank you for the presentation.

11 THE CHAIRPERSON: Questions,  
12 Government of the Northwest Territories?

13 MR. RUSSELL NEUDORF: Russ Neudorf,  
14 GNWT.

15 We have no questions.

16 THE CHAIRPERSON: Questions, Review  
17 Board staff?

18 MR. MARK CLIFFE-PHILLIPS: Mark  
19 Cliffe-Phillips, with the Review Board.

20 Review Board staff have three (3) short  
21 questions.

22 MR. CHUCK HUBERT: Thank you, Madam  
23 Chair. Chuck Hubert, with the Review Board.

24 A question on bird species at risk.  
25 Does Environment Canada and Climate Change (sic)

1 require implementation of its technical report  
2 recommendation for bird species' baseline data  
3 collection prior to construction in order to meet its  
4 responsibilities under the Species at Risk Act?

5

6 (BRIEF PAUSE)

7

8 MR. J.F. DUFAUR: J.F. Dufaur, with  
9 the Environment and Climate Change Canada.

10 Sorry, Chuck. I didn't understand  
11 whose responsibilities you were referring to, ours or  
12 yours.

13 MR. CHUCK HUBERT: The second quest --  
14 Chuck Hubert, with the Review Board.

15 The -- the first question was yours.  
16 The -- part be was actually the Review Board's. So if  
17 you could answer both at once, it'd be great.

18 MR. J.F. DUFAUR: Yeah. So the -- the  
19 recommendation that we technical report related to the  
20 baseline monitoring was advice to the Review Board in  
21 order to help you meet the expectations -- or not  
22 necessarily meet the expectations, but meet the -- the  
23 legal obligations, I guess.

24 And the -- the recommendation was based  
25 on some of the factors that I mentioned where we think

1 that it's probably warranted based on the  
2 irreversibility and permanency of the impacts, and --  
3 and the knowledge gaps, and stuff, so.

4 MR. CHUCK HUBERT: That's help --  
5 Chuck Hubert, with the Review Board.

6 That's helpful. Thank you. And so  
7 I'll -- I'll follow that up with: Will accepting the  
8 Environment Canada and Climate Change (sic), your  
9 recommendations that you described, allow the Review  
10 Board to meet its own Section 79 requirements under  
11 the Species at Risk Act?

12 MR. J.F. DUFAUR: It certainly won't -  
13 - sorry, it will definitely help, I guess, but what --  
14 what those expectations are hasn't really been clearly  
15 defined. And -- and so -- so it -- it would  
16 definitely be helpful, is -- is, I guess, our  
17 recommendation. Our advice is that it would be  
18 helpful for you.

19 MR. CHUCK HUBERT: Chuck Hubert,  
20 Review Board. Thanks. Should I move on, or John?

21 THE CHAIRPERSON: Legal counsel...?

22 MR. JOHN DONIHEE: Thank you, Madam  
23 Chair. It's John Donihee.

24 Just hoping for a little bit of  
25 clarification. With respect for particularly to

1 Section 79 of the Federal Species at Risk Act, but I -  
2 - I think before I go there, I really do have one (1)  
3 other question I want to ask you, and it's -- it's  
4 simply this:

5 In the absence of the fieldwork and  
6 monitoring that you've recommended for next spring, is  
7 it your department's opinion that harm or destruction  
8 of the avian species at risk is a realistic  
9 possibility?

10 MR. J.F. DUFAUR: I guess what we're  
11 trying -- sorry, J.F. Dufaur, with Environment and  
12 Climate Change Canada.

13 I guess what we're trying to imply is  
14 that there's a high level of uncertainty related to  
15 this, because it's not based on -- on actual data that  
16 was collected nearby or in -- in the North. So I  
17 guess what we're trying to advise is that there's a  
18 level of uncertainty. So it -- it's difficult to  
19 actually answer that question without knowing what's  
20 actually there, I guess.

21 MR. JOHN DONIHEE: Thank you, Madam  
22 Chair. John Donihee.

23 I -- I do understand the -- thank you  
24 for the answer. I -- I think I understand the sci --  
25 the -- the scientific issue here. The -- the legal

1 issue is that, of course, the -- the Board is required  
2 to identify the adverse effects of a project on listed  
3 wildlife, and so I'm asking you to help us out here a  
4 little bit.

5                   Is -- you've raised these issues.  
6 They're within your mandate. I guess my -- my  
7 question really is, is it Environment Canada's -- and  
8 Climate Change Canada's opinion that there's a risk of  
9 these -- a realistic risk of these kinds of adverse  
10 effects if -- if nothing more is done?

11                   MR. J.F. DUFAUR: J.F. Dufaur, with  
12 Environment and Climate Change Canada.

13                   There is no doubt there'll be adverse  
14 effects. I think that the question is whether or not  
15 they are significant. And I think I'd like to just  
16 maybe precise that the -- under the Species at Risk,  
17 under Section 79, if you read it carefully, there is  
18 no mention of the significance of the effect. It just  
19 mentions the adverse effects.

20                   MR. JOHN DONIHEE: John Donihee.  
21 Thank -- thank you, sir. That's my reading of the  
22 section as well. I guess the -- the other question I  
23 have for you, just to look forward a little bit:

24                   I'm just curious when -- when the time  
25 comes that the Review Board writes a report of

1 environmental assessment, given -- given the evidence  
2 you've provided, and I'm curious about Environment and  
3 Climate Change Canada's role afterwards in relation to  
4 perhaps your -- your Minister's views on the --  
5 whether or not the report of EA adequately satisfies  
6 the obligations that are placed on the Board under  
7 subsection 79(2).

8                   And I -- I'm not asking you to predict  
9 what the Minister will do, but I'm -- I'm just  
10 wondering, if you could -- if you could, you know,  
11 tell us, you know, what -- what role does Environment  
12 Canada play once a report of EA like that, with  
13 concerns about the several listed species comes out,  
14 and, you know, what -- what sorts of analyses might be  
15 done, and -- and evaluations conducted so that you --  
16 we can help to guide the Board forward to meet these  
17 obligations?

18                   MR. J.F. DUFAUR:     J.F. Dufaur, with  
19 Environment and Climate Change Canada.

20                   That's an interesting question. I  
21 think in order to answer that, it's -- it's important  
22 to define that Environment and Climate Change Canada  
23 is -- so it's the competent Minister under the Species  
24 at Risk Act. And so our responsibilities as competent  
25 Minister are -- are kind of, I guess, separate from



1 the 79, which is directed to -- to the Review Board, I  
2 guess, in -- in this situation.

3 I think -- to answer your question, I  
4 think the report of EAs where -- where this analysis,  
5 or the assessment of -- of these measures comes into  
6 play is when we start looking at what we can --  
7 consider the -- the effect of protection assessment.

8 So our understanding of the regulatory  
9 process is that these measures form some kind of term  
10 and condition and -- and permits through the reg --  
11 regulatory system later on. And I think this is where  
12 Environment and Climate Change Canada would be looking  
13 to see whether or not species at risk are effectively  
14 protected on non-federal lands. And so it's through  
15 that mechanism, not specifically at the report of EA,  
16 but the trickle-down effect into the regulatory, and -  
17 - and at the greater level.

18 And so the -- I think the test for that  
19 is the -- the risk of -- of jeopardizing the survival  
20 and recovery of a species is at a -- is at a greater  
21 level.

22 MR. JOHN DONIHEE: John Donihee, Board  
23 counsel. I don't have any other questions. I thank  
24 you for your answers.

25 MR. J.F. DUFAUR: Sorry, it's J.F.

1 Dufaur --

2 THE CHAIRPERSON: Mark Cliffe-  
3 Phillips?

4 MR. J.F. DUFAUR: -- with Canadian --  
5 Cana -- Canadian Life -- Wildlife Service, sorry.

6 I -- I would like to add just, like, a  
7 little addition to that, and compare it to what the  
8 Territorial Species at Risk Act requires of the ENR  
9 Minister. There's a Section 76 where the ENR Minister  
10 must make a determination specifically related to --  
11 to an EA project, and -- and that isn't found within  
12 the spec -- the Federal Species at Risk Act.

13 So I think there's a -- a little bit of  
14 a -- a difference there, but I think it -- it does it  
15 in to the critical habitat effective protection  
16 assessment.

17 THE CHAIRPERSON: Okay. Thank you.  
18 Mark Cliffe-Phillips...?

19 MR. MARK CLIFFE-PHILLIPS: Yes, Madam  
20 Chair. I believe Chuck Hubert has two (2) more  
21 questions.

22 THE CHAIRPERSON: Chuck...?

23 MR. CHUCK HUBERT: Thank you. Chuck  
24 Hubert, with the Review Board. And I -- and I assure  
25 you, they'll be even briefer. The -- these questions

1 are again to Environment Canada and Climate Change  
2 (sic) regarding your involvement in the Inuvik to Tuk  
3 highway corridor working group that we heard about  
4 earlier today. So I understand ECCC is a -- a  
5 participant, or a member.

6 Can ECCC describe your experience to  
7 date with this highway working group, and maybe  
8 comment on it -- on your role and -- and how you've  
9 been working with them?

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

13 Yes, we have been an active participant  
14 in that group, participating as -- as often as we can  
15 based on resources at the time. I think as -- Stu  
16 mentioned yesterday, it's -- it's a -- an information  
17 sharing, and it has been effective at -- at that  
18 mechanism, just even keeping the distribution list up-  
19 to-date, and just having a forum -- a -- a conference  
20 call once a month, I believe it is, just to discuss  
21 issues, updates and -- and other things that are going  
22 on. Well, I suppose it will be wrapping up now, but  
23 they were going on with the Inuvik to Tuk Highway.

24 So does that answer your question?

25 MR. CHUCK HUBERT: Yes. Chuck Hubert,

1 with the Review Board. Thanks. And just one (1)  
2 final follow-up.

3 How has feedback from the working  
4 group, some of which you've provided to it, how has  
5 that improved the project, or resulted in adaptive  
6 management actions?

7 MR. BRADLEY SUMMERFIELD: Thanks,  
8 Chuck. It's Bradley Summerfield, with Environment and  
9 Climate Change Canada.

10 That's a little bit of a different  
11 situation. I don't know how much feedback Environment  
12 and Climate Change Canada has provided through that  
13 process. There's been separate discussions with our  
14 enforcement officers, the inspectors who have -- who  
15 have done inspections and site visits on the project,  
16 and they, through their legal obligations, provide  
17 direct feedback to the Developer through that  
18 mechanism.

19 So we've -- we've allowed to be --  
20 that's the official way that Environment and Climate  
21 Change Canada would provide advice to the Developer.

22 I think, as I said, and as Stu had  
23 said, the -- the working group has been more about  
24 discussion, learning, and information sharing.

25 MR. CHUCK HUBERT: Understood. Thanks

1 very much. That's all of the questions for me.

2 THE CHAIRPERSON: Questions, Review  
3 Board?

4 MR. MARK CLIFFE-PHILLIPS: No further  
5 --

6 MR. DAVID KRUTKO: David Krutko, with  
7 the Review Board.

8 You touched on your responsibility  
9 under the Species at Risk regulation. I believe  
10 there's the federal legislation, and there's the  
11 territory legislation. I'd just like to know --  
12 you've just listed another species, so how does that  
13 get trumped, or bumped over to the GNWT in regards to  
14 their legislation? Because I believe that you have  
15 legislation for Canada, but each jurisdiction across  
16 Canada has its own ability to pass its own  
17 legislation. And I believe the Northwest Territories  
18 has its own Species at Risk legislation.

19 And knowingly that -- especially in the  
20 North, we -- we do have a short summer season, and  
21 you're a lot -- a lot of these issues you're talking  
22 about are migratory birds. They come in the spring,  
23 they leave in the fall. And so knowingly that -- and  
24 also, we do have a short construction season up here,  
25 so -- but for mitigating these matters, and most of

1 our construction in the North does take place on  
2 winter roads, because you're dealing with permafrost.

3                   So -- so to -- I'm looking more of a  
4 way of how do you deal with the whole aspect of  
5 migratory birds. I know the importance of migratory  
6 birds. We know the numbers are dropping, but I think  
7 it's important to realize that -- how do we mitigate  
8 some of these things?

9                   And I think a lot of it, you talk  
10 monitoring, but one (1) thing with monitoring, it does  
11 cost money. So I'd just like to know, you know,  
12 trumping the -- the buck from the federal government  
13 to the GNWT, but at the end of the day, you pass the  
14 legislation, you're responsible for enforcing that  
15 legislation, but also, I think you're also responsible  
16 for ensuring that the monitoring and the -- the  
17 establishing of these regimes -- we have NGOs, Ducks  
18 Unlimited, other groups that are out there.

19                   But again, how do you work in  
20 conjunction with the RRCs (phonetic), Ducks Unlimited,  
21 NGOs to basically ensure that, you know, we -- you're  
22 not going to shake every tree and try to find a bird's  
23 nest. You basically want to, you know, get an idea of  
24 how -- instead of doing that, is there another  
25 mechanism such as seasonal type of activities that

1 you'll allow or disallow that can take place when --  
2 using examples, one (1) of the suggestions is when you  
3 cut the trees along the side of the road, you don't  
4 cut it during nesting periods of the year. You do it  
5 in August or end of August once the birds leave and  
6 they're no longer nesting.

7                   So it's those kinds of recommendations  
8 that are being suggested. So I'm -- I know it's --  
9 it's -- so, you know, it's one hand, it's easy to pass  
10 laws and make regulations, but it's also, how do you  
11 ensure that you -- you try to mitigate the problem and  
12 avoid these -- having the enforcement side, but more  
13 importantly, how do you accommodate, you know, those  
14 areas, and use common sense that you know they're  
15 there from May til October, and they're gone again.  
16 So in the North, most cases, it's how do you -- you  
17 know, you're looking at projects, and you want to make  
18 sure they work, but also, you want to be conscious of  
19 the environment at the same time.

20                   So again, it's just how do you work  
21 with the Government of the Northwest Territories on  
22 legislation that you pass, and if there's any species  
23 that go from threatened to endangered, and how does  
24 that get passed on to the Government of the Northwest  
25 Territories to make sure that their species of

1 legislation is complementary to your legislation.

2 MR. J.F. DUFAUR: J.F. Dufaur, with  
3 the Canadian Wildlife Service.

4 That was a -- a very large question to  
5 -- to answer. And I hope I'll cover it all, but  
6 please let me know if I -- I miss anything. I think  
7 you touched upon the -- the issues that the -- the  
8 birds that we're responsible for as the federal  
9 government are migratory, and they do not spend the  
10 full year here.

11 And -- and I -- I guess we're quite  
12 aware of that, and it -- it does present a -- a  
13 conservation challenge where the federal government  
14 only has control over what's done within Canada, and -  
15 - and has little control with what's done, for  
16 example, in the United States, or South America, and  
17 stuff. So that is definitely a -- a huge challenge  
18 that -- that we have as managers of migratory birds.

19 However, we've -- through compliance  
20 and promotion, we've been pretty successful at -- at  
21 getting all levels of government, and proponents, and  
22 contractors to, just as you alluded to, to -- to avoid  
23 the majority of impacts by avoiding sensitive seasons  
24 and stuff.

25 There has been some push-back in terms



1 of short seasons and stuff, but I think most  
2 proponents have -- have been able to -- to work around  
3 those things. And -- and I would just add that the --  
4 the seasonal avoidance only applies when there's an  
5 indication that the birds are there, right? So we  
6 would prefer that they avoid it, but they can also  
7 assess whether or not there is nesting before  
8 conducting activities.

9           So it's just avoidance is the preferred  
10 method, but you can also minimize and -- and mitigate  
11 as well. So it -- it is following the -- the  
12 mitigation hierarchy that I think the Proponent  
13 referred to earlier today, so.

14           I'm trying to think what else. The  
15 Federal Species at Risk Act and the Territorial  
16 Species at Risk Act are, indeed, complementary. And  
17 one (1) I'd like to point out is that the Territorial  
18 Species at Risk Act does not include migratory birds,  
19 so you'll never have the dual, which I think you were  
20 alluding to. However, the Federal Species at Risk Act  
21 include all species found in Canada. So whether  
22 they're aquatic, terrestrial, or mammalian, that would  
23 fall under the typical primary management of -- of  
24 provinces and -- and territories.

25           Did -- did I cover most of your

1 questions, or is there...?

2

3

(BRIEF PAUSE)

4

5 THE CHAIRPERSON: David, you got the  
6 long version. Okay. Questions from Review Board  
7 members?

8

9 Thank -- thank you very much for your  
10 presentation. Unfortunately, it has come to the end  
11 of the day, because apparently the airline -- or the -  
12 - the planes are here, and they don't have deicing.  
13 So they have just told us now that we would have to  
14 cut it short.

15

16 And I know -- and I'm -- I'm very  
17 apologetic to the people that are sitting here that  
18 have sat here all day long and tried to get to public  
19 comments, but we are going to try to dedicate most of  
20 the afternoon tomorrow so that we can have public  
21 comments from the people of Whati, so that we could at  
22 least give them a -- a good chunk of time tomorrow  
23 afternoon to be able to do that.

24

25 But we're very sorry. We're not in  
26 charge of the weather, or the power that goes out, and  
27 it gets us behind. So with that, just a few closing  
28 comments. I'd like to say thank you and masi cho to

1 the presenters, to all of you today. I know a lot of  
2 the caribou people won't be with us tomorrow, like,  
3 they'll -- we're onto fish tomorrow, so some of those  
4 people probably will change. Your present --  
5 presentations are appreciated. And also to the cooks,  
6 for their supper again, they're wonderful, endless  
7 banic. Our translators there, thank you. And to  
8 Norbert.

9                                   And we'll adjourn til tomorrow morning  
10 at 10 o'clock.

11

12 --- Upon adjourning at 7:19 p.m.

13

14

15

16 Certified Correct,

17

18

19 \_\_\_\_\_

20 Wendy Woodworth, Ms.

21

22

23

24

25

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