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MACKENZIE VALLEY ENVIRONMENTAL
IMPACT REVIEW BOARD

PUBLIC HEARING
DEZE ENERGY CORPORATION LTD.
TALTSON HYDROELECTRIC
EXPANSION PROJECT
EA0708-007

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| | Percy Hardisty | Member |
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HELD AT:

Dettah, NT
January 15th, 2010
Day 2 of 2

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1 --- Upon commencing at 9:06 a.m.

2

3 THE CHAIRPERSON: Good morning. Good
4 morning. We'll start in five (5) minutes here. We'll
5 just getting everybody to some to their seats and tables.
6 And I presume everybody's here, so I'll ask everybody to
7 come to the table. We're going to start now.

8 Before I start the morning here, I want to
9 ask one (1) of the Elders here from Lutsel K'e to come up
10 to do an opening prayer, Elder George Marlowe.

11

12 (OPENING PRAYER)

13

14 THE CHAIRPERSON: Thank you. Good
15 morning, ladies and gentlemen. I'd like to call this
16 public hearing to order. It's now 9:07, Friday, January
17 15th.

18 I just want to quickly go over the agenda
19 from yesterday just to let you know where we're at. On
20 day 1, yesterday, we had opening prayers and remarks from
21 the Chair. We had the presentation from Deze Energy
22 Corporation and we took questions. We had lunch.

23 And at two o'clock yesterday we had the
24 Government of Northwest Territories do a presentation,
25 followed by Lutsel K'e Dene First Nation and Parks

1 Canada. And there were questions, and, also, public
2 concerns from the public. Then we finished at roughly
3 around 7:30 yesterday, I believe.

4 So, anyway, I just want to make mention as
5 well that, again, just for the record, so the people know
6 that the reason why we're here is that we're having a
7 public hearing on the Deze Energy Corporation file,
8 environment system file. And I mentioned yesterday that
9 this file's been referred to us from the Mackenzie Valley
10 Land and Water Board, and the purpose of the meeting here
11 today is to listen the presenters, listen to the public,
12 and take a look at the presentation, and if there's
13 evidence that you want to bring forward, you can.

14 And I also mentioned yesterday that if
15 people were missed and maybe time wasn't enough, they
16 still have an opportunity to, as well, to put their
17 issues and concerns in writing because the public
18 registry is still open. And, so anyways, I encourage
19 that people that were not given enough time or didn't
20 have the opportunity to speak, we encourage you to put
21 that in writing as well so that it's on the public
22 registry and it's on record.

23 For today, day 2, at 9:15 we're going to
24 do a presentation on Fisheries and Oceans, so I guess
25 they're all set to go here shortly. Then at ten o'clock

1 we have Environment Canada, followed by questions on both
2 of those presentations. Then we have a break at 10:45.

3 At eleven o'clock we have Deninu K'e First
4 Nation doing a presentation, followed by questions.
5 Then, at 11:45, if everything's on schedule, we're going
6 to break for lunch. It says here that we were going to
7 take about an hour and fifteen (15) minutes for lunch,
8 but I'm going to suggest that we probably go about a half
9 hour for lunch today, so we can continue on with the
10 agenda. And lunch is also provided.

11 So at one o'clock, if not earlier, we're
12 going to go to Fort Resolution Metis Council with
13 presentation and questions, then back to the Carter
14 family presentation and questions, Indian Affairs
15 presentation, and questions as well. Then we'll have a
16 break in around from 2:30 or 2:45.

17 Then Transport Canada presentation and
18 questions. And then closing remarks from Deze Energy and
19 closing remarks from the Chair of the Review Board. And
20 then, if everything's on schedule, anywhere between four
21 or five o'clock this afternoon we should be done.

22 So that's the order of the business for
23 today. So, with that, I want to move on to the agenda
24 for today. I'm going to ask the Fisheries and Oceans to
25 proceed with their presentation and we'll follow with

1 questions. Thank you.

2 As well, when you do speak, again, just a
3 reminder, people should be able to mention their names,
4 who they represent, and, if they can, speak loudly,
5 again, for some people, especially for me; I can't hear
6 all that good. So, anyway, thank you.

7

8 PRESENTATION BY FISHERIES AND OCEANS:

9 MR. BRUCE HANNA: Thank you, Mr.
10 Chairman. Good morning, everyone. My name is Bruce
11 Hanna. I'm a habitat biologist with the Department of
12 Fisheries and Oceans in Yellowknife and I'll be doing the
13 presentation today.

14 I'd like to take a minute to introduce you
15 to the members of our team that are here. All have
16 contributed to our technical submission. To my far right
17 is Barry Chilibeck, principal engineer with Northwest
18 Hydraulic Consultants Limited out of Vancouver.

19 Barry is one (1) of the coauthors of the
20 assessment methods for aquatic habitat and in-stream flow
21 characteristics, in support of applications to dam,
22 divert, or extract water from streams in British
23 Columbia. This is important because this was the
24 approach used by the company in their habitat assessment
25 of Trudel Creek.

1 Next to Barry is Rick Gervais. He's with
2 our DFO habitat engineering group in Winnipeg.

3 Doug Watkinson is also from Winnipeg, the
4 regional headquarters; research biologist with expertise
5 on affects to fish and fish habitat, related to in stream
6 flow needs.

7 Pete Cott is a fisheries research
8 biologist here in Yellowknife.

9 Beverly Ross is the manager of the
10 environmental assessment and major projects group, again,
11 from her DFO regional headquarters in Winnipeg.

12 And Nicola Johnson is an environmental
13 assessment analyst, again, from DFO in Yellowknife.

14 Today we'll be briefly touching on the DFO
15 mandate, looking at what the basis of our technical
16 submission was, what documents were reviewed, and
17 potential areas of concern, followed by recommendations
18 with each one, followed by some concluding remarks.

19 The mandate up there is overly simplified.
20 There's a lot more detail in our technical submission,
21 but the Department's guiding legislation is the Fisheries
22 Act, which confers responsibility to the Minister for the
23 management, protection, and conservation of Fisheries'
24 resources in all fishing zones, territorial seas, and
25 inland waters.

1 Section 20 to 35 of the Act encompass the
2 habitat protection provisions. The list -- the list on
3 the screen now is the sections in that area that are of
4 relevance to this project; this includes section 22. It
5 needs to ensure sufficient water flow for the passage of
6 fish, for the flooding of spawning grounds, and
7 protection of eggs. Section 30, for fish guards and
8 screens. This is for canals or also for intake screens
9 on such things as water trucks for wa -- winter water
10 withdrawal.

11 Section 32 prohibits the destruction of
12 fish by means other than fishing. This could be through
13 the use of explosives, entrainment in turbines, fish
14 stranding, that sort of thing.

15 Section 35, which I think most people are
16 aware of, prohibits the harmful alteration, disruption,
17 or destruction, or a HADD, of fish habitat unless it's
18 authorized by the Minister.

19 And section 36, it prohibits the deposit
20 of a delitary substance into fish bearing water bodies.
21 This part of the Fisheries Act is administered by
22 Environment Canada.

23 For the basis of our technical submission,
24 I'll just go through this quickly, but what we've looked
25 at is the Trudel Creek Fish Habitat Effects Assessment

1 Report, March 2008, and supporting documents; Deze's
2 response to DFO's first Information Request, on November
3 13th, 2008; of course, the Developer's Assessment Report
4 that everyone has gone through; and a series of technical
5 meetings with Cambria Gordon Limited, the consultant for
6 Deze Energy.

7 Forty (40) Information Requests were
8 submitted for the record officially during the technical
9 session of October 1st and 2nd, 2009. Continued
10 discussions after that on any outstanding concerns were
11 held by -- with Cambria Gordon. This resulted in four
12 (4) meeting summary reports on issues such as
13 entrainment, flow changes, affect on water temperature,
14 fish standing, and things of those -- things of that
15 nature.

16 I'll just now go into our potential areas
17 of concern and recommendations. First would be access
18 roads and trails. Concerns could be erosion of stream
19 banks, sediment released into the stream, causing impacts
20 to fish habitat, such as the smothering of eggs; the
21 removal of riparian vegetation, which is important for
22 bank stability, cover, and providing nutrients to the
23 stream; and impacts from water withdrawal, removing
24 oxygenated in the water in the winter having potential
25 impacts on over wintering fish.

1 The other concern is potential impacts
2 from ice bridge construction if it's not done properly.
3 If they're not decommissioned properly at the end of the
4 season, there could be erosion issues. And if material
5 other than ice and snow is included in the ice bridge,
6 that material can be deposited during the spring
7 freshette.

8 This photo just shows a crossing that was
9 done a number of years ago in the NWT. And, as you can
10 guess, there was impacts to fish habitat and it
11 definitely doesn't meet DFO's standards or expectations.

12 Recommendations: The Deze consult with
13 DFO during the finalization of the erosion and sediment
14 control plan. We follow the DFO Freshwater Intake End-
15 of-Pipe Fish Screen Guidelines, having proper screens on
16 the intakes for the water trucks, for instance, and the
17 DFO protocol for winter water withdrawal in the NWT, to
18 reduce impacts from -- from water withdrawal.

19 Also recommends that Deze follow the DFO
20 operational statement for ice bridges and snow fills.
21 For those not familiar with operational statements, it's
22 standardized advice provided by DFO for specific
23 activities. If the advice is followed, there should be
24 no impacts to fish and fish habitat. And we're glad to
25 see that Deze's committed to following those guidelines

1 of protocol and the operational statement. We also
2 recommend that Deze consult with local Aboriginal groups
3 on restriction to access trails, to ensure traditional
4 use of the area is not impeded.

5 Next is transmission line construction.
6 The concern is similar to access roads and trails. If
7 crossings are done improperly, there could be impacts to
8 fish and fish habitat. DFO recommends that -- that
9 operational statements specific for overhead line
10 construction is followed. Again, the company is
11 committed to doing this.

12 We also recommend that baseline
13 information on aquatic resources in a representative
14 number of fish-bearing waterbodies along the transmission
15 route is collected to -- to be part of the aquatic
16 effects monitoring program. To actually see what effects
17 there are, we need to know what's there in the first
18 place.

19 The next area of concern is the use of
20 explosives. This would be during construction. The
21 concern is the potential for injury or death of fish due
22 to instantaneous pressure change, or IPC. And this is
23 the rapid rise to a high peak pressure caused by the
24 detonation of explosives in or near water, followed by a
25 rapid drop below the normal water pressure in the water

1 column. Internal organs, such as a swim bladder, kidney,
2 and spleen, can't adapt quickly enough to the pressure
3 change and can rupture.

4 Based on research results in the NWT,
5 DFO's recommended an instantaneous pressure change
6 threshold of 50 kilopascals not be exceeded. And, again,
7 we're pleased to see that Deze is committed to following
8 this recommendation.

9 We recommend that monitoring be developed
10 and implemented to ensure the 50 kilopascals is not
11 exceeded, and that fish in the area where explosives are
12 used are not impacted and are adequately protected. If
13 monitoring indicates there are impacts, even if the 50
14 kilopascals is not being exceeded, further mitigation
15 would have to applied to reduce those impacts. The
16 monitoring and adaptive management measures should be
17 included in the Proponent's drill and blast management
18 plan.

19 The next area is Nonacho Lake drawdown.
20 The concern is potential impacts to fish, particularly
21 lake trout spawning and incubating eggs. As Dean Carter
22 mentioned yesterday, if the lake trout spawn in shallow
23 areas and then the water is drawn down below the level of
24 those eggs, they would be high and dry and they would not
25 survive.

1 This concern is from the one (1) time
2 drawdown during construction, but, also, fluctuating
3 water levels during operations, because those water level
4 fluctuations will be more extreme than they are currently
5 with -- when the -- when it goes to operations. This
6 concern would also apply to other lakes in the -- in the
7 project area.

8 Recommendations: That the Proponent
9 proceed with the two (2) phased preconstruction
10 assessment of lake trout spawning habitat in Nonacho
11 Lake, identified in the draft monitoring plan. This
12 would be the desktop exercise followed by a field
13 component.

14 DFO is willing to assist the Proponent in
15 developing the assessment plan, analyzing the results,
16 and working together to refine drawdown scenarios in
17 order to mitigate potential impacts. We will have one of
18 our Lake Trout from DFO Science, John Fitzsimmons,
19 involved in this study and we're likely going to bring
20 him up for the field component.

21 We also recommend the Proponent involved
22 in Nonacho Lake fishing camp and -- the Carter family on
23 this -- in this study as the -- the lodge relies on a
24 healthy lake trout population, and also their expertise
25 in local knowledge will -- will be essential if this is

1 going to be successful.

2 Potentially affected Aboriginal groups,
3 such as Lutsel K'e should also be included in these
4 discussions.

5 Next concern is entrainment. Basically
6 what that means is the fish is drawn into -- into an
7 intake and cannot escape. The concern is for --
8 potential for the fish to go through the turbines. As
9 the photo indicates, not all fish goi -- coming out the
10 turbines are in the shape as they went in. This isn't to
11 indicate that all fish going through turbines would have
12 a problem. It's now with new developments in technology,
13 it's a smaller percentage, but it does happen.

14 Recommendation is the Proponent proceed
15 with the monitoring program to inform an adaptive
16 management approach developed in consultation with DFO,
17 to determine whether the predictions made in the EA
18 regarding entrainment were correct, or if modifications
19 need to be made. These are predictions such as an intake
20 canal devoid of habitat features not attracting fish into
21 it, and if they are attracted, a low enough velocity that
22 they can escape.

23 DFO -- sorry -- DFO recommends that once
24 results from the monitoring program become available,
25 that the company consult with DFO on mich -- mitigation

1 measures that may need to be modified and added to ensure
2 the protection of fish from entrainment and going through
3 the turbines.

4 We also recommend the Proponent utilize
5 turbines with the least number of blades, if technically
6 feasible, to further reduce the risk of fish mortality if
7 they do go through.

8 We further recommend the Proponent
9 incorporate mesh on the penstock screens that is of a
10 size that will mitigate impacts to fish species and life
11 stages likely to be found in the canal. This
12 recommendation would also apply to the Nonacho Lake
13 control structure.

14 And we would also recommend that the
15 Proponent investigate the use of trash racks at the
16 entrance of the intake canal, to increase the likelihood
17 of large bodied fish using that as -- as habitat.

18 The next area of concern is Zone 1 and
19 Zone 2. Zone 1 is the Taltson River below Nonacho Lake
20 to upstream of the forebay. Zone 2 is Tronka Chua Gap to
21 Lady Gray Lake. Under the 36 megawatt scenario flow at
22 Tronka Chua Gap would regularly stop.

23 Under the 56 megawatt expansion project
24 you would likely only get flow through Tronka Chua Gap at
25 high flow years. I'm not sure what the impacts would be,

1 but this should be investigated further.

2 To date, no baseline data has been
3 collected for wetlands, aquatic resources, fish, and fish
4 habitat, ice structure or dissolved oxygen levels in Zone
5 2, and limited baseline data was provided for Zone 1.
6 The Proponent has relied heavily on modelling and
7 assumptions making a determination regarding impacts.

8 We would recommend the Proponent
9 investigate the cost benefits of diverting flow through
10 Tronka Chua Gap so it is maintained throughout the year,
11 and, if not, the feasibility of diverting flow through
12 Tronka Chua Gap post-construction, should impacts to that
13 system be greater than was anticipated from the reduction
14 in flow.

15 We recommend that the proposed pre-
16 construction assessment and monitoring program for Tronka
17 Chua Lake that is currently proposed, be expanded to
18 include Thekuthili Lake, downstream, since flow over
19 Tronka Chua Gap is a dominant source of flow for that
20 lake as well.

21 And, again, as a common theme, for Zone 1
22 and 2, the aquatic effects monitoring program requires
23 adequate baseline data and should be complimented with a
24 detailed and action oriented adaptive management plan.

25 Last is Trudel Creek. In a 2006 Rescan

1 report, it was indicated that the pre-development average
2 annual flow was somewhere between 2.5 and 23 cubic metres
3 per second, with periodic or continuous connection with
4 the Taltson River. However, as you can see from the
5 photo, since 1986, when the Pine Point Mine shut down,
6 all access water not going through the turbines, now
7 going over the south valley spillway, it's created a
8 river situation 32 kilometres long with three (3) lakes.
9 So it's a fairly significant system now.

10 Concerns we have is a sever reduction in
11 flow can result in potential impacts to fish populations,
12 benthic invertebrate communities which, again, provide
13 food for fish, and the riparian/littoral vegetation
14 community. Littoral habitat, or where the water is
15 shallow enough for light to penetrate, allowing
16 vegetation to grow, is used by northern pike and other
17 species for spawning, rearing, and feeding.

18 Natural flow variability is very important
19 for a stream to remain healthy and productive. Different
20 flows are required at different times of year, such as in
21 the spring, when higher flows flood vegetated areas,
22 providing spawning habitat for northern pike.

23 A variable or seasonal flow rate was
24 implied in the company's analysis. This can be seen in
25 Figure 14.3.3, the Trudel Creek time series, 1978 to

1 1990, of the developer's assessment report. However, we
2 are concerned that if only the minimum flow rate of 4 is
3 locked in place, the implied variable flow rate could be
4 lost over time if flow rates in the future are lower.
5 The minimum flow of 4 cubic metres per second could cause
6 a flat hydrograph for an extended period in low flow
7 years.

8 Another concern with Trudel Creek is
9 impact from ramping events could cause fish stranding but
10 also delay the reestablishment of vegetation.

11 DFO's recommendation -- I'll read it
12 through, and then I'll try to explain it a little bit
13 more.

14 "In order to address the need for
15 variable flow to protect fish and fish
16 habitat in Trudel Creek, DFO
17 recommends, as an interim measure or
18 starting point, that the Proponent
19 adopt a flow regime that incorporates a
20 minimum flow release of 4 cubic metres
21 per second in conjunction with a
22 variable 95 percent accedence or 5th
23 percentile baseline monthly flow
24 hydrograph, where the greater of the
25 two (2) flows would define the minimum

1 monthly flow release."

2 So to try to clarify that, the 95 percent
3 exceedence, which is basically the same as once every
4 twenty (20) years, would be the flow rate that would
5 exceeded 95 percent of the time, for whatever timeframe
6 you are looking at. We utilized the model mean monthly
7 flow data from 1978 to 1990. For instance, the 95
8 percent exceedance for January in this timeframe, is 19.5
9 cubic metres per second. So 95 percent of the time flows
10 would be higher than that in January, during that time
11 period.

12 Four (4) cubic metres per second would be
13 used when the 95 percent exceedance drops below four (4).
14 In the time series we utilized that would be the March to
15 May period. This is one (1) example of a seasonal
16 variable flow. A similar recommendation was made by
17 Rescan in a January 2000 -- 2007 Draft Taltson Expansion
18 Project, Trudel Creek minimum flow assessment, done for
19 the GNWT Energy Corp.

20 I recommend that rather than risk
21 dewatering Trudel Creek, the diversion threshold should
22 be set to reflect the lower tenth percentile or 90
23 percent exceedance to compare of observed daily flows in
24 Trudel Creek by month. This was based on data from 1987
25 to 2005.

1 As recommended, those flows would fall
2 within the natural variation of Trudel Creek, and ensure
3 that connectivity along Trudel Creek is maintained
4 throughout the year. Both of these options address the
5 need for seasonal variation in flow and that is what
6 we're looking at. We need a variable flow rather than
7 one (1) specific number.

8 Flow requirements could be further refined
9 with additional information. This could include the com
10 -- the completion of additional cross-section surveys,
11 with attention paid to habitat breaks and where habitat
12 diversity can be captured within Trudel Creek, to
13 increase the level of detail and accuracy in the model.

14 As well, a fish tagging study which would
15 establish baseline conditions regarding fish movements
16 and connectivity. It's currently uncertain whether
17 bedrock controls downstream end of Unnamed Lake and
18 Gertrude Lake are barriers to fish passage currently, and
19 if they're not would the reduced flows cause them to
20 become barriers.

21 In the last bullet there I'll explain at
22 first what weighted usable area means. In general, it's
23 a measure of habitat quality in relationship to specific
24 species or life stages, based on change in flows. So for
25 example how much Whitefish spawning habitat was available

1 at existing flows and how much would be available at
2 reduced flows.

3 We would like the riverine weighted usable
4 area data extracted from the weighted usable area
5 analysis, as the inclusion of the less severely impacted
6 lake systems may hide areas of habitat within the river
7 system that could be more severely impacted. Currently,
8 only lake data is split out.

9 Other information that would be useful,
10 specific details of fish habitat, including sensitive
11 areas that require greater protection. For instance, the
12 location of whitefish spawning areas, whether they're
13 spawning just in the lakes on the Trudel system or also
14 in the river portions. Wetted area versus discharge
15 plots for the lake and rivers reaches of Trudel Creek.
16 And dissolved oxygen data in areas that are more likely
17 to be impacted from reduced flows, both in lake and
18 stream sections of Trudel. And, again, that's work that
19 Cambria Gordon I believe is completing this winter.

20 We also recommend that the Proponent
21 develop a rigorous pre and post project monitoring
22 program -- this, again, would be part of the overall
23 aquatic effects monitoring program -- to determine
24 changes in aquatic habitat, to verify impact predictions,
25 and determine if operational changes are required.

1 We also recommend that Deze Energy develop
2 and implement an active riparian/littoral aquatic
3 replanting program. This would likely be done not right
4 as soon as the reduced flows are there to allow the area
5 to -- to stabilize, but quickly.

6 This will be done in consultation with DFO
7 in order to expedite the successful recolonization of
8 vegetation along and within the new stream channel. This
9 is important because of the critical role that vegetation
10 would play in that system.

11 We further recommend that Deze Energy
12 minimize ramping as much as possible in Trudel Creek,
13 again, in order to allow things to stabilize. We don't
14 want vegetation to start becoming reestablished or
15 habitat features to be added, only to be washed away.

16 One (1) possibility, as mentioned by the
17 Board experts yesterday, was increasing the capacity of
18 the South Gorge Spillway.

19 Also recommend the Proponent investigate
20 options for maintaining the existing pool sucker habitat
21 near the South Valley Spillway. A large number of
22 juvenile sucker were found in this area, indicating that
23 it is an important habitat and should be maintained.

24 There is also an opportunity in the year
25 between construction on the Nonacho Lake control

1 structure and operations where flows will be reduced
2 somewhat, that we can use the data collected then to
3 refine model predictions and mitigation strategies.

4 In conclusion, based on the available
5 information, DFO is of the opinion that the project can
6 move to the regulatory phase with the following
7 understanding. A flow regime that meets the ecological
8 needs of Trudel Creek still needs to be agreed upon.
9 Again, this has to be a variable flow.

10 A comprehensive Aquatic Effects Monitoring
11 Program and adaptive management program will be
12 implemented with adequate baseline information. The
13 importance of an effective Aquatic Effects Monitoring
14 Program cannot be understated for this project, as many
15 impact predictions for the assessment are based on
16 assumptions and cannot be validated until flows are
17 reduced.

18 The Proponent will need to collect
19 adequate baseline information in order to ensure the
20 development of a robust and scientifically defensible
21 monitoring program that is capable of identifying and
22 quantifying any effects due to the hydro expansion.

23 We also require an adequate fish habitat
24 compensation plan to offset project specific adverse
25 impacts to fish and fish habitat developed by Deze Energy

1 and approved by DFO. This would be done, if we're going
2 to hit the regulatory phase, as part of the Fisheries Act
3 authorization.

4 In closing, I'd just like to take the
5 opportunity to thank the Board for allowing us to present
6 today, thank George for the opening prayer, and thank the
7 community of Dettah for their hospitality. And we'll
8 open it up to questions for our panel. Thank you.

9

10 QUESTION PERIOD:

11 THE CHAIRPERSON: Thank you for your
12 presentation, Fisheries and Oceans. Just before I go to
13 questions, I want to make sure I've got your name right
14 again. Can you let me know your first name and last name
15 for the record here?

16 MR. BRUCE HANNA: It's Bruce Hanna, H-A-
17 N-N-A.

18 THE CHAIRPERSON: H-A --

19 MR. BRUCE HANNA: H-A-N-N-A.

20 THE CHAIRPERSON: Okay. Thank you,
21 Bruce. Very good. Thank you very much for your
22 presentation this morning. As mentioned yesterday, we do
23 have an order of questions, so this morning I'm going to
24 start off with DKFN, if they have any questions to the
25 presentation made by Fisheries and Oceans this morning.

1 Any DKFN members here? None? Okay.

2 Thank you. I'm going to move on to Fort Resolution Metis
3 Council. Is there any questions that you have for the
4 presentation made this morning by Fisheries and Oceans?

5 No hands. Okay. I'm going to move on.
6 I'm going to go to the Carter Family. Do you have any
7 questions for Fisheries and Oceans this morning?

8 MR. DEAN CARTER: I've always liked
9 Fisheries and Oceans. I see people who care for the
10 environment. And I just have a couple of questions,
11 maybe three (3).

12 Are -- are you aware if there has -- has
13 been any mercury testing done, recent years, over the
14 decades, on Nonacho Lake?

15 THE CHAIRPERSON: Thank you. I'll go
16 back to Environment Canada to the question.

17 MR. BRUCE HANNA: Thanks for the
18 question. I'm not sure about recently, but I do know --
19 I -- I'm -- there was mercury data collected quite a
20 number of years ago. I believe in the late '70s or '80s,
21 I can't be sure. I do have access to one (1) report that
22 does have mercury concentrations for Nonacho Lake and I
23 believe two (2) other lakes in the area that I can make
24 available.

25 THE CHAIRPERSON: Thank you, Bruce. I'm

1 going to go back to the Carter family.

2 MR. DEAN CARTER: Mr. Chair, does -- does
3 that include the fish?

4 THE CHAIRPERSON: DFO?

5 MR. BRUCE HANNA: Again, I'm going by
6 memory, but I believe that was mercury concentrations in
7 fish tissue.

8 THE CHAIRPERSON: Okay. Go back to the
9 Carter family.

10 MR. DEAN CARTER: Yeah. My apologies. I
11 would've mentioned that earlier, I just didn't think of
12 it. With regard to the -- the spawning of the different
13 species of fish in Nonacho Lake, understandably, Mr.
14 Chairman, we would be very interested in the trout spawn
15 because that is, of course, a primary fish for the sports
16 fisherman. Pike is also a fish.

17 There, of course, are other species on
18 that lake that many people might not be aware of. We
19 have ling cod, sucker, cisco. I'm not sure about Arctic
20 Grayling.

21 So we're just -- would you work with us in
22 trying to determine the spawning patterns, the -- the
23 depth of the spawn, particularly with the lake trout, so
24 that we can preserve the conservation and even improve
25 the conservation on that lake?

1 THE CHAIRPERSON: Thank you. I'm going
2 to go back to DFO, Bruce Hanna.

3 MR. BRUCE HANNA: Thanks for the
4 question, Dean. Yes, we would definitely do that. I
5 mean, like I said in the presentation, for the survey
6 that's going to be conducted by Deze, DFO will be
7 involved in that. We'll be bringing our lake trout
8 expert, John Fitzsimmons, up to the territory hopefully
9 for the field component, and we very much want to do that
10 in conjunction with the -- the Carter family.

11 THE CHAIRPERSON: Thank you, Bruce Hanna.
12 I'm going to go back to the Carter family. I think,
13 Dean, you said you had a couple questions, so --

14 MR. DEAN CARTER: I think that's -- we --
15 we've got a lot of work to do, but I appreciate your
16 honest and forthright answer.

17 THE CHAIRPERSON: Thank you, Dean Carter.
18 I'm going to go to Jean Carter.

19 MS. JEAN CARTER: Jean Carter. I'll try
20 to do better than I did yesterday. But I know it was
21 during Bruce's presentation there, he had -- during the --
22 - mentioned what procedures would be done during the
23 construction on the dam.

24 And I want to know what procedures -- he
25 said Deze was going to carry out procedures. I want to

1 know who will be out there to make sure that these proce
2 -- procedures are being carried out.

3 THE CHAIRPERSON: Thank you, Jean Carter.
4 I want to go to DFO, Bruce Hanna.

5

6 (BRIEF PAUSE)

7

8 MR. BRUCE HANNA: Bruce Hanna, DFO. I'm
9 guessing, as far as overall mitigation or DFO operational
10 statements, I believe that there would normally be an
11 environmental monitor in place that would be looking at
12 that -- that sort of thing. Again, we'd have to go to
13 Deze to -- to make sure of that.

14 And DFO will try to do the occasional site
15 visit. We've already been up there once during this --
16 prior to construction. But, yeah, I know it would be
17 good to have -- like I say, DFO will be up there for the
18 Nonacho Lake study. There's other areas where we would
19 conduct site visits. And between that, the environmental
20 monitoring, requirements for monitoring, as well, through
21 the water licence process, I think that would probably be
22 sufficient. I'm not sure if that answers your question
23 directly or not.

24 THE CHAIRPERSON: Thank you DFO, Bruce
25 Hanna. I want to go back Jean Carter.

1 MS. JEAN CARTER: Okay, Jean Carter. I
2 have one (1) more question. On your monitoring, like you
3 mentioned the environmental would be monitoring, I'm
4 having -- what -- when you say "monitoring," would that
5 be through a machine where you can sit here and monitor
6 or will there be somebody on the site monitoring?

7 THE CHAIRPERSON: Thank you, Jean Carter,
8 for your final question. I'm going to go to Bruce Hanna
9 with DFO.

10

11 (BRIEF PAUSE)

12

13 MR. BRUCE HANNA: Sorry for the delay.
14 Bruce Hanna, DFO. Normally for environmental monitors it
15 would be there with the company, not from DFO, but that
16 would be an individual.

17 For other monitoring, such as aquatic
18 effects monitoring, that would be probably the -- likely,
19 the consultant for Deze following an aquatic effects
20 monitoring plan that has been approved with input from
21 all parties, such as DFO, and then those results would be
22 made publically available.

23 But, yeah, it would -- it -- it's on a
24 case-by-case basis, depending on what monitoring you're
25 talking about, but it would more on the line of

1 individuals rather than a machine, by any means.

2 THE CHAIRPERSON: Thank you, Bruce Hanna,
3 with DFO. I'm going to go down to INAC. Does INAC have
4 any questions for DFO?

5 MR. MARC LANGE: No questions, Mr.
6 Chairman.

7 THE CHAIRPERSON: Thank you very much.
8 I'm going to move on to Transport Canada. And any
9 questions for DFO?

10 MR. DOUG SOLOWAY: No questions, Mr.
11 Chairman.

12 THE CHAIRPERSON: Thank you. Sorry, can
13 I get your name, please?

14 MR. DOUG SOLOWAY: Doug Soloway,
15 Transport Canada.

16 THE CHAIRPERSON: Okay, thank you. I'm
17 going to go to Deze Energy Corporation.

18 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
19 Yes, we have a couple of questions, ger -- we take --

20 THE CHAIRPERSON: Please proceed.

21 MS. LINDA ZURKIRCHEN: -- here or would
22 you like me to --

23 THE CHAIRPERSON: Just come up here,
24 please.

25 MS. LINDA ZURKIRCHEN: Linda Zurkirchen,

1 Deze. Yes, Mr. Chair, we have two (2) questions. One
2 (1) is that DFO presented a number of recommendations in
3 their slides. As they accurately presented, some of
4 those recommendations had been put forth by Deze as part
5 of the developer's assessment report.

6 Some of them have been agreed to and
7 committed to by Deze during this EA process through our
8 meetings with DFO. And some of the recommendations are
9 still under discussion with DFO, between Deze and DFO,
10 and we would like to hear from DFO a confirmation that
11 these recommendations that have not been committed to yet
12 can be finalized and reviewed and discussed during the
13 reg -- regulatory stage of this process, if the project
14 were to move to that phase.

15 THE CHAIRPERSON: Thank you for your
16 question. I'm going to go to DFO, Bruce Hanna.

17 MR. BRUCE HANNA: Bruce Hanna, DFO. I'm
18 assuming this is more on recommendations for minimum flow
19 for Trudel Creek? And we can confirm that we'll continue
20 these discussions with the company and it can move into
21 the regulatory phase.

22 THE CHAIRPERSON: Thank you. I'll go
23 back to Deze Energy Corporation.

24 MS. LINDA ZURKIRCHEN: Thank you, Mr.
25 Chair. Just a clarification that was in regards to all

1 the recommendations not just the minimum flow? And --
2 and I do have a -- a subsequent question to that.

3 THE CHAIRPERSON: Thank you. I'll go
4 back to Bruce Hanna of DFO to that question.

5 MR. BRUCE HANNA: Bruce Hanna, DFO. No,
6 I -- I can confirm that any of the recommendations that
7 haven't been agreed to now or are in still discussion, we
8 would continue those discussions past the -- past this
9 Hearing.

10 THE CHAIRPERSON: Okay. I'll go back to
11 Deze Energy Corporation.

12 MS. LINDA ZURKIRCHEN: Thank you. I'd
13 also like to ask that if DFO is in agreement with the
14 significance determination for the key line of inquiry
15 ecological changes to Trudel Creek with a determination
16 of significance that is presented in the developer's
17 assessment report, understanding that the minimum release
18 of 4 cubic metres a second to Trudel Creek also included
19 a maximum flow that could be carried by the turbines and
20 that any additional flow that was in excess of what could
21 go through the turbines would be directed into Trudel
22 Creek.

23 THE CHAIRPERSON: Thank you -- thank you
24 for your questions, and I'm going to go to DFO, Bruce
25 Hanna.

1 MR. DOUG WATKINSON: Yeah. DFO, Doug
2 Watkinson. I think at this point, based on what we've
3 seen in the developer's assessment report, we're not in
4 agreement with no risk or significant risk for Trudel
5 Creek, and that's why we're continuing our discussions,
6 looking at a variable flow for that system.

7 THE CHAIRPERSON: Thank you. I'm going
8 to go back to Deze Energy Corporation.

9 MS. LINDA ZURKIRCHEN: So that's just --
10 I will ask just a clarification so that we are clear that
11 DFO is saying that the determination of significance
12 presented in the DAR, that -- that they are in
13 disagreement with that, at this stage?

14 THE CHAIRPERSON: Okay. Thank you. I'm
15 going to go back to DFO, Mr. Walker (sic).

16 MR. DOUG WATKINSON: Yeah. DFO, Doug
17 Watkinson. Yeah, that is correct.

18 THE CHAIRPERSON: Okay. Thank you very
19 much for -- for that. I'll go back to Deze Energy
20 Corporation.

21 MS. LINDA ZURKIRCHEN: I'll take one (1)
22 moment, please.

23 THE CHAIRPERSON: If you -- yeah. One
24 (1) moment and you need to come up, as well.

25

1 (BRIEF PAUSE)

2

3 MS. BEVERLY ROSS: I -- I think what
4 we've identified in this presentation is that there
5 continues to be some uncertainty, and what we've tried to
6 do in the presentation --

7 THE CHAIRPERSON: Excuse me for a second.

8 MS. BEVERLY ROSS: Oh, sorry, it's --
9 it's Bev Ross --

10 THE CHAIRPERSON: Okay, thank you.
11 Please proceed.

12 MS. BEVERLY ROSS: -- from Fisheries and
13 Oceans. What we've identified in the presentation is
14 that there is uncertainty, that we need some additional
15 information, and we have tried to present a conservative
16 way forward to address that uncertainty.

17 THE CHAIRPERSON: Thank you, Bev Ross,
18 DFO. I'm going to go to Deze Energy Corporation.

19 MS. LINDA ZURKIRCHEN: Thank you very
20 much. I just wanted to confirm -- Linda Zurkirchen. I
21 just wanted to confirm with DFO that they are aware that
22 this is the first time that we have been actually told
23 that DFO is in disagreement with the significance
24 determination.

25 We have been entering -- we have had

1 discussion with them all along, but just to confirm that
2 they realize we have not heard them articulate to -- that
3 to Deze, or this position to Deze until now.

4 THE CHAIRPERSON: Okay, thank you. I'm
5 going to go to DFO to that question.

6

7 (BRIEF PAUSE)

8

9 MS. BEVERLY ROSS: I think coming back to
10 -- to the question of significance, that, again, if a
11 conservative approach is taken to addressing the
12 uncertainty, that we can be more comfortable that the
13 impacts won't be significant.

14 And we have, as I identified, presented a
15 way forward that we believe is conservative and gives us
16 some options for getting additional information and
17 adaptively managing the -- the potential impacts.

18 THE CHAIRPERSON: Thank you. I'm going
19 to go to Deze Energy Corporation, and I'm going to ask
20 that when you put forward your comments or questions,
21 that it's got to be very clear that they're questions,
22 and so that we understand it, as well. So does Deze
23 Energy Corporation have any further questions?

24 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
25 Yes, we do, a question that I understand there's

1 discomfort with DFO with our effects assessment as
2 presented. We're wondering the time frame that they
3 would be willing to work with us in developing, or
4 understanding, or helping us to understand what is the
5 issue with the effects assessment as presented because,
6 at this point in time, we don't understand what their
7 issues are with our effects assessment, and if they could
8 help us understand where they feel the effects assessment
9 as presented in the DAR has shortcomings or gives them
10 discomfort.

11 THE CHAIRPERSON: Thank you for your
12 question, as well. I'm going to back to DFO and we'll
13 try to get this thing sorted here. So if we could get
14 you to respond to that.

15 MR. BRUCE HANNA: Yeah, it's Bruce Hanna,
16 from DFO. I think what was made clear in our
17 presentation what we're uncomfortable with is the use of
18 one (1) number for a minimum flow that we would lock
19 into, and that we would require some sort of variable
20 flow on a seasonal hydrograph.

21 That's where the uncertainty lies. That's
22 why we came up with the conservative recommendation. And
23 we're definitely willing to work with the company to come
24 up with a flow regime for Trudel that we can all agree
25 to.

1 THE CHAIRPERSON: Okay, thank you. I'm
2 going to go back to Deze Energy Corporation.

3 MS. LINDA ZURKIRCHEN: Thank you, Mr.
4 Chair. I will try and keep this brief. Is DFO aware
5 that the effects assessment, as presented in the DAR, is
6 not an effects assessment on a -- what we would refer to
7 as a flat line or a minimum release of four (4) every day
8 of every month of every year.

9 The effects assessment is a minimum
10 release that also includes flow to Trudel Creek in --
11 that spills into Trudel because the turbines cannot
12 physically take any more water, and, in essence, causes a
13 form of a hydrograph or natural flow, most of the time,
14 but not all the time, in Trudel Creek.

15 THE CHAIRPERSON: Okay, I'm going to go
16 to DFO, and then I want to ask that we will break. And I
17 want to give you guys a little bit of time to have some
18 discussion, and, at the same time, you know, the line of
19 questions are good. You know, when I take a look at the
20 public registry and the submissions submitted to date, I
21 was kind of hoping that a lot of this stuff could have
22 been addressed, but there are some issues been raised
23 here. I'd like to sort of get them out.

24 But I think if you guys had a chance to
25 have a sidebar, and then we'll reconvene in fifteen (15)

1 minutes. I want to go back to DFO to respond to your
2 question, then we're going to break.

3 MR. RICK GERVAIS: Yeah, I'm Rick
4 Gervais, with Fisheries and Oceans, and I'd like to try
5 and clarify, I guess, our issue with the flow.

6 The Proponent, in the recommendation,
7 recommended a flow of 4 cubic metres per second as the
8 minimum flow, and we were concerned with that flow being
9 locked in permanently in the future if we didn't make a
10 recommendation that there should be other flows.

11 In a nature channel there is a variation
12 in flow during the year and from year to year. And Linda
13 mentioned that it was implied in their analysis that that
14 was done as part of their assessment, but we found that
15 unless we make that recommendation that variable flow may
16 be lost in fu -- in the future. So that was our attempt
17 to -- we -- we did some analysis and attempted to try and
18 come up with some kind of estimated variable flow based
19 on a one (1) in twenty (20) year flow, monthly flow, as a
20 -- as a starting point in discussion, but we weren't
21 locked into any flow commitment at this point.

22 And we aren't saying that -- the
23 uncertainty with their analysis was the flow data was
24 limited, it was modelled, and the amount of habitat
25 change was really questionable. And until we actually

1 saw the low flow condition, only then could we be sure
2 what would be happening, if it reflected their
3 prediction.

4 So we were saying go ahead with your --
5 your predicted flow, but have some variability in -- in
6 the flow at that lower level. And we were going to
7 discuss what kind of flows we were looking for, and then
8 we were going to monitor the system under the low flow
9 conditions to see if the changes that they were
10 predicting really were occurring.

11 And if they were worse than what they were
12 saying -- the were saying, then we were going to look at
13 a second level of -- of compensation to try and optimize
14 Trudel Creek under those lower flow conditions.

15 So hopefully that clarified DFO's, sort
16 of, approach to this issue.

17 THE CHAIRPERSON: Okay, thank you. I'm
18 going to take a break, but I just want to mention that
19 there's an order of questions. I still have
20 approximately one (1), two (2), three (3), probably about
21 another seven (7) speakers -- I mean, present -- people
22 to ask questions, so I'm going to limit your questions
23 next. But I encourage you guys to maybe have a little
24 sidebar, and then we'll reconvene in fifteen (15)
25 minutes. Thank you.

1

2 --- Upon recessing at 10:09 a.m.

3 --- Upon resuming at 10:34 a.m.

4

5 THE CHAIRPERSON: Okay, I'd like to call
6 the Hearing back to order here. But before I go to these
7 guys here, I want to just say another little humour,
8 joke, for everybody.

9 This one (1) guy come up to me and he
10 said, hey, Richard, we heard you're a medicine man. So
11 he said, can you fix my hearing? So I grabbed him by the
12 head and I started preaching and everything and all of
13 the sudden I told him, I says, how's your hearing? He
14 said, Richard, my hearing's okay, he said, but the
15 Hearing don't start for two (2) more weeks, he said.

16 So -- okay, so with that, I'm going to go
17 back to the questions to Deze Energy Corporation, to DFO.

18 MS. LINDA ZURKIRCHEN: Thank you, Mr.
19 Chair. Linda Zurkirchen. Just a question for DFO, if
20 they could clarify their approach to the -- to the
21 effects assessment?

22 THE CHAIRPERSON: Sorry. DFO?

23 MS. BEVERLY ROSS: Bev Ross, DFO. Deze
24 has committed to the development of a variable hydrocraft
25 for Trudel Creek of a magnitude and frequency that

1 minimized impacts to the long-term integrity of Trudel
2 Creek to the satisfaction of DFO.

3 The implementation of this measure with
4 adequate -- adequate fish habitat compensation for
5 residual impacts will allow DFO to conclude that
6 significant impacts to fish habitat will not result.

7 THE CHAIRPERSON: Thank you. So that
8 little sidebar helped. Okay. I'm going to go back to
9 Deze Energy Corporation.

10 MS. LINDA ZURKIRCHEN: No more questions.
11 Thank you.

12 THE CHAIRPERSON: Thank you very much.
13 And thank you to DFO for that. I'm going to move onto
14 the Government of Northwest Territories' questions to
15 DFO.

16 MS. LORRETTA RANSOM: We have no
17 questions. Thank you.

18 THE CHAIRPERSON: And your name is...?

19 MS. LORRETTA RANSOM: Sorry. Lorretta
20 Ransom.

21 THE CHAIRPERSON: Thank you. Moving on
22 to Lutsel K'e Dene First Nation, any questions?

23 ELDER GEORGE MARLOWE: My name's George
24 Marlowe from Lutsel K'e. Hmm, maybe two (2) questions.

25 First, thank you DFO. I had the chance to

1 talk to you because I have -- hardly get a chance to talk
2 to DFO in Lutsel K'e. I'm not going to talk about
3 Nonacho Lake now, I'm tired.

4 Other lakes, like Artillery Lake cause --
5 me and Antoine when tramping, this guy Antoine, in 1984.
6 We set net and there's really good fish on that lake,
7 nice fish. Really good fish on that lake. Everybody
8 knows it.

9 And after that, when I took students --
10 like for hunting we take students out in the fall time
11 and I went there, there's three (3) of there, Pierre
12 Catholique and Jonas. But I -- I set net there and --
13 and well, Jonas and Pierre, they were raised there in
14 Artillery Lake, and since they were a kid they are there.

15 When I checked my nets there was a lot of
16 fish, big trout, nice fish -- nice Whitefish, Grayling,
17 caught everything. And here it looks like real good, so
18 the kids are going to cook fish in a -- they clean it,
19 just full of same -- same stuff that Nonacho Lake's got,
20 some kind of a bugs, and I don't know what kinds.
21 They're -- us, we say worms. We put that and then -- and
22 Pierre and Jonas came there and they look at and they
23 said they never see this kind of fish in there, in
24 Artillery Lake. They were -- they were raised near
25 Timber Bay.

1 So I did do monitoring on that lake for
2 that fish, see how that fish is. Us, we're saying it
3 could happen after -- that was after the satellite fell
4 down, so maybe on account of satellite. I don't know.

5 So maybe DFO, Fisheries and Oceans, maybe
6 could find something like that for us on another lake
7 close to Gahcho Coal Mine (phonetic). That mine's going
8 to start pretty soon. Maybe -- I don't know when. But
9 that there's another lake, we call it Hook Lake
10 (phonetic). It's on the map there, Hook Lake. And there
11 is a very good Whitefish, really good Whitefish, I'll
12 tell you that.

13 Those two (2) lakes could use though
14 monitoring, something like that. If you'd do a
15 monitoring in our area, we should -- we should have our
16 own people, a person that could speak about their fish
17 and the land in lakes like that.

18 Like it could be like Albert. Albert
19 knows the place. Antoine knows the place really good.
20 You could pick somebody like that. Even Nonacho Lake, I
21 told you yesterday that somebody's got -- has to know
22 that place really good, like Albert and Antoine. So if
23 you do monitoring do it that way. Maybe it's better and
24 then -- and when they come then they could speak -- they
25 could speak to anybody about it. But if you take a --

1 young people that don't know the lake or don't know the
2 area, we take them out there, they come back, they're not
3 going to say nothing, because there -- I know, they're
4 not -- not really used to that kind of things. So if
5 you're going to do that kind of monitoring thing those
6 three (3) places, that would be nice.

7 And another one, when I see you put up a
8 transmission line there, yesterday GNWT will put a line -
9 - said we put -- put some kind of a no hunting zone under
10 the lines he said. I don't want GNWT telling me that,
11 tell me that not to hunt. I don't like that -- that word
12 GNWT put in yesterday. I really don't like that. That's
13 something we'll have to look into again. Thank you.

14 THE CHAIRPERSON: Thank you, George
15 Marlowe.

16 MS. TRACEY WILLIAMS: This is Tracey
17 Williams.

18 THE CHAIRPERSON: Sorry, next from Lutsel
19 K'e is Tracey Williams.

20 MS. TRACEY WILLIAMS: Thank you. I'm
21 going to try and just get this question right here. With
22 regard to your recommendations on baseline information
23 that you're recommending to be collected for Zones 1 and
24 2.

25 Just to be clear, is that information that

1 you're asking to be collected in the field that would be
2 done theoretically before the regulatory process would
3 begin or after? And if so, how long of a time is that
4 going to be required in the field?

5 THE CHAIRPERSON: Thank you, Tracey
6 Williams --

7 MS. TRACEY WILLIAMS: So -- and just to
8 clarify that, you also made mention that a lot of the
9 recommendations were conservative. And so also to add to
10 that, is this baseline information collections for Zones
11 1 and 2 conservative in your estimate -- estimates of
12 your own recommendations?

13 THE CHAIRPERSON: Thank you, Tracey
14 Williams from Lustel K'e Dene First Nation. I want to go
15 to DFO.

16 MR. BRUCE HANNA: Bruce Hanna, from DFO.
17 Thanks for the question. The concern with the baseline
18 is for an aquatic effects monitoring plan, that we have a
19 draft already which will be improved upon. You need
20 adequate baseline information to compare to after
21 operations just to see what effects there were so you can
22 actually, if need be, apply adaptive management of what
23 have you.

24 Whether it would need to take place prior
25 to the regulatory process, I believe those discussions

1 will be ongoing. I think the aquatic effects monitoring
2 pro -- plan would be a requirement of the water licence.
3 So all the base -- the baseline has to be completed prior
4 to operations, again, just so you can see what effects
5 might happen for when the expansion goes forward.

6 THE CHAIRPERSON: Thank you, DFO. Any
7 further questions from Lutsel K'e Dene First Nation.

8 MS. TRACEY WILLIAMS: Tracey Williams,
9 Lutsel K'e Dene First Nation. So just to understand what
10 you've just said, so, in other words, baseline data would
11 be required but that it could also be collected during
12 the regulatory phase?

13 THE CHAIRPERSON: Thank you, Tracey
14 Williams. I'm going back to DFO to the question.

15 MR. BRUCE HANNA: I would say it doesn't
16 have to be complete prior to the regulatory phase. It
17 just has to be -- the baseline has to be in place prior
18 to operations. And to clarify, it wouldn't be
19 necessarily just the aquatic effects monitoring plan that
20 would have monitoring requirements; there could be
21 monitoring requirements as a result, or our Fisheries Act
22 authorization as well.

23 THE CHAIRPERSON: Thank you. I'm going
24 to go back to Lutsel K'e Dene First Nation, Tracey
25 Williams. You have any further questions?

1 (BRIEF PAUSE)

2

3 ELDER ALBERT BOUCHER: I'll say good
4 morning. My name is Albert Boucher from Lutsel K'e. I'd
5 like to say a few words about -- ask question, DFO,
6 Nonacho Lake.

7 But this one here I'm going to say in my
8 language so you guys I could use earphone.

9

10 (TRANSLATIONS COMMENCES)

11

12 ELDER ALBERT BOUCHER: Thank you. It's
13 an Elder from Lutsel K'e, Albert Bouch -- Boucher. The
14 question I want to ask DFO, within the Nonacho Lake --
15 the first time I've been to Nonacho Lake was 1950, when I
16 was very young. After that -- after I knew the land that
17 my father had taught me, I've been trapping there by
18 myself in later years, and ever since then I've been
19 trapping around there. The fishes down there, I know how
20 the fishes are down to Culky Lake (phonetic), Spark Lake,
21 your -- from where the dam is right now, King Lake, all
22 those areas I used to have nets in the water.

23 In the past, the fishes were very good.
24 There was all kinds of fish and the fish were good.
25 There's trout, Whitefish. And the fish, when you cooked

1 then, it was really good. In 1966, when I went back
2 there for my traps again, and then there was -- Carter
3 had a lodge there. And, at that time, the -- it didn't -
4 - the lake wasn't flooded. The lake was still good and
5 the fish were still edible.

6 And then, in 1968 -- '67, after that dam
7 was made, we went over there again and we tried fishing
8 there, and the fish were starting to look different and
9 the fish were all different then. In 1989 the fish were
10 -- we went back there and we tried to fish again. The
11 fish weren't edible. The fish head were big and the body
12 was just skinny. And the reason this happened, that DFO
13 should know a lot of things about what happened to the
14 fish when there is an overflow.

15 Did they study the area, he wondering,
16 before the dam was made and after the flooding, so that -
17 - he wants to know what happened to the fish.

18

19 (TRANSLATION CONCLUDED)

20

21 THE CHAIRPERSON: Okay, thank you, Albert
22 Boucher, Elder of Lutsel K'e....(Equipment problems).

23 DFO...?

24

25 (BRIEF PAUSE)

1 MR. BRUCE HANNA: Bruce Hanna, DFO.
2 Unfortunately, I'm not aware of a lot of studies that
3 were done after the initial dam construction, or prior to
4 the construction of the dam. As was discussed earlier,
5 there has been some work on mercury and fish there and
6 it's possible there were other studies, but I just
7 couldn't answer that right -- right now. I would have to
8 go back and -- and take a look at a re -- earlier DFO
9 documents, if there was anything. If I do find something
10 I can definitely provide them.

11 THE CHAIRPERSON: Thank you, DFO. I'm
12 going to back to Elder Albert Boucher from Lutsel K'e
13 Dene First Nation.

14

15 (TRANSLATION COMMENCED)

16

17 MR. ALBERT BOUCHER: What we saying
18 happened because the fishes aren't edible and we want to
19 find out if there's a lot of mercury within the fish.
20 And when there is flooding of a land there is bound to be
21 a lot of mercury that goes in the lake. They eat a lot
22 of food from the ground, which goes due to the flooding.

23 And I know a lot of times I go fishing,
24 the fish jump out of the water to take little flies and
25 that. And these -- they're doing that to these insects

1 that grow on the land which they don't eat, and they're
2 also eating those insects also.

3 So to Kotalee K'ue (phonetic), that's
4 where there was a fishing lodge too, because -- and then
5 we tried the fishes down there. And Nonacho Lake, the
6 fish is not very good. And the Kotalee, that's where a
7 lot of people had their old cabins there that they used
8 to camp, and they used to have the -- they used to have
9 fishnets in the water.

10 And the receding river through the
11 McGinnis (phonetic) Lake there, and then where there was
12 no rivers there was little creeks that were flow --
13 flowing due to the over -- overflow of Nonacho Lake. And
14 now still today there is a few people that are still
15 trapping out there.

16 We people that hunt, make a living by
17 trapping and hunting, it was a big -- it was a big issue
18 for us because we weren't able to practice our -- our
19 culture. So, the Kotalee, it was flooded, and there were
20 some people that had died around that area too that went
21 through the ice.

22 So these things that we weren't consulted
23 of what happened to the Nonacho Lake area. I used to go
24 down there a lot of times in the past, and even now, when
25 we seen it visually, that's the only time we knew what

1 happened to Nonacho Lake.

2

3 (TRANSLATION CONCLUDED)

4

5 THE CHAIRPERSON: Thank you, Albert
6 Boucher. To DFO, I think there was some questions there
7 in regards to mercury in the fish, and in that area. So
8 I will get you to respond to the Elder.

9 MR. BRUCE HANNA: Bruce Hanna, DFO. I
10 realize there is a lot of concern with mercury from the
11 past flooding. I think the one (1) thing with this
12 project is there will be no new flooding. But I believe
13 the monitoring program now will be much better than it
14 was in the past, and can address some of the concerns.

15 And I also suggest when it comes to
16 concerns with mercury, Environment Canada might be
17 addressing that in the next presentation, as well.

18 THE CHAIRPERSON: Thank you. I'm going
19 to go back to Elder Albert Boucher. Do you have any more
20 questions?

21

22 (TRANSLATION COMMENCED)

23

24 MR. ALBERT BOUCHER: That's all the
25 question I had. Even now there is a lot of mine that's

1 going up in our territory, and also the power line that's
2 going up.

3 We want to protect our land as much as
4 possible. This is why we are saying this. Back in
5 Lutsel K'e where we come from we -- our land is still
6 good and we have good water. Our animals are still
7 around.

8 Us Elders when we talk about things like
9 this we don't -- we're not saying it for ourselves, we're
10 saying it for our future generation and the livelihood of
11 our people.

12 This is why we want to be consulted
13 whenever something like this is happening. Even about
14 the power line that is going on our land, it's a big
15 issue for us and we really don't want the power line to
16 go over our land.

17 You heard what our youth what they had to
18 say about the land. So this is why the Lutsel K'e
19 delegation is here to talk towards these issues that's
20 going to be on our land.

21 Thank you and we -- a few of us had spoken
22 today and this is a question I had today. I have no more
23 other questions. Thank you.

24

25

(TRANSLATION CONCLUDED)

1 THE CHAIRPERSON: So this concludes the
2 questions from Lutsel K'e Dene First Nation.

3 I'm going to move on to Parks Canada. Is
4 there any questions to DFO on their presentation?

5 MS. WENDY BOTKIN: It's Wendy Botkin,
6 Parks Canada. No, Mr. Chair, we have no questions, thank
7 you.

8 THE CHAIRPERSON: Thank you very much.
9 I'm going to go to Environment Canada. Is
10 there any questions for DFO on their presentation?

11 MS. LISA PERRY: Lisa Perry, no
12 questions.

13 THE CHAIRPERSON: Thank you. I want to
14 go to the public, if there's any questions for DFO on
15 their presentation made here this morning.

16 It looks like Jean Carter wants to ask a
17 question.

18 MS. JEAN CARTER: Jean Carter of Nonacho
19 Lake. It's more of a statement. I confirm, I can
20 personally confirm what we just heard from Albert.

21 THE CHAIRPERSON: Thank you very much for
22 your statement.

23 Moving on to the experts from MVEIRB,
24 questions for DFO on their presentation this morning.

25 MR. ALAN EHRLICH: Mr. Chair, there's one

1 expert who has questions and then there are a few
2 questions from staff, as well.

3 THE CHAIRPERSON: Thank you. I'm going
4 to go in that order, experts, staff and legal counsel,
5 then the Board. So I'll go to the experts then. State
6 your name.

7 MR. BRUCE STEWART: Bruce Stewart,
8 Advisor to the Board. Mr. Chairman, if this development
9 is approved, construction may begin within a year or two
10 (2).

11 Will that time be sufficient for gathering
12 the information needed to understand existing
13 environmental variability, seasonal and inter-annual and
14 to form a useful baseline for identifying project related
15 effects?

16 THE CHAIRPERSON: Thank you for that
17 question. I'm going to go to DFO.

18

19 (BRIEF PAUSE)

20

21 MR. PETE COTT: This is Pete Cott with
22 the Department of Fisheries. The question about inter-
23 annual variability and as far as establishing baseline
24 for that, you're right, we won't be able to get at that
25 question very well over a couple of years.

1 But to establish baseline on the habitat
2 characteristics or some of the fixed characteristics
3 there, is important prior -- to do prior to development,
4 and unfortunately that the time lines associated with
5 Northern development do not allow for long-term data
6 acquisition.

7 But it's very important to get that
8 baseline prior to development in order to be able to
9 track some project effects. Thank you.

10 THE CHAIRPERSON: I'll go to the Review
11 Board experts.

12 MR. BRUCE STEWART: Mr. Chairman, Deze
13 has been considering 36 megawatt and 56 megawatt design
14 options. Which in DFO's view is best from an
15 environmental standpoint and why?

16 THE CHAIRPERSON: Thank you. I want to
17 go to DFO.

18 MR. DOUG WATKINSON: Yeah, Doug
19 Watkinson, Department of Fisheries and Oceans. Under the
20 -- or, rather, looking at the data as presented in the
21 developer's assessment report, DFO actually prefers the
22 56 megawatt option.

23 The reasons behind that are that it would,
24 as presented, better represent a natural hydrograph that
25 currently exists within the system with a flow regulation

1 at Nonacho Lake.

2 That's also with the understanding, of
3 course, that we have some flow variability within Trudel
4 Creek.

5 THE CHAIRPERSON: Okay, thank you. I
6 want to go back to Review Board experts again. Just
7 state your name for the record.

8 MR. BRUCE STEWART: Bruce Stewart. Mr.
9 Chairman, the proposed access routes and transmission
10 line would extend over a long distance and cross many
11 streams.

12 Does DFO have the resources to inspect
13 these routes for impacts?

14 THE CHAIRPERSON: Thank you for your
15 question. I'm going to go to DFO.

16

17 (BRIEF PAUSE)

18

19 MR. BRUCE HANNA: Bruce Hanna, DFO.
20 We're pleased that the company is following the DFO
21 operational statement for overhead transmission lines.
22 If they follow that advice, the impacts to fish and
23 habitats should be mitigated.

24 To that end, I believe there will also be
25 environmental monitors ensuring that that is done. DFO

1 will go out as much as resources can -- can allow, but
2 we've also asked in our recommendation that even though
3 the operational statement is being followed, that
4 baseline data is collected at a number of those fish-
5 bearing water courses so it gets incorporated into the
6 Aquatic Effects Monitoring Plan.

7 THE CHAIRPERSON: Thank you. I'm going
8 to go back to the Review Board expert, Bruce Stewart.

9 MR. BRUCE STEWART: Mr. Chairman, the
10 last question. Ramping of Trudel Creek occurs annually
11 for power station maintenance, and periodically in
12 response to accidental power outages.

13 DFO has recommended minimizing ramping as
14 much as possible to allow the system to reestablish.
15 What reduction in ramping would be optimal to meet the
16 ecological needs of Trudel Creek?

17 THE CHAIRPERSON: Thank you for your
18 question. Back to DFO.

19

20 (BRIEF PAUSE)

21

22 MR. DOUG WATKINSON: Yeah, Mr. Chairman,
23 Doug Watkinson, Department of Fisheries and Oceans.
24 Currently, based on -- on the flow data we have for the
25 system, from a minimum to a maximum flow, we're looking

1 at about an order of magnitude change in flow, or a
2 tenfold.

3 With that in mind, with perhaps a new low
4 flow, that we could be observing somewhere close to 4
5 CMS. We would see that perhaps as also setting then a
6 goal, once again, an order of magnitude, or within that
7 range, as a maximum variation in that flow that we'd like
8 to see as a starting point, keeping in mind that we would
9 have to continue monitoring once the -- the project is
10 actually developed and to look at other potential
11 impacts.

12 THE CHAIRPERSON: Thank you. Is there
13 any further comments from the Review Board expert staff -
14 - I'm sorry, experts?

15 MR. ALAN EHRLICH: Mr. Chairman, our
16 experts have no further questions. Review Board staff
17 would like to ask for you to permit.

18 THE CHAIRPERSON: Okay, next on the list
19 I have the Review Board staff. Questions for DFO?

20 MR. ALAN EHRLICH: Thank you, Mr.
21 Chairman. We're all aware that DFO has regulatory
22 authorizations that will be required for this project to
23 proceed. You've identified several recommendations in
24 your technical report.

25 Could DFO please clarify which of those

1 recommendations cannot be required by DFO during its own
2 licensing and authorization processes?

3 THE CHAIRPERSON: Thank you very much for
4 the question. We'll go to DFO.

5

6 (BRIEF PAUSE)

7

8 MS. BEVERLY ROSS: We hadn't given that -
9 - gone through exactly. Anything that relates to a DFO
10 operational statement, is something that -- oh, sorry,
11 this is Bev Ross, DFO.

12 Any recommendations that we've made in
13 relation to an operational statement are -- we don't --
14 an operational statement suggests that the impacts to
15 fish and fish habitat don't require authorization. So
16 that advice in the operational statement wouldn't be --
17 form the condition of an authorization.

18 Some of the recommendations that we've
19 made of a more general nature, like utilization of
20 turbines with the least number of blades, clearly we
21 wouldn't include in the conditions of an authorization
22 how many blades the Proponent was using.

23 The conditions of the authorization would
24 relate more specifically to specific mitigation measures
25 to protect fish and fish habitat, and the conditions of

1 fish habitat compensation plan and any monitoring that
2 DFO required to ensure that fish and fish habitat were
3 being protected.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: Okay. Thank you for
8 that. I want to go back to the Review Board staff, to
9 Alan Ehrlich.

10 MR. ALAN EHRLICH: Thank you, Mr. Chair.
11 Alan Ehrlich. Before I get on to the next two questions,
12 I'd like to request an undertaking from -- if -- if the
13 Board is willing -- from DFO, to submit a clear
14 indication in writing which of the recommendations -- for
15 each recommendation, whether or not it can be addressed
16 by DFO in its own regulatory processes, and which ones
17 cannot be, because the answer, although I understand
18 where you're getting at, is pretty general and the
19 recommendations are more specific.

20 MS. BEVERLY ROSS: We can agree to that
21 undertaking. Bev Ross, DFO.

22 THE CHAIRPERSON: Okay. Thank you, Alan,
23 for that question and undertaking. That will be
24 Undertaking Number 2, to DFO.

25 I guess the question I'll put to you is

1 that January 29th, would that be sufficient time to
2 submit your undertaking to the Review Board? And we're
3 encouraging that 3:00 p.m. would be, on the Friday, to
4 have that information in. So would that be sufficient
5 time?

6 MS. BEVERLY ROSS: Yes, that'll be fine,
7 Mr. Chair.

8 THE CHAIRPERSON: Okay. Thank you.

9

10 --- UNDERTAKING NO. 2: DFO to submit a clear
11 indication, in writing, for
12 each recommendation,
13 indicating whether or not it
14 can be addressed by DFO in
15 its own regulatory processes

16

17 THE CHAIRPERSON: We'll go back to the
18 Review Board staff. Alan Ehrlich...?

19 MR. ALAN EHRLICH: Thank you. For the
20 recommendations which are not covered or cannot be
21 covered by your own actions when producing your
22 authorization, if those -- if those recommendations are
23 not done by the developer, the remaining ones, and
24 outside of the comments that you've recently made about
25 your views on the impacts for the Trudel Creek river

1 system.

2 For the -- the rest of the project in the
3 view of DFO, what are the impacts going to be and are
4 they significant?

5 THE CHAIRPERSON: Thank you for your
6 question. I want to go to DFO.

7

8 (BRIEF PAUSE)

9

10 MS. BEVERLY ROSS: Bev Ross, Fisheries
11 and Oceans Canada. I'm not sure I entirely understand
12 the question. Our submission and our presentation
13 outlined what we believed were the key potential impacts
14 of the project and how we as DFO believe they could be
15 addressed.

16 In our conclusions we did indicate that if
17 the recommendations that we've made were implemented, we
18 would not expect the project to result in significant
19 adverse environmental effects.

20 THE CHAIRPERSON: I'm going to go back to
21 the Review Board staff and ask that maybe if you could
22 rephrase your question so that DFO understands the
23 question.

24 MR. ALAN EHRLICH: Thank you, Mr. Chair.
25 DFO has indicated that if all of those recommendations

1 are done, then you've indicated your views and what your
2 impact predictions are.

3 I'm asking if the measures that DFO does
4 not have control over in its own authorizations are not
5 done by the developer, then are the remaining impacts in
6 the view of DFO -- what are the remaining impacts in the
7 view of DFO?

8 And are those impacts expected to be
9 significant in your opinion? If the recommendations that
10 you cannot control directly are not done by the
11 developer, will that result in significant impacts in the
12 view of DFO?

13 THE CHAIRPERSON: Thank you for that
14 question. Is that a clear question for DFO to answer?

15

16 (BRIEF PAUSE)

17

18 MS. BEVERLY ROSS: If I'm understanding
19 the question correctly, I guess there's -- there's one
20 answer that I could give, that if -- if there was
21 something that was not covered within the authorization
22 that resulted in the harmful alteration, destruction or
23 disruption of fish habitat, we do have the mechanism of
24 enforcement, as well.

25 So that's -- there are enforcement

1 provisions withing the Fisheries Act that would allow us
2 to proceed from that perspective.

3 We are also moving towards an adaptive
4 management system so there will be mechanisms for
5 monitoring and adaptively managing potential project
6 impacts.

7 And those mechanisms can be built into the
8 Fisheries Act authorizations.

9 MR. BRUCE HANNA: Bruce Hanna, DFO. Just
10 to add to that, I think if it's something that can't be
11 included in our authorization or might be, it's also
12 possible to include it as a condition of the water
13 licence when we hit the regulatory phase.

14 So there are different ways to address the
15 impacts whether it be to Nonacho Lake, Trudel Creek or --
16 or other areas.

17 THE CHAIRPERSON: Okay thank you. I'm
18 going to go back to the Review Board staff before you go
19 on to your question, Mr. Ehrlich.

20 Does this answer your question?

21 MR. JOHN DONIHEE: It's John Donihee,
22 Board counsel. Mr. Chairman, I'm sorry what we're
23 attempting to do, we understand that DFO has regulatory
24 authority and that, of course, terms and conditions, say
25 in Fisheries authorizations, can take care of -- well, at

1 least some portions of the recommendations that are being
2 made to this Board.

3 Likewise, there will be a water licence
4 and likewise for that regulatory instrument, what we're
5 trying to find out is, you know, what DFO is telling the
6 Review Board about its expectations for the impacts of
7 this project. And what we're asking them to do is to
8 sort of take -- take out of that mix those things that
9 are directly within its control, and it -- it can
10 essentially have a lock on and be sure that those impacts
11 will be mitigated because they'll write the regulation --
12 or, the -- the authorization themselves.

13 So, what's left over? Is there -- is
14 there a significant impact left over, or not? Because
15 from the standpoint of the Review Board, of course, if
16 there is no significant impact, there's no need for us to
17 consider any measures. So, can DFO help us with that?

18 THE CHAIRPERSON: Thank you, Mr.
19 Donihee. I'm hoping that it makes it much clearer for
20 DFO to understand the question and what's been asked.
21 So, I'll go to DFO.

22

23 (BRIEF PAUSE)

24

25 MS. BEVERLY ROSS: The recommendations

1 that DFO has put into its presentation -- and again, I
2 apologize it's Bev Ross, speaking.

3 There is a number of recommendations that
4 speak to minimizing potential impacts to fish and fish
5 habitat through the exploration of various means and
6 solutions. At the end of the day there is an expectation
7 that there will be residual impacts and the instrument
8 that we use to address those residual impacts is through
9 fish habitat compensation.

10 So, in conclusion my -- I think that
11 between the between the mitigation measure that have been
12 recommended, some monitoring to allow us to adaptively
13 manage and the use of fish habitat compensation to
14 compensate for loss of fish habitat and those impacts
15 that cannot be full mitigated, we can ensure within the
16 authorization that significant impacts to fish and fish
17 habitat won't occur.

18 THE CHAIRPERSON: I'm going to suggest
19 that we take a five (5) minute break. I'm going to
20 suggest that maybe we could just have this chance to have
21 DFO and -- we'll take a five (5) minute break and we'll
22 come right back.

23

24 --- Upon recessing at 11:18 a.m.

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

1 THE CHAIRPERSON: Okay. We're going to
2 back to the order of questions. I'm going to back to the
3 Review Board's legal counsel, then -- and staff. I think
4 they just had the one additional, or a couple more
5 additional question. So, we'll get that done, then we'll
6 move on.

7 So, I'm going to go to Mr. John Donihee

8 MR. JOHN DONIHEE: Thank you, Mr.
9 Chairman. I have one (1) question remaining, and then
10 Mr. Ehrlich still has a couple.

11 And I just wanted to ask Fisheries and
12 Oceans -- there -- there was an undertaking -- pardon me,
13 a commitment made as a result of the conversation at the
14 last break with -- between Deze staff and -- and
15 consultants, and DFO. And as I understand it, the
16 Proponent has now committed to providing a variable flow
17 regime which satisfied one of the concerns that DFO was -
18 - was raising with Board.

19 And I -- I would just like to ask DFO if
20 they would explain in a little bit more detail than the -
21 - the few short sentences they read into the record at
22 the end of the last break.

23 Could you explain for the Board what this
24 variable flow regime is and how it's going to alleviate
25 the otherwise significant concern that -- that you had

1 identified earlier in the proceeding?

2 THE CHAIRPERSON: Thank you, Mr. Donihee.
3 I'm going to go back to DFO again. For the record, just
4 state your name.

5 MS. BEVERLY ROSS: Bev Ross, Fisheries
6 and Oceans Canada. The concern as outlined by DFO arose
7 from the potential for multiple years of a flat
8 hydrograph in the event that we had multiple years of --
9 of low flow within the river. What we were looking for
10 from -- from Deze was to commit to the development of a
11 variable hydrograph that would address that concern in
12 that event.

13 We -- in the short period of time that we
14 were having that discussion, we're not able to and -- and
15 would not have expected to arrive at an absolute number.
16 The commitment that we did get from Deze was that we
17 would arrive at and we would -- they would continue to
18 work with us to come to a variable hydrograph that had a
19 magnitude and frequency that would minimize the long-term
20 impacts to Trudel Creek.

21 DFO has the regulatory instrument of the
22 Fisheries Act authorization in order to ensure that those
23 mitigation measures that are arrived at are implemented.

24 Was there -- does that adequately answer -
25 - okay. Thank you.

1 THE CHAIRPERSON: Okay. Thank you for
2 responding to the question, and now I was going to go
3 back to John Donihee. Does that answer your question?

4 MR. JOHN DONIHEE: Yes. That's -- that's
5 fine. Thank you, Mr. Chairman. Mr. Ehrlich will
6 conclude our questioning.

7 THE CHAIRPERSON: Okay, very good. I
8 believe, Mr. Ehrlich, you have two (2) questions for DFO,
9 and then we're going to move on. So please proceed.

10 MR. ALAN EHRLICH: Thanks. I'll -- I'll
11 skip one (1) of them. If all of the recommendations put
12 forward by DFO are not followed, in the view of DFO will
13 there be a significant impact from this project?

14 THE CHAIRPERSON: Thank you, Mr. Ehrlich.
15 I'm going to go to DFO.

16

17 (BRIEF PAUSE)

18

19 MS. BEVERLY ROSS: We believe that the
20 recommendations that we have made will reduce the impacts
21 and allow us to arrive at a conclusion that the impacts
22 won't be significant.

23 We have the regulatory instruments to
24 ensure, as indicated, that we would want to see
25 mitigation as we've recommended to the degree to minimize

1 the impacts, and we have a monitoring and sufficiently
2 robust adaptive management program so that if those
3 mitigation measures weren't as effective as we
4 anticipated them to be, then the adaptive management
5 would allow adjustments to be made to further reduce the
6 impacts.

7 So between the monitoring, the adaptive
8 management, and the fish habitat compensation we believe
9 that there will not be significant adverse environmental
10 effects.

11 THE CHAIRPERSON: Thank you. I want to
12 go back to the Review Board staff to see if that -- they
13 answered your question. Mr. Alan Ehrlich...?

14 MR. ALAN EHRLICH: Thank you, Mr. Chair.
15 I -- the last answer reiterated some stuff that DFO has
16 said earlier. My question is, if those recommendation
17 are not followed, would there be a significant impact?

18 I -- I understand the intention of the
19 recommendations as you've told us. I don't want to
20 belabour this beyond this point, but if they're not
21 followed, would it case, in the view of DFO, a
22 significant impact? Thank you.

23 MS. BEVERLY ROSS: Yes, we believe it
24 would.

25 THE CHAIRPERSON: Okay, thank you. I

1 think, Alan, that's your questions?

2 MR. ALAN EHRLICH: Thank you, Mr. Chair.
3 I -- I promise I have no further questions.

4 THE CHAIRPERSON: Very good. Those are
5 the kind of answers I like. Okay, I'm going to move on
6 to the Board, questions to DFO. I'm going to start out
7 to my far left. I'm going to go to Board member John
8 Ondrack.

9 MR. JOHN ONDRACK: Thank you, Mr. Chair.
10 I have no questions at this time.

11 THE CHAIRPERSON: Thank you, Board member
12 John Ondrack. I'm going to go to Board member Fred Koe.

13 MR. FRED KOE: Marsi, Mr. Chair. In the
14 -- your presentation under entrainment it was quite a
15 graphic on and concern about damage to fish as they go
16 through turbines. It makes it easy to clean them, I know
17 that, but it doesn't look very good.

18 This is not the first dam that's going to
19 be built. There's been dams built throughout history,
20 and I'm sure that this issue for every dam that's built
21 is -- is a concern.

22 And I guess my -- my question, you talk
23 about penstock screens, you talk about trash racks as --
24 as protective measures to prevent larger fish from going
25 through these turbines.

1 And then one (1) of your recommendations
2 is to limit the number of blades on a turbine, but
3 knowing a little bit about this, that I assume the more
4 blades, the more power is generated. But if you add the
5 protective meshes or whatever technical terms you use,
6 wouldn't that mitigate that issue for the recommendation
7 you made as to the number of blades?

8 And just -- I guess I just want some
9 clarification on the types of screens or meshes that
10 you're going to use. Is there -- is there adequate --
11 are they adequate to protect fish stock from damage?

12 THE CHAIRPERSON: Thank you, Board
13 member Fred Koe. I'm going to go to DFO, to the
14 question.

15

16 (BRIEF PAUSE)

17

18 MR. BARRY CHILIBECK: Mr. Chair, it's
19 Barry Chilibeck, with Northwest Hydraulic Consultants.
20 Just to clarify, I think what we ask for in the
21 recommendations is for the company to explore options and
22 issues around entrainment, and that includes some of the
23 typical mitigations are, including screens or racks in
24 front of the facilities to keep a portion of the fish
25 population that might be incidentally entrained into the

1 -- into the hydro plant.

2 This is commonly used, but there's lots of
3 other steps that are before that. One (1) is, you know,
4 to look at what fish might potentially go down there, and
5 I think DFO is asking the Proponent to -- to do those
6 investigations.

7 So it's -- not all fish that go down the
8 penstock end up like filleted like your -- like that
9 diagram. If you're a small fish, likelihood you probably
10 will survive that, as well.

11 So what we're asking the Proponent is to
12 explore those options. It might end up that very few
13 fish are incidentally entrained. That -- that might be
14 something that results in -- through these
15 investigations.

16 So not every intake necessarily needs a
17 screen or a rack, but we've asked the Deze to -- to
18 explore those options and to -- and to see the -- the
19 practicality of it in terms of both the fish stocks and
20 the plant.

21 Does that answer your --

22 THE CHAIRPERSON: Thank you, DFO. I want
23 to go back to Board member Fred Koe.

24 MR. FRED KOE: Marsi.

25 THE CHAIRPERSON: Okay, thank you very

1 much. I'm going to go to Board member Peter Bannon.

2 MR. PETER BANNON: Thank you, Mr. Chair.
3 I do have one (1) question. I'm not entirely sure of the
4 relevance of it now. It's in relation to minimum flows.
5 I had the question at the beginning of the discussion,
6 and I don't know if it's been resolved, so much of --
7 some kind of resolution you've come with the Proponent
8 and how much can be covered off in your own
9 authorization.

10 But I was wondering, as a science-based
11 department such as your own, it's a little bit unusual
12 and I understand the situation is unusual, that you'd
13 want to limit the historic record that you would use as a
14 baseline. And I'm just wondering why you did not -- in
15 the case of Zone 2 there's two (2) different periods,
16 pre-development and post-development, from the original
17 dam.

18 As far as Trudel Creek is concerned,
19 there's probably three (3) different periods where
20 there's quite a bit of difference in flows; why you
21 didn't consider the whole record. And I understand some
22 of it is qualitative as opposed to quantitative in the
23 pre-development.

24 THE CHAIRPERSON: Thank you, Peter
25 Bannon, Board Member. I want to go to DFO.

1

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(BRIEF PAUSE)

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MR. BARRY CHILIBECK: Mr. Chair, it's Barry Chilibeck again. I'll -- I'll try and tackle that one (1).

7

I guess in a lot of the parts of the -- of the -- of the system, there isn't pre-development data like Trudel Creek. We don't know what the flows were prior to the project being implemented.

11

We also tried to get represent -- the data we used is representative enough of -- of the range of flows that might potentially be seen. So in the -- in the flows that we did look at, it was a representative data set that represented a -- a really dry year and a wet year. So we tried to use the best data, and that doesn't necessarily always mean all the date.

18

I think, moving forward, obviously, you'd like to have as large a data set as possible to represent the widest range of potential conditions. So that's typically what you do, but in the case of -- of this project, we tried to get the most representative data of how the project actually has operated.

24

Hopefully that answers your question.

25

THE CHAIRPERSON: Okay, thank you. I'm

1 going to go back to Board Member, Peter Bannon.

2 MR. PETER BANNON: Thank you. I won't
3 answer your question that you just posed to me, but I do
4 not have any more questions.

5 THE CHAIRPERSON: Okay, thank you, Board
6 member Peter Bannon. I'm going to go to my right, Darryl
7 Bohnet, Board Member.

8 MR. DARRYL BOHNET: Yes, thank you, Mr.
9 Chair.

10 I was looking at the recommendation for
11 two (2) phased pre-construction assessment of lake trout
12 spawning habitat on Nonacho Lake. And what occurred to
13 me was: Whose responsibility is it to get the baseline
14 data?

15 I would think that the department who has
16 the mandate would be proactively gathering that data, in
17 particular with a -- with an operator on the lake who has
18 a strong interest in that area, as well.

19 And so I guess the first question is:
20 Who's responsible for gathering baseline data?

21 And secondly, if your department is asking
22 a Proponent to gather baseline data, is DFO cost-sharing
23 that particular initiative?

24 THE CHAIRPERSON: Thank you, Board member
25 Darryl Bohnet. I'm going to go to DFO.

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(BRIEF PAUSE)

MR. BRUCE HANNA: Bruce Hanna, DFO. As far as the collection of baseline information, it would be the responsibility of the Proponent to collect that to determine effects from their project, and we may provide a support to that. Like I say, we're bringing one of our DFO lake trout experts up to be involved. We'll be involved in developing the program and analyzing the results, but it is the responsibility of the -- the company.

THE CHAIRPERSON: Thank you. I want to go back to Board Member, Darryl Bohnet.

MR. DARRYL BOHNET: Okay, that's fine, thank you.

THE CHAIRPERSON: Okay, thank you, Darryl Bohnet. I'm going to move over to Board Member, Danny Bayha.

MR. DANNY BAYHA: Thank you, Mr. Chair. I have just a couple of questions, and this is in line with -- with Darryl's questioning and -- and possibly Jean Carter earlier.

Since the dam opened, or it was built in the '50s or '60s there, obviously there wasn't much

1 studies done by the Department of Fisheries, in terms of
2 monitoring or whatever else. In the new authorizations
3 that's possibly going to be done, or possibly that's
4 going to be included if this project does move forward,
5 would that be a requirement? Or would that be done in --
6 in -- in the life of this -- this project? Thank you.

7 THE CHAIRPERSON: Thank you, Board Member
8 Danny Bayha. I'm going to go to DFO.

9 MR. BRUCE HANNA: Bruce Hanna, DFO.
10 There's monitoring in the aquatic effects monitoring plan
11 that would be under the water licence. But there would
12 also be likely monitoring required under the Fisheries
13 Act authorization. What that monitoring would entail is
14 difficult to say specifically right now because we
15 haven't gone that far down the road. But like I say
16 there should be monitoring including in our
17 authorization.

18 THE CHAIRPERSON: Thank you. I'm going
19 to go back to Board Member, Danny Bayha.

20 MR. DANNY BAYHA: Thank you. The other
21 question I have is -- is in your -- in your authorization
22 -- in your process for authorizing your permits and no --
23 that last program harvest -- the compensation issues, do
24 you involve other stakeholders in your process, like
25 First Nations, affected parties, in your process when you

1 determine that -- your authorizations? Thank you.

2 THE CHAIRPERSON: Thank you, Board
3 Member, Danny Bayha. I'm going to go back to DFO.

4 MR. BRUCE HANNA: Bruce Hanna, DFO. Yes,
5 there would be consultation involved in our authorization
6 process. For instance, has --- has been indicated, to
7 offset negative effects on fish and fish habitat we will
8 require fish habitat compensation. And we're open to
9 suggestions from all parties as to possible opportunities
10 that we could take advantage of for that.

11 THE CHAIRPERSON: Thank you. I want to
12 go back to Board Member, Danny Bayha.

13 MR. DANNY BAYHA: Thank you. One final
14 question. I'm interested, or curious about, when you
15 talk about compensation for an area for this program,
16 does that money, if that's what it is, go back into doing
17 studies or monitoring in -- in -- from your Department
18 for this area? Is that -- am I -- maybe you can clarify
19 that. Thank you.

20 MR. BRUCE HANNA: Bruce Hanna, DFO. For
21 a Fisheries Act authorization, compensation normally
22 involves replacing habitat that has been lost with other
23 habitat. It's always the preferred option to replace the
24 habitat, somewhere within the same general area.

25 So, yes, it's not monetary. For the most

1 I'd probably say it would be replacing habitat for
2 habitat to effect no net loss overall.

3 THE CHAIRPERSON: Thank you. I'm going
4 to go back to Board Member, Danny Bayha.

5 MR. DANNY BAYHA: Thank you. No further
6 questions.

7 THE CHAIRPERSON: Okay. Thank you, Board
8 Member, Danny Bayha.

9 I'm going to go to his right, Board
10 Member, Percy Hardisty.

11 MR. PERCY HARDISTY: Marsi, Mr. Chair. I
12 do not have any questions at this time. Marsi.

13 THE CHAIRPERSON: Okay. Thank you very
14 much. Mahsi, Percy Hardisty.

15 I want to go to Board Member, Jerry
16 Loomis.

17 MR. JERRY LOOMIS: I have no further
18 questions.

19 THE CHAIRPERSON: Very good. Okay. I
20 want to say thank you to DFO for your presentation this
21 morning, and I'd like to thank all the people that posed
22 their questions to you, and I think gives us clearer
23 picture about what was going on in your presentation.

24 And it took a little longer this morning,
25 but I want to ask that we break for lunch now and I'm

1 going to ask that we come back about 12:25 or so, around
2 there anyway.

3 We're behind on our schedule so we're
4 going to break right now. Thank you.

5

6 --- Upon recessing at 11:52 a.m.

7 --- Upon resuming at 12:30 p.m.

8

9 THE CHAIRPERSON: We're behind on -- a
10 bit on our agenda here, but we'll proceed. We come back
11 at lunch, try to make up some time here. So I get
12 everybody to come back to their table and chairs and
13 we'll go on to the next item. We have presentation made
14 by Environment Canada.

15 Again, when you come up to speak just
16 mention your name, who you represent, and speak a little
17 bit louder so we can hear. And so we'll go ahead and
18 proceed with the Environment Canada presentation.

19

20 PRESENTATION BY ENVIRONMENT CANADA:

21 LISA PERRY: Good afternoon. My name is
22 Lisa Perry with Environment Canada. I am a Senior
23 Environmental Assessment Coordinator here in Yellowknife
24 -- or in Yellowknife. With me today to present are two
25 (2) experts from Environment Canada in Yellowknife, Ms.

1 Myra Robertson, a wildlife -- or sorry, waterfowl
2 biologist and Environmental Assessment Coordinator, and
3 Mr. Dave Fox, Air Pollution Management analyst. I will
4 be starting off Environment Canada's presentation, then
5 passing the mic over to the other two (2) people.

6 Environment Canada's presentation today
7 will focus very briefly on its mandate and then on the
8 topics of water quality, species at risk, migratory
9 birds, and incineration. For each topic we will briefly
10 outline our concerns and recommendations.

11 Environment Canada is responsible for a
12 number of pieces of legislation and standards such as the
13 ones listed here, which are of particular applicability
14 to the proposed project. Further detailed information
15 regarding Environment Canada's mandate and roles and
16 responsibilities can be found in our technical report
17 submitted to the Board.

18 Acid rock drainage. The Proponent's acid-
19 base accounting testing conducted on ten (10) rock
20 samples classified the samples as non-acid generating.
21 No leach testing for contaminants was undertaken. The
22 Proponent has proposed to monitor the rock excavations
23 and committed to develop a metal leaching and acid rock
24 drainage management plan.

25 Environment Canada's concerns with acid

1 rock drainage are addressed by the Proponent's
2 commitments and recommendations. Oh, and we recommend
3 ABA testing before blasting to confirm previous test
4 results or to implement appropriate mitigation. And
5 kinetic -- kinetic or leach testing before excavation
6 works begin to ensure the rock will not leach
7 contaminants.

8 Explosives and blasting residue. Nitrate
9 and ammonia are commonly associated with blasting
10 residues. Blasting residue has the potential to be toxic
11 to aquatic life. Since all of the details regarding
12 blasting are not available at this time Environment
13 Canada recommends the Proponent develop a drill and blast
14 management plan in consultation with the stakeholders and
15 follows DFO's guidelines. Ammonia and nitrate should be
16 regulated in the water licence to protect aquatic life.

17 Water quality monitoring. A comprehensive
18 aquatic effects monitoring program expanded from the
19 draft environmental monitoring program is needed prior to
20 the construction phase beginning and in time to complete
21 baseline characterization. The program should show how
22 the Proponent will monitor aquatic ecosystems to detect
23 potential effects, as well as verify impact predictions
24 and determine the effectiveness of mitigation measures.
25 These results should be used to develop remedial actions,

1 if required.

2 Environment Canada recommends ensuring
3 natural spacial and temporal variability in the system is
4 well characterized before construction begins, including
5 collecting more than one (1) year of baseline data.
6 Further recommendations on the overall monitoring program
7 can be found in our technical report submitted to the
8 Board.

9 Mercury monitoring. The Proponent has
10 proposed to conduct sediment monitoring for mercury.
11 Environment Canada recommends sediment monitoring for
12 mercury. This monitoring should be conducted prior to
13 construction to ensure baseline conditions are well
14 understood and during operations to verify impact
15 predictions. Surficial layers should be analysed for
16 mercury. Increasing sediment, mercury concentrations, or
17 depending on the levels, initial concentrations, should
18 be a trigger to look at levels in biota.

19 Myra Robertson will now present.

20 MS. MYRA ROBERTSON: Thank you, Lisa. As
21 mentioned, my name is Myra Robertson and I'm with the
22 Canadian Wildlife Service of Environment Canada. I'll
23 start with issues related to species at risk and Horned
24 Grebes.

25 Horned Grebes are medium sized water birds

1 that nest in wetlands. In April 2009, the western
2 population of Horned Grebe was assessed as a species at
3 risk by the committee on the status of endangered
4 wildlife in Canago -- in Canada. The category of risk
5 was special concern. Thus, it is now under consideration
6 for listing in the Federal Species at Risk Act.

7 Also, as a reminder, the terms of
8 reference for the re -- project require the Proponent
9 consider adverse effects to species at risk and provide
10 mitigation and monitoring measures. At the request of
11 Environment Canada, the Proponent did note several
12 potential impacts to Horned Grebes, however, they didn't
13 go into details about mitigation and monitoring.

14 As such, Environment Canada recommends
15 that mitigation measures be developed to avoid or lessen
16 all potential adverse effects to Horned Grebes and that
17 monitoring be undertaken by the Proponent to determine
18 the effectin -- effectiveness of mitigation and to
19 identify where further mitigation is required.

20 Deze and Environment Canada did meet to
21 discuss wildlife issues on December 19th, and these
22 meeting notes are filed now on the public registry. At
23 the meeting, Deze suggested, and Environment Canada
24 agreed, that mitigation and monitoring measures for
25 waterfowl could also be applied to Horned Grebes. Deze

1 has also agreed to outline mitigation and monitoring
2 measures for Horned Grebes in the Taltson Environmental
3 Monitoring Plan.

4 The next slide relates to species at risk
5 and Yellow Rail. Yellow Rails are small birds that nest
6 in wetlands. This species is listed as a special concern
7 under the Federal Species at Risk Act. The Proponent did
8 conduct a Yellow Rail survey. No Yellow Rail were
9 detected during the survey. Unfortunately, though, the
10 timing of the survey was likely too early to detect
11 birds. A lot of the wetlands area had ice still present.

12 As such, Environment Canada recommends
13 that additional Yellow Rail surveys be done prior to the
14 construction of the project in areas likely to have
15 Yellow Rail. If Yellow Rails are detected, the Proponent
16 should work with Environment Canada to determine
17 appropriate mitigation and monitoring measures. As a
18 reminder, the Proponent should consult with Environment
19 Canada prior to conducting the surveys to ensure that
20 they have the best information on the Yellow Rail range
21 in the Northwest Territories.

22 I'll now move on to some more general
23 concerns related to migratory birds. As a reminder,
24 Section 6(a) of the migratory birds regulation state that
25 no one shall disturb or destroy the nests or eggs of

1 migratory birds.

2 The Proponent is planning some outages
3 where water levels and flow rates could change. If these
4 outages occur during the nesting season there is a risk
5 that nests could be disturbed or destroyed by any changes
6 in flow rates or water levels during the outages. As
7 such, Environment Canada recommends that scheduled
8 outages be done prior to May 7th.

9 This date of May 7th is based on regional
10 analysis of nesting bird data we have. So, that -- this
11 is -- that date is based on regional information. If the
12 Proponent can come up with better local information on
13 migratory birds and when they begin nesting in the area,
14 they could also use -- use a later date, but it needs to
15 be supplemented with local baseline data.

16 At the meeting between Deze and
17 Environment Canada on December 19th, Environment Canada
18 suggested to Deze that it would be useful to develop a
19 nest protection plan that outlines mitigation measures to
20 avoid the disturbance or destruction of nests and eggs.
21 This plan would help Deze demonstrate its due diligence
22 on this issue. Deze has agreed to this plan.

23 The next issue relates to migratory birds
24 and the risk of collisions with the transmission line.
25 The Proponent did address the risk of waterfowl that breed

1 in the area and the risk of them colliding with the
2 transmission line. The Proponent did not assess the risk
3 of migrating waterfowl colliding with the transmission
4 line. If large flocks of waterfowl are staging, that is
5 resting and feeding in the area, this could greatly
6 increase the collision risk. As such, there is
7 uncertainty right now as to whether the level of risk
8 present...

9 As such, Environment Canada recommends
10 that the Proponent undertake a spring and fall survey of
11 potential wetlands and lakes along the transmission route
12 to determine if large flocks of birds are staging near
13 the line. If areas along the transmission line have
14 significant numbers of waterfowl, during either spring or
15 fall migration, the Proponent should assess whether
16 further mitigation and monitoring measures are required
17 to minimize the impact of collisions.

18 The next issue relates to migratory birds
19 and the risk of increasing predators in the area.
20 Ravens, and some raptors, are predators of eggs and
21 chicks. And increases in these predator populations have
22 resulted in declines in local bird populations in areas
23 elsewhere. A combination of poor waste management
24 practices from other developments, and an increase in
25 potential nest sites from the Taltson transmission line

1 could all -- artificially increase the numbers of
2 predators in the region.

3 Environment Canada recommends that the
4 number and the locations of raven and raptor nests on
5 transmission towers be recorded annually. If the number
6 exceeds a pre-established threshold the Proponent should
7 undertake further mitigation methods to discourage
8 further nesting on the transmission towers.

9 At the December 19th meeting between Deze
10 and Environment Canada, Deze agreed to discuss this issue
11 with the tower design team, and to review the final tower
12 designs with Environment Canada. Deze also agreed to add
13 monitoring of transmission towers for nests during
14 routine transmission line inspections to the Taltson
15 Environmental Monitoring Plan. If -- however, further
16 mitigation is not anticipated if the towers can be
17 designed to avoid or minimize nesting.

18 I'll now pass the mic over to Dave Fox.

19 MR. DAVE FOX: Dave Fox, Environment
20 Canada. Mr. Chair, this part of the presentation will
21 focus on incineration of camp waste. I'll provide some
22 background information on incineration, discuss some of
23 the science studies linking northern incineration with
24 environmental impacts.

25 First, I'd like to start off by clearly

1 stating that our goal is not to prevent the Proponent
2 from using incineration as a waste disposal option. Our
3 goal here is to ensure that the Proponent uses
4 incineration properly. Proper incineration can be an
5 effective and environmentally sound method of -- of waste
6 disposal in remote locations.

7 However, proper incineration is neither
8 cheap nor easy. Appropriate equipment must be used and
9 it must be operated correctly. On the other hand, poor
10 equipment and operation can lead to the emissions of
11 persistent organic pollutants or POPS. In particular,
12 we're concerned with dioxins and furans, PAHs, metals,
13 other are criteria contaminants in -- in other toxics.

14 I'll -- I'll focus on the dioxins and
15 furans since they tend to be the greatest problem
16 associated with incineration. Dioxins and furans are
17 formed as a bi-product of incomplete combustion of
18 organic matter and chlorine. Note that there's enough
19 chlorine in the atmosphere to saturate these reactions,
20 therefore eliminating chlorinated plastics from the waste
21 stream is not enough to prevent the formation of dioxins
22 and furans.

23 The largest source of dioxins and furans
24 in Canada is from the incineration of municipal solid
25 waste such as incineration of camp waste. These

1 contaminants are persistent in the environment therefore
2 they can accumulate over the lifetime of -- of the
3 project. The contaminants bioaccumulate through the food
4 chain and they're toxic to fish, wildlife and to humans.

5 To address incineration emissions, the
6 Canadian Council of Ministers for the Environment, the
7 CCME developed Canada wide standards for dioxins and
8 furans, and Canada wide standards for mercury emissions
9 from incineration. The Government of Canada and the
10 Government of the -- of the Northwest Territories are
11 signatories to these standards.

12 I've focussed on dioxins and furans
13 because mercury emissions are -- are much easier to
14 control. If you don't put mercury into the incinerators,
15 you're not going to get any mercury emissions out of it,
16 whereas, the dioxins and furans are bi-products formed in
17 the -- the process of burning waste and therefore harder
18 to manage.

19 These standards are only enforceable if
20 they're adopted by regulatory boards and included as
21 conditions in operating permits and licenses. The Canada
22 wide standards focus on emission limits from incinerators
23 and demonstration of achieving those limits through
24 determined efforts and through stack testing.

25 Environment Canada has developed a

1 technical document for batch waste incineration. The
2 goal of -- of the document is to provide information to
3 users to allow them to achieve the Canada wide standards
4 by using appropriate incineration equipment and best
5 management practices. This essential -- essentially
6 covers the determined efforts components of the Canada
7 wide standards. The technical document is focussed on
8 batch waste incinerators which are commonly used in the
9 North and will likely be used in this project. It
10 provides consistent advice for incineration management
11 for this type of equipment.

12 Although the release of contaminants
13 begins as air emissions, incineration is not solely a air
14 quality issue. The dominate exposure pathways for
15 incineration contaminants are through sediments, the
16 water column, the vegetation and soil.

17 In the next couple of slides I'll discuss
18 environmental fate or the exposure pathways in
19 incineration contaminants to wildlife. As I mentioned
20 earlier, incineration contaminants are released to the
21 air. However, air is simply a pathway to other media.
22 For terrestrial systems, contaminants are -- are
23 deposited out on the -- out of the air, onto vegetation,
24 and then animals eat the contaminated vegetation. The
25 main exposure pathway for terrestrial animals is from air

1 to vegetation, and then to the animals.

2 For aquatic systems, again, the
3 contaminants start as air emissions, but they're
4 deposited to soil. The contaminants are then introduced
5 to water bodies through runoff or erosion, and then make
6 their way into the sediments at the bottom of -- of water
7 bodies. There, benthics can -- can be exposed through
8 ingestion of -- of contaminated particles or sediment.
9 The fish then eat the contaminated benthics, and then
10 that's the -- the access to the -- the aquatic food
11 chain. It works its way up.

12 A modelling group at Trent University
13 modelled the environmental fate of incineration emissions
14 from a typical northern mine through -- through the food
15 chain. This picture summarizes the exposure pathways
16 from the incineration -- or from incineration
17 contaminants through the food chain that were modelled.
18 In each case, the contaminants start in the air and are
19 deposited to other medium.

20 For the terrestrial food chain,
21 contaminants are deposited onto vegetation, then
22 herbivores eat it. They become contaminated and then
23 predators or scavengers will eat the contaminated
24 herbivores, and that's how it works its way through the -
25 - the terrestrial food chain.

1 For the aquatic systems, exposure pathway
2 starts in the air and ends up in the sediments. The
3 benthics take the contaminants from the sediments. The
4 benthics are eaten by fish, which are eaten by larger
5 predators, and the contaminants make up -- make their way
6 through the food chain. So although contaminants are
7 originally released to the air, the important pathways
8 are through vegetation, water, and sediments.

9 The modelling study considered a good
10 incineration scenario and a poor incineration scenario.
11 The good incineration scenario assumed that an
12 incinerator capable of meeting the -- the Canada wide
13 standards is being operated correctly with best
14 management practices. Emissions from this type of opera
15 -- operation should be around 9.5 micrograms of toxic
16 equivalence per tonne of waste incinerated.

17 The poor -- the poor incineration scenario
18 assumes that poor incineration's equipment is operated
19 poorly, which unfortunately, from what I've seen, appears
20 to be the -- the most common scenario in the North.
21 Emissions from this type of incineration is of the order
22 of -- of 3,500 micrograms of toxic equivalence per tonnes
23 of waste incinerated.

24 Notice that the difference between the
25 emissions from the good and bad inic -- incineration

1 scenarios are about three (3) orders of magnitude. In
2 other words, a small camp using poor incineration to burn
3 1 tonne of waste could be emitting the same amount
4 contaminants as a large camp using good incineration to
5 burn a thousand tonnes of waste.

6 The model results indicate that the
7 potential for adverse impacts with the good incineration
8 scenario are unlikely. However, for the -- the poor
9 incineration scenario, there are potential for adverse
10 impacts to soil, water, fish, and wildlife.

11 Environment Canada collected sediment
12 samples from an NWT mine site. This picture was taken at
13 one (1) of the sample sites. The large dark smoke plume
14 is coming from the -- from the incinerator. Proper
15 incineration should have very little plume visible. EC
16 collected sediment samples in a target lake near the
17 mine's incinerator and a control lake about 25 kilometres
18 away from the incinerator.

19 Preliminary results. Dioxins and furans
20 concentrations in the target li -- lake sediments are
21 about ten (10) times greater than the concentrations in
22 the controlled lake. The concentrations in the target
23 lake exceed the CCME Interim Freshwater Sediment Quality
24 Guidelines for dioxins and furans. Therefore, the
25 emissions from the -- the incinerator appear to be

1 negatively impacting the -- the quality of the lake
2 sediments.

3 So I'll just talk briefly about some of
4 the incineration management tools that we're
5 recommending, and I'll -- I'll briefly describe the --
6 some of the fundamentals of -- of good incineration. The
7 goal of incineration is to optimize combustion and
8 thereby minimize the emissions of toxic substances such
9 as dioxins and furans. Proper incineration management is
10 like a three (3) legged stool. The first leg of the
11 stool is waste management. It's important to understand
12 the waste stream and divert inappropriate waste from
13 being incinerated.

14 The second leg is technology. There are
15 different types of incineration technologies available
16 that are designed for various types of waste. In other
17 words, there is not a one-size-fits-all type of
18 incineration technology. The type of technology selected
19 must be suitable for the type of waste that will be
20 burned in it.

21 The third leg is operation. You may have
22 the best available technology, but if it's not being
23 operated properly or maintained, there still could be
24 problems. These are very complicated technologies.
25 People operating incineration equipment must be properly

1 trained.

2 If any of these legs should fail, then the
3 -- the whole stool is going to topple over and excess
4 emissions of -- of incinerator contaminates will be
5 release -- released in the environment.

6 The Environment Canada Technical Document
7 for Batch Waste Incinera -- Incineration describes these
8 fundamental -- or the fundamentals of incineration in six
9 (6) steps:

10 Step 1: Understand your waste stream.

11 Step 2: Select the appropriate
12 incinerator.

13 Step 3: Properly equip and install the
14 incinerator.

15 Step 4: Operate the incinerator for
16 optimum combustion.

17 Step 5: Safely handle and dispose of
18 incinerator residues.

19 And Step 6: Maintain records and re --
20 and report.

21 We recommend that the Proponent develop
22 and implement an incineration management plan which
23 incorporates the information provided in the -- the
24 Technical Document for Batch Waste Incineration. The
25 management plan should include the following:

1 A description of the recycling and waste
2 segregation programs.

3 A waste audit which provides the
4 quantities and types of waste to be incinerated.

5 A description of the selected incineration
6 technology and a discussion of the suitability
7 of that equipment for this waste stream.

8 Operational and maintenance records.

9 A description of operator training and a
10 list of -- of staff trained to operate the incineration
11 equipment.

12 Any emission -- emission measurements taken.

13 The -- the quantity of incineration ash
14 generator and how it was disposed.

15 And this information should be reported on
16 -- on -- in an annual report.

17 Regarding the incineration of waste,
18 Environment Canada recommends that the Proponent should
19 develop and implement an incineration management plan
20 which incorporates the information provided in the EC
21 Technical Document for Batch Waste Incineration. The
22 Incineration Plan should be developed in consultation
23 with Environment Canada and with the GNWT.

24 In the view of Environment Canada, there
25 is potential for significant adverse environmental

1 impacts from the incineration of waste. EC and GNWT
2 discuss incineration with the Proponent, and I'll refer
3 you to the -- the Board to the meeting report dated
4 October 21st.

5 Although the Proponent has committed to
6 developing and implementing an incineration management
7 plan, because of the importance of this issue, EC
8 requests that the Board include this recon -- recommended
9 measure in -- in its final report.

10 I'd like to thank the -- the Board for the
11 opportunity from Environment Canada to present these
12 issues to you. Thank you.

13 THE CHAIRPERSON: Thank you. Thank you
14 to Environment Canada for your presentation. We have
15 order of questions from Environment Canada. So the next
16 one (1) on the list here I have is from DKFN.

17 Is there any questions for Environment
18 Canada in regards to their presentation made here today?

19

20 QUESTION PERIOD:

21 THE CHAIRPERSON: Can you put your hand
22 up?

23 MS. ROSIE BJORNSON: Rosie Bjornson, from
24 Deninu K'ue First Nation. At this time, no, we don't
25 have any questions.

1 THE CHAIRPERSON: Thank you. I'm going
2 to go to Fort Resolution Metis Council. Is there any
3 questions to Environment Canada's presentation here
4 today?

5 MR. ARTHUR PECK: No, not at this time,
6 thank you.

7 THE CHAIRPERSON: Thank you. I'm going
8 to go to the Carter Family. There's two (2) questions,
9 Dean Carter, to the presentation.

10 MR. DEAN CARTER: Mr. Chair, I'd like to
11 know if to the knowledge of Environment Canada there has
12 ever been toxicology tests done for heavy metals on
13 Nonacho Lake in the past fifty (50) years.

14 And if such has ever occurred, how many
15 times has it occurred?

16 MS. LISA PERRY: Lisa Perry, oh sorry.

17 THE CHAIRPERSON: Sorry. I'm going to
18 thank you, Dean Carter for your question. I'm going to
19 go to Environment Canada. Go ahead.

20 MS. LISA PERRY: Lisa Perry. Not to our
21 knowledge. I don't have any information about past
22 toxicological testing in the area.

23 THE CHAIRPERSON: Thank you. Dean
24 Carter, to your second question.

25 MR. DEAN CARTER: And that would include

1 mercury testing?

2 THE CHAIRPERSON: Okay. Environment
3 Canada?

4 MS. LISA PERRY: Lisa Perry. Yes, for
5 mercury testing also besides what DFO already said.

6 MR. DEAN CARTER: Thank you. One (1)
7 other question.

8 THE CHAIRPERSON: Go ahead.

9 MR. DEAN CARTER: I think the young lady
10 there mentioned there were -- was some concern about
11 species at risk on the Nonacho Lake.

12 Do you have any information as to what
13 specific animals would be at risk in that area?

14 THE CHAIRPERSON: Thank you, Dean Carter
15 for your final question. I'm going to go back to
16 Environment Canada.

17 MS. MYRA ROBERTSON: Yes, thank you for
18 your question. The two (2) particular species I
19 mentioned were Yellow Rail and the Horned Grebe. Both of
20 those are found on wetland area -- areas and I apologize,
21 it's Myra Robertson speaking.

22 Wetlands areas. Environment Canada
23 Canadian Wildlife Service does not have any particular
24 data on the species found around that lake. Our
25 information is more broad regional information. However,

1 we do ask the Proponent for area where their project
2 would impact to determine if there are species at risk in
3 the area.

4 Again, they did do Yellow Rail surveys but
5 unfortunately the timing was off so there's uncertainty
6 because they didn't detect any birds whether they're
7 actually there.

8 For Horned Grebes, because they were newly
9 assessed as species at risk, the assessment came after
10 the DAR was written. That gave less opportunity for the
11 Proponent to collect specific information on Horned
12 Grebes. I know that they did detect some Horned Grebes
13 on their general waterfowl surveys but there would have
14 to be the crosscheck with the DAR whether they were on
15 Nonacho Lake or not.

16 THE CHAIRPERSON: Thank you. I'm going
17 to go back to Dean Carter.

18 MR. DEAN CARTER: I have -- I have
19 another question, sorry about that.

20 THE CHAIRPERSON: Go ahead there, Dean
21 Carter.

22 MR. DEAN CARTER: Yeah. You have
23 inquired of the Proponent about what other species might
24 specifically be at risk.

25 Who is the Proponent and what did they

1 tell you?

2 THE CHAIRPERSON: Thank you, Dean Carter.
3 And we'll go back to Environment Canada.

4 MS. MYRA ROBERTSON: I apol -- Myra
5 Robertson. I apologize. I -- Proponent, I mean Deze
6 Energy. So as part of their requirement for the
7 environmental assessment of this report they have to do
8 an assessment of species at risk, so Environment Canada
9 has the broad regional information what species at risk
10 could be in the area, Northwest Territories, broad
11 regional base, but the Proponent is responsible for
12 getting information that is specific to the project area.

13 If you are interested in what species are
14 at risk, are, in the Northwest Territories, I'll refer
15 you to a pamphlet done by the Environment Canada
16 Department of Fisheries and Oceans and the Territorial
17 Government.

18 MR. DEAN CARTER: I -- I

19 MS. MYRA ROBERTSON: I -- I happen to
20 have a copy here, so if anybody is interested, this gives
21 you a broad overview of what species are in the Northwest
22 Territories that are currently assessed as, at risk.

23 THE CHAIRPERSON: Okay. Thank you. .

24 MR. DEAN CARTER: I -- I don't feel the
25 question was answered properly. Sorry. And I don't

1 blame the young lady, but it's a broad area. I was just
2 wondering if the Proponent has provided anybody with a
3 list of the names of the animals?

4 We have the Yellow Rail, the Horned Grebe.
5 Any others on Nonacho Lake that may be at risk that the
6 Proponent is aware of? I -- I really am not concerned
7 about other areas. We're concerned about Nonacho Lake.
8 Well, I'm concerned about all areas, but for the purposes
9 of this discussion.

10 THE CHAIRPERSON: Before I go to
11 Environment Canada, I was going to let the people know
12 that there's an order of questions and I'm going to ask
13 that, due to time, we are already are behind, and I'm
14 going to ask that we prioritize our questions, and if you
15 have further questions, again, I'm going to ask that we
16 put them on the public registry.

17 And if you feel that there is a need to
18 get more information, then again we probably could
19 concentrate on the undertaking if we need to do that to
20 get more information. With that, I'm going to go back to
21 Environment Canada, then I'm going to go to Jean Carter.

22 MS. MYRA ROBERTSON: Myra Robertson. I
23 would refer you to the developer's assessment report.
24 There are some other species at risk and the Proponent
25 did assess those species, as well, and you would have to

1 look at the details of their baseline information.

2 I will add one (1) thing, I -- I suspect
3 you are probably concerned whether there are any aquatic
4 species at risk, and I can say right now there are no
5 fish that are listed as species at risk in that area
6 because there's no aquatic fish listed as species at
7 risk, that would be in Eastern Northwest Territories.

8 THE CHAIRPERSON: Okay. Thank you. I
9 want to, I think Jean Carter has the mic, so Jean Carter.

10 MS. JEAN CARTER: Yes. Thank you very
11 much. I have many questions, but since you're behind
12 time I want to address one (1) question on the acid rock
13 and your rock excavation.

14 How will -- what will be done with this
15 rock that's going to be excavated and blasted?

16 THE CHAIRPERSON: Okay. Thank you, Jean
17 Carter. I'm going to go to Environment Canada.

18 LISA PERRY: It's Lisa Perry. If I
19 remember correctly and maybe the Proponent will want to
20 correct me, but the excavated rock will be utilized in
21 the development of their sites in various forms under
22 buildings. I think some of it will be crushed for
23 aggregate production, there's a number doc -- different
24 uses that this rock -- excavated rock will be used for.

25 With regards to acid rock drainage issue,

1 at this point we don't see a big issue with it because of
2 the type of rock there, however, we want some more
3 testing to confirm the -- the results that they've
4 already started and, plus, we want to see some leach
5 testing done to make sure that this rock will not leach
6 any contaminates into the water. It's -- it becomes a --
7 a drainage issue.

8 THE CHAIRPERSON: Okay, thank you, and I
9 want to thank Jean Carter for her -- her final -- the one
10 (1) question she had.

11 I want to go on to our list, Transport
12 Canada -- oh, sorry, INAC, if they had any questions.

13 MR. MARC LANGE: Marc Lange, no
14 questions.

15 THE CHAIRPERSON: Okay, thank you. Next
16 order I have is Transport Canada.

17 MR. DOUG SOLOWAY: Doug Soloway,
18 Transport Canada. No, we have no questions.

19 THE CHAIRPERSON: Thank you. I want to
20 go to Deze Energy Corporation, questions to the
21 Environment Canada on their presentation?

22 MS. LINDA ZURKIRCHEN: Linda Zurkirchen,
23 Deze, just one (1) question.

24 We recognize that a number of the
25 commitments, the mitigation measured, the recommendations

1 presented by Environment Canada in their slide show have
2 been committed to -- to by Deze in the DAR or during the
3 subsequent EA process. Can those recommendations that
4 remain outstanding be completed during the regulatory
5 phase if this project were to move into that phase?

6 THE CHAIRPERSON: Okay, thank you. I
7 want to go to Environment Canada.

8

9 (BRIEF PAUSE)

10

11 MS. MYRA ROBERTSON: It's Myra Robertson.
12 I'll answer at least for the wildlife questions. So,
13 some of the outstanding ones relate to some additional
14 recommendations for further bird surveys either related
15 to Yellow Rail or migrating waterfowl.

16 It is our view that these could be done
17 during the regulatory phase, but it would be best if they
18 were done prior to construction. And, depending on the
19 results of the surveys, consultations would have to be
20 done with Environment Canada.

21 THE CHAIRPERSON: Thank you. I'm going
22 to go back to Deze Energy Corporation.

23 Is there any further comments -- I mean
24 questions. That was the final question I believe?

25 MS. LINDA ZURKIRCHEN: Linda Zurkirchen,

1 no more questions, thank you.

2 THE CHAIRPERSON: Thank you very much.
3 I'm going to go to the Government of Northwest
4 Territories to the presentation made by Environment
5 Canada.

6 MS. LORRETTA RANSOM: Lorretta Ransom,
7 GNWT, we have no questions, thank you.

8 THE CHAIRPERSON: Thank you very much.
9 I'm want to go to Lutsel K'e Dene First Nation questions
10 to Environment Canada on their presentation.

11 It's questions for the -- I just want to
12 make sure that everybody understand that when I say
13 "there's questions," it's only made to the people that
14 are making presentation here today. So, as I go around,
15 it's got to be in line with the presentation made. So I
16 just want to just remind people of that. So I'm going to
17 go back to Lutsel K'e Dene First Nation.

18 MS. TRACEY WILLIAMS: Tracey Williams,
19 Lutsel K'e Dene First Nation. Because of constraints of
20 time, I'll try to be as cunning to the quick here, as I
21 can.

22 With regards to terms and conditions on
23 issuance of permits and authorizations regarding the
24 recommendations that you put forward in your
25 presentation, we know that dioxins and furans are toxic

1 to fish, wildlife, humans.

2 How are these going to be -- or what is
3 your recommendation of how these should be included into
4 any kind of aquatic-effects monitoring that is going on
5 currently and during the regulatory phase, and how does
6 that relate to the terms and conditions that should be
7 stipulated with any issuance of permits, et cetera?

8 THE CHAIRPERSON: Okay, thank you. I'm
9 going back to Environment Canada.

10

11 (BRIEF PAUSE)

12

13 MR. DAVE FOX: Mr. Chair, it's Dave Fox,
14 Environment Canada. The approach that we would take with
15 incineration of contaminants is more of prevention. We
16 believe that if -- if a proper incineration occurs, that
17 it -- it really shouldn't be a problem. And that's --
18 that's the best approach to go.

19 Right now you don't see a lot of aquatic
20 analysis for -- for dioxins and furans because it's very
21 difficult and very expensive, and I think that's why we
22 don't see much.

23 But it -- it is Environment Canada's view
24 that if our recommendation is in place and followed, that
25 there shouldn't be any problems, and that -- that's

1 consistent with what the -- what the modelling study that
2 we -- that we had conducted showed as well.

3 THE CHAIRPERSON: Okay, thank you.

4 MS. TRACEY WILLIAMS: Tracey Williams. I
5 just have a followup --

6 THE CHAIRPERSON: I'll go back to Lutsel
7 K'e First Nation.

8 MS. TRACEY WILLIAMS: So in reference to
9 the adverse environmental impacts of which you state can
10 co -- occur with these -- wi -- throughout the
11 biomagnification in the foo -- in the food chain, just
12 for the record so I'm -- I'm clear on this point,
13 incineration management plan is voluntary, not mandatory,
14 so these things are "should," but are not required by
15 law.

16 THE CHAIRPERSON: Thank you, Tracey
17 Williams. I want to go to Environment Canada.

18 MR. DAVE FOX: Thank you, Mr. Chair.
19 Dave Fox, Environment Canada.

20 We use the word "should" because we have
21 no regulatory hook. We would like that to be
22 incorporated into a water licence or in other
23 authorizations where it should be "shall" instead of
24 "should."

25 THE CHAIRPERSON: Okay, thank you. If

1 that concludes the questions from Lutsel K'e, I'd like to
2 move on. That's it? That was the final question? Okay.

3 I want to move on to the next one I have
4 on the list here, questions to Environment Canada.

5 Okay, there's a question coming from
6 Lutsel K'e.

7 MR. HENRY BASILE: Good afternoon. My
8 name is Henry Basile, First Nation, from Lutsel K'e. I
9 have a question for Environment Canada concerning the
10 bird migration.

11 The first question is that: Do you -- do
12 you do any studies in the winter or in the spring, or you
13 do all your studies in the summer only?

14 So I'm wondering if -- let's say, just
15 take an example for ptarmigans, snow birds, all these
16 smaller birds come -- coming into migration up north to
17 do their nesting and stuff. Now if this -- this hydro
18 line goes through our area, would the -- the humming
19 noise from the line would disturb the -- the bird
20 migration totally. What -- what I see here is like an
21 electric fence going all across my land, so I'm really
22 concerned in that area.

23 We have a lot of people come up from the
24 south to study birds also up in our area. It's called
25 the subarctic. So we have a lot of visitors in those

1 areas coming up here too. They do -- go -- they do
2 kayaking, canoeing in our area too just besides sport
3 fishing or hunting. You know, they want to see this --
4 these birds come and go, you know, year round.

5 Is there any prevention on that, you know,
6 because of electric power line, because the noise is so
7 high? Let's say -- like give an example, if the humming
8 is so high that it will steer not only the birds, the
9 wildlife too, moose, caribou, smaller mammals, like
10 beavers, the -- the -- you know, muskox and all this
11 will, you know, start moving away.

12 Has there any studies been done in -- in
13 that area so far from -- from you people? So I -- I
14 would like a really straight answer. Do you do your
15 studies only in the summer? You know, that's the first
16 question. Thank you.

17 THE CHAIRPERSON: Okay, thank you, Henry
18 Basile, from Lutsel K'e. I'm going to back to
19 Environment Canada to the question.

20 MS. MYRA ROBERTSON: Myra Robertson,
21 Environment Canada. I'll answer the first question
22 first, is when we do our studies, and we do studies not
23 only during the summer nesting season for birds but,
24 also, during the spring and fall migration as well
25 because it is important for us to know what is happening

1 during spring and fall migration and what are the key
2 areas used by migrating birds.

3 So for example, there -- although these
4 are dated, there has been studies nearby the Slave River
5 Delta of numbers of migrating birds there in spring and
6 fall that has shown that is a very important area for
7 birds during the migratory period.

8 We also do have other information on key
9 areas for migrating waterfowl during spring and fall, as
10 well as other key areas during the summer as well.

11 Unfortunately the Northwest Territories is
12 a huge area, so, our regional information is perhaps not
13 as good as we'd like it to be but we're working on
14 assuring that we do get a good understanding of the major
15 migration pathways.

16 In regards to your second question about
17 the humming noise, I'm not aware of any studies that have
18 shown that birds are adversely affected to the -- the
19 humming noise by the transmission lines. I have not come
20 across any studies that have shown a negative effect and
21 I'm -- I'm -- this is looking at southern studies where
22 they might have looked at it.

23 The biggest concern with birds and power
24 lines based on studies from the south, is the fact that
25 there is risk of birds flying into the lines which could

1 lead to the death of the bird or injury. So that tends
2 to be the biggest concern that we've found based on
3 experience with the southern power lines.

4 THE CHAIRPERSON: Okay. Thank you very
5 much for responding to that question. If there's no
6 further question for Lutsel K'e, I'm going to move on,
7 (Native Tongue spoken), Henry?

8 Okay, I'm going to move on. The next one
9 I have on the list here is Parks Canada, questions to
10 Environment Canada?

11 MS. WENDY BOTKIN: Wendy Botkin. No
12 questions, thank you, Mr. Chair.

13 THE CHAIRPERSON: Thank you. I'm going
14 to go to DFO, questions to Environment Canada?

15 MR. BRUCE HANNA: Bruce Hanna, no
16 questions, thank you.

17 THE CHAIRPERSON: Thank you. I'm going
18 to go to the public, questions to Environment Canada on
19 their presentation? Okay, none.

20 I'm going to go the Review Board experts,
21 questions to Environment Canada.

22 MR. PETR KOMERS: Yes, Mr. Chair. This
23 is Petr Komers, Board Advisor. I have a couple of quick
24 questions.

25 You recommend that the aquatic

1 environmental monitoring program be developed. How will
2 this help to take, as you say, remedial action?

3 In other words, is there a concrete
4 management plan that would concretely spell out when the
5 remedial action should be taken and what kind of remedial
6 action should be taken?

7 THE CHAIRPERSON: Thank you for that
8 question. I'm going to go back to Environment Canada.

9 MS. LISA PERRY: I have maybe mixed up my
10 terminology a bit and combined them together into the
11 monitoring plan.

12 But what we would hope to see developed is
13 not only a monitoring plan for aquatic effects but also
14 an Adaptive Management Plan out of that -- that -- so
15 that the monitoring that you're -- you're doing is tied
16 into some management action afterwards. And then that
17 would be the remedial solutions, if needed.

18 THE CHAIRPERSON: Thank you. I'm going
19 to go back to the Review Board experts to your second
20 question.

21 MR. PETR KOMERS: Petr Komers. Given
22 your recommendations and comments on the Yellow Rail and
23 Horned Grebe, will you participate in developing a
24 Wetland Management Program?

25 THE CHAIRPERSON: Thank you to your

1 question. To Environment Canada to the question.

2 MS. MYRA ROBERTSON: Myra Robertson. I'm
3 not sure if "participate" is -- is the right word but,
4 definitely, Environment Canada would be involved in any
5 review of such a plan and provide our advice and
6 expertise on the plan.

7 THE CHAIRPERSON: Okay. Thank you. I
8 want to go back to the experts of this. Is there any
9 further com -- I mean questions?

10 MR. PETR KOMERS: Petr Komers. Is -- is
11 there such a plan or is there enough time to develop such
12 a plan?

13 THE CHAIRPERSON: Thank you. Environment
14 Canada?

15 MS. MYRA ROBERTSON: Environment Canada
16 has not specifically required a Wetland Plan, nor have we
17 have seen a draft of a plan, so right now it's in the
18 Proponent's hand in terms of whether they've started
19 working on a plan or not. We're not aware if they have.

20 THE CHAIRPERSON: Okay. Now, I'm going
21 to go back to the review Board expert. Is there any
22 further questions or -- or that was your final question?

23 MR. PETR KOMERS: Thank you, Mr. Chair.
24 That's it for my questions.

25 THE CHAIRPERSON: Okay. Thank you. I

1 want to go to the review Board staff. Is there any
2 questions for the Environment Canada's presentation?

3 MR. ALAN EHRLICH: Mr. Chair, one (1)
4 short question.

5 Environment Canada has indicated that
6 there may be significant numbers of waterfowl in spring
7 or fall migration along the route, and that there will be
8 monitoring measures, if necessary, to mitigate the impact
9 of collisions.

10 What options do you have if high numbers
11 of collisions are identified? What options do you have
12 to manage the project or to address that?

13 MS. MYRA ROBERTSON: Myra --

14 THE CHAIRPERSON: Thank -- thank you. I
15 want to go to Environment Canada to the question.

16 MS. MYRA ROBERTSON: Thank you, Mr.
17 Chair. Myra Robertson.

18 There's a number of potential mitigation
19 measures that could be used. As I mentioned earlier,
20 ideally it would be good if the waterfowl surveys were
21 done prior to construction because then that leaves some
22 opportunity for minor adjustments of the transmission
23 line.

24 For example, they found that sometimes
25 waterfowl collide -- are more likely to collide with

1 lines if the line goes between two (2) wetlands and the
2 birds are resting at one (1) wetland and they fly to the
3 other wetland and they're going back and forth between
4 the wetlands. So if an adjustment can be made to the
5 lines so that it's not cutting between two (2) let --
6 wetlands that would reduce the risk.

7 Other things they found in past studies is
8 the height of the line makes a difference, so if
9 adjustments could be made in a specific area to the
10 height of the line that would be good, as well. Of
11 course, those two (2) mitigation measures have to be done
12 before construction of the line.

13 The third mitigation measure can be done
14 after construction of the line and that is to put on
15 markers right on the transmission line. And this has
16 been done in numerous places in the south.

17 So these are like coloured balls or tags
18 that are put on the -- right on the line and so the birds
19 see these coloured markers and then they -- they know to
20 avoid that area even if they don't see the transmission
21 line. And that has -- is reasonably effective, as well.

22 THE CHAIRPERSON: Okay. Thank you. That
23 concludes the questions from the Review Board staff, so
24 I'm going to go to the Review Board counsel.

25 Is there any questions? None?

1 MR. JOHN DONIHEE: If you'd just give us
2 one (1) moment, please, Mr. Chairman? We're -- we're
3 through with our questions. Thank you, Mr. Chairman.

4 THE CHAIRPERSON: Thank you. So I'm
5 going to move to the Board, Board members, to the
6 presentation, to my far left I'm going to John -- Board
7 member John Ondrack.

8 MR. JOHN ONDRACK: Thank you, Mr. Chair.
9 This is Board member John Ondrack. Most of my questions
10 were just asked behind me.

11 I would perhaps ask a general question
12 with respect to migratory -- well, Environment Canada's
13 involvement in some of these recommendations that you've
14 made, with respect to migratory birds and collisions, I
15 find what is stated in your PowerPoint presentation
16 fairly vague with respect to the when things are
17 happening and the expected outcomes and whether you're
18 going to be involved or not.

19 You've just mentioned that -- well, some
20 things that aren't obvious to some people, that -- but
21 one (1) -- but, to me, one (1) was.

22 If this initial survey, spring and -- and
23 fall, is done before the line is -- is set, then you can
24 adjust the line. Then, after that, it seems to be vacant
25 as to what they should be doing. There's some sort of

1 monitoring going on and some sort of reaction to that
2 monitoring.

3 I guess the question then is: Are you
4 involved in this process and -- well, that's -- that's my
5 main question.

6 THE CHAIRPERSON: Thank you, Board member
7 John Ondrack. Environment Canada...?

8 MR. MYRA ROBERTSON: Myra Robertson. The
9 short answer is, yes, we will continue to be involved.
10 Our typical approach with other northern projects is that
11 we do continue to work with the company or the Proponent
12 and we do review annual wildlife plans.

13 We are -- also review and advise on
14 mitigation and monitoring wildlife plans, so, yes, we
15 will continue to be involved and work with the Proponent
16 on these issues.

17 THE CHAIRPERSON: Thank you for your
18 answer. I'm going to go back to John Ondrack. Is there
19 any further questions for Environment Canada?

20 MR. JOHN ONDRACK: Thank you, Mr. Chair.
21 I -- I guess, really, the piece that's missing here is:
22 Is there a reporting requirement in these plans? That is
23 -- in other words, the only way you're going to be
24 triggered is if there is reporting done to you.

25 Can you explain that me, please?

1 THE CHAIRPERSON: Thank you, Board member
2 John Ondrack. Environment Canada...?

3 MS. MYRA ROBERTSON: You've -- thank you.
4 Myra -- it's Myra Robertson. You've touched on a good
5 point. We are not a regulator for this project. We're
6 not issuing any permits or authorizations, so, we have to
7 rely on the other regulators to ensure that we see plans
8 and reports.

9 So, it is an important component that we
10 are flagged that we do need to see -- see those reports
11 and plans.

12 THE CHAIRPERSON: Thank you. Board
13 Member John Ondrack...?

14 MR. JOHN ONDRACK: Thank you very much,
15 Mr. Chair. I have no further questions.

16 THE CHAIRPERSON: Thank you very much,
17 Board Member John Ondrack. I'm going to go to Board
18 Member Fred Koe.

19 MR. FRED KOE: Marsi. No questions.

20 THE CHAIRPERSON: Okay, thank you, Fred
21 Koe, Board member. Board Member Peter Bannon...?

22 MR. PETER BANNON: Thank you, Mr. Chair.
23 I -- I do have some questions.

24 In -- you've stated in your technical
25 submission that there is a risk for significant adverse

1 impact from incineration, but it's not clear if that's
2 incineration in general, or is it specific to Deze's
3 proposal, including their commitments?

4 THE CHAIRPERSON: Thank you, Board Member
5 Peter Bannon. To Environment Canada to the question.

6 MR. DAVE FOX: Thank you, Mr. Chair.
7 That's -- that comment's made towards incineration in --
8 in general. Any time you have poor incineration, there's
9 -- there can be a lot of contaminants released to the
10 environment, and that's where the significant impact
11 would come from.

12 And we use that just as a basis to compare
13 our good incineration with -- with poor incineration.
14 And our recommendation is trying to direct and ensure
15 that the Proponent does -- does proper incineration to
16 minimize that risk.

17 THE CHAIRPERSON: Thank you. I'll go
18 back to Board Member Peter Bannon.

19 MR. PETER BANNON: Thank you, Mr. Chair.
20 I guess, is -- is there anything in Deze's proposal,
21 including their commitments, that would make you think
22 that poor incineration will occur?

23 THE CHAIRPERSON: Thank you, Peter
24 Bannon. Environment Canada...?

25 MR. DAVE FOX: Mr. Chair, it's Dave Fox,

1 Environment Canada. It's -- it's been our experience
2 that inc -- the knowledge of incineration has been very
3 poor in the North. Throughout the North, there are many
4 examples of how incineration should not be conducted.
5 It's been our experience, as much information we can
6 provide to the -- to the Proponents, the better their
7 incineration will -- will be.

8 And as part of our recommendation, there's
9 a reporting requirement as well which also helps
10 encourage proper incineration and it will allow us to
11 track and -- and monitor to -- to ensure that it does
12 happen.

13 So to answer your question directly, there
14 -- there wasn't anything in particular in the -- the Deze
15 submission. It's just a general rule that we find that
16 if we don't have a management plan, proper incineration
17 will not occur.

18 THE CHAIRPERSON: Thank you. I'm going
19 to go back to Board Member Peter Bannon.

20 MR. PETER BANNON: Thank you, Mr. Chair.
21 I have a -- another question related to the Species at
22 Risk Act. There's a number of recommendations.

23 Are there -- it's not clear to me exactly
24 if the recommendations that you make -- are there any
25 that are not within your control in administrating that

1 Act?

2 THE CHAIRPERSON: Thank you Board Member
3 Peter Bannon. Environment Canada...?

4 MS. MYRA ROBERTSON: Myra Robertson.
5 Yes, there are other species at risk in the area. For
6 example, Boreal Caribou is -- is a -- another example.
7 Some of these are covered by the Territorial Government.

8 Even though Environment Canada has a
9 national responsibility for species at risk, in some
10 cases the -- the species is managed locally by the
11 Territorial Government and they will provide their
12 expertise on those species.

13 THE CHAIRPERSON: Okay, thank you. We'll
14 go back to Board Member Peter Bannon.

15 MR. PETER BANNON: Thank you, Mr. Chair.
16 That wasn't quite my question.

17 Just within your -- your own
18 recommendations dealing with the -- the -- the birds or
19 the waterfowl, are there any of those recommendations
20 that aren't within your control in the administration of
21 the Act?

22 THE CHAIRPERSON: Thank you Peter Bannon.
23 Back to Environment Canada.

24 MS. MYRA ROBERTSON: Thank you. I would
25 say those recommendations related to Yellow Rail and

1 Horned Grebe, we rely on the regulators and you, as the
2 Board, to make sure that recommendations are implemented.

3 Unfortunately, Environment Canada does --
4 is not issuing any permit or authorization which would
5 allow us to ensure that these recommendations are done
6 related to Horned Grebe or Yellow Rail.

7 I -- I'll remind the Board of a section in
8 the Species at Risk Act. It's Section 79 that says --
9 I'll -- I'll put "person" in quotation marks, 'cause
10 that's how the -- it's worded there, but:

11 "Any organization that is doing an
12 assessment of the environmental effects
13 of the project is responsible to ensure
14 that there are -- any adverse effects
15 to species at risk are identified and
16 that mitigation and monitoring measures
17 are done."

18 So the Species at Risk Act actually passes
19 the responsibility to -- to you, as -- as a Board, to
20 ensure -- not that you have to do it, but ensure that
21 adverse effects are identified and that mitigation is --
22 and monitoring is done. And as you've done in your terms
23 of reference, you've passed on that responsibility to the
24 Proponent to make sure they covered it in their DAR.

25 Once we get to the regulatory phase, then

1 the permit or authorizations or the organizations issuing
2 those should ensure that any recommendations you make
3 related to species at risk are somehow covered.

4 So the responsibility for species at risk
5 is not only Environment Canada in environment -- when
6 it's a -- assessment of the environmental effects, it's -
7 - it's passed on to all those involved in the
8 environmental impact assessment process.

9 THE CHAIRPERSON: Thank you. I'm going
10 to go back to Peter Bannon, Board Member.

11 MR. PETER BANNON: Thank you, Mr. Chair.
12 The last question is related to the -- the water quality
13 section, and of the recommendations that you made and
14 considering the -- the commitments that Deze has made,
15 are there any that you don't think will be caught up
16 adequately and -- or likely to be caught up and
17 adequately covered in the regulatory phase?

18 THE CHAIRPERSON: Thank you Board Member
19 Peter Bannon. Environment Canada...?

20

21 (BRIEF PAUSE)

22

23 MS. LISA PERRY: Lisa Perry, Environment
24 Canada. None are jumping to mind. I think they can all
25 be captured in the regulatory phase.

1 The other thing that Environment Canada
2 does have a piece of legislation in the Fisheries Act,
3 the pollution prevention provisions. It's reactive but
4 it also encourages to prevent deleterious materials from
5 entering the water. So this is where our recommendations
6 come from.

7 But we think through the water licence,
8 the requirements for the monitoring program and -- and
9 things like other tools like that they'll be captured.

10 THE CHAIRPERSON: Thank you. That was
11 your final question, Peter Bannon? Or is there another
12 follow-up --

13 MR. PETER BANNON: Yes, it was my final
14 question.

15 THE CHAIRPERSON: Okay.

16 MR. PETER BANNON: I take the hint.

17 THE CHAIRPERSON: There's still -- if you
18 want to follow-up, that's fine. Okay, thank you, Peter
19 for that.

20 I'm going to go to my right to Darryl
21 Bohnet, Board Member.

22 MR. DARRYL BOHNET: Thank you, Mr. Chair.
23 I've just kind of cycled back to what we are doing here
24 today. Our job is to weigh the evidence to determine
25 significant environmental impact or public concern for

1 the Deze project.

2 In this presentation I heard that there
3 was a request from Environment Canada to include a
4 specific measure on -- to -- to develop and implement an
5 Incineration Management Plan which incorporates the
6 information.

7 And I am wondering why that specific
8 request has been made when Environment Canada has an
9 opportunity to do that through the -- the regulatory
10 body. The Land and Water Board has -- has those
11 mechanisms and -- and Environment Canada has that
12 relationship to -- to do it there.

13 So the question is: Why do we have to
14 have a specific measure to -- as you requested?

15 THE CHAIRPERSON: Thank you, Board Member
16 Darryl Bohnet. I want to go back to Environment Canada.

17 MR. DAVE FOX: Thank you, Mr. Chair.
18 It's Dave Fox, Environment Canada. It's -- it's
19 interesting that you -- you put it that way.

20 Normally I hear from the Water Board why
21 are you putting an air issue into a water licence? That
22 said, we have -- we have had some success in getting
23 Incineration Management Plans in water licences. There's
24 been a couple of mines in Nunavut. There's a oil and gas
25 project in the Inuvialuit under the NWT Water Board.

1 Just recently the Land and Water Board
2 here included Incineration Management Plans in draft
3 conditions for the Tundra Mine remediation project.

4 That said, we -- we are having some
5 success but it's far from automatic to be included in the
6 water licence, so, I see it as -- as still -- it's a work
7 in progress to get that.

8 That's why I -- I felt compelled to give
9 you the full blow incineration story to -- to try to
10 bring awareness to this Board and, hopefully, have you
11 adopt that recommendation. And at the end of the day,
12 hopefully the Land and Water Board will pick this up.
13 But it's definitely not guaranteed.

14 THE CHAIRPERSON: Thank you. I'm going
15 to go back to Board Member Darryl Bohnet.

16 MR. DARRYL BOHNET: That's great. Thank
17 you very much.

18 THE CHAIRPERSON: Okay. Thank you, Board
19 Member Darryl Bohnet. I want to go to Board Member Danny
20 Bayha.

21 MR. DANNY BAYHA: Thank you, Mr. Chair.
22 I have only one (1) question. It may lead to another but
23 we'll stay with one first.

24 Again, this sort of leads to the last
25 presenter, DFO. You -- you rely on studies from the

1 company, Proponent, and since you don't really do your
2 own, how do you verify?

3 How do you ensure yourself that some of
4 the things that you're reading, study, surveys, and what
5 have you are credible where you can ensure the public
6 that you're giving your expert opinion and -- and that's
7 -- how -- how do you -- how do you verify that? Thank
8 you.

9 THE CHAIRPERSON: Thank you, Board Member
10 Danny Bayha. I'm going to go back to Environment Canada.

11

12 (BRIEF PAUSE)

13

14 MS. MYRA ROBERTSON: Myra Robertson.
15 I'll start with your question from the wildlife
16 perspective, and then I'll pass the mic on to my
17 colleagues here.

18 Although we may not have per -- specific
19 bird surveys from that area that are done by our
20 biologists right in the local project area, we do have
21 biologists collecting field data from other areas
22 throughout the Northwest Territories. So, we do have our
23 expert biologists review what the Proponent has
24 presented, and we take a close look at how they did the
25 studies, so the methods they used, and whether they

1 seemed reasonable. And we also take a close look at the
2 analysis; whether they used the correct analysis, or
3 whether they might have misinterpreted the numbers. And
4 then, finally, we look at what their final numbers were.

5 And our wildlife biologists, based on
6 their field experience and knowledge of other areas, can
7 make a good professional judgment in terms of whether the
8 wildlife information was adequate and reasonable or not.

9 And I'll pass the rest of the question on
10 to Dave here.

11 MR. DAVE FOX: Dave Fox, Environment
12 Canada. So, that was the wildlife perspective. To give
13 you, just a perspective of how I envision the
14 incineration, I don't know if -- enforcement or at least
15 monitoring of it.

16 With the -- with the required reports, the
17 annual reports, there is going to be information in there
18 to provide an indication whether the combustion is hap --
19 occurring properly, we'll have information about the
20 amount of auxiliary fuel being used, and the amount of
21 waste that's being incinerated and the types of waste.

22 We -- we do rely on -- on the company
23 providing accurate information on that. But we also --
24 those are annual summaries that were -- that were commit
25 to review, but also we would recommend that the -- the

1 company keep more specific information as well;
2 information on each burn cycle that's going on, like
3 temperatures. Temperature is crucial to -- to good
4 combustion, and oxygen levels, and -- and the various
5 wastes.

6 So, they'll be a lot of check and balances
7 there. And if -- in our reviews, if we notice some of
8 the data doesn't make complete sense, then we can go back
9 to the company and -- and discuss it from there.

10 THE CHAIRPERSON: Okay. Thank you. I'm
11 going to go back to Board Member Danny Bayha.

12 MR. DANNY BAYHA: Thank you. And in
13 going back to the wildlife way of trying to satisfy
14 yourself that some of this information that you're --
15 you're receiving and -- and offering your advice, do you
16 consult local knowledge, stakeholders in the area, First
17 Nation TK knowledge? Do you use that as -- in when --
18 when you do your own verification, per se? Thank you.

19 THE CHAIRPERSON: Thank you, Board
20 Member Danny Bayha. Environment Canada...?

21 MS. MYRA ROBERTSON: Myra Robertson. We
22 use local or traditional knowledge in our own regional
23 overview of birds. And some of that is dependent on the
24 questions we need answered. So, that's -- so, more of a
25 broad regional perspective.

1 When it's a particular project such as
2 this, we expect that the Proponent will include local or
3 traditional knowledge in the development assessment
4 report. So, usually that's part of the terms and
5 conditions of -- for the assessment report, that they
6 consider local knowledge and we expect them to bring that
7 forward in their report.

8 THE CHAIRPERSON: Okay. Thank you.
9 Danny Bayha? Danny, any further questions?

10 MR. DANNY BAYHA: No, thank you. That's
11 all.

12 THE CHAIRPERSON: Okay. Thank you,
13 Board Member Danny Bayha. I want to go to Board Member
14 Percy Hardisty.

15 MR. PERCY HARDISTY: Mashi, Mr. Chair, I
16 do not have any questions.

17 THE CHAIRPERSON: Thank you very much,
18 Board Member Percy Hardisty. Board Member Jerry Loomis.

19 MR. JERRY LOOMIS: I have no questions at
20 this time.

21 THE CHAIRPERSON: Okay. Thank you very
22 much Board Member Jerry Loomis.

23 And I want to thank Environment Canada for
24 your presentation. And up to bat will be Deninu K'ue
25 First Nations.

1 So, what we'll do is we'll take a five (5)
2 minute break. And we'll get those guys to come up and
3 set up, and then we'll get into the presentation.

4

5 --- Upon recessing at 1:50 p.m.

6 --- Upon resuming at 1:59 p.m.

7

8 THE CHAIRPERSON: Okay, I think just out
9 of respect, I'm going to ask everybody to take their seat
10 so that the presenters can go ahead and do their
11 presentation. So I'll get everybody to come to the table
12 and chairs.

13 Okay, I'm going to ask that there be no
14 more sidebars or discussion to take place here. And I
15 want to continue on with the agenda here, so I'm going to
16 ask Deninu K'ue First Nation to speak into the mic, and
17 mention your name and who you represent, and kind of
18 speak loudly too so the people could hear what you're
19 saying.

20 So, with that, I'm going to turn over the
21 mic to Deninu K'ue First Nation.

22

23 PRESENTATION BY DENINU K'UE:

24 MS. ROSIE BJORNSON: Good afternoon,
25 everyone. My name is Rosie Bjornson and I'm with the

1 Deninu K'ue First Nations. I work as the Interim
2 Measures Agreement Coordinator.

3 Today I'm here with Carol Collins, DKFN
4 counsellor, and we're here to present to you our
5 presentation on the Deze Energy Taltson River Hydro
6 Expansion Project. Good afternoon, everyone, Review
7 Board, Chairperson Rick, Board members, review staff, and
8 everybody out there, chiefs, counsellors, Elders, and the
9 public in general.

10 Once again, my name is Rosie Bjornson and
11 I'm the granddaughter of John Simon out of Deninu K'ue
12 First Nations. The Akaitcho Dene of Deninu K'ue First
13 Nations have always used the land and water in our
14 traditional territory in a manner respectful.

15 I apologize. One (1) second. I was -- I
16 was supposed to state that I -- I did tweak my
17 presentation. The one that you have in front of you has
18 been changed slightly. There's a couple of paragraphs
19 added and a few wordings changed.

20 But, once again, I'll start over. The
21 Akaitcho Dene of Deninu K'ue First Nations have always
22 used the land and water in our traditional territory in a
23 manner respectful to our customs and values. We need to
24 protect the land and water for future generations, as
25 long as the sun shines, the rivers, and the grass grows.

1 The Crown entered into treaty making with
2 our ancestors at Deninu K'ue in 1900. Our ancestors
3 entered into treaty making with the understanding that it
4 is for as long as the sun shines, the rivers flow, and
5 the grass grows. The contu -- Constitution Act of 1982,
6 section 35, paragraph 1 states that:

7 "Existing aboriginal and treaty rights
8 of the aboriginal people of Canada are
9 hereby recognized and affirmed."

10 The spirit, meaning, and intent of 1900
11 Treaty guaranteed the right of Deninu K'ue First Nations
12 members to access the lands and waters of their
13 traditional territory for sustenance, economic, cultural,
14 and spiritual practices.

15 With that being said, Deninu K'ue First
16 Nations has always -- has been involved with Deze Energy
17 Taltson Hydro Expansion Project since the onset. Deninu
18 K'ue First Nations current leadership and leadership in
19 the past have always supported the Deze Energy Taltson
20 Hydro Expansion Project.

21 With the cumulative impacts from the
22 multiple exploration programs and mining projects in the
23 North and, specifically, within the Akaitcho Territory,
24 Deninu K'ue First Nation sees the Taltson Hydro Expansion
25 Project as a mitigation to help reduce the cumulative

1 impacts occurring in the Akaitcho Territory. It may be a
2 small reduction but, in this day and age, I believe any
3 reduction is a good reduction.

4 Our traditional lifestyle has been
5 impacted extremely by development and other factors for
6 the past one hundred (100) years. As the Akaitcho Dene,
7 we still continue to practice our cultural values and
8 traditions and continue to receive sustenance from
9 hunting, fishing, trapping and gathering and which is
10 provided from the land and the water.

11 Our land, our water and our animals are a
12 critical part of our lifestyle. But as we move into the
13 second decade of this millennium, we need to also remind
14 ourselves that we are not slowly living off the land,
15 water and animals. We are miners, we're regulator --
16 regu -- regulatory agencies, we are developers, we are
17 everything, as well as hunters and trappers.

18 Development of any type takes energy. It
19 only makes sense for us to use renewable energy to impact
20 -- lessen the impact.

21 Deze Energy has done a great job in
22 providing a full outline of how they will address issues
23 of concerns during the environmental assessment process
24 such as community scoping sessions to the technical
25 sessions, and had done so through its Developer's

1 Assessment Report.

2 Deninu K'ue First Nations supports Deze
3 Energy's efforts to reduce impact that occur throughout
4 the approved land use permits and water licence, as well
5 as beyond.

6 Deze Energy has also -- has -- has also ha
7 -- set high standards for industry in proposed
8 development within the Akaitcho Territory and the North
9 as a whole. Development in the North is at full force
10 with a pipeline for natural gas given the green light,
11 three (3) diamond mines, multiple exploration projects,
12 hydro projects, winter roads, et cetera.

13 DKFN does not believe this one (1)
14 renewable energy project will cause adverse environmental
15 impacts to the Akaitcho Territory as other developments
16 have in the past and in the present.

17 Social and economical impacts are a
18 concern, but as this project moves forward, the Akaitcho
19 Dene Member First Nations will benefit both short and
20 long term as -- as will Canada in its plan to reduce
21 carbon emissions in general.

22 With that being said, our children are our
23 future. Let's work together and lessen any possible
24 impacts from this development or any development in the
25 North. Marsi.

1 THE CHAIRPERSON: Thank you for your
2 presentation, Rosie Bjornson and Carol Collins. Thank
3 you for -- oh, sorry, Carol wants to add -- go ahead,
4 Carol.

5 MS. CAROL COLLINS: Carol Collins, Deninu
6 K'ue First Nations Councillor. I just got elected in
7 December of this past year.

8 One (1) of the concerns we have is we --
9 we felt that this Hearing should have been held in Deninu
10 K'ue. I don't know why it's held here. We -- we are
11 impacted from this development, and our treaty was also
12 signed in the 1900s in Deninu K'ue First Na -- Deninu
13 K'ue.

14 One (1) of the things that happened in the
15 '60s was in Rush River the school burnt down. They also
16 had stores. It was a community, and they're one (1) of
17 the -- they're one (1) of the signatories to the Treaty.
18 They're also affected were Jean River, the Taltson River
19 people, Little Fishery (phonetic), Slave River, Rat River
20 and Buffalo River people. These were all the people
21 where they used to live before -- they never used to live
22 in Fort Resolution.

23 And one (1) of the big things that is a
24 concern was the relocation of our people to Fort
25 Resolution. To us, that's a compensation issue to our

1 people. We've never been consulted about Taltson. We've
2 -- never were consulted about Pine Point when Pine Point
3 happened.

4 There's the -- Pine Point has never been
5 cleaned up and yet they're letting this -- Tamerlane go
6 ahead this year with Pine Point again, opening up Pine
7 Point. And yet there is environmental cleanup that
8 should be done to that site.

9 So we were never really consulted with
10 Taltson, and I believe our people should be compensated
11 by the Federal Government because of this development
12 that happened in the '60s. And also with Pine Point. I
13 keep bringing this up. Probably a lot of you heard me
14 speak on this before.

15 When you -- when you speak about
16 consultation, consultation begins at the beginning of the
17 project and goes -- and consultation also goes through
18 the whole project, right to the end, we should be
19 consulted, and that's one (1) thing that I want mentioned
20 about this. A lot of -- our Slave River is really
21 impacted by development.

22 Bennett Dam is one of them. We -- we were
23 never consulted about the Bennett Dam. Tar sands, we
24 were never consulted about that either, and that's a big
25 concern for our people because of cancer and the impacts

1 that the tar sands are having on our people. Like Fort
2 Chip, what they're going through.

3 Atco, that's another development that's
4 happening, proposed development that they want to put a
5 dam on the Slave River to supply power to tar sands.
6 From what I hear, they say it's on the Alberta side, but
7 I heard it's on the -- the NWT side, too.

8 So the way I see it, I see Atco going
9 through Alberta and that way they know they'll get their
10 permit. I don't see them coming to MacKenzie Valley Land
11 and Water Board. But that should be a concern for you
12 guys to think about when this development happens.

13 I know they want to merge with NWT Power
14 Corp., GNWT, so I'm kind of worried about what's going to
15 happen with this company, and I think you guys should be
16 aware of that 'cause if this development goes ahead, I
17 feel that our people in the North are not going to have a
18 say in what happens on our -- our waterways.

19 Another thing, our community is not
20 against development as long as it's done right. We
21 support this project, but it's other development that's
22 happening on our Slave River that has us worried.

23 I know, you know, Taltson's been there
24 since the '60s and these new things that are going to be
25 happening with Atco and another site C development with

1 Bennett Dam has our people worried about the Slave River.

2 We also have the delta right -- right in
3 our back door. And so we're kind of worried about the
4 impacts it'll have on our delta, our waterways, and we're
5 really worried about what's happening on our Slave River.

6 One of the things, when we were relocated
7 -- my family is from Jean River, and they're one of the
8 signatories to the Treaty. When they moved our people to
9 Fort Resolution they trans -- they put me under Snowdrift
10 Band, and I'm not from there so I don't know why they put
11 me there. I should have put under Deninu K'ue. And
12 that's where -- when they did that they -- they just put
13 our people -- they didn't put us all in Fort Res, they
14 spread us all out; some people are here in Yellowknives
15 Dene, some people are in -- under Snowdrift. In them
16 days it was cos -- called Snowdrift.

17 So, to me that wasn't right what they did.
18 They kinda watered down our Treaty by doing that. It's
19 like they're trying to make our people powerless, the
20 Federal Government, and that's not right. And we're --
21 we're going to be looking into compensation for our
22 people regarding Taltson.

23 We know that this project that's happening
24 now has nothing to do with -- with the compensation
25 issue; it has to do with the Federal Government. So, we

1 -- we don't have no problems with this development hap --
2 happening. But, I want you guys to be aware of what
3 happened before -- what happened in the '60s to our
4 people.

5 And another thing: the caribou. They talk
6 about the caribou all the time. I know the GNWT are
7 compensating outfitters because they can't hunt caribou.
8 I -- I don't understand where the GNWT is coming from:
9 compensating the -- the outfitters? Before they
10 compensate them they should compensate our hunters and
11 trappers in the North before they even think of these
12 people that don't come from here. That's -- that's
13 another issue, is the compensation with our -- our
14 caribou, and -- and that's not right.

15 But, I just mainly wanted to let you know
16 about these things. And I didn't -- I wanted to make
17 sure that you guys are aware of these concerns that we
18 have. And -- and we do support this development. And --
19 and that's about it, I guess.

20 THE CHAIRPERSON: Thank you, to Rosie
21 Bjornson, and also Carol Collins, thank you for your
22 presentation.

23 And I just want to -- before I go to the
24 order of questions, I just want to just let you know that
25 we are aware, you know, of some -- to your questions, we

1 are aware of what's going on there in terms of Southern
2 Alberta, and also in the Northwest Territories, in terms
3 of development.

4 And just to let you know, as well, the --
5 you had mentioned that there was a -- you talk about this
6 public hearing, that it should have been held in Deninu
7 K'ue. And we received a letter from your Chief there
8 from -- and we responded back last week, and part of the
9 problem is that as you can see here today, we have
10 probably about over a hundred some odd people. And you
11 know, those are things that we looked at as well;
12 logistically, you know, accommodations, and that kind of
13 thing, you know.

14 So, because, you know, at the end it was
15 decided to have it here in the community, and because of
16 that we were also trying to help, in terms of trying to
17 get people here, and this and that, and I think that all
18 got sorted out. So, I just want to kind of mention that.

19 And so, I'm kind of glad. I was going to
20 ask another question on clarification, but then it was
21 answered. Carol you came back and answered that you do
22 support this project. And because I was kind of hearing
23 a little bit of mixed messages there. So -- but that --
24 I'm okay with that now.

25 To the presentation through Rosie, the

1 edits that you had made, I presume that's already in here
2 so we could use this for evidence as well then?

3 MS. ROSIE BJORNSON: Rosie Bjornson,
4 Deninu K'ue First Nations. Yes, I -- I kind of had to
5 make a quick trip into Hay River Tuesday, and I was
6 delayed at getting my presentation into Tawanis and
7 accidentally got the secretary to fax the wrong one. But
8 all is well and I survived the -- the accident. I -- I
9 hit the ditch, but...

10 But, you know, Deninu K'ue First Nations,
11 as Carol stated, does support -- does support this
12 project, as well as a lot of development that is
13 happening in the North. You know, if it's mitigated, and
14 it's sustainable, and it's -- it's going to protect and
15 not have an adverse significant impact on the
16 environment, you know, Deninu K'ue First Nations ha --
17 has always stated that in a few hearings that we've
18 attended.

19 You know, we -- we do have concerns.
20 Right now, they're not technical. We went through the
21 technical hearings. We went through the scoping
22 sessions. Today we give -- we're here to give our
23 support.

24 With that, I just want to say once again,
25 marsi cho.

1

2 QUESTION PERIOD:

3 THE CHAIRPERSON: Okay, thank you, Rosie,
4 for that. And I'm going to go to the order of questions
5 we have in front of us, so thank you again, Carol, for
6 your presentation as well.

7 So I'm going to go through the order that
8 I have in front of me here, so I want to go to Fort
9 Resolution Metis Council. Is there any questions to
10 Deninu K'ue First Nation on their presentation?

11 MR. ARTHUR BECK: No. No, we have no fur
12 -- no questions.

13 THE CHAIRPERSON: Thank you very much.
14 I'm going to move on to the Carter family. Is there any
15 questions to Deninu K'ue First Nation on their
16 presentation?

17 MS. JEAN CARTER: No, we don't have any
18 questions. Thank you.

19 THE CHAIRPERSON: Thank you very much.
20 I'm going to go to INAC. Is there any questions to
21 Deninu K'ue First Nation on their presentation?

22 MR. MARC LANGE: Marc Lange. No
23 questions.

24 THE CHAIRPERSON: Very good, thank you.
25 Transport Canada, is there any questions for Deninu K'ue

1 First Nation on their presentation?

2 MR. DOUG SOLOWAY: Thank you, Mr.
3 Chairman. Doug Soloway, Transport Canada. No questions,
4 thank you.

5 THE CHAIRPERSON: Okay, thank you very
6 much. I'm going to go to Deze Energy Corporation. Is
7 there any questions for Deninu K'ue on their
8 presentation?

9 MR. DAN GRABKE: Thank you, Mr. Chairman.
10 No questions.

11 THE CHAIRPERSON: Thank you. I'm going
12 to go to the Government of Northwest Territories. Is
13 there any questions to Deninu K'ue First Nation on their
14 presentation?

15 MS. LORRETTA RANSOM: Lorretta Ransom.
16 No questions, thank you.

17 THE CHAIRPERSON: Thank you. I want to
18 go to Lutsel K'e Dene First Nation.

19 Is there any question to Deninu K'ue First
20 Nation on their presentation?

21 MS. TRACEY WILLIAMS: Lu -- Tracey
22 Williams, Lutsel K'e Dene First Nation. Our question for
23 Deninu K'ue is, you say you support the present
24 transmission line routing in its entirety, would you be
25 willing to also support an alternate routing of that

1 transmission line?

2 THE CHAIRPERSON: Thank you, Lutsel K'e
3 Dene First Nation. I'm going to go to Deninu K'ue First
4 Nation, Rosie Bjornson.

5 MS. ROSIE BJORNSON: Hi. Rosie Bjornson.
6 I would have to get back to that one with the Chief and
7 Counsel and discuss this alternative route discussion.
8 So, with that, if there is a need for an undertaking,
9 we'll -- well, then we'll get back to that.

10 THE CHAIRPERSON: Okay, thank you, Rosie
11 Bjornson. We're going to take that as Undertaking Number
12 3.

13

14 --- UNDERTAKING NO. 3: Deninu K'ue First Nation to
15 indicate if they support an
16 alternate routing of the
17 present transmission line

18

19 THE CHAIRPERSON: And if you can get back
20 to us, we're allowing everybody to -- we're looking at
21 January 29th, 2010, at 3:00 p.m., and if you could back
22 to us with that to a public registry, then that would be
23 great.

24 So the -- would that to -- Lutsel K'e Dene
25 First Nation, that would be okay. We'll get another

1 speak from Lutsel K'e Dene First Nation.

2 ELDER HENRY BASILE: Thank you, Mr.
3 Chairman. Your name is Carol? Hi, Carol. I'm Henry.

4 You mentioned something about -- you're
5 registered under Lutsel K'e Dene. Now, you -- it sounds
6 to me that you don't have a band to lean on in your area,
7 and we accept you as who you are. If you're registered
8 under Lutsel K'e Dene band, you know, you -- you're
9 certainly welcome. You know, we're not saying you don't
10 belong there. This is the first time I have you --
11 encountered with you.

12 I didn't even know that you were
13 registered under our Band. But if you can -- feel as
14 though you're left out, yeah, please don't be. You know,
15 and offering here from -- as a member. So let's -- you
16 know, let's work together, you know.

17 If -- if you're going to choose another
18 way of -- of putting this electric line not within our
19 area, but I want -- I know that you want to see some
20 progress and you haven't been consulted you said. Now,
21 it's -- you know, you have an opportunity to, you know,
22 express yourself and I really appreciate that. And don't
23 feel as though you're left out, you know. I just wanted
24 to say that for you -- with you as a Band Member. Thank
25 you.

1 THE CHAIRPERSON: Thank you, Henry Basile
2 from Lutsel K'e. I think that was just a comment. So do
3 you want to respond to that Carol? Carol Collins, from
4 Deninu K'ue.

5 MS. CAROL COLLINS: Like I said, this
6 happened in the '60s. We were transferred all over.
7 Like, I don't know why I went to that Band. I should
8 have went to my Band and it's not only me. I got more
9 relatives that are registered under their Band.

10 And a lot of our relatives are registered
11 under here too, that were under Taltson and Slave River,
12 all over. They're -- they're all -- they scattered us
13 all over. But it's not only me. There -- there's a lot
14 more that are under your Band. So I just thought I'll
15 mention that.

16 THE CHAIRPERSON: Thank you. Before I go
17 and move on here, I just wanted to let people know that
18 the presentation that are made here today is in line to
19 Taltson hydroelectric expansion project with Deze Energy
20 Corporation and -- and this is why we're having a public
21 hearing here on environment assessment. So I just wanted
22 to remind people of that and that we'll continue on, and
23 this is the reason why we're here.

24 Next to speak I have Parks Canada. Is
25 there any questions for the Deninu K'ue First Nation on

1 their presentation?

2 MS. WENDY BOTKIN: Wendy Botkin. No
3 questions, Mr. Chair.

4 THE CHAIRPERSON: Thank you very much.
5 I'm going to go to DFO. Is there any questions to Deninu
6 K'ue First Nation on their presentation?

7 MR. BRUCE HANNA: Bruce Hanna, DFO. No
8 questions, thank you.

9 THE CHAIRPERSON: Thank you. I'm going
10 to go to Environment Canada. Is there any questions for
11 Deninu K'ue First Nation on their presentation?

12 MS. LISA PERRY: Lisa Perry. No
13 questions.

14 THE CHAIRPERSON: Thank you. I'm going
15 to go to the public -- general public. Is there any
16 questions to Deninu K'ue First Nation on their
17 presentation?

18 There's one (1) question, in the back to
19 their presentation.

20 MS. NOLLEEN VILBURN: My name is Noleen
21 Vilburn (phonetic) and I'm registered with the Salt River
22 First Nations Band, which is a Band that was created
23 under the Indian Act but my ancestry is actually from the
24 Taltson River area. And because of the relocation, we
25 were registered into different Bands.

1 Now this issue that Carol spoke about is
2 an outstanding issue that has been on various tables for
3 many years. And Carol is right. We are not -- we have
4 never been against development, because when you look at
5 the history in the South Slave, majority of the people
6 there had been involved in various economic sustainable
7 development, namely, the fur trade, and today it's the
8 mines.

9 But what we have here is an issue that's
10 been on the Federal Government's table for many years,
11 which has also been ignored. I understand and I've been
12 told yesterday, and I won't name names, that because I'm
13 registered at Salt River, that I may not have the right
14 to speak on this issue because I speak the language
15 called (NATIVE LANGUAGE SPOKEN).

16 I understand my language. I speak my
17 language. I was raised by my grandparents, and the
18 reason why you see a lot of emotion from me, remember I'm
19 also a grandmother, and a mother, and an aunty today. I
20 also represent the women that have gone before us who did
21 not have a voice or never had an opportunity to speak
22 about the relocation and the impacts. But today because
23 of the agreement of the Inuvialuit we do have the
24 Mackenzie Environmental Review Board, we do have an
25 opportunity to speak.

1 And I support what Carol said about
2 relocation and what it has created within our nation, and
3 to remind the people in the North that I as an individual
4 and a human being have sovereignty on this land. What
5 gives me sovereignty is my language and the right to
6 inherit this land.

7 I want to say that there's going to men --
8 be many controversies over this in the next few years.
9 I, for one, I do have a home here in Yellowknife, but I
10 have made the decision that I'm going to build my home in
11 Taltson River where my grandparents raised my mother.
12 That's my goal.

13 Because when I went out to Taltson River
14 and I went to Taltson Bay I prayed, and I'll tell you
15 that is the first time -- they talk about spirituality
16 and connection -- I felt that, but it was as -- my
17 ancestors spirituality and spirit that were in that area
18 and I knew there was a connection.

19 So I made that decision that I'm going to
20 build at Taltson River and put a house where my
21 grandparents lived, so that I can raise my children, my
22 grandchildren, my great grandchildren. And I do support
23 what Lutsel K'ue are saying, because what happened to us
24 is no fault of ours, but when you present information and
25 that information is misrepresented then we're going to

1 have a whole generation of people trying to correct this
2 information.

3 So I'm going to ask the Mackenzie Review
4 Valley Board members to be very cautious and to be very
5 aware. When you make a decision, you're making that
6 decision for the future generation incl -- which includes
7 mine.

8 Today, I have eight (8) grandchildren that
9 I am concerned about. With what's going on in our
10 communities with the drugs and alcohol, the crack
11 cocaine, the meth, what future do our children have? The
12 only future we have is that land that we left by no
13 choice of ours. And this is what I wanted to bring up as
14 the public at large.

15 I may not have a question to Carol and
16 Rosie, but I do honour them for sitting there and
17 bringing this issue forward. Thank you very much.

18 THE CHAIRPERSON: Thank you. Thank you,
19 Noleen Vilburn, and thank you for your statement, and --
20 and it's duly noted, for the record.

21 So if there's no further question from the
22 public, I'm going to move on to our -- the review Board
23 expert.

24 Is there any questions that you have for
25 Deninu K'ue in regards to their presentation made here

1 this afternoon?

2 MR. JOHN DONIHEE: John Donihee, for the
3 review Board. Mr Chair, there are no questions from
4 staff or our experts.

5 THE CHAIRPERSON: Any questions from
6 legal counsel?

7 MR. JOHN DONIHEE: John Donihee. No,
8 Sir.

9 THE CHAIRPERSON: Thank you. I'm now
10 going to go to the Board, to my far left, I'm going to
11 John Ondrack.

12 MR. JOHN ONDRACK: John Ondrack, Board
13 member. I have no further questions.

14 THE CHAIRPERSON: Thank you. I'm going
15 to move over to Fred Koe, Board member.

16 MR. FRED KOE: Marsi, Mr. Chair. No
17 questions.

18 THE CHAIRPERSON: Thank you. I'm going
19 to go Peter Bannon, Board member.

20 MR. PETER BANNON: Thank you, Mr. Chair.
21 No questions.

22 THE CHAIRPERSON: Thank you. I'm going
23 to go do Darryl Bohnet, Board member.

24 MR. DARRYL BOHNET: Thank you, Mr. Chair.
25 No questions.

1 THE CHAIRPERSON: Thank you. I'm going
2 to go to Danny Bayha, Board member.

3 MR. DANNY BAYHA: Thank you, Mr. Chair.
4 No, I don't have any questions. Thank you for your
5 presentation.

6 THE CHAIRPERSON: Thank you. I'm going
7 to go Percy Hardisty, Board member.

8 MR. PERCY HARDISTY: Marsi, Mr. Chair. I
9 -- I do not have any questions.

10 THE CHAIRPERSON: Thank you. I'm going
11 to go to Board member Jerry Loomis.

12 MR. JERRY LOOMIS: I have no questions at
13 this time.

14 THE CHAIRPERSON: Thank you, Jerry
15 Loomis. Thank you. I want to say thank you very much to
16 Rosie Bjornson to Carol Collins. Mahsi for your
17 presentation. And it was heartfelt. And we've got a
18 copy of your presentation. Also, I just want to make a
19 note that the public -- raised by Noleen Vilburn too as
20 well, thank you for your comments. Mahsi.

21 Okay. Next on the agenda I have here, is
22 --

23 MS. ROSIE BJORNSON: Thank you, Mr.
24 Chair.

25 THE CHAIRPERSON: Oh, sorry. Go --

1 thank you. Next on the agenda here I have is Fort
2 Resolution Metis Council. If you're ready to come up and
3 to do your presentation, we could do that now.

4 MR. ARTHUR BECK: I think we better sit
5 down; I think we're gonna be that quick.

6 THE CHAIRPERSON: Okay. Thank you. As
7 you come up, again just introduce yourself and who you
8 represent. And if you can, speak clearly and loudly into
9 the mic. Mahsi.

10

11 PRESENTATION BY FORT RESOLUTION METIS COUNCIL:

12 MR. ARTHUR BECK: Yeah. My name's Arthur
13 Beck. For the people who don't know me, I'm born in
14 Yellowknife, but I was raised on the Rush River, Taltson
15 River system. My great grandfather, Chief Snuff
16 (phonetic) signed the treaty six generations from me.

17 And his real name is Koalthe (phonetic),
18 which means little grass. But I guess he must have liked
19 to chew snuff, so they kind of gave him that name, Snuff.
20 But, that's my great grandfather on my mother's side.
21 And they -- they homed in the Rush River area. And we
22 are the real Yellowknives.

23

24 (TRANSLATION COMMENCES)

25

1 MR. ARTHUR BECK: My grandmother had
2 taught me right from day 1 when I was growing up my
3 language.

4

5 (INTERPRETATION CONCLUDED)

6

7 MR. ARTHUR BECK: Sorry, I -- I shouldn't
8 have switched; I can't help it -- talking that Tetsanuk
9 Anayatea (phonetic) is my first language, so when I get a
10 little excited -- not often I get excited, but this time
11 I got excited I went into my first language. I'm sorry.
12 I'll stick to English.

13 Anyways, like I was going to say, I grew
14 up in the Taltson River, I spent all my life there.
15 There's not much that anybody here can tell me about
16 Taltson River, except maybe the scientist could tell me
17 the chemicals, and stuff like that. But, anything else
18 on the fish, the animals, the plants, the people, the
19 water, there's not too many people that know Taltson
20 better than I do now that's alive, because most of the
21 people that knew it better than me where my teachers and
22 they've passed on, but they left me here with the
23 knowledge and ability to speak for the animals that's
24 left out there.

25 So, I'll stop now with this, and I'll

1 carry on after. We'd like to introduce our technical
2 person, Tom Unka, an environment manager of Fort
3 Resolution. I will finish off my presentation after
4 Tommy does his. Thank you very much, Mr. Chair.

5 THE CHAIRPERSON: Thank you, Arthur, for
6 your introduction there. And I'm just going to say that,
7 if you can, just slow down, just a tad, for -- to keep up
8 with our translators. Mahsi.

9 MR. TOM UNKA. Marsi, Mr. Chair. My name
10 is Tom Unka, I work with the -- the Fort Resolution Metis
11 Council as their technical advisory person. And we had
12 prepared this report here on behalf of the Fort
13 Resolution Metis Council.

14 Since time immemorial, the Chipewyan Metis
15 of Fort Resolution Deninu K'ue, have always used and
16 occupied the lands and waters, both north and south of
17 Great Slave Lake, within what now is referred to as the
18 Akaitcho Territory where all the mineral exploration
19 activities are currently occurring.

20 We have always considered within our lands
21 of jurisdiction duty and interests. We have never ceded,
22 surrendered or sold our authority and rights to this
23 area. We are a nation whose rights and privileges are
24 protected under Section 35 of the Canadian Constitution.
25 Furthermore, we have been recognized as Metis with

1 traditional land interests and jurisdiction in all parts
2 of their traditional land use area.

3 Fort Resolution, Deninu K'ue is an old
4 Chipewyan Dene and Metis community, where the Dene and
5 Metis still continue to pursue their traditional
6 activities, such as hunting, trapping, fishing and
7 gathering, and lifestyles, while moving forward in a
8 modern world. Recently it has become more and more
9 necessary for the Dene and Metis of Fort Resolution to
10 address impacts, adaption to all resource development in
11 the North and the world in general.

12 The Metis of Fort Resolution have
13 witnessed and experienced an increase in resource
14 exploration and development within its traditional
15 territory, with very little, or no recognition, consent,
16 or benefits. These issues and concerns continue to
17 remain outstanding for the Metis of Fort Resolution. We
18 have now put a high priority on working towards resolving
19 these matters while still working with the realities of a
20 changing world, where the need for a strong economy with
21 an increased world awareness of social's conscious (sic),
22 Northern claim settlement, cumulative effects,
23 contamination, climate change, global warning impacts.

24 Presently we are finding ourselves dealing
25 with an increase in renewed interest in all types of

1 mineral potential we have in our home territory.

2 The Taltson project -- for the record,
3 there's a slight change in the -- a typo there, right at
4 the top of the Taltson Project. It should have been
5 1962, I was reminded.

6 In 1962, a hydroelectric generating
7 facility was built on the Taltson River to provide power
8 for the Pine Point Mines. The mine was closed in 1987.
9 Since then the hydrogeneration facility has been
10 operating below its capacity. Although it supplies power
11 to Hay River, Fort Smith, Fort Resolution and Fort
12 Fitzgerald.

13 The proposed Taltson hydroelectric
14 expansion project would take advantage of the excess
15 generating capacity and untapped hydroelect -- electric
16 potential of the Taltson area, and send the power to the
17 mines in the barren-lands.

18 The potential now exists to provide power
19 to mines operating north of Great Slave Lake. The Ekati,
20 Diavik, Snap Lake, and the proposed Gahcho K'ue diamond
21 mines all require large amounts of electric energy to
22 sustain the mine. The aim is to increase the capacity at
23 Taltson facilities without flooding or causing further
24 damage to the environment.

25 The proposed Taltson hydroelectric

1 expansion project would add a new power plant to the
2 existing 18 megawatt Taltson Twin Gorge plant. The new
3 plant is to produce up to 56 megawatts -- megawatts.
4 This renewable hydro energy, in the range of 400
5 gigawatts per year, would displace a hundred million
6 litres of diesel fuel per year used by the mines for
7 power generation.

8 There would be -- there will be
9 substantial environmental benefits: less greenhouse gas
10 emissions, significantly less transportation of diesel
11 across the NWT roads, less impacts to the fish and
12 wildlife habitats along the transportation route to the
13 mines, an overall reduction in the total annual NWT
14 greenhouse gas emissions.

15 Yeah. The proposed -- the proposed hydro
16 line from the Taltson facility to the diamond mines will
17 be constructed along a corridor that are some of the most
18 pristine environment in the Northwest Territories. The
19 proposed route has some of the cleanest lakes that
20 service habitat for fish, migratory birds, and wildlife.
21 Impacts to the caribou from the 690 kilometres of hydro
22 line is not know.

23 The James Bay hydro development in the
24 early '80s has had irreversible impacts to the riparian
25 environment along its -- with its residents and migrant

1 the Dez -- Deze Energy's attention was the highway route.
2 The Power Corp. has existing lines to Enterprise. A
3 powerline could be constructed to Yellowknife along the
4 existing highway corridor with minimum impacts to the
5 environment and the aquatic lives.

6 The Dene -- Deze Energy is not mandated to
7 -- one could consider a no action alternative; that is
8 the alternative of building nothing in the proposed route
9 and relying instead on other options, such as the marine
10 route. However, it is more likely that the disruption to
11 the ecosystem by the totality of the proposed
12 hydroelectric development will be damaging to the local
13 habitats. Although no one can totally predict the
14 impacts of the hydroelectric pro -- project, they could
15 be a large scale.

16 The Fort Resolution Metis Council remains
17 supportive of the Taltson River hydroelectric project,
18 providing that all anticipated environmental impacts be
19 explored and addressed, minimize social or -- economic
20 opportunities for affected residents, assess anticipated
21 social impacts prior to the commencement of the project,
22 an alternate route be explored with a cost analysis for a
23 comparative basis. Thank you, Mr. Chair.

24 THE CHAIRPERSON: Thank you. And I'm
25 going to turn the mic back over to Arthur Beck.

1 MR. ARTHUR BECK: Yeah, thank you, Tommy.
2 Okay, now, Tom explained that. I'm going to -- maybe,
3 for people that are not aware of the Taltson system right
4 now, I'll give you a little -- maybe -- I'll explain how
5 it is when you trap in the winter.

6 Just winter trapping alone, is very, very
7 dangerous on the Taltson River, but we learned to live
8 with it from the '60s. What happens in January --
9 December and January, when the water gets thicker and the
10 water temperature drops, there's a gap between the ice
11 and the water, and the muskrats and other little animals,
12 minks and whatnot, run under the ice along the shores.

13 But in December and January, when
14 everybody plugs in their cars and Christmas lights and
15 all that, they do need a little more power. So what they
16 do is they let the water out, but what happens to the
17 water? Because you have ice, you only have this much
18 space where there's air, and now when you let all that
19 water through 'cause you need more power, it brings the
20 water level up to the ice, and -- and it -- it seeps up
21 on the sides.

22 But meanwhile in the fall, before that,
23 the muskrats and the beavers when there was no ice built
24 their homes and their ground -- their little holes are
25 underground and they have breathing holes, and their

1 for forty (40) years there's no documentation, there's no
2 -- there's not -- there's no fish samples studies done or
3 nothing up till now, and we're starting the second phase
4 of this dam. The first phase affected our people
5 greatly, the Yellowknives up Rush River. It eliminated a
6 whole community.

7 Anyways, my -- my -- it -- it saddens me
8 to see what happened to our community walking --
9 especially when you walk down Gorane Street (phonetic),
10 right here. Those street people that you see are my
11 relatives from Rush River, you know. It's -- it's hard,
12 and especially for me because the people all know who I
13 am, they know I speak their language, they -- and they
14 know I speak from my heart. You don't -- that's why you
15 hardly ever see me walk to a mic in any other meetings
16 anywhere with a big piece of paper.

17 This is probably the first time you'll see
18 me with a piece of paper, and this piece of paper is just
19 the topics to -- to remind me of what to talk about, what
20 not to miss, because I don't need paper, I don't need
21 computer, it's all in my mind, my heart, and my soul. I
22 live that, I feel it: Taltson.

23 And the fish habitat, people are not
24 talking about the fish. We have -- I'm sorry, I'm just
25 talking too fast again. But we have a major fall

1 prepared to answer those questions you guys asked DFO
2 earlier and Environment Canada. You know, and I'm not
3 educated, but I'm educated on the land. I have no
4 university degree, I speak two (2) languages, my father's
5 German, that's why I'm Metis.

6 Actually, deep down inside the -- Chief
7 Snuff runs through my veins. His blood runs through my
8 veins, so I'm Aboriginal to this -- to this land. If
9 anything, I'm royalty to this land because my great
10 grandfather signed a treaty with -- with England and
11 Canada was supposed to be the go-between. All of a
12 sudden, Canada took over and stood on top and we are on
13 the bottom of the -- we're -- actually, we don't even
14 have a Band anymore.

15 In 1962 they shut our -- in the '60s they
16 shut our Band down because my grandfather, Pierre Frieze
17 (phonetic) would not sign and agree to that Taltson Dam
18 so they eliminated our community. They scattered our
19 people all over the Northwest Territories and all over
20 Canada.

21 But some of us never left. They
22 eliminated our town, but our family -- the Beck family --
23 which is that older family, they never left Taltson River
24 and I will never leave. And if I die, that's where I
25 want to die 'cause that's God's country. When God made

1 country he started in Taltson and we should look after
2 it.

3 And -- and talk about compensation.
4 Taltson, the new ex -- this old expansion has only paid
5 compensation out, that I know of, to one (1) group, a
6 couple of trappers in the Fort Smith area which are close
7 to Trudel -- Trudel Creek. But the rest of us that trap
8 on the Taltson, right down to Great Slave Lake, have not
9 been consulted, haven't even been talked to, haven't --
10 we're -- actually we're -- they're trying to eliminate
11 us. You know, like the Yellowknives are -- that's a
12 Yellowknife preserve that was made in 1921. It was --
13 the signing was in the 1900, but the preserve was in '21.

14 We have all kinds of maps going back to
15 1863 and everything, of the rightful owners of the
16 Tetsonotene (phonetic). At Taltson River, if you knew
17 the language -- if you all know computers, all of you --
18 not all you, but most of you -- you put Taltson River in
19 commuter -- in computer and ask for spellcheck, it can't
20 -- it can't. There's no word. I bet you there's not
21 many people know what Taltson River means because it's
22 not even -- it's not even pronounced right. What it is
23 trying to say -- they're trying to -- when the Peneton
24 (phonetic) and them guys came over, they were trying to
25 name the river because of the people that live there.

1 Tetsonotene is the people from the Taltson River area.

2 Same with the Yellowknife River they call
3 across the bay here. That is not Yellowknife River.

4 That is Dewoldesche (phonetic); that means Cony River.

5 You see that -- when the explorers came over and put
6 names on the map, didn't consult with the Aboriginal
7 people, so they got the names wrong.

8 The real Yellowknives are from Rush River
9 and they did use the Yellowknife River, right up to the
10 Copper Mine. The Akaitcho and Long Legs and all those
11 guys use the Copper Mine River. They went up the Copper
12 Mine through to the camps and when -- all that.

13 We got history all over here. We have
14 burial sites. Like I said, I could go on, but I better
15 cut it short. Thank you.

16 I -- also, I would love some questions.

17 THE CHAIRPERSON: Thank you Arthur Beck
18 and Tom Unka. Thank you very much for your presentation,
19 and it's always good to, you know, to hear, you know,
20 what you guys are really feeling from your heart, and
21 especially in the area that you guys are talking about
22 where this project's going to be taking place. So I want
23 to say mahsi cho to both of you for giving us a little
24 bit of history on that area too, as well.

25 I'm going to go to the order of questions.

1 But before I go there, I just want to again just remind
2 maybe -- you know, and I know that you guys have lots to
3 say as well, and maybe if you guys still have a chance,
4 you know, we still have a public registry, you know, and
5 if you want you could put more stuff on that public
6 registry, like letters. It's just to let you know. So
7 with that mahsi.

8 I want to go to the order of questions
9 now. DKFN gave a presentation so now I'm going to go to
10 the Carter Family. Is there any questions to the Fort
11 Resolution Metis Council?

12

13 QUESTION PERIOD:

14 MR. DEAN CARTER: I really appreciated
15 your comments, but no questions.

16 THE CHAIRPERSON: Thank you very much.
17 I'm going to go to INAC. Is there any questions for Fort
18 Resolution Metis Council on their presentation here
19 today?

20 MR. MARC LANGE: Marc Lange. No
21 questions.

22 THE CHAIRPERSON: Thank you. Transport
23 Canada, are there any questions for Deninu K'ue -- or
24 sorry, Fort Resolution Metis Council?

25 MR. DOUG SOLOWAY: Thank you, Mr.

1 Chairman. Doug Soloway, Transport Canada. Appreciate
2 the gentlemen sharing their feelings and appreciate the -
3 - the history provided, it's well -- well appreciated,
4 and as well demonstrated your knowledge of the area, but
5 we have no questions, sir.

6 THE CHAIRPERSON: Thank you very much.
7 I'm going to go to the Deze Energy Corporation.

8 Is there any questions you have regarding
9 the Fort Resolution Metis Council presentation?

10 MR. DAN GRABKE: Dan Grabke. No
11 questions, thank you.

12 THE CHAIRPERSON: Okay. Thank you very
13 much. I'm going to go to the Government of Northwest
14 Territories. Any questions for the Fort Resolution Metis
15 Council on their presentation?

16 MS. LORRETTA RANSOM: Lorretta Ransom, no
17 questions. Thank you.

18 THE CHAIRPERSON: Thank you. I'm going
19 to go to Lutsel K'e Dene First Nation. Is there any
20 questions to the Fort Resolution Metis Council on their
21 presentation?

22 MS. TRACEY WILLIAMS: Just one quick
23 question.

24 THE CHAIRPERSON: Proceed.

25 MS. TRACEY WILLIAMS: Tracey Williams,

1 Lutsel K'e Dene First Nation. During the presentation,
2 there was some mention of the current dam operating below
3 capacity at this moment. Is there any recommendations
4 that you would give, regarding the Proponent to not be
5 taking advantage essentially of that under-utilized
6 power, megawatts of power, just to ensure that the public
7 interest is actually protected in that.

8 THE CHAIRPERSON: Thank you, Tracey
9 Williams. I'm going to go to Fort Resolution Metis
10 Council, Arthur Beck.

11 MR. ARTHUR BECK: Thank you, Lutsel K'e.
12 I don't want to leave here right away. It might be the
13 last chance I get to talk about the country I -- I share
14 deeply with everybody.

15 Yes, there is -- maybe, okay. Now, if
16 this Taltson expansion goes through it could be a good
17 thing if it's done properly in the proper routes.
18 Because what will happen when you have more water, is
19 that they don't have to hold it and they don't have to
20 let it go at one shot.

21 See, when Pine Point was operating it
22 wasn't too bad because they -- they used a steady flow of
23 power, so that steady flow of water was coming. But once
24 Pine Point shut down, they hold the water back because
25 they don't need to generate it. And when they do need it

1 in December and gets cold, the ice is frozen like I said.

2 But with this new expansion dam, if we
3 connect and hookup to these mines, there's going to be
4 steady flow of power, then the water will be flowing
5 steady. That will hold -- if the muskrats and beaver
6 build their houses there, it'll be there. It wouldn't be
7 covered over by 9 feet of water. You know, I could --
8 that's one of the things.

9 But everything has to be done right, and
10 DFO I feel -- I do not feel that they're going to be
11 doing the monitoring properly. I don't -- I don't like
12 to hurt anybody's feelings but I have to be truthful. I
13 do not feel that they are going to be monitoring it
14 properly because up to forty (40) years, up until now,
15 they had nothing to offer, nothing to show. They're
16 putting everything on -- all the onus on Deze, but they
17 also should give Deze direction, if they're -- if they
18 want Deze to do everything.

19 But DFO should have been more prepared for
20 this, because this is great, you know, this is a great
21 thing. It's very big. It affects a lot of things, not
22 just animals. It also affects all the plants in the
23 bottom of the streams which we use for medicine.
24 Aboriginal people, we use plants for -- for medicine, and
25 a lot of it comes from the water. And we don't know if

1 this mercury is getting on our -- our traditional
2 medicine, we don't know that, because we keep asking for
3 water samples, and people are not -- they won't do the
4 water sample. And they're free samples.

5 You see, when you hold water back the
6 water rises, mercury -- it gets mercury from the plants;
7 it's natural. But that comes in our water. So we don't
8 know if our plant -- our medicine that we use is
9 contaminated. We don't know.

10 So, how -- I feel DFO should do a better
11 job, and more monitoring on the fish and plants and
12 animals. And talk to the traditional knowledge: people
13 that know. That way you don't spend a bunch of money
14 running around trying to learn things that we already
15 know for three hundred (300) years. Thank you.

16 THE CHAIRPERSON: Thank you, Arthur.
17 I'll go back to Tracey Williams. Did that answer your
18 question?

19 Thank you very much, Tracey Williams, of
20 Lutsel K'ue Dene First Nation.

21 I'm going to go to Parks Canada. Is there
22 any questions for Fort Resolution Metis Council on their
23 presentation?

24 MS. WENDY BOTKIN: Wendy -- Wendy Botkin.
25 No -- no questions, Mr. Chair.

1 THE CHAIRPERSON: Thank you very much.
2 I want to go to DFO. Is there any questions for Fort
3 Resolution Metis Council on their presentation?

4 MR. BRUCE HANNA: Bruce Hanna, DFO. No
5 questions, but we would appreciate your input when it
6 comes to compensation, if it goes to the regulatory
7 phase, for different habitat enhancement, fish habitat
8 compensation.

9 THE CHAIRPERSON: Thank you very much,
10 DFO. I'm going to go to Environment Canada, is there any
11 questions for Fort Resolution Metis Council?

12 MS. LISA PERRY: Lisa Perry. No
13 questions. Thank you.

14 THE CHAIRPERSON: Thank you very much.
15 I want to go DKFN. You got any questions for Fort
16 Resolution Metis Council on their presentation?

17 MS. CAROL COLLINS: I just -- this is
18 Carol from Deninu K'ue First Nation. I'd just like to
19 say, Arthur, you -- you and Tom did a good presentation,
20 and DKFN has no questions.

21 THE CHAIRPERSON: Thank you very much,
22 DKFN. I'm going to go to the public. Is there any
23 questions for Fort Resolution Metis Council on their
24 presentation?

25 Okay. Thank you. None. I'm going to go

1 to the Review Board expert. Is there any questions for
2 Fort Resolution Metis Council on their presentation?

3 MR. ALAN EHRLICH: Mr. Chair, there --
4 Alan Ehrlich -- there are no questions from expert staff
5 or counsel for the Review Board.

6 THE CHAIRPERSON: Thank you very much.
7 I'm going to go to the Board. To my far left, I'm going
8 to go to Board member John Ondrack; is there any
9 questions to Fort Resolution Metis Council on their
10 presentation?

11 MR. JOHN ONDRACK: Thank you for the
12 presentation, Arthur and Tom. And, no, I have no
13 questions. Thank you.

14 THE CHAIRPERSON: Thank you very much,
15 John Ondrack. I'm going to go Board member Fred Koe.
16 Questions to Fort Resolution Metis Council on their
17 presentation?

18 MR. FRED KOE: I just want to say, Marsi,
19 Arthur, Tom. No questions.

20 THE CHAIRPERSON: Thank you. I'm going
21 to go to Peter Bannon, questions to Fort Resolution Metis
22 Council on their presentation?

23 THE CHAIRPERSON: Thank you, Peter
24 Bannon, Board member. Board member Darryl Bohnet?

25 MR. DARRYL BOHNET: Thank you, Mr. Chair.

1 Arthur and Tom, a tremendous presentation. Thank you
2 very much. You've convinced me that you are -- doctorate
3 level knowledge of the Taltson River, but I don't not
4 have any questions. Thank you.

5 THE CHAIRPERSON: Thank you very much,
6 Darryl Bohnet.

7 I'm going to go to Danny Bayha, Board
8 member. Questions for Fort Resolution Metis Council?

9 MR. DANNY BAYHA: Thank you, Mr. Chair.
10 And I thank you both for the presentation. Thank you
11 then.

12 THE CHAIRPERSON: Thank you Board member
13 Danny Bayha.

14 Board member Percy Hardisty, questions to
15 Fort Resolution Metis Council?

16 MR. PERCY HARDISTY: Marsi, Mr. Chair. I
17 do not have any questions.

18 THE CHAIRPERSON: Thank you, Board
19 member Percy Hardisty.

20 I'm going to go to Board member Jerry
21 Loomis.

22 MR. JERRY LOOMIS: I have no questions.
23 But, I thoroughly enjoyed the history lesson, Tom and
24 Arthur. Thank you.

25 THE CHAIRPERSON: Thank you, Board

1 member Jerry Loomis. And I just -- that concludes the
2 presentation from the Fort Resolution Metis Council, and
3 I want to say, Mashi Cho.

4 Arthur, you want to add a comment?

5 MR. ARTHUR BECK: Yeah. I'd just like to
6 thank everybody for listening to me. And like, I'm
7 speaking from my heart and experience, like I said. You
8 know, like sorry I'm going to have to switch to my
9 language to thank my ancestors for giving me the strength
10 and knowledge and power to speak up here.

11

12 (TRANSLATION COMMENCED)

13

14 MR. ARTHUR BECK: Thank you my
15 grandfather. Without you I wouldn't have had the words
16 to say today, but I said a lot and I thank you for it.
17 Marsi cho.

18

19 (TRANSLATION CONCLUDED)

20

21 THE CHAIRPERSON: We're going to take a
22 five (5) minute break. And up next we have the Carter
23 Family, so if you get a chance, just come up and set up
24 the table. Thank you.

25

1 --- Upon recessing at 3:07 p.m.

2 --- Upon resuming at 3:18 p.m

3

4 THE CHAIRPERSON: Okay, if I could get
5 everybody to come back to their seats again. And up next
6 is the Carter family to do their presentation. And I'm
7 just going to step out for a second here, so I'm going to
8 turn the mic over to Darryl if anything comes up, but
9 I'll turn it over to the Carter family.

10

11 PRESENTATION BY THE CARTER FAMILY:

12 MR. DEAN CARTER: Thank you, friends, Mr.
13 Chairman. I have to say this is the first gathering of
14 this kind I have ever been at. I'm from Hay River. I
15 live in Vancouver right now. I am appalled at what I
16 have seen these past two (2) days. I am pinching myself
17 to see if I'm dreaming or if I'm awake.

18 I'd like to introduce my wonderful family.
19 And before I do that, I would like to give my condolences
20 to the family of Morris Lockhart in Lutsel K'e. Morris
21 was 99 years old when he died. And this summer, at the
22 gathering, the East Arm of Great Slave Lake, I had the --
23 I had the privilege of flying Lutsel K'e residents out to
24 their yearly gathering, and every time I talk -- saw
25 Morris, he kept saying, I'm 99, I'm 99. He told me that

1 about six (6) times.

2 And I was thinking, you know, when a
3 person is 6 years old they like to tell you how old they
4 are. But then, when they get a little bit older, 40, or
5 50, or 60, they don't like that. But then, once they get
6 about 80 or -- 80 or 85, they start bragging about it
7 again. Well, he was doing that. So I enjoyed the time
8 with him.

9 This is my dear mother, Jean Carter, my
10 lovely wife of thirty (30) years, Lorraine, and my sister
11 with the sweetest name on earth, Candy. Our brother,
12 Miles, is listening in via telephone hookup.

13 You may have wondered how did the Carter
14 family ever end up at Nonacho Lake. My father -- well,
15 my grandfather came to Hay River from northern
16 Saskatchewan with Cree fishermen; one (1) was Edwin
17 Morin, the other was Joe No (phonetic) and some others.
18 They wanted to start a commercial fishery on Great Slave
19 Lake.

20 The descendants of Edwin Morin and Joe No
21 are still living in Hay River. My father came up -- that
22 was in the winter of 1948. Two (2) years later my father
23 came to Hay River when he was 16 in 1950. They started
24 flying to different lakes, they were in fishery, my dad
25 got his pilot's licence. They thought, well, he can fly

1 the fish back to -- to market. They were going for
2 Whitefish.

3 Then he started test fishing some of the
4 lakes, east end of Great Slave Lake. One (1) of the
5 lakes was Nonacho Lake. They ended up bringing a
6 bombardier in from Uranium City. They were there for a
7 while and it was too far to transfer to -- to the market
8 and so, eventually, what happened was my father became a
9 pioneer bush pilot and a tourism pioneer in the Canadian
10 North and Arctic. He saw the potential for people to
11 come into this country. He saw it as, really, the last
12 frontier and to enjoy sports fishing on a scale that
13 existed nowhere else on Earth.

14 In 1962 some fishermen, sports fishermen,
15 drove up from the United States, Kansas City, came into
16 the Carter Fisheries Yard at the West Channel in Hay
17 River and they asked about fishing. We're looking for
18 Lake Trout. My father wondered, Why would you ever want
19 to fish for Lake Trout? Those things wreck nets. But if
20 you're looking for Lake Trout, I know a lake where you'll
21 catch lots of Lake Trout. Come with me out here to this
22 lake. Four (4) of them, in a tent. He says, I know a
23 guy will build a boat. They came back, We'll be back
24 next year with eight (8). And that's when it -- that's
25 how is started, 1962.

1 So -- and that has evolved over the years.
2 They ended up going to the Tree River for Arctic Char,
3 Coppermine River, Mackay Lake, Point Lake, the mouth of
4 the Mackenzie River. They -- we've got a brochure here;
5 it's the only one (1) I know of in existence, and it's
6 quite touching. Snow Drift is on there. We call it
7 Lutsel K'e, of course, now but it was how he started
8 really in the tourism business. In 1964 they went down
9 to Kansas City, my beautiful mother and my father, and
10 they started promoting the Northwest Territories as a
11 unique place on Earth to fish. So that basically is how
12 it started. And what happened was they would go to
13 different lakes between Great Slave and the Arctic and
14 the one (1) lake that he thought was the most beautiful
15 was Nonacho Lake.

16 My father has landed a floatplane on the
17 Taltson River more than any pilot who has ever lived.
18 And I believe that as a living person, I have landed more
19 as a pilot than any other person who has ever lived.

20 In 2009 my mother and my father,
21 posthumously, were inducted into the Canadian Tourism
22 Hall of Fame. To my knowledge, they are the only
23 residents -- or only couple that have ever been inducted
24 into the Canadian Tourist Hall of Fame as a couple. And
25 they just happen to be from the Northwest Territories for

1 the past fifty (50) plus years. My mother came up in
2 1956. To my knowledge my mother is the only female from
3 the Northwest Territories who has ever been inducted.

4 I -- just basically some results is -- at
5 our camp in Nonacho Lake, eventually we've consolidated
6 the ones on Mackay Lake and Point Lake. I was at Mackay
7 Lake when I was 7 years old in 1964 and my father --
8 that's -- that was a time in life I learned what the word
9 "drink" meant. He said, Be careful you don't fall in the
10 drink. I never heard that before. I learned that day
11 what he meant. "Drink." What does that mean?

12 But anyway, it was consolidated and it was
13 at Nonacho Lake -- that was, in his mind, the most
14 beautiful lake that he'd ever seen and he'd seen most of
15 the rivers in the Northwest Territories.

16 I have landed I would say on probably the
17 majority of rivers in the North and in Nunavut, right
18 from the border of the Yukon, Moose Ponds and the Nahanni
19 River right to Rankin Inlet, from the border of
20 Saskatchewan and Alberta to the Arctic Coast. I
21 challenge a person here to tell me a river I haven't
22 landed on. Speaking of the Taltson River, I have landed
23 a Twin Otter on the Snuff Channel, if you can believe
24 that. You can talk to Wildred Simon in Fort Res,
25 Ballslie's (phonetic) Cabin, Rat River, so forth all the

1 way to the end.

2 Now, let me tell you a few concerns that
3 we have and, basically, we have some significant concerns
4 and we are committed to seeing that they are addressed.
5 As a family, we are united in our stand against this
6 project as it is.

7 I'd like to talk about this anomaly.
8 Right there. We call it the Tronka Chua Gap. Allow me
9 to explain how that came into existence. In 1969 when I
10 was 12 years old I flew as a co-pilot with a World War II
11 DC3 pilot who was a contract captain with our family that
12 year. His name is Cedric Mah (phonetic). A Chinese
13 Canadian from Prince Rupert. He flew over the Himalayan
14 Mountains in World War II flying DC3. I had -- we were
15 coming in from O'Connor Lake and we flew right over this
16 expression that we call the Tronka Chua Gap. And I
17 looked down and it was remarkable to explain but there
18 was no connectivity whatsoever between the Nonacho Lake
19 and Tronka Chua. None. And yet they were just a few
20 metres apart. You'd think there would be like a dribble.
21 There was nothing. Since then hundreds of times I flew
22 over that and every time I'd look and I couldn't believe
23 it.

24 Then one day in the early 1970's I
25 remember my dad telling us, you know what, Nonacho Lake,

1 the water has come up so high from the dam, it's
2 overflowing into Tronka Chua. So you may wonder, well,
3 what's so bad out that? So you got a little bit of an
4 outflow.

5 There was a rather interesting thing you
6 will never notice if you look at lakes anywhere in the
7 world. They have many rivers coming in but there is only
8 one (1) river ever going out. It's common in lakes
9 throughout the earth. I would ask somebody here to name
10 me a lake that they know of where they're got more than
11 one (1) river exiting.

12 As the water continued to increase in
13 Nonacho, what happened was the volume built up and there
14 was a granite shelf that become apparent. And you look
15 at that granite shelf and then you start examining the --
16 the low laying muskeg that was there and we didn't know
17 it at the time, it was -- it was an innocent mistake on
18 the part of the -- the people that had planned the -- the
19 dam in the first place. But we averted a environmental
20 disaster because there was low laying muskeg and we
21 didn't know there was a granite shelf underneath it.
22 Just a few metres apart. Had that just been simple low
23 lying muskeg and no granite close underneath, Nonacho
24 could have potentially shifted course and the Taltson
25 River would have gone down -- gone down Tronka Chua Lake.

1 So we've got a problem. We've got the
2 only lake I know of that has two (2) rivers going out
3 contrary to the forces of nature, compliments of the
4 Northwest Territories Hydro Corporation.

5 Do you hear what these people are saying?
6 Because if you don't get it, I do. They have lived on
7 this land since, as they say, time in memorial. And yet
8 people come to them and say, listen, we are educated, we
9 have gone to university, we have studied these things.
10 Allow us to put a dam in here. It will be good for the
11 economy. We're going to build a communi -- community
12 called Pine Point and there is so much ore there, it's
13 going to last for a hundred to two (200) years. You will
14 never have to worry about it. Jobs for your family.
15 Jobs for your kids. Jobs for your grand kids. Great.
16 Wow. Everybody bought into it. Stocks went up. People
17 were -- listen. You couldn't go wrong. Stock market
18 frengy -- frenzy. Every night I remember Pine Point
19 mines, eighty-six dollars (\$86) on the stock market, a
20 hundred years of reservoir -- or supply. Well, I think
21 now we know what happened to Pine Point.

22 I mean, some of you here are from Fort
23 Resolution. Some likely may have lived in Pine Point.
24 My father was like any of us. The ticker started going.
25 It was an opportunity, and he had a nice little fishing

1 camp going on Nonacho Lake, and there was going to be a
2 dam built.

3 Little did he realize this golden
4 opportunity for him and other businessmen was a double-
5 edged sword that would one day bite him big time in the
6 heal. And that is what happened there.

7 Now, with regards to the Tronka Chua Gap,
8 people have said, well, okay, so you've got a little bit
9 of water going into -- into Tronka Chua Lake. What's the
10 big deal? I mean, it's just not that big.

11 Shoddy workmanship. The Dene people from
12 Lutsel K'e lived on that land, and they never opened up
13 any second waterways out of a lake, but these educated
14 white people come in, let us show you how to do it. And
15 they're looking at that and they're thinking, wow, things
16 just didn't work out quite the way we told him it would
17 work. So we've got a problem. We've got the only lake
18 that I know of that's got two (2) rivers flowing out of
19 it.

20 Somebody has got to be held accountable
21 for that. That is an environmental shame. And by a
22 fluke, we have avoided an environmental disaster. The
23 next time any of us ever go and visit the Tronka Chua
24 Gap, we better say a little thank you to the granite
25 shelf that's there, because if that wasn't there, let me

1 tell you, we would have big time problems. Well meaning
2 imperfect human wisdom. The forces of nature in every
3 natural lake on earth virtually have one (1) outlet. So,
4 we know best. We have done all the studies. Let us do
5 it.

6 Now, what are we going to do about that?
7 We have a situation here that's existed thirty-five (35)
8 years. Shouldn't it be fixed? Who's going to fix it?
9 Who created the problem? Was it the people that lived on
10 the land or was it the people that said, watch how we do
11 this, we're educated?

12 Someone needs to be held accountable to
13 this, my friends. So I watched Alfred yesterday, and I
14 never slept all night last night. I never slept five (5)
15 minutes. We've got a man here that's heartbroken. He's
16 going to die of a broken heart. What are we going to do
17 about it?

18 It's -- I tell you it's pretty gut -- gut-
19 wrenching when you've been away for a long time and you
20 come back home. I would like to invite you dear people
21 here on the Environmental Board, the Assessment Review
22 Board, do us a favour, come to Nonacho Lake and let our
23 family and the people of Lutsel K'e show you the
24 devastation that has been done to one (1) of the most
25 beautiful lakes on earth. It is unconscionable.

1 Now, I could go on with statistics like
2 this for hours and I can assure you a lot people would be
3 in tears. I got to just tell a little joke because, you
4 know, this is a -- I'm -- there's a reason for this.
5 Charlie, stand up. Charlie. This is Charlie Catholique
6 from Lutsel K'e. I -- I'm going to come in on -- on this
7 with the winter road. This is why I'm telling.

8 In 1981 my dad asked me to take the single
9 Otto on skis, check on our camp out -- out in Nonacho
10 Lake. It was in the wintertime. And to paraphrase
11 Forrest Gump, you know, it would just happen to be a day
12 where I felt like flying and I just fell -- I flew, I got
13 to Fort Resolution, and I just felt like flying. I kept
14 flying. I flew right past Rush River. I felt like
15 flying, I flew right -- I went -- well, I went right past
16 Nonacho Lake. I never stopped till I got to Thelon.

17 And when I was coming back, I stopped on
18 Gray Lake. I heard a noise in the bush. I couldn't
19 believe it. Like there's no winter roads. And through
20 the bush came an Elan Ski-Do. I'm -- I'm saying, how did
21 he ever get -- who's this? He comes up, hi, I'm Dean.
22 Oh, I'm Charlie. Where are you from? I'm -- you know.
23 And so we go back and forth, and, oh, nice to meet you
24 and so what are you doing out here, and we went back and
25 forth. Hunting Caribou.

1 I says, Charlie -- he says, I got -- I
2 hear, you know, I -- I don't have much, but we got any --
3 you got any sand -- yeah, I got some sandwiches, he said.
4 He said, you got any shells? I said, I thought only
5 white man was crooked shot. So we laughed about that,
6 and I always thought ever after that about Charlie, you
7 know, kind of teased him a little bit and I thought,
8 that's crooked shot. But I thought that's not very nice
9 for the last few -- so the last few years whenever I'd
10 think of Charlie I called him sure shot, so.

11 But there's a -- there's a reason I'm
12 telling you this about how a person can go where these
13 people go through forest that is -- I mean, it's quite
14 amazing. Thank you, Charlie. Have a chair.

15 When I was 14 I would take some of our
16 tourist guests -- this is not a very good map, but --
17 huh? Yeah, but I can't. It's too far, I think. But
18 anyway, if you come and see us some -- sometime out
19 there, we would go from Nonacho up to Gray Lake, and we
20 would get into the -- we would get into the Taltson River
21 where there was a current. It would take us -- we just
22 had five (5) horse kickers in those days. You -- you'd
23 have to spend a night out just to get up there, so we'd
24 go once a year. I would just want to prove to people
25 that there was Grayling in the Taltson River. And you'd

1 put the little spinners on. Sometimes you'd catch a
2 Whitefish, sometimes you'd catch a Grayling.

3 The last Grayling I ever caught was
4 thirty-five (35) years ago. The habitat of one (1) of
5 the most beautiful fish in the North, in the world, was
6 destroyed by our friends, the people that put the dam in.
7 Let us show you.

8 Now, there is a Fisheries Act in this
9 country. It says something to the effect, the habitat of
10 fish must not be destroyed, unless it is replaced or
11 something thereabouts. Well, the habitat of the Arctic
12 Grayling in the Taltson River was destroyed. It was --
13 it has never been replaced. And I'm thinking, you know,
14 if any of us as individuals ever did such a thing we
15 would be hauled on the carpet. But somehow large
16 corporations with virtually endless resources can work
17 their way through these things. Not fair. Two standards.

18 I may be the last person that has ever
19 seen an Arctic Grayling on the Taltson River. When they
20 flooded that river, they also flooded ancestral grounds
21 of people that had lived there for thousands of years.
22 We have lost potentially an entire encyclopaedia of
23 people.

24 In 1975 an archeologist by the name Bryan
25 Gordon came and stayed at our camp. And it was

1 incredible to watch this man. He'd come back, he'd go
2 out for a day and come back. He says, Dean, I found
3 these artifacts. He says, Look at these arrowheads? I
4 said, Arrowhead, how can you tell. He said, No, no,
5 look. He says, It was amazing. We're talking about
6 people who were people of the earth, people of the land,
7 they had no nets, they had no rifles, they had no
8 shotguns, they had no knives, they had no axes, and they
9 managed to live through that. People kind of brush it
10 off and say, yeah, well, that's the people that were
11 there. It's the Indian people. I look at that and I
12 say, they were geniuses. You know, people today say,
13 well, I can live on the land. Oh yeah, I know, you can
14 give me a net, give an axe. They didn't have anything.
15 They were using rocks. I'll tell you, it's -- it's gut
16 wrenching.

17 So, it's -- you know, like I'm saying, I
18 don't want to -- you know, there's a lot to say here.
19 But, if these people could talk about what's happening
20 today, the ancestors -- you know, George Marlowe was up
21 yesterday, and I've never heard the word compensation so
22 much in my entire life. I thought, George is a very kind
23 man. If their ancestors were here they'd say,
24 Compensation, we want a pound of flesh.

25 So, they watch big companies go. Pine

1 Point was going to make us all do well. But, with the
2 Pine Point mine came the dam. And of course, my dad
3 loved Pine Point. Oh wow, could invest in a stock. Up
4 came the -- the dam, and the next thing you know our
5 cabins were flooding.

6 Let's take a look what we got here, if I
7 can work this PowerPoint. I'm not very good at these.
8 There's just a little bit of -- do you see that silver
9 building there? The water came up -- it came up two (2)
10 feet. I learned from that; that people that control the
11 water control the land.

12 And I used to think, you know, if the
13 individuals that issued the original licence had seen --
14 could have foreknown what had happened, I wonder what
15 they would have said. Would have they cared? But, it
16 taught me a lesson. It taught me that it's always easier
17 to ask for forgiveness than it is to ask for permission.
18 It's a big thing to get permission, but when you get the
19 certificate, the licence, it's always easy to say, Oh
20 sorry.

21 That's my dad there. That's the Nonacho
22 Dam on top of it. That used to be the beautiful sand
23 beach. There's a moose there with all the dead trees. I
24 want to come back to this in a moment, Muskox. There's
25 muskox, my friends, at Nonacho Lake. That's why I was a

1 little bit persistent when I was asking the
2 environmentalists or the one group about, tell me what
3 kind of species. I'm thinking do they even know?

4 Anyway, I want to talk for a couple
5 minutes about mercury, toxicology. People say, well, how
6 does mercury get in water? Mercury occurs naturally in
7 lakes. But when water comes up, it stirs it up, it goes
8 down, you have a -- a rise and an ebb. Up, down, up,
9 down, it stirs it up. It increases or exacerbates the
10 amount of toxins in the water.

11 Now, I've got to tell you that my family
12 and I have been drinking that water for a long time. And
13 when I was listening today that there has -- there has
14 potentially never been a toxicology report or study done
15 on a lake that has a dam on it, I was thinking the
16 residents of Lutsel K'e and the Carter family could
17 potentially have mercury levels off the chart.

18 I appeal to you. I appeal to your
19 conscience. You have a recommendation to make to a
20 Minister that -- whose decision could potentially affect
21 the lives of our children. Not my children because my
22 wife and I have never had a family. I say "our children"
23 because I'm representing. But really it's your children
24 and it's your grandchildren. And, you know, you think
25 about it and I'm -- I'm listening to all these government

1 paid well meaning people and you listen and I think, what
2 are they really saying? We've never done toxicology
3 reports.

4 You know, we have a community
5 responsibility to protect one another. It is a -- it's a
6 law. So that's why people get emotional sometimes. They
7 come to these forums, they listen often times to a bunch
8 of babble. So I can tell you one thing, maybe you don't
9 get it but I get it.

10 Yeah, I know, time's up, right? Well, I
11 could go on. Winter road. A winter road must not go in
12 to Nonacho Lake. If Charlie Catholique can get to Gray
13 Lake, I can get on a Ski-Do and drive to Nonacho Lake
14 from Fort Smith on a winter road. Who needs a pickup
15 truck. You know, you got a gate. I'm not taking a
16 pickup truck on a -- on a winter road to Nonacho Lake.
17 You get on a Ski-Doo, who's going to stop you?

18 Now I've just told you there's not only
19 caribou but muskox at Nonacho Lake, yeah, you know, if I
20 wanted to go hunting ...

21 So anyway there, you know, there's
22 concerns that you just have to consider the ramifications
23 of the caribou and also our family. We have promoted
24 fly-in fishing for forty (40) years. We go to sport
25 shows, to the trade shows. The first people thing people

1 ask you, what's different from your -- your -- your lake
2 than any other lake? There's no road to it. Really? In
3 fact, there's no road within a hundred and fifty miles of
4 where we live. There is -- there's no people that live
5 on this lake, it's 80 miles long. No. You won't see
6 other boats when you fish. You won't see construction
7 projects. You won't see other fishing camps. It is --
8 you are going to a jewel of this planet.

9 So how do we market a camp now it's like
10 fifty thousand (50,000) others? How do we market a camp
11 where these people ask you, So, what -- what am I going
12 to see? Are you going to have a fifty (50) man camp
13 here? Are you going to have a fifty (50) man camp there?
14 You told me it was untouched wilderness. Story goes on
15 and on and on.

16 I -- I've been away for quite a while from
17 the North, and you come back and you see what's going on
18 and you think the impact of a culture. I have witnessed
19 a culture that is on the brink of devastation within one
20 (1) generation. Not a good thing.

21 Species at risk. Okay, friends from
22 Lutsel K'e, have a look at that. This is not the
23 Snowdrift Valley. That's Nonacho Lake.

24 There's a point I forgot to make here
25 about the -- I want to come back to the Tronka Chua Gap

1 for a minute. Deze Corporation is saying, We would like
2 to keep the waters at close to historically high levels.
3 I encourage you to take a helicopter or take a floatplane
4 and have a good look at the -- the landscape of that
5 land. It's not a mountainous land. It's relatively
6 flat.

7 If they go above where they've gone, there
8 is a possibility that there could be a watershed out
9 Sparrow Bay into the Snowdrift River. Now, if that were
10 to ever happen, you not only have two (2) rivers exiting
11 a lake, you'd have three (3). I paid engineers.

12 So Pine Point has come and gone. My dad
13 invested, everybody else loved it, and now the dam that
14 was built to provide for Pine Point is killing a lake
15 that is one (1) of the most beautiful I've ever seen.
16 I've -- I've landed on lakes across this country, and
17 this is the best.

18 My dad asked that if anything should ever
19 happen to him, he be buried in Nonacho Lake. I said,
20 Dad, you live in Hay River. This is your home - Hay
21 River. Put me on Nonacho Lake. So we've got his ashes;
22 we're waiting. Four (4) years and seven (7) months ago
23 today he was killed there by a bear, killed and eaten.
24 That same black bear almost killed her and my brother the
25 next day. It is a miracle, practically, that she's

1 alive. So nothing in life comes without a price. You
2 know, you think of what he did - paid for it. Let your -
3 - let your guard down once; nothing in life comes without
4 a price.

5 You take a look at the employment benefits
6 here in the North; there's a price to pay for that. Now,
7 if we hold back, well, there may be a price to pay, too.
8 No big jobs. No big fancy trucks.

9 I have to say I was very touched by the
10 presentation of Lutsel K'e yesterday, especially the
11 children or the youth. They said something that was
12 quite profound, wasn't it? They said, Hold on a second
13 here. We have something that is more valuable to us than
14 money. We have a spirituality that surpasses the value
15 of money, so that's pretty good. A physical person has a
16 difficult time understanding that, but for those that are
17 spiritual, they understand. So kudos to Lutsel K'e.

18 But we've got some serious problems here.
19 And if you make your recommendation, I -- may I just say
20 that you better think about the studies that have never
21 been done. We don't know whether there's mercury in
22 those fish. We don't know -- I mean, I could be off the
23 chart. Who's responsible for that? I wouldn't use the
24 term "compensation" ever again. This is beyond
25 compensation.

1 So, dear friends, you've got something
2 that -- there's nowhere else in the world, I'm telling
3 you. I have -- I have been every corner of the Mackenzie
4 River, from Raven Island to Fort Providence, to Fort
5 Simpson, to Wrigley, right on up to Tuk, every single
6 corner. I have been in every single corner of the
7 Nahanni River, of the Liard River, of the Hanbury, of the
8 Back, of the Taltson, of the Buffalo, of the Little
9 Buffalo. It doesn't get any better than this.

10 You know, we've lived -- my wife and I
11 have lived across Canada. We do volunteer work with our
12 -- with our church, or have -- have been, and there is
13 something very interesting, you'll notice, from -- right
14 from Labrador to Alaska. This country is dammed up. I
15 have seen the Churchill Falls power dam. I'll tell you
16 what, you feel pretty little when you're standing there.

17 There is really no perfect source of
18 energy, fossil fuels. People that are promoting nuclear
19 tell the world why it's the best. People that are doing
20 dams tell us why that's the best.

21 THE CHAIRPERSON: Sorry, Dean. I just
22 want to just remind you --

23 MR. DEAN CARTER: Yeah.

24 THE CHAIRPERSON: -- that a matter of
25 time --

1 MR. DEAN CARTER: Okay.

2 THE CHAIRPERSON: -- we still have two
3 (2) more presenters, so if we --

4 MR. DEAN CARTER: So --

5 THE CHAIRPERSON: -- could wrap it up.

6 MR. DEAN CARTER: -- I say to you,
7 Houston, we have a problem, and it wasn't caused by these
8 people. We got to just step back and say, What's the big
9 rush. When you talk about the Tronka Chua Gap and lakes,
10 has there ever been a geologic study? I mean, lakes and
11 the flow of water is a very so -- sophisticated complex
12 thing. You just don't get up and start saying, oh, yeah,
13 you know, and it's going to happen here, and this.

14 The ramifications are just too great, so
15 please think about these things. Come out. We don't
16 have to make a decision right now. There -- there should
17 be some studies done. Our -- our environment is too
18 valuable. Don't -- don't make a hasty decision on it.

19 Thank you. Marsi cho for your time.

20

21 QUESTION PERIOD:

22 THE CHAIRPERSON: Thank you. Thank you
23 very much for that presentation, Dean, on behalf of the
24 Carter family. Again, I just want to say that, you know,
25 your presentation was well put together and, you know,

1 thank you for those comments and mahsi for that.

2 I just got a speaking order here. I want
3 to go to it. And we still have two (2) people left to do
4 a presentation. Then we got party closing remarks.

5 So, with that, I want to go to INAC. Is
6 there any questions to the Carter family on their
7 presentation?

8 MR. MARC LANGE: Marc Lange. No
9 questions.

10 THE CHAIRPERSON: Thank you. Transport
11 Canada, is there any questions to the Carter family on
12 their presentation?

13 MR. DOUG SOLOWAY: Thank you, Mr.
14 Chairman. Doug Soloway. No questions.

15 THE CHAIRPERSON: Thank you. I want to
16 go to Deze Energy Corporation. Is there any questions to
17 the Carter family on their presentation?

18 MR. DAN GRABKE: Dan Grabke. Thank you.
19 No questions.

20 THE CHAIRPERSON: Thank you. To the
21 Government of the Northwest Territories, is there any
22 question to the Carter family on their presentation?

23 MS. KRIS JOHNSON: Kris Johnson, GNWT.
24 No questions. Thank you.

25 THE CHAIRPERSON: Thank you. Lutsel

1 K'ue Dene First Nation, is there any questions to the
2 Carter family on their presentation?

3 MS. TRACEY WILLIAMS: Tracey Williams,
4 Lutsel K'e Dene First Nation. It'll be quick.

5 Thank you, Carter family for your
6 presentation. I just wanted to make note that your
7 mention of Grayling as a key indicator species inhabited
8 thereof for NWT -- NWT baseline water quality is duly
9 noted. And we -- we took note of -- of that comment.
10 Thank you.

11 THE CHAIRPERSON: Thank you. I'm going
12 to go continue on. And it was a comment, so there was no
13 question there.

14 So, I'm going to go on to Parks Canada, is
15 there any questions for the Carter family?

16 MS. WENDY BOTKIN: Wendy Botkin. No --
17 no questions.

18 THE CHAIRPERSON: Thank you. DFO, is
19 there any questions to the Carter family on their
20 presentation?

21 MR. BRUCE HANNA: Bruce Hanna. No
22 questions. Thanks very much for an interesting
23 presentation though.

24 THE CHAIRPERSON: Thank you. To
25 Environment Canada, is there any comments to the Carter

1 family on their presentation?

2 MS. LISA PERRY: Lisa Perry. No com --
3 no questions.

4 THE CHAIRPERSON: Deninu K'ue First
5 Nation, I believe they all left. So they mentioned to me
6 they were going to be leaving, so none there.

7 So, I'm going to go to the public. Is
8 there any questions from the public to the Carter family
9 on their presentation? Okay, none.

10 I'm going to go to the Review Board
11 experts. Is there any comments to the Carter family on
12 their presentation?

13 MR. JOHN DONIHEE: It's John Donihee,
14 Board counsel. Mr. Chairman there are no questions from
15 the experts, staff, or counsel.

16 THE CHAIRPERSON: Thank you. To my far
17 left, I'm going to go to Board member John Ondrack. Any
18 questions to the Carter family on their presentation?

19 MR. JOHN ONDRACK: John Ondrack. Thank
20 you. I have no questions.

21 THE CHAIRPERSON: Thank you, Board
22 Member John Ondrack.

23 I'm going to go to Fred Koe, Board Member,
24 questions to the Carter family?

25 MR. FRED KOE: Fred Koe, Board Member.

1 No questions.

2 THE CHAIRPERSON: Thank you. I'm going
3 to go Board Member Peter Bannon. Any questions to the
4 Carter family on their presentation?

5 MR. PETER BANNON: Thank you. No
6 questions.

7 THE CHAIRPERSON: Thank you. Darryl
8 Bohnet, Board Member, questions to the Carter family on
9 their presentation?

10 MR. DARRYL BOHNET: Thank you very much,
11 Mr. Chair. I really don't have any questions, but I do
12 have some comments.

13 As a young water survey guy out of Fort
14 Smith many, many years ago I -- I travelled to Nonacho
15 Lake many times. And I have to agree with you, it's one
16 of the most beautiful lakes around. We used to -- when
17 we went to the gauging station, what I recall it was
18 under the second -- the island under the second end in
19 Nonacho Lake, it was such a big lake.

20 I also assisted in building that cabin
21 there. And sadly, two days ago Danny McDonald, who was
22 the -- the fellow that built it passed away because of
23 cancer, so I thought I'd mention that.

24 You did pose a question about two (2) --
25 two (2) outlets in the lake. And there is one (1),

1 Wollaston Lake. It has an eastern outlet, and a western
2 outlet because it's hydral (phonetic) land and one side of
3 it goes into the Hudson Bay drainage system, and the
4 other into the Mackenzie.

5 But anyway, I -- I very much appreciated
6 your presentation, and I agree with you that it's a
7 beautiful lake.

8 MR. DEAN CARTER: Thank you. Would
9 somebody please ask me if we were ever consulted.

10 THE CHAIRPERSON: Okay. Thank you,
11 Darryl Bohnet for your comment. And thank you, Dean
12 Carter for your comment as well.

13 I'm going to go to Board Member Danny
14 Bayha. Board member do you have questions to the Carter
15 family on their presentation?

16 MR. DANNY BAYHA: Thank you for your
17 presentation. I guess I can ask the question: Were you
18 ever consulted on this project? Thank you.

19 THE CHAIRPERSON: Thank you, Board
20 Member Danny Bayha. I'm going to go to Dean Carter from
21 the Carter family.

22 MR. DEAN CARTER: Thank you. The one
23 family that has lived on this lake for the past forty-
24 five (45) years, we spent years on Nonacho Lake, the lake
25 that has been impacted and it is a statistical fluke that

1 we -- we are even here. Somebody is -- and I don't know
2 who, and I'm not going to pry, but somebody is guilty of
3 a serious administrative breach, administrative
4 negligence.

5 Now, I'm sure somebody here knows who it
6 is and I would suggest you talk to them and it's almost
7 like someone has taken advantage of the good nature of
8 the Carter family since our father died. Well, they're
9 not going to -- you know, they won't say anything,
10 they're easy going, whatever. And if that is not the
11 case, if that is not the case, if we were not
12 circumvented then may I suggest somebody has a lot to
13 answer for.

14 I -- I -- this is, you know, I mean, we've
15 got lawyers that are scratching their heads thinking,
16 what kind of a judicial process is going on here in the
17 Northwest Territories. I mean, in a country that says
18 it's a fair and legal society. I don't subscribe, Mr.
19 Chairman, to the suggestion or the theory that, well, it
20 was in the paper and it was in the news. If that
21 building over there was on fire, would you say, well,
22 we'll wait until it's in the news or on the radio. Let
23 me tell you our house is on fire.

24 Now, I have not had the opportunity to
25 read thousands of pages because we were called in a month

1 ago and we were trying to get ready through a holiday
2 season. This has put us at a great disadvantage. You
3 know, when you think about what is done here, I'll tell
4 you it's got me scratching my head. It really has.

5 THE CHAIRPERSON: Thank you, Dean Carter,
6 for your response to Danny Bayha's question.

7 Danny Bayha, Board Member, any further
8 questions?

9 MR. DANNY BAYHA: No, thank you.

10 THE CHAIRPERSON: Thank you, Board Member
11 Danny Bayha.

12 I want to go to Board Member, Percy
13 Hardisty. Questions to the Carter Family on their
14 presentation?

15 MR. PERCY HARDISTY: Marsi, Mr. Chair. I
16 don't have any questions.

17 THE CHAIRPERSON: Thank you very much. I
18 want to go to Board Member Jerry Loomis. Questions to
19 the Carter Family on their presentation?

20 MR. JERRY LOOMIS: I have no questions.

21 THE CHAIRPERSON: Thank you. I want to
22 say to the Carter Family, thank you very much for your
23 presentation and your comments as well.

24 Again, I know that I mentioned to you
25 yesterday that there's still like not enough time to

1 really address a lot of your, you know, your issues and
2 questions you have. And especially when we have only two
3 (2) days to sort of sit here and then go through this.

4 Again, I'm going to encourage you to, you
5 know, put your issues and concerns in writing to the
6 Review Board and they'll put on to a Public Registry. So
7 it'll be put as part of the evidence in front of this
8 Board here as well when they make the decision.

9 So with that, I want to say thank you very
10 much to Dean and to your mother Jean. Mahsi cho for
11 coming. So I want to say thank you very much.

12 Okay, so I'm going to continue to move on
13 with the agenda here. But before I do that I want to
14 turn the mic over to our legal counsel, Mr. John Donihee.
15 I think he had a question.

16 MR. JOHN DONIHEE: Thank you, Mr.
17 Chairman. The question, actually if one of the staff
18 would give a microphone to Deze Energy, the question is
19 for them. And I believe that over the past two (2) days
20 there's been reference to environmental and engineering
21 studies of alternative routes for the transmission line.

22 And a number of parties raised questions
23 about it. The developer Deze's PowerPoint presentation
24 which was delivered yesterday on slide 14 under the
25 heading Alternative Routing indicated that Deze had

1 invested significantly in environmental and engineering
2 studies of the alternatives.

3 It appears given the level of interest
4 that's been indicated at the Hearing and these questions
5 of routing alternatives, that the Board might be assisted
6 if Deze Energy could provide additional material. I
7 realize there's material on the record already but a
8 number of these studies have not been filed with the
9 Board yet and it would probably assist us in the
10 deliberations which are to follow if these studies could
11 be provided to the Board.

12 So my question to Deze is simply whether
13 or not they would undertake to file all of their routing
14 and engineering studies with the Board. And if they
15 could do so at the same time as the rest of the
16 undertakings so that the information could be available
17 to the Board going forward. Thank you, Mr. Chair.

18 THE CHAIRPERSON: Thank you, Mr. Donihee.

19 I want to go to Deze Energy Corporation in
20 response to Mr. John Donihee.

21 MR. DAN GRABKE: Okay, thank you, Mr.
22 Chairman. If we could take a brief break just for the
23 team to discuss this as to how we can respond to that.

24 THE CHAIRPERSON: We'll give a couple of
25 minutes here if you can and then we'll come right back.

1 In the meantime, I'd like to ask -- I
2 think there's a little shift here, but Transport Canada,
3 if you're able to come to the table there and set up.
4 And, also, due to the time, I'm going to ask that if we
5 could -- according to the agenda I have in front of me,
6 your presentation is going to be about fifteen (15)
7 minutes, so if I'm correct, that's what it is.

8 MR. DOUG SOLOWAY: Yes, we'll try and do
9 it as succinct as possible.

10 THE CHAIRPERSON: Very good, thank you.

11

12 --- Upon recessing at 4:13 p.m.

13 --- Upon resuming at 4:18 p.m.

14

15 THE CHAIRPERSON: So I'd like to get
16 everybody back to the table.

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: Anyways, I think there
21 was a question that was put forward to Deze Energy
22 Corporation on the Undertaking, so I'm going to turn the
23 mic over to Deze Energy Corporation in response to Mr.
24 John Donihee's question.

25 MR. DOUGLAS EVANCHUCK: Hello, Mr.

1 Chairman. My name is Douglas Evanchuck and I'm legal
2 counsel to Deze for the purposes of this Hearing and --
3 there, that's better -- I think the lawyer for a
4 developer, if he's doing his job, should be seen at these
5 things and not heard. So I guess I'm not doing my job.

6 But I've been asked by Mr. Grabke to help
7 you understand our response regarding this Undertaking
8 and to tell you that we will meet the Undertaking and we
9 will get the information into the Board within the time
10 period that you're anticipating for Undertakings, which
11 is the end of the month.

12 What we would like to be able to do during
13 that time is to go through the report that we have been
14 working with regarding the routing analysis, and see what
15 parts of that report are commercially sensitive for Deze
16 for two (2) reasons or in two (2) areas.

17 That report contains capital cost
18 information regarding the project and the estimates that
19 are used by Deze to calculate and derive their costs.
20 And this information is sensitive to Deze in two (2)
21 ways.

22 First, Deze is and continues to negotiate
23 with its potential customers the terms for which they
24 will buy the power from the project. So there's the
25 commercial negotiations with the mines going on now, and

1 Deze believes that if that information were to become
2 public, it would be prejudicial to their commercial
3 situation.

4 Secondly, Deze's also working with or
5 about to work with contractors or other parties who might
6 assist in the development and construction of the project
7 and so, again, if we were to ever want to move things
8 forward in terms of trying to tender the project or
9 tender parts of the project, et cetera, we feel this
10 information, if it was available, would be problematic
11 and put us in a tough spot.

12 So, I'll -- I'll I wanted to say was we're
13 happy to help the -- the Board out and -- and give the
14 Board this information. What we will do over the next
15 two weeks is -- is one (1) of two (2) things.

16 We will give you the report or the reports
17 that we're working with, which will have the -- the
18 information we want to protect blacked out, which Mr.
19 Donihee will know is -- will be filed in what we call
20 redacted form, which is -- it'll be the report with the
21 information blacked out. And that's probably the easiest
22 way for us to do it.

23 What we may do at the same time, though,
24 is see if we can't provide you with a report from the
25 same consultant with the information that's sensitive

1 excluded.

2 And just again, so we're clear, we're just
3 going to be removing the cost information and the cost
4 assumptions, so that's our -- our way of dealing with
5 this and we hope that that's satisfactory to the Board.
6 Thank you, sir.

7 THE CHAIRPERSON: Thank you very much. I
8 want to turn it over to Mr. John Donihee, I guess, to the
9 question, but -- and the answer, so, you got a comment to
10 that?

11 MR. JOHN DONIHEE: This is John Donihee,
12 Mr. Chairman. I just need a little clarification about
13 the second report that Mr. Evanchuk was referring to. I
14 do understand that the first larger analysis may come
15 redacted and -- and that's fine.

16 Are you then saying that you can provide
17 under confidential cover the balance of the information
18 to the Board in a way that protects your commercial
19 interests?

20 THE CHAIRPERSON: Thank you, Mr. Donihee.
21 I'm going to turn it over to Deze Energy Corporation.

22 MR. DOUGLAS EVANCHUK: I think what we
23 would do -- I appreciate the question. I think what we
24 do is -- and -- is you'll get one -- one (1) filing from
25 us. It may be one (1) or more reports based upon what

1 you're asking for, but what I was suggesting was we could
2 give it to you in one (1) of two (2) forms.

3 One (1) would be a redacted form with the
4 -- the juicy stuff blacked out, and the other report
5 would be the same basic information with the -- reprinted
6 with the information missing. If the -- if the Board
7 would prefer a redacted version, that's very easy.

8 We don't want to have the Board consider a
9 confidentiality ruling and -- and keep things out of --
10 out of view. We would prefer not to do that. We don't
11 think that that's something that's helpful. So, we're
12 happy to file a redacted report if that's acceptable.

13 THE CHAIRPERSON: Thank you. Mr. John
14 Donihee?

15 MR. JOHN DONIHEE: Thank you, Mr.
16 Chairman.

17 Mr. Evanchuk, I think that the concern I
18 have is that if the costing information is eliminated
19 from the redacted or amended version of the report and I
20 -- I guess we haven't seen it, but -- so I'm not sure how
21 you -- how the analyses are provided, but, I mean, what -
22 - what we want to know is, you know, what were the
23 considerations that went into the choices of the
24 preferred alternative, which is set out in the DAR.

25 And I guess as long as, you know, we're

1 going to be able to understand how that decision got
2 made. We don't have to know the actual numbers, but if
3 the material that's removed, essentially, takes away our
4 opportunity to understand the actual decision, then we're
5 really not any further ahead, you know, with the redacted
6 version.

7 So you know the report, I guess. What we
8 want is to have an understanding of how the various
9 alternatives were reviewed, what factors were considered
10 and how those factors contributed to the choice that
11 ended up in the DAR.

12 MR. DOUGLAS EVANCHUK: If I could --

13 THE CHAIRPERSON: Thank you, Mr. Donihee.
14 I want to go back to Deze Energy Corporation.

15 MR. DOUGLAS EVANCHUK: Thank you, Mr.
16 Chairman. If you'll give me just thirty (30) seconds to
17 speak with my client, we may be able to give Mr. Donihee
18 a better answer.

19 THE CHAIRPERSON: Okay. You got thirty
20 (30) seconds.

21 MR. DOUGLAS EVANCHUK: On the clock.

22

23 (BRIEF PAUSE)

24

25 MR. DOUGLAS EVANCHUK: I'm told, Mr.

1 Chairman, that we are going to be able to file you a
2 report which will allow you to track through that report
3 the -- the determinations, the assessments, and the
4 conclusions that are contained in the DAR.

5 And so, to Mr. John -- Mr. Donihee's
6 question and concern, we will ensure that -- and we'll
7 bear the risk if it's not the case. We will ensure that
8 the -- that the Board and parties have the opportunity to
9 understand exactly the methodology that was used to
10 analyse the corridors and how the report was used for the
11 purposes of the DAR and incorporate it into the DAR. We
12 will -- we will ensure that that's the case.

13 THE CHAIRPERSON: Thank you. I'm going
14 to go to Mr. Donihee. Does that answer your question?

15 MR. JOHN DONIHEE: Yes, Mr. Chairman. I
16 think we have an agreement as to what -- what should be
17 filed.

18 For the sake of the record, I believe we
19 can succinctly describe it as the additional reports
20 outlining the analysis done by Deze Energy Corporation
21 and leading up to its selection of the preferred route
22 for the -- for the transmission line.

23 THE CHAIRPERSON: Okay, thank you, Mr.
24 Donihee.

25

1 --- UNDERTAKING NO. 4: For Deze Energy to provide
2 the additional reports
3 outlining the analysis done
4 by Deze Energy Corporation
5 and leading up to its
6 selection of the preferred
7 route for the transmission
8 line. To be submitted by
9 3:00 p.m. local time, January
10 29th.
11

12 THE CHAIRPERSON: So, if we're in
13 agreement, then I guess I was just going to let you know
14 the date that we proposed earlier, the 29th of January at
15 3:00 p.m. if we could have that information. So would
16 that be enough time for you guys to submit that report?

17 MR. DOUGLAS EVANCHUK: Yes, Mr. Chairman.
18 Thank you.

19 THE CHAIRPERSON: Very good. Thank you
20 very much.

21 MR. DOUGLAS EVANCHUK: Okay.

22 THE CHAIRPERSON: And I'm going to
23 continue on now. We have two (2) more presenters. Up
24 next is Transport Canada, then INAC, so then we're going
25 to have closing remarks. So for Transportation here, I

1 got them for fifteen (15) minutes, and the same thing
2 with Indian Affairs.

3 If we could keep that down to at least a
4 half hour, we'll be happy with that, due to time. So I'm
5 going to turn it over to Transport Canada on their
6 presentation. Introduce yourself, again, loudly. Thank
7 you.

8

9 PRESENTATION BY TRANSPORT CANADA:

10 MR. DOUG SOLOWAY: Thank you, Mr.
11 Chairman. My name is Doug Soloway. I'm the
12 superintendent of Environmental Assessment Program for
13 Transport Canada in the North.

14 I have with me Sophia Garrick,
15 environmental officer who's working directly with this
16 project. I would like to say to -- good day to the mi --
17 Mr. -- Mr. Chairman, the Board members, the Elders, the
18 First Nations, other government agencies, the Mackenzie
19 Valley Environmental Impact Review Board, the public, and
20 Deze Energy.

21 I would like to -- I'd like to lead off
22 first with our mission. Transport Canada's mission is:

23 "To serve the public interest through
24 the promotion of a safe and secure,
25 efficient and environmentally

1 responsible transportation system in
2 Canada."

3 which basically addresses all modes of
4 transport.

5 Transport Canada's mandate regulates
6 transportation infrastructure with it -- within its
7 mandate. It administers Federal legislation that are
8 pickable -- applicable to the various modes that some
9 would apply to this development. They include the
10 Aeronautics Act, the Canada Shipping Act, Arctic Waters
11 Pollution Prevention Act, the Navigable Waters Protection
12 Act, which basically protects the right to safe
13 navigation on our water bodies and, as well, the
14 Transportation of Dangerous Goods Act.

15 These are some of the acts under Transport
16 Canada's mandate. Transport Canada's potential areas of
17 interest and responsibilities would include vessel or
18 boating navigational safety protection of the marine
19 environment, monitoring safe transportation of dangerous
20 goods.

21 We regulate any works built or placed in,
22 on, over, under, through, or across a navigable water in
23 Canada. This would include streams crossings, bridge
24 crossings, aerial transmission lines, including the
25 existing facilities and proposed con -- construction of

1 new facilities that would implicate a crossing of a water
2 body, and this would fall within the hydroelectric dam
3 construction expansion, which would fall in -- within
4 these definitions.

5 In regards to our issues and
6 recommendations, with regards to pollution prevention,
7 the construction of barge landings and the use of barges
8 has been identified in the DAR for machinery,
9 construction materials, including dangerous goods. It is
10 still unclear to us if these barges will be used as fuel
11 transfer facilities, and if overwintering the barges will
12 be a consideration.

13 Our recommendation is that the Proponent
14 provide a Oil Pollution Emergency Prevention Plan be
15 submitted to Transport Canada Marine Safety Division
16 prior to any barge -- any barge being used as a fuel
17 transfer facility, or overwintering -- wintering that barge
18 for regulatory approval.

19 Provide an Emergency Response Assistance
20 Plan to Transport Canada for the transportation of
21 dangerous goods.

22 With regards to aerial cables, specific
23 details such as the exact location of aerial cables have
24 not been provided. Impacts to navigation cannot be
25 assessed until the transmission line is finalized and

1 confirmed by the developer. This, in essence, would be
2 the routing of the line.

3 A recommendation in that regard would be
4 detailed location drawings of the transmission line will
5 be required prior to the issuance of a navigable waters
6 approval. Realizing that we may be only at the
7 preliminary stage, however NWP, our Navigable Waters
8 Protection Program, requires finalized drawings and
9 plans. The work -- the works meet the design and
10 construction of overhead systems, CAN/CSA-C22.3 number 1-
11 06. And this comes from our amendment to the NWPA under
12 the Mining Works and Waters Order.

13 With regards to the existing facility,
14 currently to our knowledge the existing facility is not
15 approved under the Navigable Waters Protection Program.
16 As well, ownership of the facility is not clear. The
17 existing facility is required under the Act to be
18 approved prior to any additional work commencing. In
19 essence, no work is to commence without an NWPA approval
20 first.

21 Application for this regard would be
22 finalized -- or, pardon me, would be made, but finalized
23 information is required to make navigational assessment
24 and a determination.

25 Recommendation: Provide ownership

1 information of the existing information of the existing
2 facilities. As well, we can see ongoing consultations
3 with NWP would be beneficial to minimize delays with --
4 with regards to the Proponent.

5 With regards to stream crossings and
6 bridge crossings, the transmission line will cross
7 approximately six hundred and seventy-six (676) rivers,
8 streams, or lakes. The impact to navigation cannot be
9 assessed until these crossings have been identified.
10 This would -- in our considerations from an navigational
11 assessment, we'd be considering recreational, commercial,
12 traditional use when determining the impact to
13 navigation. These would be required by Transport Canada
14 in making their assessment.

15 The recommendation: Provide detailed
16 information, such as location drawings, maps, and
17 coordinates of stream crossings, including those
18 considered in -- in the Minor Works Order under the
19 Navigable Waters Protection Act.

20 Construction of the new facility.
21 Information we would require would include fluctuations
22 of flow to the operation of the -- of the facility;
23 impact to navigation. Again, we would consider
24 recreational, commercial, traditional use of these water
25 bodies, as well as any other water body users.

1 Recommendation: We would need to look at
2 the hydro curves for Trudel Creek.

3 TC would require similar information as
4 DFO; this would include the hydrographics and their
5 fluctuations. This would include consultations between
6 users of the waterway, and impact on the navigational
7 uses to -- due to construction and operation.

8 TC would require information on operations
9 to assess determination on impacts of navigation.

10 As well, any fish compensation that may be
11 developed also must be reviewed by Navigable Waters to
12 determine if there's any impact to navigation.

13 TC's navigational -- pardon me, Transport
14 Canada's navigational assessment and determination,
15 therefore, cannot be made until the project works alone
16 have been finalized, so that alone would put us right at
17 the end of the system. As well, any project changes,
18 modifications must also be submitted to the program
19 office for their approval.

20 Any mitigation within the approval must be
21 incorporated into the projects works, and then to this
22 would be required to address safe navigation.

23 Transport Canada would require the
24 aforementioned information and details submitted to our
25 Navigable Waters Protection office to progress to the

1 regulatory approval stage. No works are to proceed
2 without regulatory approval.

3 That concludes our presentation, Mr.
4 Chairman, and I thank you, and we look forward to your
5 questions.

6

7 QUESTION PERIOD:

8 THE CHAIRPERSON: Thank you. To
9 Transport Canada and Mr. Soloway, thank you very much for
10 that. I want to go to the order of questions.

11 I want to start off with Deze Energy
12 Corporation. Do you have any questions for
13 Transportation Canada on their presentation?

14 MR. DAN GRABKE: Dan Grabke. No
15 questions, thank you.

16 THE CHAIRPERSON: Thank you. I'm going
17 to go to the Government of Northwest Territories there.
18 Do you have any questions for Transport Canada on their
19 presentation? They're not here.

20 Okay, moving on to Lutsel K'e Dene First
21 Nation. Do you guys have any questions to Transport
22 Canada on their presentation?

23 MR. GEORGE MARLOWE: George Marlowe.
24 Marsi. No questions.

25 THE CHAIRPERSON: Okay, mahsi. Parks

1 Canada, do you have any questions to Transport Canada on
2 their presentation?

3 MS. WENDY BOTKIN: Wendy Botkin. No
4 questions, thank you.

5 THE CHAIRPERSON: Thank you. DFO, do you
6 have any questions to Transport Canada on their
7 presentation?

8 MR. BRUCE HANNA: Bruce Hanna. No
9 questions, thank you.

10 THE CHAIRPERSON: Thank you. Environment
11 Canada, do you have any questions for Transport Canada on
12 their presentation?

13 MS. LISA PERRY: Lisa Perry. No
14 questions, thank you.

15 THE CHAIRPERSON: Thank you. DKFN is no
16 longer here, so I'm not sure if Fort Resolution Metis
17 Council is here. If not, I'm going to move on.

18 It looks like the Carter family has left,
19 so I'm going to go back to INAC.

20 Do you have any questions for Transport
21 Canada?

22 MR. MARC LANGE: Marc Lange. No
23 questions.

24 THE CHAIRPERSON: Thank you. To the
25 general public, any questions to the Transport Canada on

1 their presentation? Okay, thank you. Moving on, I want
2 to go to experts, to the Review Board experts.

3 Questions to Transport Canada on their
4 presentation?

5 MS. TAWANIS TESTART: Thank you, Mr.
6 Chair. Tawanis Testart with the Review Board.

7 With the understanding that Transport
8 Canada has made a determination that they are a
9 responsible minister and that the pre -- the developer
10 will require an authorization under the Navigable Waters
11 Act, I just would like clarification that your position
12 from Transport Canada is that: Should the developer
13 follow all the recommendations that you've presented here
14 today, Transport Canada feels that there would no longer
15 be a likely adverse significant impact to the environment
16 in respect of your mandate; is that the case?

17 THE CHAIRPERSON: Thank you for your
18 questions. I'm going to go to Transport Canada, Mr.
19 Soloway.

20 MR. DOUG SOLOWAY: Thank you, Mr.
21 Chairman. If they follow our recommendations, follow our
22 -- our Navigable Water Protection Program, as well as our
23 marine safety division guidance, we anticipate there
24 would be no significant adverse effects.

25 THE CHAIRPERSON: Thank you. I'm going

1 to go back to experts for the Review Board. Any further
2 comments or questions? None. Any questions from the
3 staff, from the Review Board?

4 MR. JOHN DONIHEE: It's John Donihee,
5 Board counsel. Mr. Chairman, there are no questions from
6 experts or from counsel.

7 THE CHAIRPERSON: Thank you. I'm going
8 to go to the Review Board. To my far, left, I want to go
9 to Board Member Mr. John Donihee -- I'm sorry, Mr. John
10 Ondrack. I'm just getting tired.

11 MR. JOHN ONDRACK: Hey, I'm a lawyer now.
12 Awesome. Thank you very much. I have no questions.

13 THE CHAIRPERSON: Thank you, John
14 Ondrack, Board Member. I want to go to Board member Fred
15 Koe. Questions...?

16 MR. FRED KOE: No questions, Mr. Chair.

17 THE CHAIRPERSON: Thank you, Fred Koe.
18 I'm going to go to Board Member Peter Bannon.

19 MR. PETER BANNON: Thank you. No
20 questions.

21 THE CHAIRPERSON: Thank you. I'm going
22 to go to Board Member Darryl Bohnet.

23 MR. DARRYL BOHNET: Thank you, Mr. Chair.
24 I need some help from Transport Canada representatives in
25 regard to a navigable river. And the question is: Have

1 you or any of your organization done a site visit or been
2 on the Taltson River?

3 THE CHAIRPERSON: Thank you, Board Member
4 Darryl Bohnet. Transport Canada, Mr. Soloway...?

5 MR. DOUG SOLOWAY: Thank you, Mr.
6 Chairman. Thank you for your question.

7 To my knowledge, they have been on the
8 river. However, the -- the approval trans -- or, pardon
9 me. The Navigable Waters Protection Program requires
10 that a formal application be made to them prior to them
11 commencing.

12 Once the -- the application is received
13 and they would review the information, then, as well as
14 the components of the project that would -- would be
15 implicated, they would do an assessment of the navigable
16 waters which would include a site visit,; as well, visit
17 to the users; as well as probably a flyover.

18 THE CHAIRPERSON: Thank you. I want to
19 go back to Darryl Bohnet, Board Member.

20 MR. DARRYL BOHNET: Good. Thank you very
21 much. No further questions.

22 THE CHAIRPERSON: Okay, thank you. I
23 want to go to Board Member Danny Bayha.

24 MR. DANNY BAYHA: Thank you. No
25 questions.

1 THE CHAIRPERSON: Thank you, Board Member
2 Danny Bayha. I want to go to Board Member Percy
3 Hardisty.

4 MR. PERCY HARDISTY: Marsi, Mr. Chair. I
5 have no question.

6 THE CHAIRPERSON: Thank you, Board Member
7 Percy Hardisty. I'm going to go to Board Member Jerry
8 Loomis.

9 MR. JERRY LOOMIS: I have no questions.

10 THE CHAIRPERSON: Thank you to Board
11 Member Jerry Loomis. And I want to say thank you to
12 Transport Canada for your presentation. Thank you very
13 much.

14 And I'm going to move on to the next part
15 of the agenda. The last presenter is going to be Indian
16 and Northern Affairs, INAC, so if you can come up to the
17 table.

18 MR. DOUG SOLOWAY: Thank you, Mr.
19 Chairman.

20 THE CHAIRPERSON: Thank you, very much.
21 Mahsi.

22

23

(BRIEF PAUSE)

24

25 THE CHAIRPERSON: Again, if you could

1 introduce yourself and your colleagues and also speak
2 closer to the mic, and for translation purposes if you
3 could just keep it not too fast, anyway.

4 Anyway, so again, I just want to -- if you
5 proceed please.

6

7 (BRIEF PAUSE)

8

9 PRESENTATION BY INAC:

10 MR. MARC LANGE: Thank you, Mr. Chairman,
11 Board members, Board staff, and Board experts.

12 My name is Marc Lange. I work for the
13 Department of Indian and Northern Affairs in Yellowknife.
14 I'm the manager of the Environment and Conservation
15 Division.

16 Just before I start I'll introduce some of
17 the folks here with our panel. On the far right we have
18 Nathan Richea. He's a regulatory scientist with our
19 Waters Division. To his left is Lorraine Seale. She's
20 the head, Environmental Assessment and Agreement Section.
21 And finally we have Julian Canagin, who is a
22 environmental scientist with our Lands Division.

23 To try to make this presentation a little
24 quicker than when it was initially designed, I started
25 cutting out some of the spoken messages through my

1 presentation. The -- I should remind the Board that our
2 complete intervention and our full recommendations are in
3 our December 11th, 2009 submission, so I won't be
4 repeating every single word of -- of the recommendation.
5 But, for the record, they're -- they're in our filed
6 intervention.

7 The first couple of slides aren't -- we
8 don't really need the overhead presentation so I'll --
9 I'll go ahead.

10 We've got a few technical issues we wanted
11 to highlight for the Board today. These are water
12 quality -- pertaining to water quality, water quantity,
13 terrain and permafrost, closure and reclamation and
14 management plans. And for each of those issues, Mr.
15 Chair, we're -- we've proposed some recommendations that,
16 if implemented, would resolve our outstanding concerns.

17 Additionally, a few other items I'd like
18 to talk about will be on line -- land access, on -- on
19 Aboriginal consultation, and a few words on our
20 concluding remarks.

21 On water quantity we have some concerns
22 with respect to changing water levels in Nonacho Lake and
23 -- and levels in -- and low flow levels in Trudel Creek.
24 Particularly, our concerns relate to increased potential
25 for ice jams, for flooding, and scouring in Trudel Creek.

1 Another one of our concerns is that Deze's model may not
2 take into account precipitation, and may under-predict
3 effects.

4 So the Department recommends that Deze be
5 required to continue calibration and verification of the
6 Taltson River basin model. We also recommend that Deze
7 implement the mitigation commitments to control release
8 of water from Nonacho Lake; those mitigation commitments
9 it made that are -- that are filed with the Board.

10 We also recommend that Deze be required to
11 monitor and report on water levels, ice formation, and
12 ice thickness, to agreed upon locations throughout the
13 Taltson watershed, and that these requirements be
14 conditions of the Environmental Monitoring Program.

15 Another issue that we had was that the
16 relatively frequent power outages would cause rapid
17 fluctuations in water levels in Trudel Creek, and that
18 that increases the potential for ice jamming and
19 scouring.

20 So, we recommend that Deze moderate and
21 control water releases through Trudel Creek during power
22 outages, shutdowns, and restarts. We also recommend that
23 the Proponents, Deze, use the most recent versions of its
24 hydrological model for Taltson River, to make operational
25 adjustments during these outages, shutdowns, and

1 restarts.

2 Finally, on water, our last issue with
3 water quantity was that the mini -- minimum flows of 4
4 metres cubed per second, committed to for the winter
5 months in Trudel Creek, might not be sufficient in all
6 seasons to maintain the ecology of that creek. We also
7 believe that there is insufficient information to support
8 -- fully support Deze's conclusion that minimums flow
9 through Tronka Chu gap are unnecessary.

10 To address this we recommend that more
11 evidence be provided to support the contention that
12 winter minimum flows of 4 cubes per second will maintain
13 the ecology of Trudel Creek. We also recommend that Deze
14 establish a minimum flow requirement for other seasons in
15 Trudel Creek. And we recommend that more work be done to
16 determine if minimum flow requirements are necessary for
17 Tronka Chu Gap to ensure that there are no significant
18 ecological effects.

19 On to water quality. The Department is
20 concerned about potential water contamination, mainly
21 increased turbidity and suspended sediments. If
22 cofferdams or -- or similar methods are not used to
23 maintain dry condition for all project -- for all in-
24 water project activities, not just the concrete works
25 that they've committed to.

1 We also had some concern with respect to
2 water contamination. If explosive residues are not
3 removed from the water, and that concern is with both the
4 placement of explosives down boreholes -- wet boreholes,
5 and also the post-explosion residues left on -- on rock.
6 We also got concerns that blast rock stockpiles could
7 create acidic condit -- conditions, and, as a result,
8 leach metals into the environment.

9 Again, to address these concerns, we
10 recommend that Deze implement all its commitment
11 mitigation measures, as outlined in its Commitments 2009
12 document, filed in October 2009 with the Board.

13 And we also recommend that Deze be
14 required to submit a blast management plan during the
15 regulatory process.

16 We recommend, also, that the Deze consider
17 using cofferdams or -- or similar structures when
18 conducting other in stream activities, such as dam
19 improvements or canal and spillway constructions, to
20 prevent water contamination and sedimentation.

21 And we recommend that the Proponents
22 incorporate monitoring for ammonia and nitrate residues
23 as part of its proposed Environmental Monitoring Program,
24 and that they also look at acid rock drainage and metal
25 leaching associated with blast rock sto -- stockpiles, as

1 part of the Surveillance Network Program. And we
2 obviously want them to use that information to adapt
3 aspects of the project construction and operation, such
4 that background water quality is not adversely affected.

5 INAC's main concerns regarding water
6 quality is with respect to dissolved oxygen. Reducing
7 flow levels through Trudel Creek and Tronka Chu Gap would
8 reduce dissolved oxygen levels in winter months. And
9 there appears to us to be insufficient baseline data at
10 this time to validate predictions, particularly for
11 Trudel Creek. Deze's most recent model suggests that
12 dissolved oxygen levels will fall below CCME guidelines
13 for the protection of fish under expansion scenarios.
14 Another one of our concern is that water fluctuations may
15 cause remobilization of methylmercury.

16 So to address some of those concerns and
17 gaps, we recommend that ga -- that Deze address these
18 data gaps identified in their draft Environmental
19 Monitoring Program, such that the Provo -- the Proponents
20 can provide adequate characterization of baseline
21 conditions.

22 We also recommend that Deze gather
23 additional information on dissolved oxygen levels in the
24 winter, to further calibrate and validate their model.

25 We also recommend that this revised

1 dissolved oxygen model be used to identify a preferred
2 operational scenario for both power generation and
3 environmental effects mitigation.

4 To mitigate impacts from potential
5 remobilisation of mer -- methylmercury, we recommend that
6 both dissolved oxygen and mercury be monitored and
7 reported on as part of the environmental monitoring plan,
8 and that the results generated from this monitoring plan
9 be used to manage, and adaptively manage, their
10 operations.

11 To mitigate possible impacts from camps
12 and access trail, we recommend that Deze implement its
13 commitments in regards waste and sewage storage,
14 treatment and disposal, as proposed in their Commitments
15 2009 document.

16 We also recommend that a draft spill
17 contingency plan be developed that addresses spills
18 associated with construction activities, with camps, with
19 the staging areas, and -- and fuel storage facilities and
20 that that be done during the regulatory phase.

21 We recommend that the -- that the final
22 detail design package for transmission line construction
23 include details pertaining to the exact number, location,
24 and ground condition of camps, barge landings, and
25 staging sites.

1 We recommend that Deze finalize the
2 details for ice road construction monitoring, including
3 all the proposed mitigation measures to reduce impacts to
4 water crossings during the regulatory stage as well.

5 On to terrain and permafrost.
6 Transmission towers should be located so that areas of
7 sensitive habitat or terrain are avoided, so we'd
8 recommend that Deze conduct a reconnaissance along the
9 proposed transmission line right-of-way during the
10 summer, to ensure that tower locations are placed where
11 little to no effects are expected to sensitive habitats,
12 or that -- that effects are prevented also on surface and
13 subsurface condition, on existing conditions.

14 Construction camps and staging areas are
15 also areas where there's potential for ground erosion and
16 subsidence, so we recommend that during the regulatory
17 phase, Deze submit final designs and configurations for
18 construction camps and staging areas.

19 On to management plans. I've mentioned a
20 few times the need for monitoring this project. We'd
21 like to also recommend though that Deze be required to
22 develop an adaptive management plan along with its
23 environmental monitoring plans, such that monitoring is
24 directly linked and feed into the management framework
25 for this -- facilities.

1 We also recommend that the Proponents be
2 required to develop a preliminary closure and reclamation
3 plan during the regulatory phase.

4 A few words on access. As a few
5 intervenors observed already, our position is that the
6 public has a general right to access Crown lands. As
7 such, the Proponents cannot restrict access on Crown
8 land, for example, by gating or blocking the Fort Smith/
9 Taltson Road opening, once it's -- if it is rer --
10 opened. And I'm referring here to the portion that is on
11 -- on Crown land, not -- not the portion that would be on
12 -- on lands for which they have title.

13 We'd also like to suggest that techniques
14 used to decommission the roads, once the project is
15 complete, should be discussed with INAC in the -- in the
16 regulatory phase.

17 So just a few words on -- on consultation.
18 The Department here and all the responsible Ministers for
19 -- for Canada intend to review all of the information
20 provided during these hearings, with respect to concerns
21 with impacts on -- on Aboriginal rights of this project.
22 We use this -- these forums and others in our
23 consultation process and we're particularly pleased to
24 hear an abundance of detailed information from -- from
25 Aboriginal individuals at the Hearing. So, thank you for

1 that.

2 Just in closing, the Department is
3 satisfied with the developer's responses and commitments
4 to all technical report topics. We will require
5 additional information in the regulatory phase. And at
6 this point INAC's review of information provided today,
7 we've identified that any potential adverse aquatic
8 impacts can be properly mitigated through the regulatory
9 phase.

10 That's it. Thank you.

11 THE CHAIRPERSON: Thank you for your
12 presentation. And thank you for keeping it to a time
13 limit, as well. And I'm going through the order of
14 questions. The one I have next on the list here is
15 Transport Canada. Is there any questions to INAC on
16 their presentation?

17 They left. Okay, I'm going to go to Deze
18 Energy Corporation.

19

20 QUESTION PERIOD:

21 MS. LINDA ZURKIRCHEN: Linda Zurkirchen,
22 Deze. We just have a quick question in regards to your
23 land access slide, and the mentioning that Deze can't
24 restrict access on the Fort Smith Twin Gorges Road, or
25 any other road.

1 I'm just looking for clarification, does
2 INAC have that position on private property, or is that
3 only on Crown land?

4 THE CHAIRPERSON: Thank you. I'm going
5 to go back to INAC.

6 MR. MARC LANGE: Marc Lange. Mr.
7 Chairman, just wanted to refer to our January 12th, 2010
8 letter that we filed for the record, where we explain how
9 we would license the activities if -- if they're to
10 proceed.

11 In terms of access, preventing access, our
12 -- our comments are simply that access should not be
13 restricted on -- on public lands, but the -- the land
14 owner has the right to restrict access on their -- on
15 their properties.

16 THE CHAIRPERSON: Okay, thank you. I'm
17 going to go back to Deze Energy Corporation. Does that
18 answer your question? Is there any further questions?

19 MS. LINDA ZURKIRCHEN: No further
20 questions. Thank you.

21 THE CHAIRPERSON: Thank you. I'm going
22 to go to Government of the Northwest Territories if
23 they're still here. I think they left. Okay.

24 I'm going to go to Lutsel K'e Dene First
25 Nation, if they're still here, if there's any questions?

1 Somebody wants to talk?

2 MS. TRACEY WILLIAMS: Thank you. This is
3 Tracey Williams, Lutsel K'e Dene First Nation. I wanted
4 to refer back to your letter, INAC's letter to the public
5 registry, dated January 12th, 2010. I want to thank you
6 for that clarification on some of what our submission had
7 requested in terms of information that was not clear to
8 us.

9 But to that clarification I'd like to ask
10 for further clarification on what is a licence of
11 occupation, what authorizes its use, and other assorted
12 questions related to that licence of occupation.

13 It seems unclear as to why a specific
14 exemption might have been needed in the 2007 withdrawal
15 for a transmission powerline if, underneath the 1997
16 withdrawal, one would just need to access a licence of
17 occupation. So that's one (1) question.

18 Also another question related to this
19 exact issue, licence of occupation, it doesn't seem clear
20 as to why everyone just doesn't use this means, licence
21 of occupation, to sidestep any regulatory processes which
22 might be required of -- of them if a licence of
23 occupation under the Real Property Act, or however --
24 whatever other act governs its use could be done.

25 THE CHAIRPERSON: Thank you. Is that

1 your question?

2 MS. TRACEY WILLIAMS: I just have one (1)
3 other --

4 THE CHAIRPERSON: Okay. Please proceed.

5 MS. TRACEY WILLIAMS: -- aspect to this.
6 Also, so in essence Lutsel K'e also wants to ask, what
7 was the intent of Canada to withdraw these lands in the
8 first place. So the intent of Canada to withdraw lands
9 there should -- I -- I'm just confused exactly.

10 So I'd like to have INAC either respond
11 now or come back with a further perhaps legal opinion on
12 licence of occupation. Thank you.

13 THE CHAIRPERSON: Thank you, Tracey
14 Williams, Lutsel K'e Dene First Nation. I want to go
15 back to INAC in response to those questions.

16

17 (BRIEF PAUSE)

18

19 MR. MARC LANGE: Marc Lange. I think the
20 first -- the first question, if I can rephrase, was why
21 include an exemption in the 2007 Order in Council. And
22 INAC's answer -- I guess, answer -- an exposition on --
23 on that was that the most recent Order in Council, we
24 wanted to -- to specify or be clear in that -- in that
25 order, so we -- we basically wanted to clarify through

1 variance.

2 The secs -- the second question I
3 understood do be related to, you know, why -- why issue -
4 - or why not issue licences for -- for any other purposes
5 to -- I think the word used was to -- to sidestep the
6 regulatory process.

7 And I guess I would say that the issuance
8 of -- of licence or -- or other permits or authorizations
9 need to go through the same regulatory process, so before
10 any licence is issued, in this case, it would have to go
11 through an environmental assessment and be considered.

12 The Board would have to render its ruling,
13 and -- and, also, in addition, before any licence is
14 issued, the -- the Government of Canada has to consult
15 and be satisfied that its consultation obligations have
16 been met.

17 So those -- those are all steps that would
18 have to occur with this licensing, as well as it's no
19 different than -- than any other forms of licensing.

20 In terms of the INAC's intent with respect
21 to the land withdrawal, I guess the way to answer that
22 one is the -- the department responds to a request for
23 land withdrawal. And, in this case, the request for land
24 withdrawal didn't come from internally. It didn't come
25 from INAC, the request for withdrawal from -- from

1 aboriginal groups and from Parks Canada, and so the
2 department responded to that request and -- and set up a
3 withdrawal.

4 THE CHAIRPERSON: Thank you for your
5 response. I'm going to go back to Lutsel K'e. Do you
6 have any further questions?

7 MS. TRACEY WILLIAMS: Thank you, Marc.
8 Just to follow up with that. So you're saying that a
9 regulatory process has to occur -- EA process has to
10 occur in order to have a licence of occupation to be
11 issued.

12 My question, I guess, with response to
13 that is, is the pub -- does the public have to be
14 acknowledgment -- or aware of that aspect of the EA
15 process so that they understand that part of this EA
16 process is weighing this licence of occupation to be
17 issued or not?

18 THE CHAIRPERSON: Thank you, Tracey
19 Williams. I'm going to go back to INAC now.

20 MR. MARC LANGE: Mr. Chairman, I just
21 want to make sure I understand the question, so if I can
22 repeat the question. And -- and what I -- what I heard
23 is, does the public need to know that the licensing is
24 one (1) of the instruments that could be issued should --
25 after the conclusion of an environmental assessment.

1 Was that -- was that the question?

2 THE CHAIRPERSON: Tracey Williams, Lutsel
3 K'e?

4 MS. TRACEY WILLIAMS: Essentially. It's
5 just that this particular part of the authorization has
6 come up very late in the regulatory process -- at this
7 regulatory process.

8 And I'm not sure if it's allowed enough
9 people to understand the authorization and what it means
10 to the overall project transmission line routing.

11 THE CHAIRPERSON: Thank you. INAC, does
12 that give you a little more clarification?

13

14 (BRIEF PAUSE)

15

16 MR. MARC LANGE: I'm Marc Lange. Mr.
17 Chairman, we were trying to find out if any of our panel
18 members knew the specific details, the public engagement
19 process for issuing such a licence.

20 You know, there's -- the issuance of
21 permits in the North are done differently. We've -- the
22 Land and Water Board has a public process before issuing
23 its licences.

24 I believe Transport Canada has another
25 form of public engagement where they -- they publish

1 their draft licences in a gazette.

2 Fisheries doesn't have a public process
3 other than often circulating authorizations. So I guess
4 suffice to say that once the environmental assessment is
5 concluded, the permitting side of -- of the equation is -
6 - begins.

7 And at this point, that's probably all I
8 can -- I can say on the -- on the matter.

9 THE CHAIRPERSON: Okay. Do you have any
10 further questions?

11 MS. TRACEY WILLIAMS: I'd like to request
12 that a legal -- Tracey Williams, Lutsel K'e Dene First
13 Nation, thank you -- I'd like to request that a legal
14 opinion be offered in light of the intent of the
15 withdrawals, et cetera, for this authorization to be
16 offered.

17 THE CHAIRPERSON: INAC?

18 MR. MARC LANGE: Marc Lange. At this
19 point our -- our -- the evidence that we've got to table
20 on this regulatory matter is -- is before the Board,
21 described an option for permitting this activity should -
22 - should the Board recommend that it proceed. We don't
23 have more to offer at this point.

24 THE CHAIRPERSON: Thank you. I'm going
25 to ask John Donihee to help with this question here, to

1 help clarify it.

2 MR. JOHN DONIHEE: Thank you, Mr.
3 Chairman. It's John Donihee, Board counsel. I realize
4 that although I understand why perhaps Lutsel K'e is
5 asking for a legal opinion, that it's not Federal policy
6 to disclose legal opinions given to their department. So
7 rather than pursue that line, I wonder if INAC wouldn't
8 undertake to simply give an explanation of how the
9 licence of occupation process works under the -- I
10 believe it's the Federal Real Property Act that's
11 involved.

12 I can tell Lutsel K'e, if it'll help, Mr.
13 Chairman, they're rare. The only one that I've dealt
14 with over the years is the one that covers the Tibbitt-
15 Contwoyto Road.

16 And I can also indicate that, to the best
17 of my knowledge, they're not subject to preliminary
18 screening. But with that for the benefit of Lutsel K'e,
19 if INAC could simply explain how that process works and
20 it might help Lutsel K'e understand a little bit better
21 what would happen in the regulatory process going forward
22 after this EA is completed.

23 THE CHAIRPERSON: Thank you, Mr. Donihee.
24 I'm going to go to INAC on this suggestion.

25 MR. MARC LANGE: Marc Lange. Yeah, I

1 think as the questioning evolves here, I'm starting to
2 understand what the issue is here. So I -- yeah, we can
3 take on that undertaking to -- to clarify that particular
4 part of the regulatory process.

5 I think, you know, our salient message
6 here is, if they're -- if the Board, in their wisdom,
7 considering all the evidence they saw before them,
8 recommended that the project go ahead, it could happen
9 from -- from the INAC side of the equation.

10 So thanks, and we'll -- we'll undertake to
11 report back to the Board.

12

13 --- UNDERTAKING NO. 5: INAC TO give an explanation
14 of how the licence of
15 occupation process works
16 under the Federal Real
17 Property Act

18

19 THE CHAIRPERSON: Okay. Thank you. So
20 then, again, I mentioned earlier that January 29th, 3:00
21 p.m., would that be sufficient time to get this
22 undertaking?

23 MR. MARC LANGE: Marc Lange. Yeah, we
24 can do that.

25 THE CHAIRPERSON: Okay, thank you.

1 Tracey Williams, does that answer your question?

2 MS. TRACEY WILLIAMS: Thank you, Chair.
3 We'll start with that.

4 THE CHAIRPERSON: Very good. Thank you.

5 MS. TRACEY WILLIAMS: Thank you.

6 THE CHAIRPERSON: I'm going to move on
7 to Parks Canada, if they're here, questions for INAC? If
8 they're not here, or are they gone?

9 If not, I'm going to go DFO. Is there any
10 questions for INAC, if they're here? If not, moving on.

11 Environment Canada -- Okay, sorry. DFO is
12 here. Yes, okay, there was no questions, for the record.
13 Thank you.

14 Environment Canada, if they're here?
15 Okay, thank you again. For the record, Environment
16 Canada has no questions. Deninu K'ue is no longer here.
17 Fort Resolution Metis Council is no longer here. Carter
18 family is no longer here. So this concludes the agenda
19 for INAC. Thank you very much. On this --

20 Oh, I'm sorry. One more thing here.
21 Okay. So, I'm going to move on to expert -- and the
22 Review Board expert for questions to INAC.

23 MR. ALAN EHRLICH: Thank you, Mr. Chair.
24 Alan Ehrlich. The Review Board expert on this subject
25 has one (1) question, and staff have one (1) question.

1 THE CHAIRPERSON: Please proceed.

2 MR. BRUCE STEWART: Bruce Stewart,
3 advisor to the Board. Mr. Chairman, Deze has been
4 considering 36 megawatt and 56 megawatt design options.

5 Which, in INAC's view, is best from an
6 environmental standpoint, and why?

7 THE CHAIRPERSON: Thank you. I'm going
8 to go back to INAC on this question.

9 MR. NATHEN RICHEA: Hi, it's Nathen
10 Richea with INAC Water Resources.

11 I'd have to agree with the statement
12 previous that the 56 megawatt option would probably be
13 the most representative of the natural flow of Taltson
14 River, and would likely result in less of a potential for
15 significant adverse effects.

16 THE CHAIRPERSON: Okay. Thank you. I'm
17 going to go back to the experts to the Review Board. Any
18 further questions?

19 MR. ALAN EHRLICH: Alan Ehrlich with the
20 Review Board. Our experts have no further questions. I
21 have one (1), if I may, Mr. Chair?

22 THE CHAIRPERSON: Please proceed.

23 MR. ALAN EHRLICH: In its presentation,
24 INAC has identified, I count twenty-three (23) mitigation
25 measures, or twenty-three (23) recommendations.

1 In INAC's view, if these recommendations
2 are not followed would a significant adverse
3 environmental impact be likely?

4 THE CHAIRPERSON: Thank you. I'm going
5 to go back to INAC.

6 MR. MARC LANGE: Marc Lange. I think
7 I've heard that question somewhere else earlier today.
8 Yes, it -- the likelihood for a significant adverse
9 impact would be there in our opinion if our
10 recommendations weren't followed.

11 THE CHAIRPERSON: Thank you. To the
12 Review Board staff, was that your final question, or was
13 there another question?

14 MR. ALAN EHRLICH: No, that's it. Thank
15 you, Mr. Chair.

16 THE CHAIRPERSON: Thank you. To the
17 Review Board legal counsel?

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

20 THE CHAIRPERSON: Thank you. I'm going
21 to go to the Board, to my far left, I'm going to ask John
22 Ondrack, Board member if he has any questions?

23 MR. JOHN ONDRACK: Thank you, Mr. Chair.
24 I do have a question. Way back at the beginning at the
25 presentation, and regarding discussions of your water

1 quantity issues, it struck me that there might be some
2 conflict in the requirements as between yourselves and
3 DFO.

4 And I'm asking you if this is the case, to
5 your knowledge, and if so, what do you propose is the
6 best means to resolve these conflicts effectively and
7 efficiently?

8 THE CHAIRPERSON: Thank you, Board member
9 John Ondrack. I want to go back to INAC.

10 MR. NATHEN RICHEA: Hi. It's Nathen
11 Richea, with INAC Water Resources. We don't have -- we
12 don't see any conflicts in what we're recommending being
13 different than what DFO has recommended.

14 Could you clarify maybe the point that
15 you're referring to?

16 MR. JOHN ONDRACK: Yes, I can. John
17 Ondrack here. It was over the discussion about minimum
18 flows, and -- and I think there was a statement made that
19 you did not think that the minimum flow of 4 cubic metres
20 a second was adequate, and that right away gave me this
21 thought.

22 MR. NATHEN RICHEA: Nathen Richea, INAC
23 Water Resources. Thank you for the clarification.

24 Yes, and I think, as DFO and Deze have
25 addressed earlier today, we're -- we weren't sure on the

1 proposal for 4 cubic metres per second as a minimum for
2 the entire season.

3 We were looking for something with a more
4 natural flow hydrograph. As well, DFO has also made, I
5 guess, an alternate recommendation of the -- I think it
6 was the 95 percentile of the natural flow, whichever one
7 was greater.

8 So there is a potential that 4 cubic
9 metres per second may not be sufficient to maintain the
10 ecology within Trudel Creek, and we are looking for more
11 information to bring that to our attention so we can make
12 a better assessment on that.

13 And I think Deze and DFO have agreed to at
14 least looking at the flow hydrograph and -- and coming up
15 to -- to a solution, I guess, on -- on that aspect.
16 We're comfortable with that.

17 THE CHAIRPERSON: Thank you. I'm going
18 to go back to Board member John Ondrack.

19 MR. JOHN ONDRACK: Thank you very much.
20 That helps a lot. I have no further questions.

21 THE CHAIRPERSON: Okay, thank you.
22 Before I go to Board member Fred Koe, maybe I must be
23 tired again. I want to just quickly go to the public, I
24 think. I understand there's one (1) question out there
25 that I'll give the opportunity to question INAC on. My

1 apologies to the Board members on this.

2 MR. DAVID CONNELLY: Thank you, Mr.
3 Chair. I think we're all very tired. David Connelly.
4 And, again, my client is Avalon. And this may be I don't
5 understand the technical use of -- of words. I believe
6 you said you were satisfied with all the technical
7 reports that you reviewed.

8 So my first question is: Does that mean
9 you were satisfied with the alternative routes -- the
10 summary of the alternative route study that was tabled?

11 And, secondly, did you consider a
12 comparative analysis of the socioeconomic impacts --
13 socioeconomic environmental impacts of the four (4)
14 alternative routes discussed in that report when you were
15 making your recommendations? Thank you.

16 THE CHAIRPERSON: Thank you, David
17 Connelly. I'm going to go back to INAC.

18

19 (BRIEF PAUSE)

20

21 MR. MARC LANGE: Marc Lange, with INAC.
22 Our review and assessment focussed on water resources and
23 the deposit of waste, and that was the extent of the
24 evidence that we're providing here.

25 THE CHAIRPERSON: Okay, thank you. I'm

1 going to go back to David Connelly. Does that answer
2 your question, or did you want to put forward another
3 question?

4 MR. DAVID CONNELLY: Thank you. And,
5 again, perhaps it's my ignorance of the process. Would -
6 - when you do your overall review of the potential
7 significant socioeconomic environmental impacts am I
8 asking the wrong department? Is there another department
9 that would have reviewed that report?

10 And if indeed, perhaps it is your
11 department, with the additional information, that the
12 undertaking for the additional information supporting the
13 summary report, will you be reviewing that information
14 and commenting on the comparative and socioeconomic and
15 environmental impacts of the proposed routes?

16 THE CHAIRPERSON: Thank you, David
17 Connelly. And I want to go back to INAC.

18 MR. MARC LANGE: Marc Lange. In the
19 assessment of the environmental impacts for this project,
20 the Board is charged with looking at information across a
21 broad spectrum, the socioeconomic side, environment in
22 terms of the natural environment. And I think each of
23 the Intervenors presenting here just focusses on their
24 area of expertise.

25 And so I guess what I'm saying is we -- we

1 focussed on waters and deposited waste and -- and that's
2 all that we've provided evidence on today. Thank you.

3 THE CHAIRPERSON: Thank you. I want to
4 move on. I believe a bit earlier I asked if there was
5 public -- there was any concerns of the public and I must
6 have missed those guys to the far right here.

7 So, anyway, I'm going to allow one (1)
8 more question or one (1) question each and then keep it
9 short and I'm going to go back to my Board Members
10 because we've got to wrap this up. Thank you.

11 ELDER HENRY BASILE: Good afternoon, Mr.
12 Chairman. Thank you. I spoke earlier but yesterday I
13 wasn't here about the Lutsel K'e presentation on the --
14 on the proposed hydro line.

15 First of all, I -- I really concur with --
16 with my people. And second, that I wanted to ask, was
17 the -- the overlapping of the proposed national park had
18 to -- if it has to do anything with the hydro line that
19 is happening as proposed now? If it goes through Simpson
20 Islands, it's -- you know, like, it's kind of easier
21 route. Then the -- the park boundaries is in that area.

22 I understand that in any -- anything in
23 development it has to go through DIAND and DFO. Now who
24 -- who makes the use recommendation? Would go through
25 the DFO or DIAND?

1 It seems like there's two (2) people who
2 have to deal with. So it's a little bit confusing for
3 me. You know, just like my friend was saying that you're
4 using really high words. You know, like a lot of us
5 don't understand that. And it's sort of confusing. And
6 I just wanted to say that maybe you can, you know, answer
7 the question on that and thank you very much.

8 THE CHAIRPERSON: Okay. Thank you. I
9 just want to maybe let Henry Basile know that perhaps
10 this question could have been addressed a little bit
11 earlier when Parks Canada did the presentation.

12 But I want to go pass it on to INAC to see
13 if they could help maybe answer that question or give
14 more clarification for them.

15 MR. MARC LANGE: Marc Lange. There are
16 many people in this room who make a career of trying to
17 understand and manage the regulatory system in the North.
18 So I certainly wouldn't fault anybody if you don't
19 understand how recommendations would be implemented after
20 an environmental assessment is -- is done.

21 I think the -- the easiest way I can
22 answer the question is, is once the Board, the Impact
23 Review Board has assessed the project and submits
24 recommendations to the Federal Government and to the
25 Government of the Northwest Territories, once that report

1 with all the recommendations are approved the licensing
2 process begins. And there are many folks in the North
3 who issue licences, licences and authorizations. There's
4 -- you mentioned two (2) Fisheries and Oceans, and INAC.
5 There are others like Transport Canada, there are other
6 Federal regulators, there's also the -- the Boards, the
7 Land and Water Boards.

8 So I think that's probably the simplest
9 way I can describe what -- what happens next. But I
10 think the -- the message is the recommendations that are
11 approved by the Board, approved by Canada and the GNWT,
12 must be implemented.

13 And the regulators will -- will find a way
14 to implement those -- those recommendations and monitor
15 their -- their followup throughout the life of the
16 project.

17 THE CHAIRPERSON: Okay, thank you. I
18 think that concludes public statements, comments,
19 questions. Okay, thank you. I just want to move on
20 here, but I just want to let you know that, as the
21 Chairman, I'm not going to make a career out of this
22 process, so I'll make that clear for the record. I'm
23 starting to wake up now.

24 Okay, I want to move on to Board member
25 Fred Koe, and let him know -- questions to INAC?

1 MR. FRED KOE: I have no questions, Mr.
2 Chair.

3 THE CHAIRPERSON: Okay, mahsi, Fred Koe.
4 Board member Peter Bannon?

5 MR. PETER BANNON: Thank you, Mr. Chair.
6 You've put me in a difficult position because I'm going
7 to draw your ire by putting a few questions here. Okay,
8 it's a little bit of a followup to the question that Alan
9 asked earlier.

10 His question -- and your response was
11 almost -- it was like the collective of all your -- all
12 your recommendations were not implemented. You felt --
13 or you're of the opinion that a significant adverse
14 impact would be likely.

15 Your recommendations seemed to be a
16 mixture of some commitments already made by the company.
17 Let's say we drop those off. There's a number of them
18 that are what I would consider rather routine matters for
19 the regulatory process, bill contingency plans and the --
20 the Lake Bennett restoration, things that the regulatory
21 Land and Water Board, anyways, normally deal with.

22 Let's say we drop those off the -- the
23 list. Would you still be of the same opinion that the
24 outstanding recommendations would, if they weren't
25 implemented, would be likely to cause a significant

1 adverse impact?

2 THE CHAIRPERSON: Thank you, Board member
3 Peter Bannon. I'm going to go to INAC on this question.

4 MR. PETER BANNON: If you want to get
5 specific, you can too. I don't mind.

6 THE CHAIRPERSON: Okay, thank you.

7 MR. MARC LANGE: Marc Lange. I guess the
8 simple answer would be that the potential would exist for
9 an adverse impact if our -- if all of our recommendations
10 weren't followed.

11 And, you know, I -- I guess there's -- you
12 know, to use your words, there's a mixture of
13 recommendations, and some of those recommendations seem
14 routine.

15 And I guess -- I guess our observation
16 would be, it wasn't too long ago, and if we don't keep
17 being vigilant, it wouldn't be too far in the future,
18 that if we -- that if we don't ensure these routine
19 issues or -- or matters are presented to the Board and
20 are reflected back to the regulators, that they could get
21 missed.

22 And so our intention and our intervention
23 is to be comprehensive. And the -- all of the
24 recommendation are meant to read as a whole for us to
25 arrive at our conclusion.

1 So, yeah, I think -- I think there was mix
2 -- a message there for the Board, that all of our
3 recommendations are -- are important and should be
4 reflected to the regulators.

5 THE CHAIRPERSON: Okay, go ahead, INAC.

6 MR. NATHEN RICHEA: Nathen Richea, INAC
7 Water Resources. And -- and I just wanted to stress the
8 point that even some of the routine parts of the
9 regulatory process are also -- can be very challenging,
10 and we are working on a number of guidelines to help that
11 process in the regulatory phase, but it is still
12 challenging, even if there are sometimes routine
13 requirements that -- recommendations that we provide that
14 may seem to be routine. Sometimes it's very challenging
15 to come to an agreement on, so I just wanted to make that
16 -- that point.

17 THE CHAIRPERSON: Thank you. I'm going
18 to go back to Board member Peter Bannon.

19 MR. PETER BANNON: Thank you, Mr. Chair.
20 I have another question. It's -- it's really
21 clarification, and maybe I don't understand the terms
22 very well, but it goes back to the access, limiting
23 access.

24 And Deze has some commitments made with
25 respect to limiting access on the roads. And you

1 mentioned that if it was private property, they -- they
2 could limit it, but if it was Crown land they could not.

3 But I think your letter, if I'm not
4 mistaken, said that if they had an interest in the Crown
5 land they -- beyond a land use permit, or whatever, that
6 they could initiate some access controls, let's say a
7 lease?

8 THE CHAIRPERSON: Thank you, Board
9 member Peter Bannon. I'm going to go back to INAC.

10 MR. JULIAN KANIGAN: Julian Kanigan with
11 INAC. You're correct that you would be able, or Deze
12 would be able to gate their own title property or leased
13 land, just not public lands, public Crown lands.

14 MR. PETER BANNON: But leased land is
15 still public lands.

16 THE CHAIRPERSON: We need a
17 clarification from INAC on that last question.

18 MR. PETER BANNON: I don't think I
19 require an answer to that.

20 THE CHAIRPERSON: Okay. Good enough.
21 Is there further questions, Board member Peter Bannon?

22 MR. PETER BANNON: I do. This one might
23 be a bit more difficult, and if you want to get back
24 later that's fine too. DIAND has a bit of a different
25 position than some of the others in that you're -- you

1 have a fiduciary relationship with the aboriginal people,
2 and you're going to be issuing this licence of occ --
3 occupation. And one of the major concerns that we've all
4 heard through these hearings is the transmission cross --
5 line crossing at the Lockhart River. So you're going to
6 have to give some consideration to that. Do you -- and I
7 presume that -- that's already been done to some extent.

8 Can you provide the Board with any of your
9 views as to the -- the impacts and whether there's any
10 mitigation that could be considered in relation to that?

11

12 (BRIEF PAUSE)

13

14 MR. MARC LANGE: Marc Lange. Before we -
15 - before any regulator issues a licence, we need to be
16 satisfied through an environmental assessment that there
17 are no significant impacts. Once that process is -- is
18 complete, and before again issuing licences or
19 authorization the crown needs to consult the aboriginal
20 peoples.

21 And we use a lot of different forums to --
22 to gather some of the information with respect to
23 licencing and consultation, and this is certainly one of
24 those forums. We -- we don't -- won't be claiming to
25 provide any evidence on the social or cultural impacts

1 that this project would bring upon resource users.

2 I think we -- we rely as much as -- as you
3 do on the folks who came here to present evidence. We've
4 been listening to what they shared with us. And if -- if
5 this project goes forward to regulatory we would consider
6 that evidence, as well, before issuing a licence.

7 THE CHAIRPERSON: Okay. Thank you. I'm
8 going to go back to Board member Peter Bannon.

9 MR. PETER BANNON: Thank you. That's all
10 the questions I have.

11 THE CHAIRPERSON: Thank you, Board
12 member Peter Bannon. I'm going to go to Board member
13 Darryl Bohnet.

14 MR. DARRYL BOHNET: Thank you, Mr. Chair.
15 I have no questions.

16 THE CHAIRPERSON: Thank you, Mr. Darryl
17 Bohnet. I'm going to go to Board member Danny Bayha.

18 MR. DANNY BAYHA: Thank you, Mr. Chair.
19 I just had one question. Obviously this -- this -- you
20 know, for the past two (2) days we heard a lot of issues
21 over -- over the overall project, but one of the things
22 that seemed to be really lacking in this whole project, I
23 think, is baseline information.

24 This -- obviously, this -- this area has
25 been -- this dam has been there, that original one, for a

1 long time. How has that ever been monitored? Like --
2 like it seemed like there's no mercury levels done; DFO
3 hasn't done that, Environment Canada hasn't done that.
4 Other agencies haven't done that. Who is responsible,
5 ultimately, for looking after the environment in terms of
6 monitoring, any type of -- of surveys or -- I mean, can --
7 - if you can help me? Obviously, it was licenced before.

8 So how does that fit into trying to help
9 answer some of the questions that the public had earlier
10 about the lack of -- of any sort of information to -- to
11 help them -- to comfort -- to give them some comfort?
12 Thank you.

13 THE CHAIRPERSON: Thank you, Board
14 Member, Danny Bayha. I'm going to go to INAC.

15
16 (BRIEF PAUSE)

17
18 MR. MARC LANGE: Marc Lange. The -- the
19 activities -- the -- the current project, you're correct,
20 is licenced. The licence -- they've got a water licence
21 and the regulator that manages that wa -- water licence
22 and the monitoring programs that form part of that
23 licence is -- is the land -- Mackenzie Valley Land and
24 Water Board at this point.

25 There certainly was a fair bit of question

1 levelled at the amount of baseline information over the
2 last couple of days and, in my view, the way the
3 environment is monitored in -- in the North is not by
4 sampling every location, every lake, every tree for the
5 whole of the Northwest Territories. There's a bit of a -
6 - of an overlapping system of -- of monitoring.

7 Probably at the lowest level is associated
8 with projects. So when projects get permitted, like this
9 one -- the -- the -- the old project that was permitted,
10 monitoring is associated with that -- that licence
11 condition and the Proponent needs to demonstrate the
12 effects or lack of effects they have on the land or --
13 and water. So that -- that's one level of monitoring.

14 And -- and the propo -- and the Proponents
15 -- Deze, in this case, but those who propose those
16 project are really responsible for -- for collecting the
17 information associated with their project. The -- the
18 principle that guides that is, the polluter pay
19 principle, basically, and Canadians and -- and locals
20 shouldn't be paying for the cost of monitoring. The
21 Proponent owns that one.

22 Operating behind that is -- is a bigger
23 monitoring plan across the Northwest Territories.
24 There's the -- various outfits are involved in -- in
25 monitoring. Environment Canada's got water monitoring

1 stations across the North. Our outfit, the Water
2 Division, also monitors water across the North.

3 There's a lot of other monitoring programs
4 going on, but I think when it comes to baseline on
5 Nonacho Lake, for example, I think there's certainly some
6 gaps at this point that we're recommending be -- be
7 addressed largely by the Proponent as they're going to be
8 affecting that water body during the regulatory process.

9 THE CHAIRPERSON: Thank you. I'm going
10 to go back to Board Member, Danny Bayha.

11 MR. DANNY BAYHA: Thank you. I have no
12 further questions. Thank you.

13 THE CHAIRPERSON: Thank you, Board Member
14 Danny Bayha. I'm going to go to Board Member Percy
15 Hardisty.

16 MR. PERCY HARDISTY: Marsi, Mr. Chair. I
17 don't have any questions.

18 THE CHAIRPERSON: Okay, thank you very
19 much Percy Hardisty. I'm going to Board Member Jerry
20 Loomis.

21 MR. JERRY LOOMIS: I have no questions.

22 THE CHAIRPERSON: Thank you. Thank you,
23 Jerry Loomis. That concludes the presentations to this
24 Public Hearing.

25 What I was going to do here next is that

1 we do have closing remarks and I'm just thinking maybe
2 while you guys are up there, maybe we'll give you that
3 opportunity to do a brief closing remark and I'll give
4 the Intervenors that are here brief closing remarks, then
5 finally I'll close it off with Deze, then the Review
6 Board.

7 So if you, now that you're up there, as
8 well, if you don't mind, you can say a few closing
9 remarks.

10

11 CLOSING REMARKS BY INAC:

12 MR. MARC LANGE: Marc Lange. Yeah, I'll
13 make this short. You know, the -- the -- a few folks
14 have observed and all observed the same that the Board
15 and panel members has a challenging job ahead of them.

16 You've heard quite a bit of -- of
17 information over the last couple days and some of new
18 information, so best of luck with -- with your mandate.

19 You know, I think just the one (1) closing
20 thought. I haven't been in the North very long. I've --
21 I've been doing EAs for about ten (10) years here. And
22 this was one of the more interesting sessions.

23 I really enjoyed hearing from our
24 Aboriginal partners from the communities sharing from the
25 heart their experience with the land and how this project

1 would impact them.

2 This is how an environmental assessment
3 should be conducted where people are engaged in the EA
4 and sharing their views and so I just wanted to thank
5 again, in particular, those -- those participants who
6 gave of their time and their expertise.

7 Thank you, Mr. Chairman.

8 THE CHAIRPERSON: Thank you very much.
9 I'm going to move on to -- I was going to go from the
10 top. Government of Northwest Territories want to come up
11 to the podium and say a few closing remarks, if they're
12 here.

13 We'll give you that opportunity. They're
14 gone? Okay. I'm going to go to Lutsel K'e Dene First
15 Nation, if you want to come up to the podium to do some
16 closing remarks and I'm going to move down the list here.
17

18 (BRIEF PAUSE)

19

20 CLOSING REMARKS BY LUTSEL K'E DENE FIRST NATION:

21 MS. TRACEY WILLIAMS: Tracey Williams,
22 Lutsel K'e Dene First Nation. I just want to thank the
23 Board for offering this time to have a chance to voice
24 some of the concerns that Lutsel K'e has had over this --
25 the project going forward.

1 THE CHAIRPERSON: Tracey, if you don't
2 mind can you speak up a little louder too and closer to
3 the mic. Thank you.

4 MS. TRACEY WILLIAMS: Sorry, I'm getting
5 sick and --

6 THE CHAIRPERSON: I think everybody's
7 getting tired.

8 MS. TRACEY WILLIAMS: I've been losing my
9 voice as the week goes on, so I apologize for speaking so
10 softly.

11 Okay, to make this brief but to thank the
12 Board for the time. We've heard a lot of good
13 presentations from some of the regulatory bodies and we
14 do concur with a lot of the recommendations that were put
15 forward, probably more than we actually had time to
16 vocalize in this actual Hearing.

17 We'd like to emphasize that the emissions
18 and some of the comments on dioxins and furans are
19 serious and have adverse impacts that can be -- that will
20 be felt by animals, plants, human beings into the future.

21 And so attaching some of those, that
22 incineration document to the terms and conditions of any
23 issuance of permit for this program should definitely be
24 considered.

25 Carbon footprint analysis or partial or

1 complete done by the Proponent should be offered to the
2 Public Registry.

3 Spring and summer, spring and fall field
4 monitoring studies with regard to migratory birds should
5 be mandatory and some of the other recommendations that
6 were offered regarding migratory birds and the studies
7 lacking therein.

8 The issue of licence of occupation should
9 not be taken lightly by the Board, as well. There is
10 intent by Canada, spoken or unspoken at this Hearing, to
11 have those lands -- something specific done with those
12 lands and that should not be taken lightly for it
13 reflects values and people's long struggle to have their
14 values realized within this country.

15 And just to repeat these -- one (1) of the
16 slides from the -- from our earlier presentation
17 yesterday, the area of Artillery Lake to Great Slave
18 Lake, Kache to Gahcho K'ue, is full of burial sites,
19 cabin sites, seasonal harvesting sites, legend locations,
20 as well as petriforms, rocks, or rock alignments that can
21 be shaped as animals or things that tell a story, which
22 help to form what is often described as a cultural
23 landscape.

24 And there are special sites within this
25 area known only to the Dene that will remain this way for

1 generations to come. The area cannot be subject to micro
2 analysis, compartmentalized by zoning, identified by the
3 creation of safe corridors, or given any other semantic
4 jargon, piecemealing, or instituting of any ad hoc buffer
5 zones to satisfy what would be deemed adequate protection
6 measures for the Lutsel K'e Dene.

7 There is no identifying areas within the
8 Lockhart River area we have defined that would mitigate
9 the overall negative impacts of the staging,
10 construction, and running of transmission line towers
11 over, through, or across the Desnedche-Kache area. This
12 area is slated for protection, and this means the entire
13 area from Artillery to Great Slave Lake.

14 So I'd like to ask Charlie Catholique and
15 Elder George Marlowe if they have any other words to --
16 to add to this.

17 MR. CHARLIE CATHOLIQUE: Thank you,
18 everyone. My name is Charlie Catholique, from Lutsel
19 K'e. I guess what you heard yesterday from Lutsel K'e
20 presentation, it all come from the heart.

21 We don't have anything in front me, you
22 understand, nothing in writing. People speak from their
23 heart, and that's where I come from. It's all whatever
24 on the East Arm in the backyard. It's really important
25 to me, all the way up to Artillery Lake, right from

1 Lutsel K'e.

2 We travel the route every year, year
3 round, because we want to use the land. We want to
4 protect the land. We don't want nothing happen to our
5 land. That's the only place that's beautiful in this
6 world, beautiful. The water is so clean.

7 We still live off the land, caribou. And
8 I feel sad when I heard about caribou declining. That's
9 what I depend on. It's so important for me. It's funny
10 and it's sad for me when people talk about my area and my
11 land. They want to string the transmission line right in
12 my area. I think about it. It's my store, you know.
13 It's like you're going shopping.

14 And the Board, Review Board, you have to
15 understand where I come from. You have to make the right
16 decision. When you want to make decisions, think about
17 Lutsel K'e. We're different from anybody else. We live
18 off the land. I guess most of you come to my community,
19 I guess. What's there?

20 You have restaurants? You go to
21 restaurants? You see motels? You go shopping? No
22 shopping malls. You know, if I want -- if the store
23 doesn't have the food I want, I go on the land, meat,
24 caribou, moose. See, that's how I live. So make sure
25 you make the right decision. Make sure -- we don't want

1 to spoil the land. No transmission line going through
2 that area, it's really important to me.

3 Maybe one day you're going to be out there
4 fishing. I'm going to let you in, fishing if you want to
5 eat. And one day, you're going to need a guide, you want
6 to get yourself a caribou. Maybe you can tag along,
7 maybe we can make a fire and have some tea, fill up your
8 stomach and go home. And that's the way I want it for a
9 long, long time for our future generation. It's not for
10 me, it's for my people, for my young people, that's what
11 I'm speaking for.

12 And I guess you heard from Lutsel K'ue
13 already. They speak from their heart. We've been there
14 for a long time, long, long time. Even my Elders have
15 been around everywhere that area. And listen to the --
16 and also you heard from the Carters family. Do you ever
17 think about all that, who's responsible for damaging the
18 land? It's all money. I don't have any money in my
19 pocket at this time, but I'm rich with well -- my land,
20 and what I have in the land, that's what I depend on.

21 People who want to do business on the
22 land, all they want is money. Once they take everything
23 they leave, they leave big damage behind. And who is
24 responsible for that?

25 And I don't get nothing out of it.

1 Someone has got to pay for this. So I want everybody to
2 know this land, what we're dealing with on the East Arm,
3 I depend on. I live off the land.

4 So I don't want no transmission line going
5 through my area. So I want the Review Board to make sure
6 you make the right decision for Lutsel K'ue, make sure
7 there's no transmission line going through. Marsi Cho,
8 thank you.

9 ELDER GEORGE MARLOWE: Marsi. I'm not
10 going to say too much. Charlie and Tracey said the most
11 things, important stuff. So thank you very much.

12 I like this meeting because everybody
13 seems like -- that's how you find things. A lot of
14 people, different people, come to the meeting. I know a
15 little bit arguing at the -- towards the start, but
16 towards the end you think after two (2) days, next
17 meeting maybe it will be much better yet. So thank you,
18 everybody.

19 But yesterday when Lutsel K'ue did that
20 presentation, I think it was Bohnet, Garry, you asked for
21 question why the whole area, the whole river is it?

22 Well, there is -- remember I told you
23 about the two (2) places you go for healing. There's one
24 (1) place too, we call Beaver Blood. Beaver Blood, it's
25 maybe about that size or bigger. Two (2) place like

1 that, too.

2 You go there and lots of womans, or they
3 use it for dye, they use it for snowshoes to colour the
4 snowshoes, or to colour this leather, or your hunting
5 bag, or your gun case, that's what they use that for.
6 You could make real nice colour on the moose hide with
7 that, that beaver -- we call it beaver blood.

8 So there's two (2) places if you guys walk
9 that way some day you'll see it. It's kind of in the
10 valley, if you're a lucky person, it's right away. So
11 that's why we said that whole river is secret for us.

12 And at the bottom, every summer we go
13 there, sometimes twelve hundred (1,200) to fourteen
14 hundred (1400) people go there sometimes. And I know
15 about three (3), or four (4) years ago -- people get
16 married there too.

17 So, and then we used to have a treaty
18 there too, but I don't know why they stop now. Maybe
19 there will be a treaty again. We used to have a treaty
20 there every time we go out there.

21 So -- but I'm very happy to be here. I
22 can't say too much about the transmission line but we all
23 know, we spoke already. People don't want the
24 transmission line, but again, I said that we're not the
25 boss. Nobody's the boss, except the Old Lady. She's

1 gonna make -- she's gonna put something in our head if
2 we're going to go ahead with it. That's why I said she's
3 the boss.

4 Other than that, thank you again with all
5 my heart. Think about the Old Lady. As soon as you walk
6 out from here, you think about her, you'll be safe.
7 You're going to back to your wife, children, home,
8 wherever you stay, it doesn't matter. Yellowknife or
9 Edmonton or Vancouver, it doesn't matter, you'll be safe
10 when you think of Old Lady. So thank you very much, my
11 friend. Thank you.

12 ELDER HENRY BASILE: Thank you, Mr.
13 Chairman. My name is Henry Basile, and I'm First Nation
14 from Lutsel K'ue. Yesterday the presentation was made by
15 my people, and I concur with them fully. I can give you
16 a little bit of history of my background being involved
17 in that area.

18 Back in 1983, I was one of the first
19 person that started going back to our traditional areas.
20 I canoed from Lutsel K'ue all the way to Fort Reliance
21 and then hiked in. And every since, I have -- I have
22 been going out, I always hike in. I'm one of the person
23 that originally started to hike in through the
24 instructions of the Elders, what to make the offerings
25 are.

1 And also, that part of the land has been
2 occupied for thousands of years by my people. How I know
3 this is through the oral histories, and stories, and I
4 worked with archeologists all in that area. And some of
5 the findings that -- that we encounter was dated back to
6 somewhere thirty-five (35) to four thousand (4,000)
7 years. That's as far as it went back, and that area has
8 been occupied by the Dene.

9 And that's a major route to the barren
10 lands from the tree line. That's where most of the --
11 our people had camped before, and making the journey into
12 the barren lands. Now if we go back through the history
13 of what has been taking place, thousands and thousands of
14 people of Dene have used that area. And we can't -- we
15 can't overlook that.

16 Those are my ancestors, my people, Elders,
17 medicine people had gone through there. Even other
18 tribes, Navaho Nations, the Cree people, all kinds of
19 First Nations people have gone through in that area,
20 yeah. And -- and with all of that we cannot go and have
21 any powerline going through there. It's like -- like
22 striking out our traditional values. If you cross that
23 area it -- it's no longer having meaning and spiritual
24 values for us as a Dene.

25 So we have to really understand the

1 background and the history of it to this day. So I
2 recommend that to the Board to really understand that and
3 show some compassion towards the First Nation people.
4 Thank you, very much.

5

6 (BRIEF PAUSE)

7

8 MR. DARRYL BOHNET: Yes, go ahead, Sir.
9 Thank you.

10 ELDER ALFRED BOULANGER: Good afternoon.
11 I'd like to say a few words about my country too. We're
12 all the same thing when we talk about things. But I'd
13 like to talk in my language. It will be better when I
14 say something. So I wonder you guys are -- could use
15 your earphone. I won't be long, but just a few short --
16 I'm going to do a little short...

17

18 (TRANSLATION COMMENCES)

19

20 ELDER ALFRED BOULANGER: Thank you. I
21 travelled from my hometown to here, to be present at this
22 meeting, and I've been here for two (2) days. I've heard
23 a lot of speakers talking about the land, the water, the
24 animals, and everybody else had a say what they had to
25 say.

1 Thank you very much when you talk about
2 the land because it's so touching to my people back home.
3 When we come to meetings like this we try to get what we
4 want, and some people try to protect their land as best
5 as they can. And we are one (1) of them. We are from a
6 Northerner's and we live off the land from memorial time,
7 memorial time.

8 So when I hear somebody speaking towards
9 the land I really appreciate to hear people talking like
10 from their hearts. We are not taking this for ourselves.
11 We're talking for the future generation for the living of
12 our people on the land. And the powerline that they want
13 to put over the land that we are trying to protect, it's
14 a very important issue to not only us, but to our own, to
15 the animals, the waters, and everything. Where there's a
16 powerline, there's always a road.

17 Look at the way we look at it. Even back
18 home now we have a hard time getting caribou in our area
19 in wintertime, and now we will be centred in by the
20 powerline and the mining on one (1) side of our land.
21 How are we, as Dene people, gonna survive on the land?

22 Because our ancestors had told us to
23 protect the land for our animals and for the living of
24 the human being that would live there next year. Our
25 Elders had told us, in the future if you succumb to other

1 people taking over your land, you guys will be crying,
2 looking at caribou trails, and looking at the water where
3 there used to be fish, and animals on the land. It will
4 be all gone.

5 So this is why we have -- when we have
6 words, we're not saying no to any -- any mining or
7 anything that's going up on our land, but when it's going
8 to be disastrous to our people and our land, this is when
9 we have to put up a stand and say, no. This is why we
10 love our land and waters.

11 So when we say something we talk from our
12 hearts and we mean what we say. So the powerline that
13 I'm against it too, and I'm going to thank you for being
14 here. And we are very tired here, but still we're
15 keeping the meeting going on.

16 Even our children from Lutsel K'e, they
17 are our leaders for the future. Even now, they're young
18 but still they have -- they think about things like that,
19 and I thank them from my heart for them being who they
20 are as a Dene person.

21 And I thank the host community that we're
22 having our meeting on in Dettah. And the Elders, some of
23 them had showed up here, and I thank you all.

24 And maybe someday we'll come to a meeting
25 again under other circumstances, but we always try to

1 solve problems, and we always try to help one another.
2 But this issue here is very touching, it's not only for
3 us but for the future generation of our people. Thank
4 you.

5

6 (TRANSLATION CONCLUDED)

7

8 THE CHAIRPERSON: Thank you. Sorry.
9 Okay, I just want to say thank you again to Deninu K'ue -
10 - I'm sorry, Lutsel K'ue Dene First Nation for coming in
11 to do the presentation. And you know, and especially the
12 young people. So I want to say thank you to the Elders
13 for coming up tonight and doing the closing remarks.

14 Right now, I think we do have a list. I'm
15 hoping we can go through it quickly. But, I want to take
16 a five (5) minute break. And maybe there's some Board
17 members -- there's some sandwiches in the back there. So
18 we'll come back in about five (5) minutes.

19

20 --- Upon recessing at 6:16 p.m.

21 --- Upon resuming at 6:25 p.m.

22

23 THE CHAIRPERSON: Okay. Can I get
24 everybody back to the table? We're just going to do our
25 final closing and then we're going to do a closing

1 prayer. So can I get everybody back to their table?

2

3

(BRIEF PAUSE)

4

5

THE CHAIRPERSON: Okay. The next one I
6 have on the list for closing remarks, I know -- I don't
7 know if they're still here, Parks Canada, if they're
8 still here, want to do a brief closing comment. No?
9 Okay.

10

11

12

13

CLOSING REMARKS BY DFO:

14

15

16

MR. BRUCE HANNA: Thank you very much.
Bruce Hanna from DFO. And I'll try to keep this as quick
as possible.

17

18

19

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21

22

DFO is of the opinion that, with the
application of appropriate mitigation measures, adaptive
management, followup and monitoring, and adequate fish
habitat compensation for project specific habitat losses,
significant impacts to fish and fish habitat can be
avoided.

23

24

25

DFO remains concerned about the proposed
minimum flow for Trudel Creek as presented in the
developer's assessment report, and looks forward to

1 working with Deze Energy on the development of a variable
2 hydrograph of a magnitude and frequency that minimizes
3 impacts to fish and fish habitat to the satisfaction of
4 DFO.

5 DFO recognizes the significance of the
6 decision facing the Board in its consideration of the
7 Taltson Hydro Expansion Project. The department will
8 continue to work cooperatively with all stakeholders,
9 including the Proponent, to ensure that its interest, for
10 the protection of fish and fish habitat, are being
11 addressed. Thank you very much.

12 THE CHAIRPERSON: Thank you very much.
13 I'm going to go to Environment Canada, have they got any
14 closing comments?

15 MS. LISA PERRY: Lisa Perry for
16 Environment Canada. Mr. Chair, I understand that earlier
17 one of the community members and our bird expert
18 approached you about answering a question that we -- they
19 posed to us earlier, a clarification. I have a statement
20 that I can read because the community member wanted it on
21 the public record. So, I don't have a closing, but I
22 have a statement.

23 THE CHAIRPERSON: Yes. Yes, please
24 proceed with the statement then in response.

25

1 STATEMENT BY ENVIRONMENT CANADA:

2 MS. LISA PERRY: So, at the request of
3 the community member, Environment Canada has been asked
4 to clarify in this Hearing what birds fall under the
5 management responsibility of Environment Canada, and what
6 birds fall under the management responsibility of the
7 Territorial Government?

8 Environment Canada is responsible for
9 migratory birds, as defined under the Migratory Birds
10 Convention Act. This includes ducks, geese, swans,
11 songbirds, shorebirds, gulls, terns, cranes, loons, and
12 other water birds. The Territorial Government has
13 management responsibility for birds such as raptors,
14 owls, ptarmigan, grouse, ravens, blackbirds, and jays.

15 So, we do hope that clarifies the
16 community member's question. Thank you.

17 THE CHAIRPERSON: Thank you.

18 MS. LISA PERRY: And thank you for the
19 opportunity for presenting today.

20 THE CHAIRPERSON: Okay. Well, thank you
21 very much for your comments. And, just for the record,
22 the person that was -- from Lutsel K'ue Dene First
23 Nation, Henry Basile, and, just for the record, that was
24 the that made the inquiry a little bit earlier. So, that
25 answers your question. Thank you very much.

1 Moving on. DKFN -- oh, sorry, Environment
2 Canada. Oh, okay, it's Deninu K'ue First Nation; they're
3 gone, so I'm going to move on.

4 Fort Resolution Metis Council, they're
5 gone.

6 The Carter family is gone.

7 So, INAC, closing comments, if they're
8 still here? Oh they're -- sorry.

9 Okay, Transport Canada? Okay.

10 All right, I'm going to go to -- before I
11 do my closing comments, I'm going to just quickly go to
12 my legal counsel here. I'm getting tired, so I'm going
13 to just make him say a couple of comments here and then
14 I'll turn it back to me.

15 MR. JOHN DONIHEE: Thank you, Mr.
16 Chairman. John Donihee, Board counsel. It's -- it's
17 really just a matter of -- to provide advice to the
18 parties.

19 As you're all aware, the Board has taken a
20 number of undertakings over the last two (2) days from a
21 variety of parties, and it appears there's a potential
22 for a fairly a fairly significant amount of information
23 to come our way once these undertakings are filed in two
24 (2) weeks time. So, the -- the message really for the
25 parties, is that once the Board receives the -- the

1 filings of the undertakings, it will review the
2 information and assess it, and provide direction to the
3 parties thereafter about filing written submissions,
4 closing submissions in writing, after that point.

5 So, we need to have all of the evidence
6 in, and all of the parties need to see it before the
7 actual final submissions can be in. So, the Board will
8 be in touch with the parties after the 29th of January,
9 to provide further direction in relation to closing --
10 closing submissions. Thank you, Mr. Chair.

11 THE CHAIRPERSON: Okay. Thank you for
12 that clarification. I want to go to the last presenter,
13 is the Deze Energy Corporation; if you could come up to
14 the podium please.

15

16 CLOSING REMARKS BY DEZE ENERGY CORPORATION LTD.:

17 MR. DAN GRABKE: Thank you. Thank you.
18 Dan Grabke. Deze would like to thank the Board for the
19 opportunity to participate in these hearings. We are
20 proud of our project, and believe it's a once in a
21 generation project for the people of the South Slave.
22 The opportunity is now.

23 While we spent two (2) days together to
24 all the Board and parties to hear what we have said, to
25 hear what we have to say, to hear what others have to

1 say, it has taken us over three (3) years to get here.
2 Since 2006 we've been working with communities and
3 stakeholders to explain our project. We've been talking
4 to our neighbours, our citizens, and our leaders. We
5 have been -- we believe we have listened to their
6 concerns and we believe we have addressed them. We have
7 rev -- revised our design and our routing, and have made
8 other commitments to either eliminate concerns or
9 mitigate impacts.

10 We spoke to you about the project
11 benefits. I will speak to the benefits of Northern
12 ownership in a min --minute.

13 But other significant project benefits
14 include utilizing the existing reservoir and
15 infrastructure, supplemented with new generation
16 facilities and a transmission line. There's no new dams.
17 There's a refurbishment of the -- the Nonacho structure
18 so that flows can be controlled better.

19 There's no new flooding. There is 3
20 metres of -- the water was raised 3 metres at Nonacho in
21 the past; the damage has been done. This project is
22 about looking forwards, not backwards. It's obtaining
23 additional benefits from past impacts. The waters will
24 remain within water licence limits. Water levels will no
25 -- never be higher than what has occurred in the last few

1 years.

2 Water through the turbines offsets CO2,
3 diesel, electrical generation emissions. All our
4 calculations is just based on the diesel generation that
5 we're displacing.

6 There's substantial NWT greenhouse gas
7 reductions up to 15 percent; there's no other projet that
8 can do that up here. There's regional to global
9 environmental benefits. Two thousand (2,000) less B-
10 train fuel trucks annually on winter roads.

11 Environment Canada had a presentation and
12 picture showing the food chain regarding incineration;
13 how it gets into the air, the land, the water. Think
14 about twenty (20) large diesels running for decades.

15 There's business, employment, and training
16 opportunities that we're committed to because of who we
17 are. There's a possible extension of mine life and the
18 associated economic benefits that go to the Territories.

19 As with most development projects, this is
20 a business and a return is needed to make the project
21 viable. What is unique about this project, Mr. Chairman,
22 and what we believe is unprecedented, is that the
23 economic returns of this project will flow to and stay in
24 our communities. The returns to the owners from this
25 project will be made in the North and they will stay in

1 the North. Our Aboriginal partners are majority owners
2 in this project. There is no energy or resource
3 extraction project in the NWT that can say this, at least
4 for a project of this scale. The other owners of this
5 project are the citizens of the NWT, through the NWT
6 Energy Corporation.

7 We told you in our presentation that we
8 believe this model will serve as a blueprint for future
9 projects in the North. The model that not only allows
10 for northerner's, including First Nations and Metis, to
11 share in the economic benefits, work in jobs, but a model
12 that allows them to have a say in how the project is
13 developed and how the business is run. Our model has
14 allowed all partners to have equal say in this project at
15 every step. Our decision-making approach has been
16 consensual, so we have worked through our areas of
17 concerns together, listening to each other with respect,
18 reaching an agreement that is acceptable to all of us.

19 Again, this is groundbreaking, as far as
20 local stakeholders -- allowing local stakeholders a say
21 in the business. What it also means is the project has
22 been designed, developed, and modified, with direct input
23 of our communities and the persons they have asked to sit
24 on the Board of Directors of Deze.

25 We believe our model has worked very well.

1 Why is this important? As we said earlier, our project
2 is made in the North for northerner's. But, there is
3 something else that has happened along the way; the men
4 and women who have represented their communities on the
5 Deze Board and who have shaped this project live and work
6 in the communities that will be impacted by this project.

7 The lifestyle, values, and traditions of
8 local communities are reflected in the project's
9 ownership and design. They know and understand the
10 balance that must be reached to respect the air -- land,
11 air, and water. Mr. Balsillie referred to these elements
12 of the environment as our backyard. He told you that he
13 and Deze representatives have brought this project to the
14 communities, explained the project to them, and listened
15 to their concerns. This dialogue and communication has
16 shaped the project.

17 This is not to say that we have not
18 engaged others to get their views. As we told you in our
19 presentation, we've held many meetings, consultations,
20 discussions with communities, interests, and other
21 regulators. The result is that our environmental
22 assessment allows us to make some key points.

23 Through our unique business model, we have
24 gained direct input and consultation from communities
25 that a typical developer could not get. Because our

1 owners are developing the project in our backyard, our
2 own backyard, our approaches to assessing environmental
3 effects and their significance, is more cautious and more
4 conservative than an outside developer might take. And
5 in the key areas of interest the, enir -- environmental
6 impacts of the project are either not significant, or
7 where they are, we believe, and are committed to, they
8 can be mitigated.

9 We are careful and we respectfully
10 listened to the submission of the parties to this
11 proceeding and would like to make some observations and
12 comments on the key areas of interest.

13 The first key area of interest in this
14 project to discuss is the protection of the fish and
15 wildlife. For caribou, the commun -- cumulative effects
16 were considered in detail in the DAR. We know and
17 understand that there is some uncertainty in our
18 predictions. As developers who live in the region we
19 also know and share the concern that caribou are in a
20 period of decline. Our goal was to use traditional
21 knowledge studies to identify key caribou habitat.

22 Working with environmental monitors from
23 surrounding communities, our neighbours who know the land
24 and the animals will carry out monitoring of the impact
25 on caribou herds in migration. Construction car --

1 schedules will seriously consider all caribou movements.

2 A concern has been raised the winter road
3 from Fort Smith will expose the herds. The GNWT has
4 noted that the gates and fence blocking the road at the
5 Twin Gorges site, and with patrolled roads, that concern
6 will be addressed. They also noted that if necessary
7 wildlife offic -- officers could respond and hunting bans
8 could be used, as well as check stations.

9 One (1) point which we want to make sure
10 you understand, is that we -- we say there will be a
11 locked gate at Twin Gorges preventing hunters from going
12 on further. We mean it. These gates will be on private
13 property and not Crown land, and no person will be able
14 to cross the property on the road without permission.

15 On this point, one thing to emphasise is
16 the length of time that there will be a road, camp
17 incineration, Nonacho Construction; we're talking about a
18 two (2) or three (3) year period. Regarding Nonacho
19 Construction it's about fifteen (15) months. After that
20 the road's no longer cleared, there's no camp
21 incinerators because there's no camps, there's no more
22 construction at Nonacho.

23 For fish we have revised the minimum flow
24 in the Trudel Spillway and we will be flexible on the
25 timing of scheduled outages to protect not only fish

1 habitat, but nesting areas for birds. We have shown that
2 a minimum release of 4 cubic metres per second in Trudel
3 Creek -- there's no negative fisheries effects would
4 occur. And we've committed to monitoring -- monitoring
5 programs that monitor predicted fish habitat effects
6 associated with the minimum release.

7 This minimum flow has a great impact on
8 the economics of this project, as well as the greenhouse
9 gases that it displaces. The GNWT has agreed with us
10 that soil erosion in the Trudel Creek area is a minimal
11 risk; this protects both birds and fish.

12 It came up earlier today that DFO seemed
13 to be changing its story on what the DAR concluded on the
14 effects the project has on fish. We understood their
15 position was that any of their recommendations we have
16 not yet finalized could be addressed in the regulatory
17 phase, and that these un-finalized recommendations were
18 not made to the Board as measures to avoid significant
19 impacts on fish, nor to be used by the Board as such.

20 The Board had asked a number of questions
21 on how we're monitoring and mig -- mitigation plans for
22 fish and wildlife will work, and how we know if they are
23 working. As we work through the regulatory phase we'll
24 be updating, refining, and enhancing our mitigation and
25 monitoring plans.

1 For this review, and as noted in our
2 filings, we are making commitments to adopt and carry out
3 these plans so the Board can rely on these commitments in
4 preparing its recommendations.

5 Regarding the routing and Lockhart
6 crossing: In our presentation and in our responses to
7 the Board's questions, we confirmed that we reviewed four
8 (4) alternative routes to meet the terms of reference for
9 the DAR. Our engineering and environmental studies
10 looked at all four (4) possible routes. The only route
11 which met all reliability, safety, and economic
12 requirements, was the east route.

13 Practically speaking, the three (3) loo -
14 - routes we eliminated are not the best way to run and
15 operate a powerline, both operationally and
16 environmentally, as compared to the east route. The west
17 route is over double the length of the east route. It's
18 -- it would need to be all new transmission lines right
19 from Taltson, that means double the land disturbance and
20 higher line losses.

21 The two (2) marine based routes also have
22 their challenges which rendered them unfavourable and
23 unreliable. During winters when the lake is frozen, a
24 line failure in an underwater cable cannot be located and
25 accessed under thick ice for many months. The diamond

1 mines are not served by any other outside transmission
2 line so the project -- transmission line does not
3 operate. If it does not operate because we can't access
4 it under 3 metres of ice, then the mines will have to
5 burn diesel to generate power for operations. This
6 obviously means they will need to have fuel trucked in
7 and stored for backup. In the end the marine routes we
8 proposed in studies have the potential to cause as many
9 problems as they solve.

10 The east route is the only viable
11 alternative to the project. If the east route cannot be
12 accepted, the project simply cannot go ahead, because on
13 the -- based on the information we have today.

14 While we are firm in this position, we've
15 shown that we are flexible in adapting the east route to
16 respond to specific interests. In our presentation, we
17 gave you examples of where this has already happened and
18 where it could happen. Where it could happen is with the
19 Lockhart crossing. From the presentation we heard from
20 the LKDFN, we now have a better picture of the
21 significance of the river and Our Lady of the Falls. We
22 know what the no-go zone is and what its boundaries are.

23 In terms of its overall distance on the
24 transmission line project, the area the Lutsel K'e Dene
25 are looking to protect is small. We're committing to

1 exploring all feasible ways to make the crossing, while
2 respecting the areas identified as sensitive. This issue
3 can be addressed and will be solved.

4 The assessment in the DAR of an overland
5 and aerial crossing of the waters of the Lockhart River
6 is robust and broad enough to allow us to make
7 adjustments necessary to resolve this crossing issue and
8 predict its effects.

9 We've carefully studied the information
10 provided over the last few days by Lutsel K'e and we
11 believe we can propose a conceptual alignment which will
12 avoid the sensitive areas they identified. We will file
13 the alternative crossing alignment as soon as we possibly
14 can and prior to the Board's proposed closure of the
15 record at the end of the month.

16 Based on where we are at today, we expect
17 the information to look similar to the slides in our
18 presentation which gave examples of where we made routing
19 changes, routing adjustments within the east route, to
20 address specific interests and concerns. With a revised
21 crossing alignment, we're confident and submit that the
22 Board will determine that the crossing issue is not
23 likely to cause a significant impact, and that the
24 revised alignment measures prevent any potential impacts.

25 Regarding the Carters on Nonacho Lake, as

1 we indicated to the Board, during questions, we have
2 begun detailed discussions with the Carters to address
3 the impacts the project will have on their operations.
4 We understand these impacts will be felt during
5 construction and we hope to work to a solution now that
6 discussions have begun.

7 While we respect the interests of the
8 Carter Family, we point out that the lands they occupy
9 are not subject to any formal land use planning framework
10 and therefore for the purposes of addressing their
11 issues, we are open to proceed with the project, absent
12 planning, guidelines and requirements.

13 In conclusion, under Part 5 of the
14 Mackenzie Valley Resource Management Act, when carrying
15 out an environmental assessment, the Board must come to
16 the determination on the proposal for development before
17 it. In that determination, you must assess and determine
18 two (2) things: Whether or not the development, in your
19 opinion, is likely to have any significant adverse effect
20 on the environment, and whether or not the development,
21 in your opinion, is likely to be a cause of significant
22 public concern.

23 It is our submission that the evidence in
24 the material you have before you, demonstrates there's
25 not likely to be a significant public concern with this

1 project and that environmental impacts, if significantly
2 adverse, may be prevented. We have seen these -- we have
3 seen these conclusions from the submissions of INAC,
4 GNWT, DFO and other regulators.

5 To conclude, we acknowledge concerns have
6 been raised regarding the Lockhart crossing and the
7 Carter Family business. However, as stated earlier,
8 these concerns can be addressed. As a result, the Board
9 could recommend that approval of the project be made,
10 subject to these measures.

11 If the Board makes this recommendation,
12 they can be confident that our business model will see
13 that we live up to our commitments and respect the
14 environment and our neighbours. The Board can also be
15 confident that the many benefits we believe this project
16 can bring to the people of the North will be one step
17 closer to reality.

18 Now I believe the Chairman of Deze Energy
19 has a few closing words.

20

21 (BRIEF PAUSE)

22

23 MR. DON BALSILLIE: Mr. Chairman -- Mr.
24 Chairman, Members of the Board, you have heard a lot of
25 speeches over the last two (2) days that we sat in this

1 building, and we've heard people get fairly emotional
2 when they talk about their concerns and their land.

3 This project, as you heard Mr. Grabke, is
4 a majority aboriginal owned corporation, the first of its
5 kind in the Mackenzie Valley.

6 When we went into the communities to talk
7 about the project, people didn't realize at the very
8 onset that this corporation was majority aboriginal
9 owned.

10 And when they did find this out, their
11 attitudes changed fairly quickly to a keen interest of
12 who was involved, what are the benefits, what are the
13 impacts, et cetera. It generated a whole new attitude.

14 For too long, Mr. Chairman, in this part
15 of the world we have been marginalised, left on the
16 sidelines, looking through the window of development
17 projects where we said later we should have, could have
18 been part of it.

19 Prime example, Mr. Chairman, when they
20 talked about building Mackenzie Valley Pipeline in the
21 '70's, they had a major inquiry, the Berger Inquiry.
22 People wanted some time to think about it. Let's slow
23 things down, let's get involved, let's be part of this.

24 A moratorium was put in place. That
25 moratorium did not do the aboriginal people any good. At

1 the end of the day they built the pipeline without
2 aboriginal participation ownership. Very few benefits
3 accrued except a few jobs and contracts along the way.

4 I want to remind the Board that when we
5 talk about development and the impacts, you look south of
6 the lake as the crow flies, 97 miles across the big
7 water, we in the South Slave region have undergone a lot
8 of development.

9 We had the mining industry, Pine Point
10 Mines, lead zinc mines, the largest open pit mine in the
11 world on our doorstep of the South Slave people. No
12 benefits.

13 I once said that this mine, the Pine Point
14 Mines, allowed Cominco to take the lead zinc out of the
15 ground, give it to the Japanese. They gave the jobs to
16 the Newfoundlanders, they gave the profits to Cominco,
17 they gave the royalties to the Queen. And then someone
18 turned, "So what did you get?" I said, "We got the
19 shaft." I wasn't talking about the mine shaft either,
20 Mr. Chairman.

21 The timber harvesting that has gone on in
22 our backyards for many years to supply timber to the now
23 defunct gold mines in Yellowknife came from our backyard.

24 The railroads that were put in our
25 backyard to haul the ore south, the commercial fishery

1 that was on our doorstep for almost sixty (60) years had
2 a big impact on various stocks in our lakes. They're
3 finally coming back, Mr. Chairman.

4 Largest withdrawal of land for a national
5 park, Wood Buffalo National Park, south of the lake.
6 These are impacts that we felt. The original
7 establishment of the Taltson infrastructure, our people
8 in the South Slave -- and you heard people today speak
9 and how emotional they were because they had to move from
10 their homelands in that river system. We felt those
11 impacts. We still live with them today.

12 The residential school system that people
13 are still plagued with today, that school system was down
14 at Fort Resolution, one of the big institutions.

15 Mr. Chairman, I can go on with many, many
16 negative situations that we've been faced with
17 development, yet our community, Fort Resolution as an
18 example, has been there for well over two hundred (200)
19 years, one of the longest existing communities in
20 Mackenzie Valley.

21 Why? Because they're survivors. They're
22 survivors and will continue to survive. The mining
23 industry north of the lake, our people south of the lake
24 don't enjoy the fruits of those developments. We -- we
25 don't have impact benefit agreements, contracts, jobs

1 like people in this -- this part of the country.

2 Our communities are haemorrhaging off
3 anywhere between 12 to 15 percent of their population
4 because they have to go elsewhere or forced to leave
5 their homeland to look for work elsewhere because there's
6 no development.

7 The oil and gas industry received many
8 dollars to help them with the proposed pipeline that's
9 being contemplated now in the Mackenzie Valley. The hard
10 rock industry on this -- south of the lake -- north of
11 the lake you receive millions and tens of millions of
12 dollars for training and help to engage people in -- in
13 this development.

14 A sliver of land in the South Slave, we've
15 been left out. Our people in the South Slave that I
16 represent, Mr. Chairman, are the Akaitcho people.

17 The five (5) First Nations I want to
18 continue to move forward with this project, five (5)
19 First Nations, two (2) Yellowknives First Nations, Deninu
20 K'ue First Nation, Salt River First Nation and Smith's
21 Landing, they want to move forward to see some
22 development where they can participate in a project of
23 this magnitude where they are majority owner, where they
24 can keep these benefits in the North and put those long
25 stream -- long-term stream revenues into other areas of -

1 - of economic development.

2 When we talk about the treaty, I want to
3 remind people that the treaty of 1900 that was signed
4 down in Deninu K'ue, on July 27th, was a treaty that
5 spoke to coexistence. People throw that word around
6 rather loosely.

7 When we talk about coexisting we are
8 talking about all people that live in a certain house.
9 And in order to have harmony in that house, sometimes
10 people have to make small compromises so you can have
11 some degree of stability.

12 I live by the Treaty. That Treaty that we
13 made is undergoing negotiations as we speak. These
14 negotiations are arduous, at times very frustrating, but
15 nonetheless, as I said, we're survivors.

16 We'll continue to plod forward and attempt
17 to resolve these outstanding issues that hopefully some
18 day we'll see agreements in Akaitcho that clearly spell
19 out how we're going to conduct ourselves in the future in
20 this house and the cloud of uncertainty lifted.

21 But until then, on the ground what we have
22 are vehicles such as this, Mr. Chairman. Although we all
23 know it's not a perfect tool, it needs refining, but as
24 we learn how to run this vehicle, we will refine it.

25 Our people talk about self governance.

1 They talk about wanting to control everything. In a
2 house where you have coexistence, there's a necessity to
3 share. There's a necessity to understand the other's
4 concerns and needs and interest. Only then can you
5 really have a relationship that's going to work.

6 Mr. Chairman, we've heard concerns from
7 the parties and we've heard concerns from other
8 aboriginal groups. As Mr. Grabke stated, we've gone to
9 great lengths and expenses to ensure that when we develop
10 this project, it's a project that takes all those things
11 onto consideration.

12 As aboriginal people that are majority of
13 this corporate entity that wants to bring energy to the
14 diamond mines, we want to set the bar a little higher
15 when projects of this nature are being contemplated in
16 the future.

17 We want to ensure we take every measure
18 possible to ensure where people are -- are -- we're
19 required to give people compensation. If they're -- if
20 they're hurt by such development, we will do so.

21 The people that I represent, Mr. Chairman,
22 in this project are people who are not insensitive to
23 those particular issues. Themselves are aboriginal
24 people who had these issues before them in other
25 development projects.

1 This river system, the Taltson River
2 system, I live at the very base of it where it flows into
3 the Great Slave Lake. I've lived there half of my life
4 in the last twenty-five (25) years. It's a beautiful
5 water system, no doubt such abound with wildlife. The
6 fish stocks were there, plenty of them. We want to see
7 those things continue, Mr. Chairman, well into the
8 future.

9 My children have grown up in this area.
10 For the last twenty-five (25) years we spend our summers
11 out there. We fish, we hunt, we live out there. We run
12 a sports fishing camp. We bring people in from Denmark,
13 Germany, Italy, United States, various parts of the
14 world, and they're always at awe about the beauty of this
15 part of the world.

16 Mr. Chairman, this land that we reside on
17 has many, many things to offer us. And as stated by
18 previous speakers we have to be careful on how we walk
19 upon this land and the type of footprint that we leave
20 behind. We want to ensure that our generations to
21 follow, people that live here, not just Aboriginal
22 people, the people that are truly Northerners, they want
23 to continue to reside here, it's a place they could be
24 proud of. It's a place where they can point and say,
25 look how these people have developed their resources.

1 Look how they've taken care of the land and their
2 animals.

3 This project, Mr. Chairman, where we're
4 contemplating stringing towers and lines into the area
5 that is pristine, is in the area that we hope in the
6 future will continue to be there for our children, our
7 great grandchildren to utilize. But in doing so,
8 sometimes we have to make small compromises to get the
9 big things that we need.

10 As I've stated earlier, this is an
11 Aboriginal majority owned company and we will take every
12 step possible to address those concerns that have been
13 identified. And, Mr. Chairman, I want to remind the
14 Board once more that we look forward to -- to ongoing
15 information exchange, and that we look forward to a
16 decision on this project, that is going to be a positive
17 one; there are -- people in this region can -- can look
18 forward and say we -- we're involved in a very good
19 project and we're very proud of what we've done.

20 With that, Mr. Chairman, marsi cho.

21 THE CHAIRPERSON: Thank you, Mr. Chairman
22 and Deze Energy Corporation for your closing remarks.
23 And I just want to also thank your delegation that's with
24 you and, as well, that gave presentation to the Review
25 Board here on -- on this file.

1 Before I go into my closing remarks, I
2 just want to add a couple of comments here. I just want
3 to make mention that on behalf of the Review Board, I
4 just want to thank the Yellowknives Dene First Nation for
5 allowing us to come into their community and to Drygeese
6 territory. And I wanted to thank Chief Eddie Sangris and
7 also Chief Ted Seta (phonetic). And Eddie was -- Chief
8 Sangris was here yesterday and briefly this morning, so I
9 just want to say mahsi to them as well.

10 Also I just want to say thank you to our
11 translators. I know it's not an easy job. Over the
12 years I've been involved in Aboriginal politics, you
13 know, it's always great to have good translators and you
14 know, I just want to recognize Sara Zene Basile and
15 Bertha Catholique for the Chipewyan. Mahsi cho to them.

16 And I want to say mahsi cho to Lena
17 Drygeese and Mary Rose Humburg (phonetic) for being here
18 and helping us out too. So I want to say mahsi cho to
19 you, as well.

20 And also I just want to say thank you to
21 Pido Production. That young fellow that was here, he's
22 here somewhere, I just want to say thank you to Ryan
23 Dempster who's making sure all the sound equipment's in
24 place and he takes it down as well after we're all done
25 here. So I just want to say thank you to Ryan. Mahsi

1 cho.

2 Also, I want to thank the Review Board
3 staff. I just wanted to mention their names, but I just
4 want to recognize Vern Christensen, our Executive
5 Director, in the back, and also the Review Board experts.
6 I'm not sure if they're -- some of them are still here.
7 And John Donihee, Legal Counsel.

8 Also I want to acknowledge staff that were
9 running around that were helping us out, and in
10 particular the -- Tawanis Testart, our EO, who has this
11 file. And I want to say thank you to her, because
12 there's a lot of work that goes into this project and to
13 date, you know, the Board's been fully informed and kept
14 to date where things are at. So it's these people that
15 make it easier for the Board to understand all the
16 scientific issues that are in jargon, I guess if you want
17 to call it.

18 And also I want to say thank you to Nicole
19 Spencer. I think she's probably around here, in the back
20 area. So I want to say thank you for -- having her do
21 all -- some of the logistic issues and helping out here.

22 Paul Mercredi, I think he's -- I don't
23 know if he's still here or not but I want to say thank
24 you to young Paul there too. He's helping us out in the
25 background.

1 And also we have Chuck Hubert. I think
2 he's here in the front, as well. One of the EO officers
3 that are here. And I want to say thank you to them as
4 well.

5 The caterers, I just want to make mention,
6 is that, you know, it's always good that we have meals
7 out here otherwise we'd be running back and forth, and I
8 just want to recognize Adeline MacKenzie and Paul
9 MacKenzie. I don't know if they're here or not, but I
10 just want to say thank you to them for the meals that
11 they provided to us for the last couple of days. I
12 think, you know, that Day 1, I think we didn't
13 anticipate that many people, so they were really quick to
14 help us out in the situation.

15 So with that I just want to say thank you
16 in this area, and before I go into my closing comments
17 here, I just want to say thank you to all the presenters
18 that were here, also to the people from Lutsel K'e and
19 especially the young people; I want to say mahsi to them.
20 It's always good to hear young people speak.

21 But before I go into my closing comments
22 here, I just want to make mention, you know, when we talk
23 about the Lockhart River and the spiritual sacred sites,
24 I just want to share a little comment when we were --
25 former chief. And it's always good to see former chiefs

1 in the back, where I see Peter Liske and Don Balsillie
2 and Antoine Michel. A lot of the other chiefs were here
3 yesterday as well.

4 I had the opportunity to serve the
5 Yellowknives Dene First Nation as a Head Chief here in
6 Dettah. And I just want to mention that one time we had a
7 meeting and it was in regards to negotiations and we were
8 invited to go to the spiritual gathering at the falls.
9 And I remember what George was saying. George Marlowe
10 was talking about you have to believe.

11 And so anyway when we arrived at the falls
12 there and you know, it was a beautiful day. It was
13 clear, there wasn't a cloud in the sky.

14 And anyway the Chiefs had decided to have
15 a meeting there. So from that moment on when we said we
16 were going to have a meeting, they built a little harbour
17 and just at that moment when we said we were going to
18 have a meeting, out of nowhere clouds came, it poured.
19 It rained just like that.

20 And after that, the Chiefs got together
21 and said, Well, geez we can't meet because it's -- you
22 know, just then too the Elders told us that we weren't
23 suppose to be meeting there. So we agreed to cancel our
24 meeting. In just a matter of minutes it cleared right up
25 like nothing happened. So I just wanted to make a

1 comment on that -- that --- my experience.

2 Anyway, I want to close off the evening.
3 It's now 7:06, but I want to do, on behalf of the Review
4 Board and all the Board Members, the closing remarks.

5

6 CLOSING REMARKS BY MVEIRB:

7 THE CHAIRPERSON: The Public Hearing for
8 the Taltson Hydroelectric Expansion Project, the
9 environment assessment file number is 0708-007. This
10 Public Hearing was a major milestone in the environmental
11 impact assessment process for Deze Energy Taltson
12 Hydroelectric Expansion Project.

13 The process started with the preliminary
14 screening by the Mackenzie Valley Land and Water Board
15 that resulted in a referral to the environmental
16 assessment. At the beginning of the environmental
17 assessment, the Review Board held a public scoping
18 session in Yellowknife, Fort Smith, Fort Resolution,
19 Lutsel K'e, to hear from interested parties and from
20 communities what ha -- communities what issues the -- the
21 assessment should focus on.

22 Following the scoping session, the Review
23 Board issued a draft terms of reference for public
24 comments, and then final terms of reference to the
25 developer. The terms of reference guided the developer

1 in preparing the Developer Assessment Report that's known
2 as DAR. The Developer Assessment Report was presented,
3 and it's an analysis of all issues and -- and their
4 conclusions on the potential environmental impacts of the
5 proposed development.

6 The Review Board organized a technical
7 session where parties could discuss the report and
8 identify any information gaps. Parties then submitted an
9 Information Requests to the Review Board seeking
10 additional information from the developer or other
11 parties. The Board received over a hundred questions.
12 After analysing those questions, the Review Board decided
13 that a second technical session of workshops will be
14 better to address these questions rather than written
15 exchange.

16 Once again, parties in communities and
17 members of the public gather for several days to discuss
18 the project. The developer also had meetings with the
19 individual parties, outside the environment assessment
20 process, to address some of the issue.

21 Following the Information Request
22 workshops and these so-called sidebar meetings, that the
23 developer submitted additional information to the Review
24 Board. Like any submissions related to an environmental
25 assessment, this information is available through the

1 Review Board public registry, either online or at the --
2 at our office.

3 Prior to this Hearing the Review Board
4 asked parties to put their analysis of the proposed
5 development in writing and submit it to the public record
6 as well. Finally, the Review Board held a pre-hearing
7 conference with parties to develop the agenda for this
8 Hearing.

9 In short, this Hearing accumulates a
10 transcript of process that has generated a lot of
11 information and has a lot of parties, communities, and
12 the public to provide input into a project and into a
13 process itself.

14 Over the course of the environmental
15 assessment, parties raised many issues. A lot of these
16 issues have been resolved already prior to this Hearing.
17 Others have been discussed at some lengths during the
18 past two (2) days. Several items have been identified
19 that needs to be added to the public record.

20 The Undertakings -- the developer
21 Undertaking Number 1, the developer submits a complete
22 list of commitments, I believe, by January 29th, 2010, at
23 3:00 p.m. local time.

24 Undertaking Number 2: DFO to clarify
25 their recommendations regarding minimum flows.

1 Undertaking number 3: DKFN to confirm
2 Chiefs and council support for alternative transmission
3 line route.

4 Undertaking number 4: The developer to
5 submit additional documentation to explain the assessment
6 and selection of transmission line routes.

7 And, finally, INAC to provide
8 clarification on the nature of the lines, licence of
9 occupation, and the process associated with the issuance
10 of such a licence.

11 Undertakings should be submitted, again,
12 no later than January 29th, 2010. After January 29th,
13 the public record will be closed and the Review Board
14 will base its decision on the information available to
15 them.

16 The Review Board now has the
17 responsibility to review all the information on the
18 public record, as well what we have heard yesterday and
19 today. Based on its analysis of the public record, the
20 Review Board must decide whether the proposed development
21 is likely to cause significant adverse impact on the
22 environment, including social cultural impacts, or is
23 likely to cause significant public concern.

24 Depending on its conclusion, the Review
25 Board may recommend that development may go ahead as

1 proposed. Recommend -- or it could recommend that the
2 development goes ahead, subject to mitigation measures,
3 or order an environmental impact review. Reco -- or it
4 could also recommend that the proposed development be
5 rejected if the impacts are severe that it cannot be
6 mitigated.

7 As you can see and imagine that this is
8 not an easy decision to make and there's a lot of
9 information on the record to be considered, so this will
10 take a little bit of time. The Review Board is committed
11 to conduct quality and timely environmental assessment
12 with a clear -- sorry, with an endeavour to make a
13 decision and produce a report of environmental assessment
14 within the next three (3) to four (4) months.

15 Before closing this Hearing, again, I
16 would like to thank the community of Dettah for allowing
17 us to have this Hearing in this wonderful new facility.
18 Again, I also thank the translators. And, also, I want
19 to recognize also, Wendy Warnock, who's the transcriber
20 for this public hearing, and thank you for being patient
21 and sitting with us for the last two (2) days;
22 importantly, the developer and all parties for their
23 diligence and participation throughout the whole
24 assessment and their hard work and preparation for this
25 Hearing. And last, but not least, my fellow Board

1 members, for listening carefully and considering all
2 submissions at this public hearing.

3 With that, I'm closing this public hearing
4 and wish you all a safe journey home. And I adjourn this
5 meeting at 7:13 on January 15th, 2010. And I'm going to
6 ask a former chief from Lutsel K'e, Antoine Michel, to
7 come up and do a closing prayer for us.

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(CLOSING PRAYER)

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THE CHAIRPERSON: Mahsi, Antoine Michel.

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Thank you.

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--- Upon adjourning at 7:15 p.m.

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Certified correct,

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Wendy Warnock, Ms.

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