

Points of the public presentation:

- Support LKDFN – respecting the cultural and spiritual sanctity of the Lockhart River and Old Lady of the Falls does not just mean that changes need to be made. The people of Lutsel K'e have told the proponent how important this area is, but they do not seem to be hearing the message. There must be the realization that areas of critical cultural significance are often not compatible with development, regardless of potential mitigation or changes to the project. The mitigation measure for this situation is the selection of a different route, as Lutsel K'e has said, there is no best route across the Lockhart River.
- Alternatives – The selection of one of the alternate routes, although perhaps more technically challenging, would go far towards solving the intractable positions of the proponent and the Lutsel K'e Dene First Nation.

Work done by other Parties examining the alternatives analysis undertaken by the proponent has created uncertainty with regards to its adequacy. Land and Environment is not convinced that the proponent undertook a meaningful process, during which any option but the current one could have been selected. While I'm not sure if they are on the record, there are at least two

reviews of the alternatives that question the ranking criteria and the assumptions that were used. The company cites costs and technical challenges as their rationale for ruling out the alternatives, but the cost differentials have not been adequately detailed. As to the technical challenges, there are many other cases submerged transmission lines, including those that suffer significant icing, so we are not convinced that it should of been ruled out.

This should not be taken as support for any particular alternative routings, but just that there needs to be a consideration because of what we've heard here today.

- Caribou Issues – the construction of a road north will undoubtedly result in increased hunting pressure on the NWT caribou herds, which are already at significant risk. As we've seen from the winter road operations in the Chief Drygeese Territory, this cannot be successfully mitigated. The Yellowknives Dene have been pushing for access control on the Tibbett to Contwoyto road for years, including on an application just last month, and there has never been successful accommodation of these concerns. Following on Mr. Donahee's question to the proponent earlier, if the access control measures fail which seems

likely; the proponent mentioned that they would work with ENR to impose stricter measures. Given the experience with the winter roads to the mines, there is no reason to suspect that this would result in meaningful action.

ENR's December 2009 report examining the decline of the Bathurst Caribou cites the access associated with the winter road as the most significant impact associated with development. Yet here we are talking about another road into caribou habitat, introducing further, most likely significant impacts to the caribou herds.

INAC and GNWT are supposed to guarantee Treaty Rights, yet every time Treaty Rights and development have been in contest, it is the former that are sacrificed. Rights are being infringed upon while the privileges of using the land continue unaltered. Every meeting, workshop and opportunity in which caribou have been discussed over the years has seen the discussion and recommendations to address the impacts of development on caribou. The board can review the 2004 Bathurst Caribou Management Plan or the recommendations from the 2007 Caribou Summit in Inuvik to see that they remain almost entirely unfulfilled. The relationship between the health of the

caribou herds and the developments that occur within their habitat are not divorced.

As the board knows, ENR recently introduced Emergency Management actions in regards to the Bathurst Caribou herd. As part of the mitigation, they are proposing that the parties whose Treaty Rights will be infringed will receive support to access neighbouring caribou herds, which are clearly under pressure. Given the current impacts to the Bathurst Herd, the viability of neighbouring herds is important for the First Nations continuing to exercise their aboriginal practices and pass on their traditional knowledge. The introduction of a new road and a 500 kilometre transmission line with uncertain impacts should be seriously examined, especially in light of the sacrifices that are already being asked from Treaty holders, who depend most on the caribou.