

MACKENZIE VALLEY HIGHWAY

Technical Session

November 20, 2024

Impacts on Communities

Socio-Economics

Culture

Traditional Land Use

Harvesting

Hosted by

Mackenzie Valley Environmental Impact Review Board

Tree of Peace

Yellowknife, Northwest Territories

1 ALAN EHRLICH: Good morning, everybody. Welcome back. I
2 hope you had a good rest. I'm sure your head's like mine; we're kind of
3 buzzing with all of the discussions that were happening yesterday.
4 There was a lot of information moving back and forth, which is exactly
5 how a technical session should be.

09:06AM

6 Before we go to socio-economic, culture, and traditional land
7 use, which is the main topic of today, you know, especially how people
8 will be affected, we've got a little bit of stuff that we didn't have time to
9 get in yesterday. We talked about caribou and moose, but we did not
10 get -- we heard the developer's presentation on other wildlife species
11 and on species at risk, but we didn't have time for a real discussion of
12 the technical aspects of those predictions and mitigations.

09:07AM

13 In general -- sorry, I've been reminded by the sound guy that if I
14 want to avoid the high pitch whine, I have to get intimate with the
15 microphone, so I'm in here. And so when you're speaking, please
16 remember to say your name each time. And if you're speaking, if you
17 can get close to the microphone it'll help. Folks at the back -- I would
18 say the cheap seats but there are no cheap seats in a Review Board
19 technical session. But folks at the back, if you can't hear what's going
20 on -- like, Megan, if you -- if there are speakers that you can't hear, just
21 flail your arms or something, so I can see, because I can -- I can get
22 Martin's attention with the sound, and we'll make sure that we get it
23 worked out. I want everyone to be able to hear the discussions that are
24 going on.

09:07AM

09:08AM

25 We've got a few new people in the room. I'm going to ask -- well,
26 we'll do some introductions, and then I'm going to ask Catherine to do a
27 very short version of the presentation yesterday, just with the important

09:08AM

1 housekeeping items that everyone will need to know, and then we're
2 going to crack on with the technical session.

09:08AM

3 So first off, Catherine, would you mind doing the introductions of
4 the experts, the consultants to the Review Board, who are in the room
5 today who were not here yesterday.

6 CATHERINE FAIRBAIRN: Sure. Thank you. Today we're joined by Nina
7 Barton who will help with questioning on socio-economic questions.
8 Graeme Clinton who will help us -- who is a senior [inaudible]
9 economics, and Heidi Klein who will probably be moved to the front
10 table this afternoon and be focused on culture and traditional land use
11 and so on.

09:09AM

12 ALAN EHRLICH: Thanks, Catherine. And Seth, can I ask you to
13 introduce the GNWT folks who were not introduced yesterday.

14 SETH BOHNET: I'll try my best. Who's new? We've got Heather
15 Sayine-Crawford. I think everybody else was introduced yesterday.
16 Oh, at the back there, we've got Morgan Moffitt and Dinah Elliott and
17 Chris Hewitt.

09:09AM

18 ALAN EHRLICH: Welcome, everyone who is new. The folks who
19 we have just named, I am quite confident are aware of what technical
20 sessions are and how they fit into our process, and so we're not going
21 to get into all of that again.

09:10AM

22 I'll boil down my opening comments from yesterday just to say
23 that we're all trying to make a better highway if we can, try to figure out
24 how to make a project better is a really important part of what
25 environmental assessment is and does, and impacts on people matter.
26 People care about the ability to move. We've heard this in all the
27 community sessions we went to. People want that. But we also heard

09:10AM

09:11AM

1 that communities are struggling with alcohol and drug-related issues
2 having to do with a range of other things involving domestic violence,
3 abuse, crime, accidental death, self-harm, terrible stuff, and that's
4 already happening. And what we heard in the different communities
5 was they want to be sure that this road, while it will certainly bring
6 certain benefits -- assuming the road goes ahead and it's an EA, but
7 yeah -- is not going to make things -- people are already struggling with
8 worse, or introduce additional problems. So that's going to be one of
9 the main focuses of the whole discussion that's going on today. Our

09:11AM

10 discussions here are an efficient way to get ideas and thoughts onto the
11 record. They're being transcribed, so although we're not board
12 members, we're just staff, but board members will be able to see and
13 will see the evidence that's on the record; they'll be familiar with it, and it
14 will help them make their decision. What we're looking for is free to say
15 what you really think and then get -- realize that we're all trying to
16 achieve a similar goal here, which is to avoid unintended harms, and we
17 want to try and have the discussion to be open, frank, and obviously
18 constructive as well.

09:11AM

09:12AM

19 Okay. So that's a very short version of yesterday's opening
20 comments. I'm going to hand it over to Catherine Fairbairn to run
21 through some housekeeping items that everyone in the room needs to
22 know, including the new people. This will be short.

09:12AM

23 CATHERINE FAIRBAIRN: Thanks, Alan. Catherine Fairbairn, Review
24 Board, which I think might be the first time I actually remembered to say
25 my name when I started speaking, so that's my reminder to everybody
26 to say your name into your microphone when you first start speaking.

27 Other things to note is of course that we have transcription.

09:13AM 1 Jenna is here transcribing again, so she'll let us know if something goes
2 down or we're speaking too fast. We will be tracking undertakings and
3 commitments like yesterday. We'll probably try to sort of more formally
4 just take a break and stop. If we hear something that we think is an
5 undertaking or commitment, to clarify if that's the case, and then we'll
6 leave it less confusion, maybe. Then at the end of the day yesterday,
7 we weren't quite sure about a possible undertakings.

09:13AM 8 Review Board staff will be taking photos throughout the day, so if
9 you don't want your photo taken, please let one of us know. And
10 bathrooms are through the door there, and then there's two emergency
11 exits; you can go through either door.

12 And I think that's mostly just the housekeeping stuff.

09:13AM 13 ALAN EHRLICH: Yeah, that was useful and succinct. Could I
14 also ask you to go through some of the undertaking issues from
15 yesterday that we still need to clarify. Yesterday, we went a little quickly
16 through some of the undertakings, and today I'm going to try and be a
17 little bit more deliberate when we hear something that sounds like a
18 commitment to figure out exactly what the wording of the commitment is
19 so that everyone understands what's being asked, and the GNWT has a
09:14AM 20 clearer understanding of what they're being asked to commit to. I think
21 that will probably help everyone, but also with respect to undertakings,
22 we've got a couple of questions. Catherine?

09:14AM 23 CATHERINE FAIRBAIRN: Thanks. So the -- one of the undertakings from
24 yesterday was for Pehdzeh Ki First Nation to submit their additional
25 questions to the GNWT and to Review Board staff, so that was done
26 last night; we received those. And so now the question -- the follow-up
27 question, that undertaking is complete, but the follow-up question for

1 the GNWT is if you can respond or how long you need to respond to
2 some of those questions.

09:15AM

3 SETH BOHNET: Thanks, Seth Bohnet, GNWT. We have
4 received the questions. We're currently evaluating them, and I'll have to
5 get back to you on whether we will be able to respond to any of them
6 today or tomorrow, but I will update you as soon as we've had a chance
7 to fully review them.

8 CATHERINE FAIRBAIRN: Okay, and we will check back in with you for an
9 update later today.

09:15AM

10 ALAN EHRLICH: Sorry, I am just going to interject. PKFN, would
11 you like responses during the technical sessions as opposed to in
12 writing later?

09:15AM

13 JANE HENDERSON: PKFN -- Jane Henderson, Pehdzeh Ki First
14 Nation. It would be ideal to have them in the sessions, but we also want
15 full responses. So that's the situation.

09:15AM

16 ALAN EHRLICH: Okay. So hearing that, we encourage the
17 GNWT to make every effort to respond to those questions while we're
18 all in the same room, if you can, meaning today or tomorrow. We
19 recognize having that -- I haven't gone through all the questions in detail
20 that may not always be feasible, but, please, do your very best to do
21 that where you can. Thank you. Catherine.

09:16AM

22 CATHERINE FAIRBAIRN: Thanks, Alan. Catherine Fairbairn, Review
23 Board. The other undertaking from yesterday was in response to a
24 question from Todd Slack. In the next business case that's out for
25 contract, will the contractors consider not reasonably foreseeable
26 projects as well as reasonably foreseeable projects. That was a
27 question to the GNWT, and we didn't establish a timeline yesterday. So

1 I'm just wondering if the GNWT can let us know if they can respond,
2 kind of similar, in the next day or two or how long you might need.

09:16AM

3 SETH BOHNET: I can respond now. So we have come back and
4 taken a look at what we've requested of the contractor in that
5 specific contract, and it does not include any reference to -- what do you
6 call it, the -- sorry, I'm a little under the weather today, so I've got a little
7 bit of a brain fog happening. It does not include any not foreseeable --
8 not -- sorry.

9 CATHERINE FAIRBAIRN: Not reasonably foreseeable --

09:16AM

10 SETH BOHNET: -- not reasonably foreseeable; that's correct

11 CATHERINE FAIRBAIRN: Thank you for that. So that -- we'll just come
12 back to you later in the day to find out about the timeline for responding
13 to Pehdzeh Ki First Nation, and, otherwise, I believe we don't have any,
14 sort of, active undertakings.

09:17AM

15 ALAN EHRLICH: If it helps with the thinking on a reasonably
16 foreseeable projects, the wording "yesterday" is pretty bad. This "not
17 reasonably foreseeable", it sounds like you can foresee that they're not
18 happening and that's not the point. This is talking about other potential
19 projects that might not meet all the criterion that the developer has
20 decided or how it will declare a project to be reasonably foreseeable,
21 right. There still may be other reasons to expect a project to happen,
22 but this is talking about potential projects, not projects that you expect
23 not to happen. The words "not reasonably foreseeable projects" is not
24 our best wording ever. But I think the point's across, and they get what
25 they said and we get what they said.

09:17AM

09:17AM

26 Okay. Now I want to pick up the discussion yesterday because I
27 clipped it at the end to get us out at least a little bit before 5. We were

1 discussing other wildlife, "other" meaning not caribou and moose
2 because we spent a while discussing caribou and moose, and also
3 species at risk.

09:18AM

4 The board has obligations, not only under the Mackenzie Valley
5 Resource Management Act but also under the federal Species at Risk
6 Act. Under section 79, it has a very specific obligation to consider to
7 impacts on species at risk, as well the mandate of the board has
8 considering impacts on the lands and ecosystems, and that includes
9 animals where the ongoing existence of a species that has been around
10 for millennia might depend on the survival of a very small number of
11 individuals, so the Board takes these obligations very seriously.

09:18AM

12 I would like to find out if anyone has any questions for the GNWT
13 about its predictions regarding impacts of species on -- impacts on
14 species at risk. Environment and Climate Change Canada, Beverly.

09:19AM

15 BRIDGET CAMPBELL: Good morning, this is Bridget Campbell from
16 Environment and Climate Change Canada, Canadian Wildlife Service.
17 Regarding birds and migratory bird species, the Government of the
18 Northwest Territories is proposing the exclusive use of a habitat-based
19 approach to the effects, assessments to birds. And this is approach is
20 a desktop exercise, which uses broad scale data, like the BAM, boreal
21 avian modelling, which mainly comes from southern portions of the
22 provinces and is used to infer population consequences based on how
23 the project contributes to the loss of suitable habitat.

09:19AM

24 The proponent was unaware of which Arctic migrants, if any, are
25 using this corridor and, therefore, what birds are associated with each
26 habitat type and how the project might affect hunted waterfowl.

09:20AM

27 Further, ARU, or autonomous recording units, and the boreal

1 avian modelling data focus on songbirds, land birds, and do not allow
2 estimating abundance of waterfowl and shore bird populations.

09:20AM

3 The boreal avian modelling predictions are not considered
4 suitable for baseline data to infer potential project effects compared to
5 on the land surveys to address important data gaps based on proper
6 power analysis. It's particularly true as part of this specific assessment
7 because of very limited local data feeding into these national models.

09:21AM

8 The habitat-based approach may be appropriate at ecosystem
9 and landscape levels for measuring impacts of the project, but
10 Environment and Climate Change Canada does not agree that it's
11 appropriate at the species level for the northern landscape.

09:21AM

12 National Environment and Climate Change Canada guidance
13 encourages the use of predictive modelling using proper baseline data
14 for species distribution and density to assess project impacts on
15 migratory bird populations.

09:21AM

16 So the Canadian Wildlife Service, and other co-management
17 partners have this autonomous recording unit data and some waterfowl
18 collaring data, which we are happy to share with Government of the
19 Northwest Territories to assist in this type of modelling exercise, but
20 more is still needed.

09:22AM

21 The question we have is would the Government of the Northwest
22 Territories use these data, along with proper additional baseline data, to
23 reassess the effects to breeding and migrating birds with predictive
24 modelling for species distribution and density and could it be done
25 before the final intervention?

26 ELLIOTT TERRY: Elliott Terry, Kalo Stantec. There's a lot of
27 information in that. So to start, the additional baseline data that you're

09:22AM

1 referring to, the GNWT wasn't informed that data was available until
2 after the submission of the DAR, and so GNWT still contends that the
3 habitat-based approach that we used to assess potential effects on
4 migratory birds and species at risk is sufficient. Again, it's a well-used
5 method, right, to assess potential effects on birds, including species at
6 risk. The habitat-based approach is identified in the DAR for each of
7 the species at risk and the existing level of habitat types that are there
8 are assessed.

09:23AM

9 So regarding the other boreal avian modelling data that you
10 referred to, we know other environmental assessments have used that
11 approach, but the previous efforts to actually model species' densities at
12 these scales have resulted in relatively large variability in the estimates
13 of density, and so it may actually increase the uncertainty about
14 prediction of effects when you actually have numbers of birds, plus or
15 minus large confidence intervals. So, again, using the habitat-based
16 approach is a more conservative approach because we're assuming the
17 birds are actually present, right, and the loss of habitat is reflective of
18 any relative magnitude of effect on each of those species.

09:23AM

09:24AM

19 So given that, again, we think that that approach is sufficient to
20 support both the predictions and the conclusions of the assessment as
21 well as in conjunction with the mitigation measures to protect migratory
22 birds.

09:24AM

23 Again, you mentioned the waterfowl. Yes, we recognize a lot of
24 the species may not be detected using either Environment Canada's air
25 views or the air views that were put out by Kalo Stantec on behalf of
26 GNWT. But, again, potential effects on the waterfowl, we've identified
27 some of the important bird areas that are in the local and regional

1 assessment areas, assessed the effects on those. The habitat-based
2 approach, when you look at the potential effects on wetlands or water
3 will address the effects on waterfowl at that level.

09:25AM

4 And, again, because the assessment really does focus on
5 species at risk, right, ones that are at relatively lower levels of
6 abundance, the waterfowl, again, is probably fine to address at that
7 level of habitat-based assessments.

09:25AM

8 Lastly, so fine, there is data that you're saying is available.
9 Again, we weren't aware that it was available until after the submission,
10 but GNWT is willing to discuss how that data could be used to either
11 validate some of the species habitat associations by looking at that
12 data, assuming they've processed it and it's easily assessed and/or
13 contribute to any of the future monitoring programs that would be
14 developed as part of the wildlife management monitoring plan.

09:26AM

15 ALAN EHRLICH: Thank you. ECCC, would you care to -- any
16 follow-up comments or questions?

09:26AM

17 BRIDGET CAMPBELL: Bridget Campbell for Environment and Climate
18 Change Canada. Thank you for that response. I imagine a meeting
19 outside of this technical meeting might be a great idea for making an
20 agreement on how to incorporate that data.

09:27AM

21 Though, I want to also mention that you mentioned impact
22 assessment evaluation done on important bird areas, we would like to
23 note that the construction of the project alignment is predicted to result
24 in the direct loss of upland habitat within the middle Mackenzie River
25 important bird area, which is an important migratory bird stopover site,
26 which supports large numbers of waterfowl species each year. The
27 question we have is could an alternative route of the highway to avoid

1 direct loss of habitat at this federally-listed important bird area be
2 achieved within the one-kilometre corridor, and if not, would the
3 Government of Northwest Territories consider rerouting outside of this
4 one-kilometre corridor to avoid the important bird area?

09:27AM

5 ELLIOTT TERRY: Elliott Terry, Kalo Stantec. Right. So we
6 described in the DAR that there is a small amount of the right away that
7 would directly affect the Mackenzie River island and important bird area.
8 But, again, to be clear, obviously that's just the upland parts, obviously
9 not affecting any aquatic habitats that -- staging waterfowl and breeding
10 waterfowl would be using. The effects would be mostly sensory
11 disturbance to any of the smaller wetlands, right, that are adjacent to
12 the right-of-way, based on the current alignment.

09:28AM

13 So obviously yesterday we heard a lot about alignment issues,
14 and I would have to defer to others to comment about whether that
15 alignment can be adjusted. But, again, the majority of the impact would
16 be sensory disturbance. The footprint does avoid the -- Bracket Lake I
17 believe, the IBA, so.

09:28AM

18 ALAN EHRLICH: Just for clarification, you say just sensory
19 disturbance, would sensory disturbance with waterfowl sometimes
20 translate into behavioral disturbance and, therefore, change
21 synergetics?

09:29AM

22 ELLIOTT TERRY: Elliott Terry. Possibly, right, but again, the --
23 whether it's going to result in a change in synergetics for birds really
24 would relate to the intensity of those disturbances and the frequency.
25 So, again, these birds are typically fairly adaptable, right. They will
26 move to other available habitats, right, that are within the local
27 assessment area. So, again, that part was assessed qualitatively, but

09:29AM

1 we wouldn't expect a substantial change in synergetics for birds that
2 have a lot of other habitat available.

09:30AM

3 ALAN EHRLICH: Thanks. The board remains interested in
4 credible predictions for impacts on waterfowl. If you harken back to
5 yesterday's discussion and the discussions of what the board heard
6 from many community members, waterfowl are an important harvested
7 species that also affect how people feed their families directly. I'm
8 thinking of this in light of the discussion on the route of the winter road
9 yesterday and how, you know, there are some animals that are
10 probably not going to attract with a winter road very much, even if it's
11 going through low-lying areas that are wet outside of the winter road
12 system -- outside the winter road season. My assumption is that
13 aquatic water fowl are probably not attracting with the frozen winter road
14 very often because they're not around at the time. But that route, when
15 used for summer, still has raised questions with some of the Indigenous
16 organizations involved in this because they really do rely on the
17 waterfowl harvesting.

09:30AM

09:30AM

18 So this is an example of how many of the valued components
19 that we had to put separately on our agenda, as separate things, they
20 all interrelate. As Tim Lennie said yesterday, you know, it's all wholistic,
21 right. The road design and routing relating to wetlands, relating to
22 waterfowl, relating to harvesting, relating to wellbeing of people in
23 communities. That's one of the things that the board has heard from
24 the Indigenous groups involved in our assessments is they want us to
25 embrace reality the way reality functions, and I think the waterfowl is a
26 good example of that. So the board is quite interested in this because
27 we've heard that this is one of things that really matters to communities.

09:31AM

09:31AM

1 ECCC. Bridget, sorry, I think I called you Beverly before.

2 Bridget, do you have any other comments or questions on this?

09:32AM

3 BRIDGET CAMPBELL: Bridget Campbell from Environment and
4 Climate Change Canada. I want to reiterate the question that I asked
5 was whether the rerouting could be done within the one-kilometre
6 corridor and could that question be answered by today, or should we put
7 that as a commitment?

09:32AM

8 SETH BOHNET: So Seth Bohnet, GNWT. To that specific
9 request, I would reiterate that the design of the road is not yet final. So
10 within the confines of that one-kilometre corridor is where we're
11 proposing the road will be, so there is still opportunity to refine those
12 adjustments.

09:32AM

13 ALAN EHRLICH: Bridget, did you mean are they open to
14 redesigning within the confines of their one-kilometre corridor, or were
15 you wondering if they would be open to redesigning the road to a
16 potentially different corridor?

09:33AM

17 BRIDGET CAMPBELL: Bridget Campbell, Environment and Climate
18 Change Canada. Both questions, really, whether it was achievable
19 within the one kilometre or whether it would require a complete change
20 of layout.

09:33AM

21 ELLIOTT TERRY: Again, I think most of the alignment is well
22 away from the Mackenzie River, right, so in terms of those impacts to
23 migratory birds that might be using those riparian areas, so it wouldn't
24 require like a full change of realignment, right. Most of it is already well
25 away from the actual river itself and the -- there's only certain parts
26 where it actually comes closer where the potential effects would be
27 relatively greater, right, in those areas, so.

1 ALAN EHRLICH: ECCC, did that answer your question?

2 Can we ask for -- so further consideration by the GNWT

3 because I don't think that quite answered the question ECCC is asking.

4 SETH BOHNET: Seth Bohnet, GNWT. We'll take that back and

09:34AM

5 we'll come back with a better answer.

6 ALAN EHRLICH: To the technical session? Back to the technical

7 session or do you mean later?

8 SETH BOHNET: Later today.

9 ALAN EHRLICH: That's great. Thank you.

09:34AM

10 ECCC, do you have more questions related to species at risk or

11 other wildlife species besides caribou and moose?

12 BRIDGET CAMPBELL: Bridget Campbell from Environment and

13 Climate Change Canada. One more question related to migratory

14 birds, and that question was related to the data that is being used for

09:35AM

15 considering climate change at different scales and the age of that data,

16 and considering that the landscape changes have -- that have occurred

17 in the Northwest Territories in the past two years alone and that the

18 Government of the Northwest Territories is using the habitat-based

19 approach to the assessment, Environment and Climate Change

09:35AM

20 Canada thinks that further on-the-ground baseline data collection and a

21 revisit of the habitat classification work is warranted to ensure that it's a

22 true representation of the regional assessment area for accurate

23 predictions. And wondering -- our question is how does the

24 Government of the Northwest Territories plan to ground truth or validate

09:36AM

25 the habitat classification data?

26 ALAN EHRLICH: For clarification, you mean ground truth it so it

27 reflects what's on the ground now based on the climate change that has

1 occurred since the time they originally got their data?

2 BRIDGET CAMPBELL: Bridget Campbell, Environment and Climate
3 Change Canada. Yes, because the data is about 30 years old, so yes.

4 ALAN EHRLICH: Great question. Thank you. GNWT?

09:36AM

5 ELLIOTT TERRY: Elliott Terry, Kalo Stantec. So the earth
6 observations sustainable development vegetation cover data, right, was
7 used because that's what was available at the time. Don't forget that
8 that data set is ground truth, right; it's part of their product that they
9 produce. So that's the data that was available. We've updated that

09:37AM

10 land cover to reflect recent human disturbance and fire up to 2023, and
11 those metrics will -- the initial area burned were provided in the initial
12 response, I believe ECC14, I think it was, to show the areas that are
13 burned and how that affected land cover availability for wildlife
14 species and -- sorry, bird species. And that will also be further updated
15 in subsequent IR response to update the land cover. Yeah.

09:37AM

16 ALAN EHRLICH: Thanks. Anything else from Environment and
17 Climate Change Canada?

18 BRIDGET CAMPBELL: Bridget Campbell, Environment and Climate
19 Change Canada. Just to clarify that, that will be available for review
20 prior to the final intervention for the EA process?

09:38AM

21 ALAN EHRLICH: I'll ask the GNWT, when will that be available?
22 Would that be available in the updated DAR addendum that you will
23 produce before the hearings?

24 SETH BOHNET: Yeah, sorry. That will be provided in the DAR
25 addendum.

09:38AM

26 ALAN EHRLICH: Thanks. The subject of whether or not climate
27 change is properly considered in predicting the impacts of this road on

1 the environment that will surround it -- assuming the road goes ahead --
2 is of some real interest to the board. The GNWT's made it clear that
3 this road is intended as an ongoing project, so presumably if you build
4 it, it's still on the ground 50 years from now or 100 years from now. Is
5 that part fair to say, GNWT?

09:38AM

6 SETH BOHNET: Sorry, can you repeat that.

7 ALAN EHRLICH: This is -- it's an ongoing project that you
8 propose. When the road is built, it will -- it will be on the ground and it
9 will be operating for, you know, 50, or a hundred years. There's no
10 closure date; it's an indeterminate length project, right?

09:39AM

11 SETH BOHNET: Yeah, so the project has two main phases, the
12 construction and then the ongoing operating and maintenance.

13 ALAN EHRLICH: So with respect to the ongoing part of it,
14 ECCC's question reminds me that it's not just we have seen unexpected
15 and considerable changes to our climate between 30 years ago and
16 now, anyone who was here for the fire season last year will probably
17 noticed something different. But in terms of an ongoing project, the
18 board needs to think about how this project will impact its surroundings
19 for the period that it will function in, which involves not just looking at
20 how much the climate has changed to date but also looking at the best
21 projections for 50 years from now, 100 years from it now, because that
22 will be the surrounding environment of the project when it is operating.

09:39AM

09:40AM

23 Obviously it's not just about construction. And so we've asked
24 information requests towards digging deeper into what kind of ecotype
25 would be surrounding the road, what kind of conditions would be
26 surrounding the road, to help try and reasonably predict what kind of
27 impacts could happen for the life of the project, which in this case is a

09:40AM

1 very long life in a rapidly changing climate.

2 Rather than dive into that here, there's some good stuff on the
3 record. The board has asked IRs on that, the board may well continue
4 to ask IRs on that topic, but my point to Environment and Climate
09:40AM 5 Change Canada is that your line of thinking is one that applies to a
6 variety of different aspects of this project as well as different value
7 components.

8 Now, remember that I pointed out yesterday that although our
9 agenda is divided into tidy subject areas -- because we had to do it
09:41AM 10 somehow, we had to figure out which consultants to get in the room
11 when, right -- the real word world is not, and as Indigenous communities
12 have repeatedly reminded the board, all of these different components
13 interact in living systems with people and the land in a way that is not
14 tidily packaged into separate departments. And so I just want to remind
09:41AM 15 everyone of something I said early yesterday, if you have comments
16 and they're not exclusively for the topic that we're dealing with today but
17 they relate to the interacting systems and the different parts that are
18 connected to it, you know, we're not expecting people to stay in very
19 narrow silos here because, to me, that's not a reasonable expectation,
09:42AM 20 particularly for Indigenous groups.

21 PKFN.

22 JANE HENDERSON: Thank you. Jane Henderson, PKFN. PKFN
23 would like to ask if -- Bridget, if you could clarify specifically what
24 locations were being discussed. If you could repeat it, it was not clear
09:42AM 25 to PKFN, and PKFN would like to comment that based on their
26 Indigenous knowledge, the proposed alignment is dangerously close to
27 the Deh Cho throughout the proposed route.

09:43AM

1 BRIDGET CAMPBELL: Bridget Campbell for Environment and Climate
2 Change Canada. The alignment of the highway that is currently
3 proposed will go through the uplands portion of the middle Mackenzie
4 River island's important bird area, and that information is available on
5 the important bird area website with a map and description of the area.

6 ALAN EHRLICH: ECCC, I just want to confirm, do we have that
7 information on our public registry; have you submitted it to us?

09:43AM

8 BRIDGET CAMPBELL: Bridget Campbell, Environment and Climate
9 Change Canada. Yes, this was included in our information request,
10 ECCC number 13.

11 ALAN EHRLICH: Okay. Great, thanks. So PKFN, that might be
12 a useful place to start, if you want to find out more.

13 PKFN, you had another comment or question from yesterday. Is
14 it still on the other wildlife?

09:43AM

15 Okay, so I'm going to hold off on that, and I'm going to go to
16 Ruari Carthew who is online on behalf of the Gwich'in Tribal Council. Hi
17 Ruari, can you, please, go ahead.

09:44AM

18 RUARI CARTHEW: Hi, Ruari Carthew for GTC. I will brave the
19 video for this question; otherwise I can turn it off as we did yesterday.
20 The first two questions are follow-up to the exchange between ECCC
21 and the GNWT, and the first question goes to Bridget at ECCC. And
22 this is in relation to the weaknesses that were identified in the
23 assessment methodology and impact predictions that ECCC identified.

09:44AM

24 Based on that information, does CWS think that the current
25 cumulative effects assessment for waterfowl and migratory birds
26 provides adequate confidence for parties to make informed impact
27 predictions and decisions regarding appropriate mitigation measures to

1 protect the long-term wellbeing and vitality of migratory birds that move
2 through this region?

3 ALAN EHRLICH: Okay. ECCC, do you think that what is
4 available is sufficient for parties?

09:45AM

5 BRIDGET CAMPBELL: Bridget Campbell for Environment and Climate
6 Change Canada. The short answer, no, and I guess the longer answer
7 is that we would -- we have a number of reasons that we think that the
8 habitat-based approach is insufficient for this region and this type of
9 assessment, and this -- the rationale can be found in Environment and
10 Climate Change Canada's information requests number 8, 9, 10, 11,
11 12, and 14.

09:46AM

12 ALAN EHRLICH: Thanks. Ruari.

13 RUARI CARTHEW: Yeah. Thank you. Ruari Carthew. Will CWS
14 commit in later, sort of, interventions to provide their own
15 recommendations on best practice mitigation measures that would
16 address the current uncertainties?

09:46AM

17 ALAN EHRLICH: ECCC?

18 BRIDGET CAMPBELL: Bridget Campbell for Environment and Climate
19 Change Canada. The Canadian Wildlife Service has provided
20 recommendations for how to improve the methodology for this
21 information, though regarding mitigation and management practices, I
22 would have to bring that question back to my bird experts. At this time,
23 I don't have any mitigation recommendations based on the approach
24 that's being used.

09:46AM

25 ALAN EHRLICH: Thanks. Is that -- when you say bring it back to
26 your bird experts, is that something short term enough so you could do
27 it and report back tomorrow, or is that something that is better done in

09:47AM

1 writing for the public record?

2 BRIDGET CAMPBELL: Bridget Campbell, Environment and Climate
3 Change Canada. We can get back to the board later today.

09:48AM

4 ALAN EHRLICH: That would be great. Thank you. Ruari, back to
5 you.

6 RUARI CARTHEW: Ruari Carthew with GTC. Thank you. And I will
7 direct the next question to GNWT, ECCC, and your respective avian
8 experts.

09:48AM

9 So in view of the conversation, the identification of numerous
10 uncertainties and knowledge gaps with respect to shore birds and
11 migratory birds, what confidence level would your migratory bird experts
12 give for the impact predictions of how the construction and operation of
13 the Mackenzie Valley Highway is likely to affect current and future
14 migratory bird populations in the Mackenzie Valley? Would you say
15 your confidence is low, medium, or high?

09:48AM

16 ELLIOTT TERRY: Elliott Terry, Kalo Stantec. As we indicated in
17 the DAR, right, based on the quantity and quality of the baseline
18 information presented, that our prediction confidence was moderate.

09:49AM

19 Again, I'd like to remind folks that the alignment, right, is adjacent
20 to an existing disturbance, and we have avoided, as best as possible, a
21 lot of the wetland community types that would affect migratory birds,
22 including waterfowl and species at risk, so.

23 ALAN EHRLICH: Thank you.

24 RUARI CARTHEW: Ruari Carthew. Thank you. My questions --

09:49AM

25 ALAN EHRLICH: -- Ruari, just before you go ahead, do you have
26 many more questions?

27 RUARI CARTHEW: Always, Alan.

1 ALAN EHRLICH: Do you have many more essential questions?

2 RUARI CARTHEW: Always. I can move ahead to the next question.

3 My question -- the previous one was directed to the GNWT, ECCC staff,
4 and not to Stantec, and I'm curious to hear their own regulators'
5 confidence level, their internal experts.

09:50AM

6 GTC, in the original study for the project done in 2011 when it
7 was a project to go all the way up to the Dempster, they identified 17
8 different species of waterfowl that were important harvested species,
9 and the Chavelent Lake (ph) area is a key waterfowl staging and
10 breeding ground, which is along the Mackenzie corridor and a prime
11 stopping area for many of the birds migrating north. So GTC has a lot
12 of interests and concerns in the wellbeing of, you know, current and
13 future populations and their continued ability to harvest and have
14 sustenance activities.

09:50AM

15 The question is to both ECCC and GNWT. ECCC, if the
16 migratory birds who are travelling through the project area do
17 experience some adverse and residual effects from the project, are
18 those impacts likely to remain with the birds once they have left the
19 15-kilometre radius from the project corridor and they continue their
20 travel north to summer breeding grounds or south to wintering grounds?

09:51AM

09:51AM

21 ALAN EHRLICH: So Ruari, just to be specific, did you say that
22 that question is something you're asking the GNWT's bird experts, or
23 that you would like to hear from -- don't forget their consultants are in
24 the room -- Suzanne Carriere, who was magnificent has retired, but I
25 don't -- if there are GNWT bird specialists in the room, I am not
26 recognizing them. Are there GNWT bird specialists in the room?

09:52AM

27 So Stantec has got the bird expertise on behalf of the developer

1 in the room today. Can we address the question to them?

2 RUARI CARTHEW: Thank you. It was also to ECCC and then
3 Stantec, absolutely. Thank you.

4 ALAN EHRLICH: Okay, so let's start with ECCC.

09:52AM

5 BRIDGET CAMPBELL: This is Bridget Campbell for Environment and
6 Climate Change Canada. Our team is conferring, coming up with a
7 response online right now. We can come back to you in a few
8 moments.

9 ALAN EHRLICH: Thanks. That would be great. GNWT.

09:52AM

10 ELLIOTT TERRY: Elliott Terry. So, I think I can only add that,
11 again, a reminder of the amount of waterfowl or migratory bird habitat
12 that's actually going to be affected, again, because of the location of the
13 alignment close to the existing Mackenzie Valley winter road. So the
14 amount of habitat that's actually affected is relatively low, the magnitude
15 of the residual effect was assessed as low, and so in terms of the
16 question that Ruari had about do we think that any of these activities
17 within that Mackenzie Valley corridor is going to affect birds outside of it,
18 it's unlikely that that amount of habitat would actually affect individual
19 and population levels at that scale, so.

09:53AM

20 ALAN EHRLICH: Thanks. Ruari.

09:53AM

21 RUARI CARTHEW: Those are my questions. Ruari Carthew with
22 GTC, those are my questions. Thank you.

23 ALAN EHRLICH: Okay. Thanks, Ruari. I appreciate the
24 questions. Everyone in the room is quite interested in this topic; that
25 helped.

09:54AM

26 Is there anything else on species, other wildlife species besides
27 caribou and moose or species at risk?

1 Fred Andrew has a question. Fred, yeah, if you could find your
2 way to a microphone, please. So Fred is from the Tulita Renewable
3 Resource Council.

09:54AM

4 FREDERICK ANDREW, JR: Good morning to everybody. My name is
5 Frederick Andrew. I am with the Tulita Renewable Resources Council.
6 I just wanted to just comment on the species at risk and migratory bird.

09:55AM

7 We always talk about species at risk and migratory bird. And
8 that's where all of that thing we talk about it -- that's where I'm living. In
9 my hometown, that's where this is happening. Even I say this because,
10 you know, I would go on the land lots, especially on the Mackenzie
11 Valley Highway where we're talking about, and I utilize the land, hunting.
12 And I know that trapping -- you know, nobody hardly trap today, but it's
13 in my blood, so I just go -- I still trap here and there, cut wood, and
14 doing down the winter road, and I utilize the land, so I know every inch
15 and the corner from Tulita to Wrigley, Blackwater.

09:55AM

16 And before that, because of the impact of fire, global warming,
17 it's real and it's really happening; it impact our land. That migratory bird
18 we're talking about, there's -- I call it a delta. A little delta past Rose's
19 cabin, I think about a mile or two miles, there's a zigzag on the winter
20 road there, that's right through all the little lakes and beaver dam and
21 that, and that's a really, really good for migratory birds, too. But
22 because of that fire, everything is burnt, and when it does that, the
23 ashes are all over the lakes; you can't drink it; it's bitter; it's not healthy
24 for wildlife, migratory birds, or any moose or caribou. We're trying to
25 find a better route. I think Erica was there when we flew around there,
26 we're trying to find a better road by bypass little delta.

09:56AM

09:56AM

27 Not only that, there's -- on the other side of Blackwater, there's a

09:57AM

1 little stretch, about a mile there, through pine tree. That pine tree, it's
2 really a good habitat for the porcupine and rabbit. If you cut it down, the
3 rabbit will be all over; it's a favorite food for rabbit, pine tree. As well as
4 porcupine. And I know the area, and it's -- I think it's all birds, too. I'm
5 not sure. I think it dead this summer. Because of impact on forest fire,
6 everything is pretty well burnt, habitat. So I think we're starting to
7 acknowledge traditional knowledge, Dene knowledge, we need to work
8 together to find a way how to -- I don't know, maybe do a baseline study
9 along the -- before the Mackenzie Valley project really takes off

09:58AM

10 because of -- because of -- I utilize the land lots from here to Wrigley,
11 Blackwater, Celine River (ph). It's a really good habitat. Every creek is
12 a really good habitat for moose, mostly bird. And when you utilize the
13 land, you know what you're talking about, you know what's there, you
14 know everything about that land.

09:58AM

15 I know that you guys are sitting here, not one of you being there
16 using the land, but it's good that you guys -- everybody is talking about
17 it, but to me, what I see, it's just mostly impact from fire. When fire
18 goes through -- when fire goes through everything, nothing's alive for, I
19 don't know how many years, for habitat. For example, caribou habitat

09:59AM

20 when it burns, it doesn't grow again until about 40 years. But because
21 of that really serious the impact from fire, I just wanted to -- because of
22 the ashes on beaver lakes and waterfall, pond, you know, birds, the ash
23 is really, really strong; it's really bitter. I don't think it's safe for bird to
24 drink anything. So I was just saying, I think we should do a baseline
25 study with scientific knowledge and traditional knowledge. So I just
26 wanted to say that. Mahsi.

09:59AM

27 ALAN EHRLICH: Mahsi cho, Fred Andrew, from the Tulita

1 Renewable Resource Council. GNWT, would you like to comment on
2 that?

3 SETH BOHNET: Yeah. Seth Bohnet, GNWT. And thanks, Fred.

10:00AM

4 So just so everybody, again, is aware, we have been working with
5 several of the Indigenous governments and organizations to incorporate
6 traditional knowledge into the project already to date, and we still have
7 more work underway. That information that is being shared and
8 collected, as Fred's talked about, is incredibly valuable to us. I want to
9 thank the Tulita Renewable Resource Council, and others as well, for
10 their valuable input to date, and reiterate that the work to inform the
11 WMMP and the monitoring management plan moving forward is
12 ongoing, and we really appreciate and look forward to continued
13 conversations on that.

10:00AM

14 ALAN EHRLICH: Thanks very much, Seth. Now, before we move
15 on to socio-ec and other impacts on people, I just want to go Pehdzeh
16 Ki First Nation, which indicated it has some comments related partly to
17 the broader discussion yesterday and some items regarding
18 commitments that it would like to discuss.

10:00AM

19 After this, we'll go to the break, and then we'll come back and get
20 into impacts on communities.

10:01AM

21 So, Jane, would you like to go ahead?

22 JANE HENDERSON: Jane, PKFN. Thank you, Alan. I did flag for
23 you that we have some commitment requests that relate to yesterday's
24 discussion, but we do need a little more time to get the wording of them
25 precise, so if we could come back to that, that would be good. Thank
26 you, Alan.

10:01AM

27 ALAN EHRLICH: Can you do that after the break, or would you

1 rather do that after lunch? It's just we've got a lot of substantial material
2 to discuss regarding impacts on communities, and I just don't want to
3 divert too much time. If there's a way that will work for you that's
4 efficient, I'd love to do that.

10:02AM

5 JANE HENDERSON: If we could do that after lunch, that would be
6 great. Thank you.

7 ALAN EHRLICH: Okay, let's do that. Thank you.

8 Okay. So now what we would like to ask the GNWT to do is --
9 we had -- there was a commitment yesterday from the GNWT to
10 produce revised WMMP as part of the DAR addendum, and we just
11 wanted to catch the wording of what you commit to and verify that that
12 actually matches what the expectations of the commitment was, to
13 make sure we're all on the same page. So GNWT, could you, please,
14 go over that. Thanks.

10:02AM

15 SETH BOHNET: Seth Bohnet, GNWT. Yeah. The specific
16 commitment is that the GNWT will update the WMMP as part of the
17 DAR addendum.

10:02AM

18 ALAN EHRLICH: That helps. Thank you. And let's see, I think
19 that was from Déłıne Got'ıne Government yesterday that was
20 requesting that; I could be wrong. Todd, was it from you?

10:03AM

21 TODD SLACK: Todd Slack, DGG. Yeah, and if I could just get
22 some clarity on what the DAR addendum is and when that occurs within
23 the process. Forgive me if it's on the schedule; I might not have looked
24 that far ahead.

10:03AM

25 ALAN EHRLICH: Sure. I'll ask Catherine Fairbairn to explain it.

26 CATHERINE FAIRBAIRN: Sure, the exact deadline won't be set until
27 there's updated dates in the work plan. But the intention is that the

1 developer will provide updated information that considers what's
2 happened in the environmental assessment analysis phase prior to the
3 public hearings. So that's a document that the developer -- that GNWT
4 plans to put together in advance of the public hearings and
5 interventions.

10:04AM

6 ALAN EHRLICH: So the gist of that is that everyone knows that
7 the developer's assessment report is a pretty big document. And then
8 before we get to hearings, there's been months of discussions and
9 information requests, and back and forth about stuff, and some stuff
10 changes, and you give commitments to different things, and predictions
11 that were made in the developer's assessment report wind up getting
12 updated based on the information and the questions from parties, and
13 it -- in the past, sometimes it's hard for parties to have the big
14 developer's assessment report, but also 570 other different changes
15 that they have to understand change the predictions that were in the
16 developer's assessment report.

10:04AM

10:04AM

17 So what we're doing -- the Review Board is committed to ongoing
18 innovation and improvement of this process, and one of the things we're
19 going to do in this environmental assessment is have the developer
20 produce an addendum to the developer's assessment report that has
21 them reflect on everything that's happened in the months between the
22 original report and just before the hearing and update all of their
23 predictions and make it clear, any new commitments, so it's all kind of
24 in one place. We think this will make it much easier for parties to
25 prepare their interventions for the hearing and participate in the hearing.
26 So that's why you haven't heard this term before, Todd, is because you
27 been through a lot of EAs but we haven't done this in a lot of EAs.

10:05AM

10:05AM

1 We're trying.

2 TODD SLACK: Todd Slack with DGG. Yeah, that sounds just
3 fine. It's a good model for commitments. Thank you.

10:05AM

4 ALAN EHRLICH: Okay. Thanks. Let's take a 10-minute break,
5 come back at 10:15 with the developer's presentation on
6 socio-economics, culture, and traditional land use. Thanks.

7 - SHORT BREAK -

8 ALAN EHRLICH: It will be about ten minutes and then we'll dive
9 right into questions. Take it away, GNWT.

10:19AM

10 SETH BOHNET: Thanks Alan, Seth Bohnet, GNWT. We have a
11 couple of slides here. I'm going to turn it over to Timm Rochon with
12 DPRA.

13 TIMM ROCHON: Thanks, Seth. Hello. I just wanted to mention
14 my colleague, Jen Heneberry, is also online and will be participating in
15 the -- in the discussion.

16 All right. So we've got four slides here, just really an overview of
17 the socio-economic impact assessment from the work we did, the
18 findings, and some of the ongoing work.

10:19AM

19 So the GNWT has been engaging with communities over the
20 past four years on this project, and it is -- it has been a key -- the
21 engagement has been a key component of the assessment and the
22 development specifically of the mitigations.

10:20AM

23 So generally the socio-economic findings indicated that
24 communities are supportive of the project, and they want to ensure that
25 they are prepared to minimize adverse effects and be able to maximize
26 positive effects. There are anticipated to be positive socio-economic
27 effects in the area of education, employment, economy, but also some

1 in the areas of health and community wellness.

2 Importantly, there are anticipated to be two significant adverse
3 socio-economic effects and, therefore, even with mitigations, the
4 adverse effects are going to be noticeable in communities.

10:20AM

5 One is increased availability of drugs and alcohol, which is
6 anticipated to increase social pressures in communities and add to an
7 already serious issue. The other is impacts on public safety. And it's
8 anticipated that during construction and operation of the Mackenzie
9 Valley Highway Project, there will be an increase -- adverse effects on
10 safety levels, especially in vulnerable populations.

10:21AM

11 So a community readiness strategy has been proposed to
12 reduce adverse socio-economic effects and, again, to maximize positive
13 ones. The foundation of the approach is community readiness and
14 preparedness, continued engagement, and collaboration.

10:21AM

15 The community readiness strategy is really led by the proposed
16 Mackenzie Valley Highway corridor working group, and it is supported
17 by three sub-working groups all focussed on particular issues that
18 involve community organizations, governments, the GNWT, all working
19 together on specific plans to mitigate adverse effects and, again,

10:22AM

20 maximize positive ones. So this slide, of course, describes four key
21 principles of the strategy that will guide the development of the plans,
22 any activities of the people and organizations that are working together
23 on the strategy. The sub-working groups will also be responsible to
24 develop and oversee specific plans on different topics.

10:22AM

25 So monitoring and adaptive management are key components to
26 the readiness -- the community readiness strategy. It is possible, of
27 course, as we all know, that conditions will change in communities over

10:23AM 1 time. And the community readiness strategy may need to be adjusted
2 to be effective as possible. This requires that the project effects and
3 implementation of the plans be monitored and adaptively managed. So
4 both monitoring and adaptive management are ongoing processes that
5 will start before construction and will continue five years after the
6 highway opens. So five years post-construction.

7 Monitoring indicators will be developed collaboratively with
8 communities and results will be reviewed and discussed to inform
9 adaptive management.

10:23AM 10 So lastly, as I mentioned at the beginning, engagement on the
11 socio-economic assessment has been -- on the project has been
12 ongoing since 2020. Engagement has been a really critical component
13 of the assessment. Not only has it been important to identify, again, the
14 potential project effects, it also supports the continued development of
15 the community readiness strategy. Ongoing engagement through
16 construction and operation phases of the project will be important to
17 ensure that the monitoring of the adaptive management are effective in
18 responding to the changing conditions, the trends, and meet community
19 needs.

10:24AM 20 Since the DAR was submitted in October of 2023, the GNWT
21 has continued to engage with communities about the strategy. This
22 work began in May of 2024, and the GNWT is committed to engaging
23 with communities to refine the strategy. Future meetings are planned,
24 and the next one will be in Fort Good Hope the week of December the
25 2nd. Thank you.

10:24AM 26 ALAN EHRLICH: Thank you. I'll start with -- I thank you for
27 keeping to within the ten minutes as well. You covered a fair bit in

1 there.

2 Pehdzeh Ki First Nation, do you have any questions? Pehdzeh
3 Ki indicated that they already had some stuff, so I'm starting with them.

10:25AM

4 And people who have other questions, don't wait for me to call
5 your name. Please feel free to, you know, catch my eye or do what you
6 have to catch that, but we'll start with Pehdzeh Ki. Sharon or Jane?

7 JANE HENDERSON: Jane Henderson, Pehdzeh Ki First Nation.

8 Thanks Alan.

10:25AM

9 PKFN would like to start with two comments on the legal context
10 here, which have been missing in engagements on the proposed work,
11 and I'm concerned can get lost in this EA.

10:25AM

12 It was confirmed yesterday that both this EA process and the
13 highway project design and construction will proceed without recognition
14 of PKFN's actual legal rights to N'deh. Canadian law is clear that
15 Aboriginal title includes the right to possess the land, the right to decide
16 how the land will be used, to properly use and manage the land, and the
17 right to the economic benefits that flow from the land. GNWT, as we've
18 heard, has its own vision for PKFN's role in this project, which falls far
19 short of that. It's clear that GNWT's approach to this proposed project
20 has nothing of the spirit of co-management, which the Review Board
21 exists to embody, and goes against the intent of GNWT's own
22 legislation to implement the United Nation's Declaration on the Rights of
23 Indigenous Peoples.

10:26AM

24 I want to be really clear that the project puts PKFN in an
25 extremely difficult position. Its impacts will interfere with PKFN's
26 Aboriginal and treaty rights to hunt, and trap, and provide for their
27 families, and more than that. Yesterday, we were privileged to hear

10:26AM

10:26AM

1 directly from Elder Tim Lennie about the teachings he received from
2 PKFN Elders. And let's be very clear that when we are talking about
3 Dene teachings or Indigenous knowledge or values or ways of the
4 Dene's way of life, there's different ways to talk about this. What we are
5 talking about is Dene's legal principles, Dene laws that are in operation
6 today.

10:27AM

7 As folks said yesterday, PKFN's legal responsibilities towards
8 N'deh are expressed in the Deh Cho Land Use Plan and the proposed
9 protected area, which are not able to be even recognized during this
10 process, and you will get a vision to you on the record, Alan.

10:27AM

11 As we heard yesterday, several generations of PKFN members
12 have now been facing highway plans. They are put in conflict between
13 colonial laws and their own Dene legal responsibilities, their
14 responsibilities towards N'deh, towards each other, and towards the
15 future generations. And it's very important that we keep this conflict in
16 mind throughout this EA and throughout these technical sessions, and
17 today. Because today we're going to attempt to think together about
18 socio and economic effects, and we're going to attempt to think together
19 about traditional land uses. So I mean that in general, let's keep in
20 mind and also in two specific ways.

10:27AM

21 So first of all, the colonial context in which we all find ourselves
22 right now must be seen by everyone here, especially when we're talking
23 about cumulative effects of the project. In the years of engagement on
24 this project, PKFN has been told many times that what they are talking
25 about is irrelevant and what they are asking for is unreasonable. This is
26 a major obstacle to functional consultation and accommodation, and
27 there is a big risk that the same thing will happen today.

10:28AM

10:28AM

1 Secondly, the Dene legal context must be seen by everyone here
2 as well. Not only do PKFN members carry Dene legal responsibilities
3 towards N'deh, but N'deh itself is one of the sources from Dene laws.
4 The laws come in part from the land, from the waters and wildlife and
5 medicines and through the work that is done on the land, and the laws
6 live in the language. And it's through the land and the work on the land
7 and the language that young people get educated in their own legal
8 rights and responsibilities. And this proposed highway goes right
9 through some of the most important locations for that work, and it will
10 open it up to year-round interference.

10:29AM

11 So when PKFN is explaining that the winter water crossings
12 already interfere with traditional use, with sacred and sensitive
13 locations, please keep in mind that we are talking about violations of
14 Dene law. I have been reminded that even to reveal some sacred
15 locations is a violation of Dene laws, yet PKFN members are in a
16 position that if they don't reveal those locations that they will be
17 damaged by the project or by the new access that the project will
18 create. And so PKFN's Aboriginal and treaty rights to use those
19 locations will be infringed. And this catch 22 causes real distress. This
20 predicament itself is causing spiritual harm.

10:29AM

10:29AM

21 And so when we are talking about how the project will have
22 social impacts, cultural impacts, when we're talking about traditional
23 harvesting today, we are talking about interference with PKFN's right to
24 educate their young people and their future generations in their own
25 Dene laws, which those people have a right to learn.

10:30AM

26 So this context is very clear to PKFN, but I know that this context
27 is not always clear to everyone in this process. And because it's not

1 always clear, it gets in the way of understanding and it gets in the way
2 of fairness. And so I ask the GNWT representatives to make personal
3 commitments to keep this in mind and to examine the limits of their own
4 understanding here.

10:30AM

5 And now getting to the questions on socio-economic impacts.

6 Generally speaking, PKFN has no confidence that the developer
7 has deeply considered the specifics of this unique situation and the
8 ways in which PKFN is uniquely vulnerable. There has not yet been any
9 socio-economic assessment in Wrigley or for PKFN, and this is in large
10 part due to the flawed consultation to date and to the rocky relationship
11 Chief Moses described yesterday. PKFN also has no confidence that
12 the proposed plans will have any teeth or make any difference.

10:30AM

13 So to the first question.

14 PKFN has not been able to find any reports on the
15 socio-economic effects of road construction on any other community as
16 small as Wrigley. So it is challenging to predict the effects that the
17 highway will have on the population of Wrigley and looking to compare
18 with other communities; obviously, PKFN knows from their own
19 perspective. So PKFN asks if the developer can provide any reports
20 relating to road construction effects that include any communities as
21 small as Wrigley. If you have access to those studies, could you
22 provide any or undertake or commit to provide them.

10:31AM

10:31AM

23 ALAN EHRLICH: GNWT. Jane, may I just ask a clarification.

24 Obviously there's a lot of other places that have roads in small
25 communities, but they're a slightly different context because maybe
26 they're in northern Ontario or something like that. If those case studies
27 aren't available in the NWT -- because there's not that many roads in

10:31AM

1 the NWT -- would case studies from further afield in Canada that still
2 involve roads to primarily Indigenous communities as small as Wrigley
3 be helpful as well?

4 JANE HENDERSON: Yes.

10:32AM

5 ALAN EHRLICH: To the GNWT.

6 SEAN BOHNET: Thanks for the question. I'm just going to have
7 to take that one away for a few minutes just to clarify whether or not we
8 can do that.

10:32AM

9 JANE HENDERSON: So question 2. So the developer states in
10 section 8.2.4 that there will be increased demands on social
11 infrastructure during all phases of the project - policing, health services,
12 social services, and emergency services such as fire services.
13 However, the developer concludes that the effects of this increase will
14 be insignificant.

10:33AM

15 The community of Wrigley, Pehdzeh Ki First Nation, has no
16 police services, no fire services, or health services, and already must
17 meet any demand by itself. There are, of course, also times which are
18 increasing because of climate change, when the community has been
19 inaccessible to the south. As a community member recently pointed
20 out to the board, Pehdzeh Ki First Nation was promised those services
21 the last time the all-season road was built up to Wrigley and still has
22 none, and 50 years is a long time to wait.

10:33AM

23 The question is, how can the developer conclude that the
24 increased demands for services, when there aren't any, will have
25 insignificant effects on the people of this community?

10:33AM

26 TIMM ROCHON: Timm Rochon, DPRA. Well, as pointed out,
27 Jane, we have not had the opportunity to visit and meet with PKFN, so

1 the assessment doesn't include comments or insights from PKFN. So
2 the assessment in terms of the significance in terms of infrastructure is
3 referring to specifically all the other communities that we have been in.

10:34AM

4 JANE HENDERSON: Jane Henderson, PKFN. So to PKFN generally,
5 it's bonkers that this proposal is at this stage in the EA when it still has
6 so many gaps in it, including, for example there's been no consideration
7 of the effects on their own community. And I wonder, you know, is this
8 EA process going to complete without the DAR having been updated to
9 include the analysis that you advised is missing?

10:35AM

10 SETH BOHNET: Seth Bohnet, GNWT. So it is our intent to work
11 with the PKFN to try and address any of those gaps that you're raising
12 and flagging. We have and continue to extend the invitation to meet to
13 discuss these potential impacts specifically with the PKFN. We would
14 like to gather that information, work collaboratively with the PKFN. The
15 sooner we can, the better, of course. It is our goal and our hope that we
16 can gather some additional information to help, again, inform an
17 addendum to the developer's assessment report on the work plan and
18 timeline that's been provided.

10:35AM

19 JANE HENDERSON: Jane, PKFN. Thank you, Seth. Would the
20 GNWT commit to further funding to enable PKFN to have the capacity
21 to participant in that?

10:35AM

22 SETH BOHNET: The GNWT has and continues to explore
23 opportunities to provide funding to the PKFN and other Indigenous
24 governments and organizations to participate in activities like that, but I
25 would be more than happy to have a follow-up conversation about that.

10:36AM

26 ALAN EHRLICH: Sorry, just considering some of this exchange.
27 One second, please.

1 MARK CLIFFE-PHILLIPS: Mark Cliffe-Phillips at the Mackenzie Valley
2 Review Board. Just a question to GNWT.

10:37AM

3 In light of the comments that have been provided by PKFN on
4 engagement and consultation regarding the Mackenzie Valley Highway,
5 can we get a commitment from GNWT to further consult and engage
6 with PKFN and any of the considerations or changes that might go into
7 either the assessment or project description be updated in the updated
8 DAR addendum prior to the interventions.

10:37AM

9 SETH BOHNET: Seth Bohnet, GNWT. So from the GNWT's
10 perspective, yes, we can commit to further engagement with the PKFN
11 and provided the information that it is -- is exchanged can help inform
12 and improve, we absolutely would like to. I would just play again
13 that we would expect the reciprocal, and that that conversation has to
14 go both ways.

10:38AM

15 MARK CLIFFE-PHILLIPS: Just to clarify, I guess, just in terms of
16 terminology, you're using "engagement"; does that include meaningful
17 consultation as well?

18 SETH BOHNET: Consultation as well.

10:38AM

19 MARK CLIFFE-PHILLIPS: Maybe just as a follow-up, if any updates on
20 that engagement could be provided and consultation be provided on the
21 record with the meeting updates or we have forms for those types of
22 things on our public registry and -- any way that we could get that on the
23 record in real time that allows us to move forward would be great.

24 SETH BOHNET: Seth Bohnet at GNWT. Yes, we can do that.

10:39AM

25 ALAN EHRLICH: The only other point I would make here is that
26 the sooner we would -- that's possible to do, the better because we want
27 to leave time in the EA to explore the issues that are identified as

1 opposed to start dealing with them in depth during the hearing; that
2 doesn't usually work ideally for anybody. So I appreciate your openness
3 to doing that, and I appreciate PKFN making their -- putting the offer
4 and request out there for their needs and framing it in the context of not
5 only the history of PKFN but also the current development. Jane.

10:39AM

6 JANE HENDERSON: So what I've heard, just to make sure we're all
7 on the same page, GWNT commits to further engagement, including
8 meaningful consultation on socio-economic effects, and of course that
9 requires PKFN to participate as well, and there's an important timeline

10:40AM

10 here so we can get this happening so that everything can still be
11 meaningfully addressed in the EA and not left for permitting, the
12 permitting timeline and process. And I've identified that PKFN faces
13 real capacity constraints some of which can be alleviated through
14 funding and given the emergency-ish timelines to get this all moving, we
15 don't want a lack of funding and capacity to be a reason to delay this, so
16 that's why I'm asking for a commitment from GNWT that if funding is
17 needed to advance this work from PKFN, can a contribution agreement
18 or similar be entertained very soon so that -- the work plan we just
19 described flow.

10:40AM

20 SETH BOHNET: Seth Bohnet, GNWT. So just to confirm, we
21 have provided funding to the PKFN previously, and we're open to
22 having continued conversations and providing additional funding.

10:40AM

23 MARK CLIFFE-PHILLIPS: So just to clarify the commitment so that we
24 can have it on record, GNWT is committing to having further
25 discussions on capacity funding and the need for further capacity
26 funding to address the ongoing environmental assessment.

10:41AM

27 SETH BOHNET: Seth Bohnet, GNWT. Yes.

1 MARK CLIFFE-PHILLIPS: Maybe this is a question to CIRNAC or NPMO.
2 GNWT has put forward a commitment on capacity funding, but we do
3 know that the northern participant funding has also provided additional
4 funds through the EA, and if there's any opportunity for additional
5 funding to come through the federal funding pots as well.

10:42AM

6 SHANNON ALLERSTON: This is Shannon Allerston with Northern Project
7 Management Office. I know that PKFN applied for northern participant
8 funding. I'm pretty sure they received some northern participant
9 funding. I don't know the dollar value on that, and we could probably
10 follow up with folks at CIRNAC about how much was provided. I don't
11 know of any mechanism to get more as the EA continues, but we could
12 ask about that as well. I don't know if Megan has more to add.

10:42AM

13 MEGAN LAROSE: Megan Larose, Crown Indigenous Relations and
14 Northern Affairs. Just looking into what was made available in the first
15 call for northern participant funding, so when I have that I can follow up.
16 And we're also looking into whether or not there will be a second call for
17 funding applications. Thank you.

10:43AM

18 MARK CLIFFE-PHILLIPS: Thanks for that response from both CanNor and
19 CIRNAC.

20 ALAN EHRLICH: Great, and just to be clear, this isn't just about
21 how much funding was provided. It's also making sure that there
22 remains funding to provide consultation and engagement that 's
23 required in a timely for the EA, for the developer and PKFN to meet and
24 flag issues in a way that still be considered properly by the Review
25 Board to try reach the best decision on this project. So I appreciate
26 partly looking at what funding was available, but also current funding
27 needs. And considering the historical -- I would say, the lack of

10:44AM

1 meaningful discussion for a variety of reasons between PKFN and the
2 GNWT, just having us all in one room now talking about the same stuff
3 is progress, but clearly there's a need to move a little further on the
4 aspects of that and the GNWT's willing, the PKFN are keen on it, so
10:44AM 5 good discussions. Thank you for any funding you can provide to make
6 sure that that happens in time to meet the information needs of the
7 Review Board, in addition to the rights and practice needs of PKFN.
8 Whatever we do now is cheaper than a JR based on inadequate
9 consultation, I'm pretty sure of that. So back to the PKFN.

10:45AM 10 JANE HENDERSON: Jane, PKFN. Could we just frame those two
11 statements as undertakings? I'm not quite sure of what CIRNAC and
12 the Project Management Office have just committed to other than
13 looking into what funding was provided. And Megan, if there's more,
14 could we just get the wording to make it real clear, please.

10:45AM 15 ALAN EHRLICH: It sounds like CIRNAC has agreed to come
16 back with more information as opposed to a very specific commitment
17 at this point, and it sounds like you're asking for the wording of a very
18 specific commitment, but I don't think that a specific commitment was
19 offered just yet. CIRNAC, is that correct?

10:46AM 20 MEGAN LAROSE: Megan Larose, Crown Indigenous Relations and
21 Northern Affairs. Yes, that's correct. I don't have a specific
22 commitment. I'm just looking into what we have available right now,
23 and I can follow up later on today.

24 ALAN EHRLICH: That sounds like great timing; we appreciate
25 that. Jane.

10:46AM 26 JANE HENDERSON: Jane, PKFN. Our next question. So the
27 developer has proposed mitigation measures for the expected adverse

1 effects on social infrastructure, which are three plans - a road safety
2 plan, a safety plan for vulnerable community members; and, a wellbeing
3 and adaptive management plan to manage effects on community
4 services.

10:47AM

5 The developer has also committed that all mitigation measures
6 and plans are part of the -- that are part of the community readiness
7 strategy will involve leveraging and existing programs and services,
8 that's table 9.2 in section 9-12. As Wrigley, as we've said, has no
9 services, the entire community is vulnerable and so the adverse effects
10 cannot be mitigated in that way.

10:47AM

11 The developer has also stated that the safety plan for vulnerable
12 community members will, and here I'm quoting, "support increased
13 access to emergency shelters, safe and affordable transportation along
14 the highway, communication along the route, education and training
15 opportunities, employment opportunities, and culturally-based on the
16 land mental health and addiction programs". These are very big goals.
17 Obviously, they're all great goals.

10:47AM

18 The developer has stated that it is using a whole of government
19 approach. As Alan, you commented yesterday, this makes the whole
20 government the developer. This approach has some risks to it and
21 must be used to increase the positive effects, not to increase the harms
22 to PKFN. So I'm about to share a list of necessary infrastructure that
23 PKFN has identified as necessary. So to be clear, these are the -- the
24 infrastructure I'm about to describe has been identified as, to PKFN, as
25 crucial mitigation measures to the adverse effects of the proposed
26 project, which have been identified.

10:48AM

10:48AM

27 So this includes health care, nurse, and doctor, police, store,

1 housing for members, housing for newcomers, job opportunities in
2 fields in which members have been educated, social services, mental
3 health supports, and programming and supports for youth.

10:49AM

4 Following what PKFN has identified, I have one question and two
5 requested commitments. So the questions is, how will the whole of
6 government approach be used to create access to these services and
7 infrastructure in PKFN?

10:49AM

8 And like I said two commitments; the first being, PKFN requests
9 a commitment from the GNWT to put in place in Wrigley a full-time
10 resident nurse and access to counsellors and mental health workers as
11 soon as possible, meaning before construction, during construction, and
12 after construction. There are already two apartments above the clinic
13 area, and they need to be filled.

10:49AM

14 The second request of commitment, PKFN also requests a
15 commitment for GNWT's active support to get an RCMP officer posted
16 as soon as possible in Wrigley. The RCMP house is there, but there is
17 nobody in it.

18 ALAN EHRLICH: GNWT.

10:50AM

19 SETH BOHNET: Seth Bohnet, GNWT. Thanks for those
20 requests for commitment. We'll have to take that away. I can't accept
21 them at the moment.

22 ALAN EHRLICH: Does taking them away mean that they will be
23 carefully considered and you will respond, if not on the spot -- I get that
24 those are not tiny things -- but soon and on the record?

10:50AM

25 SETH BOHNET: So we can -- I mean, the first thing I can do is I
26 could commit to ongoing discussion with PKFN specifically on
27 socio-economic impacts and what we propose as mitigations. So,

1 again, we have committed and open to doing that. With the specific
2 requests that have just been made, we'll have to take that away. I won't
3 be able to respond to that today.

10:51AM

4 ALAN EHRLICH: Right, but is it something you might be able to
5 respond to hopefully shortly after the technical sessions and on the
6 record just so that people see where it landed?

7 SETH BOHNET: I'll get back to you as soon as I can.

8 ALAN EHRLICH: Okay, thanks. I'm not talking about, like, today.
9 Yeah, okay. Pehdzeh Ki First Nation .

10:51AM

10 JANE HENDERSON: Jane, PKFN. Thank you, Seth. PKFN, yeah,
11 we'd like to be clear, you know, of course we want answers, and we
12 would like them on the record.

10:51AM

13 And I would bring back to the question, how is GNWT using the
14 whole of government approach to provide access to services for
15 mitigation measures? This makes -- does the question make sense?
16 How are you working interdepartmentally to make the most effective
17 realistic mitigation measures possible?

18 SETH BOHNET: Thanks for the question, Jane. Seth Bohnet, GNWT.

10:52AM

19 So the whole of government approach, as Alan has alluded to
20 and has been referenced earlier, speaks to the fact that the project as
21 proposed is being proposed by the GNWT, not just the Department of
22 Infrastructure. So the way we organized ourselves internally is we've
23 developed an interdepartmental working group that is comprised of
24 subject-matter experts from all of the line departments that have a
25 mandate or provide programs and services that will be impacted or
26 leveraged for this project moving forward. They all have contributed to
27 and continue to contribute to the development of the project. They all

10:52AM

1 participate where necessary in engagement activities, and the
2 discussions we're having with the various stakeholders, so they are a
3 critical part of the team. It is a one-government window to the project
4 from all perspectives.

10:53AM

5 ALAN EHRLICH: One more from PKFN, and then we're going to
6 see if other groups have comments or questions, and that doesn't mean
7 we won't get back to you afterward. But go ahead, Jane.

10:53AM

8 JANE HENDERSON: Seth, could you say -- again, Jane, PKFN.
9 Could you say a little bit more about your intergovernmental working
10 group and how could you imagine -- we're not asking for commitments
11 in this very moment -- but how you could imagine it could be used to
12 move forward on the kind of mitigation measures that the PKFN has
13 identified as critical to their ability to survive this project?

10:53AM

14 SETH BOHNET: Seth Bohnet, GWNT. So specific to the
15 commitments that you requested this morning around resourcing in the
16 community, what we will do is we will take that back to our internal
17 subject matter experts on those programs and services if they apply to
18 GNWT programs and services, and we'll have a discussion on what the
19 current state is and what plans are moving forward, and we will respond
20 accordingly.

10:54AM

21 ALAN EHRLICH: Okay, thanks. We heard yesterday with respect
22 to biophysical issues that parties are uncomfortable with any kind of
23 mitigation - 'it sounds like a plan to make a plan', because it's hard to
24 evaluate how effective the mitigation measure is going to be when you
25 don't know what the actual result is going to be on the ground.

10:54AM

26 The board spent some time in sessions in Wrigley, Tulita,
27 Norman Wells, Délı̄nę, just last month, and people talked about a

1 variety of different issues, many of them are socio-economic. One of
2 the things that struck me, based on what we heard from the
3 communities and seeing a presentation saying one issue is increased
4 drugs and alcohol, is based on what we heard, that's actually a huge
10:55AM 5 suite of issues because it relates to crime, accidental death, the tragedy
6 of young people taking their own lives, domestic violence, domestic
7 abuse, a huge number of things that communities have told us they're
8 already struggling with, and that if that changes or increases as a result
9 of an all-season road, they expect those things to get worse based on
10:55AM 10 what they've seen in other communities that have more access to
11 all-season roads, and organized crime and very different stuff. And you
12 were in the session so you know what they are. But you also heard
13 what I heard, which is that they've told the board that, you know, they
14 don't think that business as usual with standard GNWT programming is
10:56AM 15 doing a very good job to address those in communities already, so they
16 want to be sure that the mitigation, if these -- if the project is going to
17 increase these problems, the same programs that they don't see as
18 necessarily working perfectly now are the planned solution to deal with
19 not only current issues but the extra load that could come from this
10:56AM 20 project.

21 So one of the things that I think there's a lot of interest in is you
22 have different mechanisms where you're planning to work with
23 communities to address these manifold issues. You know, what kind of
24 creative new solutions are you going to be reaching for to deal with
10:57AM 25 things that -- that are different from what hasn't worked in the past for
26 additional problems that could really affect people's wellbeing in many
27 different and profound ways in communities. And so communities were

1 very clear with us, and there was a consistent theme across the
2 different communities that we heard, and so the board remains very
3 interested in approaches that you're taking.

10:57AM

4 One of the information requests that we asked had to do with
5 how -- are there parts in other places in Canada that -- are there
6 examples -- I'm paraphrasing here -- where RCMP have had more
7 effective options for managing increases in drugs and alcohol in similar
8 situations where you have a small remote community and a new road,
9 and it seems like the response to the information request -- okay, it was
10 a -- the wrong stuff got pasted into it.

10:58AM

11 So we didn't really get an answer about innovative things that
12 seem to work elsewhere that could be brought to bear on these really
13 important issues that we've heard about. And, you know, I'd just like
14 you to think about that, and then maybe after lunch, we can talk more
15 about what kind of creative new approaches you could be bringing to
16 the table that are more than just, you know, 'we're the GNWT, we have
17 programs for stuff'. Because these will increase the levels of some
18 things that are extremely important to everyone in the communities and
19 should be very important to the everyone in the Northwest Territories.

10:58AM

20 So anyway, I just wanted to provide a little bit of context based
21 on what the board heard directly because sometimes the technical
22 sessions here, and the community sessions there, don't always
23 connect, and that's an important theme that is something we're going to
24 need to think about over the course of the day.

10:58AM

25 But I would appreciate if you could ponder that over lunch and
26 maybe after lunch give us some information on new ways to tackle
27 these problems that the GNWT is proposing, and your reason for

10:59AM

1 confidence in the effectiveness in the things you're proposing as
2 mitigation, because these are really important issues. Thanks for that.

3 Does anyone else have any comments or questions on the
4 socio-economics, culture, traditional land use impacts?

10:59AM 5 Todd Slack for the Délı̄ne Got'ı̄ne Government, and then Kanda
6 for the Gwich'in Tribal Council

7 TODD SLACK: Thanks, Alan. Todd Slack with DGG. And I've
8 got a quite a number of lines of inquiry and I would really appreciate if I
9 can get through three of them, and then hand it off.

11:00AM 10 So the first one, like for some rapid fire easy stuff, is just how
11 much money -- this is directed to the GNWT. How much money has
12 GNWT either spent or allocated for this environmental assessment?
13 And if it helps, a ballpark number is fine.

14 ALAN EHRLICH: GNWT.

11:00AM 15 SETH BOHNET: Thanks for the question. I don't have the
16 number off the top of my head, but I can certainly get it for you.

17 ALAN EHRLICH: Todd, would a ballpark be okay?

18 TODD SLACK: Yeah, and I went back -- sorry, Todd Slack with
19 DGG.

11:00AM 20 ALAN EHRLICH: Todd, would a ballpark be okay?

21 TODD SLACK: I'm going to provide a ballpark number right
22 now, if that's okay. And I'm no expert on government appropriations,
23 nor do I have any ambitions to be. And I went back and had like the
24 main estimates and some of the supplementaries, and if I was to say
25 that it spent \$35 million already; does that seem fair?

11:01AM 26 SETH BOHNET: Seth Bohnet at GNWT. Do you have a
27 timeframe for that?

1 TODD SLACK: Todd. Since 2018.

2 SETH BOHNET: No, that would not be accurate.

3 TODD SLACK: Okay. Alan, in that case I would like if the
4 GWNT could take that away. And then when they do, if we could come
5 back to it.

6 ALAN EHRLICH: If we can do that without a commitment, are you
7 guys able to provide a kind of a rough number maybe later today?

8 SETH BOHNET: Certainly can, yes, Seth Bohnet, GNWT.

9 ALAN EHRLICH: Thank you for that. Todd.

10 TODD SLACK: Todd Slack with DGG. Just out of interest, am I
11 low? Or high? Because if it's higher, then that's fine.

12 SETH BOHNET: You're high.

13 TODD SLACK: Okay, then let's get me a number.

14 Okay, so the next one -- and I ask everyone's indulgence a
15 touch here because there is some preamble. And so the project has
16 stated that they are going to have significant impacts. And we were
17 trying to clarify this already through IRs and through direct
18 conversations. Significant impacts of an environmental assessment
19 must be mitigated through a level lower than that significance. And
20 that's done through measures. Does the project agree with that
21 statement?

22 SETH BOHNET: I would suggest that -- sorry, I'm so bad, I
23 apologize to you. Seth Bohnet, GNWT.

24 So, again, I think that the use of measures by the board is that
25 the board's prerogative. The GNWT provides mitigations that we deem
26 are appropriate.

27 TODD SLACK: Okay. Todd Slack with DGG. I would

1 encourage the project to speak with the environmental assessment
2 staff. If you go back to the Fortune Minerals hearing, one of your poor
3 colleagues from ITI found themselves in the very position -- and Alan, I
4 am sure you remember this -- in which the board staff -- or the board
11:03AM 5 legal counsel went at length to try and clarify this, and she took the
6 same position as you are. But I'll move on. Please, have a look at that.
7 It's in the transcripts. But that's how it is.

8 So what I have suggested -- because DGG, we have 12 lines of
9 inquiry today. A lot of those go away if we can agree that a measure is
10 required, similar to what the GTC consultant was talking about last --
11 yesterday.

12 The issues are similar to what Alan just talked about that, hey,
13 you are going to create a plan. Great. We support that plan. And to be
14 clear, Délinç supports this project. The mitigations on the wall are what
11:04AM 15 they are; that's what it is. You know, we are okay with the idea of a
16 working group. We would have preferred to be able to evaluate the
17 technical details now. They don't exist. We are where we are.

18 However to get where we want to be, there needs to be some sort of
19 tool. So the question that I want to pose to the proponent is that in the
11:04AM 20 absence of details relating to the management, monitoring, mitigation,
21 would you agree to developing a suggested measure for the board with
22 the parties around the room that looks at the wording that provides for
23 independence, that provides for funding, that provides for the authority
24 of that working group, so that we can move this from an adversarial
11:05AM 25 process to something that is more collaborative and start to work
26 together on what that solution looks like?

27 And just to reiterate, the key points of this commitment and this

1 measure would be things around resourcing/staffing, independence, the
2 ability of the working group to require mitigations, things along those
3 lines, that gives that group -- the agency is the term that was used
4 yesterday -- it gives them the authority to go and do that work and gives
11:05AM 5 DGG confidence that that work will get done.

6 ALAN EHRLICH: Todd, just before the GNWT responds, we
7 would like to get the wording of the commitments -- because clearly
8 you're requesting a commitment -- clear enough so that we're sure it's
9 asking for what you want to ask for. So Catherine's been typing very
11:06AM 10 quickly to keep up. And I'm going to ask Catherine to read back what
11 we understand you're asking for as a commitment here if that's okay.

12 TODD SLACK: Yeah, before we get into the words, why don't
13 understand why this is acceptable at all we otherwise we're just waiting
14 wasting air.

11:06AM 15 ALAN EHRLICH: I'm okay with that. GNWT.

16 SETH BOHNET: Apologies, sorry, I got distracted there. Can
17 you repeat the last part.

18 ALAN EHRLICH: Todd wanted to know if -- how GNWT feels
19 about the gist of what he is asking before we read back what we think is
11:06AM 20 the specific wording of his ask.

21 SETH BOHNET: Seth Bohnet, GNWT. So again, thank you,
22 Todd. And I hear where your concern lies. What, again, the GNWT
23 has committed to and is open to and are willing to do is continue to
24 engage Délı̄në and others to help make improvements to the mitigations
11:07AM 25 that we've proposed. So the mitigations that we've got currently in the
26 DAR are just that, mitigations that we've proposed. We still have time
27 through the environmental assessment to move bilaterally outside of

11:07AM 1 this process and/or at this forum, or any other forum that DGG sees --
2 or would like to, to figure out ways to improve the proposed mitigations
3 that we've presented. And we're open to that. At the end of the day,
4 whether or not we can resolve DGG's concerns through the mitigations
5 collaboratively, again that would be ideal. We're open to that. If we
6 can't, then I would, again, suggest that it would be up to the board to
7 ascertain whether or not additional measures are required in the event
8 that the mitigations aren't appropriate. But, again, we're more than
9 willing and happy to work bilaterally with DGG, and others, to identify
10 opportunities to improve the mitigations that we've outlined.

11 ALAN EHRLICH: Todd.

11:08AM 12 TODD SLACK: Todd Slack with DGG. Well, thanks for the
13 response, but what I hear from that is no, you're not willing to look at a
14 commitment to work towards a measure at this point. The commitment
15 that you're willing -- as far as you're willing to go is just more talking,
16 more engagement; is that fair?

17 SETH BOHNET: Seth Bohnet, GNWT. So, yes, the commitment
18 that I can make right now is to work collaboratively to improve the
19 mitigations we're proposing.

11:09AM 20 TODD SLACK: Okay, well I'll just end this line with -- by saying
21 this is exactly what you guys want to do, you know, the working group
22 model. We're trying to find a way to put some sort of authority in that,
23 and you are consistently saying no, we're not going to put the -- we're
24 not going to give them the authority to go out and do their work so that
25 the government -- the Délı̨nę Got'ı̨nę Government has confidence in
26 their ability. So the outcome of that is the lack of agency, that GNWT
27 controls the resources, GNWT controls the agenda, and GNWT

1 controls the implementation. And those are the key issues. And we've
2 offered a suggestion, or a recommendation, to resolve this detail.
3 We're looking to the GNWT to try to resolve that with something other
4 than more talking. And that's the pause there. I have a number of
5 other lines, if you want me to keep going.

11:10AM

6 ALAN EHRLICH: You can do another one.

7 TODD SLACK: So in the absence of that commitment, we
8 need to delve into the limitations of the details on the record. You know,
9 to use Ms. Bonhomme's term, we're going to ask about the information
10 that's filed, which is lacking.

11:10AM

11 So in terms of -- I'll start with -- all this is from TC25 in the DAR.
12 That's the table of contents which is what was supposed to be in the
13 DAR. And then starting with drugs and alcohol. So getting in section
14 7.2-1, that's where this is addressed, in the table of -- the concordance
15 table, pardon me. Does the project agree.

11:10AM

16 So the mitigation is to develop the wellbeing adaptive
17 management plan. Are there any other specific mitigations to address
18 the impacts of this plan is intended to address? Essentially what I'm
19 trying to get at is everything going to be in -- is that going to be the
20 home of all of the mitigations for those issues?

11:11AM

21 ALAN EHRLICH: GNWT.

22 SETH BOHNET: Seth Bohnet, GNWT. So I would suggest that,
23 again, that the idea of mitigations for socio-ec is broader than just that
24 plan and includes several other plans that are proposed under the
25 community readiness strategy.

11:12AM

26 TODD SLACK: Sure, and we'll get to some of those other
27 ones, but I was just talking about those matters that fall under the

1 wellbeing adaptive management plan. But I can move on.

2 So, and we heard in the response a second ago that all
3 mitigations will be based on the existing programs that GNWT delivers.
4 For those programs that are covered or accessed under this particular
5 plan, can the GNWT -- and I understand you'll probably want to take
6 this away. Can you go away and provide current funding and staffing
7 levels, including unoccupied positions, for the Sahtu and for Délı̨ne?
8 And I'll add, the point here is to understand the level of resourcing that
9 exists now so that we have a baseline later, once this project is
10 constructed, to understand whether anything has changed. Have you
11 deployed any mitigations? Have you allocated any other additional
12 resources? Without having a baseline, it will be very difficult to
13 understand.

14 MELISSA PINK: Melissa Pink with Health and Social Services.
15 We can take that back, Todd, and look at it, but recognize that things
16 like staffing can also, like, change day-to-day. So are you just looking
17 for kind of current staff positions and then kind of vacancy rates in
18 general? I'm just trying to get a better understanding of what would
19 actually be helpful.

20 TODD SLACK: Todd Slack with Délı̨ne Got'ı̨ne Government. At
21 this point, we need to create a snapshot of the level of resourcing that
22 exists, resourcing as expressed through dollars for programs and
23 through positions, occupied or unoccupied, so that later, once this group
24 starts, there is a -- so this information is not in the DAR -- so there's a
25 baseline to evaluate the effort that is being put in to addressing the
26 impacts and ensuring that this project is not making things worse in the
27 Sahtu, and that the mitigations that the group wants to do, that, hey,

1 there are being resources allocated towards those additional responses
2 or requests from the corridor working group. Absent it, it's going to be
3 impossible to know.

11:14AM

4 MELISSA PINK: Sorry, I'm just getting some more information
5 from folks that are online. So there's like resourcing levels, that's one
6 piece of information of vacancy rates. But there's a lot of flexible
7 staffing, fly-in/fly-out staffing for the regions. So just trying to get an
8 accurate picture of what would be helpful to you. Because a lot of the
9 support services in a lot of these small communities are -- you know, it's
10 e-mental health, telehealth, all those types of things that are across the
11 territory that aren't specific to individual communities. So I think I get
12 where you're coming from. You want to know what's happening now
13 and then how that -- how we can see that change if it does change in
14 response to the project?

11:15AM

11:15AM

15 TODD SLACK: Todd Slack, with D l n  Got' n  Government.
16 Exactly. And we heard earlier, and it's in -- this part is the DAR at A5.
17 Interviews emphasize that current gaps in services need to be more
18 fully met before -- before -- any pressures associated with the
19 operations of the projects will be added to the community services. So
20 you've already done the engagement. People have told you, including
21 D l n , like you know, sharing positions, positions that are empty for
22 meeting the basic needs that exist now. And then we're going to add to
23 that. Well, we've got to know what the resourcing is; these guys here
24 are going to need to know it. And in asking about the T l ch  road, it's
25 impossible to find that information out. So let's do it now while we're
26 thinking about it so that that exists for the operations of the corridor
27 working group.

11:15AM

11:16AM

1 MELISSA PINK: Melissa, with GNWT. Was there a question in
2 there, Todd.

3 TODD SLACK: Can you provide that number, those positions,
4 and what I heard from you was I need some time to take that away,
5 which I believe is an undertaking. Again, I'm not -- yesterday I was told
6 [inaudible] what to do; you correct me.

7 MELISSA PINK: Melissa, Health and Social Services. Maybe we
8 can check and figure out what we can actually provide to you, because I
9 think you're asking for some things that I don't know if I can get. But I'm
10 not sure I am going to be able even know what I can have access to like
11 right now. But maybe after lunch, I can get back to you with some
12 information.

13 TODD SLACK: Sure. And I'd like the opportunity to come back
14 to this.

15 Moving on -- Todd Slack, Délı̄nę Got'ı̄nę Government -- a
16 different point here. So the wellbeing adaptive management plan
17 occurs in the DAR 60 times. Now, not all those times is it being used as
18 a mitigations impact. You know, there's going to be some titles in there
19 and whatnot. This plan is currently advanced as far as what we read in
20 section 9-16-2.3.1; that's right? Or is that fair to say? Or let me ask it a
21 better way. This plan doesn't exist except for that particular section?

22 SETH BOHNET: Seth Bohnet, GNWT. That's correct.

23 TODD SLACK: All right. So 60 times we have this as a
24 mitigation that doesn't exist. Within this plan, there is a number of
25 things that are just described as "continuing" or "supporting". Is it -- and
26 it's hard to get at what the funding level is. Is it GNWT's anticipation
27 that there's going to be, other than the two positions mentioned in the

1 DAR to help develop the plan, is there going to be additional staffing
2 and resourcing as this road is built; is that your expectation?

3 ALAN EHRLICH: GNWT. Todd, after this we're going to go to a
4 different group and we'll --

11:19AM

5 TODD SLACK: Yes.

6 SETH BOHNET: Seth Bohnet, GNWT. So with specific
7 reference again to the implementation of that plan, you're correct. The
8 plan hasn't been fully developed yet. It requires additional input. We
9 cannot confirm or state what's going to be in that. We can't really
10 support it until we have established the terms of reference and
11 established the group that's going to help develop that plan.

11:19AM

12 TODD SLACK: Sorry, Alan, I got to clarify that. It's Todd Slack,
13 DGG. Notwithstanding the development of the plan, let's ignore that for
14 a second. The plan is going to recommend mitigation some 60 times.
15 It's going to mitigate things. Isn't GNWT's expectation, or are they
16 prepared if the working group -- if the mitigations that come out of the
17 working group, are they prepared to allocate more resources for
18 implementation of that?

11:19AM

19 SETH BOHNET: Seth Bohnet, GNWT. It's going to be depend
20 on what resources are requested or required or needed. Again, at this
21 point in time, we don't have anything to base that on.

11:20AM

22 TODD SLACK: Sorry, the question is are you prepared -- sorry,
23 Todd Slack, Délıneᑕ Got'ıneᑕ Government. The question is if it's
24 required, is GNWT prepared to spend more money or bring in more
25 staff if it's asked for?

11:20AM

26 SETH BOHNET: Seth Bohnet, GNWT. We would have to
27 evaluate it when it was asked for.

1 TODD SLACK: Okay. I have nine more lines of inquiry. But I
2 understand, let's rotate it around. Thank you.

3 ALAN EHRLICH: Thanks, Todd. And we're going to keep going
4 and there's going to be chances to get back to this. But in the
11:20AM 5 meantime, Mark MacDougall from Acho Dene Koe First Nation is online
6 and has questions. Mark, could you go ahead, please.

7 MARK MacDOUGALL: Mark MacDougall, Acho Dene Koe First Nation.
8 So Acho Dene Koe First Nation has raised meaningful concerns
9 regarding potential adverse social and wellbeing impacts, not only within
11:21AM 10 the RRA but also along the transportation corridors to and from the
11 proposed highway. Consistently GNWT has pointed to the community
12 readiness strategy and its associated plans as its approach to mitigating
13 these impacts.

14 Now, the geographic scope of these plans aren't limited to the
11:21AM 15 RRA, but this is not founded on traffic studies or other information about
16 perspective traffic flows to and from the highway.

17 How will GNWT ensure that not only will the community
18 readiness strategy be able to respond to social issues, but proactively
19 avoid impacts, both inside and outside the RRA, especially if we aren't
11:22AM 20 looking for those impacts.

21 ALAN EHRLICH: GNWT.

22 SETH BOHNET: Seth Bohnet, GNWT. So we would anticipate if
23 there's any issues that are flagged outside of the RRA, that that can be
24 raised to the corridor working group.

11:22AM 25 MARK MacDOUGALL: Mark MacDougall, Acho Dene Koe First Nation.
26 Sorry, who's flagging these concerns?

27 SETH BOHNET: Seth Bohnet, GNWT. So if Acho Dene Koe

1 have any issues or want to flag anything, you can bring that to the
2 corridor working group.

11:23AM

3 MARK MacDOUGALL: Mark MacDougall, Acho Dene Koe First Nation.
4 And how will the working group, then, incorporate those concerns into
5 actual mitigations?

6 SETH BOHNET: Seth Bohnet, GNWT. So if any issues that are
7 raised or flagged to that working group would be considered by that
8 working group and help inform any recommendations that that working
9 group brings forward.

11:23AM

10 ALAN EHRLICH: Anything else, Mark?

11 MARK MacDOUGALL: Yeah, Mark MacDougall, Acho Dene Koe First
12 Nation. Okay, so that describes the current process. I'm trying to
13 understand how monitoring would work during construction and post
14 construction phases then?

11:24AM

15 SETH BOHNET: Seth Bohnet. Sorry, I'm not understanding the
16 specific question.

17 MARK MacDOUGALL: Yes, sorry, I will rephrase. Mark MacDougall.
18 Acho Dene Koe First Nation. So understanding that through the
19 environmental assessment process, the working group is working on a
20 complaints basis, is that the intention through to implementation of any
21 wellness plans?

11:24AM

22 SETH BOHNET: Seth Bohnet, GNWT. Sorry, I'm just not -- I'm
23 not understanding the question.

11:25AM

24 ALAN EHRLICH: Mark, just to clarify, I think what you're saying is
25 that the working group would be responding to problems that are
26 identified rather than anticipating and avoiding problems ahead of time;
27 is that what you mean by the complaints basis?

1 MARK MacDOUGALL: Mark MacDougall, Acho Dene Koe First Nation.
2 That's correct. I'm trying to understand how GNWT would proactively
3 mitigate versus respond to concerns that are identified.

11:25AM

4 SETH BOHNET: Seth Bohnet, GNWT. Thanks for reclarifying
5 that; I apologize. So the intent is that the corridor working group would
6 be established prior to construction. We've committed, at a minimum,
7 one year prior to construction. That allows that group to work to
8 develop the management plans that are proposed. And then that
9 working group would continue to function through construction.

11:26AM

10 ALAN EHRLICH: Thanks. Mark Cliffe-Phillips.

11 MARK CLIFFE-PHILLIPS: Just a follow-up on this. This goes back to sort
12 the mitigation lines to the working group and how that may play out.

11:26AM

13 The idea around the working group is to inform, but the mitigations
14 would flow from either the recommendations that might come through
15 the working group. But going back to the proactive nature, GNWT
16 describes adaptive management in various places throughout the DAR.
17 So in terms of how you're going to set the management response
18 framework for those manager plans in terms of setting thresholds and
19 criteria for action levels, how will that be done and when will that be
20 done?

11:26AM

21 TIMM ROCHON: Timm Rochon, DPRA. So you're correct, Mark,
22 that each sub-working group is responsible for either one or two
23 respective management plans, and those management plans would be
24 developed by those sub-working groups. And that are representatives
25 from the GNWT, communities, Indigenous governments, that type of
26 thing. And they would -- they would develop, you know, basically
27 criteria for monitoring, that type of thing. Obviously, they would use -- I

11:27AM

1 would assume they would start from some existing criteria that may be
2 out there, certainly lessons learned from TASR, that type of thing. And
3 they would use measurable parameters.

11:27AM

4 In terms of thresholds, you know, I don't think in terms of the
5 socio-ec that they're going to be looking at thresholds. That's certainly,
6 you know, what I would argue.

11:28AM

7 MARK CLIFFE-PHILLIPS: Yeah, I guess maybe not so much thresholds,
8 but the action levels. The intent of those management response
9 frameworks are to avoid the trends that would get to a point where
10 people may consider the impact significant. So I guess, the criteria that
11 we're looking at needs -- as you mentioned, needs to be measurable.

11:28AM

12 But in terms of the measurability, one we've seen that a lot of the times
13 it's just statistically available information that might be available that
14 you're measuring against, which might not actually describe the effects
15 that might be felt by the changes that the project might bring along. So
16 I know we've done a lot of work on the biophysical side for setting up
17 response frameworks and processes for developing measurable action
18 levels. On the socio-economic side or the health impact side, we don't
19 have as much of that. The board has issued measures in the past that
20 were supporting communes but primarily diamond mining impact to
21 communities and development indicators of wellbeing which are now,
22 hopefully, being used for long-term monitoring that will help to develop
23 these management criteria.

11:29AM

24 Just maybe a question to GNWT, I know that we had the benefit
25 and the Tłı̨chǫ All-Season Road of having communities that were
26 already working on those types of criteria through the diamond mine
27 assessments. In the Deh Cho or Sahtu, is there any commitment to

11:29AM

1 work with communities to help develop those key indicators of wellbeing
2 that will inform these management plans?

11:30AM

3 TIMM ROCHON: Timm Rochon, DPRA. The short answer is yes.
4 And I mean, that's the foundation of the community readiness strategy,
5 those working groups, and those plans. And communities were very
6 clear that they wanted this to be community-driven and that the GNWT
7 has heard that and has responded to it.

8 MARK CLIFFE-PHILLIPS: Thank you. It was just tying those all together is
9 what I was trying to get at. Yeah, thank you.

11:30AM

10 I guess we could write that down as a commitment, the GNWT
11 will work with communities to help develop indicators that will be used in
12 those management response frameworks.

13 TODD SLACK: Sorry, could I ask a point of clarification there.

14 ALAN EHRLICH: Go ahead.

11:30AM

15 TODD SLACK: Forgive me. So the issue -- two issues here.
16 For the better part of three years, we've been looking -- DGG has been
17 asking for what are the lessons learned from TASR, especially in what
18 Timm was just talking about. In our IRs, we asked hey, what have you
19 learned? We asked are the impacts from this road significant? They
20 couldn't answer that. They couldn't answer -- they said they didn't even
21 look at the mitigations. This was a board IR; they didn't even look at the
22 mitigations in the past. This is why that concept of agency or that
23 authority is so important to get now. Because if you leave it to later,
24 you're relying on best intentions. And if the working group agrees to
25 lead parts of the measure behind, fine, give them that flexibility. But it's
26 got to have some teeth into it so that we do learn from this road for
27 whatever the next road is. Yeah, sorry. Stop there. Thank you.

11:31AM

11:31AM

1 ALAN EHRLICH: Thanks, Todd. One of the important principles
2 of impact assessment that the board really supports is that it is always
3 better to anticipate and avoid impacts than try and react and cure them
4 after they happen. It's cheaper, it's more effective, there's less harm,
11:32AM 5 there's less suffering. It's better.

6 The board has supported adaptive management in certain
7 situations in the past, not as a silver bullet to deal with any impacts that
8 might occur, but in particular situations partly where there are mitigation
9 measures that it knows that there are effective mitigation measures that
11:32AM 10 can be brought to bear if necessary. And so it's not just let's figure out
11 how to mitigate if the problems come up, it's that we have these
12 mitigations, we have these reasons to be confident in the effectiveness
13 of these mitigations, some of the mitigations are difficult and we want to
14 use them if we need but not if we don't, right, and that's where the

15 thresholds in an adaptive management cycle become useful. That
16 tends to not be the first preference because it is more reactive than
17 proactive. But that same principle, if you're gonna do it, better have
18 mitigations that you can be confident will be effective if the problems are
19 identified, if you're going to use them, beforehand. If the board is going
11:33AM 20 to put its confidence in [inaudible] adaptive process. So I just throw that
21 out there.

22 Okay, we've got a little bit of time before lunch. I'm going to go to
23 the board's consultants and then if there's time before lunch, LKFN has
24 been waiting patiently. And if not, then we'll do that after lunch. But I
25 won't lose you in this. So over to Two World's Consulting for the
11:33AM 26 Review Board.

27 NINA BARTON: Hi, everyone. It's Nina Barton, Two Worlds

1 Consulting on behalf of the Review Board. I think the questions that
2 have been going around and the points that have been made are really
3 related to a question that I was thinking of with respect to the proposed
4 mitigations to -- can everyone hear me okay? Yeah -- to the
11:34AM 5 socio-economic, particularly the significant impacts that have been
6 identified in the DAR with respect to increased drug and alcohol
7 availability and use and increased social pressures and effects to public
8 safety from the project.

9 The proposed mitigations, and while we recognize that, as Alan
10 was saying, that a participatory and community-based approach is
11 certainly very appropriate in these situations and certainly best practice.

12 Without the data gaps that were idea throughout the DAR from any of
13 the key indicators and with respect to health and wellbeing in these
14 communities, so there's these data gaps identified in many

15 circumstances. So without this information we're wondering how
16 monitoring of these situations in the communities, where it's
17 acknowledged that these are already very, you know, front and center
18 and present in many of these communities, how this monitoring will be

19 applied in the absence of this baseline information. Again, especially
20 for these identified significant effects. And I know there's been some
21 discussion about the use of measures and selection of that from the

22 working groups. But without this information starting off as a baseline,
23 where we're wondering how that -- how that will be implemented. So
24 that's my first question. Sorry, it's a double-barrelled approach.

25 And the second one is, really, I think I'm just echoing, although
26 certainly paraphrasing, what evidence can the government provide to
27 show that this proposed adaptive management approach will be

1 effective because you've mentioned that the committees will be set up
2 one year prior to the start of construction. It doesn't seem like a lot of
3 time to get everything together. And so my first question is really how
4 will monitoring inform the adaptive management approach? And my
11:36AM 5 second question is how do you know that this approach will be effective.
6 Yeah, thanks.

7 TIMM ROCHON: Thanks for the question. Timm Rochon, DPRA.
8 So your first question, I believe, was how will monitoring influence the
9 adaptive management approach. So let me start there. And I think
11:37AM 10 they're great questions.

11 What was clear again in all of the community consultations -- in
12 all of the engagement, I should say, is that communities and community
13 members reiterated that, you know, they needed to be very involved,
14 and it needed to be community-based. So in terms of -- and that that
11:37AM 15 monitoring was specifically to assess, obviously, the potential effects of
16 the project. But for people in communities, it was more than potential
17 effects of the project, it was some of the issues that they were living and
18 going through now.

19 So in terms of the monitoring and how it would impact adaptive
11:38AM 20 management is that as this community-based monitoring is being
21 carried out, the respective sub-working groups would be -- right now, it's
22 identified would be annually looking at that information, at that data.
23 They, of course, are meeting, I should say, four times a year. But
24 annually, they're looking at that data and they're looking to see the
11:38AM 25 trends in that data, and that would then inform changing any of the
26 mitigations, any of the -- you know, any of the mitigation measures that
27 may be taken. And I mean, I think there are some examples. They're

1 smaller examples, perhaps. But some examples from TASR where
2 adaptive management was carried out in response to some of the
3 issues that were ongoing.

11:39AM

4 MELISSA PINK: I can say, Melissa with the GNWT, Health and
5 Social Services. So some of the things that we've worked at -- because
6 we are -- the GNWT is working with the Tłıchq Government for
7 implementing the measures that came out of the TASR EA. And so
8 you know, we meet once a month with them through the socio-ec
9 working group. We share information. They share information. It's --
10 the data's not out publicly yet. They're having an expo on the 11th of
11 December I think where some of that information will be available. But
12 some of the things that we heard through that working group were that
13 TCSA workers, so the Tłıchq community -- Tłıchq -- TCSA --
14 Community Services Agency kind of feeling unsafe driving the roads,
15 and so we did provide them with road safety kits and GPS, SPOT
16 tracker thing. So there were some smaller things. Again, we're still fairly
17 new in implementing the measures and looking at the adaptive
18 management and what may or may not work for the region. So like,
19 that's just kind of one small example of something that was done
20 specifically for the Tłıchq Highway and that working group. .

11:39AM

11:40AM

11:40AM

21 I don't know do you want me to do part two?

22 TIMM ROCHON: Yeah, I'm sorry, can you ask your second
23 question again.

24 NINA BARTON: Yeah, no worries. The second question was
25 really just to follow up and ask what evidence the GNWT can provide to
26 demonstrate that the proposed approach will be effective?

11:40AM

27 TIMM ROCHON: So as I am sure you know, there's been plenty

1 of monitoring that's gone on in the NWT around, for example diamond
2 mines and other such things. And so, you know, without monitoring, it
3 would be very hard to know what's happening with the trends and how
4 effective or not mitigation measures are. So I think the evidence we
11:41AM 5 have is over the last 20 years, certainly there's been a lot of monitoring
6 and there's been, you know, certain actions that have been taken, I
7 think, based on that monitoring. And I don't know if you want to again
8 talk about TASR.

9 MELISSA PINK: And I mean I think -- sorry, Melissa, GNWT.
10 You know, in general, the health and social services system have built
11 in surveillance networks and things that they use to implement what we
12 call adaptive management or program responsiveness, anything you
13 would think of as like surge programming and response to increase
14 STIs or illicit drugs in the territory. Those are kind of adaptive
11:42AM 15 management kind of built within the system. And then for TASR, you
16 know, we're still early -- like, I know nobody likes it when we say this, but
17 the road hasn't been opened for that long and we're still monitoring
18 potential impacts from the road. And when you implement something, it
19 takes a while to see the changes happen. So, you know, we're in the
11:42AM 20 phase where we're looking for any changes in trends. But, you know,
21 you can't -- we can't really say a whole lot right yet. And, again, working
22 with the, Tłıchq Government, so. I wanted to make sure that they're on
23 board and they have input into what they see the data is saying as well.

24 NINA BARTON: Can I ask a follow-up question.

11:43AM 25 ALAN EHRLICH: Yeah.

26 NINA BARTON: Thanks for that. I'm not sure I understand how
27 -- so you talked about monitoring and actually the actions of the working

1 group and the sub-working groups would, of course, you know, identify
2 community indicators of interest and things that will be monitored. But
3 I'm still not clear on how the data gaps identified in the DAR will be
4 addressed so that this working group and these working groups can
11:43AM 5 kind of get up and running with the best information that would available
6 to them.

7 SETH BOHNET: GNWT, Seth Bohnet. Again, thanks for the
8 question. So engagement with all of the communities, the Indigenous
9 governments, and stakeholders is ongoing. So we are looking to fill any
11:44AM 10 data gaps in the near future and any additional information that we can
11 present or provide through that engagement will be included in an
12 addendum.

13 ALAN EHRLICH: Thanks, Seth. I'm looking at the time.
14 Yesterday, it seemed to work okay, the strategy of breaking for lunch at
11:44AM 15 quarter to 12, before everyone else has ordered in restaurants so you
16 guys are at the front of the line. And it seemed also like an hour was
17 enough time for lunch yesterday. So what I'd like to do is break for an
18 hour and we'll get cracking again at 12:45. Obviously, there's a lot of
19 interest in this topic, there's a lot to talk about and not a ton of time, so
11:44AM 20 we're going to try and start promptly. Thank you all for the discussion
21 and thought and openness that I think we heard in the questions and
22 the answers this morning. It's been helpful. We will see you at 12:45.

23 - LUNCH ADJOURNMENT -

24 ALAN EHRLICH: Hi, everyone. Welcome back from lunch. I am
12:49PM 25 going to pick up right where we left off. So the GNWT should be ready
26 to respond to -- it's Nina who is asking questions as a consultant to the
27 Review Board, and I'm just letting her finish the line of questioning that

1 she was on before lunch. After that, Graeme Clinton and Łíídlıı Kúé
2 First Nation. Please go ahead, Nina.

12:50PM

3 NINA BARTON: Hi, so I think I was asking with respect to the
4 mitigation strategies proposed, the questions were about how old data
5 gaps identified and also how what evidence can be provided that the
6 mitigation strategies work. Thank you for your answers. Also, this is
7 Nina Barton, Two Worlds Consulting for the Review Board -- sorry, I'll
8 learn.

12:50PM

9 So I think when we were talking about evidence, we're really
10 looking for evidence of success, so when has a strategy been identified
11 and implemented and found to make a change. My colleague
12 suggested looking at the diamond mines examples and that kind of
13 thing, maybe Tłıchq̓ as well when it's available, to really can you
14 determine if there's evidence for these strategies working. And with
15 respect to data gaps, I'm not sure the question was really answered as
16 how will monitoring take place without knowledge of how conditions are
17 currently in the communities. So, for example, if we look at one of the
18 indicators like maybe teen pregnancy rate, that kind of thing, there
19 would need to be some sort of quantitative datum to work from to
20 suggest whether trends are, you know, staying the same, improving,
21 that kind of thing, or the opposite. So those are my questions. Just
22 hoping you can add a little more clarity around how information will be
23 found and how -- and if there's evidence for strategies that have worked
24 in this context.

12:51PM

12:51PM

12:52PM

25 MELISSA PINK: So I'm going to talk -- sorry, Melissa Pink with
26 GNWT Health and Social Services. I can talk a little bit about the data
27 gaps in information, and then I might need some clarity unless Timm

1 has -- on what strategies specifically you might be talking about. So in
2 general, the health system -- like, we have access to data, like teen
3 pregnancies, measures of general population health, sexual health, ST
4 BBIs, right, so we have that data, and it is available backwards in time
12:52PM 5 as well as forward in time. So we can look at those. And you mentioned
6 what we might have learned from diamond mining, and so we have the
7 social data reports that used to be called the community and diamond
8 reports. So there are data that we can look at. But how granular that
9 data will be available depends on the specific data. Like, we can't -- it's
12:53PM 10 not going to be community level data for all indicators. But there are
11 ways to share more data with communities through working groups
12 where we can have MOUs and data sharing agreements. So there is
13 data, so I don't see that part as necessarily being a data gap. I don't
14 know if either of you had an understanding -- I wasn't clear on the other
12:53PM 15 question about strategies; like, what specifically were you looking for?

16 NINA BARTON: Well, speaking specifically of the community
17 readiness strategy and the plans that are to come out of that. And this
18 has been said it's been done in the past in different contexts in the
19 NWT. So it would be great if that information was available as evidence
12:53PM 20 to show that this approach has worked in the past.

21 TIMM ROCHON: Timm Rochon from DPRA. What was
22 referenced certainly was TASR, and as you heard that's still somewhat
23 early days, and then what was referenced all the monitoring that has
24 gone on in the NWT on a number of different initiatives. So that's -- I
12:54PM 25 just want to provide clarity in terms of if we can reference that that's
26 what we were referencing.

27 ALAN EHRLICH: Nina, go ahead.

1 NINA BARTON: Oh sorry. This is Nina Barton from Two Worlds
2 Consulting for the Review Board. I guess what we're looking for is for
3 this project, these working groups, the working group rather, and the
4 one sub-working groups, will be set up a year in this advance of
12:55PM 5 construction, that's correct, to -- to begin the process of shaping the
6 adaptive management plans and the strategies that will come out of
7 that. Does the government feel that that's enough time to get all these
8 plans together? I understand all the information that does exist maybe
9 identify data gaps then by community that do exist and need addressing
10 in time to have these plans and everything ready for the start of
11 construction, and if so, I guess that's kind of what I'm getting at. Thank
12 you.

13 SETH BOHNET: Seth Bohnet, GNWT. So, yes, what we
14 presented in the DAR would work to develop the community working
15 group and the work to develop these plans at a minimum of one year in
12:55PM 16 advance of the project and through recent engagements with various
17 community organizations and individuals through our engagement
18 sessions, we have been hearing that there's a desire for that work to
19 start earlier, which we're currently exploring. But, again, the
20 commitment that's outlined in the DAR is a minimum of a year in
12:56PM 21 advance.

22 NINA BARTON: Would that be the beginning of the work being --
23 is that the start of all the work that will be -- so the planning process and
24 everything will start basically when the working groups are convened?

25 SETH BOHNET: Seth Bohnet, GNWT. No, there is engagement
26 underway right now to help inform the planning for the establishment of
27 the working group. That's underway right now.

1 ALAN EHRLICH: Sorry, there's a practice of the telephone alarm
2 system that's supposed to be happening at 1:50. I thought it was 1:55
3 p.m.

4 Okay, at 1:55 you're also going to hear alarming noises coming
5 from your own pockets, and that's the government testing their
6 emergency alarm system. Saskatchewan is an hour ahead because of
7 reasons farmers and cows really understand. So, all right, Nina how
8 many more questions do you have for now because --

9 NINA BARTON: -- yeah, I'm just going to ask just one more
10 follow-up question, thanks. I guess in light of other comments that I've
11 heard in the room this morning -- or afternoon now, with respect to the
12 working groups and the way that -- so they would basically make
13 recommendations based on monitoring programs and that and planning
14 on what programs need to be enhanced or what additional measures
15 need to be done to mitigate concerns that arise. My question is, is the
16 GNWT considering maybe looking at new policies that would help find a
17 path for these recommendations to go to where they need to go in
18 government so that they can be implemented in a timely manner?

19 Because some of the responses of the GNWT suggested that, for
20 Tłıchq̓ for example, some of the programs weren't responding fast
21 enough, or maybe weren't in place -- I don't know the details, but, yeah,
22 would this be something that would need to change in government, like,
23 would there need to be policies to address making the
24 recommendations from the working groups actually be implemented?

25 SETH BOHNET: Seth Bohnet, GNWT. Thanks for the question.
26 I would like to come back to that one.

27 ALAN EHRLICH: Okay, thanks. Also from Two Worlds

1 Consulting, Graeme -- not from Two Worlds Consulting. Sorry, I got
2 that wrong. Still Graeme Clinton, who is a economist who is providing
3 expert advise to the Review Board.

01:00PM

4 GRAEME CLINTON: Thanks, Alan. It's Graeme Clinton for Impact
5 Economics for the board. I don't know if I should start here. It's just a
6 follow-up to Nina's question. It's a slightly different tact, maybe.

01:00PM

7 I was curious to learn how the GNWT responds to changes in
8 social programming needs in the absence of a working group. Are
9 communities that are subject to these groups better served, and if so
10 does it make these groups the new best practice for all communities?

11 ALAN EHRLICH: GNWT.

01:01PM

12 SETH BOHNET: Seth Bohnet, GNWT, and thanks for the
13 question. As it relates to how GNWT programs and services are
14 informed in the absence of these community -- or our -- or project
15 specific community working groups, you know, there's various
16 mechanisms depending on the individual programs and services.
17 There's monitoring and measuring that happens on a regular basis
18 depending on the specific initiative or program service we're talking
19 about. And then, of course, there's accountability through the GNWT's
20 existing policies. Where this proposed mitigation is different is that it
21 provides an additional direct outlet to hear from community members
22 and participants on the working group directly.

01:01PM

23 ALAN EHRLICH: Graeme.

01:02PM

24 GRAEME CLINTON: Graeme Clinton, Impact Economics for the
25 Review Board. Okay, I'm going to leave it at that. I just thought that
26 there's sort of a different approach to address that question.

27 So I have, I think, four questions. Hopefully they're pretty --

01:02PM

1 they're straightforward. The first is related to cost of living. I wasn't
2 clear on the GNWT's expectation regarding cost of living in the affected
3 communities. In its responses to a question regarding metrics, the
4 GNWT suggests the limitations and impede its ability to measure and
5 assess cost of living, and so my question is has the GNWT considered
6 using Statistics Canada's market basket measures as a means to
7 address this gap?

01:03PM

8 SETH BOHNET: Thanks for that, Graeme. So I'm going to hand
9 over these questions to my colleague, Jen Heneberry, who is online
10 with us. Jen, you there?

11 ALAN EHRLICH: Okay, Jen Heneberry, so you've got the floor if
12 you would like to answer the question. Right now we can't hear
13 anything from you.

14 JENNIFER HENEBERRY: Okay what about now, can you hear me now.

01:03PM

15 ALAN EHRLICH: We can hear you. We can see you. Everything
16 is perfect.

17 JENNIFER HENEBERRY: Wonderful. So Graeme just to make sure that I
18 understand the question, you're asking whether or not we considered
19 uses the northern basket measure for cost of living?

01:03PM

20 GRAEME CLINTON: It's Graeme Clinton. Specifically the market
21 basket measure.

01:04PM

22 JENNIFER HENEBERRY: Yes. So we did have a conversation with the
23 Northwest Territories Bureau of Statistics about the appropriateness of
24 that measure for cost of living. And through those conversations, we
25 identified that it has some limitations and, in large part, it is driven by
26 the cost of food, which is measured through food indicis and other
27 measures. So we did look at this and in discussion with the experts at

1 Bureau of Stats, we determined that other discrete measures, if they
2 were available, might be a better choice especially around things like
3 food costs and other things, given that the market basket measure often
4 includes things like housing and other kinds of issues that are less
5 sensitive to project effects.

01:04PM

6 GRAEME CLINTON: It's Graeme Clinton with Impact Economics. I
7 think maybe a bit more research is necessary on -- on your end.

8 Within -- if you're wanting to look at specifically food prices, I'd
9 encourage you to look at the northern food basket which, through the

01:05PM

10 Nutrition North Canada, collects data on a quarterly basis from every
11 parenting grocer of which there's probable -- there's five in the Sahtu.

12 So it will give you a quarterly price for a basket of food that's appropriate
13 to feed a family of four. So that's one area that you could look on.

14 Within the market basket measure there's also -- as you suggested,

01:05PM

15 there's prices on -- or price estimates on transportation, housing,
16 clothing, and other goods, all of which can be dissected and be useful in
17 measuring the changes in cost of living. So I might encourage you to
18 look at that.

19 JENNIFER HENEBERRY: Thanks for that comment. We'll take that back.

01:06PM

20 ALAN EHRLICH: Is there a commitment you're looking for there,
21 Graeme?

22 GRAEME CLINTON: Yeah, there would be, yeah.

23 ALAN EHRLICH: Can you give us the draft wording for that
24 commitment so that we could make sure it's very clear.

01:06PM

25 GRAEME CLINTON: So it's Graeme Clinton with Impact Economics.
26 The commitment I'm looking for is for the project to -- to reconsider the
27 market basket measure and the details contained within it as well as the

1 data provided through Nutrition North Canada to assess the changes in
2 cost of living.

01:07PM

3 ALAN EHRLICH: Thanks. And so I've heard the GNWT say okay
4 to the previous wording packaged like that. Do you guys undertake to
5 do that commitment?

6 SETH BOHNET: Seth Bohnet, GNWT. Yes, we can do that.

7 ALAN EHRLICH: And Malorey Nirlungayuk, she is keeping track
8 of these commitments. And she's got the wording, so.

9 And Graeme, by when would be helpful for you to have that?

01:07PM

10 GRAEME CLINTON: I don't know. It's Graeme Clinton. Yeah, for
11 timing, in advance of the next round of IRs would be fantastic.

12 ALAN EHRLICH: So that's pretty soon. Are you guys able to do
13 that? We know that it's the next step in the environmental assessment
14 but we haven't declared a date when the starter's pistol is going to go
15 off or anything. It would be a matter of weeks, not months.

01:08PM

16 SETH BOHNET: Seth Bohnet, GNWT. It's not something we're
17 going to turn around immediately so we will endeavor to get it as soon
18 as we can, noting again that we don't control the schedule. But we will
19 get it to you as soon as we can.

01:08PM

20 ALAN EHRLICH: Okay, we'd appreciate you letting us know when
21 you're able to respond. If you can pull it off within a month, that would
22 be appreciated. Graeme.

23 GRAEME CLINTON: All right, thank you. Graeme Clinton with
24 Impact Economics. So my next question is around expected outcomes.

01:09PM

25 So in terms of preamble, economics is a subject focused on
26 optimization, sort of at what point are benefits maximized and cost
27 minimized. In simple terms I tell people economics is about choices,

1 evaluating choices that we make and also those that we don't.

2 One of the central challenges in assessing this project through
3 the lens of economics has been the lack of clarity on expected benefits.
4 This is not to suggest that there are no benefits; there are many. But it
5 would be helpful if they were clearly articulated.

01:09PM

6 My question is, is the GNWT able to articulate its expectations of
7 benefits from the road and therefore allow a more complete economic
8 assessment?

9 ALAN EHRLICH: GNWT.

01:09PM

10 SETH BOHNET: Seth Bohnet, GNWT. Again, thanks for the
11 question. The GNWT is currently working to update its business case
12 for the project and will provide that as soon as we have it.

13 GRAEME CLINTON: Graeme Clinton with Impact Economics. Do
14 you expect -- or expect. Do you believe that the expectations of
15 benefits will have changed from when you put the DAR in to when this
16 new report is published?

01:10PM

17 SETH BOHNET: Seth Bohnet, GNWT. Overall, I don't think so.
18 But I don't have the new business case yet to be able to compare that.

19 GRAEME CLINTON: Graeme Clinton, Impact Economics. So, then,
20 are you able to -- in the absence of that new report, are you able to
21 articulate the answer to the question as it stands today? And in a -- the
22 question is what are the expected benefits from the road?

01:10PM

23 SETH BOHNET: Seth Bohnet, GNWT. Thanks. For that, I'll turn
24 it over to Jen.

01:11PM

25 JENNIFER HENEBERRY: Jen Heneberry, DPR Canada. In terms of
26 expected benefits, the DAR chapters does outline a series of benefits
27 that are expected to be available to communities in the form of local

01:12PM

1 employment and contracting opportunities that may arise through
2 construction and operation of the projects which may have knock on
3 effects in terms of increased education levels as folks in communities
4 may seek out education and training to be ready for those job
5 opportunities.

6 Also, I anticipate that there would be potential benefits to some
7 aspects of cost of living and things of that nature where certain things
8 may go down in price or be more easily accessible as a result of the
9 road.

01:12PM

10 Graeme, I'm not sure if you're looking for something more on the
11 quantifiable measurable parameter side. If that's the case, then I think
12 we would be waiting for the updated business case to inform that
13 modelling to update that information. But in terms of, as you know, like
14 the general benefits that we expect to accrue in terms of local
15 employment, the DAR also notes there's a 50 percent target in place for
16 local employment and contracting -- local employment, I'm sorry, that
17 would be in place as part of the benefits for communities. I'm not sure if
18 I'm going -- is this getting in line with the kind of articulation you're
19 looking for?

01:12PM

01:13PM

20 **GRAEME CLINTON:** Graeme Clinton, Impact Economics. No, not
21 really. I'll get to the employment question next. I think maybe, if I can
22 ask the GNWT to cast its view of the project a little higher. Like, the --
23 the purpose of the road can't be just local employment and education
24 and cost of living. There must be a grander purpose for this road.

01:13PM

25 Roads usually provide access. What it's providing access to? Is it
26 access for future resource development? Is it being put in place for
27 safety or security reasons? If you're to do a full economic assessment,

01:14PM

1 we want to look at the overall lifetime benefits of the project against its
2 costs, which are -- some of them are social costs but a lot of them are
3 financial costs. I'm trying to understand how I might be able to do that
4 evaluation myself such that I can make my own determination, whether
5 I'm not -- you know, if this road is a good thing for the territory or not
6 such a good thing. So beyond the let's call it the nuts and bolts sort of
7 benefits of, yeah, you're going to create jobs, but that makes it sound
8 like it's a -- in the 1980s and '90s we called them make-work projects. I
9 don't think this is a make-work project so I'd like to understand why the
10 project is going forward from a benefits perspective. Thank you.

01:14PM

11 ALAN EHRLICH: So to the GNWT, why do you want to build the
12 highway?

01:15PM

13 SETH BOHNET: Seth Bohnet, GNWT. So to respond to that
14 specific question, I'd refer back again to the opening presentation we
15 did yesterday on the project description and why we were looking at
16 advancing this project to begin with. Again, to cast that broad net, you
17 know, there -- the primary focuses of this project are to improve access
18 to communities. So, again, in particular the communities in the Sahtu
19 right now which are only serviced by the winter road or through air traffic
20 or through marine traffic. We have the ability, through the creation of
21 all-season access, to provide some resiliency to community resupply
22 and some redundancy to the existing, again, marine transportation and
23 road. We also have the ability to improve access to programs and
24 services and egress from communities in the event there's a need to
25 move people in and between communities for -- you know, we see
26 recently fire response and emergency situations like that. We've talked
27 about, again, the potential to have a direct impact on cost of living. So,

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01:16PM 1 again, this year, it's incredibly -- it's tied back to that improved access,
2 but we've seen the need to address that redundancy and that gap with
3 the inability to get fuel into communities as part of that annual resupply.
4 So we're pulling in that redundancy there. We're also mitigating
5 impacts to climate change. So, again, the existing winter road system
6 is highly influenced and impacted by changing climate. So by replacing
7 that portion of the winter road with all-season access, we're -- we're help
8 to mitigate concerns with a shorter winter road season. Those are the
9 main themes that I would draw attention to.

01:17PM 10 ALAN EHRLICH: Thanks. Correct me if I'm mistaken, but when
11 you guys started this environmental assessment and proposed the
12 road, the Mackenzie River was flowing well so the challenges of
13 resupply for smaller communities were reasonably served by the barge.
14 We hadn't had recent massive evacuations due to fire events. The
01:17PM 15 winter road season was not nearly as short as it is now. So of those
16 reasons -- I understand what you're saying. It helps as a response to a
17 changing climate; I get that stuff. But when you originally proposed it,
18 those things probably weren't really front of mind because they were not
19 the kind of pressing issues that you would, you know, reasonably
01:17PM 20 identify today, right. Was it just to increase connections between
21 communities and decrease cost of living? Because those are the two
22 things you just said that were still, you know, pressing in 2012 originally,
23 or was -- were there other considerations?

01:18PM 24 SETH BOHNET: There are additional considerations. So -- oh
25 sorry, Seth Bohnet, GNWT. So, again, those two themes in particular
26 have persisted throughout the entirety of the idea of the Mackenzie
27 all-season highway, are providing improved access to communities and

01:18PM 1 addressing the community supply and more resilient network. There
2 have, in the past and continue to be, potential for other economic
3 spinoffs - increased tourism, increased potential for resource
4 exploration development. Those were a more driving factor in the past
5 but are not nearly as prominent today given the change in the
6 environment that we're looking at the project right now.

7 ALAN EHRLICH: Okay. Thank you for that, Seth. Graeme, does
8 that help answer your question?

01:19PM 9 GRAEME CLINTON: Graeme Clinton, Impact Economics. I guess,
10 yeah, I'll move on. I'll be curious with the new report if these benefits,
11 and in particular these larger benefits that we're talking about, are a part
12 of that evaluation such that it's sort of a more complete comparison of
13 the benefits and the costs. Yeah, okay. I don't need a response for
14 that.

01:19PM 15 ALAN EHRLICH: Thanks. Quick question from Catherine
16 Fairbairn.

17 CATHERINE FAIRBAIRN: Catherine Fairbairn, Review Board staff. I was
18 just wondering for the revised cost estimate and updated business
19 case, I know that's planned to be completed in early 2025. I was just
01:19PM 20 wondering if you could comment if that work was already underway and
21 when in 2025 that might be expected.

22 SETH BOHNET: Seth Bohnet, GNWT. So procurement is still in
23 progress, so we have not had a kickoff conversation with a contractor
24 yet. We have been targeting a very quick turn around on it. We're
01:20PM 25 hoping to have it early in the new year.

26 ALAN EHRLICH: Thank you for that. Graeme, do you have any
27 more questions?

1 GRAEME CLINTON: Graeme Clinton, Impact Economics. Okay, I'll
2 move on. I might have one more on that, but let's see how it goes.

01:20PM

3 So it was brought up already, but a specific question on
4 employment targets. I found the employment targets discussion in the
5 DAR to lack the clarity needed to evaluate their accuracy. Now, from
6 my professional opinion, there are many good reasons for steering
7 away from predicting the choices of labour who are free to make their
8 own choices. A new economic study that you're doing may provide a
9 more accurate assessment of employment effects. It may contain a
10 labour market -- I don't know the contents of the -- of the RFP. I don't
11 know if it will contain a labour market assessment. It might contain a
12 forecast of the economic environment in the absence of the road
13 thereby to properly situate the labour market at the time of the project
14 construction. So my question is can the GNWT provide some
15 background on how it determined its expected employment targets for
16 local participation?

01:21PM

01:21PM

17 SETH BOHNET: Seth Bohnet, GNWT. I'll defer to Jen on this
18 one as well, please. Jen.

19 JENNIFER HENEBERRY: Thank you, Jen Heneberry, DPR Canada. So
20 the 50 percent target was developed in conjunction with GNWT as we
21 looked at the existing conditions in communities in terms of the
22 unemployment rates, the jobs, and the training that had taken place. I
23 think the other thing to take into account here is given the long time
24 horizon for a project, 10 years construction over a period of 20 years,
25 we did anticipate that there would be opportunities for people to enter
26 the labour market on a longer time horizon than may have existed in the
27 existing conditions report or was taken at the time that that report was

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1 compiled. And so the -- just as a way of another data point, the
2 adaptive management approach that is built into the community
3 readiness strategy does attempt to account for that and allow for the
4 ability of the contractor training and employment sub-working group to
5 adjust to labour market conditions as they might be changing to support
6 people to enter the labour market as time goes on. So that would be
7 just a piece that I'd provide as additional information: But the -- the
8 expected -- to your point, Graeme, you know, move away from detailed
9 predictions, given, you know, how -- how and why people may choose
10 to enter the labour market or seek to chose different kinds of
11 employment can be quite difficult. So, you know, this 50 percent target
12 was developed with the GNWT in response to what we saw in terms of
13 existing conditions and, you know, to some extent looking at the long
14 time horizon of the project. And the opportunities inherent in that to
15 maximize the opportunity for people to undertake the training and to
16 seek out employment.

01:23PM

01:24PM

17 GRAEME CLINTON: Thank you for that response. It's Graeme
18 Clinton with Impact Economics. I note in the DAR when talking about
19 the employment targets of the 50 percent target, it stated something -- I
20 don't know the exact wording, but that that 50 percent would be made
21 up of labour from within the local area, the regional area, and across the
22 NWT. So with both the local and regional areas being within the NWT,
23 does that mean that your 50 percent target is just NWT employees, or
24 is there a regional breakdown? Thank you.

01:24PM

01:25PM

25 JENNIFER HENEBERRY: Seth, did you want me to go ahead on this one?

26 SETH BOHNET: Yes, please, thank you.

27 JENNIFER HENEBERRY: Thank you. Jen Heneberry, DPR Canada. Yes,

01:25PM

1 the language in the DAR is 50 percent would come from the local Sahtu
2 and Deh Cho communities that are identified as part of the local
3 assessment area and general assessment area that were identified for
4 the project, as well as elsewhere in the NWT. It's -- there's a bit of
5 mobility to account for here in terms of-how people move around for
6 work within the Northwest Territories based on what work might be
7 available, right, and the ability to do that and the willingness to do that.
8 And so that's why this target is raised this way and that it is is around
9 the local Sahtu and Deh Cho communities and elsewhere in the
10 Northwest Territories. So it should be read as 50 percent within the
11 Northwest Territories targeted towards the Sahtu and Deh Cho
12 communities with the other 50 percent potentially coming from outside.

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01:26PM

13 I don't want to speak for GNWT. I would point to them. I would
14 imagine maximizing local employment, that's why it's a target. It's not a
15 ceiling. It would be a form, right. Like if it could go above, that would be
16 a very fine outcome indeed. But that is how that indicator should be
17 read. Thank you.

01:26PM

18 GRAEME CLINTON: Thank you for that response. It's Graeme
19 Clinton, Impact Economics. You know, I have been dealing with these
20 employment targets for most of my career. They are a source of great
21 pain for everybody because they say nothing. You just said is it a
22 ceiling, is it a floor, is it a target, is it an aspirational target? We don't
23 know. And if you don't meet it, what does that mean? If you exceed it,
24 what does that mean? I think, you know, it's a little bit different if you're
25 a resource company and I was here representing the GNWT and
26 saying, well, you know, for us to benefit from this project, you must
27 employ our labour, you must buy from -- you know, use our capital. In

01:27PM

01:27PM

1 this case, I would think that it's in the GNWT's best interest to use its
2 own labour and use its own capital. And so, you know, there would be a
3 great benefit to the GNWT and to the territory if it was rather than 50
4 percent, if you identified all the jobs that are going to be required on this
5 project and then said okay, well, we should work towards having
6 everybody or every position that's going to be created filled with NWT
7 labour and then sort of, if you can't, try to meet that. If you're to
8 maximize benefits, it means everybody at the project that's working is
9 from the Northwest Territories. So that's the maximum, so that's what
10 we should be striving towards. And what you get to, if it's not a hundred
11 percent, means that from an education and training perspective there's
12 opportunities to -- to do better.

01:28PM

01:28PM

13 So I don't know -- again, this gets back to the question of your
14 pending economic study and the extent to which you're including a
15 labour market assessment and a more detailed look at the types of jobs
16 that will be created and the territory's ability to -- the territory's labour
17 supply, its ability to fill those positions.

18 ALAN EHRLICH: Sorry, Graeme, could you just articulate the
19 question in that.

01:29PM

20 GRAEME CLINTON: Yes. It's Graeme Clinton, Impact Economics. I
21 was just pausing to think if I had a question. And, you know, it's -- I
22 don't know if it's any different than the last one in the sense that -- like,
23 you're doing an economic study. I don't know what's in it. And -- and
24 there are a lot of gaps. So perhaps -- perhaps the question is this study
25 going to tell us the effect on GDP and direct/indirect induced effects or
26 is it going to be more detailed to do an actual economic assessment of
27 the project?

01:29PM

1 ALAN EHRLICH: GNWT. And then after this, we're going to
2 Łíídlıı Kúé First Nation, which has been waiting extremely patiently.
3 And I know both Dieter and Trieneke -- I don't know if it's Dieter or
4 Trieneke, but I thank you both for hanging in there.

01:30PM

5 SETH BOHNET: Seth Bohnet, GNWT. So the updated business
6 case will include additional information on costs associated with the
7 project in particular, and then that will help us inform updates to the
8 information that's presented in the DAR, including GDP.

01:30PM

9 GRAEME CLINTON: Thank you for that. It's Graeme Clinton Impact
10 Economics. Just to -- my last question, Alan. Or my last follow-up --
11 you know, so I guess one of the areas that I -- I hope to see in the study
12 is, as you said, a full accounting of the costs, in particular the
13 maintenance costs of the project and how that's -- how that's weighed
14 against the benefits, which are hopefully also articulated in addition to
15 just GDP.

01:31PM

16 I recall, you know, before devolution, one of the problems that
17 the territory had is that the federal government would build us roads but
18 we had no way to maintain them. We had to get a change to budget to
19 maintain them. And here we now have, post devolution, we the ability
20 to potentially build our own road, and it would be beneficial to -- or be --
21 it would be helpful to -- that's not the right word. Reassuring to learn
22 that the GNWT has considered some of these challenges and is sort of
23 now with the ability of acting upon them is doing so.

01:31PM

24 ALAN EHRLICH: GNWT. Was there a question in there, gram.

01:32PM

25 GRAEME CLINTON: Graeme Clinton, Impact Economics. The only
26 question I guess is will the report include a comprehensive look at the
27 cost of maintaining that road and if that's going to be weighed against

1 the benefits of the project.

2 ALAN EHRLICH: Thanks. GNWT.

3 SETH BOHNET: Seth Bohnet, GNWT. Sorry, I'm going to need
4 a few minutes just to come back on that one.

01:32PM

5 ALAN EHRLICH: So I'm glad maintenance costs have come up
6 because besides it being a recurring issue in many highways in the
7 North, and in Canada in general, it's another example of how different
8 kinds of impacts can converge. If maintenance isn't done right, you
9 wind getting a failure, the failure can result in, you know, an accident or

01:33PM

10 something like that so it has to do with emergency response. If that
11 happens it's probably going to be why there's a lot of use during an
12 evacuation and that tends to lead to bigger other problems. Like,
13 there's much more riding on good maintenance of a highway than just
14 whether or not there's a pothole on the road. It touches on a lot of other
15 topics that we've been talking about. So I'm interested in hearing
16 GNWT's response.

01:33PM

17 SETH BOHNET: Thanks again, Seth Bohnet, GNWT. So we just
18 took a quick check, and the current plan is to update the costs of the
19 construction of the project. It does not include costs of operation.

01:34PM

20 ALAN EHRLICH: Is the GNWT willing to give us an update on the
21 ongoing costs of operation and maintenance too, please?

22 SETH BOHNET: Seth Bohnet, GNWT. We can provide
23 additional information on what the GNWT does spend on operation and
24 maintenance of highways in the NWT.

01:34PM

25 ALAN EHRLICH: That would be a good start, but then projecting
26 it based on what you know on the pros, length, and location, of this
27 highway, it would be very helpful to have an undertaking of how that

1 would apply to the project that we're discussing. Even if it's an
2 estimate. Do you agree to provide that?

3 SETH BOHNET: I'll take that away and look into it, yeah.

01:35PM

4 ALAN EHRLICH: And we still have a round of IRs. But it's just
5 more efficient to do it this way. Now I'm going to switch to Łíídlıı Kúé
6 First Nation. Dieter, thank you again for standing by. The floor is yours.

7 DIETER CAZON: I just have one question. My colleague,
8 Trieneke Gastmeier is going to ask a question of the GNWT. And I
9 might have a follow-up.

01:35PM

10 TRIENEKE GASTMEIER: Thank you, Dieter. Trina Gastmeier for Łíídlıı
11 Kúé First Nation. So LKFN recently undertook a traditional knowledge
12 study for the project which documented significant current and historic
13 land use and knowledge within the study area. And one of the
14 conclusions of that study was that the project will impact LKFN's
15 Aboriginal and treaty right and that not all of these impacts will be able
16 to be mitigated or with proposed mitigation.

01:35PM

17 LKFN does not view the GNWT as different from any other
18 proponent, and it's standard practice for LKFN, when engaging with a
19 proponent that will impact its rights and interests, to negotiate an
20 accommodation agreement, and LKFN doesn't expect that this case
21 would be any differently. So our question is will the GNWT commit to
22 entering into negotiations with LKFN to accommodate its Aboriginal and
23 treaty rights and interest that are not able to be mitigated?

01:36PM

24 ALAN EHRLICH: GNWT.

01:36PM

25 SETH BOHNET: Thanks for the question. Seth Bohnet, GNWT.
26 That's not a commitment I will make right now, but we can certainly
27 come back to that.

1 TRIENEKE GASTMEIER: Trieneke Gastmeier for LKFN. We look forward
2 to continuing further conversations about this. And I guess just to add
3 to that --

01:37PM

4 ALAN EHRLICH: -- actually, Trieneke, just before you go ahead.
5 Seth, you said you look forward to continued conversations to that
6 effect. When do you expect to do that?

7 What we're looking for is when do you expect that we'd be able
8 to hear a response if you can't respond?

01:38PM

9 SETH BOHNET: Apologies, sorry, Seth Bohnet, GNWT. So the
10 specific question was for a commitment from the GNWT to enter into
11 negotiations with LKFN on an accommodation agreement. So at this
12 point in time, the short answer to that is that we cannot commit to that
13 right now. But what we have reiterated, and continue to engage
14 with and consult with LKFN on is the specific impacts to specific rights
15 and what we can do to try and address those concerns. Those
16 conversations will continue, and we can commit to having follow-up
17 conversations.

01:38PM

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

01:39PM

19 Thanks for that response. Just, again, going back to the process that
20 the Review Board has put forward in its reference bulletin on issues
21 regarding consultation and accommodation, how that relates to impact
22 assessment. To Łífdlĵ Kúĕ, if there is a way that if there is specific
23 impacts that the project will induce that are an impact on a right, if that
24 could be described in a way that, again, not any confidential information
25 but available and shareable information that you could put on the
26 record, that would be very helpful from a Review Board perspective,
27 because GNWT doesn't have the ability to commit to accommodations

01:39PM

01:40PM

1 but the board also has a responsibility to mitigate significant adverse
2 impacts. So if that gets communicated on to the Review Board, and
3 then GNWT could look to respond to those impacts and then the board
4 will go through its process to determine if there's any outstanding
5 significant adverse effects.

6 TRIENEKE GASTMEIER: Trieneke Gastmeier. Or Dieter, do you want to
7 respond, or do you want me to?

8 DIETER CAZON: Go ahead, Trieneke.

9 TRIENEKE GASTMEIER: Okay. Trieneke Gastmeier for LKFN.

01:40PM

10 Yes, there are specific concerns LKFN is looking for
11 accommodation that we would like to discuss. The expectation of LKFN
12 is that this is addressed in the form of an accommodation agreement as
13 this is LKFN's standard procedure and practice, and there is precedent
14 elsewhere within the country that this is the standard practice even
15 when the proponent is a government entity.

01:40PM

16 So, for example, this month, you may have seen in the news
17 Shawanaga First Nation and the Government of Ontario are concluding
18 an accommodation agreement regarding Highway 69. So this is a
19 nation-to-nation relationship, and we ask how the territory can abide or
20 would push for a lesser standard other than this.

01:41PM

21 ALAN EHRLICH: GNWT.

22 SETH BOHNET: Thanks, again. Seth Bohnet, GNWT. Again,
23 as reiterated, we're happy to have conversations about those specific
24 rights that are being impacted, and we can commit to continued
25 dialogue on trying to identify ways to address.

01:41PM

26 TRIENEKE GASTMEIER: Trieneke Gastmeier. No further questions at
27 this time. Thank you.

1 ALAN EHRLICH: Thank you. And, Dieter, do you have any
2 additional questions from LKFN for now?

3 DIETER CAZON: Not yet.

01:42PM

4 ALAN EHRLICH: Okay. Thank you. Next thing that I'm going to
5 ask for is I understand that CIRNAC is ready to provide an answer to
6 the funding question that it took away from this morning. Can you go
7 ahead, please, Ms. Larose.

8 Ms. Larose. I'm sorry. I confuse you with Chris Rose also from
9 CIRNAC who might be online.

01:42PM

10 MEGAN LAROSE: Megan Larose, Crown-Indigenous Relations
11 and Northern Affairs. So just a quick follow-up to the discussion this
12 morning, so the CIRNAC Northern Participant Funding Program letter
13 issued in January 23rd, 2024, to the Board did identify the list of
14 applicants awarded funding. PKFN was one of them. The funding was
15 to support their participation in the environmental assessment process.
16 We will take back what we've heard today to the Northern Participant
17 Funding Program team for their consideration as to the potential
18 provision of additional funding the Mackenzie Valley Highway project.

01:43PM

19 We do note, however, that the program is intended to -- is --
20 pardon me -- is not intended to replace a developer's funding
21 obligations in regards to engagement and project specific discussions.

01:43PM

22 ALAN EHRLICH: Okay. Thank you for that, CIRNAC.

23 Now I would like to go back to Pehdzeh Ki First Nation which I
24 recall still had a couple of questions left from this morning.

01:43PM

25 Am I mistaken? No. They still got more. So, yeah, Sharon or
26 Jane, please go ahead.

27 JANE HENDERSON: Jane Henderson for PKFN. First responding to

1 Megan. Thank you for that. PKFN invites all other recipients of that
2 funding to indicate if that funding was also insufficient for their needs as
3 it has been for PKFN's.

01:44PM

4 Alan, I'd like to check in with you a bit on the planning of the day.
5 PKFN has -- as we talked about earlier, we have one organized
6 commitment coming out of yesterdays, which we said we were ready to
7 do after lunch if it's not yet been done. We have a number of questions
8 on socio-economic impact effects, and of course there's a whole other
9 agenda item for the afternoon. So how would you like to proceed?

01:44PM

10 ALAN EHRLICH: Jane, I can hear you, but I'm not sure anyone
11 else could. You said you had a commitment that you indicated before
12 that you wanted to follow up on after lunch. But I'd also just ask you to
13 speak very close to the microphone.

01:45PM

14 And, Martin, if there is anything you can do to raise the roof, that
15 would be great. Thank you.

16 JANE HENDERSON: Is this better? I was told to point away from the
17 speaker which is directly behind me.

18 So, Sharon, if I'm in your personal space, then I apologize.

01:45PM

19 Okay. So we've got several items to go through here, and I think
20 I have the go-ahead. Again, this is Jane from PKFN. Sorry.

01:45PM

21 So, first of all, returning to the commitment which PKFN would
22 like to raise coming out of yesterday's conversations. So yesterday --
23 so this is jumping back to yesterday. Yesterday we heard that a very
24 big reason for that preferred route is that the developer has a large
25 volume of data on it going back to the 1960s. PKFN would like to point
26 out two things: First, that this data is certain to have significant gaps in
27 it from lack of consultation and not including Indigenous knowledge over

1 those decades and, secondly, that this volume of data is an example of
2 the uneven playing field that is at work here.

01:46PM

3 So PKFN has, as we've said, since at least 2012 called for
4 GNWT to investigate an alternate route. In the last several years,
5 GNWT has repeatedly contacted the PKFN -- I note usually at the last
6 minute before a permitting deadline -- to ask PKFN to sign off on an
7 application for permitting for field studies, quite a variety of them. The
8 ones on the table right now are the geotechnical work and the data
9 studies that related to it.

01:46PM

10 And each time, Pehdzeh Ki First Nation has told the developer
11 that the scope of those studies is insufficient and that it only focuses on
12 the preferred route with the focus on the one-kilometre corridor. PKFN
13 consistently informs the GNWT of the need to study in the area of an
14 alternate route outside the one-kilometre corridor, but this request has
15 not been accommodated with any of the studies.

01:46PM

16 So because the developer continues to study its own preferred
17 route, it continues to build that volume of information and fails to build
18 information that PKFN has called for that would allow for a meaningful
19 route comparison, and then that becomes itself a reason to use the
20 proposed route.

01:47PM

21 So PKFN requests that the GNWT commit to expand the scope
22 of the remaining field studies to include areas requested by PKFN?

01:47PM

23 And I caveat that, that the areas requested would be supported
24 by the evidence that PKFN will be able to provide once PKFN and the
25 GNWT have reached agreement on how GNWT would use, store, and
26 protect PKFN's Indigenous knowledge.

27 ALAN EHRLICH: So, Mallory, were you able to get that

1 commitment?

2 Can we ask you to just repeat the commitment one more time,
3 please, to be sure that we captured it. Thank you.

01:47PM

4 JANE HENDERSON: Of course, Jane from PKFN. PKFN requests
5 that GNWT commit to expand the scope of the remaining field studies
6 to include areas requested by PKFN.

01:48PM

7 That's the request of the commitment. And I'm adding the
8 caveat that the areas requested will be supported by the evidence that
9 PKFN can provide once we've reached an agreement on how
10 Indigenous knowledge will be used.

11 ALAN EHRLICH: Thanks. GNWT.

01:48PM

12 SETH BOHNET: Seth Bohnet, GNWT. So, again, thanks for the
13 question and the request for commitment. What I can say right now is
14 that the information that you're referring to is still outstanding. We have
15 not received it as of yet. Once we've received that, we will need to
16 evaluate. And we can commit to and look forward to follow-up
17 conversations on how and what we can do with that information moving
18 forward.

01:48PM

19 ALAN EHRLICH: So I heard a commitment to a conversation, but
20 that's a little bit different from the commitment that was requested by
21 PKFN.

22 What's your response to the PKFN commitment?

01:49PM

23 SETH BOHNET: So, again, the specific request was for the
24 GNWT to expand the scope of planned forthcoming work to include
25 areas that we don't have identified. So I can't commit to that. We need
26 to have the information shared, and we have to have follow-up dialogue
27 first.

1 ALAN EHRLICH: PKFN?
2 JANE HENDERSON: Sharon, did you want to comment?
3 SHARON PELISSEY: Okay, just a quick comment. Sharon Pelissey,
4 PKFN. Okay, so now this brings us to another question. So you're
01:49PM 5 saying that the scope -- that the studies that have taken place is within
6 the one-kilometre and that we're saying that because the studies are so
7 concentrated in the one-kilometre, it doesn't leave room for any of our
8 TK, knowledge, which is outside of the one-kilometre. So we're
9 wondering how can we do this so that we can have our information in
01:50PM 10 there, our studies in there as well, and then go outside of the scope of
11 one-kilometre.
12 ALAN EHRLICH: GNWT.
13 SETH BOHNET: Yeah, thanks, again. Seth Bohnet, GNWT. So,
14 again, we look forward to working collaboratively with the PKFN. Again,
01:50PM 15 we have information that we've been working collaboratively to acquire.
16 As soon as we have that information, I would forecast that we would
17 meet to review it together and identify how it can be used to help inform
18 the project moving forward and what capacity.
19 So, again, we're eager to do that. I can commit to that follow-up
01:51PM 20 with you guys, but we do need that information before we can make
21 adjustments to what we're planning.
22 ALAN EHRLICH: Seth, can you just ask you what information
23 would you need in order to decide whether or not to investigate an area
24 that PKFN wants you to investigate as a possible corridor instead of just
01:51PM 25 within the corridor you've identified. Is it just what's in the outstanding
26 TK study?
27 SETH BOHNET: So Seth Bohnet, GNWT. There's that -- there's

01:52PM

1 two studies that are outstanding right now. There's both the traditional
2 land use and utilization work as well as some engineering work. So,
3 again, PKFN has and continues to raise the idea of putting more effort
4 into exploring an alternative route. We have funded work for PKFN to
5 do some additional work on that as an idea, and we're looking forward
6 to having follow-up conversations on that.

7 ALAN EHRLICH: Okay. So PKFN, it sounds like, once they hear
8 what you have to say inside those studies, there's an opportunity to try
9 to figure out which other areas they will look into.

01:52PM

10 Any response?

11 JANE HENDERSON: Jane, PKFN. I think that we are at a bit of an
12 impasse in this particular moment, and it would be useful for perhaps us
13 to caucus and then return to it. And in the interest of all the other things
14 we have to get through, I would like to park this for now because what
15 we're hearing is -- you know, the commitment that is requested is just
16 being said no to, and that's unsatisfying to PKFN.

01:53PM

17 So I think it's going to take a little time to figure out. Maybe we
18 could return to it later and continue now to the socio-economic effects
19 questions.

01:53PM

20 ALAN EHRLICH: Sure. If you could return to it today or
21 tomorrow, that would be helpful. Thank you very much.

22 Do you have other questions, PKFN?

23 JANE HENDERSON: We do. We have questions about
24 socio-economic effects.

01:53PM

25 ALAN EHRLICH: Okay. Go ahead, please.

26 JANE HENDERSON: Okay. Our first of the questions -- and we have
27 a number of them, so if we have to do what we did yesterday, let me

1 know. I don't know what's going on with your timelines.

2 ALAN EHRLICH: Let's do a -- can we do a couple from you now,
3 and then I'll move around a bit --

4 JANE HENDERSON: Yeah.

01:54PM

5 ALAN EHRLICH: -- and keep coming back, and I'll keep it
6 circulating. Thanks.

7 JANE HENDERSON: Great. So some of this has been addressed by
8 other folks in the room, but I think it's important to address from PKFN's
9 specific perspective given our community's unique position and size and
10 unique constraints on PKFN.

01:54PM

11 So, you know, GNWT has a poor record for effective training
12 plans for long projects, and PKFN does not currently have confidence
13 that the plan will enable PKFN specifically to take advantage of
14 employment and business opportunities. PKFN has repeatedly
15 expressed over a number of years that the concern that a meaningful
16 onramp for training and business creation and being able to make sure
17 that businesses can bid competitively on highway construction work and
18 related projects will take careful planning and execution over years.

01:54PM

19 Other communities have said the same, for example, page 912,
20 section 9.1.6, and have called for greater transparency in how this work
21 is awarded and being done.

01:54PM

22 So regarding the contractor training and employment plan, PKFN
23 asks for more information about the creation and implementation, how it
24 will be developed and by whom.

01:55PM

25 ALAN EHRLICH: GNWT.

26 SETH BOHNET: Seth Bohnet, GNWT. I'm going to try and
27 paraphrase. I just want to make sure I captured the question correctly.

1 But I believe the question was how will the employment and training
2 development plan be developed. Is that correct?

01:55PM

3 Yeah. So, again, Seth Bohnet, GNWT. So the intent is for the
4 GNWT to assemble and formulate the corridor working group, and then
5 that corridor working group would be the forum to establish sub-working
6 groups where necessary and/or develop the badge of honouring plans,
7 including that plan as a component of the community readiness
8 strategy. So we would envision having representatives from the various
9 community organizations, Indigenous governments, GNWT, and GNWT
10 departments and/or federal departments, depending on the need, to
11 work --

01:56PM

12 ALAN EHRLICH: Sorry. Just a pause here. That's -- I think that
13 practice alarm is going on, apparently, only if you have a Saskatchewan
14 phone.

01:56PM

15 I think we're good to continue.

16 SETH BOHNET: Sorry about the interruption.

17 Yeah, work collaboratively to develop that.

18 ALAN EHRLICH: Okay, thanks.

19 One more from PKFN.

01:56PM

20 JANE HENDERSON: Jane, PKFN. Again, this has been touched on
21 before by the review board's consultant. It's in PKFN's opinion the
22 timeline for community readiness is completely unrealistic, the minimum
23 of one year before start of construction. And GNWT is aware of some
24 of the constraints on PKFN due to its small size. And why does the
25 GNWT think that this is enough time to develop and implement a
26 strategy?

01:57PM

27 SETH BOHNET: Seth Bohnet, GNWT. So, again, the timeline

01:57PM

1 that we've presented in the DAR is a minimum. So we've said that we
2 would work to have it established a minimum of one year in advance of
3 the project. One of the driving factors on that as a timeframe is that we
4 do not currently have funding for construction, and we do not currently
5 know when construction actually will begin, and the implementation of
6 measures for construction is a little bit fluid from that perspective.

01:58PM

7 So we have said and we have heard that there's a desire to have
8 work advancing sooner than that. And we continue to engage, and
9 we're happy to follow up to better understand what we can do in the
10 interim.

11 ALAN EHRLICH: Thanks. And it slipped my mind, the outcome
12 of the discussion earlier. A minimum of a year in advance to the
13 project, that's when you will have it up and running, not when you will
14 start to assemble it; right?

01:58PM

15 SETH BOHNET: That's correct.

16 ALAN EHRLICH: Okay, thanks.

17 I'd like to go to Clémentine Bouche who is an environmental
18 assessment advisor for the review board because she has a question
19 on a related topic.

01:58PM

20 CLÉMENTINE BOUCHE: Thanks, Alan. Yes, my question was related
21 because I had understood that the work of these plans would begin one
22 year before construction, not meaning that these plans would be ready
23 before construction. But can you guarantee that these plans will be
24 ready before construction?

01:58PM

25 SETH BOHNET: Seth Bohnet, GNWT. Yeah, so the working
26 group will be assembled a minimum of one year in this advance, and
27 the intent is to have all of the plans in place prior to construction

1 starting.

2 CLÉMENTINE BOUCHE: Clémentine Bouche. Thanks, Seth.

3 And to Nina, earlier you answer that you would have more
4 information about that timeline in the future. Do you know when you
5 can provide that information to the Review Board?

01:59PM

6 It was the timeline of the construction plans -- of the
7 management plans.

8 SETH BOHNET: I don't recall the question. Sorry, can you
9 clarify.

01:59PM

10 CLÉMENTINE BOUCHE: Yeah, it was the same question just asking on a
11 more precise timeline for building the strategy and these plans, and you
12 said you were continuing to do engagement at the moment and so
13 would have more information on that timeline in the future. And I would
14 like to know when in the EA we would get that information.

02:00PM

15 SETH BOHNET: Sorry. So any -- any information that we collect
16 in the interim that can be used to supplant information that's already in
17 the DAR we will make available as soon as we have it and can make it
18 available, but no later than the DAR addendum. That would be our
19 target.

02:00PM

20 ALAN EHRLICH: Thank you for that, Seth.

21 Okay. Now, I know that Délıne Got'ıne Government still has
22 some other questions. Is that right, Todd?

23 TODD SLACK: Yeah.

24 ALAN EHRLICH: Okay. Do you want to go ahead?

02:00PM

25 TODD SLACK: Sure. I'd like to just clarify what that
26 commitment was because there was confusion from back here, or
27 maybe just right here.

1 Is it the intention that these plans, these five plans, will be
2 complete a year prior to construction, or are you saying that the work of
3 these five groups will -- or sorry -- the work on these five plans will
4 commence no more -- no less than a year prior to construction?

02:01PM

5 Because both things were said into the record.

6 SETH BOHNET: Seth Bohnet, GNWT. So, again, to clarify what's
7 exactly written in the DAR right now, the plan is to assemble the corridor
8 working group one year -- no -- no less than a year in advance of
9 construction, and then that group would be the group that is used to
10 inform the development of the community readiness strategy and the
11 various plans.

02:02PM

12 TODD SLACK: Thank you. Todd Slack with Délıneᑕ Got'ıneᑕ
13 Government. And then to clarify -- I'm sorry. I blanked on your name,
14 the board's technical consultant. In response to her, your -- and, like, I'll
15 try and get the wording right. Because I wrote it down. I'm like, hey,
16 here's something good. But I'm not sure it is.

02:02PM

17 So we heard it from the communities that a year isn't enough,
18 and we're going to take your way and consider it. So the question
19 that --

02:02PM

20 NINA BARTON: Nina Barton.

21 TODD SLACK: Thank you.

22 -- Nina Barton asked and then the board staff just tried to clarify
23 is, okay, you're going to take it away and consider it. And so we're
24 going to hear back on what that timeline might be by the DAR
25 addendum; is that correct?

02:02PM

26 SETH BOHNET: So that -- sorry. Seth Bohnet, GNWT. The
27 timeline we're referencing, I believe, is the establishment of the working

1 group and those subsequent plans. So what's in the DAR is currently
2 committed to. We heard through engagement that there is a desire for
3 us to explore options to do some of the preliminary planning work
4 earlier, and that's what we're currently exploring.

02:03PM

5 Now, if we -- if something changes between now and then that
6 will allow us to do any additional work in the interim, we will provide that
7 information.

02:03PM

8 ALAN EHRLICH: Todd, just give me one second. I'm going to
9 ask Catherine Fairbairn to ask a related question because it relates
10 directly to what Seth just said.

11 Catherine, go ahead.

12 We'll go right back to you, Todd.

02:03PM

13 CATHERINE FAIRBAIRN: Thanks. I just wanted to clarify -- or I wanted to
14 ask, actually, about --Catherine Fairbairn, Review Board staff -- about
15 related experiences and lessons learned from the Tłıchq All-Season
16 Road or from other projects where you've had working groups like this.

17 Could you comment on how long it's taken those working groups
18 to sort of develop things like a community readiness strategy or some of
19 the plans that have been discussed that identify this mitigation for those
20 projects?

02:04PM

21 SETH BOHNET: Seth Bohnet, GNWT. Give us a moment,
22 please.

23 ALAN EHRLICH: Todd, we'll go right back to you after we get the
24 next one.

02:05PM

25 SETH BOHNET: Seth Bohnet, GNWT. I'm going to have to
26 come back with that information. So, again, if you could just clarify
27 exactly what you're looking for, and we'll take that one away.

02:05PM

1 CATHERINE FAIRBAIRN: Sure. Catherine Fairbairn, Review Board staff.
2 I was asking if you could provide -- based on other highway experiences
3 in the Northwest Territories where you've had things like community
4 readiness strategies or plans that are in place prior to construction and
5 you've used working groups to develop some of those things, if you
6 could look into, as a lesson learned sort of thing, how long it took from
7 the -- maybe how long it took to establish the working group but then
8 also how long it took -- certainly what I requested earlier was how long
9 from establishing the working group did it take to sort of get those plans
10 and programs and, like, the strategies in place. And this is, of course,
11 to try to look at that, whether a year is sufficient time. So in particular,
12 that context.

02:05PM

13 SETH BOHNET: Thanks for that. We'll take that away, and we'll
14 come back.

02:06PM

15 ALAN EHRLICH: Will you take it away and come back during the
16 technical sessions? Like, can you do it -- can you give us that
17 tomorrow?

18 SETH BOHNET: I'll have to check. Sorry, I don't know yet.

02:06PM

19 ALAN EHRLICH: Well, we'd appreciate it if you could try. Let's go
20 back to Todd for Déljñę Got'jñę Government.

02:07PM

21 TODD SLACK: Todd Slack here, contractor on behalf of the
22 DGG. So I think I'll skip one in case we have time for later. Getting
23 support from people beside me to skip things. Okay. Talking about the
24 hiring targets. In the information request, you made it clear that the
25 target is THE NWT, and we had confirmation of that today. And I'm just
26 wondering is the GNWT going to consider a local hiring target?

27 We heard yesterday from Frederick back there. He's like, Hey,

1 will you guys hire some wildlife monitors from Tulita? And the GNWT
2 would not commit to that. And this is one of the few job classes that's
3 identified in the DAR.

02:07PM

4 So I guess what reassurance should Sahtu communities have
5 that benefits will accrue to those communities given that GNWT isn't
6 even willing to make what I would think is a no-brainer commitment?

7 ALAN EHRLICH: GNWT.

02:08PM

8 SETH BOHNET: Thanks for the question. So to characterize that
9 the GNWT is not willing to make commitments is not correct. So we
10 have and continue to present that we will work directly with the
11 communities. And that's based on feedback with we've received
12 through engagement with communities and Indigenous organizations.
13 We have and continue to commit to work with them to develop and
14 establish the working group, to develop the plans, including the wildlife
15 management monitoring plan, the training and development plan, the
16 safety -- road safety plans. So we have made these commitments.
17 These are things that we have presented in the DAR. So, again, you
18 know, there are commitments that we have made, and we continue to
19 work to refine them throughout the process.

02:08PM

20 TODD SLACK: Thank you. Todd Slack with DGG. And so if
21 the working group says, hey, let's have a hiring target of 50 percent
22 Sahtu Ghotelnene residents, is that something GNWT would accept?

02:08PM

23 SETH BOHNET: Thanks for the question. Seth Bohnet, GNWT.
24 So, again, what I would suggest is if the working group brings forward a
25 recommendation to establish a target, whatever the target might be,
26 that we would work collaboratively to identify whether the target is
27 appropriate and how best to achieve it and then what monitoring would

02:09PM

1 be required to determine whether or not we are working -- meeting or
2 not that and what adjustments would be made after.

3 ALAN EHRLICH: Todd.

4 TODD SLACK: Todd Slack. Last question on this topic. So the
5 important point to take away that we would like to see either further
6 information or, as we said, a commitment to a measure to empower this
7 group, and all -- all this goes away. But it's not just a year to develop
8 these plans. It's a year to develop the consequences of the these
9 plans. So using that example, 50 percent, 40 percent, whatever, if

10 that's the target, you then need to get there, which requires -- you know,
11 Mr. Clinton talked about it, how hard these can be. You know, there's
12 essentially not a major development that has ever met its target, and
13 GNWT's fully been kind of okay with that. So if you're going to make
14 that, to actually be behind it, there's a ton of work that has to happen in
15 those intervening years. And, again, that's why that a minimum of a
16 year -- which is a year -- isn't going to be enough. So I'll leave it of that.

17 ALAN EHRLICH: Okay. Todd, before you go further, Trieneke
18 from Łíídlı́ Kúę First Nation online has a question that's related to this
19 specific topic of conversation. So you've mentioned that you're going to
20 switch to a different topic, but I would like to get her question in this
21 now.

22 Trieneke, you can go ahead, please.

23 TRIENEKE GASTMEIER: Sure, thank you. So Trieneke Gastmeier for
24 LKFN. So, yeah, now, just a sort of similar topic and experience. So
25 LKFN has repeatedly asked the GNWT both on the record and in
26 bilateral conversations for a commitment around notifying -- just simply
27 notifying LKFN of monitoring and contracting opportunities. And despite

1 raising this both on the record and in bilateral conversations, we have
2 yet to see that come to fruition.

02:11PM

3 So just looking for a commitment from the government to simply
4 notify the communities well in advance of these kinds of opportunities
5 moving forward related to the project. Thank you.

6 ALAN EHRLICH: So that was a request to the GNWT to notify the
7 communities well in advance.

8 Could you be a little more specific about "well in
9 advance", Trieneke.

02:12PM

10 TRIENEKE GASTMEIER: Trieneke Gastmeier for LKFN. I would say if --
11 Dieter, feel free to jump in -- at least a month in advance would
12 be helpful, but earlier than that would be even better. Thank you.

13 ALAN EHRLICH: So what I hear is a request for a commitment
14 for the GNWT to notify communities at least a month in advance before
15 opportunities like this arise.

02:12PM

16 Trieneke, did that catch your request for the commitment
17 properly?

18 TRIENEKE GASTMEIER: Yes, thank you.

19 ALAN EHRLICH: Okay. So GNWT?

02:12PM

20 SETH BOHNET: Seth Bohnet, GNWT. So I do just need to
21 specify that I need a little bit of clarity on what -- I hear that there's a
22 desire for a month in advance notification on what specifically? Sorry.

23 ALAN EHRLICH: Trieneke, please.

02:13PM

24 TRIENEKE GASTMEIER: Yeah, Trieneke Gastmeier for LKFN. So this is
25 in regards to tendering opportunities as well as monitoring opportunities
26 related to the project.

27 ALAN EHRLICH: GNWT?

02:13PM

1 SETH BOHNET: Seth Bohnet, GNWT. So there's two different
2 aspects of that. So when it comes to monitoring opportunities and
3 opportunities for involvement and information on the project specifically,
4 absolutely, we can commit to having -- and I think we do have regular
5 conversations with all of the various different IGOs and communities on
6 what we are doing, and we'd be happy to continue that.

7 As it relates specifically to procurement opportunities, the GNWT
8 is bound by current procurement policies, so I -- outside of that, I can't
9 commit to anything.

02:13PM

10 ALAN EHRLICH: But within the procurement policies of the
11 GNWT, assuming those policies enable you to provide them with a
12 month's notice, would you agree to do that?

02:14PM

13 SETH BOHNET: I would have to verify that it's something that we
14 can do. If it is something that is in alignment with our procurement
15 policies, then that's something that I can commit to, but I don't know
16 offhand if it's something that I can do.

17 ALAN EHRLICH: Okay. So if the policies will allow you to do it,
18 then you will commit to it. We appreciate that.

02:14PM

19 Malorey, with respect to the first commitment, there --
20 commitments were flying pretty fast and furious here. Did you catch
21 that?

22 MALOREY NIRLUNGAYUK: Yeah.

23 ALAN EHRLICH: You're quick. Thank you.

24 Back to Todd and Déljñę Got'jñę Government.

02:14PM

25 TODD SLACK: Thanks, Alan. Todd here. And sorry, that last
26 line of questioning was related to the terms and conditions direct and
27 indirect employment opportunities generated by the development and

1 the potential for update of these opportunities by Aboriginal peoples.
2 This information is missing from the DAR. So that's what that was
3 about.

02:15PM

4 In terms of the next set of missing data, it's also from -- can be
5 found on TC26. It's employment and income opportunities for every
6 year of construction and operation with particular reference to the wage
7 and salary employment by length of employment, form of employment,
8 full time, part time -- sorry -- skills category.

9 Is this information within the DAR?

02:15PM

10 CATHERINE FAIRBAIRN: GNWT?

11 SETH BOHNET: Seth Bohnet, GNWT. Apologies, Todd. We'll
12 have to check. I don't know offhand.

13 CATHERINE FAIRBAIRN: Catherine Fairbairn, Review Board staff. Are
14 you going to come back do you think today or tomorrow with that
15 information?

02:16PM

16 SETH BOHNET: We'll come back to it as soon as we can. We're
17 just going to take a look here and see what -- that specific request was
18 whether or not there is employment numbers by year?

19 TODD SLACK: It's within the terms of reference. You can find
20 that exact language there.

02:16PM

21 SETH BOHNET: Thank you. We'll take that away.

22 CATHERINE FAIRBAIRN: Todd, do you have any further questions..

23 TODD SLACK: Sure do. I hate to say it.

02:16PM

24 And the takeaway from that is I think now given these gaps in
25 information in these two last items, it's an appropriate time to talk about
26 socio-economic agreements. And obviously the GNWT's not going to
27 sign an agreement with itself, but the expectation from others is that

1 GNWT ought to be living up to the ask it makes of the private sector.

2 And so now is the -- and before I hear the response, now is the
3 appropriate time to discuss this.

02:17PM

4 In the Jay project, there's a letter during the process that says,
5 hey, we're just reaffirming this. And, Mr. Bohnet, you know all of these
6 from your time at Diavik. When we look at ITI guidance during the EA,
7 they asked for these kinds of commitments to be made public -- during
8 the technical session. Sorry. This very same session.

02:17PM

9 In that process, Gahcho Kué -- in the EA process, Gahcho Kué,
10 commits to the same as SNAP or better, which is great.

11 And so the absence of this -- of the basic information is a
12 problem but so too is the absence of the kind of commitments that
13 communities can expect to see that. And so, again, is government -- is
14 GNWT -- sorry. This is a question for ITI. Is ITI happy with the level of
15 information they have to date regarding the proponent's public
16 commitments for contracting, for hiring, for the types of things that go
17 into socio-economic agreements?

02:18PM

18 SETH BOHNET: Sorry, Todd. I do want to make sure I respond
19 to the exact question, so can I just get you to repeat it.

02:19PM

20 TODD SLACK: The question is not to the proponent; it's to ITI.
21 And it's are they happy with the level of information provided thus far in
22 the process when it comes to hiring, contracting the types of material
23 that you would find in a socio-economic agreement? Are they happy
24 with that level of information given their past guidance, say, in Gahcho
25 Kué where they provide a presentation that says, hey, we want this? Or
26 in the Jay Project where they provided a letter which said we affirm the
27 socio-economic stance?

02:19PM

1 In past EAs, ITI has had a higher bar than what we see today.
2 And so the question is to them: Is the proponent walking the walk that
3 they ask others to do? And is ITI happy with that.

4 So, Mr. Bohnet, you're off the hook on this one.

02:20PM

5 ALAN EHRLICH: Todd, while they're caucusing, how many more
6 questions do you have?

7 TODD SLACK: On this particular topic, none. But I have one --
8 five more lines that I'd like to -- I could probably scratch one off. But
9 four more lines I'd like to talk about.

02:20PM

10 ALAN EHRLICH: Okay. So after they reply on this, we'll give you
11 one more line, and then I just want to circulate through. Gwich'in Tribal
12 Council's been waiting for quite some time to ask one of their questions,
13 and I just want to make sure that everyone's got a chance to get, you
14 know, equal opportunity to get some questions in. But it doesn't mean
15 we won't come back to your other questions. Okay?

02:21PM

16 TODD SLACK: Of course. And, again, all these questions
17 could have been avoided if there was an agreement to empower the
18 working group after the fact.

19 ALAN EHRLICH: So is ITI ready to respond?

02:21PM

20 SETH BOHNET: Seth Bohnet with GNWT. We do have an
21 official from ITI here, Dinah Elliot.

22 DINAH ELLIOT: Dinah Elliot, ITI. We do need to remember this
23 is a public infrastructure project; it will be procured through the
24 government procurement policies. At the time, we do not have
25 somebody to speak to SEA agreements here today, but we can take
26 that away.

02:21PM

27 TODD SLACK: Todd Slack with DGG. I'm happy to have it

1 taken away.

2 And the issue is not about a socio-economic agreement, per se;
3 it's about the material that often form -- the commitments that often
4 form the socio-economic agreement. Because there's no doubt that
02:22PM 5 socio-economic agreements work, and that type of effort -- you know,
6 we know from the diamond mines what happened before versus what
7 happened after. But when it comes to public sector projects, you know
8 what? Like, Giant isn't doing as good as the proponents. We cannot
9 simply just trust that government will do what the private industry
02:22PM 10 doesn't. You know, they have a commitment of, I think, 55 percent, and
11 last year, they made -- they had 36 percent northern employment.

12 ALAN EHRLICH: Todd, just one second.

13 So Dinah's committed to take that way. But are you able to give
14 us an answer before the end of the technical session tomorrow? Would
02:22PM 15 that be okay, or is this something you need more time than that for?

16 I'm asking Dinah from ITI.

17 DINAH ELLIOTT: So the question again is are we happy with the
18 benefits from the project?

19 ALAN EHRLICH: I think it was level of information.

02:23PM 20 But, Todd, please correct me if I'm mistaken.

21 TODD SLACK: Yeah, it really is about the level of information
22 that the proponent has provided, in particular, considering what ITI asks
23 of private sector proponents, and with the outcome of all this being,
24 well, do they think they're going to get the level of benefits similar to
02:23PM 25 what they would with a socio-economic agreement or with something
26 akin to that.

27 ALAN EHRLICH: So my question is: You said you have to take

1 that away, and that's okay. But are we able to hear the answer during
2 the technical session? Not necessarily today, but perhaps tomorrow? If
3 not, it will have to be in writing on the record.

4 DINAH ELLIOTT: I'll see what I can do.

02:24PM

5 ALAN EHRLICH: Okay. If we don't hear tomorrow, then
6 we're going to require it in writing. Thank you for that. Todd.

7 TODD SLACK: Todd Slack on behalf of Dólįnę Got'įnę

02:24PM

8 Government. Again, straight from the terms of reference, the
9 proponent was asked to provide information regarding -- or was
10 required to provide information in terms of maximizing local and
11 Aboriginal participation in contractor or in subcontractor business
12 opportunities. Again, this information is largely missing from the DAR.

13 And, you know, to change it up a little bit, during the initial
14 engagements for this project, there's a whole bunch of mitigations that
15 are provided on page 160 -- in section 9 -- sorry -- 160, 9.7.4.2.

02:24PM

16 However, none of these are presented in part -- or as part of the
17 contractor training and employment plan.

18 So what mitigations -- or what is the project going to do to help
19 local and aboriginal businesses come on to this project?

02:25PM

20 Are they going -- you know, if we use the Giant example, they've
21 highly structured the project so smaller companies can take advantage
22 of them; they have moved them such that smaller companies and
23 communities are not entirely saturated and therefore can't bid on some
24 projects.

02:25PM

25 I understand what you're about to say; it's this is going to be for
26 the contractor working group. Well, the other part of this is you've said,
27 hey, we can only do what we can do as part of the contracting and

1 procurement rules. Well, can you do anything is the real question.

2 And then the second question to ask: Will you do anything?

3 ALAN EHRLICH: GNWT.

4 SETH BOHNET: Seth Bohnet, GNWT. So a lot of the issues and

02:26PM

5 things that you are raising, Todd, again, we -- I fully appreciate you

6 raising them, and we hear you loud and clear. What we continue to

7 reiterate and, again, has been informed through community

8 engagement is that we have continued to commit to, as you said,

9 developing the working group and developing the various plans

02:26PM

10 collaboratively with the various individuals, organizations, and

11 stakeholders that will help us to inform that. We do have reference

12 materials, so we have provided draft -- or not draft, but we have outlined

13 mitigations that can be included and that we have committed to on

14 similar projects. And we continue to be willing to explore how to

02:27PM

15 improve those mitigations.

16 So, again, engagement is ongoing, and we -- we're open to figure

17 out how to do things better and different. And engagement will inform

18 that.

19 TODD SLACK: Two last points on just the response.

02:27PM

20 Yeah, I hear you. And you say that engagement is ongoing; you

21 know, we've committed to things in other projects; we can do this.

22 Well, at what point do we move from engagement to "we will do

23 this" or "we will take those things that we've done, the exact things

24 we've done in other projects, and do them in this project"?

02:27PM

25 You know, now is the time to start making these commitments.

26 More -- especially for the mitigations that are listed in your own DAR

27 that people have recommended to you through the engagement and

1 don't form the base -- the initial points of your contractor and -- or
2 training program -- plan. Sorry.

02:28PM

3 Like, those people were engaged with. They were talked to. And
4 yet it still -- their recommendations are still outstanding. They aren't
5 acted upon.

6 So when in your mind do we see a modification of the process
7 from one of conversation to one of action?

8 ALAN EHRLICH: Seth.

9 SETH BOHNET: Seth Bohnet, GNWT. Thanks again, Todd.

02:28PM

10 So, again, I would reiterate that action is in progress. We are
11 actively engaging. We are actively working to inform and discuss the
12 plan for the development of the corridor working group. We're actively
13 engaging individuals in what we have proposed. And we're -- we
14 continue to be open to identifying where improvements can be made.

02:29PM

15 TODD SLACK: Moving on to my last question on this line. Of
16 the bullets in the contractor and education plan, which of them cannot
17 currently be done given the information that GNWT has?

02:29PM

18 Today, we're supposed to be talking about technical information,
19 and given that those are mostly desktop studies that look at gaps or
20 opportunities with existing programs, it seems to me that's the material
21 that ought to have been in the DAR. And so -- and then that would
22 have met some of the terms of reference.

02:30PM

23 Instead, we're at a position here where those are still
24 outstanding; we've continued to ask about them. This is work that
25 GNWT staff could and should have done.

26 So what can't -- what of those bullets can't have been done prior
27 to today?

1 SETH BOHNET: Apologies. Seth Bohnet, GNWT. Sorry, Todd.
2 Can you provide a specific reference.

02:30PM

3 TODD SLACK: It's going to be shortly after 9.7.4.2. And if
4 you -- if you don't see it right there, if I can have a second, and I'll give
5 you the direct reference from the DAR.

6 This is your contractor training and education plan. I seem to
7 remember 10, 12, bullets. It talks about "we will look at this", "we will
8 evaluate this".

02:30PM

9 And if you don't see it, I'll look it up, and if I can come back to it,
10 Alan, that would be great.

11 ALAN EHRLICH: They're just having a look for it right now, Todd.

12 You know what? I think I'm going to call a ten-minute break.

13 And then after the break, that might be a better time for the GNWT to
14 respond.

15 And then we're going to go to Kanda Gnama with Gwich'in Tribal
16 Council, who's been waiting with questions and I think maybe questions
17 for Ruarie online too. But I could be mistaken. PKFN still has
18 questions on this.

02:31PM

19 And, Todd, you still have some other lines that you haven't been
20 able to pursue yet; right?

21 TODD SLACK: I've got the reference. It's on page 9-161. It is
22 in 9.7.4.2. It has -- I don't know -- 15 bullets, give or take.

23 But these are all things you ought to be able to do or could have
24 done over the summer.

02:31PM

25 ALAN EHRLICH: Okay. So we're going to break until 2:40, and
26 then we'll get back to it. I think there's a reasonable chance that
27 impacts on culture, land use, and harvesting may overlap until

1 tomorrow.

2 So I'll ask the GNWT to consider if you can have your people
3 available who need to be there for that as well as anyone -- anyone else
4 in the room. Let me know if there is a staffing/timing problem with
5 pushing that until tomorrow. Thanks.

02:32PM

6 - SHORT RECESS -

7 ALAN EHRLICH: With respect to the socio-economic impacts
8 we've been talking about, but of course impacts on culture, traditional
9 land use and harvesting, also very important, we've confirmed that the
10 people who we need available for that discussion will also be around
11 tomorrow, and rather than go past 5 today -- I'd like to extend -- today
12 was supposed to end at 4 but, again, I'd like to do what we did
13 yesterday and keep going until 5. If it's all right. I understand if people
14 have to leave, and it's okay because then that discussion's going to
15 continue the next day.

02:56PM

02:56PM

16 Tomorrow morning, there will be time for the socio-economic
17 discussion as well, and then I'm looking at what we have for tomorrow,
18 and I think we can do better well by just pushing forward what we have
19 and then going pretty far. We might have a little less time on air quality,
20 noise, and vegetation. But we'll still have some time on it. And I think
21 that will give us more time for the stuff that I'm hearing is stuff that
22 there's a real appetite to get into.

02:56PM

23 So before we get to the next questions, I'm going to ask ECCC to
24 provide outstanding information about birds that they said they were
25 going to come back with, and then Gwich'in Tribal Council, their
26 questions we're ready for, and then PKFN will go next. And then Délı̨nę
27 Got'ı̨nę Government still has some areas they want to cover as well.

02:57PM

1 We'll see where we're at and when it is after that and we'll keep on
2 adapting as we have to go.

3 So thanks very much, and over to Environment and Climate
4 Change Canada.

02:57PM

5 MELISSA PINTO: Melissa Pinto with Environment and Climate
6 Change Canada. We received two questions this morning from
7 Gwich'in Tribal Council regarding migratory birds. So the two questions
8 relate to -- the first one was to mitigation measures for migratory birds,
9 and the second question relates to whether project impacts stay with
10 birds as they continue to migrate.

02:58PM

11 So our response to the first question, Environment and Climate
12 Change Canada will continue, as we have done through this process
13 thus far, to review and provide advice within our mandate on the
14 information provided by the developer on impacts to the species at risk
15 and migratory birds, including mitigation measures and their potential
16 implications.

02:58PM

17 Environment and Climate Change Canada provided a link to
18 documentation on general guidelines for migratory birds in our
19 information request ECCC16.

02:58PM

20 And then response to the second question, impacts to migratory
21 birds can carry with them as they migrate; however, to determine how,
22 when, and to what degree, there are many factors to consider, all of
23 which should be included in the assessment of accumulative effects for
24 the project. So some of these affects include noise disturbance and
25 increased access to the area as for some examples. Thank you.

02:59PM

26 ALAN EHRLICH: Thank you for that, and thank you for getting the
27 answers the same day we asked the questions because we know you

1 didn't have them available at the time.

02:59PM

2 A minor correction that I wasn't able to give to Ruari Carthew
3 when he was on earlier, we were asking whether or not GNWT has their
4 bird specialists but in terms of birds, if they're resident GNWT -- if all of
5 them [inaudible] GNWT, but if they're migratory, they don't. That's more
6 of an Environment and Climate Change -- that's more of an ECCC
7 thing. So thanks to Melissa Pinto for that thorough answer.

03:00PM

8 Now, over to Kanda, Gwich'in Tribal Council. Thank you for your
9 flexibility earlier of being willing to delay this one while we charged
10 ahead with a bunch of other stuff. I didn't want to forget that you were
11 here ready to go. Please proceed.

03:00PM

12 KANDA KOLA GNAMA: Thank you very much. I will just start by saying
13 that we have a little bit of context to provide before our questions, and
14 we've got our preamble to half, so bear with me to go through it before
15 we get to the set of questions, okay.

03:01PM

16 The current project, while shorter in length, is essentially a
17 segmented portion of the original plan. Notably, many of the broad
18 economic and development goals and benefits will not be realized until
19 the Mackenzie Valley Highway is completed, and an all-season road
20 connects the Dempster Highway -- connects to the Dempster Highway.
21 The GNWT has achieved an ongoing interest in the Gwich'in settlement
22 area and the Inuvialuit settlement area that depend, in part, on the
23 completed Mackenzie Valley Highway.

03:01PM

24 The GTC contends that the completion of the Mackenzie Valley
25 Highway, a project discussed since 1950s, represent a reasonably
26 foreseen future project. A completed Mackenzie Valley Highway also
27 meets the GNWT's narrow standard for the project inclusion list.

03:02PM

1 The DAR described a reasonably foreseeable project as one
2 that, according to the MVEIRB file 93 page 84, has obtained necessary
3 authorization to proceed or are in the process of obtaining the required
4 authorization or a project that have been publicly announced with the
5 intention to seek the necessary authorization to proceed.

03:03PM

6 The current process is in the regulatory -- sorry, the current
7 project is in the regulatory process and has been publicly announced.
8 Approval of this project will result in completion of a significant portion of
9 the originally planed Mackenzie Valley Highway. Additionally, the --
10 additional projects, sorry, an initiative, that would depend in part on the
11 completed Mackenzie Valley Highway, also exists that have not been
12 considered as part of the cumulative effects assessment. This project
13 have component that will inevitably connect directly or through a third
14 party to a completed Mackenzie Valley Highway.

03:03PM

15 GTC's rights and interests will be affected by this development
16 and likely future scenarios. GTC believes it is important to discuss
17 some of these plans and these initiatives to establish that the entire
18 Mackenzie Valley Highway is a legitimate and responsible consideration
19 for the project inclusion list and for a fulsome cumulative effect
20 assessment.

03:04PM

21 Preamble of the EA121301 began as a road to connect to the
22 Dempster Highway. As stated, proposed includes both the connection
23 of the Mackenzie Valley Highway to the Dempster Highway and to
24 support the expansion and diversification of the territorial economy.

03:04PM

25 The GNWT's petroleum resource strategy report was updated in
26 September -- September 2024. The strategy has three key pillars, each
27 of which includes development of transportation infrastructure along the

03:05PM

1 Mackenzie Valley or in the Mackenzie Delta. It lists significant natural
2 gas and oil resources in the Beaufort Sea, Mackenzie Delta, and central
3 Mackenzie Valley. Part of the PRS is for the NWT to become an
4 exporter of liquid natural gas. The first goal of the PRS is to pursue sue
5 Mackenzie Delta liquefied natural gas. Production numbers and
6 economic estimates are provided to ship the Mackenzie Valley liquefied
7 natural gas to east Asia and other elsewhere.

03:05PM

8 Over the reporting period, this idea has become available.
9 Developmental concept the GNWT is promoting to key industrial
10 partners. Additional references include the intent for the GNWT to
11 capitalize on its energy investment ambitions. The NWT oil and gas
12 annual report, also published in September 2024, references the
13 petroleum resources strategy and the proactive support of small scale
14 natural gas initiative to meet the need of residents and communities in
15 the NWT.

03:06PM

16 On page 8, it lists existing petroleum land dispositions in the
17 NWT. Notably, 22 in the central Mackenzie Valley, 19 in the southern
18 NWT, and 39 in the Mackenzie Delta and Arctic Islands. These
19 collectively occupies 619,234 hectares. None of these are referenced
20 in the current project inclusion list or enter the conversation of
21 cumulative effect.

03:07PM

22 Figure 2, there's five displaced maps of the Mackenzie Valley
23 showing oil and gas right, pipeline infrastructure, and [inaudible]
24 potentials. These give a very different picture of potential and
25 foreseeable future projects.

03:07PM

26 GTC will provide reference to this report for public record.

27 So now we come to the questions. And I will share the question

1 with Ruari online. So the first question is to GNWT ITI. Under the
2 current project, what is a reasonable assessment of how this listed
3 petroleum land dispositions will benefit from the project with potential to
4 expand or advance activities?

03:08PM

5 ALAN EHRLICH: GNWT.

6 DINAH ELLIOTT: Thanks, Dinah Elliott, ITI. It is impossible to
7 know what will happen in the oil and gas and mineral development
8 sectors as a result of the road. It's highly speculative what will happen.
9 We are under, you know, evolving geopolitical situation right now. I'll
10 have to hand it over to DPRA to talk about how they selected their
11 reasonably foreseeable projects.

03:08PM

12 RUARI CARTHEW: Ruari Carthew with GTC. It's unclear in the
13 DAR how the reasonably foreseeable projects were selected, and the
14 whole line of questioning here is because GTC does not believe that it
15 was comprehensive and thorough enough. Maybe, Kanda, you can
16 move on to the next question there.

03:09PM

17 ALAN EHRLICH: Just one second there, Ruari. So DPR, are you
18 okay with us just going with the way the DAR has clearly described its
19 criteria for identifying reasonably foreseeable future developments?

03:09PM

20 Okay, so there's no disagreement. So Ruari or Kanda, it's back to you.

21 KANDA KOLA GNAMA: Okay. Sorry, I didn't mention my name at the
22 beginning. Kanda. My second question is that is it reasonable to
23 believe that with a completed Mackenzie Valley Highway that these
24 activities and project will not seek to connect to the highway?

03:09PM

25 ALAN EHRLICH: GNWT.

26 SETH BOHNET: Seth Bohnet, GNWT. I apologize, I do need
27 more information to provide an informed response. Which specific

1 projects are you referencing?

2 KANDA KOLA GNAMA: If I can mention the land dispositions that we
3 already referenced to, those projects and others.

03:10PM

4 RUARI CARTHEW: Ruari Carthew with GTC. So it references the
5 projects that GNWT ITI is using in its economic forecasting from the
6 documents referenced.

7 SETH BOHNET: Thanks for the clarification. Seth Bohnet,
8 GNWT. And to be certain, I want to be clear that you're referencing --
9 when you're referencing the Mackenzie Valley Highway, you're
10 referencing the project as currently proposed which is between Wrigley
11 and Norman Wells?

03:11PM

12 KANDA KOLA GNAMA: Thank you. Our question is about the initial
13 project. Even though you are stopping in Norman Wells, we believe
14 that the intent is -- the full sum of the projects that you -- in the
15 assessment we couldn't see that you referenced that.

03:11PM

16 SETH BOHNET: Seth Bohnet, GNWT. I may need some
17 clarification because, again, I don't want to misspeak, but my
18 understanding is the extent of the assessment that we completed is
19 specific to the project as proposed, which is Wrigley to Norman Wells,
20 and doesn't include the portion that you're referencing between Norman
21 Wells north to the Dempster.

03:11PM

22 ALAN EHRLICH: So just drawing back to the early days of this
23 environmental assessment, the route that Simon Toogood states
24 [inaudible] and I did scoping for was the original route which connected
25 all the way up to Inuvik, so we also did scoping in Fort Good Hope for
26 example, and in Inuvik. And then if I recall correctly, and this is going
27 back over a decade -- a very large fracking play off of Norman Wells

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03:13PM

1 was identified with interests from the three different super majors, and
2 then sometime after that the project -- the scope of the development in
3 this case was proposed was removed back down to Norman Wells. I'm
4 not saying it's because of the enormous gas play that was discovered
5 there, but at the time prices were high and it looked like it was probably
6 financially feasible. A lot has changed between then, but that's when
7 this EA started focusing on a project that was only proposed to go from
8 Wrigley to Norman Wells even though we did scope and look at issues
9 all the way up the Valley because that is exactly what the GNWT
10 originally proposed.

03:13PM

11 KANDA KOLA GNAMA: Thank you, Kanda here. The reason we are
12 asking is that the Mackenzie Valley Highway is already being used for
13 planning purposes nationally and internationally in respect to Arctic
14 security and sovereignty as well. So we were at a meeting where this
15 was referenced thus we want to know even though the road is stopping
16 Norman Wells, already in meetings, strategically reference is being
17 made to this highway, yeah.

03:13PM

18 ALAN EHRLICH: If you could clarify. I don't know who was
19 referencing it or in what meetings. Are you able to share that?

03:14PM

20 KANDA KOLA GNAMA: Yes, I can jump to that question. We attended
21 an Arctic security meeting at the beginning of this month, and a
22 reference of this was made by the CAF members for planning
23 purposes. So this question would be directed to CanNor and the
24 GNWT as well. What role does a completed Mackenzie Valley Highway
25 play in current and anticipated Arctic security and sovereignty in the
26 NWT and in Canada? Thanks.

03:14PM

27 ALAN EHRLICH: I think the part that's confusing is when you say

1 what role does a completed Mackenzie Valley Highway play.

2 KANDA KOLA GNAMA: Yeah.

3 ALAN EHRLICH: What I'm hearing because of my involvements

4 in this project for an -- in the assessment for a long time, "completed"

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5 the way you're using it, I think means going all the way to Inuvik. But I

6 think when they hear "completed", they're hearing completed the project

7 that they've proposed and put in front of us now, which is to Norman

8 Wells. So it would probably just help with the answer to that if you could

9 just be very specific if -- what role would it play if the highway was

03:15PM

10 extended all the way to Inuvik as originally proposed?

11 KANDA KOLA GNAMA: Yes, what role will it play if it extended originally

12 to Inuvik. And then the second part of the question is that if the road is

13 ended in Norman Wells, what role is it playing for added security as

14 well? So it is a question in two parts. Thanks.

03:15PM

15 ALAN EHRLICH: Thank you very much for that. So you've got a

16 two part question.

17 SETH BOHNET: Seth Bohnet, GNWT. So thank you for the

18 question. So one of the things that I can provide is some additional

19 context with relation to the specific project that we're here to talk about

03:16PM

20 today, which, again, ends in Norman Wells. We have heard through

21 engagement with Indigenous governments, and particularly in our

22 collaboration with SSI, that the completion of this project to Norman

23 Wells has the potential to have some -- some impact on Arctic

24 sovereignty and security. That's one of the pillars that we've included in

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25 the updated business case for the Mackenzie Valley Highway. So we

26 don't have that information yet, but we are looking to provide additional

27 context from that perspective. But that, again, is specific to the current

1 project, not anything beyond that.

2 ALAN EHRLICH: GTC.

3 KANDA KOLA GNAMA: Kanda from the GTC. So if I may ask, will you
4 assure or commit that the updated business case will have elements
5 regarding our question?

03:17PM

6 SETH BOHNET: Seth Bohnet, GNWT. So I can provide
7 assurance that it will include reference to Arctic sovereignty and
8 security. But it is specific, again, to the currently proposed project, not
9 the previously referenced project from years past.

03:17PM

10 KANDA KOLA GNAMA: Okay, thank you. I pass it to Ruari to continue
11 the questions.

12 ALAN EHRLICH: Just before we go to Ruari, if we just hold off for
13 one second please, Ruari. But part of the question that I heard was an
14 interest in the potential for any -- part of what I heard was an interest in
15 the potential for any oil and gas development to take advantage of the
16 completed project to Norman Wells. Did I get that right, Kanda?
17 Kanda's nodding yes. And that he was wondering why that doesn't
18 appear in the materials with respect to potential reasonably foreseeable
19 future development. Would you guys care to comment on that?

03:17PM

20 SETH BOHNET: Seth Bohnet, GNWT. So in response to that,
21 again I would defer to the comment and the response already provided
22 by ITI specifically in that that is highly speculative. So I would refer
23 back to that response.

03:18PM

24 ALAN EHRLICH: Okay. And I have a question, and I apologize if
25 it was already covered in an IR that I don't recall. But we know that
26 Imperial's -- Norman Wells' operation, a substantial affair that's been
27 going on for a century, and Imperial is giving many indications that this

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03:19PM

1 is not going to keep going on forever and that closure of their facility is
2 probably going to happen, and I imagine an all-season highway is a
3 very helpful thing if you're doing a massive remediation project in
4 Norman Wells with a lot of different materials, some of which you might
5 be able to deal with there, some might be taken out. Was the closure of
6 Imperial's Norman Wells operation one of the things you considered in
7 your reasonably foreseeable future developments?

8 SETH BOHNET: Seth, GNWT. I am going to ask Erica to
9 comment.

03:19PM

10 ERICA BONHOMME: Erica Bonhomme, Kalo Stantec. We did
11 respond to this in one of the IRs -- forgive me, I don't have my notes in
12 front of me but someone can help me out here and find that response.
13 It was in a caribou -- one of the MVEIRB responses, maybe 51 or 52 if I
14 recall. So the operations of certain aspects of the Norman Wells facility
15 are included as reasonably foreseeable -- or as ongoing activities
16 because they fall within the regional assessment area. And those --
17 and so -- but the broader Norman Wells facilities are actually outside of
18 the regional assessment area. They're not -- they don't overlap with the
19 effects of the project.

03:20PM

20 There were some -- so within the regional assessment area, we
21 did consider, you know, all disturbances so anything that, you know,
22 happens to be related to Norman Wells is already included in the effects
23 assessment on -- as it relates to habitat disturbances for caribou.

03:20PM

24 In terms of future operations -- or future activities, like I said, it's
25 outside most of the -- most of the Norman Wells operation does not
26 overlap with the regional assessment area. There were questions
27 around traffic and traffic potential increases of a Norman Wells

03:21PM

03:21PM

1 operations related to traffic. Again, the -- what Norman Wells -- what
2 Imperial Oil has indicated in their plans for closure and remediation
3 doesn't give any indication that there will be any additional incremental
4 impacts on highway use or any of the facilities that are common to the
5 Mackenzie Valley Highway.

03:22PM

6 So, again, to summarize the response, certain aspects of the
7 ongoing Norman Wells operation are already included in the cumulative
8 effects assessment. Anything -- any incremental activities associated
9 with the closure of the Norman Wells operation are not because they
10 don't overlap with the project's effects.

03:22PM

11 ALAN EHRLICH: Thank you, Erica. Just to be clear, we're not
12 talking about the operations in Norman Wells. I'm talking about the
13 massive remediation and closure -- or closure and remediation project
14 that will virtually certainly happen during the construction or operating
15 life of the road and that might benefit considerably from road access
16 and that is a lot of the economic activity that's going to be happening
17 there but would also imply quite a bit of industrial traffic. If I was
18 Imperial and had a highway to a very large enclosure that I was doing, I
19 would probably want to use the highway for aspects of the closure or
20 remediation. What I'm hearing is, no, that was not included in your
21 reasonably foreseeable future developments, is that correct?

03:22PM

22 ERICA BONHOMME: Erica Bonhomme. Correct. Because there are
23 no such plans that have been disclosed by Imperial. So if there is
24 anything that's been proposed by Norman Wells in terms of closure
25 operations that would suggest -- new information that we didn't have, we
26 can -- we can look at it. But to my knowledge, there has not been a
27 new closure and reclamation plan filed by Imperial that would give us

03:23PM

1 any more information that we have right now -- than we have right now.

2 ALAN EHRLICH: Okay. I'm not going to -- I don't think it would be
3 fruitful to discuss this further here particularly as we have got a round of
4 information requests shortly after this. So I'll just leave it at that. Ruari,
5 thank you for the indulgence there. Thank you. Sorry, Kanda.

03:23PM

6 KANDA KOLA GNAMA: My question was to CanNor and GNWT. So
7 GNWT answered and I forget that I'm passing Ruari. So it would be
8 good to hear CanNor's perspective on that question.

9 ALAN EHRLICH: For the benefit of CanNor, could you just repeat
10 the question one more time. Because I had an aside in the middle and
11 it's going to be hard for them to remember what you asked.

03:24PM

12 KANDA KOLA GNAMA: Kanda Kola Gnama from the Gwich'in Tribal
13 Council. The question I was -- what role does a completed Mackenzie
14 Valley Highway up to Inuvik plays in current and anticipated Arctic
15 security and sovereignty for Canada? And the portion of the road
16 stopping in Norman Wells as well, what role will it play to the Arctic
17 security and sovereignty? Thanks.

03:24PM

18 ALAN EHRLICH: CanNor.

19 SHANNON ALLERSTON: Thank you. This is Shannon Allerston with
20 NPMO. I do not have the answer to that question. But I have already
21 sent messages up the line to flag it. So I can't promise we'll be able to
22 get back to it today, and I can try to respond back tomorrow or sooner.
23 I'm getting some responses. So maybe by the end of the day.

03:25PM

24 ALAN EHRLICH: Okay. If you can respond by end of the day,
25 that's great. If not, tomorrow would be good too.

03:25PM

26 SHANNON ALLERSTON: Okay, thank you.

27 ALAN EHRLICH: Kanda, can I go to Ruari online now.

1 KANDA KOLA GNAMA: Yes, thanks.

2 ALAN EHRLICH: Ruari, the floor is yours.

3 RUARI CARTHEW: Ruari Carthew and the GTC. Thanks very

4 much. A cumulative effects assessment project inclusion list is

03:26PM

5 intended to include future projects that are reasonably foreseeable. The

6 GNWT acknowledges that this is a permanent project, the Mackenzie

7 Valley Highway, that it has substantial plans for future with the

8 Mackenzie Valley Highway, and yet includes a project inclusion list with

9 only three anticipated future projects, none of which relate to a strategic

03:26PM

10 plans or to the stated purposes for the project that have been fairly

11 consistent for the last decade.

12 This EA started as a project that would connect Wrigley to the

13 Dempster Highway. More recently, it has changed so the current scope

14 only extends that road to Norman Wells. GTC contents that the project

03:26PM

15 remains part of a broader plan to connect to the Dempster Highway and

16 that this portion is a segment of that project and, therefore, the larger

17 project should be scoped into the cumulative effects assessment.

18 Question to GNWT ITI is what portion of future economic benefits of the

19 project will not be realized if the project ends at Norman Wells?

03:27PM

20 ALAN EHRLICH: Thanks. GNWT.

21 SETH BOHNET: Seth Bohnet, GNWT. So if I'm hearing you

22 Ruari, you're asking us to compare the benefits that we got outlined as

23 part of this project with a separate project that's not being evaluated?

24 RUARI CARTHEW: Ruari Carthew, GTC. This goes back to some

03:28PM

25 of the earlier comments that I made yesterday about projects often

26 gaining support based on great economic benefits and opportunities,

27 and indeed this project has routinely touted economic development and

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1 diversification as key elements and key benefits of the project. There
2 have been very few that have been stated and costed. But in the past,
3 there are very well known nonrenewable resource opportunities
4 throughout the central Mackenzie Valley and beyond. And the purpose
5 for the project is not changed with regards to economic development
6 and diversification being an anticipated benefit. But the project is now
7 ending at Norman Wells.

03:29PM

8 So I can ask the question a little bit differently in relation to the
9 project as proposed. And that would be to GNWT ITI. What value will
10 the project have for the GNWT's economic diversification and economic
11 development plans if economic gains from the project are kept to 15
12 15 kilometres of the PDA as per the project inclusion list?

03:30PM

13 ALAN EHRLICH: So that's to ITI, right?

14 RUARI CARTHEW: Correct.

15 ALAN EHRLICH: Dinah, I think that's to you.

16 DINAH ELLIOTT: Can you repeat the question, please.

03:30PM

17 RUARI CARTHEW: Ruari Carthew representing GTC, or rather
18 working with GTC. The question is what value will the project have for
19 the GNWT's economic diversification and development plans if
20 economic gains from the Mackenzie Valley Highway are kept to the
21 15 kilometres of the project development area as is consistent with the
22 current project inclusion list?

03:31PM

23 ALAN EHRLICH: So, Ruari, just to make sure that I understand
24 the question right. You're saying your project inclusion list is limited to
25 15 kilometres of the project within the project development area, and if
26 they're considering only those, what are the economic gains they expect
27 from the project; did I paraphrase that right?

1 RUARI CARTHEW: Lovely, thank you.

2 ALAN EHRLICH: I'm so rarely called lovely. That's -- over to ITI.

3 SETH BOHNET: Seth Bohnet, GNWT. Ruari, we're going to take
4 this one away so we can provide you with a more fulsome response.

03:31PM 5 RUARI CARTHEW: Thank you very much. Yes, does the GNWT in
6 the future still intend to complete the Mackenzie Valley Highway up to
7 Dempster Highway? Long-term projections.

8 ALAN EHRLICH: GNWT.

9 RUARI CARTHEW: Or alternatively has it crossed it off the list from
03:32PM 10 future consideration?

11 SETH BOHNET: Seth Bohnet, GNWT. Again, the long-term
12 vision that has been talked about for decades has always been to have
13 an all-season highway through the Mackenzie Valley Highway -- or not
14 the -- the Mackenzie Valley. But, again, at this point in time, we are
03:32PM 15 focused entirely on the current project which ends in Norman Wells.

16 ALAN EHRLICH: Thanks. Ruari.

17 RUARI CARTHEW: GTC, Ruari Carthew here with GTC. Many of
18 the questions and responses that we've had have had responses
19 where, you know, we cannot get into specifics and forthcoming new
03:33PM 20 information is perhaps lacking. If the GNWT is not able to consider
21 broader economic development activities in this assessment, what
22 assurances can it give GTC that the GNWT will protect Gwich'in and
23 other communities of the Mackenzie Valley from anticipated future
24 development pressures in the region that will open up with a Mackenzie
03:33PM 25 Valley Highway.

26 ALAN EHRLICH: Seth.

27 SETH BOHNET: Seth Bohnet, GNWT. So I would suggest, and

1 again, not exactly my forte, but I would suggest any other future
2 development or future project would need to go under its own screening
3 and undertake its own regulatory processes and that GTC would have
4 every opportunity to be participating in those.

03:34PM

5 ALAN EHRLICH: Thanks. Ruari.

6 RUARI CARTHEW: Ruari Carthew, GTC. Thank you for the
7 response. I won't get into it, but there are clear parallels with the
8 readiness of the GNWT for the diamond mining rush that did occur and
9 consequent impacts on diamond mining communities and how that
10 played out over time.

03:34PM

11 One sort of summary point, it might be a question, towards the
12 Review Board, given the history of the project, the clear carry through of
13 the purpose, and perhaps not acknowledged benefits anticipated with
14 the project but the sort of broadly expected benefits of the project, the
15 active planning at the territorial and national and international level for
16 economic development and Arctic security, the splitting of this project
17 into smaller segments, and the potential of the project to be a basin
18 opening activity in the central Mackenzie Valley and the permanent
19 nature of the project, is it not reasonable to include a Mackenzie Valley
20 Highway ending at the Dempster Highway on the project inclusion list
21 and as part of a cumulative effects assessment?

03:35PM

22 ALAN EHRLICH: GNWT.

23 RUARI CARTHEW: Sorry, that was a question to the Review Board.

24 ALAN EHRLICH: Sorry, yeah, the Review Board is not actually

03:35PM

25 tackling questions about its decision making scope of the EA or
26 anything else here. We're not one of the groups that's being
27 questioned. But I can tell you that our scope of reasonably foreseeable

03:36PM

1 future developments in our EIA guidelines is certainly not limited only to
2 projects for which a formal application has already been received. And
3 that the Review Board is well aware of the forum that this project was
4 originally proposed in -- to.

03:36PM

5 RUARI CARTHEW: Ruari Carthew, GTC. I'll say that was partially
6 lovely. I am content that -- with the answers. Thank you.

7 ALAN EHRLICH: I'm always more lovely when I'm saying yes.

8 That's enough of that. Any more questions from GTC or can I move on
9 to Pehdzeh Ki First Nation.

03:37PM

10 KANDA KOLA GNAMA: I believe we are okay for now. We will reserve
11 our questions regarding this theme in upcoming ER opportunities -- IR
12 opportunities. My French kicks in sometimes, so. Thanks.

13 ALAN EHRLICH: Okay. [French language spoken]. Now we go
14 on to Pehdzeh Ki First Nation.

03:37PM

15 JANE HENDERSON: Jane Henderson for Pehdzeh Ki First Nation.
16 The first Elder to speak to that is Elder Tim Lennie.

17 TIM LENNIE: Good afternoon. We are here. [Indigenous
18 language spoken] . I give thanks that I sit amongst you here again
19 today. So just in regards to, you know, impacts of -- that we -- of

03:38PM

20 highway into our community. Just a little update. My name is Tim
21 Lennie. I live in Wrigley, a member of Pehdzeh Ki First Nations. I've
22 also previously been in leadership over a number of years, since '86 off
23 and on, until about I think to 2013 I pretty well stepped down. But

24 that's -- I've been through the ringer in this process many times through

03:39PM

25 many different premiers and technical groups like yourselves. I think
26 you must be about the seventh, eighth, different people I've seen at this
27 table talking about highways. So we're not consistent as governments,

1 whether it's local or a territorial government because we're always
2 changing every election, staff and so on. So that's where we're at now.
3 You know. And it prolongs the process and anything we're trying to do.
4 And what happens for -- to Indigenous people is that because we don't
5 have the capacity, it's very hard -- and it has been very difficult to
6 engage in a reasonable manner.

03:40PM

7 In 1990 I think, we -- there was a 10-mile -- Wrigley's road was
8 stopped for a number of years through the higher north. It didn't get
9 actually opened until 1990, about that time, and I think the opening was
10 in 1992. So you know -- and I look back on the social part, especially
11 the membership after it opened.

03:40PM

12 Prior to having it open, as an Indigenous community we had all
13 the essential services, had all the essential services - housing,
14 wellness, health, nurse, all of it, the RCMP. We had all that, eh. So
15 prior -- and the elders have really expressed themselves in regards to
16 as they says, infrastructure. A new program comes in, what was the
17 infrastructure needed that was required for this before the highway
18 opened. So the Elders through myself, I representing the community,
19 we -- well, we needed a new band office. We definitely need a school,

03:41PM

20 okay. We definitely needed a new school; we had two trailers. So they
21 gave us a new school. They built us a new school. The next thing was
22 the nursing station. They built us fully staffed nursing station, equipped
23 and everything, nice. The other thing was that we also acquired -- so
24 the government also gave us money to build a band office. We did
25 community planning. So it was good for a while. Now the road opens. .

03:41PM

26 It's open. It ran less than ten years. We lost pretty well
27 everything to this day. We're just a skeleton community. After the

03:42PM

03:43PM

1 highway opened, took the cop out, took the nurse out. They pretty
2 well -- what you call it, the government cost -- cost measurements to
3 save money. To this day, right now, everything has been regionalized.
4 So when they start pulling specific services that we have an actual right
5 to as taxpayers -- and you want to call me a Canadian citizen. You
6 want me to become a Canadian citizen. On top of that, we have a
7 treaty that specifically has rights to health. Over the years, Government
8 of the Northwest Territories have pursued the community to incorporate.

03:44PM

9 Wrigley at one time, before moving to the new settlement that is
10 here, that we are living in now, had a settlement council. The
11 settlement council was removed by the people and reestablished a
12 Chief and council. To this day, we still hold that. We've also removed
13 ourself from the regional council which the settlement council was
14 involved with because it dealt with local governments. As a nation -- a
15 First Nation, over the years governments have been trying to put us in
16 this little one little spot. They call it "settlement".

03:45PM

17 Well, our settlement is the lands that we have inherited, so we
18 have a very big settlement. So over the years, people left, okay.
19 What's the use? And I don't blame them young people leaving the
20 community. Their children needed a better education. Their family
21 needed health, better health services, needed better places to shop. So
22 people left. When Stuart Hodgson used to come to our community and
23 even after that, I had 4 to 500 members in the community. The
24 community hall we had, we had two lines right across, filled every space
25 with children in the middle. Look in the back of me. That's half of my
26 community. Many want to come home. But the question they have
27 what do they have to come home to.

03:46PM

03:47PM

1 I've heard it enough times being in leadership is that -- and I find
2 it ironic, as I say yesterday, if overnight we're going to sign a piece of
3 paper today to incorporate, imagine the amount of the capacity that I'm
4 requesting would be here, helping the community. Because we're an
5 Indigenous organization and a community, there's no help on the other
6 side.

03:48PM

7 Personally, I feel GNWT has no jurisdiction over the Pehdzeh Ki
8 First Nation. The reason we still have issues with the Crown as you can
9 hear through the statements that have been made; we still have issues.
10 If we were to incorporate within 24 hours, our budget would go up by
11 60 percent.

03:49PM

12 And you want us -- this is happening to the people, okay? The
13 original people. And they want to build a relationship, a partnership.
14 Well, on one side somebody's cheating. Might have to get a divorce,
15 not that we're married. So I feel it's very disturbing, yet because all I
16 see is this government over the many years discriminating, outright
17 discriminating against an Indigenous people.

03:50PM

18 All these beautiful words I've been hearing over the past number
19 of years, not being at this table since 2013, I haven't spoke this much.
20 How are you as a government incorporating this word, because it got
21 nothing to do with me. You as a government, how are you going to
22 reconcile with the First Nations? And treat them as human beings.

03:50PM

23 Where is this government? You want to call yourself a
24 government, you make a statement. We're here as the United Nations
25 Declarations of Rights applied here. I see that there are agreements
26 that you are working with, very fine and dandy to talk with the Sahtu and
27 others, the land claim groups, because they have agreements, they

1 have resources, they have capacity.

03:51PM

2 My brother, Frederick Andrew, I was adopted to his brother -- to
3 his father as a young child, so he is my brother. To see him sitting
4 there and providing a comment on their issues sure lifted my heart,
5 because I never thought that I'd see that man speak the way he did.
6 Mahsi, that we still have our people that have heart for their people.
7 Don't matter what kind of an agreement they have. [Indigenous
8 language spoken]. You are talking for yourself. We are talking for
9 ourself. [Indigenous language spoken].

03:52PM

10 As Dene people, Indigenous people, especially in this part of the
11 country, in the North, it's very hard to work with paper. [Indigenous
12 language spoken]. They're not up to speed. We're not very familiar yet.
13 We still at a young stage, not familiar with regulations and the
14 paperwork. But we're going to do the best we can with what we have,
15 and we've been doing that over the years.

03:52PM

16 So I've been -- I've been involved with the land -- the Deh Cho
17 Land Use Plan right from its inception, right from its beginning to its
18 end, until the time that the government of the GNWT and Government
19 of Canada refused to implement or even accept the Deh Cho Land Use
20 Plan until it was redrafted to meet its current legislations and policies.

03:53PM

21 I didn't want to say this, but there was something that I'm not
22 clear about. When you sit in the back and have a question, it's hard to
23 interfere with what's going on. I don't know, environmental assessment,
24 okay. When the Mackenzie Valley gas project came through, as a
25 community, same thing as this year, same process as Mackenzie Valley
26 project, we needed to call for environmental assessment,
27 socio-economic impacts of the community, environmental assessment

03:54PM

1 to deal with all these issues. You know what happened? Oh, you can't
2 do that. It's not in the regs, not in the legislations. First Nations are not
3 able to call for environmental assessments in your rights. Is that still
4 there?

03:54PM

5 The Deh Cho First Nations. So when we went through the
6 review of the permits, there was a question in regards to this. So we
7 filed a lawsuit. The Deh Cho First Nation filed a lawsuit. So I'd like to
8 know where that is at. Because what they were telling us, only village
9 councils and incorporated communities can call for these issues. And
10 I've been at this table enough time. I have had meetings with premiers
11 and other groups requesting this. This is not the first time. We don't
12 want to deal with the environmental infrastructure, social impact issues
13 a year before they build a bridge or start opening a road. We need to
14 start now. We need at least five years.

03:55PM

03:56PM

15 So when all these things started to happen in '92 when we
16 opened a road, and we were a mess as a people. I was a mess as an
17 individual. We had issues. So what would happen is that we developed
18 to share and to bring the community -- we developed a wellness
19 program, a spiritual gathering, to have it every year, to share with
20 people. Today it's still happening yet but we use hand games more to
21 gather our people. So I guess what I'm getting at is that prior to -- you
22 know, and that gave, you know, well, you can get the band office and
23 nursing station and all this, so that gave people incentive, a positivity, an
24 energy, yes, oh gee, yes, okay. Now there's a trade. [Indigenous
25 language spoken]. This used to be said to many of the leaders. You
26 come to in our land. What you're gonna help us with? And I don't make
27 wishes. I don't have a wish list. I have an idea what would the

03:56PM

03:57PM

1 community require. But that's my -- not my place. That's my boys back
2 here.

03:58PM

3 So the community had some time to prepare, eh, for the opening
4 and the highways and everything, but it went really well for about ten
5 years. For cost saving measures today -- to this day, government has
6 just pulled everything. No cop, no nurse. We can't even run the store.
7 We -- and this -- and there's a food -- northern food subsidy, they call it.
8 It don't apply to Wrigley. It don't apply to us, my boys, my people. Every
9 Chief over the past number of years have just -- we open a little store,
10 and we go down to -- the boys go down to Grande Prairie and fill up a
11 couple of trucks and sell it back to the people at cost.

03:58PM

12 So how do you generate revenue? But that's just -- we have to
13 help our people. Our own people have to help themselves without any
14 government subsidy. [Indigenous language spoken]. How are you
15 gonna help our community? How are you gonna help our youth to see
16 things in a better light? You think you're gonna do anything about the
17 drugs and alcohol that's happening now? The government legalized
18 everything. I asked the premier last time, and the feds even have a
19 pilot project in Vancouver I understand to legalize fentanyl, cocaine,
20 heroin. That's coming up here. Somebody's gonna to vote on it.

03:59PM

04:00PM

21 The Indigenous people didn't have a say on that. Prior to that,
22 we used to -- because we had alcohol issue inside our community, at
23 least we would call for a prohibition, stop the alcohol from coming into
24 our communities.

04:00PM

25 So there's certain things that we did that may have caused some
26 people and a little bit of anger because I know I felt a lot because of
27 what I know -- I believed in for a healthy community. But I had to do

1 things myself first before I could get my people to follow me. I had to
2 smarten up first. So I tried. I've been trying that for the past 40 years
3 here. I don't know how I'm doing, but.

04:01PM

4 I'm just here a regular person. I don't have -- academic. I speak
5 well. I'm a self-taught individual. I learned how to read and write
6 myself, a little bit of help maybe through the schooling more. But I went
7 through all that stuff. But if I knew, had the education, like how to
8 operate all this stuff here, and to engage the way you guys, I think I'd be
9 a lot further. But I just trying to keep simple, and my brother is well
10 versed in a lot of the political and all this kind of stuff and I wish I had
11 his know how on how to deal with this kind of stuff because you'll have a
12 lot more trouble than what I'm telling you now. But he wish he had what
13 I have which is not very much. He sees a lot in me, but. I thank you for
14 that. And I just wanted to share a little bit of that it is, what it actually is.

04:01PM

04:02PM

15 You know, and there's just so much more to talk about and to
16 share with you. Everything looks fine and dandy but you didn't -- you
17 don't need a cover coat -- I'll tell you just the way it was. And to this
18 day, we're still the same. And we're still doing what we can for ourself.
19 It's very fortunate -- it wasn't for our argument. They never gave us any
20 capacity. We wouldn't have Jane sitting with us if we didn't have the
21 resources. I've asked for this year after year, everybody travelling, the
22 Review Board is the first time they come into our community, we talk
23 directly to them, ask them specific questions. The first time
24 infrastructure or anybody came into community. So everybody talking
25 about what Wrigley doing, position they have, and we're the bad guys.
26 That's no problem. I don't mind being the bad guy. I've been bad guy
27 all my life. But that's the situation you bring to Indigenous communities,

04:02PM

04:03PM

1 these people, and then you want us to be fine with it, to just accept the
2 norm. Is this the norm?

04:04PM

3 So I'm just going to -- a lot of other things. Business, economy,
4 they'll talk about all there. But there was a number of things that we
5 also had programs on traplines, you know, just to alleviate after the --
6 you had capacity building workshops prior to the highway opening , and
7 we had social events. And you know, we had business initiatives that
8 was developed and the company was running well, and the
9 government, you know, provided us with necessary contracts,
10 maintenance contracts, and they even pulled that out of us too, so our
11 company as a community -- and I understand the individual and the
12 collective rights, okay. And the white man world, you deal with
13 individual rights, okay. Because every individual has a right.

04:04PM

14 Indigenous, if you haven't heard, it no. It's more of a collective thing.
15 [Indigenous language spoken]. We don't talk about one self.
16 [Indigenous language spoken]. So when I speak, I don't speak for
17 myself. I speak for my children and my grandchildren and those
18 unborn.

04:05PM

19 So that's not a frame of thinking that government does. Their
20 brain only goes from one year to maybe five years and then ten years.
21 That's as far as it goes. But as an individual, you got more to look at.
22 But it's policy driven, legislation, that Indigenous people need to deal
23 with. And I won't stress it enough if you put the resources to the
24 communities, I think our people would be more kosher and more
25 acceptable and more engaged in a positive way. This way, you don't
26 have me coming back here. Mahsi.

04:05PM

04:06PM

27 ALAN EHRLICH: Mahsi cho, Tim Lennie. Thank you for that.

1 And now we're going to have a follow-up by Chief Moses from Pehdzeh
2 Ki First Nation.

04:06PM

3 CHIEF JAMIE MOSES: All rights, I just want thank Tim Lennie there. He
4 hit a lot of points right on. And one of the things that when we took over
5 our leadership there, it was this whole Mackenzie Valley Highway
6 project was thrown at us, and so we were trying to decipher and trying
7 to figure out what we can do and what we're thinking when we're looking
8 down the road is we want to be self-sufficient. We want to be

04:07PM

9 independent. We don't want to be dependent on the government
10 anymore. So we were looking at the business opportunities, and the --
11 so we were kind of excited about it and, yeah, let's fight for this, right.

12 But once we got further along, we started getting into this technical stuff
13 here, and it's very important and it's opened my eyes to a lot of things.

14 And one of the thing is we can't even get -- we got nothing guaranteed.

04:07PM

15 Our goal is to build capacity and be independent and have some dignity.

16 But right now what we're seeing it's going to be tough. And so our
17 economic arm is struggling. And we want that to succeed. And we

18 want the capacity. I keep saying capacity, right. And right now, like I
19 said yesterday, we have no guarantees and right now it's still no

04:08PM

20 guarantee. Government's not giving us any guarantees, oh this is going

21 to be -- you guys are getting this work, you guys are getting this, you
22 guys are getting that. We're not getting anything right now. And that's

23 what Tim was saying, and that's what I'm reiterating that's what I'm
24 saying, you know. We came into this thinking that we can -- we can

04:08PM

25 prosper off of it or not so much prosper but, you know, develop and gain

26 some -- gain some capacity again, right. And it's hard. So to move

27 further and if -- we what we really want, yeah, is the economic

04:08PM

1 opportunities. We want that economic reconciliation, like I said, to be
2 independent financially, not to be a financial burden on anybody. And
3 right now, we're not getting any guarantees out of this. And it's hard to
4 listen to. And it's hard to hear. And so many gaps, especially on the
5 economic assessment, so much gaps that we're hearing about. And it
6 needs to be sorted out, and I don't know if this should be rushed. And
7 I -- and one of the thing is, and Tim talks about it too, you know, we
8 have family up in the Sahtu, right. We hear their pleas, we know exactly
9 what issues they're facing with the high cost, the low water, it's just -- it's

04:09PM

10 multiple. It's multiple challenges that they face and we feel it too, but at
11 the same time this is our -- this is our inherent right. This is our land.

12 This is Pehdzeh Ki. This is not GNWT-deh. So we have to protect it.
13 We have to protect our rights. We have to protect our water. Because
14 that's -- that was there for -- our Elders left that there for our -- for us.

04:09PM

15 And that's why we're using the traditional knowledge to our benefit
16 today. Not so much our benefit but to try to protect our rights, inherent
17 rights, or land, our water.

04:10PM

18 So one of the things is, yeah, it's -- we were looking ahead and
19 we were looking for is, yeah, trying to find the capacity and try to be
20 independent, try to be -- try to do what we want and feel what's
21 important to us. And if this is the -- this is the only project that we have
22 up ahead, then we were, yeah, thinking about how could we maximize
23 our benefits from it. But right now it's tough, right. We're not getting
24 anything there. It's like we'll see, we'll see. But the common theme I'm

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25 hearing from GNWT is oh we'll make a plan to make a plan, right. It's
26 just frustrating. So to go forward and really move forward, we really
27 need to hear concrete something on paper saying okay, yes, PKFN, you

1 get this work, PKFN you'll get this, right, or Sahtu you'll do this, you'll do
2 that. We need more concrete answers and we're just not getting them
3 right now. And to move further ahead it will be really tough.

04:10PM

4 And so, yeah, that was just one of my -- I just wanted to fill
5 everybody in here. That was our goals, our desires, was to try to
6 maximize the benefits from this road but it's just, it's just like, you know,
7 we're not going to be getting much out of it. There's no guarantee that
8 Wrigley's gonna be getting this work. And the prime example is what
9 we've been talking about, traditional knowledge and where to place
10 bridges because bridges has been a big common theme. We have
11 Smith Creek to the south of Wrigley, it's sliding away. It's like this now.
12 Trucks can't get a run at it from the north. It's dangerous. But in order
13 for them to fix it, we have to sign a paper with GNWT that says oh, it's
14 part of the winter road and we support it -- or part of the Mackenzie
15 Valley Highway and we support it. No, we don't.

04:11PM

16 Well, we support the highway, but we don't support the
17 alignment. So these are the things that are tying our hands again. And
18 it's just frustrating. Why can't they just say like okay, that's why we're
19 gonna have a meeting here with the Premier and Infrastructure Minister.
20 And just talking about Smith Creek and that work and trying to secure it
21 because like I said, we need the capacity. We want that capacity. We
22 want to be financially independent. We don't want to be begging GNWT
23 for a little bit of money just to do our own studies, right. So this is all
24 part of, you know, regaining our dignity. This all part of reconciliation to
25 me. Reconciliation is not just saying sorry in Ottawa. Reconciliation is
26 giving us opportunities and especially opportunities on our own land.
27 We're not talking about oh, we're gonna go over to somebody else's

04:12PM

04:12PM 1 territory and expect all this work and all this from them. No. This is on
2 our -- this is our back door so that's why -- that's the point I wanted to
3 make there, that at the end of the day, we want to maximize our
4 opportunities, become financially independent. But right now, there's
5 just no guarantees of that, we're not getting any guarantees that we're
6 going to be fully participants, like full-time participants. So it's
7 something we need to hash out. We have to work on there. And I think
8 we can, but right now it's just -- it's frustrating, right. We're not hearing
9 what we need to hear. We're not given any sort of concrete plans and
04:13PM 10 saying, hey, yes, yes, you will get this. Yes, you will get this. Like Tim
11 said, you know what, a lot of promises were made -- a lot of things
12 given to us before but then they were all taken away again, right, so.
13 Like RCMP, I remember when there was RCMP in my community. I
14 remember when there was a nurse. There was a lot of people. And
04:13PM 15 now it's not the same. So we've lost a lot of capacity and we lost -- I
16 don't know if we lost it but there's definitely a lot of dignity we can
17 regain. And we can be -- we can be independent, I think, but right now
18 it's just not happening that quickly. And we need it to happen. We
19 need to hear the things -- things like okay, this is your land, yes. You
04:13PM 20 have the first right to this opportunity, this work. If you don't want it,
21 fine, we'll get somebody else. But we need to start going in that
22 direction. And right now, we're not hearing -- at least I'm not hearing
23 anything concrete or good, right.

04:14PM 24 So that was -- that was -- so that's my plan there. I mean, that's
25 my message there is that we're not hearing what we want to hear. And
26 like I say, we're not here to stop this or anything but we definitely want
27 to realign it just because of our traditional knowledge. That's what was

04:14PM

1 given to us, so we have to follow that knowledge and that's -- then that
2 tells us, you know, go to the higher ground, stay away from the low
3 water areas where all the moose and all the ducks are. All our burial
4 sites, all our traditional use areas are all down there on the low area, so
5 let's go higher. Let's open up the views.

6 So that's what I wanted to say.

04:14PM

7 And just in closing there, Kalo Stantec made a comment this
8 morning that really didn't sit well with us, and the was the one-kilometre
9 corridor -- or not, sorry, not the one-kilometre corridor but they said they
10 didn't go to close to the Mackenzie River. Are you kidding me? Every
11 bridge along that current route, you can see the Mackenzie. When I
12 was a truck driver and heavy equipment operator, we did the fiber optic
13 line. A truck rolled over at Vermilion Creek, a fuel tanker and the
14 Mackenzie's right there. We were just lucky that it didn't spill. Like, we
15 didn't have no spills and the driver was okay, thankfully, too. But that's
16 how close we are. And then they cannot say that it's not close to the
17 Mackenzie River. You're frigging one-kilometre corridor goes to the
18 middle of the Mackenzie, or maybe even right across the Mackenzie
19 because the Mackenzie I don't think it's that wide. But to say that they're
20 not close to the Mackenzie, they are really, really close. And that's all I
21 have to say. Thank you.

04:15PM

04:15PM

22 MARK CLIFFE-PHILLIPS: Mahsi, Chief Moses. Just in terms of some of
23 the comments, I wanted to reflect back on some of what Tim Lennie
24 said.

04:16PM

25 As far as what ended up happening through the MGP process,
26 that [inaudible] for all authorities. Going back to the referral authorities
27 of Wrigley, I think that's a little deeper question going back to the local

04:16PM

1 governments do have authorities to refer projects to environmental
2 assessment, but it relates back to communities that are formed under
3 Northwest Territories legislation. So it doesn't have to be incorporated,
4 but it does state that it does need to go through some -- the way that --
5 I'm not a hundred percent certain of the legislation around the
6 Municipalities Act or whichever they have, but that might be a question
7 back to GNWT. A lot of what we've heard through both Chief Moses
8 and what Tim Lennie had mentioned relates back to sort of the
9 maximizing benefits side. So in the key lines of inquiry, we describe

04:17PM

10 that the -- we're looking at the economic and social conditions within the
11 environmental assessment, but again, the terms of reference goes back
12 several years. In many of the more recent environmental assessments
13 and similar considerations is about minimizing impacts, socio-economic
14 impacts, while maximizing benefits. So maybe just in light of what

04:17PM

15 we've heard from Pehdzeh Ki in the last comments, if GNWT could
16 explain how and when they may provide greater certainty on the
17 maximizing benefits to communities like Wrigley and Pehdzeh Ki and is
18 there a process that will be developed in front of the end of this EA so
19 parties who are going to be providing their final comments on the
20 impacts of the project have the ability to meaningfully consider how this
21 project will be able to maximize benefits.

04:18PM

22 SETH BOHNET: Seth Bohnet, GNWT. Thanks for that, Mark.
23 And thank you both to Tim and Chief Moses for your comments.

04:18PM

24 So from the GNWT perspective at this point in time, again, we
25 have and continue to work directly with the PKFN to explore
26 opportunities to, A, you know, help support your participation and
27 exchange information to ensure that we're informing this project, both

1 from a design perspective as well as with regards to potential impacts to
2 the community and the mitigations that we've outlined and proposed.
3 So over the four years that I've been involved in the project, I know that
4 we've had several -- we engage regularly, and we talk regularly and I'm
04:19PM 5 grateful for that. We have provided funding in the past for resources in
6 the community, on the ground, to help with engagement activities and
7 help us exchange information. We continue to discuss opportunities to
8 leverage that moving forward and improve that moving forward.
9 Specifically with regards to what we're planning to do moving forward to
04:19PM 10 ensure that there's additional benefits and opportunities, not just for
11 PKFN but for all the Indigenous governments again, is that
12 establishment of that corridor working group. So, again, that provides a
13 forum for us to exchange additional information and work collaboratively
14 on the development of the various plans that we're proposing.

04:20PM 15 So I hear loud and clear there's concern and there's a need to be
16 having conversations about how this project can benefit Indigenous
17 governments from an employment perspective, from a training
18 perspective, from a business opportunity perspective.

04:20PM 19 I'm not going to come in here and say this is what we're going to
20 do. What I want to do is say, okay, how can we work together to do
21 this, and that's what the approach is that we're outlining, right. So we
22 have and we continue to commit to working with you to identify those
23 opportunities. I, personally, outside the GNWT realm, want to see and
24 ensure that the maximum benefit is going to the Indigenous
04:21PM 25 governments, the residents in the Northwest Territories. I've been in
26 the Northwest Territories my entire life. I'm of Indigenous descent. I've
27 lived in small communities. I know the realities of what we're talking

1 about so from a personal perspective, I'm also invested in this. I want
2 to see this happen. I want to see it happen the right way.

04:21PM

3 The mitigations, that the GNWT has put forward, again, are
4 mitigations to develop and work collaboratively together moving forward.
5 I'm the first one to stand up and say, I hear you, let's sit down and talk
6 about this. You want to know how you can have direct business
7 opportunities. Well, let's sit down. We haven't awarded a contract yet
8 for construction. We don't have the funding yet for construction. But
9 we can sit down and we can talk about what are the types of jobs we
10 are going to have. We have proposed to do that. What are the types of
11 business opportunities that are going to come. Well, let's sit down and
12 talk about that. We can talk about that. We proposed to do that.

04:21PM

13 What we've said, and the piece that I have to reiterate, is these
14 are mitigations that we've proposed for the construction of the project,
15 and we don't yet have a decision to advance the construction. We
16 haven't yet completed the environmental assessment, and we don't yet
17 have funding to do the implementation. But what we can continue to do
18 is talk about how we're going to inform that. So there's still opportunity
19 to say that what the GNWT has proposed as a mitigation is not
20 acceptable or needs to be improved or needs to be adjusted. And that's
21 where we want to work with you, and that's where there is, again,
22 ongoing engagement right now, both on the socio-economic and the
23 wildlife and environmental effects, and there's every opportunity to
24 continue to inform the project and the mitigations and the monitoring
25 that would come after it. And I'm the first one to say I am eager and
26 open to having those conversations.

04:22PM

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04:23PM

27 ALAN EHRLICH: Thanks for that, Seth. I'm glad the

1 conversations are going forward, but the timing matters. The outcomes
2 of those conversations are relevant to whether or not this project is
3 likely to cause significant adverse environmental impacts on people as
4 well as on the land, and that is something that the board has to decide.
04:23PM 5 If you can have those conversations before, say, making your DAR
6 addendum, the board will consider those. But if the board finds that will
7 are likely to be adverse impacts on people or on the land and they don't
8 see what they view as credible mitigations, then they're going to listen to
9 what you think about them and they're also going to listen to what the
04:24PM 10 parties think about that, and then the board is going to prescribe its own
11 measures to make sure that those impacts are not significant or not
12 likely to be significant when the project goes forward. If I was a
13 developer, I would prefer to have the autonomy of being able to come
14 up with solutions that work well for all parties including you, as the
04:24PM 15 developer who is going to presumably construct and operate the
16 project, as opposed to holding back and seeing how the board would
17 prefer to resolve this and the discussions that you're having beforehand
18 are a good opportunity to get there. So the communicating and going
19 beyond 'we'll talk about it and see what comes up' but coming up with
04:24PM 20 something concrete, the timing matters, because of the timing of the
21 board's decision. If this stuff comes up after the board's decision, there
22 may be a lot of measures that are intended to address these things that
23 haven't gotten addressed in the meantime. But between now and then,
24 there's a golden opportunity where I'm hearing from different groups
04:25PM 25 inside the room that they want to move forward on this stuff, and they
26 want to know where they stand before -- well before construction starts,
27 right. And I would just encourage everyone to really try to use that

1 opportunity, and if I was the developer I would also really try hard to
2 make the most of that. Thanks.

3 SETH BOHNET: Seth Bohnet, GNWT. Thanks for that, Alan.

04:25PM

4 And, again, I would add to that that the mitigations that we've outlined in
5 the developer's assessment report are reflective of the engagements
6 that we've had to date and the work we've done collaboratively to date.
7 And, again, as outlined in the Review Board's process and our timeline,
8 we are open to continuing and looking how to refine them to make them
9 better. We're ready and willing.

04:26PM

10 ALAN EHRLICH: No, I hear you, I understand. Just give us
11 30 seconds to figure out what happens for the rest of today and then
12 tomorrow. Because we are just looking at the schedule, we know that
13 there is still a fair bit of ground to cover, and we want to make sure that
14 we can do this in a way that lets us hear from everyone on all the topics
15 that we've gotta hit. Just one second, please.

04:26PM

16 Okay, we're just trying to figure out how to make the most
17 productive.

04:28PM

18 Look, there's clearly -- we know there's a bit more on
19 socio-economics to do. Dól̨n̨ Got'̨n̨ Government has said that
20 they've got some. I know PKFN has at least one more question on
21 socio-economics, but we also know that traditional land use and
22 harvesting are very important topics. What we're going to do is keep on
23 going now, just see how far we can get today but still committing to
24 stopping this session at 5. All of you have been listening intently now
25 for two eight-hour days to the same thing, and I just want people to be
26 in mental shape to be able to make the most of the opportunity we've
27 got.

04:28PM

04:28PM 1 Between now and 5, we'll do a little more of that. We're also
2 going to go over some of the questions that people said they could get
3 back to us with, to see who's got answers to what today. And then
4 tomorrow, we'll probably have a little bit of socio-economics left to start.
5 And then around 9:30, 10, I said, looking over at the developer's,
6 around 9:30 or 10, we're going to start with the cultural, traditional land
7 use, and harvesting impacts. So I just want to make sure we've got
8 everyone in the discussion. We're going to need to have meaningful
9 answers to the questions I know that parties are going to have.

04:29PM 10 My plan is to put a little bit of a squeeze on the air quality, noise,
11 vegetation topic, which is supposed to happen Thursday afternoon.
12 We'll still have time to do it, but I'm going to ask parties to really
13 prioritize your questions by that point because we need enough time for
14 a serious and robust discussion of impacts on culture, harvesting, and
04:29PM 15 traditional land use. And John Nishi, we want our caribou and moose
16 guy around for that. So if we get through tomorrow, we're good? Thank
17 you for rebooking your flight. Great.

04:30PM 18 Okay, Todd, how about we go back to you for a couple more
19 questions, and then PKFN. And then time permitting, we'll go through
20 the outstanding information items, okay? In that order. Does that work
21 for everyone?

22 Thank you for bearing with the slight adjustments to the
23 schedule. We think this will give you the most bang for your buck. All
24 right. Take it away, Délı̄nɛ́ Got'ı̄nɛ́ Government.

04:30PM 25 TODD SLACK: Todd Slack here. And I'll go as quickly as I can
26 and indulge the GNWT to help me with my paraphrasing. A couple
27 issues.

1 We dropped off on discussing page 9-161 and the ask was to the
2 GNWT if they can undertake to take this away for whatever use of that
3 deadline, undertaking deadline for, and look at the bullets there and
4 identify which ones cannot be updated, they lack information, and which
5 ones can be done for the DAR addendum is I think is what would be
6 ideal.

04:30PM

7 ALAN EHRLICH: Todd, can you just bring us back. You started
8 talking about a bullets. There was a reference to a section. They're
9 looking at the section, but we're not. These were bullets for what,
10 again?

04:31PM

11 TODD SLACK: So 9.7.4, it's page 9-161, and this is the
12 contractor training and employment plan. The bullets are some of the
13 items that will be in that plan. And when we read this, it seems like a lot
14 of these are doable now, and it doesn't -- and should have been here for
15 the DAR with the next best opportunity for them to be provided in the
16 DAR addendum. So the ask is which ones can they do, which ones do
17 they lack information for, and do they commit to providing that for the
18 DAR addendum?

04:31PM

19 ALAN EHRLICH: So the ask of those bullets is are you guys
20 ready now? You've had this over the -- I can't remember if it was lunch
21 or just the break -- but to look at. Are you able to say which of those
22 now you're able to respond and commit to now, which you're not, which
23 you need more time, or would you rather take it away, and we'll revisit it
24 tomorrow morning?

04:31PM

25 SETH BOHNET: Seth Bohnet, GNWT. So thanks again, and I
26 apologize in the delay in getting back to you, Todd. I have taken a look
27 at that list that you're referencing. The list outlines mitigative measures

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1 that we would anticipate of course would be included in that contractor
2 training and employment plan. At this stage, they are proposed
3 mitigations that would be implemented to help in advance of
4 construction. We do not yet have the financial capacity to implement all
5 of those activities as proposed for the project because we don't have
6 the construction funding yet. So at this point in time, we don't have the
7 ability to undertake them as steps in advance. The other piece that I
8 would reference with it -- or two more pieces.

04:33PM

9 One is specific to the fact that the intent is to work with the
10 various IGOs to ensure that these are both appropriate and have their
11 input in them as we move forward in the development of that plan. So
12 that activity hasn't been done, I'm thinking, yet. So the third piece -- I'm
13 sorry, I'm rambling on again.

04:33PM

14 The third piece is, again, with regards to timing. So these
15 mitigations are, again, specific to mitigating the impacts of this project
16 and maximizing the anticipated benefits. Without, again, a firm financial
17 commitment for construction, it's difficult for us to undertake that work
18 and maintain the relevance of that work until we know construction's
19 going to advance. So it's difficult for us to establish a baseline

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20 employment condition in a community today for a project that may not
21 advance or go to construction for 5, 6, 7, 10 years. So it's easier for us
22 once we have confirmation of construction's prepared to advance in a
23 year, which is what we proposed, is to do this work a year in advance,
24 then it's relevant to that project specifically. I hope that makes sense. I
25 apologize if I'm rambling around.

04:34PM

26 ALAN EHRLICH: No, I mean, I think I understand what you said.

27 Todd.

1 TODD SLACK: We'll move on. Déljñę, when we had a look at
2 these, a number of them could have and should have been completed
3 relative to the terms of reference but you guys disagreed, so we'll move
4 on.

04:35PM

5 I'm going to paraphrase one of our lines of inquiry, and I am
6 wondering if GNWT will just agree if I paraphrased their answers -- their
7 perspective/answers correctly and if not, they'll correct me.

04:35PM

8 So 7.2.1-2 discusses human safety, which the project believes
9 will have significant effects. So the questions were they don't believe
10 that a measure is necessary to address the significant effects. In this
11 case, they're going to develop two plans, the road safety plan and a
12 safety and security plan for vulnerable community measures. There's
13 no other additional specific mitigations to address these impacts.

04:35PM

14 And then the GNWT is not prepared at this point to say that they
15 are willing to provide additional resources should the working group
16 outcomes require it. These are essentially the same questions as you
17 already had, so that's why I'm attempting to paraphrase your answers in
18 light of time. Is that a fair statement?

04:36PM

19 ALAN EHRLICH: GNWT, does that fairly summarize the
20 information you've provided?

21 SETH BOHNET: Seth Bohnet, GNWT. Again, I apologize, Todd;
22 I'm a little foggy today.

04:36PM

23 So specifically, around the idea of measures, again, the GNWT
24 is of the opinion that where there is significance that we have proposed
25 mitigations. We're of the opinion right now that those mitigations are
26 appropriate. If there's opportunities through additional engagement
27 and/or additional information that comes to light between now and our

04:37PM

1 submission of the DAR addendum, we're happy to make edits or
2 updates to the proposed mitigations. And we're happy to work
3 collaboratively with anybody to do that. Whether or not that mitigation
4 then becomes a measure, again at this point in time the board is the
5 one that determines whether or not a measure is appropriate.

6 I do want to circle back to our previous conversations and reflect
7 on some additional thought and dialogue that we've had.

04:37PM

8 If DGG is looking to work collaboratively with the GNWT to
9 outline a proposal to provide to the board on a measure, then we'd be
10 happy to have some follow-up conversation on that and see if we can
11 work together to do something. My preference, of course, though, is
12 that we can first determine whether or not we can improve the
13 mitigations we've already proposed.

14 ALAN EHRLICH: Thanks, Todd.

04:38PM

15 TODD SLACK: Thanks, it's Todd Slack here. And it's hard to
16 improve the mitigations without having the ability to talk about the
17 mitigations. You just say, hey, we got to wait for the plan. Well, how
18 does that circular logic work? But I need to come back two things
19 here -- unfortunately this is not going to be a quick paraphrase.

04:38PM

20 So I want to focus and sharpen en one of the things you said.
21 You said that we have predicted that there is going to be significant
22 impacts, but then we have proposed mitigations that we believe
23 addressed those significant impacts. Are you saying that the
24 mitigations bring the impacts below a significant threshold, because that
25 is a very important clarification.

04:38PM

26 TIMM ROCHON: Timm Rochon from DPRA. What's the
27 threshold, Todd? That's what I would ask.

04:39PM

1 TODD SLACK: A threshold in this case is a significance
2 threshold. So if you have arrived at a point when you say there will be
3 significant impacts, you have declared there is a threshold but it's not
4 clear what that might be. But then Mr. Bohnet, a second ago, said no,
5 we propose mitigations to address that. And so the question is, does
6 the project believe significant impacts will occur regardless of the
7 mitigations?

04:39PM

8 TIMM ROCHON: Yes, the project -- yes, there will be significant
9 effects, adverse effects, and we've stated that in the DAR.

10 TODD SLACK: You have --

11 ALAN EHRLICH: -- can I just clarify. That's regardless of the
12 mitigations as Todd asked?

04:40PM

13 TIMM ROCHON: In terms of the overall significance of that
14 particular VC, the answer is, no, it is -- it is not deemed as being
15 significant. In terms of one -- one kind of criteria, which is, you know, in
16 this case, for example, social pressures, public safety, we have said
17 that would be significance. But overall, in terms of the VC set, it would
18 not be significant.

04:40PM

19 TODD SLACK: Todd Slack. I don't understand what you're
20 saying. So could you -- I don't know if someone else does. Could you
21 do that in writing perhaps?

22 TIMM ROCHON: Sure, we can do it in writing. I think we already
23 have but we can certainly do it again.

04:40PM

24 TODD SLACK: Well, what I heard is Mr. Bohnet say something
25 different so that's why I'm asking. Okay, in terms of the last thing you
26 said --

27 ALAN EHRLICH: Todd, maybe --

1 TODD SLACK: -- hang on one second. Sorry, who am I to say
2 hang one second?

3 ALAN EHRLICH: Can I just clarify and say yes to Mr. Bohnet.

4 TODD SLACK: Sure.

04:41PM 5 ALAN EHRLICH: I really like this idea of working together towards
6 a measure. And dude, it would have saved a ton of time today if you
7 would have said yes, either yesterday or earlier today. So thank you for
8 getting there. I look forward to an e-mail to schedule this. Let's work
9 together as opposed to let's -- in an adversarial way. Thank you. Sorry,
04:41PM 10 Mark.

11 MARK CLIFFE-PHILLIPS: Mark with the Mackenzie Valley Review Board.
12 Maybe just to follow up with the questions and responses from the
13 GNWT. So what we're hearing is that there's pathways to effects that
14 are significant, but when you aggregate those collectively, you're saying
04:41PM 15 that there isn't a significant adverse effect to that value component as
16 described by GNWT?

17 TIMM ROCHON: Correct.

18 MARK CLIFFE-PHILLIPS: Okay, so that's just the framework I think people
19 were a little confused on that. But I guess when you're making a
04:42PM 20 significance determination in that those individual components, so those
21 pathways, and you've described which ones you determined to be
22 significant, on their own, just to get this correct, after mitigation you
23 would still find a significant impact in those areas?

24 TIMM ROCHON: Yes, correct.

04:42PM 25 MARK CLIFFE-PHILLIPS: Thanks. That's just for clarification. We might
26 have some lines of questioning later to follow.

27 ALAN EHRLICH: And, Tim, we appreciate your candor. Okay, so

1 PKFN, we know you still have got a question. DGG still has a question.
2 PKFN, are you okay with waiting tomorrow and then we will do it with a
3 little less time pressure on you?

04:43PM

4 So in that case, Todd, could you please keep going for a bit, and
5 then in about seven minutes, I'll -- if we're still going, I'll hit the brakes
6 and switch to the outstanding information items we had from today. Is
7 that okay?

8 TODD SLACK: Todd Slack, seven minutes, okay.

04:43PM

9 The next question relates to training. And, again, out of the
10 terms of reference, it talks about measures, plans, commitments for
11 maximizing hiring for Aboriginal employment and businesses. And then
12 it also talks about -- 11, sorry.

04:43PM

13 So there's a lack of information in the DAR. This is not news.
14 And can so one of the things we want to talk about now, given that
15 there's a seeming ability to work together, is to talk about local and
16 training programs.

04:44PM

17 GNWT has said that they're not going to offer training programs
18 directly, that they will follow a model similar to what is used [inaudible]
19 where the contractors will be doing this. The first thing I want to talk
20 ability within this is the timelines again. And so as part of the DAR, it
21 talks about the willingness in exploring the feasibility of building
22 workshops in each community. Délı̨ne is very much in favour of this.
23 This is a constraint to offering programs that suit the kind of program
24 we're talking about. The project's response to that was no, without any
25 explanation. You know, the feasibility has been explored for Délı̨ne, and
26 it's no. So I would very much like to know about that.

04:44PM

27 Our training and HR folks, career folks, they got together and

04:45PM

1 they want to offer some suggestions here as well. So things like
2 certifications that extend beyond Délıne. You know, right now you can
3 go get your Class 1, Class 3, but it only works in Délıne. So to be able
4 to work on this project. So, that's a long-term thing because it involves
5 MOT and God knows what else. And making decisions is hard.

04:45PM

6 So in terms of getting at the data and the information needed to
7 evaluate this training program -- or the training opportunities, it would be
8 nice to know the types of skills, you know, essentially the labour study
9 that I think Mr. Clinton was talking about, to be able to guide these
10 things, and getting this information out well before even the contract --
11 and this is one of the reasons behind the timeline that's been promised,
12 an updated timeline, with a nominal construction date, so we can start
13 to sequence these things. That commitment is going to be really
14 important for this. And so this is more editorial.

04:46PM

15 If you guys are looking to work on this and commit to that, great,
16 we can do that collaboratively. And then two last items:

04:46PM

17 One of the big concerns out of Délıne is cost of living, and so it's
18 well and good to build this road. It may or may not lower the price of
19 groceries, but it is going to lower the price of freight almost certainly for
20 Tulita and Norman Wells. Délıne is going to remain -- supplied as part
21 of the aerial net, Coville, Fort Good Hope. So the concern -- and we've
22 expressed this for about a year now to the GNWT to no response, and
23 we expressed it as part of our IRs to not a very good response, is okay,
24 that's great that they have trucks now, all-year-round trucks. What's
25 going to happen to the cost of freight for Délıne as the diseconomies of
26 scale are. And once you take Norman Wells, the regional centre, and
27 Tulita, the cost to operate planes per segment per person is going to go

04:46PM

1 up, because the plane's smaller, the flights are less, and Délıne is
2 incredibly interested to know what the outcomes of that are going to be.

3 So the response from GNWT is hey, we will use existing
4 programs. Right now we'd like to know two things.

04:47PM

5 One, has GNWT done any work as asked, you know, going back
6 to early 2024, in terms of seeking to understand the impacts to the fly-in
7 communities; and two, what are those programs that they say exist that
8 will help adjust for increases in freight costs or passenger travel? And I
9 understand it's 4:45. If you want to tomorrow or in the future, happy.

04:47PM

10 ALAN EHRLICH: I'm happy to take the answer now, but then I'll
11 cut you off until tomorrow for the other questions if you've got other
12 questions, okay?

13 So for now, for the last response to Délıne Got'ıne Government,
14 GNWT.

04:48PM

15 SETH BOHNET: Seth Bohnet, GNWT. So the short answer to
16 the discussion piece on freight is, no, that has not been done. And
17 then, sorry, the second part was programs and services that are
18 currently available in Délıne?

04:48PM

19 TODD SLACK: The response to IR -- I can give you the IR.
20 Part 6 I remember that part. Was that hey, if there are increases in
21 freight costs, we will use existing programs. Well, what programs are
22 they? We'd be interested to know. That's the thing to that. And then to
23 the first one, are you going to look at it?

04:49PM

24 SETH BOHNET: Seth Bohnet, GNWT. So I think we can look
25 into. So I will commit to that.

26 And with regards to the specific programs and services, I don't
27

1 have an answer at the moment but I can certainly provide information
2 when we have it.

3 TODD SLACK: Thanks very much.

4 ALAN EHRLICH: Okay, thanks. Now, the last comment of the
04:49PM 5 day, Judith from Fort Norman Metis Community, you've been taking in a
6 lot, and I just wanted to be sure that you have an opportunity if you want
7 to ask any questions in light of the stuff you heard. No pressure, but the
8 opportunity is there, and I didn't want the day to whip past so fast that
9 you didn't get an opportunity to get a word in edge wise amongst, you
04:50PM 10 know, the higher energy discussion that's zipping around the front of the
11 room more. You don't have to ask any questions or comment now, but
12 if you want to, you're very, very welcome.

13 JUDITH WRIGHT-BIRD: Can I do it tomorrow?

14 ALAN EHRLICH: Yeah, tomorrow will be just fine. Okay, thanks
04:50PM 15 for that.

16 So now we're going just change gears a little bit and I'm going to
17 ask senior environmental assessment advisor Catherine Fairbairn to put
18 up and touch base on the -- what is it, the information items that people
19 are going to get back to us on, just to see if anyone has any answers, to
04:50PM 20 the stuff we can get now, or so that you can see clearly where they are
21 tomorrow. Any commitments? And then touch on the commitments
22 that have come up today. Thanks, Catherine.

23 CATHERINE FAIRBAIRN: So we had quite of questions that sort of people
24 couldn't answer on the spot today that we -- that they said they would try
04:51PM 25 to come back with responses to. I've summarized them on these slides.
26 I do have a bit more detail in front of me and I wanted to go through
27 them partly for everybody to remember what they've said they'll come

1 back with and partly to confirm the content, if anything seems a bit off to
2 somebody.

04:51PM

3 So the first one, of course, was right this morning, the GNWT's
4 going to come back with an estimate of when it can respond to the
5 questions that Pehdzeh Ki First Nation submitted in writing last night
6 about the routing.

7 The second one, which came from -- oh, sorry.

04:51PM

8 SETH BOHNET: Sorry, I didn't mean to cut you off. So, again,
9 we have been looking at that list of questions today. There are some
10 that we will be able to provide responses to tomorrow, and we will
11 endeavor to do that, but not all of them. There are some that we will
12 have to provide back in written form.

04:52PM

13 CATHERINE FAIRBAIRN: Excellent, thank you. If there's any others on
14 this list you can respond to now, or anybody else can respond to, that's
15 great, we'll pause after each one. So the ones that you can respond to
16 tomorrow, that's great. Anything that you can't, that will become sort of
17 a more formal undertaking from the technical sessions that you'll follow
18 up on and we'll establish a deadline for based on when you can provide
19 that information. Do you have something to add now?

04:52PM

20 Okay. So the second one was in relation to a question from
21 Environment and Climate Change Canada about the -- and apologize, I
22 did summarize this, I know, quite high level, but the important bird area
23 that we discussed, the full name is in some of my notes and in the
24 transcript. And it was a question about being able to stay within one
25 kilometre and would you consider going outside that one kilometre.

04:52PM

26 SETH BOHNET: Thanks, Seth Bohnet, we will respond to that.
27 Turn it over to Erica quickly.

04:53PM

1 ERICA BONHOMME: Erica Bonhomme, Kalo Stantec. The
2 developer's assessment report has presented the assessment of the
3 residual effects on birds. They're not significant. They're not -- they're
4 mostly of low magnitude and though the project will intersect the
5 important bird area along the Mackenzie Valley, there is no need to
6 relocate that project as a mitigation for effects on birds.

7 And just to clarify, because someone was asking, I can't
8 remember who, for a map of where those areas are, it may have been
9 Jane, I can't remember -- oh, you got it, yeah.

04:53PM

10 So just to clarify, that import -- both of those important bird areas
11 that were referenced, Mackenzie River lowlands and the Bracket Lake
12 area, are both in the Sahtu region.

04:54PM

13 CATHERINE FAIRBAIRN: Thank you, Catherine Fairbairn, Review Board.
14 The third one we got our response to from Environment and Climate
15 Change Canada earlier today.

16 The fourth was for GNWT. It was in response to a request from
17 Pehdzeh Ki First Nation to provide case studies of roads going to
18 similar sized smaller communities, and I think you said you'd come
19 back. Do you have a response now?

04:54PM

20 SETH BOHNET: Seth Bohnet, GNWT. So we've confirmed
21 quickly and what we can do is we can look for and take some time to
22 see if we can locate any and if we do -- or if we can't find any, we will
23 provide them. So we will do that.

04:54PM

24 CATHERINE FAIRBAIRN: Catherine Fairbairn. Thank you. So the next
25 was for CIRNAC. We heard back after the lunch break, I think, about
26 funding.

27 The sixth this was about -- there's quite a bit going on here, but I

1 believe it was a request to provide a commitment related to nursing,
2 mental health, an RCMP officer, and so on, in Pehdzeh Ki. And you
3 were going to follow up at a later time.

04:55PM

4 SETH BOHNET: Thanks for that. So the specific ask today was
5 for us to commit to providing an additional resource, I believe, for
6 nursing and mental health in the community and that's not something I
7 can commit to today. But, again, as part of our engagement moving
8 forward on potential socio-ec work, we're happy to have follow-up
9 conversations.

04:55PM

10 JANE HENDERSON: Jane for PKFN. PKFN understood the request
11 a little differently. The way we heard Alan frame it in the conclusion of
12 that discussion was over lunch -- you know, the request was how the
13 whole of government approach be used to get these services that
14 PKFN, you know, has outstanding requirements for, and we heard Alan
15 say, okay, over lunch go think creatively, how can this be done. We
16 heard you note that the working group exists and will be used, and I
17 think we were expecting that there would be some kind of responses to
18 that question.

04:56PM

19 CATHERINE FAIRBAIRN: Does GNWT have anything in response to that
20 now or would you take that away to provide a response later?

04:56PM

21 SETH BOHNET: Yeah, apologies, Seth at GNWT. I'm
22 referencing to -- I believe there was a specific request this morning for a
23 commitment to resources. I'm not getting the sense that's what you're
24 asking right now. So if you can just clarify, please.

04:56PM

25 JANE HENDERSON: Jane for PKFN. I'm sorry if we're talking about
26 two different things at the same time. It's very close to the end of the
27 day, and this may be on me.

04:57PM 1 So you're right, there was a request for a commitment for those
2 services, and there was also, I think, coming out of your response that
3 that commitment would not be possible in these sessions. There was a
4 request for an explanation for how the whole of government approach
5 could be used to further this which I had understood that Alan had also
6 put forward. If I need to double check and get back to you in two
7 minutes, I can do that so we're not on everyone's time.

04:57PM 8 SETH BOHNET: Yes, if there is a specific question or comment
9 that I'm not aware of, I'm happy to review it. But at this point in time, I
10 was referring specifically to that one.

11 CATHERINE FAIRBAIRN: Just to confirm -- this is Catherine Fairbairn,
12 Jane, are you looking at going back to look at the wording now? Okay,
13 thank you.

04:57PM 14 Why don't we keep going through the list.
15 Number 7 was also for GNWT. This was in response to
16 questioning from Todd Slack about the total money spent, I think on the
17 EA to date. And you were going to come back with an answer.

04:58PM 18 SETH BOHNET: Yes, thank you. Seth Bohnet, GNWT. So the
19 funding spent to date specific to the EA works was received, again, in
20 2018. To date, we've spent \$14.2 million.

21 CATHERINE FAIRBAIRN: Thank you. Next slide, Chuck.

22 So the next -- all of the next ones are also for the Government of
23 the Northwest Territories.

04:58PM 24 Number 8 is about providing more information -- I think it was
25 about the changes in staffing levels and resources following the
26 construction of the Tłıchq All-Season Road.

27 MELISSA PINK: Melissa Pink, GNWT. I don't think Todd was

1 asking about the TASR staffing and funding. I think he was looking for
2 baseline level for the Sahtu.

3 CATHERINE FAIRBAIRN: Can you clarify for us, Todd. Thank you.

04:59PM

4 TODD SLACK: Sure. I was totally drifting off there. Yes, it
5 would be a snapshot of the current funding and staffing in the Sahtu to
6 be able to compare -- have something to compare to later.

7 CATHERINE FAIRBAIRN: Thank you. Does GNWT have an answer now?

04:59PM

8 MELISSA PINK: Can I ask a follow-up question? Melissa Pink,
9 GNWT. When you say funding, like what -- sorry. It's just going to be
10 super hard to come up with funding. Like, are you talking about
11 program support? Funding for people?

05:00PM

12 TODD SLACK: Sorry, if we went back to the transcript, I think it
13 would be a bit -- it would help. But my recollection at the end of the day
14 was that we were talking about specific programs that were going to be
15 accessed as part of one of the specific subgroup plans, and I think it
16 was the wellness and -- the socio-economic monitoring and adaptive
17 sub-management group -- sub-working group. Sorry, I can barely read.
18 So -- and the plans that were accessed under that.

05:00PM

19 And so the idea being, hey, if this is where our mitigations are
20 coming from, that in the future we can look at some value to understand
21 whether there has been any additional resources provided.

22 And it all goes back to that idea in the DAR, hey, our service
23 level now is insufficient as is, before we add on top of that. And so what
24 is it now?

05:00PM

25 CATHERINE FAIRBAIRN: Go ahead.

26 MELISSA PINK: Melissa Pink, GNWT. I will get you what I can.
27 I can't guarantee the level of detail of funding we'll be able to pull out for

1 specific programs delivered in specific regions.

2 And I guess are you talking about the programs that would -- that
3 currently exist that you see us falling under the social, wellbeing, or
4 adaptive management plan?

05:01PM

5 I'm just trying to get -- be able to figure out the right information
6 to get back to you with.

7 TODD SLACK: I hear you. For the sake of everyone, can you,
8 me -- you and I and board staff talk about this?

05:01PM

9 CATHERINE FAIRBAIRN: Thank you. I'm sure everybody will be grateful
10 when we get to go home in not too long. I promise.

11 Catherine Fairbairn. Number 9, I think just to update the wording
12 very slightly, I think it was about can you provide evidence that shows
13 the proposed approach to mitigation for significant effects specific to
14 public safety and social pressures will be effective.

05:02PM

15 SETH BOHNET: I apologize. Which one are you reading?

16 CATHERINE FAIRBAIRN: Sorry. I was updating the wording for number 9.

17 SETH BOHNET: Seth Bohnet, GNWT. That's not one we're
18 going to respond to right now. We'll take that one away.

19 CATHERINE FAIRBAIRN: Okay, thank you.

05:02PM

20 Number 10 is specific to the maintenance projections --
21 maintenance cost projections based on similar projects.

22 SETH BOHNET: We don't have an update at the moment, no.

23 CATHERINE FAIRBAIRN: Okay, no problem. We're just going through to
24 see what we can cross off the list for tomorrow.

05:02PM

25 10 was the one about how long it took to prepare plans and
26 strategies for Tłıchq All-Season Road or for other similar projects.

27 And 12 was about employment data I think by year and whether

1 that was available or where.

2 Do you have an update on either of those?

05:03PM

3 PATRICIA COYNE: Yeah, hello there. Patricia with GNWT. So I do
4 have an update on item number 11, so on the plans and strategies for
5 TASR. So within three months of the completion of the TASR
6 environmental assessment, the GNWT met with the Tłıchq Government
7 to discuss how to implement the EA measures, including the measure
8 directing the GNWT to establish the corridor working group. A draft
9 terms of reference were developed with the Tłıchq Government and the
10 GNWT and then shared with other members of the corridor working
11 group in advance of the first TASR working group meeting that was held
12 in June 2019.

05:03PM

13 So the first TASR corridor working group was officially
14 formed 7 months after completion of the TASR environmental
15 assessment, and the first corridor working group meeting took place
16 eight months after the completion of the TASR environmental
17 assessment.

05:03PM

18 CATHERINE FAIRBAIRN: Thank you. Do you have any information on
19 how long it took the working group to work on any plans or strategies
20 that needed to be in place prior to construction?

05:04PM

21 Okay, you'll come back with that part. Thank you.

22 And no update on number 12 yet; right? Is that correct?

23 Okay. Next slide please, Chuck. All right. Just three more, I
24 promise. What we'll do for the commitments is we'll e-mail them to the
25 Government of the Northwest Territories so you can review the wording,
26 and we can go over them tomorrow on the record with a more
27 confirmed wording. We don't go through those today.

05:04PM

1 So the last three of these sort of outstanding responses, the first
2 one was specific to GNWT ITI. This was from the Délı̨nę Got'ı̨nę
3 Government. So are you satisfied with the level of information available
4 for socio-economic agreements.

05:04PM

5 I know there was a bit more to it than that, but that was the
6 summary.

7 Is there a response at this time?

8 DINAH ELLIOT: I can speak to that one right now before I rush
9 off to see my kids.

05:05PM

10 A public road infrastructure project is not comparable to a
11 diamond mine. ITI reviewed the DAR and is happy with the approach to
12 seeing benefits from the project for residents and businesses and is
13 aware of the conversations ongoing with communities.

14 CATHERINE FAIRBAIRN: Okay, thank you very much. Catherine

05:05PM

15 Fairbairn. The 14th was for CanNor. What role does a highway to
16 Inuvik or only to Norman Wells -- either way I believe was part of the
17 question -- serve in Canada's plan for Arctic sovereignty.

18 SHANNON ALLERSTON: Thanks, Catherine. This is Shannon

05:05PM

19 Allerston with NPMO. We have some really smart policy people
20 working on a response. They are in Ottawa and are working on it for
21 tomorrow morning, so I hope to have it early tomorrow morning.

22 CATHERINE FAIRBAIRN: Perfect. Thank you very much.

05:05PM

23 And, finally, one more for the GNWT which was about the value
24 that the project will have for economic diversification if the reasonably
25 foreseeable developments are limited to within that 15-kilometre
26 corridor.

27 No update on that at this time. Sounds good. We'll come back

1 and touch on some of these as needed tomorrow.

2 Back to you, Alan. Thanks.

3 ALAN EHRLICH: Okay. I almost made my 5 o'clock promise,
4 which means I did not make it.

05:06PM

5 I want to thank everybody for, again, staying engaged and
6 involved and sharing your ideas and thoughts and questions over our
7 second full day of this. We're going to start tomorrow. We will have
8 snacks and coffee and whatnot at 8:30, and then the puck will drop at
9 9 o'clock.

05:06PM

10 We're going to focus for the first bit on cultural, traditional land
11 use, and harvesting, and we will try very hard to get everything wrapped
12 up for 5 o'clock tomorrow so we're not adding any extra days to this.

13 Again, thanks to the transcriptionist, Jenna. Thanks to Martin for
14 the good sound. Thanks to everyone for answering questions. We'll
15 see you all tomorrow. Bye.

05:07PM

16

17 SESSION CONCLUDED

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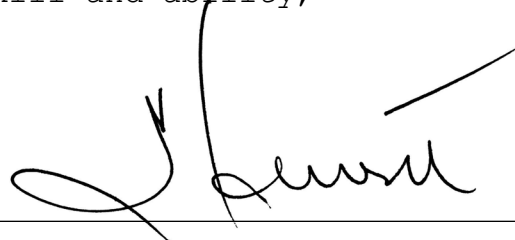
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Certified correct to the best of our
skill and ability,

A handwritten signature in black ink, appearing to read "Lois Hewitt", written over a horizontal line.

Lois Hewitt, CSR(A)
Jenna Mearns, CSR(A)
Court Reporter