

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MACKENZIE VALLEY ENVIRONMENTAL
IMPACT REVIEW BOARD

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

Board:	Richard Edgericon	Chairperson
	John Ondrack	Member
	Fred Koe	Member
	Peter Bannon	Member
	Darryl Bohnet	Member
	Danny Bayha	Member
	Percy Hardisty	Member
	Jerry Loomis	Member

HELD AT:

Dettah, NT
January 14th, 2010
Day 1 of 2

1 APPEARANCES

2 Vern Christensen) MVEIRB

3 Martin Haefele)

4 Tawanis Testart)

5 Nicole Spencer)

6 Alan Ehrlich)

7 John Donihee) Board Counsel

8 Paul Falvo) Board Counsel

9 Paul Mercredi)

10 Sunny Munroe)

11 Aleksey Naumov) Board Consultant

12 Bruce Stewart) Board Consultant

13 Richard Browne) Board Consultant

14 Anne Gunne) Board Consultant

15 Petr Komers) Board Consultant

16

17 Chief Steven Nitah) Lutsel K'e First

18 Elder Antoine Michel) Nation

19 Elder George Marlowe)

20 Tracey Williams)

21 Archie Catholique)

22 Felix Lockhart)

23 Florence Catholique)

24 Addi Jonnasson)

25 Angie Lantz)

1 APPEARANCES (Cont'd)

2 Desiree Jonnasson)

3 Sayiz Catholique)

4 Jake Basil)

5

6 Tom Vernon) Deze Energy

7 Don Balsillie) Corporation

8 Damian Panayi)

9 Shane Uren)

10 Linda Zurkirchen)

11 Louie Azzolini)

12 Andrew Stewart)

13 Dan Grabke)

14 Jenica Von Kuster)

15

16 Stacey Lambert) Environment Canada

17 Lisa Perry)

18

19 Marc Lange) INAC

20 Erica Bonhomme)

21 Lorraine Seale)

22 Lionel Marcinkoski)

23 Tricea Melander-Forde)

24 Nathen Richea)

25 Don Aubrey)

1 APPEARANCES (Cont'd)

2 Sophia Garrick) Transport Canada

3

4 Bruce Hanna) DFO

5 Rick Garvais)

6 Nicola Johnson)

7 Doug Watkinson)

8

9 Lorretta Ransom)GNWT

10 Kris Johnson)

11 Van Adamczewski)

12 Glen Mackay)

13

14 Arthur Peck)Fort Resolution Metis

15 Tom Unka)Council

16

17 Wendy Botkin) Parks Canada

18 Christian Bucho)

19

20 Dean Carter) Carter Family

21 Jean Carter)

22

23 Robert Sayine) Deninu K'ue First

24) Nation

25

	TABLE OF CONTENTS	
		Page No.
1		
2		
3	List of Undertakings	6
4	Opening comments	7
5		
6	Presentation by Deze Energy Corporation Ltd.	15
7	Question Period	42
8		
9	Presentation by GNWT	128
10	Question Period	133
11		
12	Presentation by Lutsel K'e Dene First Nation	162
13	Question Period	210
14		
15	Comments by Chief Eddie Sangris	219
16		
17	Presentation by Parks Canada	221
18	Question Period	228
19		
20	Public Statements:	
21	Sheryl Grieve - North Slave Metis Alliance	243
22	Todd Slack - YKDFN	252
23	David Connelly - Avalon	257
24	Mayor Gordon Van Tighem	267
25	Certificate of Transcript	271

	LIST OF UNDERTAKINGS	
1		
2	NO.	PAGE NO.
3	1	
4	To provide a comprehensive list	
5	of commitments by January 29th at	
6	3:00 p.m. local time	82
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 --- Upon commencing at 9:22 a.m.

2

3 THE CHAIRPERSON: Good morning, ladies
4 and gentlemen. Before I start this meeting, it's always
5 good that we start the meeting with an opening prayer.
6 And after each meeting and each day, I like to close a
7 meeting with a prayer.

8 So before I go into my comments, I'm going
9 to ask an Elder from Lutsel K'e, George Marlowe, to come
10 up and say a prayer to open this meeting.

11

12 (OPENING PRAYER)

13

14 THE CHAIRPERSON: Thank you, George
15 Marlowe for doing the opening prayer. Mahsi.

16 I'd like to call the Public Hearing to
17 order. It's 9:27 and I'm going to do my opening
18 comments. But I was going to ask if one of the
19 leadership that were here to do welcoming comments but I
20 don't see them here now -- anyway, I'm going to continue
21 on here.

22 For most of you that don't know, my name
23 is Richard Edgericon. I'm the Chair for the Mackenzie
24 Valley Impact Review Board.

25 Deze Energy has applied for a water

1 licence and a land use permit for a proposed expansion of
2 the Taltson Twin Gorge Facility Hydroelectric Dam north
3 of Fort Smith. The project may provide an alternate
4 energy source for the diamond mines operating in the
5 North Slave and will include a 690 kilometre transmission
6 line through Akaitcho Region. The proposed Taltson
7 hydroelectric expansion project was referred for an
8 environmental assessment by the Mackenzie Valley Land and
9 Water Board in October of 2007.

10 We have reached one of the final stages of
11 the environmental assessment which is the public hearing.
12 Today, the Board wishes to hear the views and opinions
13 that the parties or members of the public may have
14 regarding this proposed development. Over the course of
15 the next two (2) days, we ask that you do your best to
16 help the Review Board to understand your views about the
17 proposed development, potential economic, social, culture
18 effects, and the potential significance of these events.

19 The Review Board will full consider these
20 views while deliberating on its decision on this
21 environmental assessment. Once the decision is made, the
22 Board will write it down in a report of their
23 environmental assessment and send it to the Minister of
24 Indian and Northern Affairs for acceptance.

25 Before we go further, I would like to

1 introduce our Board Members and then introduce our staff
2 and counsel. So I'll go from my far left and I'll get my
3 Board Members to introduce themselves and then my staff.

4 MR. JOHN ONDRACK: Good morning everyone.
5 I'm John Ondrack. I reside in Yellowknife and I'm
6 appointed to this Board by the GNWT, or nominated, shall
7 I say. And I'm very pleased to be here with my
8 neighbours for this Hearing. Thank you.

9 MR. FRED KOE: Mahsi. Good morning. My
10 name is Fred Koe and I'm a appointee of the Gwich'in
11 Tribal Council.

12 MR. PETER BANNON: Good morning. My name
13 is Peter Bannon.

14 THE CHAIRPERSON: My name is Richard
15 Edgericon, again. I'll go to my right.

16 MR. DARRYL BOHNET: Good morning. My
17 name is Darryl Bohnet. I live in Yellowknife and I was
18 appointed by the Federal Government.

19 MR. DANNY BAYHA: Good morning. My name
20 is Danny Bayha and I'm from the Sahtu, a nominee of SSI,
21 and I'm pleased to be here as well. Thank you. I'm from
22 Deline, as well.

23 MR. PERCY HARDISTY: Yes, good morning.
24 My name is Percy Hardisty. I'm from Fort Simpson, Tliche
25 First Nations appointee.

1 MR. JERRY LOOMIS: Good morning. My name
2 is Jerry Loomis. I'm from Norman Wells and I've been
3 appointed by the Government of the Northwest Territories.

4 THE CHAIRPERSON: Thank you. Then I'll
5 go to my staff behind me, probably starting off in this
6 corner over here.

7 MS. NICOLE SPENCER: My name's Nicole
8 Spencer. I'm environmental assessment officer.

9 MS. TAWANIS TESTART: Good morning. My
10 name is Tawanis Testart and I'm an environmental
11 assessment officer with the Mackenzie Valley Review Board
12 and I am the lead on this file.

13 MR. ALAN EHRLICH: I'm Alan Ehrlich,
14 senior environmental assessment officer.

15 MR. JOHN DONIHEE: My name is John
16 Donihee. I'm Board counsel.

17 MR. PAUL FALVO: Paul Falvo, co-counsel.

18 MR. VERN CHRISTENSEN: Vern Christensen,
19 Executive Director.

20 MS. SUNNY MUNRO: Sunny Munro,
21 Communications Manager.

22 MS. ANNE GUNN: Anne Gunn, and I've been
23 asked to help the Board with barren-ground caribou.

24 MR. BRUCE STEWART: Bru -- Bruce Stewart.
25 I'm an aquatic advisor for the Board.

1 MR. ALEKSEY NAUMOV: Aleksey Naumov,
2 advising the Board on hydrology.

3 MR. PETR KOMERS: Petr Komers, advising
4 the Board on wildlife ecology.

5 MR. RICHARD BROWNE: And Richard Browne,
6 advising the Board on geotechnical and dam issues.

7 MR. PAUL MERCREDI: Paul Mercredi, with
8 the Review Board.

9 THE CHAIRPERSON: Thank you. Next I'd
10 like recognize our recorder is Wendy Warnock, who is
11 going to be recording everything we say. And I just want
12 to mention that when you do speak, you mention your name
13 and who you represent, and you speak through the Chair.

14 To continue on, the Review Board is a co-
15 management body established by the Mackenzie Valley
16 Resource Management Act that makes its decision by
17 consensus. Our members are northerners nominated by the
18 First Nations and by the Territorial and Federal
19 governments. Our goal is to make decisions that will
20 benefit the North for all residents and the future
21 generation.

22 I have some additional comments on today's
23 proceedings that I hope will help make sure everything
24 goes smoothly. We have limited time and the Review Board
25 wants to hear what everyone has to say.

1 Please note that there is an agenda for
2 the Hearing which is available at the door. I ask that
3 everyone respects the time allotted for their
4 presentation and questions and use their time
5 effectively.

6 The Review Board will be producing an
7 official transcript of this Hearing. The transcript will
8 be available through our website and a public registry
9 for this environment assessment.

10 Parties should be aware that they will be
11 invited to ask questions in turn after each presentation.
12 The order of questions will follow the order of
13 presentation. After party questions, I will invite
14 questions of staff, counsel, experts, and members of the
15 public. Please address all questions through the Chair.

16 Deze Energy will give their presentation
17 first. After they have given that presentation, we'll
18 have scheduled a generous amount of time to allow the
19 participants to ask questions.

20 The order of the questions after each
21 presentation will be as follows. I'll be asking
22 questions from the GNWT, NRCan, Lutsel K'e Dene First
23 Nation, DFO, Environment Canada, Deninu K'ue First
24 Nation, Fort Resolution Metis Council, Carter family,
25 Transportation Canada, INAC, Member of the Public, then

1 the Review Board, and finally, staff, counsel, and expert
2 advisors.

3 Anyone here today is welcome to speak or
4 ask questions during the designated period for public
5 questions. Please identify yourself to one of our staff
6 so they can help you. Questions may be asked with a
7 microphone so that everyone can hear and the transcribers
8 can properly record it. We have simultaneous translation
9 in both Dogrib and Chipewyan on your headsets.

10 You can hear English on channel 2, Dogrib
11 on channel 4, and Chipewyan on channel 6. I ask that you
12 speak slowly and clearly for the interpreters.

13 So with that I'd like to -- beginning with
14 the presentation from Deze Energy. Before that though, I
15 just want to make mention that we've -- just a little bit
16 housekeeping items. I ask that when we come into a
17 Public Hearing that we shut off our cell phones or put
18 them on -- on quiet so that we don't disrupt the
19 proceedings. And at the same time when people are doing
20 their presentation, I ask that we be very respectful of
21 each and other, and that I think everybody here has an
22 opportunity to listen to what your views are going to be.
23 So I ask that of you when you come up today and speak.

24 With that, as well, there's public
25 washrooms in the back and we will be breaking at certain

1 times today -- at 10:30. We'll -- we also have lunch
2 here at 11:45. For -- for people that don't want to go
3 back to town here, we -- we will provide lunch here
4 today. And again, this afternoon at 2:45 we'll have
5 another break and -- and again this evening we will be
6 providing supper as well, and if people want to stay here
7 we will also be doing that.

8 And this evening we have, starting at
9 6:30, we have public statements so -- from the general
10 public. Again, I'm going to say that, yes, we want to
11 listen to what people have to say from the public as
12 well, but again, we -- we're only going to be here to
13 address this Public Hearing on this file.

14 So with that, I'm going to leave that
15 there and I'm going to move forward to the presenters by
16 Deze Energy. And, again, for the record, just speak
17 through the Chair and then introduce yourself and we'll
18 go from there. Thank you.

19

20 (BRIEF PAUSE)

21

22 THE CHAIRPERSON: Can we get a mic for
23 the presenters?

24

25

1 (BRIEF PAUSE)

2

3 PRESENTATION BY DEZE ENERGY.

4 MR. DON BALSILLIE: Good morning, Mr.
5 Chairman -- this thing is loud -- my name is Don
6 Balsillie, Chairman of the Deze Energy Corporation, as
7 well as the representative of the Akaitcho First Nations
8 involved in this project.

9 Deze Energy's owners consist of the Metis
10 Energy Company Limited, the Akaitcho Energy Corporation,
11 and the NWT Energy Corporation (03) Limited. The Deze
12 Energy Board structure consists of equal representation.

13 Deze Energy's approach to business: I was
14 told -- excuse me, Mr. Chairman -- I was told earlier
15 that there's -- I've got to direct someone to get our
16 slides moving. Mr. Chairman? Tawanis?

17 THE CHAIRPERSON: I'm sorry, repeat your
18 question.

19 MR. DON BALSILLIE: I think we've got
20 just -- Tawanis is operating the slide presentation.
21 Okay, we're good to go there. The second slide.

22 Our approach to business, Mr. Chairman, is
23 a sustainable development. It's a made-in-the-North
24 business model. We're looking at the social/cultural/
25 environmental responsibilities. We're looking to

1 optimizing Aboriginal participation and benefits,
2 appropriate rate of return, of course, in a business such
3 as this, and we're looking at a long-term vision.

4 The project benefits include partnership,
5 precedent, and blueprint future projects in the North,
6 community ownership and multi-generational revenue
7 stream, utilize existing reservoir and infrastructure
8 supplemented with new generation facilities and
9 transmission line. There will be no new flooding with
10 this particular project. Continue with project benefits.

11 Each cubic metre of water that goes
12 through these turbines can offset 45,000 tonnes of CO2
13 from diesel generation emissions over a twenty (20) year
14 span. Substantial NWT greenhouse gas reductions
15 approximately 15 percent, with regional to global
16 environmental benefits. We're looking at approximately
17 two thousand (2,000) less B-train fuel trucks annually on
18 the winter road that goes to the diamond mines.

19 Business employment and training
20 opportunities will exist. Once again, long-term revenue
21 streams for the majority Aboriginal owners in this
22 project. A possible extension of the life -- the mine
23 life associated with economic benefits.

24 Mr. Chairman, I would like to just mention
25 that our presentation today is one where we're going to

1 share the podium here and have our different presenters
2 come and take part in different aspects of our
3 presentation. So, with that, Mr. Chairman, that's my
4 part in this presentation. I'd like to thank you.

5 THE CHAIRPERSON: For the record, your
6 name was Don Balsillie, and I just want to make sure we
7 had that.

8 MR. DON BALSILLIE: Yes, Mr. Chairman.
9 Thank you.

10 THE CHAIRPERSON: Okay. Thank you. The
11 next presenter, if you can, just state your name, and
12 then continue on with the presentation.

13 MR. DAN GRABKE: Okay, thank you, Mr.
14 Chairman. My name is Dan Grabke. I'm with the Deze
15 Energy Corporation and I'm here to talk about the
16 components of the project.

17 On the screen and, also, on the map back
18 here, you can see the different components. The Taltson
19 Twin Gorges' facility exists near the Alberta NWT border,
20 down below. Nonacho Reservoir is about 125 kilometres
21 upstream in the -- in the northeast direction. And the
22 other component is the -- the transmission line, about
23 700 kilometres of transmission line heading up towards
24 the diamond mines.

25 The next slide, please. So there's three

1 (3) main components, as I mentioned, and I showed on the
2 -- the map, 161 kV transmission line, very similar to the
3 one that goes from Snare Hydro to Yellowknife, or from
4 Fort Smith -- Taltson to Fort Smith and Hay River.
5 There's the Nonacho Lake control structure where the
6 reservoir is, and then there's the Twin Gorges' facility
7 where the hydro plant is.

8 The next slide, please. This slide shows
9 an overview, it's actually a picture of the model that's
10 over by the wall behind the -- the audience, that
11 everyone's welcome to look at during breaks. And it
12 shows the existing facility on the right-hand side, as
13 well as a long power canal that parallels the existing
14 facility, and that's where the new plant is proposed to
15 go.

16 The next slide, please. We've done a
17 great deal of -- of study and modelling on the river
18 system. It's quite -- the Taltson river basin is a big
19 basin, lots of very large lakes on it, and there's a
20 number of components of it.

21 One (1) of the ones that we'll be talking
22 about, I believe Linda will talking about it with
23 Fisheries, and DFO will be mentioning it. There's Trudel
24 Creek, and that's a little loop of stream right at the
25 bottom that bypasses the -- the plant.

1 Deze has been proactive in community and
2 party involvement throughout this process. We've
3 welcomed this process. We've worked with parties to
4 address numerous interests throughout the process, as
5 early as 2006. Some of the milestones to date is we
6 submitted a project description in May 2007, referred to
7 this Board in October 2007, submitted the developer's
8 assessment report in February 2009, and we've had
9 continual technical sessions and sidebar meetings
10 throughout the summer and fall. We've continued right up
11 to today engaging with parties to develop monitoring
12 programs and adaptive management systems.

13 We've also responded throughout this
14 process to the information that we've received. We've
15 revised the design and developed mitigation and response
16 to the environmental findings and party interest.

17 As will be mentioned later on in the
18 presentation, we've adjusted the -- the routing of the --
19 the transmission line to some known affects. We've
20 revised the minimum flow in Trudel Creek; that's the --
21 the stream that goes around the plant.

22 We've looked into flexible timing for
23 scheduled outages to minimize impacts on the environment.
24 We've looked at using a different type of explosive, on
25 the recommendations of -- of some stakeholders and we've

1 incorporated that into our system.

2 We've got varying degrees of clearing,
3 depending on the sensitivity of the area and where it's
4 located. We don't propose having any trails. We're
5 going to have very labour intensive but not machinery
6 intensive activity in sensitive areas. And we've
7 maintained that we have flexibility as far as crossing
8 the Lockhart River. We need to get over to the other
9 side somehow but we have not set in place a particular
10 place to do that.

11 The next slide. Now, I'll pass it onto a
12 couple of other members of the team, the technical part
13 of the team, that will deal with the key interests
14 through this process, the transmission line alternatives,
15 East Arm Park area, caribou, and access, birds, Nonacho
16 Lake, and Trudel Creek.

17 And I believe Tom Vernon is going to take
18 over the mic here.

19

20 (BRIEF PAUSE)

21

22 MR. TOM VERNON: Mr. Chairman, ladies and
23 gentlemen, my name is Tom Vernon, with Deze Energy Corp.
24 Dan mentioned, I guess, through the -- the response to
25 the DAR through the technical sessions and the IR

1 discussions, and now through some of the feedback leading
2 up to this Hearing, a number of key issues we'd like to
3 provide a little bit more detail on, that are obviously
4 of -- of interest and continue to have response.

5 Today I'd like to just cover a little bit
6 of detail on the transmission line route alternatives.
7 This was a specific area of study requested in the
8 developer's -- in the terms of reference for the
9 developer's assessment report. And a full response was
10 provided in that report but I'd like to just step through
11 a few of those details, and along with that cover a
12 little bit of thought on the East Arm area, Lockhart
13 River crossing, and then others will carry on with some
14 of the other key issues.

15 I don't know if I -- can I talk to this
16 diagram here, Mr. Chairman? Can you see this okay?

17 THE CHAIRPERSON: Yes. Please proceed.

18 MR. TOM VERNON: Thank you. The terms of
19 reference for the developer's assessment report
20 specifically asked us to consider transmission line
21 alternatives from the East Arm, which we considered our
22 preferred route, as submitted in our 2007 project
23 description, and as originally developed as far back as
24 2003 for the Snap Lake power supply study.

25 So a number of engineering and

1 environmental studies were undertaken for the three (3)
2 alternatives that we were requested to -- to investigate
3 in some detail, and that was the West Arm route, quite a
4 long 1,250 kilometre long route, running completely
5 around the other end of the lake, a submarine route,
6 which heads north from Twin Gorges, crosses under Great
7 Slave Lake with a marine cable, and then routes up to
8 Snap Lake, connecting the mines in -- in a slightly
9 different pattern than the baseline.

10 We considered the Simpson -- what we call
11 Simpson Islands route, which was a combination of cable -
12 - normal transmission through the Simpson Islands,
13 combined with one (1) or more marine crossing in Hearne
14 Channel and possibly between the islands, connecting
15 similarly to Snap Lake. And we, of course, maintained
16 our -- our baseline. And a number of these were -- I be
17 -- in the terms of reference we were asked to study
18 alternatives until they were found to be economically or
19 technically non-viable.

20 All of these alternatives are technically
21 viable, meaning that they could provide a system that
22 delivered the power. Economically, I think probably even
23 the early studies would have told us it would be
24 challenging to have one (1) of these alternatives be a
25 better economic -- economically viable than the baseline

1 route.

2 Nevertheless, we -- we have -- we have
3 undertaken a fairly detailed assessment of all four (4)
4 of these and presented those results as a comparative
5 assessment within the developer's assessment report, and
6 the preferred alternative does remain the East Arm route.

7 There are a number of fundamental reasons
8 why it's very difficult for any of these other
9 alternatives to compete against the baseline. The marine
10 crossings are extremely complex to install.

11 The Hearne Channel crossing, associated
12 with the Simpson Islands route, would be one of the
13 deepest marine crossings in the world, requiring very
14 special cables. If anything ever goes wrong in the -- in
15 the life of the cable, one could envisage six (6) months
16 to a year of repair time, and as reliability in power
17 generation is of paramount importance to the customer,
18 that risk is deemed untenable, basically.

19 If I could get the next slide, please,
20 Tawanis. I guess once the baseline route became -- it
21 became evident that the baseline route was still the
22 preferred route, the East Arm route, we have invested in
23 looking and working with groups to hone that route a
24 little bit further.

25 Go to the next slide, please, Tawanis. In

1 the northern end of this route, we've adjusted or
2 realigned this route on the -- on the premise that we
3 could lessen the impacts with the caribou migration by
4 moving it away from certain areas, the east end of Mackay
5 Lake. So that -- that routing has been altered.

6 Another example that we're considering
7 which hasn't been -- wasn't reported on in the -- in the
8 developer's assessment report, but as understudy is a --
9 a move of the line behind Harry Lake to move it away from
10 the Pike's Portage and Glacier Creek area. We're
11 certainly amenable to considering an alternate route in -
12 - in that area.

13 The next slide, please. Obviously a big
14 challenge still remains in coming to a resolution of the
15 alignment of a -- of a line, should it go through the
16 East Arm and require a crossing of -- of the Lockhart
17 River, and the specific details of working and
18 constructing the line within a park, if a park matures in
19 the East Arm area. And we've been sensitive to that and
20 support that initiative and are still very open to
21 discussing alternatives there.

22 The next slide. We're well aware that the
23 falls, the numerous falls on the -- the Lockhart River
24 and the Lockhart River itself, are an area of
25 significance. We have endeavoured to study alternatives

1 and garner opinions on -- on what would be the best way
2 to -- to route this line. There's physically, obviously,
3 constraints in this area that are difficult to overcome,
4 but we remain open to -- to dialogue and -- and routing
5 alternatives that -- that satisfy people's desires in
6 this area.

7 The next slide. We have, related to the
8 proposed park boundary, instigated a number of mitigation
9 measures. Damian will touch on a few in terms of
10 clearing methodology. We're going to do a lot of this
11 work in the winter, work with helicopters to avoid access
12 issues in this area and do everything we can to preserve
13 the -- the environment as -- as -- as it is now.

14 We've also offered some alternative
15 mitigation measures realizing that these may be
16 important, such as annual gatherings and more traditional
17 knowledge collection. I guess if there's an area that's
18 of -- of interest in that regard, this Lockhart River is
19 -- is certainly -- is one we're aware there are sites and
20 cultural issues and sites there, so.

21 So, with that, I'll turn it over to Damian
22 for discussion on caribou. Thank you, Mr. Chairman.

23 MR. DAMIAN PANAYI: Mr. -- Mr. Chairman,
24 my name is Damian Panayi. I'm a wildlife biologist with
25 Golder Associates, here in Yellowknife. And I've been

1 working with Deze Energy since about 2006 on some of
2 their wildlife and -- and related issues.

3 So I'm just going to spend a few minutes
4 talking about some of the effects to wildlife which we've
5 -- which we've investigated and which we propose to
6 mitigate. I'll also mention that we did also look at
7 effects to a lot of other critters such as moose, and
8 grizzly bear, and wolverine, and -- and muskrat, and
9 beavers, but today we're just going to concentrate on the
10 -- a few species in areas where we've -- where we've had
11 a few concerns raised.

12 So obviously, we recognize that this is a
13 -- a sensitive time for -- for caribou and the resilience
14 of the Bathurst population is probably fairly low right
15 now, and we've seen recently bans on -- on hunting in --
16 in the Bathurst wintering range. So this is a -- a
17 sensitive topic and we -- we did go into some detail on
18 our assessment of effects to -- to caribou.

19 Some of the areas of concern which were
20 raised include the effect of a transmission line going
21 through the caribou's fall range up in the Lac de Gras
22 and Mackay Lake area. Now, we know that Bathurst caribou
23 have seen transmission lines before because there's one
24 from Yellowknife to Snare Hydro. This one might be a
25 little bit different because it's on the barren lands,

1 and caribou will be coming off the calving ground and
2 they'll have their calves with them at that time. And we
3 don't know much as -- as scientists, as biologists, we
4 don't know much about how -- how barren land caribou
5 react to transmission lines, so there's some uncertainty
6 there.

7 We did also look at the effects of -- of
8 how this project might interact with environmental
9 stressors, such as climate change, and -- and ice storms.
10 And of course, we looked closely at the cumulative
11 effects of caribou; that is the effect of the Taltson
12 Project in addition to the existing mines, existing
13 hunting, existing winter roads, and so on.

14 So, just to review some of the areas where
15 we hope to mitigate effects to caribou; what are some of
16 the means that we hope to use to mitigate effects to
17 caribou.

18 There will, of course, be environmental
19 monitors hired by Deze Energy during the construction
20 phase. And these people would have a range of tasks, one
21 of which would be to keep an eye out for caribou during
22 construction. So, if there's caribou near a winter road,
23 or if there's caribou near one of the camps, it would be
24 the responsibility of these people to alert the
25 construction crews and make sure that -- that there's

1 some sort of follow through.

2 We have a draft Environmental Monitoring
3 Plan which proposes, amongst other things, it proposes
4 that we have scientific monitoring and -- and community
5 based monitoring up on the barren lands, to see -- to see
6 what we can learn about how caribou interact with a
7 transmission line on the barren lands.

8 The construction -- the construction
9 schedule will consider caribou movement. So, we're going
10 to try and have const -- have construction camps in areas
11 where we don't anticipate seeing caribou, during seasons
12 when we don't anticipate caribou. And there are, of
13 course, areas and seasons where we do anticipate seeing
14 caribou and we'll try to avoid those.

15 For example, we've see caribou arrive in
16 the Lac de Gras region in late July almost every year, so
17 there will not be construction activities in that area at
18 that time. And similarly there would be some form of
19 mobile caribou protection measures which refers to
20 managing construction activity when caribou are -- are
21 seen in the area.

22 The question of access has come up, and
23 the project would require extending a -- a new winter
24 road from the Twin Gorges' site up to Nonacho Lake, so
25 you could, essentially -- during construction there would

1 be road access from Fort Smith to Nonacho Lake.

2 And although that -- although there have
3 been few caribou north of Fort Smith in recent years,
4 there have still been re -- you know, concerns regarding
5 how people might be able to access and hunt caribou from
6 this winter road, and Deze's proposing a number of
7 controls to make sure that -- that this additional
8 harvesting is limited. For example, the road would be
9 open to construction vehicles only, and there would
10 actually be a gate and a fence proposed for the Twin
11 Gorges' site so that nobody can drive past that point.
12 And after construction all the winter roads and trails
13 would be permanently blocked and -- and closed.

14 And further to that, Environment and
15 Natural Resources having indicated that they have
16 regulatory tools that they can bring in, if it's -- if it
17 seems to be required. For example, as we know the
18 Ingraham Trail has a no hunting zone around it, extending
19 a kilometre and a half off the road. So, there's various
20 tools which the government can use as well.

21 And just briefly we did also look at
22 effects to -- to migratory birds and species at risk.
23 And some of the issues identified there include
24 collisions with the transmission line. So, often
25 waterfowl actually fly into transmission lines, leading

1 to mortalities. And another issue which has come up is
2 that of the flooding of nests in Trudel Creek. So should
3 there be a water level change in Trudel Creek during the
4 nesting season, that could lead to the -- the flooding of
5 nests.

6 Now this could already happen under the
7 existing hydro -- un -- under the existing Taltson
8 project, and we're going to try and make sure that under
9 the expansion, water levels are managed or -- or -- or
10 nesting -- water -- waterfowl nesting in Trudel Creek is
11 considered when they're managing water levels within that
12 -- with the -- within that spillway, within the Trudel
13 Creek spillway.

14 And, of course, we did identify some
15 species at risk in the area, and we've been working with
16 the government agencies, including Environment Canada and
17 Environment and Natural Resources, to address concerns
18 there.

19 So that's all I had. And I think Linda's
20 going to speak next about some of the aquatics.

21 MS. LINDA ZURKIRCHEN: Mr. Chairman and
22 audience, my name's Linda Zurkirchen. I've been working
23 with Deze on the -- on the environmental assessment on
24 this project for a number of years, primarily on the
25 aquatics effects assessments.

1 As Dan mentioned, there's a -- with any
2 hydro project there's a lot of hydrology changes that may
3 occur as a result of this project, and we've been looking
4 at those effects on the various aquatic species through
5 the system here, and the developer's assessment report
6 contains a number of the predictions that have been made
7 on the various aquatics effects.

8 We have identified in this presentation
9 here some of the key effects that we'd like to speak to.
10 One (1) of those is the effects that we may see Nonacho
11 Lake. Deze would like to mention that we recognize there
12 is some history to Nonacho Lake and some of the flooding
13 that occurred with the original Twin Gorges' facility,
14 and that with the design of this project has been managed
15 such that -- that any such negative effects would be
16 mitigated right through the design of the project, and
17 does not want to have similar effects occur through this
18 project.

19 And some of those mitigations that have
20 been brought right into the design is to maintain the
21 water level within Nonacho Lake at the -- within the
22 existing range that has been occurring over the last
23 forty (40) years, and that would be within the minimum
24 level of the existing water licence, and within the
25 maximum range that the water has been reaching an

1 elevation of, so that there would be no new flooding in
2 the lake and that the water level would not be lower than
3 what the wa -- current water licence minimum is.

4 We recognise that there are current users
5 of the lake. There are traditional users of that area,
6 obviously, the fish species, the fish productivity of
7 that lake, as well as other si -- other areas of the
8 Taltson watershed, but, specifically, there's an interest
9 in Nonacho Lake because of the flow changes. One (1) --
10 just an item of clarification, there's discussion of a
11 one (1) time construction drawdown, just to clarify that
12 that is no different in magnitude on average than the
13 annual operating drawdown that would occur over every
14 winter.

15 There's an approximate average 0.85 metre
16 drawdown of the water level that would occur over the
17 winter months; that would -- and be initiated during the
18 construction. The reason for that to occur during
19 construction is to allow works, constructions works, at
20 the control facilities and at the existing dam site to
21 occur without -- to occur in the dry and to occur with
22 minimal effects to the surrounding waters, and then that
23 drawdown would continue through the winter months during
24 operations, a note of clarification.

25 Deze is working with the parties

1 interested in this area to continue a monitoring program
2 that monitors the prediction of the effects. The -- the
3 developer's assessment report has identified that there
4 would be no significant negative effects to the aquatics
5 of Nonacho Lake and other water bodies and, as I
6 mentioned, are working on monitoring programs and
7 detailed monitoring programs to address those
8 predictions.

9 As mentioned, we have been in discussion
10 with parties, have used the lodge that is in existence on
11 Nonacho Lake, used their guides, asked for direct
12 fisheries information from those people who are intimate
13 with the land and intimate with the -- the water bodies
14 and the species and the habitats within that area and
15 will continue to do so during the detailed design and the
16 development of the monitoring programs and going forward.

17 Another area of interest, of specific
18 attention, is Trudel Creek. The reason this piece of
19 water is a focus is because it will experience a -- of --
20 of all the reaches of water within the system, the
21 largest change in flow. It historically was a very small
22 creek.

23 We don't have much information about the
24 system before the existing Twin Gorges. But from what we
25 understand and from the information we have, there was

1 likely no connectivity to the Taltson River. Possibly
2 some overflow in that area on very high events. Was a
3 small brook-like system.

4 With the construction of Twin Gorges, that
5 system received overflow from the Taltson River when it
6 now takes that over the last -- well, since about 1965,
7 accepts overflow that cannot be directed through the
8 existing Twin Gorges' power facility. So it now has on
9 average about 180 cubic metres a second which -- I think
10 there's a number of photos. I'm not sure if there's
11 photos here but certainly a number of photos in the
12 developer's assessment report that show what the system
13 looks like today.

14 So the Twin Gorges existing facility has
15 caused change to Trudel Creek. It has also gone through,
16 over the last forty-five (45) years or so, a number of
17 small and large changes just due to the operations of
18 Twin Gorges. It has experienced periods of zero flow to
19 Trudel Creek for more than a month, a two (2) month
20 period when natural river flows are low and the water is
21 being used for power generation.

22 It's also -- it received very high flows
23 during high flow flood events, natural flood events where
24 flows in the Taltson River system are significantly more
25 than what the turbines currently can manage and the flows

1 are directed down to Trudel Creek.

2 So a system of a fair bit of flux over the
3 last number of years. The -- just in their presentation
4 there are some photos that demonstrate the change that
5 the system has seen.

6 This one, the reason the right hand photo
7 is on a skew is to try and align the river so it has the
8 same -- same alignment going north. The river across the
9 top moving from the left to the right is Trudel Creek.
10 You can see the difference on the right-hand photo around
11 1980 when Twin Gorges is operating. There is a lot more
12 flow going through the system. Trudel Creek on the left-
13 hand photo is pre Twin Gorges, a very small system. So
14 it experienced a lot of change over the last number of
15 years.

16 And we can take the next slide. Just
17 another photo of what it looked like pre Twin Gorges.

18 So moving forward into the expansion
19 project, the predicted effects. The project is designed
20 on a minimum release of 4 cubic metres a second to
21 Trudel. This is a -- a considerably smaller number than
22 the average flow that is currently going through it.

23 This, on an average typical year, the
24 system would see a hydro graph. This would not be
25 necessarily a minimum of four every day every month of

1 every year but there are periods where a minimum of --
2 minimum flow of four (4) could be experienced in that
3 depending on the -- the natural flows in the Taltson
4 system.

5 We recognize that minimum release that's
6 being proposed by the project could have changes to
7 Trudel Creek; again, could cause habitat and ecological
8 changes. And because of that, as early as 2006 and
9 before, DFO -- or Deze commenced assessments into the
10 fisheries and aquatic habitat of Trudel to get an idea of
11 what these flow changes would occur, what -- what they
12 would cause to the habitat, to the fisheries habitat of
13 Trudel.

14 And in 2008, an initial fisheries habitat
15 assessment of the effects of a minimum release of four
16 (4) was conducted and submitted to certain parties, to
17 DFO, shared with DFO.

18 And from that initial effects assessment,
19 we defined that the -- predicted that there would be no
20 significant negative effect to the fisheries and habitat
21 of Trudel Creek.

22 And as a result of that, the design
23 proceeded with a minimum release of four (4) and
24 proceeded into considerably more modelling, looked at
25 various other components of the environment aside from

1 just the fisheries and moved that into -- as a project
2 design and into the terms of reference and through the EA
3 process.

4 And as a result of that, looked at many
5 aspects of the aquatic habitat, certainly in line with
6 the key lines of inquiry of Trudel Creek, which looked at
7 not only the fisheries aspects, but various -- various
8 components of the ecology of Trudel Creek, looked at the
9 wetlands, looked at benthics, a number of tools were
10 used, water quality, modelling, habitat areas, and from
11 this effects assessment, further determined and confirmed
12 through the predictions that the -- confirmed the
13 prediction that there would be no significant negative
14 effects to Trudel Creek and that habitat would still
15 remain to support the species, fish and other bird, fur
16 bearers that currently use and reside Trudel -- in Trudel
17 Creek.

18 We wanted to bring forth a couple items
19 associated with this -- this flow, that the minimum flow
20 in Trudel is directly linked to the power generation.
21 Flows from the Taltson River can be split at the forebay.
22 They either are directed to the power generation
23 facilities or they are spilled into Trudel Creek.

24 So water that is not used for power
25 generation would be directed down Trudel Creek. Also,

1 water that is required for power generation is taken out
2 of that spilled water that is directed to Trudel Creek.
3 It is also a direct link to the reduction of the
4 greenhouse gases. Every cubic metre of water that's used
5 for power generation is, in turn, turned into hydro power
6 which displaces the diesel electric power.

7 We bring forth this as we'll --
8 specifically wanted to note that DFO has brought forth in
9 their technical recommendation to the Board a alternative
10 recommendation to the minimum flow release to Trudel
11 Creek. We recognize that they have interests that they
12 are looking to protect, the same as with Deze. Deze
13 definitely wants to protect the habitat and the ecology
14 of Trudel Creek and Deze wants to identify that we are
15 willing to work with DFO to continue to address any
16 concerns they have, feeling that there are other options
17 available other than a minimum release to mitigate any
18 outstanding effects that have not been mitigated to
19 satisfaction to date, and we'll certainly continue to
20 work with them in that as we move forward.

21 I'd just like to remind people, parties,
22 the Board that not all change is necessarily bad to the
23 environment. Some change can have a benefit, as well.

24 There are certainly effects, some negative
25 and some positive. The effects to -- to -- from the

1 minimum release of fore to Trudel will have a change in
2 Trudel again. It has experienced change in the past.

3 The DAR predicts that the minimum release
4 will not have a negative effect and will maintain habitat
5 for the species that currently use and reside in Trudel.
6 In addition, the project will significantly reduce the
7 diesel generation and the particulate matter in emissions
8 that are resulting from diesel power generation, as well
9 as reduce the greenhouse gas emissions that result from
10 that.

11 These all have considerable positive
12 effects to the regional and -- and beyond regional
13 environment, the fisheries, the terrestrial environment,
14 the food chain that is either the receptor of particulate
15 matter from burning hydrocarbon fuels and which are at
16 risk from the global climate change.

17 And I think we're mostly well aware of the
18 -- the literature and the public -- published information
19 on that. So that there may be a change in Trudel and in
20 some of the other water bodies but there's also a
21 considerable regional benefit to the -- to the species,
22 as well.

23 MR. DON BALSILLIE: Thanks, Linda. Mr.
24 Chairman, in summary, Deze is very proud to present this
25 project to the Mackenzie Valley Environmental Review

1 Board.

2 This particular project is -- is precedent
3 setting here in the North for northerners. During the --
4 and throughout the -- the -- the project design, we've
5 been very cognisant of the fact that we had to take into
6 consideration the environmental, social and cultural and
7 economic interests. So as you've heard, we've addressed
8 those in many different measures.

9 The template here is for future projects
10 in the North. This project can be looked at as something
11 that I think, as I said, is precedent setting and it
12 could be looked at as something that other projects of
13 this nature can follow to some degree.

14 This is community ownership and, as well,
15 it's a multi generational revenue stream that's going to
16 be well received in our region and in the North.

17 This project is going to see upgrades to
18 an existing development and supplements with new
19 infrastructure. The business aspects, employment and
20 training benefits are quite large for a project of this
21 nature and is going to be well received in our region,
22 and the South Slave region as well as in this part of the
23 Northwest Territories.

24 Regional and global environmental benefits
25 through greenhouse gas reduction, you've heard those

1 comments made throughout our presentation and we continue
2 to reiterate those comments because we think it's very
3 important when projects of this nature and this magnitude
4 are in our backyard, that we take every measure possible
5 to ensure that we're looking at utilizing and I guess
6 putting in place various measures to ensure that we're --
7 we're doing things in a positive manner. And it's going
8 to set a benchmark for other developers that come into --
9 into our region and into the North.

10 In our opinion, Mr. Chairman, this is a
11 positive legacy for the people of the North. With that,
12 Mr. Chairman, we'd like to thank the audience as well as
13 the Board for having patience in our presentation. With
14 that, marsi cho.

15 THE CHAIRPERSON: Thank you, Don
16 Balsillie, for your presentation on behalf of Deze Energy
17 Corporation. It's now 10:25, we have translators here
18 that are probably going to need a break, as well.

19 So we'll stop here and we'll reconvene at
20 10:45 with questions. So we'll come back at 10:45.
21 Marsi.

22

23 --- Upon recessing at 10:23 a.m.

24 --- Upon resuming at 10:46 a.m.

25

1 THE CHAIRPERSON: Okay, it's 10:46. I'd
2 like to call the public hearing back to order. So if I
3 can get everybody to go back to their seats.

4 Next part of the agenda we have is that we
5 -- we have order of questions I mentioned in my opening
6 comments, and that if you ask your questions, I'm going
7 to ask you to maybe prioritize your questions and, you
8 know, if we can keep it to a minimum because we have a
9 lot of people that are going to be probably on the list
10 of order to ask questions, as well.

11 So but you still have an opportunity as we
12 go through this process to put forward your questions, as
13 well. So I'm going to go to the order I have in front of
14 me and I'm going to ask if there's any questions, so in
15 regards to the presentation made by the Deze Energy
16 Corporation regarding this file.

17 So I want to go to the GNWT. Does the
18 GNWT have any questions?

19

20 QUESTION PERIOD:

21 MS. LORRETTA RANSOM: Thank you, Mr.
22 Chair. The GNWT does not have any questions at this
23 time. My name is Lorretta Ransom.

24 THE CHAIRPERSON: Yes, thank you for
25 that. Again for the record, we just need to make sure

1 that you state your name and who you represent.

2 The next one I have is Lutsel K'e Dene
3 First Nation. Do you have any questions in regards to
4 the presentation made here this morning?

5 MS. TRACEY WILLIAMS: My name is Tracey
6 Williams and I'm speaking on behalf of Lutsel K'e Dene
7 First Nation. No, we do not have any questions for Deze
8 at this time, thank you.

9 THE CHAIRPERSON: Okay, mahsi. Next one
10 in order is Parks Canada. Is there any questions in
11 regards to the presentation made this morning?

12 MS. WENDY BOTKIN: My name is Wendy
13 Botkin, with Parks Canada. No, we do not have any
14 questions at this time.

15 THE CHAIRPERSON: Thank you. Next one on
16 the list is DFO, Department of Fisheries and Oceans.

17 MR. BRUCE HANNA: Thank you, Mr.
18 Chairman. It's Bruce Hanna, Fisheries and Oceans Canada.

19 Could you ask Deze Energy to elaborate on
20 the statement of no connectivity through Tronka Chua Gap
21 when in the DAR it was stated that personal communication
22 from Tom Vernon indicated there was connectivity at
23 certain times? Thank you.

24 THE CHAIRPERSON: Okay. Thank you.
25 Question is put forward to Deze Energy Corporation. As a

1 speaker, mention your name for the record, as well.

2

3

(BRIEF PAUSE)

4

5 MS. LINDA ZURKIRCHEN: Linda Zurkirchen
6 with Deze Energy. Thank you very much, DFO, for pointing
7 that out. Actually the slide show was fairly abbreviated
8 and there's a lot of information in the developer's
9 assessment report. We did move through it, through the
10 key issues and even with those, we moved through them
11 very quickly.

12 To clarify and -- and to confirm what DFO
13 has mentioned, there's -- there's very little information
14 available on the -- on -- in the official literature
15 about the history and the hydrology of the Nonacho Lake
16 area pre Twin Gorges.

17 We certainly have been able to obtain and
18 appreciate that we've been able to obtain information
19 from people that frequented the area pre Twin Gorges and
20 that is a significant amount of information and basically
21 the bulk of the information that we have about that area.

22 I did mention that there was no
23 connectivity through Tronka Chua Gap. What we -- what
24 would be more accurate to say is that we -- from what our
25 knowledge is, is that there was likely -- likely no or,

1 as occurs in Trudel Creek, very -- potentially periodic
2 times when flows may have gone through Trudel -- through
3 Tronka Chua Gap. As with a lot of the -- the flow
4 patterns in the North when water levels and water tables
5 rise they tend to -- can flow through various exit points
6 into different water bodies. Watersheds are not
7 necessarily clearly defined, and at certain water --
8 water levels, flows can go in two (2) different
9 directions.

10 So what we know is that there likely was
11 no connectivity on a regular basis. There is a potential
12 that some connectivity could have occurred, but that
13 would have been very periodic and very intermittent.

14 THE CHAIRPERSON: Thank you. I want to
15 go back to DFO. Does that answer your question?

16 MR. BRUCE HANNA: Yes, thank you. I just
17 have three (3) more questions, if that's all right?

18 THE CHAIRPERSON: Please proceed.

19 MR. BRUCE HANNA: In the presentation it
20 was suggested that Nonacho Lake levels would be regulated
21 between water licence minimum levels and maximum
22 historical levels.

23 During operations, is it likely that
24 Nonacho Lake will fall below historic minimums?

25 THE CHAIRPERSON: Thank you, DFO. Back

1 to the Deze Energy Corporation. Please proceed.

2 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
3 I'm just going to take just a minute to confirm the water
4 levels with part of the people that were involved with
5 the modelling and will continue my answer to that.

6

7 (BRIEF PAUSE)

8

9 MS. LINDA ZURKIRCHEN: Okay, we're on.
10 Linda Zurkirchen. Just confirming with Tom Vernon, who
11 has been involved with the -- the hydrology and the
12 modelling and the history that went into that modelling
13 and confirming that the water licence elevation, which is
14 the minimum, had been the -- the minimum water level that
15 occurred in Nonacho Lake over the history of the Twin
16 Gorges' operations.

17 THE CHAIRPERSON: Okay, thank you.
18 Before I go back to DFO, I just want to mention that my
19 hearing aids won't be here for another three (3) weeks,
20 so maybe if people that are speaking, you know, you could
21 speak up a little louder and a little bit clearer so
22 people in the room could hear, and the Board Members
23 could hear, as well.

24 So I want to go back to DFO. And, also,
25 if you don't mind, there's a podium up here. And so

1 people could see you, it'd be nice if you'd just come up
2 to the podium. Thank you.

3 MR. BRUCE HANNA: How's that? The next
4 question: In the Trudel Creek flow history it was
5 indicated that pre-development flow was approximately 2.5
6 cubic metres per second with no connectivity through the
7 Taltson.

8 However, technical information in the
9 developer's assessment report indicated that the flow was
10 higher. Please elaborate on how the 2.5 cubic metres per
11 second was derived.

12 THE CHAIRPERSON: Okay, thank you.
13 Again, well, before I go to the Deze Corporation, I just
14 want to make sure that -- if you don't mind speaking up a
15 little bit more the next time around.

16 In the last question, I want to go back to
17 Deze Energy Corporation. Mahsi.

18 MS. LINDA ZURKIRCHEN: Yes. Linda
19 Zurkirchen, for Deze. The minimum or the average of 2.5
20 cubic metres pre Twin Gorges was developed from a
21 hydrological assessment that was conducted, looking at
22 the overland flow of the catchment area of Trudel Creek
23 and the water that could be -- could occur from
24 precipitation and from runoff that occurs in that basin.

25 It's a standard methodology for

1 calculating how much water could occur in a system. It
2 was derived from air photo interpretation, from water
3 basins with similar characteristics to the Trudel Creek,
4 and from local knowledge and traditional knowledge that
5 was gathered during the -- the assessment process.

6 THE CHAIRPERSON: Thank you. Back to
7 DFO. Your final question?

8 MR. BRUCE HANNA: Thank you, Mr.
9 Chairman. The final question is: Is the assessment that
10 four (4) cubic metres per second as a minimum flow would
11 not cause significant negative fisheries effects based on
12 a straight four (4) cubic metre per second minimum flow,
13 or does it incorporate the variables over seasonal
14 hydrograph that was indicated?

15 THE CHAIRPERSON: Thank you, DFO. Back
16 to Deze Energy Corporation.

17 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
18 The effects assessment used, inherently it -- the minimum
19 flow of four (4) is also controlled by the maximum flow
20 that can be accepted through the turbines. As we
21 mentioned before the water out from Tru -- from Taltson
22 River can, at the forebay, go two (2) directions, either
23 through the turbines, or through Trudel Creek.

24 So the effects assessment was conducted on
25 the waters that would be received by Trudel Creek,

1 controlled by the maximum capacity of water that could go
2 through the turbines. So the effects assessment looked
3 at a number of tools. One of those tools was the habitat
4 available under -- under a average hydrograph on a --
5 over the years of the database we have. On that there
6 would be a small hydrograph that would occur on a typical
7 year.

8 It also looked at a number of other tools,
9 which also included a reasonableness test, and an
10 assessment of what would occur on other years where the
11 average would not be experienced and alternate flows to
12 that average, such as a lower flow than the typical
13 average might be occurred on a -- such as a dry year, and
14 what might occur on a dry year in Trudel.

15 THE CHAIRPERSON: Okay. Thank you. Did
16 you have one (1) final question, or that's it?

17 MR. BRUCE HANNA: No, that's it. Thank
18 you very much.

19 THE CHAIRPERSON: Very good. Thank you
20 very much, DFO.

21 I'm going to go to Environment Canada. If
22 you have no questions then that's fine, but if you do
23 have questions, then I'll ask people to come up to the
24 podium. Environment Canada?

25 MS. LISA PERRY: It's Lisa Perry, with

1 Environment Canada. No, we don't have any questions, Mr.
2 Chair.

3 THE CHAIRPERSON: Thank you, very much.
4 Moving on to -- in order of the list I have is Deninu
5 K'ue First Nation, questions for Deze Energy
6 Corporation?

7 MR. ROBERT SAYINE: My name -- my name is
8 Robert Sayine. I come from Deninu K'ue. At the present
9 time, the -- the people that are the delegates from
10 Deninu K'ue are not here today yet. And I -- I myself, I
11 am on DKFN First Nations council, but at the present time
12 I don't have a question. We will wait until the -- the
13 people that are gonna be here to get here. I think
14 they're -- they're on their way. Thank you.

15 THE CHAIRPERSON: Okay. Thank you for
16 that, Robert Sayine. I'm going to move over to the next
17 part of the agenda, but I'm thinking that you were saying
18 that not everybody is here from Deninu K'ue yet, so
19 that's fine. We'll -- you know, you guys are still going
20 to be doing a presentation.

21 Okay. We're going to move on to Fort
22 Resolution Metis Council. Do you have any questions for
23 -- to the presenters from Deze Energy Corporation?

24 MR. ARTHUR PECK: Hi, I'm Arthur Peck,
25 Fort Resolution Metis Council. Right at this time we

1 don't have any questions, but you will hear some later.

2 Thank you.

3 THE CHAIRPERSON: Thank you very much.

4 I'm going to move on to the Carter family.

5 Do you have any questions for Deze Energy Corporation on

6 their presentation? If you have comments, again if you

7 can come up to the podium, please.

8 MR. DEAN CARTER: Hello, my name is Dean
9 Carter, I am son of Merlyn Carter, and Jean Carter, my
10 mother, is here. We have some questions --

11 THE CHAIRPERSON: Excuse me for a second.
12 Mr. Carter, if you can, just if you can speak up a little
13 bit louder.

14 MR. DEAN CARTER: Thank you. Yeah.

15 THE CHAIRPERSON: Thank you.

16 MR. DEAN CARTER: We have some questions
17 regarding the transmission lines and just the number of
18 people. Wi -- will there be -- will there be any work
19 camps on Nonacho Lake, and, if so, how many people are
20 you anticipating employing or how large will the camps
21 be, for how many -- how long a period of time will they
22 be there?

23 THE CHAIRPERSON: Thank you, Mr. Carter.
24 I'm going to go to the Deze Energy Corporation
25 spokesperson.

1 MR. TOM VERNON: Tom Vernon, Deze. The
2 question is on camps on Nonacho Lake. We have worked
3 with a contractor who does construct transmission lines
4 to develop a strategy, a preliminary construction
5 strategy, and my recollection is that he would propose a
6 camp of about fifty (50) in Sparrow Bay, which would be
7 somewhat north of your -- well, I'm sure you know where
8 Sparrow Bay is -- in a -- in a staging area there. That
9 camp would be there for perhaps eight (8) months to one
10 (1) year.

11 MR. DEAN CARTER: And is that the only
12 place?

13 THE CHAIRPERSON: Thank you. I'll go
14 back to Mr. Carter.

15 MR. DEAN CARTER: Yes, is that the only
16 place on Nonacho Lake? Will there be any people -- any
17 camps at the Nonacho Lake dam or any other -- any other
18 locations on Nonacho Lake?

19 THE CHAIRPERSON: Thank you. I'll go
20 back to Deze Energy Corporation.

21 MR. TOM VERNON: Tom Vernon again. You
22 asked -- your first question was specific to the
23 transmission line. So that camp at Sparrow Bay is
24 specific to the transmission line. There would be a
25 construction facility at the dam location to construct

1 the new control structure. My recollection, again, that
2 is about a one (1) year, perhaps fourteen (14) month
3 period, a staff of fifty (50).

4 THE CHAIRPERSON: Thank you. I'll go
5 back to Mr. Carter.

6 MR. DEAN CARTER: Is there, to your
7 knowledge, any other people that will be employed on
8 Nonacho Lake in any way related to this project, whether
9 it be transmission line or any other? So we have one (1)
10 at Sparrow Bay. We have one (1) at the Nonacho Lake dam.
11 Any other -- any other place on the lake, to your -- to
12 your knowledge?

13 THE CHAIRPERSON: Thank you, Mr. Carter.
14 I'll back to Deze Energy Corporation.

15 MR. TOM VERNON: We -- we don't believe
16 there are any other. There may be some monitoring moving
17 about the lake, but no -- nothing permanent or -- in the
18 way of camps, or in that regard.

19 THE CHAIRPERSON: Thank you. I'll go
20 back to Mr. Carter.

21 MR. DEAN CARTER: We've had fisherman
22 fish at Nonacho Lake dam for nearly fifty (50) years,
23 even before there was a dam there. It is one (1) of the
24 best fishing areas on Nonacho Lake.

25 Will they be allowed to fish during dam

1 construction?

2 THE CHAIRPERSON: Thank you, Mr. Carter.
3 I'll go back to Deze Energy Corporation.

4 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
5 We -- Deze would make efforts to enable as much fishing
6 and fishing opportunities within the area during
7 construction.

8 In consideration of personal safety, we'd
9 certainly work with the Carters and with other -- any
10 other users of the area to try and design construction
11 practices so that their traditional and contemporary uses
12 would still be able to go on, but there's certainly a
13 consideration of personal safety that would have to be
14 incorporated into that also.

15 THE CHAIRPERSON: Thank you. I'll go
16 back to Mr. Carter.

17 MR. DEAN CARTER: Yes, will any of the
18 one hundred (100) employees on Nonacho Lake in their
19 hours off during a day be allowed to hunt caribou or to
20 fish?

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

23 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
24 What Deze is proposing is that there would be a no
25 hunting and no fishing policy for employees working

1 within -- on the construction of the facilities as much
2 as that can be regulated within the legal environment,
3 within other regulations in the legal environment.

4 But certainly, as an employee in camp and
5 within the parameters that Deze can put on there --
6 theirs or contractor, or consultant workers and staff
7 associated with the -- the project, there would be a no
8 hunting and no fissing -- fishing policy.

9 THE CHAIRPERSON: Thank you. I'll go
10 back to Mr. Carter.

11 MR. DEAN CARTER: I appreciated the
12 questions of Mr. Hanna with DFO on both the historic
13 maximums and minimums.

14 If there is a -- like a drawdown of water,
15 what -- I've seen a one (1) time drawdown, from what
16 levels will the drawdown be taken and how long of a
17 drawdown are we expecting?

18 THE CHAIRPERSON: Thank you, Mr. Carter.
19 I'll go back to Deze Energy Corporation.

20 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
21 We're just deciding who's the best equipped to answer
22 that question.

23 THE CHAIRPERSON: While you're deciding
24 that, I have a question for Mr. Carter. Your questions,
25 do you know how many more questions you have, just for

1 the record?

2 MR. DEAN CARTER: I've got probably about
3 three (3) and my mother has some.

4 THE CHAIRPERSON: Very good. Thank you.
5 Back to Deze Energy Corporation.

6 MR. TOM VERNON: Yeah, Tom Vernon, Deze.
7 So drawdowns in -- in the new operating
8 regime would, essentially, follow an annual trend and
9 it's difficult to de -- define what a drawdown is from,
10 other than an average lake level, and the fluctuations
11 are -- are currently in the range of approximately --
12 well, traditionally, about 1.3 metres of fluctuation in
13 the natural lake level that would rise to about 1.8
14 metres in -- in the operating environment that we
15 forecast for -- for Nonacho Lake.

16 I'm not positive that answers your
17 question, but, essentially, staying above the water
18 license minimum that it's -- that's currently set.

19 MR. DEAN CARTER: Okay --

20 THE CHAIRPERSON: Thank you. Back to Mr.
21 Carter.

22 MR. DEAN CARTER: Wha -- what I'm trying
23 to determine is, there is a huge difference in the water
24 levels of today and the water levels of pre-Nonacho Lake
25 dam. When you say historic maximums or minimums, are we

1 talking about maximums and minimums including pre-dam
2 days or since the -- since the dam was built?

3 And because the water started going up
4 after the dam was built, it was -- when the dam was first
5 built it was at its original level, and it's gone up a
6 long ways, like several -- several metres.

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

9 MR. TOM VERNON: Tom Vernon. My
10 recollection is the Nonacho Lake level gauge, which is
11 what we have to base our assessment on, has been running
12 since about 1962, so there are a few years of records,
13 not complete years of records, prior to the dam going in,
14 in 1968.

15 So our comments and our assessment are
16 pretty much entirely based on records since 1968 from the
17 WSC gauge.

18 THE CHAIRPERSON: Thank you. I'll go
19 back to Mr. Carter.

20 MR. DEAN CARTER: So we're -- we're
21 talking about 1968 levels?

22 THE CHAIRPERSON: And back to Deze Energy
23 Corporation.

24 MR. TOM VERNON: When -- sorry. Tom
25 Vernon. When we give you ranges of historic maximum and

1 minimums, I believe we're looking at -- at the record, es
2 -- essentially, since the -- the lake has been as it is
3 now, with the dam in place.

4 THE CHAIRPERSON: Thank you, Mr. Carter.

5 MR. DEAN CARTER: Okay. If you just --
6 sorry. The reason this is of interest to us is because
7 we're talking about lake trout spawning in very shallow
8 waters in potentially hundreds of places. So if you have
9 a -- if you have a drawdown of water you could
10 potentially destroy millions of ova. If the -- if the
11 drawdown of water is over an extended period of time you
12 could potentially wipe out an entire generation of fish.

13 So it's -- it's important to us because
14 we've had this as our family home during the summer for
15 nearly a half a century. And if we're taking a drawdown
16 of water from what it was fifteen (15) years ago, you --
17 you could potentially destroy a whole pile of -- of ova.
18 So it's -- it's advantageous to have a level set. For
19 example, this fall it's two feet down from what it was a
20 year before.

21 Now if -- if trout are already spawning in
22 two feet of water, if we draw it down a metre from the
23 two feet now, could there potentially be a danger to the
24 lake trout spawning in that lake?

25 THE CHAIRPERSON: Mr. Carter, I'm going

1 to -- before I go back to Deze Energy Corporation, we
2 want to make sure that you still have one (1) more
3 question coming up, then your mother is coming up. But
4 your -- your comments are interesting, but I think at the
5 same time you -- we also have you tomorrow at 1:30. So
6 if we could just stick to the questions and -- and
7 tomorrow you have that opportunity to make that
8 presentation.

9 So I'm going to go -- just quickly go back
10 to Deze Energy and then I'll come back to you for your
11 final question. Thank you.

12 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
13 I think I understand. Thank you for clarification of the
14 interest behind this question. I think I can answer a
15 couple of things very briefly, that the annual drawdown
16 under the operations is predicted to be similar, in
17 similar ranges to the annual fluctuations that have been
18 seen in the lake over the past years since Twin Gorges
19 operates, and appreciate that lake trout are an important
20 species to the lodge owners, to traditional users of that
21 area.

22 And Deze has been working with DFO to
23 develop a program that targets lake -- exactly what the -
24 - the Carters are speaking of, the lake trout spawning
25 habitat, and confirming predictions made in the DAR that

1 there would not be a significant negative effect to lake
2 trout.

3 THE CHAIRPERSON: Okay. Thank you. I
4 want to go back to Mr. Carter and your final question,
5 and then I'm going to ask your mother to come up.

6 MR. DEAN CARTER: I had -- I had asked a
7 question, I just didn't recall their answer on how long
8 the drawdown would take place over? Just because I'd
9 already asked that, but I just didn't get their comments.

10 THE CHAIRPERSON: Okay. Thank you.
11 We'll go back to Deze Energy Corporation.

12 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
13 The fluctuations in the lake would happen on a seasonal
14 basis but I believe the drawdown of specific interest to
15 lake trout would be a -- a slow and natural reduction of
16 the lake level from fall through the winter months when
17 flows don't come into the lake. And then in spring when
18 flows naturally flow into the lake, the water would start
19 rising again.

20 THE CHAIRPERSON: Thank you. Was that
21 your final question, Mr. Carter?

22 MR. DEAN CARTER: Just with regard, one
23 other question I --

24 THE CHAIRPERSON: All right. Please
25 proceed.

1 MR. DEAN CARTER: The winter road, is the
2 work on the winter road underway as of yet from up to
3 Nonacho? Is the -- is the work on the -- the winter road
4 underway yet?

5 THE CHAIRPERSON: Okay. Thank you. I
6 presume that's your last question, Mr. Carter? Okay,
7 thank you. And then I want to go back to Deze Energy
8 Corporation, and then I'm going to ask your mother to
9 come up.

10 MR. TOM VERNON: Tom Vernon. On the
11 question of the winter road, there's no work underway on
12 the road to Nonacho Lake from Twin Gorges.

13 THE CHAIRPERSON: Thank you. I would
14 like to thank Mr. Carter for your comments and questions.
15 And I'm going to go to your mother. If you -- for the
16 record, can you state your name and then post your
17 questions.

18 MS. JEAN CARTER: Jean Carter. I want to
19 address Deze -- Don Balsillie in his presentation here,
20 approach to business. I noticed he had mentioned
21 appropriate rate of return, and long-term vision. Well,
22 we really also run a business on Nonacho Lake, so I want
23 to ask him how does he think this is going to affect us
24 in our business on Nonacho Lake.

25 THE CHAIRPERSON: Thank you, Jean Carter.

1 I'm going to go to Don Balsillie from Deze Energy
2 Corporation.

3 MR. DON BALSILLIE: Don Balsillie, Deze
4 Energy Corporation. I guess your question is pretty
5 broad, in -- in the sense in terms of how it's going to
6 affect your business. That -- that question, I think,
7 can be answered in -- was answered in part by previous
8 speakers. In terms of your business being one that
9 depends on the -- on the fish stocks, you've heard from -
10 - from Deze that the impacts are going to be minimal.

11 So, in that regard, I can see that there
12 is concern by your family with regard to ongoing usage of
13 a resource that you depend on and, as we move forward, I
14 mean, more questions will be answered to give you comfort
15 that the impacts are going to be minimal. And if there
16 is ongoing concern with what is happening with Deze,
17 we're open to much more dialogue away from this
18 particular setting, to ensure and give you comfort that
19 we'll take every means possible to try and minimize any
20 impacts that may be felt by your family in this
21 particular regard.

22 MS. JEAN CARTER: So when you say
23 "comfort," what do you mean by "comfort"?

24 THE CHAIRPERSON: Thank you. Thank you,
25 Mr. Balsillie. I'm going to go back to Jean Carter.

1 MS. JEAN CARTER: I'm sorry. This is all
2 new to me, so excuse me when I speak when I shouldn't.

3 MR. DON BALSILLIE: When I -- when I say
4 "comfort," meaning basically that there's -- there's
5 additional information that's required specific in nature
6 to the project and the impacts that it may have on the
7 fisheries stocks, the water levels, et cetera, all those
8 types of information can be made available to you to give
9 you comfort that you're well aware of what has been
10 proposed and the possible impacts. And if there's other
11 means that you want to, I guess, approach us with, we're
12 quite open to having dialogue with you in terms of -- of
13 addressing your concerns.

14 THE CHAIRPERSON: Thank you. Back to
15 Jean Carter.

16 MS. JEAN CARTER: And it's also mentioned
17 here that there would be no new flooding. So that
18 indicates to me that they are admitting that flooding has
19 taken place, but now they're saying no new flooding.

20 Can they guarantee that there will be no
21 new flooding, and if they can guarantee, how do they
22 propose to do this?

23 THE CHAIRPERSON: Thank you for your
24 question. We'll go back to Deze Energy Corporation.

25

1 (BRIEF PAUSE)

2

3 MR. DAN GRABKE: Thank you. Dan Grabke.
4 Yes, there was flooding in the past. When the Nonacho
5 dam was built, it raised the -- the lake level about 3
6 metres back in 1968, I believe. And so there was
7 flooding in the -- in the past. You can see that along
8 the shoreline with all the trees under water.

9 Our project is proposing no additional
10 flooding, not taking the water any higher than what has
11 been in the past and in -- since the dam was built. And
12 that's one (1) of the reasons why we're building the new
13 control structure as a -- so we can release water -- more
14 water faster.

15 As you're aware, some -- the Power Corp.
16 opens up some gates in order to alleviate high water
17 levels at your camp in the past, but they can only do so
18 much with those old gates. We're putting in more gates
19 so that we can control the water levels and not allow
20 anymore flooding, additional flooding. Thank you.

21 THE CHAIRPERSON: Thank you. We'll go
22 back to Jean Carter.

23 MS. JEAN CARTER: Now you mention -- you
24 mentioned no higher than flooding in the past. What --
25 so what past are you talking back -- about, since the

1 dam?

2 THE CHAIRPERSON: Thank you for your
3 question. Back to Deze Energy Corporation.

4 MR. DAN GRABKE: Yes. Yes, that is
5 correct. We -- the -- the water level won't go any
6 higher than it's been before in the last forty (40)
7 years.

8 THE CHAIRPERSON: Thank you. Back to
9 Jean Carter.

10 MS. JEAN CARTER: Was that four (4) years
11 or forty (40) years?

12 THE CHAIRPERSON: Deze Energy
13 Corporation.

14 MR. DAN GRABKE: Forty (40) years. Since
15 the dam was built.

16 MS. JEAN CARTER: So then if you could
17 raise that, did you say nine (9) -- how many metres did
18 you say?

19 THE CHAIRPERSON: Deze Corporation. Nine
20 (9)?

21 MR. DAN GRABKE: I believe the water was
22 raised 3 metres back in the '60s.

23 THE CHAIRPERSON: Thank you. Jean
24 Carter.

25 MS. JEAN CARTER: So that's close to 10

1 feet, correct? So if that -- if that water is raised 10
2 feet, it's going to probably almost, for sure, wipe up --
3 wipe out mo -- a lot of our buildings.

4 THE CHAIRPERSON: I'm going to go back to
5 Deze Energy Corporation.

6 MR. DAN GRABKE: Okay. I might not be
7 expressing this well. The water was raised 3 metres in
8 the past and now fluctuates in a range around -- the --
9 the original flooding was substantial and -- and fairly
10 sudden, and now there's been natural fluctuations in
11 those -- those levels, plus and minus.

12 We're talking about not raising the water
13 any more than what has been occurring in the past. And
14 so whatever you've seen at your camp before, you'll see
15 in the same range.

16 THE CHAIRPERSON: Thank you. Before I go
17 back to Jean Carter, I just had to ask the question in
18 regards to how much more questions you have, and just
19 remind you as well that tomorrow we have you on the
20 agenda at 1:30. So I'll like to ask you that question.

21 MS. JEAN CARTER: Well, I'm really sorry
22 that we have to take so long but we -- had we been
23 informed or invited to any of these discussions, this --
24 a lot of our questions probably could have been answered.
25 We came very late to this here Hearing -- the pre-

1 hearings and this, so we have not had sufficient time to
2 get all these questions answered.

3 And I know we're only allowed thirty (30)
4 minutes tomorrow. There's no possible way we can have
5 everything answered that we want. And so I'm taking the
6 opportunity, and I apologize for it, because I realize a
7 lot of other people have concerns, not only us, but we
8 are the only inhabitants on Nonacho Lake and have never
9 been contacted by phone, fax, e-mail.

10 Like, we are not living in the mediaeval
11 age. We have con -- many ways of contacting people and I
12 feel really disconcerted to think the only tenants on
13 Nonacho Lake have not been consulted.

14 Now -- and I notice also the Deze
15 presentation here that they consulted with numerous,
16 like, times with Lutsel K'e, which I think they should,
17 and Parks Canada. But I think as a only ren -- tenant on
18 Nonacho Lake and been there for over fifty (50) years, we
19 should have had more input into this.

20 THE CHAIRPERSON: Okay. Thank you.
21 Before you continue on here, I just want to make mention
22 that we do have a process in place here, in regards to as
23 how we administer, handle, liaise. And, you know, people
24 are aware of the rules that we have and there are
25 processes already in place as to how we deal with this

1 file, and I want to make mention that, yes, I appreciate
2 your comments at this time, but at the same time you do
3 have some time tomorrow at 1:30.

4 But at the same time as well, before the
5 Public Registry closes, you have an opportunity to also
6 express your other questions you may have, or concerns
7 you have, in writing to the Board.

8 So I just want to leave that with you.
9 But I'm going to come back to you again and ask you in
10 regards to the amount of questions you have. Thank you.

11 MS. JEAN CARTER: Yeah, I -- I probably
12 have two (2) for sure, maybe three (3), but they should
13 be answered fairly easy.

14 They talked about the caribou. I believe
15 it was Damian. He -- they do not where -- know where the
16 -- the caribou -- I think that's the Bathurst herd,
17 migrates through Nonacho Lake. But they are going to
18 anticipate and then take -- or take measures to protect
19 the caribou.

20 Well, I can tell you where they migrate on
21 Nonacho Lake. They migrate right out in front of our
22 camp and behind there is a -- narrow waters there; that's
23 where they migrate and they've been doing that for years.
24 And I have pictures that I'm going to have brought over
25 from Hay River tomorrow and I'm going to place them.

1 So, where do you -- I want to know from
2 Damian, where do you anticipate that these caribou will
3 migrate? What areas?

4 THE CHAIRPERSON: Okay. Thank you, Jean
5 Carter. That's one of three (3) questions you have. So
6 I'm going to go back to Deze Energy Corporation in
7 regards to that question. Please proceed.

8 MR. DAMIAN PANAYI: Thank you, Mr.
9 Chairman. Damian Panayi. I'm not going to try and
10 predict caribou movements. They're -- they're highly
11 unpredictable, but we -- we do know that and we have seen
12 that caribou will occasionally come down to -- to -- and
13 I'm speaking from the data that I've seen, that caribou
14 will occasionally come down to the Nonacho Lake area and
15 spend the winters there. And further south of there,
16 there was some burns, you know, some forest fires in the
17 1970s, I think, and so they don't seem to go too much
18 further than that area right now, but we expect that
19 would -- you know, they have done in the past and most
20 likely will again in the future.

21 So, yes, there's caribou in that area and
22 the plans are to limit use of the winter road by hunters
23 on -- on -- in trucks and vehicles so that we can try and
24 limit the amount of -- limit the effect to those caribou.

25 THE CHAIRPERSON: Okay, thank you. I

1 want to go back to Jean Carter, to your second question.

2 MS. JEAN CARTER: I'll go -- in -- in
3 regards to that winter access road, that is -- like I've
4 been around for a long time, probably most of you would
5 think too long, but I have seen the effects of access to
6 Nonacho Lake with the equipment, without a road, let
7 alone a -- putting a road in, so -- and I know you have
8 said you were -- will monitor that, well it -- but I
9 can't see how effectively that is going to be. So how do
10 you propose to have -- keep access on that road, where no
11 one will be able to come in?

12 We have a lot of assess out -- access out
13 there at Nonacho Lake that I'm concerned about, and, of
14 course, the caribou that migrate through -- through there
15 I'm concerned about, and so how do you anticipate
16 stopping this?

17 THE CHAIRPERSON: Okay, thank you, Jean
18 Carter. I want to go back to Deze Energy Corporation.

19 MR. DAMIAN PANAYI: Mr. Chairman, it's
20 Damian Panayi again.

21 Currently, the plans to control use of the
22 winter road by harvesters is that we will have a gate and
23 a fence at the Twin Gorges' property. So somebody --
24 there -- somebody driving from Fort Smith could make it
25 as far as Twin Gorges. We would like to put a gate at

1 the Slave River, but that's Crown land, and so Deze
2 Energy cannot legally do that. But we can put a gate at
3 Twin Gorges, so nobody can drive a truck further than
4 Twin Gorges under -- is what we're proposing.

5 And there would, of course, be
6 environmental monitors hired by -- by Deze who would
7 monitor harvesting, or wood cutting, or trapping, or
8 fishing activity by -- by non-project people along that
9 road. And if a problem arises, then -- then those people
10 are there to -- to deal with that problem.

11 THE CHAIRPERSON: Thank you. I want to
12 go to Jean Carter, to your final question.

13 MS. JEAN CARTER: Okay, it's mentioned in
14 here on summary how -- how this could be multi-general --
15 ge -- generational revenue stream. Well, talking about
16 multi-general -- generational, that's what -- what we
17 are. We -- this is five (5) generations, I'm -- I'm
18 talking about. And it was said that this is a positive
19 thing, and it is a positive thing, but it's -- if it
20 affects you, it isn't a positive thing, and this is going
21 to affect us.

22 So I want them to be able to explain to me
23 how this can be positive when a ne -- when we've been
24 there for fifty (50) years and we see all this activity
25 and flooding, which we've lived with for fifty (50)

1 years, and moving our cabins back, you tell me how this
2 is a positive thing?

3 THE CHAIRPERSON: Okay, thank you, Jean
4 Carter, to your final question. I'm going to go to Deze
5 Energy Corporation.

6

7 (BRIEF PAUSE)

8

9 MR. DAN GRABKE: Sorry. Thank you, Mr.
10 Chairman. We believe this is a positive project because
11 of the things that come out of it, as listed in -- in our
12 conclusions as far as greenhouse gases, and -- and
13 revenue, and those sort of things.

14 We're suggesting that Nonacho Lake isn't
15 operated in a manner that hasn't occurred in the past.
16 We're not flooding additional land. There will be a
17 brief period where there will be some activity on the
18 lake; we'll try and control the impact of that. We've
19 had discussions with you about how we could do that, and
20 so it has less of an effect.

21 And as far as access we -- as Damian
22 mentioned, we're looking at controlling access, but we
23 also recognize that you can't control everybody, and
24 we've suggested hiring a caretaker for your camp during
25 that period.

1 We have to remember that the winter road
2 period isn't like the Tibbitt to Contwoyto road. It's
3 not an ongoing thing, it's a temporary thing for three
4 (3) seasons with a fair bit of activity during one (1)
5 season, and when the trucks are done it's no longer
6 maintained. So, it's actually a very brief period.

7 Also, we have to cross the Slave River.
8 So the Slave River alone controls access by having a
9 short period that you can cross it.

10 And so in -- in summary, I guess, we
11 believe that Nonacho Lake will -- will be experiencing
12 changes in water levels that have occurred in the past
13 not to any more extreme than have occurred in the past,
14 and that there will be some effect on -- on your -- your
15 business during construction, and we'll try and minimize
16 that or work with you through it.

17 THE CHAIRPERSON: Okay. Thank you, very
18 much. I want to go to -- I've got other people that's
19 waiting too on the list here to speak. So if that
20 concludes Jean Carter's comments --

21 MS. JEAN CARTER: Can I just make -- can
22 I just make one more comment -- comment?

23 THE CHAIRPERSON: Sure. Please,
24 proceed.

25 MS. JEAN CARTER: This then, you -- you

1 said we have had discussions in the past -- past. I can
2 mention that probably on one (1) hand, and those were
3 very brief and initiated by me.

4 But my concern is, here, I want everybody
5 to know the impact this is going to have on not only
6 Nonacho Lake but on five (5) generations of people,
7 thousands of fishermen that come up year after year. And
8 if they take a break from -- from all the activities this
9 is going to greatly impact on us, and that has to be
10 recognized.

11 THE CHAIRPERSON: Thank you, Jean
12 Carter. Thank you for your comment. I'm going to leave
13 that there. I remember I mentioned a little bit earlier
14 that the -- your family has an opportunity to speak
15 tomorrow at 1:30, and to give a presentation. And, as
16 well, you know, people -- yourself, if you have further
17 comments or questions you could also send it to the Board
18 and have it posted on the public registry.

19 Also, I just want to remind people that,
20 you know, we've -- you know, prior to coming here, the
21 Review Board has done everything it can in terms of
22 letting people know the public hearing here today. We've
23 advertised it, we put it on the radio, we had meetings in
24 the communities, and so on, and, you know, we had
25 technical hearings, as well.

1 So everybody had an opportunity prior to
2 coming here, and we also have copies of your presentation
3 on our binders, as well, and our agenda is developed and
4 based on that information. And as a result of that
5 information, as Chairman, I want to make sure that we've
6 complied to the agenda we have here because we only have
7 a day and a half left to go. So I want everybody to have
8 an opportunity to speak.

9 So I'm going to back to the order of
10 questions. I'm going to go to INAC. Is there any
11 questions to the presentation made this morning?

12 MR. MARC LANGE: Marc Lange, with Indian
13 and Northern Affairs. No questions, Mr. Chairman.

14 THE CHAIRPERSON: Thank you very much.
15 Moving on to Transport Canada. Any comments -- sorry,
16 questions to the presenters?

17 MS. SOPHIA GARRICK: Sophia Garrick,
18 Transport Canada. We don't have any questions at this
19 time.

20 THE CHAIRPERSON: Thank you. I'm going
21 to move on to MVEIRB expert staff. In the back of me --
22 I'm not sure who is going to -- but I'm going to go to my
23 left, Mr. Donihee.

24 MR. JOHN DONIHEE: Thank you, Mr.
25 Chairman. My name is John Donihee, I'm Board Counsel.

1 We have questions from several folks at the back table.
2 And with your indulgence, Sir, we'll sort of move them in
3 to this seat where the microphone is, and we'll get those
4 questions asked for you.

5 THE CHAIRPERSON: Thank you, Mr.
6 Donihee. Please proceed.

7 MS. TAWANIS TESTART: Thank you, Mr.
8 Chair. Tawanis Testart, Review Board. I would like to
9 ask Deze to clarify for everyone's benefit.

10 You spoke in your presentation and have
11 numerous times referred on the record to various
12 management plans that are intended to reduce or mitigate
13 impacts from the project, and these management plans are
14 going to be developed at a future time.

15 I was wondering if Deze could clarify when
16 they anticipate that those management plans would be
17 finalized; things like the nest management plan, wildlife
18 management plans, and how it intends to communicate the
19 contents of the -- those plans to interested stakeholders
20 and local land users.

21 THE CHAIRPERSON: Thank you, Tawanis
22 Testart, for your question. I'm going to go to Deze
23 Energy Corporation.

24 MR. SHANE UREN: Thank you, Mr. Chairman.
25 Shane Uren from Deze Energy. We've developed draft

1 monitoring plans through discussions, through this
2 process, through sidebar meetings, and through individual
3 meetings we've had with the various agencies. Those
4 plans are now in draft as we know and we plan to continue
5 to work with the agencies to develop those through this
6 process as it concludes and -- and through the regulatory
7 process as we -- as we move through the project.

8 In terms of communicating those plans to
9 the stakeholders, our understanding and it's our intent
10 to get that information out to the parties where the
11 information is relevant through the various regulatory
12 processes that are in place for authorizations for
13 approvals and permits.

14 THE CHAIRPERSON: Thank you. I'm going
15 to go back to our MVEIRB expert, Tawanis Testart.

16 MS. TAWANIS TESTART: Thank you, Mr.
17 Chair. Currently on the record we do have a copy of the
18 draft monitoring plan as provided by Deze Energy.

19 I think that that is a good first start.
20 However, monitoring does not necessarily mean management
21 and the management plans that have been referred to, the
22 next management plan, that would be responses to specific
23 circumstances in the environment.

24 And I guess my question that I would like
25 Deze to answer is how they anticipate that the contents

1 of those management plans, which have not yet been
2 included on the public record, can be considered by the
3 Review Board in terms of their decision making if -- if
4 they are not complete or they're not present on the
5 record.

6 THE CHAIRPERSON: Thank you, Ms. Testart.
7 I want to go back to Deze Energy Corporation.

8

9 (BRIEF PAUSE)

10

11 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
12 Thank you for clarifying for us if there's a difference
13 between management plans and the monitoring program.

14 We have submitted in the developer's
15 assessment report an outline of some of the management
16 plans that we have put forth in draft form.

17 They are in, I believe, chapter 7 of the
18 developer's assessment report, mitigation -- the
19 management plans that provide some mitigation measures
20 and procedures to avoid or mitigate impacts such as a
21 sediment erosion, a control plan, Waste Management Plan,
22 Spill Contingency Plan for some.

23 Through this process, through the
24 technical sessions, through our engagement with the
25 parties, we have also been recommended and agreed to

1 you saying?

2 THE CHAIRPERSON: Thank you, Mr. Donihee.
3 I want to go back to Deze Energy Corporation.

4 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
5 What we're saying is that the management plans, we've put
6 forth some. Some are -- have been -- are not -- have not
7 been developed yet because of the information that has
8 just come forth in the recommendations for these plans.

9 Some of the information associated with
10 these plans is very detailed, detailed procedural
11 information that we can't finalize until we have more
12 information on the detailed design phase of the project
13 and potentially how a contractor may or may not be able
14 to conduct works. We are prepared to commence at this
15 time to further developing those plans and to what the
16 content may be, but until we move into detailed design,
17 we are not necessarily able to flush out some of the
18 detailed procedures that have to be followed and -- and
19 would be contained in those plans.

20 So we would commit to -- at this point in
21 time, commit to finalizing those plans with the parties
22 and agencies that have requested that input during the
23 permitting stage if this project is advanced to that
24 point.

25 THE CHAIRPERSON: Thank you. I'm going

1 to go back to Mr. John Donihee.

2 MR. JOHN DONIHEE: Thank you, Mr.
3 Chairman. John Donihee. I just want to be clear. And
4 Ms. Testart's question, really, I guess, was pointing to
5 a situation where you're co -- you're -- you're offering
6 commitments to develop management plans which are not
7 going to be available until after the environmental
8 impact assessment process is completed. So the plans, as
9 I understand what you're saying, are intended to address
10 operations and to show the regulators at that point how
11 your -- your commitments and -- and how the mitigation is
12 going to work in practice.

13 But I -- I just want to be clear, that
14 it's -- it's not your position that these plans are
15 necessary in order for the -- to -- to validate the
16 impact assessment that you've conducted. So is that --
17 am I -- are we on the same wavelengths now?

18 MS. LINDA ZURKIRCHEN: Yes.

19 THE CHAIRPERSON: Thank you, Mr. Donihee.
20 I'm going to go to Deze Energy Corporation.

21 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
22 Yes, that's correct.

23 THE CHAIRPERSON: Mr. Donihee...?

24 MR. JOHN DONIHEE: Thank you, Mr.
25 Chairman. Through the -- the process and that you'd be

1 prepared to file that list with the Board in the near
2 future, could we ask for an undertaking to file this
3 comprehensive list, say in the next two weeks?

4 THE CHAIRPERSON: Thank you, Mr. Donihee.
5 Deze Energy Corporation, please proceed.

6 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
7 Yes, we would commit to filing that within two (2) weeks.

8 THE CHAIRPERSON: Okay, having said that,
9 two (2) weeks, and I'm going to give you until January
10 29th at 3:00 p.m. local time. Would that be a sufficient
11 time?

12 MS. LINDA ZURKIRCHEN: Yeah. Linda
13 Zurkirchen. Yes, thank you, Mr. Chairman.

14 THE CHAIRPERSON: Very good. Mr.
15 Donihee.

16 MR. JOHN DONIHEE: Thank you, Mr.
17 Chairman. Just for the record, that'll be Undertaking
18 number 1.

19
20 --- UNDERTAKING NO. 1: To provide a comprehensive
21 list of commitments by
22 January 29th at 3:00 p.m.
23 local time

24

25 MR. JOHN DONIHEE: I want to switch

1 topics a little bit. I -- I note from the presentation
2 made by Deze officials some discussion of alternative
3 alignments for the transmission line.

4 In fact, during your oral presentation
5 there was an example given of a move of one (1) portion
6 of the line away from the east end of Mackay Lake. And
7 so I'm -- I'm wondering how this assessment of
8 alternatives has -- how -- how your assessment of the
9 alternatives has captured these options for the Board.

10 You know, have you identified all of the
11 impacts associated with all of the options and if you're
12 now favouring this line, say, or alignment that's moved
13 away from the east end of Mackay Lake is -- is -- are the
14 impacts of that particular option highlighted in some way
15 so that the Board is clear which of the alternative
16 routings is being favoured and -- and which one is the
17 one, I suppose, that ought to be considered in the report
18 of environmental assessment?

19 THE CHAIRPERSON: Thank you, Mr. Donihee.
20 Back to Deze Energy Corporation.

21 MR. TOM VERNON: Tom Vernon. Thanks for
22 that question. I think the answer to that is that the
23 baseline route presented in the DAR includes all
24 modifications that were noted in that particular slide as
25 you mentioned around Mackay Lake. We just presented that

1 as a -- as a -- as a move that we undertook and an
2 optimization process based on an environmental assessment
3 that -- that we carried out before we put the baseline
4 preferred route down in the DAR.

5 The next examples in the -- the proposed
6 park area and the Harry Lake area are examples of what we
7 could work with and consider if that was a recommendation
8 by the Board or by other stakeholders that we -- we take
9 up.

10 I'm just indicating that we're flexible on
11 corridor to -- to the maximum extent we can be.

12 THE CHAIRPERSON: Thank you. Going back
13 to Mr. Donihee.

14 MR. JOHN DONIHEE: Thank you, Mr.
15 Chairman. John Donihee. I'm -- I'm -- I'd like to ask
16 you now about the Lockhart River area. You indicated
17 that you do have to cross it somewhere.

18 It's obviously a matter of some
19 sensitivity as to where that exactly happens, you know.
20 Can you indicate what problems and impacts you considered
21 and -- in -- in relation to some of the options about
22 rerouting around the Lockhart River area, the sensitive
23 area?

24 THE CHAIRPERSON: Okay, thank you, Mr.
25 Donihee. I'm going to go back to Deze Energy

1 Corporation.

2 MR. DAMIAN PANAYI: Mr. Chairman, if I
3 can add something supplementary to the previous answer?
4 Just going back to that area where we move the
5 transmission alignment near Mackay Lake and Lac de Gras,
6 that was an area which, during the baseline studies when
7 we first started investigating that area, we saw right
8 away that there was a lot of caribou trails in the area.

9 And because there was a lot of caribou
10 trails, we were also finding a lot of archaeological
11 sites. We know that the Narrows between Lac de Gras and
12 Lac de Sauvage has -- has quite a -- a history of use.

13 And there's also hunting camps in the area
14 so there's outfitting companies that are reliant on a --
15 you know, a pristine environment.

16 And so this is -- this was for us a case
17 of the environmental assessment process at its best in
18 that we saw a problem and we fixed it, or we did what we
19 could to mitigate the effects by moving the transmission
20 line to a different location.

21 And Deze -- we brought that example
22 forward just to show that Deze has made changes to the
23 project as we've seen problems and we're hoping to
24 continuing with -- with that approach. Thank you.

25 THE CHAIRPERSON: Thank you. Just as a

1 reminder, it's ten to 12:00 but I want to go back to Mr.
2 John Donihee.

3 MR. JOHN DONIHEE: Thank you, Mr.
4 Chairman. I wonder if we could now come back to the
5 question I asked about routing around the -- the Lockhart
6 River area and in particular the Old Lady of the Falls,
7 that sensitive area.

8 THE CHAIRPERSON: Thank you, Mr. Donihee.
9 I'll go back to Deze Energy Corporation.

10 MR. TOM VERNON: Tom Vernon with Deze. I
11 guess the answer would be that we have always considered
12 that we would come to a resolution of -- of the least
13 impact area in -- in a particular run of that river
14 between Artillery Lake and Great Slave Lake that would be
15 acceptable.

16 We've never drawn -- well, we've drawn a
17 route but we've always maintained that that was something
18 we could easily live with moving, increasing spans,
19 changing tower configuration.

20 There's really -- if -- if one is going to
21 run a transmission line across that area, it -- it pretty
22 much has to be in its landline. It has to be between
23 Great Slave Lake and Artillery Lake.

24 That has been our -- our presentation in -
25 - in -- in the development of this corridor since --

1 since 2003. There may well be other technically viable
2 approaches.

3 We do not have them to offer you today
4 because we assumed we would come to a resolution of -- of
5 crossing in the -- in the 4 or 5 kilometres of the -- of
6 the Lockhart River.

7 THE CHAIRPERSON: Okay. Thank you. I
8 think I'm going to stop it there. Mr. Donihee will come
9 back after lunch with questions.

10 On the agenda here, the GNWT was going to
11 do a presentation at one o'clock. I'm willing to push
12 that back to 2:00. And NRCan's presentation is not
13 longer -- they've -- they're not going to be here to do a
14 presentation, but they gave a written submission to the
15 Board, so therefore that free's up that time.

16 So, with that I'm going to continue on
17 with questions after lunch. We'll come back at 1:30 and
18 we'll continue on. And lunch is provided. And I'll --
19 we still need to finish off questions. So, with that
20 we'll take an hour and a half break. Marsi.

21

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

23 --- Upon resuming at 1:30 p.m.

24

25 THE CHAIRPERSON: Okay, good afternoon

1 again. Again, I'd like to call the public hearing back
2 to order. It's 1:31. Before I continue on with the
3 questions, I want to apologize about the -- the food
4 here. I guess we didn't really anticipate this amount of
5 people that came out today, so we got some more food
6 coming. It should be here any time. But as it arrives,
7 I think what we'll do is we'll continue on with the
8 meeting and people could go ahead and still eat while the
9 public hearing's in process.

10 As well, we got GNWT coming on shortly
11 here, but before we do that, we want to finish off with
12 some of the questions that are here. So if we could go
13 back to the order of questions.

14 I'm going to back to Mr. John Donihee, in
15 regards to the presentation made this morning. Mr.
16 Donihee?

17 MR. JOHN DONIHEE: Thank you, Mr.
18 Chairman. John Donihee, Board counsel. I have, I think,
19 just a couple of questions related to issues around
20 access and caribou.

21 It appears that the original work for the
22 -- the DAR was done with information about the Bathurst
23 caribou herd only, and that as a result of information
24 requests and some of the technical meetings, that
25 additional information was provided and the -- that Deze

1 Energy did some reconsidering on the basis of information
2 about the Beverly and the Ahiak herds as well.

3 Now, all three (3) of these herds are in
4 serious decline. As was indicated this morning, the
5 Government of Northwest Territories has just imposed an
6 unprecedented closure on all hunting on the Bathurst
7 range. It's my understanding that the information about
8 the Beverly herd indicates that it's down to perhaps as
9 low as a few hundred caribou, and that the Ahiak herd is
10 also in a -- in a serious decline.

11 So with -- with that as a background, I
12 guess the question I really have for the developer is --
13 relates to the conclusions that were drawn about the
14 effects of the project on -- on caribou. And, in
15 particular, I guess what I'm concerned about is -- or
16 would like you to -- to help us with is how certain --
17 what I want to know is how certain you really are about
18 the -- the effectiveness of the mitigation measures that
19 you've proposed.

20 I suggest to you that, you know, with
21 these herds in the kind of condition that they're in,
22 that there's less room to get it wrong in respect of
23 these mitigation measures, and so I wonder if you'd
24 comment on first your -- the general approach to
25 mitigation and -- and tell the Board, if you will, how

1 certain you can be about the effectiveness of these
2 proposed measures.

3 THE CHAIRPERSON: Thank you, Mr. John
4 Donihee. Before I go to the presenters, to Deze
5 Corporation, just for the record, when you speak, again,
6 just mention your name and who you represent, and, at the
7 same time, if you can, speak a little bit louder so
8 people can hear you.

9 So, with that, I'm going to go to Deze
10 Energy Corporation.

11 MR. DAMIAN PANAYI: Thank you, Mr.
12 Chairman. The answer to the first part of the question
13 regarding Bathurst and -- sorry, Damian Panayi, Golder
14 Associates representing Deze Energy.

15 Yes, in the -- in this -- in the Nonacho
16 Lake area, we -- we would expect to see Bathurst caribou,
17 Beverley caribou and Ahiak caribou, so caribou from three
18 (3) different herds. The information we have suggests
19 that Bathurst are the most commonly found -- the most
20 commonly found herd in that region and there has been
21 more information brought to our attention since then
22 which does indicate that presently there might be more
23 Beverley and Ahiak activity out there than we had
24 anticipated, and that historically the range went much
25 further. I mean, like back in the 1960's the -- and

1 prior to that the range went much further than it does
2 currently.

3 But with that in mind, we based the -- we
4 predominantly based the effects assessment on our
5 findings from the Bathurst caribou and we used that as a
6 surrogate essentially for barren-ground caribou as a
7 whole.

8 And the reasons for that are -- are fairly
9 solid which are that we have far more information about
10 the Bathurst herd than we do for other herds. And the
11 Bathurst herd is obviously or likely exposed to much more
12 cumulative effects than other herds.

13 And there's a lot of information showing
14 that the existing diamond mines, the existing hunting
15 camps, the existing winter roads do tend to be more in
16 Bathurst range than Ahiak or Beverley range. And
17 likewise, the Taltson project would -- has greater
18 overlap with the Bathurst range than the Beverley and the
19 Ahiak.

20 So that gave us the strongest -- that sort
21 of gave us the strongest position we had to -- to proceed
22 with the effects assessment. And we made a number of
23 very conservative assumptions in our effects assessment
24 just to be sure that we were over estimating effects.
25 And in doing so we did not find significance. There are

1 some areas of uncertainty which we highlighted in the
2 presentation for sure.

3 And the second question was with regards
4 to access and we would control access and -- and -- and
5 how that -- how effective that would be.

6 As I mentioned there would be a new winter
7 road from Fort Smith to Nonacho Lake in operation for
8 three (3) years.

9 And Deze proposes to install a gate and a
10 fence at Twin Gorges so that if somebody's driving up
11 from Fort Smith they wouldn't be able to make it past
12 Twin Gorges.

13 There is plans for signage and it's just -
14 - the general rule for -- for the project is that only
15 project vehicles will be allowed on those roads.

16 Now, obviously, it's difficult to enforce
17 these things and I would anticipate that people are going
18 to try to get on this road and people will get on this
19 road and that is why we're proposing to have
20 environmental monitors and it's part of their job -- will
21 be part of their job to -- to monitor use of the road by
22 non project vehicles.

23 And there's a similar example of -- of
24 such at the Ross Lake camp on the Tibbitt-Contwoyto Road
25 which is operated by the Yellow Knifes Dene.

1 And that would give us a feel for how
2 people are using the road and if issues come up then we
3 can -- we can deal with those as they arise and we would
4 be -- we would like to, you know, hope to work with
5 Environment and Natural Resources on those issues as they
6 arise.

7 And as I mentioned also during the
8 presentation that there is the possibility of -- of
9 localized work stoppages if we do run into high numbers
10 of caribou during -- during construction. Thank you.

11 THE CHAIRPERSON: Thank you. I'm going
12 to go back to Mr. John Donihee.

13 MR. JOHN DONIHEE: Thank you, Mr.
14 Chairman. John Donihee. I do understand your plan for
15 access control and environmental monitors. The
16 mitigation and monitoring plan that you filed makes
17 reference to those sorts of things, app -- approaches to
18 impact reduction.

19 And -- and I'll paraphrase it I guess.
20 But what it says, as I read it, is that, you know, and
21 you've just said that again, if problems occur, you know,
22 that other mitigation will be considered.

23 And I just wonder because you don't
24 identify any real thresholds or any specific monitoring
25 activities, or any framework for making decisions, the --

1 the question I have really is: Given that kind of
2 monitoring, how are you really going to know if your
3 mitigation is not working?

4 THE CHAIRPERSON: Thank you, Mr.
5 Donihee. To go back to Deze Energy Corporation.

6 MR. DAMIAN PANAYI: Damian Panayi. We'll
7 know if the mitigation isn't working because there'll be
8 evidence of people hunting on the winter road.

9 THE CHAIRPERSON: Thank you. Mr.
10 Donihee?

11 MR. JOHN DONIHEE: Thank you, Mr.
12 Chairman. And so you see some people hunting on the
13 winter road, and what does that tell you? How are you
14 going to know what that's doing to the herd? Is there --
15 if there's no closure and hunting is still legal, how do
16 we actually know whether or not this hunting is pushing
17 that herd closer to the edge?

18 THE CHAIRPERSON: Thank you, Mr.
19 Donihee. Deze Energy Corporation?

20 MR. DAMIAN PANAYI: There would -- Damian
21 Panayi. There would obviously be regular reporting back
22 to Environment and Natural Resources, there would be
23 annual reports which summarize our observations, and the
24 environmental monitors obviously would, you know, have
25 free reign to -- to phone Environment and Natural

1 Resources and discuss problems as they arise.

2 And this is something for which we do have
3 some experience at the existing diamond mines. At those
4 locations they -- they don't use thresholds, and -- along
5 the existing Tibbitt-Contwoyto Road there is no threshold
6 for how many people are allowed to use the road.

7 We have found in practice that having
8 environmental monitors, who come from the communities, do
9 a very good job at -- at keeping an eye on how the
10 project is interacting with -- with wildlife, and -- and
11 they deeply care and want to make sure that the project
12 is not having effects to the wildlife.

13 THE CHAIRPERSON: Okay. Thank you. Mr.
14 Donihee?

15 MR. JOHN DONIHEE: Just one more question
16 to conclude on this line, Mr. Chair. I -- I note from a
17 letter filed by ENR under the Deputy Minister's signature
18 yesterday, in reference to a question about -- ENR was
19 asked on -- about the developers proposal to reduce
20 access and how effective that might be, and that in their
21 conclusion ENR indicates that they've committed to
22 working with the developer to further develop their -- I
23 assume that means Deze's environmental monitoring
24 program, as well as your human/wildlife conflict
25 management plan.

1 I wonder if you can tell the Board what
2 Deze's plans are to further refine and develop this
3 environmental monitoring program, particularly in respect
4 of these caribou questions we've been talking about.

5 THE CHAIRPERSON: Thank you, Mr.
6 Donihee. Deze Energy Corporation?

7 MR. DAMIAN PANAYI: Yes, thank you.
8 Damian Panayi. Yes, we have filed drafts of these plans.
9 And the plan currently to proceed with these things is to
10 wait and see the findings of, you know, what concerns are
11 raised during these meetings, and the outcome of this
12 environmental assessment process, and then during the
13 regulatory stage we will fine tune these plans. But the
14 commitments to -- to develop the plans and continue the
15 plans are definitely there.

16 THE CHAIRPERSON: Thank you. Any
17 further questions from Mr. Donihee?

18 MR. JOHN DONIHEE: I -- I just -- one
19 question from -- on this line from Mr. Ehrlich.

20 MR. ALAN EHRLICH: Thank you. Alan
21 Ehrlich, Senior Environmental Assessment Officer with the
22 Review Board.

23 Damian, you've mention that there will be
24 a program for looking to see whether or not there's
25 increased access and increased hunting from increased

1 access. And you've mention that if an issue is
2 identified then Deze will have to do something about
3 that, possibly with ENR.

4 What kind of options does Deze have to
5 address the problem if it is identified, once the gate's
6 in and the -- the measures you've described are in
7 place?

8 THE CHAIRPERSON: Thank you, Mr.
9 Ehrlich. Going back to Deze Energy Corporation.

10

11 (BRIEF PAUSE)

12

13 MR. DAMIAN PANAYI: It's -- we -- we
14 don't have, you know, exact numbers, and so on, just yet,
15 and this is something which we're going to be working
16 towards.

17 We are committed to continually working
18 with Environment and Natural Resources and other
19 interested parties to develop a solid plan. The
20 mitigation which we are proposing is outlined in some of
21 our previous responses and there are some limitations to
22 what Deze can do.

23 For example, Deze is not allowed to put a
24 gate on the far side of the Slave River, you know,
25 because of land tenure issues. So there are, obviously,

1 limits to what Deze can do but, you know, in working with
2 Environment and Natural Resources, I'm sure we can come
3 up with -- with some workable solutions.

4 And I mentioned earlier a possible
5 solution is -- is that used on the Tibbitt-Contwoyto --
6 sorry, the Ingraham Trail, where there's a no hunting
7 corridor within a kilometre and a half of the road. So
8 there's various different tools out there. And,
9 possibly, if it became a real problem, you could go as
10 far as having manned, you know, gates with people
11 permanently stationed there to monitor traffic coming up
12 and down the road.

13 But, again, the plan is to sort of have
14 environmental monitors who will keep note and -- and keep
15 -- make observations or keep note of any non-project
16 vehicles they see on the road. Presumably, they can have
17 a word with these people, and also keep track of any
18 signs of -- of non-project use of the road, such as gut
19 piles on the side of the road or places where people have
20 been harvesting firewood.

21 THE CHAIRPERSON: Thank you. Mr.
22 Ehrlich, any further comments, questions?

23 MR. JOHN DONIHEE: Mr. Chairman, I have
24 one (1) more question, Mr. Ehrlich has a question, and
25 then we have a couple from our -- our experts, so we'll -

1 - we'll move along fairly quickly.

2 My last question really for Deze is:
3 Since the Carter family were granted a party status in --
4 in this proceeding after the -- right after the pre-
5 hearing conference, have there been any -- any direct
6 meetings between Deze Energy and the Carter family in
7 order to explore options for reducing some of the
8 concerns and the impacts that the project might have on
9 the operation of the lodge on Nonacho Lake?

10 THE CHAIRPERSON: Thank you, Mr. Donihee.
11 Deze Energy Corporation.

12 MR. DAN GRABKE: Thank you, Mr. Chairman.
13 Dan Grabke, Deze Energy. As we -- we had meetings --
14 brief meetings with the Carter family, some discussions
15 and -- and some communications in previous, but at the
16 pre-hearing conference, we met shortly thereafter to talk
17 specifically about the project.

18 Prior to that, I had forwarded information
19 regarding sections of the DAR I culled out that had
20 explained what was -- what we anticipated to happen at
21 Nonacho, what the project was about, to both the Carters
22 and their lawyer.

23 We talked a bit about impacts, and some of
24 the impacts are understandable. We -- I can certainly
25 see those. And we communicated some ways of -- of

1 handling those, recognizing that there -- there could be
2 some impacts during construction and that we could
3 actually utilize this project to improve their
4 operations.

5 Right now, they have a dock system, even
6 though the -- the camp is on a reservoir. It has been on
7 a reservoir for the last forty (40) years and there has
8 been fluctuations in water levels.

9 We could improve their dock system while
10 there's a winter road in there in order to -- because
11 there would be an easy way of getting the freight in
12 there. There would also be crews there that would be
13 readily available to assist with that.

14 And so a package was put together and
15 presented to them, and it's under consideration, I
16 believe.

17 THE CHAIRPERSON: Thank you. Mr.
18 Donihee.

19 MR. JOHN DONIHEE: Thank you, Mr.
20 Chairman. Mr. Ehrlich has a question now.

21 MR. ALAN EHRLICH: Thank you. Alan
22 Ehrlich, senior environmental assessment officer with the
23 Review Board. My question concerns the Lockhart River.
24 You've expressed this morning an openness to try to avoid
25 problems in that area where possible.

1 I'm wondering if Deze is prepared to look
2 at avoiding the Lockhart River itself by possibly
3 crossing the bay of Great Slave Lake where the mouth of
4 the Lockhart River enters Great Slave Lake, in other
5 words, instead of actually crossing the river, crossing
6 Great Slave Lake either above or below water, and -- and,
7 obviously, in a manner that doesn't conflict with the
8 heritage sites in the area.

9 My question is: Would you be open to
10 looking at some of those options?

11 THE CHAIRPERSON: Thank you, Mr. Ehrlich.
12 I want to go to Deze Energy Corporation.

13 MR. DAN GRABKE: Thank you, Mr. Chairman.
14 Dan Grabke. Just to give a little bit of background.
15 The reason why we -- we have the line on the map where we
16 put it, even though we communicated that it was just a
17 guess and -- and that we're willing to put the line
18 anywhere with -- with feedback that -- that stakeholders
19 and wise people could tell us where to put it, was that
20 we were trying to minimize the -- the intrusion.

21 So we went straight line as -- as quick as
22 possible across the river, trying to stay away from both
23 the mouth of the river and the Lady of the Falls. And so
24 we have it about halfway in between.

25 There's no reason why we couldn't go

1 closer to the mouth of the river. In fact, although we
2 haven't studied it, it's probably technically possible
3 and -- and perhaps economically possible to go across the
4 waters beyond the mouth of the river, either aerial or a
5 small underwater cable. The cable wouldn't be very
6 lengthy and you can perhaps double or triple it so the
7 reliability issue wouldn't be a factor.

8 One of the reasons why we didn't consider
9 that in the first place is because of the visual effect.
10 You'd have towers coming down the hill and boaters and
11 that sort of thing on McLeod Bay would be able to see
12 these towers.

13 You can mitigate that to some degree by
14 having smaller towers, maybe painted towers, that sort of
15 thing, but they'd still be an impact that way. And so
16 again, that's one of the reasons why we are further away
17 from shore. But if -- if -- if we get guidance that that
18 is the best place to put it, then we're certainly willing
19 to entertain that, with -- with the understanding that
20 that's part of this process.

21 That's -- that's part of the -- the
22 ongoing process that we're in now. That's an improvement
23 of the process and it doesn't reset the process or start
24 all over, that sort of thing, that it's a -- a tweaking
25 of -- of this process. We'd certainly entertain that.

1 Thank you.

2 MR. ALAN EHRLICH: Thank you.

3 THE CHAIRPERSON: Thank you. Any final
4 comments from Alan?

5 MR. ALAN EHRLICH: No. Right now we'd
6 like to take the opportunity to bring our experts to ask
7 their questions, if that's all right with you, Mr. Chair?

8 THE CHAIRPERSON: Very good. We've got
9 seven (7) minutes before the next presenter. So if we
10 could try to wrap this up quick so the Board Members
11 still need to ask questions, as well.

12 MR. BRUCE STEWART: Bruce Stewart,
13 Advisor to the Review Board, Mr. Chairman. I have four
14 (4) brief questions.

15 Mr. Chairman, if this development is
16 approved, construction may begin within a year or two
17 (2). Will that time be sufficient for gathering the
18 information needed to understand existing environmental
19 variability, seasonal, inter-annual and to form a useful
20 baseline for identifying project related effects later
21 on?

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

24 MR. SHANE UREN: Shane Uren, Deze Energy
25 Corp. We believe that it will. The beginnings of

1 construction focus on a winter road and will take some
2 time for that winter road to be put in place.

3 There's staging activities, there's land
4 activities that'll be taking place in the first year
5 which gives us time to collect what we feel will be
6 sufficient baseline data in areas that we've identified
7 as needing -- needing more information.

8 THE CHAIRPERSON: Thank you. I'll go
9 back to the experts. Any further questions?

10 MR. BRUCE STEWART: Bruce Stewart. Deze
11 -- Mr. Chairman, Deze has been considering 36 megawatt
12 and 56 megawatt design options.

13 Which in Deze's view is best from an
14 environmental standpoint and why?

15 THE CHAIRPERSON: Thank you. I'll go
16 back to Deze Energy Corporation.

17 MR. SHANE UREN: Shane Uren, Deze Energy
18 Corporation. Deze doesn't have a strict view on which
19 option is better, the 36 or the 56. We've presented the
20 range between these two (2) options, given our
21 understanding of the economics of the project and the
22 stage of development that the engineering have taken the
23 project to, and thus we presented that range so that
24 within this range we've identified all the potential
25 effects and, therefore, covered the -- the range of

1 possibilities of potential impacts of the project.

2 THE CHAIRPERSON: Thank you. We'll go
3 back to the experts.

4 MR. BRUCE STEWART: Bruce Stewart, Mr.
5 Chairman. Two (2) design alternatives for the South
6 Gorge bypass spillway that offer greater control over
7 ramping in Trudel Creek -- sorry, two (2) of them offer
8 greater control over ramping in Trudel Creek than the
9 preferred design were dis -- were discussed in the
10 commitments. High cost was cited as one (1) of the
11 factors that made these designs less attractive.

12 Were environmental costs and benefits
13 factored into these cost estimates?

14 THE CHAIRPERSON: Thank you, Mr.
15 Stewart. Go back to Deze Energy Corporation.

16 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
17 We looked at the effects to the environment that needed
18 mitigation and as a result assessed that the bypass
19 structure that is presented in the developer's assessment
20 report mitigates effects so that there is no significant
21 negative effect to Trudel Creek from an outage event.

22 And that is how we approached the -- that
23 additional mitigation for ramping is not determined to be
24 necessary because of the -- the design that is presented
25 in the developer's assessment report mitigates effects so

1 that they are not significant.

2 THE CHAIRPERSON: Thank you. Mr.
3 Stewart?

4 MR. BRUCE STEWART: Can I follow up to
5 that question, Mr. Chairman? So, am I to understand that
6 environmental costs weren't set aside against economic
7 costs for any of these options?

8 THE CHAIRPERSON: Thank you. Back to
9 Deze Energy Corporation. If you can, make sure you speak
10 a little bit louder again, just to remind you. Also, we
11 have a couple more minutes here, so I want to remind our
12 experts that we'd like to move on with the agenda, so if
13 there's any pressing questions then we should get to it.

14 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
15 Environment -- there was no dollar value assigned to
16 environment and to environmental effects in any of our
17 effects assessment. We did not try to put a dollar value
18 to an environmental component. So if looking at
19 translating environmental costs into a dollar value to
20 compare against the cost of a bypass facility, no, that
21 was not done.

22 THE CHAIRPERSON: Thank you. I'm going
23 to go back to Mr. Stewart.

24 MR. BRUCE STEWART: My last question,
25 Mr. Chairman. To -- what flow would the South Gorge

1 spillway have to carry to avoid the need for annual
2 ramping of the Trudel Creek river system? And what
3 protection would this offer from emergency shutdowns, in
4 terms of hours of grace, frequency, that sort of thing?

5 THE CHAIRPERSON: Thank you, Mr.
6 Stewart. Deze Energy Corporation?

7 MR. SHANE UREN: Shane Uren, Deze Energy
8 Corporation. So the numbers off the top of my head I
9 can't remember -- I can't recall, but the current plan
10 has for the existing turbine and two (2) additional
11 turbines. And if the South Valley Gorge could manage the
12 capacity of one (1) turbine, then that would eliminate
13 the need for ramping of a scheduled event because the
14 ramping could be done on a turbine by turbine basis.

15 So in terms of emergency shutdowns or
16 unforeseen or unscheduled outages that would take all
17 three (3) plants offline, that would eliminate the
18 capacity of one (1) turbine being routed through Trudel
19 Creek. So, you've got -- let's say you've got, in -- in
20 the situation where all three (3) turbines are running at
21 maximum capacity and there was a full outage, full
22 unscheduled outage, the South Valley spillway -- sorry,
23 the South Gorge spillway could be opened, take the
24 capacity of one (1) turbine if it was at that capacity.
25 Then the capacity -- the -- the remaining flow would

1 route through Trudel Creek.

2 So to answer your question, if the South
3 Gorge spillway was of the capacity of one (1) turbine,
4 one (1) of the new turbines, the bigger flow, then the
5 effect that it would have on an emergency outage or an
6 unscheduled outage would be the reduction of one of the
7 maximum capacities of a turbine.

8 Is that clear?

9 THE CHAIRPERSON: Thank you. I'll go
10 back to Mr. Stewart.

11 MR. BRUCE STEWART: Followup to that
12 question, Mr. Chairman, I wonder if Deze would commit to
13 providing us a number that meets that and to answering
14 the -- the questions related to how many hours of grace
15 that would give in the event of an unanticipated shutdown
16 and how frequently that -- that might occur?

17 THE CHAIRPERSON: Thank you, Mr. Stewart.
18 Deze Energy Corporation?

19 MR. SHANE UREN: Shane Uren, Deze Energy
20 Corporation. Could you -- could you repeat the question?
21 I guess I just -- I understood the first part was what
22 was the number which I believe off the top of my head was
23 74 cubic metres a second is the design capacity of one of
24 the new turbines, but I didn't catch the followup to
25 that.

1 THE CHAIRPERSON: Thank you. Mr.
2 Stewart?

3 MR. BRUCE STEWART: What I was asking
4 was, what sort of time it would take for ramping to raise
5 to -- to a volume that that spillway could not handle and
6 it would have to ramp into Trudel Creek, and how
7 frequently that might occur over time?

8 THE CHAIRPERSON: Thank you, Mr. Stewart.
9 Back to Deze Energy Corporation.

10 MR. SHANE UREN: Shane Uren, Deze Energy
11 Corporation. So I believe the question was regarding to
12 unscheduled outages. So where the entire plant will be
13 taken offline in a -- in a lightning strike or some
14 unforeseen situation.

15 So it depends. So the question is how
16 long could -- would it be before Trudel would have to
17 spill in an unscheduled outage if the South Gorge
18 spillway was of a bigger capacity, of the capacity of one
19 (1) turbine, one (1) new turbine?

20 Well, that -- that's going to depend on
21 the flow into the forebay. So if that happened at a time
22 of year when two (2) of the three (3) turbines were
23 running, then it would take so much time for the forebay
24 to -- to fill up to the -- to a level where the -- the
25 one (1) turbine couldn't handle the flow and then it

1 would be spilled over.

2 And in the DAR we've -- we've looked at
3 this scenario and, again, if I recall correctly, it was
4 in the order of twelve (12) hours that it would take for
5 the spillway to -- or sorry, for the forebay to fill to a
6 level where it would start to spill over into Trudel.

7 Was it twelve (12) hours or six (6) hours
8 or -- it's in that order of magnitude which is based on
9 an average -- an average condition during the summer, if
10 I understand -- if I remember correctly.

11 THE CHAIRPERSON: Thank you. I'll go
12 back to Mr. Stewart.

13 MR. BRUCE STEWART: Mr. Chairman, I
14 wonder if Deze could review the material and confirm it
15 for the record tomorrow, please?

16 THE CHAIRPERSON: Thank you, Mr. Stewart.
17 Back to Deze Energy Corporation.

18 MR. SHANE UREN: Shane Uren, Deze Energy
19 Corporation. Yes, we can -- we can take a look at that.
20 It is in the DAR and we'll review that information.

21 THE CHAIRPERSON: Okay. Thank you. Mr.
22 Stewart, did you have further questions?

23 MR. BRUCE STEWART: I'm finished, Mr.
24 Chairman, thank you.

25 THE CHAIRPERSON: Okay. Is there any

1 further questions from our experts to Deze Energy
2 Corporation?

3 MR. PETR KOMERS: Petr Komers, Wildlife
4 Advisor. Just a couple of questions. I would like to
5 follow up on our earlier discussion on a nest management
6 plan.

7 The reason presumably why we're talking
8 about nest management, and you noted that in your
9 presentation, is because of the value of wetlands. The
10 wetlands have a lot of different values because of the
11 different animals that live there, some of which are
12 endangered species. There are fur bearers, such as
13 muskrats and beaver and so on.

14 Would Deze consider the development of a
15 comprehensive wetland management plan?

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

18 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.
19 What Deze has put forth in the monitoring program may
20 touch on what is being spoken to here in terms of a
21 wetland management plan.

22 What Deze is looking at as part of the
23 monitoring program, recognizing that the hydrological
24 changes could change some of the -- the wetlands and the
25 wetland configurations which tie to terrestrial and

1 I'm going to go to Deze Energy Corporation.

2 MS. LINDA ZURKIRCHEN: Linda Zurkirchen.

3 The -- the way we project -- predict to doing this is
4 that the changes in the hydrology, aside from Trudel
5 Creek, which will experience a fairly abrupt change
6 within a short amount of time in terms of the -- the
7 quantity of flow to that system, the rest of the
8 hydrology will change on a relatively short -- it's a
9 relatively small amount of change to the hydrology.

10 There's a change in the controls at
11 Nonacho Lake, but there is not a large change in how the
12 fluctuations of water are going to occur throughout the
13 system. So the way we've looked at this, is to target
14 the areas that we anticipate would see the greatest
15 amount of change in the shortest amount of time and focus
16 our monitoring on those sites, so that if a change in the
17 system is going to occur, we would see it the earliest
18 and we would be able to react to that and move that
19 forward into other areas; that we may expect that change
20 to occur in other areas over a longer duration of time,
21 and, in that case, monitor the need for management or
22 mitigation in that there may be change, but this may not
23 necessarily be a negative effect on the wetland.

24 It may just be a transition, which is what
25 they -- what we're predicting in the DAR, transition of

1 the wetland into a different zone within the shoreline.

2 And, in this case, mitigation may not be
3 required. It may just be a monitoring program to ensure
4 that the transition is indeed occurring and -- and
5 occurring at a pace that supports the ecology of the --
6 of the Taltson River or Trudel Creek.

7 THE CHAIRPERSON: Thank you. I'm going
8 to go back to our experts again.

9 MR. PETR KOMERS: Thank you, Mr.
10 Chairman. This is all my questions.

11 MR. ALAN EHRLICH: Mr. Chairman, it's
12 Alan Ehrlich here. We do have one (1) final expert who
13 has some questions, and after that that would conclude
14 the Review Board's experts.

15 MR. RICHARD BROWNE: Hello, my name is
16 Richard Browne, chief technical consultant to the Board.
17 I have two (2) questions, one of -- to do with the
18 alternative spillways and Taltson Dam and -- and another
19 on geo-technical permafrost issues along the transmission
20 line. So I'll start with the issue of the spillways,
21 which Mr. Stewart and Petr have somewhat talked about
22 before.

23 In the -- there's a table 1, page 52 of
24 the Deze October Commitments and it provides information
25 on five (5) alternatives considered in providing a bypass

1 spillway to direct water flow in the even of a plan or
2 unplanned shutdown of the Taltson generating facilities.

3 The options considered reduce water
4 discharges to Trudel Creek by varied amounts, thereby
5 reducing environmental impact. Deze is currently
6 proposing a small bypass spillway, about 30 cubic metres
7 per second, to the South Gorge, which offers only a
8 portion of the flow from a generating unit shutdown.
9 Deze gives this option the highest benefit cost ratio and
10 a low cost.

11 Two (2) other options were reported to
12 have moderate benefit cost ratios. These were a
13 controlled intermediate sized bypass spillway into the
14 South Gorge for 75 to 150 cubic metres per second of
15 flow, and this is given a high cost, and a controlled
16 bypass spillway leading from the power canal to beneath
17 Elsie Falls, or near there, for 30 cubic metres per
18 second of flow and a low cost.

19 The final option of -- of five (5) in
20 total was a flow bypass through the powerhouse, with a --
21 a low cost. It's noted that the intermediate size
22 spillway would have the capability, it appears, to offset
23 the flow of one (1) complete generating unit on outage
24 and startage and re-startage. Therefore, this larger
25 capacity spillway would sch -- have scheduled shutdowns

1 having limited impact on Trudel Creek.

2 Ultimately the question I'd like to ask,
3 is in the table of spillway options, three (3) of them
4 all indicate that -- the last three (3) of them all
5 indicate 30 cubic metres of -- per second flow capacity.
6 That's for the small spillway that bypass canal and the
7 powerhouse.

8 Why is the same flow capacity indicated
9 for these three (3) different technical solutions?

10 THE CHAIRPERSON: Thank you for your
11 question. Going back to Deze Energy Corporation.

12 MR. TOM VERNON: Tom Vernon, Deze. Okay,
13 the question is why are the -- why did we look at three
14 (3) different configurations of a spillway or a release
15 facility at -- at the Twin Gorges' site for 30 cubic
16 metres per second.

17 30 cubic metres per second comes about as
18 a, basically, a minimum flow of record in the Taltson
19 River below Twin Gorges and is also, we think, why the
20 existing water licence supports a flow of about, I
21 believe it's 28 cubic metres per second, at that same
22 location.

23 Currently that's not necessarily what
24 happens, and we viewed sustaining the minimum flow, and
25 certainly the water licence minimums, as -- as something

1 we could certainly incorporate, and 30 cubic metres per
2 second was viewed as a -- a viable minimum flow to
3 support downstream habitat. And we looked then at
4 various scenarios, purely from a technical viewpoint,
5 what would be best, in terms of releasing 30 cubic metres
6 per second from the facility, and that -- that's --
7 that's where that arose.

8 And those are all technically feasible,
9 but as we've put in the stable here, have -- delivered
10 different levels of benefit and not a particularly
11 different levels of cost. We -- we chose to proposed the
12 one that delivered the best benefit.

13 THE CHAIRPERSON: Thank you. I'm going
14 to go back to our expert, Mr. Browne.

15 MR. RICHARD BROWNE: Yes, Richard Browne
16 here. I guess, therefore, can an increased flow capacity
17 be achieved for some, or all, of the three (3) low cost
18 options that you've provided to, you know, 40, or 50, or
19 -- or more cubic metres per second?

20 THE CHAIRPERSON: Thank you. Deze Energy
21 Corporation?

22 MR. TOM VERNON: Tom Vernon. Yes, at --
23 at cost.

24 THE CHAIRPERSON: Thank you. Mr. Browne?

25 MR. RICHARD BROWNE: Richard Browne,

1 again. So, therefore, as a means to reduce ramping flows
2 in Trudel Creek, is it technically possible to use a
3 combination of the low cost spillway options, to permit
4 the passing of the flow from the shutdown of one (1) of
5 the new generating units for scheduled maintenance? I
6 believe that capacity would be someplace in the order of
7 80 cubic metres per second.

8 THE CHAIRPERSON: Thank you. Deze Energy
9 Corporation?

10 MR. SHANE UREN: Shane Uren, Deze Energy
11 Corp. Yes, it's possible, and it's de -- definitely
12 technically possible, and that's why we -- we concluded
13 from our assessment there of various alternatives to the
14 size of the South Gorge spillway.

15 But what we looked at and what is
16 presented and shown in the -- in the developer's
17 assessment report, is that a spillway at the South Gorge
18 of 30 cubic metres per second will not cause significant
19 impacts, environmental impacts, in Trudel Creek -- in
20 Trudel Creek, excuse me, and, therefore, the project was
21 put forward with a South Gorge spillway of a capacity of
22 a 30 cubic metres per second. And the environmental
23 impacts associated with that are presented and were
24 deemed not significant from our assessment of the -- of
25 the project.

1 THE CHAIRPERSON: Thank you. I'll go
2 back to Mr. Browne.

3 MR. RICHARD BROWNE: Richard Browne,
4 again. Could you clarify that? I didn't quite
5 understand. You're saying that the 30 cubic metre per
6 second flow is desired over a higher flow for Trudel
7 Creek? Could you clarify for me?

8 THE CHAIRPERSON: Thank you. Deze Energy
9 Corporation?

10 MR. SHANE UREN: Yeah, Shane Uren, Deze.
11 Once we did our assessment of various sizes of -- of
12 bypass spillways, we -- we looked at cost and we -- we
13 then looked at the environmental impact associated with
14 the various sizes.

15 What we presented in the DAR was the
16 preferred size and the resulting environmental effects
17 with that size. And the resulting environmental effects,
18 with a 30 cubic metres per second bypass spillway, were
19 deemed not significant environmental effects.

20 THE CHAIRPERSON: Okay, thank you. Mr.
21 Browne?

22 MR. RICHARD BROWNE: Richard Browne
23 again. I hear what you say. So, I guess there -- that's
24 where there may be some difference in opinion between the
25 -- the experts for the Board here and -- and their

1 concerns with environmental impacts in Trudel Creek. So,
2 I guess, ultimately, that isn't resolved, and -- and one
3 (1) of the options that might be available would be to
4 increase the capacity of the flow through the Taltson
5 area, through one, (1) or a combination of options, to --
6 to reduce that flow.

7 So, I guess, the idea is that something
8 that Deze would consider further studying and possibly
9 committing to increasing that flow in the spillway
10 capacity in -- in the detailed design of the facility.

11 THE CHAIRPERSON: Thank you. Deze
12 Energy Corporation?

13

14 (BRIEF PAUSE)

15

16 MR SHANE UREN: Shan Uren, Deze. Through
17 the -- this process, through discussions with the Board's
18 technical experts, through the technical sessions, the
19 sidebar meetings, we have not been advised that -- of
20 significant -- of significant -- of a difference of view
21 in terms of significance impact -- significant impact,
22 from the project as currently presented. And we've been
23 moving forward with the project and with monitoring and
24 additional baseline studies as needed, to present and
25 implement a robust management -- or monitoring program.

1 We -- we are open to suggestions of
2 additional mitigation, or other mitigation, or -- or the
3 like, for the project, but we haven't been presented with
4 an opinion of a significant effect from the project, from
5 the technical experts, from the parties, from the
6 agencies, and we've been moving forward with refining our
7 monitoring plan.

8 THE CHAIRPERSON: Thank you. Mr.
9 Browne?

10 MR. RICHARD BROWNE: Richard Browne,
11 again. Yeah, thank you very much for that comment. And
12 if possible, I have another question to ask about the
13 transmission lines, and permafrost, and geo-technical
14 matters.

15 The question on this is, an extensive
16 network of hydro transmission lines, approximately 700
17 kilometres in length, is to be constructed across
18 wetlands, river valleys, areas underlaid by permafrost,
19 and other potentially sensitive areas, valley slopes, and
20 substantial overburden may be present in some areas,
21 however limited information is currently available.

22 Deze has provided general statements
23 indicating that they will attempt to minimize impacts to
24 the land during construction and operation of the hydro
25 electric facilities. However the draft environmental

1 monitoring plan, and other Deze documents, makes limited
2 reference to assessing and monitoring impacts related to
3 permafrost disturbance, slope stability, and restoration
4 of some of these areas.

5 My question I guess is that: Will Deze
6 commit to completing a thorough review along the
7 transmission line routes, access routes, and at the
8 structure sites, et cetera, of areas of potential
9 significant geotechnical related concern, including
10 permafrost degradation and slope stability?

11 THE CHAIRPERSON: Thank you, Mr. Browne.
12 I'm going to go back to Deze Energy Corporation.

13 I'll -- as well before they go on, do we
14 also have -- I mentioned earlier that we had sandwiches
15 here, in case people hadn't had a chance to eat. So, the
16 food's over here, so feel free to go grab yourself a
17 sandwich here. And I'm going to continue on here with
18 Deze Energy Corporation.

19 MR. TOM VERNON: Tom Vernon. If I want a
20 sandwich, can I get out of this question? I'll take that
21 as, no.

22 That's a good question, Richard. Thank
23 you. I think we've touched on this topic before in the
24 technical sessions. Certainly, it -- it's in no one's
25 interest to have geotechnical instabilities in, either

1 the construction phase, or in long term operations of the
2 transmission line, or any of the other facilities.

3 We're fortunate, I guess, in the routing
4 to have a great deal of very sound shield rock to
5 construct most of the towers on, and that will be sought
6 out, obviously, as -- as much of that as -- as we can,
7 given the probable tower configuration.

8 We've recently undertaken an extensive
9 LIDAR and photo survey of the entire corridor, which
10 provides a desktop opportunity to develop design to
11 specifically avoid wetlands. And the photos offer a good
12 way of identifying ice wedge areas and other less
13 desirable and -- and higher maintenance, and potentially
14 higher impact areas.

15 So I'm -- I'm sure I -- I'm not speaking
16 here for the final design group, which would be done by -
17 - by others, but it will be in everybody's interest to --
18 to avoid the areas first, and, certainly, as we go
19 through these areas, and do -- do put the line in, that
20 those baseline conditions are identified. And if they're
21 expected to be problematic in the future, then a proper
22 observation and -- and monitoring plan wou -- would be
23 put in place.

24 THE CHAIRPERSON: Thank you. I'll go
25 back to Mr. Browne.

1 MR. RICHARD BROWNE: Richard Browne.
2 Yes, thank you very much for that, and we look forward to
3 monitoring of the route by some qualified geotechnical
4 people. Thank you very much.

5 THE CHAIRPERSON: Okay. Order of
6 questions, I -- so I believe this concludes the questions
7 for legal counsel, staff, and experts. Am I correct on
8 that?

9 MR. JOHN DONIHEE: Yes, Sir.

10 THE CHAIRPERSON: Thank you, Mr. Donihee.
11 Okay. So I want to go to questions from
12 the public. Any questions from the public for the
13 presenters?

14 Okay, none. I'm going to go, quickly,
15 just to my left -- to my right on my Board Members, and
16 then we're going to back on the agenda here.

17 So to my far left, I want to go to Mr.
18 John Ondrack, Board Member.

19 MR. JOHN ONDRACK: John Ondrack, Board
20 Member. I have no questions at this time. Thank you.

21 THE CHAIRPERSON: Thank you. Mr. Fred
22 Koe?

23 MR. FRED KOE: No questions.

24 THE CHAIRPERSON: Mr. Peter Bannon?

25 MR. PETER BANNON: No questions.

1 THE CHAIRPERSON: Thank you. Mr. Darryl
2 Bohnet?

3 MR. DARRYL BOHNET: No questions.

4 THE CHAIRPERSON: Mr. Danny Bayha? One
5 (1) question.

6 MR. DANNY BAYHA: Thank you. Danny Bayha,
7 Board Member. In terms of your -- your monitoring plans,
8 and you have -- in your presentation, you have draft
9 environmental monitoring plans. I'm interested as to how
10 long after your construction phase your done, and your
11 operational phase, you anticipate this monitoring plans
12 and -- and hiring an environmental monitor to continue.

13 Would it be for the life of the project or
14 is -- it'll be into the future? So I'm just interested
15 in if you had any thoughts on that. Thank you.

16 THE CHAIRPERSON: Thank you, Mr Bayha.
17 Deze Energy Corporation?

18 MR. SHANE UREN: Shane Uren, Deze Energy
19 Corporation. Deze will implement monitoring and continue
20 to do so for as long as necessary, to manage and track,
21 and monitor potential effects, and -- excuse me, and
22 verify the predictions outlined in the developer's
23 assessment report.

24 THE CHAIRPERSON: Thank you. Mr. Bayha?

25 MR. DANNY BAYHA: Thank you. I just have

1 a follow-up question.

2 So -- and -- and once you have some of the
3 more baseline data and -- and try to fill up some of the
4 uncertainty that you mentioned in your presentation,
5 would that be a way -- I mean, I -- I guess the question
6 will be how would you share that information with the
7 communities or affected parties that are -- will be
8 affected by some of the changes had you found, or...?

9 Thank you.

10 THE CHAIRPERSON: Thank you, Mr. Bayha.
11 Deze Energy Corporation?

12 MR. SHANE UREN: Shane Uren, Deze. Oh,
13 we anticipate that through the subsequent phases of the
14 regulatory process, that conditions and measures will be
15 put in place, jointly, to inform the communities and keep
16 them aware of what's going on with the project through
17 construction, through operations.

18 And if changes are to be made in
19 monitoring, or effects identified and, therefore,
20 adaptive management measures implemented, then we
21 anticipate, and would encourage, the involvement of the
22 communities that to notify -- the communities of -- of
23 any changes.

24 THE CHAIRPERSON: Okay, thank you. Any
25 further questions, Mr. Bayha?

1 MR. DANNY BAYHA: No further questions.
2 Thank you.

3 THE CHAIRPERSON: Thank you, Mr. Bayha.
4 I'm going to go to Mr. Percy Hardisty, Board Member.

5 MR. PERCY HARDISTY: No questions, Mr.
6 Chair.

7 THE CHAIRPERSON: Thank you, Mr.
8 Hardisty. I'm going to go to Mr. Jerry Loomis.

9 MR. JERRY LOOMIS: I have no questions at
10 this time.

11 THE CHAIRPERSON: Very good. Thank you
12 very much, ladies and gentlemen, for your input and or
13 what -- questions. We'll take a five (5) minute break
14 and we'll get the GNWT to set up, and we'll start in five
15 (5) minutes. Thank you.

16
17 --- Upon recessing at 2:30 p.m.

18 --- Upon resuming at 2:40 p.m.

19

20 THE CHAIRPERSON: Next on the agenda we
21 have the GNWT presentation.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Okay. We'll continue

1 on with the agenda here. I want to turn the floor over
2 to the GNWT. Again, if you can, just state your name and
3 who you represent and for that have hearing problems like
4 myself here, if you could speak up a little bit louder.
5 Thank you.

6

7

(BRIEF PAUSE)

8

9 PRESENTATION BY GNWT:

10 MS. LORRETTA RANSOM: Good afternoon, Mr.
11 Chairman, Board Members, staff, and experts. My name is
12 Lorretta Ransom. I'm an environmental assessment analyst
13 with the Government of the Northwest Territories. I co-
14 ordinate GNWT input into environmental assessments.

15 I'm joined today by Van Adamczewski. He
16 is the ungulate wildlife biologist for the Department of
17 Environment and Natural Resources. We also have Kris
18 Johnson who is a senior policy analyst of Aboriginal
19 Relations and Resource Development, with Industry,
20 Tourism and Investment. We have Glen Mackay, he's the
21 assessment archaeologist with the Prince of Wales
22 Northern Heritage Centre, with the Department of
23 Education, Culture and Employment. And we're here today
24 to provide our final comments on the Deze Energy Corp.,
25 Taltson Hydro Electric Expansion Project.

1 Since the release of the developer's
2 assessment report in March of 2009, the GNWT has attended
3 technical sessions, participated in Information Request
4 process, in addition to the technical report phase.
5 We've had meetings with Deze Energy Corp.
6 representatives, as encouraged by the Review Board, and
7 have provided a develop -- a document summarizing those
8 meetings which is posted on the Public Registry.

9 Based on the information reviewed, some
10 issues pertaining to GNWT departments were brought
11 forward in the analytical phase. Today our presentation
12 will briefly cover the primary issues within our mandate,
13 including wildlife, employment and economic development,
14 and archaeological resources.

15 With regards to archaeological resources,
16 the developer's assessment report provides a
17 comprehensive approach to the protection and management
18 of archaeological resources. The components of this
19 approach include avoiding known archaeological resources,
20 completing archaeological impact assessments of areas
21 likely to contain unrecorded archaeological resources.
22 The Proponent has completed impact assessments of the
23 project footprint.

24 Components also include monitoring the
25 condition of know archaeological sites near the project

1 footprint, providing a manual for recognizing heritage
2 resources to construction crews, and preparing a
3 Mitigation Plan outlining the appropriate measures to be
4 undertaken in the event previously unrecorded
5 archaeological resources are discovered during the
6 construction of the project, and distributing it to the
7 appropriate people such as contractors and surveyors.
8 The GNWT is confident that the approach outlined in the
9 developer's assessment report will provide effective
10 management of archaeological resources.

11 The possibility of impacts to
12 archaeological sites through increased erosion due to
13 changes in the hydrology regime associated with the
14 project was discussed with the Proponent. It was
15 determined to be an invalid pathway for effects on
16 archaeological resources.

17

18 (BRIEF PAUSE)

19

20 MS. LORRETTA RANSOM: In our initial
21 discussions with the Proponent at the first technical
22 session and in our Information Request drafted in June
23 2009, we raised several issues regarding wildlife.

24 1. The potential for increased harvester
25 activity as a result of increased access to the project

1 area.

2 2. The uncertainty of behaviour --
3 behavioural reaction of barren-ground caribou -- caribou
4 to the transmission line on the open barren lands.

5 3. Why certain available data and
6 information was not used or referenced during evaluation
7 of the potential project effects on caribou, and why a
8 rare plant -- a rare plant survey was not conducted as a
9 part of the species at risk evaluation.

10 In response to our issues and similar
11 issues raised by others, Deze Energy has committed to
12 work with the GNWT and other parties to finalize an
13 environmental monitoring program, a human wildlife
14 conflict management plan, and other relevant plans and
15 programs.

16 The GNWT also received a request for
17 additional information on December 16th, 2009, from the
18 Review Board. The Board recognized information gaps
19 related to potential effects of pro -- the project on
20 caribou, in relation to the issues raised by the GNWT
21 throughout the EA process. Our response was provided to
22 the Review Board yesterday and we believe that it
23 addresses the gaps identified by the Board.

24 GNWT's initial issue regarding employment
25 and economic development for questions around Northwest

1 Territories business and procurement opportunities and
2 the implementation details on Deze's NWT business policy:

3 Through correspondence between the GNWT
4 and Deze, in addition to information provided during the
5 technical sessions, greater clarity was provided on the
6 Proponent's original commitments.

7 Deze had committed to submitting their
8 final draft business employment training policy framework
9 to the public registry in time for this public hearing.
10 They have done so and this satisfies those requirements
11 of the GNWT.

12 Furthermore, Deze has also agreed to
13 provide a -- provide final numbers on employment and
14 procurement for the project prior to construction. The
15 GNWT's satisfied that the commitments made by Deze will
16 enhance the employment and economic benefits of the
17 Taltson expansion project for residents of the NWT.

18 The GNWT's confident the majority of its
19 issues with the Taltson hydroelectric expansion project
20 have been addressed through monitoring and mitigation
21 measures outlined in the developer's assessment report,
22 draft plans, programs, and commitments made in technical
23 sessions and undertakings, including Deze's commitments
24 document, and meetings, or discussions, that we've had
25 with the Proponent. There are no outstanding issues

1 related to the protection and management of archeological
2 sites. Wildlife issues will continue to be addressed
3 with the Proponent, as it develops -- as they develop
4 plans and programs for the regulatory phase.

5 We will rely on the monitoring and
6 mitigation measures and commitments to ensure the project
7 will proceed in a manner that is satisfactory to the
8 GNWT. This ends our short presentation for today and we
9 welcome any questions that you may have. Thank you.

10

11 QUESTION PERIOD:

12 THE CHAIRPERSON: Thank you for your
13 presentation. I'm going to go to the order of questions
14 from the people that are here.

15 I want to go to Lutsel K'e Dene First
16 Nation. Do you have questions for the GNWT on their
17 presentation?

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON: Sure, go ahead, Charlie
22 Catholique. Okay, hang on a second.

23 MR. CHARLIE CATHOLIQUE: Good afternoon.
24 My name is Charlie Catholique. I'm from Lutsel K'e. We
25 don't have any question for -- at this time. Thank you.

1 THE CHAIRPERSON: Thank you, Charlie
2 Catholique, from Lutsel K'e. Mahsi.

3 Moving on to Parks Canada --

4 MS. TRACEY WILLIAMS: Excuse me, Chair, I
5 apologize, I do have one (1) question for --

6 THE CHAIRPERSON: Okay. Please, proceed
7 with your question.

8 MS. TRACEY WILLIAMS: This is Tracey
9 Williams, Lutsel K'e Dene First Nation. I had one (1)
10 question regarding use of terminology in your
11 presentation regarding pathway. I think you said
12 "pathway" -- "invalid pathways," regarding the
13 hydrological regime and archaeological sites that may be
14 negatively impacted, for instance, shoreline
15 archaeological sites. If you could just expand upon that
16 use of pathway -- invalid pathways. Thank you.

17 THE CHAIRPERSON: Thank you for your
18 question. I'll go back to the GNWT.

19 MR. GLEN MACKAY: Glen Mackay, from the
20 Prince of Wales Northern Heritage Centre, GNWT.

21 The -- the statement that we made
22 regarding the potential for erosion to archaeological
23 sites, basically we're saying that we don't think that
24 there's -- there's a -- we think that there's minimal
25 risk of that happening. We determined that through

1 discussions with the Proponent.

2 I think the -- the key reasons are that
3 we're not going to see a major change to the hydrology
4 regime of the Taltson River, and that we're not going to
5 see a great amount of new flooding. A lot of the local
6 geology is -- is bedrock, so we won't see a lot of
7 erosion of sediments that may contain archaeological
8 deposits. And then in the case of the -- of Trudel
9 Creek, I think erosion potential will be -- will be
10 reduced based on in general reduced water flow.

11 So we concluded, based on our discussions
12 with the Proponent, that erosion of archaeological sites
13 through changes in the hydrology regime is a minimal risk
14 in the context of this project. Thanks.

15 THE CHAIRPERSON: Thank you. Another
16 question to Lutsel K'e.

17 MS. TRACEY WILLIAMS: Thank you. Tracey
18 Williams, Lutsel K'e Dene First Nation. Concerning
19 minimal impacts then, will -- will there be, for
20 instance, Trudel Creek, a recovery, a reconnaissance of
21 some measure, for that archaeological area?

22 THE CHAIRPERSON: Thank you, Tracey
23 Williams. I'm going to go to GNWT.

24 MR. GLEN MACKAY: Thank you. Glen
25 Mackay, Prince of Wales Northern Heritage Centre. I

1 don't believe that -- that the Trudel Creek area was
2 looked at, specifically, sharing the archaeological
3 impact assessment, in that there was no -- that there was
4 no new major infrastructure or ground disturbance
5 expected to happen in that area.

6 So I don't think that that area was looked
7 at specifically in the impact assessment, but we don't
8 expect any new impacts from the project in that area.

9 THE CHAIRPERSON: Okay. Thank you. Any
10 further comments or more questions from Lutsel K'e?
11 None? Very good. Thank you.

12 I'm going to move on to Parks Canada. Any
13 questions for the GNWT presenters?

14 MS. WENDY BOTKIN: No questions at this
15 time.

16 THE CHAIRPERSON: Very good. Thank you
17 very much. Moving on to DFO, questions to the presenter?

18 MR. BRUCE HANNA: No questions, thank
19 you.

20 THE CHAIRPERSON: Thank you. Moving on
21 to Environment Canada. Any questions to the presenter?

22 MS. LISA PERRY: No questions.

23 THE CHAIRPERSON: Thank you. I'm going
24 to go to Deninu K'ue First Nation. Any questions to the
25 presenter?

1 MR. ROBERT SAYINE: No.

2 THE CHAIRPERSON: Thank you. Robert
3 Sayine, former Chief of Deninu K'ue? Mahsi.

4 We're going to move on to Fort Resolution
5 Metis Council. Any questions to the presenter?

6 MR. ARTHUR BECK: Actually, I didn't want
7 to ask any questions today, because all -- most of our
8 questions is going to be in our presentation done
9 tomorrow. But since you gave me the mic I'll have to
10 throw one out there.

11 Well, when you guys were in that area, has
12 anybody checked into the natural lake, historical sites,
13 and archeological sites, and burial sites before this all
14 took place? Thank you.

15 And, also, maybe -- I haven't heard
16 anything in the presentation about the water. I haven't
17 heard anything about the water, no sampling a lot of the
18 mercury levels in the water -- or in mineral sampling so
19 far. Thank you.

20 THE CHAIRPERSON: Thank you, GNWT. Mr.
21 Mackay?

22 MR. GLEN MACKAY: Glen Mackay, Prince of
23 Wales Northern Heritage Centre. The archeologist hired
24 by the Proponent to conduct the archeological impact
25 assessment of the project, they did look at the Nonacho

1 Lake control structure and some of the -- the camp and
2 laydown areas in that area as well, and they determined
3 that those areas weren't in conflict with any
4 archeological sites. And archeological sites -- known
5 archeological sites in the area of Nonacho Lake will be
6 avoided by the project. Thank you.

7 THE CHAIRPERSON: Thank you. Any further
8 comments or questions from Fort Resolution Metis Council?

9 MR. ARTHUR BECK: Actually, I probably
10 don't have any more questions. But, yeah, I guess the
11 old sites are all under water now, so I guess there
12 wouldn't be any more damage. Thank you.

13 THE CHAIRPERSON: Okay, thank you.
14 Moving on to the Carter family, questions for the
15 presenter? Please proceed. State your name.

16 MR. DEAN CARTER: Dean Carter. In the
17 1970s there was an archeologist by the name of Dr. Bryan
18 Gordon who ended up, as I recall, with the Civilization
19 of Man in Ottawa, and he did a fair bit of archeological
20 work in the natural and Thelon areas. He's one that we
21 know of.

22 I was just wondering, like, where the
23 transmission line goes and the work goes, is the Heritage
24 Centre or the Government aware of other archeological
25 studies that have been concluded, or even the one (1)

1 that we've mentioned? Have you attempted to get in
2 contact with the archeologists to see if they could maybe
3 add some helpful information so that these places could
4 be protected?

5 THE CHAIRPERSON: Thank you, GNWT. Mr.
6 Mackay?

7 MR. GLEN MACKAY: Thank you. Glen
8 Mackay, Prince of Wales Northern Heritage Centre. That -
9 - that's right, Brian Gor -- Gordon did quite a lot of
10 archeological inventory in the Nonacho Lake area, as well
11 as a broader area of the upper Thelon.

12 The other sort of major locus of
13 archeological research has been associated with the
14 diamond mines, so there's quite an extensive
15 archeological record, or database, of archeological sites
16 that were recorded during the diamond mine processes, and
17 then do the impact assessment of the transmission line
18 and -- and infrastructure associated with this project.

19 The archeologist was -- archeologist
20 involved recorded nine (9) new archeological sites, as
21 well. From the report of the archeological impact
22 assessment, as the footprint -- the footprint was
23 assessed, at this point, all of the sites can be avoided
24 by the project. Thanks.

25 THE CHAIRPERSON: Thank you. Carter

1 family, any further questions?

2 MS. JEAN CARTER: Yes, I have one (1).
3 Jean Carter. I've noticed one (1) word used fairly
4 freely this afternoon, and that was the word
5 "monitoring". So I'm wondering how you intend to monitor
6 this.

7 This is just not a little jot north of
8 Yellowknife on the In -- Ingraham Trail, or the ice road,
9 but Nonacho Lake is a fair ways from here, accessible
10 only by air, so how do you intend to monitor this?

11 THE CHAIRPERSON: Thank you, Jean Carter.
12 I'm going to go back to the GNWT. Mr. Mackay...?

13 MS. LORRETTA RANSOM: Thank you. This is
14 Lorretta Ransom. I hope I can answer your questions.

15 With respect to monitoring, we do intend
16 to, I guess, monitor through Deze's monitoring. So they
17 will be required as part of their monitoring plans and
18 programs to collect certain information and report on it.
19 It'll maybe be annually, or monthly, or I'm not sure, but
20 -- so that's how we intend to monitor or keep an eye on
21 their monitoring, as well as keeping regular contact with
22 them.

23 THE CHAIRPERSON: Thank you. Now that
24 was the final question for the Carter Family. I'm going
25 to go to INAC. Questions to the GNWT presenters?

1 MR. MARK LANGE: Mark Lange, no
2 questions.

3 THE CHAIRPERSON: Thank you. Transport
4 Canada, questions to the presenter?

5 MS. SOPHIA GARRICK: Sophia Garrick,
6 Transport Canada. We don't have any questions.

7 THE CHAIRPERSON: Thank you. I'm going
8 to go back to Deze Energy Corporation and questions to
9 the presenters of the GNWT Government.

10 MR. DON BALSILLIE: Thank you, Mr.
11 Chairman, no questions from us.

12 THE CHAIRPERSON: Okay, thank you. I
13 want to go to MVEIRB legal counsel, Mr. Donihee. Any
14 questions from experts and staff and legal counsel?

15 MR. JOHN DONIHEE: I have a couple of
16 questions, Mr. Chairman. It's John Donihee. And I
17 believe that's all there will be from us.

18 THE CHAIRPERSON: Very good. Proceed.

19 MR. JOHN DONIHEE: I want to come back
20 to the caribou issue with the folks from GNWT. And the
21 first question I have is whether or not the Government,
22 considering the state of herds and the wide scale closure
23 north of the lake now, whether GNWT has any concerns
24 about demand for caribou, in particular, to be displaced
25 south of the lake and into the area, given the new access

1 that may be created?

2 THE CHAIRPERSON: Thank you, Mr. Donihee.
3 Government of Northwest Territories?

4 MR. VAN ADAMCZEWSKI: Van Adamczewski,
5 with GNWT ENR. It's a valid question from Mr. Donihee,
6 and I think, overall, our perception or experience is
7 that areas that are accessible by roads that trucks can
8 drive on, those tend to be the places that attract a lot
9 of hunters and where you see a lot of traffic. Areas
10 that are typically only accessible by skidoo, especially
11 at long distance, you typically don't see as many hunters
12 using them.

13 We also understand, from one of our
14 wildlife officers, that there are existing trap line
15 trails from Fort Resolution and Lutsel K'e, so there is
16 already some trail access to the areas that would be
17 along the transmission corridor.

18 So with the gate and the fence and the
19 patrolled winter road, we wouldn't expect normally to see
20 a huge volume of hunter traffic up that road. But, I
21 talked with Susan Fleck our director, and if there's a
22 need for it we could put in a check station. If there
23 are reports from the Deze monitors of a lot of traffic or
24 hunting, one of our wildlife officers would be -- would
25 be there fairly quickly. And if need be, we could

1 establish a no hunting corridor on the transmission line,
2 or on the winter road if that's needed.

3 THE CHAIRPERSON: Thank you. We'll go
4 back to Mr. Donihee. This is your second question, so
5 you had a couple of questions, so I presume this is your
6 final question?

7 MR. JOHN DONIHEE: Yes, thank you, Mr.
8 Chairman. John Donihee.

9 I guess my sense, in relation to the
10 answer to the last question, and on the basis of Ms.
11 Ransom's answers to previous questions, is that the
12 GNWT's approach, and I just want to confirm this I guess,
13 because in your answers to the Board's questions filed
14 yesterday and the answer just given, you're simply
15 suggesting that a check station could be set up. You're
16 not -- it doesn't seem to indicate that the GNWT has any
17 actual plans to do anything beyond relying on information
18 that might be provided by Deze Energy.

19 So is that a fair assessment of the GNWT's
20 current position, that you're just going to let this go
21 and see what results from the environmental monitoring
22 that's undertaken by Deze Energy?

23 THE CHAIRPERSON: Thank you, Mr. Donihee.
24 Government of the Northwest Territories?

25 MR. VAN ADAMCZEWSKI: Van Adamczewski,

1 with GNWT. I think, initially, that would probably be
2 our approach. We would probably ask some of our wildlife
3 officers to do some patrols in the winter as well, as
4 part of the -- the areas that they check. If there is
5 any indication that we're getting serious numbers of
6 hunters, then we would probably step in with some sort of
7 measured response. If there isn't much of an issue, then
8 we probably wouldn't do much more than periodic patrols
9 and communication with the Deze environmental monitors.

10 But we do take the harvest and access
11 issue quite seriously, so if there's a need for stronger
12 measures, then we would certainly take those.

13 THE CHAIRPERSON: Thank you. Mr.
14 Donihee, any further questions?

15 MR. JOHN DONIHEE: One (1) last question,
16 Mr. Chairman, with your indulgence. John Donihee. I --
17 I note in the response to the -- the Board's questions
18 filed yesterday, that an indication that GNWT is -- is
19 committed to working with the developer to further
20 develop their environmental monitoring program. And --
21 and here I'm, although I realize that that program is
22 probably wider or broader than just wildlife, I'm really
23 focussing on the -- the wildlife component of that
24 program.

25 So the -- I guess there's two (2) -- two

1 (2) questions. The first one (1) is, how would -- in its
2 work with the developer on that mo -- developing that
3 monitoring program, how would GNWT inform and involve
4 stakeholders in the developing of the monitoring program?

5 And, I guess, second, I'm wondering
6 whether GNWT can advise the Board as to whether it has
7 any thoughts about, sort of, minimum standards and
8 thresholds, you know, what should the monitoring program
9 look like, how should it work, what -- what basic
10 standard, I guess, would GNWT set in order to decide that
11 the monitoring program is acceptable from the
12 Government's point of view.

13 THE CHAIRPERSON: Thank you, Mr. Donihee,
14 for your final question. Government of Northwest
15 Territories?

16

17 (BRIEF PAUSE)

18

19 MR. VAN ADAMCZEWSKI: Van Adamczewski,
20 GNWT. You do like to ask hard questions, Mr. Donihee.

21 At this point, we don't really have a
22 strong response or a good response to your question. It
23 would be a matter of taking a look at the environmental
24 program in a little more detail. And our expectation
25 would be that if there are any indications of trouble

1 with wildlife, with hunting, with access, with any
2 disturbance to archeological sites, then we would be
3 engaged more and more, if -- if there's a need for that.

4 The initial design of the environmental
5 program, I -- I guess we'll lead with Deze, and -- and
6 work with them to try to improve it as time goes by.

7 THE CHAIRPERSON: Thank you for that.
8 The order of questions now, that I'm going to go to the
9 public and then to the Board. The questions are directly
10 to the GNWT on their presentation they made here today,
11 so, as well, this evening, we also have, from 6:30 until
12 8:30, public has an opportunity to address the Board as
13 well, so I wanted to remind people of that.

14 So now I'm going to go to the public. Any
15 questions to the GNWT on their presentation?

16 Alfred Boulanger, an Elder from Dettah?
17 For those that are here, if you have headsets, you may
18 want to put them on. Thank you.

19

20 (TRANSLATION COMMENCES)

21

22 ELDER ALFRED BOULANGER: Good afternoon.
23 Although we have a meeting here, I was not informed of
24 this meeting when they first started.

25 This community is our community here. I

1 just arrived here. I don't see our Chief here, or
2 councillors are not here. Why is that? Why is such a
3 big important meeting, and our Chief are not here? We
4 should be asking these people questions. This is
5 something very important for the First Nation.

6 In order to get a good feedback from
7 people, we need to ask questions. As Dene people, we
8 have our way of life, our traditional values. The white
9 people have their own values; I know what their values
10 are.

11 Ever since I was a little child when the
12 white people came into this land and start establishing
13 all these things, we know the contamination they've
14 caused and it's still happening right to today. We
15 cannot follow in their footsteps.

16 These people that says that they found
17 some sites, old sites, archaeological sites, these are
18 our past ancestors that lived there. They don't know
19 that information. By rights, as Dene people, we should
20 be the one offering these kind of information, our way of
21 life, where our people lived, where our ancestor lived,
22 we should be working with them, identifying these sites
23 with them.

24 Instead, what they're doing is doing their
25 job on their own. I totally disagree with that area,

1 because these area is my area.

2

3

(BRIEF PAUSE)

4

5

ELDER ALFRED BOULANGER: You don't un --
6 can't hear me, some of you? You can -- can you hear me?
7 I speak in many languages, Slavey, Chipewyan, Dogrib,
8 maybe even Cree. I speak all those languages.

9

As First Nations people, this is our area.
10 We grew up on the land. I grew up on the land. When the
11 non-Dene come into our lands, they are contaminating the
12 land. They're contaminating the animals as well, but --
13 but it seems like we're not speaking up on some of these
14 issues like we should.

15

We need to come together and have a good
16 discussion with all the leadership before this kind of
17 big meeting happens. That way, you get all your correct
18 information.

19

I don't see any of my relatives from this
20 community here in this hall. I'm very disappointed to
21 see that. Those of you that came from other communities
22 are here. We have all these presentations, but the
23 people of this community is not present. The Chief or
24 counsellors are not here at all. They should be present
25 here. Why is that?

1 I can ask any questions because I know
2 the land, I know the areas of this area, and I know all
3 the areas, all the lakes. I know everyone of them right
4 in the East Arm, around Lutsel K'e, in that area.

5 The people travelled in that area from --
6 people from Deninu K'ue and Fort Smith all know that area
7 very well. They know where all the archeological sites
8 are, the burial sites. They know all these. That's on
9 their land. They know it. We know all this information
10 here too. Even us, the people from this area know the
11 sites in the barren lands into all -- where all the mine
12 sites are. And the Behchoko people know their area too.

13 We can't always let the non-Dene people
14 monitor our lands. These are our lands. We should be
15 involved in monitoring the area. And even the young
16 people that know their area, they should be hired to do
17 the monitoring. Why is it that the government people
18 always doing the work? I -- I don't agree with that.

19 Even here, there's a lot of people here.
20 There's a lot of us that our hearts are crying because of
21 the closure of caribou hunting. A policy was put in
22 place without any consultation of the First Nation, and a
23 lot of people's hearts are crying because of that. The
24 animal -- we survive with this animal.

25 Everyone of the Dene people survived with

1 these animals, the bear that kills people. And even the
2 wolverine can attack people. We're supposed to protect
3 the people from these animals. As long as I can
4 remember, thousands of years back, the Dene people, they
5 lived off the land and they survived on the land, so the
6 land was a very important -- was -- is really important
7 for them.

8 Have you ever heard of a caribou killing a
9 human? I've never heard anything like that. So having
10 to close this caribou hunting for the Dene people, I am
11 very disappointed. That is a decision that was made
12 without any consultation, which I -- I disagree with. We
13 need to bring that issue up as well.

14 And the MLAs should know that this is not
15 their -- their area to make a decision. They are not
16 supposed to make that decision for us. I -- I disagree
17 with what has happened. I was not raised with store
18 bought food. I was raised with the animals of the land.
19 All the Dene people were raised like that.

20 If that is closed for us, how are we going
21 to survive? How are our people, our young people going
22 to survive? We don't have money coming out of the bank
23 like some of you. We don't have a steady income coming
24 in, so they need to consider this.

25 And the -- the hydro that we're talking

1 about right now, how many years are they going to work on
2 it? Is it going to benefit you? Are you going to become
3 rich with this hydro, or is it the people that's only
4 going to work on hydro is going to be the one that's
5 benefiting financially with this project?

6 And how long would this project be? Is
7 there an end to it? Would the First Nation benefit from
8 it at all financially? I want you guys to think about
9 some of these questions.

10 The most important area I see there on the
11 map, it says that it's going through Parry Falls. That's
12 a very spiritual site for our Dene people. No one should
13 touch that area at all. We wouldn't allow you guys to
14 touch that. You have to be aware of that and make sure
15 that you don't go in that area, the spiritual site.

16 They said there's an old lady there in the
17 water. It's a spiritual site and I don't think anyone
18 should be allowed to work in that area. If -- if any
19 development happens in that area, something tragic will
20 happen. We know this was said a long time ago.

21 When we say this kind of things to the
22 non-Dene, they don't seem to believe us because they
23 don't believe in it, as your meeting here today.
24 Although it's not really affecting me in this community,
25 those that are being affected, the people of Lutsel K'e,

1 if they agree with the project, we, the people of this
2 community, can support them if that's what they want to
3 do.

4 We're here to support each other. If
5 Lutsel K'e has problems with it, we will have problems
6 with it. So I would have loved to see the Chief here.
7 We -- we should have had more of our First Nation members
8 here.

9 I see other First Nation members here and
10 I'm happy to see them. I like this kind of meeting in
11 our community, but I think it would have been nice to see
12 our First Nations here. I just wanted to mention this.

13 I'm not disagreeing with a lot of things,
14 but we need to be more informed of what's going on
15 because a lot of our lands are being contaminated by many
16 activities and the closure of caribou hunting is a big
17 issue for us, something that you need to think about.

18 That's all I want to say for now. Marsi
19 cho.

20

21 (TRANSLATION CONCLUDED)

22

23 THE CHAIRPERSON: Mahsi, Alfred
24 Boulanger, Elder from Dettah. If he could put the
25 headset on him, I want to respond to some of his

1 comments. There was really no questions to the
2 Government of Northwest Territories' presentation.

3 But if Alfred, I'm not sure if you could
4 hear me good, but some of your comments you've mentioned,
5 I agree that perhaps maybe leadership should be here, and
6 this is a public forum, so the door is open for the
7 public to come in and listen, and participate, and ask
8 questions.

9 Earlier this year, also, late fall, the
10 Review Board put out notices about this Public Hearing
11 here today. As well, people had an opportunity to become
12 Intervenors in this process so that if they have issues
13 or concerns, they are able to come here today and do a
14 presentation and people could ask questions.

15 For the Yellowknife Dene First Nation,
16 Alfred, Yellowknives Dene First Nation didn't apply to be
17 an Intervenor. This is why they're not on the list.

18 Again, just for the record, we do have
19 like Deze Energy, we have the Government of Northwest
20 Territories, Lutsel K'e First Nation, Parks Canada, DFO,
21 Environment Canada, Deninu K'ue First Nation, Fort
22 Resolution Metis Council, the Carter Family, INAC and
23 Transport Canada. These are the people that applied to
24 be Intervenors here and just so I want to make note for
25 the record that YKDFN or Akaitcho Travel Corporation

1 didn't make any Intervenor status here today.

2 But I do agree that if the Chiefs were
3 here, I would be asking them to do welcoming comments and
4 acknowledgement. And I just want to make mention to
5 that, to you Alfred.

6 Although that your comments are right and
7 we really appreciate your comments. So anyway, mahsi for
8 that, Alfred, and you still have an opportunity to say a
9 few words anytime as they come up and also this evening.

10 The public has an opportunity including
11 for members of the Yellowknives Dene First Nation,
12 anybody else out there that may have questions regarding
13 Deze Energy Corporation application.

14 So with that I'm going to continue on to
15 the public. Is there any comments for the GNWT
16 presenters? Okay. None at this time.

17 I'm going to go quickly to my far left.
18 I'm going to go to Board Member John Ondrack for
19 questions for the GNWT presenters.

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

22 THE CHAIRPERSON: Thank you, Mr. John
23 Ondrack. I'm going to go to Mr. Fred Koe.

24 MR. FRED KOE: No questions, Mr. Chair.

25 THE CHAIRPERSON: Mahsi, Fred Koe. I'm

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

2 MR. PETER BANNON: Thank you. I have one
3 (1) question. Peter Bannon.

4 Given the GNWT's interest and
5 responsibilities in relation to heritage sites which
6 includes cultural sites, what's the GNWT's view on some
7 of the impacts or potential impacts expressed in relation
8 to the cultural integrity for lack of a better word in
9 relation to the Taltson Crossing?

10 THE CHAIRPERSON: Thank you, Board Member
11 Peter Bannon. I'm going to go to the GNWT Government.

12 MR. GLEN MACKAY: Glen Mackay, Prince of
13 Wales Northern Heritage Centre. Just as the Board knows,
14 the Canadian Prince of Wales Northern Heritage Centre
15 really focusses our -- our role in the land use review
16 process and in -- in the environmental assessment process
17 on archaeological sites as defined in the Northwest
18 Territories Archaeological Site Regulations.

19 So basically -- I mean the key to that is
20 that there's, you know, tangible evidence of human
21 activity that's fifty (50) years or older. So in terms
22 of the archaeological impact assessment, with the type of
23 infrastructure that's been developed, you know, along the
24 transmission line where there's towers spaced at regular
25 intervals, what basically happened in the impact

1 assessment was the archaeologist examined those areas.
2 And where they found archaeological sites based on the
3 material evidence there, they were able to delineate the
4 size of that site. And -- and -- and then -- and the
5 Proponents committed to altering their route such that
6 those archaeological sites can be avoided.

7 So, in that sort of framework of
8 archaeological impact assessment, you -- you sort of end
9 up with dots -- buffered dots on a map. So while all of
10 the archaeological sites that are -- are known from
11 before and found during the impact assessment for the
12 project footprint are dots on the map with a buffer
13 around them to facilitate avoidance during project
14 activities.

15 But of course, I think we know -- I mean
16 we understand that, you know, a landscape of cultural
17 significance that's of such great importance to the --
18 the Dene people can't really be characterized as dots on
19 a map in that way.

20 So the Prince of Wales Northern Heritage
21 Centre does -- does recognize that there's a cultural
22 impact, a potential cultural impact, if infrastructure is
23 -- is built close to the -- to the Lady of the Falls site
24 or -- or across the Lockhart River.

25 In terms of sort of our role in assessing

1 archeological sites, we think that those impacts to
2 archeological sites as I've defined them can be managed
3 by the project. As for impacts to a -- to a cultural
4 landscape, I'm not sure. We've -- we note that there's a
5 large amount of -- of evidence on the public registry
6 relating to the -- the spiritual significance of that
7 area and -- and know that the Board has dealt with this
8 issue in several prior environmental assessments and are
9 -- are confident that they will come up with a good -- a
10 solution that -- they'll come up with a solution in -- in
11 the context of their mandate to -- to -- to examine and
12 address cultural impacts to -- or impacts to the cultural
13 environment. Thank you.

14 THE CHAIRPERSON: Thank you. I'm going
15 to go back to questions with Peter Bannon.

16 MR. PETER BANNON: That's fine. No more
17 questions.

18 THE CHAIRPERSON: Thank you, Mr. Bannon.
19 I'm going to go to my right to Daryl Bohnet, Board
20 Member.

21 MR. DARRYL BOHNET: Thank you, Mr. Chair,
22 I have no questions at this time.

23 THE CHAIRPERSON: Okay, thank you. I'm
24 going to go to his right, Board Member Danny Bayha.

25 MR. DANNY BAYHA: Danny Bayha, Board

1 Member. Thank you for your presentation.

2 I guess the question I have is that on --
3 earlier you had some assessment done I -- I take it for
4 the archeological sites. Have you used TK or First
5 Nations' involvement in your assessment in coming to your
6 conclusions for the -- for the development site in
7 question? Thank you.

8 MR. GLEN MACKAY: Glen Mackay, Prince of
9 Wales Northern Heritage Centre.

10 THE CHAIRPERSON: Thank you, Mr. Bayha.
11 Government of Northwest Territories?

12 MR. GLEN MACKAY: Thank you. Glen Mackay,
13 Prince of Wales Northern Heritage Centre.

14 The Proponent for the development hired a
15 consulting archeologist to conduct the -- the work.
16 There was community -- community engagement in -- in the
17 participation of people from the local First Nations in
18 the project. I think they hired a resident of Fort Smith
19 that was familiar with -- with land use in that area.
20 That's my understanding and I -- I think that there were
21 consultation meetings with -- with communities prior to
22 the archeological work being -- being conducted, but I'm
23 not 100 percent sure on that. Thank you.

24 THE CHAIRPERSON: Thank you. Mr. Danny
25 Bayha?

1 MR. DANNY BAYHA: Thank you. I -- the
2 other question on a different version, I understand from
3 your presentation that Deze Energy has submitted a
4 business employment and training policy framework on the
5 record and -- and have you had a chance to go through
6 that framework policy and is that satisfactory to GNWT as
7 presented or is that there's going to be more work that's
8 happening -- going to be happening on this policy
9 framework? Thank you.

10 THE CHAIRPERSON: Thank you. Government
11 of Northwest Territories?

12 MS. KRIS JOHNSON: Good afternoon, Kris
13 Johnson with the GNWT.

14 We've worked with Deze from the beginning
15 on trying to accentuate some of the economic and
16 employment benefits from the project so we've seen a few
17 versions of this business employment and training policy
18 framework. So we've been able to comment on it a few
19 times already and the one (1) thing that we will be
20 working on with them further, in addition to the details
21 of this, are the commitments on employment and
22 procurement. And we'll hope -- we're looking to have
23 that from Deze, the commitments, before construction
24 starts.

25 THE CHAIRPERSON: Thank you. Mr. Danny

1 Bayha?

2 MR. DANNY BAYHA: Thank you. One (1)
3 final question. In your conclusions in the three (3)
4 bullets, the first one, it says the majority of issues
5 have been addressed in terms of Taltson hydro expansion
6 project.

7 Is there any outstanding ones that still
8 hasn't been satisfactory to GNWT? Thank you.

9 THE CHAIRPERSON: Thank you, Mr. Bayha.
10 Government of Northwest Territories?

11 MS. LORRETTA RANSOM: It's Lorretta
12 Ransom. I guess that statement means that there is more
13 to be completed in the regulatory phase with respect to
14 the monitoring programs.

15 So, with respect to whether our issues
16 have been completely -- were dealt with, we see ourselves
17 continuing on into the regulatory phase. Thank you.

18 THE CHAIRPERSON: Thank you. Any further
19 questions, Mr. Bayha?

20 MR. DANNY BAYHA: Thank you. That's all.

21 THE CHAIRPERSON: Thank you, Mr. Bayha.
22 To your right, I'm going to go to Mr. Percy Hardisty,
23 Board Member.

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

1 THE CHAIRPERSON: Thank you, Mr. Percy
2 Hardisty. To his right, Mr. Jerry Loomis, Board Member.

3 MR. JERRY LOOMIS: I have no questions.

4 THE CHAIRPERSON: You have no questions.
5 Okay, thank you. That concludes the presentation and
6 questions for the Government of Northwest Territories.
7 Up next we have Lutsel K'e Dene First Nation doing a
8 presentation.

9 So what we'll do is we'll take a five (5)
10 minute break and give them a chance to set up here, and
11 we'll start in five (5) minutes. Five (5) minutes.

12

13 --- Upon recessing at 3:40 p.m.

14 --- Upon resuming at 3:53 p.m.

15

16 THE CHAIRPERSON: Up next on the agenda
17 that I have here is a presentation from the Lutsel K'e
18 Dene First Nation. Again, I just, you know, if the
19 Elders are speaking or that kind of thing, I encourage
20 everybody in the room to put their headsets on just to
21 show them respect when they're talking.

22 And, also, when I turn the mic over to
23 Lutsel K'e, I'll get you to do your introduction of the
24 First Nation there for the record as well. And when
25 people speak, if you can, say your name and who you

1 represent so that we have that for the record as well.

2 With that, I want to continue on with the
3 presentation here, so I'm going to turn the mic over to
4 Lutsel K'e Dene First Nation.

5

6 LUTSEL K'E DENE FIRST NATION PRESENTATION:

7 MS. TRACEY WILLIAMS: Thank you very
8 much, Chair. We want to thank the Review Board for
9 giving us this time to speak today. My name is Tracey
10 Williams. I am the acting Lands and Resources Director
11 for the Lutsel K'e Dene First Nation.

12 We are here to talk to you here today
13 about why Lutsel K'e Dene First Nation is opposing the
14 East Arm routing of the Taltson hydro expansion, as it is
15 a matter of cultural survival.

16 I'm going to give you a presentation
17 summary quickly. I'm going to speak just quickly on
18 highlighting Lutsel K'e's main issues, and then we are
19 going to have an all chiefs statement. The present and -
20 - present and former chiefs of the Lutsel K'e Dene First
21 Nation are joining together for a unified message, that
22 the Desnedche-Kache area is off limits to industrial
23 development.

24 Then we will have former Chief Antoine
25 Michel give a -- give a presentation on the continuous

1 struggle for acknowledgement of this message of
2 protection for the Desnedche-Kache area and as seeing
3 themselves as the stewards and guardians of this area.

4 Elder George Marlowe will then come up to
5 speak on the spiritual meaning and significance of this
6 area. Youth Desiree Jonnasson will then speak for pe --
7 Elder Pe -- Pierre Catholique, who is the only present
8 living chief who is unable to join with us this evening
9 because of health matters, and will provide the Board --
10 the Review Board a -- the story of the Old Lady of the
11 Falls.

12 Then Sayiz Catholique with Jake Basil and
13 Desiree Jonnasson will give a presentation as well on the
14 future of this area and the Lutsel K'e Dene First Nation.

15 So if we could look to the slide that I've
16 provided which goes into essentially summarizing the
17 points that we will review with you today. The issues
18 with this project are as -- as the follows:

19 The proposed transmission line cannot be
20 constructed in the Desnedche-Kache area which is
21 Artillery Lake to Great Slave Lake.

22 This area is off limits to development, is
23 the most important sacred and cultural site of the Lutsel
24 K'e Dene people.

25 3. Impacts on caribou will come from

1 increased hunting access.

2 4. Proponent has not demonstrated that
3 the East Arm route is in the public interest and reducing
4 greenhouse gas emissions. The greenness thus unproven.

5 And 5. Impacts to wildlife from
6 development of the Desnedche-Kache area are unacceptable.
7 In in-depth wildlife studies, example, migratory bird
8 studies especially in this area are mandatory.

9 So I'm showing you a map now that gives
10 you some understanding of when I say Desnedche-Kache that
11 you have a clear understanding of what we mean by that.

12 So I'm going to go over to the map and
13 just clarify what we're speaking of today. The map we
14 are using is a map that is a draft map of traditional
15 place names, study project that we have currently
16 underway.

17 So you'll have to forgive the fact the
18 fact that this is a draft map. This is -- generally
19 speaking this is the Kache area here.

20 Desnedche runs -- this is the Lockhart
21 River and it runs all the way up to Decho which is
22 Artillery Lake. So when we speak of this area, we are
23 meaning from Artillery Lake to Great Slave Lake. This is
24 the area that we are speaking of today. We want to make
25 sure that that's clarified.

1 As you can see this is another map and
2 this is the Proponent's map of the exact area. And as
3 you will notice the proposed transmission line, the East
4 Arm route is going directly through the Desnedche-Kache
5 area, in fact it crosses the area.

6 So this is the problem that we have with
7 the project. The main problem. This area is a -- is the
8 number one (1) cultural no-go zone for developments for
9 the Lutsel K'e Dene. The whole -- the whole length of
10 the Lockhart River is sacred. The area doesn't embody
11 just a few stories with symbolic hold, but the very being
12 of the people is interwoven into this land, today, now,
13 this minute.

14 The power of Ts akui Theda is living here
15 in this room as these people speak of her. At the mouth
16 of the Lockhart River, Ts akui Theda water can be
17 collected, brought back with the people to their homes
18 for the vibrancy it brings into the home and the healing
19 powers of the land it embodies.

20 The Lutsel K'e Dene are impacted by the
21 very thought of this area being developed and it is
22 causing stress and harm to them as they sit here and
23 every -- for every day that they're met with the
24 challenges that of having to defend the continued
25 sanctity of this area into the future.

1 The continue to desire -- the continued
2 desire for industry to develop this area lobbied through
3 the Government and through this EA process is seen as the
4 highest form of disrespect.

5 This slide speaks to the myriad of
6 cultural work currently in progress. Studies and all
7 sorts of work that the community is currently engaged in.
8 There -- this area that we speak of Artillery Lake to
9 Great Slave Lake is full of burial sites, cabin sites,
10 seasonal harvesting sites, legend locations, as well as
11 petroforms which I use to describe rocks or rock
12 alignments that can be shaped as animals or things that
13 tell a story which help to inform which is often
14 described as a cultural landscape.

15 There are special sites within this area
16 known only to the Dene and that will remain so for
17 generations to come. The area cannot be subject to
18 microanalysis compartmentalized by zoning, identified by
19 the creation of safe corridors, or given any other
20 semantic jargon, piecemealing, or instituting of any ad
21 hoc buffer zones to satisfy what would be deemed adequate
22 protection measures for the Lutsel K'e Dene.

23 There is no identifying areas within the
24 Lockhart River area that we have defined that would
25 mitigate the overall negative impacts of the staging and

1 construction of transmission line towers over, through,
2 or across the Desnedche-Kache area. The area is slated
3 for protection at this moment and that means the entire
4 area from Artillery Lake to Great Slave Lake.

5 So thus, Desnedche-Kache area will not be
6 developed. As we have stated in this presentation
7 already the area is off limits. Our technical later --
8 letter dated December 15th gives understanding and depth
9 to a historical chronology that is but a small window
10 into the message that the Lutsel K'e Dene have repeated
11 about this area now for almost forty (40) years in
12 various different venues and for different reasons. It
13 is off limits to development of any kind.

14 So I'd like to give an illustration of
15 this. Regional power feasibility studies for run of the
16 river hydro development at Glacier Creek were undertaken
17 in the earlier part of the last decade. These studies
18 were not plans directly for the Lockhart River, but would
19 have diverted water from it. The benefits of this
20 project were discussed at length by the entire community
21 with many meetings and full member assemblies and would
22 have had benefit to the community, but in the end of
23 those discussions the answer was a resounding no in 2005.
24 Development would be too close to the Lockhart River and
25 the area was too sacred and too high of a value

1 spiritually to be resourced. The Lutsel K'e people are
2 woven into their land.

3 So caribou impacts. Winter road access.
4 The Proponent is planning a winter road to Nonacho Lake
5 and this is going to create road access to this area from
6 Fort Smith and Alberta and communities such as Fort
7 Chipewyan, Fort McMurray, et cetera will have access to
8 this area.

9 Now, we know that the Ahiak herd is in
10 decline by 60 percent. They are overwintering in the
11 Lutsel K'e area and south as confirmed by biologists from
12 the GNWT that have actually been having conversations
13 with Lutsel K'e in the last -- in -- in December.
14 Bathurst, Beverly and other herds are also known to
15 overwinter in the area of the proposed winter road --
16 roads area and they -- we all know they're in dire
17 decline.

18 So the Proponent says that they are going
19 to control access to the winter road, however, it's very
20 clear that INAC and -- from INAC and industry sources
21 that access just can't be legally barred on winter roads,
22 period, and we use the example of the Tibbit to Contwoyto
23 winter road for this reason.

24 So carbon footprint. The Proponent
25 suggests that the project will reduce carbon dioxide

1 emissions by replacing diesel-generated power by hydro
2 power from levels current at the diamond mines, but there
3 is no evidence to prove this on the public record at
4 present. Some facts are also contrary to the Proponent's
5 assertions, no reduction on file -- fuel load. Increase
6 in fuel load will in fact be created for heating at the
7 mine site itself, and carbon footprint of project
8 construction and induced developments have not been
9 accounted for.

10 So MVEIRB must require that the Proponent
11 do a full carbon costing, status quo versus with project.
12 If no sigdi -- significant reduction in carbon emissions,
13 then no green arm -- argument can be used for this
14 project.

15 I also want to add to that a GNWT press
16 release in which ja -- dated January 8th, 2010, where the
17 -- where our premier, Premier Floyd Roland, says:

18 "We cannot afford to wait for the
19 Federal Government to negotiate or
20 determine what actions we -- we will
21 take." [He said.]

22 "As northerners, we are already
23 witnessing and addressing the impacts
24 of climate change in our region. We
25 must lead the way by reducing our own

1 emissions and demonstrating that there
2 is support across Canada for act -- for
3 our nation to take stronger measures.

4 So in sum., these are the Lutsel K'e Dene
5 First Nation directives:

6 No development in the Desnedche-Kache
7 area. Road access to caribou will degrade the herds.
8 Decisions by the Board require precedent setting action
9 on caribou at this time.

10 Uncontrollable winter road access to
11 caribou herds in crisis is -- is unacceptable. And
12 monitoring impacts in process is also not acceptable.

13 Further study -- wildlife studies are
14 mandatory for the Desnedche-Kache area, and we echo many
15 of Environment Canada's recommendations here.

16 Carbon footprint analysis is mandatory.
17 It must be done to demonstrate that the project is in the
18 public interest.

19 And in sum, Lutsel K'e will never stray
20 from protecting this area for time in memorial. The Old
21 Lady is not to be disturbed until the end of time. This
22 area cannot be violated with development from any source,
23 especially of the kind purely motivated neither by
24 necessity nor human progress, humanitarian progress. The
25 ancestors had used the land and found salvation in it,

1 and the only salvation of the land itself would be a
2 sufficient tribute to them.

3 And now it is my privilege to introduce
4 the next speaker, the Chief of Lutsel K'e Dene First
5 Nation, who is joined by all the living chiefs of Lutsel
6 K'e Dene First Nation.

7 And -- would you like me to introduce
8 them? And I will introduce them from left to right. Ms.
9 -- Ms. Florence Catholique, Mr. Archie Catholique, Mr.
10 Felix Lockhart, Ms. Addi Jonnasson, Ms. Angie Lantz, Mr.
11 Antoine Michel, and Mr. Steven Nitah. Thank you.

12 CHIEF STEVEN NITAH: Marsi cho, Tracey.
13 I'd also like to acknowledge Mr. Albert Boucher, who was
14 an acting chief for -- for a short period of time. I
15 would like to start by thanking you, Mr. Chairman, and
16 the gentlemen that sit on the -- the Board for giving us
17 the time this afternoon to present our presentation and
18 express our concerns with this proposed project.

19 I also would like to take the time to
20 acknowledge Chief Eddie Sangris and the people of the
21 Yellowknives Dene for -- in which -- in whose territory
22 we are at today. The Yellowknives Dene's traditional
23 territory is -- is hosting this public hearings, and I'm
24 going to be speaking about the tra -- traditional
25 territory of the Lutsel K'e Dene First Nations people.

1 As -- I'll be speaking briefly about some
2 of our concerns and -- and explain some of the concerns
3 that we have as Tracey explained and there'll be others
4 following me that will explain our positions and why we
5 take the positions we do.

6 This issue transcends politics as
7 represented by the living chiefs here in our unified
8 presentation to you that -- we did this to illustrate the
9 level of concern that we have about the proposed project.
10 The transmission line should not and will not cross the
11 Lockhart River, will not cross Desnedche. That's just
12 the bottom line. We can't say it anymore clearer than
13 that.

14 As Tracey indicated, we, as a community
15 and as a people, had the opportunity to look at
16 developing that area for ourselves and we went through
17 the entire process to a point where we looked at the
18 benefits to the community and the membership and no
19 amount -- no amount of money was good enough for the
20 people of Lutsel K'e to develop that area.

21 So this is not something new. This area
22 has been targeted by different levels of government, the
23 Federal and the Territorial Government for development
24 dated over forty (40) years and for forty (40) years
25 plus, the people of Lutsel K'e have fought against any

1 development in this area. We continue to fight. The GNWT
2 was one (1) of them. They're still there, they just have
3 a different face, the face of Deze now and we will
4 continue our struggles in this area, that's a mandate
5 that we have that each First Nations member from Lutsel
6 K'e are born into. They have a mandate to protect that
7 area.

8 All my life I've been told and remember
9 the sacred tales of Ts akui Theda, Old Lady in the Falls
10 as told by Elder after Elder and I will be telling that
11 story as I get older and become an Elder, that is my
12 responsibility as a member of the Lutsel K'e Dene First
13 Nations. The story connects us to Desnedche.

14 This story, as passed down through the
15 generations, tells of a time when the world was still new
16 and all things spoke to each other, a spiritual Ts akui,
17 old lady. Upon hearing of the -- of the return of a
18 hunter who had killed beavers, asked for beaver blood,
19 and wasn't given any as this was a time of famine and the
20 supply of meat was very low. She wanted blood, she
21 wanted beaver blood. When she didn't get it, she went to
22 where she sat now, sat down and from that time on offered
23 herself as a spiritual guider for the people that believe
24 in her. It's not restricted to the people of Lutsel K'e,
25 it's for all people that believe in her.

1 There was another spiritual guy, his name
2 was Satchuden (phonetic). Satchu (phonetic) in English
3 means "Sun Ray" or "Sun Rope." He turned himself into a
4 fly and went back to where Ts akui Theda had sat herself
5 and was wondering why she -- she sat down. She said tell
6 the people not to come and visit me, just so that they
7 can look out of curiosity. Only those that believe in
8 me, believe in what I stand for should come and seek help
9 whether it's for spiritual strength, physical strength,
10 emotional strength.

11 In our -- in my time I've had -- I've
12 witnessed people from as far as -- away as the Navajos,
13 northern Saskatchewan, the Tlicho, people of the
14 Mackenzie Valley, Mackenzie River, have come to seek her
15 help, and she's not filled them.

16 During the period of colonization when we
17 as First Nations people were criminally and wrongly
18 persecuted and forbidden from practising our
19 spirituality, we went underground. And only recently
20 when the Canadian law started recognizing us as -- First
21 Nations people as people, and our religions and
22 spirituality that we con -- we started going back to Ts
23 akui Theda.

24 Now annually, we gather there every year.
25 We gather there to pay tribute and respect to Ts akui

1 Theda. For those that want and seek her help, she's
2 there and they go visit her right at the -- the falls.
3 You can also go right to the mouth of the river, on
4 either side of the river, and seek that assistance as
5 well, and will be granted if you believe in her.

6 I think that this transmission line as
7 proposed is presupposing several things; the Gahcho K'ue
8 project, for example, it has been said that it will be
9 the anchor client for the project. Mr. Chairman, have
10 you guys provided a permit to Gahcho K'ue and De Beers to
11 proceed with that project? I don't think so.

12 A transmission line, as proposed, will
13 have easy access to string a line east into the upper
14 Thelon where we know there is great interest in uranium
15 development in that area. Your former colleague, your --
16 the former Chairman of the Board reviewed an application
17 for a permit for exploratory work in the upper Thelon by
18 UR Energy at their Screech Lake project. We went through
19 this already.

20 We know that Canada is almost finished
21 their -- their Land and Resource Management Plan for the
22 Upper Thelon. They're gonna be -- they're gonna be
23 releasing a draft form of that in March. The pressure on
24 the ownership group of the Taltson -- or the Deze Energy
25 Group to string a line over there is going to be great.

1 Would it make their project more feasible? Yes,
2 definitely. Do we want that project? No.

3 The transmission line goes across -- as
4 proposed, going across the Lockhart River would give our
5 fair -- is not in -- it's not in the project description,
6 but we know that whole area, we know the East Arm and the
7 whole of Akaitcho on the east side is full of minerals.
8 We've done studies when we looked at Titan and nena
9 (phonetic), that's myra (phonetic), looking for mineral -
10 - to do a mineral assessment. We know there's uranium.
11 We know there's diamonds. We know there's copper in all
12 -- in that -- that whole area. This line makes every one
13 of those projects feasible.

14 The Proponents will say that each project
15 will be measured upon what -- on its own merits. Well,
16 the merits are gonna look pretty good when there's a
17 clean source of energy in that area, a cheap and secure
18 source of energy.

19 We've already -- are suffering and
20 impacted by decisions made by the GNWT using Akaitcho
21 legislation. In the Wek'eezhii area where the caribou --
22 the Bathurst caribou numbers are way done. The Ahiak
23 Herd is down by 60 percent, Bath -- the Beverley, we
24 don't know yet, but it's -- we -- we've been told that
25 that herd is down too.

1 there that believe that that area should be protected and
2 that there should be no development in the Desnedche-
3 Kache area. And, of course, you know, this -- I know
4 it's not part of the -- the project description, Nonacho
5 Lake has always been a sore point for our people.

6 We used to have a community on Nonacho
7 Lake. That community and all the burial sites and all
8 the other historical sites has been flooded and there's
9 been nobody ever took responsibility for that. Now, they
10 want to expand the pro -- the -- the project for -- that
11 caused the original destruction of our lands. Marsi cho.

12 MS. TRACEY WILLIAMS: We'll now have Ant
13 -- Mr. Antoine Michel speaking.

14 ELDER ANTOINE MICHEL: I'm going to do it
15 in my language, so put your ears on.

16

17 (TRANSLATION COMMENCES)

18

19 ELDER ANTOINE MICHEL: ... and how our
20 Elders used to be sick, and then they used to go over
21 there and ask that old -- that lady for help, so it's
22 very important --

23 THE CHAIRPERSON: Antoine, sorry to
24 interrupt, we've just got problems with the translation
25 equipment, can you hang one minute.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Okay, with that,
4 okay, Antoine Michel, please continue.

5

6 (TRANSLATION CONTINUES)

7

8 ELDER ANTOINE MICHEL: The reason why we
9 wanted to protect our land, this is an -- this land has
10 been very important. That Old Lady sits under that
11 river. That's exactly what it looks like. It looks like
12 a lady sitting on that river.

13 If you're sick, you go over there and ask
14 her for help, anywhere. Right from -- you leave from
15 your house, and you keep praying to her and asking for
16 help until you get there. The reason you're sick --
17 well, she's going to take that sickness away. You have
18 to believe in her. Some people don't believe in her, so
19 she wouldn't help that people -- that person. But if you
20 do believe in her, she would help her.

21 I think there's about three (3) or four
22 (4) people that went over there because they were sick
23 with cancer, and today those people are still alive.
24 They could have been dead because the doctors said they
25 had no help -- or no hope for them. So this is why this

1 old -- the Old Lady had helped her.

2 You see, all these literatures that have
3 been made, even one (1) person will say he also went --
4 there's also a literature of this person who was cured by
5 this Old Lady by the river. So this is why we love that
6 river and we don't want nothing -- or no damage done to
7 it. We still have these old roads, those routes -- the
8 roads that we travel is over a hundred years old and
9 there's portages that we go. Until today we still use
10 those words and -- those roads. It's over a hundred
11 years old. Look all around, there are us.

12 There's mine development from Alberta,
13 there's highways to -- now, they even have a winter road
14 going out to diamond mines in the barren lands. Because
15 of that look at all our caribou, our wildlife and they
16 were saying that the animals are the ones that are
17 suffering and the people are benefiting from -- from it.
18 It's only the Europeans that are benefiting, not us. And
19 all our animals as Dene people, we keep our land. We
20 keep and watch our wildlife, that's the kind of people we
21 are. So when we say "Kache," Fort Reliance, there's also
22 a berry patch there and there's old houses, cabins, but
23 yet there's still some of them are still standing up.
24 Where people used to stay, there's a whole bunch of
25 historical sites and burial sites there and the river

1 that's going into the Great Slave Lake, say that river as
2 falls is about between a hundred feet. You could still
3 see it's the very clear water. You could see right to
4 the bottom and see up the lake. You could see the fish
5 and you could see all kinds of rocks and if you go down
6 south and if you look into the lake, you can't see clear
7 water. We don't want that to happen to our river what's
8 happening out in the south, all the waters.

9 We use everything. Everything off the
10 land we use it for medicine and even rocks, berries,
11 those are all our foods, that's our health, that's our
12 medicine, our drugstore so this is why we love that land.

13 It wouldn't look good for us if they put a
14 hydro line over that river. There'll be crisscross all
15 hydro -- hydro lines over there and the land is not going
16 to be beautiful anymore and it's going to hurt a lot of
17 our Dene people. We want to keep what we have left of
18 our land for our future generations to come. In 1993
19 NCPC had taken a parcel of the land where they -- when I
20 was a chief and I went there with my councillors and then
21 we talked about it, so, they stopped the project.

22 The land we're talking about is -- doesn't
23 belong to -- to anybody. It belongs to the Lutsel K'e
24 people and we are treaty people and we have to hang on to
25 our treaty and our lands. We're not going to let go of

1 anything that we already own and now people are coming
2 from -- outsiders are coming trying to take over our land
3 and do -- and do all kinds of projects on our land.

4 My grandfathers had told me that there is
5 a lot of people that had given us a lot of good words who
6 are not here with us today. When I talk like this
7 sometimes I don't talk on my own words, I talk -- I talk
8 of the way that my ancestors had taught us to talk and
9 I'm saying this for the future generation of my
10 grandchildren and the Lutsel K'e people and all the
11 natives from here.

12

13 (TRANSLATION CONCLUDED)

14

15 ELDER ANTOINE MICHEL: ... and how the
16 Old Lady sits. There's histories after history that
17 people give us, what to keep. I want to keep that land,
18 that river. There's fish in there, you can see it, like
19 I said. It's so clear and you can drink the water, real
20 clear water. Actually, we have it here, inside the
21 building here, we do have it. That's healing water.
22 Like I said, there's some letters has been sent to us
23 from down south that people heal from it. So that's why
24 we love the land and we want to keep it for our future
25 kids.

1 Like I said, there's trails there. Over a
2 hundred years and it's just like today yet. That's all I
3 wanted to say. Mahsi.

4 MS. TRACEY WILLIAMS: I'd like to
5 introduce Elder George Marlowe.

6 ELDER GEORGE MARLOWE: You look sad, you
7 people, so I'll tell you a little joke, okay, first. Me,
8 myself, my name is George Marlowe from Lutsel K'e. I was
9 born in Lutsel K'e, 1940. I'm really old, 70 years now.
10 And me, I thought only white people get bald. But look
11 it, I'm bald too. I'm Indian.

12 Well, first of all, I'll talk about a
13 healing too. You see that fall there? You look at it
14 really good. Looks like a gown, nightgown. Looks like
15 somebody sitting, the Old Lady. Look at that. You close
16 really -- look at it really close.

17 First, I was born in Lutsel K'e in 1940.
18 But my grandparents, my grandfather, my dad, they moved
19 to Fort Reliance, 1947 or '46, '48, that area. They
20 build a house.

21 Chief former -- Chief Felix Lockhart's dad
22 build a house there. And Charlie Tally (phonetic), her
23 dad build a house there. And Archie over there, we're
24 all in one family that time, all the Drybone family. And
25 those -- that time, I was only the one baby. I was about

1 nine years old. But I still remember good.

2 In 1948, the weather station was built,
3 Fort Reliance. Since then -- well, I got a lot of
4 stories about that Old Lady, the fall. That's the reason
5 why we don't want a line today here, like -- like Chief
6 and Antoine said.

7 That river there, you could see some
8 people over there, sitting, praying. And there's another
9 one again on top of that. There's another place that's
10 where there's a cave. It's a big -- big cave like this,
11 just like a -- round like this. And you go inside. When
12 you go inside, like in June or July, August, there's just
13 green grass, just like a -- it's real nice. And there's
14 two place just like somebody sitting, just like a chair.
15 You could sit there. And that's where the people heal
16 all the time.

17 In the old days, that's where they go.
18 From Artillery Lake, they bring people to that -- that
19 far -- that one's on top. That's where they bring
20 people. Like, they use a stretcher or something. They
21 bring people there.

22 Not too long this summer, Antoine's dad,
23 Joe, was telling a story about that. And he brought the
24 old lady there, who's really sick and can't walk, so they
25 brought him (sic) there. And three (3) days later, that

1 old lady -- that -- she's not old at that time, young
2 girl, he walk from there back to Timber Bay. That's
3 where the people lived that time.

4 So there is something in there. Myself,
5 when I'm from that place where -- there's a trail -- we
6 got a trail going that way to the -- where the -- where
7 the plane used to land, the lake there. Dean knows it,
8 that's where they bring us there when it's -- his dad and
9 help us. He knows how to fly. He knows where to land.
10 He's a real good pilot. That's why they help us just
11 about every summer with his dad. I still remember. And
12 thank you very much, Dean, with that.

13 And we go down there, we pray right there.
14 Some people stay overnight. Some people stay overnight,
15 others -- far and to. Not too long ago we had one (1)
16 really bad cancer. You know, the doctor said don't -- no
17 hope. His name is Marvin Adam (phonetic) from Fond du
18 Lac. When he land at that lake, Andrew was there. And
19 him, there's and my wife -- all -- there's about six (6)
20 of us, we walk with Marvin Adam to the far end, really
21 sick. He's got no hair, nothing, can't even walk. We
22 have to stop, stop, stop. It took us about three (3)
23 hours, and it was raining like hell, just raining.

24 So we finally got to the far end and we --
25 we make fire. We put tarp -- we got tarp ready, a

1 plastic tarp. And then we had lunch. Marvin couldn't
2 eat, just drink a little bit of tea. And towards about -
3 - I think it's about 6:00 maybe, something -- it's
4 getting dark now. So I told him, I want to bring you in
5 that cave. I make him go in there and us -- all of us,
6 other side of the hill. I told him, nobody's going to
7 look at you. That's what old man J.P Catholique told me
8 to do that. When you put somebody in a cave, don't look
9 at him. You got to go other side of the hill and stay
10 there all night.

11 Towards in the morning, that Marvin Adam
12 came back about -- after daylight, anyway. Oh, he looks
13 just happy, just smiling, starting to eat, just happy
14 now. And then, from there, he walked back to that lake
15 where -- Dean knows how far, as far as that lake is, the
16 plane lands there. Was very happy now. Not -- he's not
17 even slow. He walk fast, just stay with us. That's what
18 happened.

19 And another one from Lac Brochet, a young
20 kid, young -- young -- just young, not -- not there, but
21 that picture was -- I seen a picture there. I make him
22 stay there alone too on the island. I put the mosquito
23 bar for him. I tell him to stay there, and I give him a
24 little -- little bit of lunch. I got water for him. I
25 told him to pray, stay there. Try to stay up all night,

1 I told him. If you hear something, tell me, I told him.
2 So I left him there. And in the morning I got back to
3 him -- the young kid, and that's the place right here,
4 that two island -- one more this side here, that's where
5 I make him stay.

6 And I -- and my granny used to tell me, if
7 you stay beside Old Lady, you're going to hear something
8 at three o'clock. And then, sure enough, that young kid
9 said, three o'clock I hear a noise just like this
10 [UNREPORTABLE SOUND].

11 And my granny said that Old Lady's
12 meeting's at three o'clock in the morning; that's what he
13 said. If you hear that, that's a good sign; that's what
14 he said. And if you -- if you see a rainbow someplace --
15 no rain or nothing, if you see a rainbow, that's a good
16 sign, a really good sign.

17 So every time I go to that waterfall, both
18 places I go, as far as I go on top of the hill, I look
19 down the waterfall, I could see -- maybe I could see a
20 rainbow. Well, I'm just happy. And sometimes I could
21 see smoke coming up. Just the same as you make fire in
22 the bush, you see the smoke going up. I see that -- a
23 lot of people see that and that's a good sign.

24 So those kind of things that happen from
25 way before us. We even got Black Lake people, just a

1 while ago and I got a phone call, why Deze Energy want to
2 put the hydro line. That place is secret place, healing
3 place. So nobody should never bother, they say. Same as
4 at Lac Brochet too. We even got six (6) Elders from New
5 Mexico, two (2) young guys and one (1) a boy and a young
6 girl. They came to Fort Reliance too. And they -- they
7 went up there, they were happy. Somebody help them until
8 today that nobody phones, they're supposed to phone.

9 And myself 2004 I had a cancer really bad.
10 Now people have cancer, they always die. And that time
11 on March I did the carnival for Lutsel K'e people. I
12 went down to a hundred and thirty-eight pounds (138). I
13 like to dance, you know, the things that -- I like to
14 dance and everybody knows the Yellowknife people and
15 different people knows that I like to dance.

16 And that time last day Sunday in my speech
17 I went up like this, I told people, every person that
18 have a cancer they die right away. I told them next
19 year, you're not going to be here. And I could see young
20 people have tears in their eyes. Even my wife, my kids.
21 But I was sitting right there, right at by the mouth of
22 the river right there by the river where Antoine said you
23 could see hundred feet right there. The little island,
24 that's where I was sitting and I prayed. I told the old
25 lady I have a cancer, I cannot live anymore. I was

1 praying on that.

2 All of a suddenly I just didn't feel
3 better again now. And then that same time in springtime
4 I went to Edmonton doctor to check on me again for
5 cancer. As soon as I walk in there, what the hell's the
6 matter with you, George, he told me then. Why, I said.
7 Well you look healthy. Surprise. I was really surprised
8 at doctor. So he told me, what are you doing? I told
9 him that I think the Old Lady helped me. So I really
10 believe in the Old Lady so that is why today we don't
11 want no hydro line go across.

12 If we put a hydro line across, in the
13 future maybe the Old Lady will be disappear. How about
14 our kids now? Us will be gone anyway. But the kids.
15 Any -- that's for anybody. It's not only for Dene
16 people. That's for white people too. If you're sick,
17 you have problem with your family, anything, come to
18 Lutsel K'e. If I'm still okay, I will help you.

19 If you're a -- a man, you have to make
20 something your own even though you're sick. Try to make
21 a -- out of bone something to carve like maybe a little
22 knife and put a fish around or sinew, make it a really
23 fancy little knife. Put little leather case. No -- no
24 needle, like, use your own. You got to make that way,
25 it's a man.

1 The woman you have to make your own needle
2 case or something maybe what's good, what do you think,
3 you have to do it yourself. Needle case, make needle
4 with a bone, put sinew over with a caribou -- get sinew
5 from caribou. Make a little thread, put it there maybe -
6 - make it really good.

7 If you go to that waterfall, if you're
8 sick, pray, give it to him -- her. You put it in the
9 river. You're going to feel different. There's going up
10 a hill right there. You're going to feel different, you
11 going up a hill and then you have to walk about another
12 forty (40) minutes to where the plane lands. You will
13 feel different.

14 I had one daughter too, Vanessa
15 (phonetic). Her legs, doctor said, I have to cut her
16 legs. It's a sickness, some kind of a sickness from the
17 bottom up. She couldn't even walk there with us at the
18 time, crying, yelling every time stepped, just yelling,
19 mom, dad and I was still walking. And -- and that place,
20 we slept there beside a waterfall, seven of us -- two (2)
21 -- there was a guy and a woman from Cold Lake and Liza
22 Charlo from Dettah, she's not here -- here and Tony
23 Mercredi from Fort Chip.

24 There were seven (7) of us that slept
25 there and me, I was making the fire going and I remember

1 that story about that Old Lady at three o'clock. My
2 grandmother told me. So I wait for three o'clock. Just
3 everybody's sleeping, nice and warm. I put firewood -- I
4 keep fire going. Three o'clock I went back to where I'm
5 -- were praying and I hear that now. Well, it's pitch
6 dark but I'm just happy and all suddenly steam came up
7 and that steam, it smelled like ashes, just ashes,
8 nothing but ashes, and just came to us and the people
9 that were sleeping there and me.

10 Right away I run back, I told my wife I
11 heard that noise. I think the ashes curing us, maybe our
12 daughter will be fine. In the morning my daughter woke
13 up boy just happy now. He (sic) doesn't even feel his
14 legs. He walk up a hill, went back to where our plane
15 land. Until today, never cut her leg, still running
16 around.

17 So those kinds of things, if you white
18 people, you're sick, you have to believe. Like Antoine
19 said, you have to believe. You're around United States
20 or other countries, if you can think about Old Lady and
21 if you think about it just about every day, you're going
22 to be there, right here. You're going to be there. No
23 matter the money costs a lot but just like somebody's
24 going to help you all the way until you meet that Old
25 Lady. It's not an old lady but a waterfall and if you --

1 one (1) of us -- somebody go there with us, we'll show
2 you how to do it.

3 Even Bishop was there, that Dennis and he
4 came up there and oh, it looks real good. I got his
5 picture. He was standing right on top of that rock and
6 the waterfall down and he was praying like this where
7 he's got the white clothes on, just the same as that --
8 that Pope. It looks really beautiful and he's praying
9 and that and then he was just happy, too, even him. Now,
10 he said I believe it now. He said, them is still alive,
11 that Bishop.

12 But too many things to say but one (1)
13 thing I want to say again, last year when I was here I
14 asked for what happened to compensation? I'm still going
15 to say it again. I asked for compensation. They flood
16 the water and I want to ask for compensation for they
17 kill all the trees around the lake. I want to ask for
18 compensation all the fish, mercury, all the fish are
19 spoiled. I want to get compensation for that, too, and
20 also the burial ground. Some of them not too long ago I
21 think the translator was there, Sarah, and Mercredi with
22 us going around and he said -- he said something about
23 three (3) kids or two (2) kids were buried here but they
24 couldn't find that place. It was a nice sandy point
25 beach -- not anymore, nothing. It can't find it. So

1 those kind of things like that, I said I ask for
2 compensation.

3 And also I asked DFO, I wonder if we could
4 make a trip this winter 'cause as soon as I get back, if
5 Sammy, Albert's brother Sammy, we had a trail there
6 already. It doesn't matter if it's not cold under 20
7 below. Friday night I want to go that way. I want to go
8 hunting to Nonacho Lake because I really love that land.
9 It's really good land. It doesn't matter at night, it's
10 a trail I could make it.

11 And I'll sit up at 10:00 and the next day
12 I'll shoot caribou. So I was thinking when I talked to
13 Bruce I said if you set a net, you should bring a fish
14 back but people not -- might not believe it. You have to
15 see for yourself when you get that fish out and last year
16 I said, the water goes up and down and ice drop. If the
17 ice drop again, you'll see it for yourself too. Because
18 I know ice goes like that, drop all the time.

19 And when I hear this energy -- this
20 talking about we're not flooding too much he said. But
21 we've got our own trail there. It used to be a dog team
22 trail and then we used a skidoo, same place. Some of
23 them you can't even go to a shore like they have to make
24 a turn. So if it don't rise, the water lots, that means
25 that if I go there with my skidoo I could go out on that

1 trail again.

2 Lots of water in the bush like I -- I
3 don't know how far. You can't even walk there. If you
4 walk there you'll probably -- you're going to go down.
5 You're going to go into the water. So you have to watch
6 what you're doing. But some young people, they don't
7 watch. They just go ahead. Now they're going to be --
8 there -- maybe they're there already now. I don't know
9 about that. Next week we'll be there anyway.

10 This -- this water got from the Lady of
11 the Fall water, fresh water. It's from last summer but
12 look at this, just like it's fresh. And when I drink
13 this water, I'm not scared nobody, okay? Good water,
14 it's like fresh from last summer.

15 I think that's all I'm going to say now
16 and I thank you very much. I've very happy to be here
17 again. I hope -- I always pray, talk to Old Lady, always
18 tell the people whoever in here to go home safe. Let the
19 Old Lady protect you to go home to your family. Thank
20 you very much.

21 MS. TRACEY WILLIAMS: And now I'd like to
22 introduce Sayiz Catholique, Desiree Jonnasson and Jake
23 Basil, the youth of Lutsel K'e to close our presentation.

24 MISS SAYIZ CATHOLIQUE: Hello. Marsi
25 cho, I'm thankful to be here. I'd like to thank the

1 Yellowknives Dene First Nation for allowing this meeting
2 to be here on their traditional territory. So I'm really
3 thankful for that.

4 My name is Sayiz Catholique of Lutsel K'e.
5 I'm very honoured to be one of the representatives of the
6 children and youth of Lutsel K'e. The other Lutsel K'e
7 representatives are Desiree Jonnasson and Jake Basil
8 standing here behind me. I have some letters here that
9 are written by some of our children and our youth
10 regarding this important issue. I think that's it very
11 important that they are informed of what's going on, so,
12 this are some of the things that our children and youth
13 had to say.

14 This first letter is written by a grade 3
15 student. He says:

16 "My name is Devon. I do not want the
17 powerline to go on my land. It might
18 hurt the animals."

19 This is Devon Catholique and he's in the
20 grades 2, 3 and 4.

21 This next letter is to the Mackenzie
22 Valley Water Board.

23 "Every year we go to Desnedche and I
24 love going there. We go there to ask
25 our grandmother for help. We have to

1 keep her safe. Please don't let the
2 powerline go through. Marsi cho.
3 Sache Catholique, grade 5 student."

4 And this is a junior high student and he
5 says,

6 "If the mines are going -- if the mines
7 are only going to be 20 years before
8 they shut down, then why are they
9 making the powerlines if it's only
10 going to be 20 years? I don't like the
11 idea of the powerline on the East Arm
12 because it disturbs the Lady of the
13 Falls, meaning that it is supposed to
14 be quiet for people to pray and to
15 respect the land. Sincerely, Troy
16 Marlowe"

17 This is a high school student that's
18 written a letter and it's about -- it says,

19 "My feelings about the Taltson hydro
20 expansion. My name is Hermaline
21 Catholique, a senior high school
22 student at Lutsel K'e Dene School.
23 I've heard they are discussions about
24 increasing the capacity of the Taltson
25 generating station. The part of the

1 proposal that has caught the attention
2 of the people of my community is the
3 part suggesting transmission lines are
4 to be built up around the East Arm,
5 over the Lockhart River and to the
6 barren lands to power our diamond
7 mines. In my opinion, we shouldn't go
8 ahead with this project. I believe
9 this because I wouldn't want anything
10 to ruin our future land for our future
11 children. I think there would be
12 pollution in our waters if we do go
13 through with it. If anything goes
14 wrong with the hydro project, we are
15 the ones who are going to be paying for
16 it. Who knows? Maybe we would slowly
17 eliminate the caribou and other wild
18 animals around our area. I don't think
19 power in the diamond mine is more
20 important than keeping our lands
21 beautiful and protected or either
22 moving the migration of our land
23 animals to a place that would be harder
24 for us to find. Going through with the
25 hydro could be a great idea for money

1 but money comes and goes. But if you
2 change the land, do you think it would
3 change back? No. As a Lutsel K'e Dene
4 member, I disagree with the hydro
5 project. It might ruin the Lady of the
6 Falls, move the caribou, or maybe get
7 them sick. The caribou -- we might
8 even kill some of the fish. Plus
9 there's the spiritual gathering every
10 year. We go there. That if -- if the
11 hydro project went through, what would
12 happen? Things wouldn't be the same.
13 Everything would be different. I think
14 we should keep that side of the lake
15 the way it is so we would want our
16 future grandchildren to be where we
17 were. So they can see for themselves
18 what we did once when we were young.
19 They can see what we saw and it should
20 stay that way. Honestly, I don't think
21 that the hydro project to power the
22 mines is a good idea. The mines are
23 doing good as they are. They're going
24 to put money in it that wouldn't even
25 be good for us. Money isn't

1 everything. There are far more
2 important things in this world, like
3 our land. Our land is our home. Yours
4 truly, Hermaline Catholique."

5 Our -- we had an elder, our former Chief
6 Pierre Catholique was supposed to share the story of Ts
7 akui Theda. And on his behalf, we have one of our youth
8 representatives, Desiree Jonnasson, who will share the
9 story. And so I'd like to introduce Desiree Jonnasson.

10 MISS DESIREE JONNASSON: Thank you,
11 Sayiz.

12 Old Lady of the Falls, as told by Elders
13 Zepp Casaway and Pierre Catholique.

14 "I will tell you a true story about how
15 it was in the beginning and how Ts akui
16 Theda came to be. This story was
17 passed on to me as it was passed on
18 from generation to generation. The Old
19 Lady of the Falls has been there since
20 the earliest of times.

21 It started in a place called Kache
22 (Fort Reliance) and Eedacho K'ue
23 (Artillery Lake). It used to be called
24 Beaver Lake in those days because there
25 was a beaver living there. You could

1 see the beaver's lodge if you happened
2 to be out at Eedacho K'ue.
3 People were often in that area because
4 that is where the caribou crossing is
5 and where the -- they went to hunt
6 caribou in the fall time. Even today,
7 Dene people still go through there to
8 hunt caribou.
9 In those days, there used to be a man.
10 His name was Hacho. He was a big man.
11 One day Hacho saw the beaver's lodge.
12 He could see it because it was on a top
13 of a small hill. He decided he wanted
14 to kill the beaver but saw that he
15 would have to get the beaver out of the
16 lodge. So he started to push the dirt
17 to one side. Today you can even see
18 where he pushed the dirt to one side.
19 He was so busy digging and moving the
20 dirt that he didn't notice that the
21 beaver had another lodge in the narrows
22 close to the main land. It wasn't far
23 from the main route that the Dene
24 people used then they travelled in that
25 area.

1 But the beaver did not stop at that
2 lodge, instead he went down the
3 Lockhart River to the main lake - Tu
4 Nedhe. The people there were starving.
5 When they saw the beaver, they thought
6 that may -- they may be able to kill
7 him. It was then that Hacho saw the
8 beaver and ran after him with a shovel.
9 He threw the shovel into the water but
10 the smart beaver swam away. The handle
11 of the shovel broke and Hacho had to
12 leave it there sticking out of the
13 water. That is why when you go to the
14 North end of Eedacho K'ue, you can see
15 a rock sticking out of the water, that
16 is the handle of Hacho's shovel.
17 After Hacho broke his shovel he didn't
18 give up. He continued to follow the
19 smart beaver back up the Lockhart
20 River. By then the Dene people from Tu
21 Nedhe were following Hacho. The river
22 was strong and the beaver soon got
23 tired so Hacho killed him. The Dene
24 people were so hungry that they went
25 after the meat right away. There was

1 enough meat from the beaver for all of
2 the Dene people for two or three days,
3 but there was one woman who asked for
4 the beaver's blood. Hacho told her he
5 could not give her the beaver blood
6 because there was not very much left.
7 So the woman sat down at the falls and
8 waited.
9 All of the other Dene people followed
10 Hacho, who was chasing another beaver
11 down the river. They were heading
12 toward the East Arm of Tu Nedhe. After
13 a while the people noticed that the
14 woman was still back at the falls. So,
15 Hacho picked two healthy people to go
16 back and look for her. They went all
17 the way back to -- up the Lockhart
18 River and they found her sitting under
19 the falls. She had been sitting there
20 a long time under the falls. The two
21 people told her that Hacho was asking
22 for her to return to Tu Nedhe. She
23 said, I cannot return with you. I have
24 been sitting here too long and now I --
25 I will be here for all eternity. Then

1 she said, go back to where you came
2 from, go back to Hacho and the others
3 and give them this message. So, the
4 two people returned to Hacho and the
5 others, and gave them the message.
6 This is how the Dene people learned
7 about the Old Lady of the Falls (Ts
8 akui Theda). From that day forward,
9 the Dene people have gone to visit the
10 Ts akui Theda to pay their respects,
11 share their worries, and to ask for
12 help. That is the story of Zepp
13 Casaway and Pierre Catholique."

14 I now would like to share a short personal
15 story with you. My mother told me that she and my dad
16 wanted to have a child. She could not get pregnant. She
17 and my dad went to see the Old Lady at the Falls in July
18 of 1991. My dad walked from the Desnedche cabin grounds
19 to see the Old Lady at the Falls, my mother went by
20 plane. My mother and dad made a prayer and an offering
21 to the Old Lady at the Falls. My mother got pregnant
22 shortly after that trip and I was born in May of 1992.
23 My mother and father took me back the next year to the
24 spiritual site in August of 1992 when I was three (3)
25 months old. They thanked her with a prayer and an

1 offering.

2 My first trip to the see the Old Lady of
3 the Falls was when I was five (5) years old. I walked to
4 the falls with my grandmother. My grandmother showed me
5 how to make a prayer offering and thank the Old Lady at
6 the Falls. Ever since then I have been going to the
7 spiritual site at Desnedche.

8 One day I would like my children and
9 grandchildren to experience the spiritual and healing
10 powers of the Old Lady of the Falls. I want to ensure
11 that Ts akui Theda is protected from any and all types of
12 resource development so that she continues to sit at
13 Prairie Falls for future generations. I pledge today to
14 help protect the sacredness of the Old Lady of the Falls.
15 Marsi Cho.

16 MS. SAYIZ CATHOLIQUE: Marsi Cho,
17 Desiree. I'd like to introduce our next youth
18 representative, Jake Basil.

19 MR. JAKE BASIL: Thank you. I'm happy
20 and very honoured to be here to represent the youth in
21 our community, and our Dene people, and our land. Our
22 lakes, our rivers and our lands, it all means a lot to
23 us. It is our heart, and we take care of it, and it
24 takes care of us. It feeds us; it keeps us strong; it
25 teaches us how to survive out on the land. When we go

1 see Lady of the Falls, Ts akui Theda, for spiritual
2 healing, she lends us powerful energy, joyful energy, to
3 heal us, to make us happy again.

4 All energy is borrowed and all energy is
5 returned. What we think in our hearts, minds, and
6 spirits of our lands, of Ts akui Theda, of our people is
7 wonderful. Sometimes we can't -- sometime it is
8 undescribable in words that I can't describe.

9 I think we should not have this hydro
10 Taltson expansion. It will not be good for Ts akui
11 Theda. She will not like it. She told us to protect her
12 and keep the land healthy and strong, and the land will
13 keep us strong.

14 Just last winter I went to the barren
15 lands. And this fall and last summer I went to Reliance
16 with a gathering. It's so beautiful out there. You just
17 have to see it for yourself to believe in her. It's so
18 wonderful and it just makes you feel good inside.

19 And I want to continue to see it that way,
20 healthy, clean, fresh air, and for my children to see it
21 that way, as I saw it. For the next generation, I would
22 like to have it the same, to always be the same. Thank
23 you.

24 MISS SAYIZ CATHOLIQUE: As you can see,
25 the importance of oral history ensures our cultural and

1 spiritual survival. In one (1) of the versions of the
2 story, my grandmother says, "I cannot be disturbed until
3 the end of time." Well, this development is going to
4 disturb her. It's up to us to ensure her protection and
5 we will do what we have to do at all costs to keep her
6 safe. Whether or not this goes through, we won't sit by
7 and let this happen.

8 There's no need for us to share our most
9 sacred secrets in such a public way, you know. These are
10 our most intimate secrets. My family is buried there.
11 That place is a special part of me. There's no way that
12 I'm going to sit by and let this development go through.

13 Our Elders and my late Grandfather, Jonas
14 Catholique, used to share a lot of stories about her and
15 how our grandmother has always helped us, and this is one
16 (1) of the stories that they have to share.

17 And there -- in the past, when there was
18 no caribou, we would ask our grandmother for help. We'd
19 pray to her and she would help us by using her mist from
20 the falls. She would use her mist to point in the
21 direction of where the caribou were, and so that's how
22 she would guide us, and then we'd find the caribou.

23 She has always helped us and she always
24 will help us. We are the future generation. Our
25 children and youth talk about their own children and

1 their own future generation; that's how far ahead that
2 they look. Our younger ones, they see it that far and
3 they want to keep it like that.

4 We will continue to keep our Dene people
5 strong by ensuring the survival of our culture and
6 traditions by going out on the land. We will continue to
7 strengthen our well-being, our bodies, our hearts, our
8 minds, and our spirits by visiting our grandmother as
9 Desnedche.

10 This last year that I went there,
11 afterwards, I had wanted to -- to write about her. I
12 just felt this need to -- to write something, so I just
13 want to share what I had written. I was helping out at
14 the youth centre and there -- all the youth were there,
15 hanging out, and being noisy, and goofing around, but I
16 just managed to sit there and -- and write what I felt at
17 that moment.

18 I'm really glad that that picture is there
19 because -- the picture that we brought. I was going to
20 have everybody look at the other one that says, "Working
21 together to make wise decisions," and I think that's
22 false advertisement. So, I'm really happy we brought
23 along our own picture right there because that picture is
24 what I was seeing in my mind as I was travelling there by
25 boat.

1 And so this is what I had written:
2 "Desnedche, my heart and my spirit, my
3 home. Riding across the water, clean,
4 clear and blue, the sun shines showing
5 the beauty of the land, the trees, the
6 hills slowly passing by.
7 A peacefulness envelopes me knowing
8 I'll be there at that place that I
9 could call home. The sun is shining,
10 the sky a perfect blue.
11 If I had wanted I could stop and drink
12 that crystal clear blue water, so
13 clean, pure and untouched.
14 That cool refreshing water is like the
15 song that touches my soul, soothing,
16 cool and refreshing with the knowing
17 that my grandmother is a part of it.
18 She breathe her spirit into it. A
19 healing power all of its own. A
20 waterfall that flows, a powerful place
21 that can be felt deep within.
22 It's a place where all elements meet.
23 The sheer force of it sparkles life
24 into every living thing. From the
25 powerful force of the falls to the

1 littlest grain of sand and knowing that
2 she has been there since the beginning
3 of time watching over us, healing our
4 ancestors, the Thaidene Dene and my
5 grandmothers and grandfathers all the
6 way down the generations.
7 Stories of her powers have reached
8 hundreds of listeners. Many who have
9 travelled from different countries to
10 come to this place. A place that words
11 cannot describe which can only be felt,
12 seen and heard.
13 Once you have been here, it carves
14 itself into you and a part of you is
15 left there. It imprints itself into
16 your soul, a place so special that if I
17 close my eyes I am there. My spirit is
18 there.
19 My face is kissed by her mist and she
20 envelopes me with a feeling that is
21 sure bliss. My favourite place on
22 earth, untouched, pure and healing."
23 So that's something that I feel really
24 strongly about and I'm really, really proud of -- for the
25 last forty (40) years how our chiefs have really fought

1 hard to keep our land safe and I'd like to congratulate
2 each and every one of them for what they have for our
3 people to ensure that our land is safe, to ensure that
4 our grandmother is safe.

5 And I can pretty much guarantee that the
6 next forty (40) years of leaders will keep that area
7 safe. So with that, I'd just like to say, you know, that
8 we do not support this at all. The transmission line
9 across the Lockhart River cannot be mitigated. Marsi
10 cho.

11

12 QUESTION PERIOD:

13 THE CHAIRPERSON: Okay. Thank you very
14 much to the presenters from Lutsel K'e and your
15 presentation here today.

16 I think what I'll do is quickly go through
17 the order of questions and then supper's here so we'll
18 have supper right after that.

19 Right now I've got the list of orders
20 here. Any questions for Parks Canada in regards to
21 Lutsel K'e's Dene First Nation's presentation?

22 MS. WENDY BOTKIN: No questions.

23 THE CHAIRPERSON: For the record Parks
24 Canada said no. Very good, thank you. I'm going to move
25 on to Environment Canada. Any questions to the

1 presenter?

2 MS. LISA PERRY: No questions, Mr. Chair.

3 THE CHAIRPERSON: Thank you very much.

4 Moving on to Deninu K'ue First Nation. Any questions to
5 the presenter?

6 MR. ROBERT SAYINE: No, none from Deninu
7 K'ue. And, Mr. Chairman I'd just like to point out like
8 no one here is from -- from DKFN is here today I don't
9 think and they were supposed to be in tomorrow. So I --
10 I kind of came here as a Board of Director of Deze. So
11 this is why I kind of hesitate to answer any questions on
12 behalf of First Nations.

13 THE CHAIRPERSON: Very good. Okay thank
14 you, Robert. Chief Robert -- former Chief Robert Sayine.

15 No reason why we've -- we have this list
16 of order is based on the Intervenors that people applied
17 here so we have in that order so your comments are duly
18 noted.

19 Moving on Fort Resolution Metis Council,
20 are there any questions to the presenters?

21 MR. ARTHUR BECK: Actually we have no
22 questions. We share the Old Lady with Lutsel K'e and
23 everybody else, so, we have no questions. Thank you.

24 THE CHAIRPERSON: Okay. Thank you very
25 much. Moving on to the Carter Family. Any questions for

1 the record?

2 MS. JEAN CARTER: No, we don't have any
3 questions, thank you.

4 THE CHAIRPERSON: Very good, thank you
5 very much. Moving on to INAC. Any questions to the
6 presenters?

7 MR. MARC LANGE: No questions, Mr.
8 Chairman.

9 THE CHAIRPERSON: Okay. Thank you.
10 Transport Canada, any questions to the presenters?

11 MR. SOPHIA GARRICK: No questions.

12 THE CHAIRPERSON: Very good, thank you.
13 I'm going to go to Deze Energy Corporation. Any
14 questions to the presenters?

15 MR. DAN GRABKE: Thank you, Mr. Chairman.
16 No questions.

17 THE CHAIRPERSON: Very good. Thank you.
18 Moving on to the GNWT. Any questions to
19 the presenters?

20 MR. VAN ADAMCZEWSKI: No questions but I
21 would like to thank all the speakers from Lutsel K'e.
22 You spoke from the heart and I found it a very moving
23 presentation. So I thank you and, yeah, that was -- that
24 was very touching. Thank you.

25 THE CHAIRPERSON: Thank you. I'm going

1 to go to MVEIRB legal counsel.

2 Any questions to the presenters?

3 MR. JOHN DONIHEE: No, Mr. Chairman.

4 THE CHAIRPERSON: Thank you. MVEIRB
5 staff, any questions to the presenters?

6 MR. ALAN EHRLICH: No questions, Mr.
7 Chair.

8 THE CHAIRPERSON: Thank you. To the
9 experts of MVEIRB, any questions to the presenters?

10 MR. ALAN EHRLICH: None, sir.

11 THE CHAIRPERSON: Thank you very much.

12 Moving on to the general public. Any
13 questions to presenters? None. Very good.

14 Moving to my far left, Mr. John Ondrack,
15 Board Member, questions to the presenters?

16 MR. JOHN ONDRACK: No questions.

17 THE CHAIRPERSON: Thank you. Going to go
18 to Mr. Fred Koe, Board Member, any questions to
19 presenters?

20 MR. FRED KOE: No questions.

21 THE CHAIRPERSON: Thank you. Mr. Peter
22 Bannon, Board Member, questions to the presenters?

23 MR. PETER BANNON: No questions.

24 THE CHAIRPERSON: Thank you. Mr. Darryl
25 Bohnet, Board Member, questions to the presenters?

1 MR. DARRYL BOHNET: It's -- I guess it's
2 moving too fast so I do have a question. I want to
3 preface it by saying that I very much respect the
4 spiritual and cultural significance of the Lady of the
5 Falls.

6 A long time ago in my youth, I used to
7 work for Water Survey of Canada and had many
8 opportunities to visit the other end of the Lockhart
9 River. We had a gauging station there and, as I recall,
10 there used to be a cable way across that river. I don't
11 know if it's still there or not. It's been a -- been
12 quite a while.

13 I also recall that the Lockhart River is
14 about 20 miles long. So I need somebody to help me to
15 understand. I understand that the lower reaches is where
16 the Lady of the Falls is. So I need somebody to help me
17 understand why the whole length of the 20 miles of
18 Lockhart River is -- is of concern and why another line
19 can't cross higher up.

20 So can you help me with that, please?

21 THE CHAIRPERSON: Thank you, Board Member
22 Darryl Bohnet.

23 I'm want to go to Lutsel K'e Dene First
24 Nation, Tracey Williams.

25 MS. TRACEY WILLIAMS: I'm Tracey

1 Williams, Lutsel K'e Dene First Nation, and I can try and
2 answer that for you.

3 THE CHAIRPERSON: Still not on here, so
4 for the record.

5 MS. TRACEY WILLIAMS: It is -- it is on.

6 THE CHAIRPERSON: Okay. Can you move the
7 mic closer?

8 MS. TRACEY WILLIAMS: Can you hear me
9 now? Okay. I'm just going to go over to the map and --
10 but quickly, I think I can answer this actually without
11 going to the map.

12 We spoke -- in my presentation, I spoke of
13 petroforms and also in the story that you heard today,
14 that Desiree read out, that is the version of the Old
15 Lady of the Falls story as told by Zepp Casoway and
16 Pierre Catholique and others, relate there is a -- there
17 is numerous people in reference to beaver, a large beaver
18 in that story.

19 And these places actually exist. Like, we
20 -- we could take a trip out to this area and we could
21 actually have Elders of Lutsel K'e point out these places
22 within the story to us. So this, essentially, tells why
23 from Desnedche to the mouth, to Kache, of why the whole
24 entire river is sacred, because of these actual places
25 that tell the story.

1 So we could go through the landscape and
2 have that come to life for us. Does that help answer?

3 THE CHAIRPERSON: Thank you, Tracey.

4 I'll go back to Board Member Darryl
5 Bohnet.

6 MR. DARRYL BOHNET: Yes, thank you very
7 much. And that is quite helpful. I just -- the other
8 part of the question was, is that other line still across
9 the river? It's been a long time so I don't know.

10 MS. TRACEY WILLIAMS: Does the other --
11 does the other line cross the Lockhart?

12 MR. DARRYL BOHNET: Does the other line
13 across the river still exist?

14 MS. TRACEY WILLIAMS: Yes. There's
15 nothing. It's gone.

16 THE CHAIRPERSON: Okay, thank you, Tracey
17 Williams.

18 Darryl Bohnet, any -- any more questions?

19 MR. DARRYL BOHNET: Thank you. No,
20 thanks.

21 THE CHAIRPERSON: Very good. Thank you,
22 Board Member Darryl Bohnet.

23 And I want to move to Board Member Danny
24 Bayha.

25 MR. DANNY BAYHA: Thank you. I just

1 wanted to thank you, and thank the Elders and youth for
2 the presentation. Thank you.

3 THE CHAIRPERSON: Thank you, Board Member
4 Danny Bayha.

5 I going to go to Board Member Percy
6 Hardisty.

7 MR. PERCY HARDISTY: Marsi, Mr. Chair. I
8 don't have any questions. Marsi.

9 THE CHAIRPERSON: Thank you. I want to
10 go to your right, Board Member Jerry Loomis.

11 MR. JERRY LOOMIS: I have no questions.

12 THE CHAIRPERSON: Thank you. With that,
13 that concludes the presentation made by Lutsel K'e Dene
14 First Nation.

15 I just want to say thank you to the Chief
16 and the Elders for being here today to give us the
17 presentation to the Board, so I want to say mahsi cho,
18 and especially to the young people. It was really good
19 to see that we see young people like that come to a
20 meeting like this and express their heartfelt words, and
21 I want to say mahsi to them.

22 Before we go for supper here, also, the
23 presentations that are made here today will be available
24 for you if you guys want a copy, and we'll try to make
25 that available sometime this evening, if not, the first

1 thing tomorrow morning.

2 And the other thing too is that, for
3 supper, the Review Board went out and tried to hire some
4 poachers, but Roger Fraser (phonetic) went out and caught
5 them, so we can't give you caribou, so, therefore, we
6 have no choice -- to eat some moose and bannock.

7 So, with that, we're going to break for a
8 half hour here and then we're going to continue on with
9 Parks Canada, then we'll go to public concerns. So we'll
10 break until six o'clock.

11

12 --- Upon recessing at 5:23 p.m.

13 --- Upon resuming at 6:09 p.m.

14

15 THE CHAIRPERSON: Before I go ahead, now
16 we're a little bit behind the agenda here, but I'm not
17 going to worry too much about it. We'll give everybody
18 the opportunity to say what you have to say.

19 We also have Parks Canada that's going to
20 be up next, but before Parks Canada comes up and make
21 their presentation, this morning we didn't have the
22 opportunity to have the Chiefs available from the
23 Yellowknives Dene First Nation, and so I would like to
24 recognize chief Eddie Sangris for the Yellowknives Dene
25 First Nation to come to up to say a few welcome remarks.

1 There's a podium and mic there, so I'd
2 like to recognize Chief Eddie Sangris.

3 CHIEF EDDIE SANGRIS: Yeah, I just want
4 to -- you know, I'd like to apologize for not being here
5 this morning. We, as Chief, have the whole bunch of, you
6 know, mandates and responsibilities, so one of our -- we
7 had a -- we have our meeting on negotiations all week
8 this week, and that's the only time we could do it
9 because the lawyers are in town. And, anyway, I would
10 like to apologize for not being here this morning here to
11 -- to do the welcoming remarks.

12 You know, I realize if -- if it was a
13 political session, I'll be here first thing in the
14 morning, but this is just a technical presentation on --
15 on -- and I don't envy you guys sitting up there because
16 I know -- I know how it is to -- you know, to do the work
17 that you guys do and -- and listen to people all day, and
18 here we are in the evening, so I -- I won't make my -- my
19 speech that long.

20 But on behalf of Yellowknife Dene First
21 Nation, the Chief and council nik -- and the members, the
22 Elders and the youth, I'd like to welcome the Board, and
23 we'll want to say, you know, you're welco -- welcoming to
24 our community of Dettah.

25 And, as you know, we have two (2)

1 communities, one (1) is in Dilon (phonetic), and we --
2 we'd like to welcome you into our territories. It's only
3 fitting that, you know, the -- the -- where the session
4 is held, at the -- the First Nations, the community
5 welcomes you to make you feel at home. And one (1) of
6 the things that we -- you know, we try to do, as First
7 Nations, is make everybody feel welcome. You know,
8 there's -- that's what our forefathers have always taught
9 us, you know, to coexist, to help each other.

10 So, once again, I'd like to say, on behalf
11 of the Yellowknives Dene, welcome to Dettah and hopefully
12 this will -- will turn out the next day -- then next two
13 (2) -- yes -- today and tomorrow. Tomorrow morning I'm
14 supposed to be at another meeting at nine o'clock and
15 tonight I have a meeting at seven o'clock, so -- I'd --
16 I'd like to stay for this, you know, to hear this thing,
17 but we have other agendas that we have to attend to.

18 So on -- on behalf of Yellowknife, I'd
19 like to welcome the Board to have their session here in
20 Chief Dragie's (phonetic) territory, within Akaitcho
21 region. Marsi.

22 THE CHAIRPERSON: Mahsi, Chief Eddie
23 Sangris, for those welcome remarks and it is an honour to
24 be in your traditional territory and to have this public
25 hearing in the community of Dettah.

1 With that, I'm going to move on to the
2 last presentation of the day, Parks Canada. If you could
3 come to the main table here and come and join us and
4 we'll start off with your presentation. As well, when
5 you speak, again, just mention your name and who you
6 represent, and also if you could speak clearly and loud
7 so we can hear. Mahsi.

8

9 PRESENTATION BY PARKS CANADA:

10 MS. WENDY BOTKIN: Hello. My name is
11 Wendy Botkin and I'm an EA specialist with Parks Canada.
12 I am joined in this presentation by my colleague,
13 Christian Bucho, with Parks Establishment Branch, also of
14 Parks Canada. Thank you for this opportunity to present
15 to the Board as part of -- part of this process.

16 Just to begin, I'd like to outline what
17 our presentation will touch on. In -- in our
18 presentation, I will speak to Parks Canada's interest in
19 the project and why -- why essentially we are here, and
20 to the issues that we raised throughout the environmental
21 assessment today; and specifically, that's the protection
22 of cultural and ecologically important sites, and also
23 potential visitor and wilderness experience for people
24 who would come to a national park established on the East
25 Arm of Great Slave Lake.

1 So first, the proposed national park
2 reserve in the East Arm area. There is a long history of
3 interest in establishing a national park reserve in the
4 East Arm area of Great Slave Lake. That was first
5 proposed in the 1960s. And reflecting that interest, in
6 -- an Order in Council was made almost 40 years ago, in
7 1970, withdrawing an area of land from disposition to
8 other ends, and that was for the purpose of establishing
9 a park. This was a formal acknowledgement of the Federal
10 Government's interest in a new national park.

11 So in 1970, and reaffirmed in 1997, there
12 was a permanent land withdrawal order. It identified
13 land that has been withdrawn from disposal for a proposed
14 national park reserve.

15 In 2007, there was a second interim land
16 withdrawal order and that Order in Council identified
17 additional lands withdrawn from disposal, and that was
18 done concurrent with the Akaitcho Treaty 8, Interim Land
19 Withdrawal. This provided for disposition of land for
20 transmission lines and ancillary facilities for power
21 generated at any hydroelectric project on the Taltson
22 River.

23 Just as a clarification, please note that
24 if the line is already built before a new park is
25 established, the line would be on national park land and

1 it would be subject to the applicable Act and regulations
2 and that specifically is the Canada National Parks Act
3 and the regulations, pursuant to that Act. The Canada
4 National Parks Act does not allow new power lines in
5 national parks. If a new national park reserve is
6 established before a line is built, only Parliament could
7 make an exception to allow a transmission line to be
8 built.

9 Just here is an image which you've seen
10 already today, outlining the study area for the proposed
11 national park. The -- the darker green area reflects the
12 1970/1997 withdrawal order, and the -- the larger,
13 lighter green area represents the -- the later additional
14 lands from the second Order in Council.

15 I note that initially the developer's
16 assessment report referred only to the smaller area
17 identified in the 1990 -- 1970/1997 withdrawal order

18 After the DAR was submitted both Parks
19 Canada and Deze placed accurate boundaries before the
20 Board and Deze re-drew key maps, with respect to
21 viewscape analysis and access and staging areas, to
22 clarify the information that was in the DAR, in the
23 developer's assessment report.

24 I'd like to also update the Board and
25 members of the audience on the status of the park

1 establishment process, as we are in January 2010. And
2 Parks Canada and Lutsel K'e Dene First Nation are nearing
3 completion in negotiating a framework agreement for the
4 process of establishing a national park reserve.

5 Actually let -- let me -- let me step back
6 a bit. Since the late 1960s when the national park
7 proposal was initially rejected by the people of the
8 community now known as Lutsel K'e, Parks Canada has
9 maintained it's interest in establishing a national park
10 reserve in this area. And the -- as a side table to the
11 Akaitcho Treaty 8 main table, Parks Canada and Lutsel K'e
12 Dene First Nation began to negotiate this -- this
13 framework agreement. And that's the agreement that is --
14 is nearly complete.

15 Concurrently, Parks Canada is also
16 negotiating a framework agreement with the Northwest
17 Territory Metis Nation, in accordance with their draft
18 lands and resources agreement in principle. The process
19 is similar to layout a process for establishment of a
20 national park reserve, and these negotiations are also
21 still underway.

22 I'd now like to speak to Parks Canada's
23 interest raised during the EA. Our focus was on the
24 ecological integrity and the preservation of cultural
25 resources of the natural park -- national park reserve,

1 and park aesthetics and visitor wilderness experience
2 within the proposed park reserve. Just as a
3 clarification, in our analysis, we used understandings of
4 ecological integrity, based on our experience in other
5 national parks. As we learn more about this particular
6 park, the East Arm area, and we discuss the ecological
7 and cultural values of the park with Aboriginal groups
8 and other parties, to the park establishment process, we
9 will be able to be more specific about the ecological and
10 cultural values of -- of this particular park.

11 So cultural and ecologically sensitive
12 sites. One of Parks Canada's goals is the preservation
13 of cultural and ecologically sensitive sites within a
14 national park. At this stage in the park establishment
15 process, although there is some information available
16 with respect to culturally and ecologically important
17 sites, there has not been a full inventory of these sites
18 within the study area. Our goal within the EA was to
19 ensure that if such sites were encountered, that they
20 were accurately identified and avoided.

21 Deze's response to these issues at the
22 developer's assessment report noted their intent to
23 include archaeological assessments and a guidance manual
24 -- the provision of a guidance manual to construction
25 crews to identify sites as components were -- were built.

1 We had three (3) recommendations that we raised through
2 the assessment.

3 First, prior to construction, assessment
4 should be made by qualified people in areas of high
5 potential for important cultural sites.

6 During construction environmental monitors
7 should be on site with training and/or appropriate
8 qualifications, to identify important cultural sites or
9 sensitive ecological sites, for instance, denning --
10 denning sites.

11 And our third recommendation was that
12 information on identified sites should be supplied to
13 Parks Canada for areas in or near the study area for the
14 proposed national park reserve.

15 I'd also like to clarify that these
16 recommendations would apply to the construction of any
17 transmission line and also to any other components within
18 the boundary of the park.

19 We also spoke to wilderness experience and
20 view -- viewscape. Parks Canada's goal with respect to
21 the wilderness experience of visitors to an -- a proposed
22 national park was to mitigate the impacts to -- to
23 viewscales and to preserve the sense of a wilderness
24 experience.

25 In the developer's assessment report, Deze

1 noted its intention to identify the transmission line
2 route in consultation with the community of Lutsel K'e,
3 one (1) of the parties to the park establishment process,
4 and an important information holder with respect to
5 viewscape and cultural significance. The developer's
6 assessment report also noted the distance and the number
7 of towers predicted to be visible from key viewpoints.
8 Deze further committed, during the EA process, to a
9 graphical representation of this with ongoing discussions
10 with Parks Canada to assist in final route selection.

11 Also, during the EA process, Deze made a
12 further commitment to an investigation of differing tower
13 types that may reduce the visual impact of the
14 transmission line in key areas where view could be
15 affected from both a visitor and a cultural perspective.

16 Parks Canada supports the -- the DAR
17 mitigation to identify the transmission line route, in
18 consultation with Lutsel K'e. The should also include
19 other aboriginal groups or parties to the park
20 establishment process. Parks Canada also wants to be
21 included in discussions on final selection of the
22 transmission line and in other areas where the project
23 components would be within the park boundaries.

24 So in -- in summary, in addition to the
25 commitments made within the developer's assessment report

1 and later commitments during the environmental
2 assessment, Parks Canada recommends, prior to
3 construction, assessments should be made by qualified
4 people in areas of high potential for important cultural
5 sites.

6 During construction, environmental
7 monitors should be onsite with training and/or
8 appropriate qualifications to identify important cultural
9 sites or sensitive ecological sites. The information on
10 the identified sites should be supplied to Parks Canada
11 for areas in or near the study area, for the proposed
12 national park reserve.

13 And, finally, Parks Canada should be
14 included in discussions with respect to final se -- route
15 selection and in other areas where project components
16 could be within park boundaries.

17 And, with that, I'd -- I'd like to end
18 this -- this part of the presentation. Thank you for
19 this opportunity, and we would be pleased to entertain
20 questions.

21 THE CHAIRPERSON: Thank you for your
22 presentation, Wendy Botkin; I believe that's right.

23 MS. WENDY BOTKIN: Yes, that's correct.

24

25 QUESTION PERIOD:

1 THE CHAIRPERSON: Yes, thank you very
2 much for you presentation. Order for questions for the
3 presentation in front of us, we have -- Parks Canada did
4 the presentation, so I want to go to my list here. I
5 want to go to DFO. Do you have any questions to Parks
6 Canada on their presentation?

7 MR. BRUCE HANNA: No questions.

8 THE CHAIRPERSON: For the record, no
9 questions from DFO.
10 Environment Canada, is anybody that have
11 the mic for -- Environment Canada, do you have questions
12 for Parks Canada on their presentation? There's nobody
13 here. Okay, I'm going to move on.

14 Deninu K'ue First Nation, any questions
15 for Parks Canada? Don Balsillie?

16 MR. DON BALSILLIE: Thank you, Mr.
17 Chairman. Don Balsillie, member of Deninu K'ue First
18 Nation down, in the Fort Resolution, Northwest
19 Territories. The question I have for Parks Canada is,
20 for some time now they've been in deliberations with
21 Lutsel K'e on the possible establishment of an East Arm
22 park in that location that you've identified on the map.

23 My question is: Have, to -- to date,
24 Parks Canada had any discussions with Lutsel K'e, in
25 terms of their possible involvement in this particular

1 issue as the rights do exist in this area, and an
2 establishment of such a large park would definitely have
3 a great impact on their rights?

4 THE CHAIRPERSON: Thank you, Don
5 Balsillie, Deninu K'ue First Nation member. I'm going to
6 go to Parks Canada. Wendy?

7

8 (BRIEF PAUSE)

9

10 MS. WENDY BOTKIN: I -- I have been
11 involved in the EA process. I -- I haven't been involved
12 in the park establishment process very much. I don't
13 believe that the park establishment process has focussed
14 on -- on this project. I -- do you have anything further
15 to add?

16

17 (BRIEF PAUSE)

18

19 MR. CHRISTIAN BUCHO: Christian Bucho,
20 Parks Canada. Yeah, we had -- basically our comments are
21 based on -- on this proposal here, so we didn't have any
22 discussions with Lutsel K'e on the proposal that we are
23 discussing today. We only discussed a park establishment
24 agreement with -- with the community.

25 THE CHAIRPERSON: Okay. Thank you. I

1 want to go back to Deninu K'ue, Don Balsille. Maybe if
2 you could help rephrase your question so that they
3 understand the question.

4 MR. DON BALSILLIE: Thank you, Mr.
5 Chairman. I was just wondering -- I'll rephrase my
6 question -- any discussions to date, have they involved
7 the Deninu K'ue First Nation members?

8 THE CHAIRPERSON: Thank you, Don
9 Balsillie. And when you talk about involving Deninu
10 K'ue, you're talking about their involvement in regards
11 to the parks in the Lutsel K'e or Dene, in that area?

12 MR. DON BALSILLIE: Yes, Mr. Chairman,
13 with reference to this particular area that you see on
14 the map. I was referring to whether or not there was any
15 discussions specifically to the folks down in Deninu
16 K'ue, in terms of consultation or any sort of input to
17 date, or is that being contemplated for the future?

18 THE CHAIRPERSON: Okay. Thank you.
19 Before I do to the Parks Canada, I just want to recognize
20 that Mayor Gordon Van Tighem from Yellowknife. Welcome,
21 mahsi cho for coming here tonight.

22 I'm going to go to Parks Canada, Wendy, or
23 Mr. Bucho, can you maybe help answer that questions from
24 Mr. Don Balsillie?

25 MR. CHRISTIAN BUCHO: Christian Bucho,

1 Parks Canada. The negotiations with the Lutsel K'ue
2 First Nations have proceeded under auspices of Treaty 8,
3 Akaitcho main tables, with the agreement of all of the
4 Akaitcho communities, as far as I understand. And with
5 basically the park proposal -- Lutsel K'e being the
6 closest community to the proposal and the community with
7 the -- the -- I guess with the largest interest.

8 We have been dealing with the community of
9 Lutsel K'e and with the agreement of all the parties to
10 the Akaitcho Treaty 8 main table.

11 THE CHAIRPERSON: Okay, thank you, Mr.
12 Bucho. Does that answer your question, Mr. Don
13 Balsillie? Thank you very much.

14 I'm going to move on to Fort Resolution
15 Metis Council. Questions to the presenters? There's
16 nobody here? Okay.

17 I'm going to move on to the Carter Family.
18 Any questions to the presenters? One question?

19 MR. DEAN CARTER: If the proposed park
20 goes through so would the people of Lutsel K'e be able to
21 come and go any time as they please?

22 THE CHAIRPERSON: Thank you, Mr. Dean
23 Carter, I believe. Mahsi. I'll go back to Wendy, or Mr.
24 Bucho, Parks Canada.

25 MR. CHRISTIAN BUCHO: Christian Bucho,

1 Parks Canada. Yes, Aboriginal rights are fully
2 recognized within all national parks.

3 THE CHAIRPERSON: Thank you. I'm going
4 to go -- that concludes the question from the Carter
5 family? Thank you.

6 INAC, any questions in regards to the
7 presentation made by Parks Canada?

8 MR. MARC LANGE: No questions, sir.

9 THE CHAIRPERSON: For the record, INAC
10 has no questions to the presenters.

11 Going to go up to Deze Energy Corporation.
12 Any questions to the presenters, Parks Canada?

13 MR. DAN GRABKE: No questions, thank you.

14 THE CHAIRPERSON: Thank you. Government
15 of Northwest Territories, questions to Parks Canada?

16 MS. KRIS JOHNSON: No questions, thank
17 you.

18 THE CHAIRPERSON: Okay, thank you.
19 Finally, Lutsel K'e Dene First Nation, any questions for
20 Parks Canada? Can you state your name, for the record?

21 ELDER GEORGE MARLOWE: Nothing. George
22 Marlowe. Nothing.

23 THE CHAIRPERSON: Okay. Mahsi cho. Okay
24 I'm going to go to the next part here. I have the Review
25 Board legal counsel, questions for the Parks Canada.

1 MR. JOHN DONIHEE: John Donihee, for the
2 Board. I have one (1) question, Mr. Chairman. I'm
3 referring to slide 3 of -- of your presentation, and it's
4 the one that indicates the land withdrawals. And there
5 are three (3) listed, the most recent of which you
6 indicate to be an interim withdrawal order, and indicate,
7 as well that includes an exemption for the transmission
8 line and ancillary facilities.

9 The question I have is: Does the 1970 --
10 the permanent land order, does that include an exemption
11 of that -- of that type as well?

12 THE CHAIRPERSON: Thank you, Mr. Donihee.
13 I'm going to go to Parks Canada, Mr. Bucho, or Wendy.

14 MS. WENDY BOTKIN: The 1970/1997 land
15 withdrawal does not refer one way or the other to a -- to
16 the transmission line. It does not include that. We
17 understand that the land withdrawal does not pre --
18 prevent this project, and it is on that basis that we
19 have participated in -- in this EA.

20 THE CHAIRPERSON: Thank you, Parks
21 Canada. Mr. Donihee...?

22 MR. JOHN DONIHEE: John Donihee. Thank
23 you, Mr. Chair. Just -- just to be clear then, would the
24 -- because if you turn to your next slide, actually,
25 number 4, it appears that the -- that, you know, the

1 transmission that we've been talking about this afternoon
2 would actually go through the 1970 withdrawal area as
3 well, so I'm just wondering whether there's any
4 additional legal requirements that would have to be met
5 for Deze Energy to secure approval to run a transmission
6 line across that -- that particular land withdrawal area.

7 MS. WENDY BOTKIN: Just --

8 THE CHAIRPERSON: Thank you, Mr. Donihee.
9 Parks Canada...?

10 MS. WENDY BOTKIN: We -- Wendy Botkin,
11 Parks Canada. Just to say again, we understand from the
12 advice we have to date that the land withdrawal,
13 including the 1970/1997 withdrawal, does not prevent this
14 project. The specific mechanism for any authorization is
15 probably better directed towards INAC, but that's the
16 understanding that we have.

17 THE CHAIRPERSON: Thank you, Parks
18 Canada. Mr. Donihee, any further questions?

19 MR. JOHN DONIHEE: John Donihee. Thank
20 you, Mr. Chairman. Those are my questions.

21 THE CHAIRPERSON: Thank you. I want to
22 go to the Review Board staff. Any questions for the
23 presenters?

24 MR. ALAN EHRLICH: Alan Ehrlich, for the
25 Review Board staff. No questions. Thank you, sir.

1 THE CHAIRPERSON: Thank you. The next
2 one is the Review Board experts. Any questions for the
3 presenters?

4

5 (BRIEF PAUSE)

6

7 MR. ANNE GUNN: Mis -- Mr. Chairman, it's
8 Anne Gunn. I'm providing information for the Board and I
9 have a question for Parks Canada.

10 The -- the Proponent has rated the effects
11 of the increased access for caribou. The -- the effects
12 are rated as minor because it's dependant on mitigation.
13 However, we've heard today that there's some uncertainty
14 about the effectiveness of the mitigation, especially
15 given the declines in the Bathurst, the Ahiak, and the
16 Beverly herds, all of which whose annual ranges overlap
17 the proposed national park.

18 So I guess it would be fair to say that
19 caribou is -- will be an important -- or is an important
20 component of the ecological integrity of the proposed
21 park. And, in that case, my question to you is that: Is
22 Parks Canada concerned about any risk to the ecological
23 integrity, given the uncertainty about mitigation?

24 And then I have second question. Does
25 Parks Canada have any recommendations for enhanced

1 monitoring or mitigation for caribou in the proposed
2 park? And that would not only include this project, but
3 I'm thinking of cumulative effects and the responses of
4 caribou with ecotourism and tourism in general? Thank
5 you.

6 THE CHAIRPERSON: Thank you, Anne Gunn.
7 Back to Parks Canada.

8 MR. CHRISTIAN BUCHO: Excuse me.
9 Christian Bucho, Parks Canada. I guess this is somewhat
10 of a hard question to -- to answer, since -- since we
11 don't know for certainty whether there's going to be a
12 national park or not. I think Parks Canada feels very
13 confident that we will have a national park and,
14 obviously, we -- we won't be the -- the parties deciding
15 whether there's going to be a line inside the park or
16 not.

17 But assuming that we have a national park
18 and a potential line crossing the park, I think Parks
19 Canada would -- would not consider, I guess, a land
20 easement in the park for that line. The line would be
21 under the jurisdiction or the -- the footprint for the
22 line would be falling under the Canada National Parks Act
23 and Regulations.

24 So really, all mitigations and all work of
25 ecological integrity, related to caribou, within the --

1 the existing national park would then fall entirely
2 within the responsibility of Parks Canada, and not of
3 Deze Energy, or Deze Corporation.

4 I'm not sure if that answers your
5 question.

6 THE CHAIRPERSON: Thank you, Parks
7 Canada. I want to go back to Anne Gunn.

8

9 (BRIEF PAUSE)

10

11 MR. JOHN DONIHEE: Mr. Chairman, John
12 Donihee, Board counsel. I guess the sidebar debate here
13 relates to the fact that it doesn't really appear that
14 the question was answered. We do understand that if
15 there were a park there in the future that Parks Canada
16 would be responsible for the management of wildlife
17 within that park and would be making the rules.

18 My understanding, though, was that the
19 question that was asked was about the proposed mitigation
20 for the project as it is now and whether Parks Canada is
21 satisfied with that.

22 THE CHAIRPERSON: Thank you, Mr. John
23 Donihee. I want to go back to Parks Canada. I guess --
24 I think the question is pretty clear, so can you do your
25 best to answer that question? Thank you.

1 MR. CHRISTIAN BUCHO: Christian Bucho,
2 Parks Canada. I'm -- again, I think the only thing I can
3 answer in the absence of an actual national park right
4 now, I do not have a mandate and I cannot speak to
5 additional monitoring initiatives or ways to monitor the
6 impact on caribou at this point in time.

7 THE CHAIRPERSON: Thank you, Mr. --

8 MR. CHRISTIAN BUCHO: It's beyond the
9 scope of our -- of a mandate. We have no mandate outside
10 of the park and there's no park right now.

11 THE CHAIRPERSON: Thank you, Mr. Bucho.
12 Does that answer your question, Mr. Donihee?

13 MR. JOHN DONIHEE: That's the best answer
14 we'll get, Mr. Chairman. Thank you.

15 THE CHAIRPERSON: Very good. Thank you
16 very much.

17 Okay. I want to go to my far left. I
18 want to go -- is there questions from Board Member, John
19 Ondrack, to Parks Canada?

20 MR. JOHN ONDRACK: No, no questions.
21 Thanks, Mr. Chair.

22 THE CHAIRPERSON: Thank you very much,
23 John Ondrack.

24 I want to go to Board Member Fred Koe.
25 Questions to Parks Canada?

1 MR. FRED KOE: No questions at this time.

2 THE CHAIRPERSON: Thank you. Mahsi, Fred
3 Koe.

4 I want to go to Peter Bannon. Questions
5 for Parks Canada on their presentation?

6 MR. PETER BANNON: No questions at this
7 time.

8 THE CHAIRPERSON: Thank you. Mr. Darryl
9 Bohnet, Board Member, questions for Parks Canada?

10 MR. DARRYL BOHNET: Thank you very much,
11 Mr. Chair. No questions at this time.

12 THE CHAIRPERSON: Thank you. I want to
13 go to Board Member Danny Bayha. Questions for Parks
14 Canada?

15 MR. DANNY BAYHA: Yes, I have one (1)
16 question. Thank you, Mr. Chair.

17 THE CHAIRPERSON: Please proceed.

18 MR. DANNY BAYHA: The -- you said the --
19 in the presentation, that there is some of the
20 negotiations are near completion. Would you -- and
21 you're confident that there will be a park established
22 there in that area. With that confidence, can you, if
23 possible, give us an idea when that might take place,
24 officially have a park established in that area --
25 proposed area? Thank you.

1 THE CHAIRPERSON: Thank you. Thank you,
2 Board Member Danny Bayha. I want to go to Parks Canada.

3 MR. CHRISTIAN BUCHO: Christian Bucho,
4 Parks Canada. When we mentioned that negotiations are
5 near completions, we were speaking of negotiations for a
6 framework agreement, not negotiations for the actual park
7 establishment agreement or impact and benefit plan. The
8 framework agreement is -- is a framework to lay out the
9 process for additional negotiations. So in that regard,
10 we don't have. We haven't actually started negotiations
11 yet.

12 Assuming that the framework agreements are
13 being put in place with -- with the two (2) principal,
14 you know, groups who are working right now, the Lutsel
15 K'e Dene First Nation and the NWT Metis Nations, we hope
16 to have some type of a park establishment in place in a
17 few years from now.

18 That's as precise as it can be.

19 THE CHAIRPERSON: Thank you, Parks
20 Canada. I'm going to go back to Board member, Danny
21 Bayha.

22 MR. DANNY BAYHA: Thank you. No more
23 questions.

24 THE CHAIRPERSON: Thank you, Mr. Danny
25 Bayha, Board member. I'm going to go to Board member

1 Percy Hardisty.

2 MR. PERCY HARDISTY: Marsi, Mr. Chair. I
3 don't have any question at the moment. Marsi.

4 THE CHAIRPERSON: Okay, mahsi, Percy
5 Hardisty, Board member. I'm going to go to Board member
6 Jerry Loomis.

7 MR. JERRY LOOMIS: I have no questions at
8 this time.

9 THE CHAIRPERSON: Thank you very much,
10 Board Member Jerry Loomis.

11 That concludes the presentation for Parks
12 Canada. Thank you very much for your presentation. And
13 I'd like to thank the presenters again, and also the
14 people that are putting questions forward.

15 The next part of the agenda we have, we
16 have public statements by the general public in regards
17 to this file in front of the Review Board, and I just
18 want to make it clear that this Taltson Hydroelectric
19 Expansion Project, Environment Assessment 0708-007, was a
20 file that was referred to us.

21 And the purpose of this public hearing
22 here today is to hear public concerns from the public on
23 this agenda item. And so I'm going to allow -- I have a
24 list here of people that signed up so far to give a brief
25 presentation here tonight.

1 And because we're behind in terms of time
2 today, we're behind by fifteen (15) minutes, so we made
3 up ground here, so I'm kind of happy we did that.
4 However, again, I'm going to restrict the presenters to
5 time.

6 And because there was a process that was
7 already in place in regards to getting people to become
8 Intervenors and notices were put in the paper, the media,
9 the radio, and that kind of thing, so I want to give
10 everybody an opportunity to speak and say what you have
11 to say in regards to this file in front of the Review
12 Board. And, at the same time, I'm asking people to be
13 very respectful of each other.

14 So I want to go to the North Slave Metis.
15 I'm going to give you guys ten (10) minutes to do your
16 presentation. Thank you.

17

18 PUBLIC STATEMENTS:

19 NORTH SLAVE METIS ALLIANCE:

20 MS. SHERYL GRIEVE: Good evening. My
21 name is Sheryl Grieve. I'd -- I'm the environment
22 manager for the North Slave Metis Alliance. We are
23 actually Intervenors and registered as parties.

24 However, due to not attending the pre-
25 hearing conference, we didn't become aware of deadlines,

1 but my presentation probably isn't more than ten (10)
2 minutes anyway since I didn't have much time to make it.

3 Our number one issue and our biggest issue
4 is lack of consultation. We don't have adequate
5 information. There's been no assessment of economic
6 impacts on the North Slave Metis. There's been no
7 assessment of impacts to NSMA heritage resources.
8 There's been no assessment of impacts to NSMA harvesting
9 activities. There's no methodology or rationale for
10 identification of interested parties.

11 There's been no community engagement plan
12 for the North Slave Metis, no socioeconomic baseline
13 studies involving the NSMA, no incorporation of North
14 Slave Metis traditional knowledge, and no description of
15 the North Slave Metis traditional use or occupancy.

16 We -- we've had insufficient time.
17 There's been chronic short notice when -- when dealing
18 with Deze. We've always tried to become involved in the
19 studies and consult with them, but they have had other
20 priorities and our capacity is limited, as well.

21 We've had insufficient opportunity to
22 express our views. Section 4 of the DAR does not even
23 mention the one (1) brief meeting that did occur.

24 Our requests to participate in baseline
25 studies were not taken seriously. We've had no

1 participant funding and we have a chronic lack of
2 capacity that everyone knows about.

3 We did express some views anyway but there
4 has been no accommodation. We've had no response to our
5 requests for participation. We've had no confirmation
6 that customers will address socioeconomic impacts and
7 we've no guarantee of protection for our heritage values.

8

9 (BRIEF PAUSE)

10

11 MS. SHERYL GRIEVE: Pardon me. I was
12 expecting to use my own laptop.

13 So you might ask, if we're not being
14 consulted then why is it that we think we should be?

15 The reason is because it's our homeland.
16 This power line is going through our land, not
17 exclusively held but held for two hundred (200) years and
18 more, because we were here and had established our own
19 relationship with the Dene long before Canada implemented
20 effective control and quite possibly before the Royal
21 Proclamation of 1763.

22 The Constitution of Canada recognizes and
23 affirms our existing aboriginal rights and our Treaty
24 rights and those rights include the inherent right of
25 self determination and the right to make a living off our

1 resources.

2 These quotes are from Emile Petitot's --
3 from Emille Petitot's writings. They're one of many
4 sources that tell you a little bit about the Metis
5 history in this area and how long it's been.

6 These are some more quotes. You can read
7 the presentation which I've submitted to the Board
8 already.

9 Francois Beaulieu has been designated as a
10 person of national historic significance as one of the
11 founding fathers of the Metis in the North and you're
12 probably familiar with him.

13 Our members are -- a significant number of
14 our members are direct descendants of Francois Beaulieu
15 and his friends and family back in the 1700s here.

16 This family tree shows five (5)
17 generations of Metis in the North Slave area. They used
18 and occupied the North Slave area but not only that area.
19 Two (2) of Bill Enge grandparents are in this family
20 tree. This is a small portion of Francois Beaulieu's
21 family tree and Bill Enge is the president of the North
22 Slave Metis. I'm using him as an example. You'll have
23 to read -- you'll have to look at the presentation to be
24 able to read it anyway.

25 All of our members have to provide similar

1 documentation of their roots in our -- in this territory.
2 It was the Metis who built and habited and often managed
3 the early fur trading posts which eventually became
4 Northwest Territories' first permanent communities. This
5 includes Yellowknife Bay, Salt River, Fort Rae, Fort
6 Beaulieu which is now called Lutsel K'e, and Fort
7 Reliance, Fort Enterprise, et cetera, Lac La Marte and
8 others.

9

10 (BRIEF PAUSE)

11

12 MS. SHERYL GRIEVE: You can -- you can
13 tell some of the history of the Metis on the landscape by
14 the many French names and it's quite insulting to the
15 North Slave Metis members to not be considered, you know,
16 equally to the other people who we share this land with.

17 You might also be asking, why isn't it
18 good enough to just consult with the South Slave Metis
19 Council or Tribal Council or the -- their new name is the
20 Northwest Territories Metis Nation or Metis Nation of the
21 Northwest Territories?

22 So I'm going to explain a little bit about
23 why there's two (2) Metis groups. They are a very mobile
24 people and the family ties extend all the way from
25 Manitoba to Inuvik to Vancouver, but yet there were

1 people who were more familiar and more settled in
2 different areas.

3 It is -- it's clear that certain Metis
4 families used and occupied the far northwest for
5 generation after generation. In fact, we can trace Bill
6 Enge's family in this territory for nine (9) generations.

7 Francois Beaulieu's II -- Francois
8 Beaulieu II's father, Francois the first, was a French
9 Canadian Metis trader in the service of the company Desu
10 (phonetic) and he lived in the area during the 1700s.

11 Francois Beaulieu's Uncle Jacques
12 (phonetic) had been in the North long enough to be a
13 translator for both the -- both the Yellowknives and the
14 Dogribs during their war and to be their spokesman before
15 the first white people arrived in 1786. That was Peter
16 Pond and Laurent Larue (phonetic).

17 I'm going to skip over some of this
18 information because you can read it on my presentation.

19 In -- in 1920, Canada decided it needed
20 to protect its interests in the mineral resources in the
21 North and decided to sign treaty.

22 Scrip and treaty were both done at about
23 the same time and Metis were given the choice of treaty
24 or scrip. And, you know, a husband might do one (1) and
25 the wife might do -- do the other. Two (2) brothers

1 might each pick one (1), scrip or treaty.

2 The treaty -- the territory outlined
3 during the negotiations of Treaty 11 at Fort Rae went
4 from the Mackenzie River, Great Bear Lake, Great Slave
5 Lake, Contwoyto Lake, and Coppermine River. And we're
6 not too sure about the far east area where the line is
7 there, but it does include Artillery Lake.

8 At least three (3) of the signatories to
9 Treaty 11 were Metis. Old man Jermaine (phonetic) signed
10 for Snare Lake, Suzie (phonetic), the old prophet, signed
11 for Yellowknife, and Josee (phonetic) Beaulieu signed for
12 Lac La Marte. And we do have their genealogical charts.

13 In -- in 1975 to 1990, there was a
14 comprehensive claims process which involved all the
15 Northwest Territories' Native people, but when it failed
16 in 1990, the Canadian Government decided to break the
17 territory up into regions. That's how we ended up with a
18 North Slave and a South Slave Metis group.

19 THE CHAIRPERSON: I'm going to give you a
20 couple more minutes here. If you could maybe conclude
21 your presentation. I'm just trying to watch out for the
22 time we have here.

23 But at the same time, to the general
24 public here, that if you also wanted to do a presentation
25 here, just show your hands and the staff will come to you

1 and we'll put your name down on the list, as well.

2 So continue on, please.

3 MS. SHERYL GRIEVE: This is a document
4 signed by the Metis Nation, or the Northwest Territories
5 Metis Nation just before is disbanded, after the 1990
6 land claims process failed.

7 It's an agreement saying that the North
8 Slave Metis Alliance will take the North Slave region and
9 the South Slave Metis Tribal Council will have the South
10 Slave region. And that explains why there's two (2)
11 Metis groups who are now both interested in the East Arm.

12 The Tlicho Agreement also crosses our
13 territory, actually, it's completely inside of our
14 territory, but we're not involved and their land claim
15 has no effect on our rights.

16 Our second biggest issue besides not being
17 consulted is socioeconomic issues. There -- when the
18 diamond mines stop hauling fuel on that winter road,
19 we're going to lose economic opportunities that we
20 depended on when those projects were approved.

21 And that leads in also to issue number 3,
22 the need for the project. Since the three diamond mines,
23 who are going to be the clients of this project, have all
24 had environmental assessments that do not include hydro
25 and which do include economic benefits for existing

1 Aboriginal groups that have IBAs and stuff. They're
2 going to need environmental assessments to change their
3 project descriptions and there will have to be
4 compensation.

5 This is the Ekati -- this is an excerpt
6 from the Ekati Environmental Assessment, their
7 Development Assessment Report. It shows that the
8 reduction of -- if there's a significant reduction in
9 fuel loads, it could be worth a loss of business to the
10 NSMA of about \$1 1/2 million. The Diavik comprehensive
11 report rejected hydro, and the Snap Lake assessment also
12 rejected hydro.

13 Issue number 4 -- I'm trying to hurry
14 along -- is that NSMA heritage and -- heritage resources
15 and values are not the same as archeological resources.
16 Heritage resources encompass much more. And, also, our
17 heritage values and resources are not identical to other
18 people's, and nobody else is competent or qualified or
19 delegated to speak on our behalf. We need to be
20 consulted regarding our heritage resources.

21 Issue number 5, traditional land use and
22 occupancy has not been documented and our traditional
23 knowledge has not been used. This, I think, is a very
24 significant drawback and this project has not presented
25 enough information to allow the Board to approve it. We

1 also don't think that the routing through the park area
2 is a good idea.

3 Any questions?

4 THE CHAIRPERSON: Thank you for your
5 presentation. At this point, it's a public -- this gives
6 an opportunity for public to give statements. This is
7 not an opportunity for public to come back and ask
8 questions so we're going to continue on now.

9 I want to thank you for coming in and
10 doing your presentation. And a copy of your presentation
11 should be made available to the staff here so that it
12 could be circulated and also put it on the public
13 registry.

14 Thank you very much for your presentation.
15 I'm going to move on to Todd Slack, for YKDFN. If he can
16 come up and -- again, we're going to try to limit
17 presenters to at least ten minutes and just so that it
18 gives everybody a chance to speak.

19 Todd Slack, YKDFN.

20

21 PUBLIC STATEMENT BY YKDFN:

22 MR. TODD SLACK: Thanks, Mr. Chair, and
23 thanks, David, for letting me go first. My name is Todd
24 Slack. I'm with the Lands and Environment Department of
25 the Yellowknives Dene, and I have a few hopefully short

1 remarks.

2 We have three (3) points that we'd like to
3 raise as part of our public statement here, the first of
4 which is to offer support for Lutsel K'e Dene First
5 Nation.

6 Respecting the cultural and spiritual
7 sanctity of the Lockhart River and Old Lady of the Falls
8 does not just mean that changes -- some changes need to
9 be made. The people of Lutsel K'e have told the
10 Proponent how important this is but the Proponent does
11 not seem to be hearing the message. There must be a
12 realization that there are areas of critical cultural
13 significance in the Territories that are often not
14 compatible with development, regardless of suggested
15 mitigation or potential changes to the project. The
16 mitigation measure for this kind of situation is the
17 selection of a different route. As Lutsel K'e has said,
18 there is no best route across the Lockhart River.

19 The second point we'd like to raise is a
20 discussion of the alternatives. The selection of one of
21 the alternative routes, although perhaps more technically
22 challenging, would go far towards solving the intractable
23 positions of the Proponent and Lutsel K'e Dene. Work
24 done by other parties -- though that's not the right word
25 -- other groups examining the alternatives analysis

1 undertaken by the Proponent has created uncertainty with
2 regards to the adequacy. Land and Environment is not
3 convinced that the Proponent undertook a meaningful
4 process during which any option but the current one could
5 have been selected.

6 While we're not sure if these other
7 alternatives are on the public record, there are at least
8 two (2) reviews of them that question the ranking
9 criteria and the assumptions that were used. The company
10 cites costs and technical challenges as their rationale
11 for ruling out the alternatives, but the cost
12 differentials have not been adequately detailed.

13 As to the technical challenges, there are
14 many other cases of submerged transmission lines
15 including those that suffer significant icing, so we're
16 not -- not convinced that that option should have been
17 ruled out. This should not be taken as support for any
18 particular alternative routing, but just that there needs
19 to be additional consideration because of what we heard
20 today.

21 The final issue relates to the caribou.
22 The construction of a road north will undoubtedly result
23 in increased hunting pressure on the NWT caribou herds,
24 which are already at significant risk. As we've seen
25 from winter road operations in the Chief Dragie's

1 (phonetic) territory this cannot be successfully
2 mitigated. The Yellowknives Dene have been pushing for
3 access control on the Tibbitt-Contwoyto Road for years,
4 including on an application just last month, and there
5 has been -- never been successful accommodation of these
6 concerns.

7 Following Mr. Donihee's question to the
8 Proponent earlier, if access control measures fail, which
9 seems likely, the Proponent mentioned how they would work
10 with ENR to impose stricter measures. Given the
11 experience with the winter road to the mines there is no
12 reason to -- to suspect that this would result in
13 meaningful action.

14 ENR's 2009 -- December 2009 report
15 examining the -- the decline of the Bathurst caribou
16 cites the access associated with the winter road as the
17 most significant impact associated with development, yet
18 here we are talking about another road deep into caribou
19 habitat introducing further most likely significant
20 impacts to the caribou herds.

21 INAC and the GNWT are supposed to
22 guarantee Treaty rights, yet every time Treaty rights and
23 development end up in contests with each other, it is the
24 former that are sacrificed. Rights being infringed upon
25 while the privileges of development -- developments using

1 the land continue unaltered.

2 Every meeting, workshop, and opportunity
3 in which caribou have been discussed over recent years
4 has seen discussion and recommendations to address the
5 impacts of development on caribou. The Board can review
6 the 2004 Bathurst Caribou Management Plan or the
7 recommendations arising from the 2007 Caribou Summit in
8 Inuvik to see that these remain almost entirely
9 unfulfilled. The relationship between the health of the
10 caribou herds and the developments that occur within
11 their habitat are not divorced.

12 As the Board knows, ENR recently
13 introduced emergency management actions in regard to the
14 Bathurst caribou herd. As part of this mitigation, they
15 are proposing that the parties whose Treaty rights will
16 be infringed upon will receive support to accessing -- to
17 access neighbouring caribou herds.

18 These herds are clearly under pressure.
19 Given the current impacts to the Bathurst herd, the
20 viability of neighbouring herds is tremendously important
21 for the First Nations to continue exercising their
22 aboriginal practices and pass on their traditional
23 knowledge. The introduction of a new road and a 500
24 kilometre long transmission line with uncertain impacts
25 should be seriously examined especially in light of those

1 -- of the sacrifices that are already being asked from
2 Treaty holders who are the ones depending most on the
3 caribou.

4 THE CHAIRPERSON: Thank you, Mr. Todd
5 Slack for YKDFN for your presentation, and also maybe if
6 you can make a copy of that presentation available to our
7 staff so that can be put onto a public registry, as well.
8 Thank you very much.

9 Next one I have on the list here is
10 Avalon. We -- again, we're trying to restrict everybody
11 to at least ten (10) minutes or so. So I'm going to turn
12 the floor over to Avalon. Again, for the record just
13 introduce yourself and your name for the record. Thank
14 you.

15

16 (BRIEF PAUSE)

17

18 PUBLIC STATEMENT BY AVALON:

19 MR. DAVID CONNELLY: Thank you. Thank
20 you, Mr. Chair. I had to overcome my technological
21 challenges. And I thank you for your forbearance.
22 You're quite correct that there was an opportunity to
23 fully register. We did miss the deadline, and my
24 apologies to the Board.

25 My name is David Connelly. I'm a

1 consultant that's lived in the Northwest Territories for
2 twenty (20) years and I am the northern strategic advisor
3 to Avalon, and they've asked me to present today on their
4 behalf.

5 I'm going to talk very little about their
6 project, other than to point out that it is a major power
7 consumer, and that is our interest in this project.
8 Because I don't have all the slides and, unfortunately,
9 this is a brand new one, I'm going to have to walk a
10 little closer to -- to see it.

11 We would like to talk about a supportable
12 alternative route which we think would have lower social
13 and cultural impact, less environmental impact, fewer
14 cumulative effects, more system, let's just say,
15 flexibility, greater regional economic employment, and
16 contract opportunities for aboriginal groups, more
17 profitable for Deze, its owners, and the NWT, reduce many
18 of the risks to all stakeholders, and to reduce
19 Nechalacho's carbon footprint and power cost. Nechalacho
20 is the rare earth project under development just north of
21 the Simpson Islands.

22 Avalon's interest is in developing a very
23 long life mine north of the Simpson Islands at Thor Lake.
24 Avalon projects it will spend \$500 million on diesel to
25 produce power to supply this mine. The anticipated life

1 of the mine matches -- both timing and life of the mine
2 match both the startup date of Taltson and the proposed
3 fifty (50) year life of the Taltson dam. We think that
4 could help the financing of the dam.

5 Hydro would significantly reduce Avalon's
6 carbon footprint and improve and extend the socioeconomic
7 benefits for Nechalacho. This is just a statement.
8 Whenever we talk about numbers in a public company, we
9 have to say don't invest based on them.

10 Project highlights. Rare metals, such as
11 rare earths and lithium, are key enablers of many green
12 technologies. Currently, China has 95 percent of the
13 supply. The North Slave area has the mo -- the best
14 reserve -- the best potential deposit outside of China.
15 It's very large. In fact, today, the deposit -- there
16 was an announcement about four (4) hours ago that the
17 official size of the deposit has doubled based on last
18 year's drilling.

19 It's exceptionally enriched in rare
20 earths, which are the ones that are most currently
21 demanded in things like wind turbines, computers, cell
22 phones, medical devices.

23 The pre-feasibility study will be
24 completed this spring. It's well financed. It's a
25 serious project. And we've been heavily engaged with the

1 GNWT in retaining the value-added opportunities in
2 Northwest Territories, as well.

3 The project has two (2) very significant
4 power loads, the mine site and the mine separation plant
5 north of the Simpson Islands, about 8 kilometres inland,
6 where the rock will be crushed and pulverized.

7 And its load, after the -- grows to
8 between 6 and 10 megawatts after the first four (4) or
9 five (5) years of operation. In addition, the value
10 added -- if the value added is able to be retained in the
11 Northwest Territories, most likely at a location in the
12 South Slave, an additional 10 to 24 megawatts will be
13 required.

14 We're focussing today on discussing the
15 mine load, and the mine load is this load, which grows
16 over the first four (4) or five (5) years and stabilises
17 for the remaining forty-five (45) years -- estimated
18 forty-five (45) year life of the mine. It is
19 significant. In total, it represents \$500 million at
20 current day purchasing prices.

21 I'll skip over this, it's a lot of detail,
22 other than it explains that the value added may well be
23 in the Pine Point South Slave area, which is a separate
24 power requirement and outside these hearings.

25 In 2008, we entered into some initial

1 discussions with the power corp. This is a plan, or a
2 slide that we obtained from them about the four (4)
3 possible routings. The route under discussion today is
4 the one (1) through the East Arm, the one (1) through --
5 there's a second route, there's one (1) across the
6 Simpson Islands, there's a third marine route, and a
7 fourth route that was examined that went around the west
8 side. I'm speaking today to the Simpson Islands route.

9 Why does Avalon believe this makes sense?
10 The costs and risks to the power company are less, the
11 costs and risks to the government are less. It enhances
12 a long-term operation and, therefore, the social impact
13 benefits arising from the project.

14 It hances -- enhances infrastructure
15 protection to the NWT, it has less environmental and less
16 cumulative impact, and it benefits for power dis -- and
17 improves the benefits for power distribution and options
18 in the Northwest Territories.

19 We borrowed this slide from the power
20 corporation. The NWT Government draft power study
21 indicates that many of the main potential future power
22 customers are all on the North side -- sorry -- the North
23 side of the lake, whereas there are very few potential
24 power users on the east side of the lake. Hence, we
25 believe it makes sense to run across the Simpson Islands

1 to be able to service those customers, rather than run
2 along the east side. In this case the power corporation
3 has then said, Run back several kilometres to catch up
4 these. As I said, this slide and the potential uses were
5 identified by the power corporation.

6 The island route will involve the least
7 risk to the government. It will have an industrial load
8 much closer than any other industrial load, lower line
9 losses. It will lower the cost of links to Yellowknife
10 and other industrial loads on the North Great Slave and
11 west of the diamond mines. It adds potential for
12 additional power input from the wind farm currently being
13 studied between the Yellowknives, Avalon, and the GNWT on
14 the Hearne Channel. It's only about a hundred kilometres
15 from the island route to Yellowknife, less to the
16 community of Dettah and Ingraham Trail, and much closer
17 than running a route back from the diamond mines to
18 Yellowknife.

19 Some diamond mines may close in the next
20 fifteen (15) years. These are the pre-today
21 announcements which would have suggested a life of about
22 fifty (50) years. The resource was officially doubled
23 today. It's clearly a long life project and, therefore,
24 a long-term consumer of power and a risk reducer, and a
25 matcher to the traditional financial structure, longer

1 term financial -- financing structures associated with
2 power developments.

3 Mentioned before that the area has wind
4 potential. This information is from the Government of
5 Canada. It has been further enhanced by a study done by
6 the Aurora Research Institute in ENR, and there's
7 currently a monitoring into -- monitoring tower deployed
8 by Aurora Research Institute and the Yellowknives First
9 Nation to confirm these findings.

10 What this means is if there were a Simpson
11 line, additional wind towers would be put in place to
12 provide loads in Yellowknife, and if and when the mine
13 ever shut down, there would be a wind farm also to -- to
14 put into the Yellowknife/North Slave/South Slave grid.

15 The routing of the powerline north of
16 Great Slave Lake opens up the possibility of routing in
17 along a three (3) season or all season road from
18 Yellowknife and the Ingraham Trail to the diamond mines.
19 That will result in lower maintenance costs; increased
20 availability; possibility of low sharing between the
21 Taltson and the Snare, which have different hydrological
22 models and timing; potentially opens up additional
23 deposits; allows for commuting of employees, encouraging
24 residency in the North -- in the NWT if there were a road
25 resulting from it; defers or avoids the environmental

1 financial cost of Snare Dam as the power load from yellow
2 -- or power load from Yellowknife grows; may provide road
3 access to the East Arm and alternative supply routes.

4 It enhances the viability of the mine. It
5 gives a reasonable power cost. It's been quoted that the
6 extra cost of the Simpson route is, together with three
7 (3) redundancies, triple redundancy, would be an extra
8 approximately \$53 million.

9 Some sources think this cost would be
10 less. Thus, the cost of the Island route plus triple
11 redundancy is equivalent of between four (4) to six (6)
12 years of power sales out of a fifty (50) plus year life.

13 In summary, the power corporation concerns
14 of the Island route can all be addressed and overcome, in
15 our view, without difficulty. Additional costs, as
16 noted, are compensated by having industrial load near the
17 -- near the start of the line, matching timing and
18 reducing line lost.

19 Reliability risks. Redundancy is easily
20 taken care of technically and covered in -- and is
21 covered -- the -- the reliability risks can be addressed
22 by recent developments in technology in the triple
23 redundancy in the fact that all mines being considered,
24 both Avalon and the diamond mines, have standby diesel
25 for a hundred percent of their power.

1 Regulatory risk. There should be less
2 regulatory risk on the Island route.

3 Delay. The Island route may very well
4 encounter less construction delay, especially if the
5 route is combined with other infrastructure.

6 And this quote is from Dr. Bill Mercer
7 with regard to this project. And he said:

8 "It is better to be a year late on the
9 right route than a year early on the
10 wrong route."

11 This just points out that the timing of
12 the development of the Thor Lake electrical load is very
13 closely matched to the proposed timing of the Taltson dam
14 project.

15 We think we -- this could be a win/win
16 opportunity to improve the project. There are
17 significant social, environmental, cultural, and economic
18 reasons for favouring the Simpson Islands route, which
19 were not fully considered, in our opinion, in the
20 alternative study as referred to by the Yellowknives Dene
21 First Nation.

22 There have been changes in technologies,
23 cost, economic opportunities, and the increased certainty
24 of Thor Lake and other economic developments that could
25 provide a win/win/win solution for all parties and

1 address many of the concerns raised by Lutsel K'e here
2 today.

3 In closing, we would recommend an
4 independent and a robust alternative study consistent
5 with the recommendation by the Yellowknives Dene. Thank
6 you.

7 THE CHAIRPERSON: Thank you, Mr. David
8 Connelly. Thank you very much for your presentation. If
9 you don't mind, we're missing some slides, so if you can,
10 leave a copy of your presentation with our staff there,
11 and then we'll circulate that to the people here tonight.

12 And we could also post it on the public
13 registry, so thank you very much for your presentation.
14 Mahsi.

15 MR. DAVID CONNELLY: With your
16 indulgence, Mr. Chair, if I can provide them tomorrow? I
17 had to rewrite the presentation based on the
18 presentations today. I apologize that those slides which
19 were rewritten were not in your package, and I will give
20 you new packages. Thank you.

21 THE CHAIRPERSON: Thank you very much,
22 and we'll look forward to your slide presentation
23 tomorrow.

24 And our final presenter for the evening is
25 that we have the Honourable Gordon Van Tighem, Mayor of

1 the City of Yellowknife. Welcome, and come up and do
2 your presentation. Mahsi.

3

4

(BRIEF PAUSE)

5

6 PUBLIC STATEMENT BY MAYOR GORDON VAN TIGHEN:

7 MAYOR GORDON VAN TIGHEN: Thank you very
8 much, Mr. Chair. First of all, just to clarify, as my
9 views were clearly presented in December of 2008 in the
10 Slave River Journal, I'm appearing here as an individual
11 because I haven't cleared it through my council. And I
12 see I have a witness here. And it's not the official
13 position of the City, so you've got me.

14 As many of you will know, my background is
15 in banking. I was a participant in the financing of the
16 Dogrib Power Corp., the last hydro project up on the
17 Snare. So I'd like to address initially the
18 socioeconomic environment.

19 One (1) of the things that was made very
20 clear in the financing of the Dogrib Power Corporation
21 was the economic success of the project. We came into
22 that project with a sixty (60) year sales agreement, so
23 there was shown demonstrated income.

24 I trust that there's been a demonstration
25 of a long stream of income here even though the mines

1 that its aiming for have about a thirty (30) year
2 lifespan identified. If it fails in the economic sense
3 what are the biophysical impacts, as well?

4 When we put our branch into Fort Smith one
5 (1) of the first things that became very obvious is that
6 there was no automated banking machinery there, and we
7 were told that there was none there because there was no
8 phone lines coming in there. And we were told there were
9 no phone lines coming in there because there's a world's
10 last population of whooping cranes in the area, so I
11 assume we've clarified that there are no whooping cranes
12 in the area of a -- a high transmission line.

13 Also, since this was first discussed times
14 changed dramatically. We're currently in this region
15 participating in a recovery strategy for a group of
16 caribou that are normally called the Bathurst herd now,
17 and I noticed in the ENR presentation to the Board that
18 this is part of the range of that herd.

19 So what are the stressors that we're
20 introducing to a group that we're trying to promote
21 recovery? And recovery is extremely important to
22 Behchoko and Yellowknife. It's a \$7 million a year
23 industry through the commercial hunting. It's a huge
24 recruitment and retention item for any of us that are
25 trying to have people move here to live and quality of

1 life question.

2 So if the economic environment isn't
3 healthy -- and I think there was a quote in here --
4 basically what -- here we go:

5 "Yellowknife Mayor Gordon Van Tighem
6 observes that if Taltson expansion goes
7 ahead to serve the diamond mines and
8 those predictions don't pan out the
9 resource will sit unused with
10 powerlines dead-ended in the middle of
11 a vast wilderness, a wasted
12 undertaking. He suggests the plan may
13 be too risky and fears a situation
14 similar to the current one where
15 Taltson Power has sat unused for two
16 (2) decades after the shutdown of the
17 Pine Point Mine."

18 Anyway, with those two (2) or three (3)
19 small considerations, I would like to strongly encourage
20 that if the project is deemed healthy in the
21 environmental -- in the economic environment,
22 alternatives should be very much more seriously
23 considered.

24 There's two (2) across or one (1) across
25 and one (1) under the lake. We have a submarine water

1 access here that's 6 kilometres long. Nobody knows it's
2 there; that would seem to minimize impact.

3 Also, further to the west there are
4 established corridors, and this -- the link between Fort
5 Providence, once it's connected, and Behchoko would
6 complete a grid that would allow expansion in the Tlicho
7 region, potentially allow a shorter transmission line
8 from Snare to the mines, but it would bring power and
9 certainty into the largest population and hopefully the
10 strongest growth area in the Territories.

11 So I encourage you to look at the
12 alternatives that have been presented. Thank you.

13 THE CHAIRPERSON: Thank you, Gordon Van
14 Tighem, for your presentation. And again, if you have
15 some material you can leave with our staff so we can post
16 it on the public registry, as well, that'd be great.

17 I have no more people that's on my list
18 here, but, just for the record, is there anybody else in
19 the room that would like to make a presentation to the --
20 to the Review Board here tonight? I'd like to see if
21 anybody -- in case I might have missed somebody.

22 Okay. If not, I'm going to leave that
23 there. That concludes the public statements for the
24 evening on our agenda. Tomorrow morning, I'd like to ask
25 that we start at nine o'clock sharp, so if everybody

1 could make it here early, and so we could get through our
2 agenda for the day.

3 With that, I'm going to ask an Elder from
4 Lutsel K'e, Albert Boucher to do the closing prayer for
5 the evening. Albert Boucher?

6

7 (CLOSING PRAYER)

8

9 THE CHAIRPERSON: Thank you very much.
10 We'll see you tomorrow morning.

11

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

13

14

15

16 Certified correct,

17

18

19

20

21 _____
Wendy Warnock, Ms.

22

23

24

25