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2
3 MACKENZIE VALLEY ENVIRONMENTAL
4 IMPACT REVIEW BOARD
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6 EA03-008 MACKENZIE RIVER BRIDGE PROJECT
7 DEH CHO BRIDGE CORPORATION
8 ENVIRONMENTAL ASSESSMENT
9 FORT PROVIDENCE PUBLIC HEARING
10

11 HELD BEFORE:

12 Board Chairperson Todd Burlingame
13 Board Member Gabrielle Mackenzie-Scott
14 Board Member John Stevenson
15 Board Member Jerry Loomis
16 Board Member John Ondrack
17 Board Member Danny Bayha
18
19

20 HELD AT:

21 Snowshoe Centre
22 Fort Providence, NT
23 October 21st, 2004
24
25

1 APPEARANCES
2

3 John Donihee) Board Counsel
4
5 Andrew Gamble) Deh Cho Bridge
6 Albert Lafferty) Corporation
7 Jivko Jivkov)
8 Michael Vandell)
9 Chief Berna Landry)
10
11 Paul Cobban)
12 Russell Neudorf) GNWT/RWED
13 Kevin McLeod)
14 Greg Cousineau)
15
16 Mike Fournier) Environment Canada
17
18 Ernie Watson) Fisheries and Ocean
19
20 David Livingstone) INAC
21 Heather Potter)
22 Marjorie Fraser)
23 Lionel Marcinkosy)
24
25

TABLE OF CONTENTS		Page No.
1		
2		
3	List of Undertakings	4
4		
5	Introduction	5
6		
7	Presentation by Deh Cho Bridge Corporation	11
8	Question Period	22
9	Presentation by GNWT	35
10	Question Period	49
11	Presentation by Fisheries and Ocean	59
12	Question period	66
13	Presentation by Environment Canada	82
14	Question Period	89
15	Presentation by INAC	102
16	Question period	108
17	Presentation by the Public	156
18		
19	Closing Comments by GNWT	181
20	Closing Comments by	
21	Deh Cho Bridge Corporation	184
22		
23	Certificate of Transcript	187
24		
25		

LIST OF UNDERTAKINGS		PAGE NO.
NO.	DESCRIPTION	
1		
2		
3	1 To provide an answer to Ms.	
4	Mackenzie-Scott's question re:	
5	People who camp along the way	
6	there and have fish camps, has it	
7	been identified as a potential	
8	for part of their land claim	131
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 --- Upon commencing at 1:10 p.m.

2

3 THE CHAIRPERSON: Good afternoon. All
4 right, before we begin, I'd like to ask for everyone to
5 join us in an opening prayer, and Mr. Joachim Bonarouge
6 (phonetic) has agreed to lead us in prayer. So if we
7 could all stand please.

8

9 (OPENING PRAYER)

10

11 THE CHAIRPERSON: Thank you, Mr.
12 Bonarouge, and welcome, everyone, to Mackenzie Valley
13 Environmental Impact Review Board's Public Hearing and
14 the Environmental Assessment of the Mackenzie River
15 Bridge Project as proposed by the Deh Cho Bridge
16 Corporation.

17 My name is Todd Burlingame and I'm the
18 Chairman of the Mackenzie Valley Environmental Impact
19 Review Board. Now, this Hearing is the culmination of a
20 process that has lasted many months.

21 The Review Board and Registered Parties
22 have reviewed the developers' assessment report submitted
23 by the Deh Cho Bridge Corporation. Parties to this
24 environmental assessment have also participated in a
25 series of rounds of environmental of Information Requests

1 that were issued in two (2) rounds.

2 Parties were also encouraged to file
3 technical analysis reports and that deadline was set at
4 September 10th. Reports were placed on our public record
5 by both Indian Affairs and Environment Canada.

6 Now, the purpose of this Hearing is to
7 review any issues that have yet to be resolved regarding
8 this proposed development. This is also an opportunity
9 for the Review Board to hear from the general public.

10 I would like to introduce my fellow Board
11 Members and Staff, now. Starting at my left, Mr. Jerry
12 Loomis; Mr. Danny Bayha; our Vice-Chair, Gabrielle
13 MacKenzie-Scott; John Stevenson, and Mr. John Ondrack.
14 Absent from our hearings today are Mr. Charlie Snowshoe
15 from Fort McPherson and Percy Hardisty, who is a member
16 who's on a leave of absence to participate in the Joint
17 Review Panel of the Mackenzie Gas Project.

18 Staff and Counsel sitting at -- behind us
19 at this table: Mary Tapsell, our Manager of
20 Environmental Assessment; John Donihee, Legal Counsel;
21 Kim Cliffe-Phillips, the Environmental Assessment Officer
22 in charge of this file; Vern Christensen, the Executive
23 Director, and Ranita Schuh, our Community Liaison
24 Officer.

25 Now, just one (1) quick word on what the

1 Review Board is and who we are. We are an independent
2 co-management body. We make our decisions on a consensus
3 basis and it is our mission to conduct quality
4 environmental assessment. This is all part of that
5 mission -- this Public Hearing.

6 There are a few comments I'd like to make
7 intending our hopes to achieve the results from this
8 Hearing. First off, there's a detailed agenda for this
9 Hearing; copies are available at the front door.

10 It is important to note that the evidence
11 presented in this Hearing is only part of the record for
12 this proceeding. The Review Board will consider all
13 materials filed on the public record when making our
14 decisions.

15 We have a number of registered parties in
16 additional to the developer that have played a continuing
17 role in our process. As we go through different
18 presentations, there will be opportunities for
19 questioning and the order of the presentations that we
20 have to-date are, from the Deh Cho Bridge Corporation,
21 the Government of the Northwest Territories, the
22 Department of Fisheries and Oceans, Environment Canada
23 and the Department of Indian Affairs and Northern
24 Development.

25 If you are not a registered party and you

1 would like to make a formal presentation to this Board,
2 please fill out a form that's available at the front
3 door. We will also provide time for the Public to
4 address us.

5 This table in front is available for any
6 Parties that wish to come forward and make a
7 presentation. If you wish to ask questions, you are
8 welcome to come forward to use the table or you can raise
9 your hand and we'll make sure a microphone comes to you.

10 It's very important to use the microphone
11 as we are having these proceedings recorded. Time lines
12 for these presentations have been communicated to the
13 Parties. It's not critical that you read your
14 presentations verbatim if you have submitted the copies
15 to the Review Board, as they are part of the public
16 record and the Review Board does review all of these
17 materials that are filed.

18 It's also important to remember that we
19 have simultaneous translation and we should be
20 considerate of the Interpreter. Speaking slowly and
21 clearly really allows them a chance to be able to
22 translate in an accurate fashion. Our proceeding is also
23 being transcribed for the purposes of making a
24 transcript. Our reporter, Ms. Wendy Warnock, sitting at
25 the table there is recording these and we will have

1 written transcripts available on the website within three
2 (3) days. If you need to make other arrangements to get
3 access to these, please let Wendy know.

4 This Hearing is part of an evolving
5 process and we rely on the co-operation of all parties to
6 ensure that this process is fair. The procedure that we
7 will follow in this Hearing is as follows.

8 First the developer will make a
9 presentation. After that presentation we will allow
10 questions from the registered parties, then from the
11 public and then from the Review Board.

12 After the -- let me try that again. After
13 the developer has made their presentation, the other
14 registered parties will be given a chance to make their
15 presentations and questioning will be as I just outlined.
16 The other registered party, the developer, other
17 registered parties, the public and the Board.

18 We ask that all questions are addressed
19 through the Chair and we may seek clarification if a
20 question isn't accurate -- isn't clear, not on topic or
21 not within the terms of reference of this Board.

22 The purpose of questioning in this Public
23 Hearing is to seek clarifications of points made in a
24 presentation and not to engage in a debate or adversarial
25 cross-examination. In order that we can ensure that we

1 have these presentations and questions on tape again, we
2 will require that people use a microphone.

3 Members of the public that wish to ask
4 questions can once again either come to this table or
5 raise their hand and we will bring the microphone to
6 them.

7 Finally, there will be time allocated at
8 the end of these proceedings for closing remarks. These
9 remarks are an opportunity for the developer, the parties
10 to the Environmental Assessment -- and the parties to the
11 Environmental Assessment to clarify, correct and if
12 necessary change their submissions prior to the close of
13 the Hearing.

14 The developer and registered parties are
15 requested -- were requested to identify a spokesperson
16 for each Hearing and they will be the ones making the
17 representation before the Board.

18 Now before we go any further, I will ask
19 our legal counsel if there are any rulings or decisions
20 that must be addressed.

21 MR. JOHN DONIHEE: Thank you, Mr.
22 Chairman. John Donihee for the Review Board. There's
23 one (1) issue that we need to resolve I believe. It has
24 to do with the PowerPoint presentation that -- from
25 Indian and Northern Affairs Canada.

1 In order to be sure that everybody is
2 comfortable with that presentation it didn't arrive in
3 time for the deadline and I think I'd ask that you poll
4 the parties and see if they have any objections to Diane
5 showing their slide show.

6 THE CHAIRPERSON: Thank you, John. If
7 anyone has any objections to Diane including their visual
8 presentation as part of their presentation to the Board,
9 please identify that concern right now.

10
11 (BRIEF PAUSE)

12
13 I don't see any objections so we will
14 proceed in that manner. I'd also like to acknowledge the
15 Chief Berna Landry who is here. Thank you for being in
16 attendance. And with that I will now ask the Deh Cho
17 Bridge Corporation to proceed with their presentation.
18 Thank you, Andrew.

19
20 (BRIEF PAUSE)

21
22 MR. ALBERT LAFFERTY: Good afternoon.
23 Ladies and Gentlemen, I'm Albert Lafferty with the Deh
24 Cho Bridge Corporation. I'm the designated spokesperson
25 for this presentation this afternoon. My position with

1 the Corporation is Chief Operating Officer.

2 First of all, I'd like to welcome the
3 members of the Mackenzie Valley Environmental Impact
4 Review Board, Intervenors, and community residents. Also
5 I would like to recognize Chief Berna Landry, Members of
6 the Hamlet Council, Band Councillors and Metis
7 Councillors that may be in attendance.

8 We also have our Board of Directors in
9 attendance today: President Mike Vandell is sitting to
10 my left over here. Berna Landry is also a Director with
11 the Deh Cho Bridge Corporation, and we also have Susan
12 Christie, Director Wayne Vandell, Director Irene
13 Lafferty. And Clifford Macleod is the other Director who
14 is not in attendance right now, but we expect him to be
15 stopping later on, so he will be joining us.

16 We also have Members of our Consultant
17 Team: Andrew Gamble to my right, the Project Manager for
18 the Deh Cho Bridge Corporation, and Mr. Jivko Jivkov
19 sitting over here to my left, he's with the Design Team.

20 So, I understand that there is hard copies
21 of the presentation that we have, including my speaking
22 notes that are available for the public here today. So
23 I'm going to proceed with the presentation now, and you
24 can follow along up here on the, with the PowerPoint
25 presentation as well.

1 So, it's not our intention to go through
2 the Developer's Assessment Report, as there seems to be a
3 few issues that remain to be resolved. We will,
4 therefore, be providing only a brief overview of the
5 Project and touching on some of the remaining issues.
6 And there will be opportunity for questions as we proceed
7 and at the end of our Presentation.

8 I will start off with the Project
9 background. The idea for the bridge was initiated by our
10 Community Leadership in the fall of 2000. Since that
11 time community leaders have worked hard to build and
12 maintain community, government, business and public
13 support, which is essential to the success of this
14 project.

15 We've done this by demonstrating the
16 potential environmental and socio-economic benefits
17 associated with the Project. The environment and
18 community benefits continue to be the two (2) key issues
19 related to community support.

20 The concept for this Project. The Deh Cho
21 Bridge Corporation is owned by the membership of the Deh
22 Gah Got'ie Dene Band and the Fort Providence Metis Local.
23 We will be responsible for the design, financing,
24 construction and maintenance of the Deh Cho Bridge, under
25 agreement with the Government of the Northwest

1 Territories.

2 Revenues from government savings and
3 ferry operations, and a toll on commercial vehicles will
4 be used to cover debt servicing, operations and
5 maintenance. The excess will provide profits to our
6 shareholders.

7 After the thirty-five (35) years over the
8 duration of the Concession Agreement, the bridge will be
9 paid for and handed over to the Government of the
10 Northwest Territories.

11 Now, there are five (5) key elements for
12 approval associated with the Project. We must a, first
13 of all, we must have a Concession Agreement with the
14 Government of the Northwest Territories, and I'm just
15 going to highlight some of the other items associated
16 with that.

17 A Memorandum of Intent was signed in
18 November 2002. We also have Enabling Legislation, the
19 Deh Cho Bridge Act, which was passed in June 2003. We
20 also signed an Agreement in Principle in November 2003.

21 We are anticipating initialling a final
22 Agreement late 2004 and we are looking towards signing
23 this Agreement early -- in the early spring of 2005. We
24 require agreement on the final design and there has been
25 independent, due diligence review has been ongoing for a

1 year and is nearing completion. We anticipate design
2 approval by the end of this year.

3 Remaining design issues are minor details
4 and we foresee no substantive changes to what was
5 proposed in the Developer's Assessment Report.

6 Community Approval: The community has
7 been consulted and has approved each step of the
8 project's development. The Community Benefits Plan was
9 approved by our shareholders in September 2004. We must
10 still seek final project approval from the community
11 before construction begins.

12 On the financing aspect, \$3 million has
13 been spent to date on project development, including the
14 environmental assessment and design work. Fifty to
15 fifty-five million dollar project debt financing will be
16 provided by TD Securities. We've raised \$3 million of
17 the \$5 million in equity financing and finally, we
18 anticipate all financing will be in place by the spring
19 of 2005.

20 Now on to the environmental approval.
21 Environmental approval is key to the -- to this Project.
22 Our initial submission was made to the Mackenzie Valley
23 Land and Water Board in May of 2003. The Project was
24 referred to the -- by the Department of Fisheries and
25 Oceans to the Mackenzie Valley Environmental Impact

1 Review Board for assessment in February of 2004, due to
2 public concerns.

3 The Developers Assessment Report and
4 subsequent information and review covers environmental
5 and socio-economic assessment of the Project. Of course
6 this Hearing is a combination of -- of the work since
7 February. We anticipate a positive recommendation from
8 the Board will lead to approvals early in the new year.

9 Now on to socio-economic benefits
10 associated with the Project. We believe that this
11 assessment demonstrates broad socio-economic benefits for
12 the community of Fort Providence. This includes
13 constructions and operation phase training, employment
14 and business opportunities, followed by operations phase
15 profits, which will be useful for reinvestment in our
16 long term interests.

17 For the public, benefits include net
18 savings in consumer goods and services, improve
19 reliability of access, and reduction of isolation.

20 For the trucking industry, the bridge will
21 result in reduced travel time and improve scheduling and
22 efficiency. Business will enjoy lower overall
23 transportation costs and improve reliability of supply.

24 For Government, the bridge will provide a
25 key piece of public infrastructure at little cost. It

1 will result in long-term savings and fiscal spinoffs. It
2 will also advance the Government policy objective of
3 greater Aboriginal participation in the northern economy.

4 Environmental benefits: Unlike many of
5 the development projects we see in the North and in other
6 places in Canada, the bridge Project does not require a
7 trade-off between the economy and the environment.

8 Environmental benefits linked to this
9 Project include long-term reduction of consumption of
10 fossil fuels, long-term reduction in disturbance of River
11 -- of the River from ferry and ice-bridge maintenance and
12 operations, as well as a reduced risk of spills.

13 Environment support: Community support
14 for the Deh Cho Bridge Corporation in this environmental
15 assessment process includes formal resolutions of support
16 from the Deh Gah Got'ie Dene Band, the Fort Providence
17 Metis Local, the Fort Providence Combined Council
18 Alliance, and the Fort Providence Resource Management
19 Board.

20 In terms of environment commitment:
21 Environmental responsibility is a key priority for the
22 residents of Fort Providence. In fact, it's a
23 prerequisite to community support for the Project.

24 The DCBC is committed to taking every
25 reasonable measure to minimize potential negative

1 impacts. The DCBC has made every effort to respond to
2 Information Requests and consider recommendations of
3 interveners, accommodating almost every request. As a
4 result, very few issues remain.

5 There are only three (3) Intervenors
6 active in this process besides the Deh Cho Bridge
7 Corporation and the Government of the Northwest
8 Territories. These are all federal agencies, and these
9 include Fisheries and Oceans Canada, Environment Canada
10 and Indian and Northern Affairs Canada.

11 Now, on to some of the issues that were
12 brought forward.

13 DFO issues. DCBC and Department of
14 Fisheries and Oceans have agreed on a plan for no net
15 loss of fish habitat. We note that this now includes the
16 proposed removal of the winter road approach, fails to
17 create additional habitat. This is well outside the
18 project -- the proposed project limits and is not
19 included in the original application. This would also
20 require identification of a disposal site.

21 Environment Canada issues. We have agreed
22 to all recommendations from Environment Canada, including
23 further work on species listed as sensitive or may be at
24 risk. And measures to monitor and mitigate any potential
25 impacts on these species and all other species of nesting

1 birds.

2 Now on to INAC recommendations. We have
3 resolved all INAC issues, except for two (2). We do not
4 believe that it is reasonable to impose these two (2)
5 outstanding Indian and Northern Affairs Canada
6 recommendations on the Deh Cho Bridge Corporation.

7 The first one is lands identification.
8 INAC is concerned that there will be other lands required
9 for a possible toll facility. We, and the Government of
10 the Northwest Territories, have explained that it's not a
11 DCBC requirement.

12 A decision on tolling has yet to be made
13 by the Government of the Northwest Territories. This
14 decision does not rest with the Deh Cho Bridge
15 Corporation. And a toll facility may not be required.
16 If it is, very little, if any, Crown land will be
17 required to accommodate to accommodate this facility.

18 In our view, this is not project splitting
19 and it's not reasonable to insist on inclusion of this
20 item in our applications.

21 The second item that was brought forward -
22 - or that remains outstanding rather, is waste disposal.
23 INAC has requested that waste from the south ferry
24 landing not be disposed on Crown land. DCBC does not
25 understand this request.

1 The waste is soil and broken concrete
2 which is being removed to create fish habitat, as
3 requested by the Department of Fisheries and Oceans. It
4 will be properly disposed and buried off in a burial pit
5 created for the south's bridge approaches. We believe
6 this is the best disposal site for this material. And we
7 do not understand the not-in-my-back-yard response from
8 INAC.

9 We have suggested that we would consider
10 alternate sites which would be environmentally
11 preferable. We see no merit in a security deposit, which
12 is just another cost to be passed on to the public.

13 On to conclusions. In conclusion, we
14 believe that this assessment process has confirmed the
15 net long-term environmental and socio-economic benefits
16 of this project. The Corporation has developed plans to
17 minimize these benefits and -- maximize these benefits
18 rather, and minimize and mitigate any potential negative
19 impacts.

20 The Corporation has consulted broadly with
21 all stakeholders and government agencies, and has been
22 responsive to all reasonable requests and suggestions to
23 improve the project. At the same time, DCBC does not
24 want to waste money complying with requests that do not
25 add value to the project.

1 As many of you may know, this project has
2 been subject to a high level of environmental, economic
3 and technical scrutiny, and due diligence, perhaps higher
4 than any public infrastructure project to date in the
5 Northwest Territories.

6 We would like to thank the Mackenzie
7 Valley Environmental Impact Review Board and your Staff
8 for their support and advice in helping us through this
9 process. We also appreciate the support and advice of
10 the various reviewing agencies even if we did not always
11 agree along the way.

12 We look forward to a timely recommendation
13 by the Board and timely approvals of permits required for
14 the project to proceed.

15 So the next steps, if all project permits
16 and agreements are in place by early spring of 2005,
17 construction would commence in June of 2005. And the
18 bridge would be open by late fall of 2006.

19 To close our presentation we would like to
20 show you a short virtual model that has been prepared for
21 this bridge project and then we would be pleased to
22 answer any questions that may come forward later. So
23 thank you for the opportunity.

24
25 (3D VIDEO SHOWN)

1
2 And that's it, Ladies and Gentlemen, for
3 the virtual model presentation.

4 THE CHAIRPERSON: All right. Thank you
5 very much. When the lights come up here, what we'll do
6 is go through the registered parties and ask if there's
7 any questions. If you could please respond to them and
8 then we will ask if the public has any questions and then
9 we will go the Board and see if they have any.

10 So if we begin with the Government of the
11 Northwest Territories. Any questions for the presenter
12 here?

13 MR. PAUL COBBAN: Thank you, Chairman.
14 Paul Cobban, with the Government of the Northwest
15 Territories.

16 A question for the Deh Cho Bridge
17 Corporation that actually flows nicely off the fly-by.
18 My first question is just if you could discuss a little
19 bit how runoff from the bridge deck will be dealt with
20 maybe in comparison say this bridge to other bridges in
21 North America?

22 MR. ALBERT LAFFERTY: I just refer you to
23 project manager, Andrew Gamble to respond to that.

24 MR. ANDREW GAMBLE: In -- in most bridges
25 or in fact highways, there is always a risk of spill,

1 fuel or chemicals or what have you. Unfortunately it's -
2 - it's simply not practical to contain spills. You have
3 to clean them up and respond to them but there is no
4 practical means of containing spills on -- on
5 transportation routes. Spill containment is normally
6 confined to storage facilities, processing facilities
7 etc.

8 And in virtually all bridges in North
9 America and the world, any spill on a bridge is normally
10 directed to drains and directly into the water course
11 below. In this -- and simply it's again not practical to
12 -- to determine or segregate spills from rainfall or snow
13 melt and -- and most bridges simply can't absorb that --
14 those kinds of volumes and they need to shed the -- the
15 fluid or whatever it is as quickly as possible for safety
16 reasons.

17 In this case, this bridge is slightly
18 different from typical -- it doesn't have deck drains
19 into the river. Because it's a relatively low frequency
20 intensity rainfall area, because it's a fairly steeply
21 sloped bridge, the intent here is for rain or snow or --
22 or anything that is spilled on the bridge would, in fact
23 -- isn't directed to drains into the river, it's directed
24 along either end of the bridge into containment holding
25 ditches.

1 It's really still not spill containment,
2 but it does at least provide a -- a reservoir for -- for
3 fuel -- an area for gravel or anything that's in the
4 water to settle in those ditches and it gives them extra
5 time to -- to clean up.

6 But, again, you won't see any deck on any
7 bridge in North America, you'll -- a long bridge you'll
8 see drains usually along the shoulder -- along the side
9 of the road and if you look under those, they -- they
10 drop straight into the river.

11 MR. PAUL COBBAN: Thank you, Chairman.
12 Paul Cobban with the GNWT.

13 So, if I understand what the Deh Cho
14 Bridge Corporation has explained about how liquids
15 falling on the bridge deck will be handled, this has
16 potential benefits towards spills or unwanted liquids,
17 which on -- come onto the bridge surface.

18 And it sounds like, if I understand it
19 correctly, there's an added level of protection here by
20 removing the bridge -- bridge deck drains and I just
21 wanted to confirm that that was or was not the case.

22 THE CHAIRPERSON: Can you confirm that
23 that is the case?

24 MR. ANDREW GAMBLE: Yes, we think it's
25 certainly better than -- than the standard practice.

1 MR. PAUL COBBAN: Thank you.

2 THE CHAIRPERSON: Any further questions?

3 MR. PAUL COBBAN: Yes, Chairman, Paul
4 Cobban, with the GNWT.

5 My second question for the Deh Cho Bridge
6 Corporation relates back to their presentation and I
7 believe it's their page 16 and they -- their issue is
8 INAC 2 waste disposal. You mention in your presentation
9 that the waste that potentially would be deposited on the
10 south side would be comprised of broken concrete and
11 soil.

12 And I was wondering if the Bridge
13 Corporation could comment on what the expected quality of
14 the soil is that might be deposited at that location.
15 Thank you.

16 MR. ANDREW GAMBLE: Thank you, Mr.
17 Chairman.

18 It's -- it's -- in fact, it's -- the soil
19 is -- is the material that now comprises the haul-out for
20 the -- for the ferry on the north landing. You'll see --
21 when you go across, you'll see a -- a ramp coming out of
22 the -- out of the river on the south swab -- south side,
23 is what we're talking about, which -- which is the -- a
24 little concrete pad where the -- where the -- the ferry
25 ramp drops down.

1 And then adjacent to that, you'll see the
2 timbers running down from -- from -- into the water and
3 that whole area is to be -- once the bridge is built and
4 in service -- is to be excavated and returned to -- to
5 habitat.

6 So it's -- it's broken concrete, it's the
7 soil that was actually used and is sitting in and near
8 the river now. We have no indication that it's in any
9 way contaminated, but it -- it -- it needs to be removed
10 and -- and disposed of.

11 The plan is to -- there will be a borehole
12 pit used for construction the bridge approaches. The
13 plan is to -- to basically deposit this material in that
14 pit and then cover it over with the -- the organic
15 material that was stripped off in the first place. Thank
16 you.

17 MR. PAUL COBBAN: Thank you, Chairman.
18 GNWT doesn't have any further questions at this time.

19 THE CHAIRPERSON: All right. Thank you
20 very much. We'll now ask if DFO has any questions for
21 the Developer.

22 MR. ERNIE WATSON: Thank you, Chairman.
23 Ernie Watson, with the Department of Fisheries and Oceans
24 Canada. DFO has no questions at this time.

25 THE CHAIRPERSON: Okay, thank you.

1 Environment Canada?

2 MR. MIKE FOURNIER: Thank you, Mr.
3 Chairman. Mike Fournier, Environment Canada. We have no
4 questions at this time.

5 THE CHAIRPERSON: Thank you very much.
6 INAC.

7 MR. DAVID LIVINGSTONE: David Livingstone
8 with INAC, we have no questions at this time.

9 THE CHAIRPERSON: All right. Thank you.
10 What we will do now is see if anyone --
11 any members of the public that aren't registered, have
12 any questions they'd like to ask the developer at this
13 time.

14 Again, if you just raise your hand, we can
15 have a mike brought to you. Give people an opportunity
16 to think about that for a moment.

17
18 (BRIEF PAUSE)

19
20 THE CHAIRPERSON: There's one (1)
21 gentleman here with the red cap on. One (1) second, sir,
22 can you use a microphone for us, please, and identify
23 yourself as well, please.

24 MR. JOHN MCLEOD: Yeah, I'm John McLeod
25 in charge of highways here in Providence and I would like

1 to know if there's going to be any gravel hauling on
2 across the ice bridge this winter?

3 THE CHAIRPERSON: All right, sir. Is
4 that a question that you, as the developer, are prepared
5 to respond to? Or is that something that -- go ahead,
6 sir.

7 MR. ANDREW GAMBLE: We won't be hauling
8 anything until and unless we get permits and agreements
9 in place. If -- if all goes very well we would hope to
10 move some material while the ice bridge is still in -- in
11 place.

12 But that would depend on -- on meeting all
13 the conditions, getting the permits and final agreements
14 and a contract in place. So it would be our fondest hope
15 to start by hauling some material late in the winter --
16 the ice bridge season rather than moving it by barge or
17 ferry in the spring. But that remains to be seen.

18 I think the -- in fact the -- the details
19 of the sources and the timing for the haul of that
20 material is shown in the Developer's Assessment Report.
21 And I believe it's laid out in the report and in Appendix
22 1. And again, that all depends of course on -- on
23 meeting all of the prerequisites that we need to meet to
24 -- to even begin moving material.

25 THE CHAIRPERSON: All right. Thank you.

1 Does that answer your question, sir?

2 MR. JOHN MCLEOD: Yes, that's all.

3 THE CHAIRPERSON: Okay. Any other
4 questions from members of the public? All you have to do
5 is raise your hand and we'll have a microphone brought to
6 you.

7 All right. Well, there will be other
8 opportunities as well for the public to ask questions of
9 the different parties. So thank you very much for your
10 presentation.

11 What we'll do is give -- ask for people to
12 just take a moment while you gather your things and the
13 next presentation will be from the Government of the
14 Northwest Territories. Oh, my -- my apologies. My
15 apologies. I forgot all about our Board here. They
16 won't let me forget about that for long.

17 We'll start at this end of the table and
18 see if Mr. Loomis has any questions.

19 MR. JERRY LOOMIS: I have no questions,
20 Mr. Chair.

21 THE CHAIRPERSON: Mr. Bayha...?

22 MR. DANNY BAYHA: None from here, thank
23 you.

24 THE CHAIRPERSON: Ms. MacKenzie-Scott...?

25 MS. GABRIELLE MACKENZIE-SCOTT: I do

1 actually. This question's more to the developers and
2 probably to the general public.

3 We seen the -- the presentation that you
4 gave us you know, that's brought forth to us but you also
5 have done extensive reviews from the DARs that we
6 provided and with this presentation I don't at all get
7 the view of -- I know the people in general from -- Fort
8 Providence seemly to be in favour.

9 But my senses is that because you know,
10 those reports are very technical and very thorough, none
11 of these questions are kind of being, you know, woven
12 into it right now. It's a very, you know, it's -- it's a
13 report that, you know, assumes it's, you know, all
14 together.

15 So I just wondered, are the people, you
16 know, especially in Providence, well informed of the
17 project and know the steps every -- every step of the way
18 because that's what I would like to have a sense of.
19 Because I don't get it from your report and it's done so
20 that if I was just the general public if I didn't know
21 the information that I've read, I wouldn't know what to
22 ask.

23 THE CHAIRPERSON: Can you take a moment
24 and just go through some of the efforts that have been
25 made to engage the general public on a less technical

1 basis?

2 MS. GABRIELLE MACKENZIE-SCOTT: Yeah.

3 THE CHAIRPERSON: Is that going to help
4 address that question?

5 MS. GABRIELLE MACKENZIE-SCOTT: I think
6 it would help, yeah.

7

8 (BRIEF PAUSE)

9

10 MR. ALBERT LAFFERTY: I will just
11 refer you to President Mike Vandell, he may have some
12 comments, and we may add to that afterwards. Thank you.

13 MR. MICHAEL VANDELL: Thank you for your
14 questions.

15 We had three (3) to four (4) public
16 meetings with the Membership as well. We have retained
17 Nadlii and Associates, Michael Nadley, on a small
18 contract. He went around to the communities, went house
19 to house, in the language, met with the Elders, he
20 actually works with the Elders Council that we have with
21 the Band, he met with the Harvesters.

22 We've translated a lot of the technical
23 reports, like you said, into our language, into the
24 Slavey language, and our office is open, and the Board of
25 Directors, as well, we answer any questions when we can

1 and when we're asked. But, yes, we had good extensive
2 consultation with the members.

3 MS. GABRIELLE MACKENZIE-SCOTT: The only
4 other question I had was, you know, you mentioned
5 shareholders. Who are the shareholders; are they the
6 Members of Fort Providence? I don't have an idea who
7 they are.

8 MR. ALBERT LAFFERTY: The shareholders
9 are the Deh Gah Got'ie Dene Band and the Fort Providence
10 Metis Council and the members of the Band and the Fort
11 Providence Metis. Those are the shareholders. Thank
12 you.

13 MS. GABRIELLE MACKENZIE-SCOTT: So -- so
14 that includes, like, every Member who wished to take part
15 in being a shareholder? Usually in shareholding you pay
16 a bit of money to be part of a shareholder, so I'm just
17 wondering how that works?

18 MR. ANDREW GAMBLE: Just to make it
19 clear, at the current time there are two (2), basically
20 two (2) shares, one (1) is held by, as Albert has said,
21 by the Metis Local, the other by the -- the Dene Band,
22 it's actually by the Chief in trust for the Dene Band,
23 because of a quirk of the Indian Act.

24 So, right now those are the two (2)
25 shareholders on behalf of -- of their respective

1 membership.

2 And just so there's no misunderstanding
3 those -- those shareholders now have in excess of \$3
4 million in equity in the Project. The -- by the time the
5 Project actually gets under construction, the hope is to
6 have \$5 million in equity.

7 So the -- the two (2) current shareholders
8 are actively seeking minority shareholding partners and
9 haven't identified or -- or had any commitments, firm
10 commitments yet. But by the -- the time construction
11 commences, they will be somewhere between 60 -- 60 and
12 100 percent ownership will reside in -- in the
13 membership, under the two (2) First Nations'
14 organizations.

15 MS. GABRIELLE MACKENZIE-SCOTT: The other
16 question I wanted to ask was in terms of again,
17 shareholding, is -- is it like, open to general public or
18 is it really exclusive?

19 MR. ANDREW GAMBLE: We had actually --
20 the Board had actually hoped, when it set out, to -- to
21 have it open to the general public and individual
22 residents, whether they be Members or other residents of
23 the community, to -- to have small shareholdings of -- of
24 tens or hundreds or thousands of dollars.

25 Unfortunately, the -- the current

1 Securities Legislation makes that simply impractical, and
2 so that it really needs to be -- to be a private
3 corporation, it really needs to be a smaller number of
4 larger, what they call sophisticated shareholders.

5 And, it would be nice to put it out to --
6 to general membership of the community, or even outside
7 the community, but it simply isn't -- it isn't practical
8 for a company of this size to -- to spend the hundreds of
9 thousands of dollars required to enable them to do that.

10 THE CHAIRPERSON: Thank you. Mr.

11 Stevensen, any questions?

12 MR. JOHN STEVENSEN: No questions, thank
13 you.

14 THE CHAIRPERSON: And, Mr. Ondrack...?

15 MR. JOHN ONDRACK: No questions, thank
16 you.

17 THE CHAIRPERSON: All right. Thank you
18 very much, and I apologize for the false start, but now
19 you can gather your things and we'll have the GNWT make
20 their presentation. Thank you.

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: All right. If you're
25 ready, please proceed.

1 MR. PAUL COBBAN: Thank you very much,
2 Chairman. My name is Paul Cobban with the GNWT. Just
3 prior to making our presentation, I'd just like to
4 introduce the person who is making the presentation
5 today. Does that make sense? Speaking on behalf of the
6 GNWT today is Russell Neudorf who is the Deputy Minister
7 for the Department of Transportation with the Government
8 of the Northwest Territories.

9 Russell Neudorf attended the University of
10 Saskatchewan receiving a Bachelor of Science degree in
11 Civil Engineering with great -- distinction in 1986 and a
12 Masters of Science Degree in Transportation and
13 Engineering Economics in 1989. Russell began his
14 professional career in 1986 with the consulting
15 engineering firm, Clayton Sparks (phonetic) and
16 Associates, working on a variety of transportation,
17 engineering, planning and economics projects.

18 He worked his way up to the position of
19 Senior Project Engineer. In 1993, Russell moved to the
20 Northwest Territories to begin working for the Department
21 of Transportation as a Senior Transportation Planner.

22 He was promoted to the position of
23 Director of Transportation Planning and Policy in 2002
24 and later, in 2003, he was Acting Deputy Minister for the
25 Department of Transportation and formally confirmed as

1 Deputy Minister in April this year. He will be speaking
2 on our behalf.

3 MR. RUSSELL NEUDORF: Thank you, Mr.
4 Chairman, and good afternoon Board Members and Ladies and
5 Gentlemen. Also with me here today -- I'll introduce the
6 other Members from the GNWT that are here. To my right
7 is Kevin McLeod, our Director of Highways with the
8 Department of Transportation.

9 Behind me is Greg Cousineau, a
10 Transportation Planner in our Planning and Policy
11 Division; been involved with all the day-to-day aspects
12 of the GNWT's involvement in this project and we have, as
13 well, Bob Kelly, our Director of Communications.

14 I am pleased to be able to appear at this
15 Public Hearing on behalf of the Government of the
16 Northwest Territories to speak in support of the Deh Cho
17 Bridge Project.

18 I would like to make it clear at the
19 outset that the GNWT is a partner with the Deh Cho Bridge
20 Corporation to build a bridge across the Mackenzie River.
21 I'm here to speak of the history of the project, of the
22 GNWT's relationship with the Bridge Corporation, of the
23 benefits of the project, and of the due diligence that
24 GNWT has conducted throughout the process.

25 As early as 1958, the Federal Government

1 contemplated building a bridge across the Mackenzie River
2 near Fort Providence. A consultant's report dated from
3 1958 provided a cost estimate of \$6.2 million for bridge
4 construction. At that price the bridge was deemed too
5 expensive for the time.

6 Since the opening of the highway to
7 Yellowknife in the 1960s, traffic has crossed the river
8 by ferry in the summer and fall and by ice bridge in the
9 winter and spring. Unfortunately, without a bridge, the
10 reliability and effectiveness of the road system and the
11 conductivity to southern Canada is interrupted during
12 winter freeze-up and spring breakup.

13 This interruption averages five (5) weeks
14 in the spring. The interruption during freeze-up is, for
15 now, as little as a day or two (2). However, during the
16 last ten (10) years, freeze-up has occurred later and
17 later and the Department of Transportation is concerned
18 that there will be a return of longer interruptions of
19 service during freeze-up in the future if the trend does
20 continue.

21 All of these factors result in disruptions
22 in the all-weather road service to the communities of the
23 North Slave region. This is viewed by the general
24 population as a considerable social inconvenience, and
25 causes increased costs for local businesses through

1 enhanced inventory costs, and to transportation companies
2 through inefficiencies and the need to resort to more
3 expensive modes of transportation.

4 Despite the costs and inefficiencies
5 associated with the existing crossing, the bridge is
6 still beyond the means -- the financial means of the
7 GNWT. We simply can't afford the commitment of
8 approximately \$60 million from our limited capital
9 budget. We have too many other pressing needs.

10 This is where a group called the Fort
11 Providence Combined Council Alliance enters. The
12 Alliance, comprised of leaders of the Fort Providence
13 Dene, Metis, and Hamlet Councils, conceived a plan to
14 enter into an arrangement with the Government of the
15 Northwest Territories to construct the bridge.

16 With grants from the GNWT and the Federal
17 Government, the Alliance retained engineering,
18 environmental, and financial expertise to assist.

19 The feasibility study proposed a public-
20 private partnership between the GNWT and the Alliance.
21 The Alliance would design, construct, finance, and
22 operate the bridge, and transfer it to the GNWT at the
23 end of a thirty-five (35) year concession period. During
24 this period the GNWT would commit to an annual
25 contribution from ongoing ferry and ice bridge savings

1 and the collection of user fees from commercial vehicles.
2 Public-private partnerships are innovative
3 tools of public policy bringing together the strengths of
4 the public and private sectors. They have become an
5 accepted means of providing needed infrastructure in
6 Canada and around the world. While all PPPs are unique,
7 the key difference between a PPPs and the conventional
8 method of procurement is the responsibility for project
9 execution and the subsequent operation, and the sharing
10 of risk.

11 Typically, the Government assigns
12 responsibility for the design, construction, finance and
13 operation to the private sector. The 407 Highway in
14 Ontario, Confederation Bridge linking Prince Edward
15 Island to the mainland, and the Anthony Henday Drive
16 project in Edmonton, are well-known projects on a growing
17 list of PPPs in Canada.

18 Since the GNWT first received the
19 preliminary feasibility study from the Alliance in
20 February 2002 and recognized the merits of the proposal,
21 we have worked with them and their corporation to realize
22 out long-held goal of constructing the bridge.

23 The decision to deal with the Alliance was
24 rooted in the GNWT's core values of self-reliance,
25 Northern people having the tools and resources to live

1 independently and to exercise self-determination;
2 partnerships, working with others to maximize our
3 resources and our potential; and respect, treating all
4 residents with respect, dignity, compassion, and
5 fairness, and having respect for our natural environment.

6 Our goal is to create both Northern and
7 Aboriginal business opportunities and to ensure that the
8 benefits from both Government projects and economic
9 developments remain in the North to the extent possible.

10 This project will produce both short and
11 long-term benefits, including employment, training,
12 business opportunities, and revenue for the community.
13 These returns will be used for improvements in the
14 community and for creating other economic opportunities.

15 After a series of discussions it was the
16 opinion of both the Alliance and the GNWT that there was
17 enough positive indications to proceed with formal
18 negotiations leading to a concession agreement.

19 The Alliance and the GNWT signed a
20 Memorandum of Intent on November 15th, 2002. It
21 established the principles and commitments that were to
22 guide the parties and outline their roles and
23 responsibilities.

24 The Alliance would be responsible for
25 designing, financing, building, operating, and

1 maintaining the bridge. The GNWT would be responsible
2 for providing a revenue stream to the Alliance and for
3 the administration and collection of tolls.

4 A key parameter of the Memorandum of
5 Intent was that tolls on commercial vehicles were to be
6 the equivalent of five to six dollars (\$5-\$6) per tonne.
7 Both the Federal Department of Indian and Northern
8 Affairs Canada and the GNWT Department of Transportation
9 committed additional funding to the Alliance to further
10 the development of the project.

11 As per the requirements of the MOI, the
12 Alliance incorporated a limited company, the Deh Cho
13 Bridge Corporation, to advance the project.

14 In June 2003, the fourteenth Legislative
15 Assembly passed third reading of the Deh Cho Bridge Act.
16 The Act authorizes the Minister of Transportation to
17 enter into agreements with a concessionaire for the
18 purpose of financing, operating and maintaining the Deh
19 Cho Bridge and to prescribe and administer the collection
20 of tolls from vehicles travelling over the bridge.

21 In its consultation and discussions, the
22 GNWT considered the socioeconomic impact of the project,
23 including the effect of the tolls. The conclusion was
24 that the benefits outweighed the costs.

25 As part of the legislative process,

1 members of the Legislative Assembly conducted public
2 hearings in Fort Providence, Rae, and Yellowknife. They
3 heard broad support for the bridge from the public in
4 general, from aboriginal and community leaders, and from
5 the business sector. The message was clear -- everybody
6 wants the bridge to be built.

7 The GNWT and the Bridge Corporation
8 conducted negotiations that culminated in the initialling
9 of a concession agreement on October 21, 2003 in Fort
10 Providence. The concession agreement provides the
11 framework for the arrangement and was crafted to satisfy
12 the parameters and conditions set out in the Memorandum
13 of Intent.

14 Negotiations with the Bridge Corporation
15 to finalize the concession agreement are ongoing. We
16 have not reached agreement on every issue, but no issue
17 at this point is considered a deal breaker and there is
18 confidence that every issue will be successfully
19 resolved.

20 There are a number of key events that will
21 occur over the next few months, leading up to the
22 finalizing of the concession agreement and starting of
23 construction. For the Bridge Corporation, these include
24 completion of the environment assessment and obtaining
25 all land and water licences; completion of the bridge

1 design; tendering the contract to construct the bridge;
2 and obtaining a maximum price, and finalizing the
3 financial arrangements and costs with TD Securities.

4 For the GNWT, these include approving of
5 the bridge design, determining the toll rate, the method
6 of collection and the administration costs once all other
7 project costs are known, and ultimately seeking Cabinet
8 approval of the financial and program implications of
9 entering into the concession agreement.

10 It is important to understand that we are
11 still in the process of negotiating an arrangement and
12 that as much as the GNWT wants the bridge, we have to
13 protect the public interest and ensure that we are
14 receiving value for money. It is a continual process of
15 due diligence that started, as I mentioned earlier, when
16 we first received the proposal.

17 The first step as part of the GNWT's due
18 diligence was to examine the costs and benefits, to take
19 a close look at the economics of the project and
20 determine if, on balance, it made sense to proceed. This
21 was especially important in light of the proposed toll on
22 commercial traffic and the already high cost of living in
23 the north.

24 The GNWT commissioned Nichols Applied
25 Management to carry out a rigorous benefit cost analysis

1 as prescribed by the Treasury Board of Canada. The
2 consultant assessed the relative economic merits of the
3 project and quantified the costs and benefits and
4 addressed the significant unquantifiable affects.

5 In addition, the consultant also
6 determined, where possible, the economic impact on other
7 groups, including the mining industry, the trucking
8 industry, businesses, consumers, and government.

9 The report concluded that the project
10 would generate net benefits within the range of
11 acceptable returns; that is, that the direct economic
12 benefits outweigh the costs. The report also presented
13 the other benefits, both economic and social, that were
14 not easy to quantify.

15 These included increased regional and
16 territorial economic development stimulated by greater
17 efficiency and reliability of the highway network, and
18 reduced transportation costs; the improved relations
19 between business and residents due to improved service
20 and lower transportation costs; a reduced sense of
21 isolation due to improved connections with the region,
22 and to Southern Canada, especially during freeze-up and
23 break-up; improved access to Government services and
24 employment opportunities; increased opportunities for --
25 Aboriginal training, employment, business development and

1 equity investment; and support for the policies and
2 objectives of the GNWT, including the Department of
3 Transportation's vision for roads in the NWT, which is
4 based upon two (2) objectives, creating opportunities for
5 economic development, and connecting communities.

6 The Benefit Cost Analysis also showed that
7 the level of benefits generated by the bridge, would be
8 different for various user groups. The expected savings
9 are greater in respect to traffic diverted from the
10 ferry, as compared to the ice bridge.

11 Businesses that utilize the crossing year-
12 round will enjoy other cost reductions associated with
13 extra handling, warehousing, inventory carrying, and
14 other expenses now incurred during spring break-up.

15 The overall cost of community resupply
16 will be less, even with a toll of six dollars (\$6) a
17 tonne. Results of the Benefit Cost Analysis were
18 released during the public consultation on the Deh Cho
19 Bridge Act, to give confidence to the public by
20 demonstrating the GNWT's due diligence and presenting an
21 independent economic overview of the Project.

22 A condition of the Memorandum of Intent,
23 was that the Bridge Corporation would develop a design
24 and construction scheme acceptable to both parties. The
25 GNWT hired BP-TEC Engineering Group, to act as our

1 advisors. Their role is to assess the Bridge
2 Corporation's design, to ensure that it meets the
3 prescribed design standards and is constructible.

4 Since the beginning, the parties have
5 agreed that their negotiations would be conducted in
6 respect of professional confidentiality. The design
7 review is an integral part of the negotiating process by
8 which the parties refine the design by reciprocal
9 adjustments and accommodations.

10 To make public one (1) step in the
11 sequence would mis-represent the give and take character
12 of the negotiating process. Although the GNWT's
13 technical advisors have provided an interim review and
14 assessment of the Proponent's design, in the context of
15 continuing negotiations, it must remain confidential.

16 Nonetheless, for the purposes of these
17 Hearings, GNWT has provided a copy of the technical
18 review and assessment to the Mackenzie Valley
19 Environmental Impact Review Board, insofar as...

20
21 (POWER OUTAGE)

22
23 --- Upon recessing at 2:20 p.m.

24 --- Upon resuming at 2:30 p.m.

25

1 THE CHAIRPERSON: I would ask people to
2 return to their chairs, please. And I'll ask Mr. Neudorf
3 to carry on with his presentation.

4
5 (BRIEF PAUSE)

6
7 THE CHAIRPERSON: All right. Perhaps we
8 can carry on then.

9 MR. RUSSELL NEUDORF: Thank you, Mr.
10 Chairman. I was on the last page, halfway through a
11 paragraph on the technical review process that we're in,
12 so I will just carry on where I left off there.

13 Noting that the GNWT has provided a copy
14 of the technical review and assessment to the Mackenzie
15 Valley Environmental Impact Review Board, insofar as it
16 is relevant to environmental matters and considerations.
17 The resulting letter that went into the public registry
18 listed four (4) issues and stated that all other portions
19 of the report dealt strictly with engineering issues.

20 Discussions between the engineering teams
21 will continue until all the design issues are resolved to
22 the satisfaction of both parties. As per the Deh Cho
23 Bridge Act, the GNWT is responsible for setting and
24 collecting tolls on commercial vehicles using the bridge.

25 The Department of Transportation hired IBI

1 Group, a consulting firm that specializes in tolling
2 solutions to advise us on options. They reviewed the
3 unique features of this project including the remote and
4 harsh conditions and low traffic volumes.

5 They presented a number of possible
6 systems ranging from the conventional manual toll
7 collection to a sophisticated fully automated system.
8 The Department of Transportation is evaluating its
9 options in terms of cost and reliability. The final
10 decision will be made by executive council prior to the
11 signing of the concession agreement.

12 In closing, I would like to restate that
13 the GNWT is in full support of this project. We have
14 every confidence that our partner the Bridge Corporation,
15 can and will successfully deliver the project. We are
16 certain that the benefits of the benefits and are
17 satisfied with our due diligence.

18 This is a unique opportunity that will
19 provide a legacy of improved service for the next hundred
20 years. Like the Bridge Corporation, we look forward to a
21 timely recommendation by the Board so that the project
22 may proceed. Thank you very much.

23 THE CHAIRPERSON: And thank you for your
24 presentation. Again, we're going to go through the list
25 of registered parties, then the public and the Board. We

1 will begin with the Deh Cho Bridge Corporation. I know
2 they are your partner, however, are there points of any
3 clarification or questions that you would like to bring
4 forward, please?

5 MR. ANDREW GAMBLE: Thank you, Mr.
6 Chairman. A two-part question which I hope is
7 appropriate to the GNWT.

8 Does the GNWT normally make security
9 deposits on projects it undertakes? And second part is:
10 Do you see a benefit or a merit in the deposit on this
11 project?

12 THE CHAIRPERSON: Mr. Neudorf, can you --
13 would you please respond?

14 MR. RUSSELL NEUDORF: Thank you, Mr.
15 Chairman.

16 Speaking on behalf of the Department of
17 Transportation here, we do not normally make security
18 deposits. The material that we're going to be excavating
19 here and putting into the borehole pit as indicated
20 previously by the Bridge Corporation, comes from our
21 existing ferry haul-out area, the ferry landing sites.

22 We have done phase 1, phase 2,
23 environmental assessment of that material and have not
24 found anything that would be of a concern from an
25 environmental perspective. So we anticipate that there

1 would be no need for any -- any additional requirement
2 associated with security or any other kind of monitoring
3 of that material. Thank you.

4 THE CHAIRPERSON: Any further questions
5 for the Government of the Northwest Territories from the
6 Deh Cho Bridge Corporation? None? Thank you very much.

7 We'll then ask if the Department of
8 Fisheries and Oceans has any questions for the Government
9 of the Northwest Territories?

10 MR. ERNIE WATSON: Thank you, Mr.
11 Chairman. It's Ernie Watson from the Department of
12 Fisheries and Oceans. We do not have any questions at
13 this time.

14 THE CHAIRPERSON: Thank you very much.
15 Environment Canada...?

16 MR. MIKE FOURNIER: Thank you, Mr.
17 Chairman. Mike Fournier, Environment Canada. We have no
18 questions at this time.

19 THE CHAIRPERSON: Thank you very much.
20 Department of Indian Affairs Northern Development, any
21 questions for the Government of the Northwest Territories
22 please?

23 MR. DAVID LIVINGSTONE: David Livingstone
24 with DIAND. Perhaps one (1) of a clarification.

25 I'm wondering, as I understand it and I

1 may be wrong here and perhaps I can be corrected. The
 2 funding for this proposal is -- is private, private
 3 sector funding. The TD Bank I gather is -- is providing
 4 the bulk of the resources and in addition to the -- the
 5 equity that's being provided by the Proponent.

6 I'm wondering what the Government of
 7 Northwest Territories financial interest in the project
 8 would be? Whether the GNWT is providing loan guarantees
 9 or -- or anything like that for the project?

10 THE CHAIRPERSON: Thank you, Mr.
 11 Livingstone. Mr. Neudorf...?

12 MR. RUSSELL NEUDORF: Thank you, Mr.
 13 Chairman. We are -- our Territorial Government, along
 14 with the Federal Government, have been supporting the Deh
 15 Cho Bridge Project as they move this proposal forward,
 16 and as we are entering into negotiations, detailed
 17 negotiations, so we have provided -- both Governments
 18 have provided contributions to the -- the alliance, and
 19 then the Deh Cho Bridge Corporation.

20 In terms of the ongoing financial
 21 commitments, we currently have a loan guarantee with the
 22 Deh Cho Bridge Corporation, that they are using to draw
 23 upon at the bank. Their fund, the further development of
 24 the Project, the financial arrangements and the GNWT's
 25 commitment, the Bridge Corporation's commitment, will be

1 all laid out in the Concession Agreement that, as I
 2 indicated, we're certainly still negotiating on, in
 3 nearing completion of that agreement.

4 It will lay out the -- the financial
 5 arrangements between the GNWT, the Bridge Corporation,
 6 and for the construction and also the operation period of
 7 the Project. There are -- the GNWT is making some --
 8 some financial commitments as part of that:

9 First, that we'll collect the toll and
 10 dedicate that revenue to the bridge; second, that we will
 11 take the savings from existing ferry-crossing and ice-
 12 bridge construction, and dedicate that to the Project,
 13 and then providing equity guarantees to the Deh Cho
 14 Bridge Corporation.

15 So these were laid out in the Memorandum
 16 of Intent that we assigned -- assigned with the Bridge --
 17 Bridge Corporation about a year ago or two (2) years ago,
 18 that the Government guarantees a rate of return of 4 1/2
 19 percent on equity and then as those returns increase, you
 20 get to a point where the Bridge Corporation and the GNWT
 21 will go share in further enhanced returns.

22 Thank you.

23 THE CHAIRPERSON: Thank you. Mr.
 24 Livingstone...?

25 MR. DAVID LIVINGSTONE: Yes, one (1) --

1 one (1) follow-up. So would -- would it be fair to
2 characterize the GNWT's role as a -- a financial backstop
3 on the Project, in effect, providing a security
4 arrangement?

5 MR. RUSSELL NEUDORF: Thank you, Mr.
6 Chairman.

7 Our role, we have always said, is a
8 partner with Deh Cho Bridge Corporation, so we don't
9 characterize it as a backstop. Having said that, the
10 Government is providing the guarantees required to make
11 the Project financeable. Thank you.

12 THE CHAIRPERSON: Thank you. Any further
13 questions from DIAND for the Government of the Northwest
14 Territories?

15 MR. DAVID LIVINGSTONE: No further
16 questions, thank you.

17 THE CHAIRPERSON: Thank you very much. I
18 will now ask if the public have any questions for the
19 Government of the Northwest Territories, regarding the
20 proposed development, and I will also note, I am told,
21 that members, or students from the local College are
22 here, so I would encourage them to raise a hand and have
23 a microphone brought to them if they do have any
24 questions.

25 So if any of the members of the public

1 have any questions regarding the Project, for the
2 Government of the Northwest Territories at this time,
3 please identify yourselves.

4
5 (BRIEF PAUSE)

6
7 THE CHAIRPERSON: Okay. We will now ask
8 if the Board Members have any questions that they would
9 like to ask. We will start down at this end of the table
10 with Mr. Loomis.

11 MR. JERRY LOOMIS: I have no questions,
12 Mr. Chair.

13 MR. DANNY BAYHA: Thank you, Mr. Chair.
14 I just have one (1) question, and on page 4 of 6, you
15 mentioned that the DCBC is responsible for obtaining all
16 land and water licenses.

17 I guess, should the toll requirements that
18 you need land to set up a booth or whatever, who's
19 responsibility is it? Would it be -- would it be DCBC,
20 or the GNWT? Thank you.

21 MR. RUSSELL NEUDORF: Thank you, Mr.
22 Chairman. As noted in my presentation, the Government of
23 the Northwest Territories is responsible for the
24 collection and administration of the toll related to the
25 bridge.

1 And so any facilities that may be
2 required, and I would reiterate that we have not made a
3 final decision yet on how those tolls will be collected.
4 We have certainly done a lot of background
5 work but we're not -- have not made the final commitment
6 yet.

7 If there would be additional -- well,
8 first is there is a -- some kind of a toll facility
9 required near the bridge site our first option or first
10 desire would be to make sure that that or see if that
11 could be fit within the existing right of way of the
12 highway.

13 And if we carry on our analysis and find
14 that we need a little bit extra land then we would go
15 through the process laid out with DIAND to see -- to
16 secure that extra land that may be required as part of
17 the project. Thank you.

18 MR. DANNY BAYHA: Thank you.

19 THE CHAIRPERSON: Gabrielle, any
20 questions for the Government of Northwest Territories?
21 Okay. We'll come back to you, we'll just move on down
22 the line and then come back.

23 Mr. Stevenson...?

24 MR. JOHN STEVENSON: No questions,
25 thanks.

1 THE CHAIRPERSON: Mr. Ondrack...?

2 MR. JOHN ONDRACK: No questions.

3 THE CHAIRPERSON: I guess we're back to
4 you, Gabrielle.

5 MS. GABRIELLE MACKENZIE-SCOTT: My
6 questions are on the cost benefits. Originally the
7 Nunavut and Chamber of Mines, you know, had raised
8 concerns because of the costs that would be, I guess,
9 concurring for business people.

10 Since then their -- you know, concerns has
11 been with John, but, I also see in your -- on -- no, on
12 page 5 that there's the overall cost for a community
13 resupply, there's going to be a toll that's -- that's --
14 it's six dollars (\$6.00) per tonne. I'm just wondering
15 whether, you know, that per tonne is just something
16 that's going to be a fixed cost for a short while or
17 whether that would increase?

18 Because, ultimately, people know -- there
19 will be a cost that gets picked up somewhere. So I'm
20 just wondering whether -- how that -- you know, how the
21 general public can be assured that there's not going to
22 be such a jump in cost because, oh, no we've discovered
23 the bridge costs far too much than we'd anticipated.

24 So I'm just wondering how -- whether there
25 is a way to insure that, you know, the public will not

1 have to pay such a big cost. The public, meaning, just
2 ordinary people. It doesn't really mean people who are
3 in the business who, you know, make the money. But, more
4 to the general public.

5 So I'm just wondering, I know you did cost
6 benefits, so if you can be able to answer?

7 MR. RUSSELL NEUDORF: Thank you and I
8 hope I can address your question here. Yes, we did a
9 benefit cost analysis and as I mentioned, the results of
10 that analysis indicated that on whole -- so if you look
11 at society, in general, that the benefits are in the
12 range of seven dollars (\$7) a tonne, our toll will be in
13 the range of five to six dollars (\$5 to \$6) a tonne.

14 So that's -- when I talk about the net
15 benefit that we would expect from the project, the -- in
16 terms of toll -- toll setting, the initial toll rate will
17 be set as -- once we sign the concession agreement or
18 just before we sign the concession agreement.

19 At that point, we will know, we will have
20 a tendered price, maximum price from a contractor. We
21 will know what all the other financing costs are. We
22 will know the toll collection costs.

23 We will plug those into the financial
24 model that we have developed for this project and it will
25 tell us what the toll rate would be. We have committed

1 that that would be in the five to six dollar (\$5 - \$6) a
2 tonne range.

3 And we certainly hope to be as low in that
4 range, as possible. As the project goes on the Deh Cho
5 Bridge Act does lay out that it's the Minister and
6 Executive Council that has the right at that toll. So
7 this was an issue that came up as part of the public
8 consultations that we did with that on the Deh Cho Bridge
9 Act.

10 Some assurances about the future toll rate
11 and the decision made at that time, was that it would --
12 if there was going to be any change that it would need to
13 be the Minister and Executive Council of the GNWT that
14 would decide on that or need to authorize it.

15 The agreement though, the financial
16 arrangement that we're going to have, enter into with the
17 Bridge Corporation, when we set that initial toll, it
18 will look at the thirty-five (35) year period and we're
19 certainly not planning on any extraordinary increases in
20 the toll. Except for that, the toll will increase
21 annually with inflation.

22 So we've agreed with the Bridge
23 Corporation that that toll rate would -- would increase
24 as -- as inflation increases. And that's a -- it's a
25 reasonable way to approach a user fee to ensure that the

1 level of the fee charged stays in line with other
2 expenditures that are happening in the economy. Thank
3 you.

4 MS. GABRIELLE MACKENZIE-SCOTT: I want
5 one (1) cleared because you're going to be the toll
6 collector. Do the general public have to be pay toll
7 like just the general citizen?

8 MR. RUSSELL NEUDORF: Right. The Deh Cho
9 Bridge Act does -- the toll could be charged to any
10 vehicle that uses the bridge. We have committed, our
11 Premier is on the record as saying that the toll will
12 only be charged to commercial vehicles. So that the toll
13 would only be charged to the -- to the large trucks that
14 use the bridge. Thank you.

15 THE CHAIRPERSON: All right. Well, thank
16 you very much. The next presentation that we're
17 scheduled to receive is the Department of Fisheries and
18 Oceans.

19
20 (BRIEF PAUSE)

21
22 MR. ERNIE WATSON: Thank you, Mr.
23 Chairman, Members of the Board. What follows is DFO's
24 summary of the issues that are arising from our review of
25 the Deh Cho Bridge Corporation's proposal of Mackenzie

1 Valley -- Mackenzie River Bridge.

2 First of all, the mandate of the
3 Department of Fisheries and Oceans is to conserve and
4 protect fish and fish habitat to ensure the sustainable
5 fisheries of all Canadians. The Fisheries Act provides a
6 legal basis for this responsibility. The Fisheries Act
7 is a federal legislation establishing -- established to
8 manage and protect Canada's fisheries resources.

9 It contains specific sections designed to
10 protect fish and fish habitat. These include Section 32
11 which prohibits the destruction of fish by means other
12 than fishing prior to approval. Subsection 35.1 of the
13 Fisheries Act states that no person shall carry on any
14 work or undertaking that results in harmful alteration,
15 disruption or destruction of fish habitat.

16 However where it cannot be avoided or
17 mitigated, the Minister of Fisheries and Oceans may
18 authorize the add of fish habitat harmful alteration,
19 disruption or destruction of fish habitat pursuant to
20 Subsection 35.2.

21 It is DFO's policy that Section 35
22 authorizations are only issued when appropriate measures
23 to compensate for any harmful alteration, disruption or
24 destruction are developed and/or implemented.

25 Subsection 36 prohibits the deposit of

1 deleterious substances into water frequented by fish.
2 Sediment is also considered a deleterious substance under
3 this Section. Environment Canada currently administers
4 and enforces Section 36 of the Fisheries Act.

5 DFO's review of this project was limited
6 to the potential impacts of the project pursuant to the
7 responsibilities of DFO pursuant to the habitat
8 protections of the Fisheries Act.

9 There are a couple of specific issues that
10 arose from our review. The first of which were at the
11 proposed footprint approaches, detour and bridge piers
12 would cause a harmful alteration that -- the permanent
13 destruction of fish habitat.

14 More specifically the in filling of fish
15 habitat caused by the construction of the eight (8)
16 piers, the widening of the south and north approaches,
17 including a detour road on the north approach, would
18 result in destruction of approximately ten thousand two
19 hundred thirty (10,230) square metres of fish habitat.

20 However, some infrastructure related to
21 the ferry operation will not be needed after the
22 completion of the bridge. The developer has proposed to
23 reclaim two (2) areas which are part of the existing
24 infrastructure.

25 These areas are the North Ferry landing

1 which projects out into the Mackenzie about eighty (80)
2 metres past the proposed bridge approach and the South
3 ferry landing in Ferry haul-out area. The total
4 reclaimed area would be about thirteen thousand eight
5 hundred (13,800) square metres.

6 So when strictly -- looking strictly as
7 habit lost and gained, the project would result in a net
8 gain of about thirty-five hundred (3500) square metres of
9 fish habitat. So on the surface the objective no net
10 loss of fish habitat would be met by this project.

11 It is DFO's position that the -- the
12 harmful alterations, the construction of the bridge and
13 supports and approaches will result of destruction of a
14 high quality in spawn fish habitat.

15 DFO typically requires the ratio of
16 gained habitat to lost habitat are greater than 1:1 when
17 high quality habitat isn't being impacted to account for
18 the time lag between establishing replacement habitat
19 and the time it becomes functional fish habitat and the
20 uncertainties involved with the successful replacement of
21 lost habitats.

22 DFO's position is that additional habitat
23 would be required to achieve the objective no net loss
24 in this case. There has been a tentative resolution to
25 this issue. There's been a tentative agreement to remove

1 the backfill material associated with the existing winter
2 crossing approaches.

3 The removal of these approaches would
4 restore and preserve approximately five thousand (5000)
5 square metres of important shoreline, spawning and
6 rearing areas. The total habitat gains associated with
7 the habitat restoration works are anticipated to achieve
8 the required compensation to offset the impacts of the
9 fish habitat.

10 We provide -- the winter crossing is
11 presently being operated by the Government of Northwest
12 Territories and will be abandoned after commissioning of
13 the Deh Cho Bridge.

14 Our recommendation to the Board is that
15 the approach backfill material beyond which that will be
16 removed as part of the agreed upon habitat restoration
17 works will be removed as well, so that the approaches of
18 the winter road crossing not be abandoned but be
19 completely restored to productive fish habitat.

20 The second issue that came up during our
21 review was related to the installation of the sheet pile
22 cofferdams. Pile driving activities produce shock waves
23 in the water which have the potential to be lethal to
24 fish.

25 The destruction of fish by means other

1 than fishing, of course, is prohibited under Section 32
2 of the Fisheries Act. There is a resolution that has
3 been agreed upon with the developer. The developer has
4 agreed to develop and implement a program which will
5 monitor the pressure changes in the water during the pile
6 driving activities.

7 DFO will provide the Proponent guidance in
8 developing this monitoring plan. Upon implementing the
9 monitoring plan, should it be determined that the
10 pressure waves generated by the pile-driving activities
11 are at levels which may impact fish, the Proponent will
12 implement all reasonable mitigation measures to minimize
13 these pressure changes and minimize the potential to --
14 to fish habitat.

15 After implementing these measures, if
16 further monitoring indicates that pressures are generated
17 by the activities or levels which may impact fish,
18 Section 32, Fisheries Act authorization for the
19 destruction of fish would be issued.

20 Our recommendation to the Board is that
21 the Proponent implement the monitoring program to
22 determine the pressure changes during these pile driving
23 activities and mitigation should be implemented to
24 minimize the pressure changes and impacts to fish.

25 The third issue that was identified was --

1 and need to be resolved was the -- involved the issue of
2 disposal of excavated materials from within the
3 cofferdams directly into the river. After insulation of
4 the pure -- pure cofferdams, riverbed material will be
5 excavated and disposed of directly into the water.

6 The DFO usually requires that any
7 excavated material be deposited where it cannot get back
8 into any waterway. This is because the suspended
9 particles in the water can be harmful for fish and
10 deposit of sediments downstream can harm fish habitat.

11 It is the developer's position that the
12 disposal of excavated material is offsite; it is not in
13 the -- is difficult and costly. The excavation of the
14 material during the winter months was not feasible.
15 Because of the ice thickness, it would not be
16 sufficiently thick to allow people to work from the ice
17 surface.

18 Although mitigation proposed is that only
19 one (1) cofferdam would be excavated at one (1) time and
20 this cofferdam would only be excavated over a minimum
21 period of eight (8) hours.

22 Also, the Proponent has committed to
23 implement water quality sampling program with a feedback
24 monitoring objective to maintain water -- water quality
25 standards for turbidity and suspended solids according to

1 CCME guidelines.

2 After analysis of the projected sediment,
3 load and discharge of the Mackenzie River at the time of
4 construction, DFO is satisfied that the proposed disposal
5 of excavated material entering the river will have
6 minimal impacts on downstream fish habitats, provided the
7 monitoring plan and mitigation measures are implemented
8 as proposed.

9 As our recommendations to the Board that,
10 the Proponent achieve these guidelines -- these water
11 quality guidelines for TSS and turbidity during any in-
12 water activities. And that concludes our -- my
13 presentation and we appreciate this opportunity to
14 present our submission.

15 THE CHAIRPERSON: All right. Thank you
16 very much. And with that, thank you for your
17 presentation. If you're able to hang in there for a
18 minute, we'll go through the different parties, the
19 public and the Board and see if they have questions that
20 you might be able to help us out with.

21 We'll start with the Deh Cho Bridge
22 Corporation, do you have any questions or points of
23 clarification for DFO? Please go ahead.

24 MR. ANDREW GAMBLE: Yes, thank you. I
25 think you made it clear in -- in your presentation that

1 removal of material from the North and South Ferry
2 Landings as well as the ice road approaches to create
3 fish habitat is a good thing, however, it does result in
4 the production of waste material.

5 Do you have any views on where that waste
6 material should be put? Disposed of?

7 THE CHAIRPERSON: Go ahead. If you're
8 comfortable in responding, please do.

9 MR. ERNIE WATSON: DFO would have no
10 recommendations other than it being deposited above the
11 high water mark where it will not enter any other water
12 course.

13 THE CHAIRPERSON: Any further questions?
14 Government of the Northwest Territories, any questions
15 for the Department of Fisheries and Oceans, please?

16 MR. PAUL COBBAN: Paul Cobban with the
17 GNWT. We have no questions at this time.

18 THE CHAIRPERSON: Environment Canada..?

19 MR. MIKE FOURNIER: Mike Fournier,
20 Environment Canada, we have no questions at this time,
21 Mr. Chairman.

22 THE CHAIRPERSON: Mr. Livingstone, does
23 DIAND have questions for DFO?

24 MR. DAVID LIVINGSTONE: No, we don't.

25 Thank you.

1 THE CHAIRPERSON: We will now, once again,
2 go to the public and see if there are any questions
3 before we go to the Board.

4 So do any of the members of the public or
5 non-registered parties for the Department of Fisheries
6 and Oceans?

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: If you do, just raise
11 your hand we'll make sure a microphone is brought to you.
12 All right. Thank you. We will now as the Board if there
13 are questions for DFO, starting with Mr. Loomis.

14 MR. JERRY LOOMIS: No, questions here.

15 THE CHAIRPERSON: Mr. Bayha...?

16 MR. DANNY BAYHA: Thank you, Mr.
17 Chairman. I just have a couple of questions. On your
18 presentation on page 3, you have some -- some numbers
19 there.

20 For those of us who are not raised in
21 metric would you maybe able to give us some idea, what is
22 10,230 cubic metre or square metres is, in terms of the
23 area? Give us some context so we understand -- people
24 here understand what you're talking about in these two
25 (2) -- two (2) pictures. Thank you.

1 MR. ERNIE WATSON: I'm not exactly sure
 2 because I've been raised in metric and not square feet so
 3 it's hard to give a context. But it would be a
 4 significant area, more than a couple of football fields.
 5 MR. DANNY BAYHA: In term of kilometres
 6 because these are all in metres, would you just give us
 7 some idea in kilometres, because people have speed
 8 kilometre-wise so they may have some understanding.
 9 Thank you.

10 MR. ERNIE WATSON: It is about one (1)
 11 square kilometre that we're talking about.

12 MR. DANNY BAYHA: So on the very last
 13 picture under reclaimed, it says:
 14 "The project will result in a gain of
 15 three thousand five hundred and seventy
 16 (3570) square metres of fish habitat."
 17 And that's a kilometre or is that three
 18 and half (3 1/2) kilometres?
 19 MR. ERNIE WATSON: That's point three (.3)
 20 kilometre.
 21 MR. DANNY BAYHA: Oh, that's point three
 22 (.3).
 23 MR. ERNIE WATSON: I believe so.
 24 MR. DANNY BAYHA: Well, if there's three
 25 thousand (3000), so maybe it's just a --

1 THE CHAIRPERSON: We'll let the Deh Cho
 2 Bridge Corporation answer that if you want.
 3 MR. DANNY BAYHA: Okay, thank you.
 4 THE CHAIRPERSON: Thank you.
 5 Would you like to try and give us some
 6 spacial context for these figures here?
 7 MR. ANDREW GAMBLE: I was raised in
 8 imperial but I've learned metric. Ten thousand (10,000)-
 9 - so thirteen thousand (13,000) is a little more than ten
 10 thousand (10,000) square metres, that would be three (3)
 11 -- a bit over three hundred (300) feet by three hundred
 12 (300) feet, which is about one-one hundredth (1/100) of a
 13 square kilometre. A hundred (100) metres by a hundred
 14 (100) metres.
 15 MR. DANNY BAYHA: Well, that's a little
 16 bit better yes, to at least give it some context.
 17 Appreciate it. Thank you.
 18 THE CHAIRPERSON: Thank you, Mr. Gamble
 19 and thank you, Danny.
 20 Gabrielle, do you have any questions for
 21 DFO now?
 22 MS. GABRIELLE MACKENZIE-SCOTT: You
 23 listed a lot of like the Fisheries Act and I'm sure the
 24 developers have tried to look into all the permits and
 25 whatever, legislation and regulation that is required of

1 them.

2 But with you listing the Act, I also
3 wondered if they didn't meet the requirements of what
4 you're saying by the Fisheries Act, like what kind of
5 authorization, how will you implement these -- these
6 Acts?

7 What I'm trying to get at is, is there a
8 way that -- I know you put on some resolutions. But if
9 those resolutions are not met, then the Act also takes
10 precedence too.

11 So I'm just wondering how that will come
12 into play if --

13 MR. ERNIE WATSON: If these matters are
14 not resolved, DFO would not be prepared to -- to grant
15 the developer their authorization to do this work. So
16 these measures would need to be implemented in order to
17 satisfy our concerns on their impacts to fish and fish
18 habitat.

19 MS. GABRIELLE MACKENZIE-SCOTT: The other
20 question I wanted to ask was, in terms of, I don't know
21 about, you know, the local traditional knowledge, because
22 that hasn't kind of come into play.

23 In terms of you know, database collection
24 and just the knowledge of, you know, the fisheries in the
25 area of -- in the area that, you know, we're concerned

1 about, what database is out there?

2 From what we heard from GNWT, they have,
3 you know, years of -- of I guess, information built up
4 from running, you know, the river, not the river, the
5 winter road. But in terms of DFO, for all the time that,
6 you know, the -- the winter road has been in operation,
7 what has DFO done to oversee the monitoring of the fish
8 and the life span of the fish from, back from 1968 on?

9 I mean, I'm just using that date that was
10 thrown around, so what can you tell us about that?

11 MR. ERNIE WATSON: There's very little
12 information I can tell you. I am not aware of any other
13 databases out there regarding the monitoring of fish life
14 history in this area. That's not to say that it does not
15 exist, I am just not aware of it.

16 THE CHAIRPERSON: So the baseline data
17 that has been used or is used is minimal; is that what
18 you are saying here?

19 MR. ERNIE WATSON: We reviewed the
20 Project on the Developer's Assessment Report.

21 THE CHAIRPERSON: On the Developer's
22 Assessment Report. All right. Thank you.

23 MS. GABRIELLE MACKENZIE-SCOTT: The other
24 -- the other question I was raising through was in terms
25 of the local knowledge of the people. Usually in some --

1 some environmental assessment we do, local people come
2 forth and say: This is the kind of fish that's here and
3 they can list about ten (10).

4 I don't think I have that on record by,
5 you know, local participants. So I am just wondering,
6 you know, because they are the ones who live here and
7 they're the ones who eat the fish and would know also the
8 fish's habitat. So I am just wondering how that can be
9 put on public record?

10 THE CHAIRPERSON: Is that a question for
11 DFO? Or would it be more general to the Proponent?

12 MS. GABRIELLE MACKENZIE-SCOTT: It would
13 be more general to the -- probably to the Proponent.

14 THE CHAIRPERSON: If you wish to comment
15 on that, feel free, however, as Gabrielle has indicated,
16 that's more of a general statement on the use of
17 traditional knowledge in the Project development.

18 So, if you wish to respond, please do so,
19 otherwise we will see if Gabrielle has other questions
20 and move on down the line.

21 MR. ERNIE WATSON: It was my impression
22 from the Developer's Assessment Report that the
23 consultant who evaluated the habitat, also consulted with
24 -- from -- with local knowledge.

25 THE CHAIRPERSON: John Stevenson...?

1 MR. JOHN STEVENSEN: Thank you. I just
2 have one (1) question.

3 THE CHAIRPERSON: I'm sorry. One (1)
4 moment please. I apologize. Go ahead.

5 MR. RICK SANDERSON: Yes, Rick Sanderson
6 with the Resource Management Board. Just to let you
7 know, DFO has been sponsoring a fish study program here
8 for the last ten (10) years. And I do believe Golder
9 Associates has all that information and your Department
10 had been sponsoring it there. Thank you.

11 THE CHAIRPERSON: Thank you very much.
12 And thank you again. But we will just carry on and see
13 if there is other questions from our Board Members, and
14 then, I believe Mr. Donihee has a question as well.

15 So, John Stevenson, please.

16 MR. JOHN STEVENSEN: Thank you.
17 Potentially a two (2) part question, depending upon the
18 answer. It's actually Slide 7, which I believe is about
19 three (3) or four (4) more slides. It's the DFO's
20 position on no net loss.

21 They use the HADD, which is the Harmful
22 Alteration Disruption and Destruction method, I suppose,
23 of determining habitat. And I assume there's a -- you
24 could have low, medium, high value in habitat; is that
25 correct?

1 MR. ERNIE WATSON: That's correct.

2 MR. JOHN STEVENSEN: So is the highest
3 the high or is there a higher level than high? How high
4 is this -- how high is the quality of the habitat where
5 the bridge is going, is what I want to know.

6 MR. ERNIE WATSON: It was our opinion
7 that it was fairly important for fish habitat, for fish
8 usage.

9 MR. JOHN STEVENSEN: The reason I -- I
10 guess the reason I ask is that you determined it's a
11 ratio of 1:1. I mean, you're basically determining that
12 the habitat lost is less than the habitat gained.

13 And with a ferry crossing back and forth
14 there all the time, I'm wondering how that's possible.

15 MR. ERNIE WATSON: We -- we did take into
16 account, we are not -- we took into account in our
17 assessment what is there currently and not the practices
18 of the ferry landing -- at this time, but what it will be
19 in the future.

20 And what is being covered up through the
21 approaches is fairly important to ensure spawning and
22 rearing habitat, even with the -- the ferry operation as
23 it exists.

24 THE CHAIRPERSON: John Ondrack...?

25 MR. JOHN ONDRACK: Thank you. I refer

1 you to page 5, the second slide. Something you said
2 triggered me here. The second recommendation in there
3 that you had made to us, seems to imply a third party,
4 another party here, other than the developer. And I
5 wonder if you could expand on what that point means.

6 What I'm basically saying is -- is that
7 the developer has agreed with you on how to deal with
8 this extra material. But this slide -- or this point
9 seems to talk about other material now and doesn't
10 specifically say who's getting rid of it.

11 THE CHAIRPERSON: Go ahead.

12 MR. ERNIE WATSON: It was our assessment
13 that we required five thousand (5,000) square metres --
14 or up to five thousand (5,000) square metres of
15 additional habitat gain to offset the loss predicted by
16 the -- the bridge construction.

17 We haven't done a detailed survey of the
18 approaches. And there could be more than five thousand
19 (5,000) square metres of in-fill associated with the
20 winter crossings.

21 And our recommendation to the Board was
22 that this material should be above and beyond what we
23 have agreed to with the developer should be removed and
24 remediated to protect the fish habitat.

25 MR. JOHN ONDRACK: Do you -- do you have

1 any idea then who might be responsible for the removal if
2 it's not the developer? Are we -- like, I don't know how
3 we bring this in.

4 MR. ERNIE WATSON: And I'm not sure.
5 That was just a recommendation from our department, is
6 that the -- the fill associated with the current
7 approaches of the winter crossing should be completely
8 removed. And now my understanding, as the developer
9 assessment report states, is it's the responsibility of
10 the GNWT currently for those facilities.

11 MR. JOHN ONDRACK: So this is a
12 decommissioning issue with respect to the ferry crossing
13 in some sense; yes?

14 MR. ERNIE WATSON: Yes.

15 MR. JOHN ONDRACK: Thank you.

16 THE CHAIRPERSON: Mr. Gamble, you have a
17 comment?

18 MR. ANDREW GAMBLE: Mr. Chairman, yeah, I
19 think there just might be a grammatical misunderstanding
20 perhaps.

21 I think the -- because we've had
22 subsequent conversations with DFO and the intent is that
23 -- there's a tentative agreement that the -- the
24 developer, in other words, the Bridge Corporation would
25 be removing that additional material as additional

1 compensation to meet DFO's objectives of better than no
2 net loss.

3 So it's -- it's -- when it says:
4 "Beyond that, which is removed by the
5 developer."

6 It means beyond that which is proposed in
7 the current -- the current Application, not by somebody
8 else.

9 MR. JIVKO KIVKOV: The assumption -- the
10 four fingers (phonetic) of the winter crossing haven't
11 been surveyed and we estimated them at a little bit over
12 five thousand (5,000) square metres. The DFO
13 compensation would be satisfied with the removal of five
14 thousand (5,000) cubic metres against the damage that the
15 bridge causes to the fish habitat.

16 The way I understood Fisheries and Oceans,
17 they're recommending to the Board that if the fingers are
18 more than five thousand (5,000) -- would be good to
19 remove the whole thing, not only the five thousand
20 (5,000) cubic metres would count for compensation against
21 the bridge damage.

22 And this is where probably -- well, GNWT
23 has to be involved in the whole thing because that's a
24 transportation facility. And they have to be consulted
25 on the removal, of course. And they have to be

1 participating in establishing parameters and timing of
2 the removal of their own facility.

3 But as a compensation for the lost
4 habitat, the DFO is establishing only five thousand
5 (5,000) cubic metres from these fingers to be removed by
6 -- for the compensation purposes. Although I do prefer -
7 - they do prefer to have the whole thing out.

8 MR. ERNIE WATSON: That's correct.

9 THE CHAIRPERSON: Okay, thank you. John,
10 does that help address your question? All right. Thank
11 you, Jivko, as well.

12 We'll now ask for Mr. Donihee to pose his
13 question to you, please.

14 MR. JOHN DONIHÉE: Thank you, Mr.
15 Chairman, I hesitate to wade back into that, but I just
16 do want to be clear going forward about one (1) thing,
17 Mr. Watson, or perhaps the Bridge Corporation can help.

18 Was the -- or this idea that this
19 additional area might be reclaimed to fish habitat in
20 order to meet the no net-loss requirements of DFO, was
21 that part of the original proposal made by the Bridge or
22 is this something that has emerged as a result of your
23 negotiation effort on the no net-loss issue?

24 MR. ERNIE WATSON: It is something that
25 has emerged after the submission was presented and it is

1 a result of our negotiations.

2 MR. JOHN DONIHÉE: And assuming that the
3 five thousand (5,000) cube -- sorry, it's five thousand
4 (5,000) square metre area is going to be reclaimed, does
5 that take care -- I mean, I realize as well you might
6 like more, but -- but would the five thousand (5,000)
7 square metres meet your no net-loss requirement and
8 completely mitigate the fish habitat impacts that are
9 propo -- or predicted for this development?

10 MR. ERNIE WATSON: Yes.

11 MR. JOHN DONIHÉE: I had a couple of
12 other questions. I think it's your last -- second last
13 slide - not the "thank you" slide - but the one before
14 that, and you say there that the -- your department is
15 satisfied that the disposal of excavated materials will
16 have minimal impact on downstream fish habitats.

17 Is it safe to conclude that if managed in
18 accordance with the directions of your Department, there
19 won't be any significant impacts on fish either?

20 MR. ERNIE WATSON: The -- as stated
21 before, the Section 36 provisions of the Fisheries Act --
22 pollution prevent -- prevention provisions are
23 administered by the Environment Canada, but it is our
24 opinion after reviewing the material there will be
25 minimal impacts to fish and fish habitat, but I would

1 defer to Environment Canada regarding the specifics of
2 their impacts to fish.

3 MR. JOHN DONIHÉE: Thank you, sir. The
4 reason I'm asking these question is that, of course, the
5 Review Board is here to get the information it needs to
6 make determinations about significance of impacts. And
7 when you make, you know, for example, your -- your very
8 last slide, I guess, the recommendation about the CCME
9 water quality guidelines.

10 You know, I guess the question I would
11 have for you with respect to those is that assuming that
12 those turbidity requirements are met, is it safe -- I
13 mean, I understand that if they aren't and fish die, that
14 enforcement can take place. But that doesn't necessarily
15 tell the Review Board whether -- let me very crass about
16 it, a few dead fish may not necessarily be a significant
17 environmental impact.

18 Would you agree?

19

20 (LAUGHTER)

21

22 MR. ERNIE WATSON: The destruction of
23 fish, of any other means by fishing, it would be a
24 contravention of the Fisheries Act.

25 MR. JOHN DONIHÉE: I do understand that

1 and I guess I won't push you about the other question.
2 Thank you.

3 THE CHAIRPERSON: Thank you very much.
4 That's all the questions that we have for you at this
5 time. Thank you for your presentation.

6 We'll now ask Environment Canada to come
7 forth and give the presentation that they have.

8

9

(BRIEF PAUSE)

10

11 MR. MIKE FOURNIER: Thank you, Mr.
12 Chairman. I'd just like to start off by saying that
13 Environment Canada, at this time, really doesn't have any
14 outstanding issues with the Proponent in regard to this
15 project.

16 And that the Proponent during the course
17 of our review and discussions with them has been very
18 forthcoming with information and responded to all of our
19 requests and all of our questions, really quite well.
20 And I have to commend them for that.

21 And that largely has resulted in the fact,
22 that we have no outstanding issues at the moment. So,
23 our presentation will essentially go through what some of
24 the issues were that we have come to resolution on. And
25 some of the areas that -- the areas that our review

1 covered.

2 So, when Environment Canada conducted
3 their review we looked at certain areas of our mandate,
4 specifically migratory birds, species at risk, water
5 quality, and cumulative effects.

6 And as I mentioned earlier in the course
7 of meetings and two (2) rounds of Information Requests,
8 many questions and concerns were addressed. And the last
9 of those was resolved about a week or so ago, but we'll
10 come to that in a minute.

11 Environment Canada's mandate basically
12 comes from these pieces of legislation, the Department of
13 the Environment Act, the Migratory Birds Convention Act
14 and Migratory Birds Regulations, the Species at Risk Act,
15 Fisheries Act, as Ernie mentioned earlier the Pollution
16 Prevention provisions, Section 36(3) and the Canadian
17 Environmental Protection Act.

18 One (1) of our main concerns about the
19 construction of the bridge was -- had to do with
20 migratory birds and bird migration up and down the
21 Mackenzie River. The Mackenzie River is considered a
22 significant corridor for bird migration and essentially
23 the bridge presents an obstacle to bird migration up and
24 down the river.

25 And our concerns were that, I think most

1 of the time, the birds will -- will simply fly around or
2 above or below the bridge. But, under certain
3 circumstances of low light conditions, it's entirely
4 possible that there will be significant bird strikes on
5 the bridge, conditions particularly during fall
6 migration, during darkness and during periods of fog,
7 possibly during spring and fall migration, as well.

8 So, we proposed a number of mitigation
9 measures to -- to address these concerns. And the
10 Proponent has been very good at adopting those measures.
11 And we're fairly -- fairly confident that if all of those
12 measures are adopted and implemented by the Proponent
13 that this shouldn't be a major, a major problem.

14 The second part of our migratory bird
15 concerns, were the fact that we expect the bridge to
16 attract nesting birds, particularly swallows, possibly
17 ravens and possibly also raptors like the peregrine
18 falcon which is a species which is listed under the
19 Species at Risk Act.

20 And the potential for maintenance
21 activities on the bridge, to destroy or disrupt these
22 birds that are nesting on the bridge. And, of course, if
23 the maintenance activities were to destroy a nest, that
24 would be a direct contravention of the Migratory Birds
25 Convention Act, Section 6.

1 So once again between the Proponent and
2 their consultants and Environment Canada, we managed to
3 come up with some mitigation measures to try to prevent
4 this from happening. The consultant has been very -- the
5 Proponent has been very good at adopting those mitigation
6 measures.

7 And if those measures are implemented, we
8 expect again, that there will be minimal impact. And
9 this is a -- a list of the mitigation measures that the
10 Proponent has agreed to adopt.

11 Timing of -- of maintenance activities is
12 a key consideration. Most of this potential impact can
13 be mitigated simply by conducting maintenance activities
14 outside of the migratory bird breeding season.

15 The Species at Risk Act came into full
16 effect on June 1, 2004, so this -- this was part of our
17 review. We had some concerns regarding species at risk
18 in the area of the bridge development. The Proponent
19 initially did a very good assessment of species at risk
20 that were listed under COSEWIC under federal legislation.

21 One (1) of our concerns was that they had
22 failed to address species that were considered sensitive
23 or may be at risk by the Government of the Northwest
24 Territories. And best practice in environmental
25 assessment suggests that you should look at both listed

1 species and rare species.

2 As part of the rationale for the Species
3 at Risk Act is to prevent rare species from becoming
4 endangered or threatened. So this was -- this was the
5 rationale for us requesting that the Bridge Corporation
6 look at rare species listed by the Government of the
7 Northwest Territories.

8 They have recently agreed to do so and I
9 understand they have or will be hiring a consultant to
10 look at these species and if -- if need be, if there are
11 potential impacts on rare species, they will develop
12 further mitigation and monitoring to address those
13 issues.

14 Water quality is another area that
15 Environment Canada typically looks at in these types of
16 project proposals. And this is not my area of expertise
17 so I'll read more off the slides in this case:

18 "Water quality may be affected by
19 release of sediment and/or discharge of
20 the water of unacceptable quality into
21 the Mackenzie River.

22 And this could occur during excavation
23 of the south haul-out and north ferry
24 landing areas. During the pump out of
25 water from within the cofferdams and

1 due to the use of road salts at the
2 approaches to the bridge."

3 The Proponent has acknowledged that
4 excavation of backfill from within the north causeway and
5 south haul-out areas will result in some materials being
6 washed downstream. Some of the concerns were that this
7 water may be of high PH and -- and sediments and perhaps
8 there may be an ammonia issue there as well.

9 And the calcium chloride, the salt issue
10 was an issue that developed as a result of the need to
11 suppress dust. So the Proponent has committed to the
12 following mitigation measures.

13 Use of silt curtains and other appropriate
14 field measures to minimize migration of suspended solids
15 into the river. Field monitoring of turbidity and/or
16 total suspended solids to determine appropriate
17 excavation and discharge rates for removal of fill
18 materials and de-watering of pier cofferdams such that
19 CCME guidelines are not exceeded in the receiving
20 environment.

21 Field monitoring of water quality for
22 salinity and conductivity will be conducted to confirm
23 calcium chloride is not migrating from the detour roads
24 into the river.

25 And just to remind the Proponent and

1 everyone else that any water to be discharged must be
2 confirmed to be non-deleterious prior to release and this
3 is to meet the conditions of Section 36(3) of the
4 Fisheries Act.

5 And deleterious substances has a -- a very
6 broad interpretation that has been interpreted in the
7 Courts fairly broadly and includes things such as
8 sediments as -- as the Fisheries representative discussed
9 earlier.

10 In the event that water quality is not
11 acceptable for release, i.e., it does not meet the
12 provisions of Section 36(3) of the Fisheries Act,
13 alternative disposal means and locations should be
14 identified.

15 And our final area of -- of review was
16 cumulative affects. The Proponent was requested to
17 provide a broader review and a more definitive conclusion
18 on the potential for cumulative affects. This was in --
19 in an environmental -- an Environment Canada Information
20 Request. The Proponent respond to that Information
21 Request with additional information and much more
22 rigorous cumulative affects review.

23 And Environment Canada essentially has no
24 outstanding concerns in terms of cumulative affects but
25 we do recommend that the Proponent commit to an adaptive

1 management approach with regard to potential impacts both
2 short and long term of the project on migratory birds,
3 species at risk and their habitats.

4 And that's it for Environment Canada,
5 thank you very much. Any questions are welcome.

6 THE CHAIRPERSON: All right, and thank
7 you. Again, we'll go through the list in the order we've
8 been following here.

9 Do representatives from the Deh Cho Bridge
10 Corporation have any questions for Environment Canada
11 regarding its presentation? None. Okay.

12 Thank you very much. Government of the
13 Northwest Territories, do you have any questions you
14 would like to put to Environment Canada at this time?

15 MR. PAUL COBBAN: No, thank you, not at
16 this time.

17 THE CHAIRPERSON: Thank you very much.
18 How about Department of Fisheries and Oceans?

19 MR. ERNIE WATSON: No.

20 THE CHAIRPERSON: Department of Indian
21 Affairs?

22 MR. DAVID LIVINGSTONE: No questions.

23 THE CHAIRPERSON: All right. Thank you
24 very much. Once again, we'll ask the Public if they have
25 any questions of Environment Canada regarding this

1 project. All you need to do is raise your hand, identify
2 yourself, we'll get a microphone to you.

3
4 (BRIEF PAUSE)

5
6 THE CHAIRPERSON: All right, thank you.
7 Once again, we go to the Board, starting
8 with Mr. Loomis.

9 MR. JERRY LOOMIS: No questions, Mr.
10 Chairman.

11 THE CHAIRPERSON: Mr. Bayha, please.

12 MR. DANNY BAHYA: Thank you, Mr.
13 Chairman. I just have a quick couple of questions. When
14 -- on -- on your slide, on page 5, I guess, on water
15 quality -- the second slide on water quality -- you
16 mentioned just the fact that what the -- the Proponent
17 has committed to, that they would follow the -- or try to
18 meet the guidelines for CCME.

19 I guess some of these terms -- turbidity,
20 TSS, -- some of us that don't have some education, don't
21 understand what those terms mean. As well, if you think
22 about the CCME guidelines, what are those, I guess, and
23 if they exceed those, what is Environment Canada's
24 position?

25 Do they have any enforcement in terms of

1 trying to make the Proponent comply or -- and the other -
2 - the very last part of the question, would -- would be,
3 would Environment Canada commit -- make that
4 recommendation same as DFO, that the Proponent would at
5 least minimum -- meet the requirements of CCME? Thank
6 you. So, it's about three (3) questions, but I'll go
7 through it again later.

8 MR. MIKE FOURNIER: Yeah, that's a multi-
9 part question so forgive me if I -- if I don't get all of
10 your -- your questions answered and -- and just let me
11 know if I don't.

12 We'll start out with the turbidity and the
13 -- and the TSS. TSS is -- the acronym means, "total
14 suspended solids", and these things are and -- and I'm
15 not a water quality expert so I may defer to DFO here,
16 but they essentially involve sediments and materials that
17 are -- enter the water -- are suspended in the water
18 column, such as dirt particles and -- and so forth.

19 Their effect on fish is multiple, it can -
20 - it can block gills, it can block the gills so that the
21 fish can't breath properly. It can cover spawning beds,
22 for example, so that the fish can't spawn there.

23 If the fish have already spawned there,
24 and there are eggs in place, it -- it will smother the
25 eggs so that the eggs can't breathe and ultimately those

1 -- those eggs will not hatch. So it can have an -- a
2 multiple effect and that's why we are concerned about it.

3 Is -- is that adequate?

4 MR. DANNY BAYHA: Yes, and the CCME
5 guidelines?

6 MR. MIKE FOURNIER: Yeah, and the CCME
7 stands for the Canadian Council of Ministers of the
8 Environment and that is -- these are guidelines that were
9 developed in discussion with all of the various
10 provincial, territorial, federal ministers of the
11 environment.

12 They discussed and decided on a sort of --
13 a certain set of guidelines that should be met in terms
14 of water quality, for example. They are guidelines;
15 they're not -- they -- they are not based in -- in
16 legislation and therefore they are not -- they're not
17 something that we can -- we can legally enforce,
18 necessarily. They are -- they are guidelines.

19 Having said that, Section 36.3 of the
20 Fisheries Act, which is administered by Environment --
21 and enforced by Environment Canada does set out
22 conditions -- enforceable conditions for the deposit of -
23 - of deleterious substances.

24 So if there's a -- if the fuel goes into
25 the water or sediments go into the water such that it is

1 determined to be deleterious to fish, i.e., it will
2 ultimately kill or affect the -- well, let's say kill --
3 kill the fish, that -- that is a violation of the
4 Fisheries Act. And both DFO and Environment Canada are
5 capable in force -- of enforcing that section.

6 MR. DANNY BAYHA: I'm not talking about
7 the fish, but what about the drinking quality of the
8 water?

9 MR. MIKE FOURNIER: I'm not sure that
10 that's entirely within Environment Canada's mandate. The
11 CCME guidelines I believe are set up to establish good
12 quality of drinking water. But I'm not sure that that's
13 entirely within Environment Canada's mandate, to look at
14 the quality of the drinking water.

15 That's -- that's probably a Health Canada
16 area of expertise more so than Environment Canada. We
17 would probably -- probably discuss those -- water quality
18 with them, but ultimately I believe it's a Health Canada
19 jurisdiction.

20 Somebody can correct me if I'm wrong.

21 MR. DANNY BAYHA: Okay. Thank you. And I
22 guess one (1) final part was -- was would you -- wouldn't
23 you share the recommendation, as DFO has said that, for
24 one (1), you should meet the CCME guidelines or you don't
25 really see a need for that?

1 MR. MIKE FOURNIER: No. We would support
2 DFO in that we would like to see the CCME guidelines met,
3 if at all possible.

4 MR. DANNY BAYHA: Thank you.

5 THE CHAIRPERSON: Thank you, Danny.
6 Gabrielle, do you have questions for Environment Canada?

7 MS. GABRIELLE MACKENZIE-SCOTT: Again, I
8 would ask about the baseline data for the -- for the -- I
9 don't know how to say this English word -- migratory
10 birds and species at risk. I also would like to -- I
11 think Rick Sanderson had mentioned that you know, that --
12 that DFO was doing a study, you know, that Older were
13 doing a study for them.

14 But from reading the materials, it also
15 says that the development corporation was getting Older
16 to do a study for them. So who is doing the study? From
17 -- and from what Rick said on record to what I see on
18 hard-copy records, I think that that needs to be very
19 clarified. If I read the transcript, I would kind of
20 wonder about that.

21 But in terms of baseline data, from what
22 environmental -- Canada have, do you guys have baseline
23 data?

24 MR. MIKE FOURNIER: Environment Canada
25 hasn't conducted studies on migratory birds in this area

1 for some time. There are some historic studies that have
2 been conducted by other people.

3 There's also some very good information
4 that came out of -- some of the best bird migration and
5 bird data for this area came out of reports that were
6 done in anticipation of a pipeline back in the 1970's.
7 Those reports include quite -- quite a good amount of
8 data on migratory birds.

9 It was one (1) of our questions to the
10 Proponent earlier in the review and one (1) of our
11 concerns earlier in the review, that the baseline data on
12 migratory birds that they provided in the developer's
13 assessment report was really not what Environment Canada
14 would typically expect to see.

15 We didn't pursue that, largely because of
16 the nature of the project. We didn't see it as being --
17 it has the potential for significant impact, but not as
18 much potential as a lot of other projects that we see.

19 And because the Proponent was pretty
20 forthcoming in discussing the mitigation measures that we
21 proposed and hired a consultant who proposed what we
22 considered to be largely adequate mitigation measures, we
23 didn't pursue the baseline data question much further.

24 We felt that if -- if they stuck to the
25 implementation -- or to the mitigation measures that were

1 proposed and implemented them all, that there would be
2 minimal effects on migratory birds.

3 MS. GABRIELLE MACKENZIE-SCOTT: Okay.
4 And the other -- the other clarity I wanted was -- I had
5 a hard time kind of hearing you because in terms of
6 mitigation measures, I wasn't sure whether you were
7 saying the components were good or not very good.

8 These mitigation measures are some things
9 that you guys tried to work out and whether -- I know in
10 some of these cases it's, you know, just like what's
11 happening with the development's a working stage. And
12 this part is a working stage and, you know, we're -- you
13 know, you're in front of the Environmental Review, so
14 we're kind of looking at working stages.

15 I guess what I'm trying to -- to grasp
16 with is when is it that we can say, Yes, it's being done,
17 not like something is halfway through, or there's a
18 report that's happening, or there's a report that's not
19 available for everyone.

20 So I'm just wondering, whether you feel,
21 as Environmental Canada, those things are met, because
22 you know, what you said at the beginning was you were
23 just going to tell us that you guys have been able to
24 work things out and that's what you were going over.

25 MR. MIKE FOURNIER: Okay. I will answer

1 that in a minute, but I realize that I just -- I left
2 part of your -- your first question unanswered, and that
3 was the part about species at risk. And I would have to
4 commend the Proponent, they did a better job in -- in
5 their baseline information on species at risk, they
6 covered all of the listed species under COSEWIC.

7 We went back and requested that they look
8 at rare species listed by the GNWT and they have
9 committed to do so. And I -- and I see some evidence
10 that they -- they will do that. So the species at risk
11 issue, I think, has largely been addressed to our
12 satisfaction.

13 In terms of -- of mitigation measures, I
14 can give you a little bit of the history. The mitigation
15 measures proposed were originally proposed by the
16 Proponent's consultant, Older Associates. We agreed with
17 the mitigation measures in terms of migratory birds that
18 they had proposed and we came back with some additional
19 ones, which, again, the Proponent has committed to.

20 So as long as they, and I think that --
21 I'm quite sure that they have committed to them, and as
22 long as they implement them during construction and
23 maintenance of the bridge, we have -- Environment Canada
24 has no further concerns.

25 THE CHAIRPERSON: Thanks. John

1 Stevensen...?

2 MR. JOHN STEVENSEN: No questions, thank
3 you Chair.

4 THE CHAIRPERSON: John Ondrack...?

5 MR. MIKE FOURNIER: Sorry, if I might
6 just add, part of -- of implementing those mitigation
7 measures, is that -- that the Proponent make sure that
8 the people who are actually doing the work are aware of
9 the commitments that they have made.

10 It's great if the Proponent makes a
11 commitment in writing, or even verbally here in this
12 setting. But if they don't make the people that are
13 doing the work in the field aware of the commitments that
14 they have made, and the mitigation measures that are
15 necessary, then they are not going to work.

16 So, we need a commitment from the
17 Proponent to pass those mitigation measures on to the
18 people doing the construction and maintenance.

19 THE CHAIRPERSON: John Ondrack...?

20 MR. JOHN ONDRACK: No questions, thanks.

21 THE CHAIRPERSON: All right. Back to
22 Danny Bayha.

23 MR. DANNY BAYHA: Thank you, Mr. Chair.

24 I forgot to ask one (1) question. On the question of
25 non-deleterious substances, he says it's very broad.

1 Would -- when they consider what's deleterious or bad for
2 fish or whatever, would the CCME guidelines be used as a
3 sort of a benchmark, as a guide to, say, what is
4 deleterious and what is non-deleterious?

5 MR. MIKE FOURNIER: In my non-expert
6 view, I would say yes, but I would also defer to DFO and
7 perhaps they may be able to clarify that a little bit
8 more for you.

9 MR. DANNY BAYHA: Thank you.

10 THE CHAIRPERSON: Thanks, Danny. I
11 believe Mary Tapsell has one (1) question for you.

12 MS. MARY TAPSELL: Thanks. I'm not sure
13 if I should address this to Environment Canada, DFO or
14 the Proponent. It's to do with water quality. And the
15 second slide which says: The Proponent has committed to
16 the following mitigation measures in monitoring.

17 It's to do with point number 3, to do with
18 field monitoring of water quality, poor salinity, and
19 conductivity to confirm calcium chloride is not migrating
20 from the detour roads into the river.

21 I guess my question is, is: If you do
22 find that calcium chloride is migrating into the river,
23 what is the proposed mitigation? Monitoring for the sake
24 of monitoring is great, but if you actually find that
25 you're exceeding limits, such as those set out in CCME,

1 do you have a proposed plan on how you would mitigate
2 that?

3 THE CHAIRPERSON: Okay, Mike, I don't
4 know if that's something you are able to respond to. If
5 not, we will ask if the Deh Cho Bridge Corporation has a
6 response they are prepared to give right now, or if
7 that's something you would like to get back to us on.

8 MR. ANDREW GAMBLE: Well, I can certainly
9 give you at least a partial answer. Calcium chloride
10 solution in water is -- is often used and you see it
11 quite a bit, as a dust control measure. It is basically
12 sprayed on the road service and helps bind water to the -
13 - to the gravel surface, which therefore keeps the dust
14 down.

15 If -- and it has been used extensively on
16 -- on unpaved parts of the highway system if -- if the --
17 this calcium chloride begins to leach into the water, the
18 first thing you'd -- beyond an acceptable limit, the
19 first thing you would do, is stop using it.

20 I mean, it's a -- it's a routine
21 maintenance item. And if it was found to be severe
22 enough, you could in fact, remove the surface -- the
23 gravel surface that has the calcium chloride, it doesn't
24 penetrate very far.

25 And -- and much, much more I guess

1 expensive approach is simply to use water, but you have
2 to do it quite frequently to keep -- keep the dust down.
3 The issue with calcium chloride is that it attracts
4 moisture and therefore basically keeps the road wetter
5 longer and keeps the dust down longer.

6 But if -- if again if it was leaching,
7 began to leach in at unacceptable levels, we'd -- the
8 first thing we'd do is stop using it.

9 THE CHAIRPERSON: Well, thank you very
10 much and thank you, Mike.

11 What we'll do is take a fifteen (15)
12 minute break right now and then we will commence with
13 DIAND's presentation. So fifteen (15) minutes, let's try
14 and be back here at five (5) past 4:00 please.

15
16 --- Upon recessing at 3:47 p.m.

17 --- Upon resuming at 4:05 p.m.

18
19 THE CHAIRPERSON: If I can ask people to
20 take their seats, we'll resume please.

21
22 (BRIEF PAUSE)

23
24 THE CHAIRPERSON: All right. Thank you
25 and welcome back. What we'll do now, the next party

1 registered to make a presentation, is the Department of
2 Indian Affairs and Northern Development.
3 Mr. Livingstone, please?

4
5 (BRIEF PAUSE)

6
7 MR. DAVID LIVINGSTONE: Good afternoon.
8 I'd first like to thank the Chair for organizing a
9 basement meeting on such a fine, sunny day. I'm sure --
10 I'm sure we're all just delighted to be inside.

11 THE CHAIRPERSON: We're here to serve.

12 MR. DAVID LIVINGSTONE: And it's probably
13 best we don't have any windows. Before I get started, I
14 thought I'd just introduce the folks from DIAND and
15 Justice Canada who are with -- here with me.

16 Lionel Marcinkosky, at my right, from
17 Environment Conservation has been the lead on the
18 environmental assessment of this project.

19 And we've got Marjorie Fraser from the
20 Land Administration Division within DIAND and I expect
21 that you may have some questions on that -- that broad
22 issue. And Heather Potter from the Department of
23 Justice.

24 As you know, we the Department has been
25 involved through this environmental assessment process,

1 we've been privy to all the material and correspondence.
2 And we are -- we have concluded that there is no need for
3 the -- the environmental assessment process to drag on
4 much longer, that the project should go to the regulatory
5 processes, as expeditiously as possible.

6 And we have no fundamental environmental
7 assessment issues. We do have some -- I guess I'd call
8 them quasi-regulatory issues, we thought we'd discuss
9 today and just use them as a -- use the opportunity as a
10 basis for informing folks and discussing those issues
11 that we do have with folks and perhaps resolving them
12 today.

13 So I will just get into that fairly
14 quickly. The fundamental issue, one (1) of the
15 fundamental issues we have is on land use and land
16 administration. It's not so much what's going into the
17 borehole pit for example, that's not an issue. It's the
18 administrative, the land administration context that
19 we're concerned about.

20 So, it's not an environmental issue, it's
21 not a concern about waste or leaching of contaminated
22 soils and so on, it's -- it's a land administration issue
23 that we need to resolve.

24 And as I said, it's not an environmental
25 assessment issue, per se, but it is, I suppose, related

1 to the -- the small E, small A, environmental assessment
2 of this project.

3 The toll facility -- the proposed facility
4 lies outside the current GNWT right-of-way; it lies on
5 Crown land. Now, the Department's policy when it comes
6 to the use of Crown land is to -- to ensure that -- that
7 the User of that Crown land has the necessary authority --
8 -- a land use permit, a lease, or an outright transfer of
9 the land.

10 The Department is, and of itself, not
11 normally a land user, although we do -- we do have
12 certain circumstances where we are obviously using land
13 in the cleanup of contaminated sites and so on, but
14 normally we would expect the Proponent of a particular
15 use to obtain the necessary authorizations.

16 In this case, for the toll facility, if --
17 if toll facilities is established outside -- outside
18 Commissioner's land on Crown land, then we would expect
19 either the Proponent, the Corporation that is -- or the
20 GNWT, to become the -- the responsible party for the
21 administration of that land, so it could be through a
22 lease -- in the case of the -- the Proponent -- the
23 Corporation, it could be through a transfer of land to
24 the GNWT.

25 A similar situation applies in the context

1 of waste disposal. We don't normally entertain the
2 disposal of waste on Crown land and hold that land as --
3 as DIAND . The -- the individual or organization that --
4 that wants to use the land for waste disposal would be
5 required to get the necessary authorizations.

6 In the case of the -- the waste disposal
7 within the quarry, a proposed disposal of waste in that
8 area, it makes little sense for DIAND to continue to hold
9 that land. It's basically a permanent disposition of the
10 land for purposes not DIAND's so we would expect that --
11 that the Proponent or the GNWT become the party
12 responsible for administering those lands.

13 In the case of the Corporation through a
14 lease, possibly through a lease to the GNWT -- that
15 wouldn't be the preferred route. An outright transfer of
16 land to the GNWT would be the preferred route and then
17 the GNWT in that case, would be responsible.

18 So, what we need from the -- the Proponent
19 -- from the GNWT is some -- some clarity on -- on both
20 the toll facility and the -- the waste facility and that,
21 again, is not -- not directly related to the
22 environmental assessment of the project, but it's an
23 indirect concern. I think we can just skip that one.

24 Non land-related issues, spill contingency
25 planning -- we heard some discussion earlier today about

1 runoff from the bridge and so on. We -- we agree with
2 the -- the broad spill contingency plan that has been
3 proposed, but we do recommend that a -- a monitoring
4 program be put in place and that there be an annual
5 review of the effectiveness of the spill contingency
6 plan.

7 There may be incidents, the spills or
8 whatever that -- that aren't be dealt with properly and -
9 - and it would be in everybody's interest to -- to keep
10 an eye on that, to monitor it carefully and to review the
11 effectiveness periodically.

12 Security deposits. Now I'll back up a
13 little bit and talk about the philosophy behind security
14 deposits. The Federal Government DIAND, as the custodian
15 of the land in the NWT, is of the view that -- that the
16 Taxpayer should not be held liable for problems created
17 by private industry, or Proponent, and we've learned that
18 slowly, I suppose and we're dealing with some
19 contaminated sites now that -- that are -- are the result
20 of inadequate securities and we're pretty clear that we
21 don't want to -- to go down that road again.

22 So, in the case of private developers, we
23 expect the developer to post adequate security so that
24 the taxpayer isn't caught paying the bill if something
25 goes wrong. If financing for whatever reason collapses

1 and -- and the project is in mid stream and -- and
2 there's nobody around to complete the project, it's the
3 expectation on DIAND's part that -- that there would be
4 security posted by the Proponent to cover off the
5 remediation costs.

6 So we require adequate security to be
7 posted for -- for projects on Crown land. And the amount
8 of security depends on the particular circumstances, the
9 type of project being undertaken, the duration of the
10 project, the physical -- like, the extent of the project
11 and so on. The costs of remediation.

12 So in a -- in the case of a private
13 Proponent we would expect some security, adequate
14 security. We've had some discussions I remember with the
15 Mackenzie Valley Land and Water Board in the Colomac
16 project and the -- there was a suggestion that DIAND post
17 security for the Colomac project.

18 And that in the end was seen as somewhat
19 redundant since DIAND, the Crown, is the ultimate
20 authority responsible for that and posting security
21 didn't make a lot of sense to post security against
22 security.

23 I think the same principle largely would
24 apply to the GNWT. If the GNWT was to take on land
25 through a lease agreement then we would have to look

1 seriously at whether security was required because the
2 GNWT is a tax base government and arguably is -- is the
3 backstop.

4 In the case of a private Proponent though
5 it's pretty clear. There is no alternative to adequate
6 security because we don't want the taxpayer picking up
7 that bill. So that essentially concludes the issues that
8 we wanted to raise and -- and discuss further if people
9 see the need.

10 In terms of the -- the bridge proposal
11 itself, we recognize and appreciate the importance of
12 this -- this project to the people of the North. We
13 think it should be -- it should move to the regulatory
14 process subject to the Review Board's report and measures
15 and recommendations. And we'll certainly participate in
16 that regulatory process as -- as needed. So thank you.
17 I'm open for questions.

18 THE CHAIRPERSON: All right. Thank you
19 very much. We'll once again go through the list in the
20 order we have been and I ask if the Deh Cho Bridge
21 Corporation has questions for DIAND.

22 MR. ANDREW GAMBLE: I guess the first
23 question would be, are you aware that GNWT and DIAND have
24 been discussing the land issue surrounding this bridge
25 project for a couple of years and trying to resolve the

1 various land regimes that apply on the north side river
2 itself and the south side?

3 MR. DAVID LIVINGSTONE: I'm aware that
4 this has been an issue long standing. I could turn it
5 over to Marjorie Fraser to ask her for the details if
6 you'd like. I understand that Marjorie Fraser isn't
7 aware of those discussions.

8 MS. MARJORIE FRASER: I haven't been part
9 of those discussions, Dave, but I know they have been
10 going on. And that there have been some sorting out as
11 to requirements on either the south side, north side and
12 who had jurisdiction over which parcels that are required
13 for the project.

14 MR. ANDREW GAMBLE: I only asked because
15 I -- there's an implication that the corporation has been
16 somehow negligent in trying to resolve these. And -- and
17 presumably you're aware that land use permits have been
18 applied for through the Mackenzie Valley Land and Water
19 Board twice. The latest being April of 2004.

20 And you're probably aware that they're
21 suspending consideration of that application until the
22 'A" process is concluded.

23 MR. DAVID LIVINGSTONE: David Livingstone
24 with DIAND. Well that would be appropriate and it would
25 be inappropriate I think to issue a land use permit for a

1 project that's going through an environmental assessment
2 process. The normal -- normal procedure of lease is to
3 complete the environmental assessment process and that
4 then defines the regulatory environment to a large
5 extent, and the details are then worked out in the land
6 use permitting and water licencing context.

7 MR. ANDREW GAMBLE: I just wanted to
8 clarify again, because it was kind of implied, that we
9 neglected to pursue that.

10 MR. DAVID LIVINGSTONE: David Livingstone.
11 No, I don't -- I don't think it's -- there was any
12 intention to suggest that -- that the Corporation hasn't
13 -- and the GNWT for that matter, haven't been working on
14 the issue.

15 What I was trying to do and what we were
16 trying to do as a presentation is -- is to describe the
17 context, the position that DIAND finds itself in now,
18 without a resolution to the issue.

19 At some point the -- the land
20 administration issues will have to be resolved. They're
21 not an impediment to completing the environmental
22 assessment process. I want to be clear about that. But
23 they do need to be resolved as part of the regulatory
24 process.

25 And the sooner that we can solve the --

1 the problems, the better.

2 MR. ANDREW GAMBLE: Okay. Well, we were
3 sort of given the impression that the -- this process was
4 a bit of an impediment, resolving some of those, because
5 the -- the land use applications won't be considered
6 until -- until this EA process is concluded.

7 The -- one (1) recommendation on -- on
8 spills monitoring, DIAND has recommended that an annual
9 report on spills on the bridge be provided. Are you
10 aware that -- that -- it's a requirement, I think, as I
11 understand it, that any spill on the highway system gets
12 reported and catalogued?

13 And -- and I would then ask, if you are,
14 would there be any utility in -- in duplicating that when
15 really the information is readily available on the record
16 in any case?

17 MR. DAVID LIVINGSTONE: No. There --
18 there's no utility in duplicating. I think what -- what
19 we would look for in addition to that is -- is some
20 monitoring of the -- the runoff, for example, from the
21 bridge. I mean, there will be a fair bit of traffic on
22 the bridge.

23 There may be some -- some oil -- there
24 will be oil spilled, sort of chronic low levels of oil
25 that -- that will enter the -- the river system through

1 the drains one (1) way or the other. There won't be
2 drains on the bridge, as I understand it, but -- but the
3 -- the water will run off the bridge into ditches.

4 I think that it would be important --
5 those wouldn't be considered spills, but I think it would
6 be important to monitor that runoff, to periodically
7 analyse it, and to -- to ensure that no deleterious
8 substances are entering the -- the environment.

9 So it's not the -- the larger spills that
10 are captured through the spill contingency reporting, but
11 the -- the smaller chronic leaks.

12 MR. ANDREW GAMBLE: So this would be
13 similar to the current reporting system that applies on
14 the rest of the highway system?

15 MR. DAVID LIVINGSTONE: David Livingstone.
16 I'm no -- you're the expert. I -- I suspect.

17 MR. ANDREW GAMBLE: Yeah.

18 MR. DAVID LIVINGSTONE: It was coming,
19 wasn't it?

20 If it isn't any different, then there's no
21 need for duplication. If it is a little different, it's
22 a bridge, different circumstances, then -- then we'd want
23 to be sure that -- that nothing is slipping between the
24 cracks, for lack of a better phrase.

25 THE CHAIRPERSON: Any further questions,

1 Mr. Gamble?

2 MR. ANDREW GAMBLE: Just a last one, or
3 last topic. Security deposits, I guess a two (2) part
4 question, securing against what would be my first
5 question?

6 And secondly, you are aware that this
7 project will, in -- some time in the future, become
8 officially a public asset, will be regarded as a public
9 asset in the first instance?

10 And, really, given the structure and the
11 nature of the project, is -- do you really see utility in
12 -- in adding a security deposit, the cost of which would
13 simply be passed on to the users?

14 And, again, to secure against what?

15 MR. DAVID LIVINGSTONE: Well, as I -- I
16 tried to outline, the purpose of security deposits is to
17 -- to ensure that any remediation costs are not picked
18 up, in our case, by the Federal Crown and the taxpayer,
19 but instead by the Proponent of a particular project.

20 So in the case of waste disposal, for
21 example, the fed --- if it remains Federal Crown land,
22 then the Federal Crown would want to be assured that
23 there will be money available, non-federal monies
24 available to -- to remediate that site to the extent
25 necessary. That's the broad philosophy behind security

1 deposits.

2 The -- in this particular case, I think it
3 would be reasonable if the GNWT accepted the ownership of
4 the lands in question, that the GNWT could then decide,
5 whether or not, additional security is required from the
6 Corporation as a partner in the project, I suspect not.

7 But, it's -- it's the -- it's the basic
8 principle that has been adopted by the Department that
9 user pay approach apply. And if the Proponent wants to
10 use Crown land, then it's an obligation on the part of
11 the Department to ensure that any remediation costs can
12 be picked up by the Proponent and not by the Crown, in
13 the end.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: Any further questions?

18 MR. ANDREW GAMBLE: No, that's it. Thank
19 you.

20 THE CHAIRPERSON: Thank you. We'll ask
21 the Government of the Northwest Territories if they have
22 questions for DIAND?

23 MR. PAUL COBBAN: Thank you Chairman.
24 Paul Cobban with the GNWT.

25 I guess where I'd like to start off, is

1 just for a point of clarity, so I do understand correctly
2 and I believe I heard this correctly, that Indian and
3 Northern Affairs Canada, does not have any environmental
4 concerns relating to this project, that their questions
5 as I understand them, seem to be administrative in
6 nature?

7 MR. DAVID LIVINGSTONE: That's primarily
8 true. And certainly on the land administration side, I
9 mean we've got some concerns, minor ones that I guess I'd
10 characterize them about the spill contingency and so on.

11 But, land administration issues are
12 primarily administrative in nature.

13 MR. PAUL COBBAN: Thank you for that
14 clarification. I'd like to move on to -- got a number of
15 questions for Indian and Northern Affairs Canada, so I'll
16 try to start at the beginning here.

17 With the environmental assessment process,
18 it's my understanding that what we're trying to do is to
19 identify issues, which are, in this case environmental in
20 nature, but, seem to be straying to administration and
21 seek resolution of them, so that those which are brought
22 forward to the Board, are those which remain unresolved.

23 And in relation to the topic of project
24 lands, I'm going to refer the Board, I'm not sure if they
25 have these or not, but, the notes in the Pre-conference

1 Hearing. And at the Pre-conference hearing, it was a
2 good discussion of this matter, with Indian and Northern
3 Affairs staff.

4 And it was agreed that the issue of the
5 lands related to a toll facility that may or may not be
6 in existence would proceed accordingly, outside of the EA
7 process, recognizing that there is already a -- there is
8 a way you apply for land and things you must do and there
9 are ways that get screened and how that proceeds, follows
10 its own time line.

11 So, I'm a little unclear if that
12 resolution was reached and these minutes were circulated.
13 If why we're dealing with this now, has there been some
14 problem with the minutes? Is there something that we
15 missed? Because we felt that this was resolved. Thank
16 you.

17 MR. DAVID LIVINGSTONE: David
18 Livingstone with DIAND.

19 I think I addressed that in my opening
20 remarks, that we were trying to clarify some outstanding
21 land administration issues, that they weren't an
22 impediment to the completion of the environmental
23 assessment process.

24 That, in fact, this process should --
25 could and should be wrapped up fairly quickly and the

1 project move onto the regulatory stage. I think I also
2 said that the land administration issues, while not
3 directly related to the environmental assessment, were --
4 were factors in the overall project.

5 So, I guess I'll reiterate, the intent was
6 to try to clarify where DIAND was coming from on these
7 land administration issues because there seemed to be
8 some outstanding questions and concerns.

9 If in fact, those concerns and questions
10 are -- will be satisfactorily resolved, from the GNWT's
11 perspective to the -- in the -- outside the EA process,
12 that makes us pretty happy too.

13 MR. PAUL COBBAN: Thank you. Paul Cobban
14 with the GNWT. Appreciate that answer.

15 I just wanted to - as a little bit as does
16 the Deh Cho Bridge Corporation - just want to make sure
17 the way this is presented that people understand that we
18 have tried to work through issues that have been brought
19 up, seek a resolution and -- and move on in the direction
20 that they should be moved to, so it sounds like this one
21 has been dealt with.

22 THE CHAIRPERSON: Just one (1) moment,
23 please.

24
25

(BRIEF PAUSE)

1
2 MR. PAUL COBBAN: Thank you, Chairman.
3 My next question deals with the topic of spill
4 contingency planning as -- as in the Indian and Northern
5 Affairs Canada presentation.

6 And my question relates to -- just
7 looking for some clarification and a bit of clarity for
8 myself, for the Board and should anything from this need
9 to go forward into any sort of permits, I just want to
10 make sure, in my case, I understand what -- what is being
11 asked for and I apologize if you've already given part of
12 this answer.

13 You talk about a -- a report on spills on
14 the bridge and I'm just -- just if you could restate it
15 again, what you're looking for, conceptually, what you
16 look for in that report and my -- add on bits to that
17 are, reporting on what and to whom and why? Thank you.

18 MR. DAVID LIVINGSTONE: Well, let me --
19 let me approach it fairly generally. There'll be traffic
20 crossing the bridge. Some of that traffic will leave
21 residue, leaking oil and so on. There may be larger
22 spills on the bridge; that's not -- that's part of the
23 concern, but as -- as Andrew has pointed out, there are
24 spill reporting mechanisms for that.

25 We just want to be sure that -- that the -

119

1 - the -- the bridge spill contingency plan is -- is
2 implemented and works and to do that, one would need to
3 review the effectiveness of the plan periodically to make
4 sure that -- that spills are being reported as they
5 should be.

6 That the smaller leaks -- the -- the
7 runoff from the bridge is being captured adequately, that
8 the -- the leaking oil, for example, isn't entering the
9 Mackenzie River.

10 So it's -- it's simply -- if you've got a
11 monitoring plan or a spill contingency plan and you're
12 implementing it, you might want to check periodically to
13 determine whether it's achieving the intended goals.
14 That's -- that's all we're saying.

15 We don't have a problem with the plan
16 itself. What we do want to do is make sure that the --
17 that the plan is reviewed periodically for its
18 effectiveness in preventing harm to the environment.

19 MR. PAUL COBBAN: Thank you. I
20 appreciate that answer and I -- I'm -- Chairman, I think
21 the question that comes from that answer -- I've got a --
22 several questions that come from that answer.

23 How does Indian and Northern Affairs
24 Canada view this road to be over water, which in this
25 case is supported by a bridge, to be different from any

120

1 other road, any other drive-off route by the road, that's
2 just part of the bridge infrastructure?

3 How is that being differentiated for
4 monitoring of resid -- Indian and Northern Affairs
5 Canada's mind -- how -- what is the differentiation
6 between what occurs on a road normally in the GN -- in
7 the NWT versus what they perceive to be happening on this
8 bridge? Thank you.

9 MR. DAVID LIVINGSTONE: David
10 Livingstone. Well, I guess the -- the GNWT is responsible
11 for ensuring that -- that the environmental -- the runoff
12 from roads is properly contained given that the GNWT has
13 administration and control of roads in the NWT, largely.

14 This is a -- an environmental assessment
15 of a particular development. It's not an -- an
16 environmental assessment of roads; it's an environmental
17 assessment of a bridge. That bridge is -- is novel in
18 the NWT.

19 There -- there is a concern that -- that
20 runoff from the bridge be captured and -- and disposed of
21 properly. It's -- as I understand it from the -- the
22 presentation and the material that it's -- they're
23 proposing a -- a better process than -- than many bridges
24 in the south where the runoff simply drains into the
25 receiving environment.

1 In this case at least some of the runoff
2 will be captured and -- and directed to ditches. So it's
3 a simple observation on our part that if you have a
4 contingency plan and a contingency plan would apply to
5 roads and bridges, a contingency plan for mines or for
6 any other development need to be checked periodically.
7 That's -- I'm not sure that -- I guess I'm a little
8 puzzled as to why this seems to be a -- a difficult
9 issue.

10 It's simply check the effectiveness of
11 your proposed contingency periodically and make sure it's
12 working the way you intended it to work. What's
13 complicated about that?

14 MR. JIVKO JIVKOV: Save another ten
15 thousand dollars (\$10,000) a year.

16 MR. DAVID LIVINGSTONE: Well I guess the
17 whole point is, if you've got a contingency plan and you
18 just run with that contingency plan, you may without
19 checking the effectiveness of it, you may find that when
20 you do check, or if you do, or some -- somebody discovers
21 a problem downstream, that the contingency plan isn't
22 working as proposed.

23 So it just seems to me that if you develop
24 a plan that you might want to check it out in a year's
25 time to make sure that it's working the way you expect it

1 to work. That maybe you've by checking it, you can save
2 yourself some money by removing some elements of that
3 contingency plan because you determined that they're not
4 necessary.

5 At the same time you can discover that --
6 that you've missed something significant and that if you
7 don't address it, you will have a -- a larger problem
8 that will cost you more than ten thousand dollars
9 (\$10,000).

10 THE CHAIRPERSON: Well it's fairly
11 evident that this contingency plan and spill -- spill
12 contingency plan is an ongoing issue between the parties.
13 We understand that you have talked about this in the pre-
14 hearing conference. It's still is apparent that this is
15 ongoing.

16 Can we have one (1) more question on this
17 line, try and make it very specific and clear? Can you
18 try and respond very clearly. What I've heard asked was
19 what is -- what is very clearly the difference between
20 the plan that is bridge specific versus the plans that
21 are required for the highway.

22 Is that something that you can try and
23 help us understand from your perspective what the
24 difference is? And then I'll give you an opportunity to
25 try and do a followup but perhaps we can move on with

1 your questioning as well so.

2 Mr. Livingstone...?

3 MR. DAVID LIVINGSTONE: Well, yeah.
4 David Livingstone. I don't know what the plans are for
5 highways if that helps. I do know what in general terms
6 what the plan is for this bridge and we've restricted our
7 comments to the plan for this bridge. That's really all
8 we have to say about it.

9 THE CHAIRPERSON: Thank you.

10 MR. PAUL COBBAN: Thanks. I appreciate -
11 - Chairman, thank you very much I appreciate the -- your
12 replies to the questions. I think just for in terms of
13 comprise -- provide some clarity here on the areas of
14 spills and reporting and so forth because I'm sure as the
15 Board has maybe come across the concept of spills and
16 spill reporting on other projects.

17 In -- under the Northwest Territories
18 Environmental Protection Act, the person who is
19 responsible for a spill essentially is the person who
20 causes it. So in terms of who would have a spill plan to
21 deal with a spill -- just so you know there is
22 legislation that covers the individual who creates a
23 spill.

24 Part of what was talked about was what is
25 -- how spills are being handled on roads in NWT and

1 that's something that the Deputy Minister probably could
2 provide a little clarity for that might bring us to a bit
3 of a resolution.

4 MR. RUSSELL NEUDORF: Thank you, Russ
5 Neudorf here, GNWT. The Department does monitor what
6 happens on the environmental aspects of its highways.
7 And I think we might be getting into a little bit of a
8 definition of a contingency plan is.

9 But we do -- we do monitor, we do take
10 water samples periodically when there is something we
11 want to check for, we want to look at on our twenty-two
12 hundred (2200) kilometres of highways. We also have
13 about sixty-five (65) some bridges that we would have the
14 same type of general monitoring planned for.

15 This bridge would be monitored, looked
16 after like any -- any of the other highway infrastructure
17 that we would have there. Thank you.

18 THE CHAIRPERSON: Do you have additional
19 questions?

20 MR. PAUL COBBAN: Yes, I do. Moving on
21 to -- don't worry there's a sunny day out there we'll get
22 to it. Moving to the topic of security deposits, you
23 mentioned here that amounts to be determined based on the
24 nature extent and duration of use.

25 I wondered if you could just comment based

125

1 upon what you've seen upon what you've read in the DAR
2 about the nature of the proposed materials that may be
3 deposited at this location? Thank you.

4 MR. DAVID LIVINGSTONE: Are -- are you
5 talking about the waste disposal site?

6 MR. PAUL COBBAN: That's correct.

7 MR. DAVID LIVINGSTONE: As far as I'm
8 aware, we don't have any environmental issues and I think
9 I mentioned this earlier, with the material that would be
10 disposed of at the waste site.

11 Again it's an administration issue and
12 it's a permanent disposition. Permanent use for that --
13 that particular area that is as much of the concern as --
14 as anything.

15 MR. PAUL COBBAN: Thank you. Thank you
16 very much, no questions at this time.

17 THE CHAIRPERSON: All right. Thank you
18 very much, we'll keep going on down the line here.

19 DFO, any questions for INAC?

20 MR. ERNIE WATSON: Thank you, Mr.
21 Chairman. DFO has no additional questions at this time.

22 THE CHAIRPERSON: All right. Thank you.
23 Mike, Environment Canada...?

24 MR. MIKE FOURNIER: Thank you, Mr.
25 Chairman. I don't -- I don't have any questions of DIAND

126

1 at this time. I think I would have to say that
2 Environment Canada in general would support DIAND's
3 suggestion about this annual review of its spill
4 contingency plan.

5 One of our final comments under cumulative
6 affects was that the Proponent should use adaptive
7 management. And a review of the spill contingency plan
8 in our mind, Mr. Chairman, is just good adaptive
9 management.

10 THE CHAIRPERSON: All right. Thank you.
11 We'll ask the public now if they have any questions they
12 would like to put to INAC. Again, I'll mention all you
13 have to do is raise your hand, we'll make sure a
14 microphone comes to you.

15 So if anyone has any questions for Mr.
16 Livingstone or the other INAC representatives here,
17 here's your chance.

18

19 (BRIEF PAUSE)

20

21 I don't see any hands going up so now
22 we'll check the Board here starting with Mr. Loomis.

23 MR. JERRY LOOMIS: I have no questions.

24 THE CHAIRPERSON: Danny Bayha...?

25 MR. DANNY BAYHA: Thank you, Mr. Chair.

127

1 Going back to the chronic leaks that you're talking
2 about, the spill contingency plan and monitoring and all
3 that, what do you recommend them to use as a guideline to
4 say this substance is too much for the environment or not
5 enough?

6 Is there a benchmark like for example DFO
7 and Environment Canada suggested even using for the CCMA
8 guidelines, would you recommend the same?

9 MR. DAVID LIVINGSTONE: David Livingstone
10 with DIAND.

11 CCMA guidelines are -- are guidelines.
12 They're a useful tool. They're not always designed for a
13 particular site. They're more of a general approach so I
14 think as guidelines they're useful as a starting point.

15 But I think that you need to look at the
16 particular circumstances at the particular site to
17 determine the final target levels.

18 MR. DANNY BAYHA: Okay, thank you. The
19 other question I had, you said you never really had much
20 major environmental concerns on this project in itself.
21 But one (1) of the final comments on -- on your
22 presentation, you said this -- this project is not likely
23 to have any significant environmental impact.

24 Would you sort of conclude that statement
25 by saying that some of them -- if they follow some of the

128

1 commitments in that -- in the -- in the developer's
2 commitments? And if they -- is there anything further
3 thing that you would want to recommend in that statement?
4 Thank you.

5 MR. DAVID LIVINGSTONE: David Livingstone
6 with DIAND. The -- the statement assumes that the
7 developer will meet all the -- all its commitments. It
8 also takes into account the -- the Review Board's
9 process, I think I -- I said subject to the Review
10 Board's recommendations and measures.

11 This project should go through the
12 regulatory process and I -- I would -- the Review Board
13 will obviously listen closely to the comments of the
14 other Intervenors and I think that's incorporated in our
15 -- our final conclusion too, but in principle, we see no
16 reason why the environmental assessment process needs to
17 drag on much longer.

18 MR, DANNY BAYHA: Yes, and -- and one (1)
19 final comment. I -- I didn't -- maybe I missed it, but
20 it -- the -- the bridge landings, where the bridge is
21 going to be built -- who owns that land?

22 MR. DAVID LIVINGSTONE: Perhaps I could
23 turn that over to the folks who have been involved in the
24 last couple of years in those discussions, Marjorie and
25 the Proponents.

1 MS. MARJORIE FRASER: I can respond to
2 that. The lands for -- that the bridge abutments are
3 going to be on, on the north side are going to be located
4 on lands which are already under the administration of
5 the GNWT.

6 The lands to the south side, within the
7 current road right-of-way are currently GNWT. There is a
8 small portion that is required outside the current road
9 right-of-way, which is what was applied for and which was
10 part of the earlier discussions.

11 Just as a clarification, when the previous
12 discussions were held, they were referring to the road
13 right-of-way requirements, not necessarily addressing the
14 potential requirement for toll facility and the potential
15 use of the south borehole pit, which is why those two (2)
16 items are under discussion at this point.

17 So the previous discussions were under
18 the requirement for the road right-of-way itself and as
19 mentioned, the north side is already GNWT's. Portion of
20 the south side is -- there's a small portion of south
21 side that has been applied for.

22 MR. DANNY BAYHA: Okay. Yeah, because
23 I'm just -- wasn't really sure who owned the land that
24 the -- the question is happening. Because I'm aware of --
25 -- there's -- there's a hundred watermark that -- that's

1 supposed to be all Crown land unless it's been -- GNWT
2 has been -- because of the -- the ferry operation, I
3 guess that's -- that's the way it's been set up, I guess.

4 MS. MARJORIE FRASER: I can respond to
5 that. The 100 foot reserve in this particular case is
6 not an issue in that the road right-of-way itself is what
7 -- is what is important here and the crossing of the road
8 through the 100 foot reserve does not affect the 100 foot
9 reserve status.

10 MR. DANNY BAYHA: Okay, thank you.

11 THE CHAIRPERSON: Gabrielle...?

12 MS. GABRIELLE MACKENZIE-SCOTT: This
13 might be a bit of a different question because you're
14 talking -- saying that you guys were concerned about land
15 administration issue.

16 I guess my question is kind of
17 surrounding -- has now the land around -- the area where
18 they're proposing to build the bridge -- because I know
19 people camp along the way there and have fish camps, so
20 it's probably historically been used that way.

21 My question is: Has it been identified
22 as a potential for part of their land claim? I -- I
23 mean, it's -- it's just a -- a question that -- I don't
24 know if it was raised, so it's just a question that I
25 wanted to ask. I see you all talking about lands -- the

1 issue of land.

2 MR. DAVID LIVINGSTONE: David Livingstone
3 with DIAND. I don't -- I don't believe we have the
4 answer to that now, but we could certainly get it for
5 you. I could undertake to have a response in writing to
6 the Board next week.

7
8 --- UNDERTAKING NO. 1: To provide an answer to Ms.
9 Mackenzie-Scott's question
10 re: People who camp along
11 the way there and have fish
12 camps, has it been identified
13 as a potential for part of
14 their land claim.

15
16 MS. GABRIELLE MACKENZIE-SCOTT: I -- the
17 other question I wanted to -- to -- I guess have sorted
18 out is that you made it sound easy that Federal Crown
19 land can be transferred to be a Commissioner land. Like,
20 how possible is that in terms of having that happen? You
21 -- you offer that as part of a solution to kind of move
22 this EA along.

23 MR. DAVID LIVINGSTONE: Mr. David
24 Livingstone with DIAND. I'll ask Marjorie and Heather
25 Potter to address that, if I could.

1 MS. MARJORIE FRASER: When the
2 territorial government came and applied for lands --
3 federal lands -- for the bridge purposes, the application
4 at that point in time was for a reserve, which is where
5 we just mark on our books that the lands are reserved for
6 their use.

7 The application indicated that there was a
8 potential future request for transfer of lands, which may
9 not be required for the road right-of-way itself because
10 under a section of the NWT Act, once the road is built,
11 the administration of that land transfers to the
12 Commissioner anyway.

13 The portion that we are concerned about
14 are facilities outside the highway right-of-way, such as
15 the south borehole pit and a potential for toll
16 facilities that should it be required. And what we are
17 suggesting is that the additional lands outside the
18 right-of-way could be transferred to the Commissioner,
19 should the Commissioner request it.

20 And that process, we do -- I won't say
21 often, but it -- it happens on a regular basis that we're
22 transferring land to the Commissioner all the time for
23 various purposes. It's not a complicated thing. It's
24 not unusual. We do it all the time.

25 MS. GABRIELLE MACKENZIE-SCOTT: So you

1 would wait for the Territorial Government to ask you to -
2 - for the --

3 MS. MARJORIE FRASER: Yes. We can only
4 transfer land at their specific request.

5 THE CHAIRPERSON: John Stevenson...?

6 MR. JOHN STEVENSON: Just a quick --
7 David, I wonder if I can just paraphrase, and you can
8 answer whether I've got it right.

9 Would you agree -- or paraphrasing what
10 you said, the outstanding security issue, the lands
11 issues and the contingency plan issues, or the specifics
12 of that, are primarily regulatory?

13 MR. DAVID LIVINGSTONE: I think that's
14 right. I think the Board can take that into
15 consideration in developing its report, but I think those
16 issues are primarily regulatory.

17 THE CHAIRPERSON: John Ondrack...?

18 MR. JOHN ONDRACK: No questions. Thank
19 you.

20 THE CHAIRPERSON: Go ahead, Gabrielle.

21 MS. GABRIELLE MACKENZIE-SCOTT: This
22 question about land transfer, like, how long does it
23 take?

24 MS. MARJORIE FRASER: The transfer of
25 lands from the Federal Government to the Territorial

1 Government requires an Order in Council. Depending on
2 the season and how fast we can get things through Ottawa,
3 it can take anywhere from, on a really, really, really
4 good one, that has absolutely no complications, it can
5 sometimes go through in three (3) months. Others take
6 anywhere from six (6) to twelve (12), depending on what
7 the situation is.

8 This is quite straightforward and there is
9 nothing complicated about it. So I imagine it's
10 something that could be easily done within six (6)
11 months.

12 However, just as a clarification, the
13 Order in Council process can be ongoing at the same time
14 as development is ongoing. We would just place a book
15 reserve on our books. And the Order in Council transfer
16 would happen in due course. So it should not affect
17 whether or not the project proceeds, or its timing.

18 THE CHAIRPERSON: Well, thank you very
19 much for your presentation and responding to those
20 questions.

21 I'll ask now if we have any other parties
22 registered to -- or groups registered to make
23 presentations to the Board. None.

24 Well then, we'll open up the floor once
25 again for comments from the public rather than questions

1 specific to presentations you've seen. We're scheduled
2 to carry on until 5:30. We'll leave the floor open for a
3 few minutes here. If there's any interest, please
4 identify yourself.

5 This gentleman in the back has his hand
6 up. Can we get a microphone to him, please. And please
7 identify yourself for the purpose of the transcripts.
8 Thank you.

9 MR. CHRIS MACGREGOR: Yeah, hi. My name
10 is Chris MacGregor. I wanted to talk to -- well, the
11 GNWT. He just mentioned that he -- he would look at this
12 bridge as -- the spills as he would look at any other
13 bridge in the NWT.

14 This bridge is quite a bit bigger than all
15 bridges in the NWT. The impact of this bridge farther
16 north, all the communities that go along this river, the
17 impact of the spills, say, like a tanker truck spilling
18 his whole load on the bridge would have a big, big impact
19 on the -- even people in Tuktoyaktuk, just because of the
20 fact that it's gonna -- it's gonna seep into the water
21 and it's going to go up River, whether you want it to or
22 not.

23 The spills -- so it's not -- it's not just
24 like any other bridge. It has to be looked at as the
25 bridge over the Mackenzie River. The Mackenzie River, I

1 grew up in school as it being a great River, it is a
2 great River, and it's a great River because of the fact
3 that it has many species of fish and it supports many
4 communities along the way.

5 Thank you very much.

6 THE CHAIRPERSON: All right. Thank you
7 for your question. I guess what I will do is ask the
8 GNWT if they have a response and then also give the
9 opportunity to the Developer, Deh Cho Bridge Corporation,
10 to try and provide some response to your question.

11 Please go ahead, Mr. Neudorf.

12 MR. RUSSELL NEUDORF: Thank you, Mr.
13 Chairman. Russ Neudorf, GNWT.

14 My comments were directed at -- the nature
15 of our discussion was more around the minor spills and
16 the -- and just the runoff and monitoring of the runoff
17 that comes off the bridge. Other spills, a tanker truck
18 tipping over, that kind of thing, yes, of course that
19 would be a concern to us, as it would be to the
20 Proponent, as it would be to anybody, as it is for any
21 bridge in the NWT that crosses an important river body.

22 And all are important. Ask any of the
23 local people that would use those rivers and I'm sure
24 they would classify them that way.

25 So, my apologies if that was down played

1 in any way, it is certainly not my intent. Those things
2 happen, we do take them very seriously. My comment about
3 that being treated the same is that it's a bridge like
4 all our other bridges that, with the monitoring of the
5 runoff from the rain, that kind of thing, that comes off
6 of the bridge. Thanks.

7 MR. CHRIS MACGREGOR: Yes, thank you. I
8 have another question --

9 THE CHAIRPERSON: One second. Let's just
10 see if the Bridge Corporation has any comments that they
11 would like to provide as well as follow-up.

12 MR. ANDREW GAMBLE: Just, yes, I'd just
13 like to add something to put a little context, I mean the
14 -- the Mackenzie River has not been crossed by a
15 permanent bridge before and it is a special river.

16 And the reason it's special is because it
17 drains most of the Northwest Territories, a large part of
18 Alberta, some of BC And, in fact, a tanker truck
19 spilling on this bridge, or on the Cameron River, or the
20 Hay River or the Slave River, on any bridge in the
21 Northwest Territories, is going to be upstream of the
22 Mackenzie River.

23 So -- so in that sense, this -- this
24 river, while it's special, then any spill on any bridge
25 in the Northwest Territories is going to find its way

1 into this River.

2 And -- and the second thing I think is,
3 that, again, while this is a -- maybe a major exciting
4 project, it really isn't going to change the amount of
5 fuel or other material that crosses this River. It's
6 simply going to change the mode upon which it crosses.
7 Right now it's crossing on an ice bridge or a ferry. And
8 our feeling is that a permanent bridge is probably a less
9 risky mode of -- of transporting material across this
10 river.

11 So I think, just to put that in context,
12 we're not proposing to suddenly expose this river to all
13 kinds of material and fuel and spills, that it already
14 isn't -- that aren't there. So I think that's important
15 to understand.

16 THE CHAIRPERSON: Sir, do you have
17 another question?

18 MR. CHRIS MACGREGOR: Yes, I do. It's
19 for GNWT again. It's about your tolls. You had
20 mentioned that you had put a toll on per ton, so every
21 truck has a different tonnage, and would you weigh every
22 truck before it hit the bridge, to find out how much they
23 are going to pay, or would you just put a -- put a toll
24 on?

25 Say, like on the Coquihalla Highway, they

1 have a toll per car, it's like ten dollars (\$10) per, a
2 RV is like twenty-five (25) or whatever it may be, and
3 then per truck also has its own price. They don't --
4 they don't line up and weigh each truck, if they did,
5 then they might as well be waiting for the ferry.

6 So I was just wondering if -- I was just --
7 - no, I wasn't trying to make light of that. I was just
8 wondering, if, like you're planning to put the toll in
9 place, that maybe before you started to look at that,
10 that you would -- you would have to know that you
11 couldn't weight every truck and that you'd have to know
12 that every truck is going to have to be -- pay the same
13 amount, whether they're full or whether they're empty.
14 It's a truck, it's a truck, if it's a car, it's a car.

15 Thank you.

16 THE CHAIRPERSON: Please go ahead.

17 MR. RUSSELL NEUDORF: Russ Neudorf, GNWT.
18 Raising a very good point and we -- when we talk the toll
19 rate, we usually say the equivalent of five (5) to six
20 dollars (\$6) a tonne because we will convert that into a
21 -- a configuration based rate.

22 Current thinking is that it will be
23 something that we would try to be very simple to that it
24 might be three (3) classifications or categories of
25 trucks, a straight truck, a semi-trailer and a tractor

1 train combination.

2 Just for information, the five to six
3 dollars (\$5 to \$6) a tonne for the biggest trucks, a B-
4 train for example would translate into about two hundred
5 dollars (\$200) a truck. We would be moving to a
6 configuration based rate. We do not want to stop every
7 truck and weigh it. Administratively it would be a -- as
8 pointed out, difficult. Thank you.

9 THE CHAIRPERSON: Additional questions?

10 MR. CHRIS MACGREGOR: Yes, I have one (1)
11 more. This is for Environment Canada. And it has to do
12 with one (1) of the slides that he put on about -- about
13 that it would -- it would -- the bridge would bring --
14 would bring birds to nest on the bridge.

15 And then right after that it said in the
16 same note that the main -- the maintenance of the bridge
17 would interfere with the nesting and that the birds would
18 die because of this. So I was wondering if -- if they
19 already know that this is going to happen, then maybe
20 they could put something in place so the birds won't nest
21 on the bridge.

22 Whether they like to or not, which they
23 all like to. But we already know that they're going to
24 die because of the maintenance of the bridge. So maybe
25 we could just not let them nest there in the first place

1 and then -- then we wouldn't have to kill them. Thank
2 you.

3 THE CHAIRPERSON: Mike, I believe in your
4 presentation you indicated some mitigative measures to
5 reduce that. Would you like to recap some of those
6 please?

7 MR. MIKE FOURNIER: Yeah. There's --
8 there's a number of things that can be done. There's no
9 doubt in our mind that the bridge will -- will serve as
10 an attractant for birds to nest. But we've requested
11 that the Bridge Corporation do a number of things to --
12 to prevent the destruction of those nests.

13 And the simplest thing that they can do is
14 to -- is to conduct their maintenance outside of the
15 nesting season. The birds arrive here in early May. It
16 may be a little -- the timing may be a little bit off
17 here in Fort Providence. You may be a little ahead of my
18 experience.

19 But -- but generally the birds arrive in
20 early May and they're done nesting by about the middle of
21 July or early August. So if the maintenance activities
22 occur before the 1st of May or after the 1st of August
23 for example, then there -- there simply won't be a
24 problem.

25 The other thing that -- that can be done

1 and one (1) of the recommendations was that if
2 maintenance activities have to take place during that
3 period -- during that critical nesting period, that in
4 fact the corporation do something to prevent nesting.

5 And one (1) of the suggestions that was
6 out there was to place gels on the bridge so that it
7 makes the surface of the bridge such that the nests --
8 nest structures cannot be attached to the bridge.

9 And there may be other mitigation measures
10 out there that we can look at as well. But we really
11 don't anticipate that this is going to result in a lot of
12 -- a lot of mortality for nesting birds.

13 We're a little more concerned about
14 migration. Again, the -- the Corporation has -- has
15 adopted certain mitigation measures that we think will
16 significantly reduce maybe even eliminate the potential
17 of bird strikes against the bridge. But they -- they may
18 still occur.

19 And this is where our recommendation about
20 adaptive management came in. That if they do some
21 monitoring and -- and if there is any noticeable
22 significant mortality then we can try to adopt other
23 mitigation measures to -- to prevent that in the future.

24 THE CHAIRPERSON: Go ahead.

25 MR. CHRIS MACGREGOR: Okay I have one (1)

1 more. I don't know really who this is for because so
2 many people have talked about the spill and what should
3 be done about the spills or whether drains are going to
4 be put in there or where all these spills are going to
5 go.

6 You know, in the -- in the city like
7 Vancouver, Edmonton,-- Vancouver has many many bridges
8 going over the Fraser River. The drainage on those
9 bridges doesn't go into the Fraser River. The drainage
10 on those bridges actually goes into a pipe which goes to
11 the end of the bridge on each side.

12 Whether it's put into the holding tank or
13 whether it goes into their -- I would say it goes into
14 their sewer system. On this particular bridge the same
15 thing could be done whereas the spill, oil from cars
16 could go into these drains but into a holding tank.

17 The holding tank of course will be drained
18 out. If there is a huge spill from a truck, it would go
19 to the holding tank. The holding tank would be drained
20 in an environmental manner. Thank you.

21 THE CHAIRPERSON: It was I guess a
22 combination of a comment and question.

23 Mr. Gamble, or any of your team there,
24 would you want to just briefly, once again, go over the
25 catchment provisions that you've suggested might be part

1 of this bridge to help us understand what -- what you
2 talked about?

3 MR. ANDREW GAMBLE: Yes, just to
4 reiterate, we're -- we're -- we can talk about spill
5 cleanup or spill containment. As far as we're aware
6 there is no successful or adequate or -- or even an
7 attempt at full spill containment on any bridge that we
8 know of. For the most part, they're drained off the
9 bridge.

10 If they go into a pipe and into the sewer
11 system, guess where that goes? You know, into the river.
12 And -- and so, flushing out through -- through a storm
13 drainage system really probably delays the time it takes
14 the stuff to get to the river, but it doesn't stop it.

15 And again, the normal bridge, you -- you
16 can see them -- we've all seen them in Edmonton. The
17 low-level bridge is a -- is an open grate. There's not
18 much spill containment there. The other bridges you'll
19 see drains in the side of the road -- in the -- in the --
20 the street system -- in -- in downtown Edmonton.

21 You'll see drains into a storm system that
22 ends up without treatment in the -- in the river, so it's
23 simply impractical on -- on trans -- you don't see it on
24 pipelines or highways or bridges anywhere. It's simply
25 impractical thus far to segregate spills that you don't

1 want entering the environment from -- from meltwater,
2 rain, and -- etc. and to -- to put in a holding tank we'd
3 be catching all the rain and -- and snow and ice that
4 might fall on this bridge and melt.

5 What -- what we're proposing in the bridge
6 is to eliminate the direct -- direct drains and this is
7 possible because of the -- as I said before, you don't
8 get huge frequency of -- of high rainfall in the region,
9 so we're not worried about -- about the deck flooding or
10 cars being washed off it.

11 It's fairly well sloped; it's -- the
12 roadway is crowned, which is normal, so a light rain or -
13 - or a snow melt will simply run to the edge of the -- of
14 the -- both sides of the bridge and run off either end of
15 the bridge. It's -- it's -- there's a lip of a few
16 inches that will contain water or -- or spilled fuel and
17 it will run off the ends of the bridge into -- into a
18 ditch. It does -- it's -- the ditch is snow-filled, it
19 will get soaked up by the snow and -- and the normal
20 cleanup procedures for -- for highway spills can be
21 employed to -- to remove the contaminated snow.

22 If -- if there's no snow in the -- in the
23 ditch, then remove the contaminated -- pump out the fuel
24 and remove contaminated soil. That is really the only
25 practical method of cleaning up spills on highways and

1 bridges is -- is really a cleanup. It's not a
2 containment system.

3 You'll find containment systems and tank
4 farms and -- and processing facilities in -- in plants
5 where -- where there's large quantities stored in a -- in
6 a given place. So, I guess what we've suggested and --
7 and we seem to be hoist on our petard in the way we've
8 suggested that -- that this bridge employs some -- not
9 spill containment, but -- but some -- some design
10 features that -- that are -- are better than -- than any
11 standard or, in effect, better than what's employed in
12 virtually every other bridge in North America, simply
13 because we can do it and we think it's sensible to do.

14 That doesn't -- that doesn't constitute
15 spill -- full spill containment. It simply constitutes
16 an improvement over what is the current minimum standard
17 for -- for handling spills on bridges. Thank you.

18 THE CHAIRPERSON: All right. Thank you
19 for that. Do you have additional questions?

20 MR. CHRIS MACGREGOR: I'm done.

21 THE CHAIRPERSON: Okay. Well, thank you
22 for your questions. Anyone else have any questions that
23 they'd like to pose right now? Please feel free to
24 identify yourself and we'll get you hooked up with a
25 microphone.

1 (BRIEF PAUSE)
2
3 THE CHAIRPERSON: Well, as we have a few
4 minutes here before we're scheduled to take a break, I
5 guess I'll ask the Board Members one (1) more time if
6 they have additional questions. Mr. Loomis...?
7 MR. JERRY LOOMIS: No.
8 THE CHAIRPERSON: Mr. Bayha...?
9 MR. DANNY BAYHA: Thank you, Mr. Chair.
10 So, I guess I'm trying to get in my mind about a spill.
11 Should a tanker truck, again, fall over and start
12 spilling its fuel, would that lip on that bridge be large
13 enough to contain that fuel coming out of that tanker?
14 THE CHAIRPERSON: Mr. Gamble or --
15 MR. ANDREW GAMBLE: Well --
16 THE CHAIRPERSON: -- a member of your
17 team.
18 MR. ANDREW GAMBLE: Thank you, Mr.
19 Chairman. It would really depend on how fast it came
20 out. And you -- you could probably see in the drawings,
21 or we could maybe draw a picture.
22 But it just -- the bridge deck is -- is
23 sort of concave, so that water tends to drain to the
24 side. It's got a lip on the edge and a -- and a curb.
25 And if -- if a large tanker ruptured and -- managed to

1 rupture and spill everything all at once, some of it
2 might -- might overflow the -- the edge of the -- the
3 bridge deck before it ran down. And if it leaked slowly,
4 it would leak towards the side and run down the bridge.
5 So it really depends. I -- I'm not quite
6 sure if we've calculated the -- how many cubic, you know,
7 metres per second it would take before it would overflow
8 the sides of the bridge.
9 MR. DANNY BAYHA: Okay. Thank you. I
10 guess this is a question for Environment Canada -- well,
11 DFO now. I never -- still haven't got an answer on the --
12 - the issue of CCME guidelines, if it's been used as a
13 guide to determine if substances are deleterious or non-
14 deleterious. I'm just wondering if you care to maybe
15 just comment on that, DFO.
16 MR. ERNIE WATSON: I would have to defer
17 -- defer that to another time after I do a little bit
18 more research. I'm not sure right now.
19 MR. DANNY BAYHA: Yeah. Thank you. And
20 one (1) final question, I guess, for David from INAC.
21 You talk about security deposit. And I'm just wondering,
22 would you be able to give us an idea what kind of an
23 amount we're talking about?
24 DAVID LIVINGSTONE: David Livingstone of
25 DIAND. I guess I'd turn that over to Marjorie.

1 MS. MARJORIE FRASIER: As David mentioned
2 earlier, the amount would be greatly dependent upon the -
3 - the term of usage, what was being put in the site, the
4 size of the site. All of those things are taken into
5 consideration. And I'm sorry, I can't give you a number
6 at this point because we don't have that specific
7 information.

8 MR. DANNY BAYHA: Okay. And the other
9 question is, a deposit of this kind, has it been used in
10 any other jurisdiction, anywhere else in Canada or in the
11 States? Maybe Jivko or the -- the Bridge Corporation
12 could answer. I don't know. Maybe somebody -- thanks.

13 THE CHAIRPERSON: Can -- can you restate
14 it a little clearer, Danny? Are you talking a deposit
15 for a bridge development specifically or --

16 MR. DANNY BAYHA: Yeah. Well --

17 THE CHAIRPERSON: -- a waste deposit.

18 MR. DANNY BAYHA: Yeah. The -- well, the
19 bridge, I mean, every bridge has landings, of course, and
20 is -- is there something that's been done elsewhere in
21 Canada? If -- should this transfer don't occur or
22 there's an issue with the waste deposit, you know, that
23 sort of thing, I guess. No?

24 THE CHAIRPERSON: GNWT or INAC, are
25 either of you prepared to try and respond to that?

1 DAVID LIVINGSTONE: David Livingstone
2 with DIAND. All I can -- I can say is that security
3 deposits are a fairly standard feature in most
4 jurisdictions in the country, and internationally too, I
5 think, when it comes to use of Crown land.

6 Again, the principle being that the
7 Proponent is -- is responsible for remediation and
8 cleanup, and not the taxpayer directly. I can't comment
9 on -- on whether Proponents of a bridge construction have
10 ever had to post security deposits.

11 MR. DANNY BAYHA: Okay. Thank you.
12 That's all I had.

13 THE CHAIRPERSON: All right. Thank you.
14 GNWT, do you want to offer some response to that as well?

15 MR. RUSSELL NEUDORF: Yeah. Thanks.
16 Russ Neudorf of GNWT. I don't know if I want to step
17 into the fray here, but. It seems to be the security
18 deposit is to -- or instituted so that you can have a
19 fund set aside or at the end of a project to clean up any
20 potential problems that might occur at the end of it.

21 The bridge is going to last beyond the
22 thirty-five (35) years of the Bridge Corporation. It's
23 going to be there forever essentially. If it's seventy
24 (70), a hundred (100) year life, we're going to take a
25 look at it at that point in time and see what's needed.

1 But there still will be a bridge needed
2 after that. So the GNWT would, assuming we are the
3 owners at that time, would take to remediate the bridge
4 to ensure that it's still there for the service.

5 The other place that we have had
6 discussion on security deposit, is around the material
7 that we are proposing that's to be removed from our ferry
8 hollowed area, so that we can create the fish habitat
9 required.

10 That material, we have done our
11 assessments on it, and it is -- it's dirt, and some
12 concrete rubble material in it. There -- it is going to
13 be deposited into a -- into a pit that's been excavated,
14 so we are going to take material out and put material
15 back in. It's going to be essentially taking one (1)
16 kind of material out and putting another kind of non-
17 harmful, non-environmental-problem material back in.

18 So, the discussion on security deposit, it
19 says:

20 "The expected developer to post
21 adequate security to cover the
22 remediation cost..."
23 and I guess we would not, this just being dirt and
24 concrete rubble that's going back into that, we don't
25 foresee that there would be ever any remediation costs

1 associated with it.

2 Thanks.

3 THE CHAIRPERSON: Well thank you for
4 that. Gabrielle...?

5 MS. GABRIELLE MACKENZIE-SCOTT: This
6 question is more from -- from Danny asking the question
7 about a spill.

8 In terms of the developer, and I throw in
9 GNWT because they are in partnership with the developers
10 from the way they presented, I just want to know if:
11 Instead of saying we might do this in the case of a
12 spill, do you have an emergency plan that's based on a
13 known and in anticipation of such a spill?

14 Is there an emergency plan in place to
15 address this, instead of saying, we might do this, but if
16 it does happen, they might not do it the way they -- do
17 you say it would happen. So, is there kind of measures
18 in place that kind of would -- be kind of a plan?

19 THE CHAIRPERSON: GNWT.

20 MR. PAUL COBBAN: Can we just have a
21 moment?

22

23 (BRIEF PAUSE)

24

25 MR. KEVIN McLEOD: Yes, Mr. Chairman,

1 Kevin McLeod, the Director of Highways for the GNWT. I
2 think I can answer this question from -- from an
3 operational point of view.

4 We have a -- we have a very robust
5 emergency plan on the highways to deal with any accident
6 and the spill is one (1) of them. And we also have -- we
7 also know that each of the companies, each of the
8 carriers have their own spill response capability as
9 well.

10 So we attacked this problem in -- in two
11 (2) ways: The Government has a response, along with all
12 the other emergency services in the GNWT, with RCMP, with
13 the Fire people and every other emergency responder. As
14 well as, the carrier has their own insurance plan and
15 their own plan to deal with a spill, whether it's on an
16 ice road, whether it's on the highway, whether it's on a
17 gravel road, or whether it's on a bridge.

18 THE CHAIRPERSON: All right, it is twenty
19 passed 5:00 now and we're scheduled to wind up around
20 5:30. I think we will take a break now. The Board will
21 be coming back at seven o'clock, as we've promised in our
22 schedule, to see if there are additional questions from
23 the public. And then we will have closing comments.

24 I understand some of the registered
25 parties are leaving, so before we break, I am going to

1 ask if they have any closing remarks, and we will go
2 through it. Again, if you are sticking around for after
3 the break, I ask that you please be conscious of our time
4 here.

5 And I imagine the Deh Cho Bridge
6 Corporation will be rejoining us at seven o'clock? Okay.
7 We'll take that as a yes. GNWT...? Thank you very much.
8 DFO, are you going to be here after our break or do you -
9 - if not, do you have any closing comment?

10 MR. ERNIE WATSON: We'll be around at
11 7:00.

12 THE CHAIRPERSON: Mike...?

13 MR. MIKE FOURNIER: Yeah. We'll be here
14 at 7:00. We have no closing comments though.

15 THE CHAIRPERSON: Okay. David...?

16 MR. DAVID LIVINGSTONE: Unfortunately, we
17 won't be around at 7:00. And we don't have any closing
18 comments. I think we've said everything that we -- and
19 more than we intended to say.

20 But having said that, if there are
21 questions directed to DIAND later, if you'd let us know
22 what those questions are, we would undertake to provide
23 written responses to them.

24 THE CHAIRPERSON: All right. Well, we'll
25 certainly do that. I guess I will say to those who may

1 not be coming back after -- after our dinner break, we
2 are aware that the details of the land administration
3 issues, details of spill contingencies and securities,
4 are captured under regulatory aspects.

5 However, it is our job here to identify
6 concerns. And it's loud and clear that there are
7 concerns that remain, not only between the parties but
8 also within the public on some of these matters.

9 So thank you all very much. We will be
10 back here at 7:00. And enjoy your dinner. And we hope
11 to see you back after the break.

12

13 --- Upon recessing at 5:20 p.m.

14 --- Upon resuming at 7:10 p.m.

15

16 THE CHAIRPERSON: Thank you very much.
17 And welcome back. It's nice to see so many people who
18 showed up again after dinner.

19 Now, at this point in our -- in our
20 process, we've heard all the presentations from the
21 registered parties and have allowed the parties, the
22 public and the Board to ask questions of them.

23 So, at this point, we are here to listen
24 to any presentations from members of the public and also
25 we're open to respond to questions or have questions

1 posed to the developer or any of the other parties that
2 still remain.

3 So I believe, Mr. Gargan, you've come and
4 have a presentation you'd like to give to the Board.
5 You're welcome to either take a seat at this table or we
6 can bring a microphone to you.

7 MR. SAM GARGAN: Thank you. I don't have
8 any written presentation. I just have some -- some
9 questions that -- that need to be clarified. I also
10 have, like -- I support the -- this project
11 wholeheartedly, as I'm sure would, you know, benefit my
12 children as well as their children, and those yet to
13 come.

14 I am -- I have been -- like, I've been
15 involved with the Bridge Corporation now for -- when I
16 was the Chief. And one (1) of the things that happened
17 at that time was that the -- we've come up with a -- a
18 corporate legal document that -- that was established to
19 create this bridge, this Deh Cho Bridge Corporation.

20 And at that time it was with the
21 understanding that it's -- it's a fifty-fifty (50-50)
22 share in the Corporation. I've never been able to
23 clarify whether or not the fifty-fifty (50-50) means that
24 any revenues will split fifty-fifty (50-50) or if it's
25 one (1) -- 100 percent revenue sharing. In other words,

157

1 one (1) person one -- one (1) share, kind of -- a
2 question I've never been able to get that clarified.

3 I did originally -- got -- signed the --
4 signed the first document, but I've also withdrawn my
5 name after I was no longer the Chief. So that was one
6 (1).

7 And I don't know, I've gone to a lot of
8 the communities and they've had questions on -- on the
9 impact benefits. Because in the documents of the impact
10 benefits, you have -- it's not clear. If you go to any
11 like Diamond -- DIAVIK or any other mega projects
12 everything is negotiated before there is support for
13 something.

14 In this case I'm not too sure that -- that
15 we have that. We have the document that -- that spells
16 out some of the plans and some of the proposed plans.
17 But really like shouldn't that be before it even goes
18 ahead?

19 And the other -- the other question that -
20 - that needs to be addressed too is about we have a
21 community benefits agreement but how about impact
22 benefits for those residing close to the bridge?

23 And we have like traditional users that --
24 that their parents and their parents parents have used
25 those areas. And I don't know whether or not, you know,

158

1 like that has been addressed.

2 I know it isn't -- it hasn't been because
3 I've spoken with -- with some of those people and -- and
4 they said that other than the normal consultation, the
5 information sharing and all that stuff there really
6 hasn't been any -- any -- any direct talks to tell those
7 residents, Look the bridge is getting close -- it's going
8 to be close to your cabin, you know. What do you expect
9 out of this or maybe that should be posed -- asked of
10 them?

11 And I know that most -- most -- probably
12 most people in this room might not be around once the
13 con-- the lease agreement is finished and the bridge is
14 transferred over to the GNWT for one dollar (\$1) or
15 whatever the cost may be but...

16 Are there any plans for reclamation work
17 too? Is that -- who knows maybe thirty (30) years from
18 now we'll have spacecraft. We won't even need bridges
19 anymore. So what happens if, you know, like bridges
20 become obsolete?

21 And those are the -- the main -- the main
22 questions that I -- I wanted to -- to ask and get
23 clarification on because I think a lot of the communities
24 look at the -- the -- view the agreement as -- as a big
25 web of confusion because of the 50/50 but it doesn't fit

1 the population ratio.

2 Maybe it should be 15/85? But that's not
3 the case and so what does that mean, really? And I think
4 once that is clarified to a 'T', I don't think there'll
5 be much -- any other questions that -- that really needs
6 to be answered with the exception of that one. Because I
7 think a lot of the -- I know that -- know that -- that
8 members in the community just don't see how the fairness
9 fits into this -- that ratio. Thank you.

10 THE CHAIRPERSON: All right. Thank you
11 very much, sir. If I may try and paraphrase and ask if
12 the Bridge Corporation can try and respond. I picked up
13 three (3) key points here and again, please let me know
14 if I've missed any.

15 First is: Can the Deh Cho Bridge
16 Corporation provide some information on the ownership
17 structure? In particular the 50/50 model that was
18 discussed when you were chief, is that correct?

19 MR. SAM GARGAN: Well, it -- it still is.

20 THE CHAIRPERSON: Okay.

21 MR. SAM GARGAN: It still is a 50/50
22 share.

23 THE CHAIRPERSON: So you're seeking more
24 detail from the Bridge Corporation on that model?

25 MR. SAM GARGAN: Well the confusion is --

1 is it doesn't fit with the population ratio. That's what
2 I'm saying. It's a Metis -- Metis members are on it and
3 the Dene members are all part of this Corporation. But
4 as far as the -- as far, you know, like at 50/50 share
5 like it doesn't -- it doesn't fit the profile of the
6 population ratio.

7 So how -- how is this fair? If it is in
8 fact fair?

9 THE CHAIRPERSON: All right. Mr. Gamble,
10 can one (1) of your group provide a response to that
11 question please?

12 MR. MICHAEL VANDELL: Okay, thanks Mr.
13 Chairman. Sam, as to the fifty-fifty (50/50), fifty-
14 fifty (50/50) ownership is only based on the Bridge
15 Corporation, the actual corporation. The profits are
16 still -- is being negotiated between the Dene and Metis.

17 That hasn't been set on how the profits is
18 going to be split -- just fifty-fifty (50/50) applies
19 only to the -- to the Corporation and we still have to
20 work that out with the Metis, how we're going to split
21 the profits.

22 THE CHAIRPERSON: Does that answer, in
23 part, your first question, sir?

24 MR. SAM GARGAN: That -- that answers the
25 fifty-fifty (50/50) question.

1 THE CHAIRPERSON: Okay.

2 MR. SAME GARGAN: The other hasn't been
3 answered because there's still discussions on it, but I
4 hope that -- no -- that discussion concludes before
5 anything goes ahead.

6 THE CHAIRPERSON: Please go ahead.

7 MR. ALBERT LAFFERTY: Albert Lafferty. I
8 just want to add to -- to Mike's comment on that. It --
9 the questions you are raising are surrounding the
10 community benefits plan and the plan, as -- as it's -- as
11 it is, we -- we have done a community consultations and
12 there is a lot of provisions in that plan.

13 And as it stands every individual member
14 -- whether they're Dene or Metis -- we're -- we're all
15 part of that collectively and the -- the revenue stream
16 that comes to -- to the Dene and Metis membership will be
17 decided by -- by the -- the Deh Cho Bridge Corporation.

18 So you're posing questions of fifty-fifty
19 (50/50), I'm not clear on that because -- maybe it's just
20 the way you're framing it, but as it stands now,
21 everybody stands to gain a -- the same -- every
22 individual, I guess, is -- is the way I should put it --
23 will benefit the same.

24 And I think maybe you're just more
25 concerned on -- to do with the -- you say the Band and

1 the -- the Metis Local themselves, but if you fully
2 understand the plan as it was explained, that would --
3 that would clarify it the way it's -- it's intended and
4 the way the revenue stream will be dealt with in the
5 future, so I help that adds to that anyway.

6 MR. SAM GARGAN: You know I --

7 THE CHAIRPERSON: Please go ahead.

8 MR. SAM GARGAN: -- I understand this --
9 the -- the whole concept of collectiveness and certainly
10 I -- I have no -- no -- no arguments there and that's
11 what I like to see.

12 But if you -- if you go to the
13 communities and you -- and most of the community members
14 that are not here are not normally people that come to
15 meetings. And we've had numerous meetings on -- on this,
16 but it's the same question that's always been asked --
17 the fifty-fifty (50/50) number -- where -- where's the --
18 the fairness in that? But I think -- I think it's pretty
19 clear what it is, it's a corporate fifty-fifty (50/50)
20 plan, but as far as the revenues goes, it -- it's still a
21 collective thing, so I'm -- I'm happy with that.

22 But I guess the only other one that I
23 really -- two (2) families directly affected by the -- by
24 the bridge, I wonder if there -- there -- there is going
25 to be any plans on -- on dealing with that issue?

1 THE CHAIRPERSON: Mr. Lafferty or any
2 other representative from the Deh Cho Bridge Corporation
3 may wish to respond to the impact on those in close
4 proximity to the bridge; any discussions you may have
5 had. Is that correct, Mr. Gargan?

6 MR. SAM GARGAN: Yeah. Yeah.

7 MR. ALBERT LAFFERTY: Okay, this question
8 again is linked to the community benefits plan. There
9 has been discussion on the traditional land users in the
10 area and that will be, again, addressed by the community
11 benefits plan and the -- the Bridge Corporation, so there
12 has been some discussion.

13 There hasn't been firm commitments on
14 that, but certainly the Bridge Corporation is aware and
15 has intentions of following up on that and will be making
16 decisions concerning that for the land users in the
17 immediate area or close proximity to the bridge project
18 site.

19 So it -- it -- certainly we are aware of
20 that and it has been discussed and, like I say, it will
21 be followed up, so it's -- it's there, and, in fact, as
22 part of the community consultations, people were
23 consulted and the land users in the area were -- were
24 also consulted. But there will be further discussions
25 with them and the question you are posing will be

1 addressed as a...

2 THE CHAIRPERSON: The gentleman sitting
3 at the table behind you, do you have a comment?

4 MR. MICHAEL VANDELL: Yes, I'd just like
5 to refer to a Michael Nadlii that did some of that work
6 for us, as to meeting with the Harvesters, going through
7 the Project in our language and presenting it, and doing
8 the house to house visits, if you can just highlight on
9 that, maybe that would answer most of Sam's question?

10 THE CHAIRPERSON: Please, Mr. Nadlii...?

11 MR. MICHAEL NADLII: Thank you, Mr.
12 Chair. My name is Michael Nadlii, I run my own company,
13 Nadlii and Associates. Over the course of the year, I've
14 been engaged by the Deh Cho Bridge Corporation to do
15 community consultations. In those instances I was asked
16 to go into the community to explain, in both English and
17 Slavic, but primarily intended for people that were, you
18 know, lingual, in terms of our language, and I took the
19 time to visit a lot of people in the community.

20 I think there were three (3) main topics
21 that I was asked to explain in the community. The first
22 one, the Project itself in terms of the -- the bridge
23 Project itself in terms of, you know, the -- the
24 engineering details, at the same time the -- the land use
25 implications, and of course, you know, just the nature of

1 the Project. I was asked to kind of explain that to
2 people.

3 The -- the other instance was to explain
4 the community benefits plan in terms of what it is that
5 the community might derive in terms of benefits. Of
6 course, now realizing, you know, there -- there are
7 several parties within the shareholders, yet at the same
8 time, you know, realizing that's still in discussions, I
9 believe.

10 The other one is, of course, the last one
11 was explaining just the nature of the environmental
12 assessment, Older and Associates. And in my sense, you
13 know, there was a lot of explanation, and generally
14 people took the information and, you know, felt satisfied
15 that they were informed, and understood this whole
16 process.

17 And, you know, one (1) thing that was
18 common was that the message imparted by the Deh Cho
19 Bridge Corporation is that this Project is not really a
20 Project yet. There are still some things that have been
21 commonly said that need to be lined up. I understand
22 that discussions continue.

23 The comments that were received by the Deh
24 Cho Bridge Corporation, I understand, are still in
25 transit, they are still being, from what I understand,

1 being developed as we speak. And -- and within the
2 nature of the Project too, it hasn't been indicated to
3 the community completely that this -- this is it, this is
4 the time here, we are going to start moving forward.

5 So those are the common messages that have
6 been imparted to the community. And I know there were
7 some comments regarding the -- the shareholder structure
8 in terms of how it is that, you know, the Dene are going
9 to benefit and the Metis are going to benefit. I know
10 people have pointed that out as concerns, they were
11 noted, and they were brought to the Deh Cho Bridge
12 Corporation.

13 And so, you know, from my part, I believe
14 that there was extensive consultation and people were
15 made informed. At the end it's quite common, you know,
16 you have very public forums and no one shows up, and
17 that's a common practise, unfortunately. But yet at the
18 same time, you know, I think the effort was made to
19 inform people and consult them and ensure that they were
20 informed. And, that's all I can say. Thank you.

21 THE CHAIRPERSON: Thank you very much.
22 Mr. Gargan, you had another question as well, I believe,
23 that you had asked regarding reclamation plans?

24 MR. SAM GARGAN: Yeah. Just -- just
25 with regard to the -- the -- this proposed bridge, the

1 whole idea behind this Hearing is to try to, as much as
2 possible, maintain normal daily life, if you want to call
3 it that, without disruption and we know that -- that this
4 will create disruption, right?

5 We also know that there will be increased
6 traffic for those that need to get access to their
7 cabins. We know that too. We also know that there will
8 be river disruptions too, when the construction of the
9 bridge is being done with people trying to get to, maybe,
10 Beaver Lake or beyond to their cabins by river, too.

11 Because I think part of this whole idea is
12 that -- is that you sink bridges to build -- build the
13 structures to them, you know, to put cranes on those --
14 on those barges, so people cannot access their cabins by
15 -- by -- by river. So anything that's abnormal to their
16 daily routine has to be questioned.

17 Now, I know that there are two (2) people
18 that -- that live right about a quarter of a mile -- not
19 even a quarter of a mile from that -- from where the --
20 the road curves into the Ferry landing that are going to
21 be disrupted.

22 And those -- the community benefits plan
23 is one (1) issue, but like Michael said, he's also talked
24 to -- both Michaels did say that -- they've also talked
25 to harvesters, right? And those harvesters also have

1 cabins, so, I guess my -- my -- main concern is that just
2 to make sure that this kind of construction doesn't have
3 too much of an impact on their way of life.

4 And a lot of people use four (4) wheeler,
5 a lot of people use Skidoos, and a lot of people use
6 boats, so I'm sure those were all thought of before --
7 before we've come to this table, so -- so that if Michael
8 is correct in suggesting that -- that -- that they will
9 be speaking to those people, then I'm happy with that.

10 As far as the reclamation work, I don't
11 know what will happen thirty (30) years from now and --
12 but certainly, you know -- like, again, too -- like the
13 whole -- the whole idea of any kind of -- any kind of --
14 a few years ago when PHB got its licence they were
15 required to -- to deposit for a reclamation work. I'm
16 not suggesting in this case that that should be the case
17 because there's hardly any disruption to the environment
18 -- very little as far as I -- I'm aware of.

19 However, for the people that want to leave
20 those areas to their future generation, at some point
21 maybe you have to address that issue.

22 THE CHAIRPERSON: Does the Deh Cho Bridge
23 Corporation have any comments regarding reclamation or
24 eventual decommissioning of the project? Or GNWT in the
25 post-transfer era?

1 MR. ANDREW GAMBLE: Yeah, I'll just --
2 Andrew Gamble -- I'll just quickly say by way of punting
3 this to the GNWT that Deh Cho Bridge Corporation is
4 designing this bridge to -- to last, I think, seventy-
5 five (75) years without major rehabilitation.

6 The fact is bridges -- unless they become
7 obsolete because of more traffic, they generally tend to
8 stay in place and be repaired, rehabilitated and you can
9 -- you can see bridges that are several thousand years
10 old, so certainly in thirty-five (35) years when the
11 Corporation no longer has ownership, we expect it to be
12 in good shape with a good forty-five (45) plus years of
13 life left in it.

14 MR. RUSSELL NEUDORF: Russ Neudorf, GNWT.
15 We certainly echo the comments of the Bridge Corporation
16 here that we are taking the very long term view for this
17 project.

18 That it's -- all indications are that the
19 transportation is going to be needed long into the
20 future, beyond the thirty-five (35) years; beyond the
21 seventy-five (75) years of the bridge that there likely
22 would still be the requirement to cross this river at
23 this location. And as time goes on, as other potential
24 alternatives for crossing the river might come up, of
25 course those would be evaluated.

1 If there's something that becomes more
2 cost effective or a better idea at the time, fifty (5) or
3 a hundred (100) years from now I think you eluded to
4 that. We'd certainly take a look and see what the
5 options are and then make the best decision on the
6 reclamation -- reclamation of the bridge if we ever got
7 to that point. Thanks.

8 THE CHAIRPERSON: Thank you very much,
9 sir. Any other questions or comments you'd like to make?

10 MR. SAM GARGAN: No that is all -- that
11 was just some of the concerns that I've been picking --
12 picking up and I wanted to -- to put it down as on
13 record. I certainly like the response so it's also on
14 record too, so. If there isn't any followup then there
15 will be more to say if that's the case. Thank you very
16 much for listening.

17 THE CHAIRPERSON: And thank you very much
18 for your questions and comments on this project.

19 Do we have any other members of the
20 public? Again this is what this session is for. It's
21 for those people who are not registered parties or people
22 who have requested to make a formal presentation to the
23 Board regarding the project. This is for the public.

24 It's an opportunity for people to come
25 forward, ask questions, seeking clarification and make

1 comments on the project. Please, the gentleman in the
2 back there if we can get you a microphone or come forward
3 and -- and use one (1).

4 MR. CHRIS MACGREGOR: Thank you, Mr.
5 Chairman. My name is Chris MacGregor. I wanted to talk
6 again about the spillage and the way I was told that
7 anything that was going to drain off the bridge would
8 just simply drain down the bridge and into the snow and
9 then into a ditch.

10 You know, I grew up on a farm and we put
11 chemicals in our soil for as long as I was on the farm,
12 fifty (50) years they've been doing it. Everything was
13 okay, the crops were good, everybody's happy because the
14 chemicals helped them. And then fifty (50) years down
15 the road they find out that oh, these chemicals, they're
16 now seeping and they're not just seeping, they're seeping
17 into the rivers, they are seeping into people's water
18 systems.

19 I'm -- I'm thinking that just by the water
20 going down the bridge and -- and soaking into the snow,
21 that's okay for now but it's going to soak into the dirt
22 after it soaks into the snow and then after it soaks into
23 the dirt it's going to find its way right into the river.

24 And it's not going to stop. It's going to
25 happen and happen and happen. Thank you.

1 THE CHAIRPERSON: Thank you for your
2 comments. Again, we've -- before our -- our dinner
3 break, had covered this subject matter very thoroughly
4 and it's identified as -- as an acute concern. And we do
5 welcome your -- your comments.

6 Do you have any other statements or
7 comments on the project you'd like to make now?

8 MR. CHRIS MACGREGOR: Yeah, what about
9 when they're building -- when they're building these
10 little dikes around so that they -- they can do their
11 pile driving and whatnot and disturbing -- disturbing
12 inside the water making silt and all that. There's --
13 there's lake silt curtains -- I've used them before
14 because I built bridges before.

15 You put a silt curtain up and while it's
16 being disturbed, that silt curtain will -- will stop all
17 the -- not all, but most of the silt is going to end up
18 going down the river and contaminating say fish docks and
19 -- and fish eggs and it's -- it's money. It cost money
20 but it also saves habitat. Thank you.

21 THE CHAIRPERSON: Thank you. Perhaps you
22 weren't here for one (1) of the presentations earlier,
23 silt curtains were identified as a mitigative measure
24 when working within the cofferdams. You're absolutely
25 right, they are an effective means in containing sediment

1 plumes in -- in water.

2 Do we have any other questions from the
3 public at this time?

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: Well with that, we will
8 ask the developer for closing comments. One (1) moment,
9 please.

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON: We have one (1)
14 question from Gabrielle MacKenzie-Scott for the
15 developer, please.

16 MS. GABRIELLE MACKENZIE-SCOTT: I know
17 it's a question that I had raised earlier and it's along
18 -- a line of the questioning that Sam Gargan was asking
19 about shareholders.

20

21 I still don't get any sense -- I know that
22 from reading your presentation, it says Deh Cho Bridge
23 Corporation is owned by membership of the, you know, Fort
24 Providence, Metis Local and the Deh Got'ie Dene Band.
25 Does that mean that the shareholders are every Band
members? And that they have a good knowledge that --

1 that, you know, they are shareholders?

2 MR. ANDREW GAMBLE: Just, again, trying
3 to explain the structure. The -- the -- the members, all
4 the members of the Metis Local and the Dene Band are
5 considered shareholders in the Corporation. They
6 exercise their rights.

7

8 They don't have shares like you would have
9 shares in -- in Nortel. But they exercise that -- that
10 ownership by virtue of electing their respective
11 Councils, who appoint board members. And there's three
12 (3) from each of the Dene and Metis organizations on the
13 Board of Directors.

13

14 And -- and that Board of Directors is
15 accountable to its membership, its shareholders, to -- to
16 run the Corporation in their interest. Thus far, the --
17 both the Dene and Metis Councils have gone to their
18 membership to seek resolutions for every major decision.
19 And I know they intend to do that on upcoming major
20 decisions.

20

21 So, again, while -- while individual
22 members can't pull a share certificate out of the drawer,
23 there are only two (2) issued right now. One (1) to the
24 Metis Council, which can hold shares. And the other to
25 the -- to the Band Chief, who can hold shares in trust
for the membership.

1 The -- the community has been through a
2 process and membership of both the Dene and Metis Bands
3 have approved the community benefits plan that says what
4 they'll do with the -- I guess, the benefits of their
5 shareholding, which is -- which is any future profits
6 from ownership of this bridge, and to what kind of things
7 they intend to allocate it.

8 Now, they're free to change their -- their
9 minds at any time. But they have approved, formally
10 approved by motion the committee benefits plan that's
11 included in the -- in the developer's assessment report,
12 and said, For the time being, this is how we intend to
13 allocate those profits to -- and I think, as Albert said
14 before, to -- to community, social, economic,
15 reinvestment opportunities, and to creating a sustainable
16 fund.

17 So that when, in thirty-five (35) years,
18 the bridge is turned over, they have a pension plan of
19 sorts, a continuing stream of income to make those kind
20 of investments.

21 And I think Albert alluded to that,
22 really. The kind of things they're doing are for the
23 benefits of all the residents of the community. And it's
24 not -- it's not a case of doling out, I guess, cash
25 dividends. In which case then it becomes an issue of --

1 of what's equitable.

2 They're intending to use it for social and
3 economic programs for the benefit of all community
4 members equally, and equal access too.

5 THE CHAIRPERSON: All right. Go ahead,
6 Mr. Lafferty. And then Mr. Gargan has another comment.

7 MR. ALBERT LAFFERTY: Yeah. Just to
8 follow up on the previous comments that we've made. The
9 community benefits plan, like Andrew has -- has outline,
10 is -- has been in the works. We've put a lot of effort
11 into it. And we believe it's a sound plan.

12 And it -- it's intended to serve the
13 beneficiaries, or the membership at large. And it's
14 intended to meet our -- our socio-economic goals, long
15 term aspirations and we see it as a sound plan and I
16 guess that's all I can say at this point.

17 And I'd also like to -- I'd just add to
18 the -- this -- that this is a public/private partnership
19 and it is a business arrangement. It's -- the -- the
20 basis of this project and we believe we've -- we've
21 addressed the socio-economic impacts that our community
22 stands to face as a result of this proposed development.

23 And the plan and the revenue stream that
24 flows through our community will be addressed through
25 that plan which we're confident will -- will satisfy our

177

1 long term needs and as our community develops over time,
2 priorities may change and the -- the people that are in
3 charge of overseeing the plan in the future will change
4 it accordingly. Thank you.

5 THE CHAIRPERSON: Thank you. Please, Mr.
6 Gargan, go ahead.

7 MR. SAM GARGAN: Hello. Just again,
8 maybe it has been asked and has been responded to and --
9 with regard to the Deh Cho processes, eventually there
10 will be one (1) local government, so how -- is that being
11 addressed at all?

12 And the other thing, too, is that as
13 shareholders, thirty (30) years from now my children are
14 going to be the shareholders, but this -- this thing
15 becomes such a good deal and would they be willing to
16 dissolve or would they like to just continue collecting
17 revenues and everything else on the bridge?

18 Has -- has that ever been -- been -- worst
19 case, you know maybe, but I don't think, you know --
20 like, anybody that has an interest in future generation
21 will -- will let go of a good revenue source for
22 anything. Perhaps that has already been addressed?

23 MR. ANDREW GAMBLE: Just to answer that
24 question, the -- the agreement that's being contemplated
25 and -- and the Memorandum of Intent that was signed does

178

1 commit the Corporation to -- to turn over the -- the
2 bridge in thirty-five (35) years to the GNWT or -- or its
3 successor and that's pretty standard in public/private
4 partnerships.

5 The -- the -- and it's the identical
6 arrangement to the -- the fixed link to -- to Prince
7 Edward Island, typically where the private sector gets
8 into financing and building a piece of infrastructure
9 that's really part of a public system and they do so in
10 exchange for a concession that isn't indefinite.

11 It's a concession for a period of time
12 that allows them to -- to -- to pay down the -- the
13 mortgage or the -- the debt and to make a good return
14 over that period, but the -- I don't think there are very
15 -- any, if -- if -- very few, if any, examples where --
16 where a concession like that would be given in
17 perpetuity.

18 The -- the -- community benefits plan, in
19 part, addresses that question of what happens when the
20 revenues stop in thirty-five (35) years by -- by
21 certainly planning and, as Albert said, those plans can
22 change, but the plan now is to set aside some of those
23 revenues during that first thirty-five (35) years to
24 build a trust fund, very much like a pension that will
25 provide revenues after ownership of the bridge is turned

1 over.

2 And I know also that part of that
3 community benefits plan allows for some of the funds to
4 be invested in other community economic development
5 projects, some of which, I think, the community would
6 hope would be profitable.

7 So, -- so that's the way that's being
8 addressed, but -- and -- and certainly in thirty-five
9 (35) years, if it's -- if it's making a good return,
10 people will be handing it over reluctantly, but that's
11 the -- the arrangement that's been contemplated.

12 THE CHAIRPERSON: Thank you very much.
13 We'll ask one (1) last time if there are any additional
14 comments from the Public that they'd like to bring
15 forward? We've heard a lot of interesting and good
16 questions.

17 Does anyone from the public wish to bring
18 forward any comments? Please do.

19 MR. SAM GARGAN: Well, I asked a
20 question --

21 THE CHAIRPERSON: Oh, all right, I'm
22 sorry. I'm sorry, can you re-state the one (1) question
23 that remains unanswered, please?

24 MR. SAM GARGAN: On local -- on local
25 Government? Right now we have three (3) organizations,

1 the Metis, the Dene, and the Hamlet. Under the Deh Cho
2 process, it will become like one (1) government, one (1)
3 local government.

4 So, have they made any kind of
5 arrangements that this will happen eventually?

6 THE CHAIRPERSON: Can members of the Deh
7 Cho Bridge Corporation address that question?

8 MR. ANDREW GAMBLE: I'm not -- I don't
9 think it would have a big impact on the arrangement if
10 this is, I guess, a contractual deal between the GNWT as
11 it exists today and the Dene and Metis Members as they
12 exist today.

13 And -- and presumably if there's changes
14 in -- in any of those organizational structures, then --
15 then their successor or -- or reorganized or reformed
16 successor Governments or organizations, are going to
17 basically inherit the commitments made by -- by their --
18 their predecessors.

19 THE CHAIRPERSON: Thank you. And Mr.
20 Gargan, that addresses your question?

21 MR. SAM GARGAN: Yes.

22 THE CHAIRPERSON: Thank you. With that,
23 we have asked, before the break, if DFO or DOE had any
24 closing comments and we were told, no; is that still your
25 positions?

1 MR. MIKE FOURNIER: That's still our
2 position, Mr. Chairman, and if -- if there are no more
3 questions from the public that will be directed at us, we
4 will respectively take our leave, if that's all right?

5 THE CHAIRPERSON: That sounds like an
6 invitation. So I'm going to have to ask: Are there any
7 final questions for either DFO or DOE?

8
9 (BRIEF PAUSE)

10
11 THE CHAIRPERSON: Okay. Thank you.
12 Thank you very much for your participation.

13 MR. ERNIE WATSON: Thank you.

14 THE CHAIRPERSON: The Government of the
15 Northwest Territories, do you have any closing comments?

16 MR. RUSSELL NEUDORF: Thank you, Mr.
17 Chairman. We just want to say thank you to the Board and
18 thank you to the other Presenters and the Public for this
19 interesting meeting.

20 As indicated in our Presentation, the GNWT
21 is a partner in this Project, we do support the Project.
22 A couple of reasons for that: First, we will have a
23 better transportation system as a result of this bridge,
24 and the other reason is, the viable Aboriginal business
25 that will be created as a result.

1 And both of those will be as a result of
2 the -- the traffic, the resource development activity
3 that's occurring in the NWT. So, we look forward to the
4 Project moving forward to getting a positive Report back
5 from the Board. Thank you.

6 THE CHAIRPERSON: Thank you very much.
7 Now, I'm going to have to ask if you will bear with me
8 yet. One of our Board Members does have a final question
9 for the GNWT and I hope you will be able to respond to
10 that. So please, Gabrielle.

11 MS. GABRIELLE MACKENZIE-SCOTT: I was
12 hoping to do it earlier, but your Presentation didn't
13 present it in a way that I could have addressed this
14 question. And it's about the peer review process.

15 There, in the documents, you know, in the
16 hard copy documents that I read, it's confidential
17 information. I know that it's been shared with our Staff
18 and, you know, by special agreement, but I'm just
19 wondering: Why is it, like, confidential, like, when
20 will it be released?

21 Also, in -- in the pre-Hearing Minutes, I
22 also saw that there was going to be a report that was
23 going to be released September of this year, and I'm not
24 sure if it's -- if it's that report that they are talking
25 about.

1 So I'm just -- I wanted to ask why is it
2 confidential, because if -- if it's the general public
3 listening, they are going want to know, like, why is it
4 confidential when it's in front of a review process?

5 MR. RUSSELL NEUDORF: Thank you. The
6 Report that was supposed to be released on mid-September
7 is essentially the peer review report. So we're talking
8 about the same thing here. Unfortunately we haven't
9 concluded our discussions on all of the technical aspects
10 with the Deh Cho Bridge Corporation.

11 We did have a meeting earlier this week
12 and to talk about the technical aspects. The Bridge
13 Corporation's engineers were there, some of their
14 principals were there, GNWT was there with our
15 territorial advisors. Overall it was a -- a very
16 positive meeting.

17 We had a number of issues, concerns that
18 were before us. We took a look at all of those and
19 either resolved them or have a process to come up with a
20 resolution. So certainly a positive meeting from our --
21 our perspective.

22 The reason we've wanted to keep it
23 confidential is because of the process that it -- it's
24 still underway. We would rather discuss, resolve these
25 issues with our partner and not have to be addressing the

1 public concerns that might come about as part of those
2 discussions.

3 This is not your typical project but at
4 the same time it's -- it's a bridge, it's pretty standard
5 engineering that's going into it. But we just wanted to
6 keep those confidential to minimize the potential
7 complications that would come if some of the concerns had
8 come out.

9 At the end of the day we will be releasing
10 our territorial advisory's report and all of those -- the
11 -- the details, the resolution of them will -- will be
12 coming out. Thank you.

13 THE CHAIRPERSON: Thank you very much.
14 Does the Deh Cho Bridge Corporation have any closing
15 comments that they would like to present now?

16 MR. ALBERT LAFFERTY: While it's been an
17 interesting day and first of all, I would like to thank
18 all of you for -- for coming here today and conducting
19 this Hearing. The Bridge Corporation and the Dene/Metis
20 of this community believes this project's good for our
21 community, it's good for the region and I think we all
22 agree that's it good for the environment.

23 We believe that this EA process has shown
24 this. We've heard positive from various communities
25 throughout this development stages of the project as well

1 as Environment Canada, DFO, the Government of the
2 Northwest Territories and even INAC is speaking in favour
3 of this project.

4 So we're confident that the Mackenzie
5 Valley Environmental Impact Review Board will recommend
6 approval and would like to once again thank the Board and
7 your Staff for your work and particularly Kimberley
8 Cliffe-Phillips for -- who has worked with our -- our
9 team and with us throughout this process. Thank you very
10 much, massi.

11 THE CHAIRPERSON: And thank you. I'll
12 just briefly explain what the next steps are from the
13 Board's perspective. The Board will go back and analyse
14 the information received today and that again, as I
15 explained in the opening comments, is only part of the
16 record.

17 All of the written materials and
18 submissions including all of the evidence that's been
19 collected through the Information Request first rounds,
20 two (2) rounds to be exact, are all part of the evidence
21 that the Board weighs. We will write our report of
22 environmental assessment and then submit that to the
23 Federal Minister.

24 At which time our involvement is on hold
25 until that report is accepted by the Federal Minister at

1 which time our participation in this is complete and it
2 will then go on to whatever step is decided at that
3 point.

4 I would also like to thank everyone who's
5 participated today, the developers, the other registered
6 parties, those members of the public that chose to come
7 out and ask questions. It's all very helpful. We have
8 got to hear things and have them presented to us if we're
9 to consider them. So thank you for your participation.

10 I'd also like to thank Kimberley as well
11 for the hard work that she has put into this and Ranita
12 Schuh who came down with her. The staff has I think made
13 sure, kept our Board on track and on focus on this
14 environmental assessment and we greatly appreciate their
15 efforts.

16 With that, the Hearings for -- this
17 Hearing for the Deh Cho Bridge proposal is now concluded.
18 And, once again, thank you and have a good evening.

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20 --- Upon adjourning at 7:58 p.m.

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2 Certified Correct,
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8 Wendy Warnock, Ms.
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