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MACKENZIE VALLEY ENVIRONMENTAL
IMPACT AND REVIEW BOARD

ENCORE RENAISSANCE
(Formerly Consolidated Goldwin Ventures)
Environmental Assessment 0506-005

Mackenzie Valley Review Board Staff:

Richard Edjericon	Chairperson
Richard Mercredi	Member
Danny Bayha	Member
Peter Bannon	Member
James Wah-Shee	Member
Darryl Bohnet	Member
Percy Hardisty	Member

HELD AT:

N'Dilo, NT
September 13, 2011
Day 2 of 2

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APPEARANCES

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Vern Christensen (np))
Nicole Spencer (np))
Paul Mercredi)
Jessica Simpson)
John Donihee) Board counsel

(No Attendance)) For Encore
) Renaissance

Stephenie Poole) For Akaitcho Treaty
Stephen Ellis) 8 Tribal Corporation

Todd Slack) Yellowknives Dene
Greg Empson)
Chief Edward Singris)
Chief Ted Tsetta)
Fred Sangris)
Elder Isadore Tsetta)
Elder Alfred Baillargeon)
Elder Peter Sangris)

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LIST OF APPEARANCES (cont'd)

Glen McKay) GNWT
James Lawrance)
Rohan Brown) Counsel
Mathew Spence)
Fred Mandeville) ENR

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1 --- Upon commencing at 9:17 a.m.

2

3 THE CHAIRPERSON: Thank you. Good
4 morning. Good morning. Before we start the day I'm
5 going to get an Elder to say an opening prayer. I'm
6 going to call upon Eddie Seekie (phonetic) from -- an
7 Elder from here in N'Dilo to do the opening prayer.

8

9 (OPENING PRAYER)

10

11 THE CHAIRPERSON: Mahsi, Eddie Seekie,
12 for doing the opening prayer this morning. Mahsi. This
13 morning we're going to continue on with the Encore
14 Renaissance/Consolidated Goldwin Ventures environment
15 assessment hearing here in N'Dilo today. I called the
16 meeting to order at approximately 9:17 this morning.

17 Yesterday we went through the day where we
18 had our staff read out a statement on behalf of
19 Consolidated Goldwin Ventures, and now Renaissance --
20 Encore Renaissance. And we also went through the
21 presentation yesterday by the Yellowknives Dene First
22 Nation. And I just want to thank Greg for spending the
23 night and to take questions this morning.

24 So we have a protocol as to how we would
25 take questions, so I'm going to go to the Treaty 8 Tribal

1 Corporation that's here, if they're here, if there's any
2 questions for the Yellowknives Dene First Nation on their
3 presentation.

4

5 QUESTION PERIOD:

6 MR. STEPHEN ELLIS: No questions.

7 THE CHAIRPERSON: Steve Ellis, for the
8 record, no questions. I'm going to go to the public. If
9 there's any questions for the Yellowknives Dene First
10 Nation on their presentation made yesterday afternoon.
11 Anybody...?

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON: Okay, it doesn't look
16 like it. So I'm going to go to the -- the Review Board
17 staff and legal counsel in the back. Any questions for
18 the Yellowknives Dene First Nation?

19 MR. JOHN DONIHEE: John Donihee, Board
20 counsel. Just one (1) question for the Yellowknives.
21 Mr. Slack appeared to be working from a prepared text as
22 he made his presentation yesterday but there -- there was
23 no material fi -- filed in advance with the Board. I'm
24 wondering if it's possible to have his comments -- or the
25 written text for his comments filed for the record after

1 the -- after the close of the proceedings today, Mr.
2 Chairman?

3 THE CHAIRPERSON: Thank you, Mr. Donihee.
4 I'm going to go to the Yellowknives Dene First Nation.
5 Mr. Empson or Mr. Todd Slack.

6 MR. GREG EMPSON: Mr. Chairman, there's
7 no problem, we'll arrange to have those filed after the
8 hearing. It -- it's not a prepared text, it's -- it's
9 more in the nature of briefing notes and assistance, but
10 we will have them filed.

11

12 --- UNDERTAKING NO. 1A: Yellowknives Dene First
13 Nation to file the briefing
14 notes from Mr. Slack's
15 presentation by September
16 20th, 2011

17

18 THE CHAIRPERSON: Thank you, Mr. Empson.
19 I'm going to go back to Mr. John Donihee.

20 MR. JOHN DONIHEE: John Donihee, Mr.
21 Chairman. Thank you. That -- that was my question.

22 THE CHAIRPERSON: I'm going to go to the
23 Review Board staff. Any questions for the Yellowknives
24 Dene First Nation on their presentation made yesterday
25 afternoon?

1 MR. ALAN EHRLICH: No, Mr. Chair. Thank
2 you.

3 THE CHAIRPERSON: Okay. Thank you. I'm
4 going to go to my left this time. I'm going to go to
5 Board member Percy Hardisty for any questions for the
6 Yellowknives Dene First Nation on their presentation?

7 MR. PERCY HARDISTY: Mahsi, Mr. Chair. I
8 do not have any question at this time. Mahsi.

9 THE CHAIRPERSON: Thank you. Mr. Darryl
10 Bohnet, Board member.

11 MR. DARRYL BOHNET: Thank you, Mr. Chair.
12 I have a question for Mr. Todd Slack. It's in reference
13 to the Akaitcho IMA office presentation and I'm
14 interested in hearing from (LOST AUDIO) total agreement
15 with -- with the recommendations made by Akaitcho or are
16 there differences that he would -- that -- do you have
17 any -- any thoughts or deviation from their presentation?
18 Because there -- there's a lot of similarities. I picked
19 up similarities but I wasn't sure if you're tracking
20 exactly with them or not. They did make recommendations
21 on -- on wording changes and so on.

22 THE CHAIRPERSON: Thank you, Mr. Bohnet.
23 I'm going to go to the Yellowknives Dene First Nation,
24 Todd Slack.

25 MR. TODD SLACK: Todd Slack, YKDFN. To

1 the best of my knowledge there's a great deal of overlap.
2 I think that there is subtle differences between the --
3 the two (2) presentations or the two (2) positions, but
4 in general I think there was a great deal of overlap
5 between the -- the recommendations and suggestions.

6 THE CHAIRPERSON: Thank you. I'm going
7 to go back to Mr. Bohnet. And also, if you could put the
8 mics close to your mouth as possible.

9 MR. DARRYL BOHNET: Sorry. Thank you,
10 Mr. Chair.

11 I wonder if -- if Yellowknives -- Mr.
12 Slack and Yellowknives could take as an undertaking to
13 write up what they think per -- in a perfect world the
14 changes would be to some of the measures.

15 MR. GREG EMPSON: Yes, we'd be happy to
16 do that and provide that within the next ten (10) days.

17

18 --- UNDERTAKING NO. 1B: Yellowknives Dene First
19 Nation to write up what they
20 think in a perfect world the
21 changes would be to some of
22 the measures by September
23 20th, 2011

24

25 MR. DARRYL BOHNET: Thank you, Mr. Chair.

1 No further questions.

2 THE CHAIRPERSON: Thank you, Mr. Bohnet.
3 So we can take -- make a note of that as an undertaking.
4 Mr. Empson, you had mentioned that in the next ten (10)
5 days it'll take you in to the 20th of September. Would
6 that be -- that be enough time?

7 MR. GREG EMPSON: That'll -- that'll be
8 sufficient time, yes. Thank you.

9 THE CHAIRPERSON: Okay. So that'll give
10 you a full ten (10) day -- business days to get that
11 information. So that'll be undertaking number 1.

12 Okay. I'm going to go to Board member Mr.
13 James Wah-Shee. Okay.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: Thank you. We're going
18 to go to Mr. James Wah-Shee, Board member.

19 MR. JAMES WAH-SHEE: Thank you, Mr.
20 Chair. Just a point of clarification. If I understand
21 the presentation correctly, the -- the Yellowknives Dene
22 First Nation presentation, essentially stated that no
23 permits should be issued until land claims have been
24 completed.

25 Am I correct in that position, or did I

1 hear something else? Just a point of clarification.

2 THE CHAIRPERSON: Thank you, Mr. James
3 Wah-Shee. We'll go back to the Yellowknives Dene First
4 Nation.

5 MR. GREG EMPSON: Thank you, Mr. Chair.
6 No, that -- that may have been -- I think we weren't
7 attempting to convey that. We were suggesting that until
8 there is a plan of action in place to deal with the area
9 that no permits should be issued because of the negative
10 impact of the development until there is that plan in
11 place.

12 And it -- it could be that once a plan is
13 in place it can allow for a limited development with
14 maximum protection at the same time. We're not
15 suggesting they have to be done separately, but, no, we
16 did -- we did not -- I mean, in a perfect world, yes, but
17 that's not reality. We're not asking that -- that no
18 permits be issued until land claims are settled.

19 THE CHAIRPERSON: Thank you, Mr. Empson,
20 and Mr. James Wah-Shee.

21 MR. JAMES WAH-SHEE: Thank you very much
22 for the clarification. Thank you.

23 THE CHAIRPERSON: Thank you. I'm going
24 to go to Board member Richard Mercredi.

25 MR. RICHARD MERCREDI: Thank you, Mr.

1 Chairman. No questions at this time.

2 THE CHAIRPERSON: Thank you. I'm going
3 to go to our Board member Mr. Peter Bannon.

4 MR. PETER BANNON: Peter Bannon. No
5 questions at this time, but thank you for the
6 presentation and the huge turnout for the -- the team.

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

9 MR. DANNY BAYHA: Thank you, Mr. Chair.
10 I just had a couple of questions, just maybe one (1) to
11 start off. First of all I want to say Mahsi for the
12 Chiefs and -- and Elders to enlighten us of actually
13 what's happening. It's the only way we can find out
14 ourselves, educate ourselves exactly how things are
15 working. Mahsi again.

16 As for the question, earlier Darryl and
17 James asked about the position of -- of Yellowknives
18 First Nations. So I guess when you talk about permits,
19 we're talking about -- you're talking about exploration
20 as well, not just -- because people use the word
21 development and it means like mines and stuff, and then -
22 - because they're different levels of exploration, or
23 different levels of development per se.

24 So do you mean all development like
25 including prospecting permits? Is that your position

1 until a -- a plan is -- is place. And when you're
2 talking about "plan is in place" -- I guess there's two
3 (2) questions. The first is -- is what you mean by
4 development, or what you're hoping it means. And the
5 other one (1) is how, if this plan is in place, is it
6 implemented and -- and -- and working at a ground level,
7 is that what you're thinking?

8 So I just wanted a little bit more -- push
9 this question to the point where we can get some more
10 ideas of what your thoughts are on that. So, thank you.

11 THE CHAIRPERSON: Thank you, Mr. Bayha.
12 I'm going to go to the Yellowknives Dene First Nation, if
13 you understood the question. Mr. -- YKDFN...?

14 MR. GREG EMPSON: I -- I -- I may -- I
15 may need clarification on your question. I'm sorry. And
16 I'm not sure whether I'm or Mr. Slack is best off to wri
17 -- to -- to respond to this.

18 The -- the plan of action, if we call it
19 that, or the plan, has to take into account existing
20 rights as they exist. And I think it's important to note
21 that -- that of these lands, the majority of them were
22 not taken in the interim land withdrawal because of
23 third-party rights that existed on the lands. And
24 whether we like it or not, we have to respect that there
25 are certain third-party rights.

1 At the same token, we also have to
2 understand that there are other competing interests for
3 those lands. And the Yellowknives have, for the last ten
4 (10) years, submitted that the most important areas are
5 the shoreline areas and certain portions of them.

6 At the same time, the Yellowknives have
7 internally, and the Elders have internally, discussed the
8 most important of those lands. We recognize that any
9 plan has to take into account all of these rights. And
10 while we wish to see a plan that provides on an interim
11 basis maximum protection, I think it also has to take
12 into the account that there are other interested parties.
13 And any plan that would be bilateral between the
14 Yellowknives and the federal government or between two
15 (2) parties wou -- would never work.

16 It -- it has to be comprehensive involving
17 all interests in the area. So I -- I think the -- the
18 answer to your question is we want -- or we wish to see
19 something that provides maximum protection that retains
20 the integrity of the lands pending a formal land use
21 policy of some kind but taking into account that there
22 are competing interests that have to be attended to, and
23 perhaps a good example is the federal.

24 And -- and our proposal has been that this
25 has to be a government initiative, and if there are

1 rights, that the government would, shall we say, put on
2 hold pending this, then that's a matter for a government
3 to look after. And if that involved waiving fees or some
4 compensation for an interim period of time, then we
5 believe that should be part of the process.

6 Does that answer your question?

7 MR. DANNY BAYHA: Yes, a bit. And then
8 in -- I guess in -- I was thinking more along the lines
9 of new permits or new issuance of permits, like, for
10 example, if they're going to open up that area for
11 prospect permits, for -- for example. I was just
12 thinking along those lines, as what, you know, position.
13 And we realize there might be existing rights in that
14 area already, and -- and if they lapse too as well. So
15 that's the other question. That sort of ties into this
16 whole issue. Thank you.

17 THE CHAIRPERSON: Thank you, Mr. Bayha.
18 Greg Empson...?

19 MR. GREG EMPSON: If -- if -- well, if --
20 if I could just -- the Chief has indicated that he has
21 some thoughts on that. So if I could hand the microphone
22 over to the Chief, please.

23 CHIEF EDWARD SANGRIS: Thank you. Thank
24 you, Danny, for that question. Well, when you talk about
25 the existing permits that are currently on the table and

1 when you referred to any new permits that are in line, I
2 think, from a Yellowknife Dene perspective, we wanted to
3 ensure that the area is not developed to a point where
4 area will have an enormous impact on land of Dene.

5 So in terms of any new upcoming permits we
6 feel that it should not be accommodated or discussed
7 until such time as -- as our claim is settled or -- or
8 when we dialogue in -- in a plan of action. I think we
9 already have been overtaken by, you know, the -- the
10 amount of activities that we're comfortable with.

11 That doesn't mean that we can't look at
12 the -- at the new permits but until such time as these
13 two (2) are -- are dealt with. I don't think we can --
14 as a Yellowknife Dene, we cannot accommodate any more new
15 permits. Mahsi.

16 THE CHAIRPERSON: Mahsi, Chief Eddie
17 Sangris. Just maybe before we go back to Mr. Bayha I
18 just want to make sure that people could turn off their
19 cellphones or put them on vibrate so we have no
20 interruption when people are talking. I'm going to go to
21 Mr. Bayha.

22 MR. DANNY BAYHA: Yes, thank you for --
23 for that. The other question, I guess, a bit earlier in
24 the Akaitcho -- the -- the IMA office made a
25 presentation, and they had an issue with the -- the --

1 having in the measures the reference to GNWT.

2 Do you have the same thoughts, thinking
3 about leaving GNWT totally out of the -- the measures?
4 And if that's the case, that means how far -- again, I
5 just want to be more clear for -- for -- at least for my
6 sake, does that include the Prince of Wales Heritage
7 Centre, because obviously they're all tied together. So
8 I just wanted to have some ideas if you had -- could
9 share that with us. Thank you.

10 THE CHAIRPERSON: Thank you, Mr. Bahya.
11 I'm going to go to the Yellowknives Dene First Nation.

12 MR. GREG EMPSON: Thank you. My -- my
13 understanding of the minister's comments regarding the
14 GNWT were simply one (1) of jurisdiction over the land.
15 And -- and his issue was that any -- any reference to the
16 land and the government should just be the federal
17 government and not the GNWT.

18 No, my -- those comments do not extend to
19 the Prince of Wales Heritage Centre. I think as a
20 independent body they have to be involved and should be
21 involved in any formal assessment that's done.

22 By the same token, I think the GNWT should
23 be a party at any discussions concerning the use of this
24 land, as there is some overlapping issues with respect to
25 wildlife, with respect to use by the general population,

1 and -- and that nature of thing.

2 And so I -- I think the reference in terms
3 of requiring them to take steps for the plan of action
4 should not apply to the GNWT, but it should continue to
5 apply to the minister.

6 And -- and, Mr. Chair, if -- if -- I
7 believe I've answered that question. Mr. Chair, the --
8 Chief Ted has also asked to make a comment to that
9 earlier question. So if I forget, if you could please
10 get back to him on that, please?

11 THE CHAIRPERSON: Yep, please proceed.

12 CHIEF TED TSETTA: Good morning,
13 everyone. I hope you had a good rest and otherwise you
14 know that the Creator can help us along the way to make
15 our life a little bit easier for the future kids that are
16 going to be here one (1) day.

17 Just yesterday when I comment on a
18 question about all of you making the decision with us, I
19 meant like for your generations. You can come and go
20 anytime you want to Drybones Bay and enjoy the beautiful
21 scenery, the water, the air, that the Creator has given
22 us.

23 Let's not take that away from our youth.
24 Going back to the question for existing rights, we always
25 had that existing rights ever since 1900. We entered a

1 1900 treaty. In 1923 we have a Yellowknife Game Preserve
2 established. And breach of our treaty is nowhere to go.
3 And just let the Boards know that we do have those still
4 in place that we never surrendered or ceded.

5 So just getting back to Mr. Bayha's
6 question, we do have existing rights. And for this part
7 of this area, you know, it's pretty well -- I've said for
8 the last two (2) days, land claim or not, that area will
9 be protected. It's too close to our hearts. It's been
10 like that for thousands of years and we will maintain
11 that stand. And, you know, our Elders have come before
12 us and protected us. And I think we could share it with
13 everybody.

14 When I heard the comment yesterday about
15 this person on radio that it's a waste of taxpayer's
16 money, I don't think money is going to bring back the
17 wildlife. If the water gets contaminated I don't think
18 money will ever bring back the pollution, the way the
19 devastation occurs in the mining industry.

20 So just a thought to that -- that radio
21 station that he said it was a waste -- waste of time,
22 money, energy, on this hearing. Now you see the picture.
23 So I just want to thank you for continuing this very
24 important meeting and it's going to be decided on all of
25 us, and it should have been that way all the way. Thank

1 you.

2 THE CHAIRPERSON: Thank you. Thank you,
3 Chief Ted Tsetta. YKDFN, you had -- sorry, Mr. Bayha, do
4 you have any more questions?

5 MR. DANNY BAYHA: Yes, thank you. Mahsi
6 for that response. Earlier, I -- just again, this is
7 more of a clarification, and -- and I -- in earl -- and
8 I'm hoping that all this will be captured in your
9 submission and your unified position as -- as totally
10 official, I suppose. But earlier there was mention that
11 until land claims is settled these things shouldn't be
12 done, like no permits or no issues -- issuance of permits
13 should be done.

14 Now, that -- that's -- sort of -- I'm
15 thinking it's different from this plan of action. I
16 don't know how they fit together. Could you maybe just
17 walk us through what -- how you envisioned that to
18 happen? Thank you.

19 THE CHAIRPERSON: Thank you, Mr. Bayha.
20 I'm going to go to the Yellowknives Dene First Nation.

21 MR. TODD SLACK: Todd Slack, YKDFN.
22 Coming back to what Mr. Empson said, in the perfect world
23 that would be the preferred solution. But in the
24 interim, I think that it's important this area receives
25 protection so that it doesn't continue to suffer the

1 cumulative impacts that it does.

2 Well, it would be better if this was an
3 issue that fell within the negotiations realm. The
4 impacts are imminent and ongoing and require actions
5 sooner than later.

6 THE CHAIRPERSON: Thank you, Mr. Slack.
7 I'm going to go back to Danny Bayha, Board member.

8 MR. DANNY BAYHA: Yes. And that's all I
9 had, Mr. Chair. And, again, I wish to thank the Chiefs
10 and the Elders to giving us the information that we need.
11 Thank you.

12 THE CHAIRPERSON: Thank you, Mr. Bayha.
13 That concludes the questioning, but I think I'm going to
14 turn it over to YKDFN for, I guess, a couple comments,
15 closing comments or anything that you have before I move
16 onto the next presenters.

17

18 FINAL COMMENTS RE YKDFN PRESENTATION:

19 MR. GREG EMPSON: Thank you, Mr. Chair.
20 A couple comments, although it will be shorter than what
21 I had planned because we've given the undertaking to
22 provide something in writing to the Board within ten (10)
23 days that we propose, or at least we are hoping, will
24 work to accommodate all parties.

25 A couple housecleaning matters, if I

1 could, and I neglected to do this yesterday. I have and
2 wish to submit for the public record a letter from the
3 Yellowknives Dene First Nation to the Chair, Mackenzie
4 Valley Environmental Impact Review Board. It's three (3)
5 paragraphs, Mr. Chair. I would wish to read it into the
6 record, and then I will provide a final copy.

7 It reads:

8 "Dear Mr. Edjericon, re CGV and
9 Debogorski EA hearings."

10 Now, it was done at the time or prior to
11 the adjournment of that hearing.

12 "The Drybones Bay area is a special
13 place to the YKDFN. Culturally, this
14 area is without parallel and the
15 highest level of protection is needed.
16 The people's use of this area has been
17 significantly impacted by the level of
18 development and the subsequent effects
19 that arise out of those impacts, and we
20 have seen our treaty rights
21 considerably degraded over the last
22 decades.

23 Six (6) times we have asked the Review
24 Board to help protect this area but we
25 are still facing the same impacts, and

1 this will continue unless real measures
2 and mitigations are in place. Once
3 again, we are asking the Review Board
4 to help the people of YKDFN.
5 If this project proceeds it will be the
6 first of yet another wave of
7 development in this area. These
8 projects are not done in isolation and
9 they are not simply grassroots
10 exploration programs. The end result
11 must be considered. They all seek to
12 develop a mine, a mine in the heart of
13 our land that would be catastrophic for
14 the cultural identity of our people.
15 The former Chiefs of the YKDFN are
16 asking you ensure that this land can
17 continue, support the people who have
18 lived here for generations.
19 There is no other area that we can move
20 to. Drybones Bay is unique and
21 irreplaceable. This area cannot be
22 avoided. It is fundamental to the
23 identity and well-being of our First
24 Nation. Mining companies do not own
25 this land. They do not feed their

1 families or teach their children on
2 this land.

3 The customs and traditions of our
4 people are passed on here. Please help
5 us ensure that the land that our people
6 rely on is healthy and capable of
7 supporting our people, a future not
8 compatible with more development.

9 Sincerely."

10 And it's signed by Chief Edward Sangris,
11 Chief Tsetta, former Chief Fred Sangris, former Chief
12 Peter Lisk, former Chief Darrell Beaulieu, former --
13 former Chief Jonas Sangris, and former Chief Isadore
14 Tsetta.

15 If I could just hand that over. And we'll
16 -- I'd ask that go on the registry. I have as well a
17 resolution from the Dene National Assembly held on --
18 from July 11th to 15th in Fort Providence. It is signed
19 by the Dene National Chief, Chief Bill Erasmus and I
20 would ask that that be placed on the registry as well.

21 THE CHAIRPERSON: Mr. Empson, just for
22 the record, can we also read that motion into the record
23 as well?

24 MR. GREG EMPSON: I'm sorry, I'll read it
25 in. Okay. Thank you. The resolution reads as follows,

1 the subject was the exploratory work on Drybones Bay. It
2 was moved by Chief Edward Sangris. It was seconded by
3 Chief Edward Chocolate of Gameti. The decision was
4 unanimous. And it states:

5 "Whereas the Dene Nation has convened
6 the 41st Dene National Assembly in Fort
7 Providence, Denendeh from July 11 to
8 15, 2011, and whereas there is ongoing
9 exploratory work at Drybones Bay
10 without any authority from the
11 Yellowknives Dene First Nation, and
12 whereas there has been no consultation
13 with the Yellowknives Dene First Nation
14 by the Government of Canada with
15 respect to allowing the exploratory
16 work to be undertaken. And therefore,
17 be it resolved that Yellowknives Dene
18 First Nation seek support from the Dene
19 Nation in requesting that the
20 exploratory work stop from continuing
21 until such time that the Yellowknives
22 Dene First Nation is accommodated. And
23 finally, be it resolved that the Dene
24 National Chief provide notice to the
25 Minister of Indian and Northern Affairs,

1 that sin -- that since there has been
2 no consultation with Yellowknives Dene
3 First Nation, that the Minister of
4 Indian and Northern Affairs take
5 appropriate action and place a stop
6 work order on the exploration
7 activities."

8 Certified copy of reso -- resolution
9 adopted the 14th day of July, 2011. Thank you, Mr.
10 Chair.

11 Just -- if -- if I might just take several
12 minutes just to wrap up, I think, what our position has
13 been. Although, you'll see formally our position in --
14 in approximately ten (10) days.

15 In -- initially I -- I certainly want to
16 stress that I understand that the purpose of these
17 hearings over the last day or so has not been to redo
18 everything that was done a number of years ago. The
19 purpose of this hearing was to examine and consider the
20 comments that the minister has made as a result of the
21 decision that was made by the Board.

22 And I -- I -- I certainly wish to point
23 out that the Yellowknives Dene First Nation were
24 certainly in support of that decision and the initiatives
25 that the Board proposed.

1 We do understand that there were certain
2 findings, or there were certain opinions expressed, and I
3 -- I think they were findings by -- at the initial
4 hearing. And I -- I just want to remind the Board what
5 those were. As I understand, there are some new Board
6 members.

7 And I think we can agree that the findings
8 were -- that there are cultural impacts being caused. I
9 think we can agree that the Board found that the impacts
10 were at a critical threshold unless certain management
11 steps would be taken.

12 And -- and that's a given. And I don't
13 think that was challenged by the minister. And it's from
14 that starting point that we look at and examine what the
15 minister's comments were. The minister, as Mr. Slack,
16 and the Treaty 8 Tribal Corporation indicated, had made
17 some comments that were more, I suggest, in the nature of
18 comments that he wished to see some things tweaked
19 somewhat as opposed to opposing the measures.

20 He certainly did not oppose the findings
21 of the Board when they determined that there were
22 significant impacts that had to be dealt with. We --
23 we've indicated that measure 1 and 2, with a little bit
24 of tweaking were satisfactory. And I think the minister
25 has indicated that as well. It was really measure 3 and

1 4, and if we look at the big picture, what are the two
2 (2) outstanding items and that was the -- the plan. And
3 let's just call it the plan for now, and the monitoring
4 of that plan that caused the minister the most concern.

5 And I suggest that if you read through the
6 letter of the minister, his concern was simply that he
7 was being told to do something within a certain period of
8 time. And my experience in dealing with ministers,
9 notwithstanding the jurisdiction of this Board, and the
10 Board is in the north, on the ground, to do the work that
11 the minister cannot do from Ottawa and to gather
12 information. It's very important work. And they make
13 the recommendation, and I have some difficulty in finding
14 that the minister can essentially ignore the findings
15 that you made, because you were there to hear the
16 evidence.

17 And I don't know whether or not the
18 minister has read the transcript, but I certainly know
19 that the minister was not present to hear the Elders in
20 the first instances and has not been present in this
21 instance to hear the Elders either.

22 So it becomes in my mind an exercise of
23 providing something that the minister is comfortable with
24 in terms of a plan and -- and we have provided some
25 indication of where we stand on the issue. A plan is

1 important. A plan must involve all the stakeholders. A
2 plan can only be initiated by the government because
3 they're the only body that can get everybody together.
4 And we recognize that there are many competing claims for
5 this area.

6 We do ask the Board, however, and this is
7 perhaps most important, until that plan is put into place
8 that there be a moratorium on any further outside
9 development in that area.

10 There are existing rights. I have no
11 doubt that there are people that hold claims that are out
12 there picking up rocks to determine whether or not they
13 may or may not go to the next step. That will likely
14 continue. I don't know that any plan can prevent that
15 certainly in the short-term nor would it be something
16 that's enforceable. Because any plan that's put into
17 place must be enforceable, and we have to keep that in
18 mind as well.

19 And we have to keep in mind that
20 throughout the plan there will be continued use of the
21 area by people that make impacts on the land. And we
22 don't mean to suggest that there's only mining companies
23 that make impacts, people that use that land, people that
24 take their skidoos out, people that fish, people that
25 hunt all have impacts to the land, and that was why we

1 asked you to consider the cumulative impacts.

2 And on -- on that basis the Board has
3 limited jurisdiction but the Board has a very important
4 jurisdiction to make recommendations to the minister that
5 the minister will, I think, realize the seriousness of
6 the nature, realize the urgency of dealing with the
7 matter, and I urge the Board to place the minister in a
8 position where he must take steps.

9 And that is the issue, the minister must
10 take steps to protect the land in the interim until such
11 time as, whatever his issue was with respect to budget or
12 otherwise, until he can get the parties together and they
13 can discuss what would be the best use for this land
14 keeping in mind that the primary -- that the primary land
15 users are the ones that need the most protection and
16 they're the ones that have the least ability to get that
17 protection because they depend solely on bodies of this
18 nature to provide that protection or, at the end result,
19 the minister.

20 There has been or there was reference of a
21 plan that was referred to that the First Nation has been
22 looking at or has been working on. That is, there's been
23 internal discussions amongst the Elders because any plan
24 has to take into account traditional management of the
25 area. Traditional management involving the use of

1 trails, trapping, where -- where cabins are situated,
2 what use can be made of the shoreline, and -- and all --
3 all of those issues.

4 Those issues can only be addressed in a
5 proper forum by the minister taking the necessary steps.
6 And I certainly would urge this body to -- to take a look
7 at your original recommendations, they were not flawed,
8 they were good. They need a little bit of tweaking, and
9 I call it tweaking, but I - I suggest that they should be
10 re-affirmed and -- and you should stress with the
11 minister the need to act promptly, quickly, and -- and,
12 more importantly, urgently to protect the interests of
13 the -- of the Yellowknives Dene.

14 Thank you, Mr. Chair and Board members.

15 THE CHAIRPERSON: Thank you. I want to
16 say thank you to the Yellowknives Dene First Nation,
17 Chief Eddie Sangris, Chief Ted Tsetta, former Chiefs,
18 Elders, for coming in to do your presentation yesterday
19 and today, and we heard what you have to say and it's on
20 evidence.

21 And with that I want to say mahsi for
22 allowing us to come into your community too as well to do
23 this presentation. It's good that we do that. I think
24 an Elder over there wants to say a word. Maybe I'll go
25 ahead and allow it. Elder -- Elder Baillargeon...?

1 (WALEDEH LANGUAGE INTO ENGLISH THROUGH INTERPRETER)

2

3 ELDER ALFRED BAILLARGEON: They ruined a
4 big land -- our land base, and that is what we are trying
5 to prevent again because they had ruined a -- our big --
6 big land because of blasting and exploration work. And
7 now they ask for another piece of land to ruin again.

8 For those of you that are here in this
9 room, I'm sure you do a flyover, those -- those land that
10 they stake a claim, and all that. They -- they do --
11 they do a flyover, I'm sure, because before they even
12 stake a claim they probably fly over the land to what
13 land area they want.

14 And according to the miner recorder's
15 office, they go by the claim sheets and all that. They
16 haven't even been to the Drybones Bay area. They haven't
17 even did any kind of research in the area before they
18 went there because there's grave sites all over in that
19 area there. And there's old cabin sites, and some of our
20 members still go there. Even if they don't have any
21 cabins there, they still go there. And there's lots of
22 wildlife in that area.

23 And they didn't even ask the community
24 members, and they went there and they did exploration
25 work. They did some blasting over there without even

1 telling us. And all this for -- just for money. Why are
2 they so -- so greedy for money that they have to destroy
3 what's on the land.

4 There's a lot of musk -- muskrats and
5 beavers in that area, and they use big tractors, or -- or
6 whatever, those big machines that they use to go on the
7 land there in the wintertime. They go there, and they
8 just go around there in the -- in the springtime car --
9 when it's thawing out. They're just ruining all the land
10 there. They're ruining the -- the food for the muskrats
11 and beavers.

12 And they haven't even gone to the
13 communities to say that they are going to be doing some
14 exploration work there, or even drilling or blasting.
15 They just go to the offices in Yellowknife, and they let
16 them know instead of us. And that is not right.

17 There is a truck that's -- that fell
18 through the ice close to the shore there, and it's still
19 there. That vehicle is still there. And what are they
20 going to do about it? Are we going to get compensation
21 for all this exploration work that they're doing?

22 They're just ruining our -- our land.
23 It's -- it's been -- it's happening right in front of us.
24 Even if a little small area of land is ruined, it's going
25 to spread, and that is -- that area -- they've been doing

1 a lot of work in different spots in that area. And
2 they've been ruining everything in sight there, even the
3 trees.

4 And now they want to go further inland,
5 and they want to go all around Drybones Bay. Are they
6 not thinking straight? You know, I'm -- I'm not sure
7 what's happening with them because they don't seem to
8 understand that when we say no, we mean no, no
9 exploration.

10 What does -- what is the government of
11 Canada thinking, always giving out permission to -- for
12 these explore -- exploration companies and people to do
13 work on our land when we say no. Why are they not
14 listening?

15 If they want to look around on our land,
16 why don't they ask us. We can take them out and show
17 them where things are so that they don't destroy whatever
18 is there, like for an example a grave site.

19 We want our future generations, our kids,
20 to go out there in that area to go hunting, and to go
21 gather berries and all that, because there's lots of good
22 ground there for berries and for animals.

23 And our -- as I think back when I was
24 young, I used to be all over in that area, in the north
25 end -- part of that area, Drybones Bay. And the -- and

1 the old man that raised me, my step-father, he used to
2 tell me all kinds of things, and I still remember all
3 those things.

4 And I want -- and I -- and I take my
5 grandkids out sometimes, my grandsons, and I show them,
6 This is where we -- I was raised, this is where I did
7 this. I tell them these things, and yeah -- and I want
8 to continue doing that.

9 And if we ruin the whole land area in that
10 -- that area there, how are we going to take the kids out
11 and show them what we had done in the -- in our past?
12 Even myself, I used to go out hunting and trapping with
13 dog teams only. We never had no skidoos then. And I
14 used to do muskrat hunting, and all that, up to -- until
15 about 1956.

16 And it seems like the non-native people
17 that come here that do work -- try to do work on our
18 land, they think that we have never been out there. They
19 think that we have never gone for muskrats, and that.
20 It's because everything evolves, everything changes.

21 And when the -- when we teach -- when we
22 teach the young children today, we try to tell them how
23 to do things on the land. And sometimes we -- we even
24 encourage the teachers to have them go out on the land as
25 -- as a culture camps for one week thing. And we always

1 try to encourage the young -- young boys and young girls
2 just to go out, and they've been trying to do that but
3 there are a lot of things to be done by people, too.
4 Some people work, and they don't have time to take the
5 kids out.

6 So -- so what we think is that we, as
7 elders, we -- if we continue this with the younger
8 people, they will want to be out on the land more.

9 And now -- now they said that they want to
10 do more exploration -- the companies want to do more
11 exploration work on -- on the land. Since -- after they
12 ruined that one little area, they want to go to another
13 area and ruin that, too. What are they thinking? It
14 seems like they are just hiding from us when they go out
15 there. It seems like they hide, and they do their work
16 without telling us, without consulting us. And then --
17 only after the fact -- we find out -- all this out that --
18 - after the land is ruined, we find all this information
19 out, and then we have public meetings like this. That's
20 not very right.

21 There is -- there is the one -- one guy
22 who's name is Bill. He was out explore -- exploring our
23 -- doing exploration work. He is the one, the -- Michele
24 Zeekie (phonetic), the eld -- elder, and the -- and
25 Eddie's -- the chief's grandfather. They were the ones

1 that found some gold, too, in -- in a different area.
2 And this white guy, he -- he tried to take the piece of
3 paper away from them, to have them sign it, and -- and
4 they didn't know how to read or write, so they just put
5 an 'X' on the paper. And then the old white guy changed
6 that area. But that's how it happened in the past.

7 And now it's the same thing. It's just
8 like the same thing happening again. And the grave site
9 that's there, all the -- the fences, and the gra -- and
10 the crosses were burnt because of the forest fire. And
11 the -- the vehicle is still in the water there.

12 And we have not even been compensated, or
13 we haven't even settled our claim yet. What is to -- to
14 happen to that whole area? And what about those -- all
15 those barrels and -- of gas, and of oil, and we've found
16 -- we found out that they had spilled some oil there.
17 What about that?

18 They've been trying to do work there, but
19 they're just ruining the land instead of doing really
20 careful work, because they each say that they're going to
21 do -- they are going to be really careful when they work
22 there, but it -- it doesn't seem to be that way. They're
23 always ruining something.

24 One day when -- when we, as elders, pass
25 away, maybe one of the elders -- before we die we want to

1 -- we say that we want our body buried there in that
2 area. They should have -- they should be consulting us
3 first before they do any kind of exploration work.

4 Even -- even if they stake a claim, they
5 should come to the communities and say that, We are -- we
6 want to go there, What do you think, and, Maybe you can
7 show us around. Things like that. They should -- they
8 have to do that because they never consult us. They just
9 go and -- they just go to the office in town, and they
10 just go by paper only.

11 And I'm not very pleased with the way that
12 everything is working today because we're not being
13 consulted. I don't like it at all because I know that
14 area well. I'm not the only one. There's other elders,
15 and my family members, and my relatives. I'm sure that
16 they don't like it, but -- but some of them are not here,
17 and there are a lot of young men that still go out.

18 And now today all these people on our --
19 in the north probably think that, Oh they -- oh they
20 didn't settle their land claims. Treaty 8 people didn't
21 settle their land claims, so then oh we can just do
22 anything we want on their land. Oh yeah, we can work
23 here. We can do that. They're probably just thinking
24 that because we never settled our land claim.

25 Whenever I go to meetings, sometimes I get

1 chosen to go to Ottawa with the chiefs and that, and I
2 listen and I notice that one (1) time while we're sitting
3 in Parliament session, they're just at each other's
4 throat, those white people.

5 And here, when -- when we have our
6 meetings I don't notice us doing that. It sounds --
7 there's a big difference about the way we conduct our
8 meetings. And -- and I'm one (1) of the councillors here
9 from Dettah.

10 And -- and I have experience of being on -
11 - on my land. I have experience of -- of going out
12 trapping and hunting and that. So I know what I'm
13 talking about when I say I know this land. This is my
14 land that we are talking about.

15 It's -- this land is for our children and
16 their children, for the future generations. Thank you
17 for -- thank you for listening. Thank you.

18

19 (INTERPRETATION CONCLUDED)

20

21 THE CHAIRPERSON: Okay. Thank you very
22 much. So we're going to -- mahsi, Alfred, for your
23 comments. And I want to thank again YKDFN for coming up
24 and doing their presentation and the -- all their
25 delegation and your hospitality.

1 We're going to stop there. What we'll do
2 is we have an opportunity for the public to speak and as
3 well make presentations to the Board. And, again, I will
4 get people to question the presentations as well this
5 morning. And so we'll take a fifteen (15) minute break,
6 we'll come back. Thank you.

7

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

9 --- Upon resuming at 10:32 a.m.

10

11 THE CHAIRPERSON: Okay. Thank you. I'm
12 going to start. I'm going to call the hearing back to
13 order.

14 Before I go to the public to make some
15 comments we also have government officials here. And I'm
16 going to ask the party Intervenors if they have any
17 questions for the government officials, and their
18 departments are here. I believe we have different
19 departments here.

20 So maybe what I'll do is I'll take this
21 opportunity to go through the list -- order I have that
22 may have questions for the government officials in
23 regards to this file. Then after I do that I want to go
24 into the public for comments in regards to this hearing.
25 But, also, the people are fully aware of the

1 presentations for this hearing. It's all publicized.
2 And people know the order.

3 And so I'm going to continue to stick to
4 that order so that we can get through this hearing in a
5 timely fashion. So not to disrespect anybody in regards
6 to their presentation they want to make here today from
7 the public, again, you know, we have a process already in
8 place. We -- it's been there for a long time. And we
9 expect that we continue to follow that order.

10 So I'm going to go to the public after I'm
11 done with the government officials here if there's any
12 questions. So I'm going to go to the Akaitcho Treaty 8
13 Tribal Corporation, if they have any questions for the
14 government officials that are here today. If there is,
15 then we'll have a roaming mic. And then if you let me
16 know who you want to speak to, then I'll ask the
17 government officials.

18 Or better yet, maybe all the government
19 officials should come up here and -- if there's any
20 questions for you. And if there's none, then -- so maybe
21 I'll ask the departments that are here to come up.

22

23

(BRIEF PAUSE)

24

25

THE CHAIRPERSON: Just for the record,

1 the government officials, maybe if you wouldn't mind
2 letting us know -- let us know your name and which
3 department you guys represent.

4

5 QUESTIONS FOR GNWT PANEL:

6 MR. GLEN MCKAY: I'm Glen McKay. I'm an
7 archaeologist with the Prince of Wales Northern Heritage
8 Centre, Government of the Northwest Territories.

9 MR. JAMES LAWRANCE: James Lawrance. I'm
10 an official with Aboriginal Affairs and Northern
11 Development Canada in the Yellowknife regional office.

12 MR. ROHAN BROWN: Rohan Brown, with
13 Justice Canada, here representing Aboriginal Affairs and
14 Northern Development Canada.

15 MR. MATHEW SPENCE: I'm Mathew Spence.
16 I'm with the Canadian Northern Economic Development
17 Agency, the northern project management office.

18 THE CHAIRPERSON: Thank you. I want to
19 say thank you for you guys coming down to this hearing
20 and making time. And you guys are fully aware of the
21 file that's in front of us. And so -- and, as stated
22 earlier, we're here to deal with this file. And the
23 Board will go back and reconvene at a later date to make
24 a decision.

25 I'm going to ask questions. Oh, sorry,

1 mi...

2 MR. FRED MANDEVILLE: Yeah, Fred
3 Mandeville, with Environment Natural Resources,
4 Yellowknife.

5 THE CHAIRPERSON: Sorry. Thank you. You
6 got it. Okay, I've got a list of voters here. I'm going
7 to the Akaitcho Treaty 8 Tribal Corporation. If you guys
8 have any questions from the government officials in
9 regards to this file. If there's any questions that you
10 may have we could put it on the public registry. We have
11 a roaming mic.

12

13 (BRIEF PAUSE)

14

15 MS. STEPHANIE POOLE: Stephanie Poole for
16 Akaitcho IMA office. I would like it if the -- the
17 government representatives here today could -- could tell
18 us what is the mandate of -- of each of their various
19 departments. What is their role and responsibilities
20 within each of their departments, and then what will
21 their role and responsibilities be in regards to the plan
22 of action? Thank you.

23 THE CHAIRPERSON: Thank you, Stephanie
24 Poole. I guess I'll go to -- right down the line. So
25 again, state your name for the record.

1 MR. GLEN MCKAY: I'm Glen Mckay, Prince
2 of Wales Northern Heritage Centre. Our responsibility --
3 the -- the responsibility of our department is the
4 protection and management of archaeological sites in the
5 Northwest Territories.

6 As part of that responsibility we -- we
7 conduct reviews of all proposed developments in the
8 Northwest Territories, and make recommendations to land
9 management authorities on what level of archaeological
10 work will be needed to make sure that archaeological
11 sites are not impacted by developments.

12 We also regulate archaeological research
13 in the Northwest Territories through a permitting system.
14 This is done to make sure that archaeological research is
15 done properly. We also re -- review the results of
16 archaeological impact assessments and mitigation plans to
17 make sure that they will provide adequate protection to
18 archaeological sites.

19 In terms of what role we would play in a
20 potential plan of action, I think our -- our role would
21 be to make sure that the plan of action provides for the
22 protection in management of the archaeological sites in
23 the shoreline zone and Drybones Bay. Thank you.

24

25 (BRIEF PAUSE)

1 MR. JAMES LAWRANCE: I'll try and take a
2 -- a fair overview to that question. Sorry, James
3 Lawrance, Aboriginal Affairs and Northern Development
4 Canada. The Department of Aboriginal Affairs and
5 Northern Development Canada supports the minister in
6 three (3) primary roles.

7 First, we would support the minister as a
8 responsible minister in terms of his responses, along
9 with other responsible ministers to the MVEIRB
10 recommendations. Secondly, we obviously support the
11 minister and Canada in its role as the land and resource
12 manager. And thirdly, we support the minister in his
13 responsibilities to conduct Canada's relationship with
14 Aboriginal peoples, particularly through their treaty and
15 in processes such as Aboriginal rights negotiations pro -
16 - negotiations and consultation, common law duty to
17 consult.

18 Those are the three (3) broad mandates
19 that the Department supports the minister in in relation
20 to this type of issue.

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: Continue on.

25 MR. MATHEW SPENCE: So I'm Mathew Spence.

1 I'm senior project manager with the Northern Project
2 Management Office, which is part of the Canadian Northern
3 Economic Development Agency.

4 Our primary role is to coordinate federal
5 participation in environmental assessment and regulatory
6 review processes going forward. Consolidated Goldwin is
7 a -- is a file that's been around for a long time and it
8 predates the establishment of the -- of CanNor so we --
9 we don't have any official role in this particular
10 bearing, but we are interested in knowing what the --
11 what the evidence was, what the new evidence was that was
12 provided to the Board, and -- and we have a role to
13 support AANDC and other Crown departments in terms of
14 consultation efforts.

15 MR. FRED MANDEVILLE: Fred Mandeville,
16 Environment and Natural Resources, Yellowknife. I guess
17 our mandate is basically wildlife protection,
18 environmental protection, make sure that the habitat for
19 the wildlife is kept in a good clean state. And our role
20 is working with other departments since we're not
21 directly involved in -- in the permitting. We do our own
22 environmental assessments, forest protection, which is
23 one (1) of our mandates. With the Drybones fire we were
24 the department that responded to suppression of the fire
25 and working with the local users, I guess, on -- on the

1 area.

2 THE CHAIRPERSON: Thank you. I'm going
3 to go back to Lutsel K'e, Stephanie Poole. Have you any
4 further questions?

5 MS. STEPHANIE POOLE: Thank you.
6 Stephanie Poole, for Akaitcho IMA office.

7 Thank you, Glen, for your response, and
8 James, I don't think you answered my question about what
9 your role will be in any proposed plan of action. For
10 the dude sitting next to you he didn't say anything at
11 all, so I don't know who he is or what he's doing. And
12 also from CanNor and ENR I didn't hear what your role
13 will be in the proposed plan of action either. So if you
14 could just answer my question that would be great. Thank
15 you.

16 THE CHAIRPERSON: Thank you, Stephanie.
17 I'll go to James and then you can name that dude beside
18 you.

19 MR. JAMES LAWRENCE: James Lawrance. At
20 least he's not faceless.

21 I'll speak for him, Rohan Brown is counsel
22 with the Department of Justice and he's here supporting
23 me. So that's his role. And I just wanted clarification
24 on the question, Ms. Poole. Are you asking what my
25 personal role will be or the Department's in a plan of

1 action?

2 THE CHAIRPERSON: Thank you, James. Ms.
3 Stephanie Poole...?

4 MS. STEPHANIE POOLE: Stephanie Poole,
5 Akaitcho IMA office. I believe I asked three (3)
6 questions and the first one was just for each of you to
7 say what the mandate of your government department is,
8 then what is your specific role as an employee of that
9 department, and then what do you think your department's
10 role will be in a proposed plan of action.

11 THE CHAIRPERSON: Thank you. James
12 Lawrance...?

13 MR. JAMES LAWRENCE: Yes, James Lawrance.
14 My -- my personal responsibilities are to provide support
15 on issues of consultation, Aboriginal rights, from the
16 regional office perspective. In terms of the
17 Department's role in any movement forward on a plan of
18 action, as the -- as the Department is responsible for
19 managing the lands and resources my impression is that it
20 would have a -- a primary or -- or lead role in such
21 discussions.

22 THE CHAIRPERSON: Yeah, if you could
23 maybe help clarify with your colleague as well.

24 MR. JAMES LAWRENCE: As I say, Mr. Brown
25 is here from the Department of Justice providing legal --

1 legal counsel to myself and to the Department generally.

2 THE CHAIRPERSON: Okay. Thank you. I'm
3 going to move on to I think Mr. Spence, are you...?

4 MR. MATHEW SPENCE: Tha -- thank you.
5 Mathew Spence. I -- I think the -- the only question
6 that was left unanswered was what role CanNor or MPMO
7 would play in the plan of action. And currently we -- we
8 don't have a role, at least it's not -- not a role that's
9 defined per se yet. Thank you.

10 THE CHAIRPERSON: Thank you. Fred
11 Mandeville...?

12 MR. FRED MANDEVILLE: Fred Mandeville,
13 ENR. Yeah, I guess the role that ENR is playing is --
14 I'm not sure that once we see the plan of action but
15 we're kinda over -- overseeing the environmental aspect
16 of it, I guess. Just since we're not directly involved
17 or we're not lead agency in this permitting process,
18 we're just kind of -- work with the other agencies and to
19 -- ensuring everything is environmentally and according
20 to environment, I guess, safe.

21 THE CHAIRPERSON: Thank you. I'm going
22 to go to questions from the Akaitcho Treaty 8 Tribal
23 Corporation, Ms. Stephanie Poole.

24 MS. STEPHANIE POOLE: Thank you. I have
25 no further questions at this time.

1 THE CHAIRPERSON: Thank you. I'm going
2 to go to the Yellowknives Dene First Nation. Do you have
3 any questions to the government officials and their
4 departments on this file?

5 MR. GREG EMPSON: Thank you, Mr. Chair,
6 Greg Empson for the Yellowknives Dene First Nation. If I
7 could ask the gentleman -- I -- I believe he's
8 responsible for Aboriginal Affairs, the minister's
9 letter, which is on the record, indicates on page 2, and
10 I'll quote from that letter:

11 "The responsible ministers intend to
12 proceed with a planning exercise for
13 the Drybones Bay area."

14 And then it goes on to say:

15 "Which will consider the processes used
16 to develop other plans."

17 Can you comment on the time frame for that
18 planning exercise and what that planning exercise will
19 consist of?

20 THE CHAIRPERSON: Thank you. I'm going
21 to go to the INAC official, Mr. James Lawrance.

22 MR. JAMES LAWRENCE: Yes. Thank you.
23 James Lawrance. I'll have to take that question as an
24 undertaking, as it requires me to consult with my
25 colleagues in the Department.

1 THE CHAIRPERSON: Okay. Thank you.
2 We'll continue on with the undertaking. I want to turn
3 it over to Mr. John Donihee.

4

5 (BRIEF PAUSE)

6

7 MR. JOHN DONIHEE: Yes, thank you, Mr.
8 Chairman. John Donihee, Board counsel. Mr. Lawrance has
9 undertaken to provide an explanation to the Board of his
10 department's intentions with regard to the plan of action
11 that's referred to in measure 2. And to file that
12 explanation with the Board.

13 I guess the -- the question then is how
14 quickly can this be done? Is ten (10) -- we have another
15 -- other undertakings from the Yellowknives that have
16 about ten (10) days. Is ten (10) days enough time, or
17 what -- what -- what can work here that's going to be
18 timely?

19 THE CHAIRPERSON: Thank you, Mr. Donihee.
20 I'm going to go to James Lawrance.

21 MR. JAMES LAWRANCE: Yes, James Lawrance
22 here. First, I -- I would think we would like to be able
23 to see the undertaking of the Yellowknives Dene. That
24 would, hopefully, help inform our response on the matter.
25 So I would suggest that we can respond to the undertaking

1 within a reasonable period of time after the Yellowknives
2 provide theirs.

3 I'm not quite sure what to suggest as a
4 reasonable time, as it does require me to work with other
5 colleagues in the department. But I would certainly
6 believe that another ten (10) -- ten (10) days, or two
7 (2) weeks after the Yellowknives table their undertaking,
8 that's what I would like to attempt to do.

9 MR. JOHN DONIHEE: John Donihee, Board
10 counsel, Mr. Chairman. Mr. Lawrance, the undertaking by
11 Mr. Slack -- or the Yellowknives, was simply to provide
12 written notes that were the basis for his comments on the
13 record yesterday afternoon.

14 The transcripts will be posted within a
15 day or two (2). I'm -- I'm wondering, I guess, how much
16 more than the time that it would take, you know, to -- to
17 wait ten (10) days to see what is probably going to be
18 available for you the day after tomorrow, seems likely to
19 be pushing the deadlines out here.

20 So I'm -- I'm wondering if we couldn't
21 just say three (3) weeks and you'll have the Yellowknives
22 material at that point. You'll have the transcripts for
23 eighteen (18) or twenty (20) days at that point. Is that
24 -- is that sufficient for you?

25 MR. JAMES LAWRENCE: In the interests of

1 -- of time, sure, that's I think a reasonable -- sorry,
2 James Lawrance. That's not an unreasonable proposition,
3 we'll attempt to do. I think you're right. If the
4 Yellowknives' submission doesn't add additional thoughts
5 or stray too far from the transcript it won't take us
6 much time to adjust to that.

7 If -- if there was something substantially
8 or critically different in their submission, that -- you
9 know, that -- that might challenge us on the time frame.
10 But if -- if I'm to assume, like you are, that the
11 submission will more or less echo the -- the transcript,
12 that -- that shouldn't be a difficulty.

13 MR. JOHN DONIHEE: John Donihee, Board
14 counsel. Thank you, sir. Just to be clear then, you can
15 review the transcripts as soon as they're up. And I
16 guess if you see that there's any variation between the
17 content of the transcripts and what the Yellowknives file
18 you'll notify the Board immediately and we can discuss
19 the timing issue again at that point.

20 But, otherwise, we're going to understand
21 that we'll have your undertaking within three (3) weeks.
22 Is that -- is that acceptable?

23 MR. JAMES LAWRANCE: James Lawrance.
24 Yes, that's acceptable. Thank you.

25 THE CHAIRPERSON: Thank you, Mr. Donihee.

1 So if we were to go three (3) weeks from today, then can
2 we say November 4th? November 4th, that would be... So
3 I guess we'll take an undertaking for November 4th. Oh,
4 sorry, October 4th -- October 4th. And then I take it
5 that we'll have a timeline on that of 4:00 p.m. And if
6 we could have that in by that date.

7

8 --- UNDERTAKING NO. 2: AANDC to provide an
9 explanation to the Board of
10 its intentions with regard to
11 the plan of action that's
12 referred to in measure 2, and
13 to file that explanation with
14 the Board.

15

16 THE CHAIRPERSON: Is there any further
17 comments, Mr. Donihee? Thank you. I'm going to go back
18 to the comments from the Yellowknives Dene First Nation.
19 Any further comments?

20 MR. GREG EMPSON: Thank you, Mr. Chair.
21 I have nothing at this time.

22 THE CHAIRPERSON: Thank you very much.
23 I'm going to go to the public, the general public. Any
24 comments or questions for the government officials?

25 MS. SHERYL GRIEVE: Can you hear me? My

1 name is Sheryl Grieve, and I'm here representing a party,
2 an Intervenor, on this public hearing and this file.
3 Unfortunately, I didn't manage to get our presentation in
4 by the noon deadline. I was aiming for a midnight
5 deadline and made a mistake. And I apologize to the
6 First Nation that I'm representing, which is a Metis
7 organization in the North Slave region, which is a First
8 Nation according to the Mackenzie Valley Resource
9 Management Act, and we -- we are registered parties to
10 this hearing.

11 My first question is for Fred Mandeville.
12 Speaking on behalf of ENR, I would like to know, does the
13 requirement for a land use permit adequately protect
14 wildlife and wildlife habitat?

15 THE CHAIRPERSON: Your question, is that
16 going to go to the GNWT or INAC?

17 MS. SHERYL GRIEVE: GNW -- GNWT, Fred.
18 Or is it --

19 THE CHAIRPERSON: Thank you, Sheryl. I'm
20 going to go to Fred Mandeville, GNWT.

21 MR. FRED MANDEVILLE: Yeah, Fred
22 Mandeville here. I didn't quite hear the question, if
23 you can repeat it?

24 THE CHAIRPERSON: Go ahead, Sheryl.

25 MS. SHERYL GRIEVE: To -- I can rephrase

1 that and just say, is it possible to damage or harm
2 wildlife or wildlife habitat doing something that didn't
3 need a land use permit. In other words, people going out
4 on the land who are not permitted with a land use permit,
5 is it possible for them to harm wildlife or wildlife
6 habitat?

7 THE CHAIRPERSON: Yeah, before I go to
8 Fred Mandeville, I guess that question will have to be
9 geared to the Drybones area and this file. That's what
10 your -- your question's directed to, right?

11 MS. SHERYL GRIEVE: Yes.

12 THE CHAIRPERSON: Okay. Thank you. I'm
13 going to go to Fred Mandeville.

14 MR. FRED MANDEVILLE: The question she's
15 asking is -- from my understanding, is is it possible for
16 wildlife to be harmed during this type of exercise out
17 there. Is that -- is that the question?

18 THE CHAIRPERSON: Maybe before we
19 continue on here I just want to note that I guess, you
20 know, this public hearing that we did on this file
21 happened quite a while ago and it predates a lot of
22 people that are here today as well. And, you know, I
23 guess at that time the GNWT were also probably parties to
24 this file when we did this. So I just want to make sure
25 that -- that the questions that are being asked are

1 pertaining to the file.

2 And also, Fred, you know, that you're
3 here, I'm not sure if you -- you know, know the file or
4 caught up, but -- but if -- if you can't answer it we can
5 also take an undertaking on that as well if you need to.

6 So I want to turn it over to Fred
7 Mandeville.

8 MR. FRED MANDEVILLE: Yeah. As for the -
9 - like this particular file I know I just briefly went
10 through the presentation by Dean Cluff who's the regional
11 envir -- biologist for our department, our region, and he
12 gave an in-depth presentation at the original hearing,
13 so. He was supposed to be here today but he didn't make
14 it.

15 But I guess in -- in answering the
16 question or I can -- I can get some of that information
17 and get it back to -- to Sheryl or to the Board.

18 THE CHAIRPERSON: Okay. Before I go back
19 to Sheryl here. Sheryl, we already -- you know, I guess
20 maybe you could rea -- look at your question and rephrase
21 it so that it's -- it's relevant to this case and file.
22 Because we already went through the whole public hearing
23 phase once before and what we're doing is we're only
24 dealing with the mitigation measures and the wording of
25 that context. So your questions are going to have to fit

1 those -- what we're here for the remainder of the day.

2 So if you could look at your questions and
3 then direct them to the right department. Thank you.

4 MS. SHERYL GRIEVE: Thank you, Mr. Chair.
5 It's also been a long time for me since I read this
6 record and it's a big record. A very, very big record.
7 And I have to admit I haven't been able to read every bit
8 of it.

9 With respect to the recommendation that
10 deals with non-intrusive -- non-intrusiveness, it says
11 don't -- don't do any intrusive actions with -- I'll just
12 -- yeah, I don't -- need my notes a little better, but
13 there -- there is a recommendation by the Board to do
14 only non-intrusive actions before -- have to assess the
15 drill sites and then to involve Elders to mitigate and
16 assess those sites for potential heritage resources at
17 risk.

18 And the heritage resources at risk related
19 to wildlife and I'm thinking that it's possible for
20 people to do things on the land that are not requiring a
21 land use permit. Because there was a -- the Board made
22 the assumption that things that don't use or don't
23 require a land use permit are non-intrusive.

24 But I'm suggesting that -- or I believe,
25 and I'm trying to find out if the GNWT also believes,

1 whether the mineral exploration activities that might
2 happen before a land use permit is required are also
3 really intrusive with regards to the cultural wildlife
4 values.

5 And like if there's harm to wildlife and
6 wildlife habitat then that is also a harm to the heritage
7 and cultural value of the site and that could possibly
8 happen long before a land use permit is required. And I
9 wanted to have ENR or the government's point of view on
10 that.

11 THE CHAIRPERSON: Okay. Thank you. I
12 want to go back to Fred Mandeville.

13 MR. FRED MANDEVILLE: Well, I still --
14 still don't really understand what -- what the question
15 is that she's asking. Talking about cultural heritage
16 sites and -- I'm just not clear on the question that she
17 -- she wants an answer for, I guess.

18 THE CHAIRPERSON: Thank you, Fred. Okay,
19 Sheryl, can you -- plain language and keep it simple?
20 Thank you.

21 MS. SHERYL GRIEVE: So I'm -- for -- I'll
22 use an example. You can take a helicopter and fly
23 around, and you can land. And you can take samples
24 without a land use permit. But by doing this I think
25 that it's possible to damage the wildlife habitat and

1 inter -- interfere with the wildlife in such a way that
2 it's going to affect cultural values.

3 I'm not expecting ENR to talk about the
4 cultural values. I was only asking them about the
5 wildlife habitat and wildlife part because of the
6 arbitrary division of responsibilities by the government,
7 I'm not able to ask them a whole question.

8 THE CHAIRPERSON: Okay. It sounds like a
9 general question, so I'll -- Fred I hope that's enough
10 for -- a general question.

11 MR. FRED MANDEVILLE: Fred Mandeville
12 here again. I guess she's asking me if, from the way I
13 understand the question, that any harm to wildlife
14 habitat can be done by any type of environmental or --
15 not environmental, but any type of exploration, by
16 landing a helicopter, or...

17 I guess if you're -- tha -- that's the
18 gist of the question is if you land a helicopter it's --
19 it's -- does it damage anything to the -- to the wildlife
20 habitat. Not in my -- in my experiences anyways, it
21 doesn't -- no real damage to the -- to the habitat with a
22 helicopter landing. It just depends on the scope of the
23 exploration, what kind of damage you're going to do to
24 the wildlife habitat.

25 THE CHAIRPERSON: Okay. Thank you.

1 Sheryl, how many more questions do you have? I'm just
2 curious.

3 MS. SHERYL GRIEVE: I had a question for
4 Glen, and one (1) for James. Maybe -- maybe Glen will be
5 more appropriate. It's the same question that I asked to
6 ENR, only instead of asking about wildlife and habitat,
7 I'm asking about heritage values, cultural values.

8 Not necessarily just archaeological sites,
9 but the full suite of heritage and cultural sites. In
10 your -- in your experience, would some of the activities
11 that this land use permit is meant to allow -- no, never
12 mind that.

13 The -- the non-in -- non-intrusive
14 activities that are supposed to happen before the
15 involvement of Elders, do you think that there's a
16 potential for damage to be done to heritage values before
17 a land use permit is formally required?

18 THE CHAIRPERSON: Okay. Thank you. I'm
19 going to go over to GNW -- or, sorry, INAC.

20 MR. GLEN MCKAY: This is Glen McKay,
21 Prince of Wales Northern Heritage Centre, GNWT. I guess
22 I'll begin my response by referring to archaeological
23 sites. Levels of activity that don't require a land use
24 permit could, in theory, impact archaeological sites.

25 Just, for the sake of argument, if there

1 is -- someone was cutting a transect for taking samples
2 or something like that and it went through an
3 archaeological site there could be an impact. I would
4 think that those impacts would be very rare and the
5 impacts to the sites would be minimal.

6 In terms of the broader set of cultural
7 values, I don't -- I don't know. I don't have a response
8 for that aspect of the question.

9 THE CHAIRPERSON: Okay. Thank you.
10 Sheryl...?

11 MS. SHERYL GRIEVE: My last question was
12 for James Lawrance, Canada. I just wanted to know, the -
13 - the Board has made recommendations that the YKDFN
14 elders and -- be involved in things like land use
15 planning and site locations, heritage assessments and
16 that.

17 Is it the position of Canada that the
18 Metis -- the North -- the Metis of the North Slave Region
19 would be involved as well, or is the -- are the Metis
20 supposed to allow someone else to address their issues,
21 their heritage, and their culture, and their sites?

22 THE CHAIRPERSON: Okay. Thank you,
23 Sheryl. I'm going to go to INAC. James Lawrance...?

24 MR. JAMES LAWRENCE: I want to make sure
25 I have the -- sorry, it's James Lawrance, Aboriginal

1 Affairs. I want to make sure I have the question
2 correct. Are you -- the clarification I'd like is I --
3 you're talking about the Board recommendation regarding
4 the Elders of the Yellowknives. Is your question whether
5 Canada believes that recommendation should include Elders
6 of the North Slave Metis Alliance, and are you suggesting
7 that that's on the basis of existing Aboriginal or treaty
8 rights?

9 THE CHAIRPERSON: Okay, I'm going to --
10 before I go to Sheryl again I'm going to ask the public
11 and, also, the questions for the government officials,
12 that, again, the questions are going to have to be in
13 line with the hearing for today.

14 So I mentioned yesterday when we started
15 off that -- and it was summarized, that this hearing is
16 basically to deal with some issues in regards to the
17 measures, and I'd like to keep to that, and so that we
18 could continue on to get through the agenda for today.

19 So I'm going to ask -- go back to Sheryl,
20 and I just want to let everybody else know that. So
21 we'll stick to the -- our agenda. Thank you.

22 MS. SHERYL GRIEVE: I'm -- I'm not sure I
23 understand the question about my question, but I'll try
24 and rephrase my question, and it might address the lack
25 of understanding.

1 with the issue of the measures of this public hearing, as
2 stated earlier. So I want to leave that there. I want
3 to make sure that we're focussed on what we're supposed
4 to be doing here. And I want to -- I'll turn it over to
5 James Lawrence to see if he wants to add to that. Thank
6 you.

7 MR. JAMES LAWRANCE: I think the -- James
8 Lawrance, Aboriginal Affairs. I'll try -- I'll attempt
9 to -- to answer that question, particularly taking in
10 mind the -- the Chairman's comments just now. Canada,
11 Aboriginal Affairs -- the Department of Aboriginal
12 Affairs, as part of Canada, expects and encourages
13 Aboriginal people, including their leadership, including
14 their rights-based organizations, as well as the public,
15 to participate in these regulatory hearings to bring
16 forth both any asserted rights concerns as well as other
17 general concerns not related to rights.

18 It's up for -- to the North Slave Metis
19 Alliance or any other Metis group to make its assertions
20 and claims. And it's up to Canada to then respond to
21 those assertions and claims, in particular to determine
22 for itself whether it believes there is a sect -- a duty
23 to consult based on the common law.

24 THE CHAIRPERSON: Okay. Thank you. So,
25 Sheryl, I believe that was your last question and I hope

1 that he answered that question.

2 Okay. Is there any other comments from --
3 hang on, sorry, from the Yellowknife public at large? Is
4 there any further questions from public at all -- the
5 general public? Okay, if not I'm going to go to the
6 Board staff and counsel in the back. Mr. John
7 Donihee...?

8 MR. ALAN EHRLICH: Thank you, Mr. Chair.
9 Actually it's Alan Ehrlich. There are two (2) questions
10 from staff and two (2) questions from counsel.

11 My -- my question is directed to Mr.
12 Lawrance. My question for Mr. Lawrance is reflecting
13 that we've seen the ministerial response to the measures
14 put forth in the Board's Report of Environmental
15 Assessment of 2007, I -- I ask Aboriginal Affairs and
16 Northern Development Canada this: What means can AANDC,
17 Aboriginal Affairs and Northern Development Canada,
18 suggest that are within the power of the federal
19 government to mitigate the significant cumulative
20 cultural impacts that have been identified by the Board?

21 THE CHAIRPERSON: Thank you. I'm going
22 to go to INAC, James Lawrance.

23 MR. JAMES LAWRENCE: Yes, James Lawrance,
24 Aboriginal Affairs.

25 I will take that question as an

1 undertaking and I believe we'll be able to provide the
2 response in connection with the previous undertaking I
3 took. They're rela -- I think the two (2) questions --
4 the two (2) undertakings are related.

5

6

(BRIEF PAUSE)

7

8 THE CHAIRPERSON: Okay. Thank you. And
9 so we'll -- I guess what we'll do then we'll take that as
10 an undertaking number 3. And at the same time of I
11 believe October 4th, again no later than 4:00 p.m. Thank
12 you. I'm going to go to Mr. Ehrlich and your second
13 question.

14

15 --- UNDERTAKING NO. 3: AANDC to suggest measures
16 that are within the power of
17 the federal government to
18 mitigate the significant
19 cumulative cultural impacts
20 that have been identified by
21 the Board

22

23 MR. ALAN EHRLICH: Thank you, Mr. Chair.
24 It's Alan Ehrlich -- Alan Ehrlich, Senior Environmental
25 Assessment Officer with the Review Board.

1 My second question for Mr. Lawrance is
2 could you please describe any actions that Aboriginal
3 Affairs and Northern Development Canada has taken since
4 2007 towards planning and managing land use conflicts in
5 the area?

6 THE CHAIRPERSON: Thank you. I'm going
7 to go to INAC. Mr. James Lawrance...?

8 MR. JAMES LAWRENCE: Other than the
9 actions that have been taken to participate in this
10 review process and related review processes, there have
11 not been steps taken to do a plan of action for the area.

12 THE CHAIRPERSON: Thank you. Alan
13 Ehrlich with the Review Board staff.

14 MR. ALAN EHRLICH: Mr. Chair, that's all
15 the questions from the Review Board staff. There are two
16 (2) questions from Board counsel.

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

19 MR. JOHN DONIHEE: Thank you, Mr.
20 Chairman. I -- I need just a couple of things clarified
21 before I ask the questions.

22 Mr. McKay, can you tell me if your
23 minister was a responsible minister for purposes of the
24 decision that was made and reflected in the -- federal
25 minister, the minister of INAC's letter to the Board of

1 April 13th, 2010?

2 THE CHAIRPERSON: Thank you, Mr. Donihee.
3 I want to go to Mr. McKay.

4 MR. GLEN MCKAY: Glen McKay, Prince of
5 Wales Northern Heritage Centre. The GNWT did participate
6 in the responsible ministers' deliberations on the letter
7 for their consideration.

8 THE CHAIRPERSON: Thank you. Mr. John
9 Donihee...?

10 MR. JOHN DONIHEE: Thank you, Mr.
11 Chairman, John Donihee. And thanks, Mr. McKay, but the
12 question actually was, you're -- you don't report through
13 ENR, do you? You have a separate department. Was your
14 minister a responsible minister or did -- perhaps you can
15 explain how GNWT handles it then.

16 Did they all report through one (1)
17 minister, or -- or -- anyway, I -- I just need to know
18 where ECE, Education, Culture and Employment fits in all
19 of this.

20 THE CHAIRPERSON: Okay. Thank you, Mr.
21 Donihee. Mr. McKay...?

22 MR. GLEN MCKAY: I think that I'd like to
23 take that question back to our department and -- in order
24 to provide a clear response. I'd like to take that as an
25 undertaking.

1 MR. JOHN DONIHÉE: Mr. Chairman,
2 actually, I -- I don't really want to -- I'll ask you my
3 second -- I have a second question. Let's see if you can
4 answer that. We may not need the undertaking.

5 So the -- the question really is, you
6 know, that in the minister's letter, which responds to
7 the Board's report of EA, and in particular, in respect
8 to the response on measure 5, which recommended a
9 thorough heritage resource assessment of the shoreline
10 zone.

11 The response from the ministers was that
12 they didn't consider the size of the project to be
13 sufficient to require such a -- that scale of -- of a --
14 of an assessment. Now, Mr. McKay, you were at the
15 hearing in -- previously, and my recollection is that in
16 fact you did recommend a heritage resource assessment to
17 the Board.

18 And so the responsible ministers seem to
19 have come back to the Board with a different suggested
20 approach. And so that's why I asked you about where your
21 minister fit in all of this. But you probably could help
22 us and -- and maybe we can skip the undertaking if you
23 would just answer this question. If there isn't going to
24 be a heritage resource assessment of the shoreline zone,
25 what would the Prince of Wales Northern Heritage Centre

1 suggest be done in order to prevent damage to
2 archaeological sites as a result of this particular
3 development?

4 THE CHAIRPERSON: Thank you, Mr. Donihee.
5 I'm going to go to Mr. McKay.

6 MR. GLEN MCKAY: Thank you. Glen McKay.
7 In taking the undertaking I didn't -- wasn't purposely
8 meaning to be vague. I just -- I was involved personally
9 as was my manager in the responsible ministers' process.
10 I just don't recall how that information fed up through
11 the -- our director and the deputy minister and to our
12 minister.

13 And that's why I wanted to clarify that
14 before answering. In terms of your second question, the
15 Prince of Wales Northern Heritage Centre made quite a few
16 specific project -- project-specific recommendations for
17 the protection and management of archaeological sites.

18 And I -- I can read those. I have them
19 here and I can read them into the record if that would be
20 useful. The Prince of Wales Northern Heritage Centre
21 proposed the following recommendations to the Review
22 Board in 2007:

23 "The del -- developers undertake a
24 detailed heri -- heritage resource
25 impact assessment of the proposed CGV

1 exploration areas prior to development
2 activities, this was to include all
3 drill locations, access routes, camps,
4 and other developments; that the
5 developers remain a minimum of thirty
6 (30) metres from the borders of all
7 archaeological sites; that the Review
8 Board impose a buffer zone of 100
9 metres around burial sites and
10 cemeteries; that the developer submit
11 detailed project maps to the Prince of
12 Wales Northern Heritage Centre that
13 show the location of all drill sites,
14 access routes, and support areas, and
15 clearly indicate the avoidance of all
16 heritage resources; and that the
17 developers retain the services of local
18 environmental monitors representing the
19 affected Dene and Metis groups to be on
20 site during development activities to
21 ensure that heritage resources are
22 avoided and that all buffers are
23 observed."

24 So in our presentation in 2007 we did
25 recommend that a heritage resource impact assessment be

1 undertaken by the developer. I think the difference with
2 measure 5 is -- is the scale of the recommendation.

3 Measure 5 is contemplating a heritage
4 resource assessment of the entire shoreline zone, whereas
5 we were making a project sp -- project-specific
6 recommendation for a heritage resource impact assessment
7 of the actual exploration project that was being
8 proposed.

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

11 MR. JOHN DONIHEE: Thank you, Mr.
12 Chairman. I take it, Mr. McKay, then those remain the
13 recommendations from the Heritage Centre with respect to
14 what ought to be done by Encore Renaissance before --
15 before this project proceeds?

16 THE CHAIRPERSON: Thank you. Mr.
17 McKay...?

18 MR. GLEN MCKAY: Glen McKay, that's
19 correct.

20 THE CHAIRPERSON: Mr. Donihee...?

21 MR. JOHN DONIHEE: Thank you, Mr.
22 Chairman. My other line of questions probably -- I'd
23 like to direct them, if I may, to Mr. Lawrance, or to he
24 and his colleagues. The letter from the minister makes
25 specific reference in regards to the plan, to measures 3

1 and 4, to two (2) types of existing plans found -- that I
2 guess that are in place now in the Northwest Territories.
3 The Inuvialuit community conservation plans and the Great
4 Bear Lake Management Plan.

5 And the -- the question I have really is
6 can you advise the Board as to whether either these
7 Inuvialuit plans or the Great Bear Management Plan, are
8 they able to prevent the issuance of mineral rights for
9 those areas?

10 And I guess the -- that's a two-prong
11 question. If -- if they don't affect the issuance of
12 mineral rights then is land use in development or in
13 support of those mineral rights affected in any way by
14 those types of plans?

15 THE CHAIRPERSON: Thank you, Mr. Donihee.
16 I'm going to go to INAC, James Lawrance.

17

18 (BRIEF PAUSE)

19

20 MR. JAMES LAWRENCE: To answer that
21 question properly, will require myself or my colleagues
22 to go back and look at both of those plans to answer that
23 question. So that will require me to take this as an
24 undertaking.

25 MR. JOHN DONIHEE: Thank you, Mr.

1 Chairman. I'd be happy to take an undertaking on that
2 one. Can that be answered in -- along with the rest of
3 them at the -- Mr. Lawrance?

4 MR. JAMES LAWRANCE: Yes, James Lawrance,
5 Aboriginal Affairs. Sorry I didn't say that before.
6 Certainly, we'll do that in the same timeline as the
7 other undertaking.

8

9 --- UNDERTAKING NO. 4: AANDC to advise the Board as
10 to whether either these
11 Inuvialuit plans or the Great
12 Bear Management Plan are able
13 to prevent the issuance of
14 mineral rights for those
15 areas. And if they don't
16 affect the issuance of
17 mineral rights, then advise
18 whether land use in
19 development or in support of
20 those mineral rights is
21 affected in any way by those
22 types of plans.

23

24 THE CHAIRPERSON: Okay. Thank you. Mr.
25 Donihee...?

1 MR. JOHN DONIHEE: Thank you, Mr.
2 Chairman. Those are my questions.

3 THE CHAIRPERSON: Thank you. Okay. I'm
4 going to go to Board members. I'm going to go to my far
5 right. I'm going to go to Mr. Danny Bayha, a Board
6 member.

7 MR. DANNY BAYHA: Thank you, Mr. Chair.
8 I just had a few questions if I may. Thank you. Thank
9 you again for trying to answer some of our questions and
10 educate this Board about what's happened so far in this
11 area to the particular file.

12 Earlier, just to give a -- a bit of --
13 maybe a -- you're going to do an undertaking to the board
14 to -- to try to give an idea of how this plan -- this
15 planning exercise the ministers are interested in doing
16 for this area, what that plan itself, once that's
17 happened -- as you're aware, we are doing a land use plan
18 in -- in the Sahtu, but that is going to be -- have the
19 full backing. It's going to be legislation and it's
20 going to have the full force of the law.

21 So in this exercise in this case, if a
22 planning exercise will be done in this area would that be
23 a similar type of a le -- planning that -- that is
24 happening in -- in elsewhere. Like the ministers have
25 alluded to a plan back in the Great Bear Lake Management

1 Plan back then. So I'm just trying to get some ideas
2 what your thoughts about this planning exercise might be
3 and share with us so that the communities that are hoping
4 to have this plan for this area be done would have effect
5 or meaningful. Thank you.

6 THE CHAIRPERSON: Thank you, Mr. Bayha.
7 My question to Mr. Bayha would be is, your question, did
8 you want to direct that to all of them or to an
9 individual?

10 MR. DANNY BAYHA: I think that would be
11 more to the department, AANDC. Thank you.

12 THE CHAIRPERSON: Okay, I'm going to go
13 to INAC, Mr. James Lawrance.

14 MR. JAMES LAWRANCE: James Lawrance,
15 Aboriginal Affairs. I believe a full answer to that will
16 be part of the previous undertaking, but I can certainly
17 comment now that, as you're -- as you're probably aware,
18 the Sahtu land use planning process finds itself in the
19 MVRMA legislation.

20 There is no provision in that legislation
21 for the type of plan of action or land use plan that's
22 been discussed in relation to this -- the project that's
23 subject of this hearing. So, as I say, that would put it
24 in a -- in a different realm, perhaps not dissimilar from
25 policy-based processes such as the Great Bear Lake

1 Management Program and land -- or land use plan, Great
2 Bear Lake Plan, Management Plan.

3 So I'll offer that for now. And then, in
4 the other undertaking obviously I've -- I've committed to
5 try and flesh out more of the -- what the department
6 views are on the process.

7 MR. DANNY BAYHA: Thank you. I have
8 another question further. At this moment in time, this
9 very moment, the area in Drybones Bay and area and
10 surrounding the -- the CGV claim, is that open for
11 development right at this moment in time? Thank you.

12 THE CHAIRPERSON: Thank you, Mr. Bayha.
13 I'm going to go to James Lawrance, INAC.

14 MR. JAMES LAWRANCE: James Lawrance. The
15 area around Drybones Bay was withdrawn as part of the
16 Akaitcho land withdrawal as part of the Akaitcho
17 negotiation process. That withdrawal obviously didn't
18 affect the existing rights. So, as is -- what we're
19 doing today, those people with those existing rights have
20 the ability to exercise those rights, i.e., if they have
21 a stake claim or min -- a lease.

22 So for those existing rights which are
23 centred around the Drybones Bay area, including the --
24 the one (1) associated with this hearing, their
25 activities can continue obviously subject to regulatory

1 processes such as these. Should one (1) of those rights
2 not be renewed, should it lapse, then that area would
3 fall under the land withdrawal and wouldn't be open for
4 disposition or the granting of rights.

5 THE CHAIRPERSON: Thank you. Mr.
6 Bayha...?

7 MR. DANNY BAYHA: Yes. Thank you, Mr.
8 Chair. I just had a final question. Earlier there was -
9 - there was some issues of the letters dated from the
10 minister to timing of when the Board made some
11 recommendations to conclude this file back in 2007 and --
12 and the time it took for the ministers to respond.

13 Seemed to have -- I guess, for me, I'm a
14 bit puzzled of why and how long it takes for this to
15 happen, and I'm certainly interested in maybe your
16 thoughts and -- and possibly information on how this
17 process -- like if we do -- the Board makes a decision
18 and comes -- goes back again, do you expect in a few
19 years there'll be -- you know what I mean. Gi -- if you
20 can give us a possible educated guess on possibly how
21 long this may take this time around when the Board sort
22 of reconsiders apparently for -- for the minister. Thank
23 you.

24 THE CHAIRPERSON: Thank you. I'm going
25 to go to James Lawrance, INAC.

1 MR. JAMES LAWRANCE: James Lawrance.
2 Unfortunately, I don't think it's possible for myself as
3 one (1) official to predict how long it would take the
4 responsible ministers to respond following the Board
5 recommendation.

6 There are too many unknowns for me as one
7 (1) player in the system, particularly the responsible
8 ministers have to move towards a decision on the response
9 and how they get there is -- is a process that includes
10 many players.

11 So it -- it's just impossible for me or
12 perhaps not useful for me to speculate on the time frame.

13 THE CHAIRPERSON: Thank you.

14 MR. DANNY BAYHA: Yes. And sorry, and
15 one (1) more final question, I apprec -- earlier the --
16 the Elders and a few of the Chiefs mentioned the issue of
17 this vehicle or this -- this truck that's on -- in -- in
18 the -- in the water and that is contributing to their --
19 the whole issue of accumulative cultural impacts of this
20 area.

21 So is there anything that you know of or
22 any departments, maybe not here today but that are doing
23 something to try to address the concerns, the existing
24 concerns because obviously we've heard it a couple of
25 times already. And I know back in the EAs there was an

1 issue there again. Is there anything that will be
2 helpful in trying to address some of these impacts?
3 Thank you.

4 THE CHAIRPERSON: Thank you. James
5 Lawrance?

6

7 (BRIEF PAUSE)

8

9 MR. JAMES LAWRENCE: James Lawrance.
10 Unfortunately, I'll have to take that as an undertaking
11 as well. I will need to go back and check with other
12 colleagues. What I will -- just to ensure I've got it
13 right, what I will go back and ask is whether there are
14 any proposed actions to address the concerns about that
15 submerged vehicle. Is that a clear enough way of
16 responding? Have I got the question correct?

17 THE CHAIRPERSON: Thank you. Mr.
18 Bayha...?

19 MR. DANNY BAYHA: Yes. Thank you, Mr.
20 Chair. Yes, if that's possible. And as well, I guess
21 that will be helpful as well too is if there's any
22 possible future legislation to prevent such a occurrence
23 to happening again in that area. Thank you.

24 THE CHAIRPERSON: Thank you, Mr. Bayha.
25 I'm going to expand on -- on this undertaking as well.

1 Because we already heard what the Elders have said, this
2 is also on record going back sometime as well.

3 I'd like to know what's your department's
4 policy as to how you deal with these issues in terms of
5 taking the CAT and truck out of the water. So maybe if -
6 - I'd like to put that onto part of your undertaking here
7 as part of a -- if you have a policy, I'd like to see it.

8 So, James, we're going to look at a date
9 on this. The same time, probably October 4th, 4:00 p.m.
10 Is that sufficient time to get this information in?

11 MR. JAMES LAWRENCE: James Lawrence.
12 Yes, it is. Thank you. And thank you for the
13 clarification on the -- on the question. That's what
14 I'll have attempted -- that's what I will attempt to have
15 answered in the undertaking.

16
17 --- UNDERTAKING NO. 5: AANDC to determine whether
18 there are any proposed
19 actions to address the
20 concerns about the submerged
21 vehicle, what AANDC's
22 policies are with respect to
23 dealing with issues such as
24 taking the CAT and truck out
25 of the water, and to

1 determine if there's any
2 possible future legislation
3 to prevent such an occurrence
4 from happening again in that
5 area.

6
7 THE CHAIRPERSON: Thank you. Mr. Bayha,
8 any further questions?

9 MR. DANNY BAYHA: Yes. Thank you for --
10 for answering the questions. Mahsi.

11 THE CHAIRPERSON: Thank you. I'm going
12 to go Mr. Board -- Peter Bannon, Board member.

13 MR. PETER BANNON: Peter Bannon. Thank
14 you, Mr. Chair.

15 I had two (2) questions but I think one
16 (1) of them has already been answered. They're in regard
17 to the -- the minister's letter. The letter was sent a
18 year and a half ago and it expressed -- or identified the
19 responsible minister's intention to undertake a planning
20 initiative under Aboriginal Affairs and Northern
21 Development Canada's coordination.

22 And I think, to a previous question from
23 staff, you have identified -- in the last year and a half
24 since that intention was made it was identified that
25 Aboriginal Affairs and Northern Development Canada has

1 taken no actions, and you may want to confirm that.

2 The -- the other part of the question I
3 have is that -- and it's similar to the Yellowknives Dene
4 First Nation's question about what do you have planned.
5 Mine is a bit more tangible. It's what has the
6 department committed to in -- whether it be work plans
7 for this year, business plans for the following year,
8 your budget, for the remaining part of this year to -- in
9 regards to this planning initiative.

10 THE CHAIRPERSON: Thank you, Mr. Bannon.
11 I'm going to go to James Lawrance, INAC.

12 MR. JAMES LAWRANCE: James Lawrance. To
13 -- on the first part of the question, to reiterate, no,
14 there have not been significant actions taken to move
15 ahead as yet with the plan of action I think we're
16 calling it today. And the answer to the second question
17 is the department is currently in the process of nearing
18 its mid-year review of work plans and budgets as well as
19 seeking -- making additional efforts internally to
20 allocate resources in order to deal with that commitment.

21 THE CHAIRPERSON: Thank you. I'm going
22 to go back to Mr. Peter Bannon, Board member.

23 MR. PETER BANNON: Thank you, Mr. Chair.
24 Peter Bannon. So does that answer mean that nothing is
25 in the budget or the work plans for this year but you may

1 modify it when you go through your midterm review?

2 THE CHAIRPERSON: Thank you. James
3 Lawrance, INAC...?

4 MR. JAMES LAWRENCE: James Lawrance. I -
5 - I'd hesitate to say nothing's in the work plan or
6 budgets because, you know, there's usually an effort to
7 leave the type of flexibility to undertake the ge -- the
8 general duties and responsibilities of a directorate.

9 So there may not be something specific or
10 allocated, but certainly in some work plans would at
11 least set out the framework for the directorates to have
12 the types or resources and tasking that would include
13 this work as it proceeds.

14 The second part of your question is, yes,
15 it's certainly within the ability of the various planners
16 in our organization to make adjustments to work plans and
17 -- and budgets to address such an initiative.

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

20 MR. PETER BANNON: Thank you, Mr. Chair.
21 I -- I'm just wondering whether I should request an
22 undertaking or not, but I don't think I'm going to get
23 any clearer answer, so I'll -- I'll say that's the extent
24 of my questions. Thank you.

25 THE CHAIRPERSON: Thank you, Peter

1 Bannon. Board member, Mr. Richard Mercredi...?

2 MR. RICHARD MERCREDI: Yeah, thank you,
3 Mr. Chair. I had a couple of questions also, but Danny
4 and Peter have directed those already. But I do have one
5 (1) question on the letter from the minister.

6 The minister had sent the letter regarding
7 the land use planning and -- and the -- suggested that
8 the project at hand is very small and a land use plan
9 would be excessive. I was just wondering, did -- was
10 there any consideration given for the cumulative --
11 cumulative effects of the -- all of the impacts, all the
12 development in that area as opposed to just the one (1)
13 small project?

14 Because, as you know, there's other
15 developments in the area, and when they add up together
16 the -- then the -- the impacts become a lot more
17 significant than just a small di -- drilling operation.
18 Thanks.

19 THE CHAIRPERSON: Thank you, Mr.
20 Mercredi. INAC, James Lawrance...?

21

22 (BRIEF PAUSE)

23

24 MR. JAMES LAWRENCE: James Lawrance. I
25 believe the -- the intention in the minister's letter was

1 that a plan of action or a land use -- a more
2 comprehensive land use planning type of initiative for
3 this area was meant to address concerns and issues about
4 cumulative impacts.

5 THE CHAIRPERSON: Mr. Richard
6 Mercredi...?

7 MR. RICHARD MERCREDI: Richard Mercredi
8 here, Board member.

9 Yeah, okay, I was just wondering is has
10 there been -- one (1) -- one (1) last question. Has
11 there been any timelines attached to this land use
12 planning process that will take place?

13 THE CHAIRPERSON: Thank you. James
14 Lawrance?

15 MR. JAMES LAWRANCE: No, there is no
16 timeline as yet established internally for this process.

17 THE CHAIRPERSON: Thank you. James Wah-
18 Shee...? Or sorry, Mr. Mercredi, any further questions?

19 MR. RICHARD MERCREDI: No further
20 questions, Mr. Chairman. Thank you.

21 THE CHAIRPERSON: Thank you. I want to
22 go to Mr. James Wah-Shee.

23 MR. JAMES WAH-SHEE: Thank you, Mr.
24 Chair.

25 I have a question for Mr. Lawrance. In

1 regards to the proposal contemplated by the Minister of
2 Indian and Northern Affairs regarding this proposed work
3 plan. Just a follow-up from what the question was raised
4 by Richard.

5 My question primarily is that the whole
6 idea of -- of a work plan in addressing the accumulated
7 effects from past development, will that include the
8 development that has occurred previously, say in the '40s
9 or the '50s?

10 And taking that into consideration with
11 the current proposal regarding this particular project,
12 will the -- in other words is it the plan to -- to look
13 as far back as possible and taking into the current
14 development plan and how the impact will be on the total
15 accumulated effect for the Drybones Bay area?
16 Particularly, issues that were raised by the Yellowknives
17 Dene First Nation and other Aboriginal groups. It's
18 really a question of clarification on my part. Thank
19 you.

20 THE CHAIRPERSON: Thank you, Mr. Wah-
21 Shee. I'm going to go to INAC, James Lawrance.

22 MR. JAMES LAWRANCE: Yeah. James
23 Lawrance.

24 I guess somewhat obviously to my previous
25 undertaking, it's a little difficult to speculate on all

1 of what the federal view is on what should be in that
2 initiative. That's part of what I've undertaken to
3 return on. But I think I can venture that given such a
4 process needs to take into account cumulative impacts
5 that impacts activities, information from other time
6 periods, in particular the one you mentioned, would be a
7 part of the -- the information and the discussion.

8 But hopefully, as well, in my other
9 undertaking there'll be more clarity on what the -- the
10 federal view is of -- of the extent and type of -- of
11 process or planning that we do. But I am willing to, as
12 I say, venture that it would be hard not to take that
13 information into account if we are purporting to look at
14 cumulative impacts.

15 THE CHAIRPERSON: Thank you, Mr. James
16 Lawrance. Mr. James Wah-Shee...?

17 MR. JAMES WAH-SHEE: Thank you, Mr.
18 Chair. If I understand your reply that means the -- the
19 work plan will take into consideration previous
20 developments at another time and will include the
21 development plan that's being proposed so that your
22 perceived work plan that's proposed, not by you, James,
23 but by the federal government, will that include the --
24 the concerns raised by the Aboriginal groups?

25 In other words, there has been accumulated

1 development that has been taking place over time and now
2 we're looking at -- at this particular project and there
3 may be other projects in the future. So am I to
4 understand that the work plan as being proposed will
5 include that? In other words, include the effects that
6 have taken place in the past. Currently what we're
7 looking at and perhaps that should address hopefully the
8 future development plans of that area.

9 In other words, we're looking at the past,
10 we're looking at what's being proposed now. And
11 hopefully that will address the possible concerns of
12 future plans, if any. Am I correct in my assumption?
13 Thank you.

14 THE CHAIRPERSON: Thank you. James Wah-
15 Shee. James Lawrance, INAC...?

16 MR. JAMES LAWRANCE: James Lawrance.
17 Yes, I believe you're correct.

18 MR. JAMES WAH-SHEE: Thank you.

19 THE CHAIRPERSON: Thank you. That's a
20 straight to the point answer. That's what we like to
21 hear.

22 Okay. Mr. Darryl Bohnet, Board member.

23 MR. DARRYL BOHNET: Thank you, Mr. Chair.
24 I do have a question for Mr. Lawrance. In the Minister's
25 letter he acknowledges that INAC, which is now AANDC, has

1 a lead and coordinating role for a plan of action.

2 We were reminded by the Akaitcho IMA
3 office in their presentation that the Board has made
4 suggestions on a plan of action going back to 2003 and it
5 morphed into a measure in 2007 for this file. And I need
6 some information from the department as to why this plan
7 of action that was initially introduced as a suggestion
8 and then a measure from this Board has not been actioned
9 for the past eleven (11) years.

10 So I need some rationale as to why. And
11 it may have to be included in an undertaking as well.
12 Thank you.

13 THE CHAIRPERSON: Thank you, Mr. Bohnet.
14 James Lawrance?

15 MR. JAMES LAWRANCE: James Lawrance. I
16 will have to include that as part of our undertaking. I
17 -- I truly wish from a personal perspective I could offer
18 you today more comment on that rationale but obviously
19 I'm not -- there have been many other officials and parts
20 of the department involved in this over that eleven (11)
21 year span and I need to go back and receive that
22 information from them and include it as part of our
23 undertaking.

24 THE CHAIRPERSON: Okay. So -- so long as
25 we're clear on that and that's going to be taken as an

1 under -- undertaking. So let's add it on to further
2 documents as requested by Mr. Bohnet. Okay. Thank you.

3

4 --- UNDERTAKING NO. 6: AANDC to provide information
5 as to why the plan of action
6 that was initially introduced
7 as a suggestion and then a
8 measure from this Board has
9 not been actioned for the
10 past eleven (11) years.

11

12 THE CHAIRPERSON: Mr. Bohnet...?

13 MR. DARRYL BOHNET: Thank you, Mr. Chair.
14 That concludes my questions.

15 THE CHAIRPERSON: Thank you. I'm going
16 to go to Mr. Percy Hardisty, Board member.

17 MR. PERCY HARDISTY: Mahsi, Mr. Chair. I
18 don't have any questions. Mahsi.

19 THE CHAIRPERSON: Okay. Thank you. I
20 just want to make a couple of comments. I guess you know
21 we've been on this file for some time and you know the --
22 the area in question, you know, was -- we hear -- we
23 heard it all. It's already been done through the
24 environmental assessment process for some time. And the
25 previous Board that were here heard what was said. And,

1 again, it was brought up yesterday and today as well.

2 You know, as you know, this area that we
3 talked about in the Drybones Bay area, you know, to
4 alleviate some of these problems we're having. It's only
5 going to get worse. You know, so one (1) of the things
6 that we did is that -- if I recall, is that we encouraged
7 the minister back in the -- in 2007 that they need to
8 conclude these claims in the area with the Aboriginal
9 groups, in particular, the Yellowknives Dene First
10 Nation, and whoever else is in this area also, and the
11 importance of concluding a land use plan.

12 And we wanted to see those things happen.
13 And so that's what I -- I guess the message that I'm
14 going to sent to you, INAC, here today, is that I think
15 it is important we do that. Otherwise, we're going to
16 continue to have problems down the road, so.

17 And this Board could only hear the
18 evidence and respond to the minister's letter, and this
19 is why we're having this hearing today. So I wanted to
20 leave that with you. And it's also going on record that
21 we encourage that INAC deal with this issue once and for
22 all.

23 Okay, so with that, I'm going to break for
24 lunch. We're going to come back at 1:00. We're going to
25 go to the public and -- but before I go to the public

1 again I want to emphasize that we have documents here
2 that were just submitted to me a little bit earlier, and
3 if there's anybody else that's going to make a
4 presentation it has to -- we already have a lot of these
5 documents already on file in the public registry. Again,
6 I want to stress that -- the public, that if you're going
7 to come here and make a presentation, it has to do with
8 the public hearing today. If there's other stuff, if
9 it's relevant I'll accept it. If it's not relevant, we
10 already seen it, it's already on public registry. It's
11 there.

12 So I want to stress that, that we continue
13 on after lunch and deal with the public hearing and
14 relevant information. With that, we'll break for one (1)
15 hour and come back at 1:00. Thank you.

16
17 --- Upon recessing at 11:55 a.m.

18 --- Upon resuming at 1:16 p.m.

19
20 THE CHAIRPERSON: If I could get
21 everybody back in the room, we could start. Okay. Good
22 afternoon, ladies and gentlemen. It's a quarter after
23 1:00. I'd like to call the public hearing back to order.
24 We don't have much left this afternoon.

25 We -- we have a couple more presenters

1 from the public. Then after that we'll -- we're going to
2 close off, and what we'll do is -- is that closing
3 comments, I guess, from the -- from the Akaitcho Treaty 8
4 Tribal Corporation, Yellowknives Dene First Nation, and -
5 - and we'll close off the meeting.

6 So we've asked this afternoon to limit the
7 presentation from the public, and I'm -- as previously
8 before lunch I mentioned that. So right now what I'm
9 going to do is we have the Dene National Chief and AFN
10 Northern Vice Chief Bill Erasmus here. So I'm going to
11 turn it over to Bill Erasmus.

12

13 PUBLIC PRESENTATION BY CHIEF BILL ERASMUS:

14 CHIEF BILL ERASMUS: Thank you, Mr.
15 Chairman. It's a pleasure to have an opportunity to
16 present in this hearing. For the record, my name is Bill
17 Erasmus. I'm the Dene National Chief, and Assembly of
18 First Nations Regional Chief for the NWT.

19 I have, Mr. Chairman, a resolution that we
20 passed at our assembly this summer. If I can maybe give
21 it to your staff to hand out to your members. And also,
22 there's some available there for the public.

23 And what I thought I would do is read our
24 motion into the record and -- and then speak to it. And
25 that should be my presentation. I know you've been

1 listening to a lot of people here and I had a chance to -
2 - to sit in yesterday and a little bit this morning.

3 And I -- I won't be too long in my
4 presentation. What I'll do then is I'll read the
5 resolution that -- that's from the 41st Dene National
6 Assembly, July 11th to the 15th, 2011, Fort Providence,
7 Denendeh, and it's mostly number 11-12-023.

8 And the subject matter is the exploratory
9 work on Drybones Bay, moved by Chief Edward Sangris,
10 Yellowknife Dene First Nation, seconded by Chief Edward
11 Chocolate, Gameti Community Government, and it was passed
12 unanimously:

13 "Whereas the Dene Nation has convened
14 its 41st Dene National Assembly in Fort
15 Providence, Denendeh, from July 11th to
16 the 15th, 2011, and whereas there is
17 ongoing exploratory work at Drybones
18 Bay without any authority from the
19 Yellowknives Dene First Nation. And
20 whereas there has been no consultation
21 with the Yellowknives Dene First Nation
22 by the Government of Canada with
23 respect to allowing the ex --
24 exploration work to be undertaken. And
25 therefore, it be resolved that

1 Yellowknives Dene First Nation seek
2 support from the Dene Nation in
3 requesting that the exploratory work
4 stop from continuing until such a time
5 that the Yellowknives Dene First Nation
6 is accommodated. And finally, be it
7 resolved that the Dene National Chief
8 provide notice to the Minister of
9 Indian and Northern Affairs that since
10 there has been no consultation with the
11 Yellowknives Dene First Nation, that
12 the Minister of Indian and Northern
13 Affairs take appropriate action and
14 place a stop work order on the
15 exploration activities."

16 And this is a certified copy of a
17 resolution adopted on the 14th day of July, 2011, in Fort
18 Providence, Denendeh, and it's signed by myself as the
19 National Chief. Mr. Chairman, again, thank you for this
20 opportunity to speak on the issue of Drybones Bay. This
21 has been an issue now in the public, and as a direct
22 concern to the people in this area.

23 I am a member of the Yellowknives Dene. I
24 reside here in N'Dilo and I know that -- that people are
25 concerned. Sitting in the hearing yesterday and today

1 it's clear that members of the Yellowknives Dene are not
2 in agreement with any activity in the Drybones Bay area.

3 They have mentioned that there will be
4 impacts on their heritage resources of the area, their
5 burial grounds that exist in the old village site. Many
6 people lived in that area and many people have ties to
7 that specific piece of land that -- that is being
8 targeted at this point.

9 Their traditional land use demonstrates
10 clearly that they have always used that land, and that
11 it's culturally sensitive and significant to them. As
12 mentioned, it is a good fishing area. There are
13 different type of fish that people catch there and
14 they're very pleased now that more trout are returning.
15 And the -- the coney -- the coney are coming back in
16 abundance now, and they'd like to see that continue.
17 It's a prime moose area. And, as you know, moose on this
18 side of the lake are not common, and this is one (1) of
19 the areas that people like to go to and they want to keep
20 that as a protected area.

21 I -- I wanted to also make mention that
22 people are very concerned that there was a vehicle that
23 went through the ice a number of years ago, and I caught
24 some of that discussion this morning. That's a huge
25 concern. That's a vehicle. We understand that the

1 vehicle has fuel as part of its -- its load, and that it
2 should be removed. That should be a priority. If that's
3 an indication of -- of further development in that area,
4 then people really have a lot to be concerned about. I
5 wanted to make mention of that.

6 The other thing that is of a big concern
7 and almost annoyance, I suppose, is that it's more of a
8 political question. We all know that the wish -- the
9 issue of negotiations of -- of settlement of land issues
10 is still outstanding in this area. And people really
11 feel that development should never have taken place in
12 the first instance. No one should have been in that
13 area. And if they are, they're really going in at their
14 own risk because negotiations haven't taken place,
15 they're still ongoing, and we can't really call it Crown
16 land.

17 It's really not Crown land. The people in
18 this area are in dispute and -- with the federal
19 government as to who actually owns the land. People
20 yesterday commented that they're part of Treaty 8 which
21 brought them into the treaty in 1900.

22 And there are certain protections and
23 provisions in the treaty that permit them to continue
24 their usual vocation of hunting and trapping and so on.
25 Now, when the Dene Nation began to inquire in the early

1 '70s on a matter of land ownership, they took the federal
2 government to court. And in 1973 the Pollet (phonetic)
3 case was rendered. And in that case, Judge Morrow
4 (phonetic) made it very explicit that the people still
5 have an interest in their land. They still have an
6 economic interest.

7 And that's how land claims started. It
8 was because of that case and because of the Calder
9 (phonetic) case in BC. So if the land is in question,
10 legally, then I think we have to question what kind of
11 exploration activity and other development ought to take
12 place because, in reality, the federal government can't
13 claim it as their land.

14 And if people are claiming it as theirs at
15 this end, then it ought to be left alone until those
16 negotiations conclude. And when those negotiations
17 conclude, then they'll have a jurisdictional authority
18 cleared up as to who owns the land, how it's going to be
19 administered, how it will -- whether -- whether this
20 Board, for example, that you sit on has authority over
21 that land, whether members from the Akaitcho territory
22 will -- will sit on your Board, and so on.

23 All of those things will be -- will be
24 regulated through that process. So I think you have to
25 take that into consideration when you're looking at

1 recommendations that you make as a Board, Mr. Chairman.

2 I want you to put some thought into that.

3 So I -- I think really in -- in everyone's
4 interests to -- to provide comfort to the people in this
5 area who have always resided here. As they said, they
6 feel that they're being encroached on. All their lands
7 in the -- in the near vicinity towards Prelude Lake,
8 going out on the Ingraham Trail. In all -- in all
9 directions they're being encroached on, their -- their
10 lands. And this is one of the few are -- areas that they
11 rely on for -- for their hunting, their harvesting, of
12 teaching younger people to be on the land, and so on.

13 So I think it's in everyone's interest to
14 continue to protect this area, and to disallow the
15 exploration from continuing. And as the resolution
16 indicates that -- that the Department of Indian and
17 Northern Affairs then take appropriate action to stop the
18 work order on the exploration activities.

19 With that in mind, listening to what the
20 people are saying about this particular area, it's very
21 obvious that that's an area that needs to be protected.
22 It's an old village site. There are burial grounds.
23 There are -- there are grave sites. There are remnants
24 of -- of the village. People still go in that area.

25 I think it ought to be set aside, and this

1 is something I -- I want to bring to your attention as a
2 recommendation, is that it ought to be set aside as a
3 sacred site, or as a historical area, historical site
4 that requires protection. And -- and third-party
5 interests, or interests other than the Dene First Nations
6 should not take priority over -- over this particular
7 area.

8 So, Mr. Chairman, those are my comments.
9 What I'd like to do is formally send this resolution to
10 you with -- with written comments on -- on this
11 particular activity that's taken place there. Thank you.

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON: Thank you, Dene
16 National Chief Bill Erasmus. We've -- this resolution
17 was also made available to us this morning, so it's
18 officially on reg -- the public registry now, and your
19 comments, as well.

20 I just have a question for you in regards
21 to your comments in writing. When can you provide that
22 to us?

23 CHIEF BILL ERASMUS: I can do it as soon
24 as I can. Our -- our environment people are not
25 available right now. That's why I didn't have it

1 prepared for today. But what -- whatever your time frame
2 is we can -- we can certainly meet that.

3 THE CHAIRPERSON: Okay. Thank you. And
4 if you could probably get that in -- submitted to us at
5 your earliest possible date, that'd be really good for
6 the public registry, as well.

7 So that -- that'd be your presentation.
8 We probably won't be taking any questions for you but --
9 right now, but we thank you for coming in and making the
10 presentation to the Review Board in regards to this
11 Application in front of the Board today. Mahsi.

12 CHIEF BILL ERASMUS: Okay. Thank you,
13 Mr. Chairman.

14

15 --- UNDERTAKING NO. 7: Chief Bill Erasmus to file a
16 copy of his presentation

17

18 THE CHAIRPERSON: Next I'm going to go
19 to, I think, the North Slave Metis. I'll get Sheryl to
20 come up, but I'm going to ask Sheryl, that when we
21 started off this public hearing initially that the
22 presentation that you made to us then, and -- and also in
23 the presentation in front of the Board here today, it's
24 consistent to what's been said already once before.

25 So you're welcome to leave this with us,

1 Board for conducting this hearing into the
2 recommendations for the reconsideration of the
3 recommendations. And thank you to all the other
4 participants who provided such useful information.

5 The -- the essence of the -- could I just
6 clarify that my presentation is on the public registry.

7 THE CHAIRPERSON: Pardon me?

8 MS. SHERYL GRIEVE: Well, will this
9 presentation be on the public registry?

10 THE CHAIRPERSON: Yes, it will be.

11 MS. SHERYL GRIEVE: Okay. So -- so
12 anyone who wants to read it can read it, and I'll just go
13 over the highlights.

14 THE CHAIRPERSON: As long as it's
15 relevant to this public hearing. And looking at the hi -
16 - I don't -- I've already went through your public
17 presentation already, and I would suggest that maybe you
18 could go to the back end. And if we could sort of
19 highlight that and -- and -- so that's what's relevant to
20 this file. So -- because we already have all this stuff
21 on public registry already. Thank you.

22 MS. SHERYL GRIEVE: So the -- these are a
23 few of the slides that you can read for yourself.
24 They're basically reminders of what has gone on in the
25 past. This slide can be considered the introduction.

1 The issues that were brought up by the NSMA during the
2 past hearings were heritage resources, public concern,
3 disputed property rights, which are human rights, and
4 cultural rights. Definitely an issue of concern to the
5 Board.

6 Man -- many people do try and make it
7 sound like the Board is only not interested in Aboriginal
8 rights, as if it's something for somebody else to deal
9 with, but it is a human right and it is something that
10 can be impacted, and traditional culture.

11 The mitigation measures were not divided
12 up or listed the way we had presented our concerns, but
13 miti -- mitigation measure 1, 2, and 5 apply to heritage
14 resources. And essentially our issues are that the
15 definition of non-intrusiveness that's used in mitigation
16 measure number 1, it was also questioned by the minister.

17 And NSMA would like to be very clear that
18 the requirement for a land use permit is not our
19 definition of what's inclu -- intrusive or not intrusive.
20 There's many things that can be intrusive to our cultural
21 rights, our heritage rights, our human rights, and our
22 values in the landscape and our traditional land use that
23 have nothing to do with the requirements for a land use
24 permit.

25 And we also had an issue with being

1 excluded. We -- we found it -- we think that it's
2 discriminatory to mention one (1) of the Intervenors who
3 mentioned the heritage resources by name and not to
4 mention the other to be involved in the mitigations.

5 THE CHAIRPERSON: Sheryl, if you could
6 maybe speak a little louder and slow down a little bit
7 just for our trans -- translators in the back, as well.
8 So you can pull the mic a little closer to you.

9 MS. SHERYL GRIEVE: Is this any better?
10 Mitigation measure 2 also dealt with heritage resources.
11 And our issue with that mitigation measure is that 100
12 metres is an arbitrary distance and we don't think that
13 every heritage site or cultural site can be protected by
14 a standard 100-metre distance.

15 We think that each heritage site has to be
16 considered independently and have a site-specific
17 criteria, just like, you know, if you have unique species
18 of fish, and a different level of chloride, or whatever.
19 You can go for a site-specific criteria in the specific
20 situation and that's what we want for our heritage sites
21 and our cultural sites.

22 Every one of them should be decided by us,
23 what is the distance and what thing -- different things
24 could be done at different distances. So that we don't
25 think that that standard mitigation addresses our issue

1 and it's not a good mitigation.

2

3

(BRIEF PAUSE)

4

5 MS. SHERYL GRIEVE: And mitigation number
6 5, we don't want to be considered members of the public.
7 We want to be named. Our public concerns were addressed
8 with mitigation 2, 4, and 6. And, again, number --
9 mitigation measure number 2 has an arbitrary distance
10 that we don't agree with. And number -- mitigation
11 number 4 excluded the Metis. Mitigation number 6, the --
12 the equal -- equating a land use permit requirement to
13 intrusiveness doesn't work for us.

14 Disputed property rights were -- were
15 dealt with by mitigation 3, 4, and 6. And we've already
16 mentioned what our issues were with mitigation 4 and
17 mitigation 6. Mitigation measure number 3. We want to
18 point out that Canada is not the owner of the land.
19 They're the fiduciary administrator on behalf of the
20 Aboriginal people who own the land. They have
21 sovereignty but not land title. The Cro -- whatever they
22 call Crown title is underlain -- or overlain, I should
23 say, by the pre-existing Aboriginal title. And they're
24 supposed to be managing that land on our behalf, not in
25 spite of us.

1 Our -- our issues with regard to
2 traditional culture and protect -- protection of our
3 culture were dealt with in issues 4 and 6 and they've
4 been mentioned above.

5 And one (1) thing I do want to say is that
6 there -- there is new evidence come in to this file since
7 the time we had our last hearing. Num -- the first thing
8 is that the -- that Canada has signed the UN declaration
9 on indigenous rights. And the second thing is that NSMA
10 has submitted a package of information to Canada. It's
11 been a month or so now or -- yeah, as long as two (2)
12 months, and we expect to be hearing from Canada soon on
13 their assessment of that package of information and we
14 expect a claims process to begin.

15 We've -- we've met the requirement for
16 additional information and haven't had any further
17 requests. And the Board received a letter from -- a copy
18 of a letter. I haven't put it on the public registry for
19 this file, but I can, and I will if I need to. But I do
20 know that the Board was copied on the letter that Canada
21 sent to the NSMA informing us that they've received that
22 information which they requested years ago and which we
23 had a very long period of time working on it and
24 gathering it together without funding or any assistance.
25 But, anyway, they've got it, and we expect to be included

1 there.

2 So can somebody clarify to me whether the
3 UN declaration and that letter from Canada to the NSMA
4 needs to be added to the public registry or will that be
5 considered public knowledge that the Board should be
6 considering now that I've mentioned it?

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: Sheryl, I don't know if
11 it's on the registry, but if you want to resubmit it,
12 that's fine.

13 MS. SHERYL GRIEVE: So I'm really going
14 to zip through the rest. You can read it. Anybody who
15 wants to read it can read it if it's going to be on the
16 public registry.

17

18 (BRIEF PAUSE)

19

20 MS. SHERYL GRIEVE: And just a further
21 couple of comments on the issue of intrusiveness.
22 Intrusiveness does not just mean driving over with a CAT
23 or digging with a shovel. It can be noise, smell, dirt,
24 anything that's intrusive. Just think, you know, what
25 would you not want somebody to do in your living room,

1 you know, if you didn't -- or in your backyard, what --
2 what things can your neighbours do to annoy you.

3 We consider that land to be our yard,
4 where we -- we like to do what we want to do when we want
5 to do it and how we want to do it and not -- not have to
6 worry about who else is taking up our space.

7 And also the issue of footprint for
8 projects. People like to draw lines around their
9 buildings, and on their roads, and say, This is our
10 footprint. Our point of view is, If we can't shoot a gun
11 there -- you're taking the use of that land away from us
12 for hunting, so any area around where we can't stand and
13 shoot towards you is part of your footprint if you're a
14 developer.

15 And with respect to a landscape or a view
16 that is spiritually valuable and culturally important,
17 anything you put anywhere that disturbs that view, or
18 damages the aesthetic value of that landscape, that's
19 intrusive. That -- if -- if you have a beautiful house
20 beside the lake, you don't want somebody putting a radio
21 tower in your front yard, or power lines, or diesel
22 generator, or whatever they're going to do. The -- the
23 feeling, the spiritual value of the land is important,
24 too.

25 And you can't measure it by land use

1 permit criteria. Those land use permit criteria have
2 nothing whatsoever to do with protecting car -- cultural
3 or heritage values. They're not relevant at all.

4 I just wanted to make sure everybody knew
5 about these. I'm going to point to one (1) -- one (1)
6 article of the United Nations Declaration on the Rights
7 of Indigenous Peoples, and the -- this might be
8 interesting to all the other First Nations, as well, who
9 are always challenged by inadequate funding. Article 39
10 of this UN declaration says that:

11 "Indigenous peoples have the right to
12 have access to financial and technical
13 assistance from states and through
14 international cooperation, for the
15 enjoyment of the rights contained in
16 this declaration."

17 And this declaration is really important, and I made a
18 point of copying out a number of clauses because it's a
19 long declaration, and I copied out the ones that are
20 specifically interesting to us.

21 If I had a lot of time I would read this
22 all, just for the benefit of those non-English readers
23 that are in the room here that would have the benefit of
24 translation. I'm not -- I'm not so sure how many of the
25 Elders here, and the Elders in our community that can't

1 be here today, actually know what this declaration says
2 and understand it. But Canada has now finally, after
3 much reluctance, signed it.

4 Oops -- what -- and I don't know whether
5 there's been any discussion in other people's
6 presentations, but the issue of whether or not the
7 minister can make a policy direction to the Board, the
8 Water Board, is very clear.

9 I don't -- I don't know where the argument
10 came from about fettering the Board's discretion or
11 interfering with some other process because the job of
12 the minister is to provide policy dis -- direction.
13 That's what -- how he does his job. And his policy
14 direction should be in accordance with international and
15 Canadian law.

16 Also there is a law, it's called the
17 Mackenzie Valley Land and Resource -- the Mackenzie
18 Valley Resource Management Act. And part 6 of that Act
19 tells the minister that he must do, not he could or
20 should do, but that he must do cumulative impact
21 monitoring, and other monitoring, and that he has to do
22 this in consultation with the First Nations.

23 And in the Mackenzie Valley, First Nations
24 does include Metis organizations in the North Slave
25 Region and other regions. And the legislation also makes

1 provision for any conditions to be put into a land use
2 permit as long as they're consistent with the protection
3 of the lands.

4 And the -- the main number 1 thing that
5 the NSMA wants as a result of this environmental
6 assessment process is that there is a thorough cultural
7 heritage and human rights impact assessment of the area,
8 not just the footprint, but the whole area that will be
9 impacted.

10 Or if they'd have -- depending on how you
11 define footprint, if you expand the definition of
12 footprint to match all the areas that can be affected,
13 then that would also work. But the -- the current
14 definition of footprint to be just the -- the spot where
15 you've put your -- you've parked your vehicle or built
16 your building, that's not enough.

17

18 (BRIEF PAUSE)

19

20 MS. SHERYL GRIEVE: And I'd like -- I'm
21 trying to make the point in this slide that back in 1920
22 -- in the 1920s, before Treaty 11 and after, the people
23 who lived here, including the north side Metis, were
24 already complaining about interference with their
25 traditional lifestyle, harvesting wildlife, trapping,

1 fishing, living on the land.

2 And the game preserve was established in
3 part to address that issue. And it was after the war
4 when the popu -- the white -- the non-native population
5 of Yellowknife exploded. There was great pressure from
6 non-Aboriginal people to get rid of the game preserve and
7 it -- it was abolished, but it never should have been.
8 The Aboriginal people were not consulted about that.
9 They didn't consent.

10 Oh, yes, and by the way, the UN
11 declaration also guarantees the right, it's not a
12 privilege, it's a right, of the Aboriginal people to have
13 prior free informed consent before activities are done on
14 their lands that might affect them.

15 I -- I think at a previous hearing I put
16 up a map from the wrong website. I used a government of
17 the Northwest Territories website that wasn't up to date.
18 This one (1) came off the federal government website the
19 day of -- that the presentation was due. And all the
20 areas that are not blue or white are already being
21 considered for allocation to other people, or already
22 allocated to other people. As you can clearly see there
23 -- there's not much left for the Metis. Where are we
24 supposed to hunt our moose.

25 This -- this traditionally -- this map --

1 study that resulted in this map that was done a long time
2 ago, and it only -- it only interviewed fifteen (15)
3 people with a very low budget and a very short time
4 frame. But we -- we can easily demonstrate that we've
5 continued to use our land and that it's valuable to us.

6 And as you can see the area around Wool
7 Bay and -- and Drybones Bay is right in the middle of a -
8 - a major transportation route. We -- we have a
9 transportation route from Lake Athabasca and even from
10 Red River all the way up to Inuvik and -- and between
11 Athabasca and Great Bear Lake, and it was a well-known
12 Metis route the Metis built for Providence with -- you
13 know that history. There's no doubt about the cultural
14 values and heritage values in that area for us and we
15 want to protect it.

16 THE CHAIRPERSON: Sheryl, can you do a
17 quick summary of your presentation because you are over
18 your limit.

19 MS. SHERYL GRIEVE: That was my next
20 slide, so, yes, the -- I put my summary at the beginning
21 just to make sure I got it.

22 THE CHAIRPERSON: Thank you. Okay.
23 Thank you for your presentation. I guess -- I was going
24 to ask anybody else in the public that have a brief
25 presentation they can make in regards to this file in

1 front of the Review Board?

2

3

(BRIEF PAUSE)

4

5

THE CHAIRPERSON: Arthur Beck...?

6

7

(BRIEF PAUSE)

8

9

PUBLIC PRESENTATION BY ARTHUR BECK:

10

MR. ARTHUR BECK: Hi. My name's Arthur

11

Beck. I didn't -- don't have a pre -- presentation, but

12

I just have a few comments to make. I guess I should

13

introduce myself first. My name's Arthur Beck. I was

14

born and raised in Taltson River. I'm representing Fort

15

Resolution Metis Council, but I also represent Northwest

16

Territory Metis Nation, which represents the three (3)

17

communities: Fort Smith, Hay River, and Fort Resolution.

18

Our descendants in our nation are -- Chief

19

Stump (phonetic) is my great grandfather, six (6)

20

generations. So our members are all descendants from

21

Akaitcho, Chief Stump and Beaulieu. Francois Beaulieu,

22

that's where they get the name. Francois Bay, Beaulieu

23

River. Okay, so that's the people that I represent, and

24

we -- we just -- that's who I speak for.

25

And North Slave Metis Alliance is a

1 different group than us because we are in a land claim
2 negotiating with Canada a contract. I don't really have
3 any questions for Canada right now here, but, you know,
4 it's -- it's a shame that we don't have the mine people
5 here in Canada and Northwest Territories and Aboriginal
6 groups all in the same room so we can sit down and
7 discuss the problem we created.

8 I guess I should slow down a little bit.
9 Okay. And, actually, I don't know where to start there's
10 so many things. But I'll just start with the land, I
11 guess what's most important. For our people in the
12 community of Fort Resolution, Rush River (phonetic), Fort
13 Smith and the south side, our history goes way back prior
14 to the signing of the treaty.

15 Our people use the area right up -- they
16 still use it today, and it's a really, really good rat --
17 really good rat country. Our people from Rush River used
18 to go across the Beaulieu River and Francois Bay, Drybone
19 Bay, in that area, and we have relatives over here in
20 Yellowknife. We're related to a lot of the people over
21 here, so we mixed very well and worked well together
22 until the land claim came into play.

23 Once the land claim came into play
24 everybody seems to be fighting over the land and nobody's
25 really concentrating on the animals and the fish and the

1 birds and the plants. And I -- when I was young I grew
2 up on a trap line. I speak the native language very well
3 at home. And I -- I have a lot of knowledge given to me
4 by my Elders, great grandparents, grandmother and
5 whatnot.

6 Out on the land there's not many things a
7 person could teach me out there. See, when I grew up we
8 didn't have schools, we didn't have TV, we didn't have a
9 lot of things. We had a radio, but my father would only
10 use that for news. So we learned everything -- all our
11 toys are animals, plants and bugs and animal -- grass and
12 whatnot, so we got to learn the animals very well.

13 We know their habitats, the way -- what
14 they do, where they live, the seasons, especially fish,
15 where they spawn. What we have to remember here is, you
16 know, the Northwest Territories is overpopulated with
17 activity right now. You go north, Sahtu, you got that
18 uranium they pulled out of there for the army, people
19 dying of cancer.

20 You know, they're -- we have the last
21 fresh water in the world, the last in -- in the Northwest
22 Territories between here and Great Bear and Great Slave
23 Lake. We have to look after that. And in our community
24 of Fort Resolution we really stress on looking after the
25 water and the plants and animals because once industry

1 comes here and takes all the riches from our land they go
2 home.

3 Not everybody in the north benefits.
4 Especially our community south of the lake, we don't
5 benefit much from this activity happening up here. But
6 once all that's gone our future generation have to have
7 something to live on.

8 You know, like I said earlier, you can't
9 drink oil and you can't eat diamonds, okay. And, you
10 know, sure you can sell the oil and the gas right now,
11 and charter a plane, fly halfway across the Northwest
12 Territories to get a few caribou to bring home, but how
13 much people can you feed with that.

14 And if you look at the caribou itself, you
15 look at the caribou, it feeds everybody across Canada,
16 and also Alaska, and the Yukon, but nobody really seems
17 to really care because they take it for granted.

18 Look at the -- over here in the mined area
19 where the -- the Tlicho land claim over here. I hunted
20 caribou up there a couple years ago, the year before they
21 banned the caribou. Even there, they're trading off
22 their caribou for diamonds.

23 Work for about seventeen (17) years. But
24 what's going to happen after seventeen (17) years when
25 all the mines shut down. What are the people that live

1 here are going to live on? You know, once all the money
2 and everything is gone, we damage all the soil, and the
3 water, and the plants, what is our future generation
4 going to live on, you know?

5 And I see you guys up there. I'm very
6 familiar with you guys, and I know you guys have your
7 hearts in it to protect the animals and the water for the
8 future generations to come.

9 The only way I could see this work is we
10 all have to get in the same room with industry,
11 Aboriginal groups, First -- First Nations, government,
12 and everybody, and sit down and discuss it. And we have
13 to prioritize certain areas to protect for the animals.

14 I mean, we already have enough mines, and
15 industry working in Canada and the Northwest Territories.
16 How much money do we need? We have to really think about
17 what we're trading for money, because once all the
18 minerals is gone what is our future generation going to
19 live on?

20 And it's kind of hard to ask Canada any
21 questions because they -- that's why I didn't ask any
22 questions because they couldn't answer any questions. So
23 that's why instead of questions, I -- I'm here to give
24 them advice, and that was from the South Slave. Thank
25 you.

1 THE CHAIRPERSON: Thank you, Mr. Beck. I
2 also want to acknowledge the MLA for the Weledeh area,
3 Bob Brambly (phonetic). Welcome to our hearing. I think
4 that concludes -- I don't see any more hands coming up
5 from the public to make a presentation here today.

6 So I'm going to go into the closing
7 remarks. I'm going to go to the Akaitcho Treaty 8 Tribal
8 Corporation for closing remarks. Mr. Ellis or -- or
9 Stephanie, Ms. Stephanie Poole.

10 MS. STEPHANIE POOLE: Thank you.
11 Stephanie Poole, Akaitcho IMA office. We -- we have no
12 closing remarks further to our presentation. Thank you.

13 THE CHAIRPERSON: Thank you, Ms.
14 Stephanie Poole. I'm going to go to the Yellowknives
15 Dene First Nation, Greg -- Mr. Greg Empson.

16
17 CLOSING REMARKS BY YKDFN:

18 MR. GREG EMPSON: Okay. Thank you, Mr.
19 Chair. I've given all my comments, but I understand one
20 (1) of the Elders wishes to make a few comments, and I
21 understand as well the Chief wishes to make some comments
22 in closing. Thank you.

23 ELDER MICHEL PAPER: Hello, mahsi. I'm
24 too old now. I'm 98 years old here now. I never -- way
25 back, so I want to tell you something about Mark Chenaway

1 (phonetic). In about 1913, (NATIVE TONGUE SPOKEN) I was
2 21 years old before white man -- you, the white man, this
3 country -- Canada before.

4 And then my grandpa told me story and
5 Hudson Bay she come to Canada 60 (INDISCERNIBLE) and the
6 first time we see white man here in Canada. Now, I talk
7 in my language anyway.

8

9 (WELEDEH LANGUAGE INTO ENGLISH THROUGH INTERPRETER)

10

11 ELDER MICHAEL PAPER: I used to in the
12 past way back in the 1600s that's when the explorers were
13 coming around here. And in the 1700s the explorers were
14 coming here. And then in the 1800s there were still some
15 more explorers coming into our land.

16 And before the 1800s, before the 1900s, at
17 the time we had no -- no rifles, no axes, no knives to --
18 no matches, no clothing like this. The old timers, our
19 ancestors, they work hard. They use arrows, bows, and
20 they use -- when they -- when they killed caribou they
21 used to sharpen rocks, like slate or whatever they're
22 called. They sharpen them and to -- to use as a knife so
23 that they can cut up the meat, the caribou meat. That is
24 how our ancestors have lived here.

25 The ancestors worked very hard for

1 survival, but they also lived well on this land for
2 survival because they all helped each other. They never
3 used to quarrel with each other. They did not fight with
4 each other. They all helped each other. Hardly anybody
5 got sick. But for myself, when I was very -- when I was
6 very young, I do not remember anybody getting very sick.

7 Before the white people came to our area,
8 the land was very beautiful. There used to be a lot of
9 caribou coming here. Because of the immigration routes
10 they used to come here, all kinds of wildlife. And
11 that's how our ancestors lived because there was lots of
12 wildlife in this area here, in the -- in -- right here
13 where the town is. And Chief Joseph Drygeese, his older
14 brother was the one that signed the treaty for us. His
15 older brother. That was in 1900.

16 And -- and after that it was chief --
17 after Chief Drygeese passed away, it was his younger
18 brother Chief Drygeese, they called him Joseph Drygeese,
19 he became the chief. And people lived good under his
20 leadership. And he was a very know -- a knowledgeable
21 man. He worked for his people. He was a good hunter,
22 and a lot of people had always told him to speak when
23 treaty days -- when the treaty agents come around because
24 -- because he was a very well-spoken man. And they only
25 made him speak up at meetings be -- and he was eventually

1 elected as chief at that time the traditional way, when
2 the custom -- election. The traditional way of selecting
3 a chief. That's how they did it.

4 And I'm -- the one time when he was
5 talking to a treaty agent he said, The money that you
6 give me today, I -- am I going to have a very hard time
7 in the future because I'm taking money from you today?
8 That is what he asked the treaty agent. And then the
9 treaty agent told him, The money I'm giving you -- to you
10 is for friendship, and so that we can live in peace with
11 each other here. We are not going to give you a hard
12 time about anything.

13 And today there's a lot of people that
14 live along the Mackenzie River, along -- down the
15 Mackenzie River, and around in the area, Grizzly Lake
16 area, and so there's a lot of people that really care for
17 each other, and they really helped each other out.

18 And when -- I remember my grandpa saying
19 one time, he said if you go out on the land -- if you
20 love your land, you had to take care of it. There is a
21 lot of wildlife on this land, so for your survival you
22 have to take care of everything. You have to watch the
23 land. You have to love the land in order to take care of
24 it. If you -- for example, if you set your traps out on
25 the land somewhere, and you check it and you get -- you

1 catch a lot of animal, fur bearing animals, you fix it up
2 and everything, you bring it in, you get goods in trade
3 for that.

4 So it's just like that when you pass away,
5 everybody takes care of your body. Like they take care
6 of you. They bury you on your land. And all these
7 things that you do on the land, you should always pay
8 respect to the land, and to the surrounding areas,
9 everything on the land.

10 When -- it's not good to say no all the
11 time, and -- and sometimes is -- there's a time when you
12 have to say yes. I am an elder. I read the Bible all
13 the time. I don't know how to read and write in English,
14 but I read the Bible. It's written in Slavic.

15 When the fir -- the first time the non-
16 native people came here, that was back in 1934, I
17 remember -- and today, Yellowknife is the -- is the most
18 impacted place in the north because of the Giant mine and
19 Con mine and all the people -- white people that came to
20 this area, so Yellowknife people are the most impacted
21 people in the North.

22 All the other communities -- all the other
23 communities that live in isolated places, their -- their
24 land around them, it's not -- it's not ruined or
25 contaminated or anything. But it's here, in our area,

1 that's the most impacted, so we should have been
2 compensated. We've been saying that, but -- but nobody
3 ever takes us seriously. We can't even drink the water
4 from the lake outside here from the -- from the back bay
5 here. We can't even drink the water. Who -- who is the
6 -- whoever is the big boss here of everything should try
7 to do something to help us.

8 For myself, I don't really need the money,
9 but I want the land to be taken care of, the waters,
10 everything. We are doing -- we want to do this for the
11 future generations, for the kids. These young ladies
12 here, maybe they will have children one day. If we don't
13 do anything for them now, how are they going to live?
14 They are going to be very pitiful in the future. And I
15 don't think that's those mining companies think about
16 that kind of things.

17 When I read the Bible the Creator made
18 everything here on the earth, made all the water, the
19 land, the trees. Everything that is on this land, the
20 Creator made all that. And when we talk about religion,
21 Jesus is the one that we have to pray to.

22 When I read the Bible, when I read it in
23 Slavic, I try to read it until I really understand it. I
24 know a lot of people show respect to me, and I just treat
25 a young person like he is my own son. When I see

1 somebody that I haven't seen for a long time I shake
2 their hand, just like Joe Handry (phonetic). I seen him
3 the other day. I shook his hand. And -- and we had a
4 talk and things like that. We just caught up on each
5 other's things, activities.

6 And I've never in my life been to court.
7 I've never been put in jail or anything. I try to have a
8 good life all my life and I prayed all the time for
9 myself and for my family and my friends. So that's what
10 I'm telling you today. Help each other and listen to
11 each other. Hear each other out. Listen to what the
12 other person is saying, especially when they give out
13 their opinions.

14 That is how long that I want to talk to
15 you today. I just wanted to talk to you for a little
16 while.

17

18 (INTERPRETATION CONCLUDED)

19

20 THE CHAIRPERSON: Thank you Michel Paper.
21 He's probably the oldest Elder in our community. So I
22 just really thank you for those wise words. Continuing
23 on with closing remarks for the Yellowknives Dene First
24 Nation, we have Chief Ted Tsetta.

25

1 (WELEDEH LANGUAGE INTO THE ENGLISH THROUGH INTERPRETER)

2

3

4 CHIEF TED TSETTA: Thank you, my members.
5 We had discuss important thing that's very important to
6 us that we've been di -- why is that -- our land and here
7 we're the one the lake was trying to support. The other
8 side of the table -- how they think about us and they had
9 to express their -- their side of their story.

10 We have been listen to this hearing for
11 the last two (2) days. People all the way that have live
12 on this land and for the future of the kids. We're all -
13 - had said -- ex -- ex -- we address our concern with the
14 government in Ottawa. What there -- what their -- it's
15 like we are nothing to them. Does -- how many years.
16 What do you want? No development in that area we had
17 said -- we had stated that, but they doing things the way
18 that they ha -- can take money out of the resources. So,
19 just want to do the closing comment. This is last two
20 days that we'll listen to this hearing. Just want to say
21 thank you.

22

23 (INTERPRETATION CONCLUDED)

24

25 CHIEF TED TSETTA: I want to thank you

1 from the bottom of my heart. You've heard for the last
2 two (2) days the concerns from the Weledeh people and the
3 Weledeh First Nation Chief Drygeese Territory. We have
4 inherent treaty rights to this land that no one else has.

5 We've stumbled up and down this country
6 for thousands of years. In 1923 we affirmed the 1900
7 treaty to protect the wildlife. It's called the
8 Yellowknife Game Preserve, that Drygeese has affirmed.

9 But when you look at the downside of it,
10 in 1955 the municipal boundary was put around us without
11 consultation of the Chief. He was not consulted. That's
12 an illegal thing to do.

13 And our land is taken away, our hunters go
14 in the fall time, they come back their house is gone,
15 they've bulldozed. That's illegal, expropriate lands.
16 In 1970 they put a BOT around us. Another thing that was
17 broken was without consultation of the Chiefs again.

18 You know, and it goes on, and on, and on,
19 and on. When is the time to say enough is enough? We
20 will not stand and be pushed on no more.

21 My First Nation has had enough. Look at
22 the outcome of Giant Mines. Look at Con. Look at
23 Tremenco. Look at Discovery. Look at Bull Moose. It
24 goes on, and on, and on. It never stops. It will stop
25 this time. With your help. Let's do this right for the

1 fir -- first time.

2 Let's not let somebody in Ottawa make the
3 decision on our behalf, because if he makes the decision
4 for people here, it will not be right. It's not going to
5 be right. Let's do it together here today. Making sure
6 that there's enough room for wildlife. There's enough
7 room for people to go. There's enough room for you --
8 youth, for the next generation to hunt, fish, and trap,
9 and protect the water that needs protection. We need to
10 leave areas just for recreation, and to be who you have
11 been for thousands of years.

12 And you've heard it over and over, we have
13 enough mines going already. Let's give mother earth a
14 chance to heal. Enough devastation. We have not got one
15 penny from Giant Mines. We're going to go after
16 compensation, and we're not going to give up until we get
17 our -- our land back.

18 So we're going to fight from now on. Be
19 here -- there with us. Decision with you, the seven (7)
20 Board members here today. We need to be on the same page
21 now. We don't need to have an industry telling us what
22 to do.

23 We're not saying we're anti-development,
24 but we've got to pace ourself. You don't want to put too
25 much on your plate or else you're not going to sustain

1 yourself for the next generation.

2 You know, on behalf of the Chief and
3 Council, I want to thank you for coming into our
4 community for the last two (2) days. I want to thank the
5 staff. I want to thank the people, the translators, the
6 Elders, and each and every one (1) of you that
7 participated in this hearing.

8 This is the type of hearing that's needed
9 for any development to move ahead. That's where
10 everybody can have an input. And then you'll hear it,
11 and then that's how it should be done. Not only by a
12 handful of people making decisions on our lands here.

13 So with that, you know, inherent treaty
14 right to the land is so important. Aboriginal rights is
15 different. Aboriginal rights, you can travel anywhere
16 you want, but us, as Weledeh people, we have inherent
17 treaty rights. We have a nation -- nation -- a treaty
18 with the Crown.

19 Let's not forget this people here, and
20 let's not forget the -- the future. We're here for the
21 future. Let's leave a little bit for them, because if we
22 don't they're going to have nowhere else to go. Thank
23 you.

24 THE CHAIRPERSON: Thank you, Chief Ted
25 Tsetta. I believe -- I'm not sure if Chief Eddie, he

1 said he wanted to make a couple comments, closing
2 comments.

3

4 (WELEDEH LANGUAGE INTO ENGLISH THROUGH INTERPRETER)

5

6 CHIEF EDWARD SANGRIS: Today, we've been
7 meeting for the last couple of days. We're seeing
8 everything's positive, the way people have spoken, no
9 argument, just straightforward hearing that we had for
10 the last couple of days.

11 We as Dene First Nation and how things are
12 with us, we -- we have some other land that's being
13 polluted and the fish is -- everything's -- we don't want
14 our wildlife and land to be polluted. We've been
15 impacted, but we don't get no outside support.

16 They never come forward and say, We're
17 going to help you guys because you guys are the most
18 impacted. This is the last fifty (50) years that I've
19 been attending meeting, not once do outside people come
20 and support us. We -- we need the support from the
21 outside.

22 Today, even we have supported each other
23 from -- we're being abandoned from going hunting. But
24 we're most impacted, but we get no -- no outside support.
25 I hope this doesn't continue like that. We need the

1 support. Today there's a lot of tailings pond, even
2 Ptarmigan Point. Ptarmigan Point, there's -- they have a
3 telecom (phonetic) -- telecom there where been -- even
4 that's polluting the lake and around the shore here.

5 They have -- right beside the Jasper
6 (phonetic) island there's a lot of houseboat and what
7 they do with all of their garbage and all the waste. And
8 so that's the kind of things that we have concern. I
9 don't think that's right, what they do with the waste.

10 And that's a con -- that's a concern that
11 we had brought up at one (1) time but nobody responds
12 back to us. And I feel that we had meeting for last
13 couple -- last couple days, and the Drybone Bay, we're
14 holding on to the land from -- from a Elder's point of
15 view, even from Char Rock (phonetic).

16 We know. I've been all around that shore
17 of this Great Slave Lake. And I went to the el -- the
18 elders, that trail. Where now -- where's all the elder's
19 trails are. I've been -- by can -- by dog team, even
20 Drybone Bay, around that area, there -- there's about how
21 many elders' trails that today is getting wiped out by
22 people going on that -- on that place. Even in -- on
23 that -- in land they have drilling and -- and they don't
24 have no respect about the -- how elders or ancestors had
25 been on that place. Whoever region or land is it, they

1 had to be consulted if you want to go on the land. I
2 don't think we can go to other region and go on the land
3 and use it -- the land as we want. We have to respect
4 people who -- who -- whose land is it.

5 And that lady that has -- has spoken that
6 from the Metis, we -- we heard her presentation. I think
7 that's that's right what she had to say. We know that
8 there's been Metis in this area since 1900 and some of
9 that people they're still living till today. So, whoever
10 organization you're from, we should always try to help
11 and support each other so we'll be stronger and from now
12 on if we have a hearing like this, we like people from
13 other regions support us even like Tlicho and then Hay
14 River and Lutsel K'e, we get no support from the outside
15 people.

16 You can even go through -- on the Giant
17 mine, you can see people that what they've done to the
18 land that they destroy it. Even that arsenic -- the --
19 the smoke that comes out. It used to go a long ways and
20 there was a couple of kids from Delon (phonetic) had died
21 of arsenic.

22 The last ten days -- the last year ten
23 years they've been discussing the arsenic and the -- one
24 of the person from that -- they don't know what they can
25 do with it. They can't just store it under the mine and

1 let it be removed. It can't be removed because it can
2 leak. We know that arsenic can make a big damage to the
3 -- to the land and I told them that -- that arsenic
4 that's being stored under -- underground, how long can be
5 there? And that maybe it can still be good to be storage
6 for a hundred years. After a hundred years we don't know
7 what it can -- arsenic can do to the underground.

8 We have to keep in touch and support and
9 sometime we hear each other out. We will, once the
10 damage has been done to the environment, I don't think a
11 man can fix anything up like a water and land. So, we
12 like our land to be watch over. That's all I want to
13 say. Thank you.

14

15 (INTERPRETATION CONCLUDED)

16

17 CHIEF EDWARD SANGRIS: I would like to
18 thank the board for listening to us the last couple days,
19 listening to all the presentation. Just like one (1) of
20 my Elders said, if you don't talk or listen to each other
21 we don't know what -- what kind of decision we're going
22 to be making. It's been a long time, seventy (70) --
23 seventy-seven (77) years, that the Yellowknife Dene have
24 been impacted by -- by non-Aboriginal people.

25 And our forefather saw that, so they made

1 a treaty, and I referred to it yesterday, where one (1)
2 of our Chiefs said that as long -- as long as the sun
3 rise, the river flows, and grass grows, that nothing will
4 prevent their people from continuing their lifestyle and
5 their traditional culture.

6 Now, when I read between the lines of what
7 he said and I got to thinking, he was also giving us Dene
8 a message. As long as the sun shines you look after the
9 air quality, the air that you breathe in. As long as the
10 river flows you look after the water. He was telling us
11 Dene that -- not to have anybody else pollute it. And
12 when he referred to the grass grows he was talking about
13 the land, to ensure that the land will always be there
14 for our future generation to continue their lifestyle,
15 the -- their tradition and their culture.

16 Now, we have all other because the area is
17 so significant to Yellowknife Dene of how important it is
18 to us, to us Dene, we have fought for that. But as soon
19 as you mention there's going to be a mine there, that
20 they're going to benefit, momentary gains, other interest
21 groups are starting to intrude on our territory. That's
22 been evident for seventy-seven (77) -- seventy-five (75)
23 years with the Giant and Con.

24 If you step back and look at all the big
25 picture, we've been slowly pushed out of our traditional

1 really last hope, it's with this Board. You can make
2 decision to fulfill our grandfather wishes. Just because
3 you pass through there fifty (50) years ago by dog team,
4 or by boat, doesn't mean you have rights or trad -- or
5 traditional knowledge that our people have.

6 When I was a kid I used to travel with my
7 dad and I knew exactly where I forgot my slingshot. And
8 until today, when I go by there I'm still about that, why
9 I left it, why I left it behind.

10 Those are the traditional knowledge that
11 we should seek before any development is proceeded. We
12 have been so adamantly trying to protect the area. We
13 have support of Dene -- Dene, evident by the motion --
14 resolution produced at the Dene National Assembly.

15 It's not going to stop here. It's going
16 to go on and on throughout the north. And I'm sure that
17 you will hear the last of people, a group like
18 Yellowknives Dene trying to protect their land. There's
19 going to be further developments further down the valley,
20 the river.

21 As you look around we've been slowly
22 affected by the cumulative effects of development.
23 Believe it or not I talked to the mining industry about
24 how their activity disturbed and depleted our wildlife.
25 And they are of the opinion that they have no effect.

1 But our traditional knowledge says
2 otherwise, as evident by the last two (2) days of Elders
3 talking. We're know what we're talking about now. We're
4 talking about our future generation and how they're going
5 to sit here fifty (50) years from now and tell you how
6 they've been affected.

7 So with that I'd like to thank everybody
8 that's been here. I'd like to thank the Board,
9 interpreters, and all the staff in the hope that we can
10 resolve this issue. And you can produce any amount of
11 action plan but until such time as you preserve our way
12 of life, I don't think many of these action plans will
13 work to the satisfaction of our people. Mahsi cho.

14 THE CHAIRPERSON: Okay. Thank you.
15 Closing comments for the Yellowknives Dene First Nation.
16 And that comes to the end of the agenda item. Sorry?

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: Who's that? Is -- oh,
21 Isadore. Okay. If you could make it short, Isadore.

22

23 (WELEDEH LANGUAGE INTO ENGLISH THROUGH INTERPRETER)

24

25 ELDER ISADORE TSETTA: We have adjourned

1 that meeting. We had lot of people that has spoken. Now
2 we're gonna go and we're gonna do a closing prayer and
3 why we're here today -- why we try to accomplish that
4 things will go well the way we want it.

5

6 (INTERPRETATION CONCLUDED)

7

8 THE CHAIRPERSON: Okay, thank you. So
9 that's all the closing comments we have now for this
10 hearing. I guess what I wanted to do first is take this
11 opportunity to thank the presenters that made
12 presentations here in the last two (2) days.

13 I'd like to thank the Yellowknife Dene
14 First Nation and the Akaitcho Treaty 8 Tribal Corporation
15 for doing the presentation and the public. At this time
16 as well I also want to thank the cooks that prepared the
17 food here, Mary Pasina (phonetic) and her helpers. I
18 don't know who they all are, but I want to say mahsi to
19 them.

20 I also want to say thank you to John Gon,
21 First North, for providing the sound equipment and
22 everything that's needed for this hearing. Mahsi. Also,
23 the Chipewyan translator, Marc Casaway, and Ann Biscaye,
24 mahsi for doing the translation for us. Also, Berna
25 Martin and Lina Drygeese for providing the translation

1 for us as well.

2 And the closing remarks, the Chair, on
3 behalf of the Impact Review Board, I want to say thank
4 you for this hearing. But before I do that part I want
5 to make mention here is that initially we also had Alex
6 Debogorski file that was supposed to be scheduled, but we
7 pushed that back to October 12th and 13th.

8 And that one there will probably -- it's
9 still going to be worked out as exactly where we're going
10 to have it. It'll probably be N'Dilo, Dettah, one (1) of
11 those communities on those dates.

12 So I want to thank the Review Board,
13 Review Board staff, legal counsel, all Board members for
14 taking the time for the last two (2) days to sit here, to
15 listen to the people in the community with their issues
16 and concerns in regards to this EA of, formerly called,
17 Consolidated Goldwin Ventures, environment assessment
18 0506005.

19 This concludes our public hearing on this
20 file. And what will happen after this is that the Review
21 Board will meet, look at all the evidence, and render its
22 decision. It could happen in the next month or two (2).
23 It all depends on how this -- all the evidence will come
24 back to the Review Board.

25 So, with that, I call the meeting

1 adjourned. It's now twenty (20) to 3:00, so I want to
2 say mahsi cho. And with that, I'm going to ask an Elder
3 to come up to do a closing prayer. I'm going to ask that
4 the eldest Elder, Michel Paper, to come up to do the
5 closing prayer.

6

7 (CLOSING PRAYER)

8

9 --- Upon adjourning at 2:42 p.m.

10

11 Certified Correct,

12

13

14

15 Ms. Wendy Warnock

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