



MACKENZIE VALLEY ENVIRONMENTAL

IMPACT AND REVIEW BOARD

PUBLIC HEARING

NICO PROJECT - EA 0809-004

FORTUNE MINERALS LIMITED

Mackenzie Valley Review Board:

Richard Edjericon	Chairperson
Danny Bayha	Member
John Curran	Member
Richard Mercredi	Member
James Wah-shee	Member
Percy Hardisty	Member
Rachel Crapeau	Member

HELD AT:

Behchoko, NT

August 30, 2012

Day 3 of 4

1 APPEARANCES

2	Chuck Hubert) MVEIRB Staff
3	Paul Mercredi)
4	Simon Toogood)
5	Shannon Hayden)
6	Alan Erlich)
7	Stacey Menzies)
8	Cailin Makin)
9	Vern Christensen)
10	John Donihee) Board counsel
11		
12	Mike De Carlo) Fortune Minerals
13	Jim Mucklow) Ltd.
14	Robin Goad)
15	Tom Rinaldi)
16	Rick Schryer)
17	Pat Moloney)
18	Bill Shepard)
19	John Faithful) Golder
20	Lasha Young)
21	Theresa Repaso-Subang)
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23	Jason Parviainen)
24	Ken De Vos)
25	Ken Bocking)

1
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4 Damian Panayi) Ltd.
5 Monique Haakensen)
6 Ross Mitchel (np))
7 John Virgl)
8 Cam Stevens)
9 Dan Coulton)
10 Letha MacLachlan) Counsel
11
12 Clifford Daniels)Tlicho Government
13 Edward Erasmus)
14 Alfonz Nitsiza)
15 Edward Chocolate)
16 Charlie Football)
17 Marjorie Matheson-Maund)
18 Ryan Chenkie)
19 Joseph Judus)
20 Laura Duncan)
21 Kerri Garner)
22 Dr. Ginger Gibson)
23 Henry Zoe (np))
24 Stacey Fernandez (via phone))
25 Paul Bachand) Counsel

1 APPEARANCES (Con't)

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3 Glen Koblun) Ducks Unlimited

4 Jason Charlwood (np))

5 Lori (phonetic) Mountain (np))

6

7 Bill Enge) North Slave Metis

8 Susan Enge) Alliance

9

10 Scott Duke) Justice Canada

11 Jason Steele)

12

13 Russ Teed) GNWT ITI

14 Gordon Rohs (phonetic))

15 Bernard Park) GNWT

16 Brittany Shumera)

17

18 Loretta Ransom) ENR

19 Kimberly Balsillie)

20 Aileen Stevens)

21 Dean Cluff)

22 Sarah Frue (phonetic))

23 Sunny Ashcroft)

24 Bruno Croft)

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1 APPEARANCES (Con't)

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3 Todd Slack) YKDFN

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5 Carey Ogilvie) Environment

6 Sarah-Lacey McMillan) Canada

7 James Hodson)

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9 Sarah Olivier) DFO

10 Rick Walbourne)

11 Bev Ross)

12

13 Kate Witherly) Northern Projects

14) Management Office

15

16 Kathy Racher) WLWB

17 Brett Wheler)

18 Sara Elsasser)

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21 Douglas Soloway) Transport Canada

22 Dale Kirkland)

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24 Rob Johnstone) Natural Resources

25 John King) Canada

1	APPEARANCES (Con't)	
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6	Myranda Bolstad)
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14) Canada
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20	Harry Apples)
21	Georgina Chocolate)
22	John B. Zoe)
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1	TABLE OF CONTENTS	
2		Page No.
3	List of Undertakings	8
4	List of Commitments	9
5	Opening Remarks from Chairperson of Review	
6	Opening Comments by Thiclo Government	19
7	Opening Comments by Fortune Minerals Limited	37
8		
9	Traditional Knowledge Study	
10	Presentation by Tlicho Government	50
11	Question Period	78
12		
13	Caribou and Wildlife Effects Monitoring Plan	
14	Presentation by Fortune Minerals Ltd.	143
15		
16	Ruling	160
17		
18	Question Period	167
19		
20	Caribou and Wildlife Effects Monitoring Plan	
21	Presentation by Tlicho Government	215
22	Question Period	237
23		
24		
25		

1	TABLE OF CONTENTS (cont'd)	
2		Page No.
3	Caribou and Wildlife Effects Monitoring Plan	
4	Presentation by Government of Northwest Territories	253
5	Question Period	259
6		
7	Caribou and Wildlife Effects Monitoring Plan	
8	Presentation by Environment Canada	282
9	Question Period	289
10		
11	Caribou and Wildlife Effects Monitoring Plan	
12	Presentation by North Slave Metis Alliance	300
13	Question Period	303
14		
15	Caribou and Wildlife Effects Monitoring Plan	
16	Presentation by YKDFN	308
17	Question Period	319
18		
19		
20		
21	Certificate of Transcript	334
22		
23		
24		
25		

1	LIST OF UNDERTAKINGS	
2	NO.	PAGE NO.
3	1	Tlicho government to answer
4		the question of why the Tlicho
5		government was so insisting that
6		their measure number 3 be put into
7		effect, the establishment of the
8		WEMP and the other matters listed
9		in that recommendation, before
10		licences and permits were issued,
11		when the evidence indicated that
12		the project wouldn't be built until
13		there was a road anyhow
14		250
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1	LIST OF COMMITMENTS		
2	NO.	DESCRIPTION	PAGE NO.
3	1	ENR will review that TK report	
4		and will be present for the	
5		days of extra hearing time	276
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8			
9			
10			
11			
12			
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16			
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1 --- Upon commencing at 9:34 a.m.

2

3 THE CHAIRPERSON: Good morning. I'd
4 like to call this public hearing to order. It's now --
5 what time is? 9:34. This public hearing's on Nico
6 Project EA0809-004, public hearing for two (2) days
7 here in Behchoko.

8 And before we start I want to do the
9 opening prayer, but we have a special guest today to do
10 the opening prayer for us. And it's always in our
11 culture that we start off a good meeting with a opening
12 prayer.

13 So we have Kianna Horsey (phonetic) and
14 Malana Maqua (phonetic) to come up and do the opening
15 prayer.

16

17 (OPENING PRAYER & CHILDREN SINGING)

18

19 THE CHAIRPERSON: That was a very --
20 that was an honour and a treat for us. I want to say
21 again thank you to Kianna Horsey and Malana Maqua.
22 Masi. That was very nice for us.

23 Good morning, ladies and gentleman,
24 Elders, youth, and delegates. Masi. I want say masi
25 to the host, Chief Daniels, for allowing us to come

1 into your community and to have this public here. And
2 we're hoping to have a very good two (2) days here, so
3 I want to say masi to him as well.

4 Also, before we start th -- we were told
5 that the -- just for housekeeping items, the -- the
6 washrooms -- if we could just use these two (2)
7 washrooms here. And we have exits here and over here.
8 And also in your headsets, the ones we have here,
9 English is channel 1, Tlicho is channel 2, and the open
10 mics like this one (1) here and the ones in the back
11 are channel -- channel 4.

12 So with that, we're going to proceed
13 into the public hearing. Before we start, I want to do
14 an introduction. And I think just for today I was
15 going to --it's been a long two (2) days. We've been
16 in Whati and -- and Yellowknife yesterday, and today
17 and tomorrow we're going to be here in Behchoko. And
18 so -- so it's already been like a long two (2) days,
19 and -- but we're going to continue and -- and move
20 forward on this -- on this public hearing.

21 So with that, I'm going to do opening
22 introduction maybe of the Review Board staff. I'll
23 just go from the far end here. Percy Hardisty; we have
24 Rachel Crapeau, Danny Bayha, Richard Mercredi, James
25 Wah-shee, and John Curran. These are the ones that are

1 in the back here.

2 And for our trans -- translations in the
3 back I think we have three (3) individuals; Peter --
4 Peter Huskie (phonetic), Marose Butteck (phonetic), and
5 also Jimmy Rabesca. And I believe those are the people
6 we have in the back.

7 And we have our -- and to my side over
8 here we have the transcript recorder is Lorraine
9 Douglas, and the sound equipment here provided by Pido
10 Production, Pat Braiden (phonetic); so he's here in the
11 back as well.

12 So I'm going to go to the Tlicho
13 Government for introduction.

14 GRAND CHIEF EDWARD ERASMUS: Thank you.
15 I have with me here right -- right in the front here,
16 I'll start from my left, Chief -- from Wekweeti, Chief
17 Charlie Football; and Chief -- from Gameti, Chief
18 Edward Chocolate; and Chief from Whati, Chief Alfonz
19 Nitsiza; and myself, Grand Chief Edward Eras --
20 Erasmus. And I have Chief Clifford Daniels from
21 Behchoko. And I have Dr. Ginger Gibson and legal
22 counsel, Paul Bach -- Bachand. And I also have
23 supporting staff behind -- behind me. Masi cho.

24 THE CHAIRPERSON: Thank you. I'm going
25 to go to Fortune Minerals.

1 DR. RICK SCHRYER: Thank you, Mr.
2 Chairman. Rick Schryer, Fortune Minerals. At the head
3 table right now, I have to my right Tom Rinaldi, VP
4 Operations; our president, Mr. Robin Goad; and our
5 legal counsel, Letha MacLachlan.

6 We also have a number of consultants and
7 other Fortune Minerals staff behind me. I won't go
8 through all of the introductions for them, but they are
9 present and will speak later in this meeting. Thank
10 you.

11 THE CHAIRPERSON: Okay, thank you. And
12 I'll -- my staff here, as well, I -- our legal counsel,
13 this is John Donihee; Kathy Racher; Brett Wheler. We
14 also have Chuck Hubert, who also has the file on this.
15 At the far end we also have our executive director,
16 Vern Christensen. And we also have Paul Merccredi,
17 Simon Toogood, Shannon Hayden, Stacey Menzies. These
18 are the people that are -- are support here in the back
19 and running around here.

20 So with that, I'm going to -- before I
21 go into my opening comments, I also want to make a note
22 that after I'm done I'm going to -- we're going to the
23 opening remarks from the Tlicho Government. nd also I
24 want to maybe have opening remarks from the host Chief,
25 just welcoming remarks, if we could do that.

1 So I'll proceed with the Chairman's
2 opening remark -- comments for the -- for this public
3 hearing.

4

5 OPENING REMARKS BY THE CHAIRPERSON:

6 THE CHAIRPERSON: Good morning.
7 Welcome to this public hearing. My name is Richard
8 Edjericon. I'm the Chairman of the Mackenzie Valley
9 Environment Impact Review Board.

10 We are here to listen to what you have
11 to say about the Nico Project. The developer is
12 Fortune Minerals limited. Fortune proposed to
13 construct and operate a closed cobalt, gold, bismuth,
14 and copper mine.

15 The mine will be underground for
16 approximately ten (10) months, followed by an open pit
17 operation, for a total of twenty (20) years of
18 production. The development includes construction and
19 operation of a 27 kilometre Nico Project access to
20 built by Fortune Minerals.

21 We have reached one of the final stages
22 of this environment assessment: the public hearing.
23 The Review Board notes that the hearing dates were
24 changed from the original schedule and acknowledge the
25 inconvenience that the reschedule may have caused the

1 community of Behchoko. Steps have been taken to ensure
2 that this does not happen again.

3 Today the Board wishes to hear the views
4 and opinions that parties or members of the public may
5 have regarding this proposed development. Over the
6 course of the day, we've asked that you do your best to
7 help the Review Board to understand your views about
8 the proposed developments; potential environmental,
9 social, economic, and cultural impacts; and your views
10 of the potential significance of these impacts.

11 That's what we want to hear. The Review
12 Board fully consider these -- will fully consider these
13 views while in this deliberation and in this decision
14 this -- on this environmental assessment file. Once
15 the decision is made, the Board will write it down in a
16 report of our environmental assessment and send it to
17 the -- to -- send it to the both the Minister of
18 Aboriginal and Northern Affairs Development (sic) and
19 to the Tlicho Government for their consideration.

20 Before we got any further this morning,
21 I just did a quick introduction so you know who the
22 support team is here.

23 As you know the Review Board is a co-
24 management body established under the Mackenzie Valley
25 Resource Management Act that makes its decisions by

1 consensus. Our members are Northerners nominated by
2 the First Nations and by the Tlicho and
3 territorial/federal governments. Our goal is to make
4 decisions that will benefit the North for all residents
5 and for future generations.

6 I have some additional comments on
7 today's proceedings that I hope will help make sure
8 everything goes smoothly.

9 We have limited time. The Review Board
10 wants to hear what you -- has -- what everyone has to
11 say. Please note that there's an agenda for the
12 hearing which is available at the door. In the pre-
13 hearing conference, parties described their time
14 requirements, and Board staff made every effort to meet
15 those requirements.

16 I ask that everyone respect the time
17 allotted for presentation and questions and use their
18 time effectively. To make sure these -- this happens,
19 presenters will be timed and given a five (5) minute
20 warning. And I believe there's a card; I might have --
21 or I could just put up my hand and say, Look you got
22 five (5) more minutes, and we'll continue on.

23 Be -- be -- be advised that when you --
24 your time is up, you may be -- be interrupted. And --
25 and I'll let you know that now, so that -- just to be

1 respectful, so that we continue to keep on the agenda.

2 Keeping your allotted time is important to make sure

3 that everyone gets their fair chance to be heard.

4 The board is committed to fairness. The

5 Review Board will be producing an official transcript

6 of this hearing. This transcript will be available

7 through our website in the public registry for the

8 environmental assessment.

9 Parties will be aware they will be

10 invited to ask questions -- questions in turn after

11 each presentation. The order of questions will -- will

12 follow the list of parties shown on the last page of

13 the agenda.

14 After party questions, I will invite

15 questions of staff, counsel (INTERPRETER SPEAKING CUTS

16 IN) and members of the public. Please address all

17 questions to the Chair.

18 For Fortune Minerals will be -- will

19 give a presentation first. After they have given the -

20 - that presentation, we have que -- scheduled time to

21 allow parties to ask questions.

22 The order of questioning after each

23 presentation will be as follows: Fortune Minerals, the

24 Tlicho Government, the Yellowknives Dene First Nation,

25 the Akaitcho I -- IMA Office, the North Slave Metis

1 Alliance, Fisheries and Oceans Canada, Government of
2 the Northwest Territories, Aboriginal Affairs and
3 Northern Development, Environment Canada, Transport
4 Canada, Natural Resources Canada, the Review Board
5 staff and counsel and technical advisors, then the
6 Review Board members, then public -- members of the
7 public.

8 Please identify yourself to our staff so
9 that they can help you. Questions may be asked with a
10 microphone so that everyone can hear and the
11 transcribers can properly record it. Again, so when
12 you speak, if you could -- you could just mention your
13 name, and if you're with an organization, state which
14 organization you're with, just so that we are -- we're
15 clear on -- on the transcripts and it's on record.

16 We -- we will have simultaneous
17 translation into Tlicho. Your -- your headsets, you
18 can hear. Again, I mentioned earlier that the channels
19 -- I already mentioned that -- what channels are
20 English, and 2 for Tlicho, and 4 for the floor.

21 So we will begin today with an opening
22 prayer. We did -- which I want to say thank you to
23 these young ladies here, having gone -- after a couple
24 of days, and long days, it was really good to hear
25 them.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: With that, I'm going
4 to go the Tlicho Government Chief, Grand Chief, and
5 then I'd like to go to Chief Clifford Daniels, and then
6 we'll proceed after that.

7 CHIEF CLIFFORD DANIELS: Masi, Chair.

8

9 (INTERPRETED FROM TLICHO INTO ENGLISH)

10

11 CHIEF CLIFFORD DANIELS: This morning,
12 I want to do an opening prayer with -- a drum opening
13 prayer. Can we do an opening prayer song with a drum -
14 - with drumming?

15

16 (INTERPRETATION CONCLUDED)

17

18 (DRUM PRAYER - DRUMMING AND SINGING)

19

20 CHIEF CLIFFORD DANIELS: Masi, for
21 giving us that opportunity.

22

23 (INTERPRETED FROM TLICHO INTO ENGLISH)

24

25 OPENING COMMENTS BY TLICHO GOVERNMENT

1 CHIEF CLIFFORD DANIELS: Good morning,
2 Mr. Chair. To have a hearing in our Tlicho region.
3 Welcome to our community, and I would like to thank the
4 -- the students that had the opening prayer in the
5 Tlicho language and translated "O Canada" song -- song
6 by the Dogrib students.

7 And this morning, I guess, we're here to
8 discuss very important issue that most of the item that
9 is related to the -- to the land and to the people that
10 live on it. Very important subject that's...

11 Most of the people that have lived on
12 the land in -- in question are on Hislop Lake. The --
13 we have the regional claims settle, and then the -- so
14 we have some concern of the opera -- the mine proposal
15 there in the area. So we have to make ourselves known
16 and -- during our presentations.

17 Yes, the -- we have all the technical
18 people here that might want to voice a concern or ask
19 questions and make their presentation known. And
20 tomorrow I think we'll have the opportunity for the
21 general public to -- to voice their concern, as well,
22 too.

23 The -- the land users on Hislop Lake
24 area that -- no -- the original people that have lived
25 in the past, they're the ones that might want to make

1 the presentation, as well.

2 Yes, the environmental assessment is --
3 it's a very important undertaking for within the -- our
4 region. Next month, on September 15, we -- we supposed
5 to have a public meeting scheduled for that time, but
6 apparently the -- including a traditional knowledge,
7 you know, the study that's supposed to come out about
8 that time, and then the Tlicho meeting to...

9 TK -- traditional knowledge, you know,
10 the report hasn't been out just as yet, so. Yes, I
11 guess we try to delay the -- the hearing till our
12 traditional knowledge package has been out to the
13 public, and apparently the Review Board hasn't
14 recognized it, so. And, so that's the reason why we're
15 still having -- we're still concerned about it, and
16 hopefully that maybe the Review Board could always try
17 to extend an extra day and -- to -- to discuss very
18 item on the traditional knowledge, because it's -- it's
19 in the heart of Dogrib nation where the Review Board is
20 doing their hearing.

21 So the traditional knowledge will be
22 completed on a very -- within a few days, and the -- if
23 we had extend a day, I think we -- it'll be sufficient
24 enough time for us to -- to bring our concerns
25 regarding our traditional knowledge.

1 Yes, the -- the -- most of us that live
2 off the land, I guess, or our ancestors have lived off
3 the land by being as a land expert, and they lived
4 solely on the traditional knowledge skills. And that's
5 the reason why we want to pass it on into the --
6 today's modern technology and all the technical aspect
7 of it all, I guess, in all that -- so all coincide
8 together.

9 So that's the reason why I would like to
10 bring our concerns to the hearing, and hopefully --
11 that the Review Board will take our requests.

12 Yes, most of the -- us here, the --
13 especially the Behchoko residents, I guess, are living
14 downstream from the proposed mine site, and the -- the
15 water is very important to us, as well as the animals
16 and the ecosystem. Yes, most of us still strongly
17 using the land and -- and the -- the -- when we say the
18 heart of our Tlicho nation, you know, where the mine is
19 proposed, I guess, you know, that, you know,
20 definitely, that's what it exactly is, because the
21 right and centre of the -- the four (4) communities
22 that make up the Tlicho nation.

23 In the past, a lot of people had sent
24 their students out to the Hislop Lake to do some
25 traditional knowledge studies, and even send their

1 students out there for -- on the land, you know,
2 training of the traditional activities.

3 So we have the right to have concern,
4 and we'd like to bring in a lot of things that --
5 regarding the traditional knowledge and the land users,
6 I guess, you know, that I speak for, the whole Dogrib
7 and then the -- as the Chief. And then -- but yet, I
8 ask myself personally, as an individual person, I guess
9 I have a cabin out on Hislop Lake, and I do a lot of
10 good trapping and fishing and hunting.

11 And this is -- my late father-in-law had
12 a cabin there, and I guess he's no -- they're no longer
13 living, so I guess I took over the -- the cabin. And
14 then I use that to trap line. And the original
15 building was built back in 1966, and the -- in 1966, I
16 guess, you know, my wife, I guess, happened to be a
17 little baby at the time, and when that -- she must have
18 grown up in that area. And today, we're still using
19 that cabin and then on the land and the lake as well.

20 I guess the -- we had -- I think Jimmy
21 Lacord (phonetic) passed on some time ago, and just
22 recently, I guess, his wife passed away. And then we
23 brought her to the camp before she passed on. And the
24 -- we have my -- my wife's father's name is Johnny
25 Chocolate, and he -- he lived at -- around Hislop Lake

1 and he was raised around the area, and apparently he
2 passed away due to the cancer.

3 So we had one (1) of my in-laws, his
4 name is Dennis Chocolate, I guess, you know; he passed
5 away in that area, too, as well. Yes, the -- I -- I
6 even brought my mother-in-law when she was alive early
7 on into our cabin, when there was a lot of caribou in
8 that area, to make some dry meat. And she, too, had
9 passed on due to the cancer.

10 And in that area that I'm talking about,
11 as to that land, it's been used intensively by the
12 people of Whati and including the people from Gameti.
13 I'm quite thankful that my late father-in-law built a
14 cabin there, and I rely -- relive our, you know, our
15 life on the -- on the land and how to trap and fish and
16 hunt.

17 Most of the -- there was about four (4)
18 or five (5) cabins at the time, and some of the -- some
19 of the cabins that -- the roof caved in because, you
20 know, some families aren't maintaining it. And then --
21 so the -- I guess that prior to building a cabin, we --
22 we were -- the land was used by the tent.

23 And the -- the area that's in question
24 is a main route. It goes into a northern part of the
25 territory by, you know, canoe trails and dog-team

1 trails.

2 Yes, that I, for one -- he says, as soon
3 as I have a break, I guess I always went out there in
4 the fall time. And -- and when I get time off, I guess
5 I spend it -- or at least maybe anywhere between two
6 (2), three (3), to a month. And anytime I get a chance
7 over the weekend I go there, you know.

8 And then I trained a lot of my sons and
9 my daughters out there on the land. And then not only
10 that, I guess the other families do the same in the
11 same area. Yes, the -- we maintained a camp, I guess,
12 you know, as tidy as possible. And then we tried to
13 bring all our gears and equipment and then gri -- drop
14 -- drop stake over there.

15 So it's -- and then we have to stockpile
16 -- stockpile our wood, you know, for a time where I had
17 to be there. And we have to se -- set net out in the
18 lake. And then he had...

19 So, you know, depending on when the
20 caribou start migrating through areas, that if
21 the late migration comes in, I guess the only thing
22 that we have to rely on possible fish. That's the
23 reason why we set net right away.

24 In some cases, if the -- the caribou
25 don't arrive right away, and then we have to depend on

1 other species, such as rabbits and ptarmigans. And the
2 -- the water itself is very important because the --
3 you know, we have to live with water. And then the
4 animal do live with it as well.

5 And we do cook and -- you know, and --
6 and wa -- bake with it as well. And the -- the
7 building itself is right on top of a hill, I guess,
8 overlooking Hislop Lake. And then -- and my young
9 kids, I guess, they grew up there. And then the --
10 it's down a hill. So they do go sledding down on -- on
11 any given day.

12 Some of my daughters probably were
13 married over there as well. Yes, the -- we even wrote
14 some history of our ancestors that were using the land,
15 so make sure it's very well documented and -- so people
16 will be able to remember into the future. Yes, but
17 it's a heartfelt, you know, history when a person wants
18 to re -- to write about it. And then sometimes you get
19 too emotional about whoever used -- whoever lived in
20 those area.

21 Yes, me, as a -- as a individual, you
22 know, lived on the area, that I might be speaking, I
23 might take some time. But there are a lot of people
24 that use the land over there.

25 I really admire some of the Elders that

1 -- you know, getting into -- late into their age. But
2 even an Elder by the name of Francis Kahn (phonetic), I
3 guess, you know, passing through from Gameti, and he
4 stopped by for a cup of tea. And then if sometimes he
5 overnight with us, we're happy.

6 At one (1) time, I guess, you know, and
7 the late Eddie Weallan (phonetic) and his wife had a
8 tent out on the island. And I'd go and visit them.
9 And then they visit their -- at the camp. And the next
10 thing they know, they -- she got all kinds of dry meat
11 on the rack. And so they're living quite comfortable
12 and traditional lifestyle, which makes me feel good as
13 a leader.

14 Yes, our ancestors, I guess that's the
15 way they lived. And then we still carry -- want to
16 carry that traditional living right into the future.
17 That's the reason why we never let go of a area like
18 that. It's not only the area that the concern. It's
19 that it's been used elsewhere. I guess, wherever our
20 Aboriginal people settle, I guess, you know they're
21 still maintaining their traditional hunting area and
22 hunt -- hunting grounds.

23 Yes, the -- the land itself, it's --
24 it's very important. And then the -- the cabin itself,
25 it bring a lot of good memories of our ancestor once

1 used it. And the -- yes, sometimes, I guess, you know,
2 that, for some reason, I guess, you know, we don't use
3 the camp, you know, year round because the -- we have
4 to do our work in -- in main centres like this
5 community. And as a leader, I have to do my work over
6 here. And my wife works here. And, you know, where --
7 whenever we get time off, I guess that's when we use
8 the land.

9 Yes, today we're hearing -- we're
10 holding the hearing here in Elizabeth Elementary
11 School. I think it's an ideal spot for the students to
12 understand what their future is -- in question's all
13 about. And hopefully that the -- that the -- the
14 Review Board, you know, take everything into account,
15 into consideration. And then if everything went in our
16 favour, then the people and the future generation would
17 appreciate it for sure.

18 I'd like to thank the Chair. I hope
19 you'll take into account all the items that I -- I
20 talked about. I even made my presentation in my own
21 traditional language. And, yes, when the people that --
22 our Elders are always talking about the land as Mother
23 Earth. I guess, you know, they really believe, you
24 know, what they're talking about. Thank you.

25

1 (INTERPRETATION CONCLUDED)

2

3 CHIEF CLIFFORD DANIELS: Good morning,
4 Mr. Chair. I would like to welcome you and the Board,
5 and to everyone that have come to the community of
6 Behchoko. Masi to the youths that did our opening
7 prayer and our Tlicho version of "O Canada."

8 We're happy to be hosting in the
9 community that is directly downstream of the proposed
10 Fortune Minerals mine. Welcome to the Tlicho people
11 who are attending with us today. Today is a technical
12 day in which many decisions between the parties will
13 take place.

14 Our Tlicho people will speak on Friday
15 afternoon. Hopefully, all the youths and Elders will
16 have their opportunity to speak tomorrow, and we look
17 forward from hearing from our people.

18 The Tlicho Government TK Study will be
19 spoken of this morning. At one point in the
20 Environmental Assessment process, the public hearing
21 was to be held after September 15th, established date
22 for submission of the Traditional Knowledge Study.
23 That was changed by the Board. The Tlicho Government
24 wrote to the Review Board, objecting to the changes of
25 the date.

1 This changed the way our study would be
2 treated. We asked the Review Board to pre-hearing
3 conference for that extra day-long session to allow the
4 parties and public to ask questions on the TK Study.
5 We followed up with a written request, this extra
6 session, to give an opportunity for parties to state
7 how the TK Study might affect their respective
8 conclusions on mine impacts.

9 It is fair and right that our TK Study
10 be considered like scientific knowledge being
11 considered this week. I have instructed my staff to
12 provide an agenda that would describe how that day-long
13 session would proceed, as part of our request.

14 Where we live here in Behchoko, the
15 waters all flow from the areas of this proposed mine.
16 This is the richest fishery of our region. By now, you
17 have heard the phrase (NATIVE LANGUAGE SPOKEN), and you
18 know that this area is the heartland of the Tlicho.
19 This area is where we go to fish, trap, hunt, teach our
20 children well about the Tlicho language, culture, and
21 way of life.

22 Today, we will report on our prelim --
23 preliminary findings for the TK Study. To give you a
24 feeling of our traditional knowledge, I'm going to tell
25 you about my life out on the land. Even though I'm

1 telling a story about my side, that's just one of many
2 stories out in the region. Many have used the area and
3 go through Hislop Lake.

4 The Gaguti (phonetic) cabin was
5 inherited by my wife, through my wife's grandfather,
6 Jimmy Lacord (phonetic), who passed away in 1993. In
7 1996, the cabin was completed. They moved in the same
8 year my wife was born. We've taken the late
9 grandmother Elizabeth Lacourt to the cabin a couple of
10 times and her last trip with us was in 1996.

11 Johnny Zoe Chocolate and the family had
12 use of the cabin until his passing due to cancer. My
13 brother-in-law also has passed away in the area while
14 he was trapping. My mother-in-law last trip with us
15 was in 2004 where there was plenty of Caribou in the
16 area and she too passed on due to cancer.

17 What you've heard in Whati about the
18 history and how we really have utilized that area, K'ia
19 Goti. Today I still use the cabin and the area around
20 it.

21 We're very fortunate what has been
22 passed down to us, thanks to Jimmy Lacourt. We use and
23 maintain the trails to do a 'T' where there's a log
24 cabin of my late father-in-law Johnny Zoe Chocolate.
25 The roof in that cabin has collapsed. Another trail I

1 use is towards Whati, Tetecho (phonetic).

2 And -- and these areas are used almost
3 every season and now. And then I would set up tents.
4 It saves travelling from back and forth.

5 I have an annual family outing which
6 we'd call a vacation maybe; spring time with my family.
7 And oh, just recently too my -- my grandchildren have
8 come and visited us too. Myself, my wife, my kids
9 experience how it is to live out in the land for a
10 couple of days, the longest being a month. And it
11 takes lots of time and energy to move a family into a
12 cabin; lots of logistics: the equipments, supplies. In
13 my earlier statement I forgot even a dog had to move in
14 there -- security.

15 Remove -- remove snow, clean up around
16 the area, you got to unpack the food; blankets; get
17 firewood; set up teepees; sit fish nets; harvest
18 caribou, whether close or not, maybe as far as Gameti,
19 Wekweeti, or Whati; simple thing as setting snares;
20 collecting snow -- certain type of snow for drinking
21 water, cooking, and cleaning, washing your hands.
22 There's lots of things -- they learned lots of things
23 we take for granted nowadays, they learn hands on at the
24 cabin.

25 They always look forward to returning

1 and always ask when we will be returning. The best
2 part of the outing my kids is really sliding from the
3 cabin, which is located on the hill, sliding down to
4 the lake.

5 My daughter Annie's first trip out in
6 the cabin when she was newborn, two (2) months old, and
7 she's been going out there every year since. A couple
8 of years ago she even did a project about the cabin and
9 her experience for this school at the Heritage Fair.
10 It included everything I explained earlier. She didn't
11 get an award or recognition and she was upset like
12 anybody would be -- a young child, but I explained to
13 her that it was okay. It was a personal experience and
14 that's all that counted to me.

15 We've seen many other utilize the areas;
16 other hunters, travellers, passing from one com --
17 community to another, from young to old, from all four
18 (4) communities, and the oldest being Francis Gone
19 (phonetic). He has stopped by a couple of times, even
20 stayed over night.

21 Day or night people would stop by to
22 warm up and have a hot cup of tea on these cold days on
23 their travels. I remember once there was Eddie Weallan
24 and his wife and family. They had a tent set up. They
25 stayed there, as the caribou -- as they were harvesting

1 caribou that year and the caribou were plentiful, and
2 you could see the dry meat, fat, and the fish hanging.
3 A very happy -- happy couple just to be out in the
4 land; the smiles and stories they shared.

5 Our cabin is a special place where we
6 are in touch with the past, physically, mentally, and
7 spiritually. We continually have that connection. I
8 could be hunting, trapping, camping, staying overnight,
9 or with -- without an ak -- or in the cabin with my
10 family, we always feel the sense of belonging. We're
11 in tune with the location and a cabin that's always
12 hard to leave.

13 There's a connection, a strong
14 connection, even know -- knowing that you'll be headed
15 home. It's not just a cabin; it's the land, it's the
16 area, it's the environment, it's what the ancestors
17 have given us.

18 Today I think about where we're meeting,
19 at EMS School. The decisions being made today is going
20 to have impact in this -- on the future of these
21 youths, the ones that did the opening prayer and sang
22 for us. They're going to have to live with the outcome
23 of this process.

24 Mr. Chair, we look forward to this day
25 where we speak of our traditional knowledge of our

1 region and where we consider how to protect caribou,
2 protect our lands, and our waters if this mine opens in
3 our region. Masi.

4 THE CHAIRPERSON: Thank you, Chief
5 Daniels, on behalf of the Tlicho government, for your
6 presentation and remarks. And I'm -- if there's
7 nothing else I'm going to continue on.

8 I just want to walk through the agenda
9 for today. This morning we had opening remarks right
10 after the prayer was done and then we had opening
11 prayer remarks from the Tlicho -- Chief of Tlicho
12 government, Clifford Daniels.

13 After -- this morning what we have is we
14 have opening remarks from Fortune Minerals Limited, and
15 then we're going to go into presentation on traditional
16 knowledge study, presentation by the Tlicho government.

17 After that we -- again, we got a list or
18 older -- of questions based on the presentation. And
19 we also have the Caribou and Wildlife Effects
20 Monitoring Plan by Fortune Minerals. Again, followed
21 by questions as well.

22 Then after that we also have caribou and
23 WEMP by the Tlicho government, and then we got
24 questions from them as well. Caribou and WEMP, by the
25 Government of Northwest Territories. Caribou and WEMP,

1 by Environment Canada. Caribou and WEMP, North Slave
2 Metis Alliance. Caribou and WEMP, YKDFN.

3 Then after that we have closure, Fortune
4 Minerals; and closer, AANDC; closure, Tlicho
5 government; and closure, YKDFN. Then we have
6 chairperson closing statements.

7 But throughout the day, those
8 presentations, again, I just wanted to let you know
9 that there -- we have a questioning order, so we're
10 going to just go through that format as we go. So
11 we're going to go as long as we can until we get
12 through this agenda today, despite that we, you know,
13 sometimes we go over and -- and I've been watching
14 them, but, you know, we have no control over the
15 questions and sometimes it's -- it pushes our agenda
16 back a bit, but we'll get through it.

17 So from here I want to go to Fortune
18 Minerals for opening remarks.

19

20 OPENING COMMENTS BY FORTUNE MINERALS:

21 DR. RICK SCHRYER: Thank you, Mr.
22 Chairman. Rick Schryer, Fortune Minerals. (INTERPRETER
23 CUTS IN TALKING). Okay, without further ado Robin
24 Goad.

25 MR. ROBIN GOAD: Robin Goad, Fortune

1 Minerals. Thank you, Chairman. Good morning, masi
2 cho, and thank you, particularly to the communi --
3 community of Behchoko and Chief Clifford Daniels for
4 hosting the Nico public hearings here today; also to
5 Grand Chief Eddie Erasmus and the Tlicho Government,
6 and the Mackenzie Valley Review Board. I'd also like
7 to acknowledge the community chiefs that are here
8 today, including Alfonz Nitsiza from Whati, Eddie
9 Chocolate of Gameti, Charlie Football from Wekweeti.

10 I'd also like to acknowledge the deputy
11 premier, Jackson Lafferty, who unfortunately could not
12 be here today because he's travelling, and -- but he's
13 a very important part of the -- the politics in this
14 region. Bill Langley, president of the North Slave
15 Metis Alliance is also acknowledged, his presence.

16 My name is Robin Goad, and I am
17 president and chief executive officer of Fortune
18 Minerals Limited, the proponent for the Nico project.
19 I'm pleased to be here today to talk to you about how
20 we have been and plan to continue to work with the
21 Tlicho and Northwest Territories governments and local
22 communities to build a sustainable open pit and
23 underground mining operation, together with a
24 concentrator, site infrastructure, and access road, and
25 contribute positively to the impacts -- sorry, the

1 economy and social fabric of the -- of the North, while
2 also minimizing environmental impacts from our proposed
3 development for the benefit of all. Our goal is to
4 build a project that we can all be proud...

5 Here today, we have a number of Fortune
6 Minerals staff, and -- and I'd like just to -- to
7 acknowledge their presence. Fortune Minerals is a
8 Canadian mineral development company that is publically
9 listed for trading on the Toronto Stock Exchange. Our
10 head office is in London, Ontario, and we have offices
11 in Yellowknife and Vancouver to service our major
12 projects.

13 Our company has nine (9) members of its
14 Board of Directors who oversee approximately thirty
15 (30) management and regular staff, including two (2)
16 former Tlicho Chiefs and other members of Aboriginal
17 communities near our projects.

18 Some of our staff members are here
19 today, and I'd like to introduce you to these people,
20 several of whom you already know from our long history
21 of working in this region: Former Grand Chief Joe
22 Rabesca; former Whati Chief Charlie Jim Nitsiza; Shaun
23 Moosenose; Rick Schryer, to my left, director of
24 regulatory and environmental affairs; Tom Rinaldi to my
25 right, vice president of operations; Mike De Carlo,

1 project manager for the Nico project; Pat Moloney,
2 manager of human resources; and also Bill Shepard,
3 manager of supply chain management.

4 Letha MacLachlan is our advisor on legal
5 and strategic matters in the North. In addition, we
6 have a number of consultants and advisors here with us
7 today to provide more detailed information to you as
8 the pro -- on the project, and they will be introduced
9 later during today's session.

10 I want to briefly introduce the -- the
11 role of the -- the Canadian mining industry, and also
12 of junior mining companies. Canada is a leader in the
13 global mining industry, and the natural resources
14 sector generally is a critical part of our economy. In
15 the Northwest Territories, mining is the most important
16 sector by far, contributing about half of the GDP, and
17 it is the dominate private sector employer.

18 Mining and energy, and to a lesser
19 extent tourism, are the current and future
20 opportunities to employ citizens of the North, and
21 augment the traditional economy of hunting, fishing,
22 and trapping. We need to recognize this because in
23 order to have a viable mining industry in the North, we
24 all need to collectively work together to support this
25 industry.

1 Mining is essential to produce raw
2 materials to make goods we use virtually every day in
3 our day-to-day lives. Simply put, if it is not grown
4 these raw materials must be extracted by mining or
5 pumped from the ground.

6 I also want to comment briefly on the
7 critical role of smaller junior companies, like Fortune
8 Minerals, to the mining industry. This is because the
9 junior mining industry is responsible for most of the
10 exploration activities in Canada around -- and around
11 the globe, and the vast majority of the new mineral
12 discoveries. Smaller companies working responsibly to
13 develop mineral projects are dependent on investor
14 confidence, which is directly related to the forward
15 advancement of their projects. Without junior resource
16 companies, there would not be a mining industry in
17 Canada, or the Northwest Territories.

18 In addition, our industry, whether it's
19 a large company or a small one, must compete for
20 capital in a global marketplace. Investment dollars
21 flow to jurisdictions and sectors where investors feel
22 it can generate a reasonable rate of return.

23 So why are we making this point in a
24 public hearing? The answer is because industry,
25 governments, and communities need to be working

1 together for common purpose; to build public
2 infrastructure, and come -- and cultivate a healthy
3 mining climate to sustain the economy in the Northwest
4 Territories.

5 Now I'm going to talk a little bit about
6 the Nico history. Fortune Minerals Limited was
7 originally incorporated to pursue exploration in the
8 North, and particularly in the Northwest Territories,
9 where we have been co -- in continuous exploration
10 activities since 1988, probably one of the longest, if
11 not the longest, in the region. Nico was discovered by
12 Fortune in 1996 after a number of economic failures,
13 but technical successes, exploring other projects
14 around the Northwest Territories.

15 The path to get us to where we are today
16 has taken more than eighteen (18) years of diligent
17 work. That has included more than \$100 million of
18 investment in geological and geophysical surveys,
19 exploration, drilling, geotechnical studies, test
20 mining, metallurgical test work, and environmental
21 baseline studies, engineering and feasibility studies,
22 and impact assessments.

23 In 1995, after initial surface
24 exploration and geophysical activities of the Nico
25 property looked promising our company applied for a

1 work permit to conduct a drilling program to test the
2 mineralization and its continuity to depth. There was
3 a moratorium on exploration activities at that time
4 because the Treaty 11 council was in the critical phase
5 of land claims negotiations with the federal and
6 territorial governments. Carl Clouter, a former -- a
7 Fortune -- sorry, current Fortune Minerals director,
8 and I travelled to Gameti to make a public presentation
9 to the Tlicho people and request consensus permission
10 for the Department of Indian and Northern Affairs to
11 issue us a land use permit.

12 We listened to comments and statements
13 from the Tlicho chiefs and community members and
14 received consensus support to proceed with the
15 exploration from the Tlicho people, including former
16 grand chiefs, Alexa Arrowmaker (phonetic) and Joe
17 Rabesca.

18 We also made promises to the chiefs that
19 we would employ Tlicho people and work with Tlicho
20 businesses. We were very pleased to comply with this
21 request and can proudly report that we made good on the
22 promises and have had an impressive record of hiring
23 Tlicho and Aboriginal people, and also contracting
24 services from the northern and Tlicho owned businesses.
25 We are also currently actively engaged in discussions

1 with the Tlicho Investment Corporation to provide
2 services for the development, including construction,
3 and to determine how we can work more closely together
4 to maximize the benefits to the Tlicho people and
5 northern businesses generally.

6 The Nico mining leases are in Tlicho
7 territory. They are on federal Crown land that is
8 surrounded on all sides by lands owned by the Tlicho
9 Government. The mining operation will be relatively
10 small in comparison with the diamond mines you are
11 familiar with. I say that not because of the
12 significance of the predicted impact but because of the
13 expectations that some might have with respect to the
14 employment and business opportunities.

15 The Nico Project has a small footprint
16 and will have one tenth (1/10) the number of jobs that
17 are available at the Ekati Mine, for example. That
18 being said, the Nico Project will offer some unique
19 opportunities to the Tlicho people and that other mines
20 in the -- in the area cannot. These include flexible
21 work rotations and the ability to work on a project
22 close to home, which will mitigate some of the issue
23 that have been identified at other mine sites.

24 I'm going to talk about the Tlicho
25 community road. A key element to the successful

1 implementation of the Nico Project is the road that
2 will be built from Behchoko to Whati and an improved
3 seasonal overland extension of this road to Gameti. As
4 you know, despite proposals from the Government of the
5 Northwest Territories Department of Transportation,
6 there is no firm proposal yet to construct and operate
7 this road. As a consequence, there is uncertainty
8 associated with the project schedule as well as for our
9 ability to predict when jobs, training and business
10 opportunities will become available.

11 This has affected some of the work in
12 the socioeconomic impact assessment that we would have
13 wanted to conduct. We do know that the mine, including
14 the access road, will take eight (8) to twelve (12)
15 months to construct and that the mine is expected to
16 have an operating life of approximately twenty (20)
17 years, recently updated from eighteen (18) years in our
18 previous engineering studies.

19 It's just that we don't know exactly
20 when we will be able to start construction. We know
21 that we will need a definitive access agreement with
22 the Tlicho government so that the road can be built
23 across their land, but we do not know when that
24 agreement will be concluded with the Northwest
25 Territories government, which is initially proposing a

1 seasonal overland with extended winter road access.

2 This road is critical for the successful
3 operation of the mine because we need to ship
4 concentrates from the mill to Saskatchewan for further
5 processing and to receive bulk consumables on a regular
6 basis. The road will also allow for flexible work
7 rotations at the mine from the nearby communities
8 Whati, Gameti, and Behchoko. We know this road is also
9 of significant interest to the community of Whati,
10 which conducted a door to door plebiscite in late 2011,
11 and received consensus support from 82 percent of the
12 residence.

13 The road will not only provide a safe
14 and reliable access to the communities of Whati and
15 Gameti, but will also work -- allow -- will also
16 provide better access for workers employed at the mine
17 and allow for flexible work rotations that are proposed
18 for our development. The road is an opportunity to
19 improve the quality of life in Whati and Gameti by
20 allowing for significantly lower cost transportation of
21 people, goods, and services to these communities.

22 The environmental review process has
23 been an iterative one. Fortune Minerals has listened
24 to the concerns of all parties and has tried to make
25 changes to the project that addresses these concerns.

1 These changes have been made in the form of
2 commitments, most of which serve as mitigation's.
3 Fortune Minerals stands behind its commitments and will
4 work with the Tlicho people to resolve any outstanding
5 issues.

6 We feel these mitigation's have been
7 well received by the parties. Further, we believe that
8 the initiation of negotiations for a participation
9 agreement and socioeconomic agreement will also aid in
10 addressing concerns about the project and help
11 strengthen our relationship with the Tlicho people.

12 We feel that these mitigation's are
13 sufficient for the Nico project to proceed and for the
14 board to reach a conclusion that effects -- that --
15 that the effects of the project with implementation of
16 these mitigation's will not be significant. Our
17 intention during these hearings is to build on the
18 information that has been filed with the Mackenzie
19 Valley Review Board and to answer any questions you
20 might have.

21 We ask that the board when making its
22 deliberations to acknowledge the scale of the Nico
23 project and that there are unique employment and
24 benefits contracting opportunities available to the
25 Tlicho to work close to their home communities. We are

1 confident the board will reach a decision that with the
2 implementation of the mitigations put forward by
3 Fortune Minerals will not only have a significant --
4 will not have a significant adverse impact on the
5 biophysical or human environment.

6 Fortune Minerals has always worked hard
7 with the -- with the Tlicho government to build strong
8 relationships with the Tlicho people. We also have
9 been working cooperatively with the Tlicho companies to
10 provide partnering and contracting opportunities and
11 have offered an open door policy to complete impact and
12 benefits agreements. This is a continuous standing
13 offer and my personal commitment to the Tlicho people.

14 Masi cho and thank you. Sorry.

15 THE CHAIRPERSON: Thank you for your
16 opening remarks, Mr. Robin Goad. Before I go to the
17 presenters for the Tlicho government I -- I just want
18 to respond to Chief Daniels comments that he raised
19 with us this morning in your opening remarks. I'm
20 going to take that as request for ruling and I'm on the
21 -- we're going to have a deliberation, that'll be later
22 on, and we'll take that time to talk about what you're
23 asking for, and we'll get back to you probably by
24 tomorrow morning.

25 Okay. I'm going to continue on now. We

1 have the traditional knowledge study presentation by
2 the Tlicho government. And maybe at lunchtime, as a
3 suggestion, if I could, because it looks like there
4 might be more people coming into the hall here, so I
5 want to encourage them, maybe we can move the tables a
6 little bit this way, so we can allow for more chairs to
7 be put in. So we -- we could do that at lunchtime. We
8 can do that, as well.

9 So we'll set up and we'll go into the
10 presentation. Maybe while we do that maybe we can just
11 take a quick break. I will suggest we'll grab a coffee
12 and we'll come back in about five (5) minutes. I'll
13 ring the bell.

14

15 --- Upon recessing at 10:38 a.m.

16 --- Upon resuming at 10:57 a.m.

17

18 THE CHAIRPERSON: Okay. If we could
19 start, get everybody back in. Before we go to the
20 presentation, to the speakers and English speakers,
21 just be mindful that we have translators, and if we
22 speak too fast they tend to wave at me, so I wave back.
23 They're saying that, I'm not saying hi. They're just
24 waving at me to say, Slow down.

25 So anyway, I'm going to go to -- the

1 next part of the agenda is the traditional knowledge
2 study presentation by the Tlicho government, so I'll
3 turn it over to them.

4

5 TRADITIONAL KNOWLEDGE STUDY PRESENTATION BY TLICHO
6 GOVERNMENT:

7 MS. RACHEL OLSON: Okay. Masi cho. My
8 name is Rachel Olson. I'm from the Firelight Group
9 contracted by the Tlicho government to work on this
10 project, and I'd like to invite Harry Apples to begin
11 our presentation. Masi.

12

13 (INTERPRETATION FROM TLICHO TO ENGLISH)

14

15 ELDER HARRY APPLES: Yes. Thank you
16 for giving me the opportunity to speak. Thank you for
17 that. All the people, we have to understand one
18 another, and for that reason, we're having the meeting.

19 And I -- I grew up in that area. I'm
20 going to speak to you about that. Since I was a child,
21 I grew up in that area. That's where my grandfather
22 raised me. He taught me everything I know, and -- and
23 also the rock that's situated at -- that's where we
24 used to retrieve water. It's probably an old camp
25 there, situated in the -- we used to set snares in the

1 area, and also go moose -- moose hunting in the fall.
2 And that's where we used to go hunting; all around that
3 rock where the mine is situated. I know that area, how
4 high, and moss area, everything. I know all the area.

5 So as we talk about -- talk about it,
6 we're not lying as we talk about it. We've been -- we
7 witnessed that area, we live in that area. And that
8 lake, there's a stream coming from that. And also, at
9 the mouth of Hislop Lake, that's where we grew up, and
10 there's a cabin situated. My uncle -- across from that
11 mine's going to be situated, there's been two (2)
12 cabins, and all our ancestors that were in that area,
13 there's stories about them, because it is a good area.

14 A lot of people survived in that area
15 and so we want to protect it. We want to make sure it
16 doesn't ruin -- ru -- the importance of the water and
17 the importance of the -- and also the forest. There's
18 medicine from different plants and different kind of
19 woods, and also, if the mine opens up, maybe there's
20 going to be contamination, even from the plant. And
21 before the medical doctors came, people used the plants
22 for medicine, so we -- we are very -- so what's going -
23 - what's going to happen once the water is polluted?
24 How can -- are we going to be able to drink the water?

25 And -- and all -- all along the Marian

1 River, people have lived in that area. It's a very
2 important area that -- it's very important that we
3 protect that area. If there's pollutants in the river
4 and the water, the water's going to ruin the animals,
5 it's going to ruin everything. Everything that lives
6 off the land it's going to ruin, and that's what we're
7 worried about. So we don't want that to happen.
8 That's -- that's the reason why we're talking about
9 this sitting here today, and it'd be good if you listen
10 to us really well. And that's how we survive, and
11 we're the living proof.

12 And also, in old fort range there's lots
13 -- cabin. And at the end of Marian Lake there's lots
14 of cabins; did you see it, did you witness it? And
15 all of the places where the people used to live, all
16 the cabins, maybe haven't witnessed or seen that area,
17 that part of the land.

18 So if we witness with our own eyes then
19 we can talk about it really good. But if we don't see
20 it with our own eyes, then it's like we're lying about
21 stuff. And that's -- that's how -- as I grew up my
22 grandfather raised me. And I grew up in that area.
23 And I know that area very well. That's how we witness
24 -- witness our ancestors -- how.

25 So it seems like they're going to

1 improve everything in this area. It's not like that
2 for me. There's -- there's pollutants in that area and
3 we're worried about it. But still it's -- but still
4 they talk like they're not going to.

5 As we live Behchoko and there's children
6 go swimming on the lake in Behchoko. What's going to
7 happen to the youth that are going swimming? When --
8 when we go out on the lake we work with water. How can
9 we -- if the water is contaminant (sic)? Even to this
10 day, people go hunting in the spring for beaver and
11 muskrat, and what's going to happen to them? Are they
12 going to be healthy?

13 And there's one (1) person that passed
14 away along that river where I was working. Why he --
15 my friend was telling me that I -- I use only snow
16 water, because the lo -- because the water looks
17 contaminated. And with these kind of stories -- we
18 know about the area and also about the stories.

19 But as they do their presentation, it
20 seems like there -- there's not go -- there's not going
21 to be any damage to the land. Once the land is -- or
22 water is damaged, how are we going to replace it? Also
23 the -- the plants that we use for medicine, how can we
24 reuse it? And that -- that's the medicine from our
25 ancestors.

1 We have to take care of these things.

2 It's our anc -- ancestor's knowledge. That's the one
3 we have to really protect and it doesn't seems (sic)
4 like it's going to happen. And when I think about it,
5 I don't think it's really right.

6 When I first visited that mine site,
7 proposed mine site, I asked the president -- and the
8 lake, you should take all the Elders in that area and
9 use the helicopter and make the Elders visit that area,
10 but he never did that. And today, if we visited that
11 area, that proposed mine site, then the Elders -- if we
12 visit that area then we'll be able to talk, as I know
13 the area myself.

14 There's a lot of river streams coming
15 from that area. What's going to happen to those
16 streams? There's a small lake near the proposed area,
17 there's beaver and muskrat, and also all the waterfall.
18 They eat sediments from the lake. And what's going to
19 happen to these lands? Those kind of things we're
20 worried about and concerned about.

21 So it looks like it's going to really
22 damage that area. As an Elder sitting here, that's how
23 I think about it. I'm not only talking for myself. I
24 -- I have childre -- children and grandchildren. For
25 them, I'm speaking. What will happen in the future?

1 In -- in the future are we going to be in a -- the
2 water's going to be contaminated or damaged. In the
3 future, how will the animals use the water? Maybe it
4 might be damaged or polluted.

5 As my friend was saying, he's -- as my
6 friend was saying, there's some Jackfish that were
7 floating in the water dead and it might have happened
8 because of the Rayrock. And today is those things are
9 going to be protected and how? And those -- that kind
10 of damage is going to take place. And as I think about
11 this, I don't think it's going to happen. That's why
12 I'm speaking to you.

13 Those kind of things have taken place in
14 -- in the past. They should have asked the Elders,
15 just only when it was going to -- I want to be
16 questioned when they first started off, but those kind
17 of things never took place.

18 So if -- a person that never grew up in
19 that area, that's the kind of person they ask. My
20 brother is here with me, and we grew up in that area.
21 And how our grand -- grandfather raised us, we know all
22 his stories, and that's the way it is.

23 If they don't do proper work with that
24 river stream, then I don't want the work to begin. And
25 I also seen the tailings pond, and -- and it's like on

1 a cliff area. And that's where they're situation that
2 tailings pond. That's what I'm worried about. Those
3 kind of things can't take place. When you -- when you
4 have tailings ponds right near the cliff, it's -- are
5 they going to continue good -- is it going -- we should
6 -- they -- they should have let the people see the area
7 prior to...

8 And that's what they did. And that's
9 all I'd like to say for now. Thank you. Masi.

10

11 (INTERPRETATION CONCLUDED)

12

13 MS. RACHEL OLSON: All right. So I'll
14 just quickly go over our presentation format. I will -
15 - we'll introduce ourselves, and I will quickly go
16 through our methods. And then Georgina Chocolate is
17 going to be speaking about some of the preliminary
18 findings of our study. And then I will come back and
19 go over some of the use map data at the end.

20 So my name is Rachel Olson. I'm from
21 the Firelight Group, and I've been contracted by the
22 Tlicho Government to work on this project. And,
23 Georgina...?

24 MS. GEORGINA CHOCOLATE: My name's
25 Georgina Chocolate, YTK Tlicho knowledge for Tlicho

1 government. And an Elder is Harry Apple.

2 MS. RACHEL OLSON: Okay. So the
3 Firelight Group worked with the Tlicho government to
4 conduct Tlicho knowledge and use study in relation to
5 areas potentially impacted by the proposed Fortune
6 Minerals project. The goal of the study was to explore
7 the potential project specific and cumulative
8 environmental, social, and cultural impacts of great
9 concern to Tlicho citizens, particularly where they
10 impact the quality and the quantity of resources
11 necessary for the meaningful practice of Tlicho rights
12 and interests within and around Tlicho lands. The
13 study is based on the traditional knowledge of Tlicho
14 citizens as it relates to resource use management and
15 livelihood within the Tlicho region, and the potential
16 impacts of industrial development and, in particular,
17 the proposed mine and the extension of linear
18 developments into Tlicho lands.

19 And we'd like to acknowledge that
20 funding for this study was provided by Fortune.

21 And this is just a map of the study
22 area. It includes the footprint as well as a local
23 study area, which is the pink line, and the larger
24 circle, which is the regional study area. And I'll --
25 I can explain those a little bit more later on in the

1 presentation.

2 So to date, thirty-one (31) Tlicho
3 citizens were interviewed from the four (4)
4 communities. There were thirteen (13) from Gameti,
5 seven (7) from Whati, five (5) from Wekweeti and
6 thirteen (13) from Behchoko. And all of our
7 interviews, except for three (3), were completed in
8 Tlicho with simultaneous translation.

9 And the participants were chosen through
10 the community's identification of knowledge holders and
11 land uses -- land users conducted during initial
12 scoping. And when we did our data collection we really
13 focussed heavily on the project local study area, but
14 extended into the regional study area as necessary.
15 And due to time constraints, no GPS-based field
16 verification of interview data has been complete to
17 date.

18 So all mapping interviews, including
19 documentation of informed consent, and we used a
20 standardized semi-structured interview guide designed
21 to meet the needs of the study and to provide a
22 consistent but a flexible framework for soliciting and
23 recording responses, and interview and mapping
24 protocols were based on standard techniques. And where
25 we did map locations, they were mapped using a direct-

1 to-digital process, and, wherever possible, at a scale
2 of 1:50,000 or finer using points lines, or polygons;
3 or -- we call them areas as well. And the interview
4 data from the mapping was coded in such a way that we
5 can tell apart individual participate -- individual
6 participant data, as well as first-hand or second-hand
7 knowledge is distinguishable.

8 And just some of the limitations of our
9 project. While the mapping interviews have been
10 completed, the analysis of the interview transcripts is
11 ongoing. Therefore, the analysis of qualitative data
12 is subject to change and will be reported in richer
13 detail in the full TK report to be submitted on
14 September 15th.

15 And it's important to understand that
16 the findings from this study are not intended as a
17 complete depiction of the -- of the dynamic and living
18 system of use and knowledge maintained by the Tlicho
19 Elders and citizens. It is simply a snapshot and an
20 indicator of the depth of knowledge and meaning of this
21 area to the Tlicho cultural landscape.

22 And it's also important to note that the
23 absence of data does not mean the absence of use or
24 value. And additional studies are necessary to fill in
25 these information gaps recor -- regarding Tlicho

1 knowledge and use, and the resources criteria,
2 thresholds, and indicators necessary to sustain
3 meaningful practice of Tlicho rights into the future.

4 And so now I'm going to turn it over to
5 Georgina, and we will go over some of what we've
6 labelled as non-site-specific valued components. And
7 these are, again, preliminary and are subject to change
8 as we get further into the qualitative analysis of the
9 study.

10

11 (INTERPRETATION FROM TLICHO TO ENGLISH)

12

13 MS. GEORGINA CHOCOLATE: We did
14 interviews in all of the four (4) communities, and we
15 are now talking in regards to Hislop Lake. We spoke to
16 twenty-one (21) Elders. We -- we interviewed twenty-
17 one (21) Elders regarding Hislop Lake and the area. I
18 do work with traditional knowledge, so I work with
19 Elders. And I do have my own opinion, so I will talk -
20 - talk on that at the end of my presentation.

21 How can we survive? That's our --
22 that's our theme. And Hislop Lake is the area that has
23 abundance of everything that Tlicho people rely on for
24 survival. There was a lot of people that talked about
25 Hislop area. The Chief -- the community Chief of

1 Behchoko spoke on it, the Elder Harry Apple spoke on
2 it. Now, the Elders have -- have a con -- connection
3 to -- to Hislop, and they also said their heart is in
4 it. It was -- it was a centre point for travelling
5 north and west, east and south, and -- and their
6 concern is that Fortune Minerals want to open a mine
7 near Hislop.

8 Our ancestors depend on that area for
9 everything, and the trails that we use now were used
10 back by our ancestors. When we talk about the trails,
11 it's been used many, many years for generations, and we
12 are dependent on it. And our Elders did the same, as
13 well.

14 Hislop. We will still be using it in
15 the future. Our grandchildren will be using it after
16 we're gone. Our ancestors have used that area so there
17 is a history to it. And that is the reason why when we
18 talk about Hislop, we -- it's a major waterways for us,
19 and when we interviewed the Elders, that's what they
20 talk about the most.

21 And this is in regards to our Tlicho
22 land claim self-government agreement. It -- in chapter
23 12 it stated that all the waterways in the selected
24 area will be protected now and also in the future.

25 And when we talk about the trails, our

1 ancestors, our Elders, used the trail a lot. Right
2 from Marian Lake all the way to Great Bear Lake,
3 there's -- there's a trail that has been used in the
4 summertime by boats, and in the wintertime by skidoos.
5 So we do have a boat trail -- a canoe trail right from
6 here all the way to Great Bear, and we still -- we
7 still use canoes to this day to travel to Deline.

8 When we talk about the areas on both
9 sides of the trail there's old burial sites, old camp -
10 - campgrounds, abundance of fresh wildlife, water,
11 berries, and there -- there are certain places where
12 they used to camp overnight. And the all -- because
13 they're familiar with all those -- with all the trails
14 they know -- they know where to stop to go fishing, and
15 also where to camp to go hunting.

16 And this is -- this is what we call Idaa
17 Trail. In English it's Ancestors' Trails. And to this
18 day we still practice what was taught to us by our
19 ancestors and our -- our Elders.

20 So -- so for that reason we -- I -- I
21 have -- I have a connection to the trails, and also the
22 Elders are really passionate about not having the
23 trails disturbed because there is a history attached to
24 it. Even though they are not with us anymore, we still
25 -- we still listen to the advice that they have given

1 us, to the way they -- they used to talk to us about
2 the land and how they wanted to protect it.

3 And some of -- some of the people were
4 born and raised -- raised there. Take Harry Apple
5 that's sitting next to me, for example. He was raised
6 on the land around Hislop. And our anc -- our
7 ancestors used to hunt and trap in the area, and we
8 still -- we still do the same.

9 And at one (1) point way back that's
10 where people used to camp for the summer. That's where
11 all -- all the people used to gather in that certain
12 spot, and now when people go trapping they have to pass
13 through Hislop. There's -- there's a lot of people
14 that -- that have used that area, but I am reading from
15 the presentation that I have wrote, so soon I will talk
16 about -- I will explain a little bit more in details
17 what I'm talking about.

18 If the water is polluted, we will lose a
19 lot of fish because of the fish do live in the lakes,
20 in the water. So -- so if -- if there's -- the mine
21 will be -- will be set up at a -- at a lake called Lou
22 Lake, and there is a stream that goes from Lou Lake to
23 Hislop. And from -- from Hislop the water flows down -
24 - downstream to Marian Lake and there -- there is --
25 there is a creek between Lou Lake and Hislop that has

1 to be monitored and protected from pollution, because
2 we still use that area to practice our traditional
3 lifestyle.

4 There -- there are -- there are places
5 that -- where -- where we camp and there are places
6 where we stop to say our prayers. So the area that we
7 talking about is very, very important to us.

8 So -- so when we speak at public
9 hearings like this, we are not speaking for ourselves,
10 but every -- every Tlicho in the region. What we want
11 is what is best for our -- our kids, their future. We
12 want us also to have a healthy lifestyle, and that's
13 why we talk about these areas with passion.

14 And right now we're in the middle of
15 talking about protecting the waterways in our region
16 and -- and sometimes when we talk to our Elders they
17 will tell us that this is the lake that I went on with
18 a dog team, or this is the -- the lake that -- that I
19 used way back when I was a young man in a canoe.

20 And he says -- he says -- she says some
21 of the Elders would tell her, if there's no caribou and
22 we don't see any caribou, what do we do, what do we
23 fall back on for our diet, is fish.

24 And he says some of the Elders also know
25 what areas has the best fish and which areas has

1 abundance of fish. So if the water is polluted we
2 might be losing a lot of fish, so we have to take that
3 into consideration as well, and also the river that
4 flows downstream to Marian Lake.

5 They -- the -- the Elders -- the Elders,
6 when they say "forever," it means "indefinitely,"
7 forever. So we do have to think about what the Elders
8 have said.

9 We're talking about moose, wetland
10 caribou, caribou, and in the Hislop area there's a lot
11 of moose and the areas -- the proposed -- where the
12 area that Fortune Minerals have a proposed site, the
13 Elders used to walk to that area and they used to go to
14 the top of the hills and listen for caribou, listen for
15 moose.

16 And sometimes they -- they used to get
17 up early before the sun -- before the sun rises and
18 they used to sit up there and look for moose, listen
19 for moose. So they call it -- this is the rock that we
20 sit on, where we listen for moose.

21 And it's also in the path of the caribou
22 migration. Maybe after the mine goes into operation
23 they won't see any caribou in that area. So today we
24 have been talking a lot about the land and the water,
25 because we use the water a lot.

1 And some of the Elders that -- that I
2 talked to are in -- in their late '70s, and they said
3 that the water is still good for use, it's still good
4 for drinking, cooking. It's still good for use for --
5 for human consumption.

6 So these are the stories that I was
7 told, so I'm just passing it onto you. He says the --
8 the mine hasn't open up -- it hasn't gone into
9 operation, but he says if it mines then we -- if the
10 mine opens we might lose a lot through pollutions.

11 If we do, then the Elders are saying
12 that, then our people are really going to suffer. And
13 -- and they also predicted that one (1) of these days
14 our lifestyle is going to change and that things are
15 going to turn really bad for us.

16 She says this -- this was told to me
17 years and years ago, now we're -- we're there. So the
18 Elders that have passed on used to -- used to tell me
19 all of these things. Now we should make a commitment
20 to them and try to follow what they have said.

21 And some of the Elders used to -- used
22 to tell me that they used to walk across Hislop in --
23 in a snowshoe and it used to take them about three (3)
24 days. When -- when they tell -- when they talk about
25 their experiences on -- around Hislop it -- it's

1 because they -- they love that area and they are
2 passionate about it.

3 And -- and then, they also talk about
4 the proposed all-weather road. Where the road will be,
5 there -- there are some grave sites, and I believe that
6 the road will be going over some of these grave sites.

7 And she says the -- the stories that I'm
8 passing -- I am passing on to you came from three (3)
9 Elders, but these are just the five (5) points that I
10 wanted to bring up. Thank you.

11

12 (INTERPRETATION CONCLUDES)

13

14 MS. RACHEL OLSON: Masi cho, Georgina.
15 So now I want to just quickly go over some of the use
16 data we've collected from the thirty-one (31) people we
17 interviewed from the Tlicho communities. Our levels of
18 analysis, there's three (3).

19 The first is the project footprint. So
20 we looked at the use values that were occurring in the
21 project footprint, and we put a 250-metre buffer around
22 the project footprint. Our local study area is a 5-
23 kilometre buffer around the footprint and the proposed
24 access road. And our regional study area is a 25-
25 kilometre buffer around the footprint and the proposed

1 access road.

2 And I'll just quickly state our -- we've
3 classified the use values into five (5) categories:
4 subsistence, habitation, cultural and spiritual,
5 transportation, and environmental features. And I
6 won't read all of what these consist of, but if you
7 want to ask me questions about it later, I welcome
8 discussion about it.

9 So first I'd like to talk about the
10 project footprint, including the 250-metre buffer
11 around the footprint area. We recorded 72 distinct
12 values in the project footprint area. This included
13 six (6) habitation, including both permanent and
14 temporary habitation. cul -- fourteen (14) cultural and
15 spiritual, and this does include burials, place names,
16 and medicinal plant gathering.

17 There were twenty-eight (28) subsistence
18 values recorded within the project footprint, including
19 caribou, moose, beaver, and muskrat, as well as
20 fishing. There were seventeen (17) transportation
21 values, and these included hunting trails, dog-team
22 trails, old tractor trails, the winter road, and water
23 transportation routes.

24 We've recorded six (6) environmental
25 features, which included caribou habitat, places for

1 harvesting ducks, and other environmental features.
2 And if you move out to the -- to the 5-kilometre
3 buffer, which is our local study area, we recorded one
4 hundred and seventy-nine (179) values in this area.
5 There were thirty-nine (39) habitation, and these do
6 include cabins as well as temporary habitation sites;
7 forty-five (45) cultural and spiritual values,
8 including burials, as well as what I mentioned above.

9 There were sixty-one (61) subsistence
10 values, and this includes caribou, moose, ducks,
11 rabbits, muskrats, otters, beaver, and includes berries
12 and plant-gathering areas. There were twenty-eight
13 (28) transportation values recorded, and these again
14 included hunting, trails, dog-team trails, tractor
15 trails, winter roads, and water transportation routes.
16 And again, there were six (6) environmental features
17 recorded.

18 And then, if you go to the regional
19 study area -- I'll just -- we recorded three hundred
20 and fifty-eight (358) distinct values. There were
21 ninety (90) habitation, ninety-seven (97) cultural and
22 spiritual, and one hundred and sixteen (116)
23 subsistence values, forty-three (43) transportation,
24 and twelve (12) environmental features.

25 This map shows recorded loss of use or

1 avoidance. So if you see the black polygons with the
2 lines through it, these areas were places where people
3 recorded avoiding practise -- practising subsistence
4 activities due to concerns of contamination, or
5 specific instances of loss of use, where people had
6 harvested animals or fish and observed changes to the
7 meat, and it caused them to leave it and not -- not
8 take it. And you'll see that the concentration of
9 these loss-of-use and avoidance areas is surrounding
10 the Rayrock Mine and downstream from it..

11 So our preliminary conclusions are that
12 the -- when analyzing the map data it demonstrates that
13 the land and waters within the LSA and RSA have been
14 widely used by Tlicho citizens over a long period of
15 time and continue to hold value.

16 These lands and waters also include
17 unique and important species-specific values including
18 preferred fishing sites and harvesting areas for moose
19 and caribou integral to the meaningful practice of
20 treaty rights and interest within Tlicho government
21 lands, as well as location specific values, which
22 include habitation, transportation corridors, and other
23 values. And that reliable, peaceful, and unimpeded
24 access to these preferred areas that are historically
25 known and personally familiar is integral to the

1 transmission of current and future practice of Tlicho
2 knowledge and use within the project footprint, the
3 local study area, and the regional study area.

4 And based on preliminary baseline
5 assessment the project will affect -- will have an
6 effect on Tlicho knowledge and use, including 1) the
7 use of lands and resources by Tlicho citizens, and 2)
8 unique heritage resources, tangible and intangible, of
9 value and concern to the Tlicho government.

10 And now I would like to ask John B. from
11 the Tlicho government to conclude our presentation.
12 Masi cho.

13

14 (BRIEF PAUSE)

15

16 MR. JON B. ZOE: Thank you, Mr. Chair.
17 But be aware that the TK study is something that has
18 happened a lot later in this whole process. It's
19 probably one of the last things that we were able to
20 get in, and it's one of the biggest things that -- well
21 probably is on a borderline of not being taken into
22 consideration.

23 Although in a larger context in the
24 Tlicho way of life that we've heard constantly that --
25 that the caribou is the way of life for the people.

1 And I want to try to explain it as simply as I can that
2 in the old days -- that people had to go to go to the
3 barren lands in order to get the -- the hide for the
4 clothing, shelter, equipment, and enough meat to hold
5 them for a season while the caribou is moving around
6 until they settle for the winter.

7 But in-between the -- the fall, winter,
8 and spring when the people relied on the caribou a lot
9 more often than before that in the summers and off-
10 season when the caribou are not around they have to go
11 somewhere. And one of the places that they went to is
12 the places of K'ia Goti.

13 And in our way of describing things you
14 always name the big lake and it includes the rest of
15 the area. And that's just the way people talk in our
16 language, and sometimes it doesn't come across in
17 English. When somebody -- sometimes the -- the logic
18 of western thinking is that it's black and white, which
19 is not the case. Life was not like that.

20 Life depended on the knowledge that the
21 people had. So some of the areas that they were in
22 from the -- what the Elder has been saying is that
23 personally from hearing a lot of stories over the
24 years, there's a lot more information that we're not
25 able to get that would really show the bigger picture.

1 So the only way that we can describe it,
2 and it's been explained before in other developments,
3 is that the -- the land -- the landscape is described
4 by the place names that are on them. And the place
5 names can be unravelled to discover a lot more
6 information on the methods of harvesting, the people
7 that lived in the area, the type of fish that would be
8 there, the type of animals, and even to the point of
9 locating through the naming of the landscapes.

10 So it's really a map about -- about
11 life. And it's the spirit of the landscape, the
12 description on the spirit of the landscape that talks
13 about the land where it's not able to -- like speaking
14 through the names that people have put on that
15 landscape.

16 So here we're talking about a -- a
17 section -- a large section of the landscape that's
18 going to literally going to be removed from the
19 landscape of life that people have used during that
20 time. There's a -- a very high risk that it will be
21 removed from the memories of the people. So it's very
22 important for -- to ensure that the spirit of land is
23 recorded so that those memories can be kept alive,
24 because it's really a part of our language, culture,
25 and way of life.

1 And that's what this desperation is
2 about, is what we're trying to capture in the
3 traditional knowledge study. And so it's a body of
4 land that's going to be isolated from the spirit of the
5 land.

6 So what I'm leading up to is -- is that
7 we know that the findings that -- that's going to be
8 described and eventually made public once it's
9 complete, and I want people to understand that the TK
10 knowledge presentation right now that's being done is
11 preliminary, meaning that it's not complete. It's a
12 snapshot.

13 And we're -- we're doing a snapshot
14 because that's the rules and the process of how reviews
15 are being done towards development. Okay. And it's
16 clashing -- it's clashing with the -- this is what I
17 would say the -- the climate that's being created for
18 the clashing of western science and traditional
19 knowledge.

20 And right now we're out of the circle.
21 And so we're giving a snapshot, hoping that it would
22 make some impact towards some meaningful decision. So
23 how that subject of the final TK report is taken into
24 consideration is still questionable because we know
25 that the additional traditional knowledge work on the

1 ground with Elders and the youth has to continue way
2 beyond the process that we're on to contribute to the
3 evaluation process that we're in.

4 We need to capture the spirit of the
5 land before the -- the land is pillaged. We need to
6 capture and ensure that the constitution of the Tlicho
7 people is to preserve and protect the language,
8 culture, and way of the life -- way of life of Tlicho,
9 is -- is a given, so we need to continue to do that.

10 And the -- and because the landscape is
11 all in one (1), that there's very little separation
12 between drawing lines that say this is where this ends,
13 and this is where the impact is, these kinds of things.
14 We're talking about a way of life that's described by a
15 lot of these small parcels. It's -- it's hard to do
16 surgery between those two (2) veins, and try to keep
17 things alive.

18 And even downstream in the K'ia Goti
19 area, southeast towards K'ia Goti, the Rabbit Lakes,
20 and Ti Miti (phonetic) where there are even greater
21 place names, and it's a place name that you don't hear
22 too often. It's Fleflaga -- Fleflaga Goti (phonetic),
23 which is -- any time you add the term 'aka' (phonetic)
24 it means the richness of that area in terms of the
25 fish. Very similar to saying Ah Goti (phonetic) in

1 where the other mines are set, the richness of that
2 area.

3 And it -- it's very unfortunate that
4 it's not only the richness of the animals and the fish
5 that we rely on, it's just equally -- has richness in
6 the western needs. And so this is what the clash is
7 about, that there's two (2) societies: one (1) wants to
8 protect the way of life, the other is to extract a
9 piece of that life.

10 So there needs to be something that
11 binds those two (2) things together, beyond just
12 political statements, beyond the interests of the
13 greater Canadian society. That -- what we're saying is
14 that we are contributing the -- the spiritual knowledge
15 of the landscape, the body of the land itself, the --
16 the minerals that contained within it.

17 We're the biggest investors with a lot
18 less to gain based on the history of mining and the
19 relationship with the people themselves. That when you
20 set precedence in that relationship, that precedence is
21 about growth and in making improvements. And it's not
22 something that should be stuck in time, saying that
23 this is the nail that's going to hold it down, and that
24 the improvement and the expansion on it should not
25 happen.

1 But we've learned over time that because
2 of our experience of shifting from one (1) way of life
3 into modern society, even within -- within my own
4 lifetime, and more in the lifetime of the Elders that
5 are here, including the one (1) sitting next to me,
6 Harry, from living in a bush to all of a sudden
7 watching their kids with their iPads and figuring out
8 words that might make sense to them about the old ways,
9 that we've made that bridge.

10 But that bridge that leads us to where
11 we are today, those gifts and those -- those findings
12 and those things that are being attracted should be
13 contributing to words ensuring that our own histories,
14 the way we understand it, is recorded in a meaningful
15 way, in a meaningful way.

16 Because in the last number of years I've
17 been reading some material about the early mining, and
18 you don't hear very much about aboriginal people and
19 their contribution even though the land and the
20 minerals belong to them. And it was in that dispute of
21 who it belongs to that these extractions were
22 happening.

23 That we've had a lot of early
24 contributions to the early development of mines through
25 providing wild game, not only to the mining, but to the

1 early explorers. And a lot of these sites are known
2 about from the early years.

3 And they've contributed towards a labour
4 -- towards the early development. A lot of these
5 stories are -- are not told. They still remain buried.
6 They don't show up in -- in history books. They don't
7 show up in writings, people that do these things, but
8 they're very much alive.

9 And those two (2) children that were
10 singing here this morning, they need to see that in the
11 learning institutions that we're sitting in today.
12 They need to see that to learn that, that there is a
13 way of life that we come from, but we're even making a
14 greater contribution where we are today.

15 So in a long roundabout way, that the TK
16 report that they have is pli -- plin -- it's a hard
17 word to say, but preliminary, okay. That's what
18 happens when you lose a teeth. That a lot more work,
19 additional work needs to be done that needs to be taken
20 into consideration. Thank you very much, Mr. Chair.

21

22 QUESTION PERIOD:

23 THE CHAIRPERSON: Okay, thank you. I
24 want to thank the presenters from the Tlicho
25 Government, Ms. Olson

1 and Chocolate and the Elder, Harry Apple, masi, and
2 John B. Zoe for your presentation.

3 I think we'll go until we -- we're going
4 to put it out to questions. And we'll go through the
5 list. And then, after that, I think we'll stop for
6 lunch. So I'm going to go to Fortune Minerals, if
7 there's any questions for the Tlicho Government on
8 their presentation.

9 DR. RICK SCHRYER: Thank you, Mr.
10 Chairman. I have a preamble that'll set up two (2)
11 questions. During the course of the environmental
12 assessment Fortune Minerals completed three (3)
13 separate heritage resource surveys that included the
14 mine property and the access road route.

15 These three (3) field surveys included
16 the participation of Tlicho and Metis people. All
17 field programs were permitted by the Prince of Wales
18 Northern Heritage Centre, and all permit applications
19 were submitted for review to the North Slave Metis
20 Alliance and Tlicho before being approved.

21 The field programs included the
22 participation of four (4) different Tlicho people and
23 one (1) member from the North Slave Metis Alliance. An
24 Elder was also con -- interviewed prior to the 2009
25 field work to obtain guidance regarding the nature and

1 significance of the sites in this area.

2 A total of two (2) sites were found
3 during the course of these archeological surveys, one
4 (1) on the proposed access road corridor and the other
5 on the Marian River. The procedures employed for this
6 heritage assessment are considered standard for
7 archeological projects of this nature and in the
8 region, and entailed pre-field studies, on-ground
9 reconnaissance, site documentation, and assessment
10 reporting and recommendation formulation.

11 Previous studies have shown that
12 standard archeological assessment techniques can
13 identify ceremonial and burial sites where they are
14 present. Given the participation in the heritage
15 research program of local community members, any known
16 burial or ceremonial sites would have been identified.
17 The fact that we completed three (3) separate surveys,
18 Fortune Minerals is confident in these results.

19 So my first question is, I would like
20 some clarification from the Tlicho in terms of what
21 they consider to be the project boundary that they
22 used. Was that 250 metres from the lease boundary, or
23 250 metres from the actual disturbance footprint?
24 Because there's a considerable difference in those two
25 (2).

1 THE CHAIRPERSON: Thank you. I'm going
2 to go to the Tlicho Government.

3

4 (BRIEF PAUSE)

5

6 MS. RACHEL OLSON: This is Rachel
7 Olson, from the Firelight Group, contracted by the
8 Tlicho Government. I will answer your first question
9 and turn it over to Dr. Ginger Gibson. We did the 250-
10 metre buffer around the lease. And that was due to the
11 data that was given to us of the footprint. It was
12 impossible to buffer just the site, and so we had to
13 use the outermost boundary of the lease. And here's
14 Ginger.

15 DR. GINGER GIBSON: Masi. In reference
16 to the opening statement made by the Developer, the
17 Tlicho Government has placed a technical report on the
18 record on the insufficiency of the developer --
19 developer's approach to the collection of traditional
20 knowledge and archeological-based data on the public
21 record. That's a -- a technical report that was
22 submitted for the deadline in -- of technical reports
23 that includes our -- our own -- the Tlicho
24 Government's, based on a peer review by a number of
25 anthropologists, including Dr. Rachel Olson -- sorry,

1 candidate -- PhD candidate Rachel Olson, Dr. Allice
2 Legat and Dr. Craig Candler.

3 This insufficiency report lays out the
4 gaps, and the methodological reasons for the gaps, and
5 the inability of the research approach to actually
6 detect the significant cultural sites in the region,
7 including burial sites. And so we -- we direct the
8 Board to that report for an understanding of why the --
9 the developer's approach to collection of the
10 traditional knowledge and of these significant sites
11 was not able to capture that level of data and that --
12 and that information. Masi.

13 THE CHAIRPERSON: Thank you. And I'll
14 go back to Fortune Minerals for your second question.

15 DR. RICK SCHRYER: Rick Schryer,
16 Fortune Minerals. The second question was, if there
17 are sites within the disturbance footprint of the
18 proposed project, would the Tlicho Government be
19 willing to disclose those so that we could avoid them
20 and not cause any -- any harm to known archeological
21 sites?

22 THE CHAIRPERSON: Thank you. I want to
23 go to the Tlicho government.

24

25 (BRIEF PAUSE)

1 MS. RACHEL OLSON: This is Rachel Olson
2 from the Firelight Group, contracted by the Tlicho
3 government, and the answer is yes we would.

4 THE CHAIRPERSON: Thank you. Any
5 further questions from Fortune Minerals?

6 DR. GINGER GIBSON: I'm -- I'm just
7 going to add that that will be subject to a
8 confidentiality agreement, so that that information is
9 not placed on the publi -- public record. Masi.

10 DR. RICK SCHRYER: Rick Schryer,
11 Fortune Minerals. That information would only be given
12 to Fortune Minerals for the purposes of avoiding the
13 sites and confidentiality is understood, especially if
14 we're talking about a burial site or anything else of
15 that nature. I wouldn't -- I think we could just say
16 don't go there and you wouldn't even have to tell us
17 what it is. Thank you.

18 THE CHAIRPERSON: Okay. Thank you. So
19 Fortune Minerals would that be your -- was there any
20 further questions or will that be it? Not --

21 DR. RICK SCHRYER: I'm sorry, Mr.
22 Chairman. Rick Schryer, Fortune Minerals. No further
23 questions.

24 THE CHAIRPERSON: Okay. Thank you.
25 I'm going to go to -- next will be on the list I have

1 here is Yellowknives Dene First Nation. Comments,
2 questions for the Tlicho government on their
3 presentation?

4 MR. TODD SLACK: Thanks, Mr. Chair. No
5 questions.

6 THE CHAIRPERSON: Thank you. I'm going
7 to go to the Akaitcho IMA office. Is there anybody
8 here? Don't see anybody. I'm going to continue on.
9 I'm going to go to the North Slave Metis Alliance.
10 Questions for the Tlicho Government on their
11 presentation?

12 MR. BILL ENGE: Yes. Thank you, Mr.
13 Chairman. Bill Enge here for the North Slave Metis
14 Alliance. I have more of a -- a comment than I think a
15 -- a question. I just would like to add my support and
16 agreement with the last presenter, John B. Zoe, who
17 points out to this board and to the attendees here that
18 naming places is a very important part of human beings
19 living in different parts of the world.

20 In this part of the world there are
21 names here that go back for generations, and they have
22 meaning. For example, in the North Slave area the
23 metis of course have been using and occupying this area
24 for over two-hundred (200) years. And of course the
25 metis have been connected with the Tlicho people,

1 because I can see here there are many Tlicho citizens
2 who also have a metis blood line.

3 And one (1) of the -- the area where the
4 Nico project is located, Whati as it is now known, was
5 called Lac le Mart (phonetic) before it was changed to
6 the name of Whati. "Lac le Mart" is a french word,
7 Lake of the Marten (phonetic). And that lake was named
8 by the Metis ancestors.

9 The coureur de bois (phonetic) and the
10 Metis who mixed in not only with the Dogrib people, but
11 also the Chipewyans. So indeed the spirit of the land
12 is reflected in the place names.

13 For another one: Lac le Gras (phonetic).
14 That's "place of the fat caribou." That's what the
15 Metis called it. Our people were hunting and trapping
16 all over the North Slave region and using and occupying
17 this place.

18 THE CHAIRPERSON: Mr. Enge, can I just
19 interrupt here? Just want to point out the presenters
20 -- the -- the pr -- the way we have a format that's
21 laid out in this EA process is that everybody has an
22 opportunity to -- to question the presenters. And I
23 think that's what we're trying to do here now.

24 So I understand what you're saying, but
25 I think we -- there's a order that we have to follow.

1 And if there's any questions to the Tlicho government
2 on their presentation here today, and if we could go to
3 that and -- and so we can continue on. Thank you.

4 MR. BILL ENGE: Thank you, Mr.
5 Chairman. Bill Enge here from the North Slave Metis
6 Alliance. Thank you for that clarification. I took
7 this opportunity to make those remarks, because in
8 yesterday's sessions you were permitting the pre --
9 Proponent to -- to make remarks instead of questions,
10 so I thought that was going to be permissible. But in
11 the meantime then I will -- I don't have any questions
12 for the Tlicho on their presentation. Thank you.

13 THE CHAIRPERSON: Okay. Thank you.
14 I'm going to go to Fisheries and Oceans Canada.

15 MS. SARAH OLIVIER: Sarah Olivier with
16 Fisheries and Oceans. No questions.

17 THE CHAIRPERSON: Thank you.
18 Government of the Northwest Territories...?

19 MS. KIMBERLY BALSILLIE: Kimberly
20 Balsillie with GNWT. No questions.

21 THE CHAIRPERSON: Thank you.
22 Aboriginal Affairs Northern Development Canada,
23 AANDC...?

24 MR. NATHEN RICHA: Thank you, Mr.
25 Chair. Nathen Richa, Aboriginal Affairs. No

1 questions.

2 THE CHAIRPERSON: Thank you. I'm going
3 to go to Transport Canada.

4 MR. DALE KIRKLAND: Good afternoon.
5 Dale Kirkland for Transport Canada. No questions, Mr.
6 Chair.

7 THE CHAIRPERSON: Thank you. I'm going
8 to go to the Review Board staff.

9 MR. JOHN DONIHEE: John Donihee for the
10 Board. Mr. Chairman, I have a couple of questions.
11 The first thing I'd -- I'd like to do is simply to
12 confirm the submission that you made, and this
13 presentation doesn't include any recommendations at
14 all.

15 And so I guess would you just confirm
16 for the Board that whatever recommendations the Tlicho
17 government does have to make as a result of this
18 report, we're going to see them in the -- in the final
19 report. Is that -- is that when they -- when they
20 come?

21 THE CHAIRPERSON: Thank you, Mr.
22 Donihee. I'm going to go to the Tlicho Government.

23 DR. GINGER GIBSON: Thank you very
24 much. Ginger Gibson, Tlicho Government. The answer is
25 yes.

1 THE CHAIRPERSON: Thank you. Review
2 Board staff...?

3 MR. JOHN DONIHEE: Thank you, Mr.
4 Chairman. John Donihee. I -- I'd like to just sort of
5 explore one (1) aspect of the material that you showed
6 us in your PowerPoint, try to understand it a little
7 better.

8 It relates to the slide that talked
9 about -- it's number 20 out of thirty (30). It talked
10 about classification of values. You -- you don't have
11 to have it up, if you just know that sort of thing.
12 But, you know, the -- the way I read that slide, you
13 know, you've got five (5) different categories of
14 values there. And the -- they all seem in -- in one
15 (1) way or another to relate to -- to place, okay.

16 So I -- I'm just looking at the
17 definition. I won't go through all of them, but for
18 example under "subsistence values" it says:

19 "Harvesting and kill sites, plant
20 food and medicine collection areas."

21 You know the others are -- are sort of
22 the same. The transportation values relate to trails,
23 water routes. Environmental values relate to valued
24 habitat for moose and caribou, that sort of thing.

25 So I guess what I want to know is

1 whether in fact the report that you're going to produce
2 is actually going to put these places on a map so that
3 -- or on maps so that the Review Board can relate those
4 places and values to what the developer is actually
5 proposing to do.

6 I -- I do note that in -- in your
7 material -- PowerPoint, that you've got these overlays
8 that are really very general, you know, large-scale
9 general sorts of things. And -- and so perhaps if
10 you'd just comment on your intentions with respect to
11 the final report, and how you're going to deal with,
12 you know, the -- the relationship between the places
13 that you place -- or the Tlicho place values on, and
14 the areas that the developer is actually proposing to
15 disturb.

16 THE CHAIRPERSON: Thank you, Mr.
17 Donihee. I want to go to the Tlicho Government.

18

19 (BRIEF PAUSE)

20

21 MS. RACHEL OLSON: This is Rachel Olson
22 from the Firelight Group, contracted to the Tlicho
23 Government. I'll speak to a couple of the points you
24 have raised.

25 In the classification of our values,

1 these -- we have two (2) sets of valued components: the
2 non-site-specific and the site-specific. And these
3 values, subsistence, habitation, cultural, spiritual,
4 transportation, and environmental, all pertain to the
5 site-specific valued components. So these are the
6 mappable ones, so that's why they are all -- seem to be
7 related to places.

8 Within our methodology, each activity
9 has a code, and then all the codes are then categorized
10 within these five (5) -- these five (5) categories.
11 The map after this, it is very dense, and so it is hard
12 to see the different values on that map. And in the
13 final report we will be definitely producing maps that
14 show each of these -- these categories of values and
15 where they're located.

16 And also, I'll just note that the
17 standard practice for showing points on a map is to
18 buffer the point by 1 kilometre and then randomize the
19 place within that 1-kilometre buffer. And that is what
20 pre -- is presented on the map. So when you see the
21 small circles, those are actually point -- points that
22 we have collected, but we've randomized and buffered
23 them, as per standard practice. Thank you.

24 THE CHAIRPERSON: Thank you. I'll go
25 back to the Review Board staff.

1 MR. JOHN DONIHEE: Thank you, Mr.
2 Chairman. John Donihee again. I -- I appreciate -- I
3 -- I don't know too much about standard practice in
4 this area, but let me just say, when you talk about
5 randomizing and buffering by a kilometre, that really
6 could put you a long way away from where some activity
7 that's going to take place associated with the project
8 will be.

9 And I -- I can certainly understand that
10 you -- for a lot of these areas, they're very
11 important. They probably have cultural and -- and
12 perhaps even spiritual value. But, you know, if -- if
13 what the Review Board is going to get in the final
14 report is dots on a map that are plus or minus 1
15 kilometre from what's important, I'd -- I'd just
16 suggest to you that it's not going to be particularly
17 useful for impact assessment purposes.

18 So I guess the question I have is: Are
19 you going to follow this standard practice in your
20 final report, or can we simply make arrangements to
21 have these sites identified specifically and to simply
22 have the final report filed with the Review Board under
23 confidential cover?

24 We -- we've made those arrangements for
25 the YKDFN, for example, and EAs that have been related

1 to the Drybones Bay area, where there were
2 archaeological investigations done on behalf of the --
3 the Yellowknives.

4 And so, again, I just want to -- I'm
5 trying to get a grip on what is coming our way on
6 September the 15th and how helpful that might be to the
7 Review Board.

8 MS. GINGER GIBSON: Ginger Gibson,
9 Tlicho Government. Understood, and the report will be
10 provided under confidential cover to both the Review
11 Board and to the Developer in the project study area so
12 that that information is useful for impact assessment
13 and planning. Of course, for the other audiences that
14 aren't removing -- aren't impacting on the area, that
15 data will be buffered and ran -- randomized so that
16 those values are protected. Masi.

17 THE CHAIRPERSON: Thank you. I want to
18 go back to Review Board staff, legal counsel.

19 MR. JOHN DONIHEE: Thank you, Mr.
20 Chairman. John Donihee. I would just say that -- you
21 know, that the Board's practice has been that when we
22 get a report of this nature, that we'll agree to accept
23 it under confidential cover. We canvassed the parties
24 because of the requirements of fairness. You know, we
25 have to make arrangements for those people who need to

1 see it to be allowed to do so, but that anyone, aside
2 from the Developer or the Board, that wants to see it
3 has to sign a confidentiality agreement.

4 So, I mean, I -- I guess I'm just not
5 sure why, if we can make those arrangements, we need to
6 have randomized and buffered sites in the report at
7 all.

8 DR. GINGER GIBSON: Thanks for your
9 question. It's -- those sites are -- I -- I think it's
10 the -- the importance of protecting the value of those
11 places, also protecting the knowledge on -- the
12 individual knowledge of citizens, of -- of Elders who
13 have shared their knowledge with the -- the Tlicho
14 Government and with the team that we've assembled.

15 The -- there are generally two (2)
16 reports that are released. One is the specifics that
17 are used for impact assessment with the information
18 under confidential colour -- cover; and then a more
19 general -- a report that gives the same maps, but with
20 that randomization, so that -- that people that are
21 looking at it from a -- a more generalized perspective
22 are able to -- to read it and look at those and make
23 their own -- their own predictions.

24 THE CHAIRPERSON: Okay. Before I go
25 back to legal counsel, I just want to point out that,

1 if the presenter, maybe when you speak, you mention
2 your name. This is just for the record. So that was
3 Ginger Gibson, for the record. Go back to legal
4 counsel for the Review Board.

5 MR. JOHN DONIHEE: Thank you, Mr.
6 Chairman. No need to have this discussion about
7 procedure wrapped up in a -- in a 'Q' and 'A' here, but
8 -- so we can come back to it later. I -- I do have one
9 (1) -- I'm sorry. I -- I do have one (1) other
10 question. And it has to do with some of the values and
11 -- and the way you've described them. So I'm -- I'm
12 back to that classification slide, I guess.

13 And it just strikes me, from -- from
14 looking at the things that you're listing there, I'll -
15 - I'll go back again to the subsistence values. For
16 example, harvesting and kill sites, and that sort of
17 thing that some of those particular valu -- values -- I
18 mean, that -- a particular site where somebody killed a
19 moose, you know fifteen (15) or twenty (20) years ago,
20 may tell you that that's an important area where people
21 look for moose, that could -- could go hunting now.

22 But I -- I guess I'm -- I'm struggling a
23 little bit. You know, it -- to me that's different
24 than saying, This is an -- an important caribou
25 wintering area, or, you know, that it's a burial site,

1 which is a site that absolutely ought to be protected.

2 And so can you just indicate whether, in
3 the way that you're going to be reporting, whether, you
4 know, the rep -- there's some kind of sense of the
5 relative importance from -- from the standpoint of what
6 really ought to be inviolate, something that shouldn't
7 be disturbed at all, from something like, you know, a -
8 - a kill site that was reported, you know, that -- that
9 could have happened many years ago?

10 So how -- how do you propose to give the
11 Board some sense of that hierarchy of -- of values?

12 THE CHAIRPERSON: Thank you, Mr.
13 Donihee. I'm going to the Tlicho Government.

14

15 (BRIEF PAUSE)

16

17 DR. GINGER GIBSON: Thank you. The
18 data will have the resolution when we receive the
19 report from -- from the Firelight Group. When we
20 receive that report, it will have the resolution that
21 allows us to attach the Tlicho Government in review of
22 the report, to attach significance to it.

23 And I don't mean significance in the
24 impact assessment term; I mean that we will be able to
25 say and assign the value that -- and the protection

1 that needs to be in place for the particular site. So
2 that in -- in the study area itself, in the -- in the
3 project footprint, we will be able -- we will assign
4 the -- the value and say, This is a burial site and
5 cannot be interrupted; this is a moose kill site and is
6 -- is open for interruption or needs -- you know, we'll
7 -- we will -- we will indeed provide guidance on the
8 question of how to manage the information and manage
9 the -- the sites themselves. Masi.

10 THE CHAIRPERSON: Thank you. I'm going
11 to go to the Review Board legal counsel.

12 MR. JOHN DONIHEE: John Donihee, Mr.
13 Chairman. That -- that's, I think, the end of my
14 questions. Mr. Ehrlich has one (1).

15 MR. ALAN EHRLICH: Thank you, Mr.
16 Chair. Alan Ehrlich for the Review Board. I'm -- I'm
17 looking for some kind of clarity on what exactly you
18 mean when you talk about Hislop Lake. Are you
19 referring to the lake itself and the shoreline? Are
20 you referring to a larger area? If so, is that larger
21 area similar to what you've identified as the area of
22 study for your traditional -- your traditional use
23 area?

24 You know, we -- we've got a lot of
25 references to Hislop Lake and its importance, but we

1 could really use some clarity on exactly which area you
2 mean when you say "Hislop Lake". Thank you.

3 THE CHAIRPERSON: Thank you. I'm going
4 to go to the Tlicho Government.

5

6 (BRIEF PAUSE)

7

8 MR. JOHN B. ZOE: I guess sometimes
9 it's very difficult to -- to answer a bigger question
10 in a larger context without getting into a big, long
11 story. And it's unfortunate that it's one (1) of those
12 things. So if I can start with my long story, you
13 might get an answer. And I'll give it a shot.

14 That the -- the -- some of the
15 indicators of what that means has been shown up --
16 shown up on the -- on --on the slide where it talks
17 about a cultural landscape. And within that large
18 cultural landscape, and if you refer to the Tlicho
19 agreement, there is a area called Monwhi Gogha De
20 Niitlee. And in Monwhi Gogha De Niitlee is -- is the -
21 - what I would say the -- the basin that holds all the
22 significant place names for the Tlicho that talks about
23 the language, culture, and way of life of the people
24 that relied on that landscape commonly known as the
25 territory today.

1 But for management and for the -- the
2 ecological differences in each area that defines the --
3 the type of wildlife that's -- that's depended on in
4 that area, there are really about four (4) main big
5 regions within the larger cultural landscape. And it's
6 more like having a Canada of your own, with provinces
7 in those areas. And part of those provincial type
8 names are things like Nundi (phonetic), Inda
9 (phonetic), Inque (phonetic), Taqa (phonetic). So
10 those are the big cells within this big area of Monwhi.

11 And within those areas are where people
12 have established themselves. That is how we ended up
13 in a -- with four (4) communities. And so once we --
14 we started breaking those things down, then you get
15 into the -- into the trails. And -- and in -- in the
16 instance of K'ia Goti -- K'ia Goti, because the main
17 core of the people that lived in that area, because by
18 -- you -- you can't just stay in one (1) area in your
19 tent and huddle there and hope that the wildlife will
20 come to you.

21 That becomes your basis for operations,
22 but -- but it's something that -- that is abundant in -
23 - in all very many different ways. So all the
24 satellite areas that are dependent on -- on that area
25 that people were from -- and -- and cultural thinking

1 is part of K'ia Goti, because it comes in part and
2 parcel of the area.

3 So the river that comes out is called
4 K'ia Goti Bay, which is really a part of K'ia Goti. So
5 that's the -- probably the simplest way I can explain
6 it with -- without getting into more detail and -- and
7 discussion with Elders who try to sort those things
8 out. Masi cho.

9 THE CHAIRPERSON: Thank you. I'm going
10 to go back to the Review Board staff, Alan Ehrlich.

11

12 (BRIEF PAUSE)

13

14 MR. ALAN EHRLICH: Thank you for that.
15 And -- and that helps. I mean, I'm -- I'm familiar
16 with the idea of -- of cultural landscapes. And, you
17 know, I've -- I've heard them explained, partly by you
18 before.

19 The question I was trying to get at is
20 when people here talk about Hislop Lake in this
21 hearing, I mean, you've mentioned -- okay, so it's more
22 than just the lake itself, if I understand your -- your
23 answer correctly. But roughly how much further from
24 the lake, you know, if you had a ballpark, would it
25 extend when you say, At Hislop Lake we do certain

1 things?

2 You know, how -- how far from Hislop
3 Lake is included in that area? I don't know if -- if
4 you can give me any -- any more clarity on that. Thank
5 you.

6 THE CHAIRPERSON: Okay. Thank you.
7 I'm going to go to the Tlicho Government.

8

9 (BRIEF PAUSE)

10

11 MS. GEORGINA CHOCOLATE: Hi, my name's
12 Georgina, Tlicho and TK. When you talk about Hislop
13 Lake, we say Hislop Lake -- the Elders would say Hislop
14 Lake because it's the one (1) huge big lake.

15 But around that whole area, they will
16 talk about everything around that whole area. So when
17 we say "Hislop Lake", it means only one (1) big lake,
18 but around it they'll go -- like they'll say there's an
19 island here, there's a point here, there's a muskeg
20 here.

21 And even though we say "Hislop Lake", it
22 means one (1) huge piece of lake, but when we -- they
23 talk about in describing things, how they went on
24 hunting, trap -- their fishing, trapping, and all that,
25 they describe each island, each point.

1 So they have even one (1) place names.
2 Like K'ia Goti will have lots of bay names and islands
3 names and -- and points. So we can't just say this
4 "Hislop Lake" means only this. To me it means
5 everything, everything even around it. It means
6 everything, but it means only one (1) Hislop Lake.
7 There's lot of story to that. Masi.

8 THE CHAIRPERSON: Okay. Thank you.
9 I'm going to go back to the Review Board staff. Any
10 further questions?

11 MR. ALAN ERLICH: There are no further
12 questions from counsel or staff.

13 THE CHAIRPERSON: Okay. Thank you.
14 I'm going to go to John Curran, Board member.

15 MR. JOHN CURRAN: Thank you, Mr.
16 Chairman. First I just want to thank Mr. Harry Apples
17 for sharing his traditional knowledge with us and
18 commend the Tlicho Government on getting this
19 traditional knowledge report, even though it's only in
20 a draft stage here, or summary stage.

21 I guess first off, I'm curious, how long
22 have you been working on it?

23

24 (BRIEF PAUSE)

25

1 DR. GINGER GIBSON: Masi Cho for the
2 question. Ginger Gibson, Tlicho Government. The
3 Tlicho Government -- I guess it's hard to pinpoint a --
4 a time when we started on this specific piece, because
5 my understanding is Georgina Chocolate's been working,
6 doing interviews with Elders, that have been provided
7 as a part of this study. Georgina's been doing
8 research in the Tlicho Government traditional knowledge
9 department for years. And -- and so three (3) of the
10 interviews upon which we relied we done years back with
11 Elders who have since passed.

12 The -- the research -- for this research
13 itself and whose -- whose tapes she has recorded and
14 kept and -- and achieved within the -- the Tlicho
15 Government offices, the research in which the conduct
16 of the thirty-one (31) interviews have been done have
17 been going on since May of this year.

18 And the -- the field work -- the initial
19 preliminary studies for this work were begun by Dr.
20 Allice Legat and then the later interviews were done
21 through the -- the work with Rachel Olson. Masi.

22 THE CHAIRPERSON: Thank you. I'm
23 going to go to Board member John Curran.

24 MR. JOHN CURRAN: Thank you very much.
25 Again, John Curran. So we're going to have the final

1 report by the 15th of September then, and I think the -
2 - the Board -- I know that there's a lot of concern
3 that it won't be considered. I know for myself I will
4 be factoring the traditional knowledge in. I want to
5 assure people of that fact.

6 I do have a question of how -- what --
7 what work remains to be done in the -- in the roughly
8 two (2) weeks, three (3) weeks, between now and that
9 date? Thank you.

10 THE CHAIRPERSON: Thank you. I'll go
11 to the Tlicho Government.

12 MS. RACHEL OLSON: So -- this is Rachel
13 Olson from the Firelight Group contracted to the Tlicho
14 Government. We have -- so all the map -- the mapping
15 baseline is completed. Right now we've coded -- we're
16 doing the qualitative data analysis of the interview
17 transcripts.

18 We've completed five (5) out of the
19 thirty-one (31), so those will be completed within the
20 next week. And then also a really good, thorough
21 review of existing research that has taken place over -
22 - so our secondary literature analysis will also be
23 taking place in the next two (2) weeks.

24 DR. GINGER GIBSON: Ginger Gibson,
25 Tlicho Government. The report will be made available

1 to the Tlicho Government, and we will do that work that
2 you usefully drew us out on, Mr. Donihee, on the -- the
3 placement of -- of value or recommendations with
4 respect to site and -- and maintenance of -- of
5 critical cultural sites, or spiritual or burial sites.
6 Masi.

7 THE CHAIRPERSON: Thank you. John
8 Curran...?

9 MR. JOHN CURRAN: Thank you. As part
10 of that process, I guess I'm -- I'm just curious. Mr.
11 Donihee had -- had focussed on the -- the
12 classifications, and I just -- I want to make sure that
13 we don't have some duplication in there. I noticed
14 that medicine and medicinal plants show up in two (2)
15 different classifications.

16 And can we receive some assurance that
17 they haven't been counted twice for the same value?

18 THE CHAIRPERSON: Thank you. We'll go
19 to the Tlicho Government.

20 MS. RACHEL OLSON: This is Rachel Olson
21 for the Tlicho Government. Yes, all the sites are
22 coded with a specific code and then they're
23 categorized, so it's -- it's -- we don't duplicate
24 within the categories.

25 And there are -- yes, there -- it does

1 seem in the descriptions that there are some
2 duplication, but you can be assured that they will not
3 be shown twice within the values, and these values will
4 be explained more in the final report. Thank you.

5 THE CHAIRPERSON: Thank you. Any
6 further questions, John -- John Curran?

7 MR. JOHN CURRAN: Yes, thank you, Mr.
8 Chairman. On the topic of duplication, when I look at
9 the breakdown of participants in the survey we've got
10 thirteen (13) from Gameti, seven (7) from Whati, five
11 (5) from Wekweeti, and thirteen (13) from Behchoko, and
12 your report speaking with thirty-one (31) people. When
13 I add up the community breakdown, it doesn't add up to
14 thirty-one (31); it adds up to thirty-eight (38).

15 So have there -- has there been some
16 duplication there? Thank you.

17 THE CHAIRPERSON: Thank you. I'm going
18 to go to the Tlicho Government.

19 MS. RACHEL OLSON: This is Rachel Olson
20 for the Tlicho Government. Thanks for pointing that
21 out, and I apologize. It's a -- it's a typo, and I'll
22 have to go back. Thank you.

23 THE CHAIRPERSON: Thank you. John
24 Curran...?

25 MR. JOHN CURRAN: So is it thirty-one

1 (31) or thirty-eight (38)?

2 MS. RACHEL OLSON: It's thirty-one
3 (31).

4 THE CHAIRPERSON: Okay, thank you. Any
5 further questions?

6 MR. JOHN CURRAN: Yes, thank you, Mr.
7 Chairman. I guess -- one (1) thing did -- did tweak on
8 your methodology here, as well, within the report. It
9 wasn't part of the -- of the oral presentation, and I
10 do apologize to people who may not have the hard copy
11 here, but it does indicate that firsthand and
12 secondhand information is distinguishable.

13 And -- and it -- the reason that jumped
14 out at me, Mr. Apples pointed out if we don't see it
15 with our own eyes, it's like we're lying.

16 And so as a Review Board member I -- I'm
17 curious if you're able to let me know within the
18 project footprint of the seventy-two (72) values
19 recorded within that 250-metre buffer zone, how many of
20 those were presented as firsthand knowledge versus
21 secondhand knowledge? Thank you.

22 THE CHAIRPERSON: Thank you. I'll go
23 to the Tlicho Government.

24 MS. RACHEL OLSON: This is Rachel Olson
25 for the Tlicho Government. All of those seventy-two

1 (72) values are firsthand knowledge. Thank you.

2 THE CHAIRPERSON: Thank you. John
3 Curran...?

4 MR. JOHN CURRAN: And if we could move
5 out to the next ring, then, as well, in the local study
6 area, firsthand versus secondhand?

7 THE CHAIRPERSON: Thank you.

8 DR. GINGER GIBSON: Thank you. The
9 details on that will be provided in the final report.

10 THE CHAIRPERSON: Okay. Thank you.
11 John Curran...?

12 MR. JOHN CURRAN: No, I think that
13 would be it, and I thank you very much for taking the
14 time to answer my questions.

15 THE CHAIRPERSON: Thank you. I'm going
16 to go to Mr. James Wah-Shee, Board member.

17 MR. JAMES WAH-SHEE: Thank you, Mr.
18 Chair.

19

20 (INTERPRETED FROM TLICHO INTO ENGLISH)

21

22 MR. JAMES WAH-SHEE: Yes. Regarding
23 the traditional knowledge, I guess we're collecting all
24 the information for traditional knowledge regarding the
25 history of our ancestors and where they have lived and

1 how they survived, and how they lived on the -- and
2 what they were harvesting, and -- and these type of
3 informations. This is what are in question, I think.
4 And they call that in traditional knowledge in -- in
5 English.

6 Yes, our -- this information are totally
7 coming from our Aboriginal perspective. And, yes, we
8 are solely Aboriginal person, and probably that's what
9 identifications of part of our traditional knowledge.
10 And, yes, to the traditional knowledge information
11 that's been gathered so far, and, yes, the -- it looks
12 like it's been done in a -- in a fast, you know, track.
13 I guess, and this is where the -- when John B. reported
14 like it's a snapshot, it's like a camera, you know. It
15 just clicks so fast, and that's how -- how -- this is
16 how fast the information has been put together.

17 The Aboriginal existence for -- has been
18 here for years, and identification of who are they and
19 what language do they have spoken, and the history that
20 they have talked about, this is what traditional
21 knowledge is all about, and this is all pertaining from
22 -- especially from the Dogrib.

23 Yes, the -- these type of informations
24 are very important, and that's what we're saying. Yes,
25 from past history as to -- it's always good to find and

1 be recorded, because it's very important information,
2 and as well as for the future.

3 Yes, the -- to date, as Aboriginals'
4 perspective, I guess, long way, we're talking about the
5 history, and now that we have to look into the future,
6 how we're going to proceed with the -- the activity
7 that's in question today.

8 Yes, to date, I think the information
9 has been collected so far, amount of people have been
10 interviewed as an Elder, we would like to thank them as
11 well, because the -- we learn from their -- our
12 ancestry and today's Elder that's worked on the
13 traditional knowledge collections. And certainly, we,
14 as the middle-aged adult and younger generations,
15 they're the ones that are really going to share and
16 cherish it.

17 So I'd like to thank the traditional
18 knowledge, the -- the work that they have done to date.
19 I'd like to thank them, because I think they've done
20 very important, you know, research regarding
21 traditional knowledge. And it is not an easy task, you
22 know, to cover in a short time period. And in the
23 future, sounds like we're going to end up with a
24 complete picture, and that's what we'll be looking
25 forward to.

1 (INTERPRETATION CONCLUDED)

2

3 MR. JAMES WAH-SHEE: So the importance
4 of the snapshot is good. It's a beginning, but it's
5 not completed. It's not a complete picture. I would
6 hope that the Tlicho Government will continue to pursue
7 the traditional knowledge to see the big picture,
8 because obviously this development proposal is not the
9 only one that the Tlicho people will be facing. There
10 will be other developments, other than Nico.

11 In order for us to prepare, we have to
12 know our history, our landscape, the lands, the area
13 site specific that is culturally significant that
14 essentially spells out who we are as people. It's our
15 identity. Place names have histories, and that it's
16 culturally very important.

17 So my -- my question is to...

18

19 (INTERPRETED FROM TLICHO INTO ENGLISH)

20

21 MR. JAMES WAH-SHEE: Yes, I'd like to
22 ask the Tlicho Government a question regarding the
23 traditional knowledge about the history of our
24 knowledge and the -- the -- how long of the -- the
25 traditional knowledge is going to go into the future,

1 as far as research.

2 You say it's going to stop just because
3 of the -- it's been presented to the hearing. And the
4 -- we think I'd be ongoing because the traditional
5 knowledge is something that has to go into -- into the
6 future generation.

7 The collection has been coming from our
8 ancestry and writing to the present Elders. And the --
9 the traditional knowledge, it's not something that you
10 just want to hear. You want to see it in practice and
11 you want to live by it. That is how important it is.

12 We, as a Board, have to take it into
13 account. And the -- we have to convince the Board and
14 have to -- the Board has to understand what importance
15 of this traditional knowledge is all about. And we
16 understand most of the folks -- people that have
17 presented their presentation pretty well, knowing that
18 how well that the -- the traditional knowledge is
19 important because they have lot, knowing that the water
20 and the lands and the plants, it has its own history.
21 And it -- it have its own significance that -- you
22 know, and that is what make the history alive today.

23 So my questions -- that I only ask one
24 (1) question regarding about the history that I've...

25

1 (INTERPRETATION CONCLUDED)

2

3 MR. JAMES WAH-SHEE: First of all, I'd
4 like to compliment the Elders, the Tlicho Elders, for
5 participating in this very important endeavour that's
6 keeping our history and our culture, traditions and
7 custom and language alive. And that's the way to
8 approach it, the way I look at it.

9 So my question to the Tlicho Government
10 is: Since this is only a snapshot and it's only a
11 beginning, is there any plans in the future to continue
12 to expand the traditional knowledge so that we can
13 somehow move towards getting a bigger picture?

14 I understand that we still need to do
15 more research. So -- so could you expand on that? I
16 would like the -- the Tlicho Government to -- to
17 indicate if they have any plans to -- to further expand
18 the traditional knowledge for the benefit of our
19 people.

20 And also, it will be very useful, I
21 believe, in the future when you have development taking
22 place in this area. Masi.

23 THE CHAIRPERSON: Thank you, Mr. Wah-
24 Shee. I'm going to the Tlicho Government.

25

1 (INTERPRETED FROM TLICHO INTO ENGLISH)

2

3 GRAND CHIEF EDWARD ERASMUS: Yes, thank
4 you. You are so true as to what you referred to as the
5 traditional knowledge. The traditional knowledge is
6 very important on our land, because the traditional
7 knowledge is -- it's coming from the land, associated
8 with the land.

9 Yes, the -- when the development
10 approaches such as the resources have been extracted,
11 somehow along we have to take traditional knowledge
12 into account. And the science as has -- has -- seems
13 to be taking over and -- and as a shadow comes in the
14 traditional knowledge, which is something that we don't
15 want to be seen that way. We'd like to make it into
16 equal part as the science knowledge. And the science
17 knowledge and the traditional knowledge should just
18 work -- should be looked at together in order to make
19 the -- the history and the future generation work.

20 Yes, that we have -- we have one (1)
21 lady, that Allice Legat has worked with traditional
22 knowledge with the Elders since back in 1980s. And
23 they -- they've been working on a traditional knowledge
24 on the land for many years.

25 Yes, that if we -- if we were to take

1 out most of the -- the history that they worked on into
2 the hearing, I guess, you know, in a short period of
3 time, it's impossible for it to happen. But yet
4 whatever we came up with, this is what we have
5 presented.

6 So the history itself could speak for
7 itself way back up to the 1980s. It's all recorded and
8 documented. In order to sort it out and present in --
9 in the appropriate fashion to the hearing, it hasn't
10 been done yet.

11 Yes, the -- the recording of the -- the
12 history of the -- our ancestry is being kept in the
13 archives, you know. So it's -- tried to keep it as
14 safe as possible for the very reason that in the future
15 generation has to use it in the future. And how to
16 preserve our history like that, I guess, and -- and do
17 our research, it costs -- it costs some money.

18 And the inter -- technology that today's
19 world and to the science fictions, if you look at it,
20 the Elders have that knowledge as well too. And put it
21 into a simple form and present it to the general public
22 like this, it's not all that easy.

23 Dating -- dating back from prehistoric
24 time and to the present date, it's -- it's a lot of
25 work. A lot of work has been collected. And the --

1 sure enough, to make a presentation to -- to the
2 hearing, to present it for the hearing, I guess, and
3 all that it's -- we have talked to the Fortune Mineral
4 to see if we have -- we could have traditional
5 knowledge identified into the hearing. And this is --
6 they helped us in that area, that's how come we're
7 making that formal presentation to the hearing.

8 Yes, that to make a final report, it's
9 in a short period of time, as the -- the opportunity
10 wasn't there. But, however, according to the hearing
11 scheduling dates, I guess, that they couldn't manage
12 our final report date, so that's how come, you know,
13 most of us had thought -- we thought there was some
14 scepticism, which is -- it's because of the time frame,
15 and that's how we end up today.

16 But nonetheless, we're introducing our
17 traditional knowledge to the hearing. Yes, to our
18 knowledge that in the past history of the development
19 within our area, there's a lot of previous mines have
20 been developed. There were no traditional knowledge
21 building to the -- into the previous mine's operations
22 in the past. And it's something that is new, and I --
23 and I sure like to see that in the future. New
24 development comes up, we'd like to see more traditional
25 knowledge built into their system.

1 And today, for us, I think it's some
2 introductory of traditional knowledge to the resource
3 development that's appearing in front of the hearing.

4 So to date, as we look at it, I think
5 the science of technology, I guess, has been
6 identified, and then the traditional knowledge has been
7 left at a back burner for many years. And I'd like to
8 put it -- people par it with the science development.

9 So that's what -- it's -- it's not
10 something that could -- could have happened in -- in a
11 flash of time. And it -- it takes a lot of work and it
12 takes a lot of courage. And we have to make it
13 sensible, because it's a traditional knowledge. It's
14 something that Elders, you know, take it dearly,
15 especially the land.

16 Our ancestors, I guess, you know, that
17 remember the history and the -- and our ancestors, when
18 they have made decisions in the past, they make a
19 decision that -- that will stand out into the future.
20 So comparing that together, and then you should take
21 that into consideration, respectfully.

22 And that's how important the Elders are
23 to us, and they speak from the heart. They speak their
24 own language, and some of the things that they
25 described, and it's hard for -- to speak, to -- to

1 interpret back into English, you know, in today's
2 language. But yet that's how -- what we're doing today
3 that gets us to something that we have to live with.

4 Yes, that vice versa, there's lots of
5 technical words that's been used that's been hard to
6 translate that back into Aboriginal language. Vice
7 versa, most of the language that the Elders had used,
8 that, you know, it's hard to interpret into the English
9 as well.

10

11 (INTERPRETATION CONCLUDED)

12

13 GRAND CHIEF EDWARD ERASMUS: Mr. Chair,
14 one of the things that we have to understand is
15 traditional knowledge we're talking about, it -- it's
16 something that it's very difficult for people to
17 understand. The -- the way I see it, it has to have
18 equal footing to science.

19 We've been doing studies in Tlicho
20 region for many years. Since the early '80s, we've
21 been recording our Elders. A lot of them have passed
22 on. Back in tape-recorder days, in fact, some of the
23 Elders asked for some tapes so that they can tape
24 themselves and bring it into our office.

25 Those tapes are still available today in

1 Tlicho archives. There's a lot. It needs to be
2 transcribed, and to transcribe those, we need people
3 today that can understand the language and
4 terminologies those Elders used.

5 That's why on Monday hearing in Whati I
6 made some closing remarks and referred to the challenge
7 of translating the words of Elders. I said that I was
8 not criticizing the interpreters, but it is a hard job.
9 I made a comment about one (1) Elder referring in
10 Tlicho the word that could mean not just Hislop Lake,
11 but the mine site as well. The Tlicho know their
12 language. We know our language so well, and we listen
13 very hard.

14 Mr. Chairman, my intention in making
15 that comment was to let you know, and the Board, the
16 context -- the context of our Elders' presentation. I
17 was trying to help the Review Board, that the Tlicho
18 have a different way of viewing the world. For that to
19 be translated into English can be challenging for the
20 translators.

21 Elders know. Elders know their land and
22 their language so well, and I wanted to just give you
23 an example of how complex our language -- how complex
24 our language is. And it is challenge -- it challenges
25 translation phases.

1 I do not feel the need to give an
2 undertaking to comment on the English record. There
3 are Tlicho transcripts as well, and they all form your
4 records for the proceedings. Over the course of the
5 entire day's translation, I know they work hard to get
6 it down and as acc -- accurately as they can.

7 And, Mr. Chair, my comments on Monday's
8 hearing in Whati, I just wanted you to know that the
9 Elders are so important. The Elders are so important
10 to us, and so are their words. Masi.

11

12 (BRIEF PAUSE)

13

14 THE CHAIRPERSON: Thank you, Mr. --
15 Grand Chief Eddie Erasmus. Mr. -- Board member James
16 Wah-shee, is there any further questions?

17 MR. JAMES WAH-SHEE: Mr. Chair, I -- I
18 just want to take the opportunity to -- to thank the --
19 the people that were involved.

20 And the other thing is that I'm aware
21 that the traditional knowledge has -- at least the
22 collection of the information, I'm quite aware that it
23 started long before this project. But I just want to
24 thank the -- the people that were involved and just to
25 indicate that it's a very important undertaking, and --

1 and that traditional knowledge and the future
2 development, whatever that may be, on Tlicho lands, the
3 knowledge of the Tlicho people is very important.

4 You cannot just have development
5 anywhere on the map, because it -- it impacts on the
6 culture of the people. There are culturally
7 significant areas which I believe that we have to
8 appreciate. And -- however, keeping in mind that, as
9 being a member on the Review Board, we have the
10 responsibility under the Mackenzie Valley Management
11 Act, which is a federal legislation, and it spells out
12 very clearly as to what we can do and what we cannot
13 do.

14 So in that sense, we are limited. But I
15 suppose the desire we have is that we'd like to work
16 with everybody. And we'd like to see everybody
17 cooperating so that it makes our job a little easier,
18 although we do have some very difficult challenges.

19 So with that, it's just that I just want
20 to express my appreciation. Masi cho to the Grand
21 Chief as well. Masi.

22 THE CHAIRPERSON: Masi, Board member
23 James Wah-shee. Now I'm going to go to Richard
24 Mercredi. Is there any questions for the Tlicho
25 Government on their presentation?

1 MR. RICHARD MERCREDI: Thank you, Mr.
2 Chair. I don't have any questions. However, I would
3 like to thank the Tlicho Government for providing this
4 draft traditional knowledge report. And we'll be
5 looking forward to the final, complete report. And
6 once it's received and entered in the registry, I want
7 to assure you that it will be part of this process.
8 Thank you.

9 THE CHAIRPERSON: Thank you. I'm going
10 to go to my left, Board member Danny Bayha.

11

12 (INTERPRETED FROM TLICHO INTO ENGLISH)

13

14 MR. DANNY BAYHA: Thank you, Mr. Chair.
15 I'd like to do it in my language. I just want to thank
16 -- I'm from Sahtu. I just want to thank the Elders,
17 collection of all the traditional knowledge. It's very
18 valuable. And it's very important that we do the study
19 of the traditional knowledge. And -- and the people
20 that live in this area, it's very -- to include their
21 language.

22 And when we do a study like this, it's
23 very important. So I just want to thank you. Thank
24 you for -- Grand Chief for speaking to us, and also the
25 Tlicho Government staff that did the traditional

1 knowledge.

2 And we have a scientific knowledge and
3 we have to do a similar job into a different... And we
4 have two (2) languages, English, and also -- and we, as
5 Board members, we want to work together, make sure that
6 we gather these kind of stories and studies and share
7 that with...

8

9 (INTERPRETATION CONCLUDED)

10

11 (NATIVE LANGUAGE SPOKEN)

12

13 (INTERPRETED FROM TLICHO INTO ENGLISH)

14

15 MR. DANNY BAYHA: And he said, I would
16 like to thank John B. Zoe for his presentation. He
17 says even though we do have differences, we -- we do
18 have to work together. I understand that.

19

20 (INTERPRETATION CONCLUDED)

21

22 MR. DANNY BAYHA: And I would really
23 encourage that information that is given to us is very
24 important, and -- and I can assure you, at least one
25 (1) member of this Board.

1 For myself, I -- I have as much respect
2 and even more weight to the traditional knowledge than
3 the scientific knowledge. Oftentimes what happens in -
4 - in these kind of proceedings, we have -- as you can
5 see the -- the notice earlier, that we have our staff
6 trying to ask some questions, trying to get some more
7 information, as much as they can. So it would be
8 helpful to the Board to make decisions.

9 And oftentimes, you know, in -- in areas
10 of -- of -- such as Tlicho and even in -- in the other
11 areas in -- in the Northwest Territories, the lack of
12 information, the lack of baseline information, makes it
13 even challenging for Boards to -- such as ours to make
14 decisions.

15 And with the help of traditional
16 knowledge, it really helps if we have that information.
17 At least we have some information that the Elders have
18 provided us to help us that we can say we can -- you
19 know, we've considered it and were considering in the
20 long-term decision-making we do when we make decisions
21 on -- on development in our area.

22 So with that, I would like to ask a bit
23 about -- our staff talked about the location of this --
24 of the Hislop Lake and what it means to the community.
25 I know it's difficult, but, you know, just an example

1 for -- in our area, in -- in the Sahtu, we refer to the
2 area, like Great Bear Lake, Sahtu. But we refer to
3 Great Bear Lake watershed. So we include all the
4 watershed.

5 So I'm just -- that's what we use up
6 there as a way of trying to identify roughly where,
7 when we talk about Sahtu, what -- what do we mean; what
8 we're thinking we mean, at least. And the closest we
9 ever got is the watershed. We use the watershed as --
10 as a -- not only just the shores of Great Bear Lake,
11 but further inland where it includes the rivers and all
12 that stuff and the lakes. So there is, sort of, a
13 sense of -- idea of what we're talking about.

14 And -- and so I would ask again if -- if
15 that's something that's been think -- thought about
16 here when we're talking about Hislop Lake, if I can ask
17 some clarification, or maybe further details if -- if I
18 may. Thank you.

19 THE CHAIRPERSON: Thank you, Mr. Bayha.
20 I want to go to the Tlicho Government.

21 DR. GINGER GIBSON: Masi cho. Ginger
22 Gibson for the Tlicho Government. Masi for your
23 question. And you -- by having this discussion with
24 you today, it has given us a great deal of wealth, in
25 terms of our own path forward. And we're thankful to

1 all of you for your excellent questions. And it
2 provides us a very good starting point to -- to finish
3 the -- the final report.

4 We'd like to suggest to you, Mr. Bayha,
5 that we will take that question and provide great
6 precision to that concept in the final report. Masi.

7 THE CHAIRPERSON: Thank you. Mr.
8 Bayha...?

9 MR. DANNY BAYHA: Thank you, Ginger. I
10 appreciate that, Dr. Ginger. And then maybe another
11 question. Earlier -- I think it's more, maybe, for
12 John. And I appreciate John's wisdom in -- in drawing
13 from the Elders. It's very important. I've -- I've
14 taken a lot of notes on what was said and am trying to
15 understand precisely where we're trying to -- where
16 we're going ourselves and where -- where the
17 communities and the Tlicho is trying to give us
18 information.

19 So earlier you mentioned -- the word
20 "link" really stands out in my mind, and the link
21 between the two (2) worlds -- the two (2) world values,
22 the different world views that we're trying to link.
23 In -- and in the area here -- now this forum may not be
24 the best way to do that, but it might be a part of it.

25 But I wanted to know if -- what your

1 thoughts about "link". When you talk about "link",
2 what comes to mind? What do you think can be used or
3 try to go to make that link stronger, so that -- that
4 information, we can -- can go back to the communities
5 and to the children.

6 So I don't know if you have any thoughts
7 further to explain that word and the concept that
8 you've given us. Thank you.

9 THE CHAIRPERSON: Thank you. I'm going
10 to the Tlicho Government.

11 MR. JOHN B. ZOE: Back in the '60s,
12 with the -- with the rise of the movement, the
13 awareness of people that -- that they can really be
14 decision-makers, really defines the -- the psychology
15 of link that we understand today.

16 And it's still a struggle in how we
17 establish these forums that take into consideration the
18 views of both worlds. And in the agreement where, I
19 guess, you might say where -- what everybody strives
20 for is to find some method of creating that link that
21 respects the both worlds.

22 And -- and with governance, and with
23 jurisdictions, that we know that the Federal Government
24 has jurisdiction and -- over land and water regulation,
25 and -- and we have the -- the land subsurface, and some

1 -- some jurisdiction that we bring to the table.

2 So the -- the agencies for listening to
3 these two (2) authorities is, like, let's say, the
4 Mackenzie Valley Board, especially in the
5 environmental, to dig into the -- to -- to dig into the
6 environmental psychology of where we're trying to get
7 at, is that the Board provides a forum and -- and
8 that's why the -- when we look at the Board, there's
9 Aboriginal government representatives not necessary to
10 -- to the views, but they have a presence there. And
11 then you have the Federal and territorial presence.

12 So what we're doing is we're providing
13 as much information to the forum that we're comfortable
14 with and which we were part of in developing the
15 earlier concepts that were brought forward by the Dene-
16 Metis back in the nineteen (19) -- early -- early
17 1980s.

18 So we're bringing our stuff to the
19 Board, the developers bring their stuff to the Board,
20 and so is government. And so within that forum is
21 where we're providing as much information to ensure
22 that the path forward respects not only the
23 jurisdictions, but the -- the -- some of the benefits
24 that might -- that might flow into -- on -- into these
25 areas.

1 So that's -- that's the concept of this
2 big link, is that the Board has a very big
3 responsibility. It's sitting in between all these
4 parties, but needs to take into consideration the --
5 the right information to those things.

6 And so I'm not sure that answers the
7 questions, but there's different approaches I can take
8 also. Masi.

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

11 MR. DANNY BAYHA: Thank you, Mr. Chair.
12 Thank you for your response. More or less, I was
13 thinking what exactly is happening on the ground level
14 to do that, to -- to make sure that link is done. I
15 mean, I'm sure there's -- there's programs in schools
16 as well, but for example in -- in our area, and in --
17 in the Sahtu, we try to -- try to help with that by
18 trying to complete a land use plan.

19 So I was just thinking maybe if that was
20 the case here as well or not, to help map out things
21 out there that is very important to you, important to
22 communities, important to the Elders, such as Hislop
23 Lake, like you mentioned earlier, and -- and
24 communities have made it very clear.

25 Is there some sort of things out there

1 that's working that are going to be -- you intending on
2 -- Tlicho Government is intending to do to help that
3 link made stronger? Thank you.

4 THE CHAIRPERSON: Thank you, Mr. Bayha.
5 On to Tlicho Government.

6 MR. JOHN B. ZOE: There's some things
7 that have been going on. One (1) that you mentioned is
8 the land use plan that probably the Grand Chief can
9 expand on a bit, but there are other programs like the
10 -- getting the youth to -- youth to know their
11 environment a little bit more is the trails of our
12 ancestors, which was started in 1995.

13 It's just a -- the reason I say 1995 is
14 it's more like a modern, organized way of doing it.
15 But prior to that it was the -- the traditional people
16 going up and down the trail, including to the barren
17 lands to go hunting.

18 And some of the things that we saw this
19 morning were through our agreement with the Territorial
20 Government on the intergovernmental services agency
21 that -- that we've created this Board, where we invest
22 our authorities and they invest the -- the Canadian
23 funds to make it work. And the psychology behind
24 trying to make it work is that the agency will keep our
25 interests invested as long as there's improvements in

1 the language, culture, and way of life.

2 And the monitoring person for that is
3 the cultural coordinator that is going to monitor and
4 make sure that those things happen so that if there is
5 a linkage between the Western and -- and traditional
6 put together, that there would -- that it would be
7 better to support the agency than try to take it over
8 and do it ourselves. Because by taking it over and
9 doing it ourselves, I think it's the -- the ultimate
10 thing to do, but you lose a partnership with that.

11 So those are a few examples of -- of the
12 things that are happening in the school where there --
13 and I'm proud of the fact that they're doing -- a first
14 time, an immersion, where you just -- first-time
15 students coming into kindergarten are just being
16 strictly taught in the Tlicho language, and they
17 started a few days ago.

18 And the other one (1) is the -- like the
19 Tlicho Government making sure that they have an Elders
20 advisory travelling with them all the time and ensuring
21 that the proceedings of government is strictly in a
22 Tlicho language and all the traditional activities of
23 hunting, trapping, and fishing are still supported.
24 Masi.

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Okay. Thank you.

4 Mr. Danny Bayha, any further questions?

5 MR. DANNY BAYHA: Masi. Again, I just
6 want to say thank you again to the Elders, and we hope
7 that they would help and -- and pray for us as -- as a
8 Board so we can make the best decisions going forward.
9 Thank you.

10 THE CHAIRPERSON: Thank you, Mr.
11 Bayha. I'm going to go to Board member Rachel Crapeau.

12

13 (INTERPRETED FROM TLICHO INTO ENGLISH)

14

15 MS. RACHEL CRAPEAU: With your
16 traditional knowledge you've made a presentation, and
17 we'll still -- we'll still be waiting for your complete
18 project on the traditional knowledge on September 15th.

19 With working -- working together -- as
20 we work alongside each other, I hope that we work along
21 together. I used to work with Elders in Dettah. And
22 the map that we worked on, I've worked on this project
23 along with the Elders.

24 When we do research and study, and
25 moving forward and -- and what will be done in the

1 project, within the project, and who's going to be
2 working and who's going to create this kind of mine
3 site.

4 So in doing this kind of research and
5 conducting information on traditional knowledge, and
6 once it's all complete and -- and it's very important
7 that it's complete. So that -- so I will look out for
8 your language.

9 And -- and today, as we are gathered
10 here, and tomorrow we will be listening to many pres --
11 presenters just as with yesterday. Yesterday they talk
12 about water, how -- how -- where are they going to have
13 to open pit and also where they're going to continue
14 underground. And we heard about the scientific
15 knowledge. But you -- you, using your language and do
16 a presentation, and -- and we have to do our complete
17 study, and also the scientific and the traditional
18 knowledge.

19 And if we have these two (2) documents
20 together, then when we look at the information, then --
21 and -- and then -- and once we -- there's a decision to
22 be made, then if we're going to support a decision or
23 how their project should begin. So I just wanted to
24 mention that to you.

25 Some of the people, the elderlies, I

1 still -- I still work with the Elders. I still
2 continue working with the Elders. And the Elder -- one
3 (1) of the -- it'd be good to get some more funding
4 with -- with that once you complete your land use plan.
5 And -- and you still have -- it will further increase
6 language, and also the Tlicho Government.

7 We, as Aboriginal people, the Board
8 members, as we do our -- when you do your TK Study, it
9 will simplify our work and making our decisions. I
10 just wanted to say that. Thank you very much.

11

12 (INTERPRETATION CONCLUDED)

13

14 THE CHAIRPERSON: Thank you, Board
15 member Rachel Crapeau. I'll go to Board member Percy
16 Hardisty.

17 MR. PERCY HARDISTY: Masi, Mr. Chair.
18 I -- I don't have any questions today, but just a
19 comment in regards to the -- the final report of the TK
20 Study. I'd like to just echo my colleagues, that the -
21 - you're going to maybe ensure that -- to ensure that
22 it's part of the -- our decision-making. Masi.

23 THE CHAIRPERSON: Thank you. I'm going
24 to -- we're going to stop there now. We'll go take a
25 one (1) hour break. But before we do that, I want to

1 thank the Tlicho Government, John B. Zoe, and Rachel
2 Olson, Georgina Chocolate. And I'd like to thank the
3 Elder, Harry Apple. Masi for your presentation.

4 And we'll come back in one (1) hour.

5

6 --- Upon recessing at 1:20 p.m.

7 --- Upon resuming at 2:29 p.m.

8

9 THE CHAIRPERSON: Thank you. I'd like
10 to call the hearing back to order. It's now 2:29.
11 Before I go on to the next part of the agenda I want to
12 make some comments and -- about the agenda. But before
13 I do that I just wanted to say that you heard today
14 that the Tlicho has -- the Tlicho government has
15 requested for an additional hearing date to consider
16 the report or the results of their TK, which is
17 scheduled to be completed on September 15th, 2012.

18 The Board indicated that it would rule
19 on this request tomorrow, probably tomorrow morning at
20 9:00. As you know, the Tlicho TK again is due to be
21 filed on September 15th. And I want to emphasize that,
22 on the 15th of September, as mentioned here today.

23 Any additional hearing time would have
24 to be after -- any additional hearing time will have to
25 happen after that date. So to do -- to go forward, all

1 parties will have to consider the TK report and decide
2 whether to participate in such a hearing, and if so,
3 actively to do so.

4 Before making this decision the Board
5 needs to hear from all the parties. So I'm going to
6 work through the list of the parties and ask each of
7 you whether you support or oppose the Tlicho Government
8 request for an extra hearing day. Please also tell the
9 Board why you take your position for going against this
10 request.

11 So in that order, I'm going to go to the
12 Tlicho Government to see if they have anything to add.
13 I'm going to go to the Tlicho Government.

14 DR. GINGER GIBSON: Masi, Mr. Chair.
15 Ginger Gibson, from the Tlicho Government. Mr. Chair,
16 the Tlicho Government has been making this request for
17 -- for some time now, when it was apparent to us that
18 the -- the material was going to be filed on September
19 15th. And -- and so you do have our -- our request on
20 the record on our -- from our letters of June 4th and
21 July 30th.

22 The dialogue we had today was so
23 fundamental to the work. And -- and we've seen this
24 kind of dialogue been -- be incredibly creative and --
25 and suggestive for the company itself in, for example,

1 wetlands treatment. That precise dialogue that
2 occurred in technical sessions was what led us to new
3 proposals being reached that we're considering today in
4 the closure session.

5 So that same treatment of Tlicho
6 traditional knowledge is through that kind of
7 expressive dialogue, that -- that dialogue that we can
8 have just that -- like we had this morning is what we
9 hope to -- to give to the Tlicho traditional knowledge
10 of study, is that reflection, that thoughtfulness, and
11 -- and that -- that consideration of the findings. We
12 think that it's vital for understanding the location
13 and -- and truly reflecting on th -- that -- the
14 importance and the significance of that space and place
15 and that cultural landscape.

16 And -- and we also believe that it will
17 be vital for all parties to consider that knowledge and
18 -- and then reconsider or -- or indeed confirm their
19 own impact predi -- predictions, think through the
20 effects pathways. We believe that it could have vital
21 information that will change the effects pathways and
22 the impact predictions made on, for example, caribou
23 and on socioeconomic issues, and most vitally on
24 closure.

25 We believe also that mitigation measures

1 that are thought through internally after the report is
2 available and then discussed in context with this --
3 this group of creative thinkers that are here today
4 will be the mitigation measures that are -- are robust
5 and tried and -- and -- and mitigation measure that we
6 think could be protective of Tlicho -- the Tlicho
7 rights as guaranteed in the Tlicho agreement.

8 We're grateful that you are considering
9 this request and we are really -- we're really hopeful
10 that there will be that equal consideration given, so
11 that we can -- as in -- in this public process give
12 that due consideration to the knowledge and indeed make
13 a good -- a good review and make good predictions about
14 what it is that -- that could happen with this proposed
15 mine. Masi.

16 THE CHAIRPERSON: Thank you. Okay
17 then. I want to go ahead to the -- canvass the room.
18 Then I'm going to ask the parties if they -- if there's
19 any objections or they approve the additional hearing
20 days, then I want to have that on record. And if you
21 don't agree I -- I need to know why. So I'm going to
22 ask for that.

23 So what I'll do now is that I'm going to
24 go to the Yellowknives Dene First Nation.

25

1 (BRIEF PAUSE)

2

3 MR. TODD SLACK: Thank you, Mr. Chair.

4 The Yellowknives Dene would support the idea. In
5 principle it's been our experience that traditional
6 knowledge doesn't always receive the same credence that
7 scientific data does.

8 Here we have a thorough report being
9 prepared and we very much encourage the -- the board to
10 provide an opportunity for all parties to comment and
11 participate in that review, as well as allowing us to
12 evaluate the impact predictions in light of this new K
13 -- TK, which we don't have at this hearing. Thank you.

14 THE CHAIRPERSON: Thank you. I'm going
15 to go to the Akaitcho IMA office. I'm not sure if
16 there's anybody here. Don't see any hands. Okay. I'm
17 going to go to the North Slave Metis Alliance. Mr.
18 Bill Enge...?

19 MR. BILL ENGE: Thank you, Mr.
20 Chairman. Bill Enge here. Yes, the North Slave Metis
21 Alliance wholeheartedly supports the Tlicho request to
22 have another hearing to take into consideration the
23 traditional knowledge study report that they are
24 currently finalizing.

25 And this request falls in line with the

1 North Slave Metis Alliance's request as we have put on
2 the record that we also wish to submit our traditional
3 knowledge report on September 15 as well. Thank you.

4 THE CHAIRPERSON: Thank you. Fisheries
5 and Oceans Canada...?

6 MS. BEV ROSS: Bev Ross, Fisheries and
7 Oceans Canada. DFO would want to take into
8 consideration the traditional knowledge study in any of
9 our determinations and are supportive of whatever the
10 board decides. Thank you.

11 THE CHAIRPERSON: Thank you. I'm going
12 to go to the Government of Northwest Territories.

13 MR. SHAFIC KHOURI: Sh -- Shafic,
14 Environment and Natural Resources, Government of
15 Northwest Territories.

16 We would be in support of the -- we --
17 we are not in degree -- disagreement of any such
18 proposal, so that would be great, thank you.

19 THE CHAIRPERSON: Thank you. I want to
20 go to Aboriginal Affairs Northern Development Canada,
21 AANDC.

22 MR. ROBERT JENKINS: Thank you, Mr.
23 Chair. It's Robert Jenkins, Aboriginal Affairs.

24 As we mentioned yesterday, we value the
25 input from the TK report that's forthcoming, and we

1 were going to review our recommendations and adjust
2 them moving forward in our final submissions. So any
3 opportunity to discuss this further would be valuable
4 to us, so we support it in that regard.

5 We do urge the Board to continue in a
6 timely process on this file. Thank you.

7 THE CHAIRPERSON: Thank you, Mr.
8 Jenkins. Environment Canada...?

9 MS. SARAH LACEY MCMILLAN: Sarah Lacey
10 McMillan with Environment Canada. We will be reviewing
11 the TK study when it is released, and for our final
12 submission. And so we will be welcoming any
13 opportunity to discuss it, and we will be glad to
14 participate in the Board's process, whatever they
15 chose. Thank you.

16 THE CHAIRPERSON: Okay, thank you.
17 Transport Canada...?

18 MR. DALE KIRKLAND: Good afternoon.
19 Dale Kirkland for Transport Canada. Two (2) points,
20 Mr. Chair, on this.

21 One (1) is Transport Canada does look
22 forward to receiving the report on September 15th, and
23 we will consider that information in assisting us in
24 understanding the potential impacts of navigation and
25 navigational safety.

1 With respect to an additional day for a
2 hearing, we do understand and acknowledge the Board has
3 responsibility for the procedural matters, and on that
4 note we will support any decision the Board makes in
5 that regard. Thank you.

6 THE CHAIRPERSON: Okay, thank you.
7 Natural Resources Canada...?

8 MR. ROB JOHNSTONE: Mr. Chairman, Rob
9 Johnstone, Natural Resources Canada.

10 Natural Resources Canada has no
11 objection to an extra session to deal with traditional
12 knowledge. We will, as with the rest of the Federal
13 family, be reviewing the report, and leave it up to the
14 Board's decision to proceed in this manner.

15 THE CHAIRPERSON: Okay. Thank you.
16 And finally I'm going to go to Fortune Minerals
17 Limited.

18 DR. RICK SCHRYER: Thank you, Mr.
19 Chairman. Rick Schryer, Fortune Minerals.

20 Fortune Minerals respects the
21 traditional knowledge that the Tlicho have gathered.
22 We are confident in our impact assessment results in
23 that we feel that there will be no significant change
24 to any of the resources that the Tlicho use now or in
25 the future for traditional practices.

1 That being said, we want -- we wish to
2 reaffirm our commitment that we made to the Tlicho
3 Government in the technical meetings in February, that
4 the closure of the public registry does not mean the
5 closure of our use of the -- of the traditional
6 knowledge information.

7 We made the commitment to use that
8 information as much as possible on the development of
9 such plans as the wildlife effects monitoring plan, the
10 aquatic effects monitoring plan, and the overall
11 development and operation of the mine.

12 As to our position for -- on the -- the
13 extra day, Fortune Minerals doesn't see the need for an
14 extra hearing date, but we would consent to participate
15 in an extra hearing date if the Board so rules. The
16 only request that we would make is that it be done in a
17 timely manner as to maintain the permitting process in
18 an efficient manner. Thank you.

19 THE CHAIRPERSON: Thank you. What I'll
20 do then is that the -- the Board will -- will meet this
21 evening, and we'll take that into consideration, along
22 with ruling. And tomorrow morning first thing before
23 we start, I'll announce the ruling.

24 If -- if the -- having said that, then
25 what I'll do then is for the agenda today we're going

1 to stop right after the caribou presentation at 2:30,
2 or we're already behind now but on the agenda it says
3 that, so anything in regards to closure, I want to put
4 off the agenda and I'll make my announcement tomorrow
5 morning on this ruling. So with that, thank you very
6 much. I appreciate it from everybody. Masi.

7 I'm going to go to -- now we're going to
8 go into Fortune Minerals' caribou and wildlife effects
9 monitoring plan presentation by Fortune Minerals. And
10 then we're going to go to the Tlicho, and then
11 Government of Northwest Territories, Environment
12 Canada, North Slave Metis and YKDFN.

13 But -- but again, I'm trying to keep an
14 order in terms of time. So I'd appreciate it if we
15 could just keep it brief. And then let's -- and then
16 we'll go into questions. Thank you.

17

18 CARIBOU AND WILDLIFE EFFECTS MONITORING PLAN

19 PRESENTATION BY FORTUNE MINERALS:

20 MR. CAM STEVENS: Hello. My name is
21 Cam Stevens. I'm with Golder Associates. Mr.
22 Chairman, first I would like to thank you for providing
23 the opportunity to provide this summary. And I'd also
24 like to extend that thank you to the community, the
25 people that are here today and the people that have

1 provided lunch.

2 Caribou was identified as a key line of
3 inquiry by the communities as listed in the terms of
4 reference for the developer's assessment report, also
5 known as a DAR or the report.

6 This presentation is a summary of the
7 key line of inquiry caribou chapter within the DAR,
8 additional information provided by Fortune Minerals
9 through the Information Requests, undertakings and
10 information provided at the technical sessions.

11 This presentation is meant to provide a
12 very brief overview of the assessment for both types of
13 caribou in the region, woodland, also known as boreal
14 car -- caribou, and barren-ground caribou.

15 This slide is just a brief, short
16 outline of the presentation. I'm going to start with
17 some background information, some baseline information
18 on caribou, woodland caribou first, then barren-ground
19 caribou, followed by the assessment and the
20 consideration of cumulative effects, followed by our
21 conclusion, the impact classification, as well as
22 mitigation.

23 Fortune understands the importance of
24 caribou to the Tlicho, Yellowknives and Metis. Fortune
25 recognizes the impact of caribou harvest reductions to

1 the Tlicho way of life, to traditional and cultural use
2 and local economies. Fortune is aware of these issues
3 and intends to proceed in the most respectful manner.

4 First, I would like to talk about
5 woodland caribou. Nico Mine lies in the Taiga shield
6 eco region. To the west lies the Taiga plains eco
7 region where there is woodland caribou.

8 The woodland caribou range ends at this
9 boundary or is thought to end at this boundary of this
10 eco region. Only part of the Nico access road is
11 within the range of the woodland caribou.

12 Baseline work, research and traditional
13 knowledge tell us that caribou in the region occur at
14 very low densities. They space themselves out. And
15 this is a strategy that makes it hard to find them,
16 both for predators and for the people that monitor
17 them.

18 Baseline studies dating back to 2004 did
19 not detect woodland caribou near the Nico Project.
20 Baseline surveys have included aerial and tracking
21 surveys. And these surveys have benefited by help
22 provided by local -- local community members.

23 But, from traditional and local
24 knowledge in the Tlicho, there has been traditional
25 hunting of woodland caribou in the region. And, we

1 know that woodland caribou are more common to the west
2 of the Nico Project area beyond Whatì.

3

4 (BRIEF PAUSE)

5

6 Again, woodland caribou is sometimes
7 referred as boreal caribou. The density of boreal
8 woodland caribou in the region is low. In the
9 Wek'eezhii Renewable Resources Board publication in
10 2012, it was reported that boreal caribou are found at
11 a density of one point four (1.4) caribou per a hundred
12 kilometres squared within Wek'eezhii.

13 To put that number in perspective, the
14 Nico Mine footprint covers an area of about 5
15 kilometres squared, and the Nico Project access road,
16 the MPAR is 27 kilometres long with a 10 metre right-
17 of-way. So the habitat of only a very few individuals
18 of woodland caribou will be affected by the project.

19 The incremental effects of the project
20 consider both the Nico mine and the access road, not
21 the Tlicho road route, as incorrectly suggested within
22 Environment Canada's technical report. A key finding
23 is that there is minimal human development within the
24 range of woodland caribou for the Northwest
25 Territories' south herd, about 1 percent, as defined by

1 Environment Canada.

2 Fire is the predominant disturbance
3 factor within its range, but this doesn't necessarily
4 mean that the herd is not a stable, self-sustaining
5 population.

6 A range of mitigation is being pro --
7 being proposed -- excuse me. The proposed mitigation
8 measures are expected to be equally effective for both
9 woodland and barren -- barren-land caribou. And I'll -
10 - I'll go over these in some detail at the end of this
11 presentation.

12 The Nico project site and the Nico
13 project access road are positioned along the periphery
14 of the woodland caribou range for the Northwest
15 Territories' south herd. This map illustrates the
16 range boundary as defined by Environment Canada, which
17 considers the Northwest Territory/Alberta border. The
18 boundary of the eco re -- regions to the west of the
19 project site is the Taiga Plains. To the east of the
20 project site is the Taiga Shield.

21 The Nico Project site occurs along the
22 edge or the periphery of the woodland caribou range.
23 The assessment for this herd considered not only the
24 area around the Nico project site and the Nico project
25 access road, but the entire range of the Northwest

1 Territories' south herd.

2 Additional investigations into the
3 effects to woodland caribou was undertaken by Fortune
4 Minerals for Environment Canada. This included
5 Undertaking Number 4, which is on the registry. And
6 the undertaking estimated that less than 0.1 percent of
7 the range will be disturbed or affected by the project
8 -- the Nico project access road. Again, only the Nico
9 project acc -- only a portion of the Nico project
10 access road intersects with the woodland caribou range.

11 Based on our assessment in the report,
12 as well as follow-up work that was requested, we
13 concluded that changes to people's opportunity for
14 traditional use of woodland caribou from the Nico
15 project will be very, very minor. It will be negli --
16 negligible. In other words, a hunter's chance of
17 finding and harvesting caribou would not be noticeably
18 affected by the -- the Nico project.

19 And this conclusion is based, in part,
20 on the -- the mitigation strategies, strategies that
21 Fortune is committed to. It is also based on the
22 expectation that there will be little displacement of
23 caribou by the project; that hunters -- local hunters
24 already have access to the entire study area through
25 existing trails, waterways and winter roads. And some

1 of this information was presented earlier today, and
2 that people don't typically don't look for Woodland
3 caribou in the vicinity of the Nico project. We
4 believe that the traditional knowledge study of
5 Woodland caribou undertaken by the Wek'eezhii Renewable
6 Resources Board supports this conclusion.

7 Now I would like to talk about Bathurst
8 caribou. The key point I want to make is that the
9 assessment of potential impacts to caribou, both
10 barren-ground and Woodland caribou were primarily based
11 on habitat loss.

12 And -- and for barren-ground caribou the
13 focus is on the Bathurst herd, and this is the range --
14 the range of this herd -- of the other herds in the
15 region has the highest level of development and that's
16 why we focus on the Bathurst herd.

17 Habitat losses including direct habitat
18 losses and indirect habitat losses from sensory
19 disturbances were assessed using both the winter range
20 and overall annual range. And these ranges were
21 calculated and determined using satellite and collar
22 data that was collected by GNWT.

23 The only seasonal range that overlaps
24 with the project is the winter range. The Nico project
25 is not near the barren-ground caribou calving and post-

1 calving grounds. During winter Bathurst caribou are
2 generally found within the forest, below the tree line
3 and tend to move very little due to the -- due to deep
4 snow and the energetic costs of moving in deep snow.

5 The Bathurst herd winter range, again
6 defined by collar data -- satellite and collar data
7 collected by the GN -- GNWT dating back -- as far back
8 as 1996 extends from Great Bear Lake in the northwest,
9 all the way to northern Saskatchewan in the southeast.

10 This winter range is roughly 212,000
11 kilometres squared. The Nico project is only 4.9
12 kilometres squared, or less than .1 percent of the
13 winter range. And the Nico project lies on -- at the
14 periphery or the edge of the winter range for Bathurst
15 caribou.

16 And our baseline work indicates that
17 barren-ground caribou are not present at all in some
18 years in this area of the winter range. We focussed
19 our assessment on the winter range because it allowed
20 us to make a more detailed and accurate assessment
21 effects.

22 Use of a larger study area can tend to
23 dil -- dilute the effects of one (1) project. So
24 focussing on the winter range was a conservatively --
25 an environmentally conservative approach.

1 Within the winter range losses of high
2 and low quality habitats were assessed using a resource
3 selection function, a model, that was developed by
4 Fortune Minerals.

5 We would like to note that the YK Dene
6 First Nation Technical Report incorrectly reports
7 losses of preferred habitat to be 10 percent.
8 Preferred habitats were assessed at the range level and
9 this is consistent with -- with the academic research,
10 specifically Chris Johnson's work.

11 The Bathurst herd annual range, the
12 white line here illustrates the annual range, size and
13 position on the landscape, which includes a calving
14 range to the north, the post-calving range more or less
15 in the centre of this -- of this polygon, this range,
16 and other seasonal ranges including the winter range.

17 All ranges were defined using satellite
18 and collar data collected by GNWT. The annual range is
19 incred -- is an incredibly large area standing 309,000
20 kilometres squared.

21 And the project site in relation to this
22 range is located right here in the centre of the slide
23 and at the edge of the -- the Bathurst annual range.

24 For the Bathurst her -- Bathurst herd
25 caribou assessment, a suite -- a number of measurement

1 endpoints were considered. These included available
2 habitat, on both the winter and annual range. We also
3 consider all other developments on landscape for which
4 we could find information. We also considered an
5 assessment of movement behaviour in the winter range,
6 the effects of access and increased access for
7 harvesting animals and health effects.

8 For the habitat assessment, we
9 conservatively assumed that footprints were permanent
10 features on the landscape, even if they were very old.
11 All phases of the project were evaluated -- were
12 evaluated, including construction, operation and
13 closure.

14 For other developments, we characterize
15 those developments as active developments. For
16 example, they are in operation or construction, or they
17 were classified as being inactive, if holding an
18 expired permit on the landscape.

19 This slide just illustrates what I just
20 -- just went -- went over. We considered natural
21 environmental conditions, habitat loss, direct losses,
22 indirect losses from sensory disturbances, changes to
23 mor -- mortality. Together, all these factors were
24 evaluated for understanding both incremental impacts
25 from the project, as well as cumulative impacts when

1 combined with other developments on the landscape.

2 With regards to our cumulative effects
3 assessment, we considered four (4) cases, or four (4)
4 scenarios: The historical reference case, essentially
5 this is a case where there's no development on the
6 landscape, it's a pristine scenario; a baseline or
7 existing case; the application case which includes the
8 baseline existing environment plus the project; and a
9 future case.

10 To understand the cumulative impacts, we
11 compared the future scenario to the referenced
12 scenario. And as part of the future scenario, we
13 included reasonably foreseeable developments on the
14 landscape. For example, the proposed Tlicho road
15 route, the Taltson expansion project, the Gahcho Kue
16 project, the Bathurst inlet port and road project, all
17 proposed new mines were included in the future-case
18 scenario.

19 The assessment examined natural factors
20 that impact caribou, so that we could understand the
21 relative impacts of the project in comparison to
22 natural factors that influence caribou abundance and
23 distributions. For example, spring is a critical time
24 for caribou, as it is a time when caribou are migrating
25 to the calving grounds. Poor spring conditions, for

1 example, a late greenup has implications for female
2 caribou and calf survival. Expending extra energy can
3 lead to fe -- to female -- to -- leads to female body
4 mass loss. The females losing weight means less calves
5 survive.

6 For the habitat assessment, the Nico
7 Project will result in a direct loss of habitat that
8 will be very minor in magnitude; for example, less than
9 1 percent of the winter range will be affected.

10 But the construction and the operation
11 of the Nico project will result in -- in noise and
12 other sensory disturbances, which may then result in a
13 reduction of habitat use around the project site and
14 around the road. This is what some researchers call
15 the 'zone of influence'.

16 We assumed, or predicted, the zone of
17 influence to be up to 15 kilometres from the mine
18 footprint. The zones of influence can range from 500
19 metres per roads in Northern Alberta, based on the peer
20 review literature, to 11 to 14 kilometres at the
21 Ekati/Diavik Mine complex in the barren grounds.

22 We conservatively selected a 15
23 kilometre zone for our assessment. The effect of this
24 response and caribou behaviour and movement to mine-
25 related disturbances was included in accumulative

1 effects assessment. It is important to note that this
2 effect is temporary and reversible.

3 Overall, accumulate impacts of habitat
4 losses from footprints and from sensory disturbances
5 from the Nico project or historical projects, existing
6 projects on the landscape and proposed future projects
7 are expected to be low in magnitude.

8

9 (BRIEF PAUSE)

10

11 Direct effects from the project on
12 individual caribou and effects that caribou health were
13 also assessed. These assessments concluded that the
14 Nico project will have minimal to no effect on caribou
15 survival. Caribou are highly unlikely to die as a
16 result of mine operations. This is based on the record
17 of other operating mines in the north. This is based
18 on proven mitigation that we applied at the Nico
19 project mine.

20 This considers the -- the proposed
21 wildlife monitoring plan. Also the wildlife risk
22 assessment c -- concluded that there will be no
23 measurable adverse health effects to -- to caribou.

24

25 (BRIEF PAUSE)

1 This slide was taken from the wildlife
2 health risk assessment. Caribou exposure to chemicals
3 of potential concern as a result of the Nico project
4 and other current and foreseeable developments was
5 considered to be negligible. There'll be negligible
6 changes -- very minor changes to chemicals of potential
7 concern in caribou tissue as a result of the Nico
8 project. In other words, the caribou will remain safe
9 to eat.

10 Key mitigation strategies. This list
11 was developed by considering what has already been
12 learned at other mines in the Northwest Territories.
13 Most of this mitigation is tested, is proven, and will
14 be equally effective for woodland and barren-ground
15 caribou.

16 Traditional and local knowledge was
17 considered in the identification of mitigation
18 strategies. I'm just going to go over a couple. The
19 layout of the mine footprint will -- it's a compact
20 layout and it will limit the area that is disturbed.
21 The layout of the mine footprint considered traditional
22 knowledge.

23 Fortune is recommending a no hunting
24 policy on the Nico project access road. And
25 importantly, a wildlife effects monitoring program will

1 be developed for the Nico project.

2

3 (BRIEF PAUSE)

4

5 Based on multiple pathways in the DAR,
6 in the report, and the use of multiple measurement end
7 points an environmentally conservative approach and a
8 suite of methods for assessing cumulative impacts, we
9 concluded that changes to peoples opportunity for
10 traditional use of Bathurst caribou in the Nico project
11 will be low in magnitude.

12 Mr. Chair, I would just like to
13 acknowledge that the Powerpoint presentation that's on
14 the registry says -- says neg -- negligible in
15 magnitude which is an error.

16 The main conclusion is that hunters
17 chance of finding harvesting caribou in the region will
18 not be noticeably effected by the Nico project. With
19 the exception of a small local change in distribution.
20 This conclusion is based, in part, on the mitigation
21 strategies that Fortune has committed to listed on a
22 precious slide.

23 It is also based on the expectation that
24 there will be little displacement of caribou by the
25 project and that hunters already have access to the

1 entire study area -- area through existing trails,
2 waterways, and winter roads as we saw earlier today.
3 Thank you.

4

5 (BRIEF PAUSE)

6

7 DR. RICK SCHRYER: Mr. Chair, before we
8 move on to questions, I'd like some clarification,
9 please. Rick Schryer, Fortune Minerals.

10 I believe you mentioned that you wanted
11 to push closure back to another date, or did I hear you
12 correctly?

13 THE CHAIRPERSON: Yes. I'm going to
14 look at making my announcement tomorrow morning.

15 DR. RICK SCHRYER: Rick Schryer,
16 Fortune Minerals. My constraint here is that all of my
17 experts on closure are here today. And -- and I would
18 prefer it if we could -- we could either do it either
19 this evening or tomorrow morning and perhaps move the
20 discussions concerning the access road to the same
21 session as the traditional knowledge simply because the
22 -- it's going to be difficult for me to reschedule
23 everybody and bring them all back at a -- at a later
24 date.

25 But the problem is -- my problem is

1 right now, I need to know now so I either tell people
2 they can leave or they can't leave.

3 THE CHAIRPERSON: Okay. Thanks. Hang
4 on a second.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON: Thank you, Fortune
9 Minerals. We'll take a five (5) minute break. And
10 we'll come right back.

11

12 --- Upon recessing at 3:09 p.m.

13 --- Upon resuming at 3:31 p.m.

14

15 THE CHAIRPERSON: Before I read out the
16 Board's decision, over the number of days I've been
17 trying to acknowledge people in the audience that are
18 here. And I've done that in Whati and in Yellowknife,
19 and I'm going to do it here.

20 And I just wanted to recognize the MLA
21 for this region, Jackson Lafferty. If he could stand
22 up. Jackson Lafferty.

23 Also, being a former chief myself as
24 well, so I've always been trying to be respectful of
25 other chiefs as well, and I've done that as well in

1 Whati and Yellowknife, and I'm going to do that here.

2 So I want to recognize the former Chief for Behchoko,

3 Jackson -- Leon Lafferty, if he's here. Masi.

4 This afternoon, the Tlicho government

5 made a request for a ruling to -- for an additional day

6 to hear the TK report that's going to be completed on

7 September 15th, 2012. And so I took the time to take a

8 quick five (5) minute break and huddle my Board

9 members, legal counsel, and -- rather wait till

10 tomorrow morning, I want to announce our ruling, and

11 I'll do that so right now.

12

13 RULING:

14 THE CHAIRPERSON: We've -- in regards

15 to the ruling for request for an additional day for the

16 Tlicho government, we have decided to set down -- set

17 down two (2) additional days, hearing days. We plan to

18 hear the Tlicho government presentation on the

19 traditional knowledge report, allow for questions and

20 thorough discussion of the report for one (1) day.

21 But I want to emphasize that, when we do

22 sit down to review this report, that if it's not in our

23 office on September 15th at five o'clock, we will

24 proceed with the hearing. So I want to make -- you

25 know that right now, and -- and it's for the record.

1 Also, we want to plan to -- if you were
2 looking at the agenda, I want to suggest -- well, I
3 guess I shouldn't say "suggest," I'm going to move a
4 couple of things around here. So we're going to
5 continue for today on the caribou, and if you are
6 looking at closure, we're going to move that to
7 tomorrow morning, first thing, and then Friday, August
8 31st of 2012, we're going to deal with Nico project
9 access road; that's going to be on day 2 of the two (2)
10 day public hearing that we're going to look at doing
11 shortly.

12 So tomorrow, we'll continue on as
13 planned, but tomorrow morning, we will deal with
14 closure. So that will address Fortune Mineral's
15 issues.

16 The Board will schedule dates at the --
17 at the earliest possible time, but I'm going to suggest
18 that -- that my staff will canvass the parties here
19 today and try to work out a date for the two (2) day
20 public hearing to finish off this file.

21 So what I'm going to do is, I've got
22 Chuck Hubert here. He's going to talk to the parties
23 here, and I'm going to try and come up with the dates
24 so I announce that tomorrow morning for the record,
25 because it gives everybody an opportunity to plan and

1 to be here. So -- so Chuck -- before you guys leave,
2 if you guys could talk to Chuck, and we'll try and get
3 this thing sorted out, because I want to deal with it
4 and be done with it.

5 So -- so tomorrow morning, we'll --
6 first thing at nine o'clock, we'll go ahead and do the
7 closure. Again, I want to thank the -- the parties for
8 being flexible, and -- and, again, we remain committed
9 to ensuring the report of EA is done in a timely
10 fashion.

11 So, I'm trying to accommodate some of
12 these requests, and so that's our ruling for the
13 requests for the Tlicho government on the additional
14 day they needed, but I'm going to add one (1) more day
15 to it, and tomorrow morning I'll announce the next
16 hearing date to conclude this public hearing.

17 So with that, I'm going to continue on
18 now with the agenda. And the next one on the agenda
19 now I have is the Tlicho -- sorry.

20 Sorry about that. We'll continue on
21 with Fortune Minerals. I think they got one (1) more
22 slide, I'm told, then we'll go into questions. Then
23 after that we'll go into the Tlicho government on their
24 presentation after question and answer. Thank you.

25

1 (BRIEF PAUSE)

2

3 MR. DAMIAN PANAYI: Thank you, Mr.
4 Chairman. My name is Damian Panayi. I'm a wildlife
5 biologist with Golder Associates, and based in the
6 Yellowknife office. And on behalf of Fortune Minerals,
7 I'd like to take a few minutes to describe some of the
8 commitments that Fortune is making with regards to
9 wildlife monitoring at the Nico project.

10 Now, there's already a conceptual
11 wildlife effects monitoring program plan submitted to
12 the Review Board as part of the environment -- as part
13 of the development -- sorry, Developer's assessment
14 report, so we're not going to go over that plan here.
15 We're just going to review some of the commitments
16 which are made with respect to that plan.

17 And just to clarify, we just had a
18 presentation on caribou. The wildlife effects
19 monitoring program would be with regards to all
20 wildlife found at the Nic -- at the Nico project.

21 So I'm just going to work around -- work
22 my way around this -- this graphic here. I'll start
23 with community updates, and I'd like to point out that
24 it's essential that communities are involved in
25 monitoring so they can judge for themselves how well

1 Fortune is doing at reduce effects, and looking for
2 ways to improve environmental management.

3 Fortune will provide continuous updates
4 on the Nico project through direct participation, and
5 regular communication through -- and through annual
6 reports, site visits, and public information sessions.

7 With regards to continued monitoring of
8 caribou, Fortune's wildlife effects monitoring program
9 will include monitoring of caribou throughout the
10 construction, operation, and closure phases of the Nico
11 project. Fortune hopes that Tlicho community members
12 will be take -- will accept jobs at the mine as
13 environmental monitors.

14 Environmental monitors will document the
15 presence of caribou near the construction areas, near
16 the work areas, and summarize observations of caribou,
17 communicate this information to managers, and carry out
18 mitigation as necessary to reduce risks to wildlife.
19 Further, the movement of collared caribou will be
20 monitored to provide an indication of approaching
21 caribou to the Nico project.

22 Means of monitoring caribou presence
23 along the Nico project access road will be discussed
24 with the Wek'eezhi Renewable Resources Board, and the
25 Tlicho government, and other interested parties.

1 In regards to working with the Tlicho,
2 Fortune is committed to working with the Tlicho
3 government and the Wek'eezhi Renewable Resources Board
4 to develop this monitoring plan, to implement this
5 monitoring plan, and to incorporate traditional
6 knowledge.

7 Once again, Fortune has submitted a
8 conceptual wildlife monitoring program which outlines
9 what the final plan might look like, and we look
10 forward to including some traditional knowledge in this
11 program, and finalizing it; however, we feel that it's
12 -- a lot of discussion is going to be required to
13 finalize this monitoring program, and -- and this --
14 these discussions should not be rushed.

15 Next is a meeting with GNWT and co-
16 management partners. Fortune will meet with the GNWT,
17 the Tlicho government, Wek'eezhi Renewable Resources
18 Board, to discuss the details of the wildlife effects
19 monitoring program during the permitting phase until
20 the plan is completed, and to meet the requirements
21 specific to the Nico project.

22 In terms of offering training to site
23 staff and education to people working at the site,
24 Fortune is committing to implement onsite monitoring
25 and -- or sorry, onsite education, including

1 orientation for all site personnel, contractors and
2 visitors. Staff will be reminded of the policy that
3 wildlife have the right of way at Nico. They will be
4 reminded of all strategies employed to reduce employee
5 wildlife interactions. There will be a no hunting
6 policy at the site. Staff will be reminded of the
7 waste management policies and any pro -- and the
8 prohibition on feeding wildlife.

9 And, finally, we have -- Fortune has
10 submitted a draft waste management plan. And
11 experience that other mines of shown that waste
12 management is an integral part of reducing effects to -
13 - to wildlife. So Fortune is committed to adhering to
14 the wild -- to the Waste Management Plan. This is
15 critical for reducing the potential for human wildlife
16 encounters at the mine site, and the potential for
17 wildlife mortalities due to these interactions.
18 Wildlife specific mitigation strategies will be
19 included in the waste management plan.

20 Mr. Chairman, that concludes this brief
21 presentation on commitments made in regards to the wi -
22 - wildlife effects monitoring plan. And I think we'll
23 be happy to answer any questions about this
24 presentation and the previous one.

25

1 QUESTION PERIOD:

2 THE CHAIRPERSON: Thank you for your
3 presentation, Fortune Minerals, regarding caribou and
4 the wildlife effects on monitoring plan. We have a
5 list of order in terms of people to question --
6 question you on your presentation, so I'm going to go
7 to the Tlicho Government. Is there any questions for
8 Fortune Minerals on their caribou and wildlife effects
9 monitoring plan?

10 Tlicho Government...?

11 MS. KERRI GARNER: Masi, Mr. Chair.
12 It's Kerri Garner, with the Tlicho Government. Thank
13 you, Damian, for that presentation. I do have a couple
14 of questions.

15 My first question is -- is to the
16 proponent. So given that the proposed Tlicho Road
17 extends to Gameti and the changes that have taken place
18 in the last three (3) years with the decline of the
19 Bathurst caribou herd and harvest restrictions, can you
20 discuss a little bit how you have considered the impact
21 of the Tlicho access road and how it may have an effect
22 on, for 1), caribou distribution, and 2), the effect of
23 increased access to hunters for both the Bathurst and
24 the Bluenose-East caribou herd? Masi.

25 THE CHAIRPERSON: Thank you. I'll go

1 to Fortune Minerals.

2

3 (BRIEF PAUSE)

4

5 MR. DAMIAN PANAYI: Mr. Chairman, I'll
6 just have to ask for a little bit of clarification.
7 Just to point out that under the terms of reference we
8 can -- we -- we have assessed the impacts of the Nico
9 Project access road on the Nico Project -- or to
10 caribou and Fortune's use of the Tlicho road. But it
11 was not within the terms of reference, as we
12 understood, to assess the impacts of the Tlicho Road to
13 caribou.

14 THE CHAIRPERSON: Thank you. I'll go
15 back to the Tlicho Government on --

16 MR. CAM STEVENS: Excuse me. Sorry.
17 Cam Stevens, Golder Associates. Sorry, Mr. Chair. We
18 would just like to point out to the Tlicho that
19 cumulative effects to barren-ground caribou from roads
20 were analyzed in the informal undertaking after the
21 technical sessions.

22 This is -- this informal undertaking is
23 dated April 13th, 2012. It's also done in the DAR.

24 Effects from the Nico Project access
25 road and the Tlicho Road were also analyzed in a

1 response to Information Request YK Dene First Nation
2 2.3. For example, using collar data from '96 to 2010,
3 the analysis indicated that there was a low potential
4 for barren-ground caribou to interact with the Nico
5 Project access road and the majority of the Tlicho road
6 route. Thank you.

7 THE CHAIRPERSON: Thank you. We're
8 going to go over to the Tlicho Government.

9

10 (BRIEF PAUSE)

11

12 MS. KERRI GARNER: Masi, Mr. Chair. I
13 -- I can appreciate what you're saying, but given that
14 the baseline data has essentially been looked at since
15 the decline of the Bathurst caribou herd, and we're
16 looking at it when it's in a state of decline, I think
17 that we can be certain that when the herd starts to
18 come back and repopulate itself that the caribou will,
19 most definitely or most likely, be coming further down
20 into their traditional caribou range. And, therefore,
21 there will be a greater chance of hunter access to the
22 caribou herd off of the Tlicho road.

23 THE CHAIRPERSON: Okay, thank you.
24 I'll go back to Fortune Minerals.

25 MR. CAM STEVENS: Cam Stevens, Golder

1 Associates. Mr. Chair, is there a question there?

2 THE CHAIRPERSON: Back to the Tlicho
3 government.

4 MS. KERRI GARNER: Masi, Mr. Chair.
5 Sorry. Yes, the question is: Can you explain to us
6 how you -- how you anticipate that there will be no
7 significant effect, or minimal effect, on access to the
8 Bathurst caribou herd and the Bluenose East herd, from
9 this access road, from increased access of hunters?

10 THE CHAIRPERSON: Okay. Thank you for
11 your question. To Fortune Minerals.

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON: While they are
16 sorting that out, I -- I just want to also recognize in
17 the back, the former Grand Chief George Mackenzie. I
18 believe he's here somewhere. And -- and the -- the
19 other former Grand Chief Joe Rabesca, as well. Masi.

20 I'll go back to Fortune Minerals.

21

22 (BRIEF PAUSE)

23

24 MR. JOHN VIRGL: John Virgl, Golder
25 Associates. Just to be clear, is this asking about the

1 Tlich -- Tlich road to Gameti, or the -- the Nico
2 project access road?

3 MS. KERRI GARNER: Masi. This is about
4 the Tlich road to Gameti.

5 MR. JOHN VIRGL: In the -- in the DAR,
6 we assessed that impact as being moderate. It was not
7 negligible, it was not low. We -- that means that in a
8 -- in a qualitative expression, because it's -- it's
9 not possible to quantify this, we have no -- no data on
10 the actual numbers of caribou harvested along the road,
11 baseline data. So we made a qualitative expression
12 based on the -- the already existing access of the
13 winter road to Gameti.

14 And, also, understanding that caribou
15 populations increase and decrease, so this was not just
16 based on the low population cycle, and the low point of
17 the population cycle, we made a prediction that the
18 impact would be moderate. And our definition of that
19 is that it would be approaching or ex -- exceeding the
20 range of current harvest levels that are occurring
21 right now or in the past.

22 The reason for that was because the road
23 already -- the winter road already extends into the
24 winter range of the Bathurst and Bluenose East caribou
25 herds. When the caribou move off the winter range,

1 regardless of whether or not there's an all season road
2 there, that does not increase access to caribou for
3 harvesting.

4 The point about an all-season road is
5 that it will increase the duration, the potential
6 duration, of the harvest. And that's why we said -- so
7 instead of it just being during the all-weather -- or
8 sorry, winter road season, it may actually extend from
9 when caribou get to that edge of the winter range at
10 the end of November. It may extend by a month or six
11 (6) weeks. This is why we said it would be a moderate
12 impact. Thank you.

13 THE CHAIRPERSON: Okay. Thank you.
14 Any further questions from the Tlicho government?

15

16 (BRIEF PAUSE)

17

18 MS. KERRI GARNER: Masi, Mr. Chair.
19 Kerri Garner, with Tlicho government. In -- all right,
20 this is somewhat responding to what you just said, but
21 it's another question. In 2007 and 2008 and '08/'09,
22 there was a harvest reporting project that was
23 conducted in Tlicho communities, which shows that a
24 significant portion of the harvest was done off of the
25 winter road. This study shows that the majority of

1 harvest took place along the winter road, so -- sorry.

2

3 (BRIEF PAUSE)

4

5 MS. KERRI GARNER: So with this
6 information in our hands, do you confirm that having an
7 all-season road will have no increased impact on the
8 caribou herd?

9 THE CHAIRPERSON: Thank you. Is --
10 I'm going back to Fortune Minerals.

11 MR. DAMIAN PANAYI: Thank you, Mr.
12 Chairman. There's one (1) aspect of the all-weather
13 road which we would like to point out, and that is that
14 it's further west than the existing winter road, which
15 actually brings it further out of the Bathurst caribou
16 range.

17 We saw in the map, during the
18 presentation there, that the Nico project is already at
19 the south -- southwestern edge of the Bathurst caribou
20 range. The Tlicho road and the -- the alignment which
21 has been proposed, or which has been described is
22 further west still. So we don't expect -- one wouldn't
23 expect that it's going to necessarily increase the
24 level of harvesting over the existing winter road.

25 And I might add to that further that the

1 traditional knowledge studies which have been done and
2 -- and, you know, information provided to Fortune,
3 indicates that people already have very good access to
4 the entire Tlicho region, whether it be through winter
5 roads, or snow machine trails, or waterways. So those
6 -- those comment -- you know, those -- those factors
7 led us to believe that there may be some increase in
8 access or some slightly different use of access with
9 the Tlicho road, with all -- and all thee -- the Tlicho
10 all-weather road, but we're not expecting a significant
11 increase in -- in harvesting.

12 THE CHAIRPERSON: Before I go back to
13 the Tlicho government, maybe for the record can you
14 state your name and then your colleagues as well, just
15 so that we have it down for our record. Thank you.

16 I'll go -- I'll go to the Tlicho
17 government. Any further questions?

18 MS. KERRI GARNER: Masi, Mr. Chair.
19 Kerri Garner, Tlicho government. I -- I guess I would
20 like to state for the record that the Tlicho felt that
21 there is a very significant difference between an all-
22 season road and a winter road and the access that you
23 have.

24 When there was a -- a gravel road that
25 went from Behchoko to Yellowknife, it took a very much

1 longer period of time to get from Behchoko to
2 Yellowknife in comparison to now, having an all-season
3 road, where it's a very, very easy drive, and people do
4 it on a daily basis to go to and from work.

5 The difference of having an all-season
6 road going to Gameti will make a significant difference
7 in the access to both the Bluenose and the Bathurst
8 caribou herds. Because if you have an all-season road
9 going to Gameti, it's a two (2) hour drive to get to
10 Gameti, which makes a very significant difference, in
11 comparison to a five (5) or six (6) hour drive in the
12 winter. And it also increases the duration, as you
13 explained, and this will have a significant impact.

14 And I'm perhaps speaking more
15 specifically -- well, I believe it will have an impact
16 on both the Bathurst and the Bluenose herd, because,
17 with this increased duration, that will make the
18 hunting season longer and allow more people to get
19 further north in to where the caribou are around Hotta
20 Lake (phonetic) for the Hotta Lake harvest, and it can
21 significantly increase that harvest as well.

22 So I guess the key point of my question
23 is about the increased access to the Bathurst herd,
24 which we do feel that that all-season road will affect
25 that and increase the access. But also the Bluenose

1 East herd has really not been taken into any
2 significant consideration that I have seen within the
3 work that the proponent has done. Masi.

4 And now onto my next question, Mr.
5 Chair, if that's okay. Masi.

6 DR. RICK SCHRYER: Mr. Chair, if I
7 could just respond to that for a second.

8 THE CHAIRPERSON: Yes, please.

9 DR. RICK SCHRYER: Rick Schryer,
10 Fortune Minerals. We need to stay conscious here of
11 the terms of reference for the environmental
12 assessment. We were to look at our use of the winter
13 road, or the -- the all-season road, in the context of
14 the project and what additional impacts our access road
15 would have on any impacts on the all-season road. As
16 such, we have -- we have shown that we feel that there
17 will be very little impact from our access road because
18 of the lack of caribou in that general area, and our
19 data shows that.

20 But, also, as we will mention in our
21 presentation on the MPAR, it's already on file, that
22 what Fortune Minerals is recommending is that we make
23 the -- our access road a no-hunting corridor in order -
24 - for two (2) reasons: 1) To limit access to wildlife
25 and protect all wildlife, but also for two (2) -- for

1 the second reason; being the -- the safety of people on
2 the -- on our access road, in terms of we don't want
3 people firing rifles down the length of the road.

4 We would fully expect that, for any
5 potential increase in -- in caribou harvest, either
6 from the access road or from the Tlicho Road, that it
7 would be coming to the management of the Wek'eezhii
8 Renewable Resources Board and the Tlicho government to
9 manage that -- that harvest, and that they could
10 implement harvest restrictions, or some other means of
11 managing the harvest for this -- for the -- for either
12 the Bluenose or the Bathurst herds. Thank you.

13 THE CHAIRPERSON: Thank you, Rick
14 Schryer and Fortune Minerals, for that clarification.
15 I'll go on to the Tlicho government and to your next
16 question.

17 MS. KERRI GARNER: Masi, Mr. Chair. To
18 move along, my next question for the proponent is -- I
19 appreciated getting a bit more information on the WEMP
20 and your last slide there, and we appreciate that you
21 have committed to a WEMP, and we -- we would like to
22 discuss this further, but the -- the question that I
23 have at this point is: Can the Developer indicate what
24 it thinks a meaningful process to develop a WEMP will -
25 - may look like, and how this -- how this process will

1 truly engage Tlicho Elders in asking the right
2 questions and developing a monitoring program that will
3 be based on -- on the Elders' questions and concerns?
4 Masi.

5 THE CHAIRPERSON: Okay. Thank you.
6 I'm going to go to Fortune Minerals.

7 DR. RICK SCHRYER: Rick Schryer,
8 Fortune Minerals. As you know, Fortune Minerals in our
9 response to recommendations agreed to a workshop with
10 the Tlicho in order to discuss caribou issues.

11 It's my expectation that we would work
12 out -- that the plan for moving forward for the
13 development of the wildlife effects monitoring plan in
14 that workshop in cooperation with the Tlicho
15 Government, and that that workshop would just be the
16 starting point in terms of moving forward towards the
17 development of the plan, i.e., we would set out the
18 work plan that would tell us how we were going to do
19 it. Thank you.

20 THE CHAIRPERSON: Thank you. I'll go
21 back to the Tlicho Government.

22 MS. KERRI GARNER: Masi, Mr. Chair.
23 That's all the questions that I have for now.

24 THE CHAIRPERSON: Thank you. I'm going
25 to continue onto -- the next order on my list is the

1 Yellowknives Dene First Nation.

2 MR. TODD SLACK: Thank you, Mr. Chair.

3 Todd Slack, YKDFN. I have eight (8) questions on two
4 (2) topics, but fear not I believe they're very short
5 questions.

6 The first question would be, How does
7 the Company envision enacting this WEMP? Is the
8 proposal to use the environmental agreement, or is
9 there another mechanism involved, and what level of
10 enforceability goes along with the ideas that you may
11 have?

12 THE CHAIRPERSON: Thank you. Before we
13 go to Fortune Minerals, you got eight (8) questions and
14 two (2) -- on two (2) separate topics? Is that what
15 you're saying?

16 MR. TODD SLACK: Yes, Mr. Chair, that's
17 correct.

18 THE CHAIRPERSON: Okay. Thank you.
19 I'll go to Fortune Minerals.

20 DR. RICK SCHRYER: Rick Schryer,
21 Fortune Minerals. In terms of the enforceability of a
22 wildlife effects monitoring plan, Fortune Minerals has
23 already made the commitment publicly to both the GNWT
24 and to the Tlicho Government just now, and again in our
25 technical meetings, to develop a wildlife effects

1 monitoring plan.

2 We've committed to a workshop to do so,
3 and we've committed to work cooperatively with the GNWT
4 and other co-management partners, such as the
5 Wek'eezhii Renewable Resources Board, in the
6 development of that plan. I feel that -- that that is
7 sufficient at this time to move forward with our
8 commitment to develop this plan. Thank you.

9 THE CHAIRPERSON: Thank you. YKDFN...?

10 MR. TODD SLACK: Thank you. And thank
11 you for that answer. Does Fortune regularly use
12 contracts as a general business tool?

13 THE CHAIRPERSON: Thank you. Going to
14 Fortune Minerals. Could you -- I guess maybe -- maybe,
15 Todd, can you expand that a little bit so -- so we're a
16 little more clear?

17 MR. TODD SLACK: Sure, Mr. Chair. I
18 have this as a series of questions but I'd to happy to
19 be -- happy to combine them.

20 I -- I think that we can all agree that
21 contracts are a general business tool. And one (1) of
22 the primary purposes of these contracts is to ensure
23 that each party is clear on what the expectations were.

24 In the general sense in Fortune's
25 experience it's that one (1) party will provide fifty

1 (50) what-have-you's for a hundred dollars (\$100), or
2 something along those lines. If these commitments are
3 not met, either the delivery of that product or the
4 payment, then there's recourse for those options.

5

6 Now, as we heard yesterday both parties
7 agree that there is no regulator for wildlife effects,
8 and accepting what we heard from the Proponent earlier
9 that the land and wildlife are critical to both the
10 Yellowknives Dene and the Tlicho, shouldn't the First
11 Nations be provided with more certainty than a
12 commitment that is effectively unenforceable re -- you
13 know, regardless of the -- the Company's good intent,
14 because of the significance -- the potential
15 significance that this may have?

16 If binding contracts are used on minor
17 issues over money, what we're talking about here is the
18 culture and identity of First Nations. So from the
19 Yellowknives' perspective, and I've -- I've -- respect
20 to the Tlicho -- in the past we've always used
21 environmental agreements, and I think we would hope to
22 see that in this case, as well.

23 So would the Proponent be willing to
24 follow through on that?

25 THE CHAIRPERSON: Thank you for your

1 clarification, and I want to go to Fortune Minerals.

2 DR. RICK SCHRYER: Rick Schryer,
3 Fortune Minerals. Thank you for that, Todd. Fortune
4 Minerals is -- has committed to the Tlicho people to
5 develop a wildlife effects monitoring plan.

6 We want to continue to develop and grow
7 our relationship with the Tlicho people. To be honest,
8 I don't think they would ever let us not develop a
9 wildlife effects monitoring plan and move forward with
10 this project. I just don't see it. It's at the heart
11 of their concerns.

12 So I think that, you know, in order for
13 us to move forward with this project it is an absolute
14 necessity that we develop a wildlife effects monitoring
15 plan in cooperation with the Tlicho Government and
16 other parties.

17 So I think that's the guarantee, is that
18 the guarantee is that Fortune Minerals wants to move
19 this project forward. And I see that as an absolute
20 must in order to -- to be able to accomplish that goal.
21 Thank you.

22 THE CHAIRPERSON: Thank you. Todd,
23 does that answer your question?

24 MR. TODD SLACK: I respect the
25 Proponent's answer. I would think that an

1 environmental agreement would be a better way to ensure
2 that certainty, but I respect the answer.

3 Number 6, pardon me, now is Fortune
4 aware that during the economic crisis of 2008 both Rio
5 Tinto and De Beers were interested in reducing their
6 environmental and oversight commitments, but they
7 couldn't because there were environmental agreements?

8 THE CHAIRPERSON: Okay, thank you.
9 Fortune Minerals...?

10 DR. RICK SCHRYER: Rich Schryer,
11 Fortune Minerals. I really can't speculate on the
12 rationale of what another mining company did, so I -- I
13 really don't have an answer for that question.

14 THE CHAIRPERSON: Okay, thank you.
15 YKDFN...?

16 MR. TODD SLACK: Thank you. And this
17 is the last question on this subject. Considering
18 these circumstance, were -- if Fortune were to find
19 itself in a difficult financial position, and accepting
20 that, as we heard earlier from -- from the president,
21 that, as a for-profit company, you have an essential
22 goal of providing a positive rate of return for
23 investors, would you not then consider moving away from
24 commitments which you are not required by either
25 agreement regulators or statutory means to then provide

1 a for-profit return -- or sorry, to provide a return
2 for those investors?

3 THE CHAIRPERSON: Thank you. Fortune
4 Minerals...?

5 DR. RICK SCHRYER: Rich Schryer,
6 Fortune Minerals. I think at the heart of our success
7 and moving this company and this project forward is a
8 successful relationship with all interested parties,
9 especially the Tlicho Government. Beginning to mi --
10 or -- or detract from commitments that keep our -- our
11 parties happy or the Tlicho people confident and that
12 the trust is there, that they trust that this project
13 is being managed in an environmentally respectful
14 manner, I don't think it's good business. And I think
15 it would be -- it would detract from our ability to do
16 business if we were to start cutting back on such vital
17 programs as the wildlife effects monitoring plan.
18 Thank you.

19 THE CHAIRPERSON: Thank you. YKDFN...?

20 MR. TODD SLACK: Thank you, Mr. Chair.
21 And thanks for -- for the Proponent -- or thanks to the
22 Proponent. And I think Mr. Schryer's off the hook with
23 this one.

24 Either Mr. Panayi or Mr. Virgil, you
25 guys are familiar with the wildlife environment

1 monitoring programs at other existing mines and the
2 conceptual plan with Gahcho Kue. Would you describe
3 this conceptual plan as more rigorous, less rigorous,
4 or the same as those other plans that you're familiar
5 with?

6 THE CHAIRPERSON: Okay, thank you.
7 Fortune Minerals...?

8

9 (BRIEF PAUSE)

10

11 MR. DAMIAN PANAYI: Damian Panayi, for
12 Fortune Minerals. In answer to the question, the --
13 the pro -- the -- these are both still conceptual
14 plans, and so nothing is written in stone yet. So it's
15 -- it's too early to say to -- to say much. But I can
16 assure you that the process for both is the same and
17 they're both receiving the same amount of attention.

18 THE CHAIRPERSON: Okay, thank you.
19 YKDFN...?

20 MR. TODD SLACK: Thanks, Mr. Chair.
21 And I appreciate the opportunity to ask one (1) last
22 question. And I promise it's the last one.

23 Is the company willing to commit to the
24 best practices developed here in the Territory at other
25 industrial exploitation operations, both in terms of a

1 conceptual plan that's in progress -- and as Mr. Virgil
2 is well aware of, but also best practices developed by
3 industry here in the NWT.

4 THE CHAIRPERSON: Thank you for your
5 final question. Fortune Minerals...?

6 DR. JOHN VIRGIL: John Virgil, Golder.
7 Todd, I remember reading that in your technical memo.
8 Could you just explain "best practices"? Because best
9 practices we've tried to get that from other -- for
10 example the GNWT and they don't have a set of be --
11 best practices.

12 Are you just referring to like the --
13 the standard rigorous, statistical and -- and study
14 design approaches that -- that we're using at these
15 other -- other mine sites, is that what you mean by
16 "best practices"?

17 THE CHAIRPERSON: Thank you. YKDFN...?

18 MR. TODD SLACK: Thanks. And I'd be
19 happy to clarify. Best practices as I'm speaking of
20 them relates to the level of survey effort, the theme
21 of survey data, and -- and I can per -- perhaps best
22 explain this through examples.

23 So at the -- the BHP and Ekati there's
24 regular distribution surveys for caribou to establish a
25 zone of influence and avoidance. For wi -- or for

1 wolverine the -- there's general expectance on the hair
2 snagging. Grizzly bear hair snagging -- in this case
3 probably black bear. Some of the supporting ENRs --
4 wolf efforts. Essentially for everything except
5 caribou I think that the Territory has more or less
6 arrived at what the current best practice is. And I
7 understand that that'll be established with this
8 working group.

9 But what I'm hoping to hear -- well I
10 was hoping to hear about the environmental agreement
11 too, but I'm also hoping to hear about a commitment to
12 adhere to the best practices developed in industrial
13 operations here in the NWT.

14 DR. JOHN VIRGIL: John Virgil, Golder.
15 Thanks Todd. The -- the answer is yes. We will be
16 using the -- we will be using the -- the -- the -- the
17 best rigorous methods first for study designs and
18 sampling methods in context of the fact that this is a
19 boreal environment.

20 So some -- some things may be a little
21 bit -- need to be modified, but the overall objective
22 is to provide data -- not just information but data
23 that can be used in -- in the context of cumulative
24 effects analysis. Okay. Thank you.

25 THE CHAIRPERSON: Thank you. I want to

1 thank YKDFN for their presentation. I'm going to move
2 on now. I want to move on -- there -- Akaitcho IMA
3 office is not here, so I can scratch them off my list.
4 I want to go to the North Slave Metis Alliance, Mr.
5 Bill Enge, regarding the caribou and wildlife effects
6 plan. A presentation by Fortune Minerals. Thank you.

7 MR. BILL ENGE: Thank you, Mr.
8 Chairman. Bill Enge here with the North Slave Metis
9 Alliance. I have a few questions for the Proponent.
10 Firstly, I just want to ensure I understand what I
11 heard and saw in regard to their presentation.

12 The contractor that did the work pointed
13 out that it was based on habitat loss for the effective
14 caribou being both the woodland caribou as well as the
15 Bathhurst caribou. Woodland caribou being so sparsely
16 populated that it's using the language they like
17 "negligible."

18 But, nonetheless, there is going to be -
19 - I think more than a negligible impact on the
20 Bathhurst herd considering it's part of their
21 traditional mi -- migration and lands they use to
22 survive.

23 So I'd like to know if Fortune Minerals
24 or their contractor considered what the impact on the
25 Bathhurst caribou herd would be -- in terms of the mine

1 obstruction to their migratory patterns as opposed to
2 just their habitat loss, which is a small footprint
3 radiating out from where the mine is located. Thank
4 you.

5 THE CHAIRPERSON: Thank you. I'll go
6 to Fortune Minerals.

7

8 (BRIEF PAUSE)

9

10 MR. CAM STEVENS: Cam Stevens, Golder
11 Associates. Thank you for your question. As mentioned
12 earlier in the slide presentation, we looked at direct
13 habitat loss, habitat fragmentation, and we looked at
14 indirect effects from -- from construction and
15 operation activities that create sensory disturbances
16 that lead to a reduction in habitat use around a mine
17 site.

18 We quantified that using a zone of
19 influence extending to 15 kilometres from the project
20 site. And within that zone of influence, we reduced
21 the habitat by something we called a "disturbance
22 coefficient." Essentially, for example, if that
23 disturbance coefficient is point five (.5), 50 percent
24 of that habitat within that zone is reduced, and we
25 quantified that.

1 So we quantified more than just the
2 footprint. We looked at zones of influence and, as
3 stated earlier to the Tlicho, effects from the MPAR
4 and the Tlicho Road were analyzed in response to IR-YK
5 Dene First Nation 2.3, as stated a moment ago. Thank
6 you.

7 THE CHAIRPERSON: Thank you. I'm going
8 to go back to the North Slave Metis.

9 MR. BILL ENGE: Thank you, Mr.
10 Chairman. Bill Enge here with the North Slave Metis
11 Alliance. I -- I guess I would like to ask a further
12 sub-clarification to the response I just heard from the
13 representative from Golder, and that is the so-called
14 "zone of influence."

15 This zone of influence, I -- I
16 understand, or I would assume, takes into account the
17 migratory patterns of the caribou, the Bathurst caribou
18 coming through that area. And according to the
19 measurements that Golder made, there would be
20 negligible effects on the Bathurst caribou in terms of
21 their ability to thrive, increase in population, as it
22 is in a serious decline at this time.

23 So, in other words, the mine's
24 footprint, according to their calculations, would have
25 no effect on the need for -- or on the health of the

1 herd. Is that -- is that -- do I understand correctly?

2 Thank you.

3 THE CHAIRPERSON: Thank you. Fortune
4 Minerals...?

5

6 (BRIEF PAUSE)

7

8 MR. CAM STEVENS: Mr. Chair, Cam
9 Stevens, Golder Associates. I would just like to
10 direct the Review Board to Table 8.7-2. In this table
11 is a summary of resi -- of the residual impact
12 classification of primary pathways for incremental and
13 cumulative affects on the abundance and distribution of
14 Bathurst caribou, and related effects to people.

15 Within that classification table, we've
16 characterized the impacts, incremental impacts of the
17 project, for example, as being negligible for sensory
18 effects, but the cumulative -- cumulative
19 classification as being low.

20 So I -- we would just like to correct --
21 or point out that the -- the classification of impacts
22 is actually -- is actually low and not -- not
23 negligible.

24 THE CHAIRPERSON: Thank you. North
25 Slave Metis...?

1 MR. BILL ENGE: Thank you, Mr.

2 Chairman. Bill Enge here. Okay. So when we -- when
3 we say, using the scientific jargon that -- that the
4 contractor is using, low impact versus high impact or
5 negligible impact, I'd like to know what a low impact
6 actually means. Does it mean it's going to further
7 hamper the cari -- Bathurst caribou from increasing in
8 population? Thank you.

9 THE CHAIRPERSON: Okay. Thank you.

10 DR. JOHN VIRGIL: John Virgil here from
11 Golder Associates. Mr. Chair, the -- the low impact
12 means that, basically, what we're predicting is, and
13 what our models all assume, is that, within this zone
14 of influence, there's going to be a reduction in
15 habitat effectiveness, okay?

16 That means that some caribou are going
17 to avoid the -- the Nico project. That includes the
18 access road. They're going to avoid it some years.
19 They may not avoid it so much in other years. This is
20 -- this is what we've been seeing at -- at the Ekati
21 Diamond Mine complex, or Diavik/Ekati Diamond Mine
22 complex. It's also shown in the literature at other --
23 other developments.

24 It's -- it's not that there's not going
25 to be any caribou near -- near the site anymore for as

1 long as this project is around. What it means is that
2 there's a change in the local distribution of caribou
3 around the project.

4 So there may be fewer caribou within,
5 we've assumed, a distance of 15 kilometres. Actuality,
6 that -- that distance is probably less. It doesn't
7 mean that the mine is going to kill caribou. It
8 doesn't mean that it's going to have an impact on the
9 ability for caribou to -- it's not going to influence
10 their resilience so that it cannot increase in numbers
11 again. Thank you.

12 THE CHAIRPERSON: Okay, thank you.
13 North Slave Metis...?

14 MR. BILL ENGE: Thank you, Mr.
15 Chairman. Bill Enge here with the North Slave Metis
16 Alliance. I'm -- I'm -- I have to say that it's --
17 it's quite troubling, this response that a mine that is
18 in the way of the Bathurst caribou is -- is not going
19 to have a negative impact on the caribou. I'm not
20 hearing that it's going to do anything at all, really.
21 But it's there.

22 And we've seen what happens to the
23 caribou with mines around. And as the representative
24 from Golder points out, the caribou are affected by the
25 diamond mines, and we have experience with that.

1 Now, the -- the -- I'll move onto the
2 second question that I have for Fortune. And that has
3 to do with the graphic that they placed on the screen
4 outlining four (4) ways and means that they plan to
5 mitigate, inform, and -- the affected aboriginal people
6 and the responsible governmental or Crown organizations
7 who are mandated to ensure that the caribou and other
8 wildlife are protected, to make sure that they don't go
9 extinct, in other words.

10 And the question I have for Fortune
11 Minerals is that I saw there, like I have yesterday,
12 that they have committed to organize another committee,
13 this time called the "Wildlife Environmental Monitoring
14 Program Committee," I think it is, comprised of certain
15 organizations -- and I think in this case in the
16 aboriginal context the Tlicho, and then other Crown
17 agencies.

18 I'd like to know from the Proponent why
19 they didn't take into consideration the interest of the
20 North Slave Metis who have an interest in these lands,
21 and who have an interest in the wildlife on the North
22 Slave Metis peoples' traditional homeland?

23 THE CHAIRPERSON: Thank you. I'm going
24 to go to Fortune Minerals.

25 DR. RICK SCHRYER: Rick Schryer,

1 Fortune Minerals. In the slide that Damian presented,
2 we presented the term, "co-management partners," as the
3 people that we would deal with in terms of developing
4 the wildlife effects monitoring plan -- plan.

5 The co -- the term "co-management
6 partners" means a wide variety of groups, and it could
7 certainly mean -- and it certainly includes the North
8 Slave Metis should they wish to participate. It just -
9 - we had to take a -- some wording that sort of
10 included everybody for the sake of brevity, so "co-
11 management partners" means whoever has a stake in being
12 involved in the wildlife effects monitoring plan for
13 the Nico project.

14 THE CHAIRPERSON: Okay, thank you.
15 Bill Enge...?

16 MR. BILL ENGE: Thank you, Mr.
17 Chairman. I -- I would like to clarify for the
18 Proponent that the North Slave Metis Alliance are a
19 little more than an interest group like the Canadian
20 Parks and Wildlife Society. The North Slave Metis
21 Alliance are aboriginal rights-bearing people. And our
22 aboriginal rights have to be addressed in a more
23 respectful fashion than being lumped in with what could
24 be other societies. That's just for clarification.

25 And again, when it comes to -- this --

1 this just strengthens my recommendation to this Board
2 that what we need to see here is an independent
3 monitoring agency that not only ensures that the
4 Proponent lives up to its air/water commitments, but
5 also it's wildlife commitments.

6 Because I'm -- what I'm seeing here is
7 the North Slave Metis being left out and being lumped
8 into some kind of category that they don't belong in,
9 because we have Section 35-protected constitutional
10 rights and the Proponent doesn't appear to understand
11 that.

12 Now, I'm -- I'm looking here and I'm
13 asking the Proponent what they think is the approach
14 they would like to take to remedy the situation.

15 THE CHAIRPERSON: Thank you. Fortune
16 Minerals...?

17 DR. RICK SCHRYER: Rick Schryer,
18 Fortune Minerals. Could you elaborate on that
19 question, please, remedy "the situation"?

20 THE CHAIRPERSON: Bill Enge...?

21 MR. BILL ENGE: Thank you, Mr.
22 Chairman. Bill Enge here. That means remedy the
23 situation of being -- about not being included in the
24 planning that Fortune Miner -- Mineral plans to do to
25 make sure that the issues and concerns that aboriginal

1 -- Section 35 aboriginal rights holders, like the North
2 Slave Metis Alliance, are at a forum where those issues
3 and plans are considered. Thank you.

4 THE CHAIRPERSON: Thank you. Fortune
5 Minerals...?

6 DR. RICK SCHRYER: Rick Schryer,
7 Fortune Minerals. Mr. Chair, we -- on the water
8 session we invited the North Slave Metis Alliance to
9 participate in the aquatic -- and the development of
10 the aquatic effects monitoring plan. And today we've
11 invited them to participate in the wildlife effects
12 monitoring plan.

13 There'll be other plans, other
14 committees that would be formed, most notably the one
15 (1) I can think of that would probably be on the
16 horizon would be a working group for closure, would be
17 the one (1) I would think would be most on the horizon.

18 Those are the three (3) that I can think
19 of right now that would be moving forward in the next
20 little while. Fortune Minerals would be glad to invite
21 the North Slave Metis Alliance to participate as one
22 (1) of the members of the working group and we look
23 forward to their input. Thank you.

24 THE CHAIRPERSON: Thank you. Any
25 further questions, North Slave Metis?

1 MR. BILL ENGE: Thank you. Thank you,
2 Mr. Chairman. Bill Enge with the North Slave Metis
3 Alliance. Yes, I just have one (1) last question in
4 regard to the effect the mine will have on the caribou
5 population.

6 Has the Proponent considered what effect
7 the contaminants such as arsenic may have on the
8 caribou -- the Bathurst caribou herd? Thank you.

9 THE CHAIRPERSON: Thank you, Mr. Enge,
10 for your final question. Fortune Minerals...?

11

12 (BRIEF PAUSE)

13

14 DR. RICK SCHRYER: Mr. Chair, Rick
15 Schryer. Mr. Rein Jaagumagi of Golder Associates is
16 prepared to address that question. Thank you.

17 MR. REIN JAAGUMAGI: Rein Jaagumagi,
18 Golder Associates. In conducting the impact assessment
19 we also conducted an ecological risk assessment that
20 specifically con -- considered the effects of the
21 various metals that could be emitted from the site on -
22 - on caribou as well as all of the other wildlife that
23 are in the area.

24 We looked at various exposure pathways
25 through which the caribou could be exposed. These

1 include diet. These also include drinking the surface
2 water and we concluded that during all project phases
3 there were no significant risks to caribou from any of
4 the contaminants. Thank you.

5 THE CHAIRPERSON: Okay. Thank you.
6 I'm going to move onto the next item on the list. Next
7 I have is Fisheries and Oceans Canada. Any questions
8 for Fortune Minerals on their presentation?

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: Don't see them
13 around, so I'm going to continue on. I'll go the
14 Government of Northwest Territories.

15 MR. DEAN CLUFF: Thank you, Mr.
16 Chairman. Dean Cluff, Government of Northwest
17 Territories. Just a couple of questions, one (1) for
18 clarification. You mentioned -- excuse me. You
19 mentioned aerial surveys in 2004 did not detect
20 woodland caribou in the Nico area. ENR did some aerial
21 surveys at that time. Are you referring to those ones,
22 or is there some other ones that occurred?

23 THE CHAIRPERSON: Thank you. I'll go
24 to Fortune Minerals.

25 MR. DAMIAN PANAYI: Mr. Chairman, that

1 was referring to aerial surveys undertaken -- sorry,
2 Damian Panayi, with Golder Associates. Mr. Chairman,
3 that was referring to aerial surveys undertaken by
4 Fortune Minerals.

5 MR. DEAN CLUFF: Okay. Thank you very
6 much.

7 THE CHAIRPERSON: Okay, I'll go back to
8 GNWT, Dean Cluff.

9 MR. DEAN CLUFF: Thank you, Mr. Chair.
10 Just one (1) other question. In terms of effects of
11 the analysis you had referred to some future studies.
12 And I didn't see in there any mention of the Dennison
13 Road, winter road proposal, and -- and also the Isaac
14 (phonetic) Road proposal. Can you comment on those at
15 all? Thank you.

16 THE CHAIRPERSON: Thank you. I'm going
17 to go to Fortune Minerals.

18 MR. DAMIAN PANAYI: Mr. Chairman, Dean
19 Cluff there is referring to some reasonably foreseeable
20 future projects which were proposed after we finished
21 writing the developer's assessment report. So we were
22 obviously unable to include those in our cumulative
23 effects assessments.

24 That said, our cumulative effects
25 assessment did include a lot of other reasonably

1 foreseeably future projects, such as the Taltson hydro
2 expansion project, a hydro project at Whati, the Gahcho
3 Kue project and associated spur roads and so on, so.

4 THE CHAIRPERSON: Okay, I'll go back to
5 GNWT. Dean Cluff, any further questions?

6 MR. DEAN CLUFF: Thank you, Mr. Chair.
7 Dean Cluff. No further specific questions. We'll have
8 some more to add perhaps in our presentation. Thank
9 you.

10 THE CHAIRPERSON: Okay, thank you very
11 much. I'm going to go on to Aboriginal Affairs and
12 Northern Development Canada, AANDC. Any questions for
13 Fortune Minerals on their presentation?

14 MR. BOYAN TROCH: Mr. Chair, Boyan
15 Troch (phonetic), Aboriginal Affairs. On behalf of
16 Aboriginal Affairs staff that will return tomorrow for
17 the closing remarks, there are no further questions,
18 but I -- I do have one (1) from a cumulative impact
19 side.

20 With regards to the development of the
21 monitoring plan, there's been conversation and in terms
22 of including Tlicho and Wek'eezhii Board as well as ENR
23 perspectives in terms of its development. I'm
24 wondering if Fortune and/or Golder representatives
25 could comment on the development plan looking at more

1 than just a project-specific perspective, but looking
2 at consistency and standardization among other existing
3 plans as well as plans that are currently being
4 developed.

5 And I just say this in light of -- of
6 looking at cumulative impacts from a broader context
7 and the idea of standardization and consistency leading
8 to certain efficiencies and better informed decision
9 making for everybody. Thank you, Mr. Chair.

10 THE CHAIRPERSON: Thank you for your
11 final question -- or only question. Fortune
12 Minerals...?

13 MR. JOHN VIRGIL: John Virgil, from
14 Golder. The short answer is, yes. I -- I tried to
15 make that clear in -- in my response to Todd Slack, Mr.
16 Chair, and that the -- the study designs and the
17 sampling methods and the -- and the themes, the
18 activities around the monitoring, objectives of the
19 monitoring, would -- would be consistent with -- with
20 providing data for understanding cumulative effects at
21 a larger, regional level than just around the Nico
22 project area. So, yes.

23 THE CHAIRPERSON: Okay, thank you. Any
24 further questions?

25 MR. BOYAN TROCH: No further questions,

1 Mr. Chair.

2 THE CHAIRPERSON: Okay, thank you. So
3 we'll move on. Environment Canada...?

4 MR. JAMES HODSON: Hi. This is James
5 Hodson, with Environment Canada. We don't have any
6 questions at this time. Thanks.

7 THE CHAIRPERSON: Okay, thank you. I'm
8 going to go to Transport Canada. I don't see anybody
9 here.

10 Natural Resources Canada...?

11 MR. JOHN KING: John King, Natural
12 Resources Canada. We have no questions. Thank you.

13 THE CHAIRPERSON: Thank you. I'm going
14 to go to the Review Board staff.

15 MR. ALAN EHRLICH: Thank you, Mr.
16 Chair. It's Alan Ehrlich. I do have a couple of -- of
17 short questions on behalf of the Review Board staff.

18 In your presentation, and in your
19 previous submissions, you've described several aspects
20 of project design and certain policies that are done to
21 reduce your impacts on caribou.

22 Now with respect specifically to boreal
23 caribou, I'm considering the residual impact after
24 these mitigations. Is it fair to say, in your view,
25 that the result will be very little impact and no

1 significant impact?

2 THE CHAIRPERSON: Thank you. We'll go
3 to Fortune Minerals.

4 MR. JOHN VIRGIL: John Virgil, Golder.
5 Mr. Chair, that is correct. No significant impacts to
6 boreal caribou.

7 THE CHAIRPERSON: Thank you. Review
8 Board staff...?

9 MR. ALAN EHRLICH: And some of the
10 other words that I've heard from the Fortune table are,
11 very little impact, low, not negligible, things like
12 that. So very little impact, but no significant
13 impact? That was my question.

14 THE CHAIRPERSON: Thank you. Fortune
15 Minerals...?

16 MR. JOHN VIRGIL: That is correct.
17 John Virgil, Golder Associates.

18 THE CHAIRPERSON: Yeah, I was going to
19 say -- leaving to there -- Rick Schryer. You're a good
20 man. Must be getting tired. Okay, so we'll go back to
21 staff.

22 MR. ALAN EHRLICH: Okay, so that helps.
23 Now for the remaining -- for the remaining very little
24 impact, recognizing that, in -- in your view, it --
25 it's not significant, has Fortune looked at or is it

1 prepared to mitigate this remaining small impact on
2 boreal caribou through measures like off site
3 mitigation?

4 I -- I'm considering the Species at Risk
5 Act, which doesn't concern itself with significance of
6 impacts, but is one (1) of the federal acts that our
7 Board operates under. And Section 79 of it requires us
8 to mitigate any impact to listed species, if it's
9 adverse.

10 Now the mitigation, presumably, is
11 suitable to the scale of the impact. And, in your
12 view, you've said it's a very small impact. I wonder
13 if there are suitable, perhaps very small, mitigations
14 that you might be able to do, for example, with other
15 groups that we've heard from very recently, to try and
16 offset whatever remaining impact you anticipate to
17 boreal caribou. Thank you.

18 THE CHAIRPERSON: Thank you. We'll go
19 to Fortune Minerals.

20

21 (BRIEF PAUSE)

22

23 DR. RICK SCHRYER: Rick Schryer,
24 Fortune Minerals. Sorry for that. Fortune Minerals
25 would develop or look at any potential mitigation that

1 we could do in relation to boreal caribou in
2 cooperation with its co-management partners and
3 especially the Tlicho Government in trying to develop
4 means of doing that.

5 I would think that one (1) of the ways
6 that we could look at mitigating impacts to caribou is,
7 of course, to use the traditional knowledge study and
8 see if there's anything in there that can give us some
9 guidance as to how we might be able to mitigate any
10 potential residual impacts that may occur.

11 THE CHAIRPERSON: Thank you. Go to the
12 Review Board staff?

13 MR. ALAN EHRLICH: Thank you. Fortune
14 has indicated that part of the impact is from a loss of
15 a very small proportion of -- of caribou range. And
16 you've made it very clear that -- that you don't view
17 that as significant. I -- I understand that. But in
18 terms of that very small impact, have you considered
19 any off-site mitigations?

20 THE CHAIRPERSON: Thank you. Can you
21 state your name?

22 MR. ALAN EHRLICH: Sorry. That was
23 Alan Ehrlich for the Review Board.

24 THE CHAIRPERSON: Thank you. I'll go
25 back to the Review Board -- sorry, Fortune Minerals.

1 (BRIEF PAUSE)

2

3 MR. DAMIAN PANAYI: Damian Panayi with
4 Golder Associates. In response to the question,
5 Fortune has not yet considered any, or proposed any,
6 off site mitigation. However, once the action plan for
7 the recovery of woodland caribou is released, I'm sure
8 there'd be some possibilities in there that Fortune
9 could -- could investigate for off site mitigation of
10 effects to woodland caribou.

11 THE CHAIRPERSON: Thank you. I'll go
12 back to the Review Board staff.

13 MR. ALAN EHRLICH: It's Alan Ehrlich.
14 Thanks very much, Damian. That's very helpful. We
15 have no further questions from Review Board staff.

16 THE CHAIRPERSON: Thank you. I'm going
17 to go to my far left, Percy Hardisty, Board member.

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

20 THE CHAIRPERSON: Thank you. I'm going
21 to go to Board member Rachel Crapeau.

22 MS. RACHEL CRAPEAU: In your
23 presentation, you mentioned that you're going to do
24 some training. Can you elaborate a little bit further
25 about this training that you're planning to do

1 regarding environmental monitoring?

2 THE CHAIRPERSON: Thank you. I'm going
3 to go to Fortune Minerals.

4

5 (BRIEF PAUSE)

6

7 MR. DAMIAN PANAYI: Damian Panayi with
8 Golder Associates. The training which was mentioned
9 during the presentation was training of site staff,
10 regardless of their occupation at the mine, and that
11 training is required to make sure that everybody at the
12 mine site is aware of Fortune's policies and legal
13 requirements in terms of minimizing effects to -- to
14 wildlife.

15 And the examples include that there will
16 be a no feeding wildlife policy. Caribou will have the
17 right of way. There'll be strict policies about waste
18 management to make sure that there are no attractants
19 at site.

20 And so that training is given to all
21 staff when they start. And, typically, the practice at
22 mines is that every time a problem is encountered,
23 there'll be sort of re-occurring or -- or repeated
24 training to try and mitigate and reduce those problems
25 as they -- as they occur.

1 THE CHAIRPERSON: Thank you. Board
2 member Rachel Crapeau...?

3 MS. RACHEL CRAPEAU: In your
4 presentation, I thought I heard something about
5 monitoring plans. Does that include training for
6 environmental monitors from the Tlicho communities?

7 THE CHAIRPERSON: Thank you. Fortune
8 Minerals...?

9 DR. RICK SCHRYER: Rick Schryer,
10 Fortune Minerals. As we've stated, I think, a number
11 of times, it is our hope that many of our environmental
12 monitors will be Tlicho or other First Nations in the
13 area. And, of course, they'll receive the suitable
14 amount of training, depending on their title and
15 position. Thank you.

16 THE CHAIRPERSON: Thank you. I'll go
17 back to Rachel Crapeau, Board Member.

18 MS. RACHEL CRAPEAU: The talks that you
19 want to do with the Tlicho government regarding
20 programs and committee -- start-up committee regarding
21 information gathering for -- for your proposed site,
22 are you fully committed to making sure that maybe a
23 workable program will suffice, or like for example that
24 if the information that you got on caribou numbers that
25 have entered your footprint area of -- of your site, if

1 the -- the way you got the information by flying around
2 and you didn't see any caribou versus if Elders wanted
3 to check to see how many caribous go through your site,
4 will you be flexible in using TK knowledge in gathering
5 information? That's what I was wondering about. Thank
6 you.

7 THE CHAIRPERSON: Thank you. Fortune
8 Minerals...?

9 DR. RICK SCHRYER: Rick Schryer,
10 Fortune Minerals. First I want to point out that we've
11 used community -- community members in all of our
12 existing surveys for caribou since, oh since I think we
13 started way back when, about eleven (11) years ago. So
14 there's always been somebody from the community
15 involved in the survey, whether it be track counts or
16 aerial surveys.

17 But you do bring up a good point in that
18 one (1) of the thoughts that we were having -- and this
19 is subject to discussion with the Tlicho Government, is
20 that we would try to establish a group or a community
21 or Elders' advisory counsel with the -- for the Nico
22 project, and for the wildlife effects monitoring plan,
23 that would be part of the overall team developing the
24 plan to help with monitoring and mitigation of effects
25 to wildlife.

1 So this would go on from opera -- form
2 construction all the way through operations, and
3 traditional knowledge would definitely be a part of
4 that. So I -- I put that out there as -- as a possible
5 path forward in terms of something we could discuss in
6 the workshop that we -- that we talked about earlier.

7 I'm asking the Tlicho Government to give
8 it some consideration. I think it's -- it's a good
9 idea in terms of involving the Elders. And it -- and
10 it would, I think, address your point, Rachel, in that
11 we could use a variety of means to try to look at
12 caribou numbers in the area both, you know, the
13 scientific and using the traditional knowledge means as
14 well, as the Elders best advise us. Thank you.

15 THE CHAIRPERSON: Thank you. Any
16 further questions, Rachel Crapeau?

17

18 (BRIEF PAUSE)

19

20 MS. RACHEL CRAPEAU: Would something
21 like this be workable if it was done with an agreement
22 with the Tlicho Government, or failing that through an
23 environmental agreement? Would -- would that be
24 considered, as well? Thank you.

25 THE CHAIRPERSON: Thank you, Rachel.

1 Fortune Minerals...?

2

3 (BRIEF PAUSE)

4

5 DR. RICK SCHRYER: Rick Schryer,
6 Fortune Minerals. Our thoughts on that is that that
7 could be part of the participation agreement, or IBA,
8 whatever is the -- the terminology these days. There
9 could be a clause in there in terms of the overall
10 package of agreements that we come to with the Tlicho
11 Government.

12 So -- and we've been trying to encourage
13 the Tlicho Government to come to the table so we can
14 initiate those types of discussions and move some
15 issues forward, such as caribou and socioeconomic
16 issues, so we can reach agreement and -- and try to
17 come to some resolution on -- on various issues.

18 So that would be the way I would see the
19 path forward on that, is it would be part of the
20 participation agreement. Thank you.

21 THE CHAIRPERSON: Thank you. Any
22 further questions, Rachel Crapeau...?

23 MS. RACHEL CRAPEAU: Masi cho, no
24 further questions.

25 THE CHAIRPERSON: Thank you. Board

1 member, Danny Bayha...?

2 MR. DANNY BAYHA: No questions, thank
3 you, Mr. Chair.

4 THE CHAIRPERSON: Thank you. Board
5 member Richard Mercredi...?

6 MR. RICHARD MERCREDI: Thank you, Mr.
7 Chair. No questions.

8 THE CHAIRPERSON: Thank you. Board
9 member James Wah-shee...?

10 MR. JAMES WAH-SHEE: Mr. Chair, thank
11 you very much. No questions at this time. Thank you.

12 THE CHAIRPERSON: Thank you. I want to
13 go to Board member John Curran.

14 MR. JOHN CURRAN: Thank you, Mr.
15 Chairman. No, I think any questions I had were covered
16 off earlier, so no questions at this point.

17 THE CHAIRPERSON: Okay. Thank you.
18 We'll get ready -- thank you to Fortune Minerals for
19 your presentation. I'm going to -- we'll take another
20 five (5) minute break. While that's happening the
21 Tlicho government could set up and then we'll continue
22 on.

23

24 --- Upon recessing at 4:52 p.m.

25 --- Upon resuming at 5:18 p.m

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THE CHAIRPERSON: Okay. The next

presenters are going to be the Tlicho government, but

before we go to the Tlicho government, tomorrow

morning, as mentioned earlier, that we'll have a

decision on the hearing dates and just to finalize and

finish off this public hearing.

On the agenda for tomorrow it says the

closing statements, I want to now take that off the

agenda for tomorrow. We're going to put that back to

the last day after we announce the dates tomorrow for

the additional two (2) days, so we'll leave that there.

Also the presenters going forward on the

Tlicho, GNWT, Environment Canada, North Slave Metis,

YKDFN, on -- on this presentation for wildlife effects

and monitoring plan, again I -- you know, I don't want

to be rushing and pushing you, but I'd like to say that

we have a time limit. And I'm going to say if there's

any questions keep them to the point and brief, so

that, you know, if it's important then we'll -- well we

need to hear it.

Okay. So with that I'm going to go to

the Tlicho government on their presentation. Dim the

lights please.

1 CARIBOU AND WEMP PRESENTATION BY TLICHO GOVERNMENT:

2 MS. KERRI GARNER: Masi cho, Mr. Chair.
3 Masi cho, Mr. Chair and -- and the board for giving me
4 an opportunity to share with you -- sorry Kerri Garner,
5 Tlicho Government -- for givi -- giving me an
6 opportunity to share with you the Tlicho government's
7 perspective and concerns regarding the caribou.

8 I'm here today with my colleague, Joseph
9 Judas, who is going to work with me on the
10 presentation. John B. Zoe was -- was suppose to do
11 some of the presentation as well, but we're going -- he
12 -- he -- he talked about a lot of it this morning, so
13 in -- in the spirit of moving ahead with -- with time
14 we're going to -- to adapt on the -- on the fly here.

15 Our technical expert was not available
16 to be with us today, but -- but really we're here to
17 share with you, the Board, and -- and the Proponent
18 about the connection of the Tlicho with caribou, and
19 how things have changed in the past few years, and how
20 this proposed development may potentially impact the
21 future of Tlicho and the caribou.

22 So a very brief outline of -- we --
23 we've sort of talked -- John B. talked a lot about
24 Tlicho and Ekwo culture, language, and way of life this
25 morning in the TK presentation. So Joseph Judas is

1 going to talk to you about the context of caribou
2 management today and -- and what's really happened in
3 the last three (3) years, and then I'll move forward
4 and talk about what are the key issues that the Tlicho
5 are concerned about, which are Todzi, boreal caribou,
6 Ekwo barren-ground caribou, and -- and the impact of
7 increased access and -- and cumulative -- cumulative
8 impacts. And then we'll go through some recommended
9 measures, as well. And with that, I will turn it over
10 to Joseph Judas and he will talk to you about caribou
11 management today.

12

13 (INTERPRETATION FROM TLICHO INTO ENGLISH)

14

15 MR. JOSEPH JUDAS: Masi, Mr. Chairman.
16 I'm going to say this in my language, because we have
17 interpreters and we have time limits. I'm from
18 Wekweeti, and my name is Joseph Judas. In the past
19 forty (40) years, maybe forty-five (45) years, we moved
20 to Wekweeti, but as -- the community of Wekweeti, for
21 the reason we moved there is because of the caribou.
22 And the caribou migrates within that area. And for
23 that reason we settled in that area. And it's been
24 many years since then.

25 The -- the caribou and the wildlife is

1 important to us, and we still want to continue using
2 the wildlife and the caribou in the future. But as for
3 today, it's like we've been swayed away from the
4 migration and the settle -- the people living in
5 Wekweeti, the citizens of Wekweeti, it's almost three
6 (3) or four (4) years that caribou has been closed on
7 us.

8 And as for the caribou, it's like we're
9 having a hard time. During the migration, we -- we
10 hardly see caribou in our area. It's like we can't
11 kill or harvest any caribou. We just have to -- the
12 citizens of Wekweeti do not like the idea of us not
13 hunting. And also the four (4) communities of the
14 Tlicho communities, and all the hunters, and once they
15 go hunting the hunters -- the -- we know that they
16 don't like the idea of not going caribou hunting.

17 This past three (3) years, there's been
18 -- we're allotted only a hundred and fifty (150)
19 caribou for the community of Wekweeti. And that's what
20 we use, but a hundred and fifty (150) caribou that were
21 at -- because the migration doesn't take place on the -
22 - just as for the fall time, it seems like the caribou
23 is a little bit fat. And after Christmas, isn't until
24 January, that's the time that caribou is fat, nice and
25 fat and healthy. And that's the time to go harvesting.

1 But as for today, that's how it is. But
2 a hundred and fifty (150) is allotted, is -- not only
3 has that been taking place, but also there's been a
4 hundred and fifty (150) tags for the Yellowknife
5 citizens. People are not too happy with this, but we
6 still continue on today.

7 And as for that, when we -- the Elders
8 that are not living with us today who have passed on,
9 when they were talking about the caribou -- when there
10 -- when there was talk about the mine opening in the
11 barren lands, what will happen to the caribou? And
12 many Elders talked towards this issue, but today the
13 caribou doesn't migrate near our community. And in Lac
14 de Gras (phonetic) and migration route, I think at
15 times we see that because those mines are situated on
16 the migration route and at times we tend to talk about
17 these issues.

18 And also, today, just as for last week I
19 went to Courageous Lake for one (1) week. I was -- I
20 was on the migration route. As for the caribou, maybe
21 we see one (1) caribou, or twice. Maybe they're -- the
22 caribou that's living in that area, that's how they --
23 when we live amongst the caribou, we know where the
24 caribou migrate.

25 And also the ferry came along with us

1 and we took a trip with the helicopter to Jolly Lake.
2 We usually see caribou in that area, but there's
3 nothing. And also we killed one (1) caribou, but if
4 you -- when the caribou migrates for long distance the
5 hoofs seems to wear, but this -- this was not like that
6 to the caribou.

7 And it seems like we don't rarely see
8 caribou at this time. So when there's a mine like this
9 it's very hard that the caribou would go into that
10 area. And for today regarding the caribou, this past
11 three (3) years there's a reduction of caribou. It's
12 the most important -- it's like we are allotted caribou
13 tags to go harvesting.

14 And when I think about it, there's a
15 mine that starts up like this, and how they going to
16 operate, and they have rules and regulations, and can't
17 go hunting in that area with guns. And that's how they
18 put into their plans that we can't go hunting.

19 As we're talking about, I think -- and
20 along with other mines that are operating within the
21 barren -- barren grounds, there are five (5) or six (6)
22 different mines that are operating right now. Just as
23 for our last -- last week where we visited Courageous
24 Lake, they don't want us to use the -- our guns near
25 that mine site. And they don't want to go hunt -- us

1 to go hunting.

2 And when we add up these things on -- on
3 which day we will see the full -- full picture. These
4 kinds of things is going to take place, and it's going
5 to increase with -- so when we talk about mines, the
6 caribou that we depend on, and we survive on through
7 our ancestors, and we don't want them to -- and as
8 we're talking about the caribou today, and for that
9 reason we have moved the settlement to Wekweeti but
10 today is very difficult situation we're facing in
11 Wekweeti.

12 And in the past three (3) or four (4)
13 years in the past the Territorial government -- the
14 terr -- government, what kind of agreement they had
15 with -- regarding the caribou. And with the reduction
16 of the caribou population, how can we help the caribou?
17 And with that in mind, and with the reducing population
18 of caribou, that's how we talk about the caribou.

19 And we had many discussion about this,
20 and our leaders, how can we improve this, how can we
21 have a co-management put in place. Although people are
22 not very happy about this situation, but there is many
23 discussions on this. And we're still continuing this
24 today.

25 So the caribou we depend on, and we live

1 on, and -- and for that reason there's many concerns
2 about this. And -- and regarding the Tlicho agreement,
3 Chapter 12, within that Chapter 12 how we're going to
4 protect, and how we're going to manage, and how we
5 manage the caribou in the wildlife, and how can we take
6 care of the caribou.

7 And we don't want to see it's -- it
8 wouldn't be good if there's a reduction in population
9 of the caribou. In this past two (2) or three (3)
10 years we had to manage the caribou. Maybe there's an
11 increase in population, but we never heard the full
12 story here, but maybe, if we managed the caribou in a
13 proper way, then the population might increase, and in
14 the future we might go hunting as before. And the
15 Board said exists and meet about these things.

16 So I just want to tell you that we have
17 depended on caribou for generations and generations,
18 and I do hope you understand what I was -- the message
19 I was trying to get across to you, Mr. Chairman. And
20 this is all I want to say. Thank you.

21

22 (INTERPRETATION CONCLUDES)

23

24 MS. KERRI GARNER: Masi, Joseph. Kerri
25 Garner for the Tlicho government. So as Joseph has

1 just -- just explained, the last three (3) years has --
2 has been a very interesting -- interesting and
3 challenging time for the Tlicho people and the Tlicho
4 government. Following the decline of the Bathurst
5 caribou herd, where it was over four hundred thousand
6 (400,000) in 1986, down to a hundred and twenty-six
7 thousand (126,000) in 2006, and then down to thirty-two
8 thousand (32,000) in 2009.

9 Once the Tlicho government was informed
10 of this decline and worked with -- with ENR GNWT, it
11 became very clear that we had to make some very tough
12 and serious decisions. The Tlicho government had to --
13 had to implement the Tlicho Agreement, Chapter 12 of
14 the Tlicho Agreement, in a very challenging time, in --
15 in what some people have called a crisis situation.

16 And this was all done following precise
17 timelines, as the Board well knows what those are all
18 about. And -- and there wasn't as much time to do
19 adequate consultation and work with community members
20 to really get everyone understanding what was going on
21 and how things were working.

22 So we entered into this -- this -- we --
23 the Tlicho government really started moving forward in
24 -- in co-management at this point in time. And we've -
25 - we've made a lot of successes, I think, in the last

1 three (3) years, and we've come a long way.

2 It's been very tough for the
3 communities, as Joseph has just explained. It's been
4 very tough for Wekweeti, it's been very tough for
5 Behchoko, and it's been very tough for the -- the
6 chiefs to have made these difficult, difficult
7 decisions for their people, with the ultimate intent to
8 repopulate the caribou herd.

9 Another survey was done this summer, in
10 June, and we don't know the results of that survey yet,
11 but we have hopes that the herd has at least stabilized
12 and is hopefully no longer decreasing, but we'll have
13 more news, hopefully, in the next two (2) months.

14 In -- in the questions -- we've already
15 discussed much of this, but just to go through what the
16 Tlicho government's concerns really are regarding the
17 caribou. So, to go back to boreal caribou, or Todzi,
18 the issue that the Tlicho government sees is: Will
19 this proposed development impact boreal caribou?

20 Our conclusion is that boreal caribou
21 use the area, based on Tlicho traditional knowledge
22 study, which you have all heard about, and also the
23 other traditional knowledge study that was submitted to
24 the Board and to the public registry. And, basically,
25 in the face of no reliable scientific data, absent

1 this, this proposed mine will affect this at-risk
2 species.

3 Boreal caribou are a threatened species
4 under federal SARA legislation, and are at risk under
5 the NWT status rank. A national recovery strategy has
6 been released to recover the species and, according to
7 this strategy, the area is in part of the southern
8 boreal caribou population, which is already at the
9 limit of 38 percent disturbed habitat.

10 Though we do not necessarily agree with
11 this definition of the population, boreal caribou need
12 to be considered and monitored by this mine, both in
13 terms of behaviour and distribution, baseline and
14 relative abundance, at and near the localized mine site
15 and at sites away from the mine, including the impact
16 that increased access that an all-season road will
17 inevitably have. As my chief pointed out to me
18 earlier, even -- even one (1) caribou in such a low
19 population is a significant impact on that caribou
20 population.

21 The other very important concern that
22 the Tlicho Government has is -- is with Barren-ground
23 caribou, or Ekwo. We wonder if the proposed
24 development, the mine and the all-season access road,
25 will affect barren-ground caribou, both Bathurst and

1 Bluenose east.

2 Our conclusion is that this area is an
3 important traditional area for caribou harvesting, and
4 a migration corridor within the winter range; and that
5 development will affect distribution of caribou on the
6 winter range, the migratory movements of caribou on the
7 winter range, the winter habitat use through direct
8 influence of the mine footprint and associated zone of
9 influence. And we believe that it will affect Tlicho
10 hunters through the loss of use and traditional hunting
11 area and it will also significantly affect the Bathurst
12 and Bluenose East herd through cumulative impacts.

13 We have concerns about the effects that
14 this proposed mine may have on the wintering range of
15 the Bathurst caribou. The Elders have expressed time
16 and time again that the diamond mines in the north
17 affect the caribou, including their migration. Though
18 these mines may contribute to a relatively small
19 portion of lost habitat for the Bathurst in their
20 entire annual range, it seems more important that it
21 affects the migration of the animals. Nico -- Nico
22 will then start to then impact the southern part of
23 their range, the area where they winter and spend a
24 greater amount of time, as opposed to migrating
25 through.

1 So the concern that the Tlicho have is
2 what will the impact of development in the wintering
3 range now have on the caribou. They are being affected
4 in the north and now when they come south they will
5 have additional development to deal with. At a time
6 when the caribou are in a very fragile state we have
7 concerns about their resilience to more and more
8 development, including an all-season access road.

9 We expect the monitoring to be designed
10 to define and test the zone of influence of the mine
11 and road on caribou. We expect it to monitor occupancy
12 or changes in movement and behaviour of caribou,
13 relative to the mine. And we need to test to see if
14 there is a measurable zone of influence which should be
15 a part of the WEMP, that we've already discussed a
16 little bit.

17 This map, Mr. Chair, shows to me a very
18 interesting story. It's a little bit tough to see some
19 of the stuff on it, but it first shows the traditional
20 migration trails of the caribou, as collected from
21 traditional knowledge work done previously by the
22 Tlicho. And this swathe is that traditional migration
23 route.

24 As you can see, this is a major
25 migration corridor and the caribou migrate right past

1 the Nico site. We have concern about how the mine will
2 affect this migration, due to noise and disturbance
3 from the mine site itself, and also the spur road that
4 cuts straight across this route. Once we have the TK
5 results, we'll have a better hold on this, but more
6 work will need to be done to understand the Elders'
7 questions and concerns, which I expect to be considered
8 in a meaningful way in the development of the WEMP.

9 The other thing that this map shows is
10 how the landscape will potentially change in a very
11 short time frame if the proposed development goes
12 ahead. It shows us the proposed Tlicho Road, which
13 goes to Gameti, the -- the access road to the Nico
14 site. And this could have a major impact on the
15 harvest of bo -- of both Bathurst and Bluenose East
16 herd. It also shows the Dennison winter road, just
17 north of Gameti, which is just up here.

18 So as you can see, this all season road
19 would basically go straight to where that Dennison
20 winter road would be, which is the -- and the Dennison
21 winter road is the subject of a land use permit
22 application under the Mackenzie Valley Land -- Land and
23 Water Board right now.

24 We have seen this map in the TK
25 presentation, but it's important because it shows the

1 extent to which the Tlicho have traditionally hunted
2 caribou in this area, both -- both boreal and barren-
3 ground. Harvesting points start at 1940, with the last
4 one mentioned being 2006.

5 What this tells us is that despite
6 Fortune's baseline data, which is based on a relatively
7 short time scale, traditional knowledge tells us that
8 the caribou, both boreal and Bathurst, have clearly
9 been in the area, and it simply depends on the time
10 scale in which you consider it.

11 As the Bathurst herd increases in size,
12 you will see its southern range increase, as this is a
13 known fact. In the future, if and when the Bathurst
14 herd increases, we want to be sure that the impacts of
15 this mine are monitored and mitigated, and also that
16 data is collected and feeds into our understanding of
17 cumulative effects on the caribou.

18 This slide really just shows,
19 essentially, what I just said about how the value --
20 the value that traditional knowledge can bring to the
21 table to really collect solid baseline data over a long
22 period of time, rather than scientific studies that are
23 often short in duration and geographic extent.

24 This slide helps us to understand the
25 value that TK -- the value of the TK that we heard

1 about earlier, and how it can be used in making
2 predictions about a species and the impact on a
3 species.

4 As I was clearly alluding to before, the
5 biggest concern, or one of the biggest concerns, that
6 we have is about increased access, and the -- the
7 potential to delay the recovery of the Bathurst caribou
8 herd, and the potential to increase the harvest of
9 Bluenose east herd.

10 The Tlicho conclusion is that this
11 project will significantly increase access to both
12 herds, and may have significant environmental and
13 social impacts.

14 Though the proponent has claimed that
15 the increased access to the Bathurst caribou will be
16 moderate, as a winter road already exists, I would like
17 to express, Mr. Chair, that the potentially significant
18 impacts that this may result in to very real people and
19 their livelihoods, and to share the significance of
20 impact that this could mean both for the environment
21 and the intimately connected social-cultural aspects as
22 well.

23 We all know that a mine may last for a
24 short period of time; a road will last forever. The
25 proponent has made it adamantly clear that this mine is

1 not viable without an all-season road.

2 The decline of the Bathurst caribou herd
3 can be attributed to many factors, but a harvest that
4 remains consistent over time on an already declining
5 herd will have a major impact on that herd. Though
6 harvest may not have had a huge impact when the caribou
7 were at high numbers, at a rapid decline, a harvest of
8 the same level would have extensive impacts, and much
9 of this harvest can be attributed to the winter road,
10 as I mentioned earlier, from the -- the ENR study that
11 was done in 2007 and 2008.

12 What an all-season road means is that
13 people can drive their trucks into Tlicho lands all
14 year round. In the winter, when the caribou on their
15 wintering range, trucks will be able to drive as far as
16 Whati or Gameti, park and take their snowmobile --
17 snowmobiles the rest of the way. This would be, like I
18 said earlier, like going to Yellowknife on the road now
19 in comparison to when it was a gravel, windy road, and
20 people were simply less inclined to do it.

21 One (1) of the reasons it is believed
22 the Bluenose east herd increased is the lack of access
23 to that herd. They stayed away from Deline and the
24 Tlicho communities, and did not get harvested to a
25 great degree.

1 In the last three (3) years, they have
2 been going closer to the communities, and, between that
3 and the restrictions on the Bathurst harvest, the
4 harvest has increased, with approximately eighteen
5 hundred (1,800) animals being taken this past year, and
6 close to three thousand (3,000) the year before. An
7 all-season road will only add to this harvest and make
8 it much more difficult to manage.

9 In addition, as the proponent has shared
10 this morning or earlier, the all-season road will also
11 increase duration. And what this means is that people
12 will be able to go to -- further up north, up to Hislop
13 Lake, where it's cooler in the spring and it freezes
14 earlier in the late fall and winter. So this means
15 that people can access that part of the Bluenose range
16 for a greater period of time than they would have been
17 able to previously.

18 And, as mentioned, we also have the
19 Dennison winter road, which will increase potential
20 access to the Bluenose east caribou. Although this is
21 only a winter road for a short period of time -- or for
22 a few years, it will still be an increased corridor
23 that -- that people can access.

24 What this all comes down to is
25 cumulative impacts and the need to monitor and manage

1 the harvest. Because if the Bathurst caribou does not
2 recover and we transfer the problem to the Bluenose
3 east herd, we will start to see very, very real impacts
4 on the Tlicho and their language, culture, and way of
5 life.

6 These last three (3) years have been
7 hard, because people have to go further and longer to
8 access the caribou. They -- the shift in harvest has
9 also led to challenges in the community of Gameti such
10 as safety, as more and more people came to the
11 community to hunt the caribou.

12 Many people simply didn't hunt caribou
13 due to the increased distance and cost to get to them.
14 This means that people spend less time on the land,
15 have less opportunity to practice their traditional
16 ways, to follow and learn about the oral history of the
17 caribou trails and place names and as John B. explained
18 to -- to us earlier, all of the different cultural
19 information that comes with that.

20 They have less caribou to make dried
21 meat or boongle (phonetic) with. They also have less
22 caribou to make crafts such as moccasins, purses,
23 bullet bags and clothing. This is a potentially
24 significant impact that the Tlicho, as a people, may
25 face and if the impacts of the proposed nin -- if the

1 impacts of the proposed mine are not monitored and
2 mitigated.

3 The measure we seek here is for a
4 commitment from the company to contribute to the
5 development of a robust monitoring program and to
6 hiring Tlicho people to monitor the harvest and the
7 caribou overall.

8 This map just shows the different
9 caribou ranges. The -- the Bluenose to the west, this
10 is the calving grounds near Kugluktuk. And you can see
11 how it crosses over and shares part of the range with
12 the Bathurst and this one's the Bathurst here that goes
13 down to Saskatchewan as you saw earlier in -- in the
14 proponent's slide show and this is the Bathurst calving
15 grounds up here.

16 The recommended measures that we suggest
17 are for the proponent to test for direct and indirect
18 effects, i.e., the zone of influence of the mine and
19 associated road in the WEMP by using science and
20 traditional knowledge to monitor distribution,
21 abundance, and behaviour of both Totsi (phonetic) and
22 Equa (phonetic).

23 The second recommended measure is that
24 through discussions with the Tlicho government, other
25 Aboriginal groups, ENR, and the Board, the proponent

1 will develop and implement a monitoring program that
2 will contribute to better mitigation and understanding
3 of cumulative effects to caribou. And that was -- that
4 was along the lines of what AANDC or SEMP suggested
5 earlier.

6 The other key recommended measure, which
7 we have discussed is a WEMP. As has already been
8 mentioned, it was conceptual and limited information
9 and too much was left up to the permitting phase. We
10 expect that the proponent will develop a WEMP prior to
11 the permitting process in a collaborative manner which
12 they have already said that they would involving the
13 parties, and to be approved and supported by parties,
14 not just a one (1) day workshop, but in a meaningful
15 manner that incorporates trad -- excuse me, traditional
16 knowledge and science equally.

17 We want this to include funding to
18 incorporate traditional knowledge for the life of the
19 project. We expect it to include best practices. We
20 expect it to be enforceable and we expect it to be done
21 before the permitting stage.

22 We also expect the WEMP to follow
23 adaptive management principles. The other key
24 recommendation that we have, recommended measure, is an
25 independent watchdog. I use the term 'independent

1 watchdog,' because that is what one (1) of my elders
2 told me a couple of days ago. That were his -- that
3 was his words.

4 Fortune Minerals has rejected an
5 oversight body and there's been numerous discussions so
6 far about the need for an -- or the concern that some
7 parties have and would like to see an oversight body.
8 We want to see an independent watchdog required to
9 monitor the data collected and consequent adaptive
10 management actions.

11 This mine -- this proposed mine is in
12 the heart of Tlicho lands, as you have all heard. It
13 is not far away from where the people live. It is just
14 to the -- just to the north of Behchoko just -- and
15 Whati and just to the south of Gameti.

16 It is in the middle of where the people
17 live, go to -- live off of the land, hunt, trap, fish.
18 The Tlicho need assurance and they need to know that
19 this mine is being managed in an appropriate manor and
20 that there is -- there is really solid data and
21 information that's -- that's being collected to ensure
22 the livelihoods and the environment and the wildlife of
23 the Tlicho and the Tlicho lands are being protected.

24 The last thing that we would like is
25 financial commitment to Tlicho wildlife and monitoring

1 program on and off site including monitoring access and
2 harvest.

3

4 (BRIEF PAUSE)

5

6 MS. KERRI GARNER: In summary, the
7 Tlicho government has made recommendations for five (5)
8 measures related to caribou to be included in the
9 report of environmental assessment. We strongly
10 recommend that these measures be addressed.

11 These measures will help the Tlicho to
12 feel more comfortable with -- with the potential
13 impacts that this mine might have and this is -- this
14 is essentially what we would like to see in the
15 environmental assessment report. Masi cho.

16 THE CHAIRPERSON: Okay. Thank you.
17 Thank you to the Tlicho government for their
18 presentation. As mentioned before I started if we
19 could keep -- keep our presentation and also our
20 questions short and direct.

21 So I'm going to go to the order of
22 asking questions now. I want to go the reverse order
23 now. I want to go to Natural Resources Canada.

24 Is there any questions for the Tlicho
25 government on their presentation?

1

2

(BRIEF PAUSE)

3

4 QUESTION PERIOD:

5

THE CHAIRPERSON: Doesn't look like
anybody's here. I'm going to go to Transport Canada.
Okay. Moving on. Environment Canada...?

8

MR. JAMES HODSON: James Hodson with
Environment Canada. No questions at this time.

10 Thanks.

11

THE CHAIRPERSON: Thank you.
Aboriginal Affairs and Northern Development Canada,
AANDC, on the Tlicho presentation?

14

MR. BOYAN TRACZ: Boyan Tracz,
Aboriginal Affairs. No questions.

16

THE CHAIRPERSON: Thank you. I'm going
to go -- go to the Government of Northwest Territories,
Dean Cluff?

19

MR. SHARIC KOURI: Good evening, Mr.
Chair. Sharic Kouri, ENR, Government Northwest
Territories. We have no questions. Thank you.

22

THE CHAIRPERSON: Thank you. I'm going
to go Fisheries and Ocean Canada. Thank you. Nobody
here.

25

North Slave Metis Alliance, questions to

1 the Tlicho government on their presentation on the
2 wildlife effects monitoring plan.

3 MR. BILL ENGE: Thank you, Mr.
4 Chairman. Bill Enge here. No, I don't have any
5 questions for the Tlicho presenter. Thank you.

6 THE CHAIRPERSON: Thank you. I'm going
7 to go to the Yellowknives Dene First Nation.

8 MR. TODD SLACK: No questions, Mr.
9 Chair.

10 THE CHAIRPERSON: Thank you. Fortune
11 Minerals Limited, questions through the Tlicho
12 government on their presentation?

13 DR. RICK SCHRYER: Rick Schryer,
14 Fortune Minerals. Thank you, Mr. Chairman. I got a
15 few questions.

16 One (1) -- one (1) of the biggest or
17 potential impacts that the Tlicho listed was access and
18 my question is: Would the Tlicho government be prepared
19 to consider Fortune Minerals' proposal to make the Nico
20 project access road a no hunting corridor?

21 THE CHAIRPERSON: Thank you. I'm going
22 to go to the Tlicho government.

23 MS. KERRI GARNER: Masi, Mr. Chair.
24 Well that is a start and, yes, that would definitely be
25 acceptable. Kerri Garner, Tlicho Government. Sorry.

1 THE CHAIRPERSON: Thank you. I'm going
2 to go to Fortune Minerals.

3 DR. RICK SCHRYER: Thank you, Mr.
4 Chairman. Rick Schryer, Fortune Minerals. I'm very
5 glad to hear that. I think that's a step in the right
6 direction.

7 Second question is: I didn't see
8 contaminants listed in the list of potential effects to
9 caribou in the presentation. Does that mean that the
10 Tlicho government is satisfied with the measures that
11 Fortune Minerals has put in place in order to protect
12 the health of caribou?

13 THE CHAIRPERSON: Thank you. I'm going
14 to Tlicho government.

15

16 (BRIEF PAUSE)

17

18 MS. KERRI GARNER: Masi, Mr. Chair. I
19 think that until the Tlicho government's traditional
20 knowledge study is done, we don't have an answer for
21 that because I think that that study will in -- inform
22 our response. Masi. Kerri Garner, Tlicho government.

23 THE CHAIRPERSON: Thank you. Can we
24 make a note for her. Anyways, continue on Fortune
25 Minerals, please.

1 DR. RICK SCHRYER: I have actually
2 spare note over here I can give her. Rick Schryer,
3 Fortune Minerals.

4 Final question. You list -- you had a
5 list of potential impacts to barren-ground caribou in
6 your presentation, but you didn't actually specify how
7 boreal caribou would be affected.

8 Can you -- can we assume that it was
9 primarily due to access or increased access?

10 THE CHAIRPERSON: Thank you, Fortune
11 Minerals, for your final question. Tlicho
12 government...?

13 MS. KERRI GARNER: Kerri Garner, Tlicho
14 government. I think that question also needs to be
15 responded to once we get the traditional knowledge
16 study in our hands and we have a better feel for -- for
17 what that gives us in terms of information.

18 I would also say that there is concern
19 of habitat loss be -- having an effect on -- on the
20 boreal caribou. The -- the herd -- the habitat of the
21 boreal caribou has already been significantly impacted
22 by fire. We know that.

23 So given the significant -- the impact
24 that fire has had on the boreal caribou range, the loss
25 of even a small amount of habitat from development or

1 human use will have an impact on the caribou -- on the
2 boreal caribou.

3 So that's just one (1) part of the
4 answer. But I think that also the traditional
5 knowledge study will -- will help us to inform our
6 answer to that. Masi, Mr. Chair.

7 THE CHAIRPERSON: Thank you. No
8 further questions from Fortune Minerals.

9 I want to go to the Review Board staff.

10 MR. JOHN DONIHEE: Thank you, Mr.
11 Chairman. John Donihee, for the Board.

12 Ms. Garner, I have a couple of questions
13 about your recommendation number 3. It's the one (1) -
14 - the first thing, everybody talks about WEMP. Could
15 you just, for -- for the record, tell us what that
16 acronym stands for, please?

17 THE CHAIRPERSON: Thank you. Tlicho
18 government...?

19 MS. KERRI GARNER: Kerri Garner, Tlicho
20 government. Masi, Mr. Chair. WEMP stands for Wildlife
21 Effects Monitoring Program.

22 MR. JOHN DONIHEE: Thank you. I was
23 concerned for a minute it might be some kind of evil
24 midget.

25 Okay and so in your recommendation

1 number 3 you talk about how you'd like the WEMP to be
2 developed. And then you say that, I'm just looking at
3 your bullets, it should include funding to incorporate
4 TK for the life of project.

5 And I -- I just -- it's not really clear
6 to me. What do you mean by that; that TK in the WEMP
7 for the life of the project? And if that is what
8 you're saying, then just how do you see, you know, that
9 -- that infusion of TK taking place on an ongoing
10 basis?

11 THE CHAIRPERSON: Thank you, Mr.
12 Donihee. Tlicho government...?

13 MS. KERRI GARNER: Kerri Garner, Tlicho
14 government. Masi, Mr. Chair.

15 What we mean by that is -- is we want to
16 see traditional knowledge incorporated at the very
17 beginning of the WEMP process to help ask the questions
18 that we want -- that the Elders want -- want to have
19 answered. So that will be the beginning of the WEMP
20 process.

21 And the other key thing is -- and this
22 is where the discussion still needs to ha -- needs to
23 be had, is -- is there may be some things that could be
24 monitored by traditional knowledge, and there may be
25 certain things that can be monitored by science.

1 And so we want to ensure that if there
2 is -- there is, for example, a traditional knowledge
3 monitoring program, that there will be funding that
4 will be available to contribute to that traditional
5 knowledge over the life of the project or however it is
6 that we -- the Elders decide that they want to see
7 traditional knowledge incorporated into the Wildlife
8 Effects Monitoring Program. Masi.

9 THE CHAIRPERSON: Thank you. I'll go
10 back to the Review Board staff.

11 MR. JOHN DONIHEE: Thank you, Mr.
12 Chairman. John Donihee. Just to be clear then, we're
13 not talking about some kind of broad, ongoing TK
14 program, but rather funding to incorporate traditional
15 knowledge in a way that works, you know, that -- that's
16 consonant with the goals of the -- of the WEMP.

17 Is that -- is that what you're saying?

18 THE CHAIRPERSON: Thank you. I'll go
19 back to the Tlicho government.

20 MS. KERRI GARNER: Kerri Garner, Tlicho
21 government. Masi, Mr. Chair. Yes, that is what I'm
22 saying.

23 THE CHAIRPERSON: Okay. Review Board
24 staff...?

25 MR. JOHN DONIHEE: Thank you, Mr.

1 Chairman. John Donihee. Your next bullet was,
2 "Enforceable." That's all it says, and I wonder what
3 you -- what you mean by that and how you think that can
4 happen.

5 THE CHAIRPERSON: Thank you. Tlich
6 government...?

7 MS. KERRI GARNER: Kerri Garner, Tlich
8 government.

9

10 (BRIEF PAUSE)

11

12 MS. KERRI GARNER: Kerri Garner, Tlich
13 government. Masi, Mr. Chair.

14 As Todd Slack from the Yellowknives has
15 pointed out, there is no regulatory mechanism to
16 enforce the Wildlife Effects Monitoring Program. And
17 this further shows how we would like to see an
18 independent monitoring body set up so that we can make
19 sure that any adaptive management actions are -- are
20 being implemented and -- and worked through and are --
21 are being enforced in the end. Masi.

22 THE CHAIRPERSON: Thank you. I'll go
23 back to Review Board staff.

24 MR. JOHN DONIHEE: Thank you, Mr.
25 Chairman. John Donihee. So you're saying enforceable

1 through the mechanism of this independent agency that -
2 - that you suggest should be established?

3 THE CHAIRPERSON: Thank you. I'm going
4 to go back to the Tlicho government.

5 MS. KERRI GARNER: Kerri Garner, Tlicho
6 government. Yes, and through an agreement between the
7 parties and the Proponent to agree to adaptive
8 management principles. Masi.

9 THE CHAIRPERSON: Thank you. Review
10 Board staff...?

11 MR. JOHN DONIHEE: Thank you, Mr.
12 Chairman. John Donihee. I -- I just want to ask about
13 one (1) other point here. And -- and so it -- it says,
14 "requirement before permitting." And which permits are
15 you referring to?

16 Again, based on your earlier answer, Mr.
17 Slack's evidence, and my knowledge of the regulatory
18 system, there really aren't any wildlife permits that
19 were -- that are being anticipated here.

20 So which -- which permits would you
21 propose be held back, I guess, until this -- this
22 system is put in place?

23 THE CHAIRPERSON: Thank you. I'll go
24 to the Tlicho government.

25 MS. KERRI GARNER: Kerri Garner, Tlicho

1 government. We would like to see the Wildlife Effects
2 Monitoring Program developed and in place before the
3 water licence and land-use permitting process is to
4 move forward. Masi.

5 THE CHAIRPERSON: Thank you. Review
6 Board staff...?

7 MR. JOHN DONIHEE: Thank you, Mr.
8 Chairman. I -- just, I guess, one (1) other point, and
9 I -- I guess I'm just wondering why you would hold back
10 the water licence or land-use permit, you know, when
11 the -- the Wek'eezhii Land and Water Board doesn't
12 really have any wildlife jurisdiction, for starters.
13 And, you know, why do you need to hold back the
14 permits?

15 If you got the commitments you needed
16 from the -- the Developer, I guess I just fail to see
17 why we should reach out to these permits to achieve
18 your goal.

19 THE CHAIRPERSON: Thank you. I'm going
20 to go to the Tlicho government.

21

22 (BRIEF PAUSE)

23

24 MS. KERRI GARNER: Masi, Mr. Chair.
25 The reason that we want to have it done prior to the

1 permitting process is because a commitment is just a
2 commitment. We want to see this -- we absolutely want
3 to see this in place and committed to and done, and not
4 only a commitment on paper by the Developer.

5 And we feel that if the Board -- if the
6 Board reco -- makes this measure in the environmental
7 assessment report, it will ensure that it is done and
8 it is in place, and that there is -- is no other option
9 for that to happen, because it is so important to the
10 Tlicho and the Tlicho government and the Tlicho people.
11 Masi. Kerri Garner, Tlicho government.

12 THE CHAIRPERSON: Thank you. Review
13 Board staff?

14 MR. JOHN DONIHEE: One last one, Mr.
15 Chairman. It's John Donihee again. Let -- let's
16 assume, just for the sake of our discussion, that the
17 Review Board issues a report that the Minister accepts,
18 the Tlicho Government accepts, and that Fortune decides
19 to go ahead with their water licensing process.

20 And, you know, the -- from what I
21 understand, even if they have a water licence in hand,
22 if they don't have a road, they still don't have a
23 project. So, you know, it just doesn't -- I'm -- I'm
24 still curious as to why you feel this has to happen
25 before the water licence is issued, when there's a

1 whole other shoe to drop here, you know, that is really
2 going to prevent this project from going forward.

3 Why -- why tie up the water licence and
4 land use permit when, if they don't have a road, they
5 still don't have a project?

6 THE CHAIRPERSON: Thank you. And we'll
7 go to the Tlicho Government.

8 MS. KERRI GARNER: Masi, Mr. Chair.
9 Kerri Garner, Tlicho Government. We will take that
10 into consideration. Masi.

11 THE CHAIRPERSON: Maybe if you're going
12 to take that under consideration, I'd like to have a
13 reply back. I'd just like to know when you're going to
14 do that, because I am -- I'm interested in that
15 question as well. So can you re -- respond to my
16 comments?

17

18 (BRIEF PAUSE)

19

20 MS. KERRI GARNER: Kerri Garner, Tlicho
21 Government. Mr. Chair, we can have a response to that
22 by the time we get back together for the traditional
23 knowledge -- the next session for the traditional
24 knowledge sessions, if that will work for you.

25 THE CHAIRPERSON: Mr. Donihee...?

1 MR. JOHN DONIHEE: Mr. Chairman, John
2 Donihee. I'm -- I'm happy to accept that undertaking
3 from Tlicho Government. I think the dates are yet to
4 be set, but you'll have them before the end of the day.
5 And that's the end of my questions, sir.

6

7 (BRIEF PAUSE)

8

9 MR. JOHN DONIHEE: Mr. Chairman, it's
10 John Donihee again. I -- I suppose, just to be
11 careful, we should probably be specific about what we
12 understand the undertaking to be. And you -- you had
13 asked -- or, pardon me, I had asked why it was still
14 necessary -- or, why -- why the Tlicho Government was
15 so insisting that their measure number 3 be put into
16 effect, the establishment of the WEMP and -- and the
17 other matters listed in that recommendation, before
18 licences and permits were issued, when the evidence
19 indicated that the project wouldn't be built until
20 there was a road anyhow.

21 The answer was that they would take that
22 question into consideration. And so I take it that the
23 undertaking is to answer that question. Thank you.

24 THE CHAIRPERSON: Thank you. I want to
25 go to the Tlicho Government.

1 MS. KERRI GARNER: Kerri Garner, Tlicho
2 Government. Yes, that is my understanding of the
3 question -- the undertaking.

4 THE CHAIRPERSON: Okay, for the
5 undertaking then, this will be Undertaking number 1.
6 I'd like to have your -- the response not by the next
7 session, but I'd like to have it in the next two (2)
8 weeks, September 14th. That'll give you enough time to
9 prepare this, and no later than 4:00 into the Review
10 Board office. So I'll set that as Undertaking number
11 1. Thank you.

12

13 --- UNDERTAKING NO. 1: Tlicho government to answer
14 the question of why the
15 Tlicho government was so
16 insisting that their
17 measure number 3 be put
18 into effect, the
19 establishment of the WEMP
20 and the other matters
21 listed in that
22 recommendation, before
23 licences and permits were
24 issued, when the evidence
25 indicated that the project

1 wouldn't be built until
2 there was a road anyhow
3

4 THE CHAIRPERSON: Is there any more
5 questions from the Review Board staff?

6 MR. JOHN DONIHEE: No, there aren't,
7 Mr. Chairman.

8 THE CHAIRPERSON: Okay, thank you. I
9 want to go to my far right, Mr. John Curran. Questions
10 for the Tlicho on their presentation?

11 MR. JOHN CURRAN: Thank you, Mr.
12 Chairman. I'd like to start by thanking Mr. Judas for
13 sharing his traditional knowledge and experience as a
14 hunter. At this time, I don't have any questions for
15 the Tlicho Government. Thank you. Bye.

16 THE CHAIRPERSON: Thank you. Mr. James
17 Wah-shee, Board member...?

18 MR. JAMES WAH-SHEE: Thank you, Mr.
19 Chairman. I don't have any questions, but my
20 compliments for the presentation. Thank you.

21 THE CHAIRPERSON: Thank you. Mr.
22 Richard Mercredi, Board member...?

23 MR. RICHARD MERCREDI: Thank you, Mr.
24 Chairman. No comments at this time.

25 THE CHAIRPERSON: Thank you. Mr. Danny

1 Bayha, Board member...?

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

3 Thank you again for the presentation, and no questions.

4 THE CHAIRPERSON: Thank you. Ms.

5 Rachel Crapeau, Board member...?

6 MS. RACHEL CRAPEAU: Rachel Crapeau.

7 No questions at the moment. Hopefully thinking that

8 maybe the TK two (2) days coming up will be

9 interesting. Thank you.

10 THE CHAIRPERSON: Okay. Thank you.

11 Mr. Percy Hardisty, Board member...?

12 MR. PERCY HARDISTY: Masi, Mr. Chair.

13 No questions. Thank you.

14 THE CHAIRPERSON: Okay. Thank you. I

15 want to take this opportunity to thank the Tlicho

16 Government on their presentation, especially former

17 Chief Joseph Judas and Kerri Garner. Masi for your

18 presentation.

19 I want to continue on now on to other

20 presentation here. The Government of Northwest

21 Territories, if they could come up and get set up, we

22 could start the presentation. And they will be

23 followed by Environment Canada, North Slave Metis, and

24 YKDFN.

25 And -- and I just want to continue to

1 say that if we could just concentrate on the
2 presentation, and if we could keep our questions short
3 and brief. Thank you.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: Yeah, please proceed.

8

9 CARIBOU AND WEMP PRESENTATION BY GOVERNMENT OF
10 NORTHWEST TERRITORIES:

11 MS. SARAH TRUE: Good evening. My name
12 is Sarah True, and I'm the regional environmental
13 assessment canol -- coordinator for ENR North Slave
14 regional office, located in Yellowknife. With me I
15 have Dean Cluff. He's the regional biologist, again at
16 the North Slave office. And Mr. Bruno Croft, who is
17 the manager of monitoring and research. Oh, okay.

18 Our technical report that we provided in
19 June to the Review Board will provide a lot of the
20 details on each of these topics that we're going to
21 talk about today. The topics that we've chosen are
22 based around the barren-ground caribou and species at
23 risk.

24 The GNWT's technical report identifies
25 the primary ranges of the Bathurst caribou herd and the

1 Bluenose-East caribou herd. With respect to the Nico
2 Project, the Bathurst herd is the only herd whose
3 winter range overlaps with the Nico Project. The
4 Bathurst herd was estimated at thirty-two thousand
5 (32,000) caribou in 2009. An updated herd estimate
6 will not be available until the fall of 2012.

7 The GNWT released its first "Caribou
8 Forever - Our Heritage, Our Responsibility" strategy in
9 2006. This document laid out a series of strategies
10 and implementation actions for 2006 to 2010. The
11 latest 2011/2015 strategy builds on this management
12 approach for the continued recovery and sustainability
13 of barren-ground caribou.

14 Both strategies recognize that barren-
15 ground caribou herd populations fluctuate over a wide
16 range in numbers over time, with cycles varying from
17 about thirty (30) years to longer periods.

18 The primary concern raised by the GNWT
19 throughout this environmental assessment is the
20 potential for increased harvesting as a result of
21 increased and improved vehicle access to barren-ground
22 caribou herds. Recent experience suggest that roads
23 providing easy access to NWT barren-ground caribou
24 herds have the potential to increase hunter access,
25 greatly enabling over-harvest of caribou when herds

1 reach low numbers and have a declining natural te --
2 trend.

3 Oops, sorry. The need to understand and
4 monitor harvest has led to the GNWT, ENR, and co-
5 management partners to develop and implement an
6 approach to manage harvesting activities. We
7 acknowledge that short-term harvest management actions
8 are needed until we can fully implement a longer-term
9 process for managing and monitoring barren-ground
10 caribou herds.

11 To date, there has been compliance to
12 the harvest targets that were set out within the 2010
13 ENR/TG revised joint proposal on caribou management
14 actions in Wek'eezhii settlement area in the subsequent
15 2011 implementation plan.

16 Actions outlined in these documents
17 limit harvest target of the Bathurst to three hundred
18 (300) animals. And this harvest, as well as the
19 harvest of some other herds, are currently being
20 monitored and reported on.

21 The species at risk listed on this slide
22 are under the management authority of the GNWT. On
23 July 7th, 2012, Canada amended schedule 1 to list
24 Peregrine Falcon as a complex with a status of special
25 concern. Short-eared Owl was also added as a species

1 of special concern.

2 The GNWT's technical report also
3 discusses the status of boreal caribou management in
4 the NWT. The GNWT believes boreal caribou have a
5 continuous range and are not at risk of extinction or
6 extirpation in the NWT, but may require special
7 attention or protection to prevent these caribou from
8 becoming at risk.

9 Boreal caribou are currently being
10 assessed under the NWT Species At Risk Act. The NWT
11 Species At Risk Committee, or NWT SARC, established
12 under the Territorial Act, is responsible for assessing
13 the status of species that may be at risk in the NWT.

14 The SARC has an obligation to carry out
15 its assessment using the best available information.
16 That includes Aboriginal traditional knowledge,
17 community knowledge, and scientific knowledge.

18 The GNWT has appointed several expert
19 wildlife staff to serve and act independently on the
20 SARC. As it currently stands, the committee has other
21 experts who have been appointed by Environment Canada,
22 the Wildlife Management Advisory Council, NWT, Dehcho
23 First Nations, Northwest Territories Metis Nation, as
24 well as the Gwich'in, Sahtu, and Wek'eezhii Renewable
25 Resources Board.

1 The GNWT and Environment Canada have
2 agreed to modify the final national recovery strategy
3 for the woodland caribou boreal population. These
4 changes including making a single boreal caribou range
5 and modifying the range boundary, as it is clear that
6 effects from anthropogenic and wild -- and wildfire
7 will continually make changes across the NWT landscape.
8 However, this project will not contribute significantly
9 -- significantly to changes in the overall landscape
10 for boreal caribou.

11 The GNWT issued an action plan for
12 boreal caribou in 2010 and will review its action plan
13 to ensure that it will be in compliance with the final
14 national recovery strategy and implementation plan. In
15 addition, the NWT SARC status on boreal caribou will
16 further serve as a guide for any future plans and
17 actions towards the conservation of boreal caribou.

18 The GNWT agrees with the goals and
19 objectives of the conceptual WEMP and recognizes the
20 commitments made by Fortune Minerals to develop and
21 implement a Wildlife Effects Monitoring Program in
22 consultation with ENR, Environment Canada, and other
23 parties. The GNWT is of the opinion that the process
24 will help further define the commitments that were made
25 in Table 1-1.

1 In addition, Fortune has also committed
2 to continually improve its management approaches based
3 on monitoring and reporting over time. Any Wildlife
4 Effects Monitoring Program should be: broad -- broad,
5 meaning focussed on more than one (1) species.

6 Two, conducted in a scale appropriate to
7 the questions of the -- question of interest and
8 species of interest, so likely regional- and local-
9 scale monitoring.

10 Three, include standardized protocols;
11 for example, using the same methods/approaches being
12 used at other -- other mines so that direct comparison
13 can be made and results can be scaled up for regional
14 and cumulative effects assessment, when appropriate.

15 And finally, done in collaboration with
16 partners, such as Aboriginal groups; management
17 authorities, like the Renewable Resources Boards; ENR;
18 government; and other mines. Thank you.

19 THE CHAIRPERSON: Thank you for your
20 presentation.

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: Thank you for your
25 presentation, Government of the Northwest Territories.

1 And I'll go back into the speaking order to your
2 presentation.

3 I want to ask Fortune Minerals Limited
4 if there's any questions to the GNWT on their
5 presentation.

6

7 QUESTION PERIOD:

8 DR. RICK SCHRYER: Rick Schryer,
9 Fortune Minerals. No questions at this time.

10 THE CHAIRPERSON: Thank you. I'm going
11 to go to the Tlicho Government. Any questions to the
12 GNWT on their presentation?

13 MS. KERRI GARNER: Kerri Garner, Tlicho
14 Government. We have no questions at this time.

15 THE CHAIRPERSON: Okay. Thank you.
16 YKDFN, any questions for the GNWT on their
17 presentation?

18 MR. TODD SLACK: Thank you, Mr. Chair.
19 I have one (1) question.

20 THE CHAIRPERSON: Please proceed.

21 MR. TODD SLACK: If the Proponent were
22 to -- recognizing the commitment, and then let's say
23 another company came in and bought the -- bought
24 Fortune Minerals Limited. That company then with --
25 decided not to fulfil this commitment.

1 A) What recourse would GNWT have to
2 require this commitment to be enacted; and B) if the
3 company did not want to use best me -- or, best
4 practices as developed here in the territory, would
5 GNWT have any recourse in that case? Thank you.

6 THE CHAIRPERSON: Thank you for your
7 final question. I'm going to go to the GNWT.

8

9 (BRIEF PAUSE)

10

11 MS. SARAH TRUE: Sarah True, ENR. This
12 kind of brings me to some of the other recommendations
13 or commitments that we would -- have been discussing
14 and -- in light of some of the other presentations and
15 conversations/discussions that have been going on.

16 And we would like to have a Board
17 recommendation to the Proponent to expand on some of
18 the commitments that are already made by Fortune to min
19 -- due to some of the impacts that we see not only on
20 the Bathurst, the Bluenose East, but other wildlife
21 species -- that we would like to see a recommendation
22 to minimize the project-related impacts on wildlife
23 species.

24 And the Proponent shall commit to file
25 with the wild -- a Wildlife Protection and Management

1 Plan to the Renewable Resources Board, regulatory
2 agencies, and/or Aboriginal governments responsible for
3 the management of wildlife and wildlife habitat within
4 the North Slave region.

5 This plan should address general
6 wildlife protection and specific protection of wildlife
7 species, incorporating both Western science and
8 traditional knowledge. We request that this be done in
9 a timely fashion.

10 The other con -- sorry.

11

12 (BRIEF PAUSE)

13

14 MS. SARAH TRUE: The other one that
15 we've been -- that we would like to see either as a
16 Proponent commitment or Board recommendation to the
17 Proponent, that the proponent, to support the
18 continuation of the existing harvest management plans
19 that are ongoing with the Aboriginal communities.

20 These plans should include, but are not
21 limited to, the hiring of community min -- monitors,
22 collection and reporting of harvest information, status
23 from the check station, health and condition sampling,
24 public education, and hunter training.

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Thank you, YKDFN, on
4 your question, and GNWT. If there's no further
5 questions, I'm going to go to the North Slave Metis
6 Alliance. Mr. Bill Enge...?

7 MR. BILL ENGE: Thank you, Mr.
8 Chairman. Bill Enge here for North Slave Metis
9 Alliance. I have no questions of the presenter. Thank
10 you.

11 THE CHAIRPERSON: Thank you. I'm
12 going to go to Fisheries and Oceans Canada. I don't
13 think they're here. Continue on. I'm going to go to
14 Aboriginal Affairs and Northern Development Canada,
15 AANDC.

16

17 MR. BOYAN TRACZ: Thank you, Mr. Chair.
18 Boyan Tracz, Aboriginal Affairs. No questions.

19 THE CHAIRPERSON: Thank you. I'm
20 going to go to Transport Canada. It doesn't look like
21 nobody's here.

22 I'm going to go to Natural Resources
23 Canada. Nobody here.

24 I'm going to go to the Review Board
25 staff. Questions to the GNWT on their presentation?

1 MR. JOHN DONIHEE: Yes, thank you, Mr.
2 Chairman. Your PowerPoint didn't include the
3 recommendations that you just read into the record. I
4 wonder if you can file a text of those recommendations
5 so that we can -- we can have them for the Board's
6 purposes, please.

7 THE CHAIRPERSON: Thank you, Mr.
8 Donihee. I'm going to go to GNWT.

9 MS. SARAH TRUE: Sarah True, ENR. Yes.

10 THE CHAIRPERSON: Thank you.

11 MS. SARAH TRUE: We can do that.

12 THE CHAIRPERSON: Any further questions?

13 MS. SARAH TRUE: Is -- is there a time
14 frame on that, or just... Okay.

15 THE CHAIRPERSON: Right now if you
16 want. Thank you. I'm going to go to GNWT -- sorry,
17 Review Board staff.

18 MR. JOHN DONIHEE: Thank you, Mr.
19 Chairman. I -- I missed the exchange, but tomorrow
20 would be good. We'll be here. I guess a question I
21 have is: Why didn't -- why weren't they in your
22 PowerPoint?

23 Why -- why didn't you -- I mean, are
24 these things that you've come up with while you were
25 sitting here?

1 THE CHAIRPERSON: Thank you. I'll go
2 to GNWT.

3

4 (BRIEF PAUSE)

5

6 MR. DEAN CLUFF: Dean Cluff, GNWT.
7 Some of the -- these recommendations have come up in
8 our discussions here and as we've heard from other
9 groups. Another -- yeah, maybe I could mention as
10 well, since you've reminded me of that, is we do have
11 some concerns with moose. We haven't talked about
12 moose, as well.

13 And -- and, as an example of things that
14 come up in the interim, we've had an anthrax breakout
15 in bison and that -- that we'll probably see a -- a
16 recommendation on -- on closing all bison hunting for a
17 while. And so that might impact moose.

18 So we're also concerned about moose that
19 we'd like the Board to -- to consider as well, in terms
20 of moose hunting.

21 THE CHAIRPERSON: That -- you didn't
22 answer the question, though.

23

24 (BRIEF PAUSE)

25

1 MR. DEAN CLUFF: Dean Cluff here.

2 Well, what I heard from -- from Sarah was that she was
3 making recommendations that we had heard earlier. You
4 had -- you had -- she had made some recommendations and
5 she had just referred to them here, you know, as part
6 of our discussions internally here, and -- and then
7 adding them on. So she's agreed to put them on -- on
8 the record, I guess, by tomorrow.

9 So they -- they have developed in
10 consultation here in the next -- over the day, and also
11 hearing the other groups as well. So we've just
12 consolidated them here.

13 THE CHAIRPERSON: Thank you. We'll
14 look forward to your text document tomorrow. On to Mr
15 Donihee.

16 MR. JOHN DONIHEE: Thank you, Mr.
17 Chairman. Could you just confirm for me that ENR
18 caribou biologists reviewed the evidence provided by
19 the Developer in the DAR about their caribou work and
20 all the IRs and subsequent documents that have been
21 filed on the record, please?

22 THE CHAIRPERSON: Thank you. GNWT...?

23 MR. BRUNO CROFT: Bruno Croft, ENR
24 North Slave. I reviewed most of it, probably not
25 everything. But I can relate, pretty much everything

1 that has been shared today.

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

4 MR. JOHN DONIHEE: Thank you, Mr.
5 Chairman. John Donihee. Then, Mr. Croft, it's not --
6 is it doctor? I -- we're -- we got worried about who
7 is a doctor, or -- or not yesterday. Dr. Croft. I'd
8 just like your expert opinion, then, sir.

9 Would you agree with the conclusions
10 that Fortune drew about impacts from the Nico Project
11 on barren-ground caribou?

12 THE CHAIRPERSON: Thank you, Mr.
13 Donihee. Go to the GNWT.

14 MR. BRUNO CROFT: Bruno Croft, ENR
15 North Slave. Mr. Croft is good enough. Doctor does
16 not apply here. If you look at the -- at the scale of
17 the footprint and the mitigation and the strategies and
18 the suggestions they recommended, as far as impact, and
19 their assessment and conclusion, I'm comfortable with
20 what they brought forward.

21 I, like many other people here, perhaps
22 more than everybody -- anybody else, am concerned with
23 an all-weather road and the potential impact on the
24 harvest, as well as the cumulative impact of that
25 particular footprint once it's expanded to the entire

1 range of the Bathurst herd.

2 And I think John Virgl and his crew have
3 done an excellent job at summarizing what's out there,
4 as far as cumulative impact. But we do have to move on
5 into an area of research that hasn't been done yet. We
6 don't -- we simply don't know enough. The cumulative
7 impact is not something that we know a lot about, and
8 we need to get into that to a different level.

9 And I would sure hope that the Board,
10 using its influence and based on everything we've heard
11 here, that we sort of break out to this analysis of any
12 impact whatsoever at the footprint scale and go beyond
13 that.

14 I remember clearly, vividly, at a
15 previous hearing in Yellowknife, same topic, same --
16 same presenters, hearing the gentleman -- I forget his
17 name, the president I think -- saying that -- and I
18 think you mentioned that yourself, Mr. Donihee, earlier
19 -- that in order for this project to go ahead, we do --
20 we do need a -- an all-weather road. And yet we can't
21 even talk about it, because it's part of something else
22 somewhere else.

23 And -- and I can't get my mind around
24 not discussing it. Nobody's against -- there'll be a
25 mine. Nobody's naive enough not to think there won't be

1 anymore mines and -- and roads. And -- and we've got
2 to start thinking about, all together on the same team,
3 how we're going to mitigate at a larger scale.

4 The Tlicho Government mentioned earlier
5 about this -- this report that was sort of presented
6 based on some work done in 2007 and '08, and '08 and
7 '09, on harvest impact on the Bathurst herd, which was
8 presented at a 2010 public hearing on joint proposal
9 with ENR and Tlicho. And -- and John Virgil's quoted
10 Jan Ademchesky (phonetic) technical report. I do
11 mention those two slides.

12 Clearly -- and I do not agree on this
13 with Damian -- clearly, when there's winter road and a
14 caribou on either winter road, people will truck to
15 those areas and harvest more caribou than less. It was
16 a problem in 2009. We could see it. And that sort of
17 led to substantiating management action.

18 So to quick ans -- and again, to get
19 back to your answer, Mr. Donihee, yes, I -- I agree
20 what they said that a footprint level, but we got to
21 break out of this and think at the larger scale.

22 THE CHAIRPERSON: Thank you. Mr
23 Donihee...?

24 MR. JOHN DONIHEE: Thank you, sir. So
25 the follow-up question of course is: What about their

1 conclusions about boreal caribou?

2 Are you -- are you largely in agreement
3 with them as well?

4 THE CHAIRPERSON: Thank you. We'll go
5 to GNWT/ENR.

6 MR. BRUNO CROFT: Bruno Croft, ENR. I
7 know it's late. Dean can jump in at anytime on this
8 one. The -- the Nico Mine site is right at demarcation
9 line, more or less, between the Taiga Plain and the
10 Taiga Shield, which has sort of been the defacto
11 demarcation line for habitat for boreal caribou and --
12 and barren-ground caribou, which means that it would be
13 at a very eastern limit of their known distribution.

14 We -- I would sort of agree that to some
15 extent, from a science point of view, we probably don't
16 know enough to make a -- a proper decision on -- a
17 conclusion on that, but there's probably not a whole
18 lot of boreal caribou in that -- in that area.

19 We would have to refer TK on that point,
20 inform us better on movement, distribution, and -- and
21 location of boreal caribou. Perhaps Dean can add on to
22 this.

23 MR. DEAN CLUFF: Dean Cluff, GNWT. I
24 agree with what Bruno has said. And -- and earlier I
25 had asked the Proponent about ariel surveys in 2004.

1 And the reason for that was because I had done some
2 surveys back at that time, and I just wanted to clarify
3 to make sure with their statement about there weren't
4 any bor -- woodland caribou in the area. And if it was
5 just based on what I did, there's limitations to that,
6 because it was just a very coarse survey.

7 The whole area was gridded in 10 K by te
8 -- 10 kilometres by 10 kilometre grid cells. And we
9 basically flew up the middle of these to see if there
10 were caribou present based on tracks or sightings. And
11 the purpose of that is was what's called occurrence and
12 occupation, just to look at if that's the range of the
13 -- of the boreal caribou.

14 And then I -- and so it -- it wasn't
15 designed to be an abundance, in terms of -- of how many
16 there are. So we -- we would've obviously missed some.
17 So I just wanted to make sure that, that wasn't the
18 situation. And they -- they have said that they've
19 done their own surveys, so that -- that satisfied me
20 there, so.

21 But having said that, I do agree that
22 the impression that I have is that the caribou density
23 is very low there. And they were using some density
24 numbers of one point four (1.4) caribou per 100 square
25 kilometres. And that, to me, is -- is plausible.

1 THE CHAIRPERSON: Thank you. Mr.

2 Donihee...?

3 MR. JOHN DONIHEE: Thank you, Mr. --

4 Mr. Chairman. Just I want to come back then, because I

5 got a lot more information than I asked for. You're

6 confirming that you don't have any problems with the --

7 the work that they did on -- on boreal caribou.

8 Is that correct?

9 THE CHAIRPERSON: Thank you. GNWT...?

10 MR. DEAN CLUFF: Dean Cluff, GNWT.

11 That's correct. There's just a caution. Again,

12 woodland caribou are vulnerable to road kills and --

13 and harvesting. I don't think there's going to be an

14 issue with road kills, because the speed on the road is

15 not going to be of a concern. So there might be a

16 little bit of harvesting, but that can be also

17 controlled as well.

18 So I don't think that it'll be

19 significant enough, because the -- the densities are

20 sparse enough. It's -- it's an opportunistic thing

21 that I -- I understand happens when they see caribou,

22 that it could be killed. So there might be a few

23 resulting that are harvested, but I think it'll be

24 insignificant.

25 THE CHAIRPERSON: Thank you. Mr.

1 Donihee...?

2 MR JOHN DONIHEE: Thank you, Mr.
3 Chairman. Gentleman, either, or madam, any of you can
4 answer this. But you -- you were here. You heard the
5 exchange I had with Ms. Garner about recommended
6 measure number 3 from the Tlicho presentation. That's
7 the one (1) that talked about the establishment of the
8 WEMP funding to incorporate TK for the life of the
9 project, best practices, and making it enforceable and
10 all that.

11 So I -- I'm not going to ask you
12 anything specific about that. I -- I'm just wondering
13 though, given some of the difficulties that resulted --
14 well, that are obvious about making that a reality, the
15 -- what the Tlicho Government is recommending a
16 reality, in respect of that WEMP, no -- no enforce --
17 you know, no permits to make it enforceable and that
18 sort of thing, I'm just wondering whether ENR has any
19 suggestions that they could offer that might assist the
20 Board in -- in trying to carry this -- this recommended
21 measure of -- of the Tlicho Government forward.

22 Are there any ways that you can think
23 of, you know, that we -- we could get to the goals that
24 the Tlicho Governments want to achieve with respect to
25 the use of the WEMP in order to protect wildlife in the

1 project area?

2 THE CHAIRPERSON: Thank you. I'm going
3 to go to GNWT.

4

5 (BRIEF PAUSE)

6

7 MR. DEAN CLUFF: Dean Cluff here, GNWT.

8 As mentioned and -- and indicated before, such a
9 program wouldn't be enforceable, I guess, by law. We -
10 - we have to rely on commitments and the good nature of
11 the company to do that. And -- and our experience so
12 far has been that these commitments by companies have -
13 - have bor -- have borne through.

14 One (1) of the things that we are trying
15 to change a little bit is to have some more regional-
16 based monitoring and regional scale. There -- there
17 will no doubt have to be some monitoring at the local
18 footprint scale, whether -- to look at the impact of
19 the mine itself, at that local footprint scale.

20 But harvesting, we -- we'd like to see
21 maybe some monitoring of harvesting with -- on the
22 access road, if -- if there is indeed harvesting on
23 there, and then -- and perhaps some participation in
24 more regional-scale monitoring.

25 And we've -- we've tried to do this with

1 some of the diamond mines now. And -- and we might --
2 it might work out for this -- for this mine. Some
3 examples could be, you know, where we participate in
4 surveys or -- or include the use of collars, if -- if
5 that's deemed necessary, to answer some of the
6 questions. So it -- they can put it into a bigger
7 program that would give them some information. So
8 that's what I would -- I would think that that might
9 help as well.

10 MR. SHAFIC KHOURI: Shafic, ENR. One
11 (1) other thing possibly for some historical input.
12 Snap Lake Mine land use permit did have a condition to
13 create a Wildlife Effects Monitoring Program. And then
14 the subsequent la -- land use permit, after that one
15 (1) expired, had a condition to produce an annual WEMP
16 report.

17 So that may provide some potential
18 context as to regulatory instruments that could be
19 utilized potentially. Thank you.

20 THE CHAIRPERSON: Okay, Mr. Donihee...?

21 MR. JOHN DONIHEE: Thank you, Mr.
22 Chairman. I have one (1) more question. I -- I'd just
23 like to ask for a commitment from ENR. I -- I -- it
24 may be unnecessary, but I'd -- I'd like it for the
25 record. Obviously, the -- we're all anticipating the -

1 - the TK report from the Tlicho Government. And I
2 think that we're -- equally, we're all hoping that it -
3 - it's going to help us to be a little more creative
4 perhaps, with respect to trying to achieve some of the
5 goals for wildlife protection that the Tlicho
6 Government has recommended to the Board.

7 I just want to -- to ask you to commit
8 on the record that ENR will review that TK report and
9 that you will be present for the two (2) days, or at
10 least the -- the days of extra hearing time that the
11 Board is indicating it's going to set aside, because I
12 -- I think that from our perspective as representatives
13 of the Board, we really would value ENR's expert input,
14 you know, to the discussion that's going to take place
15 about wildlife issues those days.

16 And -- and so all -- all I'm asking is,
17 you know, that you confirm for the Board that you'll be
18 present to help when the time comes.

19 THE CHAIRPERSON: Thank you, Mr.
20 Donihee, for your final question. And we'll go to
21 GNWT.

22 MR. BRUNO CROFT: Bruno Croft, ENR
23 North Slave. Yes.

24

25 --- COMMITMENT NO. 1: ENR will review that TK

1 report and will be present
2 for the days of extra
3 hearing time
4

5 MR. BRUNO CROFT: I'd like to add also
6 that we have Mrs. Beatrice Lapeni (phonetic), who is
7 sort of our coordinator of TK knowledge within the
8 department. I think she's due to retire sometime, but
9 that'll -- there's a -- there's a section there
10 involving -- they'll -- they'll participate in that
11 part, as well, so.

12 THE CHAIRPERSON: Okay, thank you. And
13 I'll go to my far left now. I'm going to go to Board
14 member Percy Hardisty. Questions for GNWT on their
15 presentation?

16 MR. PERCY HARDISTY: Masi, Mr. Chair.
17 No questions.

18 THE CHAIRPERSON: Thank you. Ms.
19 Rachel Crapeau, Board member...?

20 MS. RACHEL CRAPEAU: Masi cho for your
21 information, and I look forward to those two (2) days
22 where you will be there. Thank you.

23 THE CHAIRPERSON: Board member Danny
24 Bayha...?

25 MR. DANNY BAYHA: Thank -- thank you,

1 Mr. Chair. I just had a question earlier. I know, you
2 know, you were here during the presentation of the
3 Tlicho, and they recommended certain things. In the
4 recommendations, the five (5) measures that they want.
5 Certainly, one of them was the monitoring agency,
6 independent.

7 Have you given some thought, or would
8 you rather reserve your -- your thoughts until the TK
9 study has been completed? And so I would ask if you
10 had any initial comments on that. Thank you.

11 THE CHAIRPERSON: Thank you, Mr. Bayha.
12 I'm going to GNWT/ENR.

13

14 (BRIEF PAUSE)

15

16 MR. DEAN CLUFF: Dean Cluff. GNWT is -
17 - is supportive of other agencies that -- and --
18 monitoring agencies, but in terms of the specifics of
19 this, we'd like to discuss this with the -- the TK
20 report and the Tlicho Government.

21 We certainly wouldn't be opposed to it,
22 and -- and let's just take it upon advisement once we
23 hear from the report and -- and when we return to the
24 next meeting -- to the hearing in the -- in -- whenever
25 that's scheduled here soon.

1 THE CHAIRPERSON: Thank you. I'm going
2 to go to Board member Danny Bayha.

3 MR. DANNY BAYHA: Thank you, Mr. Chair.
4 And -- and the same with the -- the issues of -- of
5 having you -- GNWT be present in -- in the review of
6 the TK study I think is very important. As you can be
7 aware -- you can certainly appreciate the Board's
8 position under the Act, that we need defining
9 significance, and so we're interested in the GNWT's
10 view as of the significance of the effects to caribou
11 on -- on -- particularly with respect to this project.

12 So I would encourage that -- that effort
13 be made and -- and that some conclusions and -- and
14 recommendations that would be work -- you know, at that
15 time when we have the hearing. Appreciate it. Thank
16 you.

17 THE CHAIRPERSON: Thank you, Mr. Bayha.
18 Board member Richard Mercredi...?

19 MR. RICHARD MERCREDI: Thank you, Mr.
20 Chair. I'd just like to say I don't have any
21 questions. I'd like to thank the GNWT for their
22 presentation.

23 THE CHAIRPERSON: Thank you -- thank
24 you, Mr. Mercredi. I want to go to Mr. James Wah-shee,
25 Board member...?

1 MR. JAMES WAH-SHEE: Thank you, Mr.

2 Chair. I'd just like to thank the Department for their
3 presentation. Thank you.

4 THE CHAIRPERSON: Okay, thank you,
5 Mr. Wah-shee. Mr. James -- John Curran, please...?

6 MR. JOHN CURRAN: Thank you, Mr. Chair.
7 Just one (1) quick one. I think I heard somewhere in
8 your presentation that the next caribou count numbers
9 were going to be available during the fall of 2012?

10 THE CHAIRPERSON: Thank you. GNWT...?

11 MR. BRUNO CROFT: Bruno Croft, ENR
12 North Slave. Yes, late October, early November is what
13 we're aiming for. As we speak, the photo
14 interpretation is being carried out. There's thousands
15 of photos, caribou on those photos, and they have to be
16 counted one (1) by one (1). So we have to give enough
17 time for that process to take place.

18 THE CHAIRPERSON: Okay. Thank you.
19 Mr. John Curran...?

20 MR. JOHN CURRAN: I lied. It was more
21 than one (1). Thank you, Mr. Chair. Will you
22 physically be counting until late October, early
23 November?

24 I'm just wondering, given the allowances
25 for things taking -- taken -- with confidentiality in

1 mind by this Board earlier today, would there be a way
2 to take the scientific data into consideration so we
3 can marry it with the TK as we're making our final
4 recommendations? Thank you.

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

7 MR. BRUNO CROFT: Bruno Croft, North
8 Slave. I suspect the counting will take place until
9 October sometime, physically. That's a long process.
10 In order to come up with a population estimate, we need
11 to add a few more variables to the process. The survey
12 that we do in June is determined to find all number of
13 breeding cows on the calving ground, but that's only
14 one (1) part of the equation.

15 Another one that is very important to
16 get is how many bulls we have in the herd. That survey
17 usually takes place during the rut in the last two (2)
18 weeks of October. That's the next big survey coming
19 up, and we'll have to wait for that one in order to
20 wrap things up.

21 THE CHAIRPERSON: Thank you. John
22 Curran...?

23 MR. JOHN CURRAN: I know, just
24 important work that you're doing. Keep it up. Thanks.

25 THE CHAIRPERSON: Okay. Thank you.

1 Before you go, I just wanted to ask you a question
2 about the report. You said that the last two (2) weeks
3 of October, you're going to have your report done --
4 or, sorry, your counting the caribou.

5 When would you have your final report
6 done?

7 MR. BRUNO CROFT: Bruno Croft, North
8 Slave. We're hoping to have a preliminary population
9 estimate as -- by our statistician by early November at
10 the latest.

11 THE CHAIRPERSON: And that report will
12 be made public?

13 MR. BRUNO CROFT: Bruno Croft, North
14 Slave. You bet. We have lots of -- everybody's
15 waiting for this, right? So, yes.

16 THE CHAIRPERSON: And me, too. I'm
17 getting really hungry for caribou. Thank you very much
18 for your presentation. Masi. I'm going to continue
19 on.

20 Next one on the list I have is caribou -
21 - is on Environment Canada.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Please introduce

1 yourself and -- and then we'll go from there. Thank
2 you.

3

4 CARIBOU AND WILDLIFE EFFECTS MONITORING PLAN

5 PRESENTATION BY ENVIRONMENT CANADA:

6 MR. JAMES HODSON: Thank you, Mr.

7 Chairman. My name's James Hodson. I'm an

8 environmental assessment coordinator with the Canadian

9 Wildlife Service of Environment Canada. And tonight my

10 presentation will be focussing on the following

11 wildlife issues: boreal woodland caribou, disturbance

12 and destruction of nests and eggs of migratory birds,

13 and the proposed communications tower and risk of

14 collisions for birds.

15 Environment Canada's technical report

16 highlighted that a portion of the Nico Project access

17 road and the proposed Tlicho road fall within the range

18 of boreal woodland caribou.

19 Boreal woodland caribou are listed as a

20 threatened species on Schedule 1 of the Federal Species

21 at Risk Act. Consistent with the requirements of the

22 Species at Risk Act, Environment Canada posted a

23 proposed recovery and strategy for boreal caribou on

24 the Species at Risk public registry in 2011.

25 The proposed recovery strategy

1 identified two (2) ranges for boreal caribou in the
2 NWT. The Nico Project access road falls within the NWT
3 South range, which is identified in this proposed
4 recovery strategy.

5 At the technical sessions for this
6 project, Environment Canada requested the Proponent to
7 provide an estimate of the potential footprint of the
8 Nico access road and the proposed Tlicho road,
9 including a 500-metre buffer on either side of the
10 road, to identify how much new disturbance these
11 developments might add to the NWT South caribou range.

12 According to the Proponent's
13 calculations, the Nico Project access road and the
14 proposed Tlicho road could add 26,469 hectares of new
15 disturbance to the NWT South range. And that was
16 including a 500-metre buffer around these proposed
17 roads.

18 This would represent a 0.11 percent
19 increase in habitat disturbance within the NWT South
20 boreal caribou range. Environment Canada notes
21 however, that this is probably an overestimate, as the
22 small proportion of the Nico Project access road was
23 included that is actually outside of the current
24 caribou range boundary. And this assessment also
25 didn't account for overlap with existing areas of

1 disturbance that are already identified in the range.

2 We note also that only roughly 23.8
3 kilometres of the Nico Project access road falls within
4 the caribou range. So this portion of the road,
5 assuming a 10-metre right -- right of way and a 500-
6 metre buffer on either side of the road, would add
7 2,489 hectares of new disturbance to the range.

8 So it appears, from where these proposed
9 roads are located, that most of each road corridor
10 would pass through undisturbed habitat within the NWT
11 South range.

12 So this first map is just showing the
13 existing disturbance footprint within the NWT South
14 range prior to the implementation of this project. So
15 this includes areas of human-caused disturbance with a
16 500-metre buffer around those areas, as well as fires
17 that are less than forty (40) years old, based on fire
18 data that was current to 2010; but no buffers are added
19 to the fires.

20 So the next map shows new areas of
21 disturbance that would be added to the NWT South range
22 with construction of the Nico access road, as well as
23 the proposed Tlicho road if it was constructed. So a
24 500-metre buffer has been added to these features. The
25 map also shows that the Nico Mine site is outside of

1 the current NWT South caribou range, as well as a small
2 portion of the proposed access road.

3 Environment Canada has revised slightly
4 our recommendation that was provided in our written
5 submission to acknowledge the fact that the proposed
6 Nico access road is located on Tlicho private lands.
7 We also note that the Proponent acknowledged this fact
8 in the response to our written recommendations.

9 So EC's recommendation is, number 1,
10 that the Proponent consult with the GNWT/Environment
11 and Natural Resources, caribou experts, as well as the
12 Wek'eezhii Re -- Renewable Resources Board to determine
13 how the project would align with management strategies
14 and action plans for boreal caribou and to identify and
15 mitigate any potential negative impacts on key
16 biophysical attributes of boreal caribou habitat within
17 the project area.

18 Our second recommendation is that the
19 Proponent consult with the Tlicho Government, the GNWT,
20 ENR, and Aboriginal Affairs and Northern Development
21 Canada to determine the implications of the project for
22 boreal caribou in the context of current and future
23 development activities within the range and to assess
24 the cumulative impacts on undisturbed habitat at the
25 range level.

1 Our next topic is disturbance and
2 destruction of nests and eggs of migratory birds. The
3 Proponent is aware of prohibitions against the
4 disturbance or destruction of nests and eggs of
5 migratory birds that are outlined under Section 6A of
6 the Migratory Birds Regulations.

7 The Proponent has committed to
8 conducting vegetation clearing outside the migratory
9 breeding season to the extents possible. And we note
10 that they committed to this measure in response to one
11 of our earlier Information Requests, EC number 2.

12 The Developer's Assessment Report
13 suggested, however, that construction of the co-
14 disposal tailings facility may play -- take place
15 during summer. The baseline con -- surveys conducted
16 by the Proponent indicated that upland birds and water
17 birds use the terrestrial and aquatic habitat within
18 the area of the proposed co-disposal facility.

19 There is a risk that flooding of
20 terrestrial habitat following the construction of the
21 perimeter dike, as well as the gradual deposition of
22 tailings within the co-disposal facility occurring
23 throughout the year, could pose a risk of inad --
24 inadvertent disturbance or destruction of nests and
25 eggs of migratory birds, which is considered in -- as

1 incidental take by Environment Canada. Environment
2 Canada cannot issue a permit for incidental take under
3 the current regulations.

4 The Proponent is responsible for taking
5 appropriate measures to ensure that they comply with
6 the mer -- Migratory Bird Regulations. Environment
7 Canada recommends that habitat disturbance and
8 vegetation clearing be conducted outside the migratory
9 breeding season to the greatest extent possible. In
10 limited situations, where the timing of habitat
11 disturbance cannot be adjusted, Environment Canada
12 recommends the Developer conduct nest surveys within
13 four (4) days prior to habitat destruction or
14 vegetation clearing.

15 We caution, however, that there is
16 generally a low probability of finding nests in all
17 areas. And therefore, incidental take is unlikely to
18 be avoided through an approach based exclusively on
19 conducting nest searches.

20 Any active nests should be protected
21 with an appropriately sized buffer. Environment Canada
22 recommends that the Developer design and implement a
23 plan to avoid incidental take of migratory bird nests
24 and eggs during construction and operation of the co-
25 disposal facility, given that certain activities will

1 be occurring within -- during the summer within this
2 area.

3 This plan could include protocols for
4 pre-disturbance nest surveys or the use of deterrent
5 measures to discourage birds from nesting in areas that
6 may be flooded or covered by tailings within that area.

7 Our final topic deals with the commune -
8 - proposed communications tower. The Proponent is
9 planning to install a 46-metre-high communication tower
10 near the mine site. The Proponent expects that the
11 tower will be supported by guy-wires and will be
12 illuminated according to relevant legislation.

13 Environment Canada notes that
14 communication towers are responsible for a large number
15 of bird mortalities in North America every year due to
16 collisions with these structures caused by attraction
17 to lighting. The use of flashing lights instead of
18 steady-burning lights on towers can reduce the risk of
19 bird mortality.

20 Environment Canada notes that Transport
21 Canada is proposing amendments to lighting requirements
22 on communications towers to address the issue of avian
23 fatalities due to birds being attracted to steady-
24 burning lights on towers.

25 Environment Canada recommends the

1 Proponent consult with Transport Canada to determine
2 tower lighting requirements and whether flashing red --
3 red strobe or white strobe lights could be used instead
4 of steady-burning lights to reduce the risk of
5 collisions.

6 The use of unguyed towers also reduces
7 the risk of collision mortality. But if guy-wires must
8 be used to support the proposed communication tower,
9 Environment Canada recommends that the guy-wires should
10 be fitted with bird diverters.

11 And that concludes our presentation.

12 And I'd be happy to take questions at this point.

13

14 QUESTION PERIOD

15 THE CHAIRPERSON: Thank you. Can we --
16 okay, thank you. We got the lights on. Thank you for
17 your presentation. This is Environment Canada, James
18 Hodson, masi. I'm going to go to the questions now,
19 questions to the presenter.

20 I'm going to go to the bottom order.
21 I'm going to go to Natural Resources Canada.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: The -- there's nobody

1 here. I'm going to go to Transport Canada.

2

3 (BRIEF PAUSE)

4

5 THE CHAIRPERSON: Nobody here.

6 Aboriginal and Northern Affairs Canada...?

7 MR. BOYAN TRACZ: Thank you, Mr. Chair.

8 Boyan Tracz, Aboriginal Affairs. No questions.

9 THE CHAIRPERSON: Thank you.

10 Government of Northwest Territories...?

11 MR. SHAFIC KHOURI: Shafic, ENR, Mr.

12 Chair. No questions.

13 THE CHAIRPERSON: Fisheries and Oceans

14 Canada is not here, so we'll continue on.

15 North Slave Metis Alliance...?

16 MR. BILL ENGE: Yes, thank you, Mr.

17 Chairman. Bill Enge here. Yes, I have a questions.

18 The first one is: Is Environment Canada

19 aware that the North Slave Metis Alliance members

20 possess Section 35 Aboriginal rights of the lands and

21 resources where this mine is located? Thank you.

22

23 (BRIEF PAUSE)

24

25 MR. JAMES HODSON: James Hodson with

1 Environment Canada. Environment Canada is aware that
2 the North Slave Metis Alliance have made a Section 35
3 claim in this area. Thank you.

4 THE CHAIRPERSON: Okay. Questions of
5 the North Slave Metis Alliance to Environment Canada in
6 regards to their presentation?

7 MR. BILL ENGE: Yes, thank you, Mr.
8 Chairman. The question I have for Environment Canada:
9 If they're aware that the North Slave Metis Alliance
10 are possessors of Section 35 Aboriginal rights and have
11 asserted those rights on many occasions, why haven't
12 they recommended that the North Slave Metis Alliance be
13 consulted along with the other groups in regard to this
14 mine? Thank you.

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: Before I go to
19 Environment Canada, I think -- again, yesterday I kind
20 of explained the process about questions to
21 presentations, so if we could concentrate on just
22 putting our questions forward to the presentation at
23 hand. But if Environment Canada wants to answer this
24 question, please proceed.

25

1 (BRIEF PAUSE)

2

3 MR. JAMES HODSON: Thank you, Mr.
4 Chair. It's James Hodson with Environment Canada.

5 Environment Canada is here, as the Board
6 is here, to hear the concerns of the North Slave Metis
7 Alliance. And we've noted those concerns, and we'd be
8 happy to answer any questions that are -- pertain
9 specifically to the contents of the presentation.
10 Thank you.

11 THE CHAIRPERSON: Okay, Before I go to
12 the North Slave Metis Alliance then, I guess my
13 question to you is -- to Environment Canada: I take it
14 that -- that your presentation and -- in regards to
15 Section 35 rights, basically you basically have let
16 everybody know what's happening in that area, correct?

17

18 (BRIEF PAUSE)

19

20 MR. JAMES HODSON: Thanks. This is
21 James Hodson with Environment Canada. Could you
22 clarify that question? We're not sure we understand it
23 exactly.

24 THE CHAIRPERSON: Okay. Let me put it
25 another way. Your presentation here is on the public

1 registry, so basically everybody sees it on the public
2 registry.

3 But at the same time, when you go out to
4 -- send your presentation out to groups, does that
5 include the Tlicho Government, Yellowknives First
6 Nation, North Slave Metis? I just want to put that
7 question to you.

8

9 (BRIEF PAUSE)

10

11 MR. JAMES HODSON: Thanks. James
12 Hodson with Environment Canada. The presentation was
13 put on the public registry so that it'd be accessible
14 to everyone, all interested parties. And we're here to
15 hear all the concerns from all interested parties and
16 to take them in -- into consideration.

17 THE CHAIRPERSON: Thank you. That's
18 what I wanted to hear. So it's on the public registry,
19 so everybody has an opportunity to review it.

20 So having said that, and I'll continue
21 on with North Slave Metis, if there's any further
22 questions in regards to the -- Environment Canada's
23 presentation here today.

24 MR. BILL ENGE: Yes, thank you, Mr.
25 Chairman. I -- I don't -- I'm not sure if I understand

1 the response of Environment Canada in regard to the
2 recommendations it has made with respect to its
3 presentation. What I recollect that was presented here
4 on the slide is that it -- Environment Canada
5 recommends that the Tlicho Government, Aboriginal
6 Affairs and Northern Development Canada, and I don't
7 know who else get together and have a discussion about
8 the caribou. And I'm -- and -- and what I noted is
9 that there was no reference to the interests of the
10 North Slave Metis.

11 And what I'm asking Environment Canada
12 is: Why didn't they include the North Slave Metis as a
13 recommendation to be a part of that group, to be
14 consulted about the health and well-being of the
15 caribou? Thank you.

16 THE CHAIRPERSON: Okay. I'll go to
17 Environment Canada. The question is: Why? And the
18 other question being: Will you include them? Thank
19 you.

20

21 (BRIEF PAUSE)

22

23 MR. JAMES HODSON: Thanks. James
24 Hodson with Environment Canada. Environment Canada
25 would be willing to include any interested party in the

1 discussions about caribou management.

2 THE CHAIRPERSON: Okay. Is there any
3 further question, Mr. Bill Enge?

4 MR. BILL ENGE: Yes, thank you, Mr.
5 Chairman. I just would like to restate once again, I
6 guess for another Crown agency, the North Slave Metis
7 Alliance is not just any interest group. The North
8 Slave Metis Alliance are possessors of Section 35,
9 constitutionally protected right, and -- and in their
10 capacity of the Crown, they have a duty and an
11 obligation to consult with the North Slave Metis about
12 wildlife in this area.

13 And so when they say that they're
14 willing to discuss with anybody, any interest group, we
15 are not the same as the rod-and-reel club that they
16 seem to appear to be suggesting that they'd be willing
17 to talk to.

18 So I just wanted clarification on that,
19 and I wanted to know why, since they are aware that the
20 North Slave Metis people possession Section 35 rights,
21 that they failed to include the North Slave Metis in
22 consultation with the Crown and other Aboriginal groups
23 who are also possessors of Section 35 rights? Thank
24 you.

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Yeah, thank you.

4 Before I go to ENR, the questions that, Mr. Enge,
5 you're putting forward to Environment Canada in regards
6 to their presentation here tonight is -- are political
7 questions, and the -- the gentleman and the folks here
8 are here today to give a presentation on the -- on the
9 caribou.

10 And I think the questions you are asking
11 are -- are good questions, but I think they're -- I
12 don't know if they're in a position to answer that. If
13 -- I think they have to go probably to a higher power,
14 probably the particular minister or whoever's
15 responsible for that.

16 So I think the questions that -- that
17 you put out has been answered, and -- and so, unless
18 you have further questions, Mr. Enge, to the
19 presentation.

20 MR. BILL ENGE: Thank you, Mr.
21 Chairman. With respect, I disagree with your ruling in
22 the sense that it was Environment Canada's presentation
23 that put forward recommendations that I am referring
24 to. But nonetheless, I am prepared to move on. Thank
25 you.

1 THE CHAIRPERSON: Thank you, Mr. Enge.
2 I'm going to continue on with questioning. Go to the
3 Yellowknives Dene First Nation. Questions for
4 Environmental Canada on their presentation?

5 MR. TODD SLACK: No questions. Thanks,
6 Mr. Chair.

7 THE CHAIRPERSON: Thank you. Questions
8 to the Tlicho -- Todd Slack, YKDFN. Saving time.
9 Anyway, moving on to Tlicho Government, questions to
10 Environment Canada on their presentation?

11 MS. KERRI GARNER: Kerri Garner, Tlicho
12 Government. We have no questions. Thank you, Mr.
13 Chair.

14 THE CHAIRPERSON: Thank you. We go to
15 Fortune Minerals Limited. Questions for Environment
16 Canada on their presentation?

17 DR. RICK SCHRYER: Rick Schryer,
18 Fortune Minerals. No questions. Thank you.

19 THE CHAIRPERSON: Okay. Thank you.
20 I'm going to go the Review Board staff. Questions to
21 Environment Canada on their presentation here tonight?

22 MR. JOHN DONIHEE: Thank you, Mr.
23 Chairman. It's John Donihee. We have no questions.

24 THE CHAIRPERSON: Thank you. I'm going
25 to go to my far right. Mr. John Curran, any questions

1 for Environment Canada on their presentation?

2 MR. JOHN CURRAN: Thank you, Mr.

3 Chairman. Nothing at this time.

4 THE CHAIRPERSON: Thank you. And we'll
5 go to Mr. James Wah-shee. Questions for Environmental
6 Canada presentation?

7 MR. JAMES WAH-SHEE: Thank you, Mr.
8 Chairman. I have no questions. Thank you.

9 THE CHAIRPERSON: Board member Richard
10 Mercredi...?

11 MR. RICHARD MERCREDI: Thank you, Mr.
12 Chair. No questions.

13 THE CHAIRPERSON: Thank you. Board
14 member Danny Bayha...?

15 MR. DANNY BAYHA: Thank you Mr. Chair.
16 Just wanted to ask maybe more of a quest -- not more of
17 a -- I guess it would be a question though. On the
18 issue of having the TK study released later on in the
19 month, I imagine you guys would be, as well, involved
20 in this review of a TK study and possibly revisit some
21 of your recommendation you put forward.

22 And I was thinking if that would be a
23 possibility? Thank you, Mr. Chairman.

24 THE CHAIRPERSON: Thank you. We'll go
25 to Environment Canada.

1 MR. JAMES HODSON: Yes. Thank you.

2 James Hodson with Environment Canada. We will be
3 reviewing that TK study and including it in our final
4 submission. Okay.

5 THE CHAIRPERSON: Okay. Thank you. Mr.
6 Bayha, do you have any further questions?

7 MR. DANNY BAYHA: No, thank you.

8 THE CHAIRPERSON: Thank you. Ms.
9 Rachel Crapeau, Board member...?

10 MS. RACHEL CRAPEAU: No questions.
11 Danny asked the question I wanted to ask. Thank you.

12 THE CHAIRPERSON: Thank you. Board
13 member, Percy Hardisty...?

14 MR. PERCY HARDISTY: Masi, Mr. Chair.
15 No questions.

16 THE CHAIRPERSON: Okay. Thank you.
17 I want to thank Environment Canada for your
18 presentation, James -- James Hodson. And masi for your
19 presentation. Next on the list I have is for the
20 caribou wildlife effects monitoring plan is the North
21 Slave Metis Alliance. In your binders, those
22 presentations are.

23

24 (BRIEF PAUSE)

25

1 THE CHAIRPERSON: Okay, thank you, Mr.
2 Enge. Can we take five (5) minutes, just -- just that
3 I think that some of these people want to go to the
4 washroom.

5 MR. BILL ENGE: Most certainly.

6
7 --- Upon recessing at 7:22 p.m.

8 --- Upon resuming at 7:37 p.m.

9
10 THE CHAIRPERSON: Out of respect to the
11 next presenter, I'd like to have -- move forward. I'm
12 going to turn it over to Mr. Bill Enge on his brief
13 presentation. Thank you.

14
15 CARIBOU AND WILDLIFE EFFECTS MONITORING PLAN

16 PRESENTATION BY NORTH SLAVE METIS ALLIANCE:

17 MR. BILL ENGE: Thank you, Mr.
18 Chairman. Bill Enge, with the North Slave Metis
19 Alliance. Thank you once again for the opportunity to
20 speak here at this forum. And -- and of course, the
21 issue here is caribou.

22 The North Slave Metis Alliance has
23 consistently asserted to the Crown and Developers that
24 our members possess Section 35 Aboriginal rights and
25 title in the area of the Nico Project, and this

1 includes the right to harvest caribou.

2 I'll start by pointing out, in no
3 uncertain terms, caribou are tremendously important to
4 our members. Historically, the Metis community of the
5 Great Slave Lake area regularly hunted and relied on
6 caribou.

7 Today our El -- Elders remember that
8 caribou was more prevalent on their tables as they were
9 growing up and that wore caribou parkies, as they were
10 called, and other clothes made from caribou that held
11 tremendous cultural value.

12 Our concern is that there will be
13 adverse impacts on NSMA members' traditional use of
14 wildlife - in this case, the caribou. The NSMA
15 disagrees strongly with Fortune's assessment of
16 negligible or nonexistent impacts on our members'
17 traditional use, because Fortune ignores so many
18 elements in their assessment. And that has been
19 pointed out earlier in their presentation, where they
20 move from negligible to low impact. We still disagree
21 with that.

22 In any case, we want the Proponent to
23 know the -- the importance of the ecological effects
24 thresholds, the lack of temporal frame of reference,
25 and the lack of any agreed sustainable baseline

1 population or optimum harvest level.

2 As I said in my opening remarks
3 yesterday, cumulative effects on the caribou are a very
4 real concern for our members. Currently, the Bathurst
5 caribou herd is so small and in danger that the North
6 Slave Metis Alliance members cannot even exercise their
7 Aboriginal harvesting rights on this herd.

8 The Government of the Northwest
9 Territories considers the Bathurst population to be in
10 grave danger, in danger of extinction. We must follow
11 the precautionary principle. No additional negative
12 influences on the barren-ground caribou can be
13 tolerated, particularly the Bathurst herd.

14 The NSMA asserts that any impact on
15 caribou, however small, is significant if it
16 significantly interferes with Aboriginal harvesting
17 success. Aboriginal harvest rights, which are
18 constitutionally protected, must be given precedent
19 over other harvesting rights -- including mineral
20 resource harvesting rights -- and over other land use
21 rights, such as those granted, and Crown land leases.

22 In conclusion, when we consider the
23 impact of the project on caribou, I must emphasize that
24 we recommend a full environmental review of the
25 wildlife impacts, particularly on the caribou, the

1 barren-ground and boreal caribou.

2 We further recommend that Fortune agree
3 to an independent monitoring agency mandated to
4 consider and incorporate traditional knowledge and to
5 communicate its re -- results back to the affected
6 communities. Thank you.

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: Mr. Enge, thank you
11 very much for your presentation. Can we also get a
12 copy of your presentation for the record as well?

13 MR. BILL ENGE: Yes, we could do that.
14 Thank you.

15

16 QUESTION PERIOD:

17 THE CHAIRPERSON: Okay, thank you. I'm
18 going to go to the order of questions that -- that will
19 be put forward to you, Mr. Enge, in regards to your
20 presentation. I'm going to go to Fortune Minerals.

21 Is there any questions for Bill Enge and
22 North Slave Metis Alliance on their presentation on
23 caribou?

24 DR. RICK SCHRYER: Rick Schryer,
25 Fortune Minerals. No questions, thank you.

1 THE CHAIRPERSON: Okay, thank you.

2 Before -- is there -- can I get somebody to turn on the
3 lights?

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: I'm going to go to
8 the Tlicho Government. Questions for Mr. Bill Enge on
9 his presentation?

10 MS. KERRI GARNER: Kerri Garner, Tlicho
11 Government. We have no questions. Thank you.

12 THE CHAIRPERSON: Thank you. I'm going
13 to go to the Yellowknives Dene First Nation, questions
14 for Bill Enge on his presentation?

15 MR. TODD SLACK: Thanks, Mr. Chair.
16 Todd Slack, YKDFN, no questions.

17 THE CHAIRPERSON: Thank you. I want to
18 go to Government Northwest Territories. Any questions
19 for Mr. Bill Enge on his presentation?

20 MR. SHAFIC KHOURI: Shafic Khouri, ENR,
21 no questions, thank you.

22 THE CHAIRPERSON: Thank you. I'm going
23 to go to Aboriginal Affairs and Northern Development
24 Canada, AANDC, if there's any questions?

25 MR. BARYON TRACZ: Thank you, Mr.

1 Chair. Baryon Tracz, Aboriginal Affairs. No
2 questions.

3 THE CHAIRPERSON: Thank you. I'm going
4 to go to Environment Canada, any questions for Mr. Bill
5 Enge --

6 MS. SARAH-LACEY MCMILLAN: Sarah --

7 THE CHAIRPERSON: -- on his
8 presentation?

9 MS. SARAH-LACEY MCMILLAN: Sorry.
10 Sarah-Lacey McMillan with Environment Canada. No
11 questions.

12 THE CHAIRPERSON: Okay, thank you. I
13 don't believe there's anybody here from Transport
14 Canada.

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: Natural Resources
19 Canada...?

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON: Okay, thank you. I'm
24 going to go to the Review Board staff. Is there any
25 question to Mr. Bill Enge with North Slave Metis

1 Alliance on their presentation on caribou?

2 MR. JOHN DONIHEE: John Donihee for the
3 Board. No, we have no questions, Mr. Chairman.

4 THE CHAIRPERSON: Thank you. I'm going
5 to go to the Review Board staff -- sorry, Review Board.
6 I'm going to go to my far left, Mr. Percy Hardisty...?

7 MR. PERCY HARDISTY: No questions.

8 THE CHAIRPERSON: Thank you. I'm going
9 to go to Ms. Rachel Crapeau. Any questions to Bill
10 Enge on his presentation?

11 MS. RACHEL CRAPEAU: There will be no
12 questions.

13 THE CHAIRPERSON: Thank you. Board
14 member Danny Bayha...?

15 MR. DANNY BAYHA: No questions. Thank
16 you, Mr. Chair.

17 THE CHAIRPERSON: Thank you. Richard
18 Mercredi, Board member...?

19 MR. RICHARD MERCREDI: Thank you, Mr.
20 Chair, no questions. Thank you for the presentation
21 from North Slave.

22 THE CHAIRPERSON: Thank you. Mr. James
23 Wah-see, Board member...?

24 MR. JAMES WAH-SHEE: Thank you, Mr.
25 Chair. I just want to thank Bill for his presentation.

1 Thank you.

2 THE CHAIRPERSON: Thank you. Mr. John
3 Curran...?

4 MR. JOHN CURRAN: Thank you, Mr. Chair.
5 I would also like to thank Bill for his very concise
6 presentation.

7 THE CHAIRPERSON: Okay, thank you.
8 Just maybe one (1), more or less, comment, I guess, for
9 -- for Mr. Bill Enge in -- in regards to your
10 presentation.

11 I want to thank you for your
12 presentation. It was very -- I think that's the
13 shortest and brief presentation that I ever seen, so
14 thank you.

15 I also -- also want to make a comment as
16 well that, you know, we -- we're pleased that you're
17 here today, sitting here with us, and giving your views
18 and your opinions in regards to this project, the mine
19 -- Nico Project. And there's no doubt that there's
20 Aboriginal Section 35 rights, and those rights exist on
21 the Canadian Constitution, and it's there for all
22 Aboriginal citizens.

23 So I just wanted to let you know that,
24 you know, I know that you made your comments and no
25 disrespect, but I just want to say thank you for

1 raising those. Sometimes, you know, we need to be
2 reminded that we all exist and -- here in the Northwest
3 Territories. That's why we have settled claims now.

4 So I just want to point that out. And I
5 want to continue on. So thank you for your
6 presentation, Mr. Bill Enge. I'm going to go onto the
7 Yellowknives Dene First Nation, their presentation on
8 the caribou and Wildlife Effects Monitoring plan.

9 And I was told that they're going to be
10 a tad over Mr. Bill Enge's presentation. So I believe
11 that's what's going to happen. Thank you.

12

13 CARIBOU AND WILDLIFE EFFECTS MONITORING PLAN

14 PRESENTATION BY YELLOWKNIVES DENE FIRST NATION:

15 MR. TODD SLACK: Thank you, Mr. Chair.
16 Todd Slack, YKDFN. I've been strongly encouraged to
17 stick to ten (10) minutes, and I should do my best to
18 accept the wisdom of former Chiefs.

19 So here it goes. The Yellowknives Dene
20 principle here is we're trying to learn from past
21 experiences and to try and provide the Board with as
22 much usable information as we can.

23 To this end, we've chosen not to argue
24 with the technical details, like Golder has presented.
25 But that doesn't mean that we agree with all the

1 numbers and the conclusions that they've arrived at. A
2 summary of our position is as follows, and there's two
3 (2) main themes: one (1) is in terms of WEMP
4 discussion, and the second is in terms of cumulative
5 effects.

6 The Yellowknives Dene recognize that the
7 Proponent has committed to further developing this WEMP
8 at some point in the future, and we encourage the
9 Company to improve the plan equal to those found at
10 other mines.

11 Ignoring the content issues for a
12 moment, the proper -- the Proponent's commitment is an
13 empty statement absent sufficient underpinning from the
14 Review Board. It must be acknowledged -- and it has
15 been acknowledged tonight, pardon me -- that there is
16 no instrument to compel the company to implement a
17 monitoring program, much less a detailed and rigorous
18 one.

19 The absence of a mechanism to implement
20 this plan would allow the Company to unilaterally
21 suspend or alter their program regardless of their
22 previous commitments or the wishes of those who rely on
23 the land and wildlife.

24 And just in response to one of the
25 comments that's come up from our friends at ENR, the --

1 the simple fact that a WEMP is referenced in a land use
2 permit -- as perhaps in Snap Lake; I'm not certain --
3 that isn't within the terms or the Mackenzie Valley
4 Land Use Regulation. So the Water Board -- and we have
5 confirmed this with -- with the Water Board, and I'm
6 happy to put that on the record. The Water Board is
7 not able to then enforce that. And that's the issue
8 that we're getting at here.

9 I -- I have full respect for the
10 Company. I like these guys. They would be good
11 neighbours. But when it comes time to har -- make hard
12 choices, if this company was not profitable, just as
13 the -- the chie -- the Yellowknives Chiefs had to make
14 hard choices for -- for caribou harvesting, these
15 commitments get reevaluated in new light. And the
16 fiduciary duty that they have to their investors would
17 probably -- I fear that that would take precedence.

18 So YKDFN recommend that the Board
19 require the Wildlife Effects Program -- require a
20 Wildlife Effects Program, pardon me, through the
21 creation of a measure that provides certainty and a
22 tool while still allowing flexibility to provide for a
23 process, for each of the parties to participate, the
24 Crown and the project to all work together to create
25 this thorough and rigorous monitoring program.

1 This should be based on industrial
2 examples from here in the territory where best
3 practices have been developed. Without that
4 collaborative-based development, there is no way to
5 ensure the plan will be sufficient to detect impacts to
6 the environment or that it has the confidence of the
7 communities.

8 When so many people rely on the land,
9 this program is essential for any type of social
10 licence. And I think Mr. Schryer echoed this -- this
11 comment earlier. The absence, unclear existence or
12 tenure, or ineffective monitoring will result in
13 significant impacts and significant concern.

14 The current plan does not include an
15 acknowledgement that resources must be made ava -- made
16 available for traditional knowledge. The commitment
17 table only intends to, quote:

18 "Consider and incorporate where
19 possible traditional knowledge."

20 Close quote. Given the experience that
21 the Yellowknives have had with other mines, the
22 tangible result of this commitment is that traditional
23 knowledge will not be collected, incorporated, or
24 analyzed in conjunction with scientifically derived
25 data.

1 Just to add one (1) thought here, it's
2 been our experience at YKDFN that industry doesn't
3 hesitate to spend thousands of dollars on helicopters
4 or scientific knowledge, but when it comes time to
5 develop a scientific -- or, a traditional knowledge
6 program to work alongside that science-based program,
7 well, then we've found that resources are often scarce.

8 The Company's always happy to receive
9 that information, but they don't provide an opportunity
10 to develop or collect that information on an ongoing
11 basis. So you end up in a catch-22.

12 YKDFN recommend that this measure should
13 also en -- ensure that the WEMP has clearer reporting
14 mechanisms. It should have a yearly reporting regimen
15 and a three (3) year big-picture analysis similar to
16 that found in the Aquatic Effects Monitoring Program.

17 As a recent example, the BHP
18 Environmental Impact Review, the -- which is ongoing,
19 pardon me, included a ten (10) page summary table of
20 the monitoring efforts associated with that mine. Only
21 half a page was related to caribou.

22 Now, this isn't because people don't
23 acknowledge that caribou are essential issue to the
24 First Nations of the territory. It isn't because the -
25 - the mine doesn't want to understand the causal

1 mechanisms and what's going on as a result of their
2 mine. It's a result of these different concerns having
3 different regulatory backgrounds. Water and fish are
4 highly regulated, whereas wildlife and wildlife effects
5 monitoring is poorly regul -- or, poorly -- has a poor
6 statutory background, I'll say.

7 Unfortunately, at this point, the only
8 tool available is the Review Board, and that's why
9 we're coming to you. Only an effective and precise
10 measure that has clear wording can ensure that this
11 trend is reversed and that the critical issues begin to
12 see the -- the attention that they deserve.

13 Moving to cumulative effects. The
14 project has not adequately considered cumulative
15 effects from the Yellowknives Dene perspective.
16 Initially, the Company sought to assert that impacts to
17 caribou were limited to the winter range. Only after
18 the first round of Information Requests and the
19 technical session did the company begin to acknowledge
20 that impacts from development from beyond treeline also
21 contributed to the overall health and population of the
22 caribou.

23 YKDFN considered the same criteria that
24 the company stated in their Developer's Assessment
25 Report, in terms of what projects should be included

1 within this cumulative effects analysis. And we came
2 to much different conclusions.

3 During this updated analysis, additional
4 criteria were included that would have inclu -- that
5 would have excluded projects like the Seabridge
6 Courageous Lake mine that former Chief Judas was
7 talking about -- or, Judah (sic), pardon me, was
8 talking about this morning, or earlier this evening
9 perhaps.

10 Focussing on learning from past
11 experiences and other industrial operations, the -- the
12 Proponent chose to alter some -- or to see -- to not
13 utilize some of the past research done at Ekati and
14 Diavik in the same way. Now, we don't want to get into
15 a debate about what's wrong. Early on, our consultant
16 talked to their consultant.

17 But the important thing to -- to
18 understand is that the Yellowknives believe they used a
19 different method, and that it substantially under-
20 represents -- or, over-represents, pardon me -- the
21 number of caribou within the zone of influence. The
22 rationale behind their choice to use this different
23 mechanism was -- has not been adequately explained to
24 the Yellowknives.

25 And just for a reference, in this case,

1 they provided something that minimized the effect of
2 the mine. Well, in 2010, at the -- the WEMP that was
3 submitted for Diavik, the -- the same experts used the
4 zone of influence of 14 to 40 kilometres. And just out
5 of -- just for posterity here, the -- the predicted
6 zone of influence for Diavik was 3 to 7 kilometres.

7 So there's a lot of uncertain -- from
8 the Yellowknives' perspective, there's a lot of
9 uncertainty from these numbers. And the -- the best
10 examples are hard and fast from observed events at the
11 mines. We respect the -- the qualifications and the
12 experience of the Proponent and their consultants, but
13 we strongly believe that there could be improvements
14 made.

15 The Yellowknives Dene traditional
16 knowledge holders have repeatedly stated that the
17 existing mines are impacting the Bathurst caribou herd.
18 Nunavut is currently in the midst of a large
19 development boom, with more developments on the
20 horizon. Nico needs a road; Gahcho Kue is proposing a
21 road. Bathurst port and road is planned. The High
22 Lake project will construct a road. The level of
23 access that is being created is unprecedented. This
24 will have clear impacts to the YKDFN ability to
25 harvest.

1 On the other hand, other than the Tlicho
2 Government's land use plan, there isn't a single action
3 underway by the Crown or other agencies seeking to
4 protect the Bathurst caribou or implement land use
5 planning to consider thresholds for the amount of
6 development that is occurring in the caribou range.

7 Beyond the previously mentioned Y -- or,
8 access implications, YKDFN are concerned that this
9 project and the associated roads -- that these
10 projects, pardon me, and the associated roads may act
11 as barriers, removing parts of the range from future
12 caribou use, with unknown effects on the population
13 cycle.

14 The Proponent has predicted a level of
15 cumulative development that will impact a sizeable
16 percentage of the annual range, with effects in the
17 seasonal areas, especially for those seasonal ranges in
18 which caribou are particularly sensitive, being higher.
19 Impacts to the calving and post-calving areas are not
20 the same as what is found in the wintering ar -- winter
21 range, and these were never considered in a separate
22 manner.

23 If caribou are much more sensitive in
24 these other ranges, a particular study should have been
25 considered, or a particular analysis should have been

1 considered, to better quantify the impacts associated
2 with that. And I acknowledge those impacts are not
3 from this project, but are from cumulative impacts.
4 And so I understand why, perhaps, it wasn't done in
5 this case. But if we're going to consider the big
6 picture that was talked about earlier, this is what's
7 happening out there.

8 As other parties have already said,
9 overall the Yellowknives Dene are concerned about the
10 ability to harvest. Caribou are fundamental to the
11 First Nation. They represent a cornerstone of the
12 culture. And at this point, YKDFN harvesters have been
13 ma -- making significant sacrifices. These sacrifices
14 directly impact the treaty rights and the ability to
15 put food on the table.

16 Evidence in the Gahcho Kue file indicate
17 that the majority of residents in N'Dilo and Dettah
18 still rely on country foods for over half their
19 sustenance. If this project, either individually or in
20 conjunction with others, were to push the return of har
21 -- caribou harvesting even a single season, that would
22 constitute increased harvests and would represent a
23 significant impact from YKDFN's perspective.

24 The recommendation we have in terms of
25 cumulative effects is that a measure be introduced

1 requiring a special study directed at the Proponent.
2 This would complete a more -- more thorough cumulative
3 effects analysis that considers the current picture pri
4 -- and would be completed prior to future licensing.

5 It should consider not just the impacts
6 associated with the full range of development in
7 Bathurst caribou annual range, but also barrier effects
8 to movement, impacts associated with increased access,
9 demographic and population effects. This analysis
10 should also better reflect the level of data across the
11 NWT, with regards to derived zones of influence at
12 Ekati and Diavik.

13 First Nations and government should then
14 consider the results and collaboratively develop the
15 impact prediction and magnitudes, with the return of
16 harvesting in different development scenarios as the
17 essential line of inquiry. Thank you, Mr. Chair. I
18 believe I took fifteen (15) minutes; please accept my
19 apologies.

20 THE CHAIRPERSON: Thank you for your
21 presentation, Mr. Todd Slack. We don't have a copy of
22 your presentation. Can we get your -- a copy of your
23 presentation so that we have that on record, as well?

24 MR. TODD SLACK: Certainly, if you
25 could give me a few days to edit these changes into

1 words.

2 THE CHAIRPERSON: Okay. As long as
3 it's consistent to your presentation here tonight.

4 MS. TODD SLACK: As consistent as I
5 could possibly be.

6

7 QUESTION PERIOD:

8 THE CHAIRPERSON: Word for word. Thank
9 you. Okay, I'm going to go to final questions for the
10 evening. I'm going to go to the bottom of the list,
11 Environment Canada.

12 MS. SARAH-LACEY MCMILLAN: Sarah-Lacey
13 McMillan, with Environment Canada. We have no
14 questions.

15 THE CHAIRPERSON: Thank you.
16 Aboriginal Affairs Northern Development Canada...?

17 MR. BOYAN TRACZ: Thank you, Mr. Chair.
18 Boyan Tracz, Aboriginal Affairs. No questions.

19 THE CHAIRPERSON: Government of the
20 Northwest Territories...?

21 MR. SHAFIC KHOURI: Shafic, ENR. No
22 questions. Thank you.

23 THE CHAIRPERSON: Thank you. North
24 Slave Metis Alliance, Mr. Bill Enge...?

25 MR. BILL ENGE: Thank you, Mr.

1 Chairman. Bill Enge from North Slave Metis Alliance.

2 We have no questions for the presenter. Thank you.

3 THE CHAIRPERSON: Thank you. Tlicho
4 Government, any questions for YKDFN on their
5 presentation?

6 MS. KERRI GARNER: Thank you, Mr.
7 Chair. Kerri Garner, Tlicho Government. We have no
8 questions.

9 THE CHAIRPERSON: Thank you. I'm going
10 to go to Fortune Minerals. Any questions for YKDFN on
11 their presentation?

12 DR. RICK SCHRYER: Rick Schryer,
13 Fortune Minerals. I just want to make one (1) comment.
14 Fortune Minerals did not acknowledge that its
15 cumulative effects assessment was in error in the DAR.
16 We did complete some additional cumulative effects
17 analysis at the request of the YK Dene to address their
18 concerns. Thank you.

19 THE CHAIRPERSON: And I believe that's
20 already on the public registry as well.

21 DR. RICK SCHRYER: Rick Schryer,
22 Fortune Minerals. Yes, the results of those cumulative
23 effects analyses are available on the public registry.

24 THE CHAIRPERSON: Okay, thank you. I'm
25 going to continue on to the Review Board staff. Any

1 questions for YKDFN on their presentation?

2 MR. JOHN DONIHEE: We have no ques --

3 John Donihee. We have no questions, Mr. Chair.

4 THE CHAIRPERSON: Okay, thank you. I'm
5 going to my far right, Mr. John Curran.

6 MR. JOHN CURRAN: Thank you, Mr. Chair.

7 No questions. Thank you for your presentation. Todd.

8 THE CHAIRPERSON: Okay, thank you. Mr.
9 James Wah-shee...?

10 MR. JAMES WAH-SHEE: Mr. Chair, I'd
11 just like to thank the presenter for the presentation.
12 No questions. Thank you.

13 THE CHAIRPERSON: Thank you. Mr.
14 Richard Mercredi...?

15 MR. RICHARD MERCREDI: Thank you, Mr.
16 Chair. No questions.

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

19 MR. DANNY BAYHA: Thank you for your
20 presentation. No questions.

21 THE CHAIRPERSON: Thank you. Ms.
22 Rachel Crapeau...?

23 MS. RACHEL CRAPEAU: Thank you, Todd.
24 No questions.

25 THE CHAIRPERSON: Thank you. Mr. Percy

1 Hardisty...?

2 MR. PERCY HARDISTY: Yeah, masi, Mr.

3 Chair. I have no questions.

4 THE CHAIRPERSON: Thank you. I want to

5 thank YKDFN, Todd Slack, for doing the presentation

6 tonight, masi, in fifteen (15) minutes. It was great.

7 Thank you.

8 This wraps up our evening for tonight.

9 And as mentioned yesterday -- or earlier today,

10 tomorrow morning we're going to go into closure. And

11 I'd like to start at 9:00 tomorrow morning.

12 And tomorrow, as well, before we start

13 I'm going to make a ruling. Well, we already made a

14 ruling, but I want to deal with the issue in terms of

15 the dates and so that we could move on. And after

16 that, we're going to go into closure. And then we got

17 another agenda for us tomorrow.

18 So, anyway, I want to say thank you to

19 all the translators, to all the presenters, to all the

20 Elders that sat here today. It's actually really good

21 to see the people from Behchoko here tonight, and also

22 the Pido for providing some of the sound, and all the

23 Board members and the staff.

24 DR. GINGER GIBSON: Mr. Chair, could I

25 please ask for a clarification on an agenda question?

1 THE CHAIRPERSON: Absolutely.

2 DR. GINGER GIBSON: Thank you, Mr.
3 Chair. Ginger Gibson, Tlicho Government. We had -- we
4 would like to respectfully ask that the agenda be
5 clarified with respect to the timing for Tlicho people
6 to be able to speak about the issues that they're
7 concerned about.

8 I -- I anticipate that closure issues
9 are going to take some time. And I've noted today it's
10 -- it's 8:00 p.m., and we're closing now, and -- and we
11 only really treated two (2) topic areas.

12 I'm very concerned that in order to
13 finish the agenda the Tlicho people are going to be
14 pushed off into another -- either off the agenda
15 entirely or off to another day. I'd like to seek some
16 clarification, and I -- I also -- I would like to be
17 able to go away tonight and tell, through our various
18 communication modes, which are -- are many, when --
19 when we communicate with folks in the region, I'd like
20 to be able to say to them with a certainty that there
21 will be a time tomorrow in which they can be assured
22 that they can come and speak when -- and listen to
23 their fellow Tlicho citizens speak.

24 And we'd like that to be earlier in the
25 day. As we have requested in the past, we need that to

1 be earlier, because Tlicho people are going to be --
2 it's Friday, and -- and they -- people have been
3 sitting in the audience here for a day listening to
4 presentations and -- and learning about the proposed
5 project, but they also have things to say and suggest.

6 So we would like to be able to say with
7 some certainty and not have that time slip due to the -
8 - the scheduling and the -- and the -- the way that
9 questions work. Masi.

10 And just to clarify, we'd also suggest
11 that a topic be taken to the next set of sessions which
12 would be -- you know, we would suggest that
13 socioeconomic issue be taken to the next two (2) day
14 session as an opportunity to -- to prepare -- provide
15 that time to Tlicho people to speak tomorrow. Masi.

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON: Thank you, Ms. Ginger
20 Gibson for your comments. I guess I have one (1)
21 question. I want to go to Fortune Minerals.

22 Earlier I had mentioned that we wanted
23 to view the project access road. We're going to move
24 that -- sorry, closure, to tomorrow morning. You have
25 some members that are here that are going to be going

1 back tomorrow.

2 Do you know what time tomorrow they're
3 going to be leaving?

4

5 (BRIEF PAUSE)

6

7 DR. RICK SCHRYER: Rick Schryer,
8 Fortune Minerals. Our experts on closure can't stay
9 any later than 3:00 p.m. tomorrow.

10 MR. BILL ENGE: Mr. Chairman, Bill Enge
11 here --

12 THE CHAIRPERSON: Yeah, Mr. Enge --

13 MR. BILL ENGE: -- with North Slave
14 Metis Alliance. I would just like to add my support,
15 and the North Slave Metis Alliance support, to the
16 suggestion made by the Tlicho that the socioeconomic
17 aspect of the hearing be placed in the two (2) day --
18 in October, or whenever it's -- it's going to be held,
19 so that the Tlicho people have an opportunity to
20 present their views and concerns to this Board.

21 So indeed I -- I support that, and I'm
22 just wondering if perhaps you would -- would huddle,
23 and maybe ask whoever is here if they too support
24 what's being requested.

25 THE CHAIRPERSON: You sound like my

1 hockey coach. That's exactly what I was going to do.

2 We'll take two (2) minutes.

3

4 --- Upon recessing at 8:10 p.m.

5 --- Upon resuming at 8:14 p.m.

6

7 THE CHAIRPERSON: I'm going to -- I'm
8 going to make a quick change, so if I can get everybody
9 back to order. You know, over -- over time, you know,
10 doing this kind of job is not the easiest job. You
11 know, over years I've chaired the Dene Nation, Tlicho
12 Treaty 8, our own Chief and Council, and I still
13 remember meeting -- you know, we'd start at 7:00, and I
14 know Rachel is here, but she used to be a band
15 councillor, and we -- we'd meet until about -- if we
16 don't get done we'd meet until about two o'clock in the
17 morning, you know.

18 And I think we all done that, you know,
19 so we're pretty well accommodating.

20 Earlier today we had mad -- we made a
21 ruling into the requests of the Tlicho, granting them
22 the additional time they need to deal with the issue of
23 TK. At the same time, the Review Board set aside two
24 (2) days.

25 And so what I'm going to -- what I'm

1 going to do is to really help address -- and I'm trying
2 to look for a balance here -- is that I'm going to --
3 tomorrow on the agenda, on Friday, August 31st, from
4 10:45 until 2:00, the socioec, I'm going to move that
5 to day 2 of the public hearing that's going to be
6 coming up. And tomorrow morning I will announce the
7 date and time and location on that.

8 And what we'll do here is then we're
9 going to proceed with two (2) things, is that the
10 closure, Fortune Minerals had mentioned that they're --
11 they're here until three o'clock tomorrow, and I've
12 already agreed that they're going to be on first thing
13 in the morning.

14 And they need, according to their
15 presentation here is from -- for closure is from 3:15
16 to 5:00. And time -- so really, that's like -- you
17 know, like an hour and forty-five (45) minutes. And if
18 we could stick to that, that's exactly what I'm looking
19 for.

20 The other thing is that on -- on the --
21 on the -- tomorrow, I believe what the Tlicho
22 government is saying is that they're -- they're looking
23 at doing their community and public statements at 2:15
24 until 5:00, which basically is two (2) hours and forty-
25 five (45) minutes.

1 And -- and the thing is that, you know,
2 the question here is if we take out that socioec, then
3 that will give us additional time to really move things
4 around, because I know how this thing is going to work,
5 is that we're going to go over.

6 And the thing is that, you know, I think
7 everybody's really tired. You know, the Board has been
8 -- this is three (3) days in a row that we're meeting,
9 you know, up until 9:00.

10 But -- so that's what I'm going to look
11 at doing. So I guess the question is -- is -- for me
12 now is that -- I guess to the Tlicho government is that
13 we need to stick to the times and -- to accommodate
14 what you're saying.

15 But at the same time, Fortune Minerals
16 said that they're going to leave at three o'clock
17 tomorrow. So I want to see if you guys want to go in
18 the morning, but there -- but, you know, I've already
19 agreed to them, so.

20 Ginger Gibson...?

21 DR. GINGER GIBSON: We will be strict
22 with ourselves for times, and we commit to stay on our
23 times.

24 THE CHAIRPERSON: Thank you. Fortune
25 Minerals...?

1 (BRIEF PAUSE)

2

3 DR. RICK SCHRYER: Sorry, Mr. Chairman.

4 Rick Schryer, Fortune Minerals. We're just trying to
5 sort this out here. I'm not exactly sure -- could you
6 repeat the agenda for me, please, so I -- I have a
7 clear understanding of what exactly we're agreeing to?

8 THE CHAIRPERSON: Thank you. I'll
9 repeat what I said. Tomorrow is Friday, August 31st,
10 day 4 of the public Nico hearing. So the way -- the
11 agenda that you have in front of your right now is that
12 the -- from -- if you read where it says, "Nico project
13 access road." Okay. On that portion there from 9:20
14 to 10:20, exactly an hour, what we're going to do there
15 is that we're going to move that.

16 And we're going to move that to when we
17 meet, I believe in -- well, we haven't set the date
18 yet, but we set two (2) days aside. So we're going to
19 put that on that day.

20 Then so what happens is that earlier
21 today, closure, what we wanted to do is take that
22 closure and put it into that time slot tomorrow
23 morning, because the closure was supposed to be done
24 today, or this evening, right after -- right now, but
25 we're -- what we're saying is that I -- earlier I said

1 that I'm going to put it in here and we're going to put
2 you guy on the agenda first thing tomorrow morning.

3 And your guys are going to be leaving at
4 three o'clock tomorrow. So a request has come in now
5 to say that they want to move the -- from tomorrow's
6 agenda from 2:15 to 5:00, which is the community public
7 statements, questions from women and youth of the
8 community, community and public statements.

9 And -- and so what we wanted to do is --
10 is either move that up in the morning and then move you
11 guys up. But I've already made a commitment to you
12 earlier that we want to give you that time slot
13 tomorrow morning.

14 So for one (1) hour tomorrow morning --
15 I guess the question is: Are you able to deal with the
16 closure, or -- or sorry, hang on. Your closure is for
17 an hour and forty-five (45) minutes. So tomorrow
18 morning, are you able to do that in that time frame?

19 DR. RICK SCHRYER: Rick Schryer,
20 Fortune Minerals. So if I understand correctly, we
21 would start the day with closure and then -- I'm not
22 sure what we're doing with the middle of -- the middle
23 of the day yet. Are we --

24 THE CHAIRPERSON: Okay --

25 DR. RICK SCHRYER: -- are we

1 maintaining the same schedule for the community and
2 public statements at 2:15?

3 THE CHAIRPERSON: Okay, well I wasn't -
4 - I wasn't finished. So what I'm saying is that
5 closure will go in tomorrow morning, okay, for an hour
6 and forty-five (45) minutes, according to what's here.
7 And you need to give me your word that you're going to
8 take an hour and forty-five (45) minutes to deal with
9 that issue.

10 And with -- what will happen then on the
11 agenda for tomorrow, the socioeconomics from 10:45 till
12 two o'clock, that portion, we're going to move that,
13 along with the Nico access project -- access road, to
14 day 2, when we meet? Okay? So that -- so, therefore,
15 tomorrow we're taking that right off the table. Okay?

16 So then now we hear we are able to go
17 into -- directly into community and public statements,
18 which will be -- will be done probably about eleven
19 o'clock. And then from eleven o'clock onwards we'll
20 deal with that, and then -- so that's what I'm saying.
21 Thank you.

22 DR. RICK SCHRYER: Rick Schryer,
23 Fortune Minerals. I'm -- I'm actually -- I'm quite
24 deeply concerned about this, in that you're asking the
25 -- the public to make statements concerning this

1 project without having heard all of the evidence.

2 We're going to be skipping on socioeconomic and the

3 Nico Project access road.

4 We already know from the Tlicho
5 themselves that they feel that this is a con -- that
6 this is a very serious issue. They identified it in
7 their risk assessment as a very serious issue. And yet
8 people will be commenting on this project without
9 having heard our presentations or our defence of our
10 position. So I do have concerns about having that --
11 the question period at -- before we have a chance to
12 present that very serious piece of evidence.

13 THE CHAIRPERSON: Okay, thank you for
14 your comments. And then what I'll do then is I'm going
15 to sleep on it. I think we're all tired; we're all
16 hungry. And tomorrow morning I'll come back and
17 exactly -- I'll let you know what we're going to do.

18 But in the meantime, tomorrow morning we
19 are going to proceed as scheduled with -- with the
20 closure. And so we already moved on Nico, so we'll --
21 then I'll take a look as to how we're going to deal
22 with socioec. Okay? So with that -- and then
23 tomorrow, Ginger, what I'll do is I'll let you know in
24 the morning what we're going to do.

25 Okay, with that, I want to go to the

1 closing prayer. I'd like to get an Elder -- sorry,
2 hang on a second. State your name.

3 MR. SHAFIC KHOURI: Shafic, ENR. Just
4 possible -- will it -- will you be able to post whether
5 -- the new agenda tomorrow morning on the registry?
6 Will that be possible? That way those people who are
7 involved in socioec are able to -- to ensure that
8 everybody's here. It seems that it -- there's some
9 uncertainty as of right now. Thank you.

10 THE CHAIRPERSON: Well, we -- thank you
11 for that. We -- again, we'll not be able to -- like,
12 right now we're just talking about it, but we haven't
13 made no decision on it. And it's business as usual.
14 Okay, thank you. And I'd like to get a -- an Elder, if
15 I can get one (1) identified to come up and do a
16 closing prayer.

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: Okay, maybe I'm going
21 to ask the Grand Chief, do you want to identify
22 somebody? Chief Charlie Football, did you want to do
23 the closing prayer? Yeah, masi.

24

25 (CLOSING PRAYER)

1 THE CHAIRPERSON: Masi, masi, masi.

2 This Nico hearing is now officially closed for the
3 night. Thank you. We'll start tomorrow morning at
4 nine o'clock.

5

6 --- Upon adjourning at 8:28 p.m.

7

8

9

10 Certified Correct

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15 _____

16 Lorraine Douglas, Ms.

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<u>\$</u>	185:21	10:20 329:14	160:7,23	175:9
\$100 42:17	197:15,17,	10:38 49:15	160 7:16	176:24,25
181:1	22 198:3		167 7:18	179:4,14
<u>0</u>	199:17	10:45 327:4	17 68:20	214:12
0.1 148:6	200:10	331:11	179 69:4	221:9
0.11 283:18	201:18	10:57 49:16	18 42:16	223:13
08 268:6	205:6	100 270:24	45:17	250:7
08/'09	206:5	10-metre	19 7:6	252:8
172:21	210:18	284:5	127:16	275:9
0809-004 1:6	218:19,21	11 43:4	1940 228:3	276:21
09 268:7	219:3	154:20	1966 24:15	280:17
<u>1</u>	224:18	210:13	1980s 113:22	281:2
1 9:3 10:3	230:21	1-1 257:25	114:7	283:1
12:9,10	234:14	116 69:22	127:17	286:11
25:3 28:6	235:1	12 45:14	1986 222:6	309:3
53:13 63:9	238:16	61:23	1988 42:10	323:11
66:13 71:6	241:3,13	69:24	1993 32:6	324:13
75:11 76:7	245:13	221:3	1995 42:23	325:17
77:2,5	246:8	222:13	129:12,13	326:2,24
79:23 80:4	250:5,11,1	126,000	1996 32:7,10	327:5,9,24
85:3	3 255:23	222:7	42:12	329:18
88:5,15	258:5	13 58:4,6	150:8	331:14
90:18	259:19	105:10,11	1-kilometre	2,489 284:7
91:14 94:9	272:7	13th 168:23	90:19	2.3 169:2
96:14	273:14	14 68:14	<u>2</u>	190:5
97:11	274:11,15,	154:20	2 11:6	2:00 327:4
98:18	22 275:25	315:4	12:2,6,9,1	2:15 327:23
100:14,17,	279:7,16,2	143 7:14	5,18 19:20	330:6
22 101:1,6	1 280:14	14th 250:8	26:6 34:6	331:2
106:7	282:20	15 22:4	39:15	2:29
111:24	285:9	94:19	51:11 71:7	134:7,10
113:20	307:8	154:17,22	75:16	2:30 143:1
118:9	309:3	189:19	76:7,11	20 15:17
122:25	312:1	193:5	78:9 79:10	45:16 88:9
129:7	320:13	318:18	80:2,25	94:19
130:18	324:20	322:6	90:1 93:15	200 84:24
133:3,25	330:14	150	103:8,23	2004 32:15
134:4	333:15	217:18,20	104:14	145:18
140:21	1,800 231:5	218:2,4	122:4	199:19
146:25	1.4 146:11	15th 30:21	125:21	269:25
150:12,23	270:24	59:14 92:6	127:3	2006 222:7
154:9	1/10 44:16	103:1	132:19	228:4
160:20	1:20 134:6	131:18	140:19	254:9,10
162:14,21	1:50,000	134:17,21,	160:17	2007 172:21
167:22	59:2	22 135:19	161:9,19	230:11
173:12	10 15:16	140:22	167:22	268:6
176:24	146:16			2008 172:21
180:21,25	151:7			183:4
	270:7,8			
	308:17			
	312:19			

230:11	276 10:5	151:19	4.9 150:11	283:9,16
2009 79:24	28 68:17	30th 135:21	4:00 250:9	284:16,24
222:8	69:13	31 58:2	4:52 213:24	5-kilometre
254:5	282 8:8	67:16	40 216:19	69:2
268:16	289 8:9	102:16	284:17	
2010 169:2		103:19	315:4	<hr/> 6
254:10	<hr/> 3	105:12,14	400,000	6 68:13,24
255:12		106:1,3	222:6	69:16
257:12	3 1:23 9:6	319 8:17	43 69:23	172:11
268:8	13:3 26:6	31st 161:8	45 69:7	175:11
284:18	58:7 66:23	327:3	216:19	183:3
315:2	67:8,18	329:9	327:17,25	219:21
2011 46:10	79:12,15	32,000 222:8	330:17	60s 126:11
255:15	80:17	254:5	331:6,8	61 69:9
282:24	102:9	334 8:21	46-metre-	6A 286:5
2011/2015	103:8	35 197:1	high 288:9	
254:11	167:18	290:20	4th 135:20	<hr/> 7
2012 1:22	197:18	291:2,10		7 58:5
134:17	216:3	292:15	<hr/> 5	105:10
146:10	217:6,17	295:8,20,2	5 17:19,22	315:6
160:7	219:11	3 300:24	25:18	7:00 326:13
161:8	220:12	307:20	49:12 58:5	7:22 300:7
168:23	221:9	358 69:20	67:9,22	7:37 300:8
254:6	222:1	35-protected	68:3 88:13	70s 66:2
255:23	223:1	196:9	90:10	72 68:11
279:9	231:1	37 7:7	103:18	106:18
21 60:16,17	232:6	38 105:14	105:11	107:1
212,000	241:13	106:1	146:14	78 7:11
150:10	242:1	224:9	159:9	79 205:7
215 7:21	249:15	39 69:5	160:8	7th 255:23
23.8 284:2	250:17	<hr/> 4	175:11	<hr/> 8
237 7:22	272:6	4 1:23 12:11	189:23	8 7:3 45:14
25 67:24	312:15	19:20	213:20	179:3,13
250 9:13	315:6	23:21	219:21	326:12
80:22,23	328:8	25:17	236:7	8.7-2 191:10
81:9	3,000 231:6	34:18 58:3	277:4	8:00 323:10
250-metre	3:00 325:9	60:14	300:2	8:10 326:4
67:21	3:09 159:12	79:22	5:00	8:14 326:5
68:10	3:15 327:15	98:4,13	327:16,24	8:28 334:6
106:19	3:31 159:13	148:5	330:6	80s 117:20
253 8:4	30 1:22	153:3	5:18 213:25	82 46:11
259 8:5	39:15 88:9	194:4	50 7:10	
26,469	254:17	217:6,13	181:1	
283:14	300 8:12	220:12	189:23	
27 15:19	255:18	287:13	500 154:18	
146:16	303 8:13	329:10	284:5	
	308 8:16		500-metre	
	309,000			

<u>9</u>	330:15,18	abundance	175:7,23,2	113:12
9 7:4 39:13	331:16	60:23	5	190:16
9:00 134:20	333:4,7,11	62:10 65:1	176:14,17,	283:25
322:11	aboriginal	153:22	23,24	accumulate
328:9	16:18 19:2	191:13	177:2,6	155:3
9:20 329:13	28:20	224:14	192:18	accumulative
9:34 11:1,5	39:16	233:21	216:7	154:25
90 69:21	43:23	270:15	224:16,24	accurate
96 169:2	77:18	abundant	226:8	150:20
97 69:21	86:22,25	98:22	227:13	accurately
	108:7,8,17	academic	229:6,11,1	119:6
	117:6	151:9	5 230:22	achieve
	127:9	acc 119:6	231:15,20,	246:17
	133:7	148:9	23 232:8	272:24
<u>A</u>	139:20,23	accept 92:22	236:1	275:4
a.m 11:1	194:5,16	164:12	238:17,20	achieved
49:15,16	195:21,22	249:2	240:9	102:14
AANDC 6:3,7	196:25	308:18	254:21,23,	acknowledge
37:4 86:23	197:1	318:18	24 273:22	15:24
139:21	201:11,15,	acceptable	282:16	38:7,10
201:12	16 233:25	238:25	283:2,8,13	39:7 47:22
234:4	237:12,15	accepting	,22	57:19
237:13	256:16	181:8	284:3,22	141:2
262:15	258:16	183:19	285:2,6	157:13
304:24	261:2,19	accepts	315:23	159:17
ability	262:14,18	247:17,18	316:8	255:7
44:21 45:9	285:20	access 15:19	318:8	285:5
184:15	290:6,8,20	38:24	324:23	312:23
190:21	291:10	45:14,21	329:13	313:19
193:9	294:5	46:1,14,16	331:13	317:2
315:24	295:22	67:24 68:1	332:3	320:14
317:10,14	300:24	70:24	accessible	acknowledged
able 27:16	302:7,16,1	79:14 80:4	293:13	38:15
45:20	7 304:23	145:10	accommodate	285:7
51:24	305:1	146:15,20	162:11	309:14,15
54:12	307:20,22	147:13,25	328:13	acknowledgem
71:19	319:16,18	148:8,10,2	accommodatin	ent 311:15
72:25	Aboriginals	4 152:6	g 326:19	acknowledgem
73:13	109:3	156:24	accomplish	ent 311:15
82:11	absence	157:25	182:20	acronym
93:22	59:23	158:20	according	241:16
95:24 96:3	309:19	161:9	115:10	across 45:23
106:17	311:11	164:23	190:18,24	51:10
182:20	absent	167:21,23	224:6	66:22
205:14	223:25	168:9,24	283:12	72:16
206:9	309:13	169:5,21	288:12	221:19
230:15	absolute	170:7,9	327:14	227:4
231:12,17	182:13,19	171:2,12	331:6	257:7
310:7	absolutely	172:2	account	318:10
323:6,17,2	95:1 247:2	174:3,8,22	29:14,19	act 16:25
0 324:6	323:1		111:13	

120:11	240:1,6	226:5	205:9	194:5
205:5	283:23	302:11	301:13	226:3
256:10,12,	322:20	314:3	advice 62:25	240:7
19 278:8	331:23	320:16	advise	303:5
282:21,22	adamantly	326:22	211:14	affects
316:10	229:25	328:3	advised	191:13
action 207:6	adapt 215:14	address	17:23	225:21
257:11,12	adaptive	18:16	advisement	afternoon
268:17	234:23	161:14	277:22	30:15 87:4
285:14	235:9	198:16	advisor 40:4	140:18
316:2	244:19	211:10	advisors	160:4
actions	245:7	261:5	19:5 40:6	against
235:10	add 75:23	288:22	advisory	135:9
244:19	83:7 84:15	320:17	130:20	267:24
254:10	105:13	327:1	210:21	286:3
255:7,14,1	135:12	addressed	256:22	age 28:1
6 257:17	162:14	195:22	aerial	agencies
active	173:25	236:10	145:20	127:2
152:15	201:8	addresses	199:19,20	194:17
287:20	220:2	46:25	200:1,3	261:2
actively	231:7	addressing	210:16	277:17,18
43:25	269:21	47:10	affairs	316:3
135:3	276:5	adds 105:14	16:18 19:2	agency
activities	280:11	Ademchesky	39:24	129:20,24
24:2 41:10	283:11,14	268:10	43:10	130:7
42:10,24	284:6	adequate	86:22,25	196:3
43:3 70:4	312:1	222:19	139:20,23	245:1
130:22	325:14	adequately	201:11,15,	277:5
189:15	added 255:25	313:14	16	295:6
202:18	284:18,21,	314:23	237:12,15	303:3
255:6	24	adhere	262:14,18	agenda 17:11
285:23	adding 265:7	187:12	285:20	18:1,13
287:25	addition	adhering	290:6,8	31:12 36:8
activity	40:5 41:18	166:13	294:6	37:12,15
90:8 91:6	231:9	adjourning	304:23	50:1
109:6	257:15	334:6	305:1	134:11,12
acts 205:6	258:1	adjust 140:1	319:16,18	142:25
actual 80:23	additional	adjusted	affect 31:7	143:2,4
171:10	17:6 59:24	287:11	71:5	161:2
Actuality	74:25	admire 27:25	175:24	162:18
193:5	78:19	ado 37:23	224:1,25	214:8,10
actually	134:15,23,	adult 109:14	225:5,9,11	322:17,25
82:5	24 137:19	advancement	,17 227:2	323:4,13,1
89:2,4,14	141:1	41:15	affected	4 327:3
90:21	144:8	adverse 48:4	45:11	329:6,11
172:8	148:2	155:23	146:18	330:2,6
173:15	160:5,15,1		148:7,18	331:11
191:22	7 162:13		154:9	333:5
192:6	176:14		193:24	ago 24:21
	214:12			34:8 66:17

94:19 95:9	ak 35:9	22 302:6	174:10	among 202:2
130:17	aka 75:23	303:22	266:23	amongst
190:5	Akaitcho	306:1	267:20	218:23
210:13	18:25 84:7	319:24	alongside	amount 109:9
235:2	138:15	320:1	131:20	185:17
agreed 178:9	188:2	325:14,15	312:6	209:14
257:2	Alan 2:6	Alliance's	already	225:24
265:7	96:15,16	139:1	12:18	240:25
301:25	99:10,14	Allice 6:17	19:19	316:5
327:12	101:11	82:1	39:20	analyses
328:19	203:15,16	102:20	143:2	320:23
agreeing	204:9,22	113:21	148:24	analysis
329:7	206:13,22,	allotted	156:11	59:10,11
agreement	23 207:13	17:17 18:2	157:25	60:8 67:18
45:21,24	Alberta	217:18	163:10	103:16,22
47:9 61:22	154:19	218:2	171:12,23	169:3
83:8 84:16	Alexa 43:16	219:12	173:18	187:24
93:3 97:19	Alfonz 3:14	allow 18:21	174:3	200:11
126:18	13:18 38:8	31:3	176:21	267:11
129:19	align 285:13	46:6,15,17	179:23	312:15
137:7	alignment	49:6	223:14	314:1,3
179:8	173:20	160:19	224:8	316:25
183:1,25	alive 25:6	175:18	226:15	318:3,9
187:10	73:23	309:20	229:16	320:17
211:21,23	75:17 78:8	allowances	230:4	analyzed
212:7,16,2	111:22	279:24	234:7,12	168:20,25
0 220:14	112:7	allowed 93:1	240:21	190:4
221:2	Alliance 4:8	150:19	260:18	311:24
222:13,14	8:12 19:1	allowing	284:1	analyzing
245:6	37:2 38:15	11:25	317:8	70:12
269:2	79:20,23	46:20	320:20	anc 54:2
agreements	84:9,14	138:11	322:13	63:6
48:12	86:6	310:22	327:12	ancestor
181:21	138:17,21	allows 95:21	328:18	28:25
183:7	188:4,9	all-season	330:11	ancestors
212:10	190:11	172:4	332:4,20	23:2 27:14
Ah 75:25	193:16	173:7	alter 309:21	28:14
ahead 137:17	195:18,21	175:2,5,8,	314:12	35:16
162:6	197:2,8,21	24	am 38:16	51:12
215:13	198:3	176:13,15	63:14 67:8	52:24
227:12	237:25	224:16,24	125:14	53:25
247:19	262:6,9	226:8	248:14	61:8,10,16
267:19	290:15,19	230:1,12	266:22	62:1,19
aid 47:9	291:2,5,9,	231:7,10	296:23,24	63:7 85:8
Aileen 4:20	12	alluding	amended	107:25
aiming	292:7,12	229:4	255:23	116:16,17
279:13	295:7,8	all-weather	amendments	129:12
air/water	299:21	67:4 172:7	288:21	220:7
196:4	300:16,19,	173:12	America	ancestor's
			288:15	

54:2	166:23	249:20	61:1 63:4	appropriate
Ancestors	180:11	251:2	79:1 134:3	114:9
62:17	182:23,25	anymore	Apples 6:20	235:19
ancestry	183:2,13	62:24	50:10,15	258:6,14
109:12	185:12	192:25	101:16	287:5
111:8	187:15	268:1	106:14	appropriatel
114:12	202:14	anyone 93:1	application	y 287:21
and/or	239:20	anything	153:7	approve
201:24	241:4,6	83:14	227:22	137:19
261:2	245:16	135:12	applications	approved
animal 27:4	249:21,23	143:3	79:18	79:20
animals	250:13	193:20	applied	234:13
23:15 52:4	264:22	206:8	42:25	approximatel
55:3 70:6	268:19	272:12	155:18	y 15:16
73:8 76:4	272:4	anytime 26:6	apply 266:16	39:14
152:7	274:5	269:7	appointed	45:16
225:21	291:23	anyway 49:25	256:18,21	231:4
231:5	292:8	297:9	appreciate	April 168:23
255:18	296:12	322:18	29:17 91:2	aquatic
Annie's 34:5	answered	Anyways	120:8	142:10
announce	242:19	239:24	125:10,12	197:9,10
142:23	296:17	anywhere	143:6,14	286:17
160:10	answers	26:5 120:5	169:13	312:16
161:24	128:6	apart 59:5	177:20	ar 316:20
162:15	anthrax	apologies	185:21	archaeologic
214:11	264:14	318:19	278:7,15	al 92:2
327:6	anthropogeni	apologize	appreciated	archeologica
announcement	c 257:6	105:21	177:19	l
143:4	anthropologi	106:10	appreciation	80:3,7,12
158:14	sts 81:25	apparent	120:20	82:20
annual 33:5	anticipate	135:17	approach	archeologica
149:20	170:6	apparently	81:19	l-based
151:11,12,	205:16	22:6,13	82:5,9	81:20
18,23	323:8	25:1	112:8	archives
152:2	anticipated	appear	150:25	114:13
164:5	245:19	196:10	157:7	118:1
225:20	anticipating	295:16	196:13	area
274:15	274:25	APPEARANCES	254:12	21:15,24
316:16	anybody	2:1 3:2	255:6	24:18
318:7	34:12	4:1 5:1	287:18	25:1,5,8,1
ans 268:18	84:7,8	6:1	approaches	0,23 26:11
answer 9:3	138:16	appearing	113:10	27:20,22
41:24	203:8	116:3	128:7	28:17,18,2
47:19 81:8	266:22	appears	186:14	1 31:18,19
83:3 87:24	295:14	284:8	258:2	32:2,13,16
97:9,13	305:13	Apple 57:1	approaching	,18,19
99:23	anybody's		164:20	33:16
107:14	237:6		171:19	35:16
162:24	anyhow 9:13			

44:20	156:20	316:17,19	151:2,8	155:13
50:19,21	158:1	323:11	155:13	200:23
51:1,3,4,7	176:18	aren't 25:20	168:8	assign 95:25
,12,13,14	190:18	92:14	171:6	96:3
52:1,2,3,1	198:23	245:18	256:10	assist
6,22,23	199:20	251:6	assessing	272:19
53:1,2,18	202:22	argue 308:23	157:8	assisting
54:8,9,11,	209:13,25	ariel 269:25	256:12	140:23
12,13,15,1	211:12	arrangements	assessment	associated
6,22	216:22,23	91:20,24	15:22	45:8 91:7
55:19,20	217:10	92:25 93:5	16:14,16	113:7
56:1,6	218:22	arrive 26:25	18:8 22:2	201:3
57:22,23,2	219:2,10,1	arrived	30:20	225:8
4 58:13,14	7 223:21	187:6	45:12 71:5	233:19
59:21	224:7	309:1	79:12	312:20
60:17,22,2	225:2,3,11	Arrowmaker	80:6,9,12	316:9,10
5	,23	43:16	91:17	317:1
61:8,16,24	228:2,9	arsenic	92:12	318:6,8
63:7,14	255:14	198:7	93:17	Associates
64:2,6	267:5	Ashcroft	95:24	143:21
65:10,12,1	269:18	4:23	141:22	163:5
3,23	270:4,7	aside 93:1	144:4,12,1	168:17
67:1,22,24	273:1	275:11	9 147:23	170:1,25
68:11,12	285:17	326:23	148:11	189:11
69:3,4,19	286:18	329:18	149:9	191:9
71:3 72:15	288:2,6	aspect 23:6	150:19,20	192:11
73:7	291:3	88:5	151:25	198:15,18
75:19,24	292:16	173:12	152:5,8	200:2
76:2 80:1	295:12	325:17	153:3,19	204:17
84:22,23	300:25	aspects	154:6,23	207:4
85:3 91:4	301:5	203:19	155:1,22	208:8
92:1,11,14	areas 26:20	229:21	156:2	assume
94:20,25	31:15 33:2	assembled	163:13	190:16
96:2,20,21	34:15 57:5	93:14	176:12	192:13
,23	59:3 62:8	assert	198:18,19	240:8
97:1,19	64:13,25	313:16	200:21,25	247:16
98:2,4,10,	65:11	asserted	236:9,15	assumed
17,18,24	69:12	291:11	247:7	152:9
99:2	70:2,9,18,	300:23	253:13	154:16
100:3,15,1	24 72:21	assess	254:19	193:5
6 107:6	88:20	168:12	256:15	assuming
110:12	89:14	285:23	258:14	284:5
112:22	91:10	assessed	266:19	assurance
115:6,19	98:7,11,24	149:19	282:8	104:16
121:20	120:7		283:24	235:18
123:21	123:9,11		286:12	assure 103:5
124:1,2	127:25		301:15,18	121:7
125:23	164:15,16		313:24	122:24
128:16	268:15		320:15	185:16
146:2,14	283:25		332:7	
147:24	284:15,16,		assessments	
148:24	20 287:17		42:22	
150:18,22	288:5			
151:19				

assured	ava 311:15	183:23	253:22	171:11
105:2		217:3	254:13,21,	224:13
323:21	available	224:15	23 255:9	228:6,21
at-risk	17:12 18:6	230:23	266:11	286:15
224:1	44:17	235:13	269:12	301:25
attach	45:10	323:17	302:12	basically
95:21,22	47:24		303:1	192:12
attached	103:25	<hr/>	barren-land	223:24
62:23	117:25	B	147:9	227:19
attendees	137:2	baby 24:17	barrier	270:9
84:17	152:1	Bach 13:22	318:7	292:15
attending	215:15	Bachand 3:25	barriers	293:1
30:11	243:4	13:22	316:11	327:24
attention	254:6	background	Baryon	basin 97:21
185:17	256:15	144:17	304:25	basis 46:6
256:7	279:9	313:6	305:1	98:21
313:12	311:16	backgrounds	based 36:18	175:4
attractants	313:8	313:3	57:13	242:10
208:18	320:23	bad 66:15	58:24 71:4	312:11
attracted	avian 288:22	bags 232:23	76:18	Bathhurst
77:12	avoid 82:19	bake 27:6	81:24	188:15,20,
288:23	192:17,18,	balance	148:11,19,	25
attraction	19 287:23	327:2	21 149:10	Bathurst
288:16	avoidance	ballpark	154:19	149:7,13,1
attributed	70:1,9	99:24	155:16,17	6
230:3,9	186:25	Balsillie	157:5,20,2	150:1,5,14
attributes	avoided	4:19	3 163:5	151:11,23,
285:16	287:18	86:19,20	171:12,16	24 153:16
audience	avoiding	band 326:14	178:3	157:10
159:17	70:3 83:12	barren 72:3	188:13	167:19,23
324:3	award 34:11	129:16	223:21	169:15
audiences	aware 18:9	147:9	228:6	170:8
92:13	71:17	154:21	245:16	171:24
augment	119:20,22	218:11	253:22	173:15,19
40:21	145:2	219:21	258:2	175:7,16,2
August 1:22	183:4	228:2	267:10	3 177:12
161:7	186:2	254:14	268:6	190:17,20
327:3	208:12	barren-ground	270:5,10	191:14
329:9	278:7	144:14,18	273:16	192:7
authorities	286:3	149:10,12,	284:17	193:18
127:3	290:19	25 150:17	287:18	198:8
129:22	291:1,9	156:14	311:1	222:4
258:17	295:19	168:19	baseline	224:25
authority	awareness	169:4	42:21 71:4	225:11,15,
255:22	126:13	216:6	103:15	19 227:15
	away 24:22	224:22,25	123:12	228:8,11,1
	25:2,5	240:5	144:17	3 229:7,15
	26:23,25		145:12,18,	230:2
	32:6,13		20 150:16	231:3
	53:14 91:6		153:6,8	232:1
			169:14	233:12,14
				253:25

254:2,4	55:24	170:18	256:15	196:20,21,
255:17	132:23	174:7	260:3	22 198:1,2
260:20	313:11,19	175:15	272:9	238:3,4
267:1	beginning	179:4	308:17	262:6,7,8
268:7	110:4	225:9	311:2	290:16,17
302:4,9,13	112:11	305:13	315:9	291:7
315:17,21	184:9	308:10	bet 281:14	293:24
316:4	242:17,19	314:18	better 46:16	295:3,4
318:7	begun 102:19	315:13	88:7 130:7	296:20
bay 92:1	behalf 36:5	318:18	183:1	300:5,12,1
99:4 101:2	92:2 163:6	320:19	202:8	7,18
Bayha 1:12	201:15	327:21	227:5	303:13,21
12:24	203:17	329:17	234:2	304:8,14,1
121:10,14	behaviour	believed	240:16	9 305:4,25
122:15,22	152:5	230:21	269:20	306:9,25
124:19	154:24	believes	317:1	307:5,9
125:4,8,9	224:13	256:4	318:10	308:6,10
128:10,11	226:12	bell 49:13	Bev 5:11	319:24,25
129:4	233:21	belong 77:20	139:6	320:1
131:4,5,11	Behchoko	196:8	beyond 75:2	325:10,13
213:1,2	1:21 11:7	belonging	76:11,12	binders
252:1,2	12:17	35:10	146:2	299:21
276:24,25	13:21 16:1	belongs	267:12	binding
277:11	23:13 30:6	77:21	313:20	181:16
278:2,3,17	31:14 38:3	benefit 17:4	316:7	binds 76:11
298:14,15	45:2 46:8	39:3	BHP 186:23	biologist
299:6,7	53:5,6	112:18	312:17	163:5
306:14,15	58:6 61:1	benefited	bigger 72:25	253:15
321:18,19	105:11	145:21	97:9	biologists
bear 62:2,6	160:2	benefits	112:13	265:18
124:2,3,10	174:25	44:4 47:24	274:6	biophysical
150:8	175:1	48:12	biggest	48:5
187:2,3	223:5	127:23	71:20	285:16
Beatrice	235:14	Bernard 4:15	76:17	bird
276:6	322:21	berries	229:5	287:6,23
beaver 53:10	behind 13:23	62:11	238:16	288:15,19
54:17	14:7 47:3	69:11	big-picture	289:10
68:19	129:23	best 16:6	312:15	birds
69:11	143:2	34:1	Bill 2:18	282:12,14
became	314:22	64:11,25	4:7 38:14	286:2,5,6,
222:11	beings 84:18	125:24	40:2	16,17,25
become 45:10	believe 13:5	131:8	84:12,13	288:5,23
becomes	17:20	185:24	86:4,5	bismuth
98:21	29:23 47:7	186:2,8,11	138:18,19,	15:13
becoming	67:5	,16,19,21	20	bison
256:8	112:21	187:6,12,1	188:5,7,8	264:15,16
Beers 183:5	120:7	7 211:14	190:9,10	bit 37:16
begin 19:21	136:16,20,	234:19	192:1,2	42:5 49:6
50:10	25 149:4		193:14,15	57:25
	158:10		195:15,16	

63:16	39:14	25	328:7	257:3,4,10
94:23	47:14,19,2	207:12,15,	Boards	,12,15,17
123:22	1 48:1	17,21	123:13	269:1,11,1
129:9,11	82:8 84:17	209:1,17	258:17	8,21
167:20	87:8,10,16	212:25	Board's	270:13
168:6	88:2 89:3	213:4,8,13	92:21	271:7
177:19	90:25	215:3,17	140:14	282:11,18,
180:15	91:13,22	221:15	141:14	19,23
187:21	92:7,11,18	222:17	159:16	283:1,20
207:24	93:2 94:4	223:24	263:5	285:14,16,
217:23	95:11	227:23	278:7	22 303:1
226:16,18	96:11,16	233:25	boat 62:5	born 32:8
271:16	99:10	241:9,11	boats 62:4	63:4
273:15	101:9,14	243:10,23	Bocking 2:25	borne 273:13
black 70:1	102:23	244:23	body 16:24	bottom
72:18	103:2	245:10	74:3 76:15	289:20
187:3	106:16	246:6,11	154:3	319:10
blankets	107:16	247:5,6,13	235:5,7	bought
33:16	111:12,13,	,17 250:10	244:18	259:23
blood 85:2	14	251:5,17,2	bois 85:9	boundary
Bluenose	118:15,17	2	Bolstad 6:6	80:21,22
170:8	119:15	252:1,5,11	books 78:6	81:13
171:24	120:9,22	253:19	boom 315:19	145:9
175:7,16,2	121:10	256:25	boongle	147:16,18
5 177:12	122:5,25	260:16	232:21	257:5
225:1,12	123:8	261:1,16	bor 270:4	283:24
227:15	127:4,7,8,	262:24	273:13	Boyan 6:7
229:9	19 128:2	263:17	border	201:14
230:22	129:21	264:19	147:17	202:25
231:15,20	131:8,11	267:9	borderline	237:14
232:2	133:7,14,1	272:20	71:21	262:17,18
233:9	5 134:18	275:6,11,1	boreal	290:7,8
260:20	135:4,9	3,17	144:13	319:17,18
Bluenose-	138:9	276:13,19,	146:7,10	Braiden
East	139:10	23	187:19	13:10
167:24	140:5	278:2,18,2	203:22	break 26:3
254:1	141:2,4	5 280:1	204:6	49:11
bo 227:15	142:15,20	285:12	205:2,17	133:25
board 1:3,10	146:9	292:5	206:1	159:9
2:10 12:22	149:6	297:20	216:5	160:8
15:9,23	160:8	298:9,13	223:17,19,	213:20
16:3,7,12,	161:16	299:9,12	20	267:11
15,23	163:12	305:24	224:3,8,11	268:21
17:9,14	164:24	306:3,5,13	228:2,8	breakdown
18:4,5	165:3,18	,18,23	240:7,20,2	105:9,13
19:4,6	177:8	308:21	1,24 241:2	breaking
22:13,16,1	180:5	309:14	256:3,4,9	98:14
9 23:11	191:10	310:4,5,6,		breakout
29:14	196:1	18 313:8		264:14
30:4,23,24	201:22	320:25		
31:2 38:6	203:14,17	322:23		
	204:8	325:20		
	205:7	326:23		
	206:12,23,			

breeding	248:18	202:6	24:15	15 51:10
280:13	249:7		25:13	52:13
286:9	253:3,5	brother	45:2,22	cabins
287:9	258:22	55:20	115:25	25:18,19
Brett 5:17	260:9	brother-in-	249:19	51:12
14:13	261:12	law 32:13	251:1	52:14,16
brevity	262:1	brought	bulk 46:5	69:6
195:10	264:4,24	24:23 25:6	bullet	Cailin 2:8
bridge	273:5	127:15	232:23	calculated
77:9,10	277:14	266:20	244:1	149:21
brief 20:1	281:23	browed 258:4	bullets	calculations
71:14 81:4	289:23	Bruno 4:24	242:3	190:24
82:25	290:3,23	253:16	bulls 280:16	283:13
89:19	291:16	265:23	burial 62:9	calf 154:2
95:15 97:6	292:1,18	266:14	80:13,16	calves 154:4
99:12	293:9	269:6,24	82:7 83:14	calving
100:9	294:21	275:22	94:25 96:4	149:25
101:24	296:1	276:5	104:5	150:1
119:12	299:24	279:11	burials	151:13
131:1	303:8	280:7	68:15 69:8	153:25
138:1	304:5	281:7,13	buried 78:5	233:10,14
143:15	305:16,21	buffer	burner 116:7	280:13
144:12,15	307:13	67:21,23,2	burning	316:19
146:4	324:17	5 68:10	288:24	Cam 3:8
155:9,25	325:5	69:3	bush 77:6	143:20,21
157:3	329:1	81:10,12	business	168:16,17
158:5	333:18	90:18,19	44:14 45:9	169:25
159:6	briefly	106:19	180:12,21	189:10
163:1	40:10 41:6	283:9,16	184:14,16	191:8
166:20	bring 22:24	284:6,16,2	333:13	camera
168:3	23:10 24:4	4 287:21	businesses	108:14
169:10	26:13	buffered	43:20,24	camp 24:23
170:13,22	28:25	90:22	44:5	26:11 28:9
172:16	67:10	92:15 93:6	Butteck 13:4	29:3 50:24
173:3	117:24	buffering	Bye 251:15	62:9,12,15
185:9	127:1,19	91:5		63:10 64:5
189:8	158:23	buffers	cabin	campgrounds
191:6	210:17	284:18	24:9,12,13	62:10
198:12	228:20	build 38:22	,19	camping 35:8
199:10	bringing	39:4 42:1	C	Canada 4:10
205:21	127:18	47:17 48:7		5:6,21,25
207:1	brings	building		6:14 8:8
208:5	173:15	24:15		19:1,3,4
211:18	260:12	25:21 27:7		21:5 30:7
212:3	Brittany	115:21		37:1 40:12
214:19	4:16	builds		41:10,17
215:22	broad 243:13	254:11		86:14,22
236:4	258:4	built 9:12		87:3,5
237:2	broaden	15:20		
239:16				
244:10				
246:22				

98:6	293:22	32:15	8,20,22	9,20
139:5,7,20	296:22	33:18	170:8	224:3,8,11
140:8,10,1	Canadian	34:25 35:1	171:10,14,	,18,19,23,
7,19,21	6:11 39:8	36:1,19,22	24,25	25
141:7,9,10	40:11	,24,25	172:2,9	225:3,5,6,
143:12	76:13	37:1,2	173:8,15,1	15,17
147:1,16	129:22	64:21,22	9 175:8,19	226:3,6,11
148:4	195:19	65:10,14,2	176:18	,12,20,25
199:7	282:8	1,23	177:5	228:2,8,17
201:12	307:21	68:19,25	178:10	229:7,15
203:3,5,8,	cancer	69:10	186:24	230:2,6,14
10,12	25:2,9	70:19	187:5	231:20
214:14	32:12,16	71:25	188:5,14,1	232:1,8,11
236:23	candidate	72:5,8,10	5,25	,12,17,20,
237:6,7,9,	82:1	85:14	190:17,20	22 233:7,9
12,23	Candler 82:2	88:24	191:14	234:3
252:23	62:5 64:19	94:24	192:7,16,2	236:8
255:23	canoe 25:25	136:22	5	239:9,12
256:21	62:5 64:19	143:1,8,18	193:2,4,7,	240:5,7,20
257:1,22	canoes 62:7	144:2,7,13	9,18,19,23	,21,24
262:12,14,	canol 253:13	,14,18,19,	,24 194:7	241:1,2
20,23	canvass	24,25	198:4,8,22	253:9,22,2
281:21	137:17	145:5,7,8,	,25	5
282:5,9,22	161:18	11,13,19,2	199:3,20	254:1,5,7,
283:6,20	canvassed	5	203:21,23	13,15,22,2
285:3,21	92:23	146:1,6,7,	204:6	3,25
287:1,2,7,	capacity	8,10,11,18	205:2,17	255:10,13
11,21	295:10	,24	206:1,6,15	256:3,4,7,
288:13,20,	capital	147:9,14,2	207:7,10	9
21,25	41:20	2	208:16	257:3,4,10
289:1,9,17	capture 74:2	148:3,10,1	209:24	,12,15,17
,21	75:4,6	4,17,23	210:2,12	265:18,19
290:1,6,14	82:11	149:3,5,8,	211:12	266:11
,18	car 144:14	9,10,12,25	212:15	268:14,15
291:1,5,8,	card 17:20	150:1,15,1	215:1,7,18	269:1,11,1
19,23	care 54:1	7 151:25	,21	2,18,21
292:4,5,13	221:6	153:20,22,	216:1,5,6,	270:4,10,1
,21 293:12	careful	24	10,21,22,2	3,22,24
294:1,4,6,	249:11	154:2,24	5	271:7,12,2
11,17,24	Carey 5:5	155:12,14,	217:2,6,8,	1 278:10
296:5	cari 192:7	15,23	10,11,16,1	279:8,15
297:4,10,1	caribou	156:2,7,8,	9,20,22,24	281:4,17,2
6,21	7:13,20	15	218:9,11,1	0
298:1,6,25	8:3,7,11,1	157:10,17,	3,20,21,22	282:4,11,1
299:2,17	5 25:7	24 161:5	,23,24	8,19,23
304:24	26:20,24	163:18	219:2,3,4,	283:1,11,2
305:4,10,1		164:8,9,15	6,8,9,10,1	0,24 284:4
4,19		,16,19,21,	1,12	285:1,11,1
319:11,13,		22	220:6,8,15	4,16,22
16		167:3,8,19	,16,18,25	294:8,15
Canada's		,22,24	221:5,6,9,	295:1
146:22		168:10,13,	10,12,17	296:9
282:15		19	222:5	299:20
		169:4,15,1	223:8,17,1	300:15,21

301:1,3,6, 8,9,10,14 302:3,5,12 ,15,23,25 303:1,23 306:1 308:8,13 310:14 312:21,23 313:17,22 314:21 315:17 316:4,6,12 ,18,23 317:10,21 318:7 caribous 210:3 Carl 43:6 Carlo 2:12 39:25 carried 279:14 carry 28:15,16 164:17 256:14 272:20 case 72:19 128:20 153:4,5,7, 9 181:22 187:2 194:15 260:5 301:14,22 314:25 317:5 cases 26:24 153:3 catch-22 312:11 categories 68:3 88:13 90:10,14 104:24 categorized 90:9 104:23	category 196:8 causal 312:25 cause 82:20 caused 15:25 70:7 288:16 caution 271:11 287:15 caved 25:19 cells 98:10 270:8 centre 23:21 61:4 79:18 151:15,22 centres 29:4 ceremonial 80:13,16 certain 33:20 62:11 63:11 99:25 169:17 194:14 202:8 203:20 242:25 277:3 287:25 310:2 certainly 91:9 109:13 195:7 277:5,21 278:7 300:5 318:24 certainty 181:11 183:2 310:21 323:20 324:7 Certificate	8:21 Certified 334:10 chain 40:3 Chair 18:17 20:7 21:2 29:18 30:4 35:24 71:16 78:20 84:4 86:25 87:6 96:16 107:18 117:13 119:7,17 121:2,14 128:11 133:17 135:14,15 138:3 139:23 140:20 157:12 158:7 167:11 168:17 169:12 170:1,4 172:18 174:18 176:5,6 177:17 178:22 179:2,16 180:17 184:20 185:20 191:8 192:11 197:7 198:14 200:9 201:6,14 202:9,16 203:1,16 204:5 207:18 213:3,7,10 215:2,3 226:17 229:17 237:20	238:9,23 239:18 241:6,20 242:14 243:21 244:13 246:24 248:8,21 252:2,12 259:18 262:17 276:16 277:1 278:3,20 279:2,6,21 290:7,12 292:4 297:6,13 298:12,15 299:14 304:15 305:1 306:16,20, 25 307:4 308:15 318:17 319:17 320:7 321:3,6,10 ,16 322:3,24 323:3 chaired 326:11 Chairman 14:2 15:8 37:22 38:1 79:10 83:22 84:13 86:5 87:10 88:4 91:2 92:20 94:6 96:13 101:16 105:8 106:7 118:14 138:20 141:8,19 143:22 163:4 166:20 168:5	173:12 188:8 190:10 192:2 193:15 195:17 196:22 198:2 199:16,25 200:2,18 213:15 216:15 221:19 238:4,14 239:4 241:11 243:12 244:1,25 245:12 246:8 247:15 249:1,9 251:7,12,1 9,24 262:8 263:2,19 265:17 266:5 271:4 272:3 274:22 282:7 290:17 291:8 293:25 295:5 296:21 297:23 298:3,8,23 300:18 306:3 320:1 325:10 329:3 Chairman's 15:1 chairperson 1:11 7:5 11:3,19 13:24 14:11 15:5,6 20:3 36:4 37:6 48:15
---	---	---	---	---

49:18	179:12,18	,21,25	,19,23	46:25 47:1
78:23 81:1	180:9,13	252:4,10,1	320:3,9,19	70:6
82:13,22	181:25	4 253:7	,24	148:13
83:4,18,24	182:22	258:19,24	321:4,8,13	152:22
84:6 85:18	183:8,14	259:10,15,	,17,21,25	156:6
86:13,17,2	184:3,19	20 260:6	322:4	157:9
1	185:6,18	262:3,11,1	323:1	167:17
87:2,7,21	186:4,17	9	324:19	226:12
88:1 89:16	187:25	263:7,10,1	325:12,25	257:4,7,9
90:24	189:5	2,15	326:7	318:25
92:17	190:7	264:1,21	328:24	channel
93:24	191:3,24	265:13,22	329:8	12:9,11
95:12	192:9	266:2,12	330:24	channels
96:10 97:3	193:12	268:22	331:3	19:18,19
99:9 100:6	194:23	269:4	332:13	chapter
101:8,13	195:14	271:1,9,25	333:10,20	61:22
102:22	196:15,20	273:2	334:1	144:7
103:10	197:4,24	274:20	chairs 49:6	221:3
104:7,18	198:9	275:19	challenge	222:13
105:5,17,2	199:5,12,2	276:12,18,	118:6,24	characterize
3 106:4,22	3 200:7,16	23 277:11	challenges	152:14
107:2,7,10	201:4,10	278:1,17,2	118:24	characterize
,15 112:23	202:10,23	3	120:18	d 191:16
119:14	203:2,7,13	279:4,10,1	232:9	Charlie
120:22	204:2,7,14	8	challenging	3:3,16
121:9	,18 205:18	280:5,21,2	118:19	13:17 38:9
124:19	206:11,20,	5	123:13	39:22
125:7	24	281:11,16,	222:3,14	333:22
126:9	207:11,16,	25	chance 18:3	Charlwood
128:9	20 208:2	289:15,25	26:6	4:4
129:4	209:1,7,16	290:5,9,13	148:16	check 210:3
131:3,10	210:7	291:4,18	157:17	261:23
133:14,23	211:15,25	292:11,24	169:21	chemicals
134:9	212:21,25	293:17	332:11	156:2,6
137:16	213:4,8,12	294:16	change 59:12	Chenkie 3:18
138:14	,17 214:2	295:2	60:7 66:14	cherish
139:4,11,1	236:16	296:3	136:21	109:16
9 140:7,16	237:5,11,1	297:1,7,14	141:23	chie 310:13
141:6,15	6,22	,19,24	157:19	chief 11:25
142:19	238:6,10,2	298:4,9,13	193:2	13:14,16,1
158:13	1	,24	227:10	7,18,19,20
159:3,8,15	239:1,13,2	299:5,8,12	273:15	14:24
160:14	3 240:10	,16	326:8	20:4,5,7,1
167:2,25	241:7,17	300:1,10	changed	1,20 21:1
168:14	242:11	303:10,17	15:24	24:7 30:3
169:7,23	243:9,18,2	304:1,7,12	30:23 31:1	36:4,11
170:2,10,1	3 244:5,22	,17,22	85:5	38:3,5,17
5 172:13	245:3,9,23	305:3,7,12	215:19	39:21,22
173:9	246:5,19	,18,23	changes	
174:12	247:12	306:4,8,13	30:24	
176:8	248:6,11,2	,17,22		
177:13	5 249:24	307:2,7		
178:5,20,2	250:4	318:20		
4	251:4,8,16	319:2,8,15		

48:18	56:16,24,2	claims 21:13	33:21	closely 44:3
60:25	5 60:13	43:5 308:3	clear 19:15	closer 37:4
113:3	79:1	clarificatio	128:24	231:2
117:13	100:11	n 80:20	170:25	closest
119:15	134:2	86:6	180:16,23	124:8
120:21	Chocolate's	124:17	202:15	closing 37:6
121:24	102:5	158:8	206:16	118:6
129:8	choice	168:6	222:11	201:17
159:23	314:22	177:14	229:25	214:9
160:2	choices	182:1	242:5	264:16
170:17,19	310:12,14	195:24	243:12	323:10
224:17	chose 140:15	199:18	257:5	333:1,16,2
252:17	314:12	295:18	313:10	3,25
314:6	chosen 58:9	322:25	315:24	closure
326:12	253:21	323:16	329:7	37:3,4,5
333:21,22	308:23	clarified	clearer	136:4,24
chiefs 38:7	Chris 151:10	323:5	312:13	142:4,5
39:16	Christensen	clarify	clearing	143:3
43:13,16,1	2:9 14:16	163:17	286:8	152:13
8 159:25	Christmas	186:19	287:8,14	158:11,17
223:6	217:23	195:17	clearly	161:6,14
308:18	Chuck 2:2	270:2	120:12	162:7
310:13	14:14	292:22	228:8	164:10
child 34:12	161:22	324:10	229:4	197:16
50:20	162:1,2	clarity	267:14	322:10,16
childre	CIMP 6:7	96:17 97:1	268:12,13	323:8
54:24	circle 57:24	100:4	clicks	324:24
children	74:20	Clark 6:16	108:15	325:8
11:17	circles	clash 76:6	cliff 56:1,4	327:10,15
31:20 53:5	90:21	clashing	Cliffe-	329:21,22,
54:24 78:9	circumstance	74:16,18	Phillips	23
126:5	183:18	classificati	5:19	330:16,21
Chipewyans	citizens	on 88:10	Clifford	331:5
85:11	40:20	89:25	3:12 13:20	332:20
cho 13:23	57:9,14	94:12	20:5,7,11,	clothes
38:2 48:14	58:3 59:19	191:12,15,	20 21:1	301:10
50:7 67:14	70:14 71:7	19,21	30:3 36:12	clothing
71:12 99:8	85:1 93:12	classificati	38:3	72:4
102:1	217:5,12	ons	climate 42:3	232:23
120:20	218:5	104:12,15	74:17	Clouter 43:6
124:21	307:22	classified	close 33:18	club 295:15
212:23	323:23	68:3	44:22	Cluff 4:21
215:2,3	claim 61:22	152:17	47:25	199:15,16
236:15	291:3	clause 212:9	231:6	200:5,8,9,
276:20	claimed	clean 33:15	311:20	19
Chocolate	229:14	cleaning	closed 15:13	201:5,6,7
3:15 6:21			217:6	237:18
13:18			334:2	253:15
24:25 25:4				264:6
32:11,24				265:1
38:9				

269:23	164:19	180:4	200:14	181:2
271:10	collars	195:2,5	201:25	183:6,24
273:7	274:4	206:2	307:8,15	184:10
277:16	colleague	220:21	311:11	196:4,5
co 16:23	215:8	222:24	320:13	246:15
42:9	colleagues	combine	commenting	257:20,24
165:15	133:20	180:19	332:8	260:13,18
195:5,10	174:14	combined	comments	273:10,12
255:4	collect	153:1	7:6,7	309:22
286:13	228:21	comes 26:21	14:21 15:2	310:15
287:24	312:10	99:1,3	17:6 20:25	committed
coach 326:1	collected	113:13	37:20	18:4
coarse 270:6	67:16	115:24	43:12	148:21
cobalt 15:13	90:22	126:2	48:18 84:1	157:21
code 90:9	109:9	195:25	119:7	162:8
104:22	114:25	231:24	134:12	165:2
coded 59:4	149:22	232:19	248:16	166:13
103:15	150:7	275:18	251:24	177:21
104:22	151:18	310:11	277:10	180:2,3
codes 90:9	226:20	312:4	307:24	182:4
co-disposal	228:16	comfortable	309:25	194:12
286:18,22	235:9,21	28:11	324:20	209:22
coefficient	311:23	127:13	332:14	247:3
189:22,23	collecting	236:12	commit	258:1
coffee 49:11	33:20	266:19	185:23	286:7,10
coincide	107:23	coming 49:4	260:24	309:7
23:7	collection	51:8 54:14	275:7	committee
cold 34:22	58:12	92:5 108:7	328:22	194:12,14
collaboratio	81:19 82:9	111:7	commitment	209:20
n 258:15	88:20	113:7	48:13	256:11,20
collaborativ	111:7	130:15	66:19	committees
e 234:11	119:22	169:19	142:2,7	197:14
collaborativ	121:17	177:7	179:23	committing
e-based	261:22	190:18	180:8	165:24
311:4	collections	252:8	181:12	common 42:1
collaborativ	109:13	280:18	187:11	146:1
ely 318:14	collectively	313:9	233:4	commonly
collapsed	40:24	327:6	235:25	97:24
32:25	collision	commencing	247:1,2,4	commune
collar	289:7	11:1	259:22,25	288:7
149:21	collisions	commend	260:2	communi 38:2
150:6	282:14	101:18	261:16	communicate
151:18	288:16	comment 41:6	274:23	164:17
169:2	289:5	84:14	275:25	303:5
collared	colour 93:18	89:10	309:12	323:19
	com 34:16	118:9,15	311:16,22	communicatio
	co-	119:2	330:11	n 164:5
	management	133:19	commitments	288:9,14
		138:10	7:4 10:1	289:8
		174:6	47:2,3	
			163:8,15	
			166:21	

323:18	261:21	complete	286:15	264:18
communicatio	301:4	48:11	332:5	266:22
ns 282:13	327:23	58:16	concentrate	316:8
288:8,22	330:6,8	59:17	253:1	317:9
communities	331:1,17	74:9,11	291:21	323:7,12
23:21	community's	109:24	concentrates	331:24
34:18	58:10	110:5	46:4	concerning
38:22	compact	121:5	concentratio	158:20
39:17	156:19	128:18	n 70:8	331:25
41:25	companies	131:17	concentrator	concerns
46:7,14,21	40:12	132:6,7,16	38:24	22:24
47:25 58:4	41:7,12,16	133:4	concept	23:10
60:14	48:9	320:16	125:6	46:24,25
67:17	273:12	completed	126:7	47:10 70:4
98:13	company	22:22 32:7	128:1	178:3
125:17	39:8,13	58:7 59:10	concepts	182:11
126:4	41:19	79:12	127:15	196:25
128:22,24	42:25	80:17	conceptual	215:7
144:3	135:25	103:15,18,	163:10	221:1
163:24	179:7	19 110:5	165:8	223:16
172:23	183:12,21	134:17	185:2,3,13	225:13
209:6	184:7	160:6	186:1	226:7
217:13,14	185:23	165:20	234:8	227:7
223:3	233:4	277:9	257:19	229:5
230:24	259:23,24	318:4	concern	264:11
231:2	260:3	complex	21:14,18,2	292:6,7
261:19	273:11	118:23	1 24:3	293:15
303:6	309:9,16,2	154:21	28:18 57:9	313:2
311:7	0	192:21,22	61:6 71:9	320:18
community	310:10,12	255:24	103:2	325:20
12:1 16:1	313:16,19,	compliance	156:3,7	332:10
21:3 29:5	24	255:11	205:5	concise
30:5,9	Company's	257:13	224:21	307:5
34:17	181:13	compliment	226:1	conclude
38:3,7	312:8	112:4	227:1	71:11
43:13	compared	compliments	229:5	162:16
44:25 46:9	153:11	251:20	235:6	concluded
60:25	comparing	comply 43:20	240:18	20:16 30:1
80:15	116:20	287:5	254:18	45:24
105:13	comparison	components	255:25	56:11
123:24	44:10	60:6	256:1	110:1
143:24	153:21	90:1,5	271:15	112:1
145:22	175:2,11	comprised	301:12	117:11
163:23	230:19	194:14	302:4	122:9,20
164:11	258:12	con 61:2	311:13	133:12
210:11,14,	compel	79:24	concerned	148:13
20 216:20	309:16	123:18	22:15	155:13,22
217:19	compete	198:20	54:20	157:9
218:13	41:19	261:10	216:5	199:2
222:19			241:23	concludes
232:9,11				67:12
256:17				

166:20	311:6	conservation	293:16	consonant
221:22	confident	257:17	considered	243:16
289:11	48:1 80:18	conservative	31:10,11	constantly
conclusion	141:22	150:25	80:6 103:3	71:24
47:14	184:11	157:7	123:19	constitute
144:21	confidential	conservative	147:23	317:22
148:19	91:23	ly 150:24	152:1,4,20	constitution
149:6	92:10,23	152:9	153:3	75:6
157:16,20	93:18	154:22	156:5,17,2	307:21
223:20	confidential	consider	1 167:20	constitution
225:2	ity	16:12 36:1	188:24	al 196:9
229:10	83:8,13	80:21	197:3	constitution
266:19	93:3	134:15	198:6,20	ally 295:9
269:17	279:25	135:1	206:18	302:18
302:22	confirm	136:17	207:5	constraint
conclusions	87:12,15	140:23	211:24	158:16
31:8 70:11	136:18	146:20	224:12	constraints
266:9	173:6	152:3	227:7	58:15
269:1	265:17	183:23	286:25	construct
278:13	275:17	228:10	313:14,23	15:13
309:1	confirmed	238:19	316:21,25	45:6,15
314:2	310:5	264:19	317:1	315:22
condition	confirming	302:22	considering	constructed
261:23	271:6	303:4	123:19	284:23
274:12,15	conjunction	311:18	136:3	construction
conditions	311:24	316:5	137:8	15:18 44:2
152:21	317:20	317:5	156:11	45:20
153:25	connected	318:5,14	183:17	152:12,16
conduct 43:1	84:25	considerable	188:20	154:10
45:13 57:4	229:21	80:24	203:23	164:10,15
102:15	connection	consideratio	205:4	189:14
287:12	35:7,13,14	n 16:19	considers	211:2
conducted	61:2 62:21	29:15 65:3	147:17	284:22
46:10	215:18	71:22	155:20	286:13,20
58:11	conscious	74:24	302:9	287:24
172:23	176:10	78:20	318:3	consult
198:19	consensus	116:21	consist 68:6	285:10,19
258:6	17:1	126:17	consistency	289:1
286:15	43:9,14	128:4	202:2,7	295:11
287:8	46:11	136:11	consistent	consultant
conducting	consent	137:10,12	58:22	314:15,16
132:5	58:19	138:22	151:9	consultants
198:18	142:14	139:8	202:19	14:6 40:6
286:8	consequence	142:21	230:4	315:12
287:19	45:7	144:20	282:21	consultation
conference	consequent	176:2	319:3,4	222:19
17:13 31:3	235:9	194:19	consistently	257:22
confidence		211:8	300:23	
41:14		248:10,12	consolidated	
		249:22	265:12	
		280:2		

265:10	continue	188:12,24	178:14	council 43:4
295:22	12:19	192:4	182:15	256:22
consulted	17:22 18:1	contractors	206:2	326:12
291:13	36:7 38:20	166:1	cooperativel	councillor
294:14	48:25 56:5	contracts	y 48:9	326:15
consumables	70:15	180:12,21,	180:3	counsel 2:10
46:5	75:1,9	22 181:16	coordinator	3:10,25
consumption	84:8 86:3	contribute	130:3	13:22
66:5	110:6	38:25 75:2	253:13	14:5,12
Con't 3:2	112:11	225:18	276:7	18:15 19:5
4:1 5:1	132:13	233:4	282:8	92:18
6:1	133:2	234:2	copper 15:14	93:25 94:4
contained	140:5	243:4	copy 106:10	96:11
76:16	161:5,12	257:8	303:12	101:12
contaminant	162:17,20	contributed	318:21,22	160:9
53:9	178:25	78:3	core 98:17	210:21
contaminants	182:6	313:21	cornerstone	count 279:8
198:7	199:13	contributing	317:11	counted
199:4	213:21	40:16	Corporation	34:14
239:8	217:1	76:14	44:1	104:17
contaminated	218:6	77:13	correct	279:16
53:17 55:2	239:24	contribution	179:17	counting
contaminatio	252:19,25	77:19	191:20	279:22
n 51:20	262:13	78:14	204:5,16	280:8
70:4	281:18	contribution	271:8,11	281:4
cont'd 8:1	290:14	s 77:24	292:16	country
content	293:20	control	334:10	317:18
309:11	297:2	37:14	correctly	counts
contents 7:1	308:5	controlled	99:23	210:15
8:1 292:9	320:25	271:17	158:12	couple 19:23
context	continued	conversation	191:1	32:9 33:10
71:23	164:7	201:21	330:20	34:7,19
97:10	254:12	conversation	corridor	35:3 87:10
118:16	continuing	s/	80:4	89:23
137:2	220:23	discussion	176:23	156:18
176:13	continuity	s 260:15	225:4	161:4
187:18,23	43:2	convince	226:25	167:13
194:16	42:9 48:12	111:13	231:22	199:17
202:6	164:3	cook 27:5	238:20	203:16
216:1	256:5	cooking	284:9	235:2
274:18	contracted	33:21 66:4	corridors	241:12
285:22	50:9 56:21	cooler	70:22	courage
continually	81:7 83:2	231:13	cost 46:20	116:12
35:7 257:7	89:22	cooperating	232:13	Courageous
258:2	103:13	120:17	costs 114:17	218:19
continuation	contracting	cooperation	150:4	219:23
261:18	43:23		Coulton 3:9	314:6
	47:24			coureur 85:9
	48:10			
	contractor			

course 16:6 79:11 80:3 84:23,24 92:13 119:4 206:7 209:13 268:25 300:20	creative 135:24 137:3 275:3 credence 138:6 creek 63:25 crew 267:2 crisis 183:4 222:15 criteria 60:1 313:23 314:4 critical 40:14 41:7 43:4 46:2 104:5 153:23 166:15 181:9 313:11 criticizing 118:8 Croft 4:24 253:16 265:23 266:5,7,14 ,15 269:6 275:22 276:5 279:11 280:7 281:7,13 crosses 233:11 Crown 44:7 194:6,16 295:6,10,2 2 300:23 302:21 310:24 316:3 cul 68:14 cultivate 42:2 cultural 16:9 57:8	59:21 68:4,14 69:7,21 82:6 90:3 91:11 97:17,18 98:5,25 99:16 104:5 130:3 136:15 145:1 232:18 301:11 culturally 110:13,16 120:6 culture 11:11 31:20 73:24 75:8 97:23 112:6 120:6 130:1 181:18 215:24 232:4 317:12 cumulative 57:7 144:20 152:25 153:2,10 157:8 168:19 187:23 191:13,18 200:22,24 201:18 202:6,20 216:7 225:12 228:17 231:25 234:3 258:14 266:24 267:4,6 285:24 302:3 309:4	313:13,14 314:1 316:15 317:3,25 318:2 320:15,16, 22 cup 28:4 34:22 curious 101:21 104:10 106:17 247:24 Curran 1:13 12:25 101:14,15 102:23,24, 25 104:8,9 105:6,7,24 ,25 106:6 107:3,4,11 ,12 213:13,14 251:9,11 279:5,6,19 ,20 280:6,22,2 3 297:25 298:2 307:3,4 321:5,6 current 40:19 43:7 71:1 156:4 171:20 187:6 283:23 284:18 285:1,22 287:3 311:14 318:3 currently 43:25 138:24 202:3 255:19 256:9,20 302:4 315:18	custom 112:7 cuts 18:15 37:23 227:4 cutting 184:16 cycle 171:16,17 316:13 cycles 254:16 <hr/> D daily 175:4 Dale 5:22 87:4,5 140:18,19 damage 53:21 54:22 55:10 damaged 53:22 55:2,4 Damian 3:4 163:3,4 167:13 168:5 173:11 185:11 195:1 199:25 200:2,18 207:3,14 208:7 268:13 Dan 3:9 danger 302:5,10 Daniels 3:12 11:25 13:20 20:5,7,11, 20 21:1 30:3 36:5,12 38:3 48:18 Danny 1:12 12:24
---	--	---	--	--

121:10,14	114:24	329:10,19	330:15	16:25 17:4
122:15,22	115:12	330:21,23	331:8,20	30:12
125:9	116:4	331:14	332:21	35:19
128:11	134:15,25	day-long	deals 288:7	116:18
131:4,5	142:14,15	31:3,12	Dean 4:21	123:8,14,2
213:1,2	158:11,24	days 10:5	199:15,16	0 131:8
251:25	161:19	11:6	200:5,8,9,	133:9
252:2	162:16	12:2,15,18	18	222:12
276:23,25	255:11	19:24	201:5,6,7	223:7
278:2,3	327:7	22:22	237:18	decline
298:14,15	329:17	33:10	253:15	167:18
299:7,11	dated 168:23	34:22	264:6	169:15,16
306:14,15	dates 15:23	66:13,24	265:1	190:22
321:17,19	115:11	72:2	269:7,21,2	222:4,10
DAR 144:5,7	161:16,23	117:22	3 271:10	230:2,7
157:5	214:6,11	130:17	273:7	declining
168:23	249:3	137:20	277:16	230:4
171:5	322:15	159:16	dearly	255:1
265:19	dating	160:17	116:14	decrease
320:15	114:23	212:8	debate	171:15
data 56:19	145:18	214:12	314:15	decreasing
58:12,16	150:7	235:2	decide 135:1	223:12
59:4,6,11,	daughter	252:8	243:6	deemed 274:5
23 67:16	34:5	275:9,10,1	decided	deep 150:3,4
70:12	daughters	5 276:2,21	160:16	deeply
81:11,20	26:9 27:12	287:13	259:25	331:24
82:11	day 1:23	318:25	decides	defacto
92:15	16:6	326:24	139:10	269:10
95:18	22:17,23	328:8	247:18	defence
103:16	27:11	329:18	decision	332:9
138:7	30:12	day's 119:5	16:13,15	define
149:22	34:21	day-to-day	48:1 74:22	226:10
150:6	35:24 37:7	41:3	116:19	257:24
151:18	41:2 53:10	de 2:12,24	132:21,22	defined
169:2,14	62:7,18	39:25 85:9	135:4	146:25
171:9,11	135:8	97:19,20	141:4,14	147:16
176:19	141:1	183:5	159:16	150:6
186:21	142:13	218:14	202:8	151:17
187:22	160:5,15,2	dead 55:7	214:6	defines 98:2
202:20	0	deadline	269:16	126:14
223:25	161:9,10,1	81:22	333:13	defining
228:6,16,2	9 162:14	deal 89:11	decision-	278:8
1 235:9,20	214:11	124:24	makers	definitely
280:2	220:3	141:11	126:14	23:20
284:18	234:14	161:8,13	decision-	90:13
311:25	249:4	162:3	making	169:19
318:10	265:10	195:3	123:20	211:3
date	323:15,25	226:5	133:22	
30:21,25	324:3,13	322:14	decisions	
58:2,17	325:17	326:22		
103:9	327:5			
109:3,8,18				

238:24	317:9	31:12 73:1	150:20	186:2
definition	320:17	100:25	309:17	187:12
88:17	326:11	163:7	details	202:4
171:18	Dennis 25:4	185:2	63:16	242:2
224:11	Dennison	described	107:9	246:2
definitive	200:12	17:13 73:3	124:17	260:4
45:21	227:16,19,	74:8 75:14	165:18	265:9
degree	20 231:19	94:11	253:20	311:3
139:17	dense 90:11	116:25	308:24	developer
230:25	densities	173:21	detect 82:6	15:11
Dehcho	145:14	203:19	145:19	81:16,18
256:22	271:19	describing	199:19	89:4,14
delay 22:11	density	72:13	311:5	92:11 93:2
229:7	146:7,11	100:23	determinatio	177:23
delegates	270:22,23	9:2 10:2	ns 139:9	246:16
11:24	department	73:12	determine	247:4
deliberation	43:10 45:5	descriptions	44:3	265:19
16:13	102:9	105:1	285:12,21	287:12,22
48:21	276:8	deserve	289:1	developers
deliberation	279:2	313:12	determined	127:19
s 47:22	depend 26:25	design	149:21	developer's
Deline 62:7	61:8	186:14	280:12	81:19 82:9
230:23	220:6,25	203:20	deterrent	144:4
delivery	depended	287:22	288:4	200:21
181:3	72:20 98:3	designed	detract	Developers
demarcation	221:17	58:20	184:10,15	300:23
269:8,11	dependent	226:9	Dettah	Developer's
demographic	41:13	270:15	131:21	163:13
318:9	61:12	designs	317:17	286:12
demonstrates	98:24	187:17	develop	313:24
70:12	depending	202:16	41:13	developing
Dene 18:24	26:19	desire	165:4	127:14
84:1	209:14	120:15	177:24	178:2
127:15	depends	desperation	179:25	195:3
137:24	228:9	74:1	180:8	210:23
138:4	depiction	despite	182:5,6,8,	309:7
151:5	59:17	37:12 45:4	14 205:25	development
169:1	deposition	228:5	206:3	15:18
179:1	286:21	destruction	234:1,10	16:5,18
181:10	depth 43:2	282:12	255:5	19:3
190:5	59:20	286:2,4,24	257:20	39:3,8
238:7	deputy 38:10	287:13	312:5,10	44:2 46:18
297:3	derived	detail 59:13	318:14	57:16
304:13	311:24	99:6	developed	74:15
308:7,14,1	318:11	147:10	115:20	77:24 78:4
9 309:6	describe	detailed	151:3	86:22
313:15		40:7	156:11	110:8
315:15			157:1	112:21
			185:24	113:9
				115:18,24
				116:3,8

120:2,4	193:25	difficulties	288:5	265:6
123:21	225:16	272:13	discover	295:1
139:20	274:1	dig 127:5	73:5	displacement
142:8,11	Diavik	dike 286:21	discovered	148:22
146:23	314:14	dil 150:23	42:11	157:24
149:15	315:3,6	diligent	discoveries	disposal
153:5	318:12	42:16	41:12	286:14
163:13	Diavik/Ekati	dilute	discuss 21:8	287:25
178:13,17	192:21	150:23	22:17	dispute
180:6	die 155:15	Dim 214:23	140:3,13	77:20
197:9	diet 64:23	direct 58:25	165:18	disrespect
201:12,20,	199:1	82:7	167:20	307:25
23,25	difference	149:17	177:22	distance
215:20	80:24	152:21	178:10	193:5,6
223:19	174:21	154:7	211:5	219:4
224:24	175:5,6,10	155:11	277:19	232:13
225:5	differences	164:4	295:14	distinct
226:2,5,8	98:2	189:12	discussed	68:11
227:8,11	122:17	191:10	137:2	69:20
233:5	different	225:7	164:23	distinguishable 59:7
237:12	51:18	233:17	223:15	106:12
240:25	79:22	236:20	226:15	distribution
262:14	84:19	258:12	234:7	157:19
285:20,23	88:13	directed	discusses	167:22
294:6	90:12	318:1	256:3	186:24
304:23	94:23	direction	discussing	191:13
311:4	98:23	239:6	260:13	193:2
313:20	104:15	directly	267:24	224:13
315:19	118:18	30:9 41:14	discussion	225:5
316:6,15	122:3	317:14	68:8 94:6	233:20
318:6,16	125:22	331:17	99:7	269:13,20
319:16	128:7	director	124:23	distribution
developments	174:8	14:15	160:20	s 153:23
16:8 57:18	219:22	39:23 43:7	165:12	disturb
73:2	232:18	Directors	210:19	89:15
110:10	233:8	39:14	220:19	disturbance
152:3,14,1	267:8	disagree	242:22	80:23
5 153:1,13	313:2,3	296:21	247:16	82:17
156:4	314:2,19,2	301:20	275:14	147:2
182:23	2 318:16	disagreement	294:7	189:21,23
283:11	difficult	139:17	309:4	227:2
315:19	97:9	disagrees	discussions	282:11
Dewatering	117:16	301:15	43:25	283:10,15,
6:11	120:18	disclose	158:20	19
DFO 5:9	123:25	82:19	165:14	284:1,7,13
139:7	158:22	discourage	212:14	,15,21
dialogue	183:19		220:23	286:1,4,24
135:22,24	220:10		233:24	
136:1,7	223:6		235:5	
diamond	231:8		264:8	
44:10				
192:21				

287:7,11	40:17	243:11,12, 25	158:7,15	230:13,15
disturbances	done 14:22	244:1,24,2	176:6,9	drop
149:19	36:10	5	178:7	26:13,14
152:22	74:10,15	245:11,12	179:20	248:1
154:12,25	78:19 92:2	246:7	182:2	drum
155:4	102:10,16,	247:14,15	183:10	20:12,13,1
189:15	20 103:7	248:25	184:5	8
disturbed	108:12	249:1,2,9,	186:6	drumming
62:23 95:7	109:18,19	10 251:6	187:14	20:14,18
148:7	114:10	263:1,8,18	192:10	dry 25:8
156:20	128:14	265:15,16	194:25	28:10 35:2
224:9	131:25	266:3,4,5,	196:17	Drybones
diverters	142:16	13 267:18	197:6	92:1
289:10	159:18,25	268:19,23,	198:14	ducks 4:3
doctor	162:4,9	24 271:2,3	205:23	69:1,10
266:6,7,15	168:23	272:1,2	209:9	due 25:2,9
doctors	172:24	274:20,21	210:9	32:12,16
51:21	174:1	275:20	212:5	58:15 70:4
document	176:3	297:22,23	238:13	81:10
164:14	203:20	306:2	239:3	134:20
254:9	211:21	321:2,3	240:1	137:12
265:14	222:16	door 17:12	259:8	150:3
documentatio	223:9	46:10	266:7	166:17
n 58:19	226:21	48:11	297:17	227:2
80:9	227:6	dots 91:14	303:24	232:13
documented	230:11	doubt 273:17	320:12,21	240:9
27:15	234:20	307:19	322:24	260:19
114:8	239:20	Douglas 5:21	323:2	276:8
documents	246:25	13:9	325:7	288:15,23
132:19	247:3,7	334:16	328:21	324:7
255:16	258:15	downstream	329:3	Duke 4:10
265:20	261:8	23:14 30:9	330:19,25	Duncan 3:20
dog 33:13	267:3,5	63:24 65:4	331:22	duplicate
64:18	268:6	70:10	draft 101:20	104:23
Dogrib 21:6	270:1,19	75:18	121:4	duplication
22:19 24:6	281:3,6	Dr 3:22	166:10	104:13
85:10	314:13	13:21 14:1	drawing	105:2,8,16
108:22	317:4	37:21 79:9	75:12	duration
dog-team	326:16,18	81:9,15,25	125:12	172:5,6
25:25	329:23	82:1,2,15	drew 104:2	175:12,17
68:21	331:18	83:6,10,21	266:10	228:23
69:14	Donihee 2:10	87:23 93:8	dried 232:20	231:11
dollars	14:13	95:17	drilling	during 21:16
41:20	87:9,22	102:1,19	42:19 43:1	40:9 47:17
181:1	88:3,4	103:24	drink 51:24	58:11
312:3	89:17	107:8	drinking	73:19
dominate	91:1,2	124:21	33:20 66:4	79:11 80:3
	92:19,20	125:10	199:1	150:1
	94:5 95:13	135:14	drive	
	96:12	141:18	175:3,9,11	
	104:2,11			
	241:10,11,			
	22 242:12			

165:19	268:4	254:23	154:23	188:5
172:7	269:24		155:2,14	189:14
173:17	277:1	eat 54:18	167:21,22	190:3,20
183:4	280:1	156:9	170:7	191:14,18
199:2	286:11	EC 286:11	190:25	195:4,12
208:9	301:19	echo 133:20	198:4,6	197:10,11
217:9	311:11	echoed	240:19	198:20
277:2	314:8	311:10	249:16	200:10,23,
279:9	317:6	eco 145:6,10	250:18	24 202:20
280:17	322:9	147:18	315:1	207:10
286:15	323:24	ecological	effected	208:13
287:24	324:1,22	98:2	157:18	210:22,24
288:1	326:20	198:19	effective	214:15
314:3	329:20,25	301:23	147:8	225:13
duty 295:10	330:12	economic	156:14	228:17
310:16	earliest	16:9 42:12	188:13	233:18
dynamic	161:17	183:4	313:9	234:3
59:17	early 25:6	economies	effectively	238:2
	65:17	145:2	17:18	239:8
	77:17,23,2	economy 39:1	181:12	241:21
<hr/>	4 78:1,2,4	40:14,21	effectiveness	243:8
E	117:20	42:3	s 192:15	244:16
EA 1:6 85:21	127:16	ecosystem	effects	246:1
162:9	185:15	23:16	7:13,20	257:6,21
EA0809-004	279:12,22	EC's 285:9	8:3,7,11,1	258:4,14
11:6	281:9	Eddie 28:7	5 36:19	274:13
earlier	314:15	34:23	47:14,15	278:10
19:18	Earth 29:23	38:5,8	136:20,21	282:4
33:13	EAs 91:25	119:15	142:9,10	299:20
34:10	easier	edge 147:22	143:8,18	300:15
123:5	120:17	150:14	144:20	301:23
125:11,19	easiest	151:23	146:19	302:3
127:15	326:10	172:9	148:3	308:8,13
128:23	east 61:5	173:19	150:21,23	309:5
149:1	147:19	edit 318:25	152:6,7	310:19,20
158:2	170:8	Edjericon	153:2	312:16
181:8	171:24	1:11 15:8	155:1,11,1	313:4,13,1
183:20	176:1	education	2,23	5 314:1
189:12	225:1,12	165:23,25	156:25	316:12,16
190:3	227:15	261:24	163:11,18	317:25
211:6	229:9	Edward	164:1,8	318:3,7,9
213:16	230:22	3:13,15	165:18	320:15,16,
214:5	231:20	13:14,18,1	166:12,22	23
224:18	232:3	9 113:3	167:4,8	efficiencies
229:1	260:20	117:13	168:19,24	202:8
230:10,18	eastern	effect 9:7	178:13	efficient
231:10,14	269:13	71:6	179:22,25	142:18
232:18	easy 109:21		181:7	effort 17:14
233:13	114:22		182:5,9,14	186:20
234:5	175:3		184:17	278:12
245:16			187:24	efforts
265:3				187:4
267:18				

312:20	61:1 72:22	243:6	en 312:13	Enge 4:7,8
eggs 282:12	79:1,24	301:7	enabling	84:12,13
286:2,4,25	109:10,12	322:20	254:25	85:18
287:24	118:9	element	enacted	86:4,5
Ehrlich	133:2	44:25	260:2	138:18,19,
96:14,15,1	134:3	Elementary	enacting	20
6 99:10,14	333:1,14	29:10	179:7	188:5,7,8
203:15,16	elderlies	elements	encountered	190:9,10
204:9,22	132:25	301:18	208:22	192:1,2
206:13,22,	elders 11:24	eleven	encounters	193:14,15
23 207:13	27:25	210:13	166:16	195:15,16
eight 45:14	29:22	331:18,19	encourage	196:20,21,
179:3,13	30:15	Elizabeth	49:5	22
eighteen	54:8,9,11	29:10 32:9	122:23	198:1,2,9
42:16	55:14	Elsasser	138:9	238:3,4
45:17	59:19	5:18	212:12	262:6,7,8
231:4	60:16,17,1	else 36:7	278:12	290:16,17
either	9	83:14	309:8	291:7
158:18	61:2,12,19	266:22	encouraged	293:24
159:1	62:1,19,22	267:21,22	308:16	295:3,4
177:5,11	64:16,21,2	294:7	endeavour	296:4,18,2
181:3	4	elsewhere	112:5	0 297:1
183:24	65:5,7,13	28:19	endpoints	300:2,5,12
184:24	66:1,11,18	emitted	152:1	,17,18
261:15	,21 67:9	198:21	energetic	303:10,13,
268:14	75:1 77:4	emotional	150:4	19,21
272:3	93:12 99:7	27:19	energy 33:11	304:8,14,1
283:9	100:13	emphasize	40:18	9 305:5,25
284:6	102:6,11	134:21	154:2	306:10
317:19	111:8	160:21	enforce	307:9
323:14	112:4	302:23	244:16	308:6
330:10	113:22	employ 40:20	272:16	319:24,25
Ekati 44:17	114:20	43:19	310:7	320:1
186:23	116:14,22	employed	enforceabili	325:10,12,
192:20	117:7,21,2	46:16 80:5	ty	13
314:13	3	166:4	179:10,21	Enge's
318:12	118:4,7,16	employee	enforceable	308:10
Ekati/Diavik	,21 119:9	166:4	234:20	engineering
154:21	121:16	employer	244:2,25	42:21
Ekwo 215:24	123:17	40:17	272:9,17	45:18
216:6	125:13	employment	273:9	English 12:9
224:23	128:22	44:14	enforced	19:20
El 301:7	130:19	47:23	244:21	20:9,23
elaborate	131:6,21,2	empty 309:13	engage 178:1	49:20
196:18	3 133:1,2	EMS 35:19	engaged	50:13
207:24	178:1,3		43:25	60:11
Elder 28:2	210:2,21			62:17
50:15	211:9,14			72:17
54:22 57:1	218:7,12			107:20
	225:15			108:5
	227:6			110:19
	235:1			113:1
	242:18			

117:1,8	287:5	282:5,9,15	254:19	252:16
118:19	311:5	,22	282:8	316:17
119:2	312:13	283:6,20	297:4	essential
121:12	313:10	285:3	298:5	41:1
122:4,13	333:7	287:1,6,11	302:24	163:24
131:13	ensures	,21	312:18	183:21
216:13	196:3	288:13,20,	environmenta	311:9
ENR 4:18	ensuring	25	lly 150:25	312:23
10:3	77:13	289:9,17	157:7	318:17
199:20	130:20	290:18	184:13	essentially
201:22	162:9	291:1,5,8,	envision	110:14
222:10	entailed	19,23	179:7	153:4
230:10	80:8	292:4,5,13	Equa 233:22	169:14
233:25	entered	,21	equal 113:16	187:4
237:20	121:6	293:12,22	117:18	189:22
253:13	209:25	294:1,4,11	137:10	228:19
255:4	222:22	,17,24	309:9	236:14
257:22	entire 119:5	296:5,22	equally 76:5	establish
258:17	147:25	297:10,15,	147:8	126:17
260:11	148:24	21	156:14	186:24
263:9	158:1	298:1,25	234:16	210:20
265:17,23	174:4	299:2,17	275:2	established
266:14	225:20	305:4,10	equation	16:24
268:9	266:25	311:6	280:14	30:21
269:6	entirely	319:11,13	equipment	98:12
272:18	323:15	environmenta	13:9 26:13	187:7
274:10,23	environment	l 1:2	72:4	245:2
275:8,22,2	5:5 8:8	16:8,14,16	equipments	256:11
5 279:11	15:9,22	18:8 22:2	33:12	establishmen
285:20	19:3 35:16	30:20	Eras 13:19	t 9:7
290:11	37:1 48:5	39:2,24	Erasmus 3:13	249:16
296:4	129:11	42:20	13:14,20	250:19
304:20	139:14	46:22 57:8	38:5 113:3	272:7
309:25	140:8,10	68:5,24	117:13	estimate
319:21	143:11	69:1,16,24	119:15	254:5
333:3	146:22	79:11	Erlich 2:6	280:10
ENR/TG	147:1,16	88:23 90:4	101:11	281:9
255:13	148:4	127:5,6	ERM 6:9	283:7
ENRs 187:3	153:8	152:21	error 157:15	estimated
ENR's 275:13	163:12	164:2,13,1	especially	148:6
ensure 16:1	184:25	4 176:11	23:13	254:4
73:22 75:6	187:19	179:8	83:13	evaluate
127:21	203:3,5	181:21	108:22	138:12
133:21	214:14	183:1,6,7	116:15	evaluated
180:22	229:20	187:10	127:4	152:11,12,
183:1	235:22	194:13	184:9	24
188:10	237:7,9	208:1	206:3	evaluation
194:7	252:23	209:6,11		75:3
235:21	256:21	211:23		evening
243:1	257:1,22	229:12		
247:7	281:21	236:9,15		
257:13		247:6		
		253:12		

142:21	9:11	315:10	221:15	254:22
158:19	245:17		229:16	273:11
237:19	249:18	exceeding		311:20
253:11	250:24	171:19	exits 12:7	312:2
314:8	265:18	excellent	expand	315:12
319:10	317:16	125:1	112:12,15,	experiences
322:8	332:1,12	267:3	17 129:9	66:25
329:24		except 58:7	180:15	308:21
events	evil 241:23	187:4	260:17	314:11
315:10	ex 171:19	exception	expanded	expert 23:3
eventually	exactly	157:19	266:25	215:15
74:8	23:20	exchange	expansion	256:18
everybody	45:19	39:9	76:24	266:8
49:19	96:17 97:1	263:19	153:15	275:13
85:21	128:13	272:5	201:2	experts
120:16	292:23	excluded	expect	158:17
126:19	326:1	314:5	173:22,23	256:21
143:6	327:18	exclusively	177:4	285:11
158:23	329:5,7,14	287:18	226:9,11	315:3
161:25	332:17	excuse 147:7	227:7	325:8
195:10	examined	168:16	234:10,19,	expired
202:9	153:19	199:18	20,22	152:18
208:11	example	234:15	expectance	274:15
241:14	44:17 63:5	executive	187:1	explain
266:22	84:22	14:15	expectation	57:25
292:16	88:18	38:17	148:22	63:16 72:1
293:1,19	91:25	exercise	157:23	99:5 126:7
326:8	94:16	302:6	178:11	170:5
everybody's	118:23	exist 307:20	expectations	186:8,22
281:14	123:25	308:2	44:13	explained
328:7	128:16	existence	180:23	34:10,12
333:8	135:25	108:17	expected	73:2 99:17
everyone	136:22	311:11	45:15	105:4
17:10,16	152:16	existing	147:8	175:13
18:3 19:10	153:14,23	103:21	155:7	222:1
30:5	154:1,8	148:25	expecting	223:3
222:20	169:2	153:7,8	174:10	232:17
293:14	186:10	155:5	expects	291:20
everything	189:22	158:1	288:10	314:23
17:8	191:17	171:12	Expending	exploitation
29:14,15	205:14	173:14,24	154:2	185:25
34:10	209:23	185:1	experience	exploration
50:22 51:4	243:2	202:2	33:9	41:10
52:5 53:1	258:11	210:12	34:9,13	42:7,9,19,
60:23 61:9	264:13	261:18	77:2 138:5	24 43:3,15
100:16	312:17	283:25	166:11	explore 57:6
101:5,6	examples	284:13	180:25	88:5
187:4	130:11	315:17	193:25	explorers
265:25	186:22	exists	251:13	78:1
267:10	208:15			
evidence	274:3			
	311:2			

exploring 42:13	extra 10:5 22:17 31:3,5 135:8 141:11 142:13,14, 15 154:2 275:10 276:2	failing 211:22	85:14 217:23,24, 25	240:16 247:5,24 332:5
exposed 198:25	extract 76:8	failures 42:12	fatalities 288:23	feeling 31:24
exposure 156:2 198:24	extracted 41:4 113:10	fair 18:3 31:9 34:9 203:24	father-in-law 24:11 25:13 32:24	fell 174:20
express 120:20 229:17	extractions 77:21	fairness 18:4 92:24	father's 24:24	fellow 323:23
expressed 225:15	eyes 52:18,20 106:15	Faithful 2:19	favour 29:16	female 154:1,3
expression 171:8,11	<hr/> F <hr/>	Falcon 255:24	fe 154:3	females 154:4
expressive 136:7	face 223:25 232:25	fall 26:4 51:1 64:23 72:7 217:22 231:14 254:6 279:9 282:17	fear 179:4 310:17	Fernandez 3:24
extend 22:17,23 99:25 143:24 172:8,10	facility 286:14,18, 22 287:25	falls 138:25 283:2 284:3	feasibility 42:21	ferry 218:25
extended 46:1 58:14	facing 110:9 220:10	familiar 44:11 62:13 70:25 99:15 184:25 185:4	features 68:5,25 69:1,16,24 152:10 284:24	fewer 193:4
extending 189:19	fact 80:17 89:1 103:5 117:22 130:13 187:18 228:13 285:5,7 310:1	families 25:20 26:10	February 142:3	fiduciary 310:16
extends 150:8 167:17 171:23	factor 147:3	family 32:11 33:5,6,11 34:24 35:10 141:13	federal 43:5 44:7 120:11 126:23 127:11 141:12 205:6 224:4 282:20	field 58:15 79:15,17,2 1,25 102:18
extension 45:3 57:17	factoring 103:4		feeding 166:8 208:16	fifteen 94:19 318:18 322:6
extensive 230:8	factors 152:23 153:19,22 174:6 230:3	fashion 114:9 162:10 195:23 261:9	feeds 228:16	fifty 180:25 217:18,20 218:2,4
extent 40:19 228:1,23 269:15 287:9	fail 246:16	fast 49:22 108:12,15, 16 315:10	feel 28:12 35:10 41:21 47:6,12 119:1 141:23 165:11 175:24 176:16 180:6 236:12	fifty-eight 69:20
extents 286:9	failed 295:21	fat 35:2		figuring 77:7
extinct 194:9				file 14:14 16:14 140:6 161:20 176:21 260:24 263:4 317:16
extinction 256:5 302:10				filed 47:18 91:22 134:21
extirpation 256:6				

135:18	56:18	181:10,18	31:16	flooding
265:21	59:16 74:7	187:17	fishing	286:19
fill 59:24	77:11	190:5	24:10	floor 19:20
final 15:21	136:11	209:12	40:21	flow 31:15
74:23	finer 59:2	210:10	62:14	41:21
87:18	finish 125:2	226:19	68:20	127:24
89:11	161:20	238:7	70:18	flows 63:23
90:13	214:7	241:14	100:24	65:4
91:13,20,2	323:13	254:7	130:23	fluctuate
2 102:25	finished	256:23	fitted	254:15
105:4	200:20	284:12	289:10	fly 215:14
107:9	331:4	290:18	five	flying 210:1
115:8,12	fire 147:2	293:5	17:19,22	focus
121:5	240:22,24	297:3	25:18	149:13,16
125:3,6	284:17	304:13	49:12 58:5	focussed
133:19	Firelight	308:7,14	67:9 68:3	58:13
140:2,11	6:19 50:8	312:24	88:13	104:11
165:9	56:21 57:3	313:18	90:10	150:18
186:5	81:7 83:2	317:11	103:18	258:5
198:10	89:22	318:13	105:10	focussing
202:11	95:19	327:12	159:9	150:24
240:4,11	103:13	330:2	160:8,23	282:10
257:2,13	fires	firsthand	175:11	314:10
260:7	284:16,19	106:11,20	189:23	folks 111:16
275:20	firewood	107:1,6	213:20	296:7
280:3	33:17	first-hand	219:21	323:19
281:5	firing 177:3	59:6	236:7	follow-up
288:7	firm 45:6	Firstly	277:4	148:12
299:3	first 17:2	188:10	300:2	268:25
319:9	18:19,24	first-time	327:25	food 33:16
finalize	34:5 54:6	130:14	flash 116:11	88:20
165:13	55:16	fish 25:15	flashing	317:15
214:6	67:19 68:9	26:22	288:17	foods 317:18
finalizing	80:19 81:8	31:19	289:2	Football
138:24	84:1 87:11	33:17 35:2	Fleflaga	3:16 13:17
165:11	101:16,21	63:19	75:22	38:9
finally	112:3	64:23,25	flew 270:9	333:22
141:16	130:13	65:1,2	flexibility	footing
166:9	137:24	70:6 73:7	310:22	117:18
258:15	142:22	75:25 76:4	flexible	footprint
financial	143:22	235:17	44:20	44:15
183:19	144:18	313:3	46:6,17	57:22
235:25	145:4	Fisheries	58:22	67:19,21,2
finding	151:6	19:1	162:8	2,23,25
146:22	161:7	86:14,16	210:4	68:10,11,1
148:17	162:6	139:4,6	floating	2,18 71:2
157:17	167:15	199:7	55:7	80:23
287:16	169:1	237:23	flooded	
findings	179:1,6	262:12	288:6	
31:23		290:13		
		fishery		

81:11	160:2	158:9,16	,24	41:14 48:2
82:17 96:3	170:17,19	159:8	240:3,10	109:25
106:18	252:16	161:14	241:8	121:5
146:14	308:18	162:21	247:18	124:25
154:18	314:6	163:6,8	257:20	127:15,22
156:19,21	formulation	164:1,3,11	258:1	131:8,25
189:2	80:10	165:2,7,16	259:3,9,24	134:25
190:2,24	for-profit	,24	260:18	140:2,22
209:25	183:21	166:9,13	266:10	165:10
225:8	184:1	167:3,8	297:15,18	178:12,16
266:17,25	fort 52:12	168:1	301:17	180:7
267:12	forth 33:4	169:24	303:2,20,2	182:9,13,1
268:20	forthcoming	170:11,20	5	9 184:7
273:18,19	139:25	173:10	320:10,13,	197:19,23
283:7	fortunate	174:2	14,22	211:5
284:13	32:21	176:10,22	324:21	212:15,19
footprints	Fortune 1:7	177:14	325:8	214:13
152:9	2:12 3:3	178:6,8	327:10	216:3
155:4	7:7,14	179:13,19,	328:15,24	222:23
foreseeable	13:25	21,22	329:4	246:4
153:13	14:2,7	180:11,14	330:20	248:2
156:4	15:12,20	182:1,3,18	331:23	265:14
200:19	18:18,23	183:3,9,11	Fortune's	266:20
foreseeably	30:10	,18	164:8	272:21
201:1	36:14,20	184:3,6	168:10	276:21
forest 51:17	37:3,17,20	185:7,12	180:24	291:22
150:2	,22,25	186:5	208:12	296:5,23
forever	38:17	188:6,23	228:6	298:21
65:6,7	39:5,7	189:6	301:15	300:11
229:24	41:7	191:3	forty 216:19	303:19
254:8	42:6,12	194:2,10,2	284:17	fourteen
forget	43:7 46:23	196:15,18,	327:24	68:14
267:16	47:3	24	forty-five	fragile
forgot 33:13	48:3,6	197:4,7,20	69:7	226:6
form 47:1	57:5,20	198:10	216:19	fragmentatio
114:21	61:6 65:12	199:8,24	327:17	n 189:13
119:3	79:6,12	200:4,17	330:17	frame 115:14
211:1	80:18	201:13,24	331:6,8	227:11
formal 115:7	82:14,16	202:11	forty-three	263:14
format 37:10	83:5,11,12	204:3,10,1	69:23	301:24
56:14	,19,22	4,25	forum 125:23	330:18
85:20	115:3	205:19,24	127:7,13,2	framework
formed	141:16,19,	206:13,25	0 197:2	58:22
197:14	20 142:13	207:5,8	300:20	Francis 28:2
former	143:8,9,19	208:3	forums	34:18
39:16,21,2	144:8,23,2	209:7,10	126:17	freezes
2 43:6,15	4 145:2	210:7,10	forward	231:13
159:23	148:3,21	212:1,6	12:20	french 85:6
	151:4	213:18	30:17	fresh 62:10
	156:23	235:4	33:25	
	157:21	238:10,14,	35:24	
		19		
		239:2,4,11		

Friday 30:14 161:7 324:2 327:3 329:9 friend 53:15 55:5,6 friends 309:25 front 13:15 116:3 329:11 Frue 4:22 fulfil 259:25 full 59:13 220:3 221:11 302:24 310:9 318:6 fully 16:12 177:4 209:22 255:8 function 151:3 fundamental 135:23 317:10 funding 57:20 133:3 234:17 242:3 243:3,14 272:8 funds 129:23 future 17:5 27:16 28:16 29:12,16 35:20 40:19 54:25 55:1,3 60:3 61:15,24	64:11 71:1 109:2,5,23 110:25 111:6 112:11,21 113:19 114:14,15 115:23 116:19 120:1 141:25 153:9,11,1 2 155:6 200:11,20 201:1 215:21 217:2 221:14 228:13 257:16 285:22 309:8 316:11 318:4 future-case 153:17 <hr/> G <hr/> Gaguti 32:4 Gahcho 153:15 185:2 201:2 315:20 317:16 gain 76:18 game 77:25 Gameti 13:17 25:12 28:3 33:18 38:9 43:8 45:3 46:8,15,19 58:4 105:10 167:17 171:1,4,13 175:6,9,10 227:13,17 230:16 232:9 235:15	gaps 59:25 82:4 Garner 3:21 167:11,12 169:12 170:4 171:3 172:18,19 173:5 174:18,19 177:17 178:22 215:2,4 221:24,25 236:6 238:23,25 239:18,22 240:13 241:12,19 242:13 243:20 244:7,12 245:5,25 246:24 247:11 248:8,9,20 250:1 252:17 259:13 272:5 297:11 304:10 320:6,7 gather 63:11 122:6 gathered 108:11 132:9 141:21 gathering 68:16 209:21 210:4 GDP 40:16 gears 26:13 general 21:21 89:8,9 93:19 114:21 176:18	180:12,21, 24 187:1 261:5 generalized 93:21 generally 40:14 44:5 93:15 150:2 287:16 generate 41:22 generation 29:16 111:6 113:19 114:15 generations 17:5 61:11 84:21 109:14 221:17 gentleman 11:23 267:16 272:3 296:7 geographic 228:23 geological 42:18 geophysical 42:18,24 George 170:17 Georgina 6:21 56:16,23,2 4,25 60:5,13 67:14 100:11,12 102:5 134:2 Georgina's 102:7 geotechnical 42:19	gets 18:3 117:3 getting 28:1 97:10 99:6 101:18 112:13 129:10 177:19 204:20 281:17 310:8 Gibson 3:22 13:21 81:9,15 83:6 87:23,24 92:8 93:8 94:3 95:17 102:1,2 103:24 107:8 124:21,22 135:14,15 322:24 323:2,3 324:20 328:20,21 gifts 77:11 Ginger 3:22 13:21 81:9,14,15 83:6 87:23,24 92:8 93:8 94:3 95:17 102:1,2 103:24 107:8 124:21 125:9,10 135:14,15 322:24 323:2,3 324:19 328:20,21 332:23 given 17:19 18:19 27:11 35:17 62:25 75:9
--	---	--	---	--

80:14	257:1,11,1	168:17	57:1,3	182:15
81:11	8,23	169:25	70:20	184:9
83:11	259:4,12,1	170:24	71:9,11	199:14,16
122:23	6	186:6	78:25 79:7	206:3
124:24	260:1,5,7	187:14	81:2,8,17	209:19
126:8	262:4,25	189:10	82:18,23	210:19
137:10	263:8,16	190:13,19	83:3	211:7,22
167:16	264:2,6	191:9	84:2,10	212:11,13
169:13	265:22	192:11	86:1,18	213:21
208:20	266:13	193:24	87:17,22,2	214:3,4,23
240:23	269:23	198:15,18	4 89:17,23	215:1,5
272:13	271:9,10	200:2	92:9 93:14	220:13,14
277:7	273:3,7	201:24	95:13,21	221:25
279:24	275:21	202:14	97:4 100:7	222:4,9,12
287:25	276:14	204:4,17	101:18	,23 223:18
302:18	277:16	207:4	102:2,3,8,	224:22
311:20	278:5,21	208:8	15	233:24
gives 93:19	279:10	308:24	103:11,14,	236:7,17,2
161:25	280:6	gone 19:23	25	5
240:17	285:19	34:18	104:1,19,2	237:17,20
givi 215:5	GNWT/ENR	61:16 66:8	1	238:1,12,1
giving 20:21	269:5	goods 41:2	105:18,20	8,22,25
50:16	277:12	46:21	106:23,25	239:10,14,
74:21	GNWT/	Gordon 4:14	110:6,22	22
215:3,5	Environmen	Goti 32:19	112:9,16,2	240:12,14
307:17	t 285:10	72:12	4 120:25	241:18,20
glad 140:13	GNWT's	75:18,19,2	121:3,25	242:12,14
197:20	253:24	2,25 98:16	124:20,22	243:19,21
239:5	256:2	99:1,4	126:10,23	244:6,8,13
Glen 4:3	278:9	101:2	127:9,20	245:4,6,24
global 40:13	Goad 2:14	governance	129:2,5,20	246:1,20
41:20	14:4	126:22	130:19,21	247:10,11,
globe 41:11	37:24,25	government	133:6	18
GN 150:7	38:16	3:12 6:13	134:1,14	248:7,9,21
GNWT 4:13,15	48:16	7:6,10,21	135:7,12,1	249:3,14,2
86:20	goal 17:3	8:4 9:3,5	3,15,16	5
149:22	39:3 57:6	13:13	139:12,14	250:2,13,1
150:7	182:20	14:23	142:3	5 251:15
151:18	183:22	16:19	143:11	252:16,20
165:15,16	246:18	18:24 19:1	160:4,16,1	253:9
179:23	goals 243:16	20:4,25	8	258:18,25
180:3	257:18	30:18,23	162:13,23	259:11,14
186:10	272:23	36:5,12,16	164:25	268:4
200:8	275:5	,23,25	165:3,17	272:15,21
201:5	Gogha	37:5 38:5	167:7,10,1	275:1,6
214:14	97:19,20	44:9	2 168:15	277:20
222:10	gold 15:13	45:4,22,25	169:8	285:19
254:7,18	Golder 2:19	48:7,17	170:3	290:10
255:4,22	143:21	49:2	172:14,19	293:5
256:4,18	163:5	50:2,6,9	174:13,17,	294:5
		56:22	19	297:9,12
			177:8,15	302:8
			178:15,21	304:8,11,1
			179:24	8 318:13

319:19	32:9	gri 26:13	guarantee	79:25 96:7
320:4,7	granted	grid 270:8	182:17,18	206:9
323:3	33:23	gridded	guaranteed	guide 58:20
327:22	302:21	270:7	137:7	257:16
328:12	granting	grip 92:5	guess 21:7	guns
governmental	326:21	Grizzly	22:11	219:17,24
194:6	graphic	187:2	23:2,7,13,	guy 330:2
governments	163:22	ground 41:5	19	guys 162:1,2
17:3 38:21	194:3	75:1	24:6,8,12,	184:25
41:25 43:6	Gras 85:13	128:13	13,16,20,2	298:19
261:2	218:14	228:3	2 25:4,21	310:10
government's	grateful	254:15	26:3,4,10,	328:17
215:6	137:8	280:13	11,21	330:3,11
223:16	grave 67:5,6	grounds	27:7,9	guy-wires
239:19	302:10	28:22	28:3,6,14,	288:11
Governments	gravel	150:1	19,20	289:7,9
272:24	174:24	153:25	29:1,2,7,2	Gwich'in
Government's	230:19	154:21	3 87:15	256:24
81:24	great 57:8	219:21	88:25	
316:2	62:2,6	233:10,15	91:18 93:4	<hr/>
GPS-based	124:2,3,10	group 6:19	94:12,22	H
58:15	,24 125:5	50:8 56:21	97:8	ha 242:22
grab 49:11	139:18	57:3 81:7	101:21	Haakensen
gradual	150:8	83:2 89:22	102:3	3:5
286:21	230:25	95:19	104:10	habitat
grand	301:5	103:13	106:7	68:25
13:14,19	322:6	137:3	107:23	88:24
20:4 38:5	greater	187:8	108:13	146:17
39:21	75:20	195:19	109:4	149:11,17,
43:16	76:13	197:16,22	114:2,16	18 151:7
55:21	78:14	210:20	115:2,11	152:2,8,21
113:3	169:21	294:13	116:5,16	154:6,7,13
117:13	225:24	295:7,14	126:19	155:3
119:15	231:16	groups 195:6	161:3	188:13
120:20	greatest	205:15	174:19	189:2,13,1
121:24	287:9	233:25	175:22	6,21,24
129:8	greatly	258:16	180:14	192:15
170:17,19	254:25	264:9	190:11	224:9
333:21	Green 6:5	265:11	245:21	225:7,19
grandchildre	greenup	291:13	246:8,9,16	240:19,20,
n 33:7	154:1	293:4	263:20	25 261:3
54:24	Greg 6:11	295:22	265:8	269:11
61:15	grew 27:9	grow 182:6	273:9	283:19
grandfather	50:19,21	growing	292:12	284:10
32:5 50:21	51:9	301:9	295:6	285:16,24
52:22	52:21,22	grown 24:18	298:17	286:17,20
55:21	55:18,20	41:3	307:8	287:7,10,1
grandmother		growth 76:21	324:20	3
			328:11,12	habitation
			330:15	68:4,13,14
			guest 11:9	
			guidance	

69:5,6,21 70:22 90:3	271:21 329:20	134:3	255:6	healthy 42:2
habitats	happy 28:5	harvest	271:13,16	53:12
151:2,8	30:8 35:3	33:17	273:20,21,	64:12
hair 187:1,2	166:23	144:25	22	217:25
half 40:16	180:18,19	167:19	302:7,16,1	hear 16:3,11
312:21	184:11	171:20	9,20	17:10
317:18	186:19	172:6,22,2	310:14	19:10,18,2
hall 49:4	218:5	4 173:1	317:21	4 75:21
hamper 192:7	220:22	175:20,21	318:16	77:18
hand 17:21	249:2	177:5,9,10	harvests	111:10
247:21	289:12	,11 217:11	317:22	135:5
291:23	292:8	227:15	haven't	158:11
316:1	310:6	229:8	52:16	160:6,18
hands	312:8	230:3,6,7,	104:17	187:9,10,1
33:21,23	har 310:11	9	264:11	1 214:21
138:16	317:20	231:3,4,7	291:11	239:5
173:6	hard 35:12	232:1,8	329:17	277:23
240:16	48:6 75:15	233:6	333:12	292:6
hang 159:3	78:16	236:2	having 19:23	293:15,18
330:16	90:11	255:4,7,12	22:15	331:16
333:2	102:3	,17,18,19	50:18	heard 18:3
hanging 35:2	106:10	261:18,22	62:22 98:6	31:17
happen 16:2	116:25	266:24	124:23	32:17
51:23 52:7	117:5,8	268:7,15	142:24	71:24
53:7,11	118:8,13	301:1	173:6	99:17
54:4,15,19	119:5	302:1,17	175:2,5	132:14
,25 55:11	145:15	315:25	210:18	134:13
76:25	217:9	317:10	217:9	181:6,8
114:3	219:9	harvested	240:19	183:20
130:4	232:7	70:6	270:21	188:11
134:25	310:11,14	171:10	278:5	190:12
137:14	315:10	230:24	293:20	204:10
218:11	Hardisty	271:23	298:18	205:15
244:4	1:16 12:23	harvesters	313:2	209:4
247:9,24	133:16,17	317:12	332:1,9,10	221:11
308:11	207:17,18	harvesting	Hayden 2:5	223:22
331:10	252:11,12	34:25 69:1	14:17	228:25
happened	276:14,16	70:18 73:6	head 14:2	235:12
24:16 55:7	299:13,14	88:19	39:10	264:8
71:18 95:9	306:6,7	94:16	headed 35:14	265:2,3
116:10	322:1,2	108:2	headsets	267:10
216:2	hardly	148:17	12:8 19:17	272:4
happens	217:10	152:7	health 152:7	279:7
17:18	harm 82:20	157:17	155:12,23	332:1,9
78:18	Harry 6:20	172:3	156:2	hearing 1:5
123:3	50:10,15	173:24	190:25	10:5
193:22	57:1 61:1	174:11	239:12	11:4,6
	63:4 77:6	217:25	261:23	12:13,20
	79:1	219:13	294:14	15:3,7,22,
	101:16	225:3	313:21	23
		228:3		17:12,13
		254:20		18:6 21:2

22:11,20	31:18	151:11,24	203:4	231:12
23:10	heavily	167:19,24	hide 72:3	historical
29:9,10	58:13	169:15,17,	hierarchy	153:4
30:17,20	hectares	22 170:8	95:11	155:5
41:24	283:14	173:8	high 51:4	274:11
72:23	284:7	175:16,23	73:20	historically
99:21	held 1:19	176:1	151:1	70:24
111:3	30:21	188:20,25	192:4	301:4
114:2,9	245:21	191:1	230:7	histories
115:2,5,7,	301:10	198:8	315:21	77:13
10,17	325:18	222:5	higher	110:15
116:3	helicopter	223:8,11	296:13	history
118:5	54:9 219:1	225:12	316:18	27:14,17
119:8	helicopters	227:16	highest	32:18
134:10,15,	312:3	228:11,14	149:15	39:20 42:6
23,24	Hello 143:20	229:8,9	highlighted	61:17
135:2,8	help 16:7	230:2,5,22	282:16	62:23
137:19	17:7 19:9	,23 232:3	highly	76:18 78:6
138:13,22	47:10	240:20	155:15	107:25
141:2	118:17	253:25	313:4	108:19,25
142:14,15	123:15,18	254:1,2,4,	hill 27:7,10	109:5
160:17,24	128:17,20	5,15 267:1	34:3	110:12,23
161:10,20	129:2	268:7	hills 65:14	111:20,22,
162:16	131:7	280:16	hiring 43:22	24 112:6
193:20	145:21	302:5,7,13	233:6	113:19
214:6,7	210:24	315:17	261:21	114:1,6,12
265:11	220:16	herds 149:14	Hislop	,16 115:18
267:15,16	236:11	171:25	21:12,23	116:17
268:8	241:5	175:8	23:24	232:16
275:10	242:17	177:12	24:9,25	hockey 326:1
276:3	257:24	229:12	27:8 32:3	Hodson 5:7
277:24	274:9	254:22,24,	51:9	203:4,5
278:15	275:3,18	25	60:15,17,2	237:8
325:17	327:1	255:10,19	2,25	282:6,7
327:5	helped 115:6	here's 81:13	61:3,7,14,	289:18
329:10	helpful 92:6	heritage	18	290:25
334:2	123:8	34:9 71:8	63:6,13,23	292:3,4,20
hearings	207:14	79:13,18	,25 65:10	,21
38:4 47:17	helps 99:15	80:6,14	66:22,25	293:11,12
64:9	123:16	254:8	96:18,25	294:23,24
hearing's	204:22	he's 13:10	97:2	299:1,2,18
11:5	228:24	24:12	99:20,25	hold 70:15
heart 22:19	Henry 3:23	38:12 55:5	100:2,12,1	72:4 76:23
23:18 61:3	herd 146:25	160:3	3,17,21	227:5
116:23	147:4,15,2	161:22	101:4,6	246:9,13
182:10	3 148:1	170:18	118:10	holders
184:6	149:13,14,	253:15	123:24	58:10
235:12	16 150:5	hesitate	124:16	197:1
heartfelt		312:3	128:22	315:16
27:17		hi 49:23		holding
heartland		100:11		

29:10 152:17 holds 97:21 home 35:15 44:22 47:25 homeland 194:22 honest 182:7 honour 11:20 hoofs 219:5 hook 184:22 hope 17:7 29:18 98:19 110:6 131:6,20 136:9 181:21 209:11 221:18 267:9 hopeful 137:9 hopefully 22:16 23:10 29:13 30:15 223:12,13 252:7 hopes 164:11 223:11 hoping 12:2 74:21 187:9,10,1 1 275:2 281:8 horizon 197:16,17 315:20 Horsey 11:13,21 host 11:25 14:24 hosting 30:8	38:4 hot 34:22 Hotta 175:19,20 hour 133:25 134:4 175:9,11 327:17 329:14 330:14,17 331:5,8 hours 327:24 housekeeping 12:5 Hubert 2:2 14:14 161:22 huddle 98:19 160:8 325:22 huge 100:14,22 230:6 human 40:2 48:5 66:5 84:18 146:23 166:15 241:1 human-caused 284:15 hundred 69:4,19,22 146:11 181:1 217:18,20 218:2,4 222:5,6 231:5 255:17 hungry 281:17 332:16 hunt 25:16 28:22 31:19 63:7 219:25 232:11,12	235:17 hunted 228:1 301:5 hunter 169:21 251:14 254:24 261:24 hunters 34:16 148:23 157:16,25 167:23 170:9 217:14,15 225:10 hunter's 148:16 hunting 24:10 28:21,22 35:8 40:21 51:1,2 53:10 62:15 68:21 69:14 85:15 94:21 100:24 129:17 130:23 145:25 156:23 166:5 175:18 217:13,15, 16 219:17,18 220:1 221:14 225:10 238:20 264:16,20 Huskie 13:4 hydro 201:1,2 <hr/> I <hr/> i.e 178:17	233:18 IBA 212:7 I'd 11:3 20:5 28:8 29:18 38:6,10 39:6,19 50:10 56:9 68:9 87:11 88:4 91:15 109:17,19 110:21 111:4 112:3 116:7 121:15 133:20 134:2,9 143:14,23 158:8 163:7,23 180:18 186:18 188:23 192:5 194:18 214:17 248:12,13 250:6,7 251:12 266:7 274:22,24 276:5 278:20,21 279:2 289:12 300:11 321:10 322:11 323:15,19 333:1,14 Idaa 62:16 idea 99:16 124:13 138:4 202:7 211:9 217:12,16 ideal 29:11 ideas 179:10 identificati	on 58:10 108:18 156:17 identificati ons 108:9 identified 44:23 80:16 91:21 96:21 115:5 116:6 144:2 283:1,3 284:1 332:6 333:15 identifies 253:24 identify 19:8 80:13 124:6 283:10 285:14 333:21 identity 110:15 181:18 ignores 301:17 Ignoring 309:11 I'll 12:22 13:16 14:12 15:1 17:25 49:12 50:2 56:13 57:24 68:2 69:19 82:13 89:23 90:16,24 94:14,15 97:13 103:10 105:21 106:22 133:15 137:23
--	---	---	---	--

142:19,23, 25 143:4 147:9,10 160:11 162:15 163:22 167:25 168:5,14 169:24 170:20 174:16 177:15 178:20 179:19 189:5 194:1 199:13,23 200:7 201:4 206:24 207:11 209:16 216:3 243:9,18 244:22 245:23 250:10 259:1 264:1 276:13 293:20 294:16 301:2 313:6 329:8 332:14,16, 17,21,23 illuminated 288:12 illustrates 147:15 151:12 152:19 I'm 12:21 13:12,24 14:20,22 15:8 20:3 25:10,13 31:24,25 36:6,7 38:19 42:5 44:24	48:19,20,2 5 49:23,25 50:8,19 54:23,25 55:12 56:2,20 60:4 63:17 66:7 67:7 74:6 79:6 81:1 83:6,21,25 84:6,8,9 86:14 87:2,7,22 88:16 92:4 93:4 94:9,11,22 95:13 96:10,16 97:3 99:9,15 100:7 101:9,14,2 1 102:22 104:10 105:17 106:16 107:15 112:24 119:20,22 120:23 121:9,16 124:5 126:9 128:6,15 130:13 131:11 133:23 135:5,11,1 3 137:18,21, 23 138:14,15, 16 139:11 141:16 143:7,13,2 1 144:16 156:18 158:13 159:19 160:1 161:3,17,2 1,23 162:11,14,	17,22 163:4,21 167:6 173:10 175:14 178:6,24 186:19 187:9,11 188:1 190:7 193:16,19 194:23 196:6,12 199:6,13 200:16 201:11,23 203:7,13,2 3 205:4 207:7,16,2 0 208:2 211:7 213:19 214:18,22 215:8 216:16,17 236:21 237:6,16,2 2 238:6,21 239:1,4,13 242:2 243:21 245:3 246:9,19 247:23 248:14 249:2 253:12 259:10 260:7 262:5,11,1 3,19,22,24 263:8,16 266:19 272:11,12, 18 273:2 275:16 276:13 277:12 278:1 279:24 281:16,18 282:7 289:18,20, 21 290:1	293:25 294:8,11 297:2,20,2 4 300:11 303:17,20 304:7,12,2 2 305:3,23 306:4,6,8 308:6 310:2,5 319:9,10 320:9,24 321:4 322:13 323:12 325:21 326:7,25 327:1,2,4, 18 328:10 329:5 330:1,21 331:4,20,2 3 332:14 333:20 IMA 18:25 84:7 138:15 188:2 imagine 298:19 immersion 130:14 impact 1:3 15:9 35:20 42:22 44:12 45:12 48:4,11 57:10 74:22 75:13 91:17 92:12 93:17 95:24 136:19,22 138:12 141:22 144:21,25 153:20 167:20 171:6,18	172:12 173:7 175:13,15 176:17 188:19,24 191:11 192:4,5,11 193:8,19 198:18 201:18 203:23,25 204:1,11,1 2,13,24 205:1,8,11 ,12,16 206:14,18 215:20 216:6 223:19 224:15,19 225:22 226:2 227:14 229:2,20 230:5,6 232:24 240:23 241:1 264:17 266:18,23, 24 267:4,7,12 268:7 273:18 301:20 302:14,23 312:18 316:15 317:14,23 318:15 impacted 57:5 240:21 impacting 92:14 315:17 impacts 16:9,10 31:8 38:25 39:2 57:8,16 120:5
---	--	---	--	---

140:24	284:14	280:15,24	87:13	301:1
149:9	implemented	301:3	121:20	including
152:24,25	244:20	314:17	124:3	22:6 25:12
153:10,21	implications	importantly	164:9	38:8 39:15
155:3	154:1	156:25	199:1	43:15 44:2
157:8	285:21	impossible	200:22,25	45:13
168:8,12	316:8	81:12	208:15	58:18
176:14,15	importance	114:3	209:5	68:10,13,1
191:16,21	51:16,17	impression	234:17,19	8 69:8
202:6	93:10 95:5	270:22	242:3	70:17 71:6
203:21	96:25	impressive	258:10	77:5 81:25
204:5	110:3	43:22	261:20	82:7
205:6	111:14	improve	263:2	129:16
206:6,10	136:14	46:19 53:1	274:4	149:17
216:8	144:23	164:2	288:3	151:16
225:12	301:23	220:20	293:5	152:12
228:14	important	258:2	294:12,18,	165:10,25
229:13,18	18:2	309:9	25 295:21	201:22
230:8	21:8,10	improved	311:14	224:15
231:25	22:3 23:15	45:2	included	225:17
232:3,25	27:2 28:24	254:21	34:10	226:8
233:1	38:13	improvement	42:17	236:1
236:13	40:15 52:2	76:24	68:12,21,2	257:4
238:17	59:15,22	improvements	5 69:14	283:9,16
240:5	64:7 70:17	76:21	79:13,15,2	299:3
260:19,22	73:22	129:25	1 100:3	302:19
266:10	84:18	315:13	145:20	inconvenienc
285:15,24	91:11,15	inability	148:4	e 15:25
301:13,16	94:20,24	82:5	152:1	incorporate
302:25	108:24	inactive	153:13,17	165:5
311:5,13	109:1,20	152:17	154:25	234:18
313:16,20	110:16	inad 286:23	166:19	242:3
315:24	111:11,19	inadvertent	195:10	243:14
316:19	112:5	286:24	196:23	272:8
317:1,2,3	113:6	in-between	236:8	303:4
318:5,8	116:22	72:7	283:23	311:18
implement	119:9,25	incidental	312:19	incorporated
165:4,24	120:3	287:1,2,17	313:25	42:7
177:10	121:18,23	,23	314:4	242:16
222:13	122:24	inclined	includes	243:7
234:1	125:13	230:20	15:18	311:23
255:5,8	128:21,22	inclu 314:4	57:22	incorporates
257:21	132:6	44:20	69:10,11	234:15
287:22	155:1	68:15 69:6	72:14	incorporatin
309:16,19	214:20	70:16,22	81:23	g 261:7
316:4	217:1	include	124:11	incorrectly
implementati	219:12	44:20	151:13	146:21
on 45:1	224:21	68:15 69:6	153:7	151:6
47:15 48:2	225:3,20		192:17	increase
254:10	227:25		195:7	133:5
255:15	247:9		256:16	
257:14	278:6		284:15	

171:15	273:22	24:8 27:21	40:7 47:18	222:9
172:2,5	325:21	59:5 93:12	59:25	infrastructure
173:23	indefinitely	155:12	72:24 73:6	re 38:24
174:7,11	65:6	individually	82:12	42:2
175:21,25	independent	317:19	83:8,11	infusion
177:5	196:2	individuals	92:12	242:9
190:21	234:25	13:3	93:17 96:8	inherited
193:10	235:8	146:17	106:12	32:5
220:5	244:18	industrial	107:24	initial
221:11,13	245:1	57:16	108:6,10,1	42:23
228:12	277:6	185:25	6 109:1,8	58:11
229:8,11	303:3	187:12	119:22	102:18
231:11,19	independentl	311:1	122:23	277:10
254:24	y 256:19	314:11	123:7,12,1	initially
283:19	Indian 43:10	industry	6,17	45:25
increased	indicate	40:11,13,2	125:18	313:16
152:6	95:2	3,25	126:4	initiate
167:23	106:11	41:8,9,16,	127:13,21	212:14
170:9	112:17	18,24	128:5	initiation
173:7	119:25	186:3	132:5,20	47:8
175:17,23	177:23	312:2	136:21	inland
216:7	317:16	ineffective	140:23	124:11
224:16	indicated	311:12	142:6,8	in-laws 25:3
229:6,15	9:11	inevitably	144:8,9,10	inlet 153:16
230:22	134:18	224:17	,17 149:1	input 139:25
231:4,22	169:3	influence	152:4	197:23
232:13	206:14	153:22	164:6,17	274:11
240:9	249:19	154:15,17,	169:1	275:13
254:20,21	250:25	18 186:25	173:6	Inque 98:9
317:22	273:8	189:19,20	174:2	inquiry
318:8	286:16	190:2,14,1	177:19	144:3,7
increases	indicates	5 192:14	187:22	318:17
175:12	150:16	193:9	209:21,24	insignifican
228:11,14	174:3	225:8,9	210:1,5	t 271:24
increasing	indicating	226:10,14	232:19	insisting
192:7	275:11	233:18	234:8	9:5 249:15
incred	indication	267:10	235:21	250:16
151:19	164:20	314:21	240:17	install
incredibly	indicator	315:4,6	256:15	288:9
135:24	59:20	318:11	261:22	instance
151:19	indicators	influences	271:5	98:16
incremental	60:2 97:15	302:12	274:7	instances
146:19	indirect	inform 194:5	276:21	70:5
152:24	149:18	239:21	286:11	instead 86:9
191:12,16	152:22	241:5	308:22	172:7
Inda 98:8	189:14	269:20	312:9,10	
indeed 85:11	233:17	informal	313:18	
96:7	individual	168:20,22	informations	
136:18		information	108:3,23	
137:12			informed	
			58:19	
			202:8	

288:17	295:7,14	121:12	16:21	IRs 265:20
289:3	interested	122:13	introduction	IR-YK 190:4
institutions	164:25	131:13	s 14:8	Isaac 200:13
78:11	183:5	INTERPRETER	introductory	island 28:8
instructed	184:8	18:15	116:2	100:19,25
31:11	248:14	37:22	invest	islands
instrument	278:9	interpreters	129:21,22	101:2
309:16	293:14,15	118:8	invested	isn't 217:23
instruments	294:25	216:17	129:25	310:3
274:18	interesting	interrupt	investigate	312:22,24
insufficienc	222:2	85:19	207:9	316:2
y 81:18	226:18	interrupted	investigatio	isolated
82:3	252:9	17:24 96:5	ns 92:2	74:4
intangible	interests	interruption	148:2	issue 21:8
71:8	57:12	96:6	investment	43:11
integral	76:12	intersects	41:20	44:22
70:19,25	129:25	148:10	42:18 44:1	218:12
166:12	294:9	interview	investor	223:18
intended	interferes	58:16,20,2	41:13	271:14
59:16	302:16	3 59:3,10	investors	287:2
intending	intergovernm	103:16	41:21	288:22
129:1,2	ental	interviewed	76:17	298:18
intends	129:20	58:3 60:16	183:23	300:21
145:3	interim	61:19	184:2	310:7
311:17	264:14	67:17	310:16	312:23
intensively	internally	79:24	inviolate	322:14
25:11	137:1	109:10	95:6	324:13
intent	265:6	interviews	invite 18:14	326:22
181:13	interpret	58:7,18	50:10	331:9
223:7	117:1,8	59:9 60:14	197:20	332:6,7
intention	interpretati	102:6,10,1	invited	issued 9:10
47:17	on 20:16	6,20	18:10	247:25
118:14	30:1 50:13	intimately	197:8,11	249:18
intentions	56:11	229:21	involved	250:24
89:10	60:11	introduce	119:19,24	257:11
inter 114:18	67:12	39:19	163:24	issues 47:5
interact	110:1	40:10	179:9	136:23
169:4	112:1	56:15	195:12	145:2
interactions	122:9,20	281:25	210:15	161:15
166:5,17	133:12	introduced	298:19	178:10
interest	216:13	40:8	333:7	181:17
46:9 70:20	221:22	317:25	involving	196:25
194:19,20,	279:14	introducing	211:9	197:2
21 195:19	INTERPRETED	115:16	234:12	212:15,16,
258:7,8	20:9,23	introduction	276:10	17 216:4
	107:20	12:14,22	iPads 77:7	218:17
	110:19	13:13		247:17
	113:1			275:15
				278:4
				282:11

309:11	88:9 91:16	176:21	99:17	January
313:11	93:9 94:25	178:11	111:24	217:24
323:6,8	97:9,11	180:25	125:13	jargon 192:3
it'd 52:9	98:5,22	182:10	131:22	Jason 2:23
133:3	99:21	184:14	159:16,18,	4:4,11
293:13	100:14	185:14,15,	24,25	Jenkins 6:4
item 21:8	101:19	22	161:21	139:22,23
22:18	102:3	188:16,20	181:19	140:8
199:6	104:23	192:6,22,2	204:10	Jim 2:13
items 12:5	105:21	4	308:16	39:22
29:19	106:2,15	193:8,9,16	323:9	Jimmy 13:5
iterative	108:12,14,	,17,20,21	326:11	24:20
46:23	25 109:1	196:5	327:11	32:6,22
ITI 4:13	110:4,5,14	203:16	328:18	job 118:8
it'll 22:23	,15	204:25	330:11	120:17
271:18,23	111:2,3,9	205:8,12		122:3
it's 11:4,10	112:10	207:13	<hr/>	267:3
12:15,18	113:7	211:8	Jaagumagi	326:10
19:15	114:3,7,13	214:20	2:22	jobs 44:16
22:3,18	,22,24	216:23	198:15,17	45:9
25:11	115:3,8,14	217:3,5,8,	Jackfish	164:12
26:15	,22	10	55:6	Joe 39:21
27:10,15,1	116:1,9,13	219:9,11,1	Jackson	43:16
7	,25	2 220:4	38:11	170:19
28:18,19,2	117:8,15,1	221:7	159:21,22	John 1:13
3,24 29:11	6 119:25	223:2,3,4,	160:3	2:10,19
35:15,16	120:19	5 226:18	James 1:15	3:7 5:25
37:15	121:6,17,1	227:25	5:7 12:24	6:22 12:25
41:18	8,20,22	231:13	107:16,17,	14:13
45:19	123:25	241:13	22	71:10 79:2
50:24	125:11,13	242:5	110:3,21	84:16 87:9
52:1,2,5,6	126:16	247:15	112:3	88:3,4
,20 53:1,3	128:3	249:9	119:15,17	91:1,2
54:2,4,5,2	129:13,14	266:5,25	120:23	92:19,20
1 55:11,25	130:9	267:21	203:4	94:5 96:12
56:4	132:6,7	269:7	213:9,10	97:8
59:15,22	133:22	271:20	237:8	101:14,15
61:11,18	134:10	275:3,11	251:16,18	102:23,24,
62:17	136:12	292:4	278:24	25 104:7,9
65:21	138:5	293:18	279:1,5	105:6,7,23
66:3,4,25	139:23	297:23	282:6,7	,25 106:6
71:18,20	153:6	307:21	289:17	107:2,4,11
72:18	156:19	312:1	290:25	,12 108:13
73:2,10,11	158:22	313:2	292:3,4,20	122:16
,13,21,24	160:22,25	319:3	,21 293:11	125:12
74:3,8,11,	163:24	322:20	294:23	126:11
15,16	165:11	323:9,10	298:5,7	129:6
75:15,21,2	167:12	324:2	299:1,2,18	134:1
2	168:23	325:18	306:22,24	170:24
76:3,4,5,2	169:16	333:13	321:9,10	171:5
1 78:16	171:8	I've 37:13	Jan 268:10	
	172:21	56:21		
	173:14,23	77:16		
	175:3,9			

186:6	JON 71:16	Kerri 3:21	101:2	22:6,9,12,
187:14	Joseph 3:19	167:11,12	Kianna	18,21,25
192:10	215:8,25	169:12	11:13,21	23:4,25
202:13	216:10,15,	170:4	kids 27:9	24:5 30:22
203:11	18	171:3	33:8 34:2	31:10,24
204:4,16,1	221:24,25	172:18,19	64:11 77:7	35:25
7	223:3	173:5	kill 88:19	36:16 49:1
213:13,14	252:17	174:18,19	94:16 95:8	50:1,5
215:10,23	Judah 314:7	177:17	96:5 193:7	54:2 56:25
232:17	Judas	178:22	217:11	57:4,13
241:10,11,	215:9,25	215:2,4	killed 94:18	58:10
22	216:10,15,	221:24	219:3	59:7,18,20
243:11,12,	18 251:12	236:6	271:22	60:1,18
25	252:17	238:23,25	kills	71:2,6
244:1,24,2	314:6	239:18,22	271:12,14	72:20
5	judge 163:25	240:13	kilometre	74:3,10,19
245:11,12	Judus 3:19	241:19	15:19	,25 76:14
246:7	July 135:21	242:13	67:23,25	81:20
247:14,15	255:23	243:20	90:18	82:10
249:1,9,10	jump 269:7	244:7,12	91:5,15	93:11,12,1
251:6,9,11	jumped	245:5,25	154:23	3
263:1,18	106:13	246:24	270:8	101:17,19
265:16	June 135:20	247:11	kilometres	102:8
266:4,5	223:10	248:8,9,20	146:12,15,	103:4
267:2	253:19	250:1	16	106:20,21
268:9,24	280:12	252:17	150:11,12	107:1,23,2
271:3	junior 40:12	259:13	151:20	4
272:2	41:7,9,15	297:11	154:17,20	108:4,9,10
274:21	jurisdiction	304:10	189:19	,21
279:5,6,19	126:24	320:6,7	193:5	109:13,18,
,20	127:1	key 44:25	270:8,25	21
280:21,23	246:12	144:2,7	284:3	110:7,23,2
297:22,23,	jurisdiction	146:22	315:4,6	4,25
25 298:2	s 41:21	149:8	Kimberly	111:5,9,15
306:2	126:23	156:10	4:19 86:19	,18
307:2,4	127:23	175:22	kindergarten	112:12,18
321:2,3,5,	Justice 4:10	216:4	130:15	113:5,7,11
6	Kahn 28:2	234:6,23	kinds 28:10	,14,16,17,
Johnny 24:24	Karin 6:16	242:21	75:13	22,23
32:11,24	Kate 5:13	285:15	220:4	114:20
John's	Kathy 5:16	Khouri	King 5:25	115:5,17,1
125:12	Ken 2:24,25	139:13	203:11	8,20,25
Johnson's		274:10	Kirkland	116:2,6,13
151:10		290:11	5:22	117:15
Johnstone		304:20	87:4,5	119:21
5:24		319:21	140:18,19	120:1,3
141:8,9		333:3	knowledge	121:4,17,1
joint 255:13		K'ia 32:18	7:9	9 122:1,2
268:8		72:12		123:2,3,16
Jolly 219:1		75:18,19		131:16,18
		98:16		132:5,15,1
		99:1,4		8
				136:6,9,17
				137:12

138:6,23	233:10	99:20,22,2	133:4	38:14
139:3,8		4,25	181:9	language
141:12,21	<u>L</u>	100:3,13,1	227:21,22	21:5 29:21
142:6	la 274:14	4,17,21,22	232:14	31:17,20
145:13,24		101:4,6	235:17	72:16
149:4	labelled	118:10	246:11	73:24 75:7
156:16,22	60:6	123:24	248:4	97:23
158:21	labour 78:3	124:2,3,10	274:12,14	108:19
160:19		,16 128:23	302:20,21	112:7
165:6,10	Lac	150:8	309:23	116:24
174:1	85:5,6,13	175:20	310:1,4	117:2,6,7
206:7	218:13	218:19	311:8	118:3,12,2
210:4	Lacey 140:9	219:1,24	316:2,4	2,23,24
211:3,13		231:13	lands 36:2	121:15,21
223:21,23	lack	274:12	44:8 54:19	122:11
226:21	123:11,12	301:5	57:12,18	130:1,16,2
228:7,20	176:18	310:2	70:16,21	2 132:8,15
233:20	230:22	314:6	71:7 72:3	133:6
234:16,18	301:24,25	315:22	110:12	188:16
239:20	Lacord 24:21	lakes 63:19	111:20	215:24
240:15	32:6	75:19	120:2	216:16
241:5	Lacourt	124:12	129:17	232:4
242:16,24	32:9,22	land	188:21	languages
243:2,5,7,		21:9,12,23	194:20	122:4
15 245:17	ladies 11:23	23:2,3,17	218:11	Lapeni 276:6
248:23,24	19:23	24:1,5,19	230:13	large 41:19
251:13	lady 113:21	25:11,15,2	235:12,23	73:17
256:16,17		2 26:9	285:6	97:17
261:8	Lafferty	27:14,24	290:20	151:19
276:7	38:11	28:23	landscape	288:14
303:4	159:21,22	29:8,22	59:21	315:18
311:16,19,	160:3	31:25 33:9	73:3,11,12	largely
23 312:4,5	laid 85:21	35:4,15	,15,17,19	269:2
315:16	254:9	43:5,11	75:10	larger 57:23
known	lake	44:7 45:23	76:15	71:23
21:15,19	21:12,23	52:6,17	97:17,18,2	96:20
70:25 78:1	23:24	53:21	4 98:5	97:10 98:5
80:15	24:9,19,25	58:11	110:12	150:22
82:20 85:4	26:18 27:8	61:22	136:15	202:21
97:24	32:3 34:4	63:2,6	151:13	268:3,21
144:5,13	51:8,9	65:24	152:3,10,1	large-scale
228:13	52:13	70:13	8	89:8
269:13	53:6,8	73:3,13,22	153:1,6,14	Lasha 2:20
Koblun 4:3	54:8,16,18	74:4,5	155:6	last 18:12
Kouri	60:15,17,2	75:5 76:15	227:10	32:10,14
237:19,20	2 62:2	77:19	257:7,9	71:19
Kue 153:15	63:21,22,2	85:11	landscapes	77:16
185:2	4,25	113:6,7,8,	73:9 99:16	84:16
201:3	64:17,18	24 116:15	land-use	167:18
315:20	65:4 72:14	118:21	246:3,10	177:20
317:16	85:7	126:24,25	Langley	
Kugluktuk	96:18,19,2	128:18		
	5 97:2	129:8		

183:17	leaders	40:4 92:18	202:21	77:4
185:21,22	220:20	93:25 94:3	230:8	light 138:12
198:3	leading 74:6	96:11	267:8	202:5
214:11	202:7	160:9	268:20	260:14
216:3		208:12	285:25	310:15
218:18	leads 77:10	Legat 6:17	302:1	lighting
219:23	154:3	82:2	315:22	288:17,21
222:1,25	learn 33:23	102:20	316:14	289:2
228:3	78:12	113:21	318:10	lights
229:23,24	109:11	legislation	levels 67:17	214:24
231:1	232:16	120:11	171:20	288:17,18,
232:6	308:20	224:4	licence	24
235:24	learned	288:12	246:3,10	289:3,4,16
247:14	33:22 77:1	length 177:3	247:21,25	304:3
280:17	156:12	Leon 160:3	248:3	likely
281:2	learning	less 76:18	311:10	169:19
late 24:11	78:11	128:12	licences	258:8
25:13	314:10	148:6	9:10	limit 156:20
26:21	324:4	150:12	249:18	176:24
28:1,7	lease 80:22	151:14	250:23	214:18
32:8,24	81:10,13	154:4,8	licensing	224:9
46:10 66:2	leases 44:6	185:3	247:19	255:17
154:1	302:21	187:5	318:4	269:13
231:14	least 26:5	193:6	lied 279:20	limitations
269:7	119:21	230:20	lies 145:5,6	59:8 270:5
279:12,22	122:24	232:14,15,	150:13	limited 1:7
later 14:9	123:17	20,21	life 25:15	7:7 15:12
40:9 48:21	124:8	268:15	31:21,25	17:9 36:14
57:25 68:7	223:11	269:9	45:16	38:18 42:6
71:18 94:8	275:10	284:17	46:19	120:14
102:20	leave 35:12	307:8	71:24,25	141:17
158:23	70:7	309:17	72:19,20	234:8
250:9	141:13	lesser 40:18	73:11,19,2	238:11
298:18	159:2	Letha 3:10	5 75:8,14	259:3,24
325:9	162:1	14:5 40:4	76:8,9	261:21
latest	214:12	let's 127:3	77:2 78:13	287:10
254:11	328:16	143:15	97:23	297:15
281:10	leaving	247:15	130:1	313:17
Laura 3:20	204:19	259:22	145:1	limits
law 273:9	325:3	277:22	215:24	216:17
layout	330:3	letters	232:5	line 24:14
156:19,20,	led 136:2	135:20	234:18	57:23 85:2
21	174:7	level 82:11	242:4,7	138:25
lays 82:3	232:9	128:13	243:5	144:2,7
le 85:5,6,13	255:4	149:15	272:8	150:2
lead 154:3	268:17	151:8	lifestyle	151:12
189:16	Lee 6:13	173:24	28:12	269:9,11
leader 28:13	legal 13:21	179:9	64:3,12	318:17
29:5 40:12	14:5,12	186:20	66:14	linear 57:17
			lifetime	

lines 59:2 70:2 75:12 181:2 234:4	324:3	24:25 27:19,22 28:15 52:1 73:7 98:17 107:25 108:1	70:21 123:23 136:12 269:21 327:7	334:16
link 125:20,22 126:1,3,15 ,20 128:2,14 129:3	listing 94:14	literally 73:18	locations 58:25	lose 63:18 66:10 78:18 130:10
linkage 130:5	literature 103:22 154:20 192:22	livelihood 57:15	log 32:23	losing 65:2 154:4
list 7:3,4 9:1 10:1 18:12 36:17 79:5 83:25 135:6 156:10 167:5 178:25 188:3 199:6 239:8 240:4,5 255:23 281:20 299:19 319:10	little 24:17 42:5 49:6 57:25 63:16 75:11 88:6 94:23 120:17 129:11 148:22 150:3 157:24 167:20 168:6 176:17 180:15,16 187:20 195:19 197:20 203:25 204:11,12, 23 207:24 217:23 226:16,18 271:16 273:15 275:3	livelihoods 229:19 235:22	logic 72:17	loss 69:25 70:5 149:11 152:21 154:4,7 188:13 189:2,13 206:14 225:10 240:19,24
listed 9:8 39:9 144:3 157:21 205:8 238:17 239:8 249:17 250:21 255:21 282:19	live 21:10 23:1 27:3,4 31:14 33:9 35:22 51:7 52:15 53:5 63:19 111:11 117:3 121:20 218:23 220:25 235:13,17	lives 41:3 52:5 196:4	logistics 33:12	losses 149:17,18 151:1,7 152:21,22 155:4
listen 15:10 52:9 62:25 65:14,18,2 0 118:12 323:22		living 23:13 24:13 28:11,16 52:11 59:17 77:6 84:19 217:4 218:8,22	London 39:10	loss-of-use 70:9
listened 43:12 46:23		lo 53:16	long 12:15,18 19:24 37:11 39:20 70:14 78:15 91:6 97:10,12 101:21 109:4 110:24 119:23 129:25 146:16 193:1 219:4 223:1 228:21 280:9 319:2	lost 225:19
listening 127:2 132:10	lived 21:11,24 23:2,3	localized 224:14	longer 24:12 175:1,18 223:12 232:7 254:17	lot 23:23 24:4,9 25:7 26:8 27:23 28:25 51:14 54:14 60:24 62:1 63:13,19 65:2,10,24 ,25 66:10 71:18 72:8,23,24 73:5 75:15 76:17 77:23 78:1,4,18 91:10 96:24 101:7 103:2 111:19 114:24,25 115:19 116:11,12 117:21
		located 34:3 85:4 90:15 151:22 189:3 253:14 284:9 285:6 290:21	longer-term 255:8	
		locating 73:9	longest 33:10 42:10,11	
		location 35:11	long-term 123:20	
			Loretta 4:18	
			Lori 4:5	
			Lorraine 13:8	

118:1	106:15	230:5	40:1,2,3	Marian 51:25
125:14		majority	253:17	52:13 62:2
165:12	<u>M</u>	41:11	managers	63:24 65:4
200:25	ma 317:13	169:5	164:17	80:5
215:12,23	machine	172:25	managing	Marjorie
222:25	174:5	317:17	177:11	3:17
253:19	Mackenzie	Makin 2:8	255:9	Mark 5:19
267:7	1:2,10	Malana	mandated	marketplace
269:18	15:8 16:24	11:14,21	194:7	41:20
271:5	38:6 47:18	man 64:19	303:3	Marose 13:4
315:7,8	120:10	204:20	manner	married
lots	127:4	manage 96:8	141:14	27:13
33:11,12,2	170:17	115:11	142:17,18	marry 280:3
2 52:12,13	227:22	177:9	145:3	Mart 85:5,6
101:2	310:3	221:4,5,10	184:14	Marten 85:7
117:4	MacLachlan	231:8,25	234:11,15	masi
281:14	3:10 14:5	255:6	316:22	11:22,24
Lou	40:4	managed	manor 235:19	12:3 13:23
63:21,22,2	mad 326:20	184:13	map 56:19	20:7,20
5	madam 272:3	221:12	57:21	30:6 36:3
love 67:1	magnitude	235:19	58:25	38:1 48:14
low 145:14	154:8	management	69:25	50:7,11
146:8	155:7	5:14	70:12	56:9 67:14
151:2	157:11,15	16:24,25	73:10 89:2	71:12 79:1
155:7	magnitudes	39:15 40:3	90:11,12,1	81:15
157:11	318:15	57:14 98:1	7,20 91:14	82:12 83:9
169:3	main 25:24	120:10	103:14	92:16 96:9
171:7,16	29:4	164:2	120:5	99:8 101:7
191:19,22	98:4,16	165:16	128:20	102:1,21
192:4,5,11	157:16	166:7,10,1	131:22	104:6
204:11	309:3	2,14,19	147:15	112:22
224:18	maintain	177:7	173:17	119:10
255:1	32:23	195:11	226:17	120:20,21,
270:23	142:17	208:18	227:9,24	22
287:16	maintained	216:2,11	233:8	124:21,22
301:20	26:11	234:23	284:12,20,	125:6
lower 46:20	59:18	235:10	25	128:8
LSA 70:13	maintaining	244:19	mappable	130:24
Ltd 2:13 3:4	25:20	245:8	90:6	131:5
7:14	28:21	254:11	mapped 58:25	133:17,22
lumped	331:1	255:5,7,13	mapping	134:3
195:23	maintenance	,22	58:18,23	135:14
196:7	104:4	256:3,22	59:4,9	137:15
lunch 79:6	major 39:11	258:2,16	103:14	143:6
144:1	61:18	260:25	maps 89:3	160:3
lunchtime	226:24	261:3,18	90:13	167:11,24
49:2,7	227:14	268:17	93:19	169:12
lying 51:6		285:13	Maqua	170:4,19
52:20		295:1	11:14,21	171:3
		manager		172:18

174:18	125:23	319:12,13	230:12	314:23
176:3,5	154:12	mean 59:23	231:11,14	mechanisms
177:17	167:21	93:4 94:18	232:14	312:14
178:4,22	172:8,10	95:23,24	269:12	313:1
207:18	174:7	96:18 97:2	meant 144:11	medical
212:23	177:25	99:15,21	meantime	51:21
215:2,3	179:10	118:10	86:11	medicinal
216:15	181:15	124:7,8	332:18	68:16
221:24	187:20	128:15	measurable	104:14
236:15	192:19	142:4	155:23	medicine
238:23	193:4	147:4	226:14	51:18,22
239:18,22	198:7	186:15	measure 9:6	53:23,24
241:6,20	206:10	192:6	137:5	88:20
242:14	215:20	193:7,8	233:3,23	104:14
243:8,21	225:14,18	195:7	234:6,24	meet 17:14
244:13,21	229:12,18,	229:20	247:6	58:21
245:8	23 230:6	239:9	249:15	142:20
246:4,24	232:24	242:6,15	250:17	165:16,20
247:11	242:23,24	244:3	272:6,21	221:15
248:8,10	256:6,13	263:23	286:10	326:15,16
252:12,17	274:17,24	308:25	310:21	329:17
276:16,20	286:14	meaning	312:12	331:14
281:18	288:6	59:20	313:10	meeting
289:18	316:10	74:11	317:25	11:11 14:9
299:14,18	maybe 12:22	84:22	measurement	22:5,8
322:2,6	14:24	258:5	151:25	35:18
324:9,15	22:16 26:5	meaningful	157:6	50:18
333:23	33:6,18	57:11 60:3	measurements	165:15
334:1	49:2,5,10	70:19	190:19	277:24
mass 154:4	51:19	74:22	measures	326:13
material	52:16 55:3	77:14,15	136:25	328:8
77:17 88:5	65:22 94:1	177:24	137:4	meetings
89:7	124:17	227:8	147:8	142:3
135:18	125:10,11	234:14	205:2	179:25
materials	128:19	means 65:6	216:9	member
41:2,4	133:21	75:24	233:16	1:12,13,14
Matheson-	174:13	97:15	236:8,10,1	,15,16,17
Maud 3:17	180:14	100:17,22	1 239:10	79:23
matters 9:8	209:22	101:4,5,6	277:4	101:14
40:5 141:3	216:19	123:24	287:5	102:23
249:17	218:20,21	154:4	288:5	106:16
250:20	221:10,12	164:22	meat 25:8	107:16
maximize	248:11	171:7	28:10 35:2	119:15
44:4	252:8	177:10	70:7 72:4	120:9,22
may 15:25	264:9	183:25	232:21	121:10
16:4 17:24	273:21	192:6,12,1	mechanism	122:25
19:9 94:20	298:16	6 193:1	179:9	131:11
102:17	307:8	194:4	244:15	133:15
106:10	325:23	195:6,11	245:1	207:17,21
120:2	333:20	196:22	309:19	209:2,17
124:18	McMillan 5:6	206:4		
	140:9,10	211:11,13		
	305:6,9,10			

213:1,5,9, 13 251:17,22 252:1,5,11 276:14,19, 23 278:2,18,2 5 298:9,14 299:9,13 306:14,18, 23 members 16:4 17:1 18:16 19:6 39:13,16,1 8 43:13 80:15 122:5 133:8 145:22 160:9 164:11 197:22 210:11 222:19 290:19 300:24 301:4,13,1 6 302:4,6 322:23 324:25 memo 186:7 memories 28:25 73:21,23 mentally 35:6 mention 19:12 94:1 132:24 176:20 200:12 264:9 268:11 mentioned 19:18,19 69:8 99:21 125:19 128:23 129:7 134:22	139:24 158:10 189:11 199:18,19 207:23 208:8 214:5 228:4 230:10 231:18 234:8 236:18 267:18 268:4 273:8 316:7 322:9 324:22 327:10 Menzies 2:7 14:17 mer 287:6 Mercredi 1:14 2:3 12:24 14:16 120:24 121:1 213:5,6 251:22,23 278:18,19, 24 298:10,11 306:18,19 321:14,15 message 221:18 met 181:3 metallurgica 1 42:20 metals 198:21 method 126:20 314:19 methodologic al 82:4 methodology 90:8 106:8	methods 56:16 73:6 157:8 187:17,18 202:17 methods/ approaches 258:11 metis 4:7 8:12 18:25 37:2 38:15 79:16,19,2 3 84:9,13,23 ,25 85:2,8,10, 15 86:5 127:16 138:17,20 139:1 143:12 144:24 188:4,8 190:8,10 191:25 193:13,15 194:20,22 195:8,18,2 0 196:7 197:2,8,21 ,25 198:2 214:14 237:25 252:23 256:23 262:5,8 290:15,19 291:2,5,9, 12 292:6,12 293:6,21 294:10,12 295:6,8,11 ,20,21 299:21 300:16,18, 22 301:4 302:6 303:22 305:25 319:24 320:1	325:14,15 metre 81:10 146:16 284:6 metres 80:22,23 154:19 mi 184:9 188:21 microphone 19:10 mics 12:10 middle 64:14 235:16 270:9 330:22 middle-aged 109:14 midget 241:24 midst 315:18 migrate 218:13,24 226:25 migrates 216:22 219:4 migrating 26:20 153:24 225:24 migration 26:21 65:22 188:21 217:4,9,21 218:14,16, 20 225:4,17,2 1 226:20,22, 25 227:2 migratory 189:1 190:17 225:6 282:12 286:2,5,6,	8,25 287:6,8,23 Mike 2:12 39:25 mill 46:4 million 42:17 min 260:18 261:21 mind 120:8 125:20 126:2 220:17 267:23 280:1 mindful 49:21 mine 15:14,15 21:14 23:14,18 30:10 31:8,15 36:2 44:17,23 45:13,15 46:3,7,16 51:3,19 54:6,7,11 57:17 61:6 63:20 65:22 66:8,10 70:10 79:14 118:11 132:2 137:15 142:11 145:5 146:14,20 154:17,21, 24 155:16,19 156:19,21 164:12 166:16 186:15 188:25 189:3,16 192:21
--	--	---	--	--

193:7,17	48:3,6	210:8,10	190:23	263:19
198:4	57:6 61:6	212:1,6	minimal	270:16
208:10,12	65:12	213:18	146:23	Mitchel 3:6
218:10	76:16	235:4	155:14	Mitchell 6:9
219:8,15,2	77:20	238:11,14,	170:7	Miti 75:20
5	79:6,12	19	minimize	mitigate
224:1,12,1	80:18	239:2,4,11	260:22	44:22
4,15,24	82:14,16	,25	minimized	194:5
225:8,14	83:5,11,12	240:3,11	315:1	205:1,8
226:10,13	,19,22	241:8	minimizing	206:9
227:1,3	141:16,19,	257:20	39:2	208:24
228:15	20 142:13	259:3,9,24	208:13	268:3
229:23,25	143:8,9	297:15,18	mining 38:23	285:15
233:1,18	144:8	303:20,25	40:11,12,1	mitigated
235:11,19	148:4	320:10,13,	3,15,18,23	228:15
236:13	151:4	14,22	41:1,4,8,9	233:2
267:25	158:9,16	324:21	,16	mitigating
269:8	159:9	325:8	42:3,20	206:6
273:19	162:21	327:10	44:6,9	mitigation
274:2,12	163:6	328:15,25	76:18	136:25
284:25	167:3,8	329:4	77:17,25	137:4,5
288:10	168:1	330:20	183:12	144:22
290:21	169:24	331:23	minister	147:6,7
291:14	170:11,20	Mineral's	16:17	148:20
307:18	173:10	161:14	247:17	155:18
312:20,25	176:10,22	MINERALS 1:7	296:14	156:10,13,
313:2	177:14	37:20	minor 148:15	17 157:20
314:6	178:6,8	143:19	154:8	164:18
315:2	179:13,19,	mines	156:6	166:18
Miner 196:24	21,22	44:10,19	181:16	205:3,10,2
mineral 39:8	180:14	66:9 76:1	minus 91:14	5 207:6,9
41:11,13	182:1,3,4,	77:24	minute 17:19	210:24
115:3	18	115:19	159:9	234:2
196:24	183:9,11	153:17	160:8	266:17
302:19	184:4,6	155:17	213:20	mitigations
mineralizati	185:7,12	156:12	241:23	48:2
on 43:2	186:5	166:11	minutes	203:24
minerals	188:6,23	185:1	17:22	205:13
2:12 3:3	189:6	193:23,25	49:12	206:19
7:7,14	191:4	208:22	163:7	mitigation's
13:25	194:11,24	218:15	300:2	47:2,6,12,
14:2,7	195:1	219:20,22	308:17	16
15:12,20	196:16,18	220:5	318:18	mixed 85:10
18:18,23	197:5,7,20	225:16,18	322:6	MLA 159:20
30:10	198:10	258:12,18	326:2	moccasins
36:14,20	199:8,24	268:1	327:17,25	232:22
37:4,18,22	200:4,17	274:1	330:17	model 151:3
38:1,18	201:13	309:10	331:6,8	models
39:6,7	202:12	311:21	missed	
41:8 42:6	204:3,15	315:11,17		
43:7 46:23	205:19,24	mine's 51:11		
47:3	206:25	115:21		
	208:3			
	209:8,10			

192:13	143:9,18	313:5	214:5	296:24
moderate	155:21	monitors	215:12,25	300:11
171:6,18	156:25	164:13,14	231:10	301:20
172:11	163:9,11,1	209:6,12	314:8	322:15
229:16	9,25	261:21	322:10,11	324:23
modern 23:6	164:7,8,9,	month 22:4	324:24	327:4
77:3	22	26:6 33:10	326:17	328:3
129:14	165:4,5,8,	172:10	327:6,13	329:15,16
modes 323:18	13,19,24	298:19	328:18	330:5,10
modified	166:22	months 15:16	329:23	331:12
187:21	167:4,9	34:6 45:15	330:2,10,1	moved 32:7
modify 257:2	178:2,13	223:13	3,14,18	216:19,21
modifying	179:22	Monwhi	331:5	220:9
257:5	180:1	97:19,20	332:16,18,	332:20
Moloney 2:17	182:5,9,14	98:10	24 333:5	movement
40:1	184:17	moose 51:1	334:3	126:12
moment 190:5	185:1	65:9,11,15	mortalities	152:5
252:7	194:13	,18,19,20	166:17	154:24
309:12	195:4,12	68:19	288:15	164:19
Monday 118:5	196:3	69:10	mortality	226:12
Monday's	197:10,12	70:18	152:23	269:20
119:7	201:21	88:24	288:19	318:8
money 114:17	202:18,19	94:19,21	289:7	movements
181:17	208:1	96:5	moss 51:4	225:6
Monique 3:5	209:5	264:11,12,	Mother 29:22	moving 72:5
monitor	210:22,24	17,18,20	mother-in-	131:25
130:3	214:16	Moosenose	law 25:6	140:2
145:16	226:9	39:23	32:14	150:4
226:11	233:5	mor 152:23	Mountain 4:5	178:12,16
231:25	234:1	moratorium	mouth 51:9	183:23
233:6,20	235:25	43:3	move 12:19	184:7
235:9	236:1	morning	33:11,13	197:19
255:4	238:2	11:3,23	49:5 69:2	215:13
monitored	241:21	15:6 16:20	107:4	222:23
64:1	243:3,8	20:11	112:13	237:7
164:20	244:16,18	21:1,7	150:3	297:9
224:12	246:2	30:3,19	158:8,19	313:13
228:15	253:17	36:9,13	161:3,6	MPAR 146:16
233:1	255:9	38:1	171:25	176:21
242:24,25	257:21	48:19,24	177:18	190:3
255:20	258:3,4,9	78:10	180:7	Mucklow 2:13
monitoring	273:16,17,	129:19	182:9,13,1	multiple
7:13,20	21,24	134:19	8 188:1,2	157:5,6
8:3,7,11,1	274:13	136:8	194:1	muskeg
5 36:20	277:5,18	142:22	199:6	100:19
130:2	282:4	143:5	203:3	muskrat
142:9,10	299:20	158:14,19	212:14	53:11
	300:15	160:10	216:3	54:17
	303:3	161:7,13,2	246:4	68:19
	308:8,13	4 162:5,15	267:4	
	309:17			
	310:25			
	311:12			
	312:16,20			

muskrats	19:4 40:13	171:7	154:6,11	69:21
69:11	139:14	188:17,19	155:5,14,1	Nitsiza
MVEIRB 2:2	141:7,9,10	190:20	8	3:3,14
Myranda 6:6	152:20	191:17,23	156:3,7,24	13:19 38:8
myself 13:19	153:19,22	192:5	157:1,10,1	39:22
24:8 33:8	203:10,11	204:11	8 161:8	nobody
54:13,23	236:23	301:16,20	163:9,20	237:23
103:3	255:1	negotiations	164:4,10,2	262:23
123:1	262:22	43:5 47:8	165:21	289:25
159:23	285:11	neighbours	166:3	290:5
	289:21	310:11	168:8,9,24	nobody's
	305:18	nest	169:4	262:21
<hr/>	nature 79:25	287:12,19	171:1	267:24,25
<hr/>	80:7 83:15	288:4	173:18	no-hunting
nailed 76:23	92:22	nesting	192:17	176:23
naive 267:25	273:10	288:5	195:13	noise 154:11
name's 56:24	navigation	202:21	199:20	227:2
100:11	140:24	210:21	225:21	nominated
282:7	navigational	227:1,13	227:1,13	17:1
Nathen 6:3	140:25	238:19	238:19	nonetheless
86:24,25	nd 14:23	254:1,3	254:1,3	115:16
nation 18:24	N'Dilo	266:10	266:10	188:18
22:19	317:17	269:8	269:8	296:24
23:18,22	nearby 46:7	282:16	282:16	nonexistent
84:1	necessarily	283:2,8,13	283:2,8,13	301:16
137:24	147:3	,22	,22	non-site-
151:6	173:23	284:3,22,2	284:3,22,2	specific
169:1	224:10	5 285:6	5 285:6	60:6 90:2
179:1	necessary	300:25	300:25	north 4:7
190:5	57:11	307:19	307:19	8:12 17:4
238:7	58:14	315:20	315:20	18:25 37:1
256:23	59:24 60:2	329:10,12	329:10,12	38:14 39:1
293:6	127:9	331:13	331:13	40:5,20,23
297:3	164:18	332:3,20	332:3,20	42:8 61:5
304:13	249:14	334:2	334:2	79:19,23
308:7,14	274:5	night	night	84:9,13,22
317:11	necessity	34:20,21	34:20,21	85:16 86:5
326:11	182:14	334:3	334:3	138:17,20
national	neg 157:14	Niitlee	Niitlee	139:1
224:5	negative	97:20	97:20	143:12
257:2,14	193:19	nin 232:25	nin 232:25	151:14
Nations 17:2	285:15	nine 39:13	nine 39:13	155:17
181:11,18	302:11	162:6	162:6	175:19
209:12	negli 148:15	334:4	334:4	188:4,8
256:23	negligible	nineteen	nineteen	190:8,10
312:24	148:16	127:16	127:16	191:24
318:13	156:5	ninety 69:21	ninety 69:21	193:13,15
NATIVE 31:17	157:14	ninety-seven	ninety-seven	194:20,21
122:11				195:7,18,2
natural 5:24				

0 196:7	304:23	288:13,20	137:19	147:21
197:1,8,21	319:16	nothing 36:7	objective	Ocean 237:23
,25 198:2	Northerners	185:14	187:21	Oceans 19:1
214:14	17:1	219:3	objectives	86:14,16
225:16	northwest	298:3	202:18	139:5,7
226:4	8:4 19:2	notice 123:5	257:19	199:7
227:17	36:25	noticeably	obligation	262:12
231:12	38:21	148:17	256:14	290:13
235:14	40:15	157:18	295:11	o'clock
237:25	41:17	noticed	observations	160:23
252:23	42:3,8,14	104:13	164:16	162:6
253:13,16	45:5,24	November	obstruction	326:16
261:4	86:18	172:10	189:1	327:11
262:5,8	123:11	279:12,23	obtain 79:25	328:16
265:24	139:12,15	281:9	obvious	330:4
266:15	143:11	nowdays	272:14	331:12,19
275:23	146:24	33:23	obviously	334:4
279:12	147:14,17,	np 3:3,6,23	110:8	October
280:7	25 150:8	4:4,5	200:22	279:12,22
281:7,13	156:12	NSMA	270:16	280:9,18
288:15	199:14,16	301:13,14	274:25	281:3
290:15,19	237:17,20	302:14	occasions	325:18
291:2,5,9,	252:20	NT 1:21	291:11	offer 44:18
12	253:10	numerous	226:11	48:13
292:6,12	256:23	235:5	occupancy	272:19
293:6,21	258:25	Nunavut	occupation	offered
294:10,12	290:10	315:18	208:10	48:11
295:6,7,11	302:8	Nundi 98:8	270:12	offering
,20,21	304:18	NWT 186:3	occupying	165:22
299:20	308:2	187:13	84:23	office 5:14
300:16,18,	319:20	224:5	85:16	18:25
22 302:5	notably	254:23	occur 145:13	39:10 84:7
303:22	197:14	256:4,6,10	206:10	117:24
305:25	note 14:21	,11,13,22	208:25	138:15
306:21	17:11	257:7,15	occurred	160:23
319:23	59:22 89:6	283:2,11,1	136:2	163:6
320:1	90:16	5,19	199:22	188:3
325:13,15	141:4	284:10,13,	occurrence	250:10
northern	151:5	21 285:1	270:11	253:14,16
5:13 16:18	155:1	318:11	occurring	officer
19:3 25:24	239:24	<hr/>	67:20	38:17
43:10,24	240:2	objecting	171:20	offices
44:5 79:18	284:2	30:24	286:22	39:10
86:22	285:7	objection	288:1	102:15
139:20	286:9	141:11	316:6	official
150:9	noted 292:7	objections	occurs	18:5
154:19	294:8			officially
201:12	323:9			334:2
237:12	notes 15:23			
262:14	125:14			
285:20	283:20			
290:6				
294:6				

offset 205:16	204:20,22 213:17	Olson 50:7,8 56:13,20	7:5,6,7 11:9,10,11	opinion 60:19
off-site 206:19	214:2,22 236:16	57:2 67:14 78:25	,14,17 12:21	257:23 266:8
oftentimes 123:3,9	237:7 241:25	81:6,7,25 82:1 83:1	14:21,23,2 4 15:2,5	opinions 16:4
of-way 146:17	243:23 250:4	89:21 102:21	19:21 20:12,13,2	307:18
Ogilvie 5:5	251:8 252:10,14	103:12,13 104:20	5 21:4 30:6 35:21	opportunistic 271:20
oh 33:7	253:17 259:15	105:19 106:2,24	36:9,10,14 37:18,20	opportunities 40:20
210:12	263:14 274:20	134:2	48:16,19 81:16	44:14,19 45:10
253:17	276:12	ones 12:8,10,25	218:10 302:2	47:24 48:10
okay 14:11	279:4,18 280:25	21:25 35:21 90:6	opens 36:2 51:19	opportunity 20:21
34:13	289:16 291:4	109:15 199:21,22	66:10	21:20
37:23	292:11,24 294:16	one's 233:12	opera 21:14 211:1	30:16 31:6 46:18
48:25	295:2 297:19	ongoing 59:11	operate 15:13 45:6	50:16 85:22 86:7
49:18 50:7	299:4,5,16 300:1	111:4 242:9	219:16	115:9 119:18
57:2 74:15	303:17 304:1	243:13 261:19	operates 205:7	138:10 140:3,13
78:17,23	305:12,23 307:7	312:10,18	operating 45:16	143:23 148:13
83:18,24	319:2,9 320:24	on-ground 80:8	155:17 219:20,22	157:9 161:25
86:13	321:4,8 329:13	onsite 165:24,25	operation 15:17,19	185:21 215:4,6
88:15	330:24 331:3,5,14	Ontario 39:10	38:23 44:9 46:3 65:22	232:15 252:15
93:24	,15 332:13,22,	onto 66:7 176:4	66:9 142:11	293:19 300:19
99:21	25 333:14,20	178:25 194:1	152:12,16 154:10	312:9 324:14
100:6	old 34:6,17 50:24	199:6 308:6	164:10 189:15	325:19
101:8,13	52:12 62:9 68:22 72:2	onwards 331:19	287:24	oppose 135:7
106:4	77:8 152:10	Oops 255:3	operations 14:4 39:25	opposed 189:1
107:10	284:17	open 12:9 15:16	98:21 115:21	225:24 277:21
131:3	older 36:18	38:22 48:11 61:6	155:16 185:25	optimum 302:1
137:16	oldest 34:18	66:8 96:6 132:13	187:13 211:2	option 247:8
138:16	Olivier 5:9 86:15	opening	314:11	options 181:4
140:16	Olsen 6:19			
141:6,15				
159:3				
169:23				
170:10				
172:13				
176:5				
178:5				
179:18				
183:8,14				
185:6,18				
187:24				
192:2,9,15				
193:12				
195:14				
199:5				
200:5,7				
201:4,10				
202:23				
203:2,7				

oral 106:9	21:15	overlaps	207:3	296:14
232:16	56:15 64:9	149:23	208:7	316:24,25
order 11:4	125:16	254:3	paper 247:4	particularly
18:11,22	130:8,9	overlays	par 116:8	38:2 42:8
37:9 40:23	328:22	89:7	parcel 99:2	57:9 91:16
72:3 85:25	outcome	overlooking	parcels	278:11
110:11	35:22	27:8	75:15	302:13,25
113:18	outermost	overnight	pardon 183:3	316:18
114:8	81:13	28:5 35:8	249:13	parties 16:4
134:10	outing 33:5	62:12	309:15	17:13
135:11	34:2	over-	310:20	18:9,12,21
143:14	outline	represents	312:19	30:12
167:5	144:16	314:20	314:7,20	31:4,6
176:23	215:22	oversee	316:10	46:24 47:7
178:10,25	outlined	39:14	park 4:15	92:23
182:12,20	255:16	oversight	230:16	128:4
236:21,22	286:5	183:6	parkies	135:1,5,6
239:11	outlines	235:5,7	301:9	136:17
259:1	165:8	overview	Parks 195:20	137:18
267:19	outlining	144:12	participant	138:10
272:25	194:4	Owl 255:25	59:6	161:18,22
280:10,19	outside	owned 43:24	participants	162:7
289:20	283:23	44:8	58:9 105:9	164:25
303:18	284:25		participate	181:6
323:12	286:8		59:5 135:2	182:16
326:9	287:8		138:11	184:8,11
organization	outstanding	p.m 134:6,7	140:14	234:13
19:13,14	47:4	159:12,13	142:14	235:7
organization	overall	213:24,25	195:8	245:7
s 194:6,15	142:10	300:7,8	197:9,11,2	257:23
organize	149:20	323:10	1 274:3	293:14,15
194:12	155:3	325:9	276:10	310:23
organized	187:21	326:4,5	310:23	317:8
129:14	210:23	334:6	participatin	partly 99:17
orientation	212:9	package	g 112:5	partnering
166:1	233:7	22:12	participatio	48:10
original	257:9	212:10	n 47:8	partners
15:24	313:21	page 7:2 8:2	79:16,22	165:16
21:24	317:9	9:2 10:2	80:14	180:4
24:14	overestimate	18:12	164:4	195:2,6,11
originally	283:21	312:19,21	212:7,20	206:2
42:7	over-harvest	Panayi 3:4	273:23	255:5
others 88:21	254:25	163:3,4	particular	258:16
317:20	overland	168:5	57:16	partnership
otthers 69:11	45:3 46:1	173:11	94:17,18	130:10
ought 95:1,6	overlap	184:24	96:1	party 18:14
ours 123:13	283:25	185:11	266:25	180:23,25
ourselves		199:25		294:25
		200:2,18		Parviainen
				2:23

pass 23:5	191:12	262:1	70:2,5	230:13,20
63:12	198:24	264:4,24	71:25	231:11,15,
284:10	patterns	273:5	72:2,8,15,	23
passed	189:1	277:14	21	232:7,10,1
24:21,22,2	190:17	281:23	73:6,14,19	2,14,24
3 25:2,4,9	Paul 2:3	289:23	,21 74:9	233:6
32:6,13,16	3:25 6:5	290:3,23	75:7 76:19	235:13,16
,22 53:13	13:22	291:16	77:18 78:7	247:10
66:18	14:16	292:1,18	79:16,22	266:21
102:11	PAUSE 20:1	293:9	84:25	268:14
117:21	71:14 81:4	294:21	85:10,15	295:20
218:8	82:25	296:1	92:25	300:3
passing 28:3	89:19	299:24	93:20	311:8
32:12	95:15 97:6	303:8	94:20	312:22
34:16 66:7	99:12	304:5	97:23	322:21
67:8	100:9	305:16,21	98:11,17,2	323:5,13
passion	101:24	324:17	5 99:20	324:1,2,15
64:13	109:12	325:5	103:5	325:19
passionate	119:12	329:1	105:12	332:8
62:22 67:2	131:1	333:18	106:10	333:6
past 21:25	138:1	payment	109:9	peoples
23:23 35:6	146:4	181:4	110:9,14	157:9
55:14	155:9,25	peaceful	111:16	194:22
108:25	157:3	70:23	112:19	people's
115:18,22	158:5	peer 81:24	116:8	148:13
116:18	159:6	154:19	117:16	per 90:23
171:21	163:1	people 13:5	118:2	146:11
181:20	168:3	14:18	119:19,24	154:19
215:19	169:10	21:9,11,18	120:3,6	186:21
216:18	170:13,22	,24 23:23	121:19	270:24
217:17	172:16	25:12	126:13	percent
219:10	173:3	27:15,23	129:15	46:11
220:12,13	185:9	28:20	132:25	146:25
221:9	189:8	29:16,21	133:7	148:6
226:25	191:6	30:10,14,1	143:25	150:12
231:5	198:12	7 34:21	145:16	151:7
308:20	199:10	39:19	149:2	154:9
314:10,13	205:21	43:9,15,19	159:1,17	189:23
323:25	207:1	,23	165:23	224:9
Pat 2:17	208:5	44:4,19	167:5	283:18
13:10 40:1	211:18	46:21	174:3	percentage
path 42:15	212:3	47:4,11	175:3,18	316:16
65:21	236:4	48:8,13	177:1,3	Percy 1:16
124:25	237:2	49:4 50:17	182:4,7	12:23
127:22	239:16	51:14,21	184:11	133:15,17
211:5	244:10	52:1,15	191:14	207:17,18
212:19	246:22	53:10 56:6	194:5	252:11,12
pathways	248:18	60:23,24	195:3,21	276:14,16
136:20,21	249:7	63:3,10,11	217:4	299:13,14
157:5	253:5	,12,13	218:5	306:6,7
	258:22	66:12	220:21	321:25
	260:9	67:16	222:3,15	
	261:12		223:7	
			229:18	

322:2	43:9	275:12	279:22	143:9,18
Peregrine	permit	313:15	280:9	155:21
255:24	43:1,11	315:8	picture	160:17
perhaps 89:9	79:18	317:23	72:25	161:1,25
91:12	152:18	perspectives	109:24	163:11,14,
158:19	227:21	201:23	110:5,7	16
175:14	246:10	pertain 90:4	112:13	165:4,5,9,
186:21	248:4	292:8	220:3	20
201:8	274:12,14	pertaining	317:6	166:10,14,
205:13	287:2	108:21	318:3	19,22
266:21	310:2	Peter 13:3,4	Pido 13:9	167:4,9
269:21	permits 9:10	phase 43:4	322:22	178:12,13,
273:23	245:14,18,	165:19	piece 76:9	17,18
275:4	20	234:9	100:22	179:22
310:2	246:14,17	phases	102:4	180:1,6,8
314:9	249:18	118:25	332:12	182:5,9,15
317:4	250:23	152:11	pillaged	184:17
325:22	272:17	164:10	75:5	185:2,3
perimeter	permitted	199:2	pink 57:23	186:1
286:21	79:17	PhD 82:1	pinpoint	188:6
period	permitting	phone 3:24	102:3	194:4
7:11,18,22	86:8	phonetic	pit 15:16	195:4,12
8:5,9,13,1	142:17	4:5,14,22	38:22	197:10,12
7 70:14	165:19	11:13,14	132:13	201:21,25
78:22	234:9,11,2	13:4,10	placed 81:17	207:6
109:22	1 245:14	24:21	83:9 194:3	210:22,24
114:2	246:3	28:2,7	325:17	214:16
115:9	247:1	32:4,6	placement	238:2
167:1	person 24:8	33:1 34:19	104:3	255:15
175:1	27:17	43:16	places 52:15	257:11,12,
228:22	53:13	75:20,22,2	62:11	14 261:1,5
229:24	55:18,19	3,25	64:4,5	282:4
231:16,21	108:8	85:5,7,9,1	68:25 70:2	287:23
237:4	130:2	3 98:8,9	72:11,12	288:3
259:7	personal	175:20	84:18	299:20
289:14	34:13	200:14	89:2,4,12	300:15
303:16	48:13	201:15	90:7 93:11	308:8,13
319:7	personally	218:14	Plain 269:9	309:9,20
332:11	24:8 70:25	232:21	plains 145:6	311:5,14
periods	72:23	233:21,22	147:19	316:2
254:17	personnel	268:10	plan 7:13,20	planned
periphery	166:1	276:6	8:3,7,11,1	161:13
147:13,22	perspective	photo 279:13	5 36:20	315:21
150:14	93:21	photos	38:20	planning
permanent	108:7	279:15	128:18	92:13
68:13	109:4	phrase 31:17	129:8	196:24
152:9	146:13	physically	133:4	207:25
permissible	181:19	35:6	142:9,10	288:9
86:10	202:1			316:5
permission	215:7			plans

185:4,14	35:1	67:9 84:17	198:5	291:10
196:24	plenty 32:15	89:23	220:16,17	295:8,23
197:3,13	pli 78:16	90:17,21	221:8,11,1	possibilitie
202:3	plin 78:16	101:3	3	s 207:8
209:5	plus 91:14	140:19	224:8,11,1	possibility
219:18	153:8	157:7	9,20 257:3	298:23
257:16	point 30:19	193:24	280:10	possible
261:18,20	41:23 61:4	228:3	281:8	26:12,22
285:14	63:9 73:8	policies	302:1,9	59:1
plant 51:20	85:19	166:7	313:21	114:14
68:16	90:18,21	203:20	316:12	142:8
88:19	93:25	208:12,17	318:9	161:17
plant-	100:19,25	policy 48:11	populations	171:9
gathering	125:2	156:24	171:15	211:4
69:12	146:11	166:2,6	254:15	286:9
plants	149:8	208:16	port 153:16	287:9
51:18,21	163:23	political	315:21	311:19
53:23	168:7,18	76:12	portion	333:4,6
104:14	171:16	296:6	148:9	possibly
111:20	172:4	politics	172:24	274:11
plausible	173:13	38:13	225:19	298:20
270:25	175:22	pollutants	282:16	319:5
play 286:14	177:23	52:3 53:2	284:4	post 149:25
please 17:11	178:16	polluted	285:2	333:4
18:16 19:8	189:23	51:23 55:4	329:13	post-calving
135:8	191:21	63:18 65:1	331:12	151:14
158:9	210:10,17	pollution	pose 286:23	316:19
176:8	211:10	64:1	position	posted
196:19	213:16	pollutions	135:9	282:22
214:24	214:19	66:10	142:12	posterity
239:25	222:24	polygon	151:13	315:5
241:16	245:13	151:15	183:19	potential
253:7	246:8	polygons	209:15	16:8,10
259:20	269:15,19	59:2 70:1	278:8	57:7,15
263:6	270:24	pond 55:25	296:12	140:24
265:21	289:12	56:2	309:2	149:9
279:5	308:4	ponds 56:4	332:10	156:3,6
281:25	309:8	poor 153:25	positioned	166:15,16
291:24	313:7	313:5	147:13	169:3
318:18	317:12	poorly 313:5	positive	172:5
322:25	pointed	populated	183:22	177:5
329:6	106:14	188:16	positively	181:14
pleased	188:12	population	38:25	205:25
38:19	224:17	147:5	possess	206:10
43:20	244:15	171:16,17	290:20	229:7,8
307:16	301:19	190:21	300:24	231:19
plebiscite	pointing	192:8	possession	236:12
46:10	105:20		295:20	238:17
plentiful	301:2		possessors	239:8
	points 59:2			240:5

254:20,24	20:12,13,1	137:13	111:8	199:8
266:23	8 21:4	138:12	114:8,21,2	201:8,13
274:17	30:7 35:21	229:2	4 115:2	203:18
283:7	36:10,11	pre-	150:17	207:23
285:15	333:1,16,2	disturbanc	270:10	208:9
potentially	3,25	e 288:4	275:9,18	209:4
57:5	prayers 64:6	predominant	276:1	213:19
215:20	pre 17:12	147:2	278:5	214:15,23
227:10	86:8 90:20	prefer	325:20	215:1,10,1
229:17	preamble	158:18	332:12	1,25
232:23	79:10	preferred	presentation	227:25
274:19	precautionar	70:18,24	7:10,14,21	236:18,19,
power 296:13	y 302:11	151:7,8	8:4,8,12,1	25 237:13
powerpoint	precedence	pre-field	6 17:17	238:1,12
88:6 89:7	76:20	80:8	18:11,19,2	239:9
263:2,22	310:17	pre-hearing	0,23 21:19	240:6
Powerpoint	precedent	31:2	22:1 29:20	251:10,20
157:13	302:18	prehistoric	36:6,15,16	252:3,16,1
pr 85:20	precious	114:23	,18 43:8	8,20,22
practice	157:22	prelim 31:22	49:1,10,20	253:2,9
57:11 60:3	precise	preliminary	50:2,5,11	258:20,25
62:18 64:2	136:1	31:23	53:19	259:2,5,12
70:19 71:1	222:16	56:17 60:7	56:14 58:1	,17 262:25
90:17,23	313:9	70:11 71:4	60:20	272:6
91:3,19	precisely	74:11	63:15	276:15
92:21	125:15	78:17	71:11	277:2
111:10	precision	102:19	74:10	278:22
187:6	125:6	281:8	79:2,8	279:3,8
208:21	predators	premier	84:3,11	281:18
232:15	145:16	38:11	86:2,12	282:5,10
practices	predi 136:19	prepare	87:13	289:11,17
141:25	predict 45:9	110:11	106:9	291:6,22
185:24	predicted	250:9	111:17	292:9,14,2
186:2,8,9,	44:12	324:14	115:1,7	5
11,16,19	66:13	prepared	118:16	293:4,12,2
187:12	154:16	138:9	120:25	3 294:3
234:19	315:5	198:16	122:16	296:6,8,19
260:4	316:14	205:1	131:16	,22
272:9	predicting	238:18	132:16	297:4,10,1
311:3	192:12	296:24	134:3	6,21
practise	prediction	pres 132:10	143:1,9,19	298:1,6
70:3	171:17	presence	144:6,11,1	299:18,19
practising	318:15	38:15 39:7	6 147:11	300:13,16
70:3	predictions	127:10,11	157:13	301:19
pray 131:7	93:23	164:15,22	160:18	303:11,12,
prayer	136:19,22	present 10:4	162:24	20,22
11:9,10,12		14:9 80:14	163:18	304:9,14,1
,15,17			166:21,24	9 305:8
19:22			167:3,6,13	306:1,10,2
			173:18	0,25
			176:21	307:6,10,1
			188:1,6,11	2,13
			189:12	308:6,7,10
				,14

318:21,22, 23 319:3 320:5,11 321:1,7,11 ,20 322:5 327:15 presentation s 21:16 37:8 260:14 291:21 299:22 324:4 332:9 presented 90:20 106:20 111:3,17 114:5 149:1 195:1,2 268:5,8 294:3 308:24 presenter 84:16 94:1 238:5 262:9 289:19 300:11 320:2 321:11 presenters 17:19 48:17 78:24 85:19,22 132:11 214:3,13 267:16 322:19 preserve 75:7 114:16 president 14:4 38:14,17 39:25 54:7 183:20 267:17 presumably	205:10 pretty 111:17 265:25 326:19 prevalent 301:8 prevent 248:2 256:7 previous 45:18 80:11 115:19,21 166:24 203:19 267:15 309:22 previously 226:21 231:17 316:7 pri 318:3 primarily 149:10 240:9 primary 180:22 191:12 253:25 254:18 Prince 79:17 principle 138:5 302:11 308:20 principles 234:23 245:8 prior 25:21 56:7 79:24 129:15 234:10 246:25 284:14 287:13 318:4 pristine	153:6 private 40:17 285:6 pro 40:8 147:6 166:7 185:13 probability 287:16 probably 27:12 42:10 48:23 50:24 71:19,21 91:11 99:5 108:8 129:8 134:19 187:3 193:6 197:15 249:11 264:15 265:24 269:15,17 283:21 296:13,14 310:17 331:18 problem 158:25 208:22 232:2 268:16 problems 208:24 271:6 procedural 141:3 procedure 94:7 procedures 80:5 proceed 12:12 15:1 20:6 31:13 43:14	47:13 109:6 141:14 145:3 160:24 253:7 259:20 291:24 327:9 332:19 proceedings 17:7 119:4 123:4 130:21 process 30:20 35:23 46:22 59:1 71:18 74:14 75:2,3 85:21 104:10 121:7 137:11 140:6,14 142:17 177:24,25 185:16 234:11 242:17,20 246:3 247:1,19 255:9 257:23 279:17 280:9,11 291:20 310:23 processing 46:5 produce 41:1 89:1 274:15 producing 18:5 90:13 product 181:3 production 13:10	15:18 profitable 310:12 program 43:1 80:15 156:25 163:11,19 164:8 165:8,11,1 3,19 178:2 194:14 209:23 233:5 234:1 236:1 241:21 243:3,8,14 244:16 246:2 257:21 258:4 273:9 274:7,13 309:17,21 310:19,20, 25 311:9 312:6,16 programs 79:17,21 128:15 129:9 184:17 185:1 209:20 progress 186:1 prohibition 166:8 prohibitions 286:3 project 1:6 9:12 11:6 15:11,19 34:8 38:18 39:4 40:1,8 44:15,18,2 1 45:1,8 46:25 47:10,13,1 5,23 50:10
--	---	--	---	---

56:22	199:2	project-	315:12	227:11,12
57:6,7	201:2,3	specific	316:14	232:25
58:13 59:9	202:22	202:1	318:1	233:1
67:19,21,2	203:20	promise	proponent's	235:11
2	210:22	185:22	182:25	282:13,17,
68:10,12,1	229:11	promises	233:14	23,25
8 71:2,5	234:19	43:18,22	283:12	283:3,8,14
80:21	238:20	promising	309:12	,16
82:18 85:4	242:4,7	42:25	propor	284:8,23
91:7 92:11	243:5	proof 52:11	309:12	285:2,5
96:3	247:23	proper 55:23	proportion	286:18
106:18	248:2,5	221:13	206:15	288:8
119:23	249:19	269:16	283:22	289:8
131:18,22	250:25	properly	proposal	324:4
132:1,23	254:2,3	19:11	21:14 45:6	proposing
145:19	257:8	property	110:8	45:25
146:2,15,1	266:10	42:25	139:18	89:5,14
8,19	267:19	79:14	179:8	288:21
147:12,13,	272:9	proponent	200:13,14	315:20
19,20,21,2	273:1	38:18 86:9	238:19	protect
4	278:11	167:16	255:13	36:1,2
148:7,8,9,	282:16	176:3	268:8	51:15 52:3
15,18,23	283:2,6,13	177:18	proposals	54:3 63:2
149:3,24	,22	181:8,23	45:4 136:3	75:7 76:8
150:11,13,	284:3,14	184:21,22	propose	176:25
23 151:21	285:13,17,	188:9	95:10	221:4
152:11,25	21 300:25	194:18	245:21	239:11
153:8,15,1	302:23	195:18	proposed	272:25
6,21	307:18,19	196:4,10,1	15:12	316:4
154:7,11,1	310:24	3 198:6	16:5,8	protected
3	313:14	215:17	23:14,19	55:9 61:24
155:5,11,1	315:22	229:14,25	30:9 31:15	64:1 92:16
4,19	316:9	231:9	39:2 46:17	95:1 194:8
156:3,8,24	317:3,19	233:17,25	54:7,11,16	235:23
157:1,10,1	324:5,23	234:10	57:5,17	287:20
8,25 161:8	329:12	245:7	65:11,12	295:9
163:9,20	331:13	259:21	67:4,23,25	302:18
164:4,11,2	332:1,3,8	260:17,24	80:4 82:18	protecting
1,23	project-	261:16,17	137:14	64:15
165:21	related	269:25	147:7	93:10,11
168:9,24	260:22	283:6	153:14,17	protection
169:5	projects	285:7,10,1	155:6,20	95:25
171:2	5:13	9	167:16	256:7
172:22	39:12,17	286:3,7,16	173:21	260:25
173:18	41:13,15	287:4	200:20	261:6
176:14	42:13 80:7	288:8,10	207:5	275:5
182:10,13,	155:5,6	289:1	209:21	protective
19	200:20	301:22	215:20	137:6
184:7,12	201:1	309:7	223:19	protocols
189:19	313:25	314:12	224:1,23	58:24
191:17	314:5		225:14	258:10
192:17	316:10			
193:1,3				
195:13				

288:3	127:12,21	5	317:1	239:7
proud 39:4	143:22	publically	quantity	240:4,11,1
130:13	183:22	39:8	57:10	4 248:15
proudly	202:20	publication	que 18:20	249:22,23
43:21	254:23	146:9	ques 321:2	250:3,14
proven	322:22	publicly	quest 298:16	258:7
155:18	provinces	179:23	question	259:7,19
156:13	98:6	pumped 41:5	7:11,18,22	260:7
provide	provincial	purpose 42:1	8:5,9,13,1	262:4
31:12 40:7	98:7	270:11	7 9:4	263:20
44:1	psychology	purposes	21:12	264:22
46:13,16	126:14	83:12	25:23	268:25
48:10	127:6	91:17	78:22	274:22
58:21 96:7	129:23	180:22	80:19 81:8	275:20
125:5	ptarmigans	263:6	82:14,16	277:1
138:10	27:1	purses	84:15	281:1
143:23	publi 83:9	232:22	85:22	289:14
144:11	public 1:5	pursue 42:7	91:18 93:9	291:8,24
164:3,20	11:4,5,6	110:6	94:10 96:8	292:13,22
180:25	12:1,13,20	push 158:11	97:9 99:19	293:7
183:25	15:2,7,22	317:20	102:2	294:17,18
184:1	16:4	pushed	103:6	295:3
187:22	18:7,16	323:14	108:3	298:17
253:19	19:6,7	pushes 37:15	109:7	299:11
274:17	21:21	pushing	110:17,22	303:16
283:7	22:5,13	214:17	111:24	305:25
308:21	30:20 31:4	putting	112:9	319:7
310:22	38:4 41:24	291:22	124:23	322:25
312:9	42:1 43:8	296:5	125:5,11	324:21
324:14	64:8 74:8	<hr/>	162:24	328:2,11
provided	81:20 83:9	Q	167:1,5,6,15	330:15
13:9 57:20	114:21	qualificatio	170:1,5,11	332:11
92:10	137:11	ns 315:11	172:21	questionable
102:6	142:4	qualitative	175:22	74:24
107:9	161:10,20	59:11 60:8	176:4	questioned
123:18	162:16	103:16	177:16,18,22 179:6	55:16
144:1,8,10	164:6	171:8,11	182:23	questioning
145:22	214:7	quality	183:13,17	18:22 37:9
174:2	223:24	46:19	185:12,22	297:2
181:11	261:24	57:10	186:5	questions
253:18	268:8	151:2	189:11	17:17
265:18	281:12	quantified	194:2,10	18:10,11,1
285:4	282:24	189:18,25	196:19	4,15,17,21
315:1	292:25	190:1	198:3,10,1	21:19 31:4
provides	293:1,13,18	quantify	6 200:10	36:18,21,2
125:2	320:20,23	171:9	202:11	4 37:15
127:7	327:5,23		204:13	47:19 68:7
310:21	329:10		207:4	79:4,7,11
providing	330:6,8		237:4	83:5,20,23
77:25	331:2,17,2		238:18	84:2,5
121:3				86:1,9,11,16,20

87:1,5,10	253:2	49:11	306:9,11	206:15
96:14	258:7	160:8	321:22,23	225:4,6,7,
101:10,12	259:4,9,11	268:18	326:14	14,20,23
105:6	,14,16	279:7	Racher 5:16	226:3
106:5	262:5,9,18	326:8	14:13	228:12
107:14	263:12	quickly	rack 28:11	230:15
111:23	274:6	56:14,15	radiating	231:15
119:16	276:17	67:15 68:2	189:3	233:11
120:24	278:21	quite 25:13	raised 25:1	240:24
121:2	289:12,18,	28:11	48:18	254:3,16
123:6	19	119:22	50:22	256:5
125:1	290:8,12,1	193:17	52:22	257:4,5
128:7	7	331:23	55:21	267:1
131:4	291:20,22	quote	63:4,5	270:12
133:18	292:8	311:17,20	89:24	282:17
143:16	293:22	quoted 268:9	254:18	283:3,11,1
158:8	296:4,7,10	<hr/>	raising	5,20,24
160:19	,11,16,18	R	308:1	284:1,4,7,
162:22	297:5,9,12	Rabbit 75:19	ran 92:15	11,14,21
166:23	,18,23,25	rabbits 27:1	randomizatio	285:1,23,2
167:7,14	298:8,12	69:11	n 93:20	5 313:17
172:14	299:6,10,1	Rabesca 13:5	randomize	316:6,11,1
174:17	5	39:22	90:18	6,21
178:2,3,23	303:18,21,	43:17	randomized	318:6,7
179:3,5,13	25	170:19	90:22	ranges
180:18	304:11,13,	Rachel 1:17	92:15 93:6	149:20
188:9	16,18,21,2	6:19 12:24	randomizing	151:16,17
197:25	4	50:7,8	91:5	233:9
199:7,17	305:2,4,11	56:13,20	range 52:12	253:25
201:5,7,12	306:3,7,9,	57:2 67:14	145:8,11	283:1
,17	12,15,20	81:6,25	146:24	316:17,24
202:24,25	319:9,14,1	82:1 83:1	147:3,6,14	rank 224:5
203:6,12,1	8,22	89:21	,16,22,25	Ransom 4:18
7	320:2,4,8,	102:21	148:7,10	rapid 230:7
207:15,19	10	103:12	149:13,14,	rarely 219:7
211:16	321:1,3,7,	104:20	19,20,23,2	rate 41:22
212:22,24	12,16,20,2	105:19	4	183:22
213:2,7,11	4 322:3	106:2,24	150:5,10,1	rather 160:9
,15,16	324:9	131:11,15	3,14,18,19	228:22
214:19	330:7	133:15	,24	243:14
223:14	question's	134:1	151:1,8,11	277:8
227:7	29:12	207:21,22	,12,14,15,	rationale
236:20,22,	Questions	209:2,3,17	16,18,22,2	183:12
24	19:9 84:10	,18	3 152:2,5	314:22
237:9,15,2	251:9	211:10,16,	154:9,18	raw 41:1,4
1,25	262:25	20,25	169:20	Rayrock 55:8
238:5,8,11	276:14	212:22,23	171:20,24,	70:10
,15	291:4	252:5,6	25 172:9	re 27:18
241:8,12	297:3,7,15	276:19,20	173:16,20	147:18
242:17	,20 298:5	299:9,10		
249:5	304:8			
251:5,14,1	quick 16:21			
9				
252:3,7,13				

181:12	222:20,23	185:17	250:22	43:22
248:15	223:16		260:17,21	81:18,21
285:12	228:18,21	recent	261:16	83:9
303:5	235:20	254:22	264:16	94:2,3
reach 47:14	242:5	312:17	285:4,9,18	119:2
48:1	245:18	recently	294:13	135:20
212:16	246:12	24:22 33:7	298:21	137:20
246:17	248:1	45:17	317:24	139:2
255:1	275:13	205:15	recommendati	155:16
reached	281:17	recessing	ons	160:25
15:21	322:20	49:15	87:13,16	161:24
136:3	323:11	134:6	104:3	174:13,15,
reading	327:1,16	159:12	140:1	20 241:15
63:14	328:3,7	213:24	178:9	263:3
77:17	reason 22:14	300:7	236:7	265:8,21
186:7	23:5,9	326:4	260:12	274:25
ready 213:18	26:23	reco 247:6	263:3,4	275:8
reaffirm	28:17 29:2	recognition	264:7	303:12
142:2	50:18 52:8	34:11	265:3,4	310:6
real 229:18	61:17	recognize	277:4	318:23
232:3	62:20	40:22	278:14	recorded
302:4	106:13	159:20	280:4	68:11,18,2
reality	114:14	160:2	285:8	4
272:14,16	129:13	170:16	294:2	69:3,13,17
really 19:24	171:22	254:14	296:23	,19,25
27:25	177:1	309:6	recommended	70:3 73:23
29:23	216:21,23	recognized	216:8	77:14
32:18 34:2	220:9	22:14	233:16,23	102:13
52:10,19	221:1	recognizes	234:6,24	106:19
54:3,5,21	246:25	144:25	266:18	109:1
58:12	270:1	257:19	272:5,20	114:7
62:22	reasonable	recognizing	275:6	recorder
66:12,15	41:22	204:24	277:3	13:8
72:25	reasonably	259:22	291:12	recording
73:10,24	153:13	recollect	recommending	58:23
89:8 91:5	200:19,25	294:3	156:23	114:11
95:6 97:1	reasons 82:4	recommend	176:22	117:21
98:4 99:4	176:24	236:10	272:15	records
103:20	230:21	302:24	recommends	119:4
109:15	receive 46:5	303:2	287:7,12,2	recourse
122:22	95:18,20	310:18	2 288:25	181:4
123:16	104:16	312:12	289:9	260:1,5
125:20	138:6	recommendati	294:5	recover
126:13,14	209:13	on 9:9	reconnaissan	224:6
137:9	312:8	80:10	ce 80:9	232:2
176:1	received	196:1	reconsider	recovery
183:11,13	43:14	234:24	136:18	207:7
193:20	46:11 47:7	241:13,25	recor 59:25	224:5
215:16	121:6	249:17	record	229:7
216:2	receiving	140:22	19:11,15	254:12
				257:2,14

282:23,25	118:6	60:15	273:15,16	235:4
283:4	146:7	61:21	regional-	relate
red 289:2,3	200:11	133:19	scale	88:15,22,2
reduce	265:5	143:3	273:24	3 89:3
164:1,18	referring	153:2	regions 98:5	265:25
166:4	96:19,20	160:14	147:18	related 21:9
203:21	118:9	163:8,19	registry	41:14 90:7
208:24	186:12	164:7	18:7 121:6	91:25
288:18	199:21	165:1	142:4	154:25
289:4	200:1,3,19	166:21	148:5	191:14
reduced	245:15	201:20	157:14	236:8
189:20,24	296:23	291:6	223:24	312:21
reduces	reflect	292:14	282:24	relates
289:6	318:10	293:22	293:1,2,13	57:14 88:8
reducing	reflected	296:5	,18	186:20
166:12,15	85:12	303:19	320:20,23	relation
183:5	reflecting	307:9,18	333:5	57:4
220:17	136:13	318:11	regul 313:5	151:21
reduction	reflection	regimen	regular	206:1
154:13	136:10	312:14	39:15 46:5	relationship
189:16	regard 140:4	region 21:2	164:5	47:11
192:14	141:5	22:4 31:16	186:24	76:19,20
219:11	188:11	32:2	regularly	89:12
220:15	198:4	36:1,3	180:11	182:7
221:8	198:4	38:14	301:5	184:8
reductions	291:13	39:21	regulated	relationship
144:25	294:1	42:11	313:4	s 48:8
reevaluated	regarding	57:15	regulation	relative
310:15	16:5 22:25	64:10,15	126:24	95:5
refer 97:18	24:5 59:25	80:8 82:6	310:4	153:21
124:1,2	60:17	85:16	regulations	224:14
269:19	79:25	117:20	219:16	226:13
reference	107:22,24	144:13	286:6	relatively
81:15	109:20	145:6,7,10	287:3,6	44:9
144:4	110:22	,13,25	regulator	225:18
153:4	111:24	146:8	181:7	228:6
168:7,11	167:3	149:15	regulators	released
176:11	188:5	157:17	183:25	93:16
294:9	208:1	159:21	regulatory	140:11
301:24	209:19,20	174:4	39:24	207:7
314:25	215:7	261:4	244:15	224:6
referenced	219:10	323:19	245:17	254:7
153:11	220:15	regional	261:1	298:18
310:1	221:2	21:13	274:18	relevant
references	223:16	57:24	313:3	288:12
96:25	regardless	58:14	Rein 2:22	reliable
referred	172:1	67:24	198:15,17	46:14
113:4	181:13	69:18 71:3	rejected	70:23
	208:10	202:21		
	309:21	253:12,14,		
	regards	15		
		258:8,13		

223:25	remove 33:15	91:14,20,2	312:13,14	310:19
relied 72:8	removed	2 92:9,22	reports	required
97:24	73:18,21	93:6,19	81:22	165:12
102:10	removing	95:19,20,2	93:16	183:24
301:5	92:14	2 101:19	151:6	208:11
relive 25:14	316:11	103:1,25	164:6	235:8
rely 25:14	Renewable	105:4,12	represent	requirement
26:22	146:9	106:8	283:18	245:14
60:23 76:5	149:5	107:9	317:11,22	requirements
273:10	164:24	115:8,12	representati	17:14,15
309:22	165:3,17	121:4,5	ve 190:13	92:24
311:8	177:8	125:3,6	193:23	165:20
317:18	180:5	133:19	representati	208:13
remain 78:5	256:24	134:16	ves 127:9	282:21
156:8	258:17	135:1	201:24	288:21
162:8	261:1	137:1	275:12	289:2
remaining	285:12	138:8,23	represents	requires
204:23	re-occurring	139:3,25	314:20	205:7
205:1,16	208:23	140:22	request	requiring
remains	rep 95:4	141:13	31:5,13	318:1
103:7	Repaso-	144:4,5	43:9,21	reschedule
230:4	Subang	146:22	48:20	15:25
remark 15:2	2:21	148:11	134:19	158:22
remarks 7:5	repeat	151:6	135:8,10,1	research
14:23,24,2	329:6,9	157:6	6,19 137:9	80:15 82:5
5 15:5	repeated	160:6,19,2	138:21,25	102:8,12,1
36:6,9,11,	208:23	0,22 162:9	139:1	5 103:21
14 37:18	repeatedly	163:14	142:16	109:20
48:16,19	315:16	200:21	160:5,15	111:1
86:7,9	replace	236:9,15	169:1	112:15
118:6	53:22	247:7,17	261:8	114:17
201:17	reply 248:13	253:18,24	320:17	131:24
302:2	repopulate	256:2	330:4	132:4
remedy	169:18	268:5,10	requested	145:12
196:14,19,	223:8	274:16	134:15	151:9
22	report 10:3	275:1,8	148:12	253:17
remember	16:16	276:1	283:6	267:5
27:16	22:10	277:20,23	323:25	314:13
34:23	31:22	281:2,3,5,	325:24	researchers
116:17	43:21	11 282:15	requests	154:14
186:7	59:13	286:12	23:11	reserve
267:14	74:23	313:25	144:9	277:8
301:7	78:16	reported	162:12,13	resi 191:11
326:13	81:17,21	59:12 95:8	286:11	residence
reminded	82:3,8	108:13	313:18	46:12
166:2,4,6	87:18,19	146:10	326:21	residents
264:10	89:1,11	255:20	require	17:4 23:13
308:2	90:13	reporting	256:6	317:17
		80:10 95:3	260:2	
		172:22		
		258:3		
		261:22		

residual	141:1	285:8	303:5	96:11,16
191:11	163:16	286:10	318:14	99:10
203:23	181:19	294:1	320:22	101:9
206:10	182:24	309:24	resuming	103:21
resilience	183:2	responses	49:16	106:16
193:10	203:22	58:23	134:7	118:17
226:7	254:1	responsibili	159:13	120:9
resolution	272:16,24	ty 120:10	213:25	137:13
95:18,20	275:4	128:3	300:8	138:11
212:17	278:11	141:3	326:5	140:1
resolve 47:4	294:2	254:8	retire 276:8	154:20
resource	296:21	responsible	retrieve	160:22
16:25	300:10	41:9 194:6	50:24	163:12,15
41:15	310:9	256:12	return 41:22	191:10
57:14	315:11	261:2	183:22	203:14,17
79:13	323:5	287:4	184:1	204:7
116:2	respectful	288:14	201:16	206:12,23,
151:2	18:1 145:3	296:15	277:23	25
302:20	159:24	responsibly	317:20	207:12,15
resources	184:13	41:12	318:15	241:9
5:24 19:4	195:23	rest 72:14	returning	243:10,23
40:2,13	respectfully	141:12	33:25 34:1	244:23
57:10 60:1	116:21	230:17	reuse 53:24	245:9
71:7,8	323:4	restate	reverse	246:5
113:10	31:7	295:5	236:22	247:12,17
139:14	respects	restrictions	reversed	250:9
141:7,9,10	126:21	167:19	313:11	251:5
,24 146:9	127:22	177:10	reversible	253:19
149:6	141:20	231:3	155:2	257:12
164:24	respond	result 87:17	review	262:24
165:3,17	48:18	154:7,11,1	1:3,10 7:5	263:17
177:8	176:7	2 155:16	10:3 12:22	275:8,25
180:5	248:15	156:3,7	15:9,23	278:5
203:10,12	responded	203:25	16:7,11,23	293:19
236:23	240:15	229:18	17:9 18:5	297:20
256:25	responding	254:20	19:4,6	298:20
258:17	172:20	311:12,22	22:13,16,1	302:24
261:1	response	313:1,2	9 23:11	305:24
262:22	128:12	resulted	29:14	306:5
285:11,12	154:24	272:13	30:24 31:2	309:14
289:21	169:1	resulting	38:6 46:22	312:18
290:21	178:9	271:23	47:19	313:8
305:18	190:4,12	results	79:19	320:25
311:15	193:17	80:18	81:24 87:8	326:23
312:7	202:15	134:16	88:1 89:3	reviewed
respect	207:4	141:22	90:25	265:18,24
17:16	239:22	223:10	91:13,22	reviewing
44:13	248:21	227:5	92:7,10,18	140:10
89:10	250:6	258:13	94:4 95:21	141:13
104:4				299:3
123:1				reviews
				74:14

revised	210:9	205:4	173:1,7,13	283:17
255:13	212:5	224:4	,14,20,24	284:9
285:3	238:13	253:23	174:9,10,2	316:9,10
revisit	239:3,4	255:21	2,24	Rob 5:24
298:20	240:1,2	256:5,8,10	175:3,6,8,	141:8
Rich 183:10	259:8	,11,13	24	
184:5	297:17	282:13,21,	176:13,14,	Robert 6:4
Richard	303:24	22,24	15,17,23	139:22,23
1:11,14	320:12,21	286:19,23	177:2,3,6	Robin 2:14
12:24 15:7	325:7	288:18	190:4	14:4
120:23	329:3,4	289:4,7	192:18	37:23,25
121:1	330:19,25	332:7	200:13,14	38:16
213:5,6	331:22	risks 164:18	224:16,24	48:16
251:22,23	rifles 177:3	199:3	226:8,11	robust 137:4
278:18,19	rights 57:11	river 52:1,3	227:3,12,1	233:5
298:9,11	60:3 70:20	53:14	3,16,18,20	rock 50:23
306:17,19	137:7	54:14	,21	51:3 65:19
321:14,15	195:22	55:24 65:3	229:16,24	rod-and-reel
Richea 6:3	196:10	80:5 99:3	230:1,9,12	295:15
86:24,25	197:1	rivers	,18,19	
richer 59:12	199:1	124:11	231:7,10,1	Rohs 4:14
richest	290:20	road 9:13	9,21	role 40:11
31:16	291:10,11	38:24	233:19	41:7
richness	292:15	44:25	238:20	roof 25:19
75:24	295:20,23	45:1,3,7,1	247:22	32:25
76:1,4,5	300:24	4,22	248:4	room 137:17
Rick 2:16	302:7,17,1	46:1,2,6,8	249:20	Ross 3:6
5:10	9,20,21	,13,18	251:2	5:11 6:9
14:1,2	307:20	67:4,6,24	266:23	139:6
37:21,22	317:14	68:1,22	267:20	rotations
39:23 79:9	rights-	79:14 80:4	268:13,14	44:21
82:15	bearing	145:10	271:12,14	46:7,17
83:10,21,2	195:21	146:15,20,	273:22	roughly
2	rigorous	21	282:17	99:23
141:18,19	185:3	147:13,25	283:2,8,10	103:7
158:7,9,15	186:13	148:8,10	,13,14,22	124:6
176:6,9	187:17	153:14,16	284:3,4,6,	150:10
177:13	309:17	154:14	9,22,23	284:2
178:7	310:25	156:24	285:2,6	round 29:3
179:20	Rinaldi 2:15	158:20	315:20,21,	230:14
182:2	14:3 39:24	161:9	22 324:23	313:18
183:10	ring 49:13	164:23	329:13	roundabout
184:5	107:5	167:16,21	331:13	78:15
194:25	Rio 183:4	168:9,10,1	332:3	route 25:24
196:17	rise 126:12	2,25	roads 69:15	79:14
197:6	rises 65:17	169:5,22	148:25	146:21
198:14	risk 73:20	170:9	154:19	153:15
204:19	155:21	171:1,2,4,	158:2	169:6
205:23	156:2	10,13,22,2	168:19	218:14,16,
209:9	198:19	3	174:5	
		172:1,4,8,	201:3	
		25	254:22	
			268:1	

20 226:23 227:4 routes 68:23 69:15 88:23 row 328:8 RSA 70:13 ru 51:16 ruin 51:16 52:4,5,6 rule 134:18 rules 74:14 142:15 219:16 ruling 7:16 48:20 142:22,23 143:5 160:5,10,1 3,15 162:12 296:21 322:13,14 326:21 running 14:19 rushed 165:14 rushing 214:17 Russ 4:13 rut 280:17 Ryan 3:18 <hr/> S <hr/> sacrifices 317:13 safe 46:13 114:14 156:8 safety 140:25 177:1 232:10 Sahtu 121:16 124:1,2,7	128:17 256:24 sake 195:10 247:16 sampling 187:18 202:17 261:23 Sandy 6:13 sang 35:21 Sara 5:18 224:4 Sarah 4:22 5:9 86:15 140:9 253:11,12 260:11 261:14 263:9,11,1 3 265:2 305:6 Sarah-Lacey 5:6 305:6,9,10 319:12 SARC 256:11,14, 20 257:15 Saskatchewan 46:4 150:9 233:13 sat 322:20 satellite 98:24 149:21 150:6 151:17 satisfied 239:10 270:19 saves 33:4 Saving 297:8 saw 129:18 158:2 173:17 188:11 194:11	233:13 scale 47:22 59:1 205:11 228:7,10 258:6,9 266:16 267:12 268:3,21 273:16,18, 19 scaled 258:13 scarce 312:7 scenario 153:6,11,1 2,18 scenarios 153:4 318:16 scepticism 115:14 schedule 15:24 45:8 161:16 255:23 282:20 331:1 scheduled 18:20 22:5 134:17 277:25 332:19 scheduling 115:11 324:8 school 29:11 34:9 35:19 130:12 schools 128:15 Schryer 2:16 14:1,2 37:21,22 39:23 79:9 82:15 83:10,21,2 2	141:18,19 158:7,9,15 176:6,9 177:14 178:7 179:20 182:2 183:10 184:5 194:25 196:17 197:6 198:14,15 204:19 205:23 209:9 210:9 212:5 238:13 239:3,4 240:1,2 259:8 297:17 303:24 311:10 320:12,21 325:7 329:3,4 330:19,25 331:22 Schryer's 184:22 science 74:18 113:12,16 114:19 116:5,8 117:18 233:19 234:16 242:25 261:7 269:15 science- based 312:6 scientific 31:10 122:2 123:3 132:14,17 138:7	192:3 211:13 223:25 228:22 256:17 280:2 312:4,5 scientifically 311:24 scoping 58:12 Scott 4:10 scratch 188:3 screen 194:3 se 26:17 Seabridge 314:5 searches 287:19 season 33:3 72:5,10 172:1,8 174:22 175:18 227:18 286:9 287:9 317:21 seasonal 45:3 46:1 149:23 151:16 316:17 second 82:14,16 159:4 176:7 177:1 194:2 233:23 239:7 285:18 309:4 333:2 secondary 103:22 secondhand
--	---	--	---	---

106:12,21	176:2	179:14	324:11	233:11
107:6	193:22	316:21	sets 90:1	Sharic
second-hand	227:24	separation	setting	237:19,20
59:6	307:13	75:11	33:19	sharing
section	sees 223:18	September	settle 21:13	101:17
73:17	293:1	22:4 30:21	28:20 72:6	251:13
196:9	selected	59:14 92:6	217:4	Shaun 39:22
197:1	61:23	103:1	settled	Shee 112:24
205:7	154:22	131:18	216:23	shelter 72:4
276:9	selection	134:17,21,	308:3	Shepard 2:18
286:5	151:3	22 135:18	settlement	40:2
290:20	self-	139:3	220:9	she's 34:7
291:2,10	government	140:22	255:14	265:7
292:15	61:22	160:7,23	seven 58:5	276:8
295:8,20,2	self-	250:8	105:10	shield 145:5
3 300:24	sustaining	series	seventeen	147:20
307:20	147:4	180:18	68:20	269:10
sector	semi-	254:9	seventy-nine	shift 232:8
40:14,16,1	structured	serious	69:4	shifting
7	58:20	190:22	seventy-two	77:2
sectors	SEMP 234:4	222:12	106:18,25	ship 46:3
41:21	send	serve 47:2	several	shoe 248:1
security	16:16,17	256:19	39:20	shoreline
33:14	23:25	257:16	203:19	96:19
sediments	293:4	service	256:18	shores
54:18	sense 35:10	39:11	Sh 139:13	124:10
seeing	77:8	282:9	shadow	short 6:11
192:20	95:4,11	services	113:13	109:22
196:6	120:14	43:24 44:2	Shafic	114:2
seek 233:3	124:13	46:21	139:13	115:9
323:15	180:24	129:20	274:10	144:15
seeking	296:22	session	290:11	179:4
316:3	sensible	31:3,6,13	304:20	202:14
seem 88:14	116:13	40:9 136:4	319:21	203:17
90:6 105:1	sensitive	141:11	333:3	227:11
295:16	316:18,23	158:21	Shannon 2:5	228:7,23
seems 52:25	sensory	197:8	14:17	229:24
53:20 54:3	149:18	248:23	share 109:15	231:21
113:12	152:22	250:7	122:6	236:20
217:22	154:12	313:19	215:4,6,17	253:2
219:5,7	155:4	324:14	229:19	Short-eared
225:20	189:15	sessions	shared 35:4	255:25
333:8	191:17	86:8 136:2	93:13	shortest
seen 34:15	sent 23:23	144:10	231:9	307:13
52:14,16	separate	164:6	266:1	shortly
55:25	79:13	168:21	shares	
113:15	80:17	248:24		
135:23		283:5		

161:11	97:22	267:6	288:10	69:9
short-term	110:13	simultaneous	sites 44:23	size 151:12
255:7	120:7	19:16 58:8	62:9	228:11
shot 97:13	141:23	singing	67:5,6	sizeable
showed 88:5	170:7	11:17	69:6 70:18	316:15
showing	172:24	20:18	78:1	sized 287:21
90:17	174:10,21	78:10	80:1,2,13,16	skidoos 62:4
284:12	175:6,10,1	single 257:4	82:6,7,10,17,21	skills 23:4
shown 18:12	3 176:2	316:2	83:13	skipping
80:11	199:3	317:21	88:19	332:2
97:15,16	204:1,5,12	sir 249:5	91:21	Slack 5:3
105:3	,25 206:17	266:8	93:6,9	84:4 138:3
166:11	224:19	268:24	94:16 96:9	179:2,3,16
176:16	229:12,17	sit 33:17	104:5,21	180:10,17
192:22	232:24	65:18,20	186:15	182:24
shows 69:25	240:23	160:22	224:15	183:16
172:23,25	271:19	site 23:14	site-	184:20
176:19	302:15	38:24	specific	185:20
226:17,19	311:13	54:6,7,11	90:2,5	186:18
227:9,12,16,25	317:13,23	65:12 80:9	sitting 52:9	202:15
228:18	significantl	81:12	54:22 63:5	238:8
233:8	y 46:20	83:14	77:5 78:11	244:14
244:17	175:21	94:18,25	128:3	259:18,21
284:20,25	225:11	95:1,8	263:25	297:5,8
Shumera 4:16	229:11	96:1,4,5	307:17	304:15,16
sic 16:18	240:21	104:4	324:3	308:15,16
53:9 54:3	257:8,9	110:13	situated	318:21,24
314:7	302:16	118:11	50:23,25	319:4
sides 44:8	similar	132:3	51:3,10,11	322:5
62:9	75:25	147:12,19,20,21,24	218:15	Slack's
sightings	96:21	151:21	situation	245:17
270:10	122:3	154:13	56:1	Slave 4:7
sign 93:3	312:15	164:6	196:14,19,23	8:12 18:25
significance	Simon 2:4	165:22,23	220:10,22	37:1 38:14
16:10	14:17	166:1,6,16	222:15	79:19,23
44:12 80:1	simple 33:19	189:17,20	270:18	84:9,13,22
95:22,23	114:21	192:25	situations	85:16 86:5
111:21	310:1	198:21	287:10	138:17,20
136:14	simplest	205:2	six 68:13,24	139:1
181:14,15	99:5	207:6,9	69:16	143:12
205:5	simplify	208:9,12,19	172:10	188:4,8
229:19	133:9	209:21,25	175:11	190:8,10
278:9,10	simply 41:3	210:3	219:21	191:25
significant	59:19 72:1	219:25	sixteen	193:13,15
46:9 47:16	87:11	224:14	69:22	194:20,22
48:3,4	91:20,21	227:1,3,14	sixty-one	195:8,18,2
82:6,10	158:21	236:1		0 196:7
	228:9	269:8		197:2,8,21
	230:20	284:25		,25 198:2
	232:12			214:14

237:25	34:2,3	snowmobiles	somehow	215:23
252:23	slightly	230:17	112:13	267:11
253:13,16	174:8	snowshoe	113:11	268:5,16
261:4	285:3	66:23	sometime	269:10,14
262:5,8	slip 324:7	so-called	276:8	272:18
265:24	slot 329:22	190:13	280:9	276:7
266:15	330:12	social 16:9	somewhat	329:5
275:23	Slow 49:24	39:1 57:8	172:20	sorted 162:3
279:12	small 41:19	229:13	somewhere	sorting
280:8	44:10,15	311:9	72:11	170:16
281:8,14	54:16	social-	170:18	sorts 89:9
290:15,19	75:15	cultural	267:22	sought
291:2,5,9,12	90:21	229:21	279:7	313:16
292:6,12	157:19	societies	song 20:13	sound 13:9
293:6,21	189:2	76:7	21:5	322:22
294:10,12	205:1,12,13	195:24	sons 26:8	325:25
295:6,8,11,20,21	206:15,18	society	sorry 38:25	sounds
299:21	225:18	76:13 77:3	43:7 48:14	109:23
300:16,18,22	240:25	195:20	81:25	south 61:5
301:5	283:22	socioec	83:21 94:9	146:25
302:6	285:1	327:4	162:19,20	147:15
303:22	302:5,15	328:2	163:13	148:1
305:25	smaller	332:22	165:25	173:19
306:21	41:7,12	333:7	168:16,17	226:4
319:24	smiles 35:4	socioeconomi	170:5	235:15
320:1	smoothly	c 45:12	172:8	283:3,11,15,19
325:13,15	17:8	47:9	173:1	284:11,13,21
sledding	snagging	136:23	184:1	285:1
27:10	187:2	212:15	200:1	southeast
sleep 332:15	Snap 274:12	324:13	205:24	75:19
slide	310:2	325:16	206:22,25	150:9
88:8,12	snapshot	332:2	215:4	southern
94:12	59:19	socioeconomi	238:25	224:7
97:16	74:12,13,21	cs 331:11	255:3	225:22
144:15	1 108:14	solely 23:4	261:10	228:12
151:22	110:4	108:8	263:16	southwestern
152:19	112:10	soliciting	281:4	173:19
156:1	snares 33:19	58:22	305:9	space 136:14
157:22	50:25	solid 228:21	306:5	145:14
162:22	snow	235:20	324:24	spare 240:2
177:20	33:15,20	Soloway 5:21	329:3	sparse
189:12	53:15	somebody	330:16	271:20
195:1	150:4	72:17	333:1	sparsely
228:18,24	174:5	94:18	sort	188:15
233:14	snowmobile	210:14	88:4,11,21	speak 14:9
255:21	230:16	304:2	,24 94:16	19:12 24:6
294:4		333:22	99:7 114:8	
slides			124:12	
268:11			128:25	
sliding			195:9	
			208:23	

30:14,16	165:21	63:12	256:19	225:22
35:25	166:18		262:25	228:3
49:22	201:7	spring 33:6	263:17	232:3
50:16,20	249:11	53:10 72:8	297:20	238:24
64:8 89:23	261:6	153:23,25	305:24	251:12
94:1 114:6	272:12	231:13	306:5	252:22
116:23,25	specifically	spur 201:3	320:25	268:2
279:13	91:21	227:3	322:23	301:2
300:20	151:10	square	stage 101:20	322:11,12
323:6,22,2	175:15	270:24	234:21	326:13
3 324:15	198:20	squared	stages 15:21	330:21
speakers	203:22	146:12,15	stake 26:14	334:3
49:20	292:9	150:11,12	195:11	started
speaking	specifics	151:20	stand 116:19	55:16
18:15	93:16	stabilized	159:21	98:14
27:22	277:18	223:11	standard	102:4
54:25	specify	stable 147:4	58:24	119:23
55:12	240:6	Stacey 2:7	80:6,12	129:12
56:17 64:9	speculate	3:24 14:17	90:17,23	130:17
73:13	183:11	staff 2:2	91:3,19	210:13
105:12	speed 271:14	12:22	186:13	222:23
121:24	spells	13:23	standardizat	236:18
175:14	110:14	14:7,12	ion	starters
186:19	120:11	17:14	202:2,7	246:12
259:1	spend 26:5	18:15	standardized	starting
special 11:9	225:23	19:5,8	58:20	125:2
35:5	232:14	31:11	258:10	178:16
255:24	312:3	39:6,15,18	standing	starts
256:1,6	spirit	87:8 88:2	48:12	169:17
318:1	73:11,12,2	90:25	151:19	219:15
species 27:1	2 74:4	92:18	standpoint	start-up
205:4,8	75:4 85:11	99:10	95:5	209:20
224:2,3,6	215:13	101:9,12	stands 47:3	state 19:13
229:2,3	spiritual	121:25	125:20	31:6 68:2
253:22	68:4,15	123:5,23	241:16,20	169:16
255:21,25	69:7,22	161:18	256:20	174:14,20
256:10,11,	76:14 90:3	165:23	start	206:21
13 258:5,8	91:12	166:2,6	11:8,11	226:6
260:21,23	104:5	201:16	12:4,13	333:2
261:7	spiritually	203:14,17	13:16	stated 61:23
282:20,22,	35:7	204:8,21	26:20	190:3,5
24	spoke 60:15	206:12	45:20	209:10
species-	61:1	207:12,15	49:19	313:24
specific	spoken 30:19	208:9,21	97:12	315:16
70:17	31:17	241:9	142:23	statement
specific	108:19	243:10,24	144:16	33:13
57:7	122:11	244:23	163:22	81:16
70:5,21	spot 29:11	245:10	184:16	270:3
102:4		246:6	208:21	309:13
104:22		247:13		statements
110:13		251:5		

37:6 43:12 76:12 214:9 327:23 330:7,8 331:2,17,2 5 station 261:23 statistical 186:13 statistician 281:9 status 224:5 255:24 256:3,13 257:15 261:22 statutory 183:25 313:6 stay 98:18 176:10 325:8 328:22 stayed 34:20,25 230:23 staying 35:8 steady 288:23 steady- burning 288:18 289:4 Steele 4:11 step 239:5 Steps 16:1 Stevens 3:8 4:20 143:20,21 168:16,17 169:25 189:10 191:8,9 stick 308:17 327:18	328:13 Stock 39:9 stockpile 26:15,16 stone 185:14 stop 34:21 62:14 64:6 79:5 111:2 133:24 143:1 stopped 28:4 34:19 stories 32:2 35:4 51:13 53:17,18 55:22 66:6 67:7 72:23 78:5 122:6 story 32:1 97:11,12 101:7 221:12 226:18 straight 227:4,19 strategic 40:5 strategies 148:20 156:10,18 157:21 166:4,18 254:9,14 266:17 285:13 strategy 145:15 224:5,7 254:8,11 257:2,14 282:23,25 283:4 stream 51:8 55:24 63:22 streams 54:14,16 strengthen	47:11 strengthens 196:1 strict 208:17 328:21 strictly 130:16,21 strikes 94:13 strives 126:19 strobe 289:3 strong 35:13 48:7 stronger 126:3 129:3 strongly 23:16 236:9 301:15 308:16 315:13 structures 288:16 struggle 126:16 struggling 94:22 stuck 76:22 students 21:4,6 23:24 24:1 29:11 130:15 studies 23:25 42:19,21 45:18 59:24 80:8,11 102:19 117:19 122:6 145:18 174:1	200:11 228:22 stuff 52:21 124:12 127:18,19 226:19 sub- clarificat ion 190:12 subject 21:10 59:12 60:7 74:23 83:7 183:17 210:19 227:21 submission 30:22 87:12 140:12 285:5 299:4 submissions 140:2 203:19 submit 139:2 submitted 59:13 79:19 81:22 163:11 165:7 166:10 223:23 315:3 subsequent 255:14 265:20 274:14 subsistence 68:4,17 69:9,23 70:3 88:18 90:3 94:15 substantiall y 314:19 substantiati ng 268:17	subsurface 126:25 success 184:6 302:17 successes 42:13 222:25 successful 44:25 46:2 184:8 sudden 77:6 suffer 66:12 suffice 209:23 sufficient 22:23 47:13 180:7 309:13 311:5 suggest 49:11 91:16 125:4 161:2,3,17 233:16 245:2 254:22 324:5,10,1 2 suggested 146:21 234:4 286:13 suggesting 295:16 suggestion 49:3 325:16 suggestions 266:18 272:19 suggestive 135:25 suitable 205:11,13
--	---	--	---	--

209:13	288:11	70:9	sustenance	331:15
suite 151:25	supporting	survey 105:9	317:19	talk 38:19
157:8	13:23	186:20,21	swathe	42:5 44:24
summarize	187:3	210:15	226:22	48:22
164:16	supportive	223:9,10	swayed 217:3	51:5,6
summarizing	139:9	270:6	swimming	52:19 53:4
267:3	277:17	280:11,16, 18	53:6,7	54:12
summary	supports	surveys	system 59:18	60:19,20
101:20	138:21	42:18	115:25	61:10,18,2
143:23	149:6	79:13,15	245:18,22	0,25 62:8
144:6	suppose	80:3,17		63:1,15
191:11	120:15	145:20,21	<hr/> T <hr/>	64:13,16
236:6	215:10	186:24	table 7:1	66:24 67:3
309:2	249:10	199:19,21	8:1 14:3	68:9 72:15
312:19	supposed	200:1,3	127:1	91:4 96:18
summer 63:10	22:4,7	210:12,16	191:10,15	99:20
223:9	329:23	269:25	204:10	100:12,16,
286:15	sure 17:7,18	270:2,19	212:13	23 124:7
288:1	18:2 27:15	274:4	228:21	126:1
summers 72:9	29:17	286:15	257:25	132:11
summertime	51:15 93:5	287:12	311:17	145:4
62:4	104:12	288:4	312:19	149:7
sun 65:17	115:1,23	survival	317:15	161:22
Sunny 4:23	122:5	60:24	331:15	162:2
supplies	128:6,14,1	154:2	tables 49:5	216:1,4,10
33:12	5 130:4,19	155:15	301:8	218:10,16
supply 40:3	138:15	survive	tad 308:10	220:5,18
support	180:17	52:10	tags 218:4	242:1
14:18	194:8	60:21	219:13	253:21
16:22	196:25	154:5	Taiga	267:21
40:24	207:7	188:22	145:5,6	295:17
43:14	208:11,18	220:6	147:19,20	talked 29:20
46:11	209:22	survived	269:9,10	60:24 66:2
84:15	228:14	51:14	tailings	88:8,9
130:7	244:19	108:1	55:25	108:20
132:22	267:9	Susan 4:8	56:2,4	115:3
135:7	270:3,17	suspect	286:14,22	123:23
138:4	292:22	280:8	288:6	211:6
139:16	329:5	suspend	taking	215:12,23
140:4	330:22	309:21	103:23	218:12
141:4	surface	sustain 42:3	107:13	264:11
261:17	42:23	60:2	112:21	272:7
289:8	199:1	sustainabili	113:13	314:16
325:14,15, 21,23	surgery	ty 254:12	130:8	317:6
supported	75:16	sustainable	218:3	talking
130:23	surrounded	38:22	242:9	25:10
234:13	44:8	301:25	279:25	29:22,24
	surrounding		287:4	37:23 52:8
				54:23
				60:15
				63:17
				64:7,15

65:9,24	210:23	tenth 44:16	127:11	156:13
73:16	268:2	tents 33:3	129:19	Tetecho 33:1
75:14	technical	tenure	220:13	text 263:4
83:14	19:5 21:17	311:12	256:12	265:14
109:4	23:6 30:11	term 75:23	territorial/	th 12:4
117:15	42:13	95:24	federal	136:13
124:13,16	81:17,21,2	195:2,5	17:3	thank 11:21
181:17	2 117:5	234:25	Territories	13:14,24
218:9	136:2	terminologie	8:4 19:2	14:1,9,11
219:19	142:3	s 118:4	36:25	19:22 21:3
220:8	144:10	terminology	38:21	29:18,24
243:13	146:22	212:8	40:15	36:4 37:21
314:7,8	151:6	terms 75:24	41:17	38:1,2
333:12	168:21	80:20	42:4,8,14	48:14,15
talks 73:12	179:25	124:25	45:5,25	50:15,16
97:16,22	186:7	143:14	86:18	56:9 67:10
209:18	215:15	144:3	123:11	71:16
241:14	253:18,24	165:22	139:12,15	78:20,23,2
Taltson	256:2	167:5	143:11	4 79:9
153:15	268:10	168:7,11	146:25	81:1
201:1	282:15	176:11	147:15	82:13,22
tangible	283:5	177:2	148:1	83:4,17,18
71:8	308:24	178:16	156:12	,24
311:22	313:19	179:21	199:14,17	84:6,12
tape 117:23	techniques	185:25	237:17,21	86:3,4,6,1
tape-	58:24	188:25	252:21	2,13,17,21
recorder	80:12	190:20	253:10	,24
117:22	technology	195:3	256:23	87:2,7,21,
tapes 102:13	23:6	200:10	258:25	23 88:1,3
117:23,25	114:18	201:21,23	290:10	89:16
Taqqa 98:9	116:5	206:18	302:9	90:23,24
target	Teed 4:13	208:13	304:18	91:1
255:17	teepees	211:5,9	308:3	92:17,19
targets	33:17	212:9	319:20	94:5
255:12	teeth 78:18	224:13	territory	95:12,17
task 109:21	temporal	240:17	25:25 44:7	96:10,15
taught 50:22	301:24	264:19	97:25	97:2,3
62:18	temporary	270:15	185:24	99:9,14
130:16	68:14 69:6	277:18	187:5	100:4,6
te 255:1	155:2	301:3	260:4	101:8,13,1
270:7	ten 15:16	309:3,4	311:2	5,16
tea 28:4	308:17	310:3	312:24	102:22,24
34:22	312:19	313:25	Territory/	103:9,10
teach 31:19	tend 49:22	317:24	Alberta	104:7,9,18
team 16:22	150:3,22	322:14	147:17	105:4,5,7,
64:18	218:16	terr 220:14	test	16,17,22,2
93:14	tent 25:22	terrestrial	42:19,20	3
	28:8 34:24	286:17,20	43:1	106:4,6,21
	98:19	territorial	226:10,13	,22
		43:6	233:17	107:1,2,7,
			tested	8,10,13,15
				,17

109:10,17, 19 112:23 113:3 119:14,18, 24 121:1,3,8, 9,14,15,16 ,23 122:16 124:18,19 125:7,9 126:8,9 128:9,11,1 2 129:3,4 131:3,6,9, 10 133:10,14, 23 134:1,2,9 137:16 138:3,13,1 4,19 139:3,4,10 ,11,18,19, 22 140:6,7,15 ,16 141:5,6,15 ,18 142:18,19 143:5,16,2 2,24 158:3 159:8 162:7,24 163:3 167:2,12,2 5 168:14 169:6,7,23 170:10 172:12,13 173:9,11 174:15 177:12,13 178:5,19,2 0,24 179:2,12,1 8 180:8,9,10 ,13 181:25 182:3,21,2 2 183:8,14,1 6 184:3,18,1 9,20	185:6,18 186:4,17 187:24,25 188:1,6,7 189:3,5,11 190:5,7,9 191:2,3,24 192:1,8,9 193:11,12, 14 194:23 195:14,16 196:15,21 197:3,4,23 ,24 198:1,8,9, 16 199:4,5,15 ,23 200:5,9,15 ,16 201:6,8,10 202:9,10,2 3 203:2,7,12 ,13,15 204:2,7,14 205:17,18 206:11,13, 20,24 207:11,16, 20 208:2 209:1,7,15 ,16 210:5,7 211:14,15, 24,25 212:20,21, 25 213:2,4,6, 8,10,11,12 ,14,17,18 221:20 236:16,17 237:11,16, 21,22,23 238:3,5,6, 10,14,21 239:1,3,13 ,23 240:10 241:7,10,1 7,22 242:11 243:9,11,1 8,25	244:5,22,2 4 245:3,9,11 ,23 246:5,7,19 247:12 248:6 249:23,24 250:11 251:8,11,1 5,16,18,20 ,21,23,25 252:2,3,4, 9,10,13,14 ,15 253:3 258:18,19, 24 259:10,15, 18 260:5,6 262:3,7,9, 11,17,19 263:1,7,10 ,16,18 264:1 265:13,16, 22 266:2,4,12 268:22,24 269:4 271:1,3,9, 25 272:2 273:2 274:19,21 275:19 276:12,18, 22,25 277:10,11 278:1,3,15 ,17,19,21, 23 279:1,2,3, 4,6,10,18, 21 280:4,5,21 ,25 281:17 282:1,6 289:15,16 290:7,9,16 ,21 291:3,7,14 292:3,10 293:17,24 294:15,18 295:4,23	296:3,20,2 4 297:1,7,12 ,14,18,19, 22,24 298:2,4,7, 8,11,13,15 ,23,24 299:1,5,7, 8,11,12,16 ,17 300:1,13,1 7,19 303:6,10,1 4,17,25 304:1,11,1 2,17,21,22 ,25 305:3,12,2 3 306:4,8,13 ,15,17,19, 20,22,24,2 5 307:1,2,4, 5,7,11,14, 25 308:5,11,1 5 318:17,20 319:8,15,1 7,22,23,25 320:2,3,6, 9,18,24 321:4,6,7, 8,11,12,13 ,15,17,19, 21,23,25 322:4,5,7, 18 323:2 324:19 328:24 329:8 331:21 332:13 333:9,10,1 4 334:3 thankful 25:13 124:25 thanking 251:12	thanks 32:22 84:4 93:8 105:20 159:3 184:21 185:20 186:18 187:15 203:6 207:14 237:10 280:24 292:20 293:11 294:23 297:5 304:15 that'll 48:21 79:10 187:7 250:8 276:9 that's 16:11 21:10 22:7,14 23:4,9,20 25:23 26:22 28:14,17 29:7 32:1 34:14 35:11 50:21,23 51:2,9 52:6,8,10, 21,23 53:24 54:2,22 55:11,19,2 2 56:1,2,8 60:21,22 61:19 63:5,9,10 64:12 72:15 73:17 74:1,4,7,1 0,14,17 75:14 76:23 78:17 81:21
---	--	--	---	--

85:14,20,2	307:12	64:21	309:2	thirty 39:14
3 90:6	308:3,11	65:10	315:7,8	88:9
91:7	309:25	67:18	333:8	254:17
94:20,23	310:7	72:24	Theresa 2:21	thirty-eight
96:13 98:3	313:8	73:20	they'd	105:14
99:5	320:19	75:11 76:7	295:16	106:1
108:8,11,1	326:1	79:7 80:24	they'll	thirty-nine
5,24	327:5,16,1	85:25 86:1	100:18	69:5
109:7,12,2	8 328:10	95:4	209:13	thirty-one
4 112:5,7	331:20	100:18,19	276:10	58:2 67:16
115:6,12,1	thee 174:9	101:7	they're	102:16
5	theme 60:22	103:2	21:25	103:19
116:3,9,22	186:20	115:19	24:12	105:12,14,
117:2,5	themes	117:4	28:11,20	25 106:2
118:5	202:17	118:1	29:24	thirty-two
124:5,15	309:3	127:8	35:22	222:7
127:8	themselves	128:7,15	49:23	254:4
128:1	117:24	129:6,25	52:25 53:4	thorough
129:1	themselves	132:21	56:1 62:13	103:20
139:25	76:19 96:9	137:18	78:8 90:15	138:8
149:15	98:12	138:16	91:10	160:20
157:13	145:14	153:5	104:22	310:25
160:6	163:25	163:10	109:15	318:2
161:9	332:5	172:1	130:13	thoughtfulne
162:12	there'd	173:12	132:13	ss 136:10
172:6	207:8	181:4	179:4	thoughts
176:5	therefore	186:23	185:17	126:1,6
178:23	59:11	187:1	192:18	210:18
179:16	169:20	192:14,24	218:21	212:6
182:17	287:17	193:2	262:13	277:8
186:1	331:14	201:21	291:9	thousand
195:24	there'll	210:14	295:13	222:5,7,8
207:14	156:5	214:18	296:11,12	231:6
210:5	197:13	217:17	308:9	254:4
213:20	208:17,23	218:3	323:6	thousands
217:19,24,	267:24	219:2,8,11	325:2	279:14
25	there's	,14	327:10,11,	312:3
218:1,22	17:11,20	221:1,8,10	12,22	threatened
219:17	32:23	235:5	328:16	224:3
220:18	33:22	247:25	they've 78:3	282:20
235:21	35:13 36:6	259:4	109:19	thresholds
239:5	51:8,10,11	262:4	113:23	60:2
241:3	,13,17,19	268:13	270:18	301:24
243:15	52:3,12,13	269:17	309:1	316:5
244:2	53:2,5,13,	270:5	Thiclo 7:6	thrive
249:5	20	271:11,13	thinkers	190:21
270:12	54:14,16,1	276:9	137:3	throughout
271:11	7 55:6	279:14	thirteen	37:7 164:9
272:6	62:3,9	289:25	58:4,6	
274:5,8	63:13,20	293:21	105:10,11	
275:14		304:24		
277:25		305:13		
280:9,13,1		307:19		
8 293:17				

254:19	280:3	83:2	160:4,16,1	236:7,11,1
286:23	298:18,20	84:2,10,25	8	7,24
Ti 75:20	299:3	85:1	162:13,19,	237:13
tidy 26:12	326:23	86:1,12	23	238:1,5,11
tie 248:3	Tlich 171:1	87:16,22,2	164:11,25	,17,18,22,
till 22:11	Tlich 3:12	4	165:1,2,17	25
160:9	7:10,21	89:13,17,2	167:7,10,1	239:10,14,
331:11	9:3,4 12:9	2 92:9	2,16,21	19,22
timelines	13:12	93:13	168:10,12,	240:11,13
222:17	14:23	95:13,21	15,18,25	241:17,19
timely 140:6	16:19 17:2	97:4,18,22	169:5,8,22	242:12,13
142:17	18:24	100:7,12	170:2	243:19,20
162:9	19:17,20	101:18	171:1,4	244:5,7,12
261:9	20:4,9,23,	102:2,3,8,	172:14,19,	245:4,5,24
Tinto 183:5	25 21:2,5	14	23 173:20	,25 246:20
tired 204:20	22:8	103:11,13,	174:4,9,13	247:10,11,
328:7	23:18,22	25	,16,19,20	18
332:15	30:7,10,14	104:1,19,2	177:6,8,15	248:7,9,20
tissue 156:7	,18,23	1	178:1,10,1	249:3,14,2
title 209:14	31:18,20	105:18,20	4,21	5
300:25	36:5,11,16	106:23,25	179:24	250:1,13,1
TK 10:3 22:9	,23 37:4	107:20	181:10,20	5
30:18	38:5,21	110:6,9,19	182:4,7,15	251:10,15
31:4,7,9,2	39:16	,22	184:9,11	252:15
3 59:13	43:9,13,15	112:4,9,16	190:3,4	259:11,13
71:17	,19,23,24	,24 113:1	194:16	268:4,9
74:9,23	,19,24	117:19	201:22	272:6,15,2
78:15	44:1,4,6,8	118:1,10,1	206:3	1,24
100:12	,19,24	1,17 119:3	209:6,12,1	275:1,5
133:8,19	45:22	120:2,3,24	9 210:19	277:3,20
134:16,20	47:4,11,25	121:3,12,2	211:7,22	282:17
135:1	48:7,8,9,1	5 122:13	212:10,13	283:8,14
138:13	3,17 49:2	123:10	213:21	284:23
139:25	50:2,5,9,1	124:20,22	214:3,4,14	285:6,19
140:11	3 56:22,25	125:17	,23	293:5
160:6	57:3,4,9,1	126:10	215:1,5,6,	294:5
210:4	1,12,13,15	129:2,5	18,21,24	297:8,9,11
215:25	,18 58:2,8	130:16,19,	216:4,13	304:8,10
227:4,24	59:18,21,2	22 131:13	217:14	316:1
228:25	5	133:6	221:2,25	320:3,7
242:4,6,9	60:3,11,23	134:1,14,2	222:3,9,12	323:3,5,13
243:13	61:21	0	,13,14,23	,23
252:8	64:10	135:7,12,1	223:16,18,	324:1,15
269:19	67:17	3,15,16	21 224:22	325:16,19
272:8	70:14,20	136:5,9	225:9	326:11,21
275:1,8,25	71:1,6,7,9	137:6,7	226:1,22	327:21
276:7	,11,24	138:21	227:12	328:12
277:8,19	75:6,8	141:21,24	228:1	332:4
278:6	78:24	142:2	229:10	today 11:9
	79:7,16,20	143:10	230:13,24	12:14,16
	,22 80:20	144:24	232:4,24	16:3 19:21
	81:2,8,17,	145:1,24	233:6,24	24:18 29:9
	23	146:21	235:12,18,	30:11
	82:18,23	153:14	23,25	

31:22	114:18	12,17	tough 222:11	35:25
32:19	117:1	323:21	223:2,4,5	36:15
35:18,19	Todd 5:3	324:15,24	226:18	40:21 49:1
36:9 37:12	84:4 138:3	325:1,2,9	tourism	50:1,5
38:4,8,12,	179:2,3,16	327:3,6,11	40:19	57:13
19 39:5,19	180:10,15,	,21 328:17	towards 33:1	60:18 64:2
40:7 42:15	17	329:9,22	74:15,22	74:3,18,25
52:9 54:10	182:3,22,2	330:2,4,13	75:19	81:19
55:8 65:23	4 183:16	,14,17	78:3,4	82:10
77:11	184:20	331:5,11,1	112:13	96:22
78:11,14	185:20	5	178:16	101:17,19
86:2 97:25	186:7,18	332:16,18,	218:12	102:8
109:7	187:15	23 333:5	257:17	103:4
111:22	202:15	334:3	tower 282:13	107:23,24
115:15	238:8	tomorrow's	288:8,9,11	108:4,9,10
116:1	244:14	330:5	289:2,8	,20
117:2,25	259:18,21	tonight	towers	109:13,17,
118:3	297:5,8	282:9	288:14,18,	21
124:24	304:15,16	296:6	22,24	110:7,23,2
126:15	308:15,16	297:21	289:6	5
132:9	318:21,24	309:15	track 108:12	111:4,9,15
133:18	319:4	319:3	210:15	,18
134:13,22	321:7,23	322:6,8,21	tracking	112:12,18
135:22	322:5	323:17	145:20	113:5,6,11
136:3	to-digital	Toogood 2:4	tracks	,14,17,21,
137:3	59:1	14:17	270:10	23
142:25	Todzi 216:5	tool	tractor	115:4,17,2
143:25	223:17	180:12,21	68:22	0,24
149:1	tolerated	310:22	69:14	116:2,6,13
158:2,17	302:13	313:8	Tracz 6:7	117:15
161:5,19	Tom 2:15	top 27:7	237:14	119:21
197:10	14:3 39:24	65:14	262:17,18	120:1
215:8,16	tomorrow	topic 105:8	290:7,8	121:4,17,1
216:2,11	12:17	267:15	304:25	9,25
217:3	21:20	286:1	305:1	123:2,15
218:1,6,8,	48:24	288:7	319:17,18	129:15
12,18	132:10	323:11	trad 234:15	130:5,22
219:10	134:19	324:11	trading 39:9	131:16,18
220:8,10,2	142:22	topics	traditional	132:5,17
4 253:21	143:4	179:4,14	7:9	136:6,9
266:1	158:14,19	253:20,21	22:6,9,12,	138:5,23
280:1	160:10	Toronto 39:9	18,21,25	139:2,8
293:23	161:7,12,1	total 15:17	23:4,25	141:11,21,
296:8	3,24	80:2	24:2,5	25 142:5
301:7	162:5,15	totally	28:12,16,2	145:1,12,2
307:17	201:16	108:6	1 29:21	3,24
322:9,20	214:4,8,10	Totsi 233:21	30:22	148:14
323:9	,11 263:19	touch 35:6	31:24	149:4
326:20	265:8,14			156:16,21
329:21,24	322:10,11,			157:10
today's 17:7				158:21
23:6 40:9				160:19
109:12				165:5,10
				169:20

174:1	training	140:17,19,	tree 150:2	212:16
188:21	24:2 45:9	21 203:8	treeline	308:21
194:22	165:22	237:6	313:20	trying 74:2
206:7	207:24,25	262:20	tremendous	85:23 92:5
211:3,13	208:8,9,11	288:20	301:11	99:19
223:21,23	,20,24	289:1	tremendously	118:17
225:3,10	209:5,14	290:1	301:3	123:6
226:19,21,	261:24	305:13	trend 255:2	124:6
22	trans 13:2	transportati	313:11	125:14,15,
228:7,20	transcribe	on 45:5	tried 26:12	17,22
232:15	118:2	46:20	46:24	127:6
233:20	transcribed	68:5,20,23	114:13	128:18
234:15,18	118:2	69:13,15,2	137:5	129:24
239:19	transcribers	3 70:22	186:9	143:13
240:15	19:11	88:22 90:4	202:14	159:17,24
241:4	transcript	trap 24:14	273:25	162:11
242:16,24	8:21 13:8	25:15	trip	206:3
243:2,4,7,	18:5,6	31:19 63:7	32:10,14	212:12
14	transcripts	100:24	34:5 219:1	221:19
248:22,23	19:15	235:17	Troch	272:20
251:13	59:10	trapping	201:14,15	273:14
256:16	103:17	24:10	202:25	275:4
261:8	119:3	32:14 35:8	troubling	308:20
301:13,17	transfer	40:22	193:17	327:1
303:4	232:2	63:12	truck 268:14	329:4
311:16,19,	translate	85:15	trucks	tune 35:11
22 312:5	117:6	100:24	230:13,15	turn 18:10
315:15	translated	130:23	true 113:4	50:3 60:4
traditionall	21:5	travel 62:7	253:11,12	66:15 81:9
y 228:1	118:19	travelled	260:11	216:9
traditions	translating	43:8	261:14	300:12
112:6	118:7	travellers	263:9,11,1	304:2
trail 32:25	translation	34:16	3	tweak 106:7
62:1,3,5,9	19:17 58:8	travelling	truly 136:13	twelve 45:14
,17 129:16	118:25	33:4 38:12	178:1	69:24
trails 25:25	119:5	61:4	trust 184:12	twenty 15:17
26:1 32:23	translations	130:20	try 22:11,16	45:16
61:9,10,25	13:2	travels	66:20 72:1	60:16
62:13,17,2	translators	34:23	75:16 88:6	94:19
1,23	49:21	treat 11:20	99:7 126:3	twenty-eight
68:21,22	118:20	treated 31:2	128:17	68:17
69:14,15	322:19	323:11	130:7	69:12
88:22	transmission	treatment	161:19,23	twenty-one
98:15	71:1	136:1,5	162:2	60:16
129:11	Transport	treaty 43:4	205:15	twenty-six
148:25	5:21 19:3	70:20	208:24	222:6
158:1	87:3,5	317:14	210:20	twice 104:17
174:5		326:12	211:11	105:3
226:20				218:21
232:17				
trained 26:8				

two-hundred	126:15	250:3,5,10	314:3	227:22
84:24	141:2	,13	updates	310:3
type 33:20	153:10,20	undertakings	163:23	valu 94:17
73:7,8	187:7	7:3 9:1	164:3	valuable
98:3,7	188:10	144:9	upland	121:18
108:2,23	190:16	underway	286:16	140:3
311:9	191:1	316:3	upon 11:1	value 59:24
types 144:12	196:10	undisturbed	49:15,16	70:15 71:9
212:14	206:17	284:10	102:10	91:12
typically	221:18	285:24	134:6,7	93:10
149:2	227:6	unenforceabl	159:12,13	95:25 96:4
208:21	228:24	e 181:12	213:24,25	104:3,17
typo 105:21	247:21	unfortunate	277:22	139:24
	249:12	76:3 97:11	300:7,8	228:19,20,
	255:3	unfortunatel	326:4,5	25 275:13
	271:21	y 38:11	334:6	301:11
	292:22	313:7	upset 34:11	valued 60:6
	293:25	unguyed	urge 140:5	88:23
	312:25	289:6	usable	90:1,5
	314:18	unilaterally	308:22	values 67:20
	317:4	309:20	useful 91:17	68:3,12,18
unable	330:20	unimpeded	92:12	,21
200:22	understandin	70:23	112:20	69:4,7,10,
uncertain	g 82:8	unique 44:18	usefully	13,20,23
301:3	102:5	47:23	104:2	70:17,21,2
315:7	136:12	70:17 71:8	users 21:23	3
uncertainty	140:24	unknown	24:5 58:11	88:10,14,1
45:7 315:9	152:24	316:12	usual 333:13	8,22,23
333:9	171:14	unless	usually	89:4,13,25
uncle 51:10	202:20	296:17	219:2	90:3,12,14
unclear	222:20	unlikely	280:17	92:16
311:11	228:16	155:15	utilize	94:10,15,1
underground	234:2	287:17	34:15	7 95:11
15:15	250:2	Unlimited	314:13	105:3
38:23	329:7	4:3	utilized	106:18
132:14	understands	unnecessary	32:18	107:1
underpinning	144:23	274:24	274:19	125:21
309:13	understood	unpack 33:16	vacation	Vancouver
understand	83:13 92:9	unprecedented	33:6	39:11
16:7 29:12	168:12	d 315:23	Valley	variables
50:17	undertaken	unravalled	1:2,10	280:11
59:15 74:9	148:3	73:5	15:8 16:24	variety
77:14	149:5	updated	38:6 47:19	195:6
85:24 88:6	200:1,3	45:17	120:10	211:11
91:9 99:22	undertaking	254:5	127:4	various
111:14,16	22:3			198:21,24
112:14	119:2,25			212:17
117:14,17	148:5,6			323:17
118:3	168:20,22			varying
122:18	249:2,12,2			
125:15	3			

254:16	187:14	213:10	235:1,8	98:23
vast 41:11	192:10	251:18	watching	164:2
vegetation	202:13	279:1	37:13 77:7	194:4
286:8	204:4,16,1	298:7	water 23:15	206:5
287:8,14	7	306:24	27:2,3	232:16
vehicle	Virgil's	321:10	33:21	272:22
254:21	268:9	Wah-shee	50:24	Weallan 28:7
veins 75:16	Virgl 3:7	1:15 12:25	51:16,23,2	34:23
verification	170:24	119:16	4 52:4	wealth
58:16	171:5	120:23	53:8,9,16,	124:24
Vern 2:9	267:2	213:9	22 55:3,7	wear 219:5
14:16	virtually	251:17	62:10	website 18:7
versa	41:2	278:24	63:18,20,2	we'd 24:4
117:4,7	visit 28:8,9	279:5	3	33:6 57:19
version 30:7	54:9,12	298:5	65:1,24,25	113:15
versus	visited 33:8	321:9	66:3 68:22	115:24
106:20	54:6,10	wait 160:9	69:15	120:15,16
107:6	219:23	280:19	88:23	125:4
192:4	visitors	waiting	111:19	264:19
210:2	166:2	131:17	126:24	273:20
via 3:24	visits 164:6	281:15	132:12	277:19
viable 40:23	vital	Walbourne	197:7	292:7
230:1	136:12,17,	5:10	199:2	323:24
vice 39:25	20 184:16	Wales 79:17	227:23	324:10
117:4,6	vitality	walk 36:8	246:3,10,1	326:13,15,
vicinity	136:23	65:13	1	16
149:3	vividly	66:22	247:19,21,	week 31:11
view 203:24	267:14	warm 34:22	25 248:3	103:20
204:24	voice	warning	286:16	218:18,19
205:12	21:18,21	17:20	310:4,5,6	219:23
206:16	Vos 2:24	washing	313:3	weekend 26:7
269:15	VP 14:3	33:21	waterfall	weeks
278:10	vulnerable	washroom	54:17	103:8,23
324:23	271:12	300:4	waters 31:15	172:11
viewing		washrooms	36:2	250:8
118:18		12:6,7	70:13,16	280:18
views	wa 27:6	wasn't 106:9	water's 52:4	281:2
16:3,7,9,1		115:10	55:2	watershed
3 125:22	Wah 112:23	222:18	124:3,4,9	weight 123:2
126:18	Wah-see	270:14,17	waterways	154:4
127:10	306:23	317:4	61:18,23	Wek'eezhi
307:17	wah-shee	331:3,4	64:15	165:3,17
325:20	107:16,17,	waste	148:25	Wek'eezhii
Virgil	22	166:7,10,1	158:2	146:9,12
184:24	110:3,21	1,14,19	174:5	149:5
186:1,6	112:3	208:17	wave 49:22	177:7
	119:17	watchdog	waving 49:24	180:5
		234:25	ways 77:8	201:22
				246:11

255:14	263:20	48:21	243:12	77:1,9,23
256:24	264:15	50:18 51:6	253:20	90:22
285:12	265:13	52:6,8,11,	264:18	91:24
Wekweeti	269:4	20 53:3	266:6	93:14
13:16	275:20	54:19	268:3	96:24
33:19 38:9	280:19	61:16	274:25	103:15,18
58:5	282:1	64:14 65:9	275:2	105:9
105:11	290:14	66:17	278:9	117:19,20
216:18,20	298:4,24	72:24	279:13	123:19
217:5,12,1	326:2	73:16	280:3	129:21
9 220:9,11	327:8	74:2,13,20	281:8	135:23
223:4	331:19	,21	292:22	160:14
welcome 15:7	332:20	75:2,3,14	293:14	180:2,3
21:3	333:11	76:13,17	307:16	181:20
30:4,10	334:3	78:11,13	308:20	186:9
68:7	well-being	79:3 83:14	310:8	191:15
welcoming	294:14	85:23	313:9	192:20
14:25	WEMP 9:8	87:18	317:5	193:5,22
140:12	36:23,24,2	102:25	322:10,16	197:10
we'll 17:22	5 37:1,2	103:15	323:10	205:15
20:6 21:20	177:19,21,	106:15	324:23	209:10
37:16	24 179:7	107:23	326:19	210:10
48:22,23	215:1	108:24	327:8	212:12
49:9,11,12	226:15	109:4,6,23	328:5,8	215:23
54:12	227:8	115:6,16	329:4,7,14	217:3
56:15	233:19	117:2,15	,15,16,18,	222:24,25
79:3,4,5	234:7,10,2	124:8,13,1	25	223:1,14
92:22 96:6	2	6,25	330:1,22	226:15
104:18	241:14,20	125:15,16,	331:12,15	253:21
109:24	242:1,6,17	22	332:2,15,1	261:15
121:4	,19 243:16	127:6,12,1	7,21,24	264:8,14
131:17	249:16	3,18,21	333:12	265:11
133:24	250:19	132:22	west 61:5	267:10
134:4	253:9	133:24	145:6	268:1
142:21	257:19	136:3	146:1	273:25
143:16	272:8,16,2	137:8,9	147:18	292:7
159:9,10	5 274:15	142:25	173:14,22	308:23
161:12	309:3,7	143:2,7,10	233:9	312:7
162:2,5,6,	310:1	161:4,6,8,	western	whatever
20,22,23	312:13	10	72:18	87:16
166:22	315:2	163:14,15	74:18 76:6	114:4
201:7	we're	169:7,15	130:5	120:2
203:3	12:2,12,17	174:10	261:7	139:9
204:2,20	,19 14:22	180:15	wetland 65:9	140:14
205:18	19:14 21:7	181:17	wetlands	205:16
213:18,19,	22:14,15	186:14	136:1	212:8
21	24:18 28:5	192:12	we've 12:15	what-have-
214:5,12,2	29:9 30:8	214:10	16:6 32:8	you's
0 216:8	32:21	215:11,14,	34:15 51:6	181:1
223:12	35:10,18	16	60:5 67:16	Whati 12:16
227:5	36:15	217:8,18	68:2,24	13:18
248:6	37:9,11	219:19	71:24	25:12
		220:8,10,2		
		3 221:3,4		

32:17	whole 24:6	167:4,8	winter 46:1	3,24
33:1,19	71:18	176:24,25	68:22	witnessed
38:8 39:22	100:15,16	178:13	69:15	51:7 52:16
45:2	248:1	179:22,25	72:6,7	WLWB 5:16
46:8,9,14,	269:17	181:7,9	148:25	wolf 187:4
19 58:5	270:7	182:5,9,14	149:19,24	wolverine
85:4,6	wholehearted	184:17,25	150:1,5,10	187:1
105:10	ly 138:21	188:5	,13,14,18,	women 330:7
118:5	whom 39:20	194:8,13,2	19,24	wonder
119:8	who's	1	151:1,16	205:12
146:2	132:1,2	195:4,12,2	152:2,5	224:23
159:18	whose 102:13	0 196:5	154:9	244:2
160:1	254:2	197:11	158:2	263:4
201:2	wi 166:21	198:22	171:13,23,	wondering
230:16	186:25	208:14,16	24,25	201:24
235:15	wide 195:6	210:22,25	172:8,9,25	210:5
whatsoever	254:15	214:15	173:1,14,2	246:9
267:12	widely 70:14	216:25	4 174:4,22	272:12,18
Wheler 5:17	wife	217:2	175:12	279:24
14:13	24:16,22	221:5	176:12	325:22
whenever	28:7 29:6	235:22,25	200:13	wood 26:16
29:7	32:5,8	238:2	225:4,6,7,	woodland
277:24	33:8 34:24	241:20	23	144:13,18
325:18	wife's 24:24	243:7	227:16,20,	145:5,7,8,
whereas	32:5	244:16	21 229:16	11,19,25
313:4	wild 77:25	245:18	230:9,14	146:1,6,8,
wherever	166:14	246:1,12	231:14,19,	18,24
28:19 59:1	257:6	256:19,22	21 254:3	147:9,14,2
whether	260:25	257:21	268:13,14	2
33:18	wildfire	258:3	313:17	148:3,10,1
41:18 89:1	257:6	260:20,22,	316:20	4
95:2,3	wildlife	25 261:3,6	wintering	149:2,5,10
135:2,7	257:6	272:25	94:25	156:14
172:1	wildfire	274:13	225:14	188:14,15
174:4	257:6	275:5,15	226:2	199:20
210:15	wildlife	282:4,9,11	230:15	207:7,10
272:18	7:13,20	295:12	316:20	257:3
273:18	8:3,7,11,1	299:20	wintertime	270:4
289:2	5 36:19	300:15	62:4	271:12
333:4	62:10	301:14	wisdom	282:11,18,
white 72:18	98:3,19	302:25	125:12	19
151:12	142:9	308:8,13	308:18	woods 51:19
289:3	143:8,18	309:23	wish 139:2	wording
whoever	145:21	310:19,20	142:1	195:9
27:19	156:1,25	313:4	195:8	313:10
195:11	163:4,9,11	willing	wishes 16:3	wore 301:9
325:23	,18,20	82:19	309:22	work 29:4,5
whoever's	164:8,18	181:23	Witherly	38:20
296:14	165:8,18	185:23	5:13	
	166:3,5,8,	294:25	witness	
	13,15,17,1	295:14,16	52:14,18,2	
	8,22	windy 230:19		

40:24	328:4	wrap 280:20	9 309:6	308:16
42:17,20	workable	wrapped 94:7	310:13	310:18
43:1,19	209:23		311:21	312:2,12
44:3,21	211:21	wraps 322:8	313:15	313:23
45:11		write 16:15	314:18,24	315:24
46:6,15,17	worked 48:6	27:18	315:8,15	316:8
47:4,25	57:3		317:9	317:12
50:9 53:8	109:12	writing	yesterday	320:4,10
55:23,24	113:21	111:8	12:16	321:1
56:22	114:1	200:21	132:11	322:5
60:18	131:22	writings	139:24	YKDFN's
74:25	222:10	78:7	181:6	317:23
78:18,19	244:20	written 31:5	194:11	you'll 29:19
79:25	workers	185:14	266:7	35:14 70:8
102:18,19,	46:16	285:4,8	291:19	249:4
21 103:7	working	wrong 314:15	302:3	275:17
104:1	39:21		322:9	
109:18	41:12,25	wrote 27:13	yesterday's	young 2:20
113:18,19	48:9 53:14	30:24	86:8	19:23 27:8
114:25	101:22	63:15		34:12,17
116:11	102:5	WRRB 6:16	yet 22:10	64:19
119:5	113:23		24:7 45:6	younger
120:15	129:1		114:3,10	109:14
122:5,18	131:19	<u>Y</u>	117:2	yourself
129:23,24	132:2	yearly	185:14	19:8
131:20,21	133:2	312:14	207:5	267:18
133:1,9	165:1,2,23	Yellowknife	223:10	282:1
135:6,23	187:8	12:16	249:3	
145:12	197:16,22	39:11	267:5,20	youth 11:24
148:12	222:21	159:18	329:18	53:7 75:1
150:16	works 29:6	160:1	330:23	129:10
151:10	243:15	163:6	332:7	330:7
161:19	workshop	174:25	YK 151:5	youths
163:21	178:9,14,1	175:2	169:1	30:6,15
164:16	5 180:2	218:4	320:17	35:21
175:4	211:6	230:18	YKDFN 5:3	you've 32:17
176:3	234:14	253:14	8:16	88:13 89:7
178:11,18		267:15	37:2,5	94:11
180:3	world	Yellowknives	91:25	96:21
188:12	84:19,20	18:24 84:1	143:12	99:21
215:9	114:19	92:3	179:3	126:8
222:19	118:18	137:24	180:9	131:16
226:21	125:21,22	138:4	183:15	203:19
227:6	worlds	144:24	184:19	205:12
248:24	125:21	179:1	185:19	206:16
265:19	126:18,21	181:10,19	186:17	263:24
268:6	worried 52:7	238:7	188:1	264:10
271:7	53:3 54:20	244:14	214:15	YTK 56:25
274:2	56:2 266:6	293:5	252:24	
278:14	would've	297:3	259:16	<u>Z</u>
280:24	270:16	304:13	262:3	Zoe 3:23
310:24		308:7,14,1	297:8	
312:6			304:16	
324:9				

6:22 32:11,24 71:16 79:2 84:16 97:8 122:16 126:11 129:6 134:1 215:10 zone 106:19 154:15,16, 23 186:25 189:18,20, 24 190:14,15 192:13 225:8 226:10,14 233:18 314:21 315:4,6 zones 154:18 190:2 318:11				
---	--	--	--	--