



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

October 10, 2012

Day 5 of 6

## 1 APPEARANCES

|    |                       |      |                    |
|----|-----------------------|------|--------------------|
| 2  | Chuck Hubert          |      | ) MVEIRB Staff     |
| 3  | Simon Toogood         |      | )                  |
| 4  | Shannon Hayden        |      | )                  |
| 5  | Alan Erlich           |      | )                  |
| 6  | Stacey Menzies        |      | )                  |
| 7  | Cailin Makin          |      | )                  |
| 8  | Vern Christensen      |      | )                  |
| 9  | Carol Luttmer         |      | )                  |
| 10 | John Donihee          |      | ) Board counsel    |
| 11 |                       |      |                    |
| 12 | Mike De Carlo         | (np) | ) Fortune Minerals |
| 13 | Jim Mucklow           | (np) | ) Ltd.             |
| 14 | Robin Goad            | (np) | )                  |
| 15 | Tom Rinaldi           | (np) | )                  |
| 16 | Rick Schryer          |      | )                  |
| 17 | Pat Moloney           |      | )                  |
| 18 | Bill Shepard          |      | )                  |
| 19 | John Faithful         | (np) | ) Golder           |
| 20 | Lasha Young           |      | )                  |
| 21 | Theresa Repaso-Subang | (np) | )                  |
| 22 | Rein Jaagumagi        | (np) | )                  |
| 23 | Jason Parviainen      | (np) | )                  |
| 24 | Ken De Vos            | (np) | )                  |
| 25 | Ken Bocking           | (np) | )                  |

1 APPEARANCES (Con't)

2 Charlie Nitsiza (np) ) Fortune Minerals

3 Damian Panayi ) Ltd.

4 Monique Haakensen (np) )

5 Ross Mitchel (np) )

6 John Virgl (np) )

7 Cam Stevens (np) )

8 Dan Coulton (np) )

9 Shaun Moosenose )

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 (np) )

19 Joseph Judus (np) )

20 Laura Duncan )

21 Kerri Garner )

22 Ginger Gibson )

23 Janelle Nitsiza (np) )

24 Henry Zoe (np) )

25 Paul Bachand ) Counsel

1 APPEARANCES (Con't)

2

3 Glen Koblun (np) ) Ducks Unlimited

4 Jason Charlwood (np) )

5 Lori (phonetic) Mountain (np) )

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7 Bill Enge (np) ) North Slave Metis

8 Susan Enge ) Alliance

9 Erin Binion )

10

11 Russ Teed ) GNWT ITI

12 Gordon Rohs (phonetic) (np) )

13 Dianne Lafferty (np) )

14 Bernard Park (np) ) GNWT

15 Brittany Shumera )

16 Lisa Cardinal (np) )

17 Rita Mueller (np) )

18 Shafic Khouri )

19 Amy Lizotte (np) )

20 Russell Neudorf ) GNWT DOT

21 Michael Conway )

22 Jayleen Robertson )

23 Rhonda Batchelor )

24 Rebecca Dupuis ) GNWT Justice

25

1 APPEARANCES (Con't)

2 Todd Slack ) YKDFN

3

4 Carey Ogilvie (np) ) Environment

5 Sarah-Lacey McMillan ) Canada

6 James Hodson (np) )

7

8 Loretta Ransom (np) ) ENR

9 Kimberly Balsillie (np) )

10 Aileen Stevens (np) )

11 Dean Cluff )

12 Sarah Frue (phonetic) (np) )

13 Sunny Ashcroft (np) )

14 Bruno Croft (np) )

15 Joel Holder )

16 Derek Rains )

17 N. Paulette )

18

19 Sarah Olivier ) DFO

20 Rick Walbourne )

21 Bev Ross )

22 Pete Cott )

23

24 Kate Witherly ) Northern Projects

25 ) Management Office

1 APPEARANCES (Con't)

2 Kathy Racher (np) ) WLWB

3 Brett Wheler )

4 Sarah Elsasser )

5 Mark Cliffe-Phillips )

6

7 Douglas Soloway (on phone) ) Transport Canada

8 Dale Kirkland (on phone) )

9

10 Ross Mitchell ) ERM

11

12 Rob Johnstone (on phone) ) Natural Resources

13 John King (on phone) ) Canada

14 Sharon Smith (on phone) )

15

16 Nathen Richea (np) ) AANDC

17 Robert Jenkins (np) )

18 Scott Duke )

19 Jason Steele (np) )

20 Paul Green )

21 Myranda Bolstad (np) )

22 Boyan Tracz ) AANDC - CIMP

23

24 Greg Short (np) ) Canadian Dewatering

25

1 APPEARANCES (cont'd)

2

3 Sandy Lee (np) ) Government of

4 ) Canada

5

6 Karin Clark (np) ) WRRB

7 Allice Legat (np) )

8

9 Rachel Olsen ) The Firelight Group

10 Harry Apples )

11 Georgina Chocolate )

12 John B. Zoe )

13 Charlie Applies )

14

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

2

3 THE CHAIRPERSON: Good morning. Can I  
4 get everybody back in the room. We're going to start.  
5 Before we start I want to -- we usually start off our  
6 meeting with opening prayer, so I'm going to ask Chief  
7 Clifford Daniels to come up, make comments, and we'll  
8 do the prayer.

9

10 (BRIEF PAUSE)

11

12 CHIEF CLIFFORD DANIELS: Good morning,  
13 everybody. We'll start off with a few comments and --  
14 well, I'll make a short comment and then if I can have  
15 the time to do opening prayer drum song. And I'll make  
16 my comment short to get this process going. Masi.

17

18 (INTERPRETED FROM TLICHO INTO ENGLISH)

19

20 CHIEF CLIFFORD DANIELS: Yes, thank  
21 you. I'd like to -- we're not here in -- in -- we are  
22 -- we are -- we are here. Yes, we are here on behalf  
23 of our people. Hopefully that -- will get out of the  
24 way. In the -- in the -- and also hopefully that they  
25 will listen, will listen to our people. Therefore, we

1 will pray.

2 Pray for them. Let us pray. Pray for

3 one -- pray for one another. Don't have any grudge.

4 Do not pray -- have anything against each other.

5 Hopefully -- and -- and also whenever people depart,

6 hopefully they will have a safe journey home to their -

7 - to their loved ones. And we are here for -- for a

8 purpose, so I'm going to do the opening prayer --

9 prayer in my language.

10

11 (INTERPRETATION CONCLUDED)

12

13 (OPENING PRAYER)

14

15 THE CHAIRPERSON: Thank you very much.

16

17 (DRUM CEREMONY)

18

19 (INTERPRETATION FROM TLICHO INTO ENGLISH)

20

21 OPENING REMARKS BY CHIEF CLIFFORD DANIELS:

22 CHIEF CLIFFORD DANIELS: Yes, thank you

23 -- thank you for having the -- the opening prayer done

24 for us. The prayer, and also everybody from the Chair,

25 the Board member, and each and every one of you, thank

1 you for coming to this community. Hopefully that we  
2 will listen to each other today. And -- and I was  
3 given about approximately five (5) minutes to have the  
4 opening -- opening remarks.

5 And tomorrow -- tomorrow the -- the  
6 public will be able to speak tomorrow, but at this time  
7 I'd like to welcome everybody to this hearing at this  
8 time. Masi.

9

10 (INTERPRETATION CONCLUDED)

11

12 THE CHAIRPERSON: Thank you. I want to  
13 again welcome everyone to the Nico project  
14 environmental assessment hearing, 0809-004, public  
15 hearing. As -- as you recall, we'd had meetings here  
16 for four (4) days in -- in this -- in the Tlicho region  
17 and here in Behchoko. And this is a continuation of  
18 the public hearing.

19 And for the next two (2) days, we're  
20 going to be -- today we're going to continue on with  
21 the -- the presentation by the -- the Tlicho government  
22 on the presentation on the traditional knowledge, and  
23 also the traditional knowledge report and -- and their  
24 traditional knowledge study. And then we're also going  
25 to talk about the -- the road, the Nico project access

1 road today.

2                   So -- and then tomorrow we're going to  
3 go into comments by the community. And I encourage  
4 everyone to come up and put your name down. In the  
5 back, we have a table there, and we encourage everyone  
6 to come up and put their names down. So tomorrow, all  
7 day, we're going to listen to what people have to say  
8 from the community in regards to this project. And  
9 then -- and then after that, then we conclude this  
10 public hearing.

11

12 OPENING REMARKS BY THE CHAIRPERSON:

13                   THE CHAIRPERSON: So with that, I want  
14 to go into the Chair's opening comments. And again,  
15 thank you. My name is Richard Edjericon. As you know,  
16 I'm the Chair for the Mackenzie Valley Impact Review  
17 Board. We are here to listen to what you have to say  
18 about the Nico project. The Developer is Fortune  
19 Minerals Limited.

20                   Fortune proposed to construct and  
21 operate a closed cobalt, gold, bismuth, and copper  
22 mine. The mine will be underground for approximately  
23 ten (10) yea -- ten (10) months, followed by an open  
24 pit operation, for a total of twenty (20) years of  
25 production. The development includes construction and

1 operation of a 27-kilometre Nico project access road,  
2 to be built by Fortune Minerals.

3 This hearing, over the next two (2)  
4 days, is the continuation and conclusion of the hearing  
5 that took place on August 27 and -- and 31st.

6 Today's agenda this morning as -- as  
7 follows, again, is Nico project access road  
8 presentation from the -- from Fortune Minerals, Tlicho  
9 government, Fisheries and Oceans Canada, Transport  
10 Canada, and then we're going to go into questions from  
11 parties on each presentation.

12 Then, again, today's agenda this  
13 afternoon is as follows: traditional knowle --  
14 traditional knowledge study presentation by the Tlicho  
15 government and questions from parties on the TK study.

16 Today, the Board wants to hear the views  
17 and opinions that parties or members of the public may  
18 have regarding this proposed development. Over the  
19 course of the day, we ask that you do your best to help  
20 the Review Board to understand your views about this  
21 proposed development's potential environmental, social,  
22 and cultural impacts and view -- view of the potential  
23 significance of these impacts.

24 The Review Board will fully consider  
25 these views while it is deliberating on its decision in

1 this environment assessment. Once the decision is  
2 made, the Board will write it down in a report of  
3 environmental assessment and send it -- send it to the  
4 -- both the Minister of Aboriginal Affairs and Northern  
5 Development and also to the Tlicho government for their  
6 consideration.

7                   Before we go any further, I want -- I  
8 would like to introduce our Board members and then  
9 introduce our counsel, technical adviser, and staff.  
10 So I'll -- I'm just going to go to my -- my immediate  
11 right here. Fort Smith, Mr. Richard Mercredi; Rachel  
12 Crapeau, from Dettah; Danny Bayha, from Deline. And to  
13 my left is James Wah-shee, from Behchoko. To the far -  
14 - and then Percy Hardisty, from Fort Simpson. And the  
15 -- to the far left is John Curran, from Yellowknife.

16                   Our legal counsel is John Donihee. Our  
17 technical advisers are Kathy Racher, from Wek'eezhii  
18 Land and Water Board; Brett Wheler, from the Wek'eezhii  
19 Land and Water Board. I would also like to introduce  
20 our staff, our community liaison, Stacey Menzies;  
21 summer intern, Cailin Maki. She's the one (1) in the  
22 back there where you can take her -- take your names  
23 for speaking.

24                   We also have the Environmental  
25 Assessment Officer, Shannon Hayden; Paul Mercredi;

1 Simon Toogood; and Carol Luttmer. And we also have our  
2 senior Environmental Assessment Officer and lead for  
3 this EA file, is Chuck Hubert; and Manager of  
4 Environmental Assessment, Alan Ehrlich; and our  
5 Executive Director, Vern Christensen.

6                   The Review Board is a co-management body  
7 established by the Mackenzie Valley Resource Management  
8 Act that makes its decision by consensus. Our members  
9 are Northerners nominated by First Nations, and by the  
10 Tlicho and territorial and federal governments.

11                   Our goal is to make decisions that will  
12 benefit the North for all residents and for future  
13 generations. I have some additional comments on  
14 today's proceedings that I hope make sure everything  
15 goes smoothly. We have limited time, and the Review  
16 Board wants to hear what everybody has to say.

17                   Please note that there's an agenda for  
18 the hearing, and again its available at the door. I  
19 ask that everybody respect the time allotted for their  
20 presentation and questions, and use their time  
21 effectively. Keeping your allotted time is important  
22 to make sure that everyone gets their fair chance to be  
23 heard. The boar -- Board is committed to fairness.

24                   The Review Board will be producing an  
25 official transcript of this hearing. This transcript



1 will be available through our website and on the public  
2 registry for this environmental assessment.

3                   Parties should be aware that they will  
4 have -- they will be invited to ask questions in turn  
5 after each presentation. The order of questions will  
6 follow the list of parties. After party questions, I  
7 will invite questions of staff, counsel, and Board  
8 members. Please address all questions through the  
9 Chair.

10                   Fortune Minerals will be giving a  
11 presentation first. After they have given the  
12 presentation, we have the schedule time allotted --  
13 allowed for parties to ask questions. After -- after  
14 each Nico project excels -- access road presentation  
15 this morning, the order of questions will -- will be as  
16 follows: Fortune Minerals, the Tlicho government, the  
17 Yellowknife Dene First Nation, the North Slave Metis,  
18 Fisheries and Oceans Canada, Government of Northwest  
19 Territories, Aboriginal and Northern Affairs  
20 Development Canada, Environment Canada, Transport  
21 Canada, Natural Resources Canada, staff, counsel,  
22 technical advisors -- advisors, and Review Board members.

23                   In terms of time, in the last hearing we  
24 had here, I've asked everybody to ask three (3)  
25 questions. If you had ten (10), to prioritize them.

1 So I'm going to maybe keep everybody, in terms of time,  
2 to focus on their priorities of their questions.

3 This afternoon, questioning after the  
4 Tlicho government traditional knowledge presentation  
5 will be the same order. Questions must be asked with a  
6 microphone so that everybody can hear and the  
7 transcribers can properly record it. Please remember  
8 to sign in at the front door. Signing in helps our  
9 transcribers and gives the Board a good record of how  
10 many people attended the hearing.

11 Tomorrow we'll have an opp -- we'll have  
12 the committee -- community and public statements.  
13 Staff at the front table will start to prepare a list  
14 of names today for people who would like to speak for  
15 tomorrow. There is a sign-up sheet at the front table  
16 for people who would like to speak for tomorrow.  
17 Please talk to our staff at the front table to sign up.

18 We also have simultaneous translation  
19 into Tlicho. And on your headsets you can hear English  
20 on channel 1, and I believe the Tlicho channel is on  
21 number 2. Two (2)? Yes. I ask that you speak slowly  
22 and clearly for the interpreters. And I believe if  
23 we're speaking a little bit too fast, maybe the  
24 interpreters in the back could just wave at me, and  
25 then I'll ask people to slow down for their

1 presentation.

2                   So -- so this morning, before we  
3 proceed, I just want to make one (1) more comment.  
4 This -- this afternoon on -- on Nico presentation  
5 access road this morning Fortune Minerals will start,  
6 then Tlicho, then Fisheries and Oceans Canada,  
7 Transport Canada.

8                   On Fisheries and Oceans and Transport  
9 Canada, what I'm going to do is I'm just going to  
10 combine both -- back to back presentation, and then  
11 we're just going to ask one (1) set of questions for  
12 them, so we can save a little bit more on time.

13                   So with that, I'm going to start --  
14 before we start, again we got washrooms here and the  
15 fire exits over here. Coffee should be ready shortly.  
16 And I believe that's the small housekeeping items we  
17 have left. So with, that I'm going to proceed.

18

19                   We're going to go to the presentation of  
20 Fortune Minerals Limited on the propo -- Nico project  
21 access road. So we could start with that and we -- if  
22 we could dim the lights a bit? Thank you.

23

24 NICO PROJECT ACCESS ROAD

25 PRESENTATION BY FORTUNE MINERALS:

1 DR. RICK SCHRYER: Rick Schryer,  
2 Fortune Minerals Limited. Thank you, Mr. Chairman. As  
3 you mentioned, I'll be presenting a brief presentation  
4 on the nitro -- Nico project access road for the Nico  
5 project.

6 As everybody knows, there is a current  
7 winter road route that goes from Behchoko, through  
8 Hislop Lake, past the project, and goes up to Gameti,  
9 with a road that connects off that goes to Whati. So  
10 that's the current winter road that is used for a  
11 variety of functions.

12 The GNWT, Government of the Northwest  
13 Territories, has proposed an all-land winter road route  
14 that would -- this is the route currently proposed,  
15 that would go from Behchoko to Whati to Gameti,  
16 primarily to provide a more reliable road, to get away  
17 from poor ice conditions on Marian Lake.

18 Fortune Minerals has had initial  
19 discussions with the GNWT and the Tlicho about how, in  
20 order for this project to move forward, we would need  
21 to upgrade that all-land winter road route to an all-  
22 season road or an all-weather road. And this road  
23 would need to go between Behchoko and Whati and then up  
24 to this portion where the Nico project access road  
25 right here would spur off and go to the Nico project.

1                   This is a bit better view of the Nico  
2 project access road. It is twenty (20) -- it would be  
3 27 kilometres long, as with -- going between Rabbit and  
4 Hislop Lakes, with a route as -- basically as straight  
5 as possible to minimize impacts. There would be four  
6 (4) small stream crossings and one (1) large stream  
7 crossing on the Marian River.

8                   What the road would look like is very  
9 much like you see in this photo here. This is the road  
10 that just leads, actually, from Whati to the falls.  
11 But it's -- it's very, very similar to what you -- what  
12 our access road would look like, 6 metre wide, gravel  
13 top. This is, you know, this is pretty much, you know,  
14 exactly what you -- you would see.

15                  The final route for the end -- the Nico  
16 project access road, or NPAR, as we call it, hasn't  
17 been decided, because we've been waiting to have  
18 discussions with the -- the Tlicho government  
19 concerning the final route and if there's anything that  
20 we need to -- to avoid.

21                  So now that the traditional knowledge  
22 study is done, I think we can probably move forward  
23 with those discussions on whether or not the proposed  
24 route that Fortune Minerals has put forward, which is  
25 in this slide here -- and I realize the line is a

1 little hard to see, but this is the line here going up  
2 to the project -- whether or not this proposed route is  
3 adequate or if there's other -- if there's sites that  
4 need to be avoided or mitigated.

5 But the bridge crossing on the Marian  
6 would be right about here; here's Hislop Lake, Rabbit  
7 Lake, in between those two (2), leading to the road  
8 that would be going between Behchoko and Gameti.

9 All of these black dots you see here are  
10 actually proposed culverts on the road to address  
11 drainage, so that there's adequate drainage on the  
12 road. So all of that's already been thought of. So  
13 the main components of the road are the bridge, the  
14 culverts, and the road surface itself. But overall,  
15 it's a -- it's a pretty simple, linear structure.

16 This next slide simply shows where the  
17 bridge would be. It would be in this narrows here,  
18 where these little set of rapids are. And it would be  
19 a span. There would -- there would be nothing in the  
20 water, so we would not be impeding access. People  
21 could still pass underneath with a canoe or a small  
22 boat in order to travel up and down the Marian River  
23 with the -- with the bridge in place.

24 The bridge, this is a -- just a simple  
25 schematic of the bridge, but it's here to demonstrate

1 that there will be quite a bit of room between the  
2 water level and the top of the bridge, where you could  
3 pass with a canoe or a small boat. And -- and your  
4 access wouldn't be impeded. And -- and there won't be  
5 any fisheries issues, because there won't be actually  
6 anything in the water, just on the two (2) bedrock  
7 shelves on either side of the river.

8                   One of the concerns brought forward by  
9 people on the Nico project access road is the access  
10 that it would create potentially to caribou and other  
11 wildlife. What Fortune Minerals has proposed is that  
12 the NPAR be a no-hunting corridor in order -- for two  
13 (2) reasons.

14                   One, to potentially im -- mitigate  
15 impacts to caribou and other wildlife, not just  
16 caribou, but also to mitigate safety concerns. Fortune  
17 Minerals is concerned about -- would be concerned about  
18 people hunting on the road. There's a number of  
19 curves. We wouldn't want people firing firearms down  
20 the length of the road where vehicles might be coming  
21 around the corner. So for safety reasons, we think it  
22 makes sense that this road be a no-hunting corridor.

23                   With that, I'll finish my presentation.  
24 And we'd be -- are ready to answer any questions.  
25 Thank you.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Thank you. That  
4 concludes your presentation?

5 DR. RICK SCHRYER: Rick Schryer,  
6 Fortune Minerals. Yes, Mr. Chairman, that's...

7

8 QUESTION PERIOD:

9 THE CHAIRPERSON: Thank you for your  
10 presentation. Then we're going to continue on now for  
11 questioning. And again, I want to just remind the  
12 parties if we could limit our questions to -- and  
13 prioritize your questions.

14 So I'm going to go to the Tlicho  
15 government. Is there any questions to Fortune Minerals  
16 on their presentation this morning?

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: Chief Daniels...?

21 CHIEF CLIFFORD DANIELS: Yes, I have a  
22 question to the Proponent. What studies will the  
23 Developer do to review the specific road route that is  
24 being selected? Masi.

25 THE CHAIRPERSON: Thank you. I want to



1 go to Fortune Minerals.

2 DR. RICK SCHRYER: Rick Schryer,  
3 Fortune Minerals. Fortune Minerals has already  
4 completed a heritage survey -- heritage resource survey  
5 along the proposed road route to look for any signs of  
6 heritage resources. The results of that study were  
7 included in the DAR.

8 If there are changes to the route,  
9 alternative locations for the route that have not been  
10 previously studied, Fortune Minerals would be prepared  
11 to work with the Tlicho government to go and have a  
12 look at those alternative routes to make sure that  
13 there's nothing that potentially could be impacted or  
14 mit -- or damaged. Thank you.

15 THE CHAIRPERSON: Thank you. I want to  
16 go to the Tlicho government, Chief Daniels.

17 GRAND CHIEF EDWARD ERASMUS: Just --  
18 just one (1). You've done -- I guess you've done some  
19 studies. Have you noticed that -- that from our -- my  
20 -- some of the Elders and TK, there could be some grave  
21 -- grave site in the area.

22 Did you notice any?

23 THE CHAIRPERSON: Thank you, Grand  
24 Chief Eddie Erasmus. I'm going to go to Fortune  
25 Minerals.

1 DR. RICK SCHRYER: Rick Schryer,  
2 Fortune Minerals. No, the heritage survey did not  
3 reveal any grave sites along the road route. We did  
4 notice, in the TK study on page 30, the figure on page  
5 30, that there were two (2) burial sites identified  
6 between Hislop and Rabbit Lake. I was going to bring  
7 that up during the Tlicho presentation.

8 But if there are grave sites -- burial  
9 sites in that area, cert -- obviously, we would want to  
10 identify them so we could -- we could work around them  
11 or mitigate those sites. So Fortune Minerals again  
12 renews its offer to work with the Tlicho government on  
13 identifying and locating any potential burial sites in  
14 that -- along the road route. Thank you.

15 THE CHAIRPERSON: Thank you. I'll go  
16 back to the Tlicho government.

17 CHIEF CLIFFORD DANIELS: Yes. If -- if  
18 the project does proceed, there seems there will be a  
19 bridge. And will that bridge remain after the mine?

20 During the remediation process, will  
21 that bridge be in place? Masi.

22 THE CHAIRPERSON: Thank you. Fortune  
23 Minerals...?

24 DR. RICK SCHRYER: Rick Schryer,  
25 Fortune Minerals. That's a good question. The -- I

1 think the bridge will have to stay up for a while,  
2 simply because Fortune Minerals needs to meet its  
3 monitoring commitments concerning the wetlands and  
4 water quality in general at site.

5                   We've already made the commitment that  
6 we're going to go in periodically and monitor to make  
7 sure that the water quality is what we said it would  
8 be. That would mean that you would need to be able to  
9 access the site.

10                   But I think that after a period of time,  
11 once the dem -- you know, we've been able to  
12 demonstrate that the water quality is adequate, the  
13 bridge could be removed and whoever's going in to  
14 sample could go in with a float plane or a helicopter  
15 to do that work on a periodic basis.

16                   We've always felt, though, at Fortune  
17 that the ultimate fate of the bridge is up to the  
18 Tlicho people. You tell us -- we would seek your  
19 guidance, in terms of whether or not you want the  
20 bridge still there or not. If it was of the -- the  
21 wish of the Tlicho government that the bridge be  
22 removed, we would -- we would remove it. And if they  
23 wanted to keep it in place for whatever reason, we  
24 could do that as well.

25                   So we were -- we were thinking that that

1 would be part of the overall closure planning that we  
2 would work on together, in terms of determining the  
3 fate of not only the bridge, but the road itself. So  
4 again, that -- that -- like I said, our position is  
5 that that would be part of the overall discussions we  
6 would have on closure. Thank you.

7 THE CHAIRPERSON: Thank you. I'll go  
8 back to the Tlicho government.

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: Thank you. I'm going  
13 to go down further to the list. Questions from the  
14 Yellowknives Dene First Nation?

15 MR. TODD SLACK: Good morning, Mr.  
16 Chair. Yellowknives Dene have no questions.

17 THE CHAIRPERSON: Thank you. I'm going  
18 to go to the North Slave Metis. Any questions to the  
19 Fortune Minerals on their presentation this morning?

20 MR. ERIC BINION: Eric Binion, North  
21 Slave Metis Alliance. I am just curious, as I might  
22 have missed this, are individuals who are working on  
23 site, will they be required to stay on site during  
24 their two (2) week work period, or would they be  
25 allowed to use the road to go, say, into Whati?

1 THE CHAIRPERSON: I'll go back to  
2 Fortune Minerals. And again, I just want to remind,  
3 just for our transcribe -- transcriber in the back  
4 here, Lorraine, just that anybody coming to the mic,  
5 again, I just want to make sure that you state your  
6 name and who you represent. Fortune Minerals...?

7

8 (BRIEF PAUSE)

9

10 DR. RICK SCHRYER: Rick Schryer,  
11 Fortune Minerals. It would depend -- their use of the  
12 road would depend on the type of shift work that you  
13 were doing at the mine.

14 However, for safety reasons, we would  
15 discourage people from travelling up and down the road,  
16 you know, during their shift. We would rather actually  
17 they stayed at the mine site and only travelled up and  
18 down the road to access the work site for simple safety  
19 reasons, in terms of -- of keep minimizing traffic on  
20 the road.

21 That minimizes the potential for  
22 accidents, minimizes the potential for interactions  
23 with wildlife. So we would try to actually discourage  
24 that as much as possible. Thank you.

25 THE CHAIRPERSON: Thank you. I'll go

1 back to the North Slave Metis Alliance.

2 MR. ERIC BINION: Just one (1) more  
3 question. Eric Binion, North Slave Metis Alliance. I  
4 was just curious if there has been a baseline study for  
5 trout in the lakes around the road site.

6  
7 I'm just more interested in the increase  
8 in harvesting on trout when there's more access.

9 THE CHAIRPERSON: Thank you. I'll go  
10 back to Fortune Minerals.

11 DR. RICK SCHRYER: Rick Schryer,  
12 Fortune Minerals. Are you talking specifically about  
13 the Marion River?

14 THE CHAIRPERSON: North Slave Metis...?

15 MR. ERIC BINION: Hi, Eric Binion. The  
16 Marion River and any lakes that are along the road.  
17 Just -- basically I'm looking at if there's been any  
18 look at the major lakes there and if there's been a --  
19 a study into thinking about if there's going to be  
20 increased harvesting of lake trout due to better  
21 access.

22 THE CHAIRPERSON: Okay. Thank you.  
23 Fortune Minerals...?

24 DR. RICK SCHRYER: Rick Schryer,  
25 Fortune Minerals. We had -- we did -- Fortune Minerals

1 looked at all of the streams that intersected the road  
2 and looked at fisheries -- not only fisheries presence,  
3 but habitat values.

4 We did not look at the -- the lakes  
5 beyond the road corridor, so there hasn't been any  
6 fisheries surveys done in those locations.

7 THE CHAIRPERSON: Thank you. Is there  
8 any further questions from the North Slave Metis?  
9 Okay. It doesn't look like it, so I'm going to  
10 continue -- is there any further questions? Okay.  
11 None. Thank you. I'm going to go to Fisheries and  
12 Oceans Canada.

13 MR. PETE COTT: Pete Cott, from the  
14 Department of Fisheries and Oceans. We have no  
15 questions. Thank you.

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

18 MR. SHAFIC KHOURI: Good morning.  
19 Shafic Khouri, GNWT. No questions. Thank you.

20 THE CHAIRPERSON: Okay. Thank you.  
21 I'm going to go to Aboriginal Affairs and Northern  
22 Development Canada, AANDC.

23

24 (BRIEF PAUSE)

25

1 MR. PAUL GREEN: It's Paul Green, with  
2 Aboriginal Affairs and Northern Development Canada. We  
3 have no questions.

4 THE CHAIRPERSON: Thank you. I'm going  
5 to go to Environment Canada.

6 MS. SARAH-LACEY MCMILLAN: Good  
7 morning, it's Sarah-Lacey McMillan with Environment  
8 Canada. I have no questions, thank you.

9 THE CHAIRPERSON: Thank you. I want to  
10 go to Transport Canada. I don't see anybody here. I'm  
11 going to go to Natural Resources Canada. Don't see  
12 anybody.

13 I want to go to the Review Board staff  
14 or legal counsel.

15 MR. JOHN DONIHEE: Thank you, Mr.  
16 Chairman. My name is John Donihee. I'm Board counsel.  
17 I have a -- a couple of questions.

18 Mr. Schryer, just -- I wonder if you  
19 would confirm that the evidence provided by Fortune to  
20 this point is that this project is not economic without  
21 this road being constructed?

22 THE CHAIRPERSON: Thank you, Mr.  
23 Donihee. I'm going to go to Fortune Minerals.

24 DR. RICK SCHRYER: Rick Schryer,  
25 Fortune Minerals. Yes, that is correct. We would need



1 the all -- the use of an all-season road in order to  
2 move our concentrate out on a -- on an annual basis.  
3 It simply wouldn't be feasible to try to move it out on  
4 a winter road basis. Thank you.

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

7 MR. JOHN DONIHEE: Thank you, Mr.  
8 Chairman. John Donihee again. And, Mr. Schryer, the  
9 evidence on the record also indicates that the  
10 Government of the Northwest Territories currently has  
11 not included the construction of this road in either  
12 its capital plan or its budget.

13 Is that correct?

14 THE CHAIRPERSON: Thank you. Fortune  
15 Minerals...?

16 DR. RICK SCHRYER: Rick Schryer,  
17 Fortune Minerals. That is correct at this time. The  
18 money has -- has been withdrawn. However, we are told  
19 that there are discussions ongoing that could bring  
20 that money back to the table if there could -- are  
21 agreements in place for the construction of this road.

22 THE CHAIRPERSON: Thank you. Mr.  
23 Donihee...?

24 MR. JOHN DONIHEE: Thank you, Mr.  
25 Chairman. John Donihee. Mr. Schryer, do you have any

1 sense of what it would cost to actually construct the  
2 all-weather portion of the road from Behchoko, say --  
3 say, if Fortune had to do it.

4 Do you know how much that would cost?

5 THE CHAIRPERSON: Thank you. Fortune  
6 Minerals...?

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: We'll come back in  
11 ten (10) minutes. Ten (10) minutes.

12

13 --- Upon recessing at 9:52 a.m.

14 --- Upon resuming at 10:08 a.m.

15

16 THE CHAIRPERSON: Thank you. We just  
17 had another -- just a minor technicality. But a few  
18 weeks ago, we were in Yellowknife; we had a Giant Mine  
19 public hearing. And in my closing comments, when I was  
20 thanking everybody, I also took the time to thank the  
21 NWT Power Corporation.

22 So with that, I guess, I'm going to  
23 continue on now with the questions. And I'm going to  
24 go to Mr. John Donihee in regards to the presentation  
25 made by Fortune Minerals. And if we could just maybe -

1 - if somebody could turn on the power for the  
2 projector?

3 Mr. Donihee...?

4 MR. JOHN DONIHEE: Thank you, Mr.  
5 Chairman. John Donihee. Before the microphones went  
6 off, I had asked Mr. Schryer if he had any sense of how  
7 much it would cost to build the road from Behchoko all  
8 the way into the mine.

9 THE CHAIRPERSON: Thank you. I'm going  
10 to go to Fortune Minerals.

11 DR. RICK SCHRYER: Rick Schryer,  
12 Fortune Minerals. Before I answer that question, I'd  
13 like to sim -- clarify my -- one of my previous  
14 responses. There currently is environmental baseline  
15 data being collected on the proposed all-land winter  
16 road route. So there is work ongoing on the all-land  
17 winter road route, in terms of environmental baseline.

18 As for the cost of the road, with the  
19 Board's permission I'd like to defer that question to  
20 the representatives of the gov -- Government of the  
21 Northwest Territories who are here with us today, who  
22 are in a much better position to -- to answer that  
23 question than -- than I am.

24 Would that be acceptable?

25 THE CHAIRPERSON: Please proceed.

1 MR. JOHN DONIHEE: Thank you, Mr.  
2 Chairman. John Donihee. Well, I guess we can -- we  
3 probably will have a couple of questions for the  
4 representatives from the GNWT anyhow, so we can  
5 certainly explore that with them. But let -- let me  
6 try this another way then.

7 If -- if Fortune Minerals had to pay for  
8 the cost of the road on top of -- now I'm talking about  
9 the portion of the all-weather access road on top of  
10 the rest of the project -- would that simply further  
11 drive the economic case in a way that would make it  
12 unlikely that you could proceed with this project?

13 THE CHAIRPERSON: Thank you. I'll go  
14 to Fortune Minerals.

15 DR. RICK SCHRYER: Rick Schryer,  
16 Fortune Minerals. It would certainly have a very  
17 significant effect on the proj -- project economics if  
18 we had to -- if Fortune Minerals had to build the road.

19 If we did have to build the road and we  
20 had to consider -- look at that case study, I think,  
21 first of all, we'd look at an alternate routing. The -  
22 - the road that's being prod -- proposed right now goes  
23 through bedrock. It would be very expensive to build,  
24 whereas there's an old winter road to the south that  
25 would probably be much easier to build. We would have

1 to consider that.

2 But my overall response to that question  
3 is that it would probably have some pretty severe  
4 impact on the project economics if Fortune Minerals did  
5 have to build that road.

6 THE CHAIRPERSON: Thank you. Mr.  
7 Donihee...?

8 MR. JOHN DONIHEE: Thank you, Mr.  
9 Chairman. John Donihee. Just -- just to sum that up  
10 then, regardless of the route, the additional cost of  
11 constructing all of the access required for the project  
12 would have a significant negative impact on project  
13 economics.

14 Is that fair?

15 THE CHAIRPERSON: Thank you. Fortune  
16 Minerals...?

17 DR. RICK SCHRYER: Rick Schryer,  
18 Fortune Minerals. Yes, that is a fair statement.

19 THE CHAIRPERSON: Thank you. Mr.  
20 Donihee...?

21 MR. JOHN DONIHEE: Thank you, Mr.  
22 Chairman. John Donihee. Mr. Schryer, in answer to one  
23 of the previous questions, or perhaps it was in your  
24 comments during your -- your presentation, you said  
25 that Fortune was waiting for discussions with the

1 Tlicho government to begin.

2 I take it that -- then it's -- it's fair  
3 to say that there have been no specific discussions  
4 about the specifics of tenure for your project access  
5 road with the Tlicho government as of yet?

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

8 DR. RICK SCHRYER: Rick Schryer,  
9 Fortune Minerals. Yes, Mr. Oni -- Donihee, that is  
10 correct. There have been no specific discussions  
11 concerning land tenure for the Nico project access  
12 road. Fortune Minerals has made several requests of  
13 the Tlicho government, as early as 2008, to have  
14 discussions on what we've termed an access agreement.

15 This was in relation to a request by the  
16 then Tlicho government to the Wek'eezhii Land and Water  
17 Board that the water licence application for the Nico  
18 project could not be processed until an access  
19 agreement was in place.

20 So those are the rules that the Tlicho  
21 government put in place. And since that time, we have  
22 been trying to negotiate an access agreement with the  
23 Tlicho government in order to meet that specific  
24 regulatory requirement. But those discussions have not  
25 occurred yet. Thank you.

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

3 MR. JOHN DONIHEE: Thank you, Mr.  
4 Chairman. John Donihee. Mr. Schryer, I -- I  
5 understand that the -- I may be using the wrong  
6 terminology, but the metallurgical facility, the place  
7 where you're going to process the ore or concentrate  
8 that's generated by this project, is to be located in  
9 Saskatchewan.

10 And am I correct that the proposal for  
11 that facility is in the environmental assessment  
12 process down there?

13 THE CHAIRPERSON: Thank you. Fortune  
14 Minerals...?

15 DR. RICK SCHRYER: Rick Schryer,  
16 Fortune Minerals. That is correct. Fortune Minerals  
17 submitted its environmental impact statement last  
18 summer for this project. We just submitted, last  
19 month, our addendum to the environmental assessment,  
20 which essentially had responded to questions from the  
21 regulatory authorities concerning the project design  
22 and -- and the different mitigation measures that we  
23 propose.

24 The system is a little bit different  
25 there than it is here. But, basically, what happens

1 now is that the project goes on the -- for public  
2 comment for either per -- a period of either thirty  
3 (30) or sixty (60) days. They haven't defined that  
4 yet. That -- after which, at that time, the -- the  
5 regulators prepare what's called their technical review  
6 comments. And it gets submitted to the Minister for  
7 approval.

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

10 MR. JOHN DONIHEE: Thank you, Mr.  
11 Chairman. John Donihee. I -- I think the -- the  
12 question I have for you, Mr. Schryer, is, you know, in  
13 -- in light of the fact -- it is -- there's no  
14 possibility, really, is there, that you'll make any --  
15 that your board would make any dec -- decisions about  
16 capital construction in Saskatchewan until your  
17 approvals process in the Northwest Territories is  
18 complete?

19 Is that -- is that the way you would --  
20 you would sequence those sorts of decisions?

21 THE CHAIRPERSON: Thank you. Fortune  
22 Minerals...?

23

24 (BRIEF PAUSE)

25



1 DR. RICK SCHRYER: Rick Schryer,  
2 Fortune Minerals. I -- I won't speak for our board,  
3 but I can say that, you know, this process is driving  
4 the other one. Obviously, we're not going to build a  
5 \$20 million facility in -- in Saskatchewan without  
6 knowing that this facility is actually going to be  
7 sending it concentrate. So, it's pretty safe to say  
8 that, yes, this process is driving the other one.

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

11 MR. JOHN DONIHEE: Thank you, Mr.  
12 Chairman. John Donihee. Could you give a -- give  
13 Board some sense of how long Fortune might be willing,  
14 you know, to wait on this project once the EA process  
15 is over, if -- if in fact, you know, you don't have  
16 tenure with the Tlicho government and you really don't  
17 have a -- any kind of commitment whatsoever from the  
18 Government of the Northwest Territories to include this  
19 road that is so important to project economics on the  
20 horizon?

21 THE CHAIRPERSON: Thank you. Fortune  
22 Minerals...?

23

24 (BRIEF PAUSE)

25

1 DR. RICK SCHRYER: Rick Schryer,  
2 Fortune Minerals. Sorry, Mr. Chairman. That is  
3 actually a very difficult question to answer. Fortune  
4 Minerals, you know, is very keen and is very motivated  
5 to develop this project. However, there are certain  
6 economic realities that we do need to deal with. Our  
7 par -- our shareholders have been very patient, in  
8 terms of the permitting of this project. But, you  
9 know, there is a -- a limit to everything.

10 As to the exact length of time that we  
11 would be willing to wait to develop the Nico project, I  
12 can't say specifically what that would be. My guess,  
13 it would be -- it would be fairly short, to be honest,  
14 given the current -- the way the current economic  
15 climate is, the way the world economy is going, and the  
16 way, you know, that -- the possibility of Fortune  
17 Minerals continuing to be able to generate funding for  
18 this project. It's going to get more and more  
19 difficult as time goes on and there's less and less  
20 certainty that the project is going to go ahead.

21 We do have another project in northern  
22 British Columbia, an anthracite coal project, a very  
23 large coal project that we could move our efforts  
24 towards. So I'd be -- I'd say that we are prepared to  
25 wait, but it's going to be I would say a relatively

1 short period of time before we have to make some  
2 decisions in terms of which direction this company  
3 goes. Thank you.

4 THE CHAIRPERSON: Thank you. Mr.  
5 Donihee...?

6 MR. JOHN DONIHEE: Thank you, Mr.  
7 Chairman. I have a couple of additional questions on a  
8 different topic. And they relate to the last slide in  
9 the Fortune presentation which recommended a no-hunting  
10 corridor along the -- the access -- the Nico project  
11 access road.

12 I just wonder whether you could us, Mr.  
13 Schryer, if -- if the Company has discussed this idea  
14 with Government of Northwest Territories and with the  
15 Wek'eezhii Renewal Resources Board?

16 THE CHAIRPERSON: Thank you. Fortune  
17 Minerals...?

18 DR. RICK SCHRYER: Rick Schryer,  
19 Fortune Minerals. No, we have not had those  
20 discussions at this -- at this time, but we hope to in  
21 the -- in the future.

22 THE CHAIRPERSON: Thank you. Mr.  
23 Donihee...?

24 MR. JOHN DONIHEE: Thank you, Mr.  
25 Chairman. Mr. Schryer, from the Company's standpoint,

1 are -- are you simply anticipating, you know, that  
2 there will be something like a regulatory response to  
3 esta -- you know, what -- what's the mechanism, I  
4 guess? Are you just thinking wildlife regulations to  
5 establish a no-shooting corridor, a no-hunting  
6 corridor?

7 Have you -- have you given any thought  
8 to the way, I guess, that the no-hunting area would be  
9 established and enforced?

10 THE CHAIRPERSON: Thank you. Fortune  
11 Minerals...?

12

13 (BRIEF PAUSE)

14

15 DR. RICK SCHRYER: Rick Schryer,  
16 Fortune Minerals. What we envision is we haven't had -  
17 - like I said, we haven't had any discussions. The  
18 instrument that we envision that -- that would -- that  
19 would allow us to have a no-hunting corridor on the  
20 NPAR would be a co-management group where all  
21 interested parties would join together. And that would  
22 be spearheaded by the Wek'eezhii Renewable Resources  
23 Board and the Tlicho government with -- obviously, with  
24 participation from Fortune Minerals and the GNWT.

25 But that were -- all parties that were

1 concerned about harvesting on the winter road would get  
2 together and come up with a plan, in terms of how to  
3 manage -- best manage that road or access on that road  
4 and harvesting on that road.

5 Our proposal here today is that we feel  
6 for safety reasons and for protection of wildlife, that  
7 the ultimate objective, or the ultimate result of that,  
8 would be a no-hunting corridor for that road. Thank  
9 you.

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

12 MR. JOHN DONIHEE: Thank you, Mr.  
13 Chairman. Those are my questions. I believe Mr.  
14 Ehrlich has one (1) or two (2).

15 THE CHAIRPERSON: Go ahead, Alan.

16 MR. ALAN EHRLICH: Thank you, Mr.  
17 Chair. I have one (1) brief line of questioning, and  
18 then Environmental Assessment Officer Shannon Hayden  
19 has a related question.

20 The Developer has described before that  
21 it has -- has gone to some lengths to -- to work hard  
22 to minimize its project footprint, partly to reduce  
23 habitat impacts on, among other species, boreal  
24 caribou. And you've also indicated that the no-hunting  
25 corridor is part of your -- your mitigation for

1 residual impacts to boreal caribou.

2 And as you recall, our Board has  
3 responsibilities under the Species at Risk Act, as well  
4 as under the MVRMA. Boreal caribou are a slightly  
5 different kind of consideration for this Board because  
6 of the -- the requirements of the Species at Risk Act.

7 The fact that Nico recommends a no-  
8 hunting corridor is no guarantee that hunting by non-  
9 employees will be effectively reduced on the road,  
10 right. I mean, it's -- it's not an ironclad guarantee.

11 The question that I'm wondering is: Why  
12 do you believe that your recommendation for -- for non-  
13 employees to not hunt on the road, why do you believe  
14 that recommendation will be obeyed?

15 THE CHAIRPERSON: Thank you. I want to  
16 go to Fortune Minerals to the question.

17

18 (BRIEF PAUSE)

19

20 DR. RICK SCHRYER: Rick Schryer,  
21 Fortune Minerals. Yes, it's difficult to say that  
22 anybody, you know, will obey the recommendation that no  
23 hunting occur on the NPAR.

24 It would be our hope that everybody who  
25 has participated in the co-management group would

1 basically follow that directive and follow the -- the  
2 spirit of what is trying to be done here, in terms of  
3 protecting woodland caribou and other species, by  
4 everybody not hunting on that road that has been --  
5 that has participated in the co-management group.

6 And obviously, you know, it would be  
7 Fortune Minerals' goal to invite any and all interested  
8 parties who might potentially hunt on that road to be  
9 part of that co-management group.

10 THE CHAIRPERSON: Thank you. I want to  
11 go back to Review Board staff.

12 MR. ALAN EHRLICH: Thank you for that,  
13 Mr. Schryer. So of that -- that group that you've  
14 mentioned, you know, you've -- you described a number  
15 of -- of things that that recommendation actually being  
16 effective in reducing hunting on the ground depends on.

17 Could you be a little bit more specific  
18 about which parts of those are -- are not in NICO's  
19 control?

20 THE CHAIRPERSON: Thank you. Fortune  
21 Minerals...?

22

23 (BRIEF PAUSE)

24

25 DR. RICK SCHRYER: Rick Schryer,

1 Fortune Minerals. Fortune Minerals doesn't have any  
2 jurisdiction over telling anybody with Aboriginal or  
3 treaty rights that they can or cannot hunt on either  
4 Crown or -- or Tlicho lands. That's out of our  
5 jurisdiction, right.

6 We're a mining company. We're not --  
7 we're not the government. So that's out of our  
8 jurisdiction. What we're helping -- what we're  
9 proposing is to help people with monitoring, with  
10 potentially implementing management plans to help  
11 wildlife.

12 But in terms of actually anything to do  
13 with jurisdiction or implementation of it, I mean,  
14 that's just simply not in our -- within our  
15 jurisdiction. Thank you.

16 THE CHAIRPERSON: Okay, thank you. I'm  
17 going to go back to Review Board staff.

18 MR. ALAN EHRLICH: Thanks, Mr. Schryer.  
19 Would you -- I mean, thank you, Mr. Chair. And thank  
20 you, Mr. Schryer, for your -- your answer on that.  
21 Would you say the same also holds true for, you know,  
22 non-Aboriginal hunters without treaty rights, just  
23 because the project's not terribly far from -- from  
24 Yellowknife, and you've identified that as -- as a  
25 group of people who -- who may be able to access the



1 site through -- through roads, as well.

2 So would you say the same applies there?

3 THE CHAIRPERSON: Thank you. Fortune  
4 Minerals...?

5

6 (BRIEF PAUSE)

7

8 DR. RICK SCHRYER: Rick Schryer,  
9 Fortune Minerals. I would think for a non-Aboriginal  
10 White hunter, that's an issue that they would have to  
11 resolve with the Tlicho government. It is Tlicho fee  
12 simple lands. So I'm actually not sure what the access  
13 rights would be. I think that's beyond -- beyond my --  
14 my level of knowledge for -- for that.

15 I mean, Fortune Minerals, in our  
16 particular instance, we are trying to negotiate an  
17 access agreement for access on the Tlicho lands in  
18 order to access our mineral claims. I would think that  
19 any other individual would have to do the same.

20 THE CHAIRPERSON: Thank you. Review  
21 Board staff...?

22 MR. ALAN EHRLICH: Thank you, Mr.  
23 Chair. So considering what you've just said about  
24 treaty rights holders and non-Aboriginal hunters who  
25 may come in from the area, I guess the general question

1 I'm going to ask is: How effective do you believe that  
2 recommendation is going to be in actually reducing  
3 hunting along the road?

4 THE CHAIRPERSON: Thank you. I'll go  
5 back to Fortune Minerals.

6

7 (BRIEF PAUSE)

8

9 DR. RICK SCHRYER: Rick Schryer,  
10 Fortune Minerals. Well, there's currently a hunting  
11 ban for the Bathurst caribou herd within Tli -- the  
12 Tlicho territory that is being respected by people.  
13 And we see no reason why that wouldn't continue with  
14 our -- our road.

15 I mean, overall, what this is going to  
16 depend on is what comes out of the negotiations with --  
17 between Fortune Minerals and the Tlicho government on  
18 our access agreement, in terms of what the terms of  
19 access are and how that road is managed.

20 I think that subsequent to that, you  
21 know, monitoring will demonstrate whether or not it's  
22 being effective, you know, depending on what measures  
23 we -- we come up with. We've sugg -- I've suggested  
24 previously that this co-management group would be a  
25 good way to go, in terms of bringing everybody to the

1 table, getting everybody to buy into the potential  
2 issues and the potential mitigations, and then going  
3 from there with everybody's buy-in, in terms of how we  
4 could manage this road successfully and minimize the  
5 potential impacts on caribou.

6 THE CHAIRPERSON: Thank you. Review  
7 Board staff...?

8 MR. ALAN EHRLICH: Thanks. And the  
9 next question is -- is from Environmental Assessment  
10 Officer Shannon Hayden. It deals with, last time that  
11 we were in this hearing, you talked about looking into  
12 different kinds of off-site habitat compensation  
13 related to caribou and looking at residual impacts from  
14 the road as -- as well as the mine. And so I will hand  
15 the mic over to Ms. Hayden.

16 MS. SHANNON HAYDEN: Okay, it's Shannon  
17 Hayden for the Review Board staff. In the technical  
18 reports, Environment Canada and the Tlicho government  
19 stated that the current level of disturbance to boreal  
20 caribou -- caribou habitat in the Wek'eezhii area, as  
21 well as the NWT South area, from existing and  
22 anthropogenic impacts is currently at the critical  
23 threshold of 35 percent or beyond that for self-  
24 sustaining populations.

25 So the first question is a follow-up

1 from the hearings in August. Has Fortune further  
2 considered opportunities or possibilities for off-site  
3 habitat compensation in the vicinity of the Nico  
4 project as part of the proposed WEMP, or any other  
5 program?

6 THE CHAIRPERSON: Thank you, Ms.  
7 Hayden. I want to go to Fortune Minerals.

8

9 (BRIEF PAUSE)

10

11 DR. RICK SCHRYER: Rick Schryer,  
12 Fortune Minerals. Now, you mentioned the level of  
13 disturbance in the NWT South boreal caribou range is  
14 about 38 percent. And we need to keep in mind that  
15 human disturbance is only -- is less than 1 percent of  
16 that. The rest is caused by fire, which is difficult  
17 for Fortune Minerals to deal with.

18 In terms of off site -- and I'm assuming  
19 you're talking about off-site habitat improvement for  
20 the boreal caribou. We'd be prepared to discuss that  
21 issue, but we don't have any particular plans in mind  
22 right now. But we could certainly discuss whether or  
23 not there would be opportunities that could exist.  
24 Thank you.

25 THE CHAIRPERSON: Thank you. Ms.

1 Hayden...?

2 MS. SHANNON HAYDEN: Thanks. It's  
3 Shannon again, with the Review Board. I guess, just a  
4 follow-up to that is, basically just your answer as  
5 well.

6 Is Fortune willing to commit to discuss  
7 such opportunities and popu -- opportunities and  
8 possibilities with the parties in your discussions and  
9 the development of the Wildlife Effects Monitoring  
10 Program or other related programs?

11 THE CHAIRPERSON: Thank you. Fortune  
12 Minerals...?

13 DR. RICK SCHRYER: Rick Schryer,  
14 Fortune Minerals. Yes, we'll commit to those  
15 discussions.

16 THE CHAIRPERSON: Thank you. Shannon  
17 Hayden...?

18 MS. SHANNON HAYDEN: Thank you. That's  
19 it.

20

21 --- COMMITMENT NO 3: If Developer is committed  
22 to discuss opportunities  
23 for offsite habitat  
24 compensation with parties  
25 in the development of the

1 WEMP

2

3 THE CHAIRPERSON: Okay, thank you.

4 That concludes comments and questions from the Review

5 Board staff. I'm going to go to Board members.

6 To my left -- my -- my far right, Danny

7 Bayha...?

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

9 I just had a couple questions, if I may. Again, I -- I

10 just wondered, earlier in your presentation you -- on

11 your -- on -- on the access road, they had -- you had

12 four (4) stream crossings identified. But then you

13 said a lot of those dots on the road were culverts.

14 Approximately how many culverts are

15 there in -- in the proposed road in that -- in that

16 road?

17 THE CHAIRPERSON: Thank you, Mr. Bayha.

18 Fortune Minerals...?

19 DR. RICK SCHRYER: Rick Schryer,

20 Fortune Minerals. As I remember, there's around fifty

21 (50) of them. Now, those aren't all streams. Those

22 are sort of shallow, muskegy, wet areas that need to be

23 drained. Otherwi -- otherwise, water will build up

24 beside the road during freshette. But they're not

25 streams.

1                   We did an entire survey of the road  
2 route, and we found four (4) streams that would need to  
3 have an actual crossing put in or a culvert put in, in  
4 order to adequately address the drainage.

5                   Fortune -- or, Department of Fisheries  
6 and Oceans is already aware of the type of -- of  
7 structures we want to put in, in order to address  
8 Fisheries' concerns. But, yeah, the number would be  
9 about fifty (50). But like I said, a lot of them  
10 aren't actual streams; they're just kind of wet areas.

11                  THE CHAIRPERSON:    Thank you.   Mr.  
12 Bayha...?

13                  MR. DANNY BAYHA:    Thank you, Mr. Chair.  
14 And the other, I guess more on the access road in  
15 general: How long have Fortune Minerals been operating  
16 in this area -- or since they have the exploration in  
17 this area?

18                  THE CHAIRPERSON:    Thank you.   Fortune  
19 Minerals...?

20                  DR. RICK SCHRYER:   Fortune Minerals has  
21 been active at the Nico site on and off since 1998.

22                  THE CHAIRPERSON:    Mr. Bayha...?

23                  MR. DANNY BAYHA:    Yes, thank you. And  
24 in -- in that time, I guess, you know, as your -- your  
25 exploration progresses and stuff and, you know, you get

1 the feasibility studies and -- and the discoveries that  
2 you have, in that time and to -- to build the -- the  
3 access road, the -- the decision to build or the  
4 proposed building of the access road.

5 On that particular subject, how many  
6 face-to-face meetings have you actually had with the  
7 Tlicho government, as well as GNWT and other parties  
8 that's necessary to -- to actually make that road a  
9 reality? Thank you.

10 THE CHAIRPERSON: Thank you. I'm going  
11 to go to Fortune Minerals.

12 DR. RICK SCHRYER: Rick Schryer,  
13 Fortune Minerals. Without going back through my notes,  
14 I'd have to say several. Everything up and to the time  
15 we submitted the DAR is in our transcripts, in terms of  
16 meetings with gov Tli -- either Tlicho government or  
17 GNWT concerning the road.

18 Everything in -- everything in earnest  
19 would have started around 2007, when we first submitted  
20 our application. And that was -- that application was  
21 actually rejected because we didn't have an access  
22 agreement and we had to resubmit, if you remember all  
23 that. But we didn't -- you know, we didn't get  
24 referred to environmental assessment until quite a bit  
25 later on than that.



1 But the record of our discussions are in  
2 there. I can provide you with a number if you wa -- if  
3 you want, in terms of the actual number of meetings.  
4 And I can certainly update that from the time we  
5 submitted the DAR, which is May 20th, 2011, until  
6 today, in terms of other meetings where the road has  
7 been discussed.

8 THE CHAIRPERSON: Thank you. Danny  
9 Bayha...?

10 MR. DANNY BAYHA: Yeah, thank you, Mr.  
11 Chair. And I guess early -- and then I guess that  
12 leads me to another question. Earlier, you mentioned  
13 from a question from our legal counsel on the period of  
14 time that the door will be open, in a sense, for this  
15 mine to be feasible on the discussions on -- with  
16 reference to the access road. You said short period of  
17 time.

18 Can you give an indication in your mind  
19 what short period of time means? Is it months, years,  
20 hours?

21 THE CHAIRPERSON: Thank you. Fortune  
22 Minerals...?

23

24 (BRIEF PAUSE)

25

1 DR. RICK SCHRYER: Rick Schryer,  
2 Fortune Minerals. All right, now that's not a -- a  
3 decision that -- or, it's a difficult thing for me  
4 personally to comment on, simply because that would be  
5 a Board decision.

6 I can certainly comment on the factors  
7 that would be involved in that decision. You know,  
8 currently -- you know, we still need to get through the  
9 permitting process, right, and we still need to get  
10 through this process and get Ministerial approval and  
11 then go through the water licensing process.

12 So there's still a lot of permitting  
13 that needs to be done. Once we've got all our permits  
14 in hand, you know, the amount of time that Fortune  
15 Minerals will be willing to wait with permits in hand  
16 without a road, I would think, would be relatively  
17 short.

18 I can't tell you if it's a year, or six  
19 (6) months, or what -- or, you know, what it might be,  
20 because that'll depend completely on financial  
21 conditions. The reality is though, you know, our  
22 stock's at forty-eight (.48) cents today.

23 The -- the ability to raise money in the  
24 stock market right now is very limited. Our forecasts  
25 are that we're going into a recession, a global

1 recession. So in terms of our ability to keep, you  
2 know, maintain this company, you know, or at least the  
3 project, the initiative on this project and the  
4 momentum on this project, once we've reached the --  
5 once we have our permits in hand, I would think, would  
6 be relatively short.

7 To be honest, if there's no interest in  
8 moving the project forward, then we'll move on. And  
9 our president has said that actually, in -- in pretty  
10 much those words. So, yeah, it's going to be -- I  
11 can't tell you a specific time, but I would say, you  
12 know, relatively short.

13 THE CHAIRPERSON: Thank you. Board  
14 member Danny Bayha...?

15 MR. DANNY BAYHA: Thank you, Mr. Chair.  
16 And -- and I guess based on your -- some discussion  
17 earlier on the whole issue of access road, I guess a  
18 final question it would be is: How confident you are -  
19 - are you, I guess, as a company, as -- as a -- as a  
20 proponent of this project, that you'll get an access  
21 road agreement, based on your indications or -- from  
22 the GNWT and Tlicho government?

23 THE CHAIRPERSON: Thank you, Mr. Bayha.  
24 I'm going to go to Fortune Minerals.

25

1 (BRIEF PAUSE)

2

3 DR. RICK SCHRYER: Rick Schryer,  
4 Fortune Minerals. Our rights of access are actually  
5 laid out in the Tlicho Agreement, and so we're very  
6 confident that we will achieve an access agreement with  
7 the Tlicho government at some point.

8 There is a provision for arbitration in  
9 Chapter 6 of the Tlicho Agreement, should we not be  
10 able to negotiate an agreement. That is very much not  
11 our preferred route in order to reach a -- an agreement  
12 with the Tlicho government. We would much rather  
13 negotiate rather than go to some third-party arbitrator  
14 to -- in order to resolve this. But there is a  
15 mechanism there to resolve it in order to be able to  
16 access our mineral claims.

17 THE CHAIRPERSON: Thank you. Okay.  
18 I'm going to go to Board member Rachel Crapeau.  
19 Questions to the Developer on their presentation this  
20 morning?

21 MS. RACHEL CRAPEAU: Thank you, Mr.  
22 Chair. I got no questions at the moment. Thank you.

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

25 MR. RICHARD MERCREDI: Thank you, Mr.

1 Chair. No questions.

2 THE CHAIRPERSON: Thank you. I'm going  
3 to go to Board member James Wah-shee.

4 MR. JAMES WAH-SHEE: No questions.  
5 Thank you.

6 THE CHAIRPERSON: Thank you. Board  
7 member Percy Hardisty...?

8 MR. PERCY HARDISTY: Masi, Mr. Chair.  
9 Just the one (1) question in regards to the 27  
10 kilometres. How much gravel are we talking about?

11 THE CHAIRPERSON: Thank you. Fortune  
12 Minerals...?

13 DR. RICK SCHRYER: Rick Schryer, Fort -  
14 - Fortune Minerals. Could you repeat the question,  
15 please? I didn't -- I didn't quite hear it properly.

16 MR. PERCY HARDISTY: In regard to your  
17 access road, that 27 kilometres, how much gravel are we  
18 talking about?

19 THE CHAIRPERSON: Thank you. Fortune  
20 Minerals...?

21 DR. RICK SCHRYER: Rick Schryer,  
22 Fortune Minerals. I don't know the exact volume of  
23 gravel. We could probably figure it out. But, I mean,  
24 it's going to be 6 metres wide, gravel-top road.

25 There are a number -- we've identified -

1 - if you look at our maps in the DAR, there's a number  
2 of gravel sources all along that road route. So  
3 there's a number of areas that we could actually easily  
4 access aggregate like that to be able to -- to build  
5 the road.

6 So it's actually going to be a fairly  
7 easy build for that access road because of the  
8 aggregate sources that are nearby.

9 THE CHAIRPERSON: Thank you. Percy  
10 Hardisty, Board member...?

11 MR. PERCY HARDISTY: Masi, Mr. Chair.  
12 That's -- that's the only question that I had.

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

15 MR. JOHN CURRAN: Thank you, Mr.  
16 Chairman. I'm just wondering if the Proponent could  
17 refresh our memories on the anticipated traffic volumes  
18 on the access road.

19 THE CHAIRPERSON: Thank you. Fortune  
20 Minerals...?

21 DR. RICK SCHRYER: Rick Schryer,  
22 Fortune Minerals. We -- we -- it was in one of our  
23 presentations, and it is in the DAR. We anticipate  
24 five (5) truckloads exiting the site with concentrate  
25 per day. So that's five (5) trucks. All of the other

1 traffic, we estimated, would be another, depending on  
2 the day, three (3) to nine (9) vehicles per day.

3                   So a maximum of about fourteen (14) --  
4 nine (9) to fourteen (14) vehicles per day going up and  
5 down the road. That's a maximum. And that could be  
6 personnel, concen -- like, we know concentrate's five  
7 (5), but there could be fuel.

8                   But what we're planning -- hopefully  
9 what we can -- what we're hoping to do is to be able to  
10 back-haul fuel on the trucks that are bringing down the  
11 concentrate down to Hay River, is back-haul fuel back  
12 on the way up so we can minimize road traffic. But  
13 we'll see.

14                   But anyway, sort of nine (9) -- fourteen  
15 (14) a day would be the number you'd use.

16                   THE CHAIRPERSON: Thank you. Board  
17 member John Curran...?

18                   MR. JOHN CURRAN: Thank you. The --  
19 the 27-kilometre access road, is that something Fortune  
20 Minerals would build itself?

21                   THE CHAIRPERSON: Fortune Minerals...?

22                   DR. RICK SCHRYER: Rick Schryer,  
23 Fortune Minerals. Yes, that's correct. Probably  
24 through the use of a -- of a contractor; but, yes, it  
25 would be Fortune Minerals that would be building that

1 road.

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

4 MR. JOHN CURRAN: Thank you, Mr.  
5 Chairman. I'm just -- without giving away any secret  
6 recipes or anything like that, I know you talked about  
7 some initial negotiations for evergreen contracts and  
8 things like that.

9 Have there been any discussions with  
10 potential contractors for the construction of the road?

11 THE CHAIRPERSON: Thank you. I want to  
12 go to Fortune Minerals.

13

14 (BRIEF PAUSE)

15

16 MR. BILL SHEPARD: Bill Shepard,  
17 Fortune Minerals. The short answer is yes. We've done  
18 a lot of work with the potential contractors, mainly  
19 here in the Northwestern Territories, as a whole to  
20 identify a potential contractor available to fulfill  
21 the needs and surfaces that we'll need for the mine,  
22 including the road.

23 One such discussion is with the Tliche  
24 Logistics Corporation, who is very interested in -- in  
25 building the road. So not only have we had lengthy



1 discussions as far as their availability, but also a  
2 second-tier discussion to make sure the equipment --  
3 such as aggregate, crushed plants, and whatever -- are  
4 available.

5                   Anything that has not been available  
6 within the Tlicho Investment Corporation family of  
7 businesses, we've also approached the Yellowknife Dene  
8 and to the Det'on Cho, and what they have available for  
9 some joint-venture opportunities, and also the greater  
10 Northwest Territory at large.

11                   So as far as a supply chain logistics  
12 and contracting, we've done a lot of prework to  
13 identify people available, including potential folks  
14 available in the North Slave Metis.

15                   So we feel we've looked at the whole  
16 supply chain the Northwest Territories has to offer,  
17 and we're ready to start the next step, as far as drill  
18 down planning for all those different contracts and  
19 employment opportunities to maximize Northwest  
20 Territories and Tlicho First Nations employment.

21                   THE CHAIRPERSON:    Thank you.   Any  
22 further questions, John Curran?

23                   MR. JOHN CURRAN:    Just one (1) more,  
24 Mr. Chairman.  I'm just wondering if you can explain on  
25 the -- the rotational workers.  You mentioned it a

1 little bit, work shifts and things like that. I know  
2 that you don't plan to have an airstrip at site, so  
3 presumably all of your workforce is coming in via the  
4 ground.

5                   Would those workers be flying into  
6 Yellowknife or flying into Whati, or -- or where are  
7 they flying into before they get on a bus? Or are you  
8 planning to bus them from wherever they happen to live?  
9 Thank you.

10                   THE CHAIRPERSON: Thank you. I'm going  
11 to go to Fortune Minerals.

12

13                   (BRIEF PAUSE)

14

15                   MR. PAT MOLONEY: Pat Moloney, Fortune  
16 Minerals. This questions been bouncing around for a  
17 while. And part of what we've been saying is that we're  
18 looking for opportunities to do some unique things with  
19 shifts. The fact that it's as close as it is to Whati,  
20 we believe that it will opp -- open up some  
21 opportunities for people who may not have had the --  
22 the opportunities for people who may not have had the -  
23 - the opportunity to work in the mine site.

24                   So we're -- we're looking at Yellowknife  
25 right now as being kind of the key pick-up point. So

1 we would be starting to drive people -- there'd be a  
2 bus from Yellowknife through to the mine site itself.  
3 We're open to different ideas, though.

4                   And we don't know at this point in time  
5 where -- where all of our employment is going to be  
6 drawing from. Because we don't know until we get  
7 closer to the hiring point of -- of who's going to be  
8 available. There's obviously shifting employment  
9 numbers with other mines that are -- that are being  
10 impacted by their own situations, that, you know, may  
11 free up people and then eat up people.

12                   So right now though the plan is that the  
13 -- kind of the hub would be from Yellowknife. There is  
14 a situation -- if we've got someone who is coming from  
15 Wekweeti or Whati and there isn't, obviously, road  
16 access, they would be flying into Whati -- sorry, if  
17 Gameti and -- and Wekweeti, they'd fly into Whati and  
18 then be bussed into site. So there -- we don't see, at  
19 this point in time, the need for a -- an airstrip at  
20 the -- at the mine site itself.

21                   But the one (1) thing we want to keep  
22 stressing is that there is an opportunity for some  
23 flexibility and some creativity around shifts for  
24 people that are -- that are based in somewhere like  
25 Whati, because it's so close. And it -- also the spin-

1 off is, work opportunities where they don't have to  
2 come -- don't have to be at site to do it; that there's  
3 peripheral businesses that -- that can get developed in  
4 Whati itself.

5 MR. BILL SHEPARD: And, Mr. Chairman,  
6 may I follow up with that answer, please?

7 Okay. Bill Shepard, Fortune Minerals.  
8 Just to pay you back on what Mr. Moloney has said.  
9 This is -- speaks to the timing issue, the timing  
10 question, as far as when the mine would be developed  
11 and permitting and what have you.

12 We're posed to -- poised to develop  
13 employment opportunities and capacity building, so  
14 that's where it's important for us to get a sense of  
15 timing for approvals and permitting and access roads  
16 being -- being developed. Part of the things that we  
17 do is, we -- we come up with plans to -- when to  
18 implement or mobilize certain aspects of the project on  
19 the ice road versus all-weather -- all-season road. So  
20 those kind of things are important for us to know as  
21 far -- a sense of timing, so we can start the next step  
22 of developing suppliers and -- and potential employees  
23 as far as training opportunities.

24 If we launch today and develop those  
25 skill sets and resources and we haven't got a clear

1 vision, we could be launching too soon, as an example,  
2 and have people trained-up or suppliers ready and --  
3 and be -- miss it by six (6) to eight (8) months. So  
4 that's -- that's the imperative and where it fits into  
5 the overall planning process of knowing the timing. So  
6 it is important to us. Thank you.

7 THE CHAIRPERSON: Thank you. Okay,  
8 well, that concludes the questions from the parties and  
9 staff and legal counsel and Board members. So I want  
10 to thank Fortune Minerals for doing their presentation.

11 Next item on the list I have is the  
12 Tlicho government to come up and do their presentation.  
13 While they're setting up again, I just want to remind  
14 everybody in the room that -- that we have a table in  
15 the back. Tomorrow -- tomorrow morning, we're going to  
16 listen to the community and the public statements, so I  
17 encourage anybody that -- needs to go up and sign up,  
18 so that we have a list. And we'll go through that  
19 tomorrow morning.

20 So I'm going to go ahead and go to the  
21 Tlicho government.

22

23 PRESENTATION BY TLICHO GOVERNMENT:

24 MS. KERRI GARNER: Masi, Mr. Chair.  
25 Kerri Garner with the Tlicho government. So I'm here

1 today to share the Tlicho government's overall concerns  
2 with the access road and Fortune's use of the potential  
3 realignment of the winter road that connects the  
4 project to that access road.

5                   In August, 2005, the Tlicho agreement  
6 came into force, confirming Tlicho ownership of  
7 surface- subsurface rights of 39,000 square kilometres  
8 of land. This was a huge feat for the Tlicho. To own  
9 one (1) contiguous pieces of land was the want, desire,  
10 and only option for the Elders. They wanted a solid  
11 piece of land, where they can be the stewards of the  
12 land and make decisions for themselves and on what the  
13 future holds for them, so the Tlicho can make decisions  
14 and learn from these decisions, and know that they are  
15 making their own future. This is what the Tlicho  
16 agreement is about.

17                   This is why the negotiating team fought  
18 so hard for the Tlicho agreement under the guidance of  
19 the Tlicho Elders. This is also why the Tlicho  
20 government made a law declaring a moratorium on  
21 development on Tlicho lands until such time that a land  
22 use plan is developed and implemented. That said,  
23 there is a provision in that Tlicho law for individual  
24 exemptions which are dealt with on a case-by-case basis  
25 within the moratorium.

1                   The issue of the Tlicho road and the  
2 access road has been a complicated and challenging  
3 issue to deal with. The Board insisted on inclusion of  
4 the use of the road in this environmental assessment,  
5 not the building and construction of it, and Fortune  
6 supported this decision. The Tlicho government did not  
7 agree with that choice, but there is a court decision.

8                   Fortune Minerals states that an all-  
9 season road is necessary for this mine to be viable.  
10 So now it is necessary to have a discussion about the  
11 potential impacts that this access road and Fortune  
12 Minerals' use of the potential realignment may have on  
13 the environment, the wildlife and the people. This  
14 road is not only about engineering. It is about much  
15 greater potentially significant impacts, as well.

16                  We are saying that both the access road  
17 to the mine and Fortune's use of the all-season road  
18 must be considered in the context of their effects on  
19 the environment, which includes socioeconomics as well  
20 as wildlife. This map shows the proposed roads and the  
21 caribou and hunting trails of the Tlicho. As shown  
22 here on the map, and also as stated in the initial  
23 traditional knowledge presentation in August which will  
24 be further expanded upon this afternoon, the Tlicho  
25 have traditionally hunted caribou in this area, and

1 also trapped and fished, therefore, emphasizing the  
2 need to consider the impacts.

3 Fortune committed in their presentation  
4 that they would have a no-hunting corridor around the  
5 access road to the mine. There has been some extensive  
6 discussion about that now, and Fortune Mineral has  
7 expressed that through a co-management process we will  
8 all come to an agreement. Fortune Minerals expressed  
9 that there is a restriction on Bath -- that Bathurst  
10 herd now, and people are complying and respecting this.  
11 Yes, people are respecting this with the expectation  
12 and anticipation that these restrictions will be lifted  
13 in the very near future when the herd repopulates.

14 I can also say from a week that I have  
15 just spent in the communities on this very issue that  
16 this res -- these restrictions have created significant  
17 hardship on the Tlicho people, and they anticipate the  
18 day that the restrictions will be lifted. In the end  
19 harvest management is possible, but it takes time,  
20 energy, education, communication and resources.

21 In addition to the impacts on wildlife,  
22 the Developer's assessment report does not sufficiently  
23 address the socioeconomic impacts of Fortune's use of  
24 the all-weather road. An all-season road could have  
25 impacts, both positive and negative, on all Tlicho



1 communities.

2                   Since the August public hearings, Tlicho  
3 government and Fortune Minerals have engaged in initial  
4 discussion regarding socioeconomic research. While we  
5 are hopeful that those discussions will result in  
6 meaningful research, we are looking to the Board to  
7 address the impacts of the use of the new roads.

8                   In addition to in and out migration  
9 there are concerns for public safety in communities and  
10 along the road corridor with increasing traffic, and  
11 also concerns of impacts to the community cohesion and  
12 social issues.

13                  As discussed in the August session, the  
14 Tlicho government would like to see a wildlife effects  
15 monitoring program developed prior to the permitting  
16 process of which we have explained further in an  
17 undertaking why we feel that this is necessary. The  
18 proponent has committed to engage in this process with  
19 the Tlicho government, and we appreciate the sentiment,  
20 but we are also looking for greater certainty.

21                  Originally, this presentation was to  
22 immediately follow the socioeconomic presentation in  
23 August, so I will briefly recap the mitigations  
24 presented there.

25                  The Tlicho government requested

1 mitigations to protect or enhance Whati infrastructure,  
2 health and social services from the government of the  
3 Northwest Territories. We want to maximize employment  
4 and business opportunities, we want to maximize  
5 training and education, and we want the Tlicho to be  
6 the ones managing social, economic, and the cultural  
7 risks.

8                   In summary, to the extent that the  
9 Review Board has required that the access road and  
10 Fortune's use of the potential realignment of the  
11 winter road to the creation of an all-weather road be  
12 part of this environmental assessment, we are looking  
13 for measures like the Wildlife Effects Monitoring  
14 Program and a consideration of the socioeconomic issues  
15 as already mentioned to be considered by the Board in  
16 their report of environmental assessment. The concerns  
17 that we raised and the measures that we suggest  
18 relating to the Tlicho access road are provided solely  
19 in the context of this environmental assessment.  
20 Financial and landowner considerations may be addressed  
21 subsequent to this environmental assessment process.  
22 Masi.

23                   THE CHAIRPERSON: Thank you for your  
24 presentation. Earlier this morning I had mentioned  
25 that this public hearing is a continuation. And during

1 the last meeting here in August I've recognized, you  
2 know, chiefs and former chiefs and MLAs in the -- in  
3 the room, and I just want to just acknowledge the Dene  
4 National Chief in the back, Bill Erasmus.

5

6 (BRIEF PAUSE)

7

8 QUESTION PERIOD:

9 THE CHAIRPERSON: Thank you. And we're  
10 going to go to the questioning now. I'm going to go to  
11 Fortune Minerals, if you have any questions in regards  
12 to the Tlicho presentation.

13 DR. RICK SCHRYER: Rick Schryer,  
14 Fortune Minerals. The Tlicho TK study, as we touched  
15 on earlier, identifies two (2) potential burial sites  
16 along the route, or on the end of our route. Given  
17 that there was no field study, no field verification of  
18 these sites, how confident is the Tlicho government  
19 that these burial sites are actually basically as  
20 they're shown on this -- on this map on the road route  
21 that is currently proposed? Thank you.

22 THE CHAIRPERSON: Thank you. I'm going  
23 to go to the Tlicho government.

24

25 (BRIEF PAUSE)

1 MS. RACHEL OLSEN: This is Rachel Olsen  
2 (phonetic) from the Firelight Group, for the Tlicho  
3 government. Based on our assessment there were  
4 multiple participants that identified the burial site  
5 within that area. So we are very confident that it is  
6 in -- that there is a burial site, or -- or multiple  
7 burial sites within that region, and that information  
8 was all first-hand knowledge that we collected from  
9 those Elders. Thank you.

10 THE CHAIRPERSON: Thank you. I'm going  
11 to go back to Fortune Minerals.

12

13 (BRIEF PAUSE)

14

15 DR. RICK SCHRYER: Rick Schryer,  
16 Fortune Minerals. When you say the burial sites are in  
17 that region, how big a region is that? Is that that 1  
18 kilometre buffer that they referred to in the report,  
19 or is that larger or smaller dia -- I'm just trying to  
20 get an idea of the context of where these things are,  
21 plus or minus, in terms of the road route that we're  
22 proposing. Because I'm -- I'm looking at this map and  
23 it says -- it pretty much says the grave site's on the  
24 road.

25 So, I mean, that -- that's obviously a

1 concern to us, so I'm just trying to get an idea of,  
2 plus or minus, where this -- this site may or may not  
3 be. You don't need to say right now, but just give me  
4 an idea of what the -- when you said, "in that area,"  
5 what that means. Thank you.

6 THE CHAIRPERSON: Thank you. I'm going  
7 to go back to the Tlicho government to the question.

8

9 (BRIEF PAUSE)

10

11 MS. RACHEL OLSEN: This is Rachel  
12 Olsen, from the Firelight Group for the Tlicho  
13 government. When -- our method is mapping peoples'  
14 memories and values. So those dots that we put on the  
15 map are not specific locations; we need that GPS field  
16 verification. However, the tract of land is between  
17 Hislop Lake and the lake directly below it. So the  
18 area that we're talking about in between those two (2)  
19 -- those two (2) lakes isn't a large area.

20 So while we can't say for sure that the  
21 burial site is directly on the road, there is values  
22 within that area, and -- and very close to where the  
23 proposed road was going to be. Thank you.

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

1 DR. RICK SCHRYER: Rick Schryer,  
2 Fortune Minerals. In your presentation, Ms. Garner  
3 brought up the -- some of the socioeconomic issues that  
4 have been discussed by the Tlicho in terms of their  
5 concerns for Whati. I just want to remind the Board  
6 that Fortune Minerals is currently working with the  
7 Tlicho government on developing an in-migration study  
8 for the community of Whati to address those specific  
9 concerns. And, we're -- anyway, we're moving forward  
10 with that study. Thank you.

11 THE CHAIRPERSON: Thank you. I'm going  
12 to go to the Yellowknives Dene First Nation. Any  
13 questions to the Tlicho government on their  
14 presentation?

15 MR. TODD SLACK: Hi, Mr. Chair. Todd  
16 Slack, Yellowknives Dene. I have two (2) questions for  
17 the Tlicho, and they're both focussed on learning from  
18 examples here in the territory.

19 The first question is related to a  
20 report that GNWT put out a few years ago in terms of  
21 where they -- like the cumulative effects. And one (1)  
22 of the conclusions in that was that the -- the winter  
23 road had a significant impact, from GNWT's perspective,  
24 had a significant impact on the caribou population.  
25 Were, or is Tlicho government aware of any mitigations

1 that were put into place after that, and would they be  
2 considered effective in their opinion?

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

5 MS. KERRI GARNER: Masi, Mr. Chair.  
6 Kerri Garner, Tlicho government. As far as I know -- I  
7 have been here for three and a half (3 1/2) years, but  
8 from what I understand that there weren't any -- there  
9 weren't any changes or restrictions, or anything  
10 implemented following that information regarding the  
11 understanding that the winter road did have an impact  
12 on -- on increased harvest, or the -- sorry, I'm not  
13 saying my -- speaking very well.

14 My understanding is that there is -- the  
15 GNWT believes that the winter road did increase access  
16 to the Bathurst caribou herd, which significantly led  
17 to the decline of -- was a part of the reason that the  
18 caribou population declined. And there weren't any  
19 mitigations that were put in place to change that at  
20 that point in time.

21 When the decline was determined in 2009,  
22 at thirty-two thousand (32,000), we went through a  
23 public hearing process with the Wek'eezhii Renewable  
24 Resources Board. And the Tlicho government and ENR  
25 worked together significantly to limit harvest of the

1 Bathurst caribou. And the decision was made at that  
2 time to limit the harvest to three hundred (300)  
3 Bathurst caribou a year in order to let the herd  
4 repopulate. Masi.

5 THE CHAIRPERSON: Thank you. I'm going  
6 to go back to the Yellowknives Dene First Nation. I  
7 think you said you had two (2) questions, so your  
8 second question?

9 MR. TODD SLACK: Considering the -- and  
10 sticking with this example, are the -- the Tlicho  
11 government aware of monitoring and management actions  
12 that consider the health and environment of the  
13 wildlife and the waters around the winter roads that  
14 are currently in operation? Especially, you know, I'm  
15 talking about the Tibbitt to Contwoyto Road especially.

16 Are there examples that we can take away  
17 from that in terms of what is done there, to look at  
18 potential road monitoring here? Thanks.

19 THE CHAIRPERSON: Thank you for YKDFN  
20 for your final question. I'm going to go to the Tlicho  
21 government.

22 MS. KERRI GARNER: Masi, Mr. Chair.  
23 Kerri Garner. I don't really have the answer to that  
24 question. I'm not entirely sure what measures have  
25 been put in place on the Tibbit and Contwoyto Road.



1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Go ahead.

4 MS. KERRI GARNER: Masi, Mr. Chair.

5 Kerri Garner. There are monitor -- there's -- there  
6 are monitors both on the Tlicho road now in each Tlicho  
7 community and a winter road check station. And on the  
8 Tibbit to Contwoyto Road there are also monitors that  
9 are working on that road doing monitoring of the  
10 caribou harvest, and I believe that there's a check  
11 station, as well. Masi.

12 THE CHAIRPERSON: Okay. Thank you.  
13 Did the Chief from the Tlicho government want to make a  
14 comment or a -- to that question? Please proceed.

15

16 (INTERPRETED FROM TLICHO INTO ENGLISH)

17

18 CHIEF CHARLIE FOOTBALL: Masi. Thank  
19 you. This is our land. We're not talking falsely.  
20 And -- and stories that's been passed on, and also  
21 things that we see and that's how we pass on our  
22 knowledge. And that's how -- I used to work at BHP  
23 Mine, myself, and when there's a stream or river they  
24 make a little small bridge over those streams.

25 And there's many people that talk about

1 these areas. Why are the Yellowknife people, the GNWT  
2 -- but they don't even thinks about these things. And  
3 why is it now that they're trying to make BHP fox pit  
4 (phonetic)? There's a bridge in that area, and there's  
5 a fence, and -- and there's a bridge, and also within  
6 five (5) minutes and take a -- they make -- and if they  
7 park the vehicle five (5) minutes and there's a  
8 spillage of oil residue on the ground -- we mentioned  
9 this in the past -- and they have to correct these  
10 situations. And if they're going to establish a mine  
11 here, and how they going to improve this kind of a  
12 situation.

13 And also the bridge that are -- when you  
14 cross a river and a stream there's -- specks of oil go  
15 through the oil from the vehicles, and how are they  
16 going to monitor the fish. And what are they going --  
17 then we have to take a look at ourselves. Are do --  
18 are we doing a good job? Are we doing a good study?

19 And then -- and then we can say to each  
20 other -- and also Fortune Minerals is talking about a  
21 bridge. What kind of a design of a bridge? Is it  
22 going to be a cement erected, or is it going to be a  
23 steel structure? And I'm thinking about these two (2)  
24 difference in the construction of the bridge.

25 And also our ancestors work on this

1 land, and even today our -- some of the citizens of  
2 Wekweeti, although we may not know where there's burial  
3 sites but when we go out on the land and we still find  
4 burial sites, there's no roads within that area, and  
5 there's a crib on the burial site. And we see these  
6 sites. And when we ask the Elders that's when -- and  
7 they'll mention the person's name, and that's the year  
8 the burial site has been erected. And there's many of  
9 our ancestors that -- burial sites that's been erected  
10 out -- out on the land.

11 And -- and today -- as we live today  
12 we're not getting mad at each other. We're just  
13 telling a true story of what took place in the past and  
14 that's what I wanted to mention. Thank you.

15

16 (INTERPRETATION CONCLUDED)

17

18 THE CHAIRPERSON: Okay. Thank you,  
19 Chief Charlie Football, from Gameti. Masi.

20 I'm going to continue on. I think you  
21 had some questions there. But I think what I'll do is  
22 I think we'll come to it when we come back to it. I  
23 think Fortune Minerals can probably respond to some of  
24 the questions. But right now, we have to follow the  
25 order that I have, so I'm going to continue on.

1                   And I believe next on the list here I  
2 have is the North Slave Metis. Is there any questions  
3 to the Tlicho government on their presentation?

4                   MS. SUSAN ENGE: Thank you, Mr. Chair.  
5 Susan Enge, North Slave Metis Alliance. It would have  
6 been nice to have our -- our president here to address  
7 the panel and to address the -- the proponent, as well  
8 as the other parties. However, Bill is away and can --  
9 couldn't make it today.

10                  So having said that, I wanted to ask the  
11 Tlicho representatives a little bit about the Metis  
12 history and culture in the area within your land claim  
13 zone. The Metis history in this area has been -- has  
14 been visible and present for at least two hundred (200)  
15 years, and the Metis people have always worked as a  
16 bridge between two (2) cultures.

17                  We recognize and honour our Tlicho  
18 neighbours.

19                  THE CHAIRPERSON: Can I just interject.

20                  MS. SUSAN ENGE: And I do have -- I am  
21 getting to my question.

22                  THE CHAIRPERSON: Okay. Just -- maybe  
23 just -- I've been reminded that the question has to be  
24 related to the presentation, so if you -- thank you.

25                  MS. SUSAN ENGE: Yes, it is related to

1 the --

2 THE CHAIRPERSON: Thank you.

3 MS. SUSAN ENGE: -- presentation, Mr.  
4 Chair. Thank you. I did want to set the -- the  
5 context to my question, however.

6 And the Metis -- North Slave Metis  
7 Alliance has been engaged in conducting its own  
8 traditional knowledge study. And my question to the  
9 Tlicho representatives around the area around the  
10 access road is whether or not you have had an  
11 opportunity to investigate and research various  
12 archeological sites that pertain directly to the Metis  
13 people who have travelled through this area, and if you  
14 intend to investigate further to identify perhaps along  
15 the access road area some of these Metis archeological  
16 sites? And, if so, or -- would you be willing to work  
17 alongside us in a collaborative way to further  
18 investigate those areas? Because we, as you know, have  
19 not settled our -- our land claim or self-government  
20 agreement as yet, so we have not had the advantage --  
21 or the financial advantage to do that kind of work.

22 So my question is where do you stand  
23 with conducting that kind of work?

24 THE CHAIRPERSON: Okay. Thank you for  
25 your question. And I just -- again, I just wanted to

1 be remindful of the presentation at hand that the  
2 Tlicho government has made, and I'm encouraging all  
3 presenters and parties to ask questions to the  
4 presentation and that's related to the Review Board  
5 that's here today.

6                   So your questions are asking the  
7 relationship in terms of the North Slave Metis in this  
8 area, so I'm not sure if the Tlicho government wants to  
9 respond, but I'm going to give them that opportunity.  
10 If not, I want to go back to your next question. Thank  
11 you.

12                   I'm going to go to the Tlicho  
13 government.

14                   MR. JOHN B. ZOE: It's John B. Zoe,  
15 Tlicho government. I think when we're doing our TK  
16 work we were concentrating on the Tlicho usage of the  
17 area of our hunting corridor, our history behind it, so  
18 it's solely based on the Tlicho view. But I also  
19 understand that the North Slave Metis Alliance had  
20 tabled a TK report that they had done at the same time  
21 that we tabled ours. So I think they've done their  
22 work. So we were doing our TK study based on the  
23 people's usage in that area. Interviews were done in  
24 the four (4) communities. Masi.

25                   THE CHAIRPERSON: Thank you. I'm going

1 to go back to the North Slave Metis. Any further  
2 questions to the Tlicho government on their  
3 presentation here today?

4 MS. SUSAN ENGE: Thank you, Mr. Chair.  
5 Susan Enge, North Slave Metis Alliance. I noticed that  
6 in your presentation you talk about the socioeconomic  
7 concerns that you have regarding the -- what the --  
8 that road access to the communities will have on your  
9 people.

10 So my question is, what mitigative  
11 measures are you recommending the Fortune Minerals as  
12 well as the GNWT undertake to mitigate those concerns?

13 THE CHAIRPERSON: Thank you. I'm going  
14 to go to the Tlicho government.

15 MS. KERRI GARNER: Masi, Mr. Chair.  
16 Kerri Garner, Tlicho government. As you can see in our  
17 prior presentations on the socio -- socioeconomic  
18 presentation, we -- we stated our mitigation measures  
19 there.

20 THE CHAIRPERSON: Okay. Thank you.  
21 And I'll go back to the North Slave Metis, I think to  
22 your final question. And I asked for three (3).

23 MS. SUSAN ENGE: Okay. What would be  
24 your primary concern then about those socioeconomic  
25 concerns regarding the access road?

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

3 MS. KERRI GARNER: Masi. Kerri Garner,  
4 Tlicho government. The primary concerns are public  
5 safety, in and out migration of people, and community  
6 cohesion and social issues. And the mitigations that  
7 we did mention in our previous presentation, and I also  
8 mentioned in my -- my presentation, were to protect or  
9 enhance Whati infrastructure, health, and social  
10 services from the GNWT. We want to maximize employment  
11 and business opportunities. We want to maximize  
12 training and education. And we want Tlicho management  
13 of social, economic, and cultural risks. Masi.

14 THE CHAIRPERSON: Thank you. I'm going  
15 to go back to -- I think North Slave Metis, I think we  
16 allowed for three (3) questions. Is there -- I think  
17 that we've got one (1) more. Please proceed.

18 MS. SUSAN ENGE: Thank you, Mr. Chair.  
19 I'm just wondering what your comfort zone is then in  
20 reassurances that you have from government officials  
21 that those suggestions will be met?

22 THE CHAIRPERSON: Thank you. Tlicho  
23 government...? And thank you for your final question.

24 MS. KERRI GARNER: Masi, Mr. Chair.  
25 Kerri Garner, Tlicho government. Those discussions



1 have not taken place with the GNWT yet, so we are not  
2 sure what our level of comfort is. Masi.

3 THE CHAIRPERSON: Okay, thank you. I  
4 going to go to -- the next order of questions I have is  
5 the Fisheries and Oceans Canada. Any questions to the  
6 Tlicho government on their presentation?

7 MR. PETE COTT: It's Pete Cott, with  
8 the Department of Fisheries. No questions. Thank you.

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

12 MR. SHAFIC KHOURI: Shafic, GNWT. No  
13 questions. Thank you.

14 THE CHAIRPERSON: Thank you. I'm going  
15 to go to Aboriginal Affairs and Northern Development  
16 Canada, AANDC.

17 MR. PAUL GREEN: It's Paul Green with  
18 AANDC. We have no questions.

19 THE CHAIRPERSON: Thank you. I'm going  
20 to go to Environment Canada. Any questions?

21 MS. SARAH-LACY MCMILLAN: Sarah-Lacy  
22 McMillan with Environment Canada. No questions.

23 THE CHAIRPERSON: Thank you. I'm going  
24 to go to Transport Canada. I don't think that anybody  
25 is here from them. And Natural Resources Canada?

1                   Okay, I don't see anybody here. I going  
2 to go to Review Board staff and legal counsel.

3                   MR. JOHN DONIHEE:    Thank you, Mr.  
4 Chairman. It's John Donihee. I have a couple of  
5 questions.

6                   The Tlicho government's presentation  
7 does indicate that the roads need to be assessed in  
8 relation to public safety. You listed three (3) or  
9 four (4) items, but that's the one (1) I want to focus  
10 on.

11                  Does -- does the Tlicho government agree  
12 that hunting along roads can be a public safety issue?

13                  THE CHAIRPERSON:    Thank you, Mr.  
14 Donihee. I'm going to go to the Tlicho government.

15                  MS. KERRI GARNER:    Kerri Garner, Tlicho  
16 government. Absolutely, hunting along the roads can be  
17 a public safety issue.

18                  THE CHAIRPERSON:    Thank you. Mr.  
19 Donihee...?

20                  MR. JOHN DONIHEE:    Thank you, Mr.  
21 Chairman. And the proposed solution offered up by  
22 Fortune Minerals Limited was to create a no-hunting  
23 corridor along the Nico project access road. What  
24 would the Tlicho government's views be about the  
25 establishment of a no-hunting corridor along that

1 access road?

2 THE CHAIRPERSON: Thank you. I'll go  
3 to the Tlicho government.

4

5 (BRIEF PAUSE)

6

7 MS. KERRI GARNER: Masi, Mr. Chair.  
8 Kerri Garner, Tlicho government. The no-hunting  
9 corridor that the proponent has proposed is -- is one  
10 (1) of many answers to this issue. The Tlicho  
11 government has been working on a short-term management  
12 plan since 2009. And we have started working on a  
13 long-term management planning process, which is -- is  
14 still a work in progress and it will be coming --  
15 coming through in the future.

16 Although a no-hunting corridor may be  
17 one (1) part of that process, what it comes down to is  
18 enforcement. And you need to have the right people in  
19 place, the right people at the table making the  
20 decisions to make sure that -- that you can get by, and  
21 from -- from all people, all parties involved, to -- to  
22 move forward with this issue.

23 As I've said before, and I said during  
24 the caribou presentation that did in August, it's  
25 really easy to write something down on paper, but in

1 the end the rubber hits the road when it comes down to  
2 making it happen and having buy-in. And -- and then if  
3 it possibly does have to come down to enforcement,  
4 that's another issue, all in all.

5 The Tlicho government also -- we haven't  
6 discussed this internally necessarily, whether it would  
7 work or how it would work, and -- and so there is more  
8 discussions that need to be had, both internally and  
9 with the company, with the GNWT. Masi. And with the  
10 Tlicho people, of course, as well. Masi.

11 THE CHAIRPERSON: Thank you. I'm going  
12 to go to John Donihee, Review Board.

13 MR. JOHN DONIHEE: Thank you, Mr.  
14 Chairman. John Donihee again. Thank you for that  
15 answer. I note in your -- in this presentation that  
16 one (1) of your recommended measures is the  
17 collaborative development of a wildlife effects  
18 monitoring plan. And I'm wondering whether the Tlicho  
19 government would be positively inclined towards a  
20 broader collaborative approach, which -- working with  
21 Fortune Minerals, which would also -- and -- and the  
22 Territorial Government, which would look at mechanisms  
23 for addressing safety and this hunting issue along the  
24 Nico project access road?

25 You know, the monitoring is one (1)

1 thing I guess but there's more to the management that's  
2 -- that appears to be required to ensure safety and --  
3 and that kind of thing along the road. So would the  
4 Tlicho government be willing to work with GNWT and  
5 Fortune on a more broadly based collaborative effort to  
6 address wildlife problems that might emerge in relation  
7 to the access road?

8 THE CHAIRPERSON: Thank you. I'm going  
9 to go the Tlicho government.

10 MS. KERRI GARNER: Masi, Mr. Chair.  
11 Kerri Garner, Tlicho government. Yes, we would -- we  
12 would be open to that. Masi.

13 THE CHAIRPERSON: Mr. John Donihee...?

14 MR. JOHN DONIHEE: Thank you, Mr.  
15 Chairman. I just have one (1) final question. It's in  
16 relation to the TK study and a bit of a follow-up on  
17 Mr. Schryer's questions.

18 In August when we were here, I asked a  
19 couple of questions about the location, or the  
20 identification of some of the sites, the burial sites  
21 were at -- were talked about a moment ago here, and I  
22 believe I was told that the maps were randomized so  
23 that the locations of specific items' values, burial  
24 sites, and other things were sort of give or take a 1  
25 kilometre radius.

1                   And I guess the question I have is  
2 really we now have the -- the TK report with all these  
3 maps in it, and are all these locations on these maps  
4 still randomized?

5                   THE CHAIRPERSON:    Thank you.   I'm going  
6 to go to the Tlicho government.

7                   MS. RACHEL OLSEN:   This is Rachel  
8 Olsen, the Firelight Group for the Tlicho government.  
9 Based on our -- your questions and the questions from  
10 the Board in August, we changed our maps, and we note -  
11 - we used symbols instead of randomizing the data.

12                   So these things on the map are no longer  
13 buffered and randomized by 1 kilometre. They are the  
14 actual point that was identified by the participants.  
15 We've put a symbol there instead of a dot to slightly  
16 randomize the point, but it's no longer a 1 kilometre  
17 buffer. Thank you.

18                   THE CHAIRPERSON:    Thank you. Mr.  
19 Donihee...?

20                   MR. JOHN DONIHEE:   Thank you, Mr.  
21 Chairman. Then just -- just to be clear, you -- I  
22 think you said earlier in response to Mr. Schryer, the  
23 sites haven't been ground-truthed yet but what I  
24 understand you're telling me is that they're as  
25 specific as you can be at this point in time?

1 THE CHAIRPERSON: Thank you. Tlicho  
2 government...?

3 MS. RACHEL OLSEN: It's Rachel Olsen,  
4 the Firelight Group for the Tlicho government. Yes,  
5 that is correct. Thank you.

6 THE CHAIRPERSON: Mr. Donihee...?

7 MR. JOHN DONIHEE: Thank you, Mr.  
8 Chairman. Those are the questions from counsel and  
9 staff.

10 THE CHAIRPERSON: Okay. Thank you.  
11 I'm going to go to Review Board members, and I'm going  
12 to go to my far left, John Curran, Board member.

13 MR. JOHN CURRAN: Thank you, Mr.  
14 Chairman. I realize this question sort of walks the  
15 line a little bit between what we've just heard and  
16 what we're going to hear, but I just want to preface it  
17 by saying, you know, I -- I find getting to this stage,  
18 and we're -- we're hearing about this burial location  
19 now, and I think that raises a lot of concern for me  
20 personally. And I just -- I'm wondering if the Tlicho  
21 government could offer some assurance there that  
22 they're confident that this issue could be mitigated  
23 through the Tlicho government's involvement in the  
24 final routing of the Nico project access road? Thank  
25 you.

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

3

4 (BRIEF PAUSE)

5

6 MR. JOHN B. ZOE: John B. Zoe, Tlicho  
7 government. I guess at this time, the more we get  
8 closer to reality when the shovel starts to hit the  
9 ground, that the final routing and the corridor, within  
10 that corridor, will include the Elders in the --  
11 whether it's in monitoring or participating on making  
12 sure that those sites are pinpointed at the time.

13 So there will be community engagement  
14 participation, especially with the Elders when we're  
15 actually doing the ground truthing, as -- as you would  
16 say, to find out exactly where those places are and to  
17 avoid them at that time. Masi.

18 THE CHAIRPERSON: Thank you. Board  
19 member John Curran...?

20 MR. JOHN CURRAN: Okay. Just one (1)  
21 quick follow-up, Mr. Chairman. I guess the one (1)  
22 thing that we did hear earlier today was that it's in a  
23 very small piece of land between those two (2) lakes.

24 Based on the -- the traditional  
25 knowledge resident within the Tlicho government and in



1 the Tlicho citizens, is there room to go around without  
2 disturbing that site, in your mind?

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

5 MR. JOHN B. ZOE: Well, it's -- for  
6 lack of a better word, I guess the -- the area that's  
7 being used is the -- is the land bridge between one  
8 part to the other. From what we know from burial  
9 sites, the burial sites is a -- would be a small area.

10 I think with the -- with the corridor  
11 for the road and the road itself, most likely there --  
12 there would be -- they can avoid each other. But that  
13 will -- the final determination would be when -- when  
14 it actually happens, when the discussion happens.  
15 Masi.

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

18 MR. JOHN CURRAN: Nothing further.  
19 Thank you, Mr. Chairman. Thank you. Board member  
20 Percy Hardisty...?

21 MR. PERCY HARDISTY: Masi, Mr. Chair.  
22 I -- I don't have any questions.

23 THE CHAIRPERSON: Thank you. Board  
24 member James Wah-shee...?

25 MR. JAMES WAH-SHEE: Mr. Chair, thank

1 you. I have no questions.

2 THE CHAIRPERSON: Thank you. Board  
3 member Richard Mercredi...?

4 MR. RICHARD MERCREDI: Thank you, Mr.  
5 Chair. No questions.

6 THE CHAIRPERSON: Thank you. Board  
7 member Rachel Crapeau...?

8 MS. RACHEL CRAPEAU: Thank you, Mr.  
9 Chair. I've got no questions at the moment. Thank  
10 you.

11 THE CHAIRPERSON: Thank you. Board  
12 member Danny Bayha...?

13 MR. DANNY BAYHA: Thank you, Mr. Chair.  
14 I just have one (1) quick question, if I may. On this  
15 whole thing of the access road is you know that earlier  
16 Fortune Mineral has indicated there's different ways of  
17 getting on -- on the issue of access road.

18 I guess my question would be: How much  
19 time given would you need to make a decision on this  
20 whole issue of access road or -- or the routing, or  
21 however it's going to go, and given that this is  
22 probably the first time this type of thing's happening  
23 in your area.

24 So I just wanted to know if -- get an  
25 idea from yourselves, as a -- as a government, how long

1 you think it may take for this type of thing to be  
2 thoroughly discussed or, you know, adequate  
3 consultation and so on and so forth.

4 So I just wanted to get an idea if -- if  
5 there's any thoughts to that. Thank you.

6 THE CHAIRPERSON: Thank you, Danny  
7 Bayha. I'm going to go to the Tlicho government.

8

9 (BRIEF PAUSE)

10

11 DR. GINGER GIBSON: Masi Cho. Ginger  
12 Gibson for the Tlicho government. The -- the Tlicho  
13 government -- the -- the Company has been working in  
14 the area since 1998. The question has been brought to  
15 the chief executive council in a letter that we  
16 received two (2) -- roughly two (2) or three (3) weeks  
17 ago.

18 I don't remember the exact date, but the  
19 issue has been brought forward to the chief executive  
20 council. The chief executive council will be  
21 considering the access request and then give  
22 administrative guidance to the Tlicho government.

23 And we don't know; you've -- you've  
24 pointed out rightly that this is a new issue in a -- in  
25 a new and emerging government, where self-governance is

1 being practised. And so we don't know exactly how long  
2 that process will take, but we're certain that the  
3 chief executive council will consider this matter and  
4 give us administrative guidance. Masi.

5 THE CHAIRPERSON: Thank you. Board  
6 member, Danny Bayha...?

7 MR. DANNY BAYHA: No further questions.  
8 Thank you.

9 THE CHAIRPERSON: Thank you. I want to  
10 thank the Tlicho government for doing your presentation  
11 on the Nico project access road. Next I have is  
12 Fisheries and Oceans Canada. Then right after that,  
13 I'm going to go to Transport Canada, NRCan. And then  
14 we'll go to questions. So if they could come up.

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: Can we get staff to  
19 help set up the projector?

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON: Please proceed.

24

25 PRESENTATION BY DEPARTMENT OF FISHERIES & OCEANS:

1 MR. PETE COTT: Thank you. My name is  
2 Pete Cott, with the Department of Fisheries and Oceans.  
3 And with me, I have my colleague, Rick Walbourne.  
4 Thanks for the opportunity to speak here at this public  
5 hearing.

6 Our presentation is short, and it is  
7 limited to the physical impacts of fish and fish  
8 habitat on the proposed access road. Like all  
9 projects, one of our concerns is with water crossings,  
10 that they have potential to cause erosion and sediment  
11 release in the streams that may have impacts on fish  
12 and fish habitat.

13 So Fortune has indicated that there's  
14 several water courses along the access road, but most  
15 of thors -- those water courses are ephemeral drainages  
16 with some minor streams. The -- the one (1) water  
17 course of -- of concern is the Marian River. But  
18 Fortune Minerals has proposed to build a clear-span  
19 bridge that will cross that river.

20 And like I said, according to the  
21 information that we have, there aren't any other  
22 fisheries -- fish-bearing streams that will be crossed  
23 by the road.

24 So following that, our recommendation to  
25 Fortune is to follow the NWT clear-span bridge

1 operational statement by DFO which outlines all  
2 mitigation measures to protect fish and fish habitat.

3 As well, we recommend that Fortune  
4 Minerals develops a comprehensive sediment and erosion  
5 control plan for the construction and operation of this  
6 bridge and any other water crossings that -- that the  
7 access road may cross.

8 And that concludes our presentation.  
9 Thank you.

10 THE CHAIRPERSON: Thank you. I'm going  
11 to get also Transport Canada to come up to do their  
12 presentation. And if you gentlemen could just sit at  
13 the same table. Questions...?

14

15 PRESENTATION BY TRANSPORT CANADA (BY PHONE):

16 MR. DALE KIRKLAND: Good morning, Mr.  
17 Chair. Can someone hear me in the room there?

18 THE CHAIRPERSON: Sorry?

19 MR. DALE KIRKLAND: Good morning. This  
20 is Dale Kirkland, from Transport Canada.

21 THE CHAIRPERSON: Okay. Sorry. Go  
22 ahead.

23 MR. DALE KIRKLAND: Can everyone hear  
24 me there in the room?

25 THE CHAIRPERSON: Yes. We're just

1 setting up your presentation. Hang on one (1) second.

2 MR. DALE KIRKLAND: Thank you.

3 THE CHAIRPERSON: I thought I was  
4 talking to a spirit there. Okay. Maybe you could  
5 introduce yourself and -- on -- on speaker and we could  
6 start.

7 MR. DALE KIRKLAND: For sure. If -- if  
8 you can't hear me, just please interrupt me and I'll --  
9 I'll pause for a moment. Good morning, Mr. Chairman  
10 and -- and panel members, Elders, ladies and gentlemen.

11 My -- my name is Dale Kirkland. I'm the  
12 Regional Manager of Environmental Affairs for Transport  
13 Canada. With me on the telephone is Mr. Doug Soloway,  
14 who is the Superintendent of Environmental Assessment  
15 North for Transport Canada. We have a very brief  
16 presentation today. I'd like to thank the Board and  
17 other parties for allowing us the flexibility to  
18 deliver this presentation over teleconference.

19 Slide number 2 very briefly speaks to  
20 the overview of our presentation. We're going to  
21 briefly cover three (3) areas. One is just some marine  
22 safety requirements for the overall Nico gold project,  
23 some key issues and comments associated with our  
24 review, and just a brief summary of our  
25 recommendations.

1 Slide 3, for context, speaks to the  
2 Navigable Waters Protection Act, or the NWPA. It's the  
3 principle statute applicable to this project. And  
4 under the NWPA, Transport Canada reviews proposed  
5 development for any works built in, on, or under,  
6 through, or across any navigable waterway to balance  
7 the public right to navigate and the need for such  
8 works.

9 I want to emphasize that <S> THE COURT  
10 CLERK:, Transport Canada, is a participant in the  
11 environmental assessment review of this project as a  
12 federal authority under the Mackenzie Valley Resource  
13 Management Act because the NWPA approval may be  
14 required for some components of the project.

15 Slide 4, if you can flip to that please,  
16 just very brief -- briefly speaks to the three (3) key  
17 components that may be subject to approval under the  
18 Nav Waters Protection Act. One is of interest today  
19 here in this -- in this theme session is the clear-span  
20 bridge across the Marion River along the access road;  
21 secondly, the water intake from Lou Lake; and a water  
22 diffuser into Peanut Lake.

23 If we move to slide 5, simply for  
24 illustrative purposes, the three (3) red stars on the  
25 figure there simply note the location of these three



1 (3) proposed components. The red star at about, oh  
2 goodness, six o'clock on the slide, 6:00, seven  
3 o'clock, is the proposed clear-span -- span bridge  
4 along the Marion River.

5 So into slide 6, which just briefly  
6 provides a summary of our recommendations based upon  
7 our review. And I should emphasize that these  
8 recommendations provided in this review do reflect our  
9 mandate as defined by the relevant legislation policies  
10 administered or adhered to by Transport Canada.

11 With respect to consultation, Transport  
12 Canada has requested that Fortune consult with members  
13 of the public and Aboriginal people who may have  
14 concerns related to the impact to navigation of  
15 proposed -- proposed works that may require an approval  
16 under the NWPA. And we've also requested that details  
17 of these consultation activities related to navigation  
18 be included with applications for approval under the  
19 NWPA.

20 Next slide on num -- slide number 7,  
21 with respect to all works in and around navigable  
22 waters, we have requested that Fortune submit  
23 applications for approval of work under the Navigable  
24 Waters Protection Act once design plans have been  
25 finalized. And I'd like to note just for the record

1 that it's -- it is unlawful to commence construction of  
2 such works prior to cei -- re -- prior to receiving an  
3 NWPA approval.

4 Slide number 8 is just a very brief  
5 summary with respect to the water intake and water  
6 diffuser and any temporary works. We have recommended  
7 that Fortune assess final design plans against the  
8 Transport Canada Minor Works and Waters Order, as risk  
9 to navigational safety is low for works that meet this  
10 order.

11 And with respect to slide number 9,  
12 we've inserted this here and we would like to point out  
13 that -- that the recommendation here, although not  
14 related to the access road, is informing the panel  
15 today because it was not in -- contained within our  
16 technical report that we did file with the Board.

17 The issue of Tower Lighting and  
18 potential impacts to migratory birds was brought to  
19 Transport Canada's attention through dialogue with  
20 Environment Canada as we all prepared for these  
21 proceedings.

22 So to this end, Transport Canada has  
23 issued a notice of proposed amendment to Canadian  
24 Aviation Regulation Advisory Council to address bird  
25 fatalities as a result of Tower Lighting. And at this

1 point we are simply advising the proponent to consult  
2 with Transport Canada to obtain further clarity on the  
3 requirements once available for Tower Lighting.

4 Slide number 10 in conclusion. Firstly,  
5 based upon the information that -- provided today by  
6 (CONNECTION PROBLEMS), Transport Canada did not foresee  
7 significant impacts, navigation -- or navigational  
8 safety as a result of the project. Transport Canada  
9 does look forward to continued dialogue and cooperation  
10 with the Board, other Federal and Territorial  
11 Government Agencies, stakeholders and the proponent in  
12 the ongoing review of this project.

13 In closing, I would just like to thank  
14 the panel for this opportunity today, and Mr. Soloway  
15 and I will be happy to answer any questions that may  
16 arise following, I guess, NRCan's presentation. Thank  
17 you.

18 THE CHAIRPERSON: Thank you -- for your  
19 presentation. I'm going to go to questions and -- from  
20 the parties again, so, I'm gonna start off the top of  
21 the list, I'm gonna to go to Fortune Minerals, is there  
22 any questions to Fisheries and...

23

24 (BRIEF PAUSE)

25

1 THE CHAIRPERSON: Okay, sorry, and next  
2 I have is -- sorry, that was Transport Canada and then  
3 NRCan. So, NRCan, they can go ahead and do a  
4 presentation, are they here?

5

6 PRESENTATION BY NRCAN (BY PHONE):

7 MR. JOHN KING: My name is John King,  
8 I'm an environmental assessment coordinator with the  
9 Environmental Assessment Division at Natural Resources  
10 Canada, With me on the phone in Ottawa is Dr. Sharon  
11 Smith our permafrost expert with the Earth Sciences  
12 sector and Rob Johnstone, Deputy Director of our  
13 Sustainable Mining and Materials Policy Division with a  
14 regulatory group of the Minerals and Metals sector. We  
15 regret we are not there in person with you today, that  
16 being said, I'll hand the phone over to Dr. Smith who  
17 will give our short presentation on the access road.  
18 Thank you.

19 DR. SHARON SMITH: Okay, good  
20 Afternoon, this is Sharon Smith here. I'm gonna give a  
21 brief summary of our submission on the impacts related  
22 to the construction and operation of the proposed  
23 access road and if we could go to the second slide of  
24 our presentation.

25 The proposed access road is going to

1 traverse terrain with variable materials, drainage and  
2 permafrost conditions. And when you construct a road  
3 and remove the vegetation, this clearing or removal of  
4 the active layer can lead to warming and thawing of the  
5 ground, the frozen ground. If the ground happens to  
6 have a lot of ice in it, you can get eroding  
7 (CONNECTION PROBLEMS). You can have instabilities of  
8 the terrain and also changes to drainage and erosion.  
9 And all these could impact for us from an aquatic  
10 ecosystem and as well this instability of the ground  
11 can have impacts on the performance of the road itself.

12 And if we go -- go to the third slide.  
13 NRCAN is in agreement with the proponent that impacts  
14 related to the access road on the terrain, and also the  
15 impacts of the environment on the road can be mini --  
16 minimized by using appropriate design and mitigation  
17 techniques. However, one of the things that's required  
18 as the design moves forward is to have good knowledge  
19 of the material characteristics and to have a -- an  
20 approved terrain analysis.

21 So, we've made a number of  
22 recommendations to support the final routing of the  
23 road and also the -- the detailed design, and these  
24 include conducting further, detailed terrain analysis  
25 and geotechnical investigations to get better

1 information on the materials that underline (sic) the -  
2 - the road corridor.

3                   For areas that may be frozen, where  
4 permafrost may underlie the ground surface, there's a  
5 need to conduct thermal analysis to determine the  
6 potential thawing that may occur of the ground and any  
7 settlement that may occur. And we recommend that this  
8 be done for representative terrain types; and in doing  
9 the impact analysis and also the thermal analysis, to  
10 consider that there will be longer term effects  
11 associated with vegetation removal and changes to  
12 permafrost and the drainage conditions.

13                   Fortune -- in discussions we had with  
14 Fortune, in the summer in July, they have agreed to  
15 consider NRCan's recommendations once the final  
16 corridor route has been agreed to with the Tlicho  
17 government. And we are satisfied with the response  
18 that we've received from Fortune.

19                   And if we could go to the fourth slide.  
20 We also made a number of recommendations with respect  
21 to the monitoring and mitigation plans that Fortune is  
22 committed to developing. And we'd like to suggest that  
23 -- that instrumentation be installed in addition to  
24 visual inspections along the road to monitor changes in  
25 the ground thermal regime and also ground movement; and

1 that these monitoring and mitigation plans also include  
2 the definition of the criteria that will be used to  
3 determine when mitigation is required, and the  
4 selection of the mitigation technique.

5 Fortune also, in these discussions we  
6 had in July, agreed to consider these recommendations  
7 in developing their environmental monitoring and  
8 management plans. And these have been confirmed also  
9 in a -- a memo that we received in August. And, again,  
10 NRCan is satisfied with the response we've -- we've  
11 received from Fortune.

12 And our last slide, and that's about it.  
13 All I have to say, except to thank the Board for  
14 allowing us to participate in this review and to  
15 participate here today. Thank you very much.

16

17 QUESTION PERIOD:

18 THE CHAIRPERSON: Thank you. Thank you  
19 for your presentation. I want to go to the list of  
20 orders for questions now. I want to go to Fortune  
21 Minerals if they have any questions for Department of  
22 Fisheries and Oceans Canada, Transport Canada, and  
23 NRCAN? Fortune Minerals...?

24 DR. RICK SCHRYER: Rick Schryer,  
25 Fortune Minerals. Just one (1) comment, no questions.

1 I just wanted to point out that the Fortune Minerals  
2 has already agreed to all of these recommendations in  
3 our response to the recommendations document sent  
4 before these public hearings were held. And the first  
5 set went out August.

6 So we -- we've already agreed to -- to  
7 all of these recommendations. Thank you.

8 THE CHAIRPERSON: Thank you. I'm going  
9 to go to the Tlicho Government, again, to Fisheries and  
10 Oceans Canada, Transport Canada, and NRCan  
11 presentation, do you have any questions?

12 GRAND CHIEF EDWARD ERASMUS: Masi,  
13 Chair. Just one (1) question. The Grand Chief, Tlicho  
14 Government. Just one (1) question to Fisheries and  
15 Oceans Canada. In regards to the -- this road and --  
16 and concerns for a loss of fish habitat from this road.  
17 If this is the case, what mit -- mitigation measures  
18 would you propose?

19 THE CHAIRPERSON: Thank you, Grand  
20 Chief Eddie Erasmus. I'm going to go to Fisheries and  
21 Oceans Canada to the question.

22 MR. PETE COTT: Hi, this is Pete Cott,  
23 from Department of Fisheries. Based on our assessment  
24 of the information provided by Fortune Minerals, there  
25 -- there is not going to be any impacts to fish or fish



1 habitat. The impacts are mitigated through the use of  
2 a clear span bridge which essentially puts the -- the  
3 infrastructure outside of fish or fish habitat. So  
4 we're -- we're pleased about that. Thank you.

5 THE CHAIRPERSON: Thank you. I'm --  
6 I'm going to go to North Slave Metis -- sorry, the  
7 Yellowknives Dene First Nation. Is there any questions  
8 for the Fisheries and Oceans, and Transport Canada, and  
9 -- and NRCan presentation?

10 MR. TODD SLACK: Todd Slack,  
11 Yellowknives Dene. No questions.

12 THE CHAIRPERSON: Thank you. I'm going  
13 to go to the North Slave Metis Alliance. Questions?

14 MS. SUSAN ENGE: Susan Enge, Metis  
15 Alliance. No questions. Thank you.

16 THE CHAIRPERSON: Thank you. I'm going  
17 to -- Fisheries and Oceans Canada, do you have any  
18 questions for Transport Canada, or NRCan, on their  
19 presentation?

20 MR. PETE COTT: Pete Cott, Department  
21 of Fisheries. We have no questions. Thank you.

22 THE CHAIRPERSON: Thank you. I'm going  
23 to go to the Government of Northwest Territories. Any  
24 questions for Fisheries and Oceans Canada, Transport  
25 Canada, or NRCan on their presentation?

1 MR. SHAFIC KHOURI: Shafic, GNWT. No  
2 questions. Thank you.

3 THE CHAIRPERSON: Thank you. I'm going  
4 to go to Aboriginal Affairs Northern Development  
5 Canada. Any questions?

6 MR. PAUL GREEN: It's Paul Green, with  
7 Aboriginal Affairs and Northern Development Canada. We  
8 have no questions.

9 THE CHAIRPERSON: Thank you. I'm going  
10 to go to Environment Canada. If there is any questions  
11 you have on Transport Canada, NRCan, or Fisheries and  
12 Oceans.

13 MS. SARAH-LACY MCMILLAN: Sarah-Lacy  
14 McMillan, with Environment Canada. No questions.

15 THE CHAIRPERSON: Okay. Thank you.  
16 I'm going to go to Transport Canada. Do you have any  
17 questions for Fisheries and Oceans Canada, or NRCan, on  
18 their presentation?

19 MR. DALE KIRKLAND: Dale Kirkland,  
20 Transport Canada. No questions, Mr. Chair.

21 THE CHAIRPERSON: Thank you. I'm going  
22 to go to Natural Resources Canada, if you have any  
23 questions for Fisheries and Oceans Canada, or Transport  
24 Canada.

25 MR. JOHN KING: John King, Natural

1 Resources Canada. No questions. Thank you.

2 THE CHAIRPERSON: Thank you. I'm going  
3 to go to Review Board staff or legal counsel, questions  
4 to their presentations?

5 MR. JOHN DONIHEE: Thank you, Mr.  
6 Chairman. John Donihee. There are no questions from  
7 counsel or staff.

8 THE CHAIRPERSON: Thank you. I'm going  
9 to go to Board members now. I'm going to go to my far  
10 right. I'm going to go to Board member Danny Bayha.  
11 Questions to the presentation?

12 MR. DANNY BAYHA: No questions, Mr.  
13 Chair. Thank you.

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

16 MS. RACHEL CRAPEAU: Thank you, Mr.  
17 Chair. Rachel Crapeau speaking. The one (1) question  
18 that I had of Fisheries and Oceans Canada, from the  
19 information regarding the access road, when a question  
20 was asked about all these little black dots that  
21 represented the culverts, how -- I was wondering about  
22 like the streams and all these -- all these cu --  
23 culverts, are they going to be able to do what it needs  
24 to do, is just transport waters und -- under the roads,  
25 and will it not really, truly affect fish, or did they

1 -- did DFO check every stream to make sure that there  
2 was no fish crossing? Thank you.

3 THE CHAIRPERSON: Thank you. I'm going  
4 to go to Fisheries and Oceans Canada.

5 MR. PETE COTT: Thank you. Pete Cott,  
6 from the Department of Fisheries and Oceans. We based  
7 our assessment on the information provided by Fortune  
8 Minerals. We went through the -- the data that they  
9 supplied as well as photographs and -- and  
10 descriptions. And we are -- we're -- we're satisfied  
11 with the information, provided that the sixty (60) some  
12 odd culvert -- culverts that are going to be placed  
13 along the road are for -- for water drainage and that  
14 they'll use best management practices to ensure the  
15 stability of the road and avoid sedimentation, and, as  
16 well, develop a sediment and erosion control plan.

17 Those drainages are not predicted to  
18 support fish. The -- the water course of concern was,  
19 of course, the Marian River in which the impacts of  
20 fish and fish habitat are to be fully mitigated by  
21 spanning the water body and eliminating any in -- in  
22 water works.

23 There was a few minor water crossings,  
24 as well, that are -- that are more like streams, but  
25 from Fortune's investigations, they're not thought to

1 support fish either, so. So DFO was satisfied with the  
2 fisheries' work that they had proposed. And we had  
3 been in negoti -- or in communication with Fortune  
4 Minerals and their consultants throughout the -- the  
5 course of this project, as well. And all of our  
6 concerns and information gaps that -- that we had  
7 addressed were satisfied through that process. Thank  
8 you.

9 THE CHAIRPERSON: Thank you. I'm going  
10 to go to Rachel Crapeau, if there's any further  
11 questions.

12 MS. RACHEL CRAPEAU: Supplementary to  
13 this question then, the -- what about aquatic habitat,  
14 not just only fish but maybe small, little amphibian  
15 lake frogs. Did you also check to see that something  
16 like that would keep on surviving throughout the whole  
17 project?

18 THE CHAIRPERSON: Thank you. I'll go  
19 back to Fisheries and Oceans Canada.

20 MR. PETE COTT: Pete Cott, with the  
21 Department of Fisheries. While those other animals  
22 aren't necessarily within our -- our department's  
23 mandate to look at, I think that by using best  
24 management practices and ensuring that flow is  
25 maintained through those drainages, and that the

1 wetland areas are -- are maintained, and that the road  
2 is developed in a way that's not going to cause erosion  
3 or any sedimentation, but I think that those animals  
4 would be afforded that protection and they would be  
5 able to persist through -- through the development of  
6 the project. Thank you.

7 THE CHAIRPERSON: Okay. Board member  
8 Rachel Crapeau...?

9 MS. RACHEL CRAPEAU: Thank you. The  
10 next question I had was for NRCan. They talked about  
11 the ground -- changes to the frozen ground and  
12 disturbance to the stability of the -- the terrain.  
13 And if drainage and erosion happens, they were talking  
14 about conducting further analysis and geo-technical  
15 investigations.

16 Is NRCan only talking to Fortune  
17 Minerals on their analysis of the access road that's  
18 being proposed? And the other question I had is: Is  
19 NRCan also going to make sure that the consultation  
20 with the public Aboriginal communities, how are they  
21 going to keep track of the consultation as it happens?  
22 Thank you.

23 THE CHAIRPERSON: Thank you. I'm going  
24 to go to NRCan.

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Are -- are you guys  
4 still on the line?

5 MS. SHARON SMITH: Sorry. It's Sharon  
6 Smith (CONNECTION PROBLEMS). We provide any advice to  
7 any (CONNECTION PROBLEMS) involved in this project.  
8 (CONNECTION PROBLEMS) point of view of our (CONNECTION  
9 PROBLEMS) with (CONNECTION PROBLEMS) stability. I  
10 think my colleague, Rob Johnstone, wants to add a few  
11 further comments.

12 MR. ROB JOHNSTONE: It's Rob Johnstone  
13 with NRCan. I believe the second question was to  
14 (UNREPORTABLE NOISE) with consultation by the  
15 department. Could I have a -- just a restating of that  
16 question, please?

17 THE CHAIRPERSON: Rachel, you want to  
18 rephrase your -- or sorry, re-ask your question.

19 MS. RACHEL CRAPEAU: I'm not so sure I  
20 want to. It's too scary.

21 My question regarding the proposed  
22 access road has to do with the analysis done by NRCan,  
23 and with the nineteen (19) plus years that the  
24 development is going to be happening. The road is  
25 going to go through changes, and as it goes through

1 changes the ground stability and the freezing and  
2 thawing of the road, how is that going to be monitored,  
3 and by whom?

4 And also, how is the final route, road  
5 route, going to be finished -- the -- the discussions  
6 going to be finished with the Tlicho government,  
7 because how are we going to know that you're keeping  
8 track of the consultation regarding this proposed  
9 route? Thank you.

10 THE CHAIRPERSON: Okay. Thank you.  
11 I'm going to go to NRCan.

12 MR. ROB JOHNSTONE: Yes, it's Rob  
13 Johnstone, NRCan. And as stating before, we'll  
14 certainly be providing our advice on the sort of  
15 geotechnical considerations in permafrost to whatever  
16 authority is in charge of the administration of the --  
17 whether it's a land use permit or whatever for the  
18 road. We would not be part of that regulatory process,  
19 or -- or the monitoring specifically of the road's  
20 changes, unless requested by that authority.

21 THE CHAIRPERSON: Okay. Thank you.  
22 I'm going to go to Board member Rachel Crapeau. Any  
23 further questions?

24 MS. RACHEL CRAPEAU: Thank you, Mr.  
25 Chair. No more questions.



1 THE CHAIRPERSON: Thank you. I'm going  
2 to go Board member Rach -- Richard Mercredi.

3 MR. RICHARD MERCREDI: Thank you, Mr.  
4 Chair. No questions.

5 THE CHAIRPERSON: Thank you. I'm going  
6 to go to Board member James Wah-shee.

7 MR. JAMES WAH-SHEE: Thank you, Mr.  
8 Chairman. No questions. Thank you.

9 THE CHAIRPERSON: Thank you. I'm going  
10 to go to Board member Percy Hardisty.

11 MR. PERCY HARDISTY: Masi, Mr. Chair.  
12 I have no questions.

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

15 MR. JOHN CURRAN: Thank you, Mr.  
16 Chairman. No questions at this time.

17 THE CHAIRPERSON: Okay. Thank you. I  
18 want to take this opportunity to thank Fisheries and  
19 Oceans Canada, and Transport Canada, NRCan, for doing  
20 their presentation here this morning. I know you guys  
21 are online. So, masi for that.

22 And we're going to stop. And we're  
23 going to come back at one o'clock and continue on with  
24 the agenda of the day. So we'll stop for now. Masi.

25

1 --- Upon recessing at 12:11 p.m.

2 --- Upon resuming at 1:03 p.m.

3

4 THE CHAIRPERSON: Okay. If we could  
5 get everybody back in the room, we're going to start.  
6 Under the B-10.

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: Okay. If we could  
11 get everybody to sit, we're going to start now. But  
12 before I start this -- this afternoon session, I want  
13 to -- we have a party list here that I went by this  
14 morning. But in the order of business for today, we're  
15 going to talk about the Nico project access road, and  
16 we never had an opportunity to have GNWT come up and do  
17 a presentation.

18 So we do have a Government of Northwest  
19 Territory official here, Russell Neudorf -- Neudorf, it  
20 looks like. And he's the Deputy Minister of  
21 Transportation for GNWT.

22 And if I could get them to come up and  
23 set up their table briefly before we go into the Tlicho  
24 presentation, then I'll go into a list of orders of  
25 questions from the parties. And -- and if there's any,

1 we'll just continue on with the presentation.

2 So if -- maybe if you could make room.

3 If we could make room from the present -- presentation  
4 table for a moment.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON: And it's Russell  
9 Neudorf. I'm hoping I got that right. Please have a  
10 seat. And then we know that we -- we don't have you  
11 down on the list, but I think it's appropriate that we  
12 have you guys here. And if you have a quick  
13 presentation, whether it be verbal or not; if not, I  
14 can go into questions that maybe parties may have for -  
15 - for you in regards to the Nico road project.

16 So anyway, I'll turn it over to  
17 yourself. And introduce yourself for the record.

18

19 PRESENTATION BY GOVERNMENT OF THE NORTHWEST  
20 TERRITORIES:

21 MR. RUSSELL NEUDORF: Thank you, Mr.  
22 Chair, and we do thank you for the oppor -- making the  
23 opportunity for us to come and just talk quite briefly  
24 about our own work related to improving the access into  
25 the communities of Whati and Gameti.

1                   My name is Russell Neudorf. I'm the  
2 Deputy Minister of Transportation for the Government of  
3 -- of the Northwest Territories. I just wanted to  
4 clarify the work that we, as a department, are doing  
5 working with the Tlicho government and their officials  
6 around looking at realigning the existing winter road,  
7 which is mostly over ice and -- to an overland route.  
8 It was referred to before in the -- in the presentation  
9 that was given by Fortune Minerals about the -- that  
10 type of -- that work that's underway.

11                   And so just a couple of comments about  
12 that. First, we are working with the Tlicho government  
13 on this -- studies that we're doing. We have entered  
14 into an MOU with the -- the Tlicho government. There's  
15 a steering committee set up that consists of the -- the  
16 Chiefs from Tlicho, plus the MLA, plus our Minister,  
17 who actually chairs that steering committee. And then  
18 we have a working group set up to -- with officials  
19 from both Department of Transportation and Tlicho  
20 government that are actually guiding the studies.

21                   We are, at this time, just studying  
22 realigning the existing winter road from over ice to an  
23 overland route, and that is the entire scope of what we  
24 are studying at the present time. There is no --  
25 there's been discussions about a winter -- an all-

1 weather road, but we're not studying that at the  
2 present time. The steering committee, underneath their  
3 direction, has been -- they've just authorized --  
4 allowed the studies for realigning the winter road from  
5 an over-ice to an overland route.

6 And that, Mr. Chair, was basically what  
7 I wanted to highlight and -- and comment on. There was  
8 a question before about costs and how much it would  
9 cost to upgrade or construct an all-weather road into  
10 Whati and then potentially on up to Gameti. The answer  
11 is that we don't know yet. We're not at that point  
12 with our studies.

13 I can give you some, you know, rough  
14 ballpark figures based on some other work that we've  
15 done, to help set the scope and the context for that.  
16 But this would be -- this road would be mostly through  
17 Canadian Shield. So it would be rock that you would be  
18 needing to blast and -- and move in order for the road  
19 to be constructed. It is quite expensive.

20 When we realigned the -- the all-weather  
21 road between Behchoko and Yellowknife, that was in the  
22 order of about \$1 million a kilometre, and that was a  
23 number of years ago. Our -- based on the routing that  
24 we've done, the road from Behchoko to Whati is about  
25 100 kilometres. So just, you know, very rough ballpark

1 figures is \$100 million. I'd expect that that's  
2 probably a little bit light.

3 We're doing work now in other -- in  
4 other areas where we're up to \$2 million -- over \$2  
5 million a kilometre to construct a road. So that's  
6 just a -- I guess a rough ballpark figure about how  
7 much it would cost.

8 So thank you, Mr. Chair. Certainly, if  
9 there are any questions requiring additional  
10 clarification, we'd be pleased to answer them.

11

12 QUESTION PERIOD:

13 THE CHAIRPERSON: Okay. Thank you.  
14 And what I'll do is I got a list of order, in terms of  
15 questions. So I'm going to go to Fortune Minerals, if  
16 you got any questions to the GNWT on their verbal  
17 presentation here this afternoon.

18 DR. RICK SCHRYER: Rick Schryer,  
19 Fortune Minerals. No questions at this time. Thank  
20 you.

21 THE CHAIRPERSON: Okay. Thank you.  
22 I'm going to go to the Tlicho government. Have you got  
23 any questions for GNWT on their verbal presentation  
24 this afternoon?

25

1 (BRIEF PAUSE)

2

3 GRAND CHIEF EDWARD ERASMUS: There's no  
4 question at this time. Thank you.

5 THE CHAIRPERSON: Thank you. I'm going  
6 to go to the Yellowknives Dene First Nation, if there's  
7 any questions to the GNWT on their verbal presentation.

8 MR. TODD SLACK: Todd Slack,  
9 Yellowknives Dene. No questions, Mr. Chair. Thanks.

10 THE CHAIRPERSON: Thank you. I'm going  
11 to go to the North Slave Metis Alliance. Any questions  
12 for the GNWT on their verbal presentation?

13 MS. SUSAN ENGE: Thank you, Mr. Chair.  
14 Susan Enge, North Slave Metis Alliance. The president  
15 of the North Slave Metis Alliance sent a letter to your  
16 Minister, I believe it was this morning, stating that  
17 our organization sees itself participating in the  
18 steering committee that you're setting up regarding the  
19 -- the design, the construction, or the monitoring of  
20 this possible access road.

21 So I'd like to ask you then whether you  
22 see, or how you see, the Metis Alliance being involved  
23 in this process and a member on that steering  
24 committee. Thank you.

25 THE CHAIRPERSON: Thank you. I'm going

1 to go to the GNWT to the question.

2 MR. RUSSELL NEUDORF: Thank you, Mr.

3 Chair. Russ Neudorf, Department of Transportation.

4 Obviously, we haven't seen the letter yet, but we will  
5 be pleased to take it and react to it.

6 We are working with the existing land  
7 claimant group over which this -- the road would  
8 traverse. And, you know, that's who we've entered into  
9 an MOU with at this time to move forward with this  
10 study.

11 If this request came forward to add  
12 somebody to the steering committee, then we would -- my  
13 guess is we would bring it back to the steering  
14 committee and seek the -- the advice and comment from  
15 the steering committee for how to respond to that.  
16 Thank you.

17 THE CHAIRPERSON: Thank you. North  
18 Slave Metis Alliance, any further questions?

19 MS. SUSAN ENGE: Just -- thank you, Mr.  
20 Chair. Further to that, I'm just wondering at this  
21 point why your department has not approached the North  
22 Slave Metis Alliance to play a -- a major part in the -  
23 - the development of your steering committee, as we  
24 have existing rights that have not been addressed as  
25 yet. Thank you.



1 THE CHAIRPERSON: Thank you. GNWT  
2 government...?

3 MR. RUSSELL NEUDORF: Thank you, Mr.  
4 Chair. Russ Neudorf, Department of Transportation. We  
5 were, in setting up the steering committee, dealing  
6 with the -- the local MLA, dealing with the -- the land  
7 claimant group in the area, dealing with all the -- the  
8 local Chiefs and the Grand Chief from the Tlicho.

9 This -- the proposed realigning of the  
10 winter road would be entirely within the Tlicho area,  
11 within the -- and the maj -- all of it would be on  
12 lands that have been selected by the Tlicho. And so we  
13 have been working with the Tlicho to this point as part  
14 of the project. Thank you.

15 THE CHAIRPERSON: Okay. Thank you.  
16 That concludes your questions from the North Slave  
17 Metis Alliance?

18 MS. SUSAN ENGE: Thank you, Mr. Chair.  
19 I am disappointed to hear that, for the -- for the  
20 record. And we will follow through with your comments  
21 and -- and your, I guess, attitude towards the Metis in  
22 the North Slave area. Thank you.

23 THE CHAIRPERSON: Thank you. I'm going  
24 to go to Fisheries and Oceans Canada. Any questions  
25 for GNWT on their presentation, verbal presentation?

1 MR. PETE COTT: Pete Cott from the  
2 Department of Fisheries. No questions. Thank you.

3 THE CHAIRPERSON: Thank you. I'm going  
4 to go to Aboriginal Affairs and Northern Development  
5 Canada. Any questions to GNWT on their verbal  
6 presentation?

7 MR. PAUL GREEN: It's Paul Green with  
8 Aboriginal Affairs. We have no questions.

9 THE CHAIRPERSON: Thank you. I'm going  
10 to go to Environment Canada.

11 MS. SARAH-LACEY MCMILLAN: Sarah-Lacey  
12 McMillan with Environment Canada. No questions.

13 THE CHAIRPERSON: Thank you. Transport  
14 Canada and Natural Resources Canada, they're not here,  
15 so I'm going to go to the Review Board staff or legal  
16 counsel.

17 MR. JOHN DONIHEE: John Donihee,  
18 counsel. We have no questions. Thank you very much  
19 for your clarification, Mr. Neudorf.

20 THE CHAIRPERSON: Thank you. I'm going  
21 to go to Mr. John Curran to my left. Any questions?

22 MR. JOHN CURRAN: Thank you. No  
23 questions at this time, Mr. Chairman.

24 THE CHAIRPERSON: Okay. Thank you.  
25 Percy Hardisty, Board member...?

1 MR. PERCY HARDISTY: Masi, Mr. Chair.

2 I have no questions.

3 THE CHAIRPERSON: Thank you. James

4 Wah-shee, Board member...?

5 MR. JAMES WAH-SHEE: Thank you, Mr.

6 Chair. I just want to thank you for your presentation.

7 No questions.

8 THE CHAIRPERSON: Thank you. Board

9 member, Richard Mercredi...?

10 MR. RICHARD MERCREDI: Thank you, Mr.

11 Chair. No questions at this time.

12 THE CHAIRPERSON: Thank you. Board

13 member Rachael Crapeau...?

14 MS. RACHEL CRAPEAU: Thank you, Mr.

15 Chair. No questions.

16 THE CHAIRPERSON: Thank you. Board

17 member Danny Bayha...?

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

19 No -- no, thank you. I don't have no questions.

20 THE CHAIRPERSON: Thank you. I want to

21 thank the GNWT for taking the time to come up and give

22 us a verbal presentation. Masi. Now we're going to go

23 to the business of the day, continue on with a -- a

24 presentation by the Tlicho government on the

25 traditional knowledge study.

1                   And -- and then after that we've got the  
2 questions then from parties, so we'll -- we'll do that.  
3 So I'll invite them up to the table.

4

5   (BRIEF PAUSE)

6

7 TRADITIONAL KNOWLEDGE STUDY

8 PRESENTATION BY TLICHO GOVERNMENT:

9                   MS. RACHEL OLSEN:    Okay.   Good  
10 afternoon.   To begin our presentation, I would like to  
11 ask Elder Charlie Apples to begin.   Thank you.

12

13   (BRIEF PAUSE)

14

15   (INTERPRETED FROM TLICHO INTO ENGLISH)

16

17                   ELDER CHARLIE APPLES:   Thank you,  
18 Chairman.   I am from the community of Behchoko.   My  
19 name is Charlie Apples.

20                   Yes, talking about -- talking about the  
21 road, I know it's going to have -- have a impact on --  
22 on a lot of things.   The road will be between Hislop  
23 Lake and Timmy (phonetic).   And there is one (1) grave  
24 site where the access road that we're talking about and  
25 the place between Timmy, Timmy Lake, and it -- it will

1 im -- impact the Timmy Lake and, also, all the dust  
2 that will go to Hislop Lake.

3 I know that there will be some changes  
4 into the water. It will have a impact on the water in  
5 Timmy Lake. When the dust from the road that goes to  
6 the Timmy Lake will also have the impact. It's -- it  
7 is a good area. It's a good land, good.

8 And also, there are a lot of good trees,  
9 a lot of good timbers that's very useable, something  
10 that we can use. And at that existing mine, the mine,  
11 there is a little lake. That's an area where we used  
12 to go for muskrat. And also, where the mine is, on the  
13 other side of where the airstrip is and, also, on the  
14 other side, that's where I -- I use -- at that time, I  
15 used to snow -- snowmobile with a dog team, and I used  
16 to trap in that area where the mine's about to be  
17 built.

18 And Hislop Lake, I was born and raised  
19 in -- in Hislop Lake. And -- and, also, my aunt, there  
20 is only one -- my aunt was also born and raised over  
21 there, and my older brother. My grandfather, we had  
22 lived in that area. And it -- it's a good place where  
23 we can survive. You can live there year round. It's a  
24 good area for trapping year round. It's good for  
25 muskrat. It's good for beavers.

1                   And it's also -- and it's a good area  
2 where we can survive year round. When people from  
3 here, this area, they used to hunt to that place. They  
4 used to hunt. And then when they used to hunt in that  
5 area, they would go back. And once in a while, we  
6 would -- people will come to our area.

7                   That area was a very good area. That's  
8 why my grandfather had raised -- I was raised at -- at  
9 -- in that area ever since I can remember -- since I  
10 can remember. And also, when I was -- where -- where I  
11 was cap -- capable of working by myself on my own. I  
12 have lived in that area where the mine -- my -- that  
13 area where the Fortune Mineral mine ex -- that hill  
14 that he pointed to.

15                  And also, we -- we used to go to where  
16 the Fortune Mineral mine is. That's where my  
17 grandfather had hunted for moose. Yes, because us Dene  
18 people, we love that land. We love that area.

19                  And also -- so I know it's going to be -  
20 - once it have an impact, and that area, once that mine  
21 is open, there's an area that will not be useable. We  
22 will not go to that area. Once that mine is closed,  
23 the closure of the -- it'll be very -- it will be hard  
24 and difficult. We'll be afraid to go there.

25                  Before the mine, nobody had talked that

1 area. No -- and in the past, the people had built the  
2 mine was out of our concentration. Now it has an  
3 impact on the land, the water, the fish and the water.  
4 Now -- people are aware of it now.

5 Now we are talking about it because look  
6 at where -- where the Rayrock Mine is. That area was a  
7 good fish lake. And that area is not useable to the De  
8 -- us people anymore. It is a good -- was a good area  
9 for caribou. It's nice land, good timbers, good trees,  
10 all of that area.

11 If that mine and the road ever opened,  
12 it's going to have the impact on a lot of -- see that's  
13 one of the reasons why we're talking about it. So  
14 that's -- we have a concern about it. It's just  
15 something I wanted to share with you of how that  
16 important was -- that area was very important to us.

17 Maybe that's all I just wanted to share  
18 at this time. It was the Elder, Charlie Apples, from  
19 Behchoko.

20

21 (INTERPRETATION CONCLUDED)

22

23 MS. RACHEL OLSEN: My name is Rachel  
24 Olsen, working with the Tlicho government. And in this  
25 next part of the presentation, Georgina Chocolate and I

1 will present the findings of the traditional knowledge  
2 study.

3                   So that map's not showing up very well,  
4 but it's a map that we saw at the last hearing as well.  
5 It's the spatial boundary of the assessment, with the  
6 250-metre buffer, the 5 kilometre, and the 25-kilometre  
7 buffer.

8                   And, again, we're not -- we didn't want  
9 to repeat too much of our previous presentation, things  
10 that stayed the same. So we've added a slide to  
11 discuss a little bit about the temporal boundary of the  
12 assessment. And we've used three (3) separate values.

13                   A past value is when we refer to an  
14 account of knowledge or use prior to living memory.  
15 And we -- when we talk about present values, we refer  
16 to an account of knowledge or use within living memory.  
17 And also a planned future value refers to the  
18 anticipated or intended knowledge or use patterns by  
19 the individual or their expectation for use by their  
20 descent -- descendants.

21                   And so now I'll turn to Georgina to  
22 present the non-site specific valued components.

23

24                   (INTERPRETED FROM TLICHO INTO ENGLISH)

25



1 MS. GEORGINA CHOCOLATE: My name is  
2 Georgina Chocolate. The place where we can survive, a  
3 place where we can go to survive, our Elders used to  
4 say that area. There are a lot of people that have  
5 survived in that area. We -- it's a place called,  
6 where -- actually, it's a -- it's a where -- what it  
7 means is where we can survive, where people have  
8 survived. People that live in the three (3)  
9 communities it is right in the heart of the three (3)  
10 communities. That area is the heart of the Tlicho. A  
11 lot of our people had used that area.

12 Two (2) communities, there are a lot of  
13 good traditional trails, the trails of our ancestors.  
14 That was a very important area for our people. And  
15 also we still use it today, and that area is still  
16 usable for the future of our little ones and something  
17 that we -- we can still use today. The traditional --  
18 it's an area where people had survived.

19 We want that area to be protected. Our  
20 ancestors and our forefathers had used that area. We  
21 still want to continue to use that area in the future  
22 with a way of -- our way of life, and we want that area  
23 to be protected and be kept. And it's also -- it is  
24 also in the Tlicho Agreement of how that -- even in the  
25 agreement states that some of this area is supposed to

1 be -- the place would be protected, an area that can be  
2 protected.

3                   And also the trails that you see, the  
4 trails that you look at. And -- and also the -- you  
5 look at the trails. That -- from -- from that -- that,  
6 the Fortune Mineral mine area and -- and also that  
7 Hislop Lake, that river flows towards us, and it's  
8 still drinkable. We can still drink from -- right from  
9 the lake, the river. And it's a very important  
10 traditional trail where people have gone back and  
11 forth. And also -- it also has Idaa trail, referring  
12 to the trails of our ancestors.

13                   And also the people in Whati, Gameti,  
14 and Behchoko, it is in the heart of the Tlicho region.  
15 That -- that Fortune Mineral mine will be built in the  
16 heart of that Tlicho land. That area is very  
17 important. We want to continue to teach our  
18 traditional values to our people. We still want to do  
19 a lot of traditional things.

20                   And -- and also that we still want to  
21 continue to teach our way of life. The trails of our  
22 ancestor is very important -- very important to us.  
23 That river that flows that -- towards us, it also has  
24 the winter road. And the winter road -- and -- and  
25 also what if -- what if there's a fuel spill that ever

1 go into the lake, will go up to -- to Marian to the  
2 mouth of Marian, and all the way to Behchoko and Marian  
3 Lake? It would also flow to the Great Slave Lake.

4 That trail that is very important to us,  
5 we still use today. We use it today. Our people will  
6 use it, and also the future of our people will continue  
7 to use that area. We want them to use that area.

8 And also, as the Tlicho, that we still  
9 fish in that area. There are all kinds of fish in that  
10 area. People have survived by -- by -- the fish -- we  
11 still fish today. Whenever we set the gill net in the  
12 Golo Ti Dee is as it -- that -- that area -- that river  
13 that flows from the Hislop area around the Fortune  
14 Minerals is called the Golo Ti Dee, a river that has --  
15 has a name, Golo Ti Dee.

16 That river, that's what it's -- it's  
17 called. Our -- our Elders have spoke. Gachee  
18 (phonetic) is where the little catch -- they used to  
19 catch that fish and we still have -- Gachee is called  
20 where they used to catch their fish.

21 And before the arrival, Gachee that's  
22 where they used to catch their fish there along the  
23 river and both sides around that area. They're still -  
24 - they still have the resemblance of those things.

25 So we know that area is very, very

1 important, that Hislop Lake around the Fortune Mineral  
2 mines area is very important to us and we can still  
3 fish. If that Hislop Lake in the Fortune Mineral mines  
4 area is ever -- has contaminated, we will -- now that  
5 even -- and also we have learned from the Rayrock Mine,  
6 that area is unusable now.

7                   That river, the Hislop River is very  
8 important. We still want to continue to drink from the  
9 lake, the river. We still want to hunt, fish, and  
10 trap. We do not -- we're just basically saying we do  
11 not want our water to be contaminated. If it's ever  
12 contaminated or has an impact on the water, we will not  
13 use that.

14                   People can still hunt in that area and  
15 also people can still survive. People can -- in the  
16 past people had used the -- the dog team. Today we can  
17 -- we can still survive in the -- in -- in that area.

18                   And also, even the plants, anything that  
19 grows in that area, we still depend on it, we still use  
20 it. There's still fur-bearing animals: the beavers,  
21 muskrat. We still -- we still survive. But even the  
22 berries, we eat the berries. And also the animals, the  
23 wildlife depends on berries as well.

24                   And that Hislop Lake in the Fortune  
25 Mineral mine area, even the caribou, the moose are --

1 there's still a lot of wildlife, in terms of caribou  
2 and moose. And also people can still trap in that  
3 area. We can hunt in that area. We can fish in that  
4 area.

5 And it's a -- it's a main traditional  
6 route -- or route for -- and -- and also people from --  
7 go back and forth from Behchoko to Gameti, from Gameti  
8 to Deline, to Great Bear Lake. People can go back and  
9 forth. That is a trail that had -- people had used.

10 When we say the Tlicho, we are the  
11 Tlicho people. We use that area, that land in that --  
12 and also that's a place where we can -- where the  
13 Tlicho people, when we look at the land, we look at the  
14 air, you look up in the -- the atmosphere. The Tlicho  
15 people, it is a -- so it's an area where we can -- we  
16 can live. We want to continue to use it.

17 Even our language, the -- the language,  
18 whenever we speak, we always speak with our language  
19 first, and then English is a second language that our  
20 way of life -- our way of life and our language, we  
21 will still continue to use it first. And also the --  
22 our land is al -- alive for us.

23 We want to continue to live by it. We  
24 want to continue to han -- hang on to. We do not want  
25 any of the mines to contaminate any of the stuff for

1 us. And -- and also, this is how the -- traditionally,  
2 we love our land and -- and we want to continue to use  
3 it today and also for the future as well. Masi cho.

4

5 (INTERPRETATION CONCLUDED)

6

7 MS. RACHEL OLSEN: Thank you, Georgina.  
8 So now I'll go through some of the site-specific valued  
9 components. Again, these are our five (5) classes of  
10 values that we have: subsistence, habitation, cultural  
11 and spiritual, transportation, and environmental  
12 features.

13 And there's our map. And,  
14 unfortunately, it's not showing up very well. But it  
15 is the same map we showed last time except there's a  
16 few differences. And one that we explained earlier is  
17 that we've removed the 1-kilometre buffer around the  
18 sites and replaced them with symbols.

19 And this is a table of the number of  
20 sites within the 250 metre buffer, the 5 kilometre, and  
21 the 25 kilometre. And these are the same as our  
22 previous presentation, so I won't go into more detail  
23 about those.

24 So within the lease boundary, I'll just  
25 give a summary of the values that are there. There's

1 one (1) burial location. There's cultural, spiritual,  
2 and historic values associated with the Idaa Trail  
3 travel route. There's multiple permanent habitation  
4 values, large game hunting, including reported kill  
5 sites for caribou and moose, and with an important and  
6 unique environmental feature site where harvesters  
7 listen for moose and where there are special soils that  
8 attract the animals.

9               There's also small game hunting and  
10 migratory birds. And there's hunting of beaver,  
11 muskrat, and otter for fur and for food. There's  
12 fishing of whitefish, Northern Pike, pickerel, and  
13 mariah. There's also another environmental feature of  
14 a caribou corridor. And again, it's a critical travel  
15 route and critical mode of accessing the surrounding  
16 lands.

17               So the summary of the values within the  
18 LSA, which is 5 kilometres, it shows that there's an  
19 intense use of this area and the river corridor  
20 adjacent to the project footprint. And the temporal  
21 boundaries that we've collected are beginning in the  
22 1940s to present day.

23               And so all of our recorded use values  
24 fall within our definition of present values. These  
25 include cultural and spiritual, hunting and trap line,

1 temporary habitation or other overnight structures,  
2 harvesting, fishing, multiple environmental features,  
3 and collection areas for berries, firewood, and other  
4 materials.

5                   And in summary, for the site-specific  
6 values, the density of Tlicho use within the lease  
7 boundary in the local study area is the result of a  
8 number of contributing reasons. These are that the  
9 river includes a series of regularly used and  
10 historically known camps and cabins relied upon and  
11 returned to by Tlicho citizens and families over a long  
12 period of time.

13                   The mouth of the river at and near the  
14 north and east inflow and outflow of the lake provide a  
15 rich and reliable source of fish, fresh drinking water  
16 for people and for animals, are still trusted as clean  
17 alternatives to the waters downstream from the Rayrock  
18 Mine site, which are now widely regarded with suspicion  
19 by Tlicho hunters and land users.

20                   So in conclusion, the propo -- the  
21 proposed Nico project is within and surrounded by lands  
22 historically and currently relied upon by Tlicho  
23 citizens for the practice of knowledge, use, and  
24 rights, including hunting, trapping, gathering,  
25 fishing, and associated cultural and livelihood



1 practices.

2                   An analysis of the map data demonstrates  
3 that the lands and waters within the LSA and RSA have  
4 been widely used by Tlicho citizens over a long period  
5 of time and continue to hold value. And these areas do  
6 continue to be used.

7                   These lands and waters also include  
8 unique and important species-specific values, including  
9 preferred fishing sites and harvesting areas for moose  
10 and caribou that are integral for the meaningful  
11 practice of Tlicho citizen rights and interests set out  
12 in the Tlicho Agreement, as well as location-specific  
13 values. And these include habitation areas,  
14 transportation corridors, and other values.

15                   And also, in conclusion, reliable,  
16 peaceful, and unimpeded access to preferred areas that  
17 are historically known and personally familiar is  
18 integral to the transmission of current and future  
19 practice of Tlicho knowledge and use within the project  
20 footprint, the LSA, and the RSA. And based on the  
21 baseline assessment, the project will have an impact on  
22 Tlicho knowledge and use, including the use of lands of  
23 resources by -- by Tlicho citizens and unique heritage  
24 resources, both tangible and intangible, of value or  
25 concern to the Tlicho people and government.

1                   So in summary, the data shows that the  
2 Tlicho have used the entire area and specific sites,  
3 that they have been there, that they're there presently  
4 and will return to it in the future. And based on the  
5 baseline assessment the project will likely have an  
6 impact on wildlife fish and plant harvesting and effect  
7 the social and cultural environment and heritage  
8 resources and the Tlicho government will be providing  
9 recommendations on measures to mitigate these affects.

10                   So now we'd like to turn to the Chiefs  
11 to say a few words about these things, so Chief  
12 Chocolate...?

13

14                   (INTERPRETED FROM TLICHO INTO ENGLISH)

15

16                   CHIEF EDWARD CHOCOLATE:   Masi, Mr.  
17 Chair. Edward Choc -- Chief Eddie Chocolate from  
18 Gameti. Want to talk about the mine. There are a lot  
19 of issues and concerns to our culture. We want to live  
20 in our culture way and our knowledge to be strong. And  
21 what Charlie Apple had to say, he was raised by my  
22 grandpa, Joseph Chocolate, and was raised around that  
23 area, Hislop Lake, and my grandpa had lived in that  
24 area at that time -- I -- I stayed along them. I was  
25 raised by them too, and my grand -- my parents had

1 raised us all at that area.

2 A lot of people had stayed at that  
3 place, people used to come from other places and -- and  
4 we used to share whatever we catch like fish; that's a  
5 knowledge that was brought down from our ancestors and  
6 we go out hunting for -- we'd trap and hunt for  
7 caribous and just all kinds of things that we had done.

8 We want to keep our knowledge and  
9 tradition and knowledge strong and we love our land,  
10 the water, environment, it's so valuable to us. To  
11 think about it, how our ancestor had lived at one time,  
12 they lived -- loved their water, land. They were like  
13 a knowledgeable people, like, professors, like doctors,  
14 they were that kind of people. They know where is a  
15 good place, where is a good area for animals, you know,  
16 for beavers, trapping, they had a good knowledge like  
17 professors. Those kind of people, they share the  
18 knowledge down.

19 I went out with my -- my dad. Every day  
20 he used to teach me those valuable knowledge and where  
21 is the good trapping area. Those are the kind of  
22 things that we were being taught by our parents.

23 To really think about for the mine, by  
24 the river, there's a river that goes down right to  
25 Merlin River (phonetic) about the con -- bad things

1 like contaminate the water, all the bad th -- it's  
2 gonna destroy the water. We know that river's strong  
3 so to think about it, even the dam that's been set up  
4 in other area and what it cost the land and the water,  
5 even the -- the river is strong and lot of chemical can  
6 go to the river and they will go to another lake and  
7 they can destroy the whole lake and they can destroy  
8 the wildlife and fish and -- and maybe from the mine,  
9 there is all kinds of chemical that they work with so,  
10 I am kind of worried about the water, to think about  
11 it.

12 Those the kinda issues that we had to  
13 think about and has to be discussed. We, as Dene  
14 people, we like -- we love our land, we survive on the  
15 land. We don't want nothing be destroyed, and there's  
16 gonna be lot of impact once the mine goes ahead. Even  
17 this Rayrock, what happened, example for that. We know  
18 those things. Just to think about those things. Thank  
19 you. That's all I want to say.

20

21 (INTERPRETATION CONCLUDED)

22

23 (BRIEF PAUSE)

24

25 (INTERPRETED FROM TLICHO INTO ENGLISH)

1 CHIEF CHARLIE FOOTBALL: It seems like  
2 -- thank you for giving us an opportunity to speak.  
3 And if we go down south and if we're going to gather  
4 our farming states, so we have to have the -- our  
5 ancestors, our -- generation after generation there are  
6 farmers. We are similar to that. We have our own  
7 ancestors.

8 They survive with the fur bearing,  
9 trapping, and all the animals that roam on the land.  
10 And with that, we survive, and that's how they pass on  
11 the knowledge. And that's how we survive, and that's  
12 how we taught one another, generation after generation.  
13 And with that, we don't want our land to be ruined.

14 With the Rayrock project, that's been a  
15 good example and taught us a good lesson. And if this  
16 thing takes place, then if there's contaminates like --  
17 we're in a similar situation, but it taught us a lesson  
18 that the Rayrock, we have to keep that in mind, what  
19 happened at the Rayrock, how -- it was in operation and  
20 the closure and with how many years it took to  
21 contaminate the water.

22 And also how many of our people have --  
23 became sick from that. The doctors -- we're not under  
24 doctor's cares. Where is that ailment coming from?  
25 Where is the contaminates coming from? There's a lot

1 of people sick in our community of Behchoko. And why  
2 are we healthy in other communities?

3 On -- on our land, if there's no mine,  
4 then the water would be flowing. There's no water  
5 flowing downstream from the mines that were situated in  
6 the past. And as for myself, when I look at the Ekati  
7 Mine, I'm working about Diavik and Snap Lake also.

8 Although those were not situated -- the  
9 caribou used to migrate -- although my -- my children  
10 were young and two (2) -- in the past three (3), four  
11 (4) years we haven't seen caribou in my community of  
12 Wekweeti. If you think I'm not telling the truth,  
13 maybe you can ask the Elders that I'm telling the  
14 truth.

15 With the money being involved, that's  
16 how we destroy these things. And today in Courageous  
17 Lake area there is another development of gold again.  
18 And that's how -- if that becomes into oper --  
19 operation and all these -- became sick from these kind  
20 of mine situation, maybe the citizens of Wekweeti might  
21 become sick and just for the money of the mineral --  
22 the money coming from the mineral, just as for in  
23 Behchoko.

24 There's lots of people who are -- to  
25 avoid these kind of disastrous situation, but today

1 we're in a healthy situation. Although we may not be  
2 employed, if we had a net, then we'll survive. And if  
3 we have shells and then we can go hunting with that,  
4 and we can go hunting out on our land. And today, as  
5 for money, we can't support people just for the money  
6 of it.

7                   And in the future the gener -- future  
8 generation, they can do whatever they want in the  
9 future. And once they come into a situation where it's  
10 -- but when we say our land, we love our plants and our  
11 forests. And -- and when we say our land, we love our  
12 animals and all the fur-bearing and the fish that we  
13 survive on.

14                   And if we're talking about the minerals  
15 for -- different minerals that ex -- be extracted, what  
16 are we going to get in the end? They're going to take  
17 the mineral out and send it somewhere else.

18                   And just as for the fall, we have  
19 feasts, and those kind of people, we never had no  
20 donotion -- donation and never had a cup of tea from  
21 these kind of people while these -- look at us in the  
22 future. Those kind of things I'm worried about. And  
23 probably the government doesn't think about it that  
24 way. But as for the Tlicho people, we should take a  
25 look at the Tlicho people.

1                   And we have this kind of money, and this  
2 is how much we're going to make money. And they're  
3 just worried their own money in their pocket. If  
4 somebody is starving, they won't look at those kind of  
5 things. And those kind of people are talking more for  
6 the project.

7                   And that's the way -- and that's not the  
8 way our ancestors talked to us. If you have something,  
9 then you have to share it with a neighbour. And -- and  
10 maybe one day you will survive along with each other.  
11 That's how we pass the knowledge on from our ances --  
12 if we're going to keep it in our pocket, why should we  
13 just open up the land for the people? And we should --  
14 we shouldn't even talk about these things.

15                  That's what I am thinking, sitting here.  
16 Just look at Australia right now, BHP mine. How much  
17 billions, trillions worth of minerals they extracted  
18 and these Aboriginals in that area, their -- their land  
19 is spoiled and their water is contaminated. And we can  
20 see this on a -- on the Aboriginal land. And they  
21 don't look back to the Aboriginal people. And that's  
22 how I don't want to be treated. I don't want my future  
23 -- children, in the future, to be in that situation.

24                  And if it's going to help my people,  
25 then I'll support them. If it's not going to be like



1 that, then why I should I support it? Because it's on  
2 my land and that's how we should take care of our land.  
3 That's why I'm sitting here.

4 And today, even the wood costs money and  
5 the berries and the fish and all the wildlife on the  
6 land. We survive on it. And we don't pay one (1) cent  
7 for our harvesting, and that's why it was given to us  
8 with the Creator. And when we're going to develop a  
9 mine like this, it's like we're saying we're going to  
10 destroy all this when we look at the money.

11 So now the -- without freezer -- when we  
12 say freezer, it's in the -- out on the land. That's  
13 where -- if I want to fish, I would sit a net. Any day  
14 I would open up my freezer and check my net. It's  
15 similar to that. And those kinds of things, I don't  
16 want to ruin. And I don't want to support that idea.

17 And if you think about it like that way,  
18 look at Fort McMurray, and we've seen with our own --  
19 and also we smelled it. And we don't want that to  
20 happen in our land. That's what we are saying. And  
21 there's a lot of people that will be speaking. And --  
22 and so we have a lot of speakers, and I hope that they  
23 support us.

24 And that's all for now. If there's some  
25 children that don't have parents and those kind of

1 people, we have to -- and without mining, we're doing  
2 okay. So this I'd just like to say for now. Thank you  
3 very much.

4

5 (INTERPRETATION CONCLUDED)

6

7 (INTERPRETED FROM TLICHO TO ENGLISH)

8

9 CHIEF CLIFFORD DANIELS: Chief Daniels,  
10 Tlicho Government. And today we have our Tlicho  
11 traditional knowledge. And -- and we have -- in the  
12 past, we never had things going like this. So -- and  
13 this is where, including this traditional knowledge, is  
14 very important. And it will be used in the future, and  
15 we want that. We have a strong backup in the future.  
16 And also if there's development of a project -- and in  
17 the past, how the people live on this land in the past.  
18 That's got to be taken into consideration, and what's  
19 been taking place and how and where.

20 And also the burial sites, we talk about  
21 when there's a burial site. It's not just a burial  
22 site on that land, and because there's -- there was  
23 importance in that area, there's a burial site. People  
24 survive in that area, and there are places where people  
25 are buried. And with these things in mind, we're

1 thinking about there's -- there's a difference in White  
2 man and also the Tlicho.

3                   We worry about the land, the water, the  
4 animal. And also we're worried about the Tlicho  
5 people, and also the Nico mine site. The river -- the  
6 river stream flows to us directly, and we're taking a  
7 look at all the information. And we have all the  
8 information here in front of us, and we're still  
9 talking towards it today.

10                   And this information, the traditional  
11 knowledge, some of the stories that were being done in  
12 the past have been collected and has been identified,  
13 and it's all not collected. And last year we had money  
14 allotted for this traditional knowledge regarding the  
15 Hislop Lake Nico Mine project. That's -- that's the  
16 only time we started working on the traditional  
17 knowledge.

18                   And also our -- our employees had been  
19 working on this project less than a year, and it's not  
20 enough. If we ful -- completely do our work and  
21 there's not enough time allotted, and the amount of  
22 time, the days is always -- there's never enough. We  
23 have to include some things that we have forgot. Maybe  
24 we'll find some new information.

25                   And also the Elders may -- just as the

1 traditional knowledge, Georgina is taking recordings  
2 and informations, and so for -- we're thankful for  
3 that, for our traditional knowledge collections. And  
4 there's a lot of information.

5                   And it's good that -- and as for the  
6 Rayrock, sometimes I think about Rayrock. So if  
7 there's any mineral finding, then we have to think  
8 about it and worry about it. Just for the money, and  
9 who's going to suffer on -- on -- because of that?  
10 Just as for now I'm talking about -- I'm talking to  
11 Canada, w           hen we never had no compensation from  
12 federal.

13                   The people that were taken away to  
14 residential schools, Canada had apologized, made an  
15 apology. And -- and there's been a compensation with  
16 that. And also the head tax. And also in BC, and  
17 these kind of things had taken place in BC also. And -  
18 - and they apologized to them, and they were  
19 compensated.

20                   And today when I think about this -- we,  
21 as a Tlicho -- this was taking place in Rayrock, and  
22 there's no apology, and there's no compensation. Can -  
23 - Canada never apologized. So there's a lot of people  
24 that passed away that worked along the river and work  
25 at the Rayrock Mine. They're -- all the relatives and

1 the families that passed away, because, you know, we  
2 think about these kinds of things. We worry about it.

3 So in the past, the things that took  
4 place, it wasn't done right. And -- and again today.  
5 It seems like they're going to open up another mine.  
6 And again, is it the same similar fashion that's going  
7 to be taking place?

8 In the past, these -- these things has -  
9 - hasn't been resolved. And that's how we think about  
10 it too. And how do these things take place in the  
11 future? Are we going to face a similar situation?  
12 It's not going to be right. It's...

13 We -- we think about this. You know, we  
14 worry about it. We want to take a careful look at dili  
15 -- do a diligent work and make sure that, in the  
16 future, we're not in control of what -- what we're  
17 going to do, but we have to say our piece of what we  
18 think about. And, also, you should take a look at  
19 that.

20 Regarding the project, the operation and  
21 the opening of the mine, we think about these things.  
22 And all these things takes place. And once the mine  
23 opens, and if we open the door, and once they start on  
24 the operation, they never look back at us. They just -  
25 - nothing. These kind of things never took place. We

1 know about these things.

2 So -- and diligently and how we're going  
3 to move forward, let's -- we have to work together in  
4 agreement and move forward. And that's how we want to  
5 work together. And included in that assessment, we  
6 have to have that traditional knowledge. Thank you  
7 very much.

8

9 (INTERPRETATION CONCLUDED)

10

11 (INTERPRETED FROM TLICHO INTO ENGLISH)

12

13 CHIEF ALFONZ NITSIZA: Thank you, Mr.  
14 Chair. My name is Alfonz Nitsiza. I'm from Whati,  
15 Chief of Whati. I want to say thank you to the Board  
16 members. You have -- you've given us the opportunity  
17 to speak with regards to the traditional knowledge, how  
18 we do our study.

19 Traditional knowledge is very important  
20 to us and it's a valuable item for us, the Tlicho. And  
21 if there's going to be a big project like this, there  
22 are many different kind of expertise. There's water  
23 experts and wildlife biologists.

24 And also, for the rock -- the minerals,  
25 these geologists, they -- they talk with their

1 certificate of having these. But with Tlicho, we have  
2 our Elders. The Elders that are living amongst us  
3 today, they -- they are like our engineers and our  
4 experts. We consider them as that.

5 Our ancestors, our forefathers, how they  
6 work in front of us and what's been said at that time,  
7 although we don't have documented information, they  
8 know all these things. They know all the information.  
9 And for that reason, when there's going to be a major  
10 project like this, they are worried about it.

11 How we were treated in past, they know  
12 about these things. And you've listened to them. And  
13 -- and there used to be a mine situated close by, and  
14 what took place because of those mines.

15 And we, as the Tlicho people, how we  
16 live on the land, where there's a different -- we, as  
17 Aboriginal people, the way we were brought up and how  
18 we were taught, how we were taught on the land, on the  
19 water, the animal, everything living on this land, we  
20 have to respect it. That's how our forefathers taught  
21 us, our Elders.

22 And as for today, there -- we're living  
23 in a different environment. We're living in the  
24 community. We have employment. And on a daily basis,  
25 we're loaded with employment, so we don't get to go out

1 on the land. But at the same time, because we're not  
2 going out on the land, we can't open up the land. We  
3 can't say that.

4 In the past, our ancestors, our  
5 forefathers, they survived out on the land. Those kind  
6 of things -- we don't want those kind of things to ruin  
7 until into the future -- far into the future. We still  
8 want to use these kind of things. That's how that --  
9 at the same time in today's manner, there's employment  
10 that we survive on. We need employment to survive.  
11 And that's how to make money from these kind of  
12 projects, how can we be included? How can we be a part  
13 of it?

14 And the Elders have got to be included  
15 and what they think about the projects. And if --  
16 we're not saying we're not going to open up these kind  
17 of projects. If it's -- the mine's going to open up,  
18 how can there be minimized risk factor? And that's  
19 what we're saying.

20 You as -- you, as a Board member, does -  
21 - for that reason -- you are the Board members, so for  
22 that reason you are listening to the people. You don't  
23 want the water to ruin, contaminate, and the wildlife.  
24 And with helping one another, if we work together in  
25 this fashion and if we come to a conclusion and move



1 forward together.

2 But if we're not working along side and  
3 if we're hiding some important, valuable information  
4 from each other -- and the Elders that does -- that  
5 does not know how to read or write, those kind of  
6 information. Our Elders are very informative. They  
7 have knowledge on the land. They have to be included.

8 On -- on our land there's people --  
9 people are being employed in the mining companies, and  
10 they have to respect our Elders. That's the only way  
11 we will be working in a good manner together.

12 Since becoming a self-government, it's  
13 been several years. And since the government took  
14 place, it's like we have to teach others, like  
15 government agents and also the mining -- mining  
16 companies. What kind of government do we have? They  
17 don't really know about -- they don't understand our  
18 agreement, and the -- our way, our life is -- is  
19 different. And we do a diligent work and we don't want  
20 to sway from our -- our way of life. But those mining  
21 companies are not like that.

22 And whatever mineral is underground,  
23 they want to extract it right away, as quickly as  
24 possible, and make as much money as possible. And then  
25 they'll leave. And in -- in behind, we, the people who

1 live on -- on the land, we're not going to leave our --  
2 our Tlicho lands. We are the ones. We will have to  
3 pay the price, and we have to go through hardship.

4 And also our people may become ill and  
5 die from these disease, the impact from -- the negative  
6 impact. And I've mentioned these things. To avoid  
7 these things, we have -- this -- our Tlicho Agreement,  
8 our Tlicho government. So our ancestors, our  
9 traditional knowledge, as we say, we -- we have to  
10 include that. And that's how we work our government.

11 And from this day forward, if there's  
12 any kind of projects like this development of a mine  
13 like this, a big project like this, we have to include  
14 the traditional knowledge. It'll be good -- that way -  
15 - and then -- and there will be a good learning lesson  
16 for both parties, and we'll move forward with that --  
17 with...

18 And so I want to say thank you. And  
19 you've heard us in the past and also -- and you've  
20 included two (2) more days. And tomorrow the -- the  
21 people will -- the public will get an opportunity to  
22 speak, so I'm happy and thankful for that. And that's  
23 all I'd like to say. Thank you very much.

24

25 (INTERPRETATION CONCLUDED)

1 (BRIEF PAUSE)

2

3 (INTERPRETED FROM TLICHO TO ENGLISH)

4

5 GRAND CHIEF EDWARD ERASMUS: Yes, I too  
6 would like to say thank you, Mr. Chair. Yes, I'd like  
7 to say thank you to the Review Board to be listening to  
8 us. In the past from the time that -- they were in the  
9 -- the western part of the territor -- territories,  
10 there were a lot of old -- old mines.

11 There were a lot of mines that we had --  
12 did put up with a lot of mines and also did put up with  
13 a lot of mines, but there was no kind of a Review Board  
14 or people hadn't been consulted, or people weren't  
15 informed. And the mining company went ahead and did  
16 what they wanted without our input.

17 Just like in Yellowknife, you look at  
18 the Con Mine, the Giant Mine, they went ahead with it.  
19 All these -- these mines, I don't believe they had --  
20 ever had a public hearing or -- or ever had a hearing,  
21 any -- any issue that came prior to the mine that was  
22 about to come up. Those kinds of things have never  
23 been done.

24 But -- but here -- here, I'd like to --  
25 for putting -- we are very thankful for putting this

1 traditional knowledge study here. You, as a Board  
2 member, I'm pretty -- pretty sure that you are a Dene -  
3 - some of you are Dene people. You have the -- you  
4 have a head on your shoulder. I'm -- I'm pretty sure  
5 you're a thinking person.

6 And -- and also -- and also like any --  
7 any land or any area where somebody can really benefit  
8 from a lot of things, but we will remain to live here.  
9 And the mining company once -- once they -- they  
10 extract or do the -- they kind of take the minerals  
11 out, they -- they will be gone. But we will remain to  
12 live here, but still.

13 But the -- in our area, there's going to  
14 -- now they're talking about the possible mine in our  
15 area now. Yes, what are we doing here? This Board is  
16 -- is under the Mackenzie Valley Review Board here.  
17 You guys are doing a tremendous job. We'd like to say  
18 thank you to the Review Board.

19 You guys are listening and listening to  
20 us, but sometime it's hard -- hard and difficult to  
21 listen to people's concern. That is your -- as a Board  
22 member, the Review Board and the Chair, I'd like to say  
23 thank you to -- thank you to the Review Board and the  
24 Chair.

25 Because of the Review Board, thanks,

1 people are listening. And also, we're trying to do  
2 something that is right, or try to do -- but we are  
3 here to listen to each other, try to do something that  
4 is right. These kind of -- these kind of things have  
5 never -- never been done.

6 And also I'd like to say I'm very  
7 thankful -- very thankful to have this traditional  
8 knowledge study here. This -- this kind of a mine,  
9 this kind of TK knowledge study has never been put up  
10 before the Review Board. Those kind of things had --  
11 hasn't been respected in the past. And in the past, we  
12 also did -- also -- also been done with the Western  
13 science -- Western science. Those kind of TK study,  
14 traditional knowledge has -- hasn't been done in this  
15 kind of -- at the hearing, so.

16 In the past of how the Tlicho people had  
17 lived, how they roamed their land, and also how they  
18 have their tradi -- traditional names, the names of the  
19 lakes. And also, how -- of how the wildlife -- all  
20 kinds of wildlife that is on this Mother Earth, they  
21 know the area very well.

22 Because of that, we have gotten where we  
23 are today. Because of that, we have settled our claim.  
24 Because of that, we have a huge land that we own. But  
25 in our -- our Elders, some of them are still -- still

1 alive today that still use that area, had used a lot of  
2 our area. Because of that, we have gotten where we  
3 are, just of how people had lived, even today, even to  
4 this day, even to this day.

5                   People -- even that area we're talking  
6 about, every summer we use that area. People use that  
7 area in the summer. Just recently, like the day before  
8 yesterday, there was one (1) young man that got married  
9 a few days ago. People from Whati had paddled. That  
10 river was used from Whati to Behchoko. Even to this  
11 day, every summer we use the river, every summer, to --  
12 to our annual gathering. People use the Marian river  
13 and, also, all -- all other areas every...

14                   And -- and, also, we have a school in  
15 each of -- we teach. We teach. We teach this Imbe  
16 Program out in that -- in that area, that people use  
17 that area, the area that we're talking about. People  
18 still trap in that area. And also, they used to paddle  
19 in that -- to that area with a canoe even to this day,  
20 that area we're talking about.

21                   So we do not want to do away of our way  
22 of life. Today, if we paddle there -- today, whenever  
23 you paddle over there, you can dip your cup into that  
24 water and still drink the fresh water. We want that to  
25 remain with us. We don't want to lose it. We don't

1 want the area to...

2 We're not saying -- we're not saying we  
3 don't want the mine. If there is a mine, we want -- it  
4 will be a good area for the -- for the -- good -- be  
5 good for the job for our people. But try to do  
6 something, build it the right way. That's what we're  
7 saying, to minimize the impact that it's going to have  
8 on the -- on the environment.

9 But tomorrow -- tomorrow, the public  
10 will speak. Tomorrow, the public will be given the  
11 opportunity to speak. But today, you had give -- you  
12 had -- the Review Board has given two (2) additional --  
13 additional days -- because of the two (2) days, the two  
14 (2) additional days, so you guys are listeners. You  
15 have given the two (2) additional days. You guys are  
16 listeners.

17 People will be able to speak all day  
18 tomorrow. The -- the public -- community and public  
19 statement will be given all day. I would just like to  
20 say thank you -- thank you to that. Our Elders have  
21 always spoke to us. Whenever we say thank you, it is a  
22 huge -- something that is nice whenever you give  
23 somebody a word of thanks.

24 And also, that's a good -- what they  
25 call a good working relationship. Whenever you work

1 together of how -- that's how you go forward. That's  
2 how you pass forward. When we first started -- when --  
3 when -- I was just thinking, I didn't think today we  
4 are talking about the traditional knowledge. I didn't  
5 think there was going to be -- that we'll be given the  
6 opportunity to be talking about traditional knowledge  
7 study. Now it's on the floor, and I'm thankful for  
8 that.

9                   When the Elders speak, they had  
10 witnessed and they had -- whenever they talk about the  
11 land, they had used that area. They had walked the  
12 land. They had -- they had used that area, but as  
13 young -- young men.

14                   As a young leader that we have -- we --  
15 we are here. But then some -- some of them consider --  
16 whenever an Elder speak, we consider them as our dad  
17 talking to us. When an Elderly lady talk to us, we  
18 consider them as a mom talking to us. That's -- know  
19 we respect, respect each other. That's how we teach  
20 each other as we go forward.

21                   So talking about this traditional  
22 knowledge study, there's one (1) Elder that has spoke  
23 to you about -- the land department staff had talked to  
24 you about the trad -- TK knowledge study. This is how  
25 we had taught each other. We had gotten a long ways in



1 order to show respect. And by listening to each other,  
2 you know, showing the respect to each other as we  
3 speak.

4 So at this time, that's all I'd like to  
5 say for now at this time. Masi cho.

6

7 (INTERPRETATION CONCLUDED)

8

9 MR. JOHN B. ZOE: Masi. My name is  
10 John B. Zoe, with the Tlicho government. I want to  
11 thank the -- the Chair and the Board for -- for the  
12 extended hearing in Behchoko to hear from the people  
13 themselves.

14 And the reason that we're kind of happy  
15 that it happened with the extension is to show the  
16 importance of the people that we're going to listen to  
17 tomorrow, at least a flavour in -- in the long history  
18 that -- that we have in the area.

19 It's unfortunate that the -- that the  
20 map I was going to start off with is kind of small, but  
21 it's to the right. It looks like scribbling on there.  
22 If I can get, maybe, Georgina to go up there and show  
23 the -- the trail between Great Slave and Great Bear  
24 Lake, just to point it out so that -- oh, I can't see  
25 that far.

1 But it's one of these -- if you look at  
2 one of these lines, it's probably the darkest line  
3 there. That's the area that we're talking about, is  
4 the darkest line. And the darkest line by itself talks  
5 about the amount of usage and occupation.

6 I think at the last talk I gave, I  
7 mentioned that it was probably the largest artery that  
8 we have, probably the most important occupied usage in  
9 the whole Tlicho landscape. And if you look at it in a  
10 context of the Northwest Territories, that the  
11 Aboriginal population for the North, the largest  
12 Aboriginal population to date has been the Tlicho  
13 people.

14 And it's not surprising that the darkest  
15 area of usage would be in the area itself. It's just  
16 common that the more people that walk the trails, the  
17 deeper the groove in the land would be.

18 And when we talk about K'ia Goti, it's  
19 not, in this context, an isolated area surrounded by  
20 some sort of buffer that we're trying to -- that we're  
21 trying to understand in the scientific view of how  
22 development happens. That the landscape that we have  
23 is continuous. Nothing is isolated by itself.

24 And in some of the earlier travels with  
25 Elders, sometimes we're way beyond one of the larger

1 lakes. And when they radioed to the -- to the leaders  
2 in the community, they mentioned one of the largest  
3 lakes that we passed. And so I was curious about it,  
4 so I mentioned, Well, we're on this lake now. Why did  
5 you mention that we're back there? And what he said  
6 was that, it's -- it's -- everybody understands these  
7 big areas. And it's -- it's all really a part of it.

8                   Very similar to an example of modern-day  
9 travel, that if I'm somewhere in the South, talking to  
10 people that we meet at the airport, and they always  
11 say, Where are you from? And automatically I would  
12 say, Yellowknife. And then they say, Oh, okay. And  
13 then I'll say, Just outside of Yellowknife, because  
14 that's the way you introduced -- introduce people to  
15 your own area. It's by what they recognize.

16                   In the K'ia Goti area, we need to  
17 understand that the traditional knowledge is not  
18 something that can be captured within a few months,  
19 because the knowledge of the land has taken thousands  
20 of years to put into place through naming, through  
21 history, that puts into context and trying to do  
22 justice to why it should be protected in that sense.

23                   For example, when Chief Chocolate was  
24 talking about his grandfather, Jeremy. Well, Jeremy  
25 was the brother of my grandfather, Kwaji. And it goes

1 on in that way, because the -- the old village that  
2 they occupied, K'ia Goti, (NATIVE LANGUAGE SPOKEN), the  
3 village of the old stone fireplaces. And it was  
4 occupied somewhere about a hundred years ago and  
5 continuous after that, until it was abandoned later.

6 But what the traditional knowledge  
7 research doesn't talk about is who occupied that  
8 village about a hundred years ago. And we have the  
9 names of exactly the people that were there. But it  
10 takes a bit of time, a bit of unravelling, to ensure  
11 that it's done in a context that it's meaningful and  
12 very accurate. But because there was over  
13 approximately about ten (10) houses there, could be  
14 more, could be less, but approximately in that number.

15 And we also have in our information bank  
16 at the Tlicho government, or the Tlicho nation, is the  
17 genealogical data going back to that period. And  
18 that's of scientific value of the names that were  
19 written down and points back to the people that lived  
20 in that area.

21 And all the people sitting here are  
22 descendants of that area, including mostly all of the  
23 members of the Tlicho nation. And that occupation has  
24 continued in that area until the mid '70s, when people  
25 were brought into the community to make sure they have

1 addresses and to ensure that their children were  
2 introduced to modern-day education.

3                   Because there's been occupation there  
4 for thousands of years, that sometimes Western science  
5 can be blind to some of the evidence that -- that is  
6 there. Western science uses remnants of -- of stones  
7 from different eras, but our knowledge is based on the  
8 -- is based on the stories that we have. It not only  
9 talks about the occupation, but how people survived in  
10 that area, going back to the beginning of our own time,  
11 the earliest place names, and all the things that have  
12 happened until today.

13                   And on this route -- oh, there's a big  
14 map -- is -- the one that we're talking about is this  
15 darkest area here, is the main route of the Tlicho  
16 nation. The area that we're talking about is because,  
17 as I said in Whati a couple of months ago when we were  
18 there, is that the land is not without its stories.  
19 The land is the story. And the people's activity  
20 reminds them of the stories that the land holds. So  
21 they can't be separated from language, culture, and way  
22 of life. It's all the same. One can't be without the  
23 other.

24                   And what is being proposed here, I'm not  
25 -- I'm not saying it in a -- in a harsh way, because

1 I'm sort of saying it in a -- in a kind way, because in  
2 the last seventy (70) years, from 1921 to at least 1990  
3 -- early 1990s, that we were never part of any  
4 discussion on any development in our area. And when I  
5 say, "in our area," I'm talking about the most occupied  
6 vein here, that all the early developments, and even  
7 continues today, has been on that trail.

8                   It's a trial that has probably the most  
9 contamination and probably the most places to remediate  
10 that exist today. So a lot of damage has been done  
11 already. So there's nothing that we say today that is  
12 any harsher than the destruction that it has already  
13 caused.

14                   So what we're talking about today --  
15 what we're talking about today is to ensure that any  
16 new development in our watch allows us to use that land  
17 the way we've used it before: without caution, without  
18 fear that it would -- it would somehow affect our  
19 health and the health of future generations.

20

21                   So the traditional knowledge that we  
22 have, there's still a lot more that we weren't bring --  
23 bring it forth in such a short time frame. And the  
24 reason that I'm saying is that -- to put it into  
25 context, the time that it takes to develop a mine to

1 the point where it's operational.

2 That when the Fortune Mineral  
3 representatives were talking, somebody asked about how  
4 long they've been in that area. And 1998 was  
5 mentioned; so, officially, it's about twenty (20) --  
6 fourteen (14) years. But the exploration leading up to  
7 that fourteen (14) years was prior to that, so it's  
8 very close to twenty (20) years.

9 But to develop that mine, it's taken  
10 pretty close to twenty (20) years so far. And there's  
11 constant information-gathering to get to that point,  
12 until all the information is gathered. And then it  
13 makes it somehow okay for it to go ahead.

14 Well, TK is the same thing. How do you  
15 squeeze these ten thousand (10,000) years of  
16 information into three (3) months and expect to get to  
17 -- to somehow we're giving it justice? And so that's  
18 the big difference between consideration of TK and  
19 scientific value: What is a good balance?

20 And so when we talk about mitigation or  
21 measures, that if somehow the full extent of the TK is  
22 not brought out, it would leave a gaping hole,  
23 literally, in the landscape from -- of which these  
24 stories are anchored to.

25 What we're really talking about is a

1 piece of the land -- killing that piece of land, in  
2 realistic terms, but somehow try to ensure that somehow  
3 it would be revived and somehow maybe we can do it in  
4 such a way that it will come back to itself. And  
5 that's what this whole exercise is about.

6                   But it's much more important for us to  
7 ensure that our language, culture, and way of life is  
8 continuous with that trail, that there be no gaps,  
9 because with the Tlicho Agreement given recognition in  
10 2005, it really is about a revival of the strengths of  
11 people that were there before, after being beaten down  
12 for the last eighty (80), ninety (90) years. It's  
13 about coming back to the point where we can talk about  
14 who we are, the land that we've used, and the animals  
15 that we depended on, because land is life, and we're  
16 talking about the improvement of that life.

17                   And in that improvement of the life we  
18 take into consideration that there would be a  
19 continuation of usage of land even though there has  
20 been development. And to ensure that that development  
21 doesn't destroy who we are, we need to have meaningful  
22 participation in any independent monitoring, especially  
23 with our Elders who would be the anchor, to ensure that  
24 what we're hoping to keep alive would be recognized,  
25 and the information used to help manage how those



1 things would not be destroyed any more than it needs to  
2 be.

3                   So there has to be also some independent  
4 peer scientific participation in that, and there's a  
5 whole list of how those things can come together. But  
6 it's important that we be part of ensuring that the  
7 land would continue to be abundant even in future  
8 years.

9

10                   (BRIEF PAUSE)

11

12                   MR. JOHN B. ZOE: We know that the --  
13 that the Tlicho nation by itself is about building, but  
14 we know that we live in modern time where governments  
15 are under pressure to extract so that we can provide to  
16 the global economy, if not Canada, especially in the  
17 North; that somehow we need to have a good discussion  
18 on socioeconomics, where before we participated in  
19 socioeconomic but we see the destruction that new  
20 monies, new ways of life can destroy families and  
21 community very quickly, that this development is in the  
22 centre of Tlicho lands, that we need to have a say in  
23 the socioeconomic agreement to address housing issues,  
24 recreational issues, community government impacts,  
25 recreation, our social responsibilities, because nobody

1 else is going to do it for us. And that's the exercise  
2 of governance, where we actually would want to ensure  
3 that the mines and governments buy into it, and take  
4 full meaningful responsibility in that area.

5                   When we're talking about the burial  
6 sites earlier, those are just bits of information,  
7 because we know that if you had thousands of years of  
8 occupation, a lot of recognition is given to grave  
9 sites after Christianity, because we have a tendency of  
10 recording those names, and most of the recordings have  
11 come from that period. But those people before  
12 Christianity, the ones that occupy that area, the ones  
13 that we're descended from, they're in the landscape.  
14 No matter, in some ways, where you go, they are already  
15 part of the landscape. So the landscape really is who  
16 we are.

17                   But a lot of these sites are not marked,  
18 but by trained eyes of the Elders a lot can be located.  
19 For even the ones that are marked -- that's what I like  
20 about the trails of our ancestors, is that in one (1)  
21 of our canoe trips in Matbury Lake (phonetic), an old  
22 traditional site, we always camp in the same area. And  
23 there was a burial site there that only had two (2)  
24 sticks. And it also had a digging stick laying --  
25 lying next to it. And it must have been about sixty

1 (60), seventy (70) years old. We all knew it was  
2 there, and every time we stopped there we would show  
3 the kids the burial site and how people buried one  
4 another in those days and how it was marked: To prove  
5 it, here's the digging stick. And then they would look  
6 at the digging stick and feel it. And it's still very  
7 much intact. So it's a museum piece, but we leave it  
8 there because that's where it belongs.

9                   And we went through the area again, and  
10 there was a big geological type camp there. It's  
11 always been in that area, but they had their own little  
12 area, but somehow they decided to move to the  
13 traditional area. And when we got there, there was a  
14 tent standing overti -- overtop the grave site, and so  
15 we got kind of concerned. And so we had a meeting with  
16 these people to say that, you know, That tent that's  
17 standing there is over that grave site, so your grave  
18 site is in your tent.

19                   And -- and so we had to go there and  
20 show them where it was, but they had thrown the sticks  
21 away, including the digging stick. And because we were  
22 passing through we said, We'll follow up on it later,  
23 but, for now, it'd be good if you'd just put it back  
24 the way it was before. So we left. And since then --  
25 I guess after that, they -- they took the tent down and

1 replaced everything the way it was.

2                   So after we came back from the trip we  
3 called those people and said, Okay, let's do some  
4 follow-up. We need to -- I guess it's time we need to  
5 properly mark it in a modern way, by putting a picket  
6 around it, because, most likely, it's going to happen  
7 again.

8                   So one (1) of the Elders whose relative  
9 it was had a chance to go there, they brought some  
10 pickets. They marked it, they did their prayers, and  
11 today it's marked. And that's the way -- that's the  
12 way to implement protection is by the impact. If there  
13 was no impact, then there would be no reason to mark  
14 that place, because it's understood that it was there.  
15 And that's the way we have to look at this thing, is  
16 that there's going to be an impact so what do we do to  
17 ensure the protection is there for future generations.

18

19                   (BRIEF PAUSE)

20

21                   MR. JOHN B. ZOE: One (1) of the ways  
22 of putting these things into place -- I know mining  
23 development its -- it's got its own processes and it's  
24 -- it's a machinery of its own, and it becomes well  
25 developed over time so that its -- its somehow

1 operational in its own jurisdictional process. But  
2 this is really about an exchange between the people  
3 that occupied and owned and used those lands.

4 With the Developer, using the laws of  
5 the land, this is really about having a negotiated  
6 agreement on how this thing should proceed. And the  
7 process that we're in now is to give some fairness to  
8 the process to ensure that there's fairness all around.

9  
10 And being at the table, of all sorts of  
11 tables for the last twenty (20) years, it always starts  
12 the same way. Always. And it's no different here than  
13 in other cases. Is one (1) -- even governments are  
14 guilty of that, is that the process used is to do it  
15 the way it was always done before, where you just get  
16 what you want out of it and hope for the best; or do it  
17 as you have before there was a Tlicho agreement. And  
18 the reason for putting the Tlicho Agreement together  
19 was to give recognition for the people that occupy the  
20 land, that there would now be a fair exchange of  
21 thought, of information, of something that resembles  
22 fairness.

23 And because there's no form of  
24 implementing these things, we're forced again by  
25 default to use things that impact us, like a new mine

1 site. If it's going to impact us then it's a good way  
2 to exercise our authority, and governance, and  
3 occupation, to see if we can get something that's  
4 beneficial to the communities that is going to impact.

5                   And if that doesn't work, the first  
6 part, do what you were doing before, is that it always  
7 leads towards a dispute. Whether its in -- the remedy  
8 is in a dispute resolution or the courts, and that's  
9 the way it has always happened. And that's the way it  
10 seems to be happening even with larger issues that's  
11 going to eventually have an impact even on this  
12 process, is the process of devolution, where the  
13 process is just do it the way we were doing it before,  
14 as if there was no self-government or recognition of  
15 governance and the rights of Aboriginal people in the  
16 area. And if that doesn't work, we'll ram it through a  
17 dispute resolution or a court process, always bypassing  
18 a negotiated agreement on how to proceed with one  
19 another. And that's what the dis -- big dispute is  
20 now.

21                   And it's for some reason very hard for  
22 governments to understand, including the mining the  
23 ride -- rides as -- the coattails of the decision  
24 makers, that we want to ma -- make sure that the land  
25 is protected beyond this process, because this process

1 sets the precedent for the next mine. And the big fear  
2 is that the process that led us to where we are today,  
3 where the Wek'eezhii Land and Water Board recommended  
4 that it go to an EEA (phonetic) process under the board  
5 -- under the Mackenzie Valley Board, Environmental  
6 Impact Review Board, may not exist the next time  
7 there's development, that there might not be regional  
8 boards, that the representation that they have now that  
9 might take into the consideration the views of the  
10 people that live in that area would be very minimized  
11 for the sake of making it streamlined.

12                   So the protection that we're seeking is  
13 way beyond the existence of some future devolution with  
14 some reformed regulation -- regulatory process that is  
15 not going to benefit the people that occupy the lands,  
16 their voices not being heard. So this is just not  
17 something that's happening now; it's something that we  
18 would have to live with and have very little say in the  
19 future.

20                   So the point in time that we're in right  
21 now is the most critical, pivotal point in history -- in our  
22 history, is that we're given a chance to exercise the  
23 recognition by a developer, the recognition of a  
24 development process, and our ability to have our voices  
25 heard with representatives that we know, northerners

1 that live here, and the people with similar history,  
2 that those things might be shelved. We're looking  
3 beyond that.

4                   So I'm going to maybe try to wrap it up.  
5 But it's very important that some measures be  
6 recognized before the process is over, which is the  
7 protection of wildlife into the future. And when -- I  
8 know a lot of Elders have mentioned it before, that  
9 even in my -- my time and more recently, that we used  
10 to have a lot of sounds of pintails all over the North,  
11 especially in this area, one (1) of the flight  
12 corridors of -- of waterfowl. We could hear it all in  
13 the spring and hear it all summer, but we haven't heard  
14 that for a long time, because the world is changing so  
15 much. And some places that were resting areas and a  
16 place of sanctuary for some of these waterfowl, are  
17 places like Burke Lake, or what we call Det'oti, Duck  
18 Lake, that needs some form of protection.

19                   And we need to ensure that in the  
20 closure planning that it engages the people to make  
21 sure they really understand the process that are  
22 followed towards reme -- remediation eventually. But  
23 it takes money of some sort, of security, to make sure  
24 there's enough for long term or even temporary shut-  
25 downs, and even to the point of designing the new hills



1 or the new hill of waste and the wetlands, because  
2 those become very important.

3                   As I was saying, numerous times, that  
4 there's different layers of stories that have happened.  
5 And one (1) of the larger layers that have -- that the  
6 stories of the landscape talks about the development.  
7 And eventually a name will pop up for this new hill  
8 that's going to come out of the landscape. And there's  
9 a lot of names that -- that happen during the clean up  
10 of earlier Cat trails, trains that were happening  
11 through the area. A lot of hunters use those areas to  
12 identify their travel points.

13                   So it's very important that people be  
14 part of this development in a meaningful way, so that  
15 in the end what they -- what we would have is something  
16 that we can still use. But at the same time, we  
17 benefit from that development, so that really our  
18 investment is the -- is the land and the minerals  
19 underneath it. Masi cho.

20

21                   (BRIEF PAUSE)

22

23                   THE CHAIRPERSON: Does that conclude  
24 your presentation? Maybe if we -- oh, sorry, Chief  
25 Daniels?

1 CHIEF CLIFFORD DANIELS: Masi, Chair.

2 I'll wrap up this presentation.

3 Mitigation measures. Okay. Mitigation  
4 proposed:

5 Ongoing TK research studies run by  
6 and for the Tlicho government. It is  
7 vital to maintain the stories,  
8 histories and place names of the  
9 Tlicho people. It would also  
10 contribute to the ongoing confidence  
11 and use of the Tlicho people  
12 throughout the mine life and into the  
13 future.

14 For the critical wildlife and the  
15 vegetation habitat in the project  
16 footprint.

17 For the medicines and plants that may  
18 not be available in other zones.

19 For the placenames, stories that'll  
20 be destroyed in the project footprint  
21 itself.

22 Independent monitoring and expert  
23 peer review of the -- of the project  
24 component that is integrated with the  
25 monitoring in the region on key

1 components including long term  
2 community based water monitoring  
3 upstream and downstream, and in  
4 Behchoko.  
5 Wildlife monitoring in the particular  
6 area by the community.  
7 Active monitoring of the snow;  
8 responsive testing when Elders and  
9 land users move through the area and  
10 observe difference -- differences of  
11 the -- of what they discuss.  
12 Families that use the areas  
13 themselves having a voice in the  
14 monitoring program.  
15 Consistent education and  
16 communication with a strong role for  
17 the Tlicho government.  
18 Engagement of youth and Elders in the  
19 monitoring program.  
20 Mandatory reporting of spills and an  
21 early warning system, in addition to  
22 close communi -- close communication  
23 with the community government -- I  
24 mean Tlicho -- sorry, Tlicho  
25 government so that everyone is up to

1 date.

2

3 (BRIEF PAUSE)

4

5 CHIEF CLIFFORD DANIELS: Protection of  
6 Burke Lake -- excuse me here, I think I just went over.

7 Protection of the Datoti, Burke Lake,  
8 for all users.

9 Build a cultural camp on the land and  
10 significant site near the fish cash -  
11 - caches and near harvesting sites.

12 A cultural landscape has to be  
13 maintained for people forever.

14 Robust closure planing.

15 And engage the Tlicho people as  
16 partners.

17 Enough money put aside for active  
18 water treatment.

19 Security with enough funding for  
20 temporary or long term shut downs.

21 Careful management, peer review, and  
22 design of new hills and wetlands with  
23 Tlicho people, as there are strong  
24 concerns that these two (2) projects  
25 -- elements will impact on animals

1 and their movement.

2 And to ensure the -- the return of  
3 water fowls to the area safely in the  
4 wetlands.

5 Integration of the hills into the  
6 landscape and naming it with Tlicho  
7 names.

8 Specific monitors -- monitoring while  
9 they are building a co-disposal site  
10 and a wetland site.

11 Avoidance of burial sites and highly  
12 valued areas in the local study area.

13 Masi. This concludes our presentation.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: Thank you. I want to  
18 thank that Tlicho government for doing their  
19 presentation on the traditional knowledge study. I  
20 also want to thank the Elder Charlie Apple, Georgina  
21 Chocolate, Rachel Olsen.

22 I also want to say thank you to Chief  
23 Eddie Chocolate from Gameti, Chief Charlie Football  
24 from Wekweeti, Chief Clifford Daniels from Behchoko,  
25 Chief Alfonz Nitsiza from Whati, and Grand Chief Eddie

1 Erasmus, and John B. Zoe for your presentation. It was  
2 really informative, and it really helps us to  
3 understand what you guys are talking about In terms of  
4 traditional knowledge. So I want to say think you very  
5 much for that. Masi cho.

6 We're going to take a fifteen (15)  
7 minute break, and then we're going to come back. And  
8 we got some questions in order. So we'll stop here.  
9 Thank you.

10

11 --- Upon recessing at 3:06 p.m.

12 --- Upon resuming at 3:22 p.m.

13

14 THE CHAIRPERSON: Okay, I'm going to  
15 move on.

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON: Okay, I'm going to go  
20 ahead and proceed with the questioning. But before I  
21 go into the questioning order I want to maybe ask the  
22 Tlicho government for a new copy of their presentation.  
23 The reason I say that is because I believe Chief  
24 Daniels went on a little further, making further  
25 comments into the presentation. So if we could make

1 that available for the record.

2 DR. GINGER GIBSON: Masi cho, Mr.  
3 Chair. Ginger Gibson, Tlicho government. We'll  
4 provide a full copy of all the recommendations read by  
5 Chief Daniels.

6

7 QUESTION PERIOD:

8 THE CHAIRPERSON: Okay, thank you. And  
9 I'm going to continue on now. I got -- again, I got a  
10 list of orders of parties that are going to ask  
11 questions to your presentation.

12 So I'm going to start off with Fortune  
13 Minerals Limited. Do you have any questions to the  
14 Tlicho government on their traditional knowledge report  
15 made here this afternoon?

16 DR. RICK SCHRYER: Rick Schryer,  
17 Fortune Minerals. Thank you, Mr. Chairman. Just a few  
18 comments before I have some questions. Fortune  
19 believes that this for -- the TK report is a valuable  
20 report as this project moves forward. One (1) of the  
21 primary goals that we had when we commissioned this TK  
22 study was to integrate the information into our mine  
23 design, operations, and monitoring. This report  
24 reinforces that we had successfully used the  
25 recommendations and inputs that we have received to

1 date, as there are no design-related mitigations  
2 proposed in the TK study.

3 In general, we feel there is nothing in  
4 the recommendations from the TK report presentation  
5 that are outside of the commitments Fortune has  
6 previously made. And we are confident that further  
7 discussions with the Tlicho government will result in  
8 an agreement that will benefit both parties.

9 Now, I didn't hear all of the  
10 recommendations that Chief Daniels said because there  
11 was some noise in the room, but we'd be glad to  
12 negotiate or discuss any of those points that he  
13 brought forward in the recommendations once we have the  
14 complete list.

15 That being said, I do have a few  
16 questions concerning the traditional knowledge study  
17 and the presentation. The first question is: Given  
18 that the field survey did not take place, what level of  
19 confidence does the Tlicho government have in its  
20 determinations of significance of potential impacts?

21 THE CHAIRPERSON: Thank you for your  
22 question. I'm going to go to the Tlicho government to  
23 the question.

24

25 (BRIEF PAUSE)



1 DR. GINGER GIBSON: Masi cho. Gin --  
2 Ginger Gibson from the Tlicho government. We took a  
3 look at the -- the methodology that Rachel Olsen was  
4 using -- utilizing in this -- in this reporting in the  
5 traditional use study. The methodology is that Elders  
6 are -- are looking at using Google Earth. They're  
7 actually looking at the landscape. So they're  
8 pinpointing and -- and zooming in on the landscape.  
9 They're zooming in on areas and identifying sites at a  
10 resolution that -- where they can actually identify  
11 exactly where they were on the land, which is why we  
12 had confidence in -- in that -- we had confidence that  
13 that methodology was sufficient for providing exact  
14 information about the -- the key components. And  
15 that's why we -- we, with the time frames, we suggested  
16 that they work with more Elders rather than working on  
17 -- with only a few Elders at a specific field camp.

18 So, therefore, when we looked at the  
19 report we had, the Tlicho government decided that they  
20 had a high level of confidence in the predictions that  
21 were made. Masi.

22 THE CHAIRPERSON: Thank you. I'll go  
23 back to Fortune Minerals.

24 DR. RICK SCHRYER: Thank you, Mr.  
25 Chairman. Rick Schryer, Fortune Minerals. Fortune

1 Minerals carefully examined the mitigations proposed in  
2 the presentation and we didn't see any direct -- it  
3 directly linked to the potential mitigation of specific  
4 traditional use values for the mine -- mine lease  
5 boundary, or the NPAR footprint. So we were a little -  
6 - a little confused by that.

7 But that being said, we have had a few -  
8 - it's been going back and forth here about grave sites  
9 and other sites. And we just wanted to reiterate our  
10 commitment to working with the Tlicho government to  
11 potentially mitigate any sites that they could  
12 identify. Since they weren't in the proposed  
13 mitigation, we're assuming that they still would like  
14 to mitigate these sites if pos -- if they are in danger  
15 of being impacted. So we just wanted to reiterate that  
16 -- that commitment.

17 One (1) of the things, though, I did  
18 want to ask about is the linkage diagrams in both the  
19 report and in the presentation. And I'll use a  
20 specific example of the one (1) on page 41, which is  
21 also on the slide labelled "waterfowl, fur bearing, and  
22 trapping."

23 And I'd simply like to ask the Tlicho  
24 government the origin of this linkage diagram, because  
25 the -- the scenario that's painted here in terms of

1 decreased water quality leading to loss of habitat, or  
2 mortality, and increased mortality of muskrat and  
3 waterfowl, and reduced populations, is a very unlikely  
4 scenario for this mine. And it would take it -- you  
5 know, it's beyond actually -- we can't think of a  
6 scenario where we would actually be killing muskrats  
7 with decreased water quality from this project, given  
8 all the mitigation and the safeguards that are in  
9 place.

10 So we'd like to ask, what is the -- the  
11 origin of this -- this link -- linkage diagram? How  
12 was it developed, and -- and furthermore, how was it  
13 being used within the context of this traditional  
14 knowledge study?

15 THE CHAIRPERSON: Okay. Thank you.  
16 I'm going to go to the Tlicho government to the  
17 question.

18

19 (BRIEF PAUSE)

20

21 DR. RICK SCHRYER: Mr. Chairman, Rick  
22 Schryer, Fortune Minerals. While we're waiting, maybe  
23 we could bring up that slide in the presentation just  
24 so everybody knows what we're talking about?

25

1 (BRIEF PAUSE)

2

3 DR. GINGER GIBSON: Thank you for your  
4 question, Mr. Schryer. Ginger Gibson, from the Tlicho  
5 government.

6 What Chief Daniels talked about earlier  
7 today was about the -- the experience people have with  
8 Q'wetia, with Rayrock Mine, that experience carries  
9 forward. The knowledge and the history people have  
10 with Rayrock Mine is what prepares them for managing  
11 modern mines.

12 So what the Tlicho government seeks to  
13 protect and why this modelling was done - and we went  
14 through this exercise with the researchers - was that  
15 we sought to protect all uses in the region and when we  
16 looked at how -- looking at the data that came forward  
17 from the interviews, we looked at how people understood  
18 change from mining in the past. And what they say was  
19 dead muskrats, they saw animals that were impacted in  
20 the environment and -- and they then judged whether  
21 they could safely harvest and live on that land. And  
22 have judged that they can not in Q'wetia. They don't  
23 drink water there, they don't harvest animals from that  
24 area, that area has been effectively removed from the  
25 Tlicho cultural landscape and from use.

1                   And so, when we look at preserving the  
2 use values in the region of the Fortune -- proposed  
3 Fortune Minerals Mine, what we're seeking to protect is  
4 confidence in wild foods, confidence in country foods  
5 and that's the perceived pathway of impact that was  
6 spelled out in the interviews with the Tlicho  
7 harvesters. And so what the Tlicho government seeks  
8 now is to protect confidence in wild foods. Masi.

9                   THE CHAIRPERSON:   Go back to Fortune  
10 Minerals.

11                  DR. RICK SCHRYER:   Rick Schryer,  
12 Fortune Minerals. My concern here is simply, I -- I --  
13 so I'm understanding here that -- that what we're  
14 looking at is a perceived impact based on their  
15 experience with Rayrock Mine, right? Or their -- or  
16 even -- maybe even a lived experience with the -- with  
17 Rayrock Mine and having seen dead muskrats.

18                  The way it's presented though in the  
19 presentation is it doesn't say that. It just -- it --  
20 and one could take it as this is the potential effect  
21 of the NICO project. So my only concern here is the  
22 context under which, if somebody just picks up this --  
23 this -- this traditional knowledge report and looks at  
24 this linkage diagram, they could get the  
25 misinterpretation that this is potentially an effect

1 from the NICO project.

2                   So I guess all I am asking for is -- is  
3 there a way to simply label this as -- as something  
4 that the people perceived from Rayrock and not -- and  
5 just to make sure that -- that the context of that  
6 linkage diagram is properly presented?

7                   THE CHAIRPERSON: Thank you. I want to  
8 go to the Tlicho government.

9

10                                   (BRIEF PAUSE)

11

12                   Dr. GINGER GIBSON: Masi cho for your  
13 comment. Ginger Gibson from the Tlicho Government.

14                   No, we cannot change this. People carry  
15 forw -- forward their histories and this is the  
16 predicted impact from mining. And you live in an  
17 environment, we will be operating in an environment,  
18 where these predications without mitigations will come  
19 to pass. And where people will judge using their past  
20 history, their past knowledge, their past engagement  
21 with mining and move that predication forward into  
22 future minding.

23                   And what the Tlicho government  
24 realistically has to guard against is if country foods,  
25 if the -- if the -- if the muskrat, waterfowl, if all

1 of those animals are safe, then we need to maintain  
2 that confidence in those country foods. But this is  
3 the predicted impact that the researcher brought to us  
4 and, therefore, we have to work forward to mitigate it.

5 And -- and I don't believe that -- I --  
6 I bel -- I believe this is based in the traditional  
7 knowledge of the people in the region and that we need  
8 to be realistic about what past mining has taught  
9 people and -- and work forward to, in appropriate  
10 circumstances, ensure that there is confidence in the  
11 foods that people harvest from this area. Masi.

12 THE CHAIRPERSON: Okay, Thank you. I'm  
13 going to Fortune Minerals.

14 DR. RICK SCHRYER: Rick Schryer,  
15 Fortune Minerals. I don't want to beat this to death  
16 but my concern here is that the first box says "NICO  
17 project", okay? So it's -- I don't see how you cannot  
18 say that this isn't a potential effect of this project  
19 or somebody could interpret this as a potential effect  
20 of the project.

21 I understand what Dr. Gibson's saying in  
22 terms of people's perceptions of mining carrying  
23 forward, but there must be a way of -- of labelling  
24 this that has -- that takes away that direct link from  
25 the Nico project to a direct mortality of -- of

1 wildlife. I mean, it -- to me it seemed a little  
2 extreme. Thank you.

3 DR. GINGER GIBSON: Masi. It's not  
4 extreme from the perspective of -- Ginger Gibson,  
5 Tlicho government. It's not extreme from the  
6 perspective of the Tlicho government. The -- the  
7 Tlicho government has asked for a sampling of wildlife  
8 that are suspect in the region. So when people find  
9 something that they -- and there's other sampling  
10 programs we can refer to around the country. When  
11 Elders find something on a moose, or on an animal, that  
12 there's proactive sampling of that animal to reinforce  
13 confidence in country foods.

14 A good example is the Lesser Slave Lake  
15 incinerator, where the First Nations, anytime they find  
16 a moose or country food that they don't have confidence  
17 in, they simply take a sample of it, get it -- take it  
18 to the lab and get -- get it figured out, what's going  
19 on with it.

20 Our concern that -- is -- if people see  
21 things happening in the landscape that they are  
22 concerned about and they link to mining, then they will  
23 decrease their own confidence, and the confidence of  
24 people in the region will be decreased, and, therefore,  
25 people will stop to -- use the area, will -- will cease



1 from hunting, will stop from hunting and harvesting in  
2 the area.

3 So the point of this linkage is that  
4 where people see impacts that they link to mining,  
5 whether you link it to mining or not scientifically,  
6 that we need to build mitigation measures that  
7 constantly reinforce as warranted the confidence in  
8 country foods. Masi.

9 THE CHAIRPERSON: Okay. Thank you.  
10 I'm going to go to Fortune Minerals.

11 DR. RICK SCHRYER: Rick Schryer,  
12 Fortune Minerals. My point here, Mr. Chairman, is that  
13 there is no mitigation presented in this slide.

14 There -- not all mining projects are the  
15 same. And one (1) of the commitments that Fortune  
16 Minerals has made is that we want to try to educate  
17 people in terms of how mining projects are different  
18 now than they were when Rayrock was in development in  
19 the 1950s. And so I think there is a difference here  
20 in the -- the way that people should be perceiving  
21 mining projects between now and then and that Fortune  
22 Minerals is more than willing to help educate people on  
23 the difference of how mining projects are run, all the  
24 safeguards, the monitoring that's going to be in place,  
25 in order to -- that this type of scenario will never

1 exist.

2                   So, anyway, I -- I'd just like to renew  
3 our commitment to work with the Tlicho government to  
4 help educate people in terms of what are the real risks  
5 out there and address some of the perceived risks from  
6 pri -- previous experiences with mining. Thank you.

7                   THE CHAIRPERSON: Thank you. And your  
8 -- you points are on record, so I'm going to continue  
9 on. I'm going to go to the Yellowknives Dene First  
10 Nation. Is there any questions to the Tlicho  
11 government on their presentation?

12                  MR. TODD SLACK: Todd Slack,  
13 Yellowknives Dene. Thank you, Mr. Chair. I have two  
14 (2) short and one (1) long question for Tlicho  
15 government.

16                  And first off, my compliments on a very  
17 strong presentation and report. And I want to focus on  
18 one (1) of the things that John B. Zoe said, that --  
19 the need for measures in terms of protection of  
20 wildlife into the future.

21                  And Question Number 1 is: Has the  
22 Tlicho government reviewed the recent ENR submissions  
23 to the Board that suggest that no binding measures are  
24 required for this project?

25                  THE CHAIRPERSON: Thank you. I'm going

1 to go to the Tlicho government to the question.

2

3 (BRIEF PAUSE)

4

5 MS. KERRI GARNER: Masi, Mr. Chair.

6 Kerri Garner, Tlicho government. Yes, we have reviewed

7 the response to the Board from the GNWT.

8 THE CHAIRPERSON: Okay. Thank you.

9 Mr. -- sorry, YKDFN...?

10 MR. TODD SLACK: Thanks, Mr. Chair.

11 Question Number 2: Are Tlicho Government aware that

12 GNWT has a TK policy which states that any traditional

13 knowledge provided will be incorporated into government

14 actions in environmental management decisions?

15 THE CHAIRPERSON: Thank you. Tlicho

16 government...?

17 MS. KERRI GARNER: Masi, Mr. Chair.

18 Kerri Garner, Tlicho government. Yes, we are aware of

19 this policy.

20 THE CHAIRPERSON: Thank you. YKDFN...?

21 MR. TODD SLACK: Thanks, Mr. Chair.

22 And here's the long one, and if I have to repeat

23 anything please just let me know.

24 So previously we've heard from the

25 Tlicho government concerns in -- in Whati, previously

1 in this hearing last month, and then today -- today we  
2 heard about TK concerns and values in this area. So  
3 considering this, or given the lack of recommended  
4 measures, does the Tlicho government feel satisfied  
5 that ENR is meeting the goal of their traditional  
6 knowledge policy to ensure that the TK provided to them  
7 has been incorporated into the GNWT position for this  
8 environmental management decision-making process,  
9 and/or number -- or letter 'B', in terms of addressing  
10 the Tli -- the Tlicho government concerns that have  
11 been put in front of the Board?

12 And I apologize for the length; if you  
13 need me to repeat that, please.

14 THE CHAIRPERSON: Okay. Thank you. I  
15 believe that's your final long question. Thank you.  
16 I'm going to go to the Tlicho government.

17 MS. KERRI GARNER: Masi, Mr. Chair.  
18 Kerri Garner, Tlicho government. Can you repeat the  
19 last sentence -- or two (2) sentences of that, Todd?

20 MR. TODD SLACK: Sure. My apologies.  
21 Todd Slack, YKDFN.

22 So the -- the two (2) lines that I had  
23 was: Is -- has ENR addressed -- have they been meeting  
24 their policy in terms of incorporating the TK that's  
25 been provided within their position that they're

1 presenting to the Board here?

2 And then the second part of that is:

3 Does that position address the Tlicho government  
4 concerns that had been brought forward, both previously  
5 in Whati, previously in the Hearing, and through the  
6 traditional knowledge holders that's been presented in  
7 the report?

8 THE CHAIRPERSON: Okay, thank you. I'm  
9 going to go to the Tlicho government.

10

11 (BRIEF PAUSE)

12

13 MS. KERRI GARNER: Masi, Mr. Chair.  
14 Kerri Garner, Tlicho government. Thank you for your  
15 test -- question, Todd. In response to the question:  
16 Has ENR addressed or met the policy of inclusion of  
17 traditional knowledge in -- in their management  
18 decisions; to my knowledge, no, this has not been  
19 incorporated at this point in time.

20 In terms of has ENR addressed the Tlicho  
21 government's concerns in light of what was said in  
22 Whati, the previous presentations that we have given,  
23 et cetera, I would say, no. The lack of mitigation  
24 measures that ENR -- the lack thereof of mitigation  
25 measures is -- is not sufficient for the Tlicho

1 government, and it does not address our concerns.

2                   At the time of significant decline of  
3 the caribou as has been laid out previously, and given  
4 the potential impact of the access road and the  
5 necessary all-season road as discussed before lunch,  
6 ENR's technical report of 2009 that Todd referred to  
7 earlier explains that though the Bathurst herd was  
8 declining already the extensive access to the caribou  
9 due to the winter road only accelerated this decline.  
10 Considering the restrictions that have been put in  
11 place on Aboriginal people and the challenges of the  
12 last three (3) years in terms of harvest management,  
13 and considering the critically important role this area  
14 is to the Tlicho people for traditional practices  
15 including hunting, trapping, and fishing, I think that  
16 ENR, as the responsible authority for wildlife in the  
17 Northwest Territories, has a responsibility to the  
18 Tlicho people, to the other people of -- and all other  
19 people in the Northwest Territories, to -- to step up  
20 and to recommend some solid mitigation measures to  
21 protect wildlife for future generations. Masi.

22                   THE CHAIRPERSON:   Okay.   Thank you.  
23 I'm going to go to North Slave Metis Alliance.  
24 Questions to the Tlicho government on their  
25 presentation on traditional knowledge?

1 MS. SUSAN ENGE: Susan Enge, Metis  
2 Alliance. No questions. Thank you.

3 THE CHAIRPERSON: Thank you. I'm going  
4 to go to Fisheries and Oceans Canada.

5 MR. PETE COTT: Pete Cott, with the  
6 Department of Fisheries. No questions, thank you.

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

9 MR. SHAFIC KHOURI: Shafic, Government  
10 of the Northwest Territories. Thank you for the  
11 presentation. No questions.

12 THE CHAIRPERSON: Thank you. I'm going  
13 to go to Aboriginal Affairs and Northern Development  
14 Canada, AANDC.

15 MR. PAUL GREEN: It's Paul Green with  
16 Aboriginal Affairs and Northern Development Canada. We  
17 have no questions.

18 THE CHAIRPERSON: Thank you. Transport  
19 Canada and -- and Natural Resources Canada are not  
20 here. So I'm going to go to the Review Board staff and  
21 legal counsel.

22 MR. ALAN EHRLICH: Thank you, Mr.  
23 Chair. There's two (2) questions -- or two (2) lines  
24 of questions from Review Board staff and then legal ha  
25 -- counsel has some questions.

1                   My question to the Tlicho is: Let me --  
2 let me preface it by -- by saying that the evidence  
3 that you put on the record indicates that the  
4 authenticity of cultural experiences that you have on  
5 the land matters; in other words, it's not just using  
6 the site, it's that the site and what you're doing  
7 there feels the way that it used to feel without a lot  
8 of evidence of industrial change. And we've seen what,  
9 in my opinion, is real efforts from the Developer to  
10 reduce visual impacts by rearranging a lot of their  
11 site; for example, using the -- the topography of the  
12 land to try and make sure that this mine is not, you  
13 know, visual -- vis -- visible from a long distance.

14                   I was wondering if you can tell me if  
15 you have received any kind of commitments from the --  
16 I'm thinking about the communication tower. Transport  
17 Canada has said it -- the tra -- the communication  
18 tower has to have a big red light on it, and  
19 Environment Canada said that the big red light has to  
20 be flashing so it doesn't attract birds.

21                   I -- I was just wondering if -- if  
22 you've received any commitments from the Developer to  
23 at least consider alternatives to the tower with the  
24 big red light on it on the ridge? Because it strikes  
25 me that they've really hidden away a lot of the rest of



1 their project and there are very few aspects of it that  
2 could produce a visual impact to people using the  
3 surrounding cultural sites.

4 Have you received a commitment like that  
5 from the Developer?

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

8 GRAND CHIEF EDWARD ERASMUS: Masi. The  
9 -- in regards to the communication tower, the Developer  
10 has worked in the past to change things. The co-  
11 disposal facility: to keep it under the height of the  
12 hills surrounding it. The Developer has changed plans  
13 in the past and we asked them to provide options for  
14 reducing the visual impact, the -- to reduce the visual  
15 impact of the communication tower in the area.  
16 However, the -- Fortune has never brought an  
17 alternative to our attention.

18 MR. ALAN EHRLICH: Mr. Chair, with your  
19 permission then, may I direct a follow up question to  
20 the Developer?

21 THE CHAIRPERSON: Yes, please. Please  
22 proceed.

23 MR. ALAN EHRLICH: Thank you, Mr.  
24 Chair. So considering that, I was wondering if the  
25 Developer is willing to commit considering other types

1 of communication infrastructure that might not require  
2 the tower with the red flashing light? That's my -- my  
3 first question to the Developer on that.

4 THE CHAIRPERSON: Okay. Thank you.  
5 I'm going to go to the Developer to the question.

6 DR. RICK SCHRYER: Rick Schryer,  
7 Fortune Minerals. The Tlicho haven't brought up -- we  
8 haven't had any discussions about the communication  
9 tower either way. But they haven't brought it up and  
10 we haven't brought it up. So if there's alternatives  
11 out there we'll look at it, as long as it's  
12 economically feasible and we can still dial a phone.  
13 Thank you.

14 THE CHAIRPERSON: Okay. Thank you.  
15 I'm going to go to Review Board staff to their second  
16 question.

17 MR. ALAN EHRLICH: Okay. So, Rick, I  
18 take that then as a commitment, as you say, if it is  
19 economically feasible, as you said. And I note that  
20 Rick is nodding his agreement.

21

22 --- COMMITMENT NO. 3: The Developer is to explore  
23 if there's alternatives to  
24 the tower with the red  
25 flashing light

1 --- COMMITMENT NO. 5: Developer to commit to  
2 meeting with Tlicho  
3 government to discuss other  
4 communication  
5 infrastructure  
6

7 MR. ALAN EHRLICH: And, you know, would  
8 you also commit to meeting with the Tlicho government  
9 about this, provided that the Tlicho government is  
10 willing to meet with you on this subject?

11 THE CHAIRPERSON: Thank you. Fortune  
12 Minerals...?

13 DR. RICK SCHRYER: Rick Schryer,  
14 Fortune Minerals. Yes, that -- obviously, you know,  
15 any design changes like that would be discussed with  
16 the Tlicho government. So -- I mean, they would be  
17 part and parcel of -- of those discussions. Thank you.

18 MR. ALAN EHRLICH: Okay. I --

19 THE CHAIRPERSON: Review Board staff,  
20 third question?

21 MR. ALAN EHRLICH: I -- I thank you for  
22 your openness to those two (2) commitments. The -- the  
23 next question actually comes from Brett Wheler, who is  
24 with the Wek'eezhii Land and Water Board, but is  
25 helping the Review Board on this particular file.

1 MR. BRETT WHELER: Thank you, Mr.  
2 Chair. Brett Wheeler for -- for the Board. I just had  
3 a couple questions for follow-up for the Tlicho  
4 government, trying to link some of the -- some of the  
5 recommended mitigation measures and some of the  
6 discussion that we had at the previous hearing and the  
7 technical hearings with the recommended mitigation  
8 measures from today, from the traditional knowledge  
9 presentation.

10 So the first one is related to recommend  
11 -- recommended mitigation number 3 the protection of  
12 Datoti, Burke Lake, for all uses. And so I'd like to  
13 ask: Recognizing that several chemical parameters in  
14 Burke Lake are predicted by Fortune to be outside the  
15 range of natural variability, if water quality is  
16 protected for all uses as -- as recommended, then --  
17 and -- and I assume that -- that this recommendation is  
18 meant to refer to throughout the life of the project,  
19 but if water quality is protected for all uses  
20 throughout the life of the project, then would the  
21 Tlicho government consider there to be no significant  
22 effect on water quality?

23 And -- and I guess, are there any  
24 caveats to that, as well?

25 THE CHAIRPERSON: Thank you. I'm going

1 to go to the Tlicho government.

2

3 (BRIEF PAUSE)

4

5 DR. GINGER GIBSON: Masi cho. Ginger  
6 Gibson, for the Tlicho government. Thank you for the  
7 question. The -- I just want to sug -- point out that  
8 the -- the Chair asked us to provide all the  
9 mitigations. And in that -- in the document that we'll  
10 provide, we'll put forward, it will have all of the  
11 traditional uses that were -- that were determined, and  
12 those were worked on very hard by -- by the Kwe Bay  
13 Working Group, in particular by one (1) member,  
14 Madeline Chocolate; in -- in particular the -- the uses  
15 that were brought forward were drinking tea, eating the  
16 fish, eating the animals, eating the berries and  
17 harvesting the medicines in that area. We'll provide  
18 all of those statements to you.

19 We have forwarded -- we've brought a --  
20 a range -- not only the mitigations that were brought  
21 forward today, but we brought forward mitigation  
22 measures in the context of our water quality  
23 presentation. The whole package is what we consider to  
24 be vital for protection of those uses of Datoti and all  
25 of the little lakes in the Hislop Lake region that

1 harvesters and people who are using the land currently  
2 use.

3 And -- and so we would seek those -- to  
4 have those measures in there to do that job of  
5 protecting those uses. And if those measures are in  
6 place and people contin -- can continue to use the land  
7 the way that they do with confidence, then it would be  
8 protected. Masi.

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

11 MR. BRETT WHEELER: Thank you. And  
12 thanks for the -- the other uses will be helpful, as  
13 well.

14 So just -- just a short follow-up. So  
15 that's recognizing that there are some predicted  
16 impacts to water quality in Peanut Lake and Nico Lake?

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

19 DR. GINGER GIBSON: Thank you, Mr.  
20 Chair. I don't think it was a question, was it?

21 MR. BRETT WHEELER: Yeah, just looking  
22 for confirmation there, since -- since Burke Lake was  
23 specifically mentioned in -- in this presentation as a  
24 place where all uses were desired to be protected.

25 DR. GINGER GIBSON: And -- and

1 therefore -- Ginger Gibson, Tlicho government, and  
2 therefore Lou Lake and Peanut Lake wouldn't be, is that  
3 what you're asking? Masi.

4 MR. BRETT WHEELER: I guess just asking  
5 about, not necessarily Lou Lake, but Nico Lake and --  
6 and Peanut Lake being upstream of Burke Lake. So I  
7 assume when I -- when I see all uses predicted in Burke  
8 Lake, I assume that they mean Burke Lake and sort of  
9 everywhere downstream of Burke Lake. But that would be  
10 sort of the -- the -- a critical place was -- as  
11 identified as Burke Lake, but Peanut Lake and Nico Lake  
12 weren't mentioned.

13 THE CHAIRPERSON: Thank you. I'll go  
14 the Tlicho government.

15

16 (BRIEF PAUSE)

17

18 DR. GINGER GIBSON: Masi cho. Ginger  
19 Gibson, from Tlicho government. Datoti and down is to  
20 be protected. I think people understand that Peanut  
21 and -- and Nico will have different values in them, but  
22 that from Datoti down -- and, in particular, the Chief  
23 made mention of water -- make -- making sure that the  
24 water quality values as they come into Golo Ti Dee into  
25 the Marian River watershed are -- are the same and are

1 protected for all uses.

2 But, in particular, you heard today from  
3 an Elder who spoke specifically about his use of Datoti  
4 in the past, and -- and also today, so the protection  
5 of those uses. Masi.

6 THE CHAIRPERSON: Thank you. I'll go  
7 to the Review Board staff.

8 MR. BRETT WHEELER: Thank you, Mr.  
9 Chair. Brett Wheeler, for the Board. Thank you.

10 My second -- second pair of questions is  
11 related to recommendations number 2 and number 6, which  
12 refer to peer review of project components. So first,  
13 just a short clarification. Could you clarify, because  
14 in -- in recommendation number 2 -- well, maybe it's  
15 not in recommendation 2. But could you clarify that  
16 peer review is intended to be technical in nature or,  
17 you know, as sometimes referred to as expert review,  
18 and is, thus, separate and in addition to the  
19 engagement with Tlicho government and Tlicho people and  
20 -- which is mentioned several places, as well?

21 THE CHAIRPERSON: Thank you. Tlicho  
22 government...?

23 DR. GINGER GIBSON: Masi cho. Ginger  
24 Gibson, Tlicho government. We provided an undertaking  
25 on this question of the expert peer review that was



1 sought by Mr. Donihee. And -- and so we refer you to  
2 the Island Copper, the review of the Island Copper  
3 Expert Peer Review Committee.

4                   We consider that to be one (1) model of  
5 expert peer review. The Developer is building two (2)  
6 experimental technologies in Tlicho lands, is proposing  
7 to: the co-disposal or the -- the new mountain, as John  
8 B. refers to it, and -- and the wetlands. We would  
9 like expert peer review of that so that they can build  
10 it well and that they have that ongoing expert  
11 assistance to -- and feedback, just like happened in  
12 previous mines, the one that we referred to, where they  
13 gave them good guidance, and also assisted them with  
14 the scientific monitoring. It has to be articulated  
15 with community-based monitoring, because there's no  
16 point in having experts off in a corner studying  
17 something about water quality and water quality values  
18 and providing good feedback without people in the  
19 community being engaged in that system.

20                   So we see that we're going to have to  
21 build a new car here. We're -- we're going to have to  
22 build a new car as we're starting to drive it if this  
23 proposed mine goes ahead, in that there's going to have  
24 to be strong engagement between the people who are on  
25 the land, the harvesters and the users, and the people

1 who have to have that confidence in their country, in  
2 their -- in the food around them, and so that there'll  
3 need to be a mechanism that's built that has both the  
4 expert peer review and the community-based deep  
5 engagement of Tlicho people, so that that -- those  
6 strong and important values can be protected. Masi.

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

9 MR. BRETT WHEELER: Thank you, Mr.  
10 Chair. Brett Wheeler, for the Board. Just as a follow-  
11 up -- and there is a precedent -- referring to the  
12 expert peer review, there is a precedent for a  
13 requirement -- for requirements for expert peer review  
14 in -- in water licences in the past. So the one I'm  
15 referring to is the original Diavik Diamond Mines water  
16 licence, N7L21645 (phonetic). And it has a condition  
17 in there related to construction of -- of the dike in  
18 Lac De Gras, and -- that which was also seen as -- as  
19 kind of a new technology and a very sensitive and  
20 important area. And so there's a condition in there  
21 that -- that refers to -- it says:

22 "The licensee shall submit a  
23 comprehensive report from the Dike  
24 Review Board that indicates their  
25 assessment and approval of the final

1 dike design."

2 As well as a couple of other components.

3 And it defines the -- the Review Board is defined as  
4 the expert Review Board established by the Company to  
5 review those designs.

6 And so I'd just put that as -- as an  
7 example of a regulatory instrument that, you know, does  
8 exist, and I guess just ask: Would something like --  
9 to that effect satisfy your recommendation?

10 THE CHAIRPERSON: Thank you. I'm going  
11 to go to the Tlicho government.

12

13 (BRIEF PAUSE)

14

15 DR. GINGER GIBSON: Thank you. Ginger  
16 Gibson, Tlicho government. We -- we do say "expert  
17 peer review". We are aware of the -- the Diavik work,  
18 and -- and we think that it partially satisfies that  
19 requirement. We -- we look to you to -- to cra -- or  
20 to move forward on that kind of idea.

21 What I've just said in my earlier answer  
22 was that they need to be integrated. The experts have  
23 to be accountable and reporting to the Tlicho people,  
24 because the -- the -- in the end the people who need to  
25 have confidence that these new technologies that are

1 being brought into Tlicho lands are working and are  
2 protective of these uses, are not the engineers at UBC  
3 or at any university across Canada. They're the people  
4 here in this room that need to be convinced, with the  
5 assistance of engineers and with the assistance of  
6 experts who know about these things, but people who  
7 come back and bring that information, not to the  
8 Canadian Institute of Mining, but bring it back to the  
9 Tlicho government, so the Tlicho government can be  
10 convinced that technologies that are being tried out in  
11 Tlicho lands are -- are not harmful to the uses that  
12 have been -- the -- the things that have been going on  
13 for -- forever. Thanks.

14 THE CHAIRPERSON: Thank you. Review  
15 Board staff...?

16 MR. BRETT WHEELER: Thank you, Mr.  
17 Chair. One (1) more question. And I believe counsel  
18 has a question has a question afterwards, as well.

19 This question goes to recommendation  
20 number 5. Brett Wheeler for the Board, sorry.  
21 Recommendation number 5 says:

22 "Robust closure planning that engages  
23 the Tlicho people as partners, and  
24 financing and -- and planning for  
25 extra treatment."

1                   So this recommendation is -- is related  
2 to closure and closure water quality, at least in part,  
3 and some of these issues were also addressed in  
4 Undertaking Number 2, which SENES and the Tlicho  
5 government provided as a response to Board staff  
6 questions on Fortune's water quality predictions for  
7 closure.

8                   And in Undertaking Number 2 it  
9 recommends an impervious cover at closure as -- it  
10 calls it an "alternative". It recommends:

11                   "An impervious cover at closure as an  
12 alternative in the closure plan."

13                   And so I just wanted to -- to confirm  
14 that the Tlicho -- this recommendation -- or the Tlicho  
15 government's recommendation here is thus not intended  
16 to be specific or binding, and it will therefore allow  
17 the Wek'eezhii Land and Water Board to get Fortune to  
18 do further research on the cover design and further  
19 engagement on the cover options, and then to approve a  
20 final design as part of a closure and reclamation plan  
21 that ensures that these narrative statements related to  
22 water quality are achieved?

23                   THE CHAIRPERSON:   Thank you.   I'll go  
24 to go to Tlicho government.

25

1 (BRIEF PAUSE)

2

3 DR. GINGER GIBSON: Are you asking if  
4 the gov -- the Tlicho government is flexible in whether  
5 or not an impervious cover is -- is required or  
6 requested in -- in a measure? Masi.

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

9 MR. BRETT WHEELER: Thank you, Mr.  
10 Chair. Brett Wheeler, for the Board. I guess -- I  
11 guess in a way because it was worded -- it's worded in  
12 the undertaking as -- as an alternative, and so I just  
13 wanted confirmation that -- that that's -- that's  
14 what's being recommended; you know, what's -- what's  
15 being presented in the undertaking is -- is what's the  
16 Tlicho government recommends, that it's an alternative.

17 THE CHAIRPERSON: Thank you. Tlicho  
18 government...?

19

20 (BRIEF PAUSE)

21

22 DR. GINGER GIBSON: Ginger Gibson,  
23 Tlicho government. The bottom line is red -- reducing  
24 the amount of water that gets in there. And -- and  
25 impervious cover -- we wanted to see an impervious

1 cover in that it will do more than a clay liner. It  
2 will -- it will reduce water even more than the other  
3 possibility that's been put forward by the Developer.  
4 And we wanted to see the financing for that arrangement  
5 set up.

6 I think we're -- the -- the principle is  
7 what we're after, which is that we have not been  
8 convinced that wetlands will work. We remain concerned  
9 that water active treatment will be required forever  
10 and that, therefore, we want to see all possible  
11 closure options for reducing the kinds of chemical  
12 reactions that lead to acid rock drainage and reduce  
13 water quality in the region. We want to see the -- the  
14 best possible technology put into play.

15 We recognize the experience of the  
16 Wek'eezhii Land and Water Board, and -- and believe  
17 that -- that this kind of -- that this deliberation on  
18 this issue, that there is some flexibility. However,  
19 we -- we really -- we feel very strongly that reducing  
20 the possibility for acid rock drainage and for metal --  
21 high metal levels has to be cut off, that has to be  
22 curbed. And we see the cover as a -- a very strong  
23 alternative for doing that, for reducing the kinds of  
24 loads that would come off in -- and being present in  
25 the wetlands, that the -- the Developer would need to -

1 - to treat.

2 I don't know if that answers your  
3 question. I hope it does. Thanks.

4 THE CHAIRPERSON: Thank you. I'm going  
5 to go back to the Review Board staff.

6 MR. BRETT WHEELER: Thank you, Mr.  
7 Chair. Thank you. That answers the question. And  
8 over to you John.

9 MR. JOHN DONIHEE: Thank you, Mr.  
10 Chairman. John Donihee, Board counsel. The fir --  
11 first thing I'd like to ask is, is it possible for you  
12 to -- the on -- the only two (2) parties that have  
13 asked questions here is, you know, Board staff and --  
14 and Fortune Minerals Limited, and so I -- I'd like to  
15 ask you to make sure that you email a copy of the list  
16 of recommendations that Chief Daniels presented to both  
17 Fortune and ourselves this evening, so that we can look  
18 at it this evening. Because tomorrow is the last day  
19 of the hearing, and getting it in the morning won't  
20 give us any opportunity to prepare to ask any questions  
21 with respect to those -- those recommendations.

22 So first -- first thing then, would Dr.  
23 Gibson, would you commit to do that for us, please?

24 THE CHAIRPERSON: Thank you, Mr.  
25 Donihee. I'm going to the Tlicho government.



1 DR. GINGER GIBSON: Ginger Gibson,  
2 Tlicho government. We will email those tonight. Masi.

3  
4 --- COMMITMENT NO. 6: Tlicho government to email  
5 a copy of the list of  
6 recommendations that Chief  
7 Daniels presented to both  
8 Fortune and the Board

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

12 MR. JOHN DONIHEE: Thank you, Mr.  
13 Chairman. Thank you, Dr. Gibson. Mr. Chairman, I'd  
14 like to ask the Board's indulgence and reserve the  
15 opportunity for both Fortune Minerals and Board staff  
16 to review those recommendations, and if anything new  
17 arises, since, you know, we haven't seen them, to come  
18 back to them the first thing tomorrow morning.  
19 Perhaps, you could just check with Fortune to see if  
20 they have any questions. And if you would check with  
21 us, we'll take care of that first thing in the morning,  
22 sir. But there -- there was some detail in -- in the  
23 recommendations that may require a little bit of  
24 exploration, and it would help us if -- if we could do  
25 that in the morning.

1 THE CHAIRPERSON: Thank you. Mr. --  
2 I'm going to go to Fortune Minerals.

3 DR. RICK SCHRYER: Rick Schryer,  
4 Fortune Minerals. I didn't hear all of the  
5 recommendations that the Chief -- Chief Daniels said.  
6 There was a lot of noise in the room, so I have -- I  
7 can't really comment until we've seen the list that  
8 will be sent this evening. And I'll reserve my  
9 comments for once I've seen the list. Thank you.

10 THE CHAIRPERSON: Very good. Then, Mr.  
11 Donihee, we'll -- we'll -- first thing tomorrow morning  
12 we will reserve that and we'll come back to that in the  
13 morning at 9:00. Continue on.

14 MR. JOHN DONIHEE: Yes, thank -- thank  
15 you, sir. I do have a couple of questions I can take  
16 care of tonight, if that's -- thank you.

17 I -- I'm not sure who to ask this  
18 question to, but the -- the one (1) thing, you know,  
19 our -- our approach to the way that materials come in  
20 front of the Board is not particularly formal, so I  
21 guess I'll just ask this question generally. This  
22 report that was produced on behalf of -- of the Tlicho  
23 government is signed by Dr. Olsen. And I -- I just  
24 want to be clear that, in fact, the Tlicho government  
25 is adopting this report as its -- at least part of its

1 evidence about this traditional knowledge issue for  
2 purposes of this proceeding.

3 Is that -- that correct?

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

6 DR. GINGER GIBSON: Ginger Gibson,  
7 Tlicho government. That's correct.

8 THE CHAIRPERSON: Okay. Mr.  
9 Donihee...?

10 MR. JOHN DONIHEE: Thank you. It's  
11 John Donihee. The -- the one (1) thing that attracted  
12 some attention on my part was in the -- page 55 in the  
13 recommendations, the second paragraph goes:

14 "The Firelight group finds, based on  
15 the data collected for this report,  
16 that there will be significant  
17 adverse impact on the traditional use  
18 and knowledge of the Tlicho people on  
19 the social cultural environment."

20 And there's -- there's some more there.  
21 But -- but in essence the conclusion that's drawn in  
22 the report is that there will be significant impacts as  
23 a result of the Fortune Minerals project.

24 But in the -- the PowerPoint that was  
25 presented today, and -- and the Chief's presentations,

1 not -- not -- no one really advised the Board that in  
2 their view there were going to be significant impacts.  
3 None -- nonetheless, we now have a series of  
4 recommended measures that are being put forward for the  
5 Board's attention.

6                   So I -- I guess I -- I just really would  
7 like to know whether the Tlicho government's position  
8 is that in the absence of the mitigations that you have  
9 proposed, that this project poses a risk of significant  
10 environmental impacts?

11                   THE CHAIRPERSON: Thank you. I'm going  
12 to go to the Tlicho government.

13                   GRAND CHIEF EDWARD ERASMUS: Grand  
14 Chief Eddy Erasmus, with the Tlicho government. Yes.

15                   THE CHAIRPERSON: Thank you. Mr.  
16 Donihee...?

17                   MR. JOHN DONIHEE: Thank you, Mr.  
18 Chairman. Thank you, Grand Chief.

19                   I -- I want to look at the measures then  
20 that are in the -- the PowerPoint that we looked at,  
21 and -- and just ask -- they're expressed rather  
22 generally and, you know, the first one talks about  
23 ongoing TK research studies run by and for the Tlicho  
24 government, and I guess the question I have is: Is it  
25 your thought then that it should be the Tlicho

1 government itself that -- that conducts these studies  
2 with -- and if so, are you anticipating assistance from  
3 Fortune Minerals?

4 MR. JAMES WAH-SHEE: Tlicho  
5 government...?

6 CHIEF CLIFFORD DANIELS: Chief Daniels,  
7 Tlicho government. Yes.

8 MR. JAMES WAH-SHEE: Thank you. Legal  
9 counsel, you got any further questions?

10 MR. JOHN DONIHEE: Yes, Mr. Chairman, I  
11 do. Is it possible for the Tlicho government to be --  
12 at this time, to be any more specific about the nature  
13 of the research that -- that's needed in order to -- to  
14 satisfy what -- what you consider to be the -- or to  
15 address the environmental effects of this project?

16 DR. GINGER GIBSON: Masi --

17 MR. JAMES WAH-SHEE: Tlicho  
18 government...?

19 DR. GINGER GIBSON: Ginger Gibson,  
20 Tlicho government. Yes, we believe that that area  
21 cannot be effectively removed from the -- the  
22 imagination and from the practice of Tlicho people  
23 during the mine life, nor afterwards. And so part of  
24 the mitigation is that an active and ongoing research  
25 and engagement of people in that area will keep that

1 traditional knowledge alive, and it will keep people  
2 passing information between families.

3                   And so you'll see in the brief, we'll  
4 put -- send to you this afternoon, that we've asked for  
5 research on critical wildlife. And Rachel referred to  
6 the -- the moose -- critical moose hunting area in the  
7 project footprint, and vegetation habitat in the  
8 project footprint, for medicines and plants that are  
9 used in the area, and for the placenames and stories  
10 that will be destroyed in the project footprint itself.

11                   Part of the -- the request for -- and --  
12 and it was very interesting in the dialogue to come to  
13 this mitigation recommendation. The Tlicho government  
14 very strongly recommended that this be our first  
15 recommendation, because it is that ongoing research  
16 that will keep -- and that ongoing engagement of people  
17 and families and harvesters in the area that will cause  
18 traditional knowledge to be passed on through --  
19 through the families and -- and con -- and create that  
20 continued confidence in use in the area. Masi.

21                   THE CHAIRPERSON: Thank you. Mr.  
22 Donihee...?

23                   MR. JOHN DONIHEE: Thank you, Mr.  
24 Chairman. John Donihee. Thank you for that. I'll --  
25 I'll look at your -- the details this evening, and that

1 -- I won't ask any more questions about number 1.

2                   Your second recommended measure was  
3 independent monitoring and -- and expert peer review of  
4 project components, and again, integrated with  
5 monitoring in the region on key components. Again,  
6 this is very general, so which project components and  
7 which key regional components? And do I anticipate  
8 that there'll be some of the details in what Chief  
9 Daniels -- or what you send us tonight, because I can -  
10 - I can wait on that for tomorrow?

11                   THE CHAIRPERSON: Thank you. I'm going  
12 to go to the Tlicho government.

13                   DR. GINGER GIBSON: Masi. We apologize  
14 for not putting our brief in earlier, and we should  
15 have anticipated this. So we apologize for not having  
16 this in so that you couldn't question us on the real  
17 detail here, and -- and we hope that we can answer your  
18 questions when you take a look at this. The project  
19 components we're speaking of are the two (2), the --  
20 the co-disposal facility and the wetlands program  
21 that's being proposed. Masi.

22                   THE CHAIRPERSON: Thank you. Mr.  
23 Donihee...?

24                   MR. JOHN DONIHEE: Okay. I'll -- I'll  
25 leave the rest of the proposed mitigation then until we

1 review things this evening.

2 Just to add one (1) -- it -- my  
3 understanding of the Island Copper example that -- that  
4 you seem to be relying on was that it -- it started out  
5 with -- and I'm -- I'm just referring to your own  
6 document, eight (8) -- eight (8) to fifteen (15)  
7 university professors, which sounded like -- it sounds  
8 like a recipe for a -- a lot of interesting discussion,  
9 and that's precisely what happened, as I understand it,  
10 and that within a couple of years the monitoring group  
11 was down to three (3) or four (4) people. So if you  
12 want us to adopt -- or you suggest that we should adopt  
13 that model, is it the model of fifteen (15) or the  
14 model of four (4)? You know, what -- what sort of  
15 scope are -- are you suggesting might be appropriate  
16 for the -- the monitoring group that you're promoting?

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

19 DR. GINGER GIBSON: Masi cho for your  
20 question. Ginger Gibson, Tlicho government. We're not  
21 sure yet. I think it's the right number for the job.  
22 And -- and I couldn't throw a number at it, because I  
23 think it's dependent on the technology and the  
24 expertise that is -- is required in order to answer the  
25 questions that emerge.



1 Can we also suggest that in our answer  
2 to Mr. Wheler's questions we suggested that it be  
3 integrated, that these functions be integrated, that it  
4 not be entirely expert peer review, but also have a  
5 really strong and good community engagement so that  
6 experts are answering questions for the Tlicho  
7 government to engage that confidence.

8 I guess much like somebody like myself  
9 does for the Tlicho government, which is tries to  
10 answer the questions that are raised up in an  
11 environmental assessment process using my technical  
12 knowledge, but bringing it to the -- the Tlicho  
13 government. Masi.

14 THE CHAIRPERSON: Thank you. Mr.  
15 Donihee...?

16 MR. JOHN DONIHEE: So -- John Donihee.  
17 So the -- what you're going to send me tonight then is  
18 Recommendation Number 2. And now you're saying it  
19 shouldn't be expert -- expert peers, it -- it should be  
20 just peers?

21 THE CHAIRPERSON: Thank you. Tlicho  
22 government...?

23 DR. GINGER GIBSON: Masi cho. Ginger  
24 Gibson, Tlicho government. It's an expert peer review  
25 with a -- a very strong community based component, so

1 that the experts are looking at the technologies.  
2 We're not going to say that communities, or people from  
3 the community, are going to come in and peer review the  
4 co-disposal facility necessarily, but they are the  
5 people that have to understand it. And so the experts  
6 have to be accountable to, and bring their knowledge to  
7 the community, so that there is continued confidence in  
8 the performance of this technology in Tlicho lands.  
9 Masi.

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

12 MR. JOHN DONIHEE: Thank you, Mr.  
13 Chairman. I -- I don't want to beat this one to death  
14 either, but you know, what you're -- what you submitted  
15 to the Board says, "expert peer review". Now, I -- I  
16 guess I don't see anything in -- in the -- in the  
17 language of Recommendation Number 2 that's -- that  
18 sounds anything like what you've just described, so are  
19 you re-describing it for us?

20 THE CHAIRPERSON: Thank you. Tlicho  
21 government...?

22 DR. GINGER GIBSON: Ginger Gibson,  
23 Tlicho government. In the end, yes. Yeah.

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

1 (BRIEF PAUSE)

2

3 MR. JOHN DONIHEE: Sorry, Mr. Chairman,  
4 someone whispered at the same time as the quest -- the  
5 answer came and -- I -- I just -- I have maybe one (1)  
6 other thing that I'd like to explore. Do you have page  
7 45 of Dr. Olsen's report here? It's another of those  
8 diagrams that -- like the one that Dr. Schryer referred  
9 to. And I'm looking at the second box. You know, the  
10 -- the sequence seems to go NICO project construction  
11 operation closure, and then increased role of the  
12 mining industry in the area.

13 And I -- I guess I'm wondering: What  
14 other mining activities are you aware of that are  
15 proposed for this particular area that might lead to  
16 the -- that particular chain of events that are set out  
17 in -- in that diagram?

18 THE CHAIRPERSON: Thank you. I'm going  
19 to go to Tlicho government.

20 DR. GINGER GIBSON: Masi cho. Ginger  
21 Gibson. We are aware of exploration camps at -- near -  
22 - two (2) that are near Gameti, Izok Lake in Nunavut.  
23 The -- we probably deal with -- Colomac, that's right.  
24 Colomac is -- is currently under reclamation, but  
25 they're also exploring. So there's -- within Tlicho

1 lands itself, there's a lot of exploration that we're  
2 aware of. And -- and then in (NATIVE LANGUAGE SPOKEN),  
3 there's -- you'd be aware of the three (3) operating  
4 mines, diamond mines. And then the proposed Gahcho Kue  
5 diamond mine.

6 THE CHAIRPERSON: Thank you. Mr.  
7 Donihee...?

8 MR. JOHN DONIHEE: Thank you, Mr.  
9 Chairman. Well, those are all existing activities,  
10 right? So, I mean,

11 I guess I'm wondering how -- how it is  
12 that you describe existing activities, like Colomac,  
13 which is being closed down, as -- as leading to an  
14 increased role for the mining industry in the area.

15 THE CHAIRPERSON: Thank you. Tlicho  
16 government...?

17

18 (BRIEF PAUSE)

19

20 DR. GINGER GIBSON: Thank you for the  
21 question. Ginger Gibson, Tlicho government. The  
22 Chiefs all rightly pointed out that Colomac is not shut  
23 down. It's in reclamation, but the -- the company is  
24 currently exploring for -- to try to re-energize a new  
25 effort in that area. There's Mazenod Lake. There's

1 about -- there's four (4) or five (5) companies,  
2 exploration companies, that the Tlicho government has  
3 ongoing communications with that are trying to prove up  
4 deposits in the region.

5 And -- and so that -- I mean, I think  
6 there is the possibility of increased mining activity  
7 in the area, in -- in both in Tlicho lands and in  
8 Monfwi.

9 THE CHAIRPERSON: Okay, thank you. Mr.  
10 Donihee...?

11 MR. JOHN DONIHEE: Thank you, Mr.  
12 Chairman. Those are my questions.

13 THE CHAIRPERSON: Okay, thank you. I  
14 want to go to Board members now. I want to go to my  
15 far right. Board member Danny Bayha...?

16 MR. DANNY BAYHA: Thank you, Mr. Chair.  
17 I -- I have no questions.

18 THE CHAIRPERSON: Sorry, I'll go to  
19 Board member Rachel Crapeau.

20 MS. RACHEL CRAPEAU: Thank you, Mr.  
21 Chair. No questions. Thank you.

22 THE CHAIRPERSON: Thank you. Board  
23 member Richard Mercredi...?

24 MR. RICHARD MERCREDI: Thank -- thank  
25 you, Mr. Chair. Thank you for the presentation, but no

1 questions at this time.

2 THE CHAIRPERSON: Thank you. Board  
3 member James Wah-shee...?

4 MR. JAMES WAH-SHEE: I just want to  
5 thank Tlicho government for their presentation. I have  
6 no questions. Thank you.

7 THE CHAIRPERSON: Thank you. Board  
8 member Percy Hardisty...?

9 MR. PERCY HARDISTY: Thank you, Mr.  
10 Chair. I have no questions.

11 THE CHAIRPERSON: Thank you. Board  
12 member John Curran...?

13 MR. JOHN CURRAN: Thank you, Mr. Chair.  
14 Pardon me. I do have a -- a couple of questions  
15 related to the presentation. I would like to start by  
16 saying I -- I think it was a spectacular presentation,  
17 especially compared to the draft that was presented  
18 earlier. Well worth the wait, so thank you very much.  
19 And to Charlie Apples for sharing his traditional  
20 knowledge with us. I think we've all benefited from  
21 that.

22 When we were together in August, we  
23 heard the Proponent talking about a community Elder  
24 oversight committee that would draw on Western science  
25 when appropriate. And then we've also heard from

1 yourselves talking about independent monitoring, and  
2 using peer review, whether it be expert or otherwise.

3 I guess part A of my question is: Are  
4 we really talking about the same thing and just using  
5 different language?

6 And then part B of that would be: If  
7 so, is this something that you plan to talk about as --  
8 as two (2) parties moving forward in negotiations, the  
9 exact definition of how this would work?

10 THE CHAIRPERSON: Thank you, Mr.  
11 Curran. I want to go to the Tlicho government.

12 DR. GINGER GIBSON: Masi. Ginger  
13 Gibson, Tlicho government. It is not exactly the same.  
14 We haven't seen this structure before. I don't believe  
15 we've seen this before in the existing organizations.  
16 We do want expert peer review on the new technologies.

17 We want engineers who are co -- going to  
18 be independent of the Company to provide the Tlicho  
19 government with certainty that these new technologies  
20 are operating as planned and giving them operational  
21 guidance that they then use to change the way that  
22 they're operating or building this thing. So, no, it's  
23 not the same.

24 And, yes, we have engaged in discussions  
25 with the Developer on this question. We met with the

1 Developer in Edmonton maybe two (2) weeks ago, three  
2 (3) weeks ago, and -- and developed four (4) agreed-  
3 upon principles which we have agreed to discuss in --  
4 in greater detail with the Developer for principles  
5 that could guide what this kind of independent  
6 oversight could look like, which we would like to come  
7 to further agreement on before we -- we share those  
8 principles with the Board. Thank you.

9 THE CHAIRPERSON: Thank you. I'm going  
10 to go to Board member, John Curran.

11 MR. JOHN CURRAN: Well, I guess I -- I  
12 would just like to say that I'd like to respect that  
13 process and let it play out, so I won't probe further  
14 on that. But thank you very much for -- for being so  
15 up front with that.

16 Thank you. No further questions, Mr.  
17 Chairman.

18 THE CHAIRPERSON: Okay, thank you.

19 DR. RICK SCHRYER: Mr. Chairman, before  
20 we move on, I've just -- we've just had some  
21 discussions here concerning the -- the path forward  
22 recommended by Mr. Donihee for the re -- the extra  
23 recommendations that the Tlicho government brought  
24 forward.

25 We're concerned at how this is going to



1 work procedurally if only two (2) parties are looking  
2 at them. What if other agencies, government  
3 departments, or other parties want to have input into  
4 these recommendations and there's only two (2) of us  
5 commenting on them? Is that going to throw us into  
6 another sort of tailspin where we have to address all  
7 these recommendations separately or have another round  
8 of -- of discussions on them?

9                   So I'm just cur -- I'm just worried  
10 about where this might take us in -- procedurally.  
11 Thank you.

12                   THE CHAIRPERSON: Okay, thank you. I'm  
13 going to go to Mr. Donihee.

14                   MR. JOHN DONIHEE: Mr. Chairman, I'm  
15 informed that if we got the material electronically  
16 right now, we can put it on the registry, but it's only  
17 4:30. But we have to have to have it before 5:00 to do  
18 it. That way, everybody can have -- have a look at it  
19 tonight.

20                   I certainly didn't mean to prevent other  
21 parties from having the opportunity to ask some  
22 questions about it. I was just reacting to the fact  
23 that there hadn't been any other questions here.

24                   So, you know, if we can get it -- get  
25 the email before five o'clock, Mr. Chairman, we can

1 arrange to have it on the website so everyone can  
2 access it tonight.

3 THE CHAIRPERSON: Thank you. I'll go  
4 to Fortune Minerals. Do you have a further comment?

5 DR. RICK SCHRYER: Just -- sorry, Mr.  
6 Chairman, one (1) point. Rick Schryer, with Fortune  
7 Minerals. What I'm concerned about here is that we've  
8 already delayed the -- the chi -- the opportunity for  
9 Tlicho people to speak about the project once.

10 And I don't want to get into a  
11 discussion about these recommendations tomorrow morning  
12 and again remove the chance of people being able to  
13 speak or giving them half a day, where we're again  
14 looking at potentially delaying the -- these hearings  
15 because we -- the people haven't had a chance to speak.

16 So if we are going to deal with these  
17 recommendations, I mean, procedurally, I think maybe  
18 that, you know, putting them in without advanced notice  
19 wasn't quite a correct procedure in the first place.  
20 But if we are going to deal with them, I would really  
21 like to see them dealt with succinctly and quickly so  
22 that we -- that the -- the schedule is maintained  
23 tomorrow and that we can conclude these hearings on  
24 time. Thank you.

25 THE CHAIRPERSON: Okay, thank you. I

1 think your points are well taken. Again, just for our  
2 information, that was missed the first time that was  
3 given to us. And we were asking for more information  
4 relating to the presentation that was made. So we're  
5 hoping to get that as soon as possible here, and we  
6 could share that.

7 So I'm going to go back to the Tlicho  
8 government.

9 MR. PAUL BACHAND: Thank you, Mr.  
10 Chair. Paul Bachand, legal counsel for Tlicho  
11 government. I understand that we're in the process of  
12 sending that email out now. Thank you.

13 THE CHAIRPERSON: Okay, thank you. And  
14 then tomorrow morning, as planned. And if you don't  
15 have any further question I'm -- from Fortune Minerals,  
16 it's noted that -- your concerns are on record. Again,  
17 so I want to just highlight what's going to happen  
18 tomorrow.

19 But before I do that, I want to recap  
20 what happened today. Again, this morning we had  
21 opening prayer, the Chair's opening comments. And we  
22 also had a presentation on NICO project access road by  
23 Fortune Minerals, presentation by Tlicho government,  
24 Fisheries and Oceans Canada, Transport Canada, NRCan,  
25 and GNWT.

1                   This afternoon we also had -- the Tlicho  
2 government made a presentation on the traditional  
3 knowledge study. And, thereafter, we also had  
4 questions. We just concluded that.

5                   And -- but there was a question raised  
6 in regards to the Tlicho government presentation on  
7 what's been given to the Board is not the same as  
8 what's been talked about here today, so it's officially  
9 on -- we'll be getting that email here. We'll put it  
10 on the public registry.

11                  And then tomorrow morning -- it was  
12 mentioned that we'll reserve some of our comments for  
13 tomorrow morning. And I'm hoping that it wouldn't take  
14 too long, and we'll continue on with the process of the  
15 day.

16                  Tomorrow, again -- but before I go into  
17 that, again, I'm going to encourage members from the  
18 community of Behchoko and from the Tlicho region, if  
19 they got any comments, community and public statements  
20 are tomorrow. Again, you could sign up in the back.  
21 And tomorrow morning we'll continue on to do that for  
22 speakers.

23                  And for tomorrow, we'll continue on with  
24 opening prayer. And then we'll go immediately into the  
25 Chair's comments. And then we'll go into community and

1 public statements up till noon. And at 1:00 until 3:15  
2 we'll continue on.

3 At 3:15 -- sorry, at one o'clock  
4 tomorrow afternoon statements from women and youth of  
5 the community. At 3:15 we'll continue on with public  
6 statements, and then closing statements by the Tlicho  
7 government and Fortune Minerals, and, finally, the  
8 Chair and adjournment. So that's going to conclude the  
9 public hearings for tomorrow.

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON: Okay, so with that,  
14 this concludes our...

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: So, okay, just  
19 another comment, as well, is that tomorrow again it's  
20 going to be -- as we're going to have a lot of people  
21 speak and we're going to keep people to allotted time  
22 to make sure that everybody gets an opportunity to be -  
23 - to speak and to be fair. And again, the Board is  
24 committed to -- to listen and to be fair in our  
25 process. So I just want to make a note of that.

1                   And I believe -- I'm not sure. Have we  
2 got a closing prayer? I believe Henry Zoe had one (1)  
3 Elder that's going to do it for us. So we're going to  
4 do a closing prayer. And I want to -- before I got  
5 there I just want to say thank you to the Tlicho  
6 government and all the people in the community and --  
7 for allowing us to be here today to listen to the  
8 presentations on Nico project. Masi.

9

10                   (CLOSING PRAYER)

11

12 --- Upon adjourning at 4:35 p.m.

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16 Certified Correct

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20 Lorraine Douglas, Ms.

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